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HOUSE OF REPRESENTATIVES—*Tuesday, March 13, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MEEKS of New York).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 2007.

I hereby appoint the Honorable GREGORY W. MEEKS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

IRAQ

Mr. PENCE. Thank you, Mr. Speaker.

By the end of 2006, most Americans could see that our strategy in Iraq was not working. In January of this year, President Bush outlined his plan to win the war in Iraq. And just last week, Speaker PELOSI and the Democrat majority announced their plan to end the war in Iraq. The only problem with that, Mr. Speaker, is that, as George Orwell wrote, the quickest way to end the war is to lose it, and I believe that the Democratic plan to micromanage our war in Iraq with benchmarks and deadlines for withdrawal is a prescription for retreat and defeat.

Common sense and the Constitution teach us that Congress can declare war. Congress can fund or choose not to fund war. But Congress must not ever attempt to conduct war. I urge my colleagues on both sides of the aisle to heed the call of the Constitution and common sense and reject the Pelosi plan for retreat and defeat in Iraq.

It turns out, Mr. Speaker, that I am actually not alone in my concern about the constitutionality and the commonsense value of the current plan for withdrawal from Iraq being propounded by the majority. The newspaper of record in the home State of Speaker PELOSI, the Los Angeles Times, wrote an editorial yesterday under the title "Do We Really Need a General Pelosi?" adding "Congress can cut funding for Iraq, but it shouldn't micromanage the war." Allow me to quote further from yesterday's lead editorial in the Los Angeles Times:

"After weeks of internal strife, House Democrats have brought forth their proposal for forcing President Bush to withdraw U.S. troops from Iraq by 2008. The plan is an unruly mess: bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he'll veto it, as well he should."

The Los Angeles Times editorial board went on:

"It was one thing for the house to pass a nonbinding vote of disapproval. It's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict."

The L.A. Times asked, "Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landings or if, in 1863, President Lincoln had been forced by Congress to conclude the Civil War by the following year."

They conclude, "This is the worst kind of congressional meddling in military strategy," adding, "By interfering with the discretion of the Commander in Chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome."

And even in today's Washington Post, another lion of the liberal media in America, under the lead editorial headline, The Pelosi Plan for Iraq, they write:

"In short, the Democrat proposal to be taken up this week is an attempt to impose detailed management on a war without regard to the war itself."

The Washington Post adds: "Congress should rigorously monitor the Iraqi government's progress on those benchmarks. By Mr. Bush's own account, the purpose of the troop surge in Iraq is to enable political process. If progress does not occur, the military strategy should be reconsidered."

But here is the key line in the Washington Post lead editorial today: "But aggressive oversight is quite different from mandating military steps according to an inflexible timetable conforming to the need to capture votes in Congress or at the 2008 polls."

It is truly extraordinary how politics and common sense and the Constitution can make such strange bedfellows. I scarcely think, Mr. Speaker, that I have ever come to the floor of this House and quoted at any length the lead editorial in either the Washington Post or the Los Angeles Times. Those two newspapers tend to bookend the country from a liberal perspective in the media. But in both cases, both newspapers have identified what I asserted in the beginning, that my colleagues should heed the call of the Constitution and common sense and reject the Pelosi plan for retreat and defeat in Iraq.

It is the purview of the Congress to declare war. It is the purview of this Congress to vote up or down on whether we should continue to fund military operations. And I would never question that right. But it is not the purview of the Congress, according to our history and Constitution and tradition, to interpose our will, our decisions, our timetables, on military commanders in the field.

I will close, Mr. Speaker, by simply saying that we do have but one choice in Iraq and that is victory. It is my hope and prayer that after much political debate here in Congress, we will

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

give our soldiers the resources they need to achieve victory in Iraq and bring home a much-deserved freedom for those good people and another victory for freedom for the American people.

TIME TO REFOCUS EFFORTS IN THE WAR AGAINST TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, my intention this morning was to come here and talk about the need to refocus our efforts in the war against terrorism out of Iraq and towards Afghanistan, because, after all, when we were attacked on 9/11, those who attacked us came from Afghanistan, not from Iraq. And President Bush in the very beginning and even now continues to confuse the American people by suggesting that the Iraq war had something to do with 9/11, which it did not.

However, I just listened to my colleague on the Republican side and I have to respond to him somewhat before I move on to the issue of Afghanistan. I want to commend the Speaker and commend the Democratic leadership for the supplemental appropriation bill that they are putting together and that will likely come to the floor next week. It was clear in the November election that the American people want a new direction in Iraq. They realize that the war in Iraq was begun for the wrong reasons, that it was not a response to 9/11, that a lot of the information that was provided to this Congress when the vote was taken to authorize the war was misleading and inaccurate. The fact of the matter is that Congress does have the power to declare war and Congress also has the decision as to whether to fund the war. And this is a supplemental appropriations bill that is going to fund the war and provide the funding for the troops. But at the same time Congress needs to point out that this war needs to move in a new direction and that it is not acceptable to simply give the President a blank check and say, okay, you can move ahead with your surge and essentially escalate the war.

We had a majority in this Congress, including a significant number of Republicans, who just a couple of weeks ago voted on a resolution that said that the escalation and the surge was a mistake, that we are opposed to that. And so there has to be some effort in this spending bill, which is our prerogative, to indicate why the war has gone in the wrong direction and what needs to be done to end it and ultimately get our troops out of there. That is what we are doing as Democrats and I believe we will have a consensus to achieve that and I think that it will lead in a very short period of time to us getting out of Iraq and leaving the Iraqis to decide their own fate. It is time for that at this time. We shouldn't be sending the resources and we shouldn't be sending our soldiers into a situation where they no longer belong.

My intention today was to come to the floor and talk about, rather than sending our soldiers to Iraq and all the resources we are sending to Iraq, that we should be focusing more on Afghanistan, because that's where the Taliban were and they continue to be. That is where al Qaeda began and continues to exist, including those who were in charge of al Qaeda. And we are not doing enough in Afghanistan. There is a new offensive now on the part of the Taliban which began last month in February and we are trying to counteract that. But we're not focusing on that because we're spending too much time focusing on Iraq in terms of our resources and our troops.

Now, the President finally came to the realization a few weeks ago that this was the case and he started to talk more about what we needed to do in Afghanistan. He sent Vice President CHENEY there. Vice President CHENEY made the point. He also went to Pakistan because Pakistan has this border area where we believe al Qaeda and the Taliban are headquartered and where they simply hide out and regroup before they begin their attacks from Pakistan into Afghanistan. Vice President CHENEY went to Pakistan as well and made the point to President Musharraf that this is unacceptable, you cannot continue to harbor these terrorists, you have to do something to make sure that they are driven out of Pakistan and that they are not being supported by those local authorities or those within the intelligence service in Afghanistan that seem to be providing support to al Qaeda and to the Taliban.

But we need to focus on the issue of Afghanistan in terms of our resources, not only in terms of our troops but also in terms of reconstruction efforts. The Taliban are essentially being financed by increased production of opium and ultimately, of course, heroin. That's how they are financed. We need to deal with local reconstruction projects that will allow the Afghanis and particularly the farmers to do things that are not related to the opium trade so they can grow crops other than opium and sustain themselves. This is a major effort that we have to concentrate on and not enough is happening.

I would point out that in the supplemental appropriations bill, we do provide more money for this effort, because the Democratic leadership, as Speaker PELOSI realized, that we are neglecting the war in Afghanistan where the terrorists began. Let's refocus on that. But this supplemental bill is the answer to the problem and it brings us in a new direction.

ENERGY SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, on September 19, 2002, in a Wall Street Journal editorial, former CIA Director James Woolsey described the central challenge we face in the global war on terrorism as the United States' dependence on imported oil. My colleagues, this dependence is providing our enemy with so much leverage that defeating terrorism has become significantly harder.

Let me quote from Mr. Woolsey: "We are at war. We should start by asking what we can do as soon as possible to undercut our enemies' power. Other considerations should now follow, not lead. If we do not act now, we will leave major levers over our fate in the hands of regimes that have attacked us or have fallen under the sway of fanatics who spread hatred of the United States and, indeed, of freedom itself. For all of them, their power derives from their oil. It is time to break their sword."

In order for the United States to effectively fight global terrorism and win in Iraq, we must first reduce our dangerous dependence on imported oil. Energy is the lifeblood of the United States and global economy. U.S. economic prosperity is closely tied to the availability of reliable and affordable supplies of energy. Since 1973, U.S. energy production has grown only 13 percent, while U.S. energy consumption has increased 30 percent. Even when significant increases in efficiency are taken into account, significant increases in demand are projected.

According to the Energy Information Agency, the United States, by 2025, is expected to need 44 percent more petroleum, 38 percent more natural gas, 43 percent more coal and 54 percent more electricity. The Department of Energy predicts by the year 2025, U.S. oil and natural gas demand will rise by 46 percent, with energy demand increasing 1 percent for every 2 percent increase in GDP.

Perhaps the most critical of all energy sources is oil. Just as President Bush said in his 2006 State of the Union speech, America is addicted to oil. A look at the numbers supports his claim. Currently, the United States imports about 60 percent of its oil. The Department of Energy projects this number will increase to 73 percent by the year 2025. Furthermore, world oil demand is expected to grow significantly over the next three decades, from 80 million barrels per day in 2003 to 98 million barrels per day in 2015 and then to 118 million barrels per day by the year 2030, according to the Energy Information Administration. This will place further strains on our quest for energy independence. To make matters worse, much of this imported oil is imported from unstable, anti-American countries, such as Venezuela, Algeria, and even Saudi Arabia. Furthermore, 26.5 percent of the United States' total supplied product comes from OPEC countries, accounting for 42 percent of the total amount imported. Thus, over a quarter of the United States oil product is controlled by an unaccountable cartel of unstable, oil-producing dictatorships.

Alarmingly, according to the Heritage Foundation, three-quarters of the world's supply of oil is controlled by unstable or hostile regimes, most of which are unsympathetic to investor and property rights. Fifty-seven percent of world oil reserves are in the Middle East, 11 percent in Russia and Venezuela and 6 percent in Africa. The People's Republic of China just erected its first oil rigs in Cuba territorial waters in the Gulf of Mexico, barely 45 miles off the Florida coast of Miami.

The national security implications of having such a large amount of oil controlled by OPEC are great and serious. For example, in order to force changes in U.S. policy, OPEC countries could cut production, thereby raising the price of oil. The resulting political and economic pressure could force us to alter our policies in order to better suit the needs of these OPEC nations. U.S. dependence on imported sources of oil and gas has far-reaching economic and national security ramifications.

Some are willing to use oil as a tool to threaten United States national security objectives. Proclamations by al Qaeda and other terrorist groups that U.S. and western economies and their oil lifelines are legitimate targets make it clear that the oil and gas infrastructure is in peril. As James Woolsey said, we are aiding our enemies at the same time we are fighting them.

TOWARD A MORE ENERGY EFFICIENT FUTURE WITHOUT BEING PRICE-GOUGED ON WAY THERE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. I thank the Chair.

I am going to continue the discussion the previous Member started with perhaps a little different orientation and, that is, our dependence upon oil. I would agree with the gentleman that we need to break our dependence upon imported oil. We need to look toward a more energy-efficient future. That is going to mean new sources of energy, new technologies. I am on a number of bills to make those investments. But more immediately, I want to talk about the situation we are in today. On the path to that more energy-efficient future, we don't need to be fleeced by the oil cartels, which is what is going on now. I am not just talking about OPEC but I'll get to them in a moment, but I'm getting to the big oil companies—ExxonMobil, record profits last year, $3.2 billion a month, $40 billion for the year, $109 million a day, $4.6 million an hour of profits for one corporation. Throughout the industry, it was repeated.

Now, the President, an oil man, a failed oil man, and the Vice President from Halliburton, another oil man, say there's nothing they can do about it, nothing the government can do about it. This is just market forces. Market forces.

Hmm. Let's see. You make gasoline out of crude oil so if the price of crude oil goes up, the price of gasoline goes up. Yeah, I understand that. That's good. The price of crude oil is up a whopping 3 percent over last year. That is about inflation. That's not too bad. That's today on the market. Unfortunately, the price of gasoline on the west coast is up 20 percent. Now, where did the rest of that market force come into play?

No, what we have here, plain and simple, is price gouging, market manipulation and collusion. A number of years ago there was a famous memo in the industry that said, you know, the refineries are not particularly profitable, but if the industry were to engage in mergers, buy out the independent refiners, close them down and decrease the refinery capacity in America, that could become a very profitable sector. It is. In fact, profits in the refining sector because of collusion by Big Oil are up 250 percent. It isn't the guy at the corner gas station who's making the money. It's the corporate execs in a vertically integrated industry which they're manipulating. The same way that Enron manipulated the energy markets in California to drive up the price, Big Oil is doing it and they're doing it in the western United States right today and across America. They're building up toward that orgy of price gouging that happens every year around Memorial Day and during the summer driving season. And they say, "Oh, these are just market forces." These are not market forces and this government needs to address this in a number of ways.

We need to file a complaint against OPEC. The gentleman before me mentioned them. They get together, they collude, they decide to constrain the price and drive up the price of crude oil. That's where this all starts. Well, it just happens that a number of the major OPEC producers are in the World Trade Organization. Our President, a big free trader, wants rules-based trade. Well, guess what, the rules don't allow OPEC to do that. But will this President file a complaint against OPEC? No. I have written to him a number of times and said, President Bush, they're violating the World Trade Organization. File a complaint. People complain about the United States there all the time. Why don't we use that tool to benefit our consumers. No, the President refuses to do that. My bill would force the President to file legitimate complaints and break up the OPEC cartel. That would help. But then we have got to go after the big oil companies themselves. Impose a windfall profits tax on these companies, unless they are investing in expanding refinery capacity—which they cut in order to increase the profitability—exploration or alternative fuels. Make our vehicles more efficient. Give incentives to consumers to buy more efficient vehicles. Mandate new fleet fuel economy standards. Put a ban on more mergers by the oil industry. In fact, my bill would name a commission to investigate the market power of Big Oil and maybe we have to think about breaking them up and turning this back into a somewhat competitive industry.

Yes, we need to move toward a more energy-efficient future, but we don't need to be price-gouged on the way to that goal. And that's what is happening today.

So I am introducing a package of bills oriented toward market manipulation, price gouging by Big Oil and OPEC, and also bills that would give consumers an incentive and actually help consumers to purchase more efficient vehicles in the interim and also push Detroit and other manufacturers toward making more efficient vehicles. They won't go there until we push them. We had a big fight over fleet fuel economy standards. I am very sympathetic to American workers. I remember the guys in from Ford, and they said, You don't understand. The execs told us, if you make them make more efficient vehicles, they'll lay us off. Guess what: They all got laid off because Ford didn't make more efficient vehicles.

It's time for some action on the part of this Congress and this government to defend American consumers and lead us toward a more energy-efficient future without being price-gouged on the way there.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You see all things as they truly are. You understand each of us with our human limitations and unique perspectives. In You is reality. For us all is relativity.

Not to be able to sing is one thing; but not to be able to speak or know the common language is something else.

Not to be able to run a marathon is one thing; but not to be able to stand up or walk is something else.

Not to be able to memorize a passage of Scripture or a speech is one thing; but not to be able to remember yesterday is quite another.

Lord God, help each of us accept our limitations and use whatever our capabilities are to do good and bring joy to others. By honestly admitting our own frailties, empower us to accept the differences of others and reach out to them with greater understanding.

Make us a nation who cares for its wounded, who welcomes the immigrant and who looks out for those with disabilities in every possible way both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LET'S END THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. A very simple proposition is facing this House: do we keep the war in Iraq going or do we end it? Do we use the money to bring the troops home or do we use the money to keep them in Iraq?

The lives of our troops are on the line. The war cannot be won militarily. Why do we stay? Why do we tell our troops to keep fighting? Who is going to explain to the families of the troops the consequences of Congress' decision? And why isn't our Democratic Party taking the leadership to immediately end the war? We can do it. We don't have to give the administration another $120 billion to keep the war going. We don't have to let more troops die and have more civilian casualties.

My bill, H.R. 1234, provides a path to bringing our troops home, ending the occupation, closing our bases and stops the occupation of Iraq. We do not have to keep funding this war. The money is in the pipeline to bring the troops home. Let's end the war, bring the troops home, and bring in international peacekeepers to stabilize Iraq. We can do it once we end the occupation.

CHILD KILLER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, today is judgment day. A quiet voice is crying from the grave for justice; it is the voice of a 9-year-old girl named Jessica Lunsford.

Jessica was kidnapped in the middle of the night from her home by a professional child molester; his name is John Couey. The criminal abused Jessica for several days and then buried her alive in his backyard. When found, Jessica had poked her tiny fingers through the plastic bag seeking air. Last week, a jury convicted the child killer of capital murder and the punishment hearing begins today in Florida. The State is seeking the death penalty.

Mr. Speaker, evil doesn't get much worse than stealing, abusing and murdering little girls. Society cannot allow this type of conduct to occur. Society can only eliminate it. The punishment assessed on this criminal will set a price for this dastardly act. Hopefully the good people of Florida will, by their verdict, say to all child killers, leave our children alone or face an early meeting with your maker.

And that's just the way it is.

CONGRESSIONAL OVERSIGHT IS BACK IN THE HOUSE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, it is a fundamental part of human nature that people will do high-quality work when somebody is keeping an eye on their performance. Businesses need accountants, schools need principals and school boards. Appropriate management and a vigilant watchdog can prevent serious problems and keep things running effectively and efficiently.

Well, for 6 years our Federal Government has gone without congressional oversight. This administration has had free rein to do what it pleased, no matter what the consequences. The results simply speak for themselves, Walter Reed, Hurricane Katrina, Iraq.

This is all beginning to change. Under Democratic control, the Congress has finally once again assumed its oversight responsibility. Already, in just 3 months we have had 91 full committee hearings, with 73 more planned. In addition, this week the House will consider a series of measures to ensure the Federal Government is open and accountable to the people of America.

Mr. Speaker, this congressional oversight is exactly what the people of southern Minnesota asked for, transparent and accountable government for the people. As I campaigned across the First District, I promised to do everything with my colleagues to make this happen, and this week it continues on.

THE PELOSI PLAN FOR IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Washington Post has usually been associated with the Democratic Party. Today's lead editorial is especially courageous in criticizing the Democratic plan for Iraq.

I would like to draw to your attention the following: "In short, the Democratic proposal being taken up this week is an attempt to impose detailed management on a war without regard for the war itself. Will Iraq collapse into unrestrained civil conflict with massive civilian casualties, as the U.S. intelligence community predicts, in the event of rapid withdrawal? Will al Qaeda establish a powerful new base for launching attacks on the United States and its allies? Ms. PELOSI's strategy leads not toward a responsible withdrawal from Iraq, but to a constitutional struggle with Mr. Bush, who has already said he will veto the legislation."

Members of both parties should acknowledge the point of this editorial. Al Qaeda spokesman for Osama bin Laden, al-Zawahiri, has clearly identified that Iraq and Afghanistan are the central fronts in the global war on terrorism. To undermine Iraq as clearly part of a global war puts American families at risk.

In conclusion, God bless our troops, and we will never forget September 11.

ACCOUNTABILITY AND OVERSIGHT DEMOCRATS DELIVER WITH LEGISLATION THIS WEEK

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, last year Democrats pledged to make Congress an open and accountable process to the American people. This week the House will consider a series of reform measures that deliver on that promise.

This week we will vote on legislation reforming the Freedom of Information Act, requiring a more timely disclosure of government documents, and another bill that nullifies the 2001 Presidential executive order so that the access to Presidential records is finally restored. Both of these important bills open up government to the American people so that they can hold their government accountable.

Finally, the House will debate a bill providing real oversight of government contracts by limiting how long Federal no-bid contracts can last and requiring agencies to minimize the use of no-bid contracts.

Real oversight will return to Washington, and this week we will pass important legislation that brings real accountability along with it.

NINTH CIRCUIT—JUDICIAL ACTIVISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for years the Federal courts have drifted towards judicial activism, and nowhere is this dangerous trend more fully embraced than the Ninth Circuit Court of Appeals. Based in San Francisco and covering nine western States, the Ninth Circuit has given us some of the more outrageous decisions in recent memory. These are the folks who say the words "under God" are unconstitutional in our pledge. Fortunately for our Nation and our Constitution this mostly Democrat-appointed court isn't the last defense against judicial activism. The U.S. Supreme Court regularly reviews the Ninth Circuit's rulings, and not surprisingly, the high court often overturns them. In fact, in this term the Supreme Court has overturned every Ninth Circuit ruling it has taken up. If you break it out by the votes of the individual Justices, the score is 67 votes to overturn and just five votes to uphold. These are definitely second-string back benchers. It is time they begin interpreting the Constitution, not rewriting it.

IRAQ

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to express my deepest concern for the situation that is worsening in Iraq.

March 19 of this year will mark the fifth year of war, and still Vice President CHENEY states that the Democratic strategy toward Iraq validates al Qaeda's agenda. This comment really means that anyone that disagrees with him gets accused of this issue.

Terrorists instill fear in their enemies, and it is this fear that generates self-defeating behavior. It is this fear that led the American people to believe that war was a validated solution, and still try to link it to September 11. It is this fear that has cost the United States billions of dollars on Iraq reconstruction plans, while neglecting our own system.

OPPOSING THE DEMOCRATIC SUPPLEMENTAL ACT

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, it is said that politicians live in the past and statesmen vote for the future. Indeed, the options that we have today, both militarily and diplomatic, are based on votes that were taken by Congress 10 or 15 years ago.

The supplemental act recently unveiled by the Democratic majority appears to have been written by politicians, not statesmen. It includes the postponement of the acquisition of two F–35 fighter aircraft, which by itself does not seem too significant, but it bespeaks an attitude to be feared. For when we postpone the acquisition of technologically advanced military equipment, we place the future air superiority, something we have had since the Korean War and take for granted, in jeopardy. When we divert dollars from one branch of the military to support another branch of the military, we place all of the military in jeopardy. All four branches of the military deserve to be fully and adequately funded, and that is something this supplemental does not do.

This supplemental simply starts us down the road to a place where a future Congress will look back and criticize us for our failure to be statesmen.

SUPPORTING THE DEMOCRATIC SUPPLEMENTAL ACT

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, last fall the American people went to the polls and they voted for positive change and new direction, not only in the way we do business here in Washington, but also in Iraq. The 110th Congress is fulfilling the mandate the American people provided by putting forward a supplemental bill that will guarantee three things: First, support for our troops before, during and after being in harm's way; second, accountability and responsibility, not only from our own administration, but from the newly elected Iraqi government as well; and, third, a positive change away from Iraq and back towards al Qaeda by guaranteeing an end to our involvement in the civil war in Iraq.

The American people will no longer write blank checks to this administration, and neither will this Congress; nor will we continue to send our sons and daughters to the sands of Iraq in an open-ended commitment. The time has come for this administration to listen to the will of the people.

The American people demanded new leadership, positive change and a new direction, and that is exactly what this Congress is delivering.

☐ 1215

BALANCE THE BUDGET WITHOUT RAISING TAXES

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, simply chasing higher spending with higher taxes, as the Democrats want, will fail to address the unsustainable growth of government spending. We must balance the budget without tax increases.

Part of the Republican plan is to make permanent the tax relief that continues to support our Nation's economic prosperity. Our pro-growth policies have worked to support our economy's solid sustained growth and have created more than 7.4 million new jobs. This growth has also fueled double-digit growth in Federal revenues and put us on a path to balancing the budget.

The Democrat plan would simply reverse this progress with job-killing automatic tax increases.

The Republican plan also includes reforms to unsustainable entitlement programs so they can meet the mounting challenges and obligations of the future.

Mr. Speaker, the American people elected us to find solutions, not create more problems. I urge my colleagues to work with the Republicans to implement these real and workable solutions for a more fiscally responsible tomorrow.

WALTER REED AND NEED TO TAKE CARE OF OUR WOUNDED SOLDIERS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute.)

Mr. RODRIGUEZ. Mr. Speaker, since The Washington Post broke the story on Building 18 at Walter Reed, we have heard similar stories of unacceptably bad conditions at other facilities around the country. While The Post should be commended for bringing the information to this Nation, it should never have gotten to this point. Last week, we also learned that some Republican colleagues knew of these conditions and basically did nothing. This response of doing nothing is not acceptable.

Rather than inquiring about such bad conditions and deciding to do something, they choose to brush it off and basically bring it under the table. And rather than finding out who was responsible for the housing of our troops that had mold, that had mice and cockroaches, the administration chose to look the other way.

Doing nothing is not acceptable. Last week, the House Veterans' Affairs Committee, which I sit on, held hearings, and will continue to hold hearings, on the treatment of our wounded soldiers throughout this country. We want to see the widespread problems that exist corrected, and we recognize the seriousness. It is time for us to do the right thing for our soldiers.

CONGRESS SHOULD REJECT DEMOCRATIC PLAN ON IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, in January, President Bush described his plan to win the war in Iraq, and last week Speaker PELOSI described her plan to end the war in Iraq. The only problem with that, Mr. Speaker, is, as George Orwell said, the quickest way to end a war is to lose it; and I believe the Democrat plan to micromanage our war in Iraq with benchmarks and deadlines for withdrawal is just that, a prescription for retreat and defeat.

But common sense and the Constitution teach us that Congress can declare war, we can fund or choose not to fund a war, but Congress should never attempt to conduct war. In fact, this is a broadly held view by some of the leading arteries of America's traditionally liberal media. The L.A. Times yesterday said: "Congress can cut funding for Iraq, but it shouldn't micromanage the war." In The Washington Post today, the lead editorial entitled "The Pelosi Plan For Iraq" said: "In short, the Democrat proposal is an attempt to impose detailed management on a war without regard to the war itself."

I commend these American newspapers for their sensible reasoning. Common sense and the Constitution demand Congress should reject the Pelosi plan.

CBO SAYS PRESIDENT'S BUDGET WILL NOT REACH BALANCE IN 2012

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, 2 weeks ago the nonpartisan Congressional Budget Office released a primary analysis of the President's fiscal 2008 budget and found that the administration would fall short of its claim of balancing the Federal budget by 2012 without raising taxes. This contradicts comments made by the President when he unveiled the budget last month and claimed that his budget will be balanced by 2012 without raising taxes.

According to the CBO report, the President's budget will run a $9 billion deficit just 5 years from now. That report also concludes that the President's budget will lead to higher taxes for millions of middle-class Americans. First, his budget only includes a 1-year tax fix for the alternative minimum tax, which will lead to a $247 billion tax increase on middle-class families over the next 5 years. Then the President's health care plan will result in a tax increase of $500 billion over the next 10 years on middle-class families. This is unacceptable.

Mr. Speaker, it is time that the President levels with the American people about the budget that he proposed a month ago.

CONGRESSIONAL REPUBLICANS STILL WILLING TO PROVIDE PRESIDENT BUSH RUBBER STAMP ON WAR

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, at a time when the American people are demanding a change of direction in Iraq, congressional Republicans are more than willing to provide the President another blank check to continue the status quo.

After 4 years of incompetent planning and bad projections, it is time that Congress hold both the Iraqi Government and the Bush administration accountable. And yet Republican leaders continue to say we should just give the President what he wants, no questions asked. That is what the old Republican-controlled Congress did six times.

Later this month, the House is going to have a choice: give the President another blank check to move ahead with the status quo in Iraq, or take the war in a new direction. The U.S. Troop Readiness, Veterans Health and Accountability Act is that new direction. Far from being micromanagement, as many Republicans call it, this legislation sets policy for equipping our troops, policy for refocusing the war on terror, and policy for a responsible redeployment.

I urge all of my colleagues to seriously consider this change in direction.

CONGRESS CANNOT AFFORD TO GIVE THE PRESIDENT ANOTHER BLANK CHECK ON IRAQ

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, after 4 years, billions of dollars and thousands of lives lost, we simply cannot reward failure with a blank check in the war in Iraq. I refuse to rubber-stamp more failed policies.

In the weeks ahead, we have the opportunity as representatives of the people to change the direction in Iraq without jeopardizing the safety and well-being of our troops. We must finally require Iraqis to take control of their own country and their own destiny.

The President has threatened to veto legislation that contains his own benchmarks for success in Iraq; provides our troops with the training and equipment they need; and ensures that when our brave soldiers return home, they get the kind of care that they deserve. Our legislation also commits additional funds to fight the forgotten war in Afghanistan and against al Qaeda, strengthening our national security.

Mr. Speaker, the people of New York's 24th District sent me here to address the war in Iraq and to start this country on a long overdue new direction for America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DAVIS of Alabama). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

REAUTHORIZING UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1003) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

The Clerk read as follows:

H.R. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2006" and inserting "October 1, 2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill and urge my colleagues to do so as well.

This legislation extends the mandate of an important bipartisan panel created by Congress, appointed by the President and working on behalf of the American people. This group keeps a watchful eye on major efforts by the private sector and the U.S. Government to inform and to influence opinions overseas and to improve America's understanding of other lands.

Since September 11, 2001, such efforts, known collectively as "public diplomacy," have been recognized as an integral part of our country's work to foster better relations with people abroad. Congress created the predecessor of this panel more than half a century ago. Now it is called the United States Advisory Commission on Public Diplomacy, and it deserves our sustained and enthusiastic support.

The commission regularly delivers its findings and makes recommendations to the President, the Congress, the Secretary of State and the general public with easily accessible reports. These reports also include assessments of the scholarly integrity and political neutrality of the cultural and educational exchange programs of the Department of State.

Mr. Speaker, the United States Advisory Commission on Public Diplomacy does good and important work. Its mandate should be extended not merely annually, but for nearly 3 years more, as our legislation ensures. I am proud to be the author of this legislation, and I strongly urge my colleagues to support this short, but important, bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we appreciate the gentlelady's work on this bill. The legislation before us today reauthorizes the Advisory Commission on Public Diplomacy through fiscal year 2009. Unique among nations, the United States maintains a vast network of formal and informal contacts with the people of the world and conducts the world's only global foreign policy.

The purpose of public diplomacy is to provide this worldwide audience with information about the United States and to convey an accurate and positive image of our beloved country and our foreign policy objectives. To accomplish this mission, the United States Government has at its disposal a number of important tools, including education and cultural exchange programs, extensive and proactive public affairs programs centered in our embassies, and a network of radio and television services broadcasting accurate and objective programming to a world community.

With H.R. 1003, Congress is reauthorizing the advisory commission for another 2 years to continue its important work to study our public diplomacy programs and reach some useful conclusions about how our government can do a better job of creating a dialogue with foreign audiences.

I urge the commission during the next 2 years to step up its efforts to study in more detail our public diplomacy and broadcasting efforts and advise policymakers in the administration and in Congress on appropriate changes and reforms that will improve our outreach efforts to the people of the world.

Mr. Speaker, I would again emphasize the importance of my bill and urge all of my colleagues to vote in the affirmative.

Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 1003.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1230

CALLING FOR RELEASE OF ISRAELI SOLDIERS HELD CAPTIVE BY HAMAS AND HEZBOLLAH

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 107) calling for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 107

Whereas Israel completed its withdrawal from southern Lebanon on May 24, 2000;

Whereas Congress previously expressed its concern for Israeli soldiers missing in Lebanon and Syrian-controlled territory of Lebanon in Public Law 106–89 (113 Stat. 1305; November 8, 1999), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas on June 18, 2000, the United Nations Security Council welcomed and endorsed United Nations Secretary-General Kofi Annan's report that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing two soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas on July 12, 2006, Hezbollah terrorists crossed into Israel to attack Israeli troops patrolling the Israeli side of the border with Lebanon, killing three, wounding two, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the House of Representatives—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, and Eldad Regev and all other missing Israeli soldiers; and

(D) its full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings which precipitated weeks of intensive armed conflict between Israel, Hezbollah, and armed Palestinian groups; and

(B) Iran and Syria, the primary state sponsors of global terrorism and the patrons of Hezbollah and Hamas, for their ongoing support for international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I would like to first thank Chairman TOM LANTOS and ranking minority member ILEANA ROS-LEHTINEN, as well as the ranking minority member on the Subcommittee on the Middle East and South Asia, MIKE PENCE. These Members joined with me at the very outset of the Congress to introduce H. Res. 107. The resolution is an exercise in compassion and it expresses the sense of the House regarding the three Israeli soldiers who were kidnapped last summer.

As of today, Gilad Shalit has been a captive for 261 days, roughly 8½ months; Ehud Goldwasser and Eldad Regev have been captives for 244 days. That is a day more than 8 months. To date, there has been no access to these men by medical personnel or the Red Cross or Red Crescent.

They have not been permitted to send mail to their loved ones. We don't know if they are ill, we don't know if they are wounded, we don't know for certain that they are still alive.

Mr. Speaker, their captors have sought to turn these three men into something they are not: Bargaining chips, pawns, a kind of political chattel, things that can be swapped for favors or sacrificed at whim. These three men are not things. They are human beings. They have names and families. They have rights as captured soldiers, and they have rights as individuals. And they also have rights under international law.

The organizations that have taken these men captive have shown their true character. Withholding doctors and medicine, withholding the Red Cross and Red Crescent visits, withholding basic communications with their families, even just the information that they are still alive, these choices and these acts show what kind of men run Hamas and Hezbollah: They are religious, but they are deeply immoral. They are self-righteous, but they are profoundly cruel. They are blustery and proud, but they are sneaky and manipulative. Decent human beings do not behave this way.

Mr. Speaker, decency doesn't depend on international law or multilateral agreements, nor does it depend on nationality. And I am not aware that withholding medical care or basic contact with the outside world is a requirement of either Shia or Sunni Islam, or any of the world's great religions.

This kind of brutality and malice is, unfortunately, typical of these organizations and their state sponsors, Syria and Iran. Syria is a thuggish dictatorship which believes its appetite for the Golan Heights legitimizes any crime or cruelty.

And Iran's repressive theocracy is both the world's leading sponsor of terrorism and its most dangerous proliferation threat. Viciousness is standard operating procedure for both regimes.

We cannot compel such parties to release Gilad, Ehud, and Eldad any more than we can force them to understand the difference between right and wrong. You cannot disgrace someone who is incapable of shame.

But we can and we must stand by our ally, the State of Israel. America has had painfully similar experiences at the hands of the same culprits.

Out of our own bitter experience, we can express our sympathy and our concern for the captives and for their families. We can let the perpetrators of this barbarism know that we have not forgotten what they have done, and what they are continuing to do. We can bear witness, and we can add our voices to all those who are saying, "Enough, enough. Let these men go home."

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last July Israel's sovereign border was violated by terrorists linked to Hamas who shot and killed two Israeli soldiers and kidnapped Corporal Gilad Shalit.

Days later, terrorists linked to Hezbollah crossed into Israel and killed three and wounded two, and kidnapped soldiers Ehud Goldwasser and Eldad Regev. All three have been held captive since without medical attention from humanitarian groups like the Red Cross. No information is known on the fate of these soldiers.

As proxies of the Iranian and Syrian regimes, Hezbollah and Hamas have continued to attack Israel despite Israel's withdrawal from southern Lebanon in 2000 and Gaza in 2005.

Rather than view Israel's withdrawal as an act of good faith to further the cause of peace, Hezbollah and Hamas viewed these measures as signs of weaknesses to exploit. Hamas and Hezbollah, which have representatives in the Palestinian and Lebanese cabinets, believe that terrorism, murder and kidnapping are appropriate means of achieving political objectives, and have proposed negotiations to exchange these hostages for convicted terrorists now serving time in Israeli jails.

I am proud to be a cosponsor of this resolution which declares that the House of Representatives stands with the State of Israel and its right to self-defense and against the barbarity perpetrated by Hezbollah, Hamas and other terrorist groups, and the rogue regimes that sponsor them.

This resolution demands that Hamas and Hezbollah immediately and unconditionally release Mr. Shalit, Mr. Goldwasser and Mr. Regev, and that they provide all three with access to medical attention.

The resolution also holds Iran and Syria accountable for making terrorist acts like these possible. We cannot afford to be complacent about those Islamist extremists who would seek to kill three people, violate borders with impunity and threaten the security of the Middle East and the world.

As Dr. Martin Luther King noted, "Injustice anywhere is a threat to justice everywhere."

I thank Chairman ACKERMAN for introducing this resolution, his leadership in this area, and doing so much to advance the cause of the kidnapped Israeli soldiers. This resolution is about seeking what is needed most: Justice for the innocent and accountability for the guilty. I strongly urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, we have no further speakers. If the gentleman will yield back his time, we are prepared to do so.

Mr. BOOZMAN. Yes. Again, I reiterate how important to my colleagues it is that we pass this resolution and support it wholeheartedly, and I thank the gentleman for his leadership in this area.

Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I thank the gentleman from Arkansas for his leadership and helping shepherd this on the floor today.

Mr. ISSA. Mr. Speaker, I rise today in strong support of H. Res. 107, which calls for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah.

On July 19, 2006, I and the three Members of Lebanese ancestry joined together to introduce H. Res. 926 in response to the unprovoked attack and kidnapping by Hezbollah. This resolution condemned Hamas and Hezbollah for engaging in the reprehensible terrorist act of taking hostages, affirmed Israel's right to conduct operations to secure the release of hostages, and urging the protection of innocent life and civilian infrastructure.

H. Res. 107 sends an important message that the terrorist leaders of Hamas and Hezbollah must recognize. The United States has not forgotten the kidnapped Israeli soldiers or those responsible for their kidnapping including the states who support the terrorist groups.

Mr. Speaker, I would like to note for the record that this resolution expresses "strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel," as well as "vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders."

While I fully support the commitment to the welfare and survival of the State of Israel, I have some reservations about this body expressing its support for a nation embracing a specific religious character. My concern is that in some situations, such expression of an endorsement of a particular religion or ethnicity could be used to exclude others which is, of course, not the intention of this resolution.

Both Israeli and Palestinian leaders have expressed their preference for a viable two-state solution and, as such, I support this joint goal and the independent peaceful aspirations of both peoples because the parties have made these decisions on their own and not because I support the preeminence of any particular religion.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in strong support of the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah. As a former soldier myself, my thoughts and prayers are with Gilad Shalit, Ehud Goldwasser and Eldad Regev and their families. Let them know that the strength and good wishes of this Congress and of our Nation are with them all.

I am proud to be a cosponsor of this resolution, which states in a clear, unequivocal voice that the United States stands with these brave soldiers and demands their immediate and unconditional release. The statement we make today is important not just for these three soldiers, but for the greater goal of achieving peace in the Middle East.

Mr. Speaker, this resolution makes it abundantly clear that neither the U.S., nor Israel, nor any of our allies will bow to the will of terrorist organizations. We will fight them at every turn, we will never retreat, and we will prevail because the cause of freedom is just and righteous. As one of my heroes, President John F. Kennedy, once said, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty." Today we renew this pledge.

This resolution also makes it clear that while we do not shrink from the fight against terrorism, we also recognize that this battle is one that cannot be won without diplomacy. While we declare that we will always support efforts to maintain Israel's identity as a Jewish state with secure borders, we also renew our commitment to achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel.

In conclusion, Mr. Speaker, we are here to speak in a united voice to support Gilad Shalit, Ehud Goldwasser and Eldad Regev. We pray for their safety and we hope that they will return home soon. As we do this, we realize that the stories of these three brave soldiers are a part of a larger conflict that has taken thousands of lives and has ravaged an entire region of the world for far too long. With this resolution, we take another small step toward a future that is free of this conflict, where both Israelis and Palestinians have a place to call home and where no more lives are lost to a needless cycle of violence.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks.

I rise today to voice my strong support for H. Res. 107. This bipartisan resolution calls for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah.

I want to thank my friend from New York, Congressman GARY ACKERMAN, for introducing this resolution.

More than 7 months have passed since July of 2006, when Hamas terrorists crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping a third, Gilad Shalit.

Less than 1 month later, Hezbollah terrorists crossed into Israel and ambushed Israeli troops patrolling the border with Lebanon, killing three soldiers and kidnapping two, Ehud Goldwasser and Eldad Regev.

These despicable acts occurred despite Israel's good faith efforts, which included its total withdrawal from southern Lebanon in May of 2000.

These two terrorist groups have withheld all information on the health and welfare of the men they have kidnapped. Defying the most basic standards of conduct, they have prevented medical personnel and members of the International Red Cross from having access to the kidnapped Israelis.

In spite of these terrorist attacks, the strength of the Israeli people has not wavered. In these difficult times, our support of Israel must not waver either.

The United States must stay committed to the welfare and survival of the State of Israel as a Jewish and democratic nation with secure borders.

Our Congress must stand in one voice and condemn Hamas and Hezbollah, and their primary sponsors, Iran and Syria, for these cross border attacks.

I ask my colleagues to join me in supporting Israel and condemning these heinous acts, and cast a vote in favor of H. Res. 107.

Mr. GARRETT of New Jersey. Mr. Speaker, it's been more than seven months now and many have forgotten about the three Israeli soldiers kidnapped by Hamas and Hezbollah: Ehud Goldwasser, Eldad Regev, and Gilad Shalit. Hezbollah seems to have forgotten that last year's hostilities ended only after there were promises regarding the return of the Israeli men. This just goes to reinforce the fact that terrorist organizations cannot be negotiated with.

In 2004, United Nations Security Council Resolution 1559 called for Hezbollah in Lebanon to disband. Despite a half-dozen statements from the Secretary-General, they continued to occupy the border region as UN observers looked on. We don't know for sure, but these very observers may have watched Hezbollah cross the border and kidnap Goldwasser and Regev.

Security Council Resolution 170, which ended the most recent conflict, again called for Hezbollah to disarm and return of the soldiers. They remain in Lebanon and Gaza and not even international organizations such as the Red Cross have been able to see them and be assured of their fair treatment.

Israel has demonstrated its commitment to the Resolution by ceasing hostilities and pulling back its soldiers, but yet again they are dealing with opponents who show disrespect to all and whose word cannot be trusted.

We stand together with Israel to call again for the unconditional release of these three men. We pray for their safe return and for peace between Israel and its neighbors. They will not be forgotten by their families, by their nation, or by this body.

Mr. SHAYS. Mr. Speaker, I strongly support H. Res. 107, a resolution calling for the immediate and unconditional release of Israeli soldiers Gilad Shalit, Ehud Goldwasser and Eldad Regev, who continue to be held by the terror organizations Hamas and Hezbollah more than 6 months after being captured. These soldiers were kidnapped on Israeli soil in two separate, but equally brazen attacks, which were acts of war.

During their time in captivity, Hamas and Hezbollah, both of whom desire to simultaneously maintain an armed wing and a political wing, have not reported on the soldiers' health and have not granted access to international organizations to check on their well-being.

In August of last year, shortly after the fighting between Israeli forces and Hezbollah stopped, I visited Lebanon and northern Israel. While in Israel, we met with the families of the kidnapped soldiers. I cannot tell you how difficult it is, especially for a parent, to know a loved one is in harm's way and there is nothing you can do to help him.

It is so important this resolution is on the floor of the House today because we want the soldiers to know, we want their families to know, and we want Hamas and Hezbollah and the state sponsors of their terrorist activities—Iran and Syria to know that America has not forgotten the kidnappings that took place last summer. We will not forget this injustice until the soldiers are returned home to their families safe and sound.

Mr. HASTINGS of Florida. Mr. Speaker I rise today as a proud original cosponsor of House Resolution 107, calling for the immediate and unconditional release of the Israeli soldiers held captive by Hamas and Hezbollah since last summer.

The critical bipartisan legislation being introduced today calls for the immediate and unconditional release of the three Israeli soldiers who were captured last summer. Ehud Goldwasser, 31, and Eldad Regev, 26, were kidnapped by Hezbollah on July 12, 2006. Gilad Shalit was kidnapped by Hamas on June 25, 2006.

Moreover, my cosponsorship of this legislation follows up on the July 29, 2006 letter I wrote to American Red Cross Interim President Jack McGuire urging the American Red Cross to apply pressure to the International Committee of the Red Cross (ICRC) to look into the well-being of the three Israeli soldiers. My colleague, Canadian Senator Jerry S. Grafstein, wrote a similar letter.

To date, Gilad is the only captive Israeli soldier to have been confirmed to be alive by his captors. Hezbollah has not given any indication as to whether the other two Israeli soldiers they captured are injured or even still alive. Contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to all of the Israeli captives by representatives of the International Committee of the Red Cross.

I and all in this country, resent terrorist groups who use human life as a strategic tool to further their radical agenda. In calling for the release of these Israeli prisoners, the United States stands with Israel and sends a united message to terrorists that their fanatic behavior will be unsuccessful in deterring a Middle East peace.

I support the efforts the Israeli government has thus far made in attempting to gain the captives' release. Foreign Minister Tzipi Livni and her fellow ministers, as well as Prime Minister Ehud Olmert, have continued to raise this issue at the highest levels in their diplomatic meetings.

These three brave soldiers have been held hostage without medical attention and without communication or access to their family for far too long. The United States Congress has not forgotten these men and will make every effort to secure their freedom. The Shalit, Goldwasser and Regev families should know that I and the United States stand by them and pray for the return of their sons.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 107, a resolution calling for the immediate release of Israeli soldier Gilad Shalut by Hamas, as well as urging Hezbollah to accept the mandate of the U.N. Security Council Resolution by immediately releasing Israeli soldiers Ehud Goldwasser and Eldad Regev.

Israel has taken dramatic steps in recent years to bring about peace in the Middle East, including removing all forces from Lebanon and in 2005 unilaterally withdrawing from Gaza. In return, Israel continues to be threatened by Hezbollah, which is backed and encouraged by Iran and Syria, and Hamas, which controls the Palestinian Authority. Neither group recognizes Israel's right to exist and refuses to seek democracy and peace.

Mr. Speaker, by passing H. Res. 107, we have made a clear statement that these soldiers should be released, and that the United States will stand with Israel while continuing to work with the international community to bring peace to the region. I urge my colleagues to support H. Res. 107.

Mr. HOYER. Mr. Speaker, I rise today in strong support of House Resolution 107—a bill calling for the immediate and unconditional release of Israeli soldiers being held captive by Hamas and Hezbollah.

On July 12, 2006, Sergeant Udi Goldwasser and fellow soldier Eldad Regev were on patrol inside the Israeli border when their armored humvee was bombarded by Hezbollah rockets. Udi and Eldad were captured during this attack and have been held by Hezbollah militants for more than 8 months.

I tell this story because just over one month ago, I had the pleasure of welcoming Udi Goldwasser's wife, Kamit, to the United States Capitol. She told me about how hard it has been to live without "the love of her life" and how her dreams of raising a peaceful and loving family with Udi are now in jeopardy due to the cowardly acts of a terrorist organization that has said it will not rest until her country is destroyed.

Terrorist acts are not military actions between warring nations. They are despicable crimes that rob wives of husbands, husbands of wives and children of their parents. And as the leader of the free and democratic world, it is America's solemn duty to condemn such attacks whenever they occur and to support the justifiable actions of our ally Israel when it comes under heinous, premeditated attacks.

Today, I join Kamit Goldwasser in seeking to further the pursuit of liberty, democracy and peace throughout the world. And it is my sincere hope that Udi, Eldad and every other Israeli captive of Hamas and Hezbollah will be united with their families as soon as is humanly possible.

Mr. LANTOS. Mr. Speaker, I join with my good friend Congressman GARY ACKERMAN in calling for the unconditional release of the three kidnapped Israeli soldiers held hostage for more than six months by Hezbollah and Hamas. I am proud to co-sponsor it, and to have our Committee bring it up for consideration by the House.

A few weeks ago we were honored by the presence in the Capitol of Kamit Goldwasser, whose husband Ehud remains in Hezbollah's hands. She is a model of strength, courage, and loving commitment.

I put my arm around this young woman—having recently celebrated my 57th anniversary with my own lovely wife—and I assured her that we in the Congress will do our best to see to it that she and her beloved husband Ehud also will have the opportunity to celebrate many anniversaries together in the years ahead.

As everyone knows, Mr. Speaker, Hezbollah and Hamas are the guilty parties in the outbreak of violence in the Middle East last summer. They committed acts of war by crossing into Israeli territory, acts of terror by taking three young Israeli soldiers captive, and vicious unprovoked attacks against Israel's civilian population.

While the immediate fighting between Israel and these terrorist organizations has subsided, the initial causes for the violence, lamentably, have not yet been addressed. Primary among these is the fact that the three young men, Gilad Shalit, Eldad Regev, and Ehud Goldwasser, remain in captivity.

Mr. Speaker, the fighting last summer ended when the United Nations Security Council passed Resolution 1701, which imposed a ceasefire on the Hezbollah attacks against Israel. That resolution unequivocally called for—and I quote—"the unconditional release of the abducted Israeli soldiers."

Therefore, their ongoing captivity is not only immoral. It is also illegal, and it represents characteristically contemptuous disregard by the terrorists for the will of the international community.

Contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have not even allowed access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross.

Mr. Speaker, this appalling conduct underscores the cruel and sinister nature of the enemies that The United States and Israel face in this troubled region.

The resolution we are considering today expresses this Congress's vision for "a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel."

I share this vision, but we all know that this vision cannot be achieved—nor can Israeli confidence be won—by sweeping under the rug the transgressions of terrorists like Hamas and Hezbollah.

Mr. Speaker, these terrorists attacked Israel from land that the Israeli army unilaterally evacuated—evacuated in the expectation of peace. But the borders traversed by Hamas and Hezbollah have been anything but peaceful. As one insightful observer aptly described it, "Israel pursues land-for-peace, while Hamas and Hezbollah pursue land-for-war."

Our own American soldiers are being victimized by terrorists every day in Iraq—terrorism sponsored by the same two nations that sponsored the kidnapping of the Israeli soldiers, Iran and Syria. So we cannot turn a blind eye when citizens of a fellow democracy fall prey to the machinations of savage terrorists.

The Israeli soldiers must be released without delay and without preconditions. That is the Security Council's demand, and it is our demand as well. We will remain committed to the soldiers' freedom—for the sake of the fight against terrorism and for the sake of peace.

Mr. Speaker, I support this resolution and I urge all my colleagues to do likewise.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 107, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT BANGLADESH SHOULD DROP CHARGES AGAINST SALAH UDDIN SHOAIB CHOUDHURY

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 64) expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury, as amended.

The Clerk read as follows:

H. RES. 64

Whereas Salah Uddin Shoaib Choudhury is a Bangladeshi journalist who, because of his beliefs in an interfaith dialogue between Jews and Muslims and criticism of Islamic extremism, is on trial for sedition, an offense punishable by death;

Whereas on November 29, 2003, Mr. Choudhury was arrested at Zia International Airport in Dhaka, Bangladesh, on his way to board a flight bound for Tel Aviv; Mr. Choudhury's passport was seized, along with considerable sums of money and several personal items; on that same day police raided Mr. Choudhury's home and newspaper offices, seizing files, computers, and other valuables;

Whereas Mr. Choudhury was detained in Dhaka Central Jail for a passport violation, then subsequently charged with sedition; Mr. Choudhury suffered harsh interrogation techniques and received no treatment for a debilitating case of glaucoma; Mr. Choudhury's incarceration lasted 17 months without legal recourse;

Whereas on April 30, 2005, after intervention by the United States Department of State and congressional offices, Mr. Choudhury was released on bail;

Whereas in the subsequent months, senior members of the Bangladeshi Government made continuous public promises that there was no substance to Mr. Choudhury's pending charges and that all charges would be dropped;

Whereas on September 29, 2005, Mr. Choudhury was awarded the "Freedom to Write Award" by PEN USA;

Whereas on May 5, 2006, Mr. Choudhury was awarded the American Jewish Committee's Moral Courage Award in absentia in Washington, D.C.; two days prior to Mr. Choudhury receiving the award, after returning Mr. Choudhury's passport and appearing to allow him to attend, senior Bangladeshi Government officials issued threats to prevent him from leaving the country;

Whereas on September 18, 2006, a judge with alleged ties to an Islamic extremist party ruled that Mr. Choudhury will stand trial for sedition; the judge made this ruling despite the Public Prosecutor's testimony in court days before that the government did not have evidence and would not object to the charges being dropped;

Whereas members of the United States Commission on International Religious Freedom visited with Mr. Choudhury on their trip to Bangladesh in February and March 2006;

Whereas on October 6, 2006, the United States Commission on International Religious Freedom wrote a letter to U.S. Assistant Secretary of State for South and Central Asian Affairs Richard A. Boucher calling on the United States Government to strengthen the "voices of moderation" in countries like Bangladesh where the rule of law, democratic institutions, and respect for human rights are under assault by violent extremists; the Commission identified Mr. Choudhury as one of those voices that should not be silenced;

Whereas, according to the Department of State's 2005 Country Report on Human Rights Practices in Bangladesh, "Attacks on journalists and newspapers, and government efforts to intimidate them, political party activists, and others, occurred frequently."; and

Whereas moderate voices in the Muslim world must be supported and protected to advance the security of the United States and its allies: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury;

(2) the Government of Bangladesh should immediately return all of Mr. Choudhury's confiscated possessions; and

(3) the Government of Bangladesh should cease harassment and intimidation of Mr. Choudhury and take steps to protect Mr. Choudhury.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, I would first like to commend my friend and colleague MARK KIRK from Illinois as well as that of Mrs. LOWEY of New York for their leadership on this important human rights case.

With passage of this resolution, Congress will firmly indicate its view that the government of Bangladesh should immediately release a Bangladeshi journalist whose only apparent crime is to attempt to visit the democratic nation of Israel.

Mr. Speaker, Bangladesh has undergone great political turmoil in recent months, and the nation is now being ruled by a caretaker government. As Bangladesh moves towards a new round of elections, it is imperative that the rule of law and freedom of the press be preserved.

The current government has set out an agenda to reform Bangladesh's political system and to stem corruption. We have seen lately the arrest of many previously high-ranking government officials. It is my sincere wish that the standards of responsible governance survive under the caretaker government until free and fair elections take place, elections that I hope will happen in the near term.

In this time of great political turmoil in Bangladesh, it is truly inexplicable that the government would focus its scarce resources on prosecuting a journalist.

Mr. Choudhury believes in interfaith dialogue between Jews and Muslims as an alternative to religious extremism, and has been commended by the international community for such bravery of thought.

Gaining the respect and concern of organizations like the United States Commission on International Religious Freedom, Mr. Choudhury has shown immense resiliency after facing numerous political and physical threats.

Mr. Choudhury's actions are courageous, not criminal, and it is time for the government of Bangladesh to take decisive action and drop all pending charges. The political leadership of Bangladesh should focus on getting its own house in order instead of mindlessly prosecuting someone for trying to promote international peace and stability.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

At the outset, I would like to express my appreciation for the outstanding leadership of Congressman KIRK in introducing this timely resolution. It has my wholehearted support.

Mr. Choudhury is a Bangladeshi journalist and the editor of the Weekly Blitz, the largest tabloid English-language weekly in Bangladesh. He is currently facing a sedition trial for daring to reach out to Jewish and Israeli writers, as well as for speaking openly about the threat radical Islam poses in Bangladesh.

Mr. Choudhury was arrested in November 2003 when he tried to attend a conference in Israel and then was subjected to brutal treatment while in prison. Although he was released last year, in large part due to the efforts of Congressman KIRK and others, the Bangladesh government refuses to drop the charges against Mr. Choudhury, apparently trying to intimidate him into silence.

Last May, the American Jewish Committee presented Mr. Choudhury with the Moral Courage Award recognizing his efforts to promote dialogue between Muslims and Jews and his courage in speaking out against Islamic extremism.

Unfortunately, however, the authorities in Dhaka refused to permit him to visit the U.S. to receive the honor.

Mr. Speaker, Bangladesh and the U.S. have been good friends for over 35 years. Despite many handicaps, Bangladesh has made good progress in some key areas of development, including agricultural production, improved literacy rates, basic social services, and empowering women through employment and education.

As the fourth most populous Muslim country in the world, a moderate and stable Bangladesh can play an important role in regional and world affairs.

Today, however, Bangladesh is at a crossroads. National elections are being postponed amidst electoral chaos; meanwhile, the military appears to be playing an increasingly large role within the Bangladeshi interim government.

The prospect of holding free and fair elections during the first half of 2007 appears to be much in doubt. More broadly, endemic political polarization, corruption and related governance concerns, as well as the rise of violent extremists remains substantial challenges for the Bangladeshi society.

Mr. Speaker, in this context I urge the authorities in Dhaka to send a strong signal about the importance Bangladesh attaches to tolerance and the rule of law by dropping these politically motivated charges against Mr. Choudhury. I support the resolution and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), the author of this resolution.

Mr. KIRK. I thank the gentleman.

Mr. Speaker, I rise in strong support of this resolution which marks this family member and what has happened to him as a prisoner of conscience in Bangladesh.

When we see what happened to him after advocating the cause of religious reconciliation between Muslims and Jews, we see the condition of Salah Choudhury after a severe beating which he was subjected to.

□ 1245

This resolution urges the government of Bangladesh to drop all charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury.

Mr. Choudhury now faces charges of sedition, treason and blasphemy. He faces these charges because of his belief in an interfaith dialogue between Jews and Muslims, and because of articles that he published critical of Islamic extremism. Under Bangladeshi law, sedition is a crime punishable by death.

Mr. Choudhury was detained in November 2003 at Zia International Airport in Dhaka, Bangladesh, on his way to board a flight for Tel Aviv simply to participate in the annual Hebrew Writers Conference. Mr. Choudhury's passport was seized, along with considerable sums of money and several personal items. On that same day, the police raided his home, his newspaper, and seized files, computers and other valuables.

Since Bangladeshi law currently prohibits travel to Israel, Choudhury was first cited for a minor passport violation, but he was subsequently charged with sedition and accused of espionage as an Israeli spy and incarcerated indefinitely. He was subjected to harsh interrogation techniques and received no treatment for a debilitating case of glaucoma.

After being denied due process, Choudhury languished in jail for 17 months until one tireless human rights champion, and my constituent, Dr. Richard Benkin, began a personal odyssey to free Shoaib Choudhury. Dr. Benkin met Mr. Choudhury through a pro-Israel Internet Web site, and Dr. Benkin brought this situation to my attention and now before the House. All together, we sought for his freedom, and shortly thereafter, we did succeed in getting Choudhury's release from jail, finally reuniting him with his wife and two children.

Following Shoaib's release, a senior Bangladesh government official made numerous public pledges that all pending legal action against Mr. Choudhury would be dropped. Nevertheless, the government pressed forward with formal sedition charges.

Mr. Choudhury has won the recognition of international human rights and freedom of expression organizations for his courage. He was honored by PEN U.S.A.'s Freedom to Write Award and was presented with the American Jewish Committee's prestigious Moral Courage Award in absentia in Washington, D.C. The United States Commission on International Religious Freedom intervened and wrote a letter to Assistant Secretary of State Richard Boucher calling on the U.S. Government to strengthen the voices of moderation in countries like Bangladesh where the rule of law, democratic institutions, and respect for human rights are under assault by violent extremists. The commission identified Mr. Choudhury as one of those voices.

But despite such international attention, the persecution of Choudhury has persisted. Mr. Choudhury's newspaper offices were bombed by Islamic extremists in July 2006, and he was attacked by a mob in his office on October 5, 2006, where this very picture was taken. A judge with alleged ties to Islamic extremist groups then ruled that Choudhury must stand trial for his life for sedition.

Bangladesh today is at a crossroads. Much-anticipated elections were postponed due to irregularities, and a state of emergency was declared. In a country with 150 million people packed into a land mass smaller than Iowa, 85 percent of whom are Muslim, it is critically important for Bangladesh to demonstrate its commitment to democratic institutions, to religious freedom, and to human rights. For his message of moderation and interfaith dialogue between Muslims and Jews, Mr. Choudhury is facing unjust criminal charges in an effort to silence him. The House of Representatives sends a clear message today that we will not allow an outspoken advocate for religious freedom to be quelled by intolerance.

Mr. Speaker, I urge my colleagues to join me in this resolution and would like to thank Chairman LANTOS for his friendship and support in bringing this up and for his tireless advocacy on behalf of human rights of all as co-chairman of the Human Rights Caucus. I also want to thank Ranking Member ILEANA ROS-LEHTINEN for her support on the Foreign Affairs Committee.

I would like also to thank our ambassador to Bangladesh, Patricia Butenis, for her outstanding work at Embassy Dhaka. Her team has been vigorously monitoring this case, attending Mr. Choudhury's legal proceedings, and making strong public statements on his behalf.

I also want to thank Dr. Richard Benkin, sitting in the gallery today, for his unrelenting pursuit of justice on behalf of Shoaib Choudhury. I am proud to join Dr. Benkin in this endeavor and look forward to one day when we may even host Shoaib Choudhury in our very own Mount Prospect, Illinois.

Lastly, I want to thank the best congressional human rights staffer that I have ever had: Jeff Phillips had worked tirelessly on behalf of an African prisoner of conscience for months until he finally won his release. Now he has seized on Shoaib's case and made it a cause in the United States, in Canada, in Europe, and the subcontinent. He, we, have all been inspired by Shoaib and Dr. Benkin, and we hope by this resolution this case and a potential death sentence against Shoaib can be lifted. Shoaib is not a criminal, and he should not become a martyr. He is a model for interfaith tolerance and discussion between all of those of different faiths in the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members of the House are reminded to refrain from bringing to the attention of the House occupants of the galleries.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield such time as she might consume to the gentlewoman from New York (Mrs. LOWEY), the distinguished Chair of the appropriations subcommittee on Foreign Operations and the cosponsor of this resolution before us.

Mrs. LOWEY. I thank my distinguished colleague from New York for yielding me time.

Mr. Speaker, I rise in strong support of H. Res. 64, a resolution expressing the sense of the House that the Government of Bangladesh should drop all charges against Bangladeshi journalist, Salah Uddin Shoaib Choudhury. I want to thank my colleague from Illinois (Mr. KIRK) for his leadership on this issue.

In May of 2006, the American Jewish Committee awarded Mr. Choudhury the Moral Courage Award. Unfortunately, he was not there to receive this honor because more than 2 years earlier he was arrested while attempting to board a flight from Bangladesh to Tel Aviv. Mr. Choudhury's passport was confiscated, his house and possessions were raided, and he was first cited for a passport violation because Bangladeshi law prohibits travel to Israel. Subsequently, he was charged with sedition, accused of espionage, and imprisoned for 17 months.

What is his crime? Mr. Choudhury spoke up for interfaith dialogue, he published articles critical of Islamic extremism, and he appealed for greater religious tolerance and freedom. For these "crimes" he is charged with sedition, an offense punishable by death.

Mr. Choudhury has already been harassed and subjected to harsh interrogation techniques in prison. His newspaper offices were bombed by Islamic extremists in July of 2006, and he was physically attacked in October of 2006.

This resolution calls on the Government of Bangladesh to immediately drop the charges against Mr. Choudhury, to return his confiscated property, to stop intimidation tactics against him, and to protect him from future harassment.

Mr. Choudhury advocates peace and tolerance. It is time that Congress sends a strong and clear message: We are watching, and we will not allow Mr. Choudhury and others like him to be silenced.

I hope you will join me in strongly supporting H. Res. 64.

Mr. BOOZMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding; and, Mr. Speaker, I want to especially thank the gentleman from Illinois (Mr. KIRK) and Mrs. NITA LOWEY for their hard work in bringing this thoughtful resolution to the House floor today.

I was in Bangladesh about 3 weeks ago where I had the opportunity to meet with the new caretaker government, that leadership, as well as the leaderships in the two main political parties that are vying for power and have held power the last several decades. In fact, I met with our ambassador and members in the business community.

But one of the highlights and I think the most significant thing that I had an opportunity to do was to meet with the gentleman, Shoaib Choudhury, who is a journalist, and we have heard much talk about his situation this morning. But I think the gravity of it is significant, and I think it is important that this House is taking this action today.

Mr. Choudhury is a journalist in Bangladesh, known for his viewpoints which are favorable to expanding dialogue between Muslims and Jews and Christians and for developing ties with Israel. As was indicated, he was actually arrested on his way to Israel at the airport, and he is also trying to have more equality relative to religion and especially his observance and opposition to Islamic extremism, which unfortunately is on the rise in Bangladesh and in a number of regions.

Just as Islamic extremism and fundamentalism have been a danger in other areas of the world, it is a real problem in Bangladesh, and he has had the courage to speak out on this important issue.

Unfortunately, in a place where journalists are not necessarily given broad freedom of speech as our media would have here in this country, Mr. Choudhury was arrested and charged with sedition and accused of espionage and unjustly incarcerated for 17 months during which he received less than adequate treatment for glaucoma and other conditions from which he suffers. He is now facing charges which could bring the death penalty under Bangladesh law.

Now, several government leaders indicated that they do not intend to pursue the death penalty in this particular case; but when one considers the actions for which Mr. Choudhury was charged, this is not a person that should be jailed in the first place. This is a person who should be honored, as he has been around the world. You have to admire his strength and his resilience.

I asked him how he was being treated and spoke with him about the prospects for his trial. His next trial appearance was supposed to be February 28. At the time of my visit, Mr. Choudhury was encouraged by recent government assurances that his charges might be dropped or that they did not intend to go forward with the death penalty; but as it turns out, a radical Islamist-affiliated judge recently signed an order forcing the trial and the court proceedings to proceed. He is being accused of a threat to the security of Bangladesh. So much for a fair trial and just treatment.

This is something that really should get the attention not only of this House but the world.

This bipartisan resolution on the floor today urges the Bangladeshi Government to drop all charges against Mr. Choudhury. The United States Congress should show Mr. Choudhury that he can count on our full support and that the success of fledgling democracies such as Bangladesh lies squarely on the very freedoms that Mr. Choudhury embodies.

I am glad to be a cosponsor of this important resolution. I thank the Speaker for recognizing this and urge my colleagues to support it.

Mr. ACKERMAN. Mr. Speaker, I reserve the balance of our time.

Mr. BOOZMAN. Mr. Speaker, again in closing, I want to thank the chairman of the Middle East Subcommittee, Mr. ACKERMAN, for bringing this forward. Certainly we want to thank Mr. KIRK for his hard work and then Mrs. LOWEY for making this a very bipartisan effort, and I would urge all of my colleagues to support this.

Mr. Speaker, I yield back the balance of my time.

□ 1300

Mr. ACKERMAN. Mr. Speaker, I want to express my gratitude to Mr. BOOZMAN, the gentleman from Arkansas, for his expeditious handling of this on the floor. I want to thank both Mr. KIRK and Mrs. LOWEY for bringing this resolution to our attention and to also note the great spirit of nonpartisanship that we have on this matter and hope that that could splash over and spill over and overwhelm some prevailing attitudes on both sides so that we might bring this kind of approach and dedication to all of the legislation that we have before us this session.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 64, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KIRK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE 186TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. WEXLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 228) recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy.

The Clerk read as follows:

H. RES. 228

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas throughout the 20th century, Greece was one of only three countries in the world, other than the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, "Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $10 billion in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2 million spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first summer Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 .security personnel, as well as the utilization of an eight-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2007, the National Day of Celebration of Greek and American Democracy, marks the 186th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and celebrates the aspirations for democracy that the peoples of Greece and the United States share; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 186th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 186 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WEXLER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. WEXLER. Mr. Speaker, it is an honor for me to pay tribute on Greek Independence Day to one of America's most important European allies, Greece, and one that holds immeasurable importance to millions of Americans.

I would also like to thank my good friend from Florida (Ms. ROS-LEHTINEN), who has been a leading supporter of U.S.-Greek relations in Congress.

Western civilization as we know it today is undeniably connected to Greece. For every American, Greece is known as the cradle of democracy. As a nation that still seeks to perfect its democracy in civic society, America looks to Greece and its universally known philosophers and leaders for political inspiration and wisdom. In fact, the very word "democracy" is a Greek word. The history of Greek independence is inspiring, especially given America's own history and drive for independence from tyranny and oppression. Greeks have been willing to fight for independence, sacrifice for the sake of freedom, and have stirred others to do the same.

As a Member of Congress with a large Greek-American community, I am especially pleased that we are passing this resolution today, which also highlights the extraordinary contributions of a community that has contributed greatly to the shared prosperity of our Nation. Today, the Greek-American community remains the bedrock in the unbreakable bond between the United States and our ally, Greece. As ambassadors of goodwill between the United States and Greece, Greek Americans have for decades shaped this longstanding friendship, creating a partnership based on freedom, democracy and peace.

Today, some 5 million Americans claim Greek ancestry, with understandable pride. Greece is one of less than a handful of nations that have stood shoulder-to-shoulder with the United States in every major war of the 20th century. Our close relations became even closer after World War II. The Truman Doctrine helped save Greece from communism, indeed helped save it for the Western world, and the Marshall Plan helped pave the way for economic success.

In 1952, Greece joined NATO, formalizing the deep mutual commitment of Greece and the rest of the western world to protecting freedom. Now, as an integral member of the EU for two decades, Greece has become increasingly prosperous, a democratic role model for the nations of the world.

Greece remains a critical strategic partner in today's post-Cold War world. We cooperate closely in promoting peace and stability in the Balkans. Athens has supported efforts to settle the Cyprus problem and to end the divide on the island. And I am especially supportive of Greece's critical efforts in recent years to resolve historic differences with its neighbor, Turkey, including supporting that country's membership in the EU.

Mr. Speaker, I congratulate the Greek people on the 186th anniversary of their independence and strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

I want to encourage all of my colleagues to support H. Res. 228, recognizing the 186th anniversary of the independence of Greece, celebrating Greek and American democracy and recognizing Greece as a very staunch ally and friend of our United States.

Greece was the birthplace of the principles of democracy on which our Nation was founded. Our Founders studied Greek culture and Greek politics, and their influence is still with us today. Over the centuries, Greece has demonstrated its commitment to what it and our Nation prize among our highest ideals, and that word is "liberty," "eleftheria" to the Greek people.

Indeed, many of our Nation's respective ideas are shared and, therefore, our relationship holds a special significance. Both the United States and Greece share much in common. Both are outward-looking trading nations that have enriched the world through commercial and cultural exchanges.

Over the decades the U.S.-Greek relationship has developed quite dynamically, bolstered by common ideas and cooperation. Moreover, the Greek people have strived to protect freedom and democracy, allying itself with the

United States in every major conflict of the 20th century, notably sacrificing for and contributing to the victory of the Allied forces over the Axis powers during World War II.

Today, our common destinies are threatened by other enemies who scorn our commitment to freedom, eleftheria, and aggression from Islamic extremism looms large and threatens western civilization that was born in that country of Greece. We are grateful that the Greek people have stood against this aggression throughout the years.

Indeed, Greece should be praised for its contributions in the global war on terror. In the war in Iraq, Greece has been responsive to U.S. requests for access to its air space and in fueling U.S. ships that supply cargo ships headed to Iraq.

Mr. Speaker, I look forward to further cooperation between our two nations and expanding the friendship that exists between Greek and American people. I therefore ask my colleagues to join me in congratulating the nation of Greece on the 186th anniversary of its independence and to express their acknowledgment of the great friendship that exists between our two countries.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I would like to give Ms. JACKSON-LEE of Texas, a member of the Foreign Affairs Committee, 5½ minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman and I thank my colleagues, my fellow member of the Foreign Affairs Committee, the chairman of the Foreign Affairs Committee, Mr. LANTOS, and the ranking member, Ms. ILEANA ROS-LEHTINEN. Certainly, I have indicated already to Chairman WEXLER thanks for his continued leadership.

Mr. Speaker, I rise, of course, to acknowledge and certainly support recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy. Greece has been a long-term model, if you will, for the principles of democracy. Any of us who have had the honor of learning the Greek philosophers throughout our academic training know that the principles they have enunciated have been strong and lasting.

With that in mind as I celebrate the 186th anniversary, I commend my friends in Greece for their continued deliberations dealing with the issue of divide between the Turks and Greece, and I look forward to an opportunity that resolutions will come about that would solve some of those problems.

Might I, Mr. WEXLER, also indicate my support for H. Res. 64, which speaks to the freedom of press and particularly expresses the sense of the House of Representatives that the government of Bangladesh should immediately drop all charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury. I say that in recognition of the principles of freedom of press. Whenever we have had the opportunity to interact in bilaterals through Members of Congress or parliamentarians, one of the key issues that are discussed is the right of the voice of the opposition, or the voice of difference to be expressed. I hope that this particular legislation will pass with a firm statement by this Congress that we are, if you will, asking for his release.

Might I also support H. Res. 107. I am an original cosponsor of this legislation calling for the immediate and unconditional release of the Israeli soldiers held captive by Hamas and Hezbollah. Let me say this, I have met with one of the family members of one of the captive soldiers.

I think what is important in this statement, because we know that King Abdullah just a few days ago came to this Congress and said, we can make a difference in the Palestinian-Israeli issue. This happens to be soldiers that are in Lebanon, and, frankly, I think the point should be made that Israel has, in fact, done what they said they would do in pulling back.

Whenever you get agreements that are kept, promises that are kept, then it seems that in the course of international collegiality or international decorum or international protocol that you have the opportunity to receive your soldiers back home, your loved ones back home. These young men, who are still being held, Gilad Shalit, Eldad Regev and Ehud Goldwasser, remain in captivity, even though the United Nations has, through passing United Nations Security Council Resolution 1701, imposed a ceasefire on the Lebanon-Israel border. The resolution called for, and I quote, the unconditional release of the abducted Israeli soldiers. Even in the United Nations, which has a place for disparate voices and has a place for disagreement, we find that there is a call for their release.

So I would hope that this particular legislation is not taken as a negative, but it is taken in compliance with the United Nations' interests in countries, recognizing when agreements are made that we can move forward on the agreement, and the captivity of soldiers of another sovereign nation certainly argues against having a world forum that really works.

The United Nations has managed with all its difficulties to be a world forum. It has made a statement that they should be released. I would hope there would be enough resolve in Hezbollah and certainly in Hamas and others and in Lebanon, that whatever your viewpoint, you certainly should have the view to provide comfort to these families and have their loved ones returned.

So I ask again for support of the underlying bill; that is, H. Res. 228, and I add my support for H. Res. 64; and as a cosponsor of H. Res. 107, I add my support for that.

I conclude by simply saying that we have an opportunity to accept the challenge of King Abdullah in the way that we must know how to do it, and that is engagement and resolve for the best of all people in the Mideast. I hope that we will do so, and I would say to my friends in Lebanon, a good step and a good start would be the release, unconditional release of these soldiers.

Mr. Speaker, I rise today in strong support of H. Res. 107, which calls for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah and expresses the Congress's support for a two-state resolution to the Israeli-Palestinian conflict.

Mr. Speaker, while the fighting between Israel and Hamas and Hezbollah has subsided, one of the initial causes for the war, has not yet been addressed. Three young men, Gilad Shalit, Eldad Regev, and Ehud Goldwasser, remain in captivity.

The fighting last summer ended when the United Nations Security Council passed Resolution 1701, which imposed a ceasefire on the Israel-Lebanon border. That resolution unequivocally called for "the unconditional release of the abducted Israeli soldiers."

Therefore, their ongoing captivity is ignoring the will of the international community. Indeed, Hamas and Hezbollah have not even allowed access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross.

Mr. Speaker, H. Res. 107 expresses this Congress's vision for "a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel." But this vision cannot be achieved by continuing to hold these soldiers by Hamas and Hezbollah.

The United States cannot turn a blind eye when citizens of a fellow democracy fall prey to terrorists acts. Israeli soldiers must be released without delay and without preconditions, as the Security Council demands. That is also our demand. We will remain committed to the soldiers' freedom—for the sake of peace and to move toward a just resolution to these conflicts in the Mid East.

Mr. Speaker, I support the resolution sponsored by Mr. ACKERMAN, the chairman of the Middle East and South Asia Subcommittee. I urge all my colleagues to do so as well.

Mr. POE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my deep pride and respect to the Hellenic Republic as it prepares to celebrate the anniversary of Greek Independence Day, which took place on March 25, 1821.

I am almost certain that Thomas Jefferson cast an eye across the Atlantic towards Greece when he uttered these words in 1821, "The flames kindled on the 4th of July, 1776, have not spread over much of the globe to be extinguished by the feeble engines of despotism . . . On the contrary, they will consume these engines and all who work them."

It is God's handiwork that I am blessed to straddle two cultures that have been beacons of liberty for all of civilization. The place of my birth, the land of the free and the home of the brave, the United States of America, and the land of my ancestors, the birthplace of democracy, the Hellenic Republic, Greece. I honor those brave and resilient Greeks who refused to be assimilated or converted into the Ottoman Empire. They endured centuries of torture and persecution to hang on to their precious heritage and faith. Bishop Germanos of Patras raised the emblem of freedom for Hellenes, the flag bearing a white cross and nine blue and white stripes representing the nine letters, eleftheria, freedom.

This was an act of defiance against the Ottoman Empire, marking the beginning of Greece's war of independence on March 25, 1821.

□ 1315

Cries of Zito I Ellas, long live Greece; Eleftheria I Thanatos, live free or die, could be heard from the Ionian to the Aegean, from the Peloponeseus to the Dodocanese where my grandparents are from.

It took 8 hard-fought years, until 1829, for the Sultan Mahmud to capitulate and surrender. Greek independence was guaranteed with the Treaty of Adrianople.

Greeks were the first Ottoman subjects to secure recognition as an independent and sovereign nation. It was a fierce fight that drew support from Philhellenes the world over. None other than the United States, England. Lord Byron was wonderful in this cause.

Undoubtedly, these Philhellenes were indebted to Greece, the world's first advanced civilization, for providing a cultural heritage that has influenced the world with firsts in philosophy, politics, mathematics, science, art and sport with the Olympics, just to name a few.

I honor my ancestors for their deep abiding conviction in all that is good and true about mankind. I celebrate their bravery and commitment to freedom and justice. I praise their perseverance and patience in the face of unspeakable hardships. I commend their sacrifices to posterity so that, should there ever be another who seeks to oppress freedom-loving people, we will be able to look upon history and summon up the same courage that those unyielding Hellenes exhibited nearly two centuries ago.

Just as our great Founding Fathers studied the model of democracy the ancient Greeks put forth, it is likely our revolution for independence in the late 18th century served as a blueprint for the early 19th-century Greeks to try their hand at freedom and sovereignty. It is a beautiful, symbolic symbiotic relationship that the United States and Greece have shared since, and it continues to enjoy.

As George Washington proclaimed at the onset of the American Revolution: "Our cause is noble. It is the cause of mankind." So it was in 1776 America and in 1821 Greece, and so it will always remain.

Zito I Ellas, and God bless America.

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentlelady from New York (Mrs. MALONEY), who also is the cochair of the Hellenic Caucus.

Mrs. MALONEY of New York. Mr. Speaker, as an original cosponsor of this legislation, H. Res. 228, and cochair and cofounder of the Congressional Caucus on Hellenic Issues, I rise today to celebrate the 186th anniversary of Greece's independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to gain their independence.

Following 400 years of Ottoman rule, in March 1821, Bishop Germanos of Patras raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise up against the Ottoman Empire.

The bishop timed this act of revolution to coincide with the Greek Orthodox holiday celebrating the archangel Gabriel's announcement that the Virgin Mary was pregnant with the divine child.

Bishop Germanos' message to his people was clear, a new spirit was about to be born in Greece. The following year, the Treaty of Constantinople established full independence of Greece.

As we celebrate Greek Independence Day, we should reflect upon the strong ties between Greece and the United States and the strong commitment to democracy shared by our two countries.

The Greeks of 1821 fought for independence from the Ottoman Empire while drawing inspiration from the ideals and institutions of the United States.

During their war of independence, the Greeks also received support from many Americans, including Presidents James Madison and James Monroe and Representatives Daniel Webster and Henry Clay, each of whom gave speeches and made resolutions and other statements in Congress in support of the Greek revolutionaries.

Just as our defeat of the British Army was remarkable, so too was the Greek triumph over the Ottoman Army, a momentous achievement in world history.

New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called Little Athens because of the large Hellenic population in its neighborhoods.

New Yorkers celebrate Greek Independence Day with a parade on Fifth Avenue, along with many cultural events, private meetings and celebrations. These events, hosted by the Federation of Hellenic Societies and other Hellenic and Philhellenic organizations and friends, remind us of the Hellenic American community's many, many contributions to our Nation's history and culture.

Relations between the United States and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe.

I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreed upon name for the former Yugoslav Republic of Macedonia.

Additionally, I strongly support the inclusion of Greece in the Visa Waiver Program. Last month, along with Representatives SPACE and BILIRAKIS and 18 of our House colleagues, we sent letters to Secretary Rice and Secretary Chertoff urging them to extend the Visa Waiver Program to Greece. Greece is the only member of the original 15 European Union nations not to belong to the Visa Waiver Program.

Greece has met the criteria for the program, including a less than 3 percent refusal rate of U.S. nonimmigrant visa applicants and biometric passports. I hope that they will soon be included in the program, and I ask my colleagues and the Nation to join me in celebrating Greek's independence today.

Additionally, it is my sincere pleasure to pay tribute to the New York Hellenic American community for its many, many contributions to our city and Nation.

Mr. GARRETT of New Jersey. Mr. Speaker, as a member of the Congressional Caucus on Hellenic Affairs, I am proud to congratulate the nation of Greece on the 186th anniversy of independence. Though it began the cradle of Democracy and formed the foundation of Western thought, Greece was ruled over by various empires until 1821 when the people of Greece threw off Ottoman oppression and set about founding a government that would be ruled by Greeks and for Greeks.

The ancient Greek city-states provided young American with a strong foundation of government and philosophy to build our democracies. In both our nations, the Golden Age of Greece continues to be a guiding light.

During the last 50 years, the United States has been proud to stand with the Greek people as they confronted communist oppression, solidified their democracy, and became part of the vibrant European economy.

Independence, once achieved, is not guaranteed for all time. We know that at all times there must be those who are willing to sacrifice to retain liberty. Both of our nations have faced struggles for survival since the initial moment of independence. We must continue to support each other in the causes of freedom and democracy.

Again, I congratulate the Greek people on this historic day. It is a day to remember the sacrifices of the past, to take pride in your nation, and to look forward to a bright future.

Mr. POE. Mr. Speaker, I want to thank Chairman WEXLER, chairman of the Subcommittee on Europe, and also Ranking Member ILEANA ROS-LEHTINEN, for their work on this legislation.

We have no further speakers, so I yield back the balance of my time.

Mr. WEXLER. Mr. Speaker, I too want to thank Mr. POE. And we also do not have any more speakers, so we will yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEXLER) that the House suspend the rules and agree to the resolution, H. Res. 228.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WEXLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF THE TREATY OF ROME

Mr. WEXLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 230) recognizing the 50th Anniversary of the Treaty of Rome signed on March 25, 1957, which was a key step in creating the European Union, and reaffirming the close and mutually beneficial relationship between the United States and Europe.

The Clerk read as follows:

H. RES. 230

Whereas, after a half century marked by two world wars and at a time when Europe was divided and some nations were deprived of freedom, and as the continent faced the urgent need for economic and political recovery, major European statesmen such as Robert Schuman, Jean Monnet, Paul-Henri Spaak, Konrad Adenauer, Alcide de Gasperi, Sir Winston Churchill, and others joined together to lay the foundations of an ever closer union among their peoples;

Whereas on March 25, 1957, the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg signed the Treaty of Rome to establish a customs union, to create a framework to promote the free movement of people, services, and capital among the member states, to support agricultural growth, and to create a common transport policy, which gave new impetus to the pledge of unity in the European Coal and Steel Agreement of 1951;

Whereas to fulfill its purpose, the European Union has created a unique set of institutions: the directly-elected European Parliament, the Council consisting of representatives of the Member States, the Commission acting in the general interest of the Community, and the Court of Justice to enforce the rule of law;

Whereas on February 7, 1992, the leaders of the then 12 members of the European Community signed the Treaty of Maastricht establishing a common European currency, the Euro, to be overseen by a common financial institution, the European Central Bank, for the purpose of a freer movement of capital and common European economic policies;

Whereas the European Union was expanded with the addition of the United Kingdom, Denmark, and Ireland in 1973, Greece in 1981, Spain and Portugal in 1986, a unified Germany in 1990, Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, making the European Union a body of 27 countries with a population of over 450 million people;

Whereas the European Union has developed policies in the economic, security, diplomatic, and political areas: it has established a single market with broad common policies to organize that market and ensure prosperity and cohesion; it has built an economic and monetary union, including the Euro currency; and it has built an area of freedom, security, and justice, extending stability to its neighbors;

Whereas following the end of the Cold War and the disintegration of the Soviet Union, the European Union has played a critical role in the former Central European communist states in promoting free markets, democratic institutions and values, respect for human rights, and the resolve to fight against tyranny and for common national security objectives;

Whereas for the past 50 years the United States and the European Union have shared a unique partnership, mindful of their common heritage, shared values and mutual interests, have worked together to strengthen transatlantic security, to preserve and promote peace and freedom, to develop free and prosperous economies, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union as desirable developments which promote prosperity, peace, and democracy, and which contribute to the strengthening of the vital relationship between the United States and the nations of Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historic significance of the Treaty of Rome on the occasion of the 50th anniversary of its signing;

(2) commends the European Union and the member nations of the European Union for the positive role which the institution has played in the growth, development, and prosperity of contemporary Europe;

(3) recognizes the important role played by the European Union in fostering the independence, democracy, and economic development of the former Central European communist states following the end of the Cold War;

(4) acknowledges the vital role of the European Union in the development of the close and mutually beneficial relationship that exists between the United States and Europe;

(5) affirms that in order to strengthen the transatlantic partnership there must be a renewed commitment to regular and intensive consultations between the United States and the European Union; and

(6) joins with the European Parliament in agreeing to strengthen the transatlantic partnership by enhancing the dialogue and collaboration between the United States Congress and the European Parliament.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WEXLER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. WEXLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEXLER. Mr. Speaker, I rise in strong support of H. Res. 230, and yield myself as much time as I may consume.

I first want to thank Chairman LANTOS for introducing this resolution with me. If there is anyone in Congress who fully understands the significance of this moment, it is Congressman LANTOS, who has been an unwavering supporter of the transatlantic alliance and the creation of the European Union.

In addition, I want to thank the ranking member of the Europe Subcommittee, Mr. GALLEGLY, for his efforts in bringing this resolution to the floor.

Mr. Speaker, on March 25, 1957, in an attempt to recover from destruction caused by two devastating world wars, six European nations, France, Italy, Belgium, The Netherlands, the Federal Republic of Germany, and Luxembourg, joined together in common interest to form the foundations of a new economic and political community. The resulting Treaty of Rome laid the framework to promote an ever closer union among the peoples of Europe.

At that time, the Treaty of Rome provided for the establishment of a common market, a customs union and common policies, expanding on the unity already established in the European Coal and Steel Community. The founding members, keen on ensuring the past was not to be repeated, were particularly interested in the idea of creating a community of peace and stability through economic ties.

The success of the European Economic Community inspired other countries to apply for membership, making it the first concrete step toward the creation of the European Union. The Treaty of Rome established the basic institutions and decision-making mechanisms still in place today. The European Union, now comprised of 27 countries and over 450 million people, is a unique and a historic example of nation-states transcending their former divisions, deciding to come together for the sake of freedom, peace and prosperity, and resolving their differences in the interest of the common good and rule of law.

The success of the EU over the past 50 years has also benefited greatly the United States. Today, the United States and Europe enjoy a mutually beneficial relationship that has a long and established history.

As the world's most important alliance, the U.S. and the EU are intimately intertwined, cooperating on regional conflicts, collaborating to address global challenges, and sharing strong trade and investment relations.

It is clear that the strongest possible relationship between the United States and Europe is a prerequisite for addressing the challenges of the 21st century. The U.S. and EU are working closely to promote reform and peace in the Middle East, rebuild and enhance security in Afghanistan, support the goals of democratization and prosperity in Eastern Europe, the Caucasus, Balkans and Central Asia, prevent genocide in Darfur and end the violence and terrorism in Lebanon.

The anniversary of the Rome Treaty is a reminder of the importance of the transatlantic alliance in an increasingly difficult global environment. However, the 50-year EU experiment is an example of the enduring possibilities of democratic transformation and a brighter future for millions.

It is my hope that the EU will continue to keep its doors open and remain a beacon of hope to the citizens of Europe who aspire to obtain the peace and prosperity that have blossomed over the past 50 years.

Mr. Speaker, I encourage my colleagues to join me in recognizing the 50th anniversary of the Treaty of Rome, and strongly urge the passage of H. Res. 230.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself as much time as I may consume.

When Americans visit Europe today, it is hard to see how very damaged the countries of that continent were when they emerged from the destruction of the Second World War. American assistance played a very important role in rebuilding Western Europe in the 1940s and the 1950s, and American arms played a crucial role in protecting the democracies of Europe from the advance of Soviet communism during the Cold War.

Ultimately, however, Europeans needed to do more on their own to build upon a foundation that the United States had first provided. The 1957 Treaty of Rome, signed by France, Germany, Italy, Belgium, The Netherlands, and Luxembourg was one of the first steps that Western Europe took to put the causes and the legacy of the Second World War behind them.

The treaty established a free-trade region known as the European Economic Community, the cornerstone of what we today know as the European Union.

□ 1330

A post-World War II economically ravaged Europe reasoned that if nations are linked economically, in this case by recalling the role that economic decline and hindered trade among nations had played in the years leading up to World War II, the creators of that free trade zone saw that the freedom of movement of goods, services, capital, and people might well prove to be a great deterrent to conflict between the states of Europe, large and small.

Over the subsequent decades through the entry of new members and expansions both geographically across Europe and functionally across issues, the European Community grew beyond the original core membership of the 1950s and assumed responsibilities going well beyond trade. Today, the European Union indeed counts among its member states countries that once were under Soviet domination. It has worked to transfer more powers from its individual member states to the overall organization centered on the road to creating a more unified European foreign and security policy and making the European Union an organization that the United States increasingly looks to for leadership on transatlantic issues, joining the NATO alliances that continue to bind us together in that common cause.

While the European Community continues to provide a framework within which to conduct international trade, such as multilateral trade negotiations with the United States, it has also advanced the cause of liberty, free markets, democratic institutions, and respect for human rights throughout the European continent. The Treaty of Rome was an important step in building on the foundation that the United States helped create after World War II for Europe.

Today, we look to a strong Europe as seen in the expanded NATO and expanded and strengthened European Union as a foundation on which we can work together to address new and ever growing challenges. Therefore, with enthusiasm, Mr. Speaker, it is that this House should commemorate the 50th anniversary of the signing of this Treaty of Rome.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with my colleagues in supporting H. Res. 230, a resolution recognizing the 50th anniversary of the Treaty of Rome, which was signed on March 25, 1957. The Treaty of Rome established a customs union—formally known as the European Economic Community—among six countries: Belgium, France, Italy, Luxemburg, the Netherlands, and the Federal Republic of Germany. Today, that customs union is known as the European Union, and now includes 27 countries spanning the length and breadth of Europe. Most importantly, it has grown into an institution that inspires countries to be their better selves.

If one travels to Europe today, it may be hard to remember that, 50 years ago, the continent was still recovering from the second of the two world wars it had unleashed in less than half a century. It may be hard today to recall or imagine the magnitude of devastation that still scarred farmland and cities alike. It may be difficult to conceive of the bitterness, anger and thirst for revenge that bled across the continent like the blood of those fallen in war. The fact that Germany, a country that had unleashed a war of aggression against its neighbors just a few years before, was included in this new "community" was really nothing short of a minor miracle.

Moreover, fifty years ago, Europe was still riven in two—no longer by a shooting war, but by a cold war. While a small group of nations was beginning the slow process of rebuilding their own countries and forging transnational relations based on cooperation, mutual trust, and mutual benefit, another part of the continent had fallen under the boot of communist dictatorship, where the Soviet Union exploited its neighbors, striping them of wealth, prosperity, and opportunity for generations. Just one year before the Treaty of Rome was signed, the Soviet Union underscored its opposition to any independent foreign or economic policy on the part of East European countries—a message unequivocally sent by its invasion of Hungary.

As the years passed, and the success of the European Economic Communities became ever more apparent, it is no surprise that more countries joined this union. Membership in Council of Europe, the European Union's sister organization and home of the European Court of Human Rights, helped pave the way for membership in the EU. Meanwhile, the NATO alliance created a zone of military security where the post-war citizens of Western Europe could build a zone of financial security.

Since the fall of communism, there is no doubt that the aspiration of joining the European Union, much like the goal of joining the NATO alliance, has helped focus the attention of many countries on overcoming their past differences for a larger, common good that also brings substantial benefits to their own citizens. Today, I commemorate the 50th anniversary of the signing of the Treaty of Rome, and the new vision it held for the European continent, one that has helped spread peace and prosperity to nearly 500 million people.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEXLER) that the House suspend the rules and agree to the resolution, H. Res. 230.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT OF THE HOUSE FOR THE GOOD FRIDAY AGREEMENT

Mr. WEXLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 222) expressing the support of the House of Representatives for the Good Friday Agreement, signed on April 10, 1998, as a blueprint for a lasting peace in Northern Ireland, and for other purposes.

The Clerk read as follows:

H. RES. 222

Whereas the Good Friday Agreement, signed on April 10, 1998, sets out a plan for the creation of the Northern Ireland Assembly, and a devolved government in Northern Ireland on a stable and inclusive basis;

Whereas the Northern Ireland Assembly and Executive have been suspended since 2002;

Whereas the St. Andrews Agreement of October 2006 established a timetable for the restoration of a power-sharing government in Northern Ireland;

Whereas the St. Andrews Agreement required that "support for policing and the rule of law should be extended to every part of the community";

Whereas on January 28, 2007, Sinn Fein held a party conference during which it declared its support for the Police Service of Northern Ireland and the criminal justice system, consistent with the terms of the St. Andrews Agreement;

Whereas British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern stated on January 30, 2007, that "We remain fixed in our determination to see shared government returned to the people of Northern Ireland.";

Whereas British Prime Minister Tony Blair called for elections in Northern Ireland to take place on March 7, 2007, in adherence to the timeline established in the St. Andrews Agreement; and

Whereas the St. Andrews Agreement set a deadline of March 26, 2007, for devolved government to be restored to Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as a blueprint for a lasting peace in Northern Ireland;

(B) declares its support for the St. Andrews Agreement of October 2006;

(C) commends British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern for their leadership and persistence in seeking a peaceful resolution in Northern Ireland; and

(D) commends all parties for abiding by the terms agreed to in the St. Andrews Agreement; and

(2) it is the sense of the House of Representatives that all political parties in Northern Ireland should—

(A) agree to share power with all parties according to the democratic mandate of the Good Friday Agreement;

(B) meet all deadlines established by the St. Andrews Agreement; and

(C) commit to work in good faith with all the institutions of the Good Friday Agreement, which established the Northern Ireland Assembly and an inclusive Executive, the North-South Ministerial Council, and the British-Irish Inter-Governmental Conference, for the benefit of all the people of Northern Ireland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WEXLER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. WEXLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration, as well as H. Res. 228.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEXLER. Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

Mr. Speaker, I would first like to thank my good friend and colleague, Congresswoman CAROLYN MCCARTHY of New York, who has been a passionate and tireless advocate for peace and justice in Northern Ireland throughout her distinguished career in Congress.

Over the past several years, the peace process in Northern Ireland has taken many twists and turns. The Good Friday Agreement, designed to bring an end to the conflict in Northern Ireland, has been declared dead time and again. The Northern Ireland Assembly and the Executive established by the Good Friday Agreement have been suspended since 2002.

During the past few months, however, we have witnessed incredibly promising developments in our efforts to fully implement the Good Friday Agreement, which was signed almost 9 years ago on April 10, 1998.

The St. Andrews Agreement of October 2006 established a firm timetable for the restoration of the government in Northern Ireland. In the agreement itself and in subsequent declarations, both sides of the conflict committed themselves to the rule of law, effective policing, and a strong criminal justice system. Most importantly, the elections called for by the St. Andrews Agreement were carried out successfully just last week.

Now the hard work begins, Mr. Speaker. Over the next 2 weeks, Northern Ireland's political parties must agree to share power according to the democratic mandate of the Good Friday Agreement. A failure to reach a power sharing deal will lead to the dissolution of the Northern Ireland Assembly, a development which would be profoundly damaging to the long-term prospects for peace in Northern Ireland. With passage of this resolution, Congress urges Northern Ireland's political leaders to make the tough compromises necessary to bring about a power sharing arrangement. With such a deal, the great promise of the Good Friday Agreement and the St. Andrews Agreement can come to fruition.

The resolution before the House is designed to support the forward movement towards peace and to help pave the way to a time when the conflict in Northern Ireland is only a subject for the history books.

Mr. Speaker, I strongly support this timely resolution, and reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Since 1969, over 3,200 people have died as a result of political violence in Northern Ireland. The 1998 Good Friday Agreement lessened the violence in Northern Ireland considerably, making it a safer place to live and allowing its beleaguered economy to prosper.

While these developments are positive steps forward, political differences between the opposing sides of this conflict led to a stalemate, which in 2002 persuaded the Blair government to suspend the Belfast Northern Ireland Assembly and shift power to direct rule from London. Events have now presented an opportunity to move forward.

Last week, a new Northern Ireland Assembly was elected, and at the end of this month, if an administration is formed, rule from Westminster will cease, with Northern Ireland assuming the reins of power for its own self-government.

British Prime Minister Tony Blair, in expressing his fondest hopes for the success of the Good Friday accords, has stated, "Enemies would become not just partners in progress but sit together in government, and paramilitaries who used to murder each other as a matter of routine would talk to each other and learn to live with each other."

Mr. Speaker, these are noble and lofty goals. While no one thought that they would be easy to achieve and many challenges have arisen, combat is now taking place in the political sphere rather than through violent means. Inch by inch, day by day, with focused determination, success is finally emerging.

Mr. Speaker, ours is a significant voice in the global community that must be raised in support of the progress that has already been achieved, and in calling for further efforts to achieve the goals of the Good Friday Agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who is the sponsor of this resolution.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank Subcommittee Chairman WEXLER and Ranking Member POE.

As the author of H.R. 222, I rise in support, as all of the members of the Friends of Ireland Caucus do.

This month, the peace process of Northern Ireland has an opportunity to make great strides. Several significant events are taking place this month. On March 7, new assembly elections were held. On March 14, new members for a power-sharing executive will be nominated. And, finally, on March 26, London will rescind direct rule and restore Northern Ireland's devolved government.

It has been a long road to get to this point, but restored progress has been made. Recently, Democratic Unionist Party leader Mr. Paisley, and Sinn Fein's Gerry Adams spoke directly across the floor on the Northern Ireland Assembly. Some people will say this was a small matter. For those of us that have been involved in this issue, it was a great stand.

This dialogue is a major achievement in the ongoing peace process. However, there is still much work to be done, and this month is critical to ensure a successful devolution on March 26.

President Bush's Special Envoy on Northern Ireland has recognized the importance of this month's events and the need for Congress to help galvanize the momentum to achieve the March 26 deadline.

Former U.S. Senator George Mitchell believes a power sharing deal in Northern Ireland is now possible, following the March 7 assembly elections, but believes the U.S. still has a huge role to play in stimulating the investment and the trade in Northern Ireland.

With that in mind, I have introduced the Good Friday Agreement. This resolution shows Congress' support for the Good Friday Agreement, commends the efforts of Prime Minister Blair and Irish Taoiseach Ahern and all the parties for abiding by the St. Andrews Agreement. H. Res. 222 further encourages the parties to work in good faith to meet the Good Friday Agreement.

Mr. Speaker, we have an opportunity to make a difference in Ireland by helping to make sure that we keep this momentum going. But I think, more important, when we see the troubles throughout the world today, Ireland has always been something that many of us here in Congress have been fighting for to bring both sides together. The people of Ireland want this peace process to go through. It is good for the whole nation. We here in Congress will be going as an envoy to Ireland during the Easter break, hopefully to be congratulating everybody and telling them we will do whatever we can to make sure the government stays up and running. But, more importantly, it is the people of Ireland that have overwhelmingly on both sides said, "We want the peace process to go forward."

I urge my colleagues to vote for peace in Northern Ireland and support H. Res. 222.

Mr. POE. Mr. Speaker, I want to thank Chairman WEXLER of the European Subcommittee for leading the discussion, and also Representative MCCARTHY from New York for sponsoring this legislation. We have no further speakers.

Mr. GARRETT of New Jersey. Mr. Speaker, nearly nine years ago, the people of Northern Ireland took a great step forward into building a lasting peace. The Good Friday Agreement, signed in 1998, set forth a plan for establishing a peaceful civil government for both Catholics and Protestants.

Today, we are close to ending an enmity that stretches back across centuries. With the establishment of an assembly there will be a substantial forum for the people of Northern Ireland to sort through their difference peacefully.

The years of calm since the signing of the agreement have seen developments that seemed nearly impossible decades ago. The acceptance of the Police Service of Northern Ireland by Sinn Fein in January of this year marked one ofthe last hurdles to the full implementation of the agreement. With one neutral force to fairly administer the law, the people of Northern Ireland can stop seeing the police as adversaries and instead see them as guardians of the peace, as it should be.

It is now critical that a final agreement be put in place so that the assembly can continue to meet and lead the people of Northern Ireland. Now that the IRA, as confirmed by third-party observers, has decommissioned its weapons, it is time for the Democratic Unionists to come together to rule in cooperation with Sinn Fein.

With so much progress made it would be a great shame to see the dissolution of a body freely elected by the people of Northern Ireland. This Congress supports blueprint for peace signed nearly a decade ago and wishes to see last democracy and tranquility in Ireland.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 222, the Good Friday Agreement for Northern Ireland.

The United States stands committed to a peaceful resolution of the conflict which has plagued Northern Ireland for the past quarter century. The last twelve months have indeed seen historic developments which have raised hopes that at long last the parties to the conflict in Northern Ireland are working together to forge reconciliation.

Today, I strongly support H. Res. 222, to show strong support for the 1998 Good Friday Agreement as the blueprint for a lasting peace in Northern Ireland. The measure continues to support the St. Andrews Agreement of October 2006 and commends British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern for their leadership and persistence in seeking a peaceful resolution in Northern Ireland.

Mr. Speaker, we must continue to advocate for the achievement of peace, justice, human rights and political stability in Northern Ireland. That is why I urge my colleagues to support H. Res. 222.

Mr. KUCINICH. Mr. Speaker, I rise today in support of the ideals of the Good Friday Agreement, and to celebrate the efforts of the English and Irish governments to create a more peaceful and prosperous Ireland.

Signed on Good Friday in 1998, the Agreement marked a watershed moment in the history of Eire's glorious but at times tumultuous history, and laid out specific provisions and benchmarks for all involved parties. The Agreement created programs and transgovernmental institutions to engender dialogue across borders and parties; deconstructed obstructionist legislation on both sides of the English Channel; reformed security and law enforcement institutions; and set timetables for disarmament.

More than just an accord between governments, the Agreement signaled a new commitment to the life and liberty of the Irish people. The Agreement established new civil and human rights standards; ensured the dignity of all communities by promising new cultural and economic standards; and aspired to create relationships based on principles of peace and nonviolent conflict resolution.

The electorate, and indeed the world, has responded in kind. The Good Friday Agreement was embraced by citizens in the Republic of Ireland as well as Northern Ireland. National governments around the world have applauded the efforts to create a lasting peace, and local governments throughout the United States have enacted resolutions in support of the Good Friday Agreement. I applaud the City of Cleveland for their support of Peace in Ireland, and I am hopeful that one day we will look back on the Good Friday Agreement, having reached our destination of a peaceful Ireland with a thriving population united in their efforts to cultivate that peace.

Mr. Speaker and colleagues, please join me in honoring the pursuit of a lasting peace in Ireland. It is my eternal hope we one day may have a response to William Butler Yeats' pained question: "Too long a sacrifice can make a stone of the heart. O when may it suffice?"

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Mr. WEXLER. Mr. Speaker, I too want to thank Mr. POE. And we also do not have any more speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEXLER) that the House suspend the rules and agree to the resolution, H. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WEXLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SCOTT REED FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BOSWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 478) to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed

Federal Building and United States Courthouse”.

The Clerk read as follows:

H.R. 478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, shall be known and designated as the “Scott Reed Federal Building and United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “Scott Reed Federal Building and United States Courthouse”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BOSWELL) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BOSWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 478.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Speaker, I would yield myself such time as I may consume and will be yielding to the gentleman from Kentucky very shortly.

I would appreciate very much, if this has been designated, to be recognized, and would recognize the gentleman from Missouri.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is great that I got the opportunity today to work with the gentleman from Iowa. We have worked on several things, and I think this is a very fitting bill.

H.R. 478 designates the Federal building and the United States courthouse located at 101 Barr Street in Lexington, Kentucky as the Scott Reed Federal Building and United States Courthouse. The bill recognizes Judge Reed's service to the legal profession.

Judge Scott Reed graduated from the University of Kentucky College of Law where he received many honors. Judge Reed's career as a jurist began in 1964, when he became Fayette Circuit Court judge. Five years later, he was elected to the Kentucky Court of Appeals, where he sat for over 7 years. During the mid 1970s, Judge Reed played an instrumental role in the recognition of Kentucky's judicial system, which created the Kentucky Supreme Court. Judge Reed was elected to serve as the first Chief Justice of Kentucky in 1976. His opinions from the Supreme Court of Kentucky have received national acclaim for their content.

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In 1979 he was named U.S. district judge for the Eastern District of Kentucky, and he served as U.S. district judge until he retired in 1990.

Mr. Speaker, I support this legislation, and I encourage my colleagues to do the same. This is a very fitting individual and a fitting tribute to him.

Mr. Speaker, I reserve the balance of my time.

Mr. BOSWELL. Mr. Speaker, at this time I would like to yield such time as he may consume to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, I thank the gentleman from Iowa for his help on this legislation, something that is near and dear to my heart. I also thank the gentleman from Missouri for his nice words.

This courthouse and the naming of this courthouse is very special to many people in Kentucky because Scott Reed was a special man.

H.R. 478 is a bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky as the “Scott Reed Federal Building and United States Courthouse.” I can think of no other individual more deserving, no other public servant more worthy, and no other action more appropriate than naming the Federal courthouse in Lexington after the Honorable Scott Reed.

Prominent central Kentucky attorney, first Chief Justice of the Kentucky Supreme Court, and Federal judge, Scott Reed exemplifies the definition of honor and integrity.

Born in Lexington, Kentucky, on July 3, 1921, Scott Reed graduated with distinction from the University of Kentucky. While in college, he was editor-in-chief of the Kentucky Law Journal and awarded the order of the Coif, the highest academic award that can be given to a law graduate. He was also a member of the Phi Delta Phi Fraternity.

He achieved many honors at the University of Kentucky, culminating upon graduation as the recipient of the Algernon Sydney Sullivan Medallion, a prestigious award recognizing outstanding character and humanitarian service.

Prior to his time on the bench, Scott Reed was County Attorney. He was retained as counsel for the Fayette County School Board and distinguished himself as a trial lawyer of great integrity. He served from 1948 through 1956 as an associate professor at the University of Kentucky College of Law. From 1964 until 1969, he was judge of the First Division of the Fayette Circuit Court, the top trial court in Kentucky's second largest county. He then was elected to the Kentucky Court of Appeals, at that time the highest court in the Commonwealth.

As Chief Judge of the Kentucky Court of Appeals, Judge Reed oversaw the passage of a constitutional amendment that unified and modernized Kentucky's court system. As part of the modernization, the Court of Appeals became the Kentucky Supreme Court. Reed was elected by his fellow justices at that time to be the first Chief Justice of the Commonwealth of Kentucky. As Chief Justice, he oversaw the implementation of a constitutional amendment that led to Kentucky's having one of the most efficient court systems in the country. The Chief Justice of the Commonwealth holds equal rank with the Governor, the latter being the head of the Executive Branch and Chief Justice serving as the head of the Judiciary and its myriad of administrative offices throughout the State. Judge Reed was elected as a Fellow in the National College of the Judiciary in 1965 and was a voting member of the American Law Institute, a body of scholarly people who shape the laws of our Nation.

The opinions written by Scott Reed during his time on the Supreme Court of Kentucky have received national acclaim. Judge Reed was a frequent lecturer to the National College of Trial Judges and has achieved the highest honors that can be bestowed on a member of his profession.

In 1979 he was appointed by President Jimmy Carter to be U.S. district judge for the Eastern District of Kentucky. He served as a U.S. district judge until he retired in 1990, rounding out his judicial career having served on the local, State, and Federal benches. Scott Reed was named to the University of Kentucky College of Law Hall of Distinguished Alumni on April 11, 1980.

Judge Reed passed away on February 17, 1994, but his legacy will always be a part of Kentucky's rich history. He richly deserves this honor, one that is indeed long overdue.

Mr. Speaker, I thank my colleague Mr. ROGERS of Kentucky for being a cosponsor of this legislation. Again, I thank my colleagues from Iowa and Missouri for their help on bringing this to the floor, and I urge its passage.

Mr. GRAVES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOSWELL. Mr. Speaker, I would associate myself with the remarks Mr. CHANDLER made. I appreciate that. Judge Reed was truly an outstanding individual in many respects and served with great distinction.

Mr. Speaker, I support H.R. 478 and urge its passage.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 478, a bill to designate the Federal building located at 101 Barr Street in Lexington, Kentucky, as the “Scott Reed

Federal Building and United States Courthouse". The bill was introduced by the gentleman from Kentucky (Mr. CHANDLER) and his colleague from Kentucky (Mr. ROGERS).

Scott Reed was born in Lexington, Kentucky, in 1921. He attended local schools and graduated from the University of Kentucky College of Law in 1945. While at the University, Reed received many awards and honors, including the Algernon Sydney Sullivan Medallion for excellence.

The first years of Judge Reed's career were spent in private practice during which he distinguished himself as a trial lawyer of great integrity. During this time, he also taught at the University of Kentucky College of Law.

From 1964 to 1969, Judge Reed was judge of the First Division of the Fayette Circuit Court. From 1969 until 1976, he served on the Court of Appeals, 5th Appellate District. In 1976, Judge Reed became the Chief Justice of the Commonwealth of Kentucky, a position which holds equal rank with the Governor. His opinions from the Supreme Court of Kentucky have received national attention for their scholarly content and careful judicial reasoning.

In August, 1979, Judge Reed was nominated by President Carter to the federal bench. He was confirmed later that year and served until his death in 1994. During his confirmation hearing, Judge Reed was characterized as possessing a great sense of fairness and objectivity, practical legal experience, and great respect for the law and its responsibility to our Nation's citizens. Both Senator Huddleston and Senator Ford participated in Judge Reed's confirmation hearing.

Judge Reed enjoyed a rich and rewarding career. His contributions to the American judicial system are exceptional. It is fitting that the United States Courthouse located in Lexington, Kentucky, bear his name to honor his distinguished career and enduring legacy.

I support H.R. 478 and urge its passage.

Mr. BOSWELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BOSWELL) that the House suspend the rules and pass the bill, H.R. 478.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HUGH L. CAREY UNITED STATES COURTHOUSE

Mr. BOSWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 429) to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse".

The Clerk read as follows:

H.R. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, shall be known and designated as the "Hugh L. Carey United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Hugh L. Carey United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BOSWELL) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BOSWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 429 is a bill to designate the new courthouse in Brooklyn at Cadman Plaza in honor of former Member and New York Governor Hugh Carey.

Hugh Carey began his distinguished public career in 1960 when he was elected to the House of Representatives. He served on the former Education and Labor Committee, the Interior Committee, and the Ways and Means Committee. During his seven terms, he became the deputy whip and helped pass several pieces of landmark legislation on education and the rights of the disabled.

As Governor, Carey signed the historic Willowbrook consent decree, which committed New York to sweeping reforms in the care of the developmentally disabled. He also dealt with Love Canal and pollution of the Hudson River. Along with Senator KENNEDY and former Speaker Tip O'Neill, he worked to end violence in Northern Ireland.

He is truly a son of New York, a great civic leader and esteemed public servant. For these and other reasons, it is both fitting and proper to honor Hugh Carey with this designation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

H.R. 429 does designate the United States courthouse which is located at 225 Cadman Plaza East in Brooklyn, New York as the "Hugh L. Carey United States Courthouse."

As the gentleman from Iowa pointed out, the Governor served in the United States Army during World War II and then received his law degree from St. John's University School of Law. In 1960 he was elected to represent the 12th Congressional District of New York in the 87th Congress and served until his resignation in 1974, when he was elected Governor of New York, and he served two terms as Governor.

I might also point out that in 1993, Governor Carey was appointed to the American Battle Monuments Commission to represent the United States at various ceremonies commemorating the 50th anniversary of the end of World War II. Governor Carey is currently practicing law in New York City, as I understand.

Mr. Speaker, I think this is a fitting tribute to Governor Carey's commitment to public service, and I wholeheartedly support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BOSWELL. Mr. Speaker, I thank Mr. GRAVES for those kind words and appreciate his support and work on this very appropriate naming.

I urge the acceptance of H.R. 429.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 429, a bill to designate the newly-constructed courthouse located at 225 Cadman Plaza in Brooklyn, New York, as the "Hugh L. Carey United States Courthouse".

Hugh Carey was born in 1919, in Brooklyn, where he attended local schools. He graduated from St. John's University and, in 1951, graduated from St. John's Law School. During World War II, he fought in Europe with the 104th Division. For his valor, he received the Bronze Star, Croix de Guerre, and Combat Infantry Award.

Hugh Carey served the people of New York for almost three decades, first as a Congressman representing Brooklyn and then as Governor of the State. Congressman Carey served seven terms in the U.S. House of Representatives, from 1960 until 1974. In 1974, he was elected as Governor of New York in a landslide victory. He served two full terms as Governor until being succeeded by his Lieutenant Governor, Mario Cuomo.

Carey's public career is highlighted by his handling of the city's economic crisis in the late 1970s. As part of this effort he spearheaded the construction of the Jacob Javits Center, Battery Park City, and South Street Seaport. He was a fierce opponent of the death penalty and, as Governor, prevented the reinstatement of the death penalty in the State of New York.

Carey was a master at forming coalitions between business and labor. This ability helped save the city from fiscal crisis in the late 1970s. During that time, he worked diligently to attract businesses to the State mainly by reducing State taxes.

Governor Carey, who will be 88 in April, still practices law in New York. This designation will honor the truly outstanding, civic career of one of New York's finest public servants.

I support H.R. 429 and urge my colleagues to join me in supporting this bill.

Mr. BOSWELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BOSWELL) that the House suspend the rules and pass the bill, H.R. 429.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONRAD DUBERSTEIN UNITED STATES BANKRUPTCY COURTHOUSE

Mr. BOSWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 430) to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the "Conrad Duberstein United States Bankruptcy Courthouse," as amended.

The Clerk read as follows:

H.R. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, shall be known and designated as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in section 1 shall be deemed to be a reference to the "Conrad B. Duberstein United States Bankruptcy Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BOSWELL) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BOSWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 430.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a quote from Chief Justice John Marshall was recently used at St. John's Law School, Judge Duberstein's alma mater, to describe Judge Duberstein: "Once in a while a man mounts the bench with the salt of like, the spice of wisdom, and the sweetness of humor blended in him so subtly and yet so successfully that those who are quite unlearned in the law glimpse some of its beauties." This quote so aptly describes Judge Duberstein.

Judge Duberstein was a proud product of New York. He attended school in the Bronx, college in Brooklyn, and received his law degree from St. John's University Law School. His high school alma mater is also the alma mater of former Secretary of State Colin Powell.

The words wisdom, fairness, beloved mentor, humor, humility, and humanity are used not only to describe his life but also reflects the principles he brought to his law practice. He was a judge guided by a sense of fairness and perpetual desire for nothing but justice for all who were in his courts. His accomplishments were without bounds. Judge Duberstein practiced bankruptcy law for over six decades, and when he died in his 90s, he was the oldest surviving bankruptcy judge in the country.

Designating the courthouse in his honor is a most fitting tribute to the extraordinary life and work of Judge Conrad B. Duberstein.

I support H.R. 430 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in addition to what the gentleman from Iowa pointed out, Judge Duberstein's tremendous contributions in law, I might also add to that, Judge Duberstein served in the United States Army. We have actually named a few courthouses over the last couple of months after individuals who are World War II veterans, and they are all just outstanding individuals.

Judge Duberstein did serve in the Army during World War II, and he was awarded the Purple Heart, the Bronze Star, and the Combat Infantry Badge. After the war he engaged in the private practice of law, where, again, his prominence as a bankruptcy attorney grew large.

The gentleman from Iowa pointed out his many contributions to law and obviously to the State of New York. This is another bill, Mr. Speaker, where I think it is a fitting tribute, to say the least, and I wholeheartedly support this bill and urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. BOSWELL. Mr. Speaker, I urge the passage of H.R. 430 to a person very deserving.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 430, a bill introduced by the gentleman from Brooklyn, New York (Mr. TOWNS), to designate the United States Bankruptcy Courthouse located at 271 Cadman Plaza in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

This bill has the unanimous support of the judges of the United States Bankruptcy Court for the Eastern District of New York. At the time of his death, on November 18, 2005, at the age of 90, Judge Duberstein was the oldest serving Chief Bankruptcy Judge in the country.

Judge Duberstein is a native New Yorker, born in the Bronx in 1915. He was 17 years old when his father died. As a result, he dropped out of school to support his mother and two sisters. In 1934, he received his high school diploma from the Morris Evening High School. In 1938, he graduated from Brooklyn College and, in 1942, he received his law degree from St. John's University Law School. While a law student, he served on the St. John's University Law Review.

Judge Duberstein was admitted to the New York State Bar in 1942. In the same year, he took the oath for admission to practice before the United States District Court for the Eastern District in the very building which today we designate in his honor.

Judge Duberstein was drafted and served with distinction in World War II from 1943 until 1946. He was stationed in Northern Italy, where he was wounded. He was awarded the Purple Heart, the Bronze Star, and the Combat Infantry Badge. While in Italy, he had the honor of being granted an audience with Pope Pius XII.

In 1981, he was appointed to the Bankruptcy Court for the Eastern District in New York. In 1984, the Board of Judges appointed him as the Chief Judge. His work was noted for its thoroughness, extensive analysis, and scholarly approach. He was a person known by his humility and humanity. He worked tirelessly to enable persons of every faith, race, and origin to achieve a "fresh start," consistent with bankruptcy laws. He was beloved and revered by his colleagues. It is both fitting and proper that the bankruptcy courthouse in Brooklyn, New York, be designated in his honor.

I support the bill and urge its passage.

Mr. BOSWELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BOSWELL) that the House suspend the rules and pass the bill, H.R. 430, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the 'Conrad B. Duberstein United States Bankruptcy Courthouse'.".

A motion to reconsider was laid on the table.

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NEAL SMITH FEDERAL BUILDING

Mr. BOSWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1045) to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

The Clerk read as follows:

H.R. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 210 Walnut Street in Des Moines, Iowa, shall be known and designated as the "Neal Smith Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Neal Smith Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BOSWELL) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BOSWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1045.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is quite a privilege today for me to stand here and speak about someone who has been my mentor and that I have admired for many, many years of my life. Neal Smith, and in fact I should say his wife, Bea, have been exemplary in so many ways and have meant so much to the people of Iowa and in fact the people of this Nation.

I would recognize that Neal served with distinction and bravery in World War II. He was a bomber pilot and was highly decorated.

Those of you here in the Congress that served with Neal know that he was highly regarded, both in Washington and in his home State of Iowa. He was known for his skillful legislating and attention to his congressional district. Having served 36 years in Congress, Neal is the longest serving Iowan to serve in the House of Representatives. Naming the Federal building in Des Moines is an honor he deserves, and the time is correct.

As chairman of the Commerce, Justice, State appropriations subcommittee, Neal spent most of his time outside the spotlight tenaciously defending programs under his jurisdiction against budget assaults.

He was rooted in Depression-era Iowa. Neal was a man of liberal instincts, but he was considered fair and an honest broker as a subcommittee chairman and was known to keep debating until an agreement could be reached. He once said, "I don't try to get confrontational. I try to do whatever I need to do to pass the bill."

Outside of appropriations, Neal was a champion for tougher meat and poultry inspection laws and introduced and supported legislation that required food labels stating sodium content. Neal was also instrumental in creating the Commodity Futures Trading Commission to guard against grain trading abuses and in setting up strict Federal procedures for grain inspection.

Back in Iowa, other tributes have been given to his honor. We now have the Neal Smith National Wildlife Refuge, the Neal Smith Trail, and the Neal and Bea Smith Law School at Drake. It is now only fitting that the Federal building in Des Moines, a building I understand he helped get funded, be named the Neal Smith Federal Building.

Again, Mr. Chairman, I appreciate this moment and urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I don't think I could really add much to Mr. SMITH's accomplishments and what he has done, other than what Mr. BOSWELL has pointed out.

He did mention he was a bomber pilot, and I looked up his service record. He was awarded the Purple Heart, nine Battle Stars and the Air Medal with four oak leaf clusters for his service, which is obviously a sign of a very outstanding individual. This obviously marks a long and very distinguished career. Obviously, he was one of us, a Member of Congress from Iowa; and I wholeheartedly support this.

Mr. Speaker, could I inquire of the gentleman from Iowa what Mr. SMITH flew during the war.

Mr. BOSWELL. Mr. Speaker, if the gentleman would yield, I would just share this. That is a very good question, Mr. GRAVES. It would be either a B–17 or B–29. It was one of the bombers at least. I know that. Neal was the kind of person, as others know from here, he never spoke about it. You had to kind of dig it out to know about that. But he truly was an American hero as well as a very much respected hero in Iowa, and I suspect that a lot of his influence reached over into Missouri.

Mr. GRAVES. Mr. Speaker, I do thank the gentleman from Iowa (Mr. BOSWELL) for the kind words that he said. Again, this gentleman was a pilot, and you can't get any better than that. I would wholeheartedly support this bill and urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. BOSWELL. Mr. Speaker, in closing, I would say this is a very special day for us in Iowa to name this building in Neal's honor. We also would say publicly and presently that we respect Bea so very much. They went to law school together at Drake and served together all these many, many years.

Mr. REGULA from Ohio was a colleague of Neal's and they served together, and he was very happy and ready to help sponsor the bill and so on. I would appreciate, Mr. GRAVES, if you will pass on to him our appreciation for his contribution and his greetings to Neal and Bea.

Mr. Speaker, I would urge my colleagues to support and pass this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 1045, a bill to designate the Federal building at 210 Walnut Street in Des Moines, IA, as the "Neal Smith Federal Building."

Neal Smith was born on March 23, 1920, in his grandparents' home near Hedrick, Keokuk County, IA. He served in the United States House of Representatives from 1959 until 1995, and has the distinction of being the longest serving Member of the House of Representatives from Iowa. Congressman Smith is a World War II veteran, having served in the United States Army Air Force as a bomber pilot. His plane was shot down during combat and he received a Purple Heart, nine Battle Stars, and the Air Medal with four oak leaf clusters.

He received his undergraduate training at the University of Missouri and Syracuse University. In 1950, he received his law degree from Drake University.

Neal Smith is one of Iowa's most respected and distinguished elected officials. His interests while serving in Congress were varied, but he especially focused on agriculture, small business, and the environment. He became a champion for those issue areas and authored legislation establishing the Commodity Futures Trading Commission, the Federal Meat, Poultry and Egg Inspection Acts, and Small Business Development Centers.

Congressman Smith also sponsored legislation to authorize construction of the Big Creek and Rathbun Dams. Further, he was instrumental in creating the Red Rock Watershed Conservation District and a National Wildlife Refuge that was named in his honor. In the 1980s, he was especially active in helping to jump start Iowa's stagnant economy. In 1996, Smith published his autobiography, Mr. Smith Goes to Washington: From Eisenhower to Clinton.

It is most fitting and proper to honor the long, distinguished civic career of Congressman Neal Smith with this designation.

I urge my colleagues to join me in supporting H.R. 1045.

Mr. LATHAM. Mr. Speaker, as a proud cosponsor of H.R. 1045, a bill to designate the federal building located at 210 Walnut street in downtown Des Moines, Iowa as the "Neal Smith Federal Building," I strongly support its passage.

As a distinguished public servant to an Americans—a World War II bomber pilot and the State of Iowa's longest serving Member of the U.S. House of Representatives—Neal Smith deserves to be recognized by this body, where he served the people of Iowa with honor for 36 years.

To this day, Neal Smith is held in high regard by Iowans. His accomplishments as a member of the House Appropriations Committee helped strengthen Iowa's economy and improve the lives of its citizens. In addition to his committee work, Neal Smith championed many issues important to Iowa agriculture and the environment. Neal Smith is credited with creating the Commodity Futures Trading Commission and a federal national wildlife refuge in Prairie City, Iowa that now bares his name.

But what is most impressive to me and most important to Iowa and this country is the dedication and sacrifice Neal Smith made during World War II. As a courageous United States Army Air Force bomber pilot Neal Smith, encountered enemy fire and his plane was shot down. His valor and perseverance earned him the Purple Heart, nine Battle Stars and the Air Medal with four oak leaf clusters.

Neal Smith—Iowa is proud and thankful for your many years of service and I proudly support H.R. 1045.

Mr. BOSWELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BOSWELL) that the House suspend the rules and pass the bill, H.R. 1045.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 64, by the yeas and nays;

H. Res. 228, by the yeas and nays;

H. Res. 222, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT BANGLADESH SHOULD DROP CHARGES AGAINST SALAH UDDIN SHOAIB CHOUDHURY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 64.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 64, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 1, answered "present" 4, not voting 19, as follows:

[Roll No. 139]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—4

Conaway
Gohmert
Hill
Thornberry

NOT VOTING—19

Andrews
Baca
Baldwin
Brown (SC)
Carson
Cubin
Culberson
Davis, Jo Ann
Davis, Lincoln
Dreier
Granger
Kilpatrick
Lewis (GA)
McMorris Rodgers
Miller (FL)
Schmidt
Thompson (MS)
Weldon (FL)
Weller

□ 1432

Mr. GOHMERT changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 186TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 228.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEXLER) that the House suspend the rules and agree to the resolution, H. Res. 228, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 140]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Baca
Baldwin
Brown (SC)
Cubin
Culberson
Davis, Jo Ann
Davis, Lincoln
Gilchrest
Graves
Kilpatrick
King (NY)
Knollenberg
Miller (FL)
Schmidt
Sestak
Skelton
Walberg
Welch (VT)
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1439

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SESTAK. Mr. Speaker, on rollcall No. 140, I whole-heartedly support recognizing the 186th anniversary of the independence of Greece celebrating Greek and American Democracy. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT OF THE HOUSE FOR THE GOOD FRIDAY AGREEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 222.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. WEXLER) that the House suspend the rules and agree to the resolution, H. Res. 222, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 13, as follows:

[Roll No. 141]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
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Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen

Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—13

Baca
Baldwin
Brown (SC)
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Kilpatrick
Miller (FL)
Schmidt
Skelton
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1448

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official leave of absence, I was unable to vote on three bills considered today under suspension of the rules. Had I been present, I would have voted "yea" on final passage of H. Res. 64, Expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury; "yea" on final passage of H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy, and "yea" on final passage of H. Res 222, Expressing the support of the House of Representatives for the Good Friday Agreement, signed on April 10, 1998, as a blueprint for a lasting peace in Northern Ireland, and for other purposes.

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, I respectfully request that I be excused from today's votes due to official business at Walter Reed Army Medical Center. I regret that I was not able to cast these votes; however, if I had been present I would have voted in the following way: "yea" on H. Res. 64; "yea" on H. Res. 228; "yea" on H. Res. 222.

PERSONAL EXPLANATION

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 139 on final passage of H. Res. 64, rollcall No. 140 on final passage of H. Res. 228, and rollcall No. 141 on final passage of H. Res. 222, I am not recorded because I was absent due to attendance at a family funeral. Had I been present, I would have voted "yea" on each of the rollcall votes.

COMMUNICATION FROM STAFF MEMBER OF HON. C.A. DUTCH RUPPERSBERGER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Melody McEntee, Director, Government, Business and Community Relations, Office of Hon. C.A. DUTCH RUPPERSBERGER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued by the United States Merit Systems Protection Board, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

MELODY MCENTEE,
Director, Government, Business and Community Relations.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSIONAL CONSTITUTION CAUCUS' WEEKLY "CONSTITUTION HALF HOUR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I am here today to announce our support of the A-PLUS Act authored by my good friend from Michigan (Mr. HOEKSTRA). I stand here as the founder and chairman of the Congressional Constitution Caucus, and I urge my colleagues to cosponsor this legislation.

Normally, when I begin my weekly floor speeches, I quote the relevant portion of the Constitution that corresponds with the evening's topic. Yet today I have difficulty choosing a coinciding article and section from our founding document. You see, the Constitution does not contain the word "school" or even "education." Contrary to common modern misconceptions, there is no constitutional right guaranteeing each citizen an education.

Now, this does not mean education is unimportant or that the Constitution is silent on the issue. The 10th amendment unambiguously states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Historically, in the United States, education has not fallen under the jurisdiction of the Federal Government. Parents, local schools and the States were responsible for children's academic training. It has only been in the last 50 years or so has the Federal Government begun overstepping its constitutional boundaries by parading the increasing bureaucracies of the Department of Education.

Mr. HOEKSTRA's bill seeks to correct many of the problems associated with a Federal bureaucracy by putting control over education money back into the hands of the taxpayers and, most importantly, the parents.

Under the current system, the Federal Government essentially bribes

States into complying with the burdensome No Child Left Behind program. Yes, States can opt out of these regulations, but doing so would mean losing millions of dollars in aid every year.

Under its bill, first it will free States from following needless Federal regulations and mandates. Currently, the No Child Left Behind program restricts academic innovation and ignores the diversity present in each State, region and school district.

Secondly, A-PLUS Act will reduce the amount of time and money that school officials currently devote to complying with these mandates. Each hour and dollar spent in administering No Child Left Behind could be funneled instead into improving our schools.

Thirdly, A-PLUS Act will ensure that parents, schools and the States are held accountable for the education process. Rather than allowing oversight to rest in some far-flung bureaucracies here in Washington, it will be right at home here in your local school district. But most importantly, giving States the freedom to keep their education dollars in oversight within their own State is exactly what our Founding Fathers originally intended.

James Madison, often considered the father of the Constitution, will be remembered this coming Friday, March 16, on the 250th anniversary of his birth.

In a way, Madison predicted this situation we now find ourselves in, when he wrote, "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

It is time for us to explain why we are not controlling ourselves. Our Founding Fathers deliberately wrote a Constitution of enumerated specific powers. While some countries have attempted to limit government by writing Constitutions that specify every single thing and every single line, our government Constitution does not do that. Therefore, in Article I, Section 8, the founders specifically listed congressional powers, and in the 10th amendment grants that all other legislative powers are in the hands of States or the people respectively.

So, in essence, it makes sense that Congress should perform duties only prescribed by the Constitution. When you think about it, the United States has thrived as a nation precisely because the freedom of the people has been protected by a limited government. The Constitution is the anchor that protects American citizens from the storms of a controlling central government.

James Madison wrote also in The Federalist No. 45, "The powers delegated by the proposed Constitution to the Federal Government are few and defined." He would add, probably, that education is not one of them. So Mr. HOEKSTRA's common-sense legislation follows Madison's insights by ensuring that the States have the opportunity to retain control over their own education dollars. Doing so will not only improve the quality of the education system, but will help return our Nation to the principles of limited government, federalism, and the 10th amendment.

INTRODUCTION OF THE SHORT SEA SHIPPING PROMOTION ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, when I assumed the chairmanship of the Subcommittee on Coast Guard and Maritime Transportation at the beginning of the 110th Congress, I promised that the subcommittee would balance oversight of the Coast Guard with our responsibility to strengthen maritime transportation.

On February 15, the subcommittee began to fulfill that promise by holding a hearing on short sea shipping, which is the waterborne transportation of goods and people from one domestic port in the United States to another port in the United States or between Canada and the U.S.

At the present time, trucks carry nearly 70 percent of the freight tonnage transported in the United States. By contrast, the most highly developed water freight transportation routes in the United States, those running on the Mississippi River, the Great Lakes and the Saint Lawrence Seaway carry just 13 percent of the freight tonnage within the United States.

Mr. Speaker, the impact of our continued reliance on trucks to move freight will be measured in increased traffic congestion, increases in polluting emissions and increases in accidents between trucks and cars.

However, the only way that we will shift freight transportation away from an increasing volume of trucks is by creating affordable reliable transportation alternatives. I believe that one of these alternatives must be short sea shipping.

During our February hearing, our subcommittee heard compelling testimony arguing that one of the challenges currently limiting the growth of short sea shipping is a requirement that with only a few exceptions cargo transported by water to a port in the United States must pay the harbor maintenance tax. This tax, assessed at the rate of $125 per $100,000 of cargo value adds to the costs associated with waterborne transportation and is one factor currently making such transportation less competitive than trucks and other modes.

Importantly, if the cargo originated in Europe and is off-loaded in New York, just to be reloaded on a ship bound for Jacksonville, Florida then the cargo owner must pay the harbor tax twice.

☐ 1500

Further, the tax is paid, not by the ship owner, but by the shipper of the goods. So imagine that a FedEx truck wants to get on a ferry in Windsor, Canada, and be off loaded just across the river in Detroit, Michigan. Each of the owners of the 500 packages that are in the truck must pay the harbor maintenance tax. There is simply no easy way to collect the tax from so many different packages, so the truck travels to the United States across the bridge.

In part, because it acts to limit the growth of short sea shipping, the harbor maintenance tax generates only about $2 million per year in revenue from short sea shipping voyages, but stands as a costly barrier to the expansion of short sea shipping options.

Today, therefore, I have introduced the Short Sea Shipping Promotion Act of 2007, which would exempt goods moved by water from one port in the United States to another port in the United States or between the United States and Canada from the harbor maintenance tax.

This exemption will not significantly reduce revenues into the harbor maintenance trust fund, which already has a significant fund balance, but could help open a significant new course for the movement of freight by water.

Our Nation urgently needs to take practical steps to address the significant challenges we face in maintaining the flow of freight on which our economy depends.

As chairman of the Coast Guard and Maritime Transportation Subcommittee, the measure I have introduced today is just the first step of a concerted and deliberate effort I will undertake to support the potential of maritime transportation, in general, and short sea shipping, in particular, to be a reliable, cost-effective mode in our national transportation network.

A-PLUS ACT (NO CHILD LEFT BEHIND REFORM)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to address important changes to the No Child Left Behind Act. I recently held a roundtable discussion on this issue with my constituents from all over the Fifth District held in Forsyth County, North Carolina. It was a great opportunity for me to hear from superintendents, board of education members, principals and teachers from across the district about their concerns with No Child Left Behind and their recommendations for program improvements.

As a member of the House Committee on Education and Labor, it was important for me to hear firsthand what educators believe is working and is not working in No Child Left Behind.

One of the main concerns brought to me during this roundtable was the role that special education students play in the Federal oversight process. Due to the wide-ranging needs and challenges faced by special needs students, it is becoming increasingly difficult for schools to meet Federal standards.

It is apparent that the subgroup of special needs students is not accounted for in the way No Child Left Behind enforces standards on a state-wide basis. In fact, the unique needs of special needs students is often the only reason many of North Carolina's excellent schools do not reach AYP, or average yearly progress.

Based on what North Carolina's educators are saying, the A-PLUS Act is a step in the right direction that responds to the needs of our teachers and students.

The A-PLUS Act preserves States rights while keeping essential funding for our schools intact.

Instead of cumbersome Federal mandates that take a cookie-cutter approach to education, the A-PLUS Act would give States the constitutional freedom to set their own education policies, based on the needs of their students, without burdensome Federal Government intrusion.

This bill reduces the burden that Federal financial support poses on education programs so that teachers can focus on educating instead of paperwork and bureaucratic mandates. We have many wonderful teachers out there doing their best every day to do their job, and they are distracted from doing their job by this paperwork.

By giving States back their full constitutional right to set education policy, this bill will encourage innovative solutions to the unique education issues faced by every State.

The A-PLUS Act provides States and their local communities with maximum freedom and flexibility to determine how to improve academic achievement and implement education reforms.

State and local governments should be in control of education policies, and the Federal Government's limits the responsibility should lie in providing incentives and accountability. Thus, A-PLUS allows States and local school systems the freedom to set up local accountability plans.

In conclusion, local accountability places the emphasis where it should be, on students, parents and teachers, instead of on an often unresponsive Federal bureaucracy.

And I want to support the comments made by my colleague from New Jersey, who reminds us that the Constitution doesn't have the word "education" anywhere in it. It is not the role of the Federal Government to provide for the education of our children. It is the role of the States, the localities and parents, and I applaud him for bringing that to our attention. We need to have that brought to our attention every time the Federal Government starts getting involved in an inappropriate way.

APPEAL FOR ENACTMENT OF THE EMPLOYEE FREE CHOICE ACT

The SPEAKER pro tempore (Mrs. TAUSCHER). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Madam Speaker, I rise to express my continued support for the Employee Free Choice Act, a bill which the House passed 2 weeks ago which I hope the Senate will soon consider.

I was proud to support House passage of the Employee Free Choice Act because I believe that the current law places undue burdens on workers who are trying to exercise their rights to organize.

Under the current law, workers are often subject to intimidation, and employers receive a slap on the hand for illegal activities. One study recently conducted by the University of Illinois found that 30 percent of employers fire pro-union workers, 49 percent threaten to close a work site, and 51 percent coerce employees with bribes or favoritism.

Because of these acts, many workers are afraid to vote for a union against the wishes of their employer, even in private.

If those statistics are not compelling enough, I urge my colleagues to consider the fact that the United States is the only industrialized Nation to have a union avoidance industry of any size. This industry, on which corporations spend hundreds of millions of dollars a year, exists solely to help businesses resist unionization efforts and undermine union strength.

The Employee Free Choice Act would close the legal and illegal avenues to intimidation that some employers use, thereby strengthening employees' ability to choose.

It would discourage the firing of employees by increasing fines and penalties during the election process. It would guarantee that first contract negotiations don't drag out for years by requiring mediation and arbitration to end delays.

The Employee Free Choice Act would allow the use of card check procedures, in which a majority of workers, not just a majority of voters, sign cards authorizing a union.

Why is it so important to ensure access to unions? Inequality is rising in our country. Two years ago, Alan Greenspan said: "A free market society is ill served by an economy in which the rewards are distributed in a way which too many of our population do not feel is appropriate."

Whether or not you agree that increasing inequality in our country is tied to declining union membership, one thing is clear: unionized workers have better rates of health care coverage, better wages, and are five times more likely to have a pension.

Access to health care, better wages, secure pension: these are the things the House is trying to give back to the middle class in America. Making our economy work for everyone is a complicated, ongoing process. The Employee Free Choice Act is one important step we can take toward accomplishing that goal.

In many American workplaces, the process of forming a union is contentious. Yet, though they may differ over issues like wages, health care and pensions, employees, supervisors, and company owners are all striving for the same goal, to make their company work and for competitiveness in a global economy.

Finding a middle ground on questions of compensation, training and health care boosts American productivity, innovation, and competitiveness. When employers control the outcome, we not only cheat workers; we cheat our economic future.

As we approach 2020, our income distribution is trending toward that of 1920. Americans don't want to be left to the market-based whims of health savings accounts, privatized Social Security, or personal job retraining accounts. They want a government that ensures that individuals can provide for themselves and their families.

Senator Wagner wrote the National Labor Relations Act in 1934 to ensure that workers would have an unambiguous, unmitigated right to representation in the workplace. He said then that "the denial or observance of this right means the difference between despotism and democracy."

It is unfortunate that the Employee Free Choice Act faces obstacles in the Senate, but it is time to give Americans a fair shot at organizing again. Everyone deserves protection under the law.

I urge my colleagues in the Senate to support the Employee Free Choice Act.

NO MILITARY SOLUTION TO IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, one of the truest statements about the occupation of Iraq was uttered by one of our own generals.

The commander of U.S. troops in Iraq, General David Petraeus, said that there is no military solution in Iraq. In his own words, and I quote him, "There is no military solution to a problem like that in Iraq, to the insurgency of Iraq."

I ask all of us, Is this another case of the President not listening to his top brass? When is he going to learn that, despite the brave and courageous efforts of our men and women in uniform, we cannot bomb, we cannot shoot our way to peace in Iraq?

General Petraeus even said that we should be refocusing our diplomatic efforts in and around Iraq, saying that talks should include, and I quote him again, "some of those who have felt the new Iraq did not have a place for them."

I applaud him for his candor. He sees what is going on on the ground. He knows that the current approach is just not working.

The men and women under his command have given so much for this misguided occupation. They went in without armor they needed for their Humvees and even for their own bodily protection. They went in looking for weapons of mass destruction that did not work out too well. They went in to accomplish a mission that was not clearly defined, and there was no exit plan. How can we ask our troops to continue down this road?

The Bush administration, as we have seen in the reports about Walter Reed, has even failed our troops when they come home. Shame on the President. Shame on Veterans Affairs Secretary Nicholson. This is not the way to care for those who have given so very much.

The American people know what to do, even if lawmakers are slow to act. Overwhelming numbers in poll after poll say that we need to bring our troops home and end this disastrous foray into foreign policy. And we just don't need the polls to tell us that. Look at the calls, look at the letters, look at the e-mails that come into our offices. People are demanding that the White House wake up to reality and put an end to this mission, a mission that was not accomplished.

The best way to honor the legacy of those who have given their lives in this occupation is to bring our troops home and work with the international community to strengthen and promote security in Iraq. It is the mandate from the American people, and it is the Congress's moral obligation.

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THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, I want to thank you for the opportunity, and I am pleased to have yielded to my good friend earlier and think that she brings into perspective some of the differences that we have in this Chamber that I would like to chat about for a little bit this afternoon.

It is a great privilege to come to the floor of the House and to present another edition of the Official Truth Squad. One of the goals that we have on our side of the aisle is to bring some light, bring some truth to the discussions that we have here on the floor of the House, so important if we are going to be making decisions, when we make decisions, on behalf of the American people.

I represent the Sixth District of Georgia, which is a wonderful district, all northern portion of suburban Atlanta. And from the very youngest to the very oldest, they give me great enthusiasm, and I am heartened by the opportunity to represent that district. It is one of the districts that has one of the greatest amounts of interest in and numbers of individuals who desire appointment to our Nation's military academies.

One of the privileges of being a Member of Congress is the opportunity to nominate individuals who avail themselves of the opportunity and have certain accomplishments at their young age to be able to be considered for appointments to military academies. Most of us get somewhere between four and eight individuals appointed to military academies each year; I was privileged last year to get over 25 people from my district appointed to the United States military academies.

When I was given the opportunity to call those folks who had been appointed, I asked my staff to put together the list, and I thought I would kind of be able to knock that out in about 1 to 1½ hours, calling those 25 or so folks who had reached an incredible accomplishment in their life. And I started down that list, and the first call was an extremely emotional call, very moving, because this individual had worked his entire life to be able to have the opportunity to serve his Nation.

And so by the end of that phone call, which lasted about 10 minutes, he was crying and I was crying; and we were all celebrating his wonderful accomplishment. And I moved on to the next call, and it was basically a repeat of that first one, and I realized that it was going to take a long time to be able to make those wonderfully exciting and accomplishment calls. And I recognized that there are young men and women across this Nation who recognize and appreciate the value of service and the importance of making certain that there are members all across our society who stand up to serve, who stand up and appreciate the beauty and the wonder and the awe that is the United States of America. And they are proud to serve; they are proud to be able to attend one of our military academies and make that kind of commitment.

At another end of the spectrum, I have also some advisory councils in my district, different members of our community who get together and assist me in making sure that I am formulating the kinds of proposals and policies that are consistent with that wonderful Sixth District of Georgia; and recently we met.

One of the groups I have is a military and veterans group that gets together and provides information to make certain that we are addressing the kinds of issues that are of concern to military and veterans, members in the Sixth District and across the Nation. These are true heroes. They are folks kind of at the other end of the spectrum from those young men and women who have volunteered to attend military academies. But these are men and women who have served and who recognize the commitment that it takes and recognize the importance of this Congress, of this Nation stating clearly, through both word and deed, that they respect and appreciate the kind of service of our military men and women.

And those folks told me recently, they said, Congressman PRICE, we are a little perplexed, we are a little concerned by what we hear coming out of Washington. Again, these are heroes of a past time for our United States, continued heroes, but they are concerned because they believe that the information that is being put forward and the policies that are being promoted by the new majority party here in Washington as it relates to our Nation's security are troubling to them and threaten truly our very existence as a Nation.

I would suggest, Madam Speaker, that the most recent proposal as it relates to our war on terror as a Nation, is a proposal that has been coined and termed "slow bleed." slow bleed in terms of our efforts in Iraq. It kind of gives you just chills thinking about that term, doesn't it, Madam Speaker? The slow bleed policy that has been put forward by Members on the other side of the aisle, they are very troubled by this at home; and I am very troubled by it. And that is what the Official Truth Squad, part of our purpose is trying to bring light and truth to the debate as it goes on here in Washington.

We have some favorite sayings on the Official Truth Squad. This is one of them. It comes from Senator Patrick Moynihan, who was the United States Senator from the State of New York. He said, "Everyone is entitled to their own opinion, but not their own facts." And, Madam Speaker, we would go a long way here in Washington if we heeded this statement and belief by Senator Moynihan: everyone is entitled to their own opinion, but not their own facts. We hear a lot of opinions here, and it would be wonderful if the majority of them were more supported by facts.

One of the facts, though, is that the majority party here has the power of the purse; and if they so desire to bleed our troops dry in their mission, which is the mission of all Americans, which is to preserve and protect and defend our Nation; if they desire to slow bleed our troops, then they have the power to do that. They have the power to do that. And that is why it is called the slow bleed policy, because it would bleed dry our troops in terms of the ability for them to defend our Nation.

I quote, Madam Speaker, from Representative JOHN MURTHA on February 15 of this year when he was asked about this strategy. And he said: "They won't be able to continue," they, referring to the United States troops, our military. He said, Madam Speaker: "They won't be able to continue. They won't be able to do the deployment. They won't have the equipment."

What a sad commentary it is, Madam Speaker, when you have the chairman of the Appropriations Committee that has jurisdiction over our military talking about a mission that our military is on to defend freedom and to defend you and to defend me, and say proudly, proudly, "They won't be able to continue. They won't be able to do the deployment. They won't have the equipment." Madam Speaker, that is a sad commentary on the level of discourse and the level of involvement and the level of support that this new majority party has for our military.

And then when asked just 2 weeks later, this same individual, same Member of Congress, was asked by a member of the press, Why not cut off the funding for the war? And at this point he said, "Well, you can't. You can't go forth. The public doesn't want that. They don't want that to happen." They don't want that to happen. But then the Speaker of the House reaffirmed her support for Mr. MURTHA's policies.

The greatest amount of truth and light on this issue comes from an individual who stands tall and proud when he talks about the truth and talks about defending our Nation, Senator JOE LIEBERMAN from Connecticut. When the Speaker said, "Democrats have proposed a different course of action; over and over again we have suggested a different plan," then Senator LIEBERMAN said, "Any alternatives that I have heard ultimately don't work. They are all about failing, they are all about withdrawing. And I think allowing Iraq to collapse would be a disaster for the Iraqis, for the Middle East, and for us." That is a little truth, Madam Speaker, on an issue that is so incredibly important to us as a Nation and to us as it relates to the stability in the Middle East, and, yes, to the world, to world stability and world peace.

I am so proud to be joined today by many of my colleagues to talk about the policies of the other side, to talk about the war on terror, to talk about defending our Nation and freedom and liberty. And the first individual to join us here on the Official Truth Squad is my good friend JOHN KLINE from Minnesota who knows of what he speaks. Colonel KLINE, we are so proud to have you join us today, and I look forward to your comments.

Mr. KLINE of Minnesota. I thank Dr. PRICE for yielding and for really exerting the leadership to take the floor week after week and shine the light of truth on a lot of the obfuscation which, unfortunately, takes place on this floor and in this House.

We had the opportunity to chat a little bit today about the Democrat Party's plan here in the upcoming weeks with the supplemental funding and, in general, their plans for the war against Islamist extremists, the war, if you will, which is being certainly heavily fought in Iraq. And they do kind of have a plan. Their plan is not a plan for victory, however, and that is what I think we need to keep in mind. Their plan simply says: get out; get out of Iraq. And that is not a plan for victory.

There is a very interesting headline; perhaps you had a chance to talk about it before I made it down to the floor. In the Los Angeles Times editorial, it starts with a little headline that says: "Do we really need a General Pelosi?" I will quote: "Imagine if Dwight Eisenhower had been forced to adhere to a congressional war plan in scheduling the Normandy landing, or if, in 1863, President Lincoln had been forced by Congress to conclude the Civil War the following year. This is the worst kind of congressional meddling in military strategy." The Los Angeles Times, not the place I would normally go to find criticism of the Democrat majority.

Well, I think that you and I would certainly concur that we don't need a General PELOSI. But we do have a general. We have a new general on the ground in Iraq, General David Petraeus, named by the Commander in Chief to execute this new strategy in Iraq, and confirmed, by the way, with no dissenting votes in the United States Senate.

Let me just go through a few quotes that the new commander has shared with us in the last couple of months. This is General David Petraeus, the commander of multi-national forces in Iraq, senior commander on the ground. In looking at what would happen if we precipitously withdrew from Iraq, he said, a number of other potential outcomes, none of which are positive, could occur: "Sectarian groups would obviously begin to stake out their turf, try to expand their turf. They would do that by greatly increased ethnic cleansing."

On another occasion he said: "The very real possibility of involvement of countries from elsewhere in the region around Iraq entering Iraq to take sides with one or the other groups."

A new quote: "The possibility of an international terrorist organization truly getting a grip on some substantial piece of Iraq."

New quote: "There is the possibility of problems in the global economy, should in fact this cause a disruption to the flow of oil," and so forth.

We have a general on the ground, I would say to my colleagues, and it is General David Petraeus, and it should not be either General PELOSI or, for that matter, anybody else in this body. We cannot, we cannot prosecute foreign policy at all and certainly a military operation with 535, or maybe it is 540 with the delegates voting, different Commanders in Chief. You cannot run an operation like this by committee. And I think it would behoove us, certainly as Members of this body, but as American people, to go with the Constitution, recognize that the Commander in Chief is in fact elected by the Nation to be that, and to abide by one of the fundamental principles of military operations, and that is unity of command. That is now being exercised by the Commander in Chief overall, and by General David Petraeus in Iraq.

Mr. PRICE of Georgia. And I appreciate, Congressman KLINE, your perspective in bringing light to one of the important fundamental principles of our Nation.

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And that is that the responsibility for controlling our military, waging war, rests with the Commander in Chief, with the executive branch. And as you know, our good friend Congressman BLUNT from Missouri, our minority whip, Republican whip, he is fond of saying, look, when the Nation began under the Articles of Confederation, there was no Commander in Chief. And the first thing that was easy to do once the Constitutional Convention organized to try to put together a Nation that would survive, one of the first things they were able to do, almost without dissent, was to provide that the executive branch would be the Commander in Chief because you can't fight a war with 535 generals.

And I yield to the gentleman.

Mr. KLINE of Minnesota. Yes. And I am smiling a little bit, but of course we learned a very tough and bitter lesson when we tried to use the Continental Congress to, in fact, command the Army of the soon-to-be the United States and it did not work well. We would be foolish to try to duplicate that now. And, in fact, the proposed supplemental, which we can talk about in a little more detail perhaps a little later in this hour, is an attempt to dictate the tactics that are being involved. It is micromanaging the war. It is taking away the resources that our troops need.

I wonder if I could take just a minute of our time here. I know that I have been a big supporter and I am sure you have of a bill sponsored by our colleague, a real American hero, Congressman SAM JOHNSON from Texas, who, as my colleagues know, spent 7 years as a prisoner of war in Hanoi and understands the stakes here as well as I am sure anybody in America. He has a bill that this entire body ought to get behind. It cuts to the heart of the matter and reassures our troops, our allies, and our enemies that we are not going to undercut our troops. So if I could just read a little bit of that bill because I think that that is what we should be about. I will skip a couple of paragraphs, all of which are important, talking about previous acts and resolutions of Congress, but picking up on subparagraph (4), it says: "Members of the United States Armed Forces have served honorably in their mission to fight terrorism and protect the greater security of the United States.

"These members of the Armed Forces and their families have made many sacrifices, in many cases the ultimate sacrifice, to protect the security of the United States and the freedom Americans hold dear.

"Congress and the American people are forever grateful to the members of the Armed Forces for the service they have provided to the United States."

In that light it says: "Faithful support of Congress—Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm's way in support of Operation Iraqi Freedom and Operation Enduring Freedom."

And that is the road that we ought to be going forward on. I would hope that more and more of our colleagues would sign onto this bill and that this really awful effort to take central funding away from our men and women who are, as we stand here now on this floor, engaged in protecting our freedoms and advancing the cause of liberty around the world, to keep that funding from being taken away from them.

I have talked to Sam many times. He and I are a part of an ever-dwindling group of Vietnam veterans in this body, and he and I and others have watched what happens when our young men and women go fight and give it their all and have the rug pulled out from under them by politicians in Washington, D.C.

We watched what happens when combat operations are run from Washington, D.C., and it doesn't matter whether it is being run from the White House situation room, as bombing targets were selected sort of famously by President Johnson, or whether it is dictating from the floor of this House. We should not let that happen. And since this is the Official Truth Squad, I think that our colleagues need to understand that that is at the core of what this very dangerous supplemental bill has added. It is a terrible micromanaging of the war, and it will be forcing, forcing, our defeat in Iraq. And, unfortunately, with that defeat the war doesn't just end. We are still in a war that is going to last a long time against radical Islam, against jihadists. Were we to suffer defeat in Iraq, the war becomes tougher for us, not easier.

And I see we are joined by some of our colleagues.

Mr. PRICE of Georgia. Maybe you could stick around and we can talk a little more about that supplemental and the slow-bleed policy.

I recall the comment that was made just a little earlier, Madam Speaker, by a friend on the other side of the aisle where she was quoting a general saying there was "no military solution" in Iraq. And, in fact, that is true. There is no isolated military solution. But that doesn't mean that the military doesn't have a role because it is a three-pronged strategy, which is military, economic, and political. And we are striving in all those areas to make certain that that area of the world is much more stable and much more secure so that we are much more stable and much more secure.

With that I am pleased to welcome my good friend VIRGINIA FOXX from North Carolina. I thank you for joining us today, and I look forward to your perspective and your conversation on this issue.

I yield to the gentlewoman.

Ms. FOXX. I want to thank you, Congressman PRICE, for continuing to make sure that the Official Truth Squad is represented here in Special Orders and that we continue to hold the majority accountable for telling the truth. They forget that a good part of the time; so I am very pleased to continue to be a member of the Official Truth Squad.

My colleague has shared some of the concerns that I have already with this legislation that we are talking about that nobody has actually seen, the supplemental war funding bill that we think that the Democrats are going to unveil this week. We believe that it is laden with a great deal of unnecessary pork which is being used to buy votes on behalf of the Democrats to try to get the legislation passed. It is also, I think, out there to try to make us look bad if we vote against it.

But the worst part about this bill is that it is a reckless attempt to curtail the President's power to wage a congressionally approved war.

My colleagues on the other side of the aisle simply need to understand that this misguided proposal will serve only to hamstring our generals as they work to bring peace and democracy to this tumultuous region. And again my colleague that has spoken before me, Congressman KLINE, I think has done a great job of talking about what the generals have said and what they need, and we know that the Democrats very selectively take quotes out of what General Petraeus has said.

And I agree with you, Congressman PRICE, we have both a military and a political war to win in the Middle East, and we are going to do that. I have every conviction that we are going to do that. But I think it is very interesting, as Congressman KLINE pointed out, that even the very liberal mainstream media understands that this slow-bleed strategy on the part of the Democrats is absolutely wrong. It is such a cynical thing that they are proposing to do. And I think that the L.A. Times editorial, "Do we Really Need a General Pelosi?" is so appropriate. These people promised so much to get elected last fall, and the kinds of things they are doing are so far away from what they promised to do. And getting involved in micromanaging the war is absolutely the opposite of what they should do.

I am going to quote some of what nobody else has quoted from the editorial. It went on to call the bill "an unruly mess, bad public policy, bad precedent, and bad politics . . . It was one thing for the House to pass a nonbinding vote of disapproval. It's quite another for it to set out a detailed timetable with specific benchmarks and conditions for the continuation of the conflict."

And we saw this morning a replay of a press conference where even the Democrats couldn't agree on what the timetables are that they are setting up. They talk about 2007, they talk about August, they talk about April. Even they are very, very confused about it. But the L.A. Times article goes on to say: "This is the worst kind of congressional meddling in military strategy. If Congress accepts Bush's argument that there is still hope, then lawmakers have a duty to let the President try this 'surge and leverage' strategy.

"By interfering with the discretion of the Commander in Chief and military leaders in order to fulfill domestic political needs, Congress undermines whatever prospects remain of a successful outcome. It's absurd for House Speaker Nancy Pelosi to try to micromanage the conflict, and the evolution of Iraqi society, with arbitrary timetables and benchmarks."

I mean even when the liberal press comes out against you, you have got to know that something is wrong with what you are planning to do.

The Washington Post has described the Democrats' slow-bleed strategy as leading "not toward a responsible withdrawal from Iraq but to a constitutional power struggle with Mr. Bush, who has already said he will veto the legislation. Such a struggle would serve the interests of neither the Democrats nor the country."

I think these people are so detached, they are so focused on what they see as their power, one they think through an overwhelming majority, which was not an overwhelming majority in the fall, but they think that they now have all power. They don't want to just be Members of Congress. They want to be the President. And I think that it is ridiculous that they want to do that.

Like my colleagues on both sides of the aisle, I want to see America's troops come home as soon as possible. But the best way to do that is to achieve victory in Iraq.

Somebody pointed out in the last few days that we never hear the word "victory" out of the mouths of any Democrat, and I started listening for that and I think the American people need to listen for that. The Democrats want us to lose in Iraq. They want to be able to prove that this was not a good war. I think for their own political purposes they would like to see us lose. They never mention victory.

If we don't secure Iraq before we leave, we will be encouraging the terrorists and insurgents by convincing them that their war of attrition has been successful.

I want to emphasize again what has been said before. There are very good reasons why our founders set up congressional oversight and accountability for presidential war powers, but micromanaging legitimate wars on the basis of political considerations was never one of them. This Congress needs to focus on our constitutional duty to provide long-term oversight. Not enough of that has been done. We need to do more of that. But to set a precedent of micromanaging a war is shortsighted and extremely dangerous. We need to get back to doing what Congress should be doing and leaving the execution of this war to the President and the generals who are there to do it, and let us do our job. We don't do well enough as it is.

Mr. PRICE of Georgia. Madam Speaker, I thank the gentlewoman for her perspective and especially bringing to light the interesting articles that we are now seeing come out in the national press.

And the editorial that you and that Colonel KLINE brought to us today from the L.A. Times saying, "Do we Really Need a General Pelosi?" And the underheading of that was "Congress can cut funding for Iraq, but it shouldn't micromanage the war." And, in fact, that is what we would suggest, that if the majority party believes so strongly that we ought to end our involvement in Iraq, then let us have that vote. Let us have that debate, and let us have that vote. And if that is what they believe we ought to do, then we should have that vote. I would be interested to see what the outcome would be. I suspect that we are not having that vote because the majority leadership is afraid of the outcome of that vote because it doesn't fit with what they have been telling people and with what they would like to see. So I think it is important that we do concentrate on what they are doing, and that is proposing to micromanage the war.

And if I am able to bring a few quotes from some other folks to talk about this slow-bleed micromanagement of the war plan, about a week ago it was quoted in one of the local newspapers that "House Democratic leaders said the measure, expected to put conditions on the President's use of funds . . . " And then quoting the Speaker on March 8, she said: "The House Democratic plan for the Iraq funding bill could force a pullout of U.S. combat troops starting on July 1, with all American units out of the country by the end of 2007."

And then another quote from the Associated Press on March 8: "Speaker Nancy Pelosi . . . told reporters the measure would mark the first time the new Democratic-controlled Congress has established a 'date uncertain' . . ."

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That is micromanagement by anybody's definition. In fact, Representative Dan BOREN, a Democrat from Oklahoma, said, "It is still micromanaging the war." Goodness knows that is the last place this Congress needs to be is micromanaging the war. Again, that is why we have the principles of the system in place that we have, that it is the executive branch's responsibility to conduct a war, to conduct the defense of our Nation.

Again, if we in Congress believe that it is appropriate to cut off funding for that, then let's have that vote. Let's have that vote, Madam Speaker. I would welcome the opportunity to defend the action of our military currently and would welcome the opportunity to oppose that kind of vote. But I suspect the majority leadership in this House is not interested in having that vote. That would be a truthful and honest debate about what this Nation ought to do; and, frankly, we haven't seen that to date on this issue. But I encourage them to bring that forward.

I am pleased to be joined by my good friend and fellow Georgian, Congressman Lynn WESTMORELAND. Georgia has a strong history of relationship with our military and with our Defense Department, and Congressman WESTMORELAND represents a number of those areas. We welcome you and appreciate you joining us today and look forward to your perspective.

I yield to the gentleman.

Mr. WESTMORELAND. Thank you, Congressman PRICE. Thank you for doing the Official Truth Squad. It is an honor to be here with Colonel KLINE. Like he said, the number of our Vietnam veterans is declining every year, and we are fortunate enough to serve with some great heroes from that war in this body.

It is interesting that we have talked about micromanaging, we have talked about different people taking on the role of general. Today in the Committee on Government Reform when we were passing out a bill that I feel is unconstitutional to give the D.C. Delegate the ability to vote and also creating another seat in Utah, I was reading the Constitution and I came across the part where it called the President the Commander in Chief. This is something that our Founding Fathers I think had experienced through the Revolutionary War and through the different militias and the different bands of people, that they understood that we needed one Commander in Chief. So they gave that responsibility to the man who is ultimately responsible for what goes on in this country, the guy that, as Harry Truman put it, the buck stops here. They gave the President the responsibility to be the Commander in Chief.

Now, we have several people in this body who I think want to be the Commander in Chief. In fact, I think we have got probably over 200 people that think they need to be the Commander in Chief. But the truth of it is our Constitution only gives that to one person.

What the Constitution also does is give Congress the ability to put forth funds for this war. If that is what the President decides to do, it gives Congress the ability to do that. It also gives them the ability to declare war.

This House voted and the Senate voted to authorize President Bush to use the military force that he has used, and if they don't like that, then they need to do something to call that authority back or to reauthorize or not to reauthorize. But we need to quit micromanaging and interfering with the affairs of our military leaders. General David Petraeus was approved unanimously in the Senate. Then the very next week they are trying to tell him how to run the war.

The other interesting thing is, and I think Ms. FOXX spoke about all the pork that is in this supplemental bill to fund the war, which, by the way, I think the President asked for about 3 or 4 weeks ago, so we want to make sure we do have these funds for our troops and not just keep prolonging it. But it would be good to hurry and bring this bill to the floor, since they have called it an emergency spending bill. But as Ms. FOXX pointed out, there are several things in there that really aren't what I would consider emergency spending.

One of the other things that has been taken out of that is the Iran language.

I don't know if you had seen that or Colonel KLINE or any of you had seen that, but they have taken the Iran language out of it.

I wanted to quote something, Congressman, because I think this is kind of what we are seeing out of the majority party, is they will say one thing about one situation and something counter to that on something else.

Here is what was said about the Iran situation: "I don't think it was a very wise idea to take things off the table if you are trying to get people to modify their behavior and normalize it in a civilized way."

That was a quote from Representative Gary ACKERMAN, talking about that if we tied the hands of the President, that it would take away any threat off the table that he might have to use against Iran to make them follow the U.N. resolution or some of the things that we have asked them to do. I think that is very unusual, or at least concerning to me, that on the one hand they are tying the President's hands on what he is doing in Iraq, but they don't want to tie his hands on what he is doing in Iran.

Hopefully one day we will see some decisive leadership come out of this Congress. I think that the Republicans gave 12 good years of leadership, and I hope that the American people will miss that one day, as bad as we were at times. I hope that they will miss that and want to put us back in that position where we can earn our way back into the leadership of this country.

But I certainly hope that in the next year and a half that we don't do things that will ruin our reputation with freedom-loving people all over this world, that the American people don't keep their word.

Colonel KLINE, I can't help but just think about that picture of that last helicopter leaving South Vietnam and those people standing on the top of that government building with their hands reached out, knowing that after our troops pulled out because of political pressure that some of those people were probably murdered and massacred the next day, or at least within the next 30 days.

Mr. KLINE of Minnesota. If the gentleman will yield, we forget and time slips by that following that disastrous day, not some people were killed, but millions died. Again, we have forgotten the boats, the ships, with hundreds and thousands of Vietnamese scrambling to stay on board, leaky boats, rafts, as they tried to escape the horror that followed that day. A movie was made called "The Killing Fields" that depicted quite graphically the humanitarian disaster that followed that withdrawal.

I think that that scenario of a humanitarian disaster has been painted for us by a number of true experts in the field, even those who have been harshly critical of the administration's conduct of this war. The recognition that you could have that kind of bloodbath is widely seen, except perhaps by the House leadership, who has, as we said earlier, a plan for defeat in Iraq, which I am afraid would in fact lead to that kind of disaster.

Mr. WESTMORELAND. Madam Speaker, when we use the term "slow bleed," let's think about what that means. If you are going to torture your enemy or want somebody to have the most painful death possible, you give them a slow bleed. You let them bleed out very slowly. You are a doctor and you know that can be the most painful death in the world.

That is what they are doing, is a slow bleed. It is going to be a painful death, not only for our military and for the victory we want to have in Iraq and Afghanistan, but for those people that the colonel is talking about. And those people have been our allies in this. Those are the people that believe with all their heart and mind and soul and every breath that they want to breathe freedom and liberty. Those are the people that believe in what we believe in, and they have pulled alongside of us to make this work. Those are the first ones that are going to be slaughtered.

So thanks for giving me the opportunity to come down and speak, and thanks for doing the Truth Squad. I just look forward to continuing this debate one day.

Mr. PRICE of Georgia. I appreciate the gentleman's comments and your perspective on it. It is chilling. Slow bleed is chilling, because it is not just slow bleed for our allies. It is slow bleed for our troops and our military. You talk about the consequences of failure. This is a list of the consequences of failure. This doesn't come from the national Republican Party or the House Republican Caucus. This comes from the National Intelligence Estimate.

What it says clearly crystallizes what would happen if the majority party here enacts the slow bleed policy that is promoted by their leadership. It says: "Coalition capabilities, including force levels, resources and operations, remain an essential stabilizing element in Iraq. If we fail in Iraq, the Iraqi security forces would be subject to sectarian control, interference by neighboring countries in open conflict," which means Iran and others would pour into Iraq, "massive civilian casualties and population displacement."

That is what the colonel was talking about earlier happened after the conflict in Vietnam.

"Al Qaeda in Iraq would plan increased attacks inside and outside of Iraq and spiraling violence and political disarray, including Kurdish attempts at autonomy in Kirkuk."

But the spiraling violence is again the important thing to concentrate on, because that is not our conference, that is not our caucus saying that. That is the National Intelligence.

Colonel, if you would like to comment and make a few words, then I know we have Congressman DAVIS here.

Mr. KLINE of Minnesota. I thank the gentleman for yielding. That is exactly the point.

You had a chart up earlier that said something about you are entitled to your own opinion, but not your own facts. We seem to be very selective. We have heard a lot of very selective fact-choosing recently.

I remember in the debate we had on the floor of this body a couple of weeks ago, there were people who said consistently that the President's troop surge was in violation of the recommendation of the Iraq Study Group. We know for a fact that is not true, that on page 73 the Iraq Study Group agreed that a surge would be appropriate if it was requested by the commander on the ground, and we have covered in this Special Order the fact that the commander on the ground, General David Petraeus, has in fact said that he needs those troops, and it will be for a temporary basis.

If I can take one more minute, because I know our colleagues have joined us and others want to speak on this critical issue, we do have some details of the Democrat supplemental so far that I have been looking at and trying to figure out. It is just a barrage of demands on the administration for reports and certifications which will make this unworkable for the Commander in Chief. It is in fact micromanagement.

There is by July 1, 2007, the President has to report on a whole series of things. By October 1, 2007, he has to have another report verifying the report from July 1. In either case, if that doesn't satisfy the majority in the Congress, we have to start withdrawing troops within 180 days. If none of that applies and nothing else pertains by March 1, that is less than a year away, we have to begin deployment and redeployment. We have to leave; we have to retreat from Iraq within 180 days. This indeed details a plan for defeat.

I don't know yet exactly all it is going to say, but one of the things that is in this bill would require that no Federal funds could be used to send any military unit to Iraq "unless the chief of the military department concerned has certified in writing at least 15 days in advance as to the readiness of this unit." I don't know, but if you are in the 82nd Airborne, within 15 days you are already long since on the ground and in combat.

It is horrible micromanaging. As I said in my opening remarks joining you here on the floor, I agree with the L.A. Times, and I don't get to say that very often, so perhaps I should say it again: I agree with the L.A. Times that we don't need a General PELOSI or a General MURTHA, or for that matter a General PRICE or a General KLINE. We have a general on the ground, and we ought to be doing everything in our power to make sure that he and our young men and women have everything they need to succeed.

I know that all of us worry about our sons and daughters that we send over there, we as a body. I certainly worry. My son has been over and back and is planning to deploy again to Afghanistan. I worry about my son and about all sons and daughters. But I absolutely do not want to be part of sending our sons and daughters into conflict knowing that all we have is a plan for them to fail. That, in my mind, and I think in many of their minds, is a betrayal.

I had some of the $21 billion of extra spending here, but I know that we have other colleagues that are joining us, and for that I thank you again for your leadership and yield back.

Mr. PRICE of Georgia. I thank the gentleman from Minnesota again for his participation here and great perspective and for outlining truly what the majority party has done, and that is outlined their plan for failure. This is not a plan for victory. It is not even a plan for the defense of the United States. It is a plan for failure.

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I think it is important that as we bring truth and light to this discussion and this debate that the American people appreciate that.

It is not by any grand fabrication that we come up with this Commander in Chief notion, it comes out of the Constitution of the United States. Article II, Section 2, for those who are interested in looking it up for themselves, says the President shall be the Commander in Chief of the Army and Navy of the United States and of the militia of several States when called into actual service of the United States.

It doesn't say as long as the Speaker of the House says it is okay. It says that the President shall be the Commander in Chief. So if the majority leadership in this House wants to have a debate about whether or not we ought to fund the military challenges that we have around the world, including in Iraq, let us have that debate and let's have that vote. But let's not go through a micromanagement and a slow-bleed process which would be the death knell of our military accomplishments in the Middle East and in Iraq.

With that, I am pleased to have join us the gentleman from Tennessee (Mr. DAVID DAVIS). I welcome you and look forward to your comments.

Mr. DAVID DAVIS of Tennessee. Thank you, Congressman PRICE, for giving me an opportunity to join you today. And, Mr. KLINE, thank you for your leadership in the Congress and in the military. I appreciate it so very much.

Congressman PRICE, as you well know, none of us want to be in war; I certainly don't want to be in a war. But the fact is, we are in a war on terror. As a matter of fact, I think back right after September 11, 2001, the first casualty in Afghanistan was Sergeant Davis from my district. A distant family member, the first casualty in the war on terror after we decided that we were going to join the battle. As you well know, that battle didn't start on September 11. This is not a war just limited to Iraq. This war has been going on a long time. It is a global war on terror. This war has been going on for a long time, and it was started by radical Islamic extremists.

This war didn't start on September 11. It has been going on for a long time. Many of you can remember the Iranian hostage crisis. In 1979, 52 Americans were held for 444 days until we had a President that finally came to office and said we are going to have a backbone and we are going to take on the terrorists, and those 52 Americans were set free.

Then we had the bombing of the Beirut barracks in 1983 where 241 Americans were killed.

Then we had the first bombing of the World Trade Center in 1993. So you are starting to see a trend here. This war really didn't start on September 11, and it is really not a war that is limited to Iraq.

Then we step forward in time to the year 2000, the bombing of the USS *Cole*. Seventeen sailors were killed.

Finally, September 11, 2001, almost 3,000 Americans were killed. How soon we forget.

I certainly haven't forgotten. I am sure that the family members of those 3,000 haven't forgotten, and I hope the American people and the Congress and the majority in the Congress never forget those 3,000 people that were killed.

We are going to be fighting this battle somewhere. We are in a war with a people that hate us; terrorists that hate us. They hate our freedoms; and, quite frankly, I think they hate our religion.

The extremists engaged us in battle. We owe it to our fellow citizens to see that we have nothing less than total victory. We can and we must win this war on terror. We simply cannot allow this Congress to move forward with a slow-bleed strategy. We must not cut off funding for our troops.

I spent several hours last week at Walter Reed Medical Center, and I had the opportunity to see men and women in uniform. Many of them had lost limbs. Many of them had internal injuries. We owe them nothing less than total victory. We asked them to go protect us. I can't imagine a Congress and a government of the United States not standing behind them to make sure that they also have victory.

America cannot afford to repeat the mistakes of the past by withdrawing from a direct confrontation of the radical Islamic extremists. They will stop at nothing to destroy America. They have proved that.

You know, I can remember when people said they have fought over there, they have been fighting over there for thousands of years, why are we over there? The reason we are over there is because they came over here. They brought the war to us, and they have been bringing the war to us for well over 30 years. This is not something we can turn our backs on.

I have spoken to the men and women in uniform as they have returned, and I can tell you to a person, every one of them said we are doing the right things. We need to stay there. We need to finish this job.

Can you imagine being a soldier over there and knowing that the Congress has the potential to pass a law that we could pull out in 18 months. Can you imagine being a soldier over there at 17 months, 3 weeks, 4 days, and you are on patrol and knowing you can lose your life or your limb, but in 3 days you are going to be pulled out and we are going to lose the war anyway. I can't imagine being a soldier that is being asked to do that. We need to have soldiers that understand that we are going to be there for them because they are there for us.

The consequences of failure in Iraq would be tragic for America and for the entire world. If we retreat, the enemy will follow. Our decisions now regarding how we handle this global war on terror will affect future generations. We have the duty to pursue nothing less than victory.

The good news is the surge is working. It is already taking place. For instance, Brian Williams, anchor of NBC News, hardly a news group that typically sides with Republicans, recently reported a dramatic change in Ramadi. The city is now safer, according to Mr. Williams.

It is already working. How can we be talking about cutting and running and failing on this critical issue?

We need to stop campaigning on the floor of the House, and we need to get about allowing the generals to be the military leaders.

As you pointed out just moments ago, there is one Commander in Chief, not 535. Congress should not micromanage this war, and we need to let our military leaders do just that, lead. That is what they are called to do.

General Petraeus just weeks ago received unanimous approval in the Senate, and a week later you have Senators and Congressmen and Congresswomen saying we don't want to listen to what he says. Actually what he is telling us to do is send in the troops.

It is almost like the cavalry. If you can remember growing up, the trumpet would sound, the bugle would alert, and you would bring in the troops to win the battle. We need to do that same thing.

What we have been doing over the last few years has actually worked again. The United States has been able to prevent further terrorist attacks on our homeland since 2001. We did it by taking the fight to them. They have proven they are going to fight us somewhere, it is either over there or over here. I would much rather keep them busy over there if they want to continue the fight.

My colleagues on the other side of the aisle may have the votes to defund the war, bring the troops home, and not use the word "retreat." But if we leave before the job is finished, we have retreated. It is simple. We either win this war or we lose this war.

The good people of the First District of Tennessee and I support the efforts of our troops and we support winning this global war on terror. We can do no less.

Mr. PRICE of Georgia. I appreciate so much your comments and your perspective on this because you bring light to some important information.

One is visiting the men and women at Walter Reed, and how moving is that experience every time we take part in that, and thank those young men and women for the work they have done in defense of our liberty and of our freedom.

If anyone wants moving accounts, all they have to do is read or listen to conversations or e-mails sent back from our men and women who are in harm's way right now. I get chills every time somebody forwards to me an account by one of our brave military men and women as they describe what is going on on the ground, and the enthusiasm and the passion that they have for the wonderful work that they are doing to bring freedom and liberty to that land.

You bring light to who our enemy is. I think it is important that we appreciate exactly the magnitude of this. This is a battle, a war against an enemy who is more ferocious than any we have ever faced.

When I try to put that in perspective, I am reminded of the airline debacle that was stopped last August or so in Britain by good intelligence on the part of our British allies and Pakistanis and our own intelligence agents. What they did is identify a group of individuals whose whole goal was to bring down or destroy as many jumbo jet airlines flying from England or Europe to the United States at one time so they could kill more innocent civilians than were killed on 9/11. That is chilling enough. That is enough to get your attention.

But when you appreciate that two of the people who were involved in the planning of that and involved in what would have been the execution of that tragedy were two parents who were using their 8-month-old child and the baby food for that child as the vessel for the explosive that would bring down a plane, and they were going to be on that plane with their 8-month-old child, they were going to kill themselves and their 8-month-old child in order to kill innocent civilians. Madam Speaker, that is an enemy that carries with them the ferocity that we cannot even comprehend. It is an enemy that Musab al-Zarqawi crystalizes in his quote of January 2005 when he says, "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology."

Madam Speaker, it is extremely important for us as a nation to appreciate the fundamental objection and the fundamental fight that we have is against people who oppose our own freedom and our own liberty and our own democracy.

Madam Speaker, it is imperative that this Congress appreciate the magnitude of the challenge that we face as a nation. It is imperative that in so appreciating that magnitude, that we recognize that facts and truth are important when we talk about this and we make certain that we as a Congress do not institute a policy that would result in tying the hands of the men, the brave men and women in our military who are defending our liberty and our freedom and our democracy.

It is a privilege for each and every one of us to be able to represent our districts in the United States House of Representatives. We should do nothing to thwart the activity of those who are defending our liberty and our freedom and our democracy.

BLUE DOG COALITION

The SPEAKER pro tempore (Ms. TAUSCHER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. SCOTT) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCOTT of Georgia. Thank you very much, Madam Speaker. Again, it is a great privilege to address this House in the Special Order for the Blue Dog Democratic Coalition, and we are delighted to do so.

This is a very critical time in the juncture of our Nation. We are faced with a ballooning debt. We have an overextended military. We are in the midst of a very controversial war. It is paramount that Congress not just weigh in, but weigh in heavily as due our constitutional obligations.

As we all know, the Constitution speaks very clearly on this matter. In Article I, Section 8, it speaks very clearly that it is exclusively Congress' responsibility when it comes to military action and foreign policy.

□ 1615

And that is this: it says that only Congress has the exclusive right to determine the purse strings. In other words, the exact verbiage in the Constitution is "to raise and support the military." And then, secondly, to legislate. And quite naturally, it gave the executive branch comparative duties in a time of war.

You know, Madam Speaker, in preparation for this time on the floor, I went back into the Constitution because I wanted to examine how this came about. And if you go back in the Constitution around 1787, if I am not mistaken, there was a great debate on how to handle the question of war and foreign policy facing our Nation. And it was handled by two of our greatest Founding Fathers, one was Alexander Hamilton and the other was James Madison.

But you know, Madam Speaker, it was a peculiar circumstance that neither Hamilton nor Madison used their names. That struck me as very strange. Hamilton wrote under the name of Pacificus, and Madison wrote under the name of Helvidius. And I wondered about that. Why? But it was only on this profound question. Because it was so heavily debated, it was so heavily controversial that neither party wanted the public to know exactly who was saying what. But it was very important that they agree on the substance to leave this issue very flexible.

But the one important point that they made was it would be the Congress, and expressly the House of Representatives of the Congress, that would have the final say so on the money end and on the legislative end, and that is what we are here to do today. For the American people are looking to this Congress to indeed weigh in. And Hamilton and Madison will smile kindly on us today.

Leading off our discussion, Madam Speaker, is one of our distinguished Members, one of our cochairs for communications, one of my dear friends from the great State of Arkansas, Representative MIKE ROSS.

Mr. ROSS. I thank the gentleman from Georgia for leading this hour-long Special Order, this discussion on the debt, the deficit, but more importantly on accountability, in restoring common sense, accountability, fiscal discipline to our Nation's government.

Madam Speaker, I don't have to tell you that we have got the largest debt ever in our Nation's history; $8,835,629,777,913 and increasing some $40 million every hour. Our Nation is spending a half a billion dollars a day simply paying interest on a debt we've already got, and that is before we increase it by $1 billion a day. Half a billion dollars a day going to pay interest on the national debt. That is a half a billion dollars a day we do not have to properly equip our troops, to support our troops, to support our veterans, those returning from Iraq and Afghanistan, to educate our children, to build roads. The list of what should be America's priorities is endless, and yet our Nation is spending half a billion dollars a day simply paying interest on a debt we've already got.

It is time to restore fiscal discipline and common sense to our government, and one of the ways we do that is by requiring accountability in Iraq. That is why the Blue Dogs have written what has become known as H.R. 47, providing for Operation Iraqi Freedom Cost Accountability.

Let me just say this, that 9/11, September 11, 2001, is a day that I will never forget. From my office window in the Cannon House Office Building I could see the smoke rise from the Pentagon. A few hours later, after being evacuated, I would learn that a young Navy petty officer, Nehamon Lyons, IV, from Pine Bluff, Arkansas, was among those killed at the Pentagon on that dreadful day.

In the months that followed, I voted to give the President the authority to go to Afghanistan to hunt down Osama bin Laden. Remember him? To bring him to justice and to put an end to the Taliban, to put an end to terrorism. And then on September 26, 2002, I was called to the White House. I sat in the Cabinet Room, took notes, I still have them, where the President and Andy Card and Condoleezza Rice and about 20 Members of Congress present proceeded to tell us that Saddam Hussein had weapons of mass destruction, that Saddam Hussein trains terrorists on weapons of mass destruction, and that if military force is used, in the President's word, it will be, quoting now, "swift." September 26, 2002.

Fast forward to March 13, 2007. More than 3,000 brave men and women in uniform have died, have sacrificed with their lives in Iraq. Thousands more injured in ways that will forever change their lives. As long as we have men and women in uniform in harm's way, I am going to support them; members of the Blue Dog Coalition are going to support them.

This war has affected all of us. My brother-in-law is presently stationed in the United States Air Force in the Middle East. My first cousin was in Iraq when his wife gave birth to their first child. People that I grew up with and taught in Sunday school and duck hunt with have already served one tour through the Arkansas National Guard duty in Iraq and will likely be returning next year if the President gets his way with this so-called surge.

Madam Speaker, I believe that the American people spoke on November 7, and they told us they do not want more of the same. And simply adding 20,000 more troops to Iraq is, in my opinion, more of the same. The American people want a new direction in Iraq, not more of the same. In line with that, the American people want accountability for how their tax money is spent, not only in Iraq, but also here at home. And that is what we are trying to do with House Resolution 97.

Government investigations and media reports have detailed waste, fraud, and possible war profiteering by some of the very contractors that are being paid billions of dollars by the United States for their services in Iraq. Most recently, a report issued January 30 by the Special Inspector General for Iraq Reconstruction counts unsanitary conditions, potential health hazards, poor construction methods, and significant cost overruns among the examples of waste, fraud and abuse rampant in the government's funding of the Iraq war.

House Resolution 97, which has been written and endorsed by the 43-member strong fiscally conservative Democratic Blue Dog Coalition, puts forth tangible commonsense proposals that ensure future transparency and accountability in the funding of Operation Iraqi Freedom. House Resolution 97 is an important first step toward making sure that more resources get to our troops in the field.

House Resolution 97 focuses on four crucial points for demanding fiscal responsibility in Iraq: a call for transparency on how Iraq war funds are spent; the creation of a Truman Commission to investigate the awarding of contracts; a need to fund the Iraq war through the normal appropriations process and not through these so-called emergency supplementals; and, finally, using America's resources to approve Iraqi assumption of internal policing operations.

Funding requests for the Iraq war should come through the normal appropriations process so that Congress and the people have a clear understanding about what is being spent on the war in Iraq. With House Resolution 97, the fiscally conservative Democratic Blue Dog Coalition is calling for the Iraqi Government and its people to progress toward full responsibility for internally policing their country. Without such progress, it is wasteful to continue our investment in the lives, limbs, and taxpayer dollars in Iraq.

We must honor those who have sacrificed in Iraq, our brave men and women in uniform, and the thousands more that have come home injured in ways that will forever change their lives. It is very important that we honor them, we support them and their sacrifices through demanding accountability from the Iraqi people. It is time to tell the Iraqi people it is time to step up and accept more responsibility for your own country. If you are going to continue to shoot at one another and to shoot at us, if public opinion poll after public opinion poll coming out of Iraq says that 70 percent of them don't want us there and 60 percent of them think it is okay to kill a U.S. soldier there, then we should send a clear message to the Iraqi people that it is time for them to step up and assume responsibility. If they want us to continue to sacrifice our brave men and women in uniform and return many more thousands home injured, if they want us to continue to spend $12 million an hour of our tax money in Iraq, some $2.5 billion a week, then it is time for the Iraqi people to accept more responsibility and more accountability for their actions.

At the same time, Madam Speaker, it is very important that this administration understand that if we are going to support $12 million an hour, $2.5 billion a week of hard-earned taxpayer money going to Iraq, we want to know how it is being spent, we want it accounted for, and we want to know without a shadow of a doubt that it is going to support our brave men and women in uniform.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. You hit upon a point here that the American people need to be aware of as to exactly why we need to pass our bill. I have before me what I would like to share with you, this report from today's Washington Post. It is a story by Ms. Ann Scott Tyson. It is a disheartening story, but it points right to the core of why we need to be doing something very urgent to bring accountability and the total lack of accountability that this administration has had. And this is about our veterans, those who are right off the battlefield.

And, Mr. ROSS, just like you, we both just came from Germany where we went into Landstuhl and we went into the military hospital near the Ramstein Air Base. And our hearts were broken as we saw 19- and 18- and 20-year-old kids, these are young kids, folks, who are out there at the point of the spear, sacrificing their lives in the middle of a civil war. And when they come back to get treated, here is the report. She says: "Thousands of soldiers wounded in the wars in Iraq and Afghanistan have overwhelmed the Army system for evaluating their eligibility for disability benefits, leading to a near total failure to complete such reviews in a timely manner."

And this is what the services Inspector General concluded in a report released yesterday. The report found this, Mr. ROSS, it found that medical hold facilities lack critical staff, formalized training for personnel caring for wounded soldiers, with more than half of unit commanders reporting inadequate, our commanders on the ground are reporting inadequate for our soldiers. This is no way to treat our warriors.

It also cited inadequate and unreliable databases for tracking the wounded, not even able to keep track of them. This is why we need our accountability act. This is why we need to have oversight and strong oversight on this administration. We are not talking about something here that doesn't exist. This is a serious problem that goes at the core and the soul of America, and that is our young men and women. Their lives are too precious, their blood is too precious to be sacrificed. Then when they do the sacrifice, they are not taken care of.

Just listen to this: some facilities lack wheelchair access, which is directly in violation of the Americans with Disabilities Act, is going on right now under this administration.

☐ 1630

That meant that wounded soldiers even had difficulty reaching the restroom. This is the same administration, my friends, this is no wonder why we have this. If you recall, they were sent into war without body armor. Our soldiers, 2 years ago, were going through dung heaps and land mines out in the desert trying to find metal to protect themselves.

I said to you, and you and I both agreed when we were over there in Germany, we were going to do everything we could when we got back here to make sure we passed this bill and give the proper attention to our wounded and our veterans.

You know, the Lord moves in strange and mysterious ways, and I am convinced that is why the exposure of that terrible situation at Walter Reed was made real at this very time to show the Congress and the American people we need this accountability law.

Mr. ROSS. Let me just say there are those in this Congress that do not support sending $12 million an hour to Iraq, then you are unpatriotic. I differ with that. I strongly differ with it. No one needs to question my patriotism, no one needs to question my support for our men and women in uniform.

If you ask me, giving them more of the same is not showing support for our men and women in uniform. They need a new direction. They need a new direction in Iraq, one that will allow them to do their job and come back home to their families. The President proposing a surge of some 21,000 troops is not a new direction, it is more of the same.

At the same time, Madam Speaker, let me tell you that the other thing that the American people want is they want responsibility. They want responsibility by the Iraqi government. They want them to buy into this.

The other thing the American people want is accountability within our own government, which is clearly why we are advocating the passage of the Iraqi War Accountability Act, H.R. 97. Why is it needed? Because auditors in one region found that contract managers could not account for $97 million disbursed from the development fund for Iraq. Under its no-bid contract to rebuild Iraq's oil infrastructure contract, Halliburton overcharged by over 600 percent for the delivery of fuel from Kuwait.

An audit of programs designed to train guards designed to protect Iraq's oil and electrical infrastructure concluded that U.S. agencies could not provide reasonable assurance that $147 million expended under these programs was used for its intended purpose.

In one case, the Special Inspector General for Iraq Reconstruction found that a company which was awarded a security management contract worth hundreds of millions of dollars could provide no assurance that it was providing the best possible safety for government and reconstruction personnel as required by the contract, and could not even show that its employees authorized to carry weapons were trained to use those weapons.

Finally, Halliburton tripled the cost of hand towels at taxpayer expense by insisting on having its own embroidered logo on each towel. You can't make this stuff up. Halliburton employees dumped 50,000 pounds of nails in the desert because they ordered the wrong size all at taxpayers' expense. This is not supporting our troops.

We want to fund our troops. We want to support our troops, and the way to do that is by requiring more accountability by this administration and the Pentagon. Quite frankly, for the last 6 years, Congress has not fulfilled its constitutionally given duty of providing oversight. It has been a rubber stamp for whatever this administration wants.

Those days are over, the new Congress has arrived, and we are going to begin to provide that oversight and accountability and demand responsibility, not only from this administration, but from the Iraqis through the passage of H.R. 97.

Mr. SCOTT of Georgia. You mentioned Halliburton, and there is no greater poster child for the abuse, for the very need for this legislation. Hundreds of millions of dollars have been wasted. The reports have been there, in the news. They have covered it left and right, and, meanwhile, our soldiers don't even have wheelchair access.

This administration has a day of atonement on this, and history is not going to smile kindly on the abuse that was heaped upon our military and the strain and the drain that it is causing. You mentioned earlier, Mr. ROSS, about Halliburton, and in just yesterday's news Halliburton's reward to us for all of the billions of dollars that they have gotten in taxpayers' money was to move their headquarters from the United States over into Dubai in the Middle East so that they could get out from under paying certain levels of taxes in this country.

No wonder the American people are crying out. No wonder the American people went to the polls in November and declared in a loud voice, enough of this, we want change, and they put Democrats in charge of this Congress. They, indeed, as I said earlier in my remarks, wanted Alexander Hamilton and James Madison to smile kindly, because finally we are standing up and performing the constitutional duties of oversight, of legislation and controlling the purse that they fought hard to put into the Constitution over two centuries ago.

Now I would like to yield time to my distinguished friend from Ohio, from Steubenville, Ohio, the home of one of my most favorite singers, Dean Martin, and I would like to present Representative CHARLIE WILSON.

Mr. WILSON of Ohio. I thank the gentleman from Georgia. I appreciate this opportunity.

Madam Speaker, when we sent cash over to Iraq on a pallet with no accountability, no understanding, and those hundreds of millions of dollars just disappeared into the desert air, we know that we need accountability. We need accountability in this war for the financial money that we have sent there. We also need accountability for the body armor and the proper rest for our soldiers, the proper training for our soldiers. We need to be able to show that we are showing accountability.

I am so proud to be a new Member of this Congress that is willing to stand up for our soldiers and for the right things to do for America. When more than $400 billion have been poured into Iraq with little oversight on how that money is spent, we have to ask ourselves, we can't wait any longer for the accountability that needs to be done.

I am proud to be a member of the Blue Dog Coalition to be able to stand up and say what the national debt is. If we could see the money that we spend every month, and month after month and year after year on the interest debt of our Nation, almost $9 trillion now, it is just hard to believe that we can continue down this lane of not making the proper decisions and not having accountability.

House Resolution 97 goes straight to the heart of the matter. It sets up the issue and the framework of how we are going to consider having the proper accountability so that we can know where we are going, where the money is going. These are hard-earned tax dollars, and many of these dollars are being spent that are not being spent on education and are not being spent on health care for our seniors.

These dollars are being funneled into foreign countries that were borrowing money to help pay this debt. It is not the right direction.

House Resolution 97 does call for regular reports to the Congress that outline how military and reconstruction funds are spent from now on. It also says the accounts for the terms and contracts that are awarded by our government, how long are the contracts? What is the accountability of them? Are they all no-bid contracts, and, if so, how long are they in place for?

We need to have that kind of accountability, and House Resolution 97 does that. It details how future taxpayer money will be spent. That is the kind of accountability that we need. The costs just keep climbing in Iraq, and we must get a true handle to know where these costs are.

The American taxpayer deserves to know the truth. They deserve to know what is going on, and this is what House Resolution 97 does. It shines the light of day on the process that is going on in Iraq. I am hopeful, if we can lean forward and move forward on this legislation, we will be able to have accountability that people will feel that we are doing the right things.

Our soldiers will know that they are having the right kind of support, and we, as Members of Congress, are providing the service and the change in direction to get America back on the right track.

Mr. SCOTT of Georgia. Will the gentleman yield for one moment, and don't you agree, there is such a thirst on the part of the American people for their confidence to be restored in this process, that was what was evident in last fall's election, that nobody is saying cut and run, nobody is saying that you will be unpatriotic if you speak to this. They want us to speak to this. They want us to do our job, and I think that is what you were pointing out in your remarks.

One of the two points I wanted to mention too that you alluded to in our House Resolution 97, that I would like for you to be able to expand upon, and that is that the American people need to know that in this bill we will require the inspector generals of the Defense Department, of the Pentagon, to come before this Congress quarterly, not once a year, every 90 days, quarterly, to make reports on how the money is being spent.

Never again, never again, will our veterans be suffering in the condition that our veterans are suffering now. The American people are appalled at that. They want some transparency. They want some accountability.

You talked about earlier, we talked about Halliburton. We talked about the abuse, the contracting. In this bill, we have made sure that the Inspector General for the Iraqi Reconstruction Program comes before this Congress and gives quarterly reports on how that money is being spent, no more waste, no more fraud, no more war profiteering. The shame of the neglect of oversight is going to be rectified with this bill.

I yield back to the gentleman.

Mr. WILSON of Ohio. Thank you to the gentleman from Georgia. You could not be more right, and it is evident in what we have seen in the Walter Reed Hospital situation we have just seen recently. The conditions are deplorable, to think that our men and women and our soldiers go and put their life on the line, and just thousands and thousands have been injured and they have returned to substandard medical care, poor conditions and sometimes horror stories of people waiting 18 hours to be seen by a doctor.

This type of lack of accountability just cannot continue, and I am proud to be a Member of this Congress and this Democratic Caucus that are going to move forward toward doing the right thing for our soldiers, supporting them with the money that they need and moving forward to bring common sense to this entire situation.

Mr. SCOTT of Georgia. Thank you very much, Congressman WILSON. Your comments and your participation is so meaningful in helping us bring some light to this issue, especially in extrapolating and explaining to the American people the legislation that we are putting forward. I look forward to you staying with us as we perhaps get into a few more conversations on this issue.

But we are also joined with another Member, a distinguished member of our Blue Dog Coalition and a very good friend and who is a very, very significant voice in this Congress in bringing some truth and some transparency so that we can improve the position of our military and make sure that we are responsive to the American people, and that is Mr. JOHN SALAZAR from Colorado, a very distinguished Member and a hard-working member of the Blue Dog Coalition and a great friend.

Madam Chairman, I yield to the gentleman from Colorado as much time as he may need.

Mr. SALAZAR. I thank the gentleman from Georgia (Mr. SCOTT).

Madam Speaker, I am proud to join my colleagues of the Blue Dog Coalition to demand more fiscal accountability in Iraq. You know, the Blue Dogs have a plan for fiscal accountability in Iraq. Our plan calls for four things, it calls for transparency on how the war funds are being spent.

Two, it creates an commission to investigate the awarding of contracts.

Three, it stops the use of supplemental supplementals to fund this war. Do you know that this is the first administration that has continually been using supplementals to fund a war? That is strange.

Number four, it uses American resources to improve Iraq's ability to police themselves.

Mr. SCOTT, I have been calling, on and on again, that it is important for us to turn the responsibilities over to the Iraqi people, let them be responsible for their own futures. Why should we be putting our soldiers lives on the line when over 60 percent of the Iraqis now claim that it is okay to shoot an American soldier?

But this is about accountability. This is about spending the American taxpayers' funds wisely. This is about the board of directors that America has selected and appointed to the U.S. Congress to do oversight on the taxpayers' funds that are being utilized to fund this war.

While the Blue Dog coalition legislation addresses the glaring lack of oversight and accountability in Iraq, we make sure that taxpayer dollars are accounted for. Government reports have documented waste, fraud and abuse in Iraq, time and time again.

☐ 1645

I believe, Madam Speaker, that it is time now to stop that waste. Congressional oversight is desperately needed. The administration must be held accountable for how these reconstruction funds are being used.

And speaking about reconstruction funds, Mr. SCOTT, you mentioned just briefly about Halliburton. Well, I find it kind of strange that, you know, when they are needed most to help pay taxes so that we can actually fund this war, all of a sudden they decide to pull up stakes and move because they say their tax rates are too high. Well, to me, Mr. SCOTT, that is not being patriotic.

This Blue Dog bill is tangible. It is a commonsense proposal that ensures transparency and accountability. We have already spent $437 billion in Iraq, according to the Congressional Research Service. We will spend another $100 billion in Iraq in 2007 alone. I think that we must start showing improvement in Iraq, and accountability leads directly to success.

You brought up a real point. It is almost as if someone reaches into your chest and jerks out your heart. I make regularly scheduled visits out to Walter Reed to visit our returning troops, and I meet with them and talk to them.

Their message is quite simple. They are there to do their job. They are proud to be Americans. They are proud patriotic citizens and proud to have served their country. And they tell me, do not let our efforts go in vain.

Well, I can assure you, Mr. SCOTT, that the Blue Dogs are committed to making sure that we stand by them and make sure that they have the equipment they need by holding this administration accountable.

It is amazing when you see our soldiers returning without arms and without legs and yet so strong and patriotic and talking about how proud they are to be Americans.

Well, Mr. SCOTT, it is time for the U.S. Congress to also say that they are patriotic and that they are proud Americans, and that they will stand by their soldiers. I think that Iraq must be progressing toward full responsibility for policing their own country. I think without progress it is a waste to continue U.S. investment in troops and financial resources. We all support our troops. We will do everything in our power to get them the equipment they need.

I have been in Iraq twice. The first time I was there, soldiers were complaining because they were out in the scrap piles looking for metal to build shields under the Humvees. And in many cases, those became the very instruments that cost their lives.

Mr. SCOTT of Georgia. Would the gentleman yield just for one point because I think it is very important. You bring up this important point that we need to remind the people of America that when that came to our attention, it was Democrats, Democrats who provided the leadership with the amendment to put into the spending bill money for the body armor; that we could have known about the shortage if there was oversight, if that Congress, the Republican Congress, would not just automatically just bend over and rubber stamp. That is why this bill is so important, that we don't have that bypassing with this special emergency supplemental way of funding a war.

And I go back to the Constitution, the Founding Fathers, and that is why they gave it to us because the House of Representatives is the House that is closest to the people. We were more sensitive, just as you and I are now, to do everything we can to correct this matter. And we also put in there money to reimburse their parents. So many of our soldiers were writing home to mama and to daddy asking them for money for body armor. The shame of this country. Never again will that happen. And that is why we need this bill.

I yield back to the gentleman.

Mr. SALAZAR. I want to thank the gentleman. And he made some very important points. It is our responsibility here in Congress to look out for our troops and our soldiers. But we cannot continue writing these blank checks, Madam Speaker. We have been writing blank checks for the last several years because over the last 6 years there hasn't been any oversight. There has not been any accountability.

And I can assure you that since January, over the last 2 months, there has been oversight hearings on several issues in regard to the military readiness, in regard to where some of this funding is going.

And so I am very proud to be a Member of the Blue Dog Coalition that brings forward this important bill. I think that until our last troop has returned home that the American people deserve to know how their money is being spent. Accountability is not only patriotic, but it often determines success from failure.

The Blue Dog bill gives an opportunity to regain oversight and responsibility. This is the responsibility we have, to all our men and women in uniform, to their parents, to the American taxpayer who is footing the bill.

Madam Speaker, today I want to thank you. I want to thank Mr. SCOTT for his leadership, and I want to thank you for giving me the time to be able to speak out on behalf of the American taxpayer, the American people and our soldiers in uniform.

Mr. SCOTT of Georgia. Well, thank you, Mr. SALAZAR. You have done extraordinarily well in presenting the very crucible of our bill, which is bringing the accountability, bringing the needed transparency. No more, no place is it needed more so than in the care of our wounded soldiers.

And so much has fallen through the cracks. I read this report. I just want to, I will go back to it for a moment, Mr. SALAZAR, because it says this. It says that more than 25,000 service members have been wounded in the two wars, and nearly half seriously enough that they can not return to duty within 72 hours. The delays in the Army's rating of disability have been a source of deep frustration for many, with wounded soldiers waiting hours to be moved on, days, and sometimes months to be moved on with their lives outside the military. Many in the National Guard themselves have lost their jobs. We have yet to even come to the depths of the pain that our soldiers are faced with as a result of this.

So when the President says send 21,000 more in, send these in, he never again, this President will never again have to go before the voters. But you do and I do. And when we go back before them, they will know that we have done everything in our power to bring a right look on a wrong situation, and to correct this terrible, terrible imbalance for our veterans.

And so I thank you for your participation, and I thank you for highlighting that great need. I appreciate your passion for this. We are very, very, pleased for your presentation.

Madam Speaker, before I bring in another person, I want to make a point, because I think it is very important that we take a moment to address what the leadership of the Democratic Party in this House of Representatives is really talking about in our legislation. We had, prior to this, a truth squad, and you have people who are trying to make it this or make it that.

We realize, as Democrats, that we have an obligation to fulfill the desires and the wishes of the American people for a change in direction in Iraq, among other places, but definitely in Iraq. And it is not an easy thing to do. But it is, as I pointed out earlier, in our exclusive power to legislate and to appropriate and to provide the oversight. That is critical. And this is what we are proposing in our troop readiness, veterans, health, and Iraq accountability act. This is what the talk is about.

Let me just, point by point, go through the points so we understand. As the war in Iraq enters its fifth year, with no end in sight, that is fundamentally the most worrisome thing on the minds of the American people. This has gone on longer than World War II. There has never been the clear mission, beyond go and find if they have got weapons of mass destruction. When the soldiers went and they determined that they didn't, that should have ended it. There was no authorization to go in and remove a regime. There were no Iraqis that marched on the Capitol in Washington and said bring us a democracy. Democracy is hard. It requires people to want it in their gut. We are dealing with a society and a region in the Middle East where these civil wars have been going on, in some shape or form, since Abraham, Isaac, Jacob, Abraham and Sarah and Hagar, Ishmael. Esau, the prophet Mohammed and his son-in-law, which brought about the split of the Sunnis and the Shias. Thousands of years, that is what this is.

Our children have no business losing their lives in this war. The President has asked that money continue to be provided with no strings attached. The American people want some strings attached. The reason is because as we just got through doing, with what is happening at Walter Reed, with what is happening to our veterans, with the fact of no body armor. We are not going without being rested and properly equipped, well after the American people have called for a new direction. That set the stage for what we are going to offer in this bill.

And I want to come back to that, and I want to pause for a moment because we do have another one of our distinguished Members with us, and he has been working very hard as a member of the Blue Dogs and has also been working very hard in this area of bringing transparency and accountability to the situation in Iraq and responding to the needs of the American people. And I want to recognize for as much time as he may need, Congressman MAHONEY of Florida.

Mr. MAHONEY of Florida. I thank my friend, the distinguished gentleman, for yielding time to me this afternoon.

Madam Speaker, I rise today on behalf of Florida's 16th Congressional District in support of House Resolution 97, providing cost accountability for the Iraq war.

If we take a look at what has happened over these past 5 years, America has rid Iraq of a brutal dictator. America has given the Iraqi people a chance to create their own democracy, and we have invested over $400 billion and more than 3,000 American lives in securing their country.

Madam Speaker, it is time for the Iraqis to step up and to take control of their destiny and their own security. And it is imperative that any future American financial expenditures in the Iraq war be subject to accountability and transparency.

An estimated $9 billion of Iraqi reconstruction funds are missing. According to a January 2005 report by the Office of the Special Inspector General of Iraq Reconstruction, these $9 billion have gone missing because of inefficiencies and bad management.

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For the past 4 years, Congress has not exercised the oversight and accountability necessary to ensure that our money is being used effectively to support our troops to achieve our objectives in Iraq. We have paid billions of dollars to private contractors for work in Iraq; at the same time, the reports have uncovered waste, fraud, abuse, and even possible war profiteering by some of these contractors.

In a war already lacking manpower, resources, and international support needed to maximize our chance of success, it is criminal that billions of dollars are unaccounted for. Congressional oversight is needed to make sure that our money is used to support our troops, not lost to profiteering and fraud.

House Resolution 97 would require that future Iraq spending is marked by transparency and accountability, instead of systemic waste, fraud, and abuse. The resolution calls for the creation of a Truman Commission to investigate how contracts are awarded, increases transparency so we know how Iraq war funds are spent, demands that fiscal requests for fiscal year 2008 and later go through the normal appropriations process instead of emergency supplementals, and calls for resources to be used to improve Iraqi assumption of policing operations.

Madam Speaker, these criteria are long overdue. I encourage my colleagues to support House Resolution 97 to ensure that transparency and accountability are the hallmarks of any future funding of the Iraq war.

Mr. SCOTT of Georgia. I thank Congressman MAHONEY. You brought some excellent points up about the need for us to make sure that this funding goes through the normal appropriations process. It might be useful for us to just share with our American people, when we say the normal, the regular appropriations process, is that this President has up to this point funded this war, which has lasted now longer than World War II, on emergency supplementals. And what that does is it foregoes oversight, it doesn't allow Congress to do the job that it has done. And this is why I believe in strong measure this Congress has changed hands. The American people want to see us do our job and bring about the transparency. And that is what is involved in both House Resolution 97 as well as in our leadership bill on the supplemental, the full supplemental bill that we are working on as well. And I certainly thank the gentleman.

Mr. MAHONEY of Florida. I appreciate the gentleman yielding time. I couldn't agree more. And one of the things that the American people are starting to see is that this Democratic led Congress is about doing the people's business. November 7 was a mandate on fiscal responsibility reform. As a freshman Congressman, I ran on fiscal reform and responsibility, and I can tell you that this is a good step, another step, a necessary step to getting accountability back into this government. Thank you very much.

Mr. SCOTT of Georgia. We are very pleased to have you, and we certainly thank you for bringing those points and for adding to the discussion.

As I stated before, I wanted to just share as we go through this, as we talk about House Resolution 97 and our bill on the supplemental, it is important to understand so that we are not caught up in all of this rhetoric and misinformation about what the Democrats are doing, it is very important to understand our shared principles in this legislation and fully funding our national defense. This bill fully funds and supports our troops in both Iraq and Afghanistan, and we are upholding these points, requiring the President to simply honor the standards the Department of Defense has set for troop readiness, for training, for equipment. We have just seen that many of our troops have gone into harm's way without the body equipment that they need. What is wrong with making sure that our troops are protected, that they have the body armor? That is what the Democratic plan does. What is wrong with making sure that they are rested and that they are ready? That is what the Democratic plan does. We want to send our young men into harm's way? Make sure they are protected, make sure they are ready and that they are rested, and to make sure that they have been trained. And on each one of those counts, Madam Speaker, this administration has fallen short, and the American people know it, and that is the central core of the bill.

Secondly, we have got to hold the Iraqi government to the same standards for progress that the President outlined in announcing the escalation. The President made certain standards. All we are doing is reaffirming these in the legislation so that we have those standards. And then, providing urgently needed support to address the military medical care crisis for our veterans at Walter Reed and other hospitals. And that is why the American people are out in front of us and support wholeheartedly what the Democratic proposal is.

Let me continue, if I may, on what it is that we are doing so the American people can be clear.

On those three points, just simply requiring the President to honor the standards that the Defense Department sets for their military to be ready, that they have rest, that they have equipment. What can be more plain and commonsense than that? And then holding the Iraqis to the same standards that he put forward in support of the escalation he asked for. And then, thirdly, to provide the urgently needed support to address the military medical care and crisis at Walter Reed and other hospitals that I just got through alluding to and the excellent report in the Washington Post today.

The need for accountability on Iraq is clear. Holding the President to his own military readiness policies and performance standards is certainly a good way to start. The alternative is only the President's open-ended commitment in this war, and that is one thing we cannot continue. Our children's lives are too precious, our tax dollars are too precious to continue to be pouring in an open-ended policy. We have got to find a way to bring this matter to conclusion, not in any kind of way of, as the opponents would say, my friends on the other side of the aisle, cut and run. That is all they can say. We want to be there until victory.

Well, what is victory? What is victory if it is not what we set out what we were to do in the very beginning, finds weapons of mass destruction, which we did, and they are no longer there? Iraq did not attack this country. This country was attacked by al Qaeda. And al Qaeda is in Afghanistan on the Afghanistan-Pakistan border. Osama bin Ladin is there on the Pakistan side. I was there. I went over to Pakistan, I went over to Afghanistan. I talked with President Karzai. They know where they are. What are we doing in Iraq, and why did we go?

The Congress is working hard to achieve consensus around these shared principles. And let me just say, politics is no easy business. Making laws is sort of making sausage: It is not the prettiest thing in the world. But it is our system. It is give and it is take. It is trying to get 218 votes. It is pulling coalitions together. And that is why you see legislation with the variety of different components in it. But there are some standards here, and we hope that the President will join us in the effort to protect our troops in the field, require accountability from the Iraqi government, and fix the care crisis for our wounded soldiers and our veterans.

And, finally, understand that he isn't the only one on the ball field. We all have a role to play. The Founding Fathers made our position clear, and that clarity is speaking on this floor today.

And now I want to recognize another one of the distinguished Members from New Hampshire (Ms. PORTER) who is doing just a wonderful job, and we thank you for coming on the floor and being a part of our debate and discussion.

I yield as much time as she may need to Ms. PORTER from New Hampshire.

Ms. SHEA-PORTER. I thank the gentleman, and Madam Speaker.

I just came out of an Armed Services hearing where we were discussing, once again, readiness, and we had the Army there telling us the great strains on their budget, the strains on their equipment, and, most importantly, the strains on their soldiers. And so I am standing here today in support of our soldiers, in support of our military, in support of our ability to respond to any crisis in the world. And Iraq is not the place that we need to put our soldiers and all of our resources.

Last weekend, I went to Iraq to look for myself what was going on. I saw a lot of contractors taking quite a bit of money, serving soldiers in jobs that soldiers could have done themselves. I saw the strains on the soldiers. I saw National Guard troops that were in for a third deployment. And I saw the difficulty that the Iraqis were experiencing. In flying over Baghdad, I saw a very sad city.

Now, what I would like to see happen is for us to take the money that we are pouring into Iraq and put it into Afghanistan where the original trouble started, where we actually had the terrorist training camps, where we still need to finish the business that we started in 2001. But we need money to do that, we need resources to do that. They have been diverted and put into Iraq.

There were no Iraqis on the planes that day on 9/11. We went into Iraq because we picked the wrong war, the wrong people, and we should have stayed in Afghanistan and supported the effort there. So I urge my colleagues and I urge the House to do the right thing by our soldiers and by the Iraqis as well, and to make sure that we tend to where the real problems are in Pakistan and also in Afghanistan.

I also would like to see some money in homeland security. The first thing we need to do is support our own borders. We need to protect our borders. And when you look at the money that we have put in homeland security, it is miniscule. We are still not checking all of the cargo that comes into the belly of a plane, we are not checking the cargo that comes from overseas. They say that we don't have the equipment. We certainly could have the equipment. Hong Kong checks every single container that comes from abroad. And that is the great worry, that a dirty bomb could come from abroad in a container. We need to use the money wisely. Of course we need defense. We have to invest in our country. But we need to take those dollars and make sure that we are protecting our borders first and foremost, and then also working in Afghanistan; and, making sure that we have enough money and enough resources and enough troops to respond to anywhere else in the world that trouble could brew. Thank you.

Mr. SCOTT of Georgia. Well stated. Eloquent and very well stated. And you touched on so many important issues. The strain on our military; and the young lady was so poignant in that. And American people need to understand that, how much more can our military take? Every person, even when the issue was put forward when General Casey and General Abizaid came over here, our Armed Services Committee, I think you may have been on that committee, asked them: Do you need more troops? No, we don't need any more troops. That was just in November. And something changed just in about 30 or 50 days, for all of a sudden now it came.

And I want to thank the young lady for your statement. It was very well stated and hit all of the points right on the head in terms of the direction we need to go. And the American people are definitely in step with us.

Madam Speaker, I thank you for the time. Please remember this is our Blue Dog hour, and we appreciate the opportunity to talk.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, I come to the floor this evening to talk about embryonic stem cells. With all of the pressing issues of global importance that our country and the Congress is dealing with, you might ask, why are you going the talk about embryonic stem cells this evening; why are you not talking about the potential for global warming and what that might hold in store for our world.

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We might be talking about the pending energy crisis and the concept of peak oil, and certainly we might be talking about the war in Iraq and the funding resolution that will shortly come before the House. Or we could be talking about a very interesting subject: the debt limit ceiling and why we have to increase the debt limit ceiling and what is that and how does it relate to the debt and the deficit and so forth?

We come to the floor this evening to talk about stem cells because a stem cell bill will very shortly come up in the Senate, perhaps even this week. Very probably if not this week, next week. But to put this in context, we have got to go back to last year when there were two embryonic stem cell bills that came before the House and the Senate. One of those started in the House and was known as the Castle-DeGette bill. This was a bill that would permit Federal funding for cells taken from embryos that were surplus in the fertility clinics across the country, and I understand there may be as many as 400,000 surplus embryos that are now frozen in these fertility clinics. This would result in the death of the embryo, and a meaningful percentage of our population does not believe that it is appropriate to destroy one life in the hopes that you might help another. So although this bill got a positive vote in the House last year, it was nowhere near enough to override a presidential veto.

There was a second bill that was introduced. I introduced that second bill along with my friend Dr. GINGREY, and that bill garnered 273 votes in the House. You might say that is enough to win, but it was brought up under suspension, which means we need two-thirds majority, and that day that would have been 286 votes; so we failed by 13 votes to get the necessary majority, the two-thirds majority, to pass it.

Both of those bills were our bills, the Senate 2754 and the House bill 5526. And along with the Castle-DeGette bill and the alternative bill, which would not result in the destruction of embryos, our bill got 100 percent of the Senators. That is, 100 Senators voting for the bill. It is interesting that there were 63 Senators that voted for both of these bills. They included Senator ARLEN SPECTER, who introduced both of these bills in the Senate; and it also included Senators REID, HARKIN, KENNEDY, CLINTON, OBAMA, and SCHUMER. Those Senators voted for all of these bills.

We have now passed, essentially, the Castle-DeGette bill again in the House with 253 ayes and 174 noes, and that is nowhere near close to the number that it would take to override a presidential veto. And in the last Congress, the President vetoed the Castle-DeGette bill, and he has promised to and certainly will veto it this time should it get to his desk. This is the bill that the Senate will be voting on next week. So that is why we are on the floor today talking about this bill. By the way, our bill is 322, and it has been cosponsored so far by 34, truly bipartisan support for which I am very pleased.

I thought to begin this discussion of embryonic stem cells we might go back to the basic physiology of what we are talking about here. And the first chart I have here shows half of the reproductive tract in a woman. There is another half to this on the other side, a mirror image of this. Most things in our body are mirror images. Things like the liver are not and the stomach. We have two arms and two eyes, and the lady has two ovaducts and two ovaries and so forth. And this shows the stages of development of the embryo. And, of course, what we will be talking about is not what happens in the body but what happens in a petri dish in the laboratory. But the embryo goes through the same stages of development in the petri dish in the laboratory as it does in the ovaduct of the prospective mother.

Here we have the ovary, and it contains a very large number of primary cells, which when they develop will become ova. And once a month typically, every 4 weeks, typically, one of the ova matures and the little follicle then ruptures and the ovum comes out. And it is interesting that the ovary is not connected to the rest of the reproductive tract of the female. But there is a funnel-like thing, and we see only a part of the funnel here. This part and this part goes clearly around it. And it is called the infundibulum, and this process is called ovulation. The egg now is released from the mature follicle, and it is usually picked up by the infundibulum and directed into the ovaduct. On occasion it may not be and it may escape out into the body cavity or the celium, which simply means the cavity. And these sperm, millions of which were released in the uterus and they make their way into the fallopian tubes, and some of those sperm actually get out into the body cavity. And this egg that is not picked up by the infundibulum may be out of the body cavity and it may be fertilized by the sperm that gets there, and this is called an ectopic pregnancy. And it is very bad news for the mother and the embryo, and it has to be terminated with surgery. But usually, most of the time, the ovum is picked up by the fallopian tube and it begins its way down the fallopian tube.

Notice that fertilization takes place, and that is when the clock starts running, called DZero. Fertilization takes place well up into the ovaduct. And there is a several-day journey. You see them here, one, two, three, four, five, six, seven, eight, nine, on down. And the fertilized egg now is called a zygote, and it begins to divide. And here you see it is at a two-cell stage, and a little later we will have some charts that show what can happen at this two-cell stage and even later. But frequently these two cells will simply separate until you have two cells that look like the original one you started with here, and that is what we called identical twins. Then they will make their way down the fallopian tube together and implant in an interesting way in the uterus as we will see later. And then the two cells divide and develop into four cells and then the four cells into eight cells. And we will come back and talk about this eight-cell stage because that is the time at which some procedures are done in the petri dish which promise that we can get true embryonic stem cells from embryos without harming the embryo.

Well, the cell then goes on to divide beyond the eight-cell stage. And you now have a morula, a ball of cells which may be a fairly large number of cells, maybe 100 or fewer cells. And then it goes on to divide into a very large number of cells, and that is the gastrula stage. The morula and the blastula and then on to the gastrula down here. The gastrula stage develops into three germ layers.

The next chart shows a little more clearly what is happening. And here it started with a zygote and it skipped all of the stages that we talked about here, the two-cell, four-cell, eight-cell stage and so forth. And it goes directly now down to the blastocyst and then on down to the gastrula. And then the gastrula, we see the three germ layers developing.

And notice that most of what we have here is not going to end up as an embryo. What is going to end up as an embryo is this little bit of material here, and the rest of it is going to end up as supporting tissue, the amnion and the chorion and the fetal contribution to the placenta and so forth. But at this stage, just about the time the egg is implanting, as you saw, and by "implanting" we mean it connects itself to the uterus, this cell is implanting at about the time that the three germ layers are developed.

From these three germ layers will develop all of the tissues of the body. These three germ layers are called the outer germ layer, or the ectoderm; the middle germ layer, or the mesoderm; and the inner germ layer, or the entoderm.

From the ectoderm develops our skin, the integumen, which is defined as an organ. It is about the biggest organ in the body, actually, and a very complex and interesting one. And then the brain and spinal cord all of our nervous system develops from the ectoderm.

From the mesoderm develops most of the mass of our body, the muscles and the bones and the blood. Here you see the blood, which is a tissue that develops from the mesoderm. From the entoderm develops the lining of the gut and the lining of the lungs and so forth, although the mass of the entodermal tissue is nowhere near as large as the mesoderm and the ectoderm. In some organs they play a very essential role.

It is interesting that when you have a cancer and it metastasizes, it metastasizes usually only two tissues of common embryonic origin. What that means is that if you have a cancer on mesodermal tissue, when these cells break loose and float through the lymph system, it will metastasize only to tissues that develop from mesoderm. So it is very interesting that all through the life of the person, these tissues retain some of the original characteristics of these three germ layers. And the body cells, the T cells and so forth are programmed to know the difference between these body tissues.

I mentioned T cells. I shouldn't do that without explaining a little bit of what they are. Very early in our embryonic development, there are some unique cells that will end up in the blood. Some unique cells are developed, and they are now imprinted with who you are, and this is very early in development. And it is their role all through your life after that to keep track of who you are and identify any invader that is not you. So if a virus or a bacterium or something like that gets in, the T cells immediately detect that as being foreign and they now alert the leukocytes, which are the white blood cells, which have phagocytic, which means they can envelope and ingest. These organisms have phagocytic activity, alert them that that is an enemy and you need to take him out. And that is called our response system to infections and so forth. And, by the way, if you have a little pus pocket, that is the remains of thousands, maybe millions of these leukocytes that have come to do battle for you, and they have died in the process. But not to worry. Your bone marrow and lymph system are making a whole lot more lymphocytes.

Sometimes these T cells get confused, and it is not really clear to them what is you and what is not you. And sometimes they will falsely identify some of your tissues as being foreign to you, and then the leukocytes will come in and attack the other body defenses will come in and attack these tissues.

☐ 1730

We refer to these diseases, and there are a whole long list of them, as being autoimmune diseases. I have one of those diseases, and many, many people have that. Some types of arthritis is an autoimmune disease. You have the arthritis because your T cells have inappropriately identified these joint tissues in your body as not being used, so they are now being attacked by the body defenses.

I want to look at just one more slide and then call on a colleague of mine, Dr. GINGREY, who has joined me in filing this bill.

This is a little illustration of what happens with monozygotic twins. Mono means one, and you saw what the zygote was. That is the fertilized ovum. Monozygotic twins, we call them identical twins. It begins with the fertilized egg, the zygote, the two-cell stage, then it may develop to two inner masses. Actually, the division can occur at the two-cell stage. The division, we have some reason to believe it can occur as the two inner cell mass stages. These will later develop into the three germ layers we talked about.

You can differentiate when that division occurred by how the babies present themselves at birth, whether they are in two amnions or in a common amnion. They, of course, should always be in a common chorion. The chorion is the big tough sac on the outside. The amnion is the thinner sac on the inside filled with the fluid called the amniotic fluid that protects the baby during its development.

I would like to note, by the way, that one of these two identical twins is a clone. I didn't think the sky was going to fall when we talked about cloning, because nature has been doing it for a very long time. But sometimes we should let nature do things and not mimic or interfere in what nature is doing, and I understand the concerns relative to cloning. But it is just of interest to note that nature has been doing this for a very long time.

Dr. GINGREY has joined us. Let me now yield to him.

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding. This is going to be like two discussions, one from the professor and the other one from maybe his first year master's program student. Although I have a M.D., Dr. BARTLETT, of course, is a Ph.D. physiologist, and as he explains this, it is compelling, the evidence that he gives.

Sometimes I get a little lost in the science myself, but I think the main thing to know about the bill that he has introduced, and introduced in the last Congress and introduced again in the 110th this year, H.R. 322 is an alternative way to obtain almost totally potential, totipotential embryonic, almost embryonic stem cells, without getting into this moral-ethical dilemma of the question of are you for life at its earliest and its most advanced stages, are you pro-life or pro-choice. This is a debate that will go on probably for long after we are all gone and other people have taken our places on both sides of the aisle.

But what I like about the Bartlett bill, H.R. 322, is it says, Mr. President, we don't have to divide the country over this issue. It has been divisive. The President made a very difficult decision back in I think August of 2001 when there was this call for Federal funding for stem cell research. Before that, there had been none, or none on embryonic stem cell, let me say. There had been some research on adults in bone marrow and cord blood and things like that, and I am sure Dr. BARTLETT has talked about that.

But the President has said, look, we will allow embryonic stem cell funding by the John Q. Public taxpayer on these existing stem cell lines that had been indeed obtained from a living human embryo, little life in their earliest forms, that were obtained from these fertility clinics that were considered extra or throwaway or whatever. So the President, I forget the hundreds of millions of dollars worth of research that the Federal Government has funded through the National Institutes of Health and other agencies, but it is substantial, but he did not want to fund any more research on new destruction of life.

So that is where we have been for these last few years, until Ms. DEGETTE and Mr. CASTLE in the House passed their bill that would allow the use of the little embryos from the fertility clinics.

So I want to commend Dr. BARTLETT, because what he says is that maybe it is true, maybe it is true that the embryonic stem cell in its earliest form has more potential than the adult stem cells. The adult stem cells are multipotent, but not pluripotent, and certainly not totipotent. So what Dr. BARTLETT has done in his bill is say, look, there are other ways.

Madam Speaker, there is a doctor at Wake Forest University and just recently he did some research and reported in a very respected medical journal of being able to obtain cells from amniotic fluid as early as 10 to 12 weeks of a pregnancy.

Now, that is not a true embryonic cell, but it is getting pretty darn close to it. It is getting darn close to it. I would be very interested in hearing what Dr. BARTLETT says about if you compare the potential of those cells in amniotic fluid that you can obtain when a woman, let's say for genetic diagnosis she is 10 to 12 weeks pregnant, she is over the age of 35, she has concerned about the increased risk of Down Syndrome, and she wants some assurance that that baby, her baby, doesn't have Down Syndrome. So that is why the amniotic fluid is obtained, to get some of those cells to know the exact genetic makeup of that child.

But there are lots of extra cells that could be then used with the patient's consent without harming anything, certainly without destruction of any living embryo.

So this is why I as kind of a practical-minded former OB-GYN physician, who has not researched, who never published a paper, who didn't work at one of the great medical centers in this country, but I did go to a wonderful medical school, the Medical College of Georgia in Augusta, and I did my residency there in obstetrics and gynecology, and then went out and practiced for 26 years and delivered a lot of babies, and I feel I know of what I speak.

But what I want to do, and the purpose of me being here tonight and sharing this time with Dr. BARTLETT, is to say we don't have to fight about this. We got lots of things we can fight about.

We are fighting about the conduct of the war right now. We have people in this body that say it was the wrong thing, and then other people say, no, no, it wasn't the wrong thing, but the thing is wrong, and they are arguing about how we have conducted that. We will have and are having a fair debate and difference of opinion.

But this is one that, because of what is in the Bartlett bill, H.R. 322, we don't really have to fight about it. We don't have to get ugly about it. And most importantly, we don't have to destroy any human life in getting these nearly totally potential, almost embryonic stem cells.

Of course, Dr. BARTLETT will want to discuss further, I think, that as part of his bill there are techniques that you actually can obtain an embryonic stem cell without destroying the embryo, by doing a biopsy technique.

So that is why I strongly support his bill. We all, everybody in this House and in the other Chamber, the other body, our heart goes out to the Michael J. Foxes of the world, the Christopher Reeves of the world and the folks that are not famous that may be members of our own family. I have heard my colleagues come down and speak in the well compellingly about members of their own family. Our esteemed colleague from Rhode Island, a wonderful Member of this body, who, as a paraplegic, when he talks, people listen, obviously, on both sides of the aisle.

So we want help. We want help ASAP. But I don't think we have to divide our country, we don't have to divide ourselves, we don't have to destroy any human life.

As I kind of sum up and close and turn it back over to the real expert, I just want to say, Madam Speaker, that it is suggested there are extra and there are so many, 400,000 or whatever, just sitting around waiting to be utilized for their embryonic cells and they are going to be thrown away. It is really not true, and we all know that.

We all know that many of the Snowflake Babies have been up here in Washington, in some instances twins that were adopted as embryos and implanted into a mom who couldn't have a baby before that, and in some instances had more than one and had two. I have held them in my arms. We call them the Snowflake Babies, but they are beautiful little toddlers for a lot of infertile couples. So there are no extra babies. There are no throwaways.

With that, I yield back to my colleague. I appreciate him giving me a little time to join him and say hoorah for the work he is doing on H.R. 322.

Mr. BARTLETT of Maryland. Thank you very much. I am very appreciative of the contribution that Dr. GINGREY is making. Being a physician and having delivered a very large number of babies, he obviously brings a level of authenticity and credibility to this discussion.

On this chart, we have another couple of sequences which shows—the previous one we looked at showed the development of identical twins—this one shows the production of paternal twins. The mother may slough two eggs. As a matter of fact, with the in vitro fertilization, since we aren't sure that any one of them is going to be potent to implant properly, frequently the doctor will place several in the uterus and more than one may implant. I have a good colleague here, DANA ROHRABACHER, whose wife had three babies. That is nice. That gets the bottle feeding and diaper changing all over pretty quickly, doesn't it?

But this is what happens when the mother sloughs more than one egg naturally. Both of these eggs will be fertilized, because there are millions of sperm there, and they start to divide, and this is what is going down that little C-shaped fallopian tube in the uterus that we saw before.

Then at the blastula stage, it gets down to the uterus, and usually they will be somewhat separated and they will implant some little distance from each other, so when they present at birth the doctor will know immediately they are fraternal twins, because they have separate amniotic sacs and separate placentas, just two different babies, one attached to one side of the uterus and the other perhaps attached to the other side of the uterus.

But sometimes if they implant very close together in the uterus, they will develop with a fused chorionic sac which may mimic the single chorionic sac that is produced with identical twins. Then, of course, you will know whether they are identical or not, whether they look alike or not; and if you aren't really certain of that, you can do DNA to determine if they are identical twins.

☐ 1745

Madam Speaker, President Bush appointed a council on bioethics to look at this whole embryonic stem cell debate. When he came to office, of course, money was being spent on a number of embryonic stem cell lines, and all of those stem cell lines were produced by destroying embryos, and the President was faced with a dilemma, was it right to take one life because when you destroy an embryo you are taking a life, to hopefully help another. His own personal ethics would not permit him to do this, so he set up a council on bioethics to determine were there techniques where one could get embryonic stem cells without killing embryos or harming embryos.

This is from page 25 in this white paper. It said, "Thus, apparently normal children have been born following removal of one or two blastomeres from the six to eight cell embryo. However, long-term studies to determine whether this procedure produces subtle or later developing injury in children born following PGD," preimplantation genetic diagnosis, "have been recommended and are sorely needed."

Well, maybe we need those studies, but I think nature through the years has conducted a very large number of studies for us. I want to show you this identical twin slide because in identical twins, half the cells of the embryo are taken away, and each half produces a perfectly normal child as far as we can tell, and it has been going on for roughly 8,000 years of recorded history. No one has ever suggested there is anything deficient in an identical twin.

As a matter of fact, when President Clinton appointed a commission to look at this, it was an identical twin who chaired the commission, and I asked him when he was on the Hill here if he felt less a person because he was only half the original embryo. Of course, that is a silly question because he certainly doesn't feel any less a person. But that is what many people would have you believe. That somehow taking a cell or two from this early embryo, if you take two cells from an eight-cell embryo, the result will be three-fourths of a person because you took a fourth of his cells away. Well, no identical twin feels half a person because the other half of that original embryo produced his or her identical twin.

So one would be enormously surprised if this had any effect because, as I say, in 8,000 years of recorded history with millions and millions of identical twins produced, no one has ever hinted that there is any deficiency in an identical twin because they shared the cells from an original embryo with their mate.

It may be some time before stem cell lines can be reliably derived from single cells. These are the single cells that are taken out up here, extracted from early embryos, and in ways that do no harm to the embryo.

Now medicine has marched on, and as I will explain, we have the evidence that we can do this. The initial success of the Verlinksy group efforts raises the future possibility that pluripotent stem cells, which means the pluri is many. It is not totipotent. Totipotent is totally potent. That is the cell can produce anything and everything, including another embryo.

When I first started exploring this potential, I had the nagging concern that the single cell I took from that early embryo would be totipotent and what I was dealing with was just another embryo, in other words I was king of making identical twins. But I am very pleased that no one out there believes that the cells taken from the 8-cell stage are totipotent.

What this means is you shouldn't be able to get an identical twin from something beyond the 8-cell stage, and clearly you can, so there are some things going on here that we may not be totally familiar with. But there are a lot of things going on in the body that we can't explain.

As an example, if you remove part of your liver, and there are very few organs in the body that have this potential, but the liver will now regenerate what you have taken out. The question I have always asked myself, as long ago as 50 years ago when I first had these courses, no, 60 years ago now when I first had these courses, how did those cells in the liver know, millions of them, how did they know enough was enough, that the liver was now reconstituted to its original size so they could quit dividing. I have asked that question of current physiologists, and no one knows the answer to that.

And if you have a bone broken, in the healing process you have a callus developing on that bone. There is a thickening of the bone, and then gradually that is taken away and the bone is returned pretty much to its original shape. How do those cells know they have taken enough away? Or how do they know that they have developed enough of a callus to strengthen the bone until it is well calcified, until it is strong enough.

What we are going to be talking about is this and a number of other techniques that are included in the legislation that I talked about, H.R. 322, and the one that was passed in the last Congress.

The next slide shows some of the techniques that were reported by the President's Council on Bioethics as potentially offering the hope that we could get embryonic stem cells from an embryo without killing the embryo.

Our first depiction here is normal fertilization. The cells divide and grow in the mother. One of the last divisions is what we call a meiotic division. The usual division is a mitotic division. Before the mitotic division, the chromosomes divide so when the cells separate, each cell has the normal number of chromosomes called the diploid number, and the single unit of chromosomes is called the haploid number.

Well, obviously if you are going to have a human being who has the normal number of chromosomes, you have to end up with half as many of those chromosomes in the egg and half as many in the sperm, and that is accomplished by a process known as miosis. So in the egg and in the sperm cell, there are only the haploid number of chromosomes, only half the full complement of chromosomes, and they now join in the egg. There is quite a miraculous process that occurs there. There may be millions of sperms trying to fertilize the egg, but essentially instantaneously when one cell makes it into the egg, then the covering of the egg becomes absolutely impervious to any other sperm. If that wasn't true, you would end up with two sperm getting in, and then you would have triploid, or three, and that would be fatal for humans. Trisomy 21, for instance, is what happens to a human when just one of those chromosomes, mongolism, when only one of those chromosomes is three in nature, and sometimes that happens in the division of the cells, and that is called trisomy 21 or mongolism.

It is very interesting in plants that many replications of the chromosome, or polyploid, is a very beneficial effect. The flowers get bigger with better colors, and that is one of the things that plant breeders do is use a chemical to produce polyploid, bigger and better plants, and some that aren't any good but you can just discard them. That is how we have gotten many of miracle crops, by polyploid.

The second depiction here is of cloning. In cloning, you take an egg cell and you take the nucleus out of the egg cell so now you have an egg cell without a nucleus. And then you have a donor cell, and you can get the nucleus from this donor cell into the egg two different ways. One, you can fuse the two and the nucleus will then migrate to the egg; or you can simply take the nucleus out of the donor cell and put it in the egg.

Now all of the controlling material in the egg is not in the nucleus. There are a number of cytoplasmic factors that control what the genes, what the chromosomes and the nucleus does. So this goes on to what appears to be a fairly normal birth.

In parthenogenesis, that is an interesting one, in parthenogenesis, miosis does not occur and the egg retains its diploid number of chromosomes and the egg goes on and divides. And some animals, by the way, reproduce by parthenogenesis. That rarely happens in humans. Some animals reproduce almost exclusively by parthenogenesis.

The next slide is another depiction of some of these same techniques, and it goes just a little further. Here we have the classical development and embryonic stem cell derivation. What they do here is when you get to this blastocyst area, you have two choices. One, you either implant it or freeze it to keep it for implantation later; or you destroy it and get your embryonic stem cells. This is classic technique for getting embryonic stem cells. This was the technique that the President had ethical concerns about which is why he issued his executive order which said that Federal money could be used to support research using the embryonic stem cell lines in existence at that time, what, 60 or more, now down to 20 or 22, and we knew that they would eventually run out, and now we are faced with a crisis because what do we do, these stem cell lines are running out. There is a big hope in the medical community that we can get some fairly dramatic cures from embryonic stem cells.

Here are embryonic stem cells from a single blastomere. This is what we have been talking about. You take a single blastomere cell from the embryo, and you can implant what is remaining. They have done that more than 2,000 times. They have done what is called a PGD. It started in England. There are a number of those labs in our country, and the parents would like to know whether or not their baby is going to have a genetic defect.

So they take a single cell out and they do a genetic diagnosis. If there is no genetic defect, they implant the remaining cells in the mother, and more than 2,000 times now we have had what appears to be a perfectly normal baby. Indeed, the big surprise would be if it wasn't a perfectly normal baby because in nature in producing normal identical twins, half the cells are taken away and nobody argues that identical twins are not normal people.

Then the process of nuclear transfer, and one of the techniques that is suggested here is a modification of that, modification of that cloning, and this is altered nuclear transfer. This is the modification.

In this one they make sure that you are not going to have a clone because they deactivate one of the genes. CDX2 I think it is called there. They deactivate one of the genes so that it will simply develop into a cell mass with no organization. You can now get from that cell mass the cells that you wish, but there is no organization and it is not an embryo. You can see some obvious objections to this. You are just producing a freak and why would you want to do that to a perfectly normal zygote that you started with.

The next chart shows this altered nuclear transfer in a little more detail. We have seen this one before. Altered nuclear transfer is where you knock out the gene for normal development so when you have taken the nucleus from the egg and replaced that with a nucleus from the donor cell, you now have knocked out the gene in this nucleus for normal development, so you are simply going to get a growth of cells. It is not going to be an embryo, and there obviously some ethical questions about this, but this is being debated.

This is an oocyte-assisted reprogramming. What this says is that in the oocyte, and I mentioned the factors that are out in the cytoplasm, and if you intensify those and let them work, they will assist in this and it increases the genes for embryonic stem cell growth without producing an organized embryo.

And this is the technique which I suggested, embryo biopsy. I went to NIH way before the President issued his executive order, and having had a course in advanced embryology nearly 50 years ago, and recognizing what identical twins were, it occurred to me you ought to be able to take a cell from the early embryo without hurting the embryo.

□ 1800

I asked the NIH researchers when they had an open house out there one day while the President was making up his mind, and they invited Members of Congress and staff to come out. I do not remember any other Members of Congress. There was a lot of staff there.

I asked them should this not be possible? They said, well, it certainly should be possible. In fact, you know, it is certainly easier just to take the embryo and disaggregate, they call it. That means stir it all up. Disaggregate it and take your embryonic stem cells from what grows from that.

There is another interesting proposal of how to get embryonic stem cells without killing embryos. If you deal with in vitro fertilization, you produce a number of embryos and you have eight of them that you have thawed out and you are going to look at them to see which ones look strong enough to be fertilized to place in the woman.

There are some of these embryos that will not make it. They appear to be alive, but they will not go on and divide. So, in just a little while, they are going to decompose and die, and the proponents of this technique argue that they are a bit like the brain-dead person, that is, an individual that is not going to make it but the parts. We take body parts from brain-dead people for transplant. So they argue you ought to be able to get good cells from an embryo that is not going to divide any further. I have several slides, and I did not bring all of them, which show the criteria which are fairly reproducible and verifiable that the embryo is, in fact, dead—because you would not want somebody to say, gee, I think that embryo is going to die so I am going to take it because I would like to get a embryonic stem cell line from that embryo.

The next slide slow shows a bit of an expansion on this. Embryonic stem cell assisted reprogramming, and the acronyms, particularly DOD and much of the other professional societies have lots of acronyms. I guess that is so they appear more erudite and you cannot figure out what they are saying.

Differentiation using cell proteins, this is the assisted development I mentioned because this cell suite, this is from the cytoplasm, and this contains factors that controls what happens in the nucleus. They turn on genes and turn off genes and so forth during the development of the embryo. You can modify that.

Differentiation, a new term, should not use these terms without describing what they are. When you start out with the cell mass and the developing embryo, so forth, those cells are undifferentiated, they are all the same. They then begin the differentiation process where you have an ectoderm, a mesoderm, and an intaderm. Then it goes on to differentiate from that. You can get bone from mesoderm. You can get muscle from mesoderm. You can get blood cells from mesoderm. So the differentiation goes on from that.

Then there are postnatal tissues, and these are the tissues from which we can get adult stem cells. It might be worth just a moment to mention the dialogue that is going on between the enthusiasts for adult stem cells and the proponents of embryonic stem cell research.

Most of the medical applications have been made from adult stem cells, and that is because we have been working with adult stem cells for more than 3 decades. It just takes a while for something to go from the laboratory to the hospital, and we have had that time for the adult stem cells. We have not had that time for embryonic stem cells because we have been working on them for only a few years.

Now, this permits some people who are very zealous for protection of the embryo to say, gee, we really should not be looking at embryonic stem cell research because all of the contributions so far have been from adult stem cells and so, therefore, why would you want to go this route because presumably all the applications in the future are also going to come from adult stem cells.

That may be true but I will tell you that there is nobody that I know of in the professional community who believes that that ought to be true. These embryonic stem cells may be like the rambunctious teenager. They can be somewhat uncontrollable, and in some of the early experiments, they have gone on to produce cancers and growths and so forth, and who knows what the ultimate will be.

But I will tell you, and you know from what you see in the papers and hear on television and so forth that there are a number of people who believe that diseases like Parkinson's disease and diabetes and spinal cord injuries and so forth could maybe be cured with the application of embryonic stem cell research and medical developments.

It is true that theoretically, philosophically, there ought to be more applications from embryonic stem cells just because of what they are. They are pluripotent cells. They can make any and every cell in the body. We have some adult stem cells, and we generally get them from the bone marrow, the blood, and there are stem cells with a variety of blood cells that are produced and you can sometimes trick them into believing they are not what they are so they can also make some other tissues.

The next slide shows the little schematic on the dead embryo, and what this shows is that you can tell—and these are reproducible and verifiable—you can tell that an embryo is probably—well, not probably—is not going to make it, and then the argument is that you ought to be able to take cells from that embryo ethically. Of course, the other argument would be if the embryo is about to die, why would I want a stem cell line from cells that are suspect.

Clearly, clearly, if we can make the altered nuclear transfer work, where you can take the donor cell which is a cell from the patient, if you can make embryonic stem cells from that, that is the route we want to go because then the organ you are making, whatever you are making for that person, is going to be them, and you can implant it in them. There is not going to be any rejection. If it comes from any other source, you are going to have a rejection phenomena, but we have developed clinical techniques for handling that. There are lots of people with organ transplants, and they lead productive, comfortable lives for quite a number of years.

When I first started this discussion, we conferenced with a lot of individuals, and one of those was a representative of the Conference of Catholic Bishops. Sometimes in life, you see something or somebody says something, you say to yourself, gee, why did I not think of that; it is so obvious and so right and so productive. That happened in this dialogue.

We were talking about taking cells from the early embryo that would not hurt the embryo, but then you get the idea that, gee, it might. You can make the argument and certainly should not because you can take half the cells away in identical twins and obviously it has not hurt the embryo at all, so why should taking a cell out of the embryo make any, yeah, I know, but it just might. So you need to do some work with that to make sure it does not hurt the embryos. There is always an outside chance that the person lives to be 90 and they determine some defect that was as a result of taking the cell out earlier.

So the suggestion was made by Mr. Dortlinger that, gee, the first thing you do with that cell you take out is to make a repair kit. Wow, why did I not think about that? It is obviously such a right thing to do. What you do to that cell now is to make your replacement, which by the way is what parents are hoping to sort of do when they freeze umbilical cord blood. Now, those are not embryonic stem cells in umbilical cord blood. They are adult. So when the baby is born it is an adult. As a matter of fact, the day you are born is the day you start to die. Things start to go downhill from the day you are born. So these are adult stem cells, but they have characteristics that may be more amenable to alterations, to modifications than adult stem cells taken from a 50-year-old.

By the way, there has been a new technique which some heralded, now we do not need to think about embryonic stem cells because you can take amniotic fluid, and as the baby is growing from the earliest stages on, but it has to be in amnion before you can get these cells in the amniotic fluid. You can get some embryonic stem cells there, and so a big push was made, gee, let us stop talking about embryonic stem cell research because now we have got these stem cells from amniotic fluid.

But the person who discovered that made the observation that this was complementary to embryonic stem cells and should not be considered in place of embryonic stem cells. It is certainly a good place to get cells that are more easily reprogrammed to believe that they are not what they are at that stage of development, but he said that it should be considered complementary to embryonic stem cells and not in place of stem cells.

Well, the Senate is going to vote on this in a few days now; that is, they are going to vote on the Castle-DeGette bill. It will certainly pass, and I think they are voting on exactly the same bill. So it does not even need to go to conference. It will then go to the President, and the President will do what he did in the last Congress. He will veto the bill.

So here we will be with only a few embryonic stem cell lines running out. They are all contaminated with mouse feeder cells, and so they may or may not be amenable to actual therapy, but in any event, these stem cell lines do run out. With the enormous potential that many people believe embryonic stem cells have, we will be in a situation where there is only a few embryonic stem cell lines which are running out and a public out there which is demanding and they come to our office. One of those compelling things are these kids with this big thing in their body like a hockey puck which is pushing insulin because they have juvenile diabetes, and they are very brittle and they have to trickle that in little by little during the day to maintain the status quo.

So here we will be with embryonic stem cell lines running out, with a cry from the public and the professional part of the public that we need to move on with this. My hope is that when the President has vetoed this bill, the Castle-DeGette bill, he will, he did last time and he will again, that then they pass our bill which was passed 100–0 in the Senate last year, by 273 votes in this House. In fact, they got more votes than the one that is being sent on to the President from this House. So, hopefully, that bill will come up next and can move to the President's desk, and he will certainly sign that bill and we can get on with ethical embryonic stem cell research.

Mr. Speaker, I would hope that all of our listeners out there who have a Representative that they believe may not be supportive of this, would they please contact that Representative and urge them to support this bill. It will provide ethical embryonic stem cell research. Neither I nor any of the others know what the ultimate result of this will be, but I will tell you the potential for clinical cures and application because of embryonic stem cells being what they are has to be greater than adult stem cells.

Mr. Speaker, let us hope that we can move this clock very quickly because there are a lot of people out there that need this kind of help.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Mr. HASTINGS of Florida (during the Special Order of Mr. BARTLETT of Maryland) from the Committee on Rules, submitted a privileged report (Rept. No. 110–48) on the resolution (H. Res. 239) providing for consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. HOYER) for today.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of illness in the family.

Mrs. SCHMIDT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 14, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

817. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — General Lending Maturity Limit and Other Financial Services (RIN: 3133-AD30) received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

818. A letter from the Senior Legal Advisor, OGC, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Preventing Undue Discrimination and Preference in Transmission Service [Docket Nos. RM05-17-000 and RM05-25-000; Order No. 890] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2003-SW-10-AD; Amendment 39-14621; AD 2003-21-09 R1] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

820. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes [Docket No. FAA-2006-23936; Directorate Identifier 2005-NM-215-AD; Amendment 39-14590; AD 2006-10-06] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SP Series Airplanes [Docket No. FAA-2006-23819; Directorate Identifier 2005-NM-223-AD; Amendment 39-14588; AD 2006-10-04] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada (PWC) PW535A Turboshaft Engines [Docket No. FAA-2006-24117; Directorate Identifier 2006-NE-07-AD; Amendment 39-14570; AD 2006-08-13] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Model AT-501 Airplanes [Docket No. FAA-2006-23647; Directorate Identifier 2006-CE-06-AD; Amendment 39-14564; AD 2002-11-05 R1] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Airplanes and Model Avro 146-RJ Airplanes [Docket No. FAA-2005-23215; Directorate Identifier 2005-NM-212-AD; Amendment 39-14596; AD 2006-10-12] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT-UND-RAUMFAHRT GmbH & Co. KG, Model G 103 C Twin III SL Sailplanes [Docket No. FAA-2005-20768; Directorate Identifier 2005-CE-16-AD; Amendment 39-14554; AD 2006-08-01] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

826. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No. FAA-2006-24875; Directorate Identifier 2006-SW-03-AD; Amendment 39-14618; AD 2006-11-14] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Model Gulfstream 200 Airplanes

[Docket No. FAA-2005-23478; Directorate Identifier 2005-NM-175-AD; Amendment 39-14602; AD 2006-10-18] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. T5311A, T5311B, T5313A, T5317A, T5317A-1, and T5317B Series Turboshaft Engines and Lycoming Former Military T53-L11B, T53-L-11D, T53-L-13B, T53-L-13B/D, and T53-L-703 Series Turboshaft Engines [Docket No. 98-ANE-72-AD; Amendment 39-14620; AD 2006-11-16] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Transportation of Compressed Oxygen, Other Oxidizing Gases and Chemical Oxygen Generators on Aircraft [Docket No. RSPA-04-17664 (HM-224B)] (RIN: 2137-AD33) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the Class B Airspace Area; Atlanta, GA [Docket No. FAA-2006-25831; Airspace Docket No. 06-AWA-1] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Re-Designation of VOR Federal Airway V-431; Alaska [Docket No. FAA-2006-25186; Airspace Docket No. 06-AAL-18] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Sheridan, WY [Docket No. FAA-2006-25038; Airspace Docket No. 06-ANM-4] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Area R-2202, Big Delta, AK. [Docket No. FAA-2006-26133; Airspace Docket No. 06-AAL-33] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency and Using Agency for Restricted Areas R-6608A, B, C; Quantico, VA. [Docket No. FAA-2006-26351; Airspace Docket No. 06-AS0-12] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kokhanok, AK [Docket No. FAA-2006-25180; Airspace Docket No. 06-AAL-19] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Iliamna, AK [Docket No. FAA-2006-25182; Airspace Docket No. 06-AAL-21] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Cedar Springs, GA [Docket No. FAA-2006-26155; Airspace Docket No. 06-ASO-15] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Hooper Bay, AK [Docket No. FAA-2006-24675; Airspace Docket No. 06-AAL-14] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Perryville, AK [Docket No. FAA-2006-24748; Airspace Docket No. 06-AAL-15] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Homer, AK [Docket No. FAA-2006-25762; Airspace Docket No. 06-AAL-25] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kodiak, AK [Docket No. FAA-2006-25763; Airspace Docket No. 06-AAL-26] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; St. Michael, AK [Docket No. FAA-2006-25825; Airspace Docket No. 06-AAL-27] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Tok Junction, AK [Docket No. FAA-2006-25826; Airspace Docket No. 06-AAL-28] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area 5601F; Fort Still, OK [Docket No. FAA-2005-22680; Airspace Docket No. 05-ASW-3] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Castle Airport, Atwater, CA [Docket FAA 2006-25671; Airspace Docket 06-AWP-15] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Alaskan High Altitude Reporting Points, AK [Docket No. FAA-2006-26244; Airspace Docket No. 06-AAL-36] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Eastman, GA; Correction [Docket No. FAA-2006-25270; Airspace Docket No. 06-ASO-9] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS (FL): Committee on Rules. House Resolution 239. Resolution providing for consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes (Rept. 110-48). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of March 12, 2007]

H.R. 1362. Referral to the Committee on Armed Services extended for a period ending not later than March 14, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. WILSON of South Carolina, Mr. EHLERS, Mr. SOUDER, Mr. WALBERG, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. SHAYS, Mr. FORTUÑO, Mr. DAVID DAVIS of Tennessee, Mr. KLINE of Minnesota, and Ms. FOXX):

H.R. 1486. A bill to amend the Elementary and Seconday Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring; to the Committee on Education and Labor.

By Mr. JOHNSON of Georgia:

H.R. 1487. A bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007; to the Committee on Energy and Commerce.

By Mr. KELLER (for himself, Mr. Kind, and Mr. Weller):

H.R. 1488. A bill to amend the Internal Revenue Code of 1986 to expand the exclusion for employer-provided educational assistance to include educational assistance provided to dependents of employees; to the Committee on Ways and Means.

By Mr. BARROW (for himself, Mr. Marshall, Mr. Bishop of Georgia, Mr. Johnson of Georgia, Mr. Lewis of Georgia, and Mr. Scott of Georgia):

H.R. 1489. A bill to amend title XXI of the Social Security Act to eliminate the remainder of the funding shortfalls in the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Energy and Commerce.

By Mr. DONNELLY (for himself and Mr. Upton) (both by request):

H.R. 1490. A bill to provide for a presumption of service-connectedness for certain claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Alabama (for himself and Mr. Ramstad):

H.R. 1491. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 1492. A bill to provide for the establishment at the National Science Foundation of a program to promote and assist the teaching of inventiveness and innovation; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. Duncan, Mr. Shuster, Mr. Young of Alaska, Mr. Petri, Mr. Coble, Mr. Ehlers, Mr. LaTourette, Mr. Gary G. Miller of California, Mr. Hayes, Mr. Brown of South Carolina, Mr. Platts, Mr. Mack, Mr. Kuhl of New York, Mr. Westmoreland, Mrs. Schmidt, Mr. Boustany, Mrs. Drake, Ms. Fallin, and Mr. Buchanan):

H.R. 1493. A bill to authorize the Secretary of Transportation to make grants to public transportation agencies, over-the-road bus operators, railroads, and other certain entities to improve security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself and Mr. Rogers of Michigan):

H.R. 1494. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself and Ms. Eddie Bernice Johnson of Texas):

H.R. 1495. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAIRD (for himself, Mrs. Cubin, and Mr. Matheson):

H.R. 1496. A bill to provide incentives for pharmaceutical companies, biotechnology companies, and medical device companies to invest in research and development with respect to antibiotic drugs, antivirals, diagnostic tests, and vaccines that may be used to identify, treat, or prevent serious and life-threatening infectious diseases; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. Wexler, and Mr. Weller):

H.R. 1497. A bill to amend the Lacey Act Amendments of 1981 to extend its protections to plants illegally harvested outside of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mrs. Capps, Mr. Hinchey, Mr. Moran of Virginia, Mr. McGovern, Mr. Snyder, Mr. Ruppersberger, Mr. McDermott, Mr. Farr, and Mr. Capuano):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 1499. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 1500. A bill to provide for the stabilization of prices for gasoline, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, the Judiciary, Natural Resources, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. Gene Green of Texas):

H.R. 1501. A bill to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FALLIN (for herself and Mr. Cole of Oklahoma):

H.R. 1502. A bill to treat certain payments made by Edmond, Oklahoma, as satisfying its obligations under the water storage control for Lake Arcadia, Oklahoma, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA:

H.R. 1503. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; to the Committee on Natural Resources.

By Mr. LoBIONDO (for himself and Mr. McIntyre):

H.R. 1504. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself and Mr. Braley of Iowa):

H.R. 1505. A bill to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. Platts, Mr. George Miller of California, Mr. Kirk, Mr. Rangel, Mrs. Bono, Mr. Frank of Massachusetts, Mr. Wolf, Mr. Lantos, Mr. Young of Florida, Mr. Lewis of Georgia, Mr. King of New York, Ms. Eshoo, Mr. Tom Davis of Virginia, Mr. Sestak, Mr. Gilchrest, Ms. Solis, Mr. Castle, Ms. DeGette, Mr. Gerlach, Mr. Olver, Mr. Shays, Mr. Wynn, Mr. Ramstad, Mrs. Capps, Mr. LoBiondo, Mr. Weiner, Mr. Reichert, Ms. Hooley, Mr. Saxton, Mr. Inslee, Mr. Smith of New Jersey, Mr. Butterfield, Mr. LaTourette, Mr. Hodes, Mr. Bartlett of Maryland, Ms. Shea-Porter, Mr. Kuhl of New York, Mr. Petri, Mr. Grijalva, Mr. Van Hollen, and Mr. Pallone):

H.R. 1506. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McDERMOTT (for himself, Mr. Petri, Mr. Blumenauer, Mr. Shays, Mr. George Miller of California, Mr. Walsh of New York, Mr. Pallone, Mr. Ramstad, Mr. Hinchey, Mr. Gilchrest, Mr. Moran of Virginia, Mrs. McCarthy of New York, Mr. Weiner, Mr. Lipinski, Mrs. Napolitano, Mr. Grijalva, Mr. Stark, Mr. Gonzalez, Mrs. Tauscher, Mr. Hastings of Florida, Mr. Schiff, Mr. Berman, Mr. Kennedy, Mr. Levin, Mr. Honda, Mr. Bishop of New York, Mr. Costello, Mr. Towns, Mr. Doggett, Ms. Loretta Sanchez of California, Mr. Cooper, Ms. Schakowsky, and Mr. Lynch):

H.R. 1507. A bill to ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin in a manner that protects and enhances local communities, ensures effective expenditure of Federal resources, and maintains reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEKS of New York (for himself, Mr. Feeney, Mr. Westmoreland, Mr. Hensarling, Mrs. Miller of Michigan, Mr. Duncan, Mr. Garrett of New Jersey, Mr. Gingrey, Mr. Kingston, Mr. Carter, Mr. Goode, Mr. Manzullo, Mr. Barrett of South Carolina, Mrs. Myrick, Mr. Gohmert, Mr. Lamborn, Mr. Flake, Mr. Pitts, Mr. Neugebauer, Mr. Akin, Mrs. McMorris Rodgers, Mr. Putnam, Mr. Mack, Mr. Royce, Mr. Sessions, Mr. Paul, and Mr. Towns):

H.R. 1508. A bill to reform certain provisions of section 404 of the Sarbanes-Oxley Act of 2002 to make compliance with that section more efficient, with the goal of maintaining United States capital market global competitiveness; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts (for himself, Mr. CAMP of Michigan, Mr. CANTOR, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. LEWIS of Kentucky, Mr. McDERMOTT, Mr. MILLER of Florida, Mr. POMEROY, Mr. RAMSTAD, Mrs. JONES of Ohio, and Mr. WELLER):

H.R. 1509. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. FATTAH, Mr. RYAN of Ohio, Mr. CONYERS, Ms. SCHWARTZ, Mr. ETHERIDGE, and Mr. UDALL of Colorado):

H.R. 1510. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Financial Services.

By Mr. ROHRABACHER:

H.R. 1511. A bill to amend the Servicemembers Civil Relief Act to provide relief with respect to rent and mortgage payments for members of the reserve components who are called to active duty and to amend the Internal Revenue Code of 1986 to allow a refundable credit to lessors for payments foregone by reason of such relief; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mrs. McCARTHY of New York, Mr. SCHIFF, Mr. GRIJALVA, Mr. BERMAN, Mrs. BONO, Mr. CARDOZA, Mr. LANTOS, Ms. HARMAN, Ms. WATSON, Mr. SHERMAN, Mrs. NAPOLITANO, Mr. BACA, Ms. WOOLSEY, Mrs. DAVIS of California, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. AL GREEN of Texas, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mr. McDERMOTT, Ms. MATSUI, Mr. GUTIERREZ, Mr. FARR, Mr. HIGGINS, Mr. CROWLEY, and Mr. KAGEN):

H.R. 1512. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. BERMAN, Mr. BOSWELL, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARNEY, Mr. CLAY, Mr. CUMMINGS, Mr. DAVID DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DONNELLY, Mr. EMANUEL, Mr. FARR, Ms. HERSETH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. JEFFERSON, Mr. KENNEDY, Mr. KILDEE, Mr. LoBIONDO, Mr. MARKEY, Mr. McCOTTER, Mr. McGOVERN, Mr. McNULTY, Mr. MICHAUD, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. PETRI, Mr. ROGERS of Alabama, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STARK, Ms. SUTTON, Mr. TAYLOR, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. WELCH of Vermont):

H. Con. Res. 91. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. ROHRABACHER, Mr. LINDER, Mr. WEINER, Mr. CUMMINGS, Mr. CANTOR, Mr. McNULTY, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, Mr. MEEK of Florida, Mr. BERMAN, Mr. SHERMAN, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Ms. CORRINE BROWN of Florida, Mr. ROTHMAN, Mrs. McCARTHY of New York, Mr. DOYLE, Mr. FOSSELLA, Mr. ACKERMAN, Mr. ENGEL, Mr. NADLER, Mr. MORAN of Virginia, Mr. HONDA, Mr. LANTOS, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. SHIMKUS, and Mr. SESSIONS):

H. Res. 240. A resolution urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. BACHUS, Mr. DELAHUNT, Ms. LEE, Mr. PAYNE, Mr. CONYERS, Mr. GUTIERREZ, and Mrs. MALONEY of New York):

H. Res. 241. A resolution urging multilateral financial institutions to cancel completely and immediately Haiti's debts to such institutions, and for other purposes; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. PICKERING and Mr. BURGESS.

H.R. 40: Mr. JACKSON of Illinois.

H.R. 63: Mr. WESTMORELAND and Mr. McCOTTER.

H.R. 111: Mr. McNULTY, Mrs. WILSON of New Mexico, Mr. LEWIS of Georgia, Mrs. BOYDA of Kansas, Mr. RENZI, Mr. KILDEE, Mr. WU, Mr. BLUMENAUER, Mr. MARKEY, and Mr. SMITH of Washington.

H.R. 140: Mr. POE.

H.R. 241: Mr. McHUGH.

H.R. 274: Mr. MORAN of Virginia.

H.R. 281: Mr. BACA.

H.R. 285: Mr. ALTMIRE.

H.R. 303: Mr. LANGEVIN, Mr. BERMAN, and Mr. KING of Iowa.

H.R. 358: Mr. GOODE, Mr. McINTYRE, Mrs. DRAKE, Mr. LAMPSON, and Mr. McNERNEY.

H.R. 395: Mr. GRIJALVA.

H.R. 413: Mr. COHEN.

H.R. 464: Mr. ELLISON.

H.R. 472: Mr. KLINE of Minnesota.

H.R. 473: Mr. SAM JOHNSON of Texas and Mr. Boehmer.

H.R. 477: Mr. DAVIS of Alabama and Mr. YOUNG of Florida.

H.R. 511: Mr. PICKERING, Mr. HASTINGS of Washington, Mr. LaTOURETTE, Mr. MICA, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. WHITFIELD, and Mr. LUCAS.

H.R. 545: Mrs. WILSON of New Mexico.

H.R. 549: Mr. ROTHMAN.

H.R. 553: Mr. ROSKAM and Mr. RYAN of Wisconsin.

H.R. 562: Mr. COLE of Oklahoma.

H.R. 566: Ms. NORTON.

H.R. 612: Mr. HALL of New York and Ms. CORRINE BROWN of Florida.

H.R. 678: Ms. DeGETTE.

H.R. 698: Mr. PASCRELL, Mr. CARDOZA, Mr. MICHAUD, Mr. BOUCHER, Ms. MATSUI, Mr. ROTHMAN, and Mr. SMITH of Nebraska.

H.R. 727: Mr. TIM MURPHY of Pennsylvania.

H.R. 736: Mr. JONES of North Carolina.

H.R. 751: Mrs. MYRICK.

H.R. 769: Mr. BUCHANAN.

H.R. 821: Ms. SCHWARTZ.

H.R. 880: Mr. McCOTTER.

H.R. 901: Mr. OBERSTAR and Mr. UDALL of Colorado.

H.R. 910: Mr. BOREN.

H.R. 938: Mr. MICA.

H.R. 972: Mr. GORDON.

H.R. 980: Mr. GRAVES, Mr. VISCLOSKY, Mr. ROSS, Mr. LEVIN, Mr. YARMUTH, Mr. TOM DAVIS of Virginia, Mrs. WILSON of New Mexico, Ms. HARMAN, Mr. SMITH of Washington, Mr. PORTER, Mr. DOYLE, Mr. VAN HOLLEN, Mr. ROTHMAN, Ms. BERKLEY, Mr. GEORGE MILLER of California, and Mr. SIRES.

H.R. 997: Mr. HERGER, Mr. HOEKSTRA, Mr. GOODLATTE, Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. DUNCAN, Mr. MICA, Mr. SMITH of Nebraska, and Mr. TAYLOR.

H.R. 998: Ms. HIRONO and Mr. YARMUTH.

H.R. 1014: Mr. McHUGH, Mr. JINDAL, and Ms. FALLIN.

H.R. 1022: Mr. BERMAN, Mr. DELAHUNT, Ms. HIRONO, Mr. McGOVERN, Mr. MARKEY, Mr. PASCRELL, Ms. SLAUGHTER, and Ms. DeGETTE.

H.R. 1049: Mr. MACK and Mr. BARRETT of South Carolina.

H.R. 1061: Mr. LaTOURETTE and Mr. UPTON.

H.R. 1076: Mr. FILNER and Mr. GILLMOR.

H.R. 1093: Mr. LINCOLN DIAZ-BALART of Florida and Mr. WEXLER.

H.R. 1104: Mr. McNULTY.

H.R. 1110: Mr. GEORGE MILLER of California, Mr. MORAN of Kansas, Mr. SAXTON, Mr. PALLONE, Mr. KILDEE, Mr. DOOLITTLE, Mr. SHIMKUS, Mr. FRANK of Massachusetts, Mr. YARMUTH, Mr. HOLT, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WESTMORELAND, Mrs. TAUSCHER, Mr. ALLEN, Mr. MOORE of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. GRAVES, Mrs. DRAKE, Mr. PAUL, Mr. TIERNEY, Mr. ROSS, Mrs. BOYDA of Kansas, Mr. PASCRELL, Mr. JONES of North Carolina, Mr. KAGEN, Ms. WOOLSEY, and Mr. WEXLER.

H.R. 1132: Mr. STARK, Mr. KAGEN, Ms. DeGETTE, Mr. TOWNS, Mr. CUMMINGS, and Mr. GONZALEZ.

H.R. 1137: Mr. BURTON of Indiana.

H.R. 1147: Mr. PASCRELL, Mr. DAVIS of Alabama, and Mr. PORTER.

H.R. 1150: Mr. REYES.

H.R. 1153: Mr. POE.

H.R. 1188: Mr. LATHAM.

H.R. 1217: Mr. NEUGEBAUER.

H.R. 1238: Ms. DeGETTE and Ms. ZOE LOFGREN of California.

H.R. 1246: Mr. SARBANES.

H.R. 1278: Mr. EHLERS.

H.R. 1279: Mr. McHUGH, Mr. COOPER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KUHL of New York.

H.R. 1280: Mr. McNULTY, Mr. PLATTS, and Mr. MURTHA.

H.R. 1282: Mr. CUELLAR and Mr. McHUGH.

H.R. 1283: Mr. HALL of Texas, Mr. ISRAEL, Mr. SMITH of New Jersey, Mr. KNOLLENBERG, Mr. LaTOURETTE, Mr. RUPPERSBERGER, and Mr. LATHAM.

H.R. 1284: Mr. HARE.

H.R. 1303: Mr. WYNN.

H.R. 1307: Mrs. MYRICK.

H.R. 1314: Mr. CAMPBELL of California and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1324: Mr. LoBIONDO.

H.R. 1330: Mr. McGovern, Mr. Peterson of Minnesota, and Mr. Hill.

H.R. 1335: Mr. Wilson of South Carolina.

H.R. 1342: Mrs. Myrick and Mr. Goode.

H.R. 1365: Mr. Feeney.

H.R. 1366: Mr. Feeney.

H.R. 1371: Mr. Ellsworth and Mr. Hastert.

H.R. 1391: Ms. Norton and Mr. Cummings.

H.R. 1413: Ms. Corrine Brown of Florida and Mrs. Myrick.

H.R. 1430: Mrs. Myrick, Mr. Platts, and Mr. Bachus.

H.R. 1448: Mr. Moran of Virginia, Mr. Doggett, Mr. Conyers, Mr. Burton of Indiana, Mr. Engel, Ms. Hooley, and Mr. Olver.

H.J. Res. 9: Mr. LaHood, Mr. Terry, and Mr. Tim Murphy of Pennsylvania.

H.J. Res. 37: Mr. McCotter and Mr. Cantor.

H. Con. Res. 21: Mr. Davis of Illinois and Mrs. Maloney of New York.

H. Con. Res. 53: Mr. Wynn and Ms. Hirono.

H. Con. Res. 88: Mr. Stark, Mr. Brown of South Carolina, Mrs. Napolitano, and Ms. Harman.

H. Res. 55: Mr. Rush, Ms. McCollum of Minnesota, and Mr. Conyers.

H. Res. 107: Ms. Jackson-Lee of Texas, Ms. Harman, Mr. King of New York, and Mr. Hare.

H. Res. 111: Mr. Rohrabacher.

H. Res. 123: Mr. Pascrell, and Mr. Grijalva.

H. Res. 146: Ms. Norton.

H. Res. 196: Mr. Smith of Washington.

H. Res. 221: Mr. Johnson of Georgia and Ms. Schakowsky.

H. Res. 222: Mr. Tim Murphy of Pennsylvania, Mr. Hare, and Mr. Kucinich.

H. Res. 224: Mr. Burton of Indiana.

H. Res. 230: Ms. Linda T. Sánchez of California, Mr. Crowley, Mr. Hastings of Florida, Mr. Sires and Mr. Fortuño.

H. Res. 231: Ms. Foxx.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. Moore of Kansas.

SENATE—*Tuesday, March 13, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Forever God, Lord of the beginning and the end, thank You for being our creator and sustainer. Uphold our Senators as they go forth today to do Your work.

Lord, keep them from the detours that prevent them from making real progress and provide for all their needs. Save them from perplexity and fear as You remind them that everything will pass away, but You are eternal. Help them to avoid every sin and to forsake every source of evil.

Give our lawmakers and all of us who work with them Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be 60 minutes of morning business today, with the time equally divided between the Republicans and Democrats. Following morning business, the Senate will resume consideration of S. 4, and the managers will be here ready to proceed with amendments, which I understand do not require rollcall votes, and also to clear some managers' amendments.

There will be debate on two Coburn amendments until 11:45 this morning, and the Senate will conduct two rollcall votes.

ORDER OF PROCEDURE

I ask unanimous consent that no second-degree amendments be in order to either Coburn amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, at conclusion of the second vote, the Senate will recess for the regular Tuesday party conferences and then return at 2:15 to continue debate on the remaining amendments to S. 4. Other rollcall votes will occur this afternoon.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

U.S. ATTORNEYS

Mr. McCONNELL. Mr. President, let me add to the majority leader's observation that with regard to the U.S. attorneys bill this morning, we have copies of a couple of amendments that will be offered to that bill. That should allow us to go forward with the unanimous consent agreement, as I indicated to the majority leader yesterday, which may allow us to vitiate cloture on that measure.

Mr. REID. Mr. President, we agree generally with the amendments. They appear to be reasonable. I think it would be a good way to set this matter aside. We should be able to vitiate cloture. As we speak, the persons interested in the bill are looking at the amendments and, hopefully, the unanimous consent can be done rapidly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the time to be equally divided between the leaders or their designees, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Washington is recognized.

CONDITIONS AT WALTER REED HOSPITAL

Mrs. MURRAY. Mr. President, by now, most Americans have heard about the appalling conditions at Walter Reed, as exposed by the Washington Post articles. Those stories detailed conditions which not one of us should have to endure, especially our injured troops who have sacrificed so much for this country.

The Washington Post uncovered rooms with mice infestation, moldy walls, and holes in the ceilings. Their series also showed the administration is failing to provide adequate medical care for our injured troops who face inexcusably long waits for the most basic care. If squalid living conditions and lack of adequate medical care are not bad enough, troops face a daunting maze of paperwork for the simplest things.

One serviceman had to show his Purple Heart to even prove he had served in Iraq. Others told us that when they returned from Iraq, their uniforms were caked in dirt and blood, and they were forced to spend endless hours trying to secure new, clean uniforms. A severe shortage of caseworkers means patients endlessly search for answers to routine questions.

Mr. President, our service men and women are not the only ones facing bureaucratic nightmares. We also learned of problems their families face when they try to visit their loved ones at Walter Reed. From a lack of translators for families of Hispanic soldiers, to complicated and outdated forms for hotel reimbursement, relatives find themselves spending countless hours on paperwork—time which could be spent with their injured sons, daughters, husbands, wives, fathers or mothers.

Despite White House efforts, it was eventually revealed that members of this administration had known for years of the problems that plagued Walter Reed.

The President's response to Walter Reed has been slow and more media

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

strategy than substance. Unfortunately for our troops, the administration has tried for weeks to paper over problems instead of offering us real solutions. Days after the first reports, administration officials repeatedly attempted to play down the problems. They painted walls and held press conferences and told America that the problems were overblown. But the press and the American public didn't buy it; they have been misled too many times by this administration. Stories on the President's failure to care for our injured troops continue to appear.

After 2 weeks of endless news on the horrible conditions at Walter Reed, the administration decided fall guys were needed.

First to go was MG George W. Weightman, the head of the hospital. The second—a bit higher on the food chain—was Army Secretary Francis J. Harvey. Finally, yesterday, the administration fired Lieutenant General Kiley, the Army Surgeon General and former head of Walter Reed.

On top of the fall guys, the administration has created numerous commissions to review the care of our injured troops and veterans.

Mr. President, while firing people who were involved in failures and creating panels to review problems are usually positive steps in the right direction, in my view, the administration's history, unfortunately, leads me to be fairly skeptical. For one, while Army Secretary Harvey, Lieutenant General Kiley, and Major General Weightman ignored for years the problems at Walter Reed, the buck stops with the President. As the White House spokesperson said a few weeks ago, the administration has been aware of this for some time.

Real accountability is not just finding fall guys; it is publicly owning up to failures and, even more important, changing course. Moreover, it is unlikely the panels are the solutions they seem to be. In the past 7 years, we have seen many recommendations from many commissions—including those from the 9/11 Commission and the Iraq Study Group—simply be ignored by the White House.

What good are fall guys and commissions if they produce no real change?

It is now undeniable that the administration has failed our troops and veterans. What is needed, and what these men and women deserve, are real solutions that will meet the needs from the battlefield to the VA and everywhere in between. Our forces in battle deserve adequate body and humvee armor, communications gear, and equipment to jam IEDs. What they don't need is another day in the field without those items.

Our injured heroes returning from Iraq deserve adequate mental care, treatment for post-traumatic stress disorder and traumatic brain injury, and they deserve less bureaucratic redtape. What they don't need is another report of the administration's failure to care for them or a White House media strategy to cover those failures.

Our veterans of Iraq deserve benefit checks to be mailed on time so they can provide for their families and are not forced into homelessness. What they don't need is another day without the benefits they deserve.

In the end, what all of our brave men and women need is an end to this administration's excuses. Democrats know what our troops deserve. We know they deserve a Congress that will not hide this administration's mistakes and will, instead, provide solutions. Lastly, Democrats took steps toward that goal.

The HEROES, Honoring and Ensuring Respect for Our Exceptional Soldiers, plan will ensure that our service members no longer fall through the cracks and fail to receive the treatment they deserve. It calls for increased oversight and coordination between the various committees overseeing our troops and our veterans. This effort is especially important because so many of us know the problems at Walter Reed are not unique. Instead, I fear much of the health care system for our troops is broken because we failed to do our job. From poor facilities to long waiting lines to overwhelming redtape, the system is failing our troops.

We need a comprehensive look at this problem and we need comprehensive solutions. Our troops and our families deserve no less.

Mr. President, I was stunned over the weekend to see that some of these brave men and women who have been injured in Iraq are now facing the indignity of being sent back before being cleared for duty.

According to a Salon.com article from March 11, several dozen injured soldiers at Fort Benning, GA, are being sent back to Iraq as part of the President's escalation plan. Those soldiers, the article tells us, have various medical problems that should prevent them from returning to battle. But the President is sending them anyway.

Let me quote directly from the article:

> As the military scrambles to pour more soldiers into Iraq, a unit of the Army's 3rd Infantry Division at Fort Benning, GA, is deploying troops with serious injuries and other medical problems, including GIs who doctors have said are medically unfit for battle. Some are too injured to wear their body armor, according to medical records.
>
> On February 15, Master Sgt. Jenkins and 74 other soldiers with medical conditions from the 3rd Division's 3rd Brigade were summoned to a meeting with the division surgeon and brigade surgeon. These are the men responsible for handling each soldier's "physical profile," an Army document that lists for commanders an injured soldier's physical limitations because of medical problems—from being unable to fire a weapon to the inability to move and dive in three-to-five second increments to avoid enemy fire. Jenkins and other soldiers claim that the division and brigade surgeons summarily downgraded soldiers' profiles, without even a medical exam, in order to deploy them to Iraq. It is a claim division officials deny.

Mr. President, that report is very disconcerting. If it is true, it represents a new outrage and yet another example of how the administration's failure to plan for the war is being taken out on our brave women and men. MSG Ronald Jenkins, who is one of the soldiers who told Salon he was ordered to Iraq even though he has a spine problem that doctors say would be damaged by Army protective gear, said:

> This is not right. This whole thing is about taking care of soldiers. If you are fit to fight, you are fit to fight. If you are not fit to fight, then you are not fit to fight.

I could not agree with Master Sergeant Jenkins more. This whole thing—the war, the buildup, the aftermath—must be about taking care of our soldiers.

Mr. President, far too frequently, taking care of our soldiers has been little more than an afterthought for this administration. Unfortunately, the list of failures we see goes on and on. Stories emerge every single day and, still, with this war, set to enter on Monday its fifth year, this administration has failed to make caring for our troops a top priority.

There has been more than enough time to address problems facing our troops. Unfortunately, but not surprisingly, the administration has failed our Armed Forces.

Mr. President, the administration and Republicans in Congress owe our troops, their families, and our veterans a lot more.

I am not going to sit idly by and wait for them to act, and I am not going to wait for another commission. I am going to continue to be out here on almost a daily basis to talk about it, to fight for our troops, for our veterans, and their families. They deserve nothing less.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOMELAND SECURITY

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the bill that we are on, the State homeland security formula and the security bill. Certainly, I am hopeful that we will be able to complete that soon. I hope that we can continue to move forward at a little faster pace, perhaps, and do some of the things that need to be done. I understand the complication of many of these bills and the importance of them, but I think we do need to consider some of the things that are ahead of us—immigration, for example, and health care, and some of those kinds of issues that are before us.

This morning, I would like to spend a few minutes on one concern I have in the pending bill which has to do with rural America. During last week's debate, the Senate effectively voted a significant cut for rural States. Now, of course, I understand we have to consider the impact of homeland security, but the idea that rural States are not impacted I certainly don't think is completely true. Under the bill, my State stands to receive roughly $10 million out of $3 billion—$10 million in Wyoming. Some people think all we have is cows and sheep and maybe an oil well or two, but the fact is that we do have a base of energy. As a matter of fact, in some ways that may be one of the most susceptible risks to security. So I do think there needs to be a little more discussion in that respect.

For years now, the States of New York and California have used Wyoming as a poster child for wasteful homeland security because Wyoming receives a per capita amount. The per capita amount is relatively high. Why? Because we have a very small population, half a million compared to 30 or 35 million. So the per capita formula is not an indication of the need for the State. It is easy for New York and California to play with the numbers and sort of mislead the audience by leaving ouy the actual amount of money that Wyoming generally receives. We also rarely hear mentioned that their States, these large States, receive hundreds of millions of dollars through the same program, the homeland security grant program. But that is not even half the story. These same large States conveniently fail to disclose the fact that their States also qualify for funding from the urban grant program, a program that excludes my State and other rural States.

So this is one of those times when you have to take a look at all the States and realize this idea just of population does not work. As we can see on the floor of the Senate, population is not the only condition for having two Senators here, fortunately. In any event, from fiscal year 2003 through 2006, homeland security funding for California has been $1.1 billion and New York received $932 million, compared to Wyoming receiving approximately $20 million its first year. In 4 years that figure has fallen to $10 million.

At any rate, as I am suggesting, there is a certain amount of inequity in terms of the funding formula in this bill. When we do receive Federal assistance, that money goes a long way, of course. Unlike many of our urban counterparts, we make the best use of it and always have, but that doesn't mean that rural areas are not at risk. In fact, as I said, in many ways you can say it might be easier to attack the rural areas than some of the others.

Most people don't know that Wyoming is the largest net exporter of energy in the United States. Our energy powers the Nation and is critical to maintaining our strong national security. So rail lines and transmission lines and refineries are very important not only to our State but to the Nation.

There is no question that the economy favors dense areas. We have debated this, as a system, and I suppose we will continue to do that. As a matter of fact, we had a vote where I think we lost by only one in terms of increasing the basic amount States would receive. Hopefully, we can take another look at this as we go about working with the House.

I would like to also comment on a pending amendment which is inconsistent with the majority's will to prohibit nongermane amendments. I don't recall the 9/11 Commission making this recommendation, but we have an amendment pending that would reroute hazardous materials through our Nation's small towns instead of through big cities. I don't in any way want to infer that it is the intention of this amendment to put small towns in harm's way. Unfortunately, the amendment has been filed and, indeed, will put individuals in rural areas at more risk than those in urban areas.

There is no question that we need to secure the rails. Coming from a State where the economy relies to a large extent on railroads, I know all too well that security is critical to this infrastructure. It certainly is important to us, and we are making significant progress in that regard. The Federal Government and the railroads have agreements targeted at reducing the risk of hazardous materials that are in high-threat urban areas around the Nation, and these arguments didn't happen overnight. I understand that, and that is proper. They are well thought out, with the input from security and industry professionals and all of the experts in Congress. Mandatory rerouting would not eliminate the risks. Instead, it shifts them from one population to another.

Forced rerouting could also foreclose routes that are top performers in terms of overall safety and security and result in increased risk in exposure and reduced safety and security. If we force these trains to reroute, imagine the cost of the goods that will be passed along to the consumer. Railroads are required by the Federal Government to transport hazardous materials. They cannot pick up and abandon a line that is not profitable.

Under this measure, railroads are going to have to build a new track and acquire a lot of land that bypasses major metropolitan areas. Imagine the demand for the use of eminent domain, which is one of the difficulties that we have, of course, and is necessary when you talk about this kind of infrastructure.

Finally, I would like to respond a little bit to some of the arguments that the other side has made with respect to keeping this bill clear of extraneous and nongermane amendments.

Last week, the minority leader requested that the Senate vote on a package of security-related amendments. The majority declined and decided to filibuster the package instead and block consideration. Instead of having these honest debates on amendments to improve the bill, the majority sent out a conflicting message. On the one hand, they argued the amendment to strengthen the security of the country was nongermane and partisan. On the other hand, they argued that a union-backed elective bargaining provision was relevant to our Nation's security and wasn't partisan.

Mr. President, I am very troubled by the inconsistency, particularly on this bill. I know many Members feel the same way. In fact, I would like to reference the comments made on the floor of the Senate last week by the Senator from Michigan, who came to the floor expressing frustration with the lack of progress on the bill. The Senator was concerned about amendments being offered by the Republicans that would strengthen our national security but were not relevant to the 9/11 Commission recommendations. It was stated, and I quote:

> I find myself needing to express concern about the place in which we find ourselves at this point—unable to move forward with the final bill and the relevant 9/11 Commission amendments that have been offered because of an effort by the Senate Republican leader to offer a wide-ranging number of unrelated amendments to the bill.

Unfortunately, this frustration was directed at the wrong side of the aisle. Union collective bargaining is not an issue recommended by the 9/11 Commission and should not be in this bill. It seems to me we are hearing mixed messages from the other side. It appears that they are willing to include provisions backed by the unions but not willing to debate and vote on tough security-related measures such as those contained in the Cornyn amendment.

The amendment offered by the Senator from Texas would do so much more to strengthen our national security than the labor measure, but Members on the other side have aggressively defended that amendment of last week. Of these two measures, there can be no debate as to which provision does more to protect our Nation. The other side of the aisle has it wrong.

I generally agree with what the Senator from Michigan said last week, but you cannot have it both ways when it comes to securing our Nation. If we want to limit this bill to debating and implementing the 9/11 recommendations, let's not compromise national security at the same time by allowing collective bargaining of the TSA screeners. Setting this policy would greatly hinder TSA's flexibility to respond to terrorism threats, flesh intelligence, and emergencies as they arise. TSA needs to have the ability to move the screeners around as schedules and threats change.

TSA was created to be a nimble agency. Let me give some examples of how TSA has proven its ability to quickly respond.

During the August 2006 United Kingdom air bombing threat, TSA screeners were briefed and deployed where they were needed to respond to the threat.

TSA has employed its flexibility to evacuate patients at the Texas VA Hospital in the path of Hurricane Rita and helped with the evacuation of people in New Orleans following Hurricane Katrina.

Last year, when Lebanon erupted into violence and fighting broke out, TSA was able to rapidly respond to expedite the evacuation of thousands of Americans in Lebanon and thousands of legitimate refugees.

TSA deployed 27 of its officers to Cyprus when fighting broke out. TSA was able to quickly respond, assisting airport authorities with verifying passenger identification documents and screening the large volume of evacuees.

This labor-backed provision has nothing to do with enhancing our homeland security, and the President has repeatedly said he will veto the bill if collective bargaining is included. If we are going to be sincere in improving homeland security, that is one thing, but moving forward with collective bargaining for TSA is unexplainable. The 9/11 Commission made a lot of recommendations, most of which I support, but a collective bargaining provision didn't even make the list.

I can only hope that when the bill passes and it goes to conference that conferees will do the right thing and drop the provision. Failure to do so will only delay our effort to strengthen this Nation's security.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, I ask unanimous consent that the remainder of the time be controlled by this side of the aisle, that I be permitted to speak for 8 minutes, that the Senator from Illinois, Mr. OBAMA, be permitted to speak for 8 minutes, and then we will see how much time we have remaining.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11:15 in order to accommodate folks on the other side of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, 9 months ago, 13 Senators cast their vote for a 1-year deadline for redeployment of most U.S. troops from Iraq. Our country has been waiting impatiently for Washington to find the right way forward for Iraq and the right policy for our troops. It seemed then, when those 13 votes were cast, as it does now, that was the only way to help Iraq and the Middle East to emerge from a nightmarish war that has delivered chaos where it sought order, fear where it promised freedom, and open-ended escalation where the President promised us mission accomplished. This is a war which has cost us dearly in just about every possible measure of American interest and power.

Today, Democrats stand nearly united behind a strategy for success, a strategy for success that includes a deadline needed to force the Iraqis to stand up for Iraq. A lot has changed in the last 9 months, but I am more convinced than ever that a combination of serious, sustained diplomacy, real diplomacy, leveraged by a 1-year deadline for the redeployment of U.S. troops, is the best way to achieve our goal of stability in Iraq and security in the region.

I listened to administration spokespeople in the last few days as they went on television blasting the Democratic proposal. It is interesting how they continue their habit of just setting up a straw man, putting something out there that has nothing to do with the reality of the program, and then knocking it down. They are fond of saying: a precipitous withdrawal from Iraq would be just terrible to our interests in the region. Let's make it clear. A 1-year date from now, with discretion to the President to leave troops there to finish the training, with discretion to the President to leave troops there to chase al-Qaida, with discretion to the President to leave troops there to protect American facilities and forces, with the ability to have an over-the-horizon presence—a 1-year deadline from today, which would be entering the 6th year of this war, is not a precipitous withdrawal of any kind whatsoever. In fact, there are many people in the country who think that is not soon enough.

The fact is, this administration wants to sow fear in Americans, so they choose to debate something that is not the proposal of those of us who have put this proposal forward. What we propose to do is change the strategy of our mission so we can achieve success.

What we have seen is that this open-endedness you just kind of say we need to do this and we need to do that and we want the Iraqis to stand up and we want the police to do better and Prime Minister Maliki said he is going to deliver—none of that delivers anything. The Iraqi politicians know that as long as there is no deadline, they can take as long as they want to work out whatever power struggles and differences they have. So they are using the presence of American forces as cover for their own goals, for their own desires, until we in the United States say to them: Hey, folks, get serious. Our young people are prepared—obviously, because we have been doing it for 4 years—to put their lives on the line in order to help you have democracy, but you have to grab that democracy, you have to make decisions, and you have to go in and police your neighborhoods.

The only way you are going to change that is by being responsible and demanding something.

It provides the President the discretion to be able to complete the training. What else, after 5 years, would we want to be in Iraq for besides finishing the training and standing up the Iraqi forces and chasing al-Qaida and fighting the legitimate war on terror?

This 1-year deadline is sound policy. It is based on the Iraq Study Group's goal of redeploying U.S. combat forces from Iraq by the first quarter of 2008. It is consistent with the timeframe for transferring control to the Iraqis that was set forth by General Casey and the schedule agreed upon by the Iraqi Government itself.

Even the President has said, under his new strategy, responsibility for security would be transferred to Iraqis before the end of this year. If the President is telling us that responsibility for security can be transferred to the Iraqis by the end of this year, don't we have a right to hold the President accountable for that goal? Don't we have a right to hold the Iraqis accountable for that goal? If the goal is to transfer security to them by the end of this year, how can you resist the notion that you are going to leave troops there to complete the training, chase al-Qaida, protect American forces, but bring the bulk of our combat forces home so they, indeed, will be standing up for their own security?

The President has said it. The Iraq Study Group has said it. The generals have said it. Now it is time for the Senate to put it on record as part of our effort to support this objective. It is long since time for the Iraqis to assume responsibility for their country. We need this deadline to leverage the Iraqis into making the hard compromises that are necessary.

I might add, no young soldier from the United States or Great Britain ought to be dying so that Iraqi politicians can get more time to squabble, more time to try to strike a better deal for themselves. We ought to be working overtime in order to bring about a compromise that is ultimately the only solution to what is happening in Iraq today.

Even now, we keep hearing the Iraqis are close to a deal on sharing oil revenues. But we still have not seen the final agreement ratified. Without a real deadline to force a deal, there is no telling how long it will take. But we do know that as long as there is no deadline, the Iraqis will believe they can take as long as they want.

We also know American soldiers and Iraqi civilians will continue to die and be maimed while those politicians continue to use the presence of American forces as a cover for their other objectives. We saw that again last weekend, when Iraq's neighbors and key players from the international community finally got together at a conference in Baghdad. The conference was a welcome development. We have been calling for it for several years. It was long overdue. But nothing tangible came out of it because, of course, no preparations and no diplomacy had been carried out leading up to it in order to get something substantive to come out of it. That is precisely why a deadline is so critical and essential, to force everyone to focus on the urgent need to reach a political solution.

The debate—this debate, a debate the Senate needs to have—offers a very clear choice, a choice between a new way forward and the old way that has taken us backward.

I might add, yesterday we saw a little more of that old way as the rhetoric escalated. The Vice President said yesterday, "When Members speak not of victory but of time limits, deadlines, and other arbitrary measures, they are telling the enemy simply to watch the clock and wait us out."

First of all, there is nothing arbitrary about a date for next year. The Iraq Study Group put it forward, the President said security responsibility could be transferred by the end of this year, and the generals put it forward. But more importantly, the Vice President of the United States must be the last person in America who believes the enemy is waiting or watching the clock. It is Iraqi politicians who are watching the clock. They are the ones who are delaying and squabbling. The enemy is busy doing what the enemy has been doing.

Moreover, the Vice President lumps things together in the word "enemy" here in a very strange way. Yes, the enemy is al-Qaida, and we are focused on al-Qaida. But the fact is that this war in Iraq is fundamentally a civil war now. It is a struggle between Sunni and Shia, and the last I knew, they are Iraqis and they are not our enemy. They are fighting amongst each other for the power and the future of Iraq.

With each day, this administration becomes more detached from the realities.

I believe if you look at the figures, this is not a temporary surge. This weekend, we learned that the President's escalation is going to involve nearly 5,000 more troops than the 21,500 that was initially announced and the Congressional Budget Office estimates that the total could eventually reach 48,000 additional troops total. The original cost estimate was about $5.6 billion but the CBO tell us the final amount could reach nearly five times that much. And it looks more and more like the troop increase could last well into next year.

We also see that most people understand that when the Vice President talks about undermining the troops, there is not one of us here who is not outraged by what has happened to the troops with respect to the lack of adequate armor, the lack of adequate humvees, the lack of adequate support, numbers of personnel and planning, and, most importantly, the treatment of those soldiers when they have come home—a VA budget that is inadequate, a disability system that is dysfunctional, and obviously the treatment we saw recently at Walter Reed.

The Vice President needs to focus on how you really support the troops. The way you really support the troops is to get the policy in Iraq right. We have a policy for success. They have had a 4-year policy of failure that has made Iran stronger, North Korea stronger, Hamas stronger, Hezbollah stronger, weakened our relations in the region, and has certainly not served the interests of our national security.

It is time for the Senate to do what this administration has stubbornly refused to do to recognize that we should honor lives lost with lives saved. That starts by putting aside the hollow rhetoric and straw men that have undermined a real debate for far too long and support a strategy that preserves our core interests in Iraq, in the region, and throughout the world. That is how we support the troops.

Mr. President, we can do better. This resolution we have submitted is a way to do better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise, first, to offer strong words of support for the statement that was just offered by the distinguished Senator from Massachusetts. I also rise today to speak in support of the Iraq resolution the Senate will consider tomorrow.

The news from Iraq is very bad. Last week, a suicide bomber stood outside a bookstore and killed 20 people. Other attacks killed 118 Shia pilgrims. On Sunday, a car bomb went off in central Baghdad, and more than 30 people died. The road from the airport into Baghdad is littered with smoldering debris, craters from improvised explosive devices, and the memories of our sons and daughters.

The civil war in Iraq rages on. The insurgents have started to change their tactics. They hide in buildings and along the streets and wait for our helicopters. They have shot down at least 8 U.S. helicopters in the last month. More of our soldiers are dying or coming home with their bodies broken and their nerves shattered to a VA system completely unprepared for what they need to rebuild their lives.

It is not enough for the President to tell us victory in this war is simply a matter of American resolve. The American people have been extraordinarily resolved. They have seen their sons and daughters killed or wounded in the streets of Fallujah. They have spent hundreds of billions of dollars on this effort—money they know could have been devoted to strengthening our homeland security and our competitive standing as a nation. The failure has not been a failure of resolve. That is not what has led us into chaos. It has been a failure of strategy, and it is time that the strategy change. There is no military solution to the civil war that rages on in Iraq, and it is time for us to redeploy so that a political solution becomes possible.

The news from Iraq is very bad, and it has been that way for at least 4 years. We all wish the land the President and the Vice President speak of exists. We wish there were an Iraq where the insurgency was in its last throes, where the people work with security, where children play outside, where a vibrant new democracy lights up the nighttime sky. We wish for those things, but there is no alternative reality to what we see and read about in the news, to what we have experienced these long 4 years.

I repeat, there is no military solution to this war. At this point, no amount of soldiers can solve the grievances at the heart of someone else's civil war. The Iraqi people—Shia, Sunni, and Kurd—must come to the table and reach a political settlement themselves. If they want peace, they must do the hard work necessary to achieve it.

Our failed strategy in Iraq has strengthened Iran's strategic position, reduced U.S. credibility and influence around the world, and placed Israel and other nations in the region that are friendly to the United States in greater peril. These are not signs of a well-laid plan. It is time for a profound change.

This is what we are trying to do here today. We are saying it is time to start making plans to redeploy our troops so they can focus on the wider struggle against terrorism, win the war in Afghanistan, strengthen our position in the Middle East, and pressure the Iraqis to reach a political settlement. Even if this effort falls short, we will continue to try to accomplish what the American people asked for last November.

I am glad to see, though, that this new effort is gaining consensus. I commend Senator REID for his efforts. He took the time to listen to so many of us from both Chambers of Congress to help develop this plan.

The decision in particular to again begin a phased redeployment, with the goal of redeploying all our combat forces by March 30, 2008, is the right step. It is a measure the Iraq Study Group spoke of, an idea I borrowed from them, an idea that, in a bill I introduced, now has more than 60 cosponsors from the House and Senate and from both sides of the aisle. They have supported this plan since I announced a similar plan in January.

The decision to allow some U.S. forces to remain in Iraq with a clear mission to protect U.S. and coalition personnel, conduct counterterrorism operations, and to train and equip Iraqi forces is a smart decision. President al-Maliki spoke at a conference and warned that the violence in Iraq could spread throughout the region if it goes unchecked. By maintaining a strong presence in Iraq and the Middle East, as both my bill and the leadership bill does, we can ensure that the chaos does not spread.

I should also add that the decision to begin this phased redeployment within 120 days is a practical one. Our military options have been exhausted. It is time to seek a political solution to this war, and with this decision we send a clear signal to the parties involved that they need to arrive at an accommodation.

While I strongly believe this war never should have been authorized, I believe we must be as careful in ending the war as we were careless getting in. While I prefer my approach as reflected in my bill, I believe this resolution does begin to point U.S. policy and Iraq in the right direction. An end to the war and achieving a political solution to Iraq's civil war will not happen unless we demand it. Peace with stability does not just happen because we wish for it.

It comes when we never give in and never give up and never tire of working toward a life on Earth worthy of our human dignity. The decisions that have been made have led us to this crossroad, in a moment of great peril.

We have a choice. We can continue down the road that has weakened our credibility and damaged our strategic interests in the region or we can turn toward the future. The road will not be smooth. I have to say there will be risks with any approach, but this approach is our last best hope to end this war so we can begin to bring our troops home and begin the hard work of securing our country and our world from the threats we face.

The President has said he will continue down the road toward more troops and more of the same failed policies. The President sought and won authorization from Congress to wage this war from the start. But he is now dismissing and ignoring the will of the American people who are tired of years of watching the human and financial tolls mount.

The news from Iraq is very bad, but it can change if we in this Chamber say "enough." Let this day be the day we begin the painful and difficult work of moving from the crossroad. Let this day be the day we begin pulling toward the future with a responsible conclusion to this painful chapter in our Nation's history. Let this be the day when we finally send a message that is so clear and so emphatic that it cannot be ignored.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TAX GAP

Mr. GRASSLEY. Mr. President, the subject today is the tax gap. The tax gap is the difference between what is paid voluntarily in taxes by 85 percent of the American people and what is actually owed by people who do not pay all of the taxes that are legally owed.

The tax gap does not include things that are in the underground economy, nor does it include illegal earnings. The tax gap is certainly not a new issue. We have discussed it on the floor of the Senate many times. It has been an issue for previous administrations as well as this administration. In fact, I suspect the tax gap has been an issue for as long as there has been taxes. However, I would say in recent years the Finance Committee, on which I serve, has certainly brought a new focus to the issue of the tax gap. This has been very much a bipartisan effort. I believe the level of attention given to the tax gap certainly reflects the energy and focus of the new chairman of the committee, Senator MAX BAUCUS from Montana. Chairman BAUCUS should be commended for his work in this area.

I also want to praise the chairman of the Budget Committee, Senator CONRAD of North Dakota, for putting an additional spotlight on the tax gap topic. The Finance Committee has been doing the hard work in this area, encouraging greater research by the Internal Revenue Service, asking for detailed reports and recommendations from the Treasury Department as well as the Congressional Joint Committee on Taxation, investigating specific aspects of the tax gap, holding hearings to explore the details of the tax gap.

Finally, the Finance Committee has been doing the most difficult work of all, actually passing significant legislation that would reduce the money that is not coming in because of the tax gap. This has not been easy. I find the tax gap is one of those issues here in Congress that is a little bit like the weather: Everyone talks about it but no one is doing as much as should be done about it. But the way people talk around here, they view the tax gap as somehow a cure-all for all budget problems. The tax gap can be used to pay for the alternative minimum tax problem; if we want to expand spending on health care, tap into the tax gap; if we want to balance the budget, tap into the tax gap.

Given the amount of faith people have put into it, the tax gap has suddenly become one of those magic elixirs the peddlers used to sell in the Old West. You know how they said it will cure all that ails you. That was the slogan used by those slick salesmen 100 years ago. So the tax gap has become the elixir for all fiscal problems. I am surprised folks do not think the tax gap would cure baldness, as an example. So let's get behind the dreams and get to the real story of the tax gap.

I want to talk about three issues dealing with the tax gap. First, what is the estimate of the tax gap? Second, what are the elements of the tax gap? Finally, what do we actually do in addition to all of those things we have been doing to reduce the tax gap; in other words, to go after that final dollar we know is legally owed but not collected.

First, how is it the tax gap is estimated, and what is it? The Senate Finance Committee's Subcommittee on Taxation and Internal Revenue Service Oversight held a hearing 9 months ago, July 2006. It was chaired by the then-chairman of that subcommittee, Senator KYL. We heard extensive testimony from senior IRS officials about how the tax gap is estimated. The tax gap has been based on reporting compliance efforts known as the Taxpayer Compliance Measurement Program.

As many colleague will recall, these efforts were viewed as too intrusive into the lives of the taxpayers. So the last taxpayer compliance measurement program that was done was back in 1988. Senator BAUCUS and I recognized the need for the updated research and encouraged the Internal Revenue Service to look at research that could provide useful data, useful information, without unduly burdening the honest taxpayer.

The Internal Revenue Service then responded with a national research program. It is important to realize that the national research program only dealt with a portion of the entire tax gap, primarily focusing on individual income taxes and not dealing with corporate tax. There are still significant portions of the tax gap that are then based on that very old material going back to some studies 20 years ago, particularly in the area of passthrough entities.

I have a chart here that will make reference to some of these portions, significant portions of the tax gap. This is easily brought to focus on the Internal Revenue chart we have here. Remember, this is for tax year 2001, the latest available information. You can see it is only those items in bold that have been updated from the recent national research program, primarily in the area of individual income taxes and self-employment taxes; these areas right here.

It would be nice to have an update on all of this. But in order to get on top of it and get it done quickly, we asked the IRS to focus on these areas. With the colors, you can see it is only the green—underpayment of taxes—that we have high confidence in. The light blue has been recently updated. We have some better sense of what the costs are.

Unfortunately, it is the yellow—the bigger parts of the chart—that is dependent upon the older numbers sometimes going back years and years. That is the yellow portion I have already referred to.

In terms many can better understand, think of the yellow estimates as being the broad side of the barn in terms of accuracy. So there we have it. At the end of the day the tax gap, based on many old estimates, is thought to be $345 billion for tax year 2001. That reflects a noncompliance rate of 16 percent. So basically, 84 percent of the tax dollars are coming in as required by law. We have a tax gap then of a remaining 16 percent.

Now I will turn to what are the elements of the tax gap. Again the chart from the Internal Revenue Service provides a useful blueprint. Nonfiling is about $27 billion. These are the people who do not even file their taxes. Then there is the underreporting of $285 billion. The Internal Revenue Service divides that into four categories: individual taxes at $197 billion; employment taxes, $54 billion; corporate income taxes at $30 billion; and estate tax and excise taxes of $4 billion.

Underpayment of taxes, which is the amount people admit they owe on their tax returns but do not pay on time, happens to be $33 billion.

Clearly individuals make up the biggest part, with individuals underreporting nonbusiness income and business income, and overstating adjustments, deductions, and exemptions being the elements of the tax gap for individuals. A good deal of this is concentrated in the areas of self-employment and schedule C of the tax return.

Now that we have gone through how we measure the tax gap and what makes up the tax gap, the most important thing people want to know is—they do not want a definition of the problem—what can be done to close it? That is what my constituents ask me.

I believe the real question is one I would state this way: What steps can be taken that are effective and will not unduly burden taxpayers? We have to bear in mind most taxpayers do comply, and a significant amount of noncompliance is unintentional. I think all Members recognize that in the zeal to get at the tax gap, we cannot wreck the lives of the honest taxpayers. Most of the taxpayers, 85 percent, are not a problem. We cannot be like the fellow who tears down his house to get at the mouse. Members on the other side should be particularly sensitive to the mindset of not taking on the honest taxpayer when trying to take care of the problem of the 15 percent, given this was effectively what was being promoted in 1994 with the wholesale reform of health care. Proponents in 1994 wanted to change the health care system for 85 percent of the people for whom the system worked to help the 15 percent of the people who did not have health insurance. The voters were right in telling political leaders at that time in 1994 that this did not make any sense. First we need to recognize that the Internal Revenue Service is already, through enforcement, doing quite a bit to deal with the tax gap.

This chart reflects the Internal Revenue Service's testimony before the Budget Committee and estimates the IRS activities will reduce the tax gap, the $345 billion total, by nearly $70 billion by the year 2007. This reflects $17 billion in direct enforcement revenue and the rest in direct compliance effects. So we start with that as the base, the work of the Internal Revenue Service, which is already reducing approximately 20 percent of the tax gap, with Commissioner Everson's statements last year that the Internal Revenue Service could bring in somewhere between $50 billion and $100 billion a year without dramatically changing the relationship between the IRS and taxpayers; in other words, not being more egregious against the honest taxpayer. Well, the IRS is already doing that, according to its Commissioner.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I have to have 10 more minutes, maybe less than that.

The ACTING PRESIDENT pro tempore. The Senator will have to propound a unanimous-consent request to that effect.

Ms. COLLINS. Mr. President, I think we have votes that are scheduled at 11:45.

The ACTING PRESIDENT pro tempore. That is correct.

Ms. COLLINS. Perhaps the Presiding Officer could review——

Mr. GRASSLEY. Mr. President, I will complete my statement later, but I wish people would get it straight. If I were told I could come over here and finish my statement, and do it in morning business, I would like to be able to do it; otherwise, I would have waited to do it tonight.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the act.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high-hazard materials.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high-hazardous materials.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

AMENDMENTS NOS. 294 AND 325

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:45 a.m. shall be for debate on Coburn amendments Nos. 294 and 325, and the time shall be equally divided between Senators COBURN and LIEBERMAN or their designees.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of our time to Senator BROWN of Ohio. He has a statement to make as in morning business.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I thank my friend from Connecticut.

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. Mr. President, I thank the Senator from Connecticut and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of the time on our side to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank the chairman.

We heard, a few minutes earlier, from Senator GRASSLEY of Iowa, the ranking Republican on the Finance Committee. He talked at some length about the tax gap, which some suggest may be costing our Treasury roughly $300 billion this year, last year, and next year as well. These are moneys which are believed to be owed but not being collected by the IRS. When we talk about reducing our Nation's budget deficit—something we all know we need to do—among the ways to do it is to close the tax gap.

Another way to do it is to address what are called improper payments. Senator COBURN and I lead a subcommittee in Governmental Affairs and Homeland Security called the Federal Financial Management Subcommittee. We have been exploring the issue of improper payments. We have had for a number of years an improper payments law that says Federal agencies have to not continue making improper payments.

We found out about 2 years ago roughly $50 billion in improper payments were made by Federal agencies—mostly overpayments, some underpayments. Unfortunately, that is just the tip of the iceberg. It turns out improper payments made for the last year have been down to about $41 billion, but it does not include the Department of Defense, it does not include improper payments made by Homeland Security, and it does not include improper payments that crop up in some other parts of our Federal Government.

Senator COBURN and I have been holding hearings. Last year, it was under his leadership as chairman. We held one under my leadership as chairman earlier this month on improper payments. We are going to focus, early this year, particularly on some of the big agencies—Homeland Security, which still does not comply with the law; the Department of Defense, which still does not comply with the law—to provide a strong impetus for them to begin complying with the law or at least to get on the right track.

Senator COBURN has an amendment he has offered, one that is opposed by the National Governors Association and by a number of other groups. What he would attempt to do—and what I think his purpose is; his goal is meritorious—is to compel the Department of Homeland Security to comply with the Improper Payments Act. He does so in a way that holds at risk State and local governments and their ability to receive homeland security grants, really three out of I think the four major grant programs that are handled by Homeland Security that we are discussing today with this bill.

The reason why the National Governors Association and I think other State and local governmental entities are opposing the amendment is because they could be held at risk of not receiving the grants for a lot of fire departments and other first responders and other State and local agencies, through no fault of their own but because the Department of Homeland Security is not complying with the Improper Payments Act.

Senator COBURN was prepared to offer a second-degree amendment, one I think he and his staff worked on with OMB that I think was a far better approach to getting the attention of Homeland Security to comply with the Improper Payments Act. He is not going to be able to offer the second-degree amendment. As a result, we have no choice but to debate and vote on his initial amendment, which we took up in committee. I asked him not to offer it in committee during the markup. He did not, and today his only choice is to offer that same amendment. Unfortunately, I cannot support it.

He is onto a good idea. The idea is we need to put not just Homeland Security but the Department of Defense—and a bunch of other Federal agencies that are not complying with this law—we need to put them under the gun and say: You have to start complying—and to provide pressure, incentives, sticks, carrots to get them in compliance with the law.

I think we will be holding our second hearing later this month on further looking at the Improper Payments Act. We are going to be bringing before us the Department of Homeland Security to find out what is their problem, why are they unable to comply with the law. Do we need to make changes in the law or do they just need to get on the ball? It may be a combination of the two.

To that end, I look forward to working with my colleague, Senator COBURN. I must reluctantly oppose the amendment—not the amendment he wanted to offer. The amendment he wanted to offer, he is not going to have a chance to offer. But the amendment he is offering, I have to oppose.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask the Presiding Officer to notify me when I have 5 minutes remaining of my time.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. COBURN. Mr. President, it is a curious thing that when we have hearings in the Senate, we find out problems and then offer real solutions that have teeth—as Senator CARPER just said, to put them under the gun. Nobody wants to put them under the gun.

This amendment on improper payments gives the Department of Homeland Security 18 months to comply before any State will see any harm from this. The fact is, the States are not without some responsibility because some of the improper payments go to some grants that go in the State.

The American people need to ask: Is the Congress really serious about controlling spending? They are not. This amendment is not going to pass. All we are saying is: Here is a law they were supposed to be in compliance with in 2004. It says: If you are not going to be in compliance with it—they have not, they have not, they have not—we are saying, to be accountable, you have to be transparent, you have to have results. The results are complying with the Improper Payments Act.

We also think there ought to be competition for some of the grants. There is not in this bill. There ought to be a priority set. There ought to be responsiveness. There ought to be spending discipline.

As this amendment goes down—and it will—the Senators are going to reject the very idea of having accountability, the very thing they talk about with earmarks. The reason they cannot give up earmarks is because they cannot let the administration and the agencies manage the money.

But here is a tool to force Homeland Security to manage its money, to hold them accountable and say in 18 months from now, if you have not done the work every other agency of this Government is supposed to have done, then we are going to hold you accountable by cutting off the money. That is tough love. It is putting them under the gun. That is exactly what we need to do.

Do you know what will happen if my amendment is accepted and it comes through? Homeland Security will report its improper payments. But if we do not, I want you to think about what happens when you reject this amendment. What is the consequence for every other agency of the Federal Government to now not comply with the Improper Payments Act? There is no cost in not complying with the Improper Payments Act.

According to the GAO, the following portions of Homeland Security do not meet anywhere close the Improper Payments Act. That is the Customs and Border Protection, that is the Office of Grants and Training. They have not done a thing to be in compliance with this money.

Now, we can look the other way and we can say we are not going to enforce the law, but the next thing I am going to do, as a Senator—if we are not going to enforce the improper payments law, then let's get rid of it. The American people deserve to have the law enforced. It is a good law. It helps us hold the agencies accountable, the very thing that the $26 to $27 billion worth of earmarks says we cannot do.

Now we have an opportunity to do it, and we are going to vote against it. Why? Because we may put something at risk. Well, quality and results depend on us putting this at risk, to force this agency, FEMA, to come into compliance with a law that is on the books with which they have refused to comply.

Senator CARPER mentioned the $40 billion of improper payments. That only represents 40 percent of the Federal Government. There is at least $100 billion of our money—the taxpayers' money—which is being paid out which should not be paid out, and probably $20 billion of it is in the Pentagon. We know the Department of Health and Human Services has not complied with the Improper Payments Act on Medicaid, and that is estimated somewhere between $20 billion and $30 billion. So we know of at least $100 billion.

I want you to think for a minute when you vote against this amendment what you tell every other agency in the Federal Government: There is no consequence whatsoever to not meeting the Improper Payments Act of 2002. There will be no consequence even though we are going to say you have not done it. Here is a way to do it, to force Homeland Security to be accountable and to recognize they have an obligation under the law to report and look at the risk factors.

Now, what does the Improper Payments Act ask agencies to do? Everything we would want done with our own money:

Perform a risk assessment. Is there a risk for improper payments? Homeland Security hasn't even done that.

Develop a statistically valid estimate of improper payments. In other words, go look at it and do a study to see is there potential that money is going out the door that should not go out the door.

Develop a corrective action plan.

Report the results of these activities to us, the Congress, the people's representatives.

By voting against this amendment, you are telling Homeland Security they don't have to comply, that there is no teeth; it will never be done. Why would the Governors Association oppose this? Because they are the monied interest groups that are going to get the money. In fact, some of the problems with the money is the responsibility of the Governors. If I were a Governor, I would not want you checking on my money. It is natural for them to oppose it. But it is normal for us to protect the taxpayers by saying that every agency ought to apply and respond to the law under improper payments. It is simple. We should ask that Homeland Security follow the law.

When you vote against this amendment, what you are telling Homeland Security, the Defense Department, the Department of Health and Human Services, and all of the other departments is that they don't have to comply because now we are going to be toothless and say there are no consequences whatsoever.

Some will say this puts these grants at risk. There are no grants at risk. There is $4.8 billion sitting in the queue right now that won't be spent for 18 months. This bill authorizes another $3.2 billion to follow after that.

If they cannot comply in 18 months, we need to stop and take a timeout and ask: Why can't you tell us where you are spending money that you should not be spending? Why can't you comply with the very simple things this act asks? Why can't they do a risk assessment in 18 months, develop a statistically valid estimate of where the problems are? They cannot do that in 18 months, develop a corrective action plan? They cannot do that in 18 months? They cannot report to us in 18 months?

To oppose this amendment says we don't care about improper payments. It is going to be like a lot of other laws on the books: we don't have standing; I, as a Senator, don't have any standing to sue the Federal Government to make it comply. The reason we won't have standing is because we don't have the courage to do what is right for the American taxpayers.

The last election had a lot to do with spending. This is going to be a vote to say whether we really meant what we said when we said we were going to start taking better care of the American taxpayers' dollars; that we were going to make the Government more accountable, more transparent and efficient. We are going to see a vote against this amendment, and the American people are going to get shortchanged once again because we don't have the courage to go up against the monied interests that get the grants and say we ought to at least have transparency.

There is another tool coming back called the Transparency and Accountability Act of 2006, and the American taxpayers are going to know whether improper payments are made. We are not going to do our job.

I reserve the remainder of my time.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by my good friend from Oklahoma that would sunset the provisions of this bill after 5 years.

In general, I think this is a very good bill. But I have serious reservations about the method by which this bill allocates State homeland security grants.

Last week, I came to the floor to offer an amendment to make this funding allocation more based on risk. My amendment was an attempt to meet the 9/11 Commission's recommendation that "[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities [and] federal homeland security assistance should not remain a program for general revenue sharing."

That is why my amendment sought to send the most dollars to those areas at the greatest risk of an attack. As compared to the funding formula in the underlying bill, my amendment would have better protected our borders, our ports, our railroads, our subways, our chemical plants, our nuclear power plants, our food supply, and our firefighters, police officers and EMTs.

Unfortunately, my amendment was defeated, as was a similar amendment offered by Senators FEINSTEIN and CORNYN. I think this was an unfortunate mistake by the Senate, and I am hopeful that this mistake will be corrected in conference.

If the funding formula is not fixed, however, I believe it is perfectly appropriate for us to reexamine this issue 5 years from now to ensure that the allocation of homeland security funding provides the necessary resources to communities most at risk.

For this reason, I will support the amendment offered by my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, may I ask how much time we have on our side?

The ACTING PRESIDENT pro tempore. There is 5 minutes 4 seconds.

Mr. LIEBERMAN. I yield 2 minutes of that time to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very sympathetic to the frustration expressed by the Senator from Oklahoma. Our committee, last year, had extensive hearings looking at waste, fraud, and abuse in the spending of funds in the wake of Hurricane Katrina. We documented over a billion dollars of waste or fraudulent spending. So the Senator has put his finger on a very important problem.

I am very concerned about the practical impact of the Senator's amendment. The Senator, at one point, had a second-degree amendment, which he has decided not to offer, which addressed part of my concern. The Senator has said this morning that the Department would have 18 months to comply with the provisions of the Improper Payments Act. But, in fact, the plain language of his amendment says the Secretary shall not award any grants or distribute any grant funds under any grant program under this act until the certification, risk assessment, and estimates that his amendment calls for have been completed. The result of that, because our legislation includes some grant money for interoperability under the Commerce Committee provisions in the bill, for this year, is that it halts those funding programs, those grant programs. The result is to penalize first responders, State and local governments, for the faults that are largely from the Department of Homeland Security. I don't think that is fair. That is why the National Governors Association and the National Emergency Managers Association strongly oppose this amendment.

In addition, the Department has expressed great concern about this amendment. In fact, the Department's Office of General Counsel has written to me that they "strongly oppose the amendment prohibiting the Secretary from awarding any grant, or distributing any grant funds, until the Secretary has submitted the certifications and other analyses in response to Senator COBURN's amendment." So it is not just the Governors and the emergency managers. It is also the Department of Homeland Security that strongly opposes the Coburn amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I want to speak very briefly on what I believe is the first of two amendments offered by the Senator from Oklahoma, amendment No. 294, the sunset of the entire text of the underlying bill, S. 4.

This would sunset all of the provisions of this legislation in 5 years. Obviously, the terrorism threat in the legislation that we have passed since 9/11, particularly in the Homeland Security Act of 2002 and the 9/11 legislation of 2004, will not go away in 5 years. Many parts of this bill amend existing underlying provisions that do not sunset. Thus, if we pass the Coburn amendment No. 294, we would be amending provisions for homeland security grants, information sharing, interoperability. Then in 5 years these homeland security programs would revert back to earlier rules and realities, which we have found in this bill to be inadequate. I think that would be a disruptive and, in many ways, a bizarre result.

If this called for reauthorization, as other legislation does, not immediate sunset, I would say it would be more reasonable to consider. But that is why I oppose Coburn amendment No. 294.

Mr. COBURN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. COBURN. For the opposition?

The ACTING PRESIDENT pro tempore. Forty-six seconds.

Mr. COBURN. Mr. President, let me address Senator LIEBERMAN for a minute. The very thing he says he doesn't want to do now, we did exactly on the PATRIOT Act. Why would I want to sunset that? The American people would like to see every piece of legislation that we do that has to do with authorization and spending sunsetted. There are good reasons for that. We don't know what the terrorism situation will be in 5 years. We don't know all of the aspects of what we are dealing with. What we know is that 4 years from now, if this is sunsetted, we will be working on a new bill that is based on the realities of the world at that time.

Instead, what the opposition to this sunset amendment says is what we are doing now we know, without a doubt, is exactly what we need to do in 5 years from now in every area. I would put it to you that none of us knows exactly what we need to do 5 years from now. A sunset won't cause this to lapse. It will cause the Congress to act in year 4 to reauthorize the bill when it expires.

I have 5 minutes left. Let me talk about this. We should get reports on what we have done. We should report and react in a very commonsense way to what this bill has done over the next 4 or 5 years. We should review that. We should then reform what we are doing now so that it has better application and wiser use of resources, and then we should reauthorize.

To oppose sunsetting this speaks of an arrogance that is unbelievable of this body. We cannot know what we need to do 5 years from now in terms of homeland security. We don't know. It is an ever-changing situation. To imply that this will lapse—everybody here knows that is not the fact. We are not about to let it lapse. We are going to do what is necessary for our country.

This amendment tells us that we ought to relook at it because we don't have that kind of wisdom. If we think we do, we should not be here because that means we are going to be making a lot of mistakes. So I will go back to that. Let me go back.

Why would Homeland Security oppose the Improper Payments Act, as read by Senator COLLINS? Because they have not complied. They have no intention of ever complying. The one thing that the 9/11 Commission said that this Congress has not done is to have one committee responsible for oversight of Homeland Security. Senator CARPER and I spent a lot of time last year, as did Senator LIEBERMAN and Senator COLLINS in full committee, and we in our subcommittee, on Oversight of Homeland Security. We found a billion dollars wasted in Katrina. We found tons of improper payments in Homeland Security. We found that, in fact, there is no accountability. There is no accountability in the Department of Homeland Security.

The American public deserves to have the two amendments I have offered today. They deserve to force them to do what the law says on improper payments, and they deserve for us to make a reevaluation 4 years from now on what ought to be different. We ought to reassess what we are doing and reevaluate how we do it, and we ought to say we need to apply more resources to that problem. The American people deserve to know they are getting value for their money. Right now, they are not getting that in homeland security and in multiple areas because we cannot even find out.

So here we are crying that we cannot have earmarks because the agencies are going to run what they want to run. We have an opportunity to not let them run, and we are going to run against it. It is counterintuitive to me that we would be on both sides of this issue.

The fact is, the Federal Government is unaccountable in many ways, and the American people know that. On these two amendments, the American people are going to ask: How did they vote? And they are going to say, once again: What are they thinking? They are protecting the interests they have there now and putting at risk the interests of the next generation—because we don't do something simple like sunset a bill or make an agency comply with improper payments.

What would happen if there was a 1-month delay in grants? Nothing. But what would happen if we got the improper payment data from Homeland Security? Plenty. Then we could act on it and hold them accountable in the appropriations bills. Then we can do our jobs and do something about it.

I withhold the remainder of my time.

Mr. LIEBERMAN. Mr. President, our friend is making some points I agree with, as does Senator COLLINS and most Members. Our problem is that in each of the two amendments, the instrument he has chosen is very blunt. I wish we had more time to work on these. If they don't survive the two votes today, I look forward to going back in committee to work on these generally.

Why do I say they are blunt? The National Governors Association explained why they thought the improper payments would lead to the termination of homeland security grant funding to the States. There are some estimates by the administration that it would threaten Medicare payments. Doing something about this is good, but why have the ultimate punishment be on the beneficiaries?

The same is true of the sunset provision. Incidentally, the money authorizations in this bill are sunsetted. It is different from the PATRIOT Act, where the provisions with the sunset were very controversial. In this bill, I don't think there is any controversy about the underlying proposals.

I still respectfully oppose these two amendments, and I hope that if they don't succeed, my colleague and I can work in the committee to bring forth a version of both that we can both support.

Mr. COBURN. I inquire of the Chair how much time is remaining.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 1 minute 17 seconds.

Mr. COBURN. Mr. President, I hope the American people will look at these commonsense amendments and look at how their Senators vote. The one way to get things done is to put somebody in a bind. The fact is, this is the law. It is already the law, and we are saying we are going to put some teeth behind the law and make you do it.

I raise one final point. If my colleagues vote against this, what they are saying to every other agency is: There is no consequence to not reporting and doing what you are supposed to do under the Improper Payments Act of 2002. That is the signal we will be sending.

The American people want the signal the other way. With $100 billion of their tax money paid out the door, that is improper, most of it overpayments, and we are saying we are letting one of the biggest agencies of the Federal Government off the hook.

If my colleagues want to vote for that, that is fine, but I hope we are held accountable for that vote in the next election cycle when we claim we want the Government to be efficient, we claim we want it smaller, we claim we want to get good value for the American taxpayer value. These votes surely will not show that, if my colleagues vote against these two amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). All time has expired.

Under the previous order, the question is on agreeing to amendment No. 294 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. Mr. President, I move to table amendment No. 294 offered by the Senator from Oklahoma, and I ask the vote be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—38

Alexander
Allard
Brownback
Burr
Chambliss
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Leahy
Lugar
Martinez
McCaskill
McConnell
Obama
Roberts
Sessions
Shelby
Sununu
Thomas
Thune
Vitter
Warner

NOT VOTING—2

Johnson
McCain

The motion was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 325

The PRESIDING OFFICER. Under the previous order, there will now be a 2-minute debate equally divided on the Coburn amendment No. 325.

Mr. COBURN. Mr. President, this is a real simple amendment. The improper payments law was passed in 2002. By 2004, all Government agencies were supposed to come under it. The Homeland Security Department has never filed, under the six major agencies, an improper payments report.

People will say: Well, this will cut off funding. No. 1, it would not cut off any funding for 18 months. No. 2, if you vote against this, you are sending a signal to every other agency that they do not have to comply with the improper payments law.

Mr. LIEBERMAN. Mr. President, I intend to move to table this Coburn amendment, and, obviously, I look forward to working with the Senator in our committee.

Basically, the funding on this bill is subjected to the improper payments law. As a letter from the National Governors Association makes clear, the Coburn amendment would effectively, and I quote, "stop all State homeland security grant expenditures."

That is unfair, unnecessary, and that is why I will move to table.

Mr. President, I yield back all remaining time on both sides, and I move to table the amendment offered by the Senator from Oklahoma and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—66

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Crapo
Dodd
Domenici
Dorgan
Durbin
Feinstein
Hagel
Harkin
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Voinovich
Warner
Whitehouse
Wyden

NAYS—31

Allard
Brown
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Craig

DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kyl
Martinez
McCaskill
Nelson (FL)
Sessions
Smith
Tester
Thomas
Thune
Vitter
Webb

NOT VOTING—3

Johnson
McCain
Murkowski

The motion was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, we had hoped at this point to offer another consent request to the Senate about several amendments we thought were cleared on both sides. Unfortunately, there is objection on that so we will have to wait.

Pursuant to the consent agreement we passed last week, we are going to final passage on this bill today. When we come back after the party lunches at 2:15, we will begin to dispose of the pending germane amendments in whatever way we can at that time. Then this afternoon we will go to final passage. There definitely will be additional votes this afternoon on this important legislation.

I ask that the Senate stand in recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

Mr. LIEBERMAN. Mr. President, I say to my colleagues, on the pending legislation, S. 4, the Senate has now used up all the time postcloture so that what stands—if I could put it in a more negative light than I should—before the Senate and the vote on final passage of this important legislation is disposition of the remaining germane amendments and any other matters that can be passed by consent.

We are working on a managers' amendment which would contain the matters about which there is unanimous consent. We are whittling down the number of germane amendments that will need to be voted on. I say to my colleagues we hope to be able soon to announce when the last few votes on amendments and final passage will occur. But they will definitely occur this afternoon.

I thank the Chair, and pending further developments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I have spoken to the manager of the bill, and I am—with his permission and their permission—going to speak. But as soon as they are ready to reclaim the floor, to close this down, I am prepared to stop at that point, or before.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

AMENDMENT NO. 383

Mr. BIDEN. Mr. President, I know there is not a lot of time, but the amendment that is at the desk, No. 383, that I have—I ask it be called up and be considered.

This is all about rail safety. The Federal Government currently has no say on where 90-ton rail tankers, filled with chlorine or other hazardous chemicals, are shipped around the Nation. The Naval Research Laboratory, at my request, some months ago, issued a report. The context of my inquiry with them was: What would happen if one of these 90-ton chlorine gas tanker cars exploded—for example, where a terrorist put C–2 underneath there in a populated area and blew it up?

What made me think of it was, you may remember almost 2 years ago now, out in North Dakota, one of these tankers leaked, and the end result was a number of adjoining towns, small towns, had to be evacuated because it was so deadly.

So I asked the question of the Naval Research Center. As you know, some of our best scientists in the world are there. I asked: What would happen? What would happen if a 90-ton tanker containing chlorine were to be blown up in a major metropolitan area?

Mr. President, I ask unanimous consent that the report submitted to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Advanced simulation technology gives us a practical breakthrough for analyzing and treating urban contaminant accidents, pollutant incidents, and in combating Chemical, Biological, and Radiological (CBR) terrorism. Today the nation is striving to develop plans and corresponding procedures to prepare for these contingencies. The ability to construct accurate, easy-to-understand analyses of dangerous contaminant release incidents is an absolutely crucial component of civil defense planning and execution. When decisions have to be made during an actual crisis, essentially infinite speed is required of the predictions and yet the analyses must be performed with high accuracy. When responding to a CBR crisis, waiting even one minute to perform simplified support computations can be far too long for timely situation assessment. State-of-the-art, engineering-quality three-dimensional predictions that one might be more inclined to believe can take hours or days. The answer to this dilemma is to do the most accurate computations possible well ahead of time and then to capture their salient results in a highly compressed database that can be recalled, manipulated, and displayed instantly during a crisis. Dispersion Nomograph™ technology was invented at NRL to provide this capability.

This presentation is based on a portable software tool called CT-Analyst™ that uses dispersion nomographs to combine information from sensors and eyewitness reports to find contaminant sources in an urban maze of buildings, to track airborne contaminant plumes accurately across the city, and to plan evacuation routes. In a crisis, real time users don't have to wait for any of these results because personnel defense plans and strategies can be adapted to current situation assessments with no delay for computing. This presentation uses CT-Analyst to show the evolution of a large contaminant plume caused by the rupture of a railroad tank car adjacent to the Blathersburg Mall.

Detailed, three-dimensional FAST3D-CT simulations (such as shown at left) are compressed by more than a factor of 10,000 to produce compact data structures called Dispersion Nomographs™. These "nomographs" allow CT-Analyst™ to make accurate, instantaneous predictions including the effects of buildings (as shown at right). This example shows the situation twenty minutes after a contaminant release occurred at the location marked by the blue star with the wind from 295 degrees at 3 m/s. This CT-Analyst display shows the instantaneous plume at 20 minutes (light red) superimposed on the footprint of the likely contamination region (light gray). The footprint can eventually become contaminated beyond tolerable limits sometime during the scenario. The plume region displayed surrounds the instantaneous plume—with a safety buffer zone. CT-Analyst is in use at a number of locations (see figure), was extended for Operation Iraqi Freedom, and is being modified as a CBR Emergency Assessment System for installation in Navy bases over seas.

Also overlaid on the CT-Analyst display are the results of the backtrack function (sensor readings and observations determining a probable source location as shown in blue and purple). CT-Analyst performs multi-sensor fusion operations based on the very limited information about the contaminant density. A number of sensors are active and operating in automatic (triangles) and manual (circles) modes to register the presence or absence of the agent plume at their location. Red indicates a "hot" sensor (something considered dangerous) and blue indicates a "cold" reading where the contaminant agent density is below the threshold for detection. Please note that the "Escape" function has also been activated in this composite display, projecting optimal evacuation routes. These recommended evacuation routes suggest walking paths for rapid egress from the path of the advancing plume and continue out to the edges of the contamination footprint. This entire assessment takes about 50 milliseconds on a typical windows laptop computer.

The figure above shows the contaminant concentration just three minutes after a railroad tank car accident has occurred along the indicated section of track where the right-of-way turns toward the east as shown by the yellow arrow. A large quantity of contaminant has been released in a couple of minutes. The time is late evening and the brisk breeze, from the southeast in this scenario, blows the cloud up toward a quarter of a million people celebrating Fourth of July on the Mall near the Blatherburg Monument.

The large gray area is the contamination footprint predicted by CT-Analyst™; this area can become highly contaminated in the first half an hour. It is a good idea to get to outside the footprint and stay outside of it until an "all clear" is given. The bands of color downwind of the source, originating at the bright blue stars along the track, indicate the contaminant concentration in the cloud moving with the wind toward the upper left. The table tells how to interpret the colors in easily understood terms. The actual numbers, of course, can only be made specific and quantitative when the absolute size of the source is known. Each color marks approximately a factor of two range of concentration values. People breathing yellow green and "hotter" colors are in a very deadly situation. Not all colors appear on each figure because the contaminant concentration drops as the plume (cloud) spreads.

The diagonal purple lines in this and the following figures mark general suggested evacuation routes. The gaps in these lines show a kind of "no man's land" where the plume will go first and in highest concentration. People should walk briskly away from the center of the advancing plume along the general direction of these evacuation paths skirting around buildings and keeping to reasonable walking routes as required. Don't run and don't get in or stay in a car.

These two figures show the advancing plume at five minutes (left) and ten minutes (right) after the release occurred. Three adjacent blue stars are used to mark the extended region over which this release has occurred from a moving railroad tank car. The yellow arrow indicates the direction of motion along the track and the pink arrow is the prevailing wind direction in each figure. The brisk breeze here is a worst case because slower winds allow much easier evacuation from the affected area and much faster winds dissipate the cloud so quickly that fewer people at any one spot receive critical dosages.

Almost everywhere in the plume after five minutes has elapsed (colored region) there is a high probability that the contamination will be lethal and almost all of the plume is still lethal at ten minutes. At ten minutes the lethal plume area is spreading at about its maximum rate. If 100,000 people receive critical (lethal) doses in the absence of any defensive action, they are crossing this critical dose threshold at the rate of a hundred people per second. Thus there is an enormous benefit to immediate warning delay and speedy defensive response.

Based on a number of other simulations not shown here and a consistent analytic theory, a warning issued within 3 minutes is possible with an automated sensor network and near complete situation assessment and response should be possible within five minutes. Though many procedural and communication problems remain to be solved, these times should be adopted as goals because so many lives will depend on making these response times as short as possible. Between five minutes and the current goal of issuing a warning in 15 minutes, 60,000 people or more could be critically dosed.

These two figures show the advancing plume in the previous scenario at 15 minutes (left) and 30 minutes (right) after the release has occurred. By 30 minutes the plume has spread laterally about as much as it will but it is still quite toxic and still expanding downwind off the edge of the nomograph. At 30 minutes the plume extends three to four miles downwind, is about 1.5 miles wide at its widest, and is still dangerously toxic as indicated by the large yellow-green region above right. If people are standing or sitting as much as 15 feet apart in all directions at an event on the Mall, there would be well over 100,000 people per square mile. Furthermore, the contaminant plume in this scenario will be dangerous over several square miles. Therefore, in the absence of an early warning and concerted action (rapid evacuation away from the centerline of the plume) over 100,000 people could be seriously harmed or even killed in the first half an hour.

Although this is a dire scenario, the people several miles downwind from the source, in this example a couple miles off the upper left corner of the figures, have plenty of time to walk out of the way of the plume given a warning in five minutes or less. They would have to walk only about ¾ of a mile at most to get completely out of the plume and would have 20 to 25 minutes to do this. Walking is recommended in urban areas since the roadways should be kept open for emergency traffic and will gridlock instantly if everyone tries to leave in their cars at the same time.

The message is clear, walking perpendicular to the wind away from the centerline of the plume is the only effective direction to walk, as indicated automatically by CT-Analyst. There is a wide range of angles, plus or minus 30 degrees, for which this strategy is effective but the effectiveness declines the longer the delay in receiving a warning. For large contaminant sources, simple theory and detailed computer simulations both suggest that 85 to 95% of the people who would otherwise be exposed can avoid exposure, regardless of what the agent is, when the appropriate warning is issued without delay.

What also becomes apparent is that solid information, as well as prompt warning and action, reduces exposure. Knowing the location of the contaminant source, the wind speed, and its direction can save tens of thousands of lives. Combining an integrated city sensor net with accurate models incorporating the unique building/terrain features is the key to defining the centerline of the plume based on source location and thus determining effective escape routes. A CBR Emergency Assessment System must be instantaneous and capable of incorporating changing wind and sensor data as they become available. Only centralized analysis and prompt communication can define the safe routes away from an invisible cloud.

These CBR emergency assessment tools have been used to evaluate and compare a number of possible CBR defense strategies. The model on which this graph is based follows hundreds of thousands of people who begin walking (evacuating) in a specified direction relative to the wind once a warning is issued. The computed contaminant density is integrated to determine each persons dose. This "warning delay" is varied to measure the reduced effectiveness of evacuation as the warning delay gets too long. Zero (0) degrees is walking downwind, 90 degrees is across the wind (perpendicular) to the plume centerline, and 180 degrees is walking upwind.

We have shown that plausible accidents or terrorist attacks in an urban environment can put 100,000 people or more at risk in a 15 to 30-minute time span. During this interval several square miles of city can become lethally exposed and people can die at the rate of 100 per second. Clearly there is a very great premium or fast effective response.

The point is—we already have accurate, fast tools based on tested scientific models for computing the detailed airflow and converting these data sets directly to critical civil defense information. An urban CBR Emergency Assessment System (CBREAS) based on this new technology can instantly combine information from eyewitness reports and CBR sensors to locate hidden sources, can estimate regions about to become contaminated, and can predict effective evacuation paths. This new technology faithfully incorporates the 3D structure of urban building mazes and has reasonable sun, wind, and information-display options. The challenge is to harness these tools effectively in the current political climate. If police, fire department personnel, and emergency first responders use this technology to obtain a minute-by-minute situation assessment and implement an action plan, they can reduce exposures, even of large crowds in the open, by 85 to 95% provided that an early warning is issued.

Sales Pitch: The CT-Analyst contaminant transport system is ACCURATE. Plume envelopes are 80–90% as accurate as state-of-the-art 3D computational fluid dynamics. CT-Analyst is VERY FAST with performance 1000 to 10000 times faster than real time. This can make the difference in saving tens of thousands of lives in a real attack. It is also very EASY TO USE. Two hours of training should be adequate. CT-Analyst can also be used for war games, virtual reality training, site defense planning and execution, and sensor network optimization. The CT-Analyst software has stabilized and is very rugged. The software also allows the user to displace plumes by dragging the source across the screen, and can "backtrack" to find hidden sources. CT-Analyst will also project optimal evacuation routes.

Mr. BIDEN. Let me summarize the report.

The answer was "over 100,000 people could be seriously harmed or even killed in the first half an hour." Let me say that again. One of these tankers filled with chlorine gas—and there are hundreds, up and down the road, going through major metropolitan areas, from Los Angeles to New York and everywhere in between—what would happen if a terrorist were to explode one of those in a major metropolitan area? The answer was: "over 100,000 people could be seriously harmed or even killed in the first half an hour."

Said another way: What happens if one of these is blown up in a freight yard in Philadelphia, PA, right along the Schuylkill River, 10 blocks, 15 blocks from City Hall, the University of Pennsylvania, Drexel University—a very populated area? Within one-half hour, 100,000 people could be seriously harmed or even killed.

How long would it take to evacuate that area? Imagine evacuating downtown New York City, Baltimore, Miami, Seattle—you name the city.

So what is the problem? Well, the problem is—and we have seen in recent reports—insurgents in Iraq are using chlorine in their attacks on civilians. There is little doubt terrorists who are targeting us here at home are paying attention. In these roadside bombs, they are—thank God they have not gotten it down very well yet—but they are injecting chlorine into that carnage they cause because they know the consequence of the dissemination of the highly toxic substance in a populated area.

Nevertheless, we continue to allow these 90-ton—that is a standard: 90-ton—rail tanks containing chlorine and other hazardous chemicals to roll unprotected through the hearts of our largest cities in high-threat areas. We know the rail industry has adamantly opposed any attempt to allow local officials, in conjunction with the Department of Homeland Security and security people, to reroute these tankers.

Now, again, look where this tanker is sitting, as shown in this picture. Do these buildings look familiar to you? This is an actual photograph of a 90-ton chlorine gas tanker car sitting in the direct view—if you look over the top of it, you can see the Hart Building, you can see the Dirksen Building, and you can see the U.S. Capitol.

By the way, I know my friend, the Presiding Officer, a former board member of Amtrak, a guy who has fought very hard to protect Amtrak—we take the train almost every day together back and forth to and from Delaware—I say to my colleagues, go on down to the station this afternoon and follow us down whenever we finish and get on the train. If it is not an Acela, stand in the back car of an Amfleet train. You can look out the back window. Watch as we pull out of the station. Tell me how many cops you see. Tell me how many cameras you see. Tell me how much protection exists there.

Look at this tanker car, shown in this picture, sitting right out there—in the middle of nowhere, in the middle of everywhere.

So, folks, the idea we do not even have as an option the ability of our security people and the mayors and local officials to suggest these tankers bypass their cities so, God forbid, if something happens, they are not as high a prize of a target—by the way, the less sensational damage able to be done, the less likelihood it will be picked as a target.

Because someone could legitimately argue: BIDEN, you are taking this out of the route—and we have other maps showing the routes of the various alternative routes that could be used to avoid the major cities. Now, they could say: You are going to be going through more rural areas. Yes, serious damage could be done in rural areas, but the prize for the terrorist is much lower. The likelihood of them concluding that instead of coming down from, for example, Newark, NJ, all the way down into Augusta—you can, in fact, reroute these on Norfolk Southern, which goes through much less populated areas.

People legitimately say: Aren't you putting those folks at risk? No matter where these cars are, we are at risk. But again, where is the likely target? Where are terrorists going to risk their lives to be able to go in and do damage? They will do it where the most people are.

So I know the rail industry, as I said, is adamantly opposed to amendment No. 306, and is likely opposed to the updated version we will vote on today. But in the face of such risks, I do not know how we can let their opposition determine whether we go forward.

This amendment is very limited. It simply states the Secretary of Homeland Security, not the rail industry—the rail industry is not the bad guy—should determine the most secure routes for the shipments of the most dangerous chemicals, and that ownership of the track is not to be considered in making this risk-based determination; meaning, if you have something going down on a CSX track that is owned by CSX, they should be able to use and be diverted to a Norfolk Southern track. I could give you examples all across the country, as the Presiding Officer knows.

Again, all I am saying is, let the Department of Homeland Security determine whether the most dangerous chemicals are able to be diverted around the most populated areas in our country. And do not—do not—in fact, use as an impediment the idea the track upon which it is being carried is not owned by the company whose car is on that track.

That is all we are doing, Mr. President. The amendment would apply to only .36 percent—less than a third of a percent—of all the shipments that occur on our rail system. It only applies to through-shipments; it does not apply to the destination city. Some of this stuff goes into large populations, where that is the end point. It doesn't say it cannot go there, but it does say we should reduce the probability of catastrophic damage by allowing them to be rerouted, if that is the judgment of the Department of Homeland Security.

A similar amendment was passed by voice vote in the House Homeland Security Committee today. Not one Republican or Democrat spoke in opposition to this measure. This amendment will ensure that the Senate is on the right side of the issue as well.

Mr. President, I was asked by my colleague from Connecticut, one of the two managers, that he be added as a cosponsor. I ask unanimous consent his name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I understand that a man with whom I hardly disagree, Senator INOUYE, has reservations. I hope he will reconsider those reservations. Again, all we are doing is letting the Department of Homeland Security, in conjunction with local officials, make the judgment whether the risk is so high that it warrants it being rerouted. Of all the cargo on all of the tracks in America, we are talking about .36 of 1 percent, all that is transported on rail. So we are not asking much. The downside of us being mistaken is significant.

I close by quoting from the rail industry's letter opposing this amendment. They say:

> Rerouting would not eliminate the risk, but instead shift it from one population to another.

That is true, but this amendment says the Department of Homeland Security, not the rail industry, should determine how to weigh and respond to this known potentially catastrophic risk. What did we just debate last week on the floor? The allocation of resources for Homeland Security should be going toward the danger lines. There is nothing that is risk free—nothing. It is a little like my friend from Delaware and I have heard so much every time we come up with rail security legislation. We are told we cannot secure every mile of track. That is true, we can't, but there is a big difference with a terrorist taking a single train off a track somewhere in rural America and a terrorist taking a train at 140 miles an hour into the most visited area in Washington, DC, Union Station, at a high speed.

There is a difference between blowing up a tunnel underneath the Chesapeake Bay or the Hudson River and blowing up a tunnel in the middle of some rural area. Terrorists pick targets for the greatest effect. So the idea that we would not reroute—if the Department of Homeland Security determined it made sense—a series of chlorine gas tankers from a major metropolitan area to a more rural area seems to me to be such a silly argument to make.

The idea is, how do we reduce the risk for the most people of the United States of America? Again, I will end where I began. When this was called to my attention some years ago, I went to the Naval Research Laboratory and I asked them—and I have included this in my statement—to tell me what would happen—and, again, it doesn't take much for terrorists to figure out a way to puncture a hole in the bottom or the side of one of these tanks by use of explosives or other devices. The answer was that if that were to occur in a highly populated area, "over 100,000 could be seriously harmed or even killed in the first half hour."

Imagine how many people we get to evacuate reasonably so that there is essentially no one left in a half hour. If the gun goes off right now, how long does it take downtown Manhattan or downtown Washington, DC, or Capitol

Hill to evacuate people so they are not around? If you don't evacuate—to say it another way—within a half hour, a whole lot more than 100,000 people will be seriously injured or will die.

I know the Senator from Connecticut supports this amendment. I don't know what the view of our colleague from Maine is. I hope they understand how limited this amendment is, how consequential it is. I hope my colleagues, when it comes time to vote, will vote in favor of this amendment.

I thank the Chair and I thank the managers. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the amendment offered by the senior Senator from Delaware is actually more under the jurisdiction of the Commerce Committee than the Homeland Security Committee. Nevertheless, in the absence of a member of the Commerce Committee on the Senate floor, I want to express my concern about the amendment.

As I understand it, the effect of the amendment would be to require that hazardous materials on rail cars be routed around high-threat areas, with some exceptions.

The problem is that the Commerce Committee title on rail security already has a section that addresses hazardous materials by requiring a mitigation plan that can include rerouting but only when the homeland security advisory system is at a high or severe level of threat or when specific intelligence indicates that there is a specific or imminent threat.

I think this amendment, while well-intentioned, creates all sorts of practical problems. The Chamber of Commerce, which is rating this as a key vote, lists some of those that I want to read from a letter that we received from the Chamber today. The letter reads:

> The Biden amendment, which would require mandatory rerouting of shipments of hazardous materials around high threat corridors, would not reduce risk to homeland security. It would only reallocate risk among population centers. In fact, the amendment would actually increase risk by either eliminating routes that provide optimal overall safety and security, or by adding hundreds of miles and additional days to the journeys of shipments of hazardous materials via less direct routes.

In other words, if we are causing this hazardous material to be on its journey far longer because it is not going by the more direct route, that could in fact increase the problems or the chances of the hazardous material being attacked. The letter goes on to point out that the railroads have been working with the Federal Government, with chemical manufacturers, and with consumers to explore the use of coordinated routing arrangements to reduce mileage and time in the transit of highly hazardous materials.

This amendment seems to be going in the opposite direction. Another one of my colleagues has raised the issue of chlorine shipments to wastewater treatment plants. Those shipments need to be made. It raises a lot of practical questions about how to move this material. Another colleague raised the issue to me of whether this would result in more trucks on our highways carrying hazardous materials.

So I think that while I agree with the overall intent of the amendment, I am much more comfortable with the approach taken by the Commerce Committee—a committee which, unfortunately, I don't serve on, so I don't have the level of expertise that its members have in talking about this issue. I do expect some members of the Commerce Committee to come to the floor and debate this issue.

I do want my colleagues to know that the distinguished Senator's amendment is controversial, that it may have unintended consequences. Based on my knowledge of the issue, I hope it will be defeated.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I appreciate the comments of the Senator from Maine. She may have misunderstood two aspects of the amendment. One, it doesn't mandatorily require rerouting at all. It says the Department of Homeland Security can reroute, if they determine it should be rerouted.

No. 2, the freight industry, where they made the judgment on how much further in distance it would travel if, in fact, you were to reroute, factored in only that it had to be rerouted on their own tracks. So the idea being that they would not be able to—this happens all the time, where other tracks are used; for example, the Chesapeake using Norfolk Southern track.

No. 3, the Chamber of Commerce is opposed because it costs more money. A lot of these things cost more money. Will it cost more money to be able to reroute up to one-third of 1 percent of the freight on rail? Yes. But I ask the rhetorical question: What will it cost if one of these tankers goes off in a populated area? What will the cost then be to the very businesses that are most concerned about it?

Fourth, this doesn't affect destination. If the chlorine gas tanker car is going to a water treatment facility, it still goes to that facility. Nothing changes. What we could have changed is what we did in Delaware, not use chlorine. There are other means by which water can be purified. We have done it in our home State. That is what you should do. But that doesn't stop this car, or any other car, from going to such a facility.

Let me emphasize again that there is no prohibition on end point distribution. If the car is designed to go to a facility in the center of a city, it goes to the center of the city. There is nothing you can do about that. That is very different than—I am making up these numbers for illustration—you may have one of these tankers going in once a month versus 50 going through the same city in a month or 100 in a month. This is all about percentages. You play the percentages. Again, it is true, rerouting may render cities in North Dakota—well, they would not be rerouted in North Dakota, but I referenced the small towns. There was a chlorine gas tanker car going across the top of the Nation and, thank God, what happened was it went off in a rural part of the world. You were able to evacuate the three cities and nobody died. Had that same thing occurred in the middle of Chicago, you would not be able to evacuate the city. We would not have had time.

So, yes, it is true. Are you going to put a different population at risk? Yes, about one-tenth, one-twentieth, one one-hundredth or one one-thousandth of the population, depending on where it is rerouted. So it is a little bit like saying: Why do we spend so much money worrying about the Sears Tower? It is there, it is big, and it is a target. Is it possible that a terrorist would go into a building that is two stories and blow it up? Yes. Can they fly an aircraft into a rural town grain elevator? Yes. But that is not what we are worried about. They are not likely to do that. They are likely to fly a plane, plant a bomb, do something devastating where the most people are.

So I find it to be a totally disingenuous argument. This is about the bottom line. I measure the bottom line—as I suspect all of us would if we thought about it—in human life.

The bottom line, in terms of the dollars, the impact that would occur in a catastrophic circumstance is if there is a town of 1,000 people and a town of 6 million people, there is a phenomenal difference whether that chlorine gas tanker car gets exploded.

Let me summarize. It is indicated by the Department of Homeland Security again that an explosion of a rail tanker carrying chlorine would kill 17,500 individuals, require the hospitalization of another 100,000—and only then if we evacuate within a half an hour. We can evacuate a city of 1,000 people in half an hour. We cannot evacuate a city of 4 million people in half an hour. So it matters.

If this rail tanker goes off in New York City, my friend from New York is going to be on the floor again pointing out the catastrophic impact. If it goes off in rural Delaware, it will be a tragedy for me and my constituency, but there will be a significant magnitude of difference.

So everything we do in terms of allocation of resources goes in this place to deal with protecting the most people who can be protected: The shipment originates or the point of destination is in the high-threat corridor; no practical alternative routes exist. If they don't exist, it doesn't get rerouted. Rerouting would not increase the likelihood of an attack. It would decrease the likelihood of an attack because people attack targets that have the maximum impact. This would not increase the total number of cars on the track. It would allow the potential for homeland security to reroute them away from the places that would do the most damage.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do expect additional Members on my side of the aisle to come and debate this issue.

I wish to clarify that the language, as I read it, in the Senator's amendment, is not discretionary, it is mandatory. It does allow for some certain significant exceptions for the Department to make findings on, but it clearly says:

> The regulations issued under this section shall—
>
> (1) except as provided in—

The subsections part—

> provide that any rail shipment containing high hazard materials be rerouted around any high threat corridor.

So I don't see it as giving the Department great discretion if that determination is made because of the word "shall," which is not permissive, it is mandatory. There are some exceptions later which the Senator has referred to, such as the origination point or point of destination being within the high-threat corridor. But as I read the amendment, it pretty clearly calls for rerouting.

I wanted to clarify that issue. Maybe I misunderstood the Senator from Delaware, but I thought he was saying it did not require rerouting.

Mr. BIDEN. Mr. President, if the Senator will yield, she is correct, but it only requires the Secretary to do it if he or she concludes that there is a safer way to reroute the shipment. If the conclusion made by the Secretary is that in a high-risk corridor the rerouting would not result in an increased safety margin for the shipment, then he or she need not reroute it. But it is correct, the presumption is, in a high-risk corridor we reroute if it is not a point of destination or origin but only if the determination by the Secretary is that the shipment, in fact, would be safer to be rerouted. It is on page 4 of the amendment. It is section 2, subparagraph E, "Transportation and Storage of High Hazard Materials through High Threat Corridor" areas. It says:

> In General.—The standards for the Secretary to grant exceptions under section (d)(4) shall require a finding by the Secretary that—
>
> (A) the shipment originates or the point of destination is in the high threat corridor;
>
> (B) there is no practical alternative route;
>
> (C) there is an unanticipated, temporary emergency that threatens the lives of persons or property in the high threat corridor;
>
> (D) there would be no harm to persons or property beyond the owners or operator of the railroad in the event of a successful terrorist attack on shipment; or
>
> (E) rerouting would increase the likelihood of a terrorist attack on the shipment.

The bottom line is that it should be left to the discretion of the Secretary to decide not to reroute rather than the privately owned railroad. I thank the Senator for her clarification.

I yield the floor.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I will speak briefly because I know the floor leader for the minority side has people coming to speak to respond to the amendment. I am not speaking on the amendment.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

U.S. ATTORNEYS

Mr. SCHUMER. Mr. President, I rise because I heard Attorney General Gonzales speak about the growing, disheartening, and alarming scandal with the U.S. attorneys. I wish to say, first, that this is a serious issue. In every district in America, the U.S. attorney represents the enforcer of the Federal law without fear or favor. U.S. attorneys over decades have built up a reputation of being not part of politics but, rather, enforcing the law, as they say, without fear or favor.

Over every Justice Department office in every corner of the land is the eagle perched on a branch, with her claw holding a bunch of arrows. When you see that symbol, it denotes strength, but it denotes fairness and impartiality. That fairness, that impartiality has received a serious blow—maybe not a mortal blow because of the resilience of our country, but a serious blow—over what has happened in the Justice Department over the last several months.

What we have had in the past is misstatement after misstatement about what has happened. The story has kept changing, we can't get the truth, and that is why we had no choice but to undertake our own investigation.

Let me say that time and time again we have heard falsehoods. We were told that all seven of the eight U.S. attorneys were fired for performance reasons. It now turns out this was false, as their glowing performance evaluations attest.

We were told by the Attorney General he would "never, ever make a change for political reasons." It now turns out all this was false, as the evidence makes clear this approach was based purely on politics to punish prosecutors who were perceived to be too light on Democrats or too tough on Republicans.

We were told by the Attorney General this was "an overblown personnel matter." It now turns out, however, that far from being a low-level personnel matter, this was a longstanding plan to exact political vendettas or make political payoffs.

We were told the White House was not involved in the plan to fire these U.S. attorneys. It now turns out this was a complete falsehood. Harriet Miers was one of the masterminds of this plan, as demonstrated by numerous e-mails made public today. She communicated extensively with Kyle Sampson about firing of U.S. attorneys. In fact, she originally wanted to fire and replace the top prosecutors in all 93 districts in the country.

We were told that Karl Rove had no involvement in getting his protege appointed U.S. attorney in Arkansas. In fact, there is a letter from the Department of Justice:

> The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

Mr. Griffin was the attorney whom they appointed. It now turns out this was a falsehood, as demonstrated by Mr. Sampson's e-mail:

> Getting him—

Griffin—

> was important to Harriet, Karl, et cetera.

We were told the change to the PATRIOT Act was an innocent attempt to fix a legal loophole, to help the war on terrorism, not a cynical strategy to bypass the Senate's role in serving as a check and balance. It now turns out this, too, was a falsehood—another one—as demonstrated by an e-mail from Mr. Sampson:

> I strongly recommend that as a matter of administration, we utilize the new statutory provisions that authorize the AG to make USA appointments.

Mr. Sampson specifically argued that by using these provisions, the administration "can give far less deference to home State Senators and thereby get (1) our preferred person appointed and (2) do it faster and more efficiently at less political cost to the White House."

So it has been misstatement after misstatement. To put it delicately, prevarication after prevarication, changes in stories, coverups in stories. And the only reason, frankly, we are getting to the truth is we have the majority, and we have the ability to subpoena and have hearings and investigate.

A few minutes ago, Attorney General Gonzales spoke. I have to say I have no animus toward Attorney General Gonzales. In fact, I like the man. He seems to me to be a genuinely nice man. He doesn't seem to me to be one of these hard popular warriors who populate the administration in such large numbers and, frankly, we have seen in Justice Department appointees throughout the Justice Department in far too great a number. But simply being a nice person, being a "nice guy" is not enough, particularly when you are not performing your job.

The Attorney General got up and said:

> I am ultimately responsible, but simply claiming responsibility is not enough.

He said:

> I was not involved in any memos or discussions of what was going on.

That is his quote.

He said:

> Many decisions are delegated.

Mr. President, did the Attorney General not know that eight U.S. attorneys were to be fired? If he didn't know, he shouldn't be Attorney General, plain and simple. That is not a minor personnel decision. That is a major act that has now shaken the integrity of the U.S. Attorney's Offices—not only those in question but all of them—to the core.

To simply say decisions were delegated, that is a sorry excuse. And then, of course, if the Attorney General knew, that one doesn't work either.

The Attorney General has said:

> I will do the best I can to maintain the confidence of the American people.

Mr. Attorney General, you have already lost that confidence. It has not simply been on this issue, although this is the straw that has broken the camel's back, and when you sat in a room with Senator LEAHY and Senator FEINSTEIN and Senator SPECTER and myself last Thursday and seemed to give this crisis, most considered crisis, the back of your hand and say it is not terribly important and don't worry, we will fix it without caring about it, my total confidence was shaken, and I believe the others in the room felt the same.

This was, as I said, the straw that broke the camel's back. It was hardly the only decision. On issue after issue, the Attorney General has not stood up for the rule of law, which is his foremost duty. On issue after issue, whether it be wiretaps, whether it be national security letters, whether it be the unitary theory of the Executive, allowing the Executive to do everything with no checks and balances, this Secretary has been a rubberstamp for policies that the courts have found repeatedly unconstitutional.

The Attorney General, unfortunately, in my judgment, misconceives his role. The Attorney General misconceives his role because he still sees himself as counsel to the President, his previous job, where he rubberstamped everything the President did. But when you are the President's counsel, your job is to serve the President, period. When you become Attorney General, you have a higher duty. That duty is the rule of law—to preserve it, to protect it, to defend it. For whatever reason, the Attorney General doesn't see that as his role. His time in office should be over.

The U.S. attorneys scandal and all the other instances where the Attorney General did not protect the rule of law are just too great a weight for the office to bear. To simply say "I am responsible" and not tell people what it is all about makes no sense. We just saw Scooter Libby be convicted. Many said he was a fall guy. We are not going to have another Scooter Libby, another fall guy. Kyle Sampson did many wrong things, and it is very possible he broke the criminal law, but, as Harry Truman said, the buck stops at the top. The buck stops with the Attorney General. It defies belief that his chief of staff was making all these major decisions without his knowledge, particularly when it is clear that at least on a few instances he admits he had phone calls from the President and from others about this issue.

I want to say one other thing, because this issue is not going to go away. This issue is going to stay with us until we find out everything that has happened, for the sake of punishing those who did wrong but also, more importantly, to clear the air and restore the good name of the U.S. attorneys who were fired incorrectly and of the U.S. attorneys—a more numerous group—who were not involved in this issue but whose reputations have been called into question. Tomorrow, if someone is indicted by a U.S. attorney who had no involvement in this scandal and their defense attorney says politics was involved, the public may believe it, given what we have seen happen thus far. So it is our obligation, it is our moral imperative to get to the bottom of this, to clear the air, and to restore the reputation of U.S. Attorney's Offices now and into the future, and that is just what we will do.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 441, 357, 448, 337, 389, AND 299, EN BLOC

Mr. LIEBERMAN. Madam President, we are making progress in disposing of the final amendments pending as we head toward final passage of S. 4. So at this time, I would like to propound a unanimous consent request that there are a number of pending amendments which I understand can be considered and agreed to without the necessity of a rollcall vote, and two of these amendments will have second-degree amendments.

I now ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table:

First, the Kyl amendment, No. 357, with a Feingold second-degree amendment, No. 441.

Second, a Schumer amendment, No. 337, with a modification that is at the desk, and with an Ensign second-degree amendment, No. 448.

Third, a Bond amendment, No. 389, with a modification at the desk.

Fourth, and finally, a Stevens amendment, No. 299.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, these amendments have been cleared on this side of the aisle, and I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 441), to amendment No. 357, was agreed to, as follows:

(Purpose: To require appropriate reports regarding data mining by the Federal Government)

On page 1, strike "(1) DATA-MINING.—" and all that follows through "(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—" on page 2, and insert the following:

(1) DATA MINING.—The term "data mining" means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) IN GENERAL.—Subsection (d) of this section shall have no force or effect.

(2) REPORTS.—

(A) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(B) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(i) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(ii) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(iii) A thorough description of the data sources that are being or will be used.

(iv) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(v) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(vi) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(vii) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(I) protect the privacy and due process rights of individuals, such as redress procedures; and

(II) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(C) ANNEX.—

(i) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

(IV) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(ii) AVAILABILITY.—Any annex described in clause (i)—

(I) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(II) shall not be made available to the public.

(D) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(i) submitted not later than 180 days after the date of enactment of this Act; and

(ii) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

(d) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

The amendment (No. 357), as modified, as amended, was agreed to.

The amendment (No. 337), as modified, is as follows:

On page 86, after line 20,:

(c) EXCEPTION.—The limitations under subparagraph (A) shall not apply to activities permitted under the full-time counterterrorism staffing pilot, as described in the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative.

The amendment (No. 448), to amendment No. 337, was agreed to, as follows:

(Purpose: To establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters)

At the appropriate place, insert the following:

SEC. 15 . LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days;

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The amendment (No. 337), as modified, as amended, was agreed to.

The amendment (No. 389), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

The amendment (No. 299) was agreed to.

AMENDMENT NO. 448

Mr. ENSIGN. Madam President, I speak today about my amendment to create the law enforcement assistance force. This amendment is a commonsense idea and I hope my colleagues would adopt this amendment.

My amendment proposes the creation of a law enforcement assistance force which is a system for retired law enforcement personnel to apply to DHS, and complete the necessary paperwork and training, before a disaster occurs. Then, when disaster happens, DHS would have a pool of qualified first responders who could be called into action. These volunteers would be detailed to a Federal, State, or local law enforcement agency to work side by side with law enforcement located in affected communities. The amendment also provides that DHS would reimburse volunteers for their costs.

The need for properly trained first responders was never greater than it was immediately after Hurricane Katrina. In the wake of this disaster, I toured the gulf region and saw the devastation firsthand. A situation caused by natural disaster was made worse by the way Federal, State and local government responded. I say this not to criticize anyone but to propose a way to improve how America will respond in the future.

In the aftermath of any disaster, there is an acute need for trained rescue and recovery personnel. These needs are often met by volunteers who, having seen their fellow Americans in need, travel across country to answer the call for help. In the aftermath of Katrina, there was no shortage of volunteers who answered this call. Their willingness to help is a testament to the American spirit. Unfortunately, these volunteers were not used in a way that was equal to their spirit or the needs of the people affected by this storm.

As the media reported, FEMA diverted many volunteer first responders to places outside of the disaster area. Some highly skilled emergency response volunteers were sent to Arkansas to prepare paperwork. Others were diverted to Atlanta to hand out fliers and still others were forced to attend "sensitivity training" seminars. Meanwhile, in the hardest hit areas of the gulf region, people suffered. Many needed basic medical care and supplies. The resources of local first responders and government officials were strained. The local responders needed reinforcements, especially when lawlessness broke out. Responding to a disaster is always a difficult job. But like we advise at-risk communities to take steps to prepare for potential disasters, the Federal Government also has an obligation to prepare in advance as well.

My amendment creates a process to enable FEMA and DHS to put qualified first responders in place in the immediate aftermath of disaster. It will ensure a better Federal response by providing State and local communities with the reinforcements they need. I believe there is a willingness on the part of retired law enforcement to volunteer their experience and expertise in times of crisis. In fact, the idea for this amendment was given to me by a friend of mine, Tom Page, who is a retired Las Vegas Metro Police officer. I thank him for this suggestion and I urge my colleagues to adopt the amendment.

AMENDMENT NO. 389

Mr. BOND. Madam President, I would like to commend Senators LIEBERMAN and COLLINS for all their hard work on S. 4 and I would especially like to thank them for their support of my amendment calling for further congressional review and action with regard to the recommendations of the 9/11 Commission.

The 9/11 Commission identified many shortfalls, some in the intelligence community and some in congressional oversight.

We can never ease the pain and anguish of the 9/11 families resulting from the deaths of their loved ones. It is possible, however, to do everything within our power to ensure more American families are not subjected to a similar nightmare.

We owe it to the 9/11 families as well as the American people to adopt reforms that will improve intelligence collection and dissemination, as well as will improve congressional oversight.

Putting our own house in order may not be popular, but it is the right thing to do.

I look forward to working with the chairman and ranking member, as well as the members of the Homeland Security and Governmental Affairs Committee to continue to improve U.S. intelligence and congressional oversight of U.S. intelligence.

In closing, I would also like to thank Ms. Holly Idelson of Senator LIEBERMAN's staff and Mr. Brandon Milhorn of Senator COLLINS's staff for their assistance to me and my staff. Both of these young people went out of their way to assist us, and I am grateful to them for their courteous demeanor and their professional conduct.

Mr. CHAMBLISS. Madam President, I rise today in support of Senate amendment No. 389 offered by my colleague from Missouri, Senator BOND. It is appropriate that this amendment be offered to the 9/11 bill as it is a first step in implementing one of the few outstanding recommendations made by the 9/11 Commission—to reform congressional oversight of the intelligence community. I am proud to be a cosponsor of this important amendment and thank Senator BOND for his leadership on this issue.

The 9/11 Commission suggested that the rules of the House of Representatives and the Senate lack the power, influence and sustained capability to effectuate oversight of the intelligence community. As such, they recommended that Congress establish one committee in each House of Congress with both authorizing and appropriation authority for the intelligence community or create a joint committee based on the model of the old Joint Committee on Atomic Energy.

Just this year, the House of Representatives amended their rules to create a new panel on the Appropriations Committee with members of both the Intelligence Committee and the Appropriations Committee. While the House provision does not meet the 9/11 Commission recommendation in full, the Senate has not acted at all. As every Member of this body knows, reforming Congress, especially the Senate, can be difficult and will face much resistance. However, the Senate should not be an exception to government reform after September 11, 2001. We should lead by example. We owe the

American public and the families of those lost on September 11, 2001 to continue to improve intelligence collection and coordination as well as to improve congressional oversight.

I know many have ideas on reform in the Senate, and we should explore those. We need to find the most effective way to conduct vital, and often difficult, intelligence oversight. That is why this amendment is so important—it asks the Senate Select Committee on Intelligence and the Homeland Security and Governmental Affairs Committee to each review the 9/11 Commission's recommendation. Members of the Senate with expertise in reform and intelligence will review the oversight process and develop recommendations on the most valuable reforms.

In conclusion, I hope all my colleagues will support this amendment and work with the committees in the Senate to improve the congressional oversight process.

Mr. HATCH. Madam President, we certainly know how complicated and even vexing the process of reforming the intelligence community is. On the one hand, we now have in place a new structure, with an overarching office of the Director of National Intelligence, that is responsible for addressing many of the institutional and structural impediments that led to our intelligence community's underperformance in the last years of the 20th century, leaving us more vulnerable to the attacks of September 11. The second and recently confirmed Director of the Office of National Intelligence, Mike McConnell, assumes leadership in a structure that is up and running, if still on its shakedown cruise. In Mike McConnell we have a leader that will take the DNI to the levels of authority and accomplishment we in Congress who created the Office of the DNI intended.

Throughout the IC we have seen many promising developments. Agencies are infused with resources and focus, and they are addressing our priority and hard targets like no other time during my 30 years in the Senate. Mike Hayden at CIA is providing leadership to an organization that is truly beginning to reach out of its petrified structures and mindset of the past to bravely and creatively take on the intelligence challenges of today and tomorrow. As a member of the Intelligence Committee, I make every effort to commend and encourage all of these positive developments, and I know I am joined by most of my colleagues.

That is the good news. The bad news is that intelligence reform has many unfinished aspects. There are still deep cultural problems with the way certain IC organizations, particularly the CIA, work. We still have far to go and addressing the challenge of hard targets, like North Korea and Iran. All of these challenges will take time and leadership to address.

The 9/11 Commission's report on the intelligence failures leading to September 11 also focused how Congress needed to change. The report stated:

> Under the terms of existing rules and resolutions the House and Senate intelligence committees lack the power, influence, and sustained capability to meet this challenge.

The Commission recommended:

> Either Congress should create a joint committee for intelligence . . . or it should create House and Senate committees with combined authorizing and appropriations powers.

We began to improve congressional oversight with S. Res. 445, passed immediately after the Intelligence Reform and Terrorism Prevention Act of 2004. We removed term limits, raised the stature of the committee to an A Committee, and returned to the use of designated staff. But this was tinkering in comparison to the 9/11 Commission's recommendation.

I recognize this is a difficult question, for all of the reasons of congressional resistance and established prerogatives. But I think that we should not abandon addressing the very substantive question of the current structure that greatly limits intelligence committee control over intelligence community appropriations.

Therefore, I am pleased that amendment No. 389 has been accepted to S. 4, and I commend the author of this amendment, the vice chairman of the Senate Select Committee on Intelligence, Senator BOND. I am pleased to note that this amendment has the cosponsorship of the chairman of the committee, Senator ROCKEFELLER. This amendment requests a joint review of this question be conducted by both the Intelligence and the Homeland Security Committees, and be presented by year's end. This is not a radical proposal, in and of itself, but keeps the Senate focused on an unresolved question, a question whose importance to the question of congressional oversight of our intelligence community cannot be underestimated.

Intelligence reform is an ongoing process. I happen to believe that, when our institutional will flags or is diverted, we should remind ourselves of the costs of intelligence failure, and steel ourselves to the fact that intelligence will play a larger role in our national defense for the foreseeable future. And we should never abandon our oversight of intelligence reform, our dedication to supporting the most dynamic intelligence community, and our responsibility to conducting this oversight in the most effective manner possible.

Mr. LIEBERMAN. Madam President, I thank the Chair and my friend from Maine, and I notify our colleagues that we are working very hard to eliminate the remaining objections on components of the managers' amendment. We anticipate at least one more rollcall vote on one of the pending amendments and then final passage, and hopefully that will happen soon.

Pending that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, while we are waiting here to line up a vote on this amendment and this bill, I will speak briefly relative to my thoughts on how this bill is evolving. Like everyone, I was very impressed with the work of the 9/11 Commission. I think they did a superb job of pointing out what were, unfortunately, very significant problems which we have as a nation relative to our preparedness to fight terrorism. I had the good fortune to chair the Homeland Security Subcommittee of the Appropriations Committee for the last 2 years and spent a considerable time before that working on the accounts of the FBI. We worked hard, honestly, to try to address some of the issues which were raised by the 9/11 Commission and, as a practical matter, the great majority of the issues raised by the 9/11 Commission have been addressed and are moving forward, hopefully, to a constructive resolution.

This bill, although it has the 9/11 Commission imprimatur on it as its name, is more of a clutter—a collection of various ideas, some of which the 9/11 Commission agrees with, some of which I suspect they never even thought of discussing and, as a practical matter, the bill as a whole, in my humble opinion, in its present form would actually end up undermining rather than improving our safety as a nation. There are a number of reasons for that, but at the moment the most significant reason is the unionization language in this bill which essentially says the TSA will become a unionized organization.

When we originally set up the TSA, which was a matter of considerable debate on this floor, that issue was at the essence, at the center, of the discussion as to why and how we were going to set up the TSA. The belief was at the time we set up the TSA and the commitment was at that time that we would not create a unionized organization.

Why was that? It is not that unions do not do good work. Unions do extraordinary work. They have been one of the great forces in American culture for producing and mainstreaming many Americans, from the standpoint of income and social activity, having a group to participate with. They have been an extraordinarily positive force. But the belief was—and it is an accurate belief arrived at after considerable thought and a great deal of debate—that unionizing TSA would be like unionizing the military, to give an example.

The TSA is the front line of our defense relative to protecting airplanes that fly in America today. We know air traffic is the No. 1 source for attack from the al-Qaida interests. We know that they, in their handbooks and their training manuals, constantly come back to the use of aircraft as a weapon, and unfortunately we saw them use it on 9/11.

Having a secure transportation industry, especially in the aircraft area, is absolutely critical to our protecting our Nation from acts of terrorism. That is why we put in place the TSA. They are the front line of securing our air transportation system in this country. They are like a military force. Their purpose is to be moved around quickly to areas of weakness. Their purpose is to make sure they execute efficiently the review of people getting on aircraft to make sure those people are appropriately screened.

You cannot have incompetence. You can't have inefficiency. You can't have poorly trained people or people who do not sort of get with the program. You must have a very disciplined, focused group of individuals managing the security at our airports. That is the goal we were hoping to accomplish with the TSA.

It was fully understood, because I was involved in the debate, that when we set up the TSA it would not be unionized because union rules inherently create delay and they create stricture and straitjackets and make it very difficult to manage different issues that have to be managed aggressively and with fluidity by the leadership of the TSA and the TSA teams on the ground.

To create a unionized TSA will take away that flexibility, that efficiency. It will take away the ability to assure the people who are doing the screening will be the best we can get and they are doing it in the most effective way that can be done. In my opinion, putting this language in this bill, if it were to pass, would undermine security generally.

There are other issues with this bill which I can assure you, in my reading of the 9/11 Commission report, they did not think of in the terms this bill is structured: specifically, the formula for the distribution of funds. I chaired the Appropriations subcommittee which had responsibility for distributing funds relative to terrorist activity in this country. We do have this pool of funds which is distributed to all the States and all the regions in this country under a formula. My opinion is if you want to effectively use that money, it should be threat based. That should be the No. 1 priority and the No. 1 criterion. Is the money going where the threat is highest?

We know there are certain targets in this country which are high-threat areas: New York City, the subway system specifically, but a lot of parts of New York City; Los Angeles; Washington, DC. These are clearly high-priority targets when you are talking about terrorists. Terrorists have goals. One of their goals is to destroy our culture and kill as many Americans as they can, according to al-Qaida, but another is to make a statement internationally. That is why they picked the World Trade Center. That was a recognized international symbol.

I know there are places in New Hampshire that are probably susceptible to terrorist attack. I am sure they are. But the fact is, it is unlikely, if you are ordering priorities, that most of them are going to be very high on a priority list for terror attack—certainly one structured by an al-Qaida type organization. They may be from domestic terrorism; that is different—domestic terrorism such as hit Oklahoma City. But if there were a structured terrorist attack from an Islamic fundamentalist group, we can prioritize what is the terrorist threat and what is not the terrorist threat.

The money should go to the threat. Now how does that affect New Hampshire? It means New Hampshire would get less money. As the chairman of an Appropriations subcommittee, I had responsibility for this area up until this year, when I switched over to foreign affairs accounts. I strongly promoted the program of putting the money where the threat was, to the disadvantage of New Hampshire, because I felt that was the way it should be done.

Now this bill comes along and tries to reorder that in a way that essentially says every State, every community will get, for lack of a better word, "walking around money" for purposes of buying security, to the detriment of the high-threat areas. We only have so much money.

Once we have secured the high-threat areas and we are fairly comfortable, then we can start distributing it maybe more broadly and without any accountability for threat. But initially the distribution should be based on threat.

Yes, every State should get some, but it should not be under the formula that is in this bill. It should be a much lower absolute commitment of dollars and a much higher commitment of dollars in the threat area. This is what bothers me about this bill.

In addition, there is the ability of people to get access to classified intelligence briefings and materials. This is playing with fire when we start significantly expanding access to this type of material. Because it is this material falling into the wrong hands by accident, which it might be, or just oversight, because it is in so many hands, because it is expanded by this bill and going into so many hands, that if it falls into the wrong places, people can trace the source, and protecting these sources of where we get intelligence is absolutely the most critical thing we have to do. If we have a good source of intelligence on how people want to attack us, protecting that source is absolutely essential.

Some of the intelligence material that will be released under this bill—with good intentions, but, unfortunately, the Congress tends to be a sieve, and no matter how aggressively people try to protect that information, it seems to get out—could easily expand the number of people available who have access to this information to a point where the security of the administration will come into question.

So these are very serious issues relative to this bill. The most serious is the unionization of a nonunion, lean, effective organization which would protect our transportation system, especially air traffic; the failure to put the money on the target which is threatened; and the issue of expanding the availability of very sensitive intelligence information in a way that might undermine the sources of that information.

Those are the reservations I have about this bill. That is why I will not be able to support the bill when it comes up for final passage should it be in its present form.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, we are coming to the moment when we adopt the managers' amendment and proceed to final passage. I want to respond to some of the things said by my friend from New Hampshire.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. LIEBERMAN. In response to my friend from New Hampshire, two things: One is, S. 4 is a direct response not just to the original 9/11 Commission in 2004, which was the basis of the Intelligence Reform Terrorism Prevention Act of that year, but it is a response directly to the appeal the 9/11 Commission issued in December of 2005 that there was unfinished business.

That appeal was not only seconded but echoed and amplified by the various organizations representing families who lost loved ones on 9/11 in the terrorist attack of that day.

So this legislation before the Senate now, about to go to final amendment consideration and adoption, includes improvements in information sharing—the critical question of connecting the dots before the terrorists can strike us so we can stop them from doing so. It creates a new dedicated grant fund to support interoperable communications equipment—complicated words which simply mean whether in a crisis, a potential terrorist attack, or a natural disaster such as Katrina, our firefighters, our police officers, our emergency responders can talk to each other as they were not able to do on 9/11.

This is a balanced, progressive recommendation to solve once and for all by legislation the ongoing dispute about how to distribute homeland security grant funding. We have improved the security requirements of the so-called visa waiver program. We have strengthened the Privacy and Civil Liberties Board and done much else. There is a lot constructive here. One of the parts of this legislation that I believe still should be the least controversial and, frankly, not the most important but an act of fairness consistent with our effort to improve homeland security, was simply to give the transportation security officers at the Transportation Security Agency, who now can join a union but cannot collectively bargain, the same right to collectively bargain in very limited areas without the right to strike, the same rights that most other employees at the Department of Homeland Security, including law enforcement personnel, have and continue to have, without impeding their carrying out of their law enforcement public safety functions. That includes the Border Patrol, obviously at the Capitol that includes our Capitol Police, and throughout America it includes firefighters and police officers.

It is unfortunate that is so much the focus of discussion about this bill because this bill is a direct response to the appeals of the 9/11 Commissioners and the 9/11 families to take constructive action to respond to the statements that the Commission itself made in 2004 and again in 2005: America is safer than it was on 9/11/01 but not yet safe enough.

This bill, which is not controversial and ought to receive nonpartisan support, will make the people of America, in an age of terrorism, safer yet than they have been before. It is why I strongly urge my colleagues across party lines to support final passage of the legislation.

I hope soon to be able to propound a series of unanimous consent agreements. I am waiting for final clearance from my ranking member. As soon as that happens I will rise to do so.

AMENDMENT NO. 448

I ask unanimous consent that notwithstanding its adoption, the Ensign amendment No. 448 be considered a first-degree amendment, agreed to, and that it be inserted at the appropriate place in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUESTED RESIGNATIONS OF SEVEN UNITED STATES ATTORNEYS

Mr. SPECTER. Madam President, I have sought recognition to comment about the events in the Department of Justice over the course of the past 10 days, with respect to the request for the resignations of seven United States attorneys and the disclosures that the FBI was improperly using national security letters.

With respect to the matter about the request for resignations of the United States attorneys, I believe it is important for the Judiciary Committee to proceed with its inquiry to find out exactly what happened. There is no doubt—I think it is undisputed—that the Attorney General has the authority to replace United States attorneys. There is a serious question if they are replaced for improper motives.

We know when President Clinton was elected, one of his first acts in early 1993, when he took office, was to replace all 93 of the United States attorneys. I had the occasion recently to discuss this with the Attorney General of Pennsylvania, Tom Corbett, who was a U.S. attorney at that time for the Western District of Pennsylvania. In 1993, he had the position in the United States attorneys organization to make those telephone calls. That was handled in due course, and nobody challenged the President's authority to replace United States attorneys.

Now, questions have arisen as to whether United States attorneys were replaced improperly—for example, the question has been raised as to U.S. Attorney Lam in the Southern District of California, in San Diego, and whether she was replaced because of her conviction of former Congressman Duke Cunningham, now serving an 8-year sentence, and whether she was about to investigate other people who were politically powerful.

Ms. Lam was questioned about that. I asked her whether she considered the request for her resignation to be inappropriate. She said she was surprised by it. I pressed her for her own conclusion. I think we may need more by way of inquiry to examine what her performance ratings were to see if there was a basis for her being asked to resign.

We had a situation with Mr. Cummins, who was a U.S. attorney in the Eastern District of Arkansas. He received a telephone call, which he then relayed to other dismissed United States attorneys, and he did it by e-mail very shortly after the telephone call. The question I had for Mr. Cummins was, what was said? The e-mail did not contain the language of the caller from the Department of Justice. It had Mr. Cummins' sense, or feelings, that it was a warning. After little discussion, one lawyer to another, he said it may have been friendly advice. Well, that perhaps requires a little more analysis, if not a little more inquiry.

Then we have the situation with the U.S. attorney from New Mexico, where, according to the news reports—and we have to find this out from the actual witnesses—there had been concerns expressed by people in New Mexico as to whether he was doing his job properly. On those concerns—at least according to the press—we have to find this out from the witnesses. Those calls, according to members of the press, or according to what has been reported in the press, were relayed to White House officials, and they passed them on to the Department of Justice.

We have to look at that and ask ourselves the question of whether there is impropriety in that. If the Department of Justice is to evaluate whether a United States attorney ought to be retained, is it relevant as to what people think about him or her? The comments may require that we look at whether he was doing the job. Those are matters we have yet to determine. So when we have declarations made on the Senate floor that are conclusory, condemning the Department of Justice for what it has done, I say that is premature.

When the issue came up about the hearing that was a week ago today, in my capacity as ranking member of the committee, I was asked to waive the 7-day rule, and I agreed to do so. I agreed to do so because I thought it was important to move ahead promptly. When Senator LEAHY has raised the issue about other witnesses coming in, I think he is correct on that. The issue was raised about bringing in former White House Counsel Harriet Miers, issues were raised about bringing in people from the Department of Justice and other people in the office of the White House Counsel. I think that ought to be done. I do not think it is necessary to subpoena them. We will see.

Before subpoenas ought to be issued, or before there even ought to be an issue raised about subpoenas, we ought to make a determination as to whether people are willing to come in voluntarily. When you talk about subpoenas, the first public reaction is: Why do they have to be subpoenaed? Why don't they come in voluntarily? Do they have something to hide? The next inference or question is: Are they guilty of something that they have to be subpoenaed?

So let us proceed in the regular course of business. I was a district attorney for some 8 years and an assistant DA before that, and I have been on the Judiciary Committee for 27 years. The regular way to do business is to ask people to come in. If they refuse, then you can talk about subpoenas and you can get tough if it is necessary to do that.

I regret I could not be here when Senator SCHUMER was on the floor earlier today. He has made public statements about the Attorney General politicizing the office. Well, that may be Senator SCHUMER's opinion, his judgment. But let's get down to specific facts as to what is involved in the politicization. We are all working here in a political field. I, frankly, have a concern to see Senator PETE DOMENICI on the Web site of the Democratic Senate Campaign Committee. I have a little concern about some of the statements that have been made by Members of this body, rushing to judgment, before we have had these witnesses in.

There has been a request for witnesses from the administration, from the White House. Well, why condemn the parties and condemn the Department until we have found out what the facts are? My view, as I expressed last Thursday in the Judiciary Committee's executive session, has been to tone down the rhetoric. We are now on the heels of the issue of the request for resignations of the United States attorneys.

We have the disclosures that the Federal Bureau of Investigation had misused the national security letters. We gave them broader powers in the PATRIOT Act. We broadened the powers from cases involving foreign powers to national security matters generally. We put in a provision as to exigent circumstances, which means an emergency. Until we find, at least preliminarily, that the FBI used the exigent category more broadly—in some situations, they were to get statements on probable cause for the judicial authorization. In giving the FBI these broader powers under the—Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. We gave the FBI these broader powers under the PATRIOT Act because of the importance of fighting terrorism, and that is a major problem of the United States today, an enormous problem worldwide. We are concerned that where the FBI exercises these greater powers there has to be an appropriate regard for civil liberties and for constitutional rights. If it weren't for the fact we inserted in the reauthorization the authority of the inspector general to make these audits, we would not have found out what was going on.

So then in evaluating what the Department of Justice has done, I think it is important to look thoroughly at the issues raised by the inspector general. It is a thick volume. We are going to need oversight hearings. Senator LEAHY, chairman of the Judiciary Committee, already announced that. I think we may have to go further and consider changing the authority of the FBI under the PATRIOT Act. If they do not use the powers within the confines the Congress has prescribed and the President authorized, then we may have to limit their power.

There are serious issues that confront the Department of Justice at this time and the Judiciary Committee, in its oversight capacity and investigative capacity, has the full authority of power to find out what the facts are, and we will speak plainly. I will have no hesitation in making a factually based judgment if they have acted improperly.

Let us see the background of the firing of these U.S. attorneys, and let us see what the details are on the national security letters and what the Department of Justice does to correct the situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 291; AMENDMENT NO. 293, AS MODIFIED; AMENDMENT NO. 341; AMENDMENT NO. 323; AMENDMENT NO. 290, AS FURTHER MODIFIED; AMENDMENT NO. 368; AMENDMENT NO. 392; AMENDMENT NO. 332, AS MODIFIED; AMENDMENT NO. 391; AMENDMENT NO. 431; AMENDMENT NO. 348; AMENDMENT NO. 404; AMENDMENT NO. 388, AS MODIFIED; AMENDMENT NO. 411, AS MODIFIED; AMENDMENT NO. 456; AMENDMENT NO. 414, AS MODIFIED; AMENDMENT NO. 412, AS MODIFIED; AMENDMENT NO. 354, AS MODIFIED

Mr. LIEBERMAN. Madam President, I am very happy to indicate to our colleagues we have reached agreement on a series of unanimous consent requests that will allow us to move to final passage.

I ask unanimous consent that the pending amendment be set aside and the Senate proceed to the consideration of a series of amendments, which have been cleared on our side and by Senator COLLINS on her side. The amendments are as follows:

Sununu amendment No. 291; Grassley amendment No. 293, with a modification; Coleman amendment No. 341; Feinstein amendment No. 323; Salazar amendment No. 290, with a further modification; Carper amendment No. 368; Akaka amendment No. 392; Lieberman amendment No. 332, with a modification; Lieberman-Collins amendment No. 391; Lieberman-Collins amendment No. 431; Wyden-Bond amendment No. 348; Byrd amendment No. 404; Pryor amendment No. 388, with a modification; Lieberman-McCain amendment No. 411, with a modification; Landrieu amendment No. 456; Coleman amendment No. 414, with a modification; Inouye-Stevens-Lieberman amendment No. 412, with a modification; Menendez amendment No. 354, with a modification.

I ask unanimous consent that these amendments be agreed to en bloc; that the motions to reconsider be laid on the table, en bloc; that any statements thereon be printed in the RECORD as if read; and that consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.".

AMENDMENT NO. 293, AS MODIFIED

At the end, add the following:

TITLE X—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. 01. SHORT TITLE.

This title may be cited as the "The American National Red Cross Governance Modernization Act of 2007".

SEC. 02. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) Sense of Congress.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 03. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting "a Federally chartered instrumentality of the United States and" before "a body corporate and politic"; and

(2) in subsection (b), by inserting at the end the following new sentence: "The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.".

SEC. _04. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) to conduct other activities consistent with the foregoing purposes.".

SEC. _05. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", or as otherwise provided," before "in the bylaws";

(2) in subsection (b)(1)—

(A) by striking "board of governors" and inserting "corporation"; and

(B) by inserting "policies and" before "regulations related"; and

(3) in subsection (b)(2)—

(A) by inserting "policies and" before "regulations shall require"; and

(B) by striking "national convention" and inserting "annual meeting".

SEC. 06. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

"§300104. Board of governors

"(a) Board of Governors.—

"(1) In general.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

"(2) Number.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

"(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

"(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board. Procedures to implement the preceding sentence shall be provided in the bylaws.

"(3) Appointment.—The governors shall be appointed or elected in the following manner:

"(A) Chairman.—

"(i) In general.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

"(ii) Vacancies.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

"(iii) Duties.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(B) Other members.—

"(i) In general.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

"(ii) Vacancies.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

"(b) Terms of Office.—

"(1) In general.—The term of office of each member of the board of governors shall be 3 years, except that—

"(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

"(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

"(2) Staggered terms.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

"(3) Term limits.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

"(c) Committees and Officers.—The board—

"(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

"(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

"(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

"(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

"(d) ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

"(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

"(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

"(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

"(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

"(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

"(f) VOTING BY PROXY.—

"(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

"(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

"(g) BYLAWS.—

"(1) IN GENERAL.—The board of governors may—

"(A) at any time adopt bylaws; and

"(B) at any time adopt bylaws to be effective only in an emergency.

"(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

"(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.".

SEC. _07. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking "bylaws" and inserting "policies".

SEC. _08. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

"§ 300107. Annual meeting

"(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

"(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

"(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

"(d) VOTING.—

"(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) ESTABLISHMENT OF NUMBER OF VOTES.—

"(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. _09. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. _11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§ 300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§ 300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(b) REPORT.—

"(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

"(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

"(i) the Committee on Finance;

"(ii) the Committee on Foreign Relations;

"(iii) the Committee on Health, Education, Labor, and Pensions;

"(iv) the Committee on Homeland Security and Governmental Affairs; and

"(v) the Committee on the Judiciary.

"(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

"(i) the Committee on Energy and Commerce;

"(ii) the Committee on Foreign Affairs;

"(iii) the Committee on Homeland Security;

"(iv) the Committee on the Judiciary; and

"(v) the Committee on Ways and Means.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

AMENDMENT NO. 341

(Purpose: To provide for an additional program requirement for the border interoperability demonstration project)

On page 124, line 16, strike "and" after the semicolon.

On page 124, line 18, strike the period and insert "; and".

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

AMENDMENT NO. 290, AS MODIFIED FURTHER

At the appropriate place, insert the following:

SEC. ___. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) Reference.—The establishment or review of the national homeland security strategy under this subsection shall be known as the "quadrennial homeland security review".

(5) Consultation.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) Contents of Review.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive-5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) Level of Risk.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) Reporting.—

(1) In general.—The Secretary shall submit a report regarding each quadrennial homeland security review to Congress and shall make the report publicly available on the Internet. Each such report shall be submitted and made available on the Internet not later than September 30 of the year in which the review is conducted.

(2) Contents of report.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) Resource Plan.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to Congress and make publicly available on the Internet a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

AMENDMENT NO. 323

(Purpose: To provide for the inclusion of executive level training in certain curriculum for training)

On page 23, strike lines 11 through 15, and insert the following:

(a) Curriculum.—The Secretary, acting through the Chief Intelligence Officer, shall—

(1) develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material; and

(2) ensure that the curriculum includes executive level training.

AMENDMENT NO. 368

(Purpose: To make funds available for the activities of the Public Interest Declassification Board)

At the end of title XI, add the following:

SEC. 1104. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289; 120 Stat. 1311), as amended by Public Law 109–369 (120 Stat. 2642), Public Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

"(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.".

AMENDMENT NO. 392

(Purpose: To provide for the Secretary to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and for other purposes)

At the end of title XV, add the following:

SEC. . INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) In General.—The Secretary shall have responsibility for ensuring that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies.

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

AMENDMENT NO. 332, AS MODIFIED

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

"(a) Grants Authorized.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) Programs Not Affected.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized in title XIII and XIV of the Improving America's Security Act of 2007.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(c) Relationship to Other Laws.—

"(1) In general.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

"(2) Program integrity.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) Allocation.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(d) Minimum Performance Requirements.—

"(1) In general.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

"(h) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

"SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

"SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike "611(j)(8)" and insert "611(j)(9)".

On page 86, line 2, strike "5196(j)(8))" and insert "5196(j)(9))".

On page 87, strike line 22 and insert the following:

"SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike "under this title" and insert "under section 2003 or 2004".

On page 91, strike line 16 and insert the following:

"SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike "the Homeland Security Grant Program" and insert "grants made under this title".

On page 97, strike lines 7 and 8 and insert the following:

"SEC. 2009. AUDITING.

"(a) Audits of Grants.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

"(d) Definition.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109-295).

"SEC. 2010. SENSE OF THE SENATE.

"It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

"(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

"(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

"(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

"(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

"(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.".

On page 106, strike lines 1 through 9, and insert the following:

(b) Table of Contents.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109-347; 120 Stat. 1884), and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.

"TITLE XX—HOMELAND SECURITY GRANTS

"Sec. 2001. Definitions.
"Sec. 2002. Homeland Security Grant Program.
"Sec. 2003. Urban Area Security Initiative.
"Sec. 2004. State Homeland Security Grant Program.
"Sec. 2005. Terrorism prevention.
"Sec. 2006. Restrictions on use of funds.
"Sec. 2007. Administration and coordination.
"Sec. 2008. Accountability.
"Sec. 2009. Auditing.
"Sec. 2010. Sense of the Senate.".

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

"SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) Definitions.—In this section:

"(1) Population.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(2) State.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(b) In General.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

"(c) Application.—

"(1) In general.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

"(2) Annual applications.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(d) Allocation.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

"(1) Baseline amount.—

"(A) In general.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

"(B) Territories.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

"(2) Per capita allocation.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

"(3) Consistency in allocation.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

"(e) Allowable Uses.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

"(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

"(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

"(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

"(f) Cost Sharing.—

"(1) In general.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

"(2) In-kind matching.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(g) Distribution of Funds.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

"(h) Local and Tribal Governments.—

"(1) In general.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

"(2) Indian tribes.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(i) Emergency Operations Centers Improvement Program.—

"(1) In general.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

"(2) Requirements.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

"(3) Cost sharing.—

"(A) In general.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

"(B) In kind matching.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.".

AMENDMENT NO. 391

(Purpose: To improve the guidelines for fusion centers operated by State or local governments, to improve the awarding and administration of homeland security grants, and for other purposes)

On page 37, line 5, strike "within the scope" and all that follows through "(6 U.S.C. 485)" on line 8 and insert "and intelligence".

On page 37, lines 9 and 10, strike "local emergency response providers" and insert "local government agencies (including emergency response providers)".

On page 37, line 25, strike "and".

On page 38, line 3, strike the period and insert "; and".

On page 38, between lines 3 and 4, insert the following:

"(9) incorporate emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process through full time representatives or liaison officers.

On page 63, line 13, before the semicolon, insert the following: "the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, respond to, and recover from acts of terrorism".

On page 66, strike lines 3 through 8 and insert the following:

"(2) STATE DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

"(B) FUNDS RETAINED.—A State shall provide each relevant eligible metropolitan area with an accounting of the items or services on which any funds retained by the State under subparagraph (A) were expended.

On page 82, line 4, strike "or other" and insert "and other".

On page 83, line 15, before the semicolon, insert the following: ", including through review of budget requests for those programs".

On page 90, between lines 4 and 5, insert the following:

"(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or metropolitan area create a planning committee if that State or metropolitan area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

AMENDMENT NO. 431

(Purpose: To clarify the coordination of the accreditation and certification program for the private sector, and for other purposes)

On page 194, lines 18 and 19, strike "and each private sector advisory council created under section 102(f)(4)" and insert "each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers".

On page 195, line 12, strike "the American National Standards Institute and" and insert "representatives of organizations that coordinate or facilitate the development of and use of voluntary consensus standards".

On page 195, lines 14 through 16, strike "and each private sector advisory council created under section 102(f)(4)" and insert ", each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers".

On page 196, line 21, strike "and" after the semicolon.

On page 196, strike lines 17–23 and insert the following:

"(C) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established—

"(i) under any other provision of Federal law; or

"(ii) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

"(D) coordinate the program, as appropriate, with—

"(i) other Department private sector related programs; and

"(ii) preparedness and business continuity programs in other Federal agencies.

On page 201, between lines 9 and 10, insert the following:

"(e) COMPLIANCE BY ENTITIES SEEKING CERTIFICATION.—Any entity seeking certification under this section shall comply with all applicable statutes, regulations, directives, policies, and industry codes of practice in meeting certification requirements.

On page 201, line 10, strike "(e)" and insert "(f)".

On page 201, line 13, strike "(f)" and insert "(g)".

On page 201, line 18, strike "(g)" and insert "(h)".

On page 202, strike lines 20 through 24, and insert the following:

SEC. 706. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

AMENDMENT NO. 348

(Purpose: To require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 is made available to the public)

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AMENDMENT NO. 404

(Purpose: To require the Secretary of Homeland Security to notify Congress not later than 30 days before waiving any eligibility requirement under the visa waiver program established under section 217 of the Immigration and Nationality Act)

On page 133, line 20, strike "(C)" and insert the following:

(C) in subsection (d), by adding at the end the following: "The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.";

(D)

AMENDMENT NO. 388, AS MODIFIED

On page 105, after line 9, insert the following:

SEC. 203. EQUIPMENT TECHNICAL ASSISTANCE TRAINING

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that the Department of Homeland Security shall conduct no fewer than 7,500 trainings annually through the Domestic Preparedness Equipment Technical Assistance Program.

(b) REPORT.—The Secretary of Homeland Security shall report no later than September 30 annually to the Senate Homeland Security and Governmental Affairs Committee, the House Homeland Security Committee, Senate Appropriations Subcommittee on Homeland Security, and the House Appropriations Subcommittee on Homeland Security—

(1) on the number of trainings conducted that year through the Domestic Preparedness Equipment Technical Assistance Program; and

(2) if the number of trainings conducted that year is less than 7,500, an explanation of why fewer trainings were needed.

AMENDMENT NO. 411, AS MODIFIED

At the end, add the following new title:

TITLE XVI—ADVANCEMENT OF DEMOCRATIC VALUES

SECTION 1601. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 1602. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1603. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom

of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term "Department" means the Department of State.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1611. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

SEC. 1612. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

(c) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1613. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) BROADCASTING CONTENT DEFINED.—In this section, the term "broadcasting content" includes programming produced or broadcast by United State international broadcasters, including—

(1) Voice of America;

(2) Alhurra;

(3) Radio Sawa;

(4) Radio Farda;

(5) Radio Free Europe/Radio Liberty;

(6) Radio Free Asia; and

(7) The Office of Cuba Broadcasting.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1621. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting "entitled the Advancing Freedom and Democracy Report" before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 2151n note) is amended by striking "30 days" and inserting "90 days".

SEC. 1622. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1631. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

SEC. 1632. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1641. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1642. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

SEC. 1643. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1644. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1651. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

Subtitle F—Funding for Promotion of Democracy

SEC. 1661. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1662. THE HUMAN RIGHTS AND DEMOCRACY FUND.

The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

AMENDMENT NO. 456

(Purpose: To require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors)

At the appropriate place, insert "The Secretary shall include levees in the Department's list of critical infrastructure sectors.

AMENDMENT NO. 414, AS MODIFIED

Insert at the appropriate place:

(a) DEMONSTRATION PROJECT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

AMENDMENT NO. 412, AS MODIFIED

(Purpose: To provide for model ports of entry and modify the international registered traveler program)

On page 2, after the item relating to section 405, insert the following:

Sec. 406. Model ports-of-entry.

On page 148, between lines 7 and 8, insert the following:

SEC. 406. MODEL PORTS-OF-ENTRY.

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.—Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest average number of foreign visitors arriving annually.

AMENDMENT NO. 354, AS MODIFIED

Beginning with line 1 on page 1, strike through the end of the amendment and insert the following:

At the appropriate place, insert the following:

SEC. ___. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.c. 982(c)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later";

(2) by resetting the left margin of the text thereof 2 ems from the left margin; and

(3) by inserting at the end thereof the following:

"(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

"(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

"(B) PLAN CONTENTS.—The plan under subparagraph (A) shall include—

"(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

"(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States, unless the Secretary explains in writing to the appropriate congressional committees that inadequate progress has been made in meeting the criteria in section 232(b) for expanded scanning to be practical or feasible;

"(iii) an analysis of how to effectively incorporate existing programs, including the Container Security Initiative established by section 205 and the Customs-Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

"(iv) an analysis of the scanning equipment, personnel, and technology necessary to reach the goal of 100 percent scanning of cargo containers.

"(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the initial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).".

AMENDMENTS NOS. 423, 424, 340, 307, 358, 359, 394, 415, AND 371 EN BLOC

Mr. LIEBERMAN. Madam President, on behalf of the Commerce Committee, I ask unanimous consent that the pending amendment be set aside and the Senate proceed en bloc to the consideration of a series of amendments which have been cleared by the chair and ranking member of the Commerce Committee, Senators INOUYE and STEVENS.

The amendments are as follows: Inouye-Stevens amendment No. 423 with a modification; Inouye-Stevens amendment No. 424 with a modification; Rockefeller amendment No. 340; Kerry amendment No. 307; Murray amendment No. 358 with a modification; Lautenberg amendment No. 359 with a modification; Cardin amendment No. 394.

On behalf of the Banking Committee, Senators DODD and SHELBY, I ask that the following amendments within their jurisdiction which they have cleared also be considered: Dodd amendment No. 415, Kohl amendment No. 371 with a modification.

Madam President, I ask unanimous consent that these amendments be agreed to en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements thereon be printed in the RECORD, and that the consideration of these amendments appear separately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 340, 307, 394, and 415) were agreed to, as follows:

AMENDMENT NO. 340 TO AMENDMENT NO. 275

(Purpose: To reinstate the State registration fee system for commercial motor vehicles until the Unified Carrier Registration System Plan Agreement is fully implemented)

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.
Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA-LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

AMENDMEND NO. 307 TO AMENDMENT NO. 275

(Purpose: To modify the criteria that the Secretary of Homeland Security will use to develop a hazardous material tracking pilot program for motor carriers)

On page 305, strike lines 8 through 15 and insert the following:

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials and consider the addition of this type of technology to the required communications technology attributes under paragraph (1).

AMENDMENT NO. 394 TO AMENDMENT NO. 275

(Purpose: To require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

AMENDMENT NO. 415 TO AMENDMENT NO. 275

(Purpose: To amend title X, with respect to critical infrastructure protection efforts by Federal departments and agencies)

On page 233, strike lines 8 through 15.

On page 233, line 16, strike "(c)" and insert "(b)".

On page 233, line 19, strike "(d)" and insert "(c)".

On page 234, strike lines 17 through 21 and insert the following:

(2) CLASSIFIED INFORMATION.—

(A) IN GENERAL.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

On page 235, line 21, strike "private sector" and all that follows through page 236, line 4 and insert "private sector.".

On page 236, line 8, insert "a report" after "submit".

On page 236, beginning on line 11, strike "a report" and insert the following: ", and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report,".

On page 236, strike lines 18 and 19 and insert the following:

"(2) CLASSIFIED INFORMATION.—

"(A) IN GENERAL.—The report under this subsection may contain a classified annex.

"(B) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.".

On page 236, after line 23, insert the following:

SEC. 1004. PRIORITIES AND ALLOCATIONS.

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

The amendment (No. 423), as modified, was agreed to, as follows:

AMENDMENT NO. 423 AS MODIFIED

On page 203, beginning with line 4, strike through line 5 on page 215 and insert the following:

SEC. 801. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1321 or 1403 of the Improving America's Security Act of 2007 or any provision of law amended by such title)," after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America's Security Act of 2007."; and

(5) by adding at the end the following:

"(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

"(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).".

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) Content.—Each progress report submitted under this subparagraph shall include the following:

"(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

"(bb) personnel working on transportation security by mode, including the number of contractors.

"(iii) Written explanation of transportation security activities not delineated in the National Strategy for Transportation Security.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved."; and

(2) in subparagraph (E), by striking "Select".

(d) Priority Status.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive–7; and".

(e) Coordination and Plan Distribution.—Section 114(t) of such title is amended by adding at the end the following:

"(6) Coordination.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

"(7) Plan distribution.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.".

SEC. 802. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) In General.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) Transportation Security Information Sharing Plan.—

"(1) Establishment of plan.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

"(2) Purpose of plan.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(3) Content of plan.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1406 of the Improving America's Security Act of 2007;

"(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

"(C) a reasonable deadline by which the Plan will be implemented; and

"(D) a description of resource needs for fulfilling the Plan.

"(4) Coordination with the information sharing environment.—The Plan shall be—

"(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(5) Reports to Congress.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

"(B) Annual report.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

"(6) Survey.—

"(A) In general.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

"(B) Information sought.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

"(7) Security clearances.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

"(8) Classification of material.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

"(9) Definitions.—In this subsection:

"(A) Appropriate congressional committees.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

"(B) Plan.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

"(C) Public and private stakeholders.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities.

"(D) Secretary.—The term 'Secretary' means the Secretary of Homeland Security.

"(E) Transportation security information.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.".

(b) Congressional Oversight of Security Assurance for Public and Private Stakeholders.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) No report required if no changes in stakeholders.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been

added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

The amendment (No. 424), as modified, was agreed to as follows:

AMENDMENT NO. 424, AS MODIFIED

On page 4, strike the item relating to section 1366 and insert the following:

Sec. 1366. In-line baggage system deployment.

On page 5, after the item relating to section 1376, insert the following:

Sec. 1377. Law enforcement biometric credential.
Sec. 1378. Employee retention internship program.

On page 5, after the item relating to section 1384, insert the following:

Sec. 1385. Requiring reports to be submitted to certain committees.

On page 254, line 11, strike "Administration," and insert "Administration and other agencies within the Department,".

On page 254, line 12, insert "Federal" after "appropriate".

On page 267, line 11, strike "through the" and insert "in consultation with".

On page 267, line 19, strike "and, through the Secretary of Transportation, to Amtrak," and insert "and to Amtrak"

On page 269, strike lines 20 through 23 and insert the following:

(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 1322(b) of this title.

On page 269, line 19, after the period insert "Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).".

On page 281, beginning in line 24, strike "terrorists." and insert "terrorists, including observation and analysis.".

On page 286, line 7, strike the closing quotation marks and the second period.

On page 286, between lines 7 and 8, insert the following:

"(f) PROCESS FOR REPORTING PROBLEMS.—

"(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

"(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

"(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

"(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

"(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).".

On page 330, beginning in line 7, strike "paragraph (2);" and insert "subsection (g);".

On page 332, strike lines 21 and 22 and insert the following:

SEC. 1366. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

On page 337, line 5, strike "fully implement" and insert "begin full implementation of".

On page 338, strike lines 1 through 4 and insert the following:

"(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

On page 338, line 19, strike "and".

On page 339, line 3, strike "positives.' ". and insert "positives; and".

On page 339, between lines 3 and 4, insert the following:

"(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.".

On page 339, line 21, strike "utilizing appropriate records in" and insert "as well as".

On page 342, line 9, strike "47135(m));" and insert "47134(m));"

On page 342, line 21, strike "47135(m))." and insert "47134(m))."

On page 343, beginning in line 9, strike "to the Transportation Security Administration before entering United States airspace; and" and insert "at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and".

On page 344, beginning with line 14, strike through line 12 on page 345 and insert the following:

SEC. 1376. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

SEC. 1377. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

"(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

"(i) consult with the Attorney General concerning implementation of this paragraph;

"(ii) issue any necessary rulemaking to implement this paragraph; and

"(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

"(B) PROGRAM REQUIREMENTS.—The program shall—

"(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

"(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

"(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

"(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

"(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

"(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

"(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

"(ii) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

"(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

"(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1378. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for preemployment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall perform only those security responsibilities determined to be appropriate for their age and in accordance with applicable law and shall be compensated for training and services time while participating in the program.

On page 361, after line 22, insert the following:

SEC. 1385. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

(a) SENATE COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(e)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(2)(B)(ii) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 504(c) of this Act.

(9) Section 705 of this Act.

(10) Section 803(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1002(b) of this Act.

(b) SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1321(c) of this Act.

(2) Section 1323(f)(3)(A) of this Act.

(3) Section 1328 of this Act.

(4) Section 1329(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1341(a)(7) of this Act.

(7) Section 1341(b)(2) of this Act.

(8) Section 1345 of this Act.

(9) Section 1346(f) of this Act.

(10) Section 1347(f)(1) of this Act.

(11) Section 1348(d)(1) of this Act.

(12) Section 1366(b)(3) of this Act.

(13) Section 1372(b) of this Act.

(14) Section 1375 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1381(c) of this Act.

(17) Subsections (a) and (b) of section 1383 of this Act.

The amendment (No. 358), as modified, was agreed to as follows:

AMENDMENT NO. 358, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PILOT PROJECT TO REDUCE THE NUMBER OF TRANSPORTATION SECURITY OFFICERS AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (referred to in this section as the "Administrator") shall conduct a pilot program to identify technological solutions for reducing the number of Transportation Security Administration employees at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry; and

(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not co-located with a screening checkpoint.

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

(A) the airports selected to participate in the pilot program;

(B) the potential savings from implementing the technologies at selected airport exits;

(C) the types of configurations expected to be deployed at such airports; and

(D) the expected financial contribution from each airport.

(2) FINAL REPORT.—Not later than 1 year after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees described in paragraph (3) that describes—

(A) the security measures deployed;

(B) the projected cost savings; and

(C) the efficacy of the program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) USE OF EXISTING FUNDS.—Provisions contained within this section will be executed using existing funds.

The amendment (No. 359), as modified, was agreed to as follows:

AMENDMENT NO. 359, AS MODIFIED

At the appropriate place, insert the following:

SEC. . DHS INSPECTOR GENERAL REPORT ON HIGHWAY WATCH GRANT PROGRAM.

Within 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs on the Trucking Security Grant Program for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(E) marketing; and

(F) other functions.

The amendment (No. 371), as modified, was agreed to as follows:

AMENDMENT NO. 371, AS MODIFIED, TO AMENDMENT NO. 275

On page 370, line 10, after "workers", insert "the elderly".

AMENDMENTS NOS. 321 AND 336, WITHDRAWN

AMENDMENT NO. 367, AS FURTHER MODIFIED

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that amendments Nos. 321 and 336 be withdrawn and that amendment No. 367 be further modified with the changes at the desk and that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 367), as further modified, was agreed to as follows:

On page 303, strike line 12 and all that follows through page 305, line 18, and insert the following:

of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials;

(v) technology that allows the installation by a motor carrier of concealed and portable electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials; and

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the cost, benefit, and practicality of such technology described in (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems the secretary determined appropriate.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section, $7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) $3,000,000 per year may be used for equipment; and

(2) $1,000,000 per year may be used for operations.

(d) REPORT.—Within 1 year after the issuance of regulations under subsection (b), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security on the program developed and evaluation carried out under this section.

(e) LIMITATION.—The Secretary may not mandate the installation or utilization of the technology described under (a)(2)(C)(v) without additional congressional action on that matter.

Mr. LIEBERMAN. Madam President, I now ask unanimous consent that following adoption of the substitute amendment and the bill has been read a third time, there then be 20 minutes for debate prior to the vote on passage of the bill, and that each of the following be afforded 5 minutes: Senators COLLINS, LIEBERMAN, McCONNELL, and REID.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Reserving the right to object, I may have missed the complete unanimous-consent request because I did not have that final page of the agreement. Will the Senator inform me whether there is a vote ordered on the Biden amendment.

Mr. LIEBERMAN. Yes, Madam President. I thank my friend from Maine. I am sorry she didn't get this page. What I will do after this unanimous-consent request, hopefully, is agreed to, setting 20 minutes of debate and final passage, is to ask what the pending business is, which is the Biden amendment, and then I will urge action on the amendment.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 383

Mr. LIEBERMAN. Madam President, what is the pending amendment?

The PRESIDING OFFICER. Amendment No. 383 offered by Senator BIDEN.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. COLLINS. Madam President, I move to table the Biden amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. Madam President, I move to table the Biden amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—73

Akaka
Alexander
Allard
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Cantwell
Cardin
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NAYS—25

Bayh
Biden
Boxer
Brown
Byrd
Carper
Casey
Dodd
Durbin
Feingold
Feinstein
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lieberman
McCaskill
Menendez
Obama
Reed
Reid
Specter
Whitehouse

NOT VOTING—2

Johnson
McCain

The motion was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the substitute amendment, as amended, is agreed to.

The substitute amendment (No. 275), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

IMPLEMENTED RECOMMENDATION

Mr. BAUCUS. Madam President, I note that the underlying legislation contains a sense of the Senate resolution that the Senate should implement the recommendation of the 9/11 Commission to "create a single, principal point of oversight and review for homeland security." This provision was added during committee markup by the Homeland Security and Governmental Affairs Committee. I would ask my colleague, hasn't the Senate already implemented this recommendation?

Mr. GRASSLEY. Indeed, we have. Near the end of the 108th Congress we passed S. Res. 445, which created the Committee on Homeland Security and Governmental Affairs as the principal point of oversight and review for homeland security in the Senate.

Mr. BAUCUS. I appreciate the Senator's recollection. S. Res. 445 established the Committee on Homeland Security and Governmental Affairs. It also provided that the newly established committee would have referral and oversight of all matters relating to the Department of Homeland Security, with certain exceptions. One of those exceptions was with respect to functional oversight of customs revenue or commercial functions performed by any personnel of the Department of Homeland Security. Does the Senator recall the basis for that exception?

Mr. GRASSLEY. Indeed, I do. This is an issue that goes back to the creation of the Department of Homeland Security and passage of the Homeland Security Act of 2002. The Finance Committee held a hearing in July 2002, followed by a letter to the chairman and ranking member of the Governmental Affairs Committee. We stressed the importance of preserving the revenue collection and trade facilitation functions of the U.S. Customs Service, even as that agency moved into the Department of Homeland Security with an added national security focus.

Mr. BAUCUS. I appreciate the Senator's recollection of our efforts on this issue. I would add that following that hearing and our letter, we worked closely with the Committee on Governmental Affairs to develop text that would keep intact the commercial functions of the Customs Service. Under the final legislation, authorities vested in the Secretary of the Treasury relating to customs revenue functions remained with the Secretary of the Treasury unless delegated to the Secretary of Homeland Security. By order of the Secretary, dated May 15, 2003, Treasury Order 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security general authority over customs revenue functions, subject to certain exceptions that preserved Treasury's oversight of the Customs Service with respect to policy matters and the authority to issue regulations and determinations. That delegation of authority remains in place to this day.

Mr. GRASSLEY. Yes. And I believe we can both agree that our efforts were successful in preserving the revenue functions, commercial functions, and commercial operations of the Customs Service within the Department of Homeland Security, including oversight of those functions and commercial operations within the Committee on Finance.

Mr. BAUCUS. I concur entirely. And those efforts served as the context for the retention of Finance Committee oversight of customs revenue functions and commercial operations in S. Res. 445. The Finance Committee has exercised oversight of those functions for almost 200 years, and we as a nation continue to benefit from that accumulated expertise.

Mr. GRASSLEY. That is right. In fact, we can point to the enactment of the Security and Accountability For Every Port Act of 2006, otherwise known as the SAFE Port Act, as an example of that.

Mr. BAUCUS. I agree. The SAFE Port Act demonstrated that the Finance Committee and Homeland Security and Governmental Affairs Committee, together with the Commerce Committee, could work together to enact strong legislation to secure our borders and protect the trade-based economic security of our country. That legislation is strong precisely because it was the product of the Finance Committee's focus on customs functions and commercial operations, coupled with the Homeland Security and Governmental Affairs Committee's focus on border security and the Commerce Committee's expertise relating to our Nation's seaports.

Mr. GRASSLEY. Indeed. The enactment of that legislation demonstrates that the retention of Finance Committee jurisdiction over customs revenue functions and commercial operations does not in any way diminish the effective oversight of other functions within the Department of Homeland Security by the Committee on Homeland Security and Governmental Affairs, nor does it detract from the Homeland Security and Governmental Affairs Committee as the principal point of oversight and review for homeland security matters in the U.S. Senate. In fact, by drawing on the focus and expertise of both committees, we improve overall Senate oversight of the homeland security interests and economic security interests of the United States.

Mr. BAUCUS. I agree entirely. Consequently, I must note for the record that I don't see any need to include the sense of the Senate resolution that has been added to the underlying legislation by the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. I agree with my colleague and note the same. However, since it is merely a sense-of-the-Senate resolution, and is not binding in any way, I think it is sufficient to note our objections for the record at this time. The provision is not worth objecting to any more than that. We have already established a principal point of oversight and review for homeland security in the U.S. Senate. The current balance reflected in S. Res. 445 has been proven to work and need not be disturbed.

Mr. BAUCUS. I agree.

CARGO SECURITY ON PASSENGER PLANES

Mrs. BOXER. Madam President, I am pleased that in this new Congress, we are able to take up and pass a bill that implements the 9/11 Commission recommendations. Even though aviation security has improved greatly in the last 5 years, there are still holes in the system—as we discovered last summer with the aviation terrorist plot uncovered by the British authorities. Therefore, implementing these recommendations is crucial.

Mr. INOUYE. I agree with the Senator from California that implementing these recommendations is crucial to continuing to increase aviation security, to prevent our Nation from experiencing a tragedy like 9/11 again.

Mrs. BOXER. Madam President, one hole in aviation security is the cargo that is carried on passenger planes. The bill does strengthen security for cargo on passenger planes. First, the bill requires screening of all of the cargo going on passenger aircraft. Second, the bill requires the Transportation Security Administration to implement a program—either random or risked-based—to place blast-resistant containers on passenger planes. However, the program does not implement the 9/11 Commission recommendation to require one blast-resistant cargo container on every plane.

The 9/11 Commission recommended, "TSA should require that every passenger aircraft carrying cargo deploy at least one hardened container to carry any suspect cargo." Therefore, all passenger planes should have at least one blast-resistant container for cargo.

Mr. INOUYE. I expect that TSA would examine this recommendation when developing a plan to deploy blast-resistant cargo containers on airplanes.

Mrs. BOXER. I thank the Senator for his support. We owe this to the American people. We cannot allow terrorists to exploit holes in our aviation security system.

OVERSIGHT

Mr. INOUYE. Madam Pesident, the expertise exhibited under the Commerce Committee's jurisdiction is reflected in the substitute amendment to S. 4, before us today, which incorporates three Commerce Committee reported bills: S. 184, the Surface Transportation and Rail Security Act of 2007; S. 509, the Aviation Security Improvement Act; and S. 385, the Interoperable Emergency Communications Act. Prior to the reorgnization of the Senate Homeland Security and Governmental Affairs Committees, HSGAC, and thereafter, the Commerce Committee's jurisdiction under the Senate rules over all aspects of transportation safety and security issues encompassing maritime, Coast Guard, aviation, rail, pipeline, and trucking, and telecommunications matters, remain untouched.

Some unfairly claim that problems we are having improving our national security result from an outdated committee system. I respectfully disagree. This claim is simply a sound bite that ignores the truth and short changes the potential for real solutions. The real problem is the result of creating a new department from scratch by merging 22 Federal agencies with varying missions, without any true realignment for non-security related missions, into one mammoth Federal department and then refusing to fully fund the necessary initiatives.

I am surprised that a few of my colleagues would suggest that through oversight through several committees of the Department, its Agencies, and the $34.8 billion in programs weakens DHS. To the contrary, using the several committees, each with its own significant expertise, actually improves the quality and scope of congressional oversight, and therefore, the effectiveness and accountability of the Department itself. It is the failure to conduct agency oversight that causes the most harm, as we have seen at DHS over the past few years. Well coordinated and responsible engagement with DHS by committees will only further the Senate's oversight responsibilities for and the public's understanding of the critical work now being done by the Department and of the numerous challenges that remain.

S. Res. 445 embraced that approach, and S. 4 which will pass the Senate today demonstrates the success of that approach. In fact, the SAFE Ports Act, Public Law 109-347, and S. 4 are a reflection of the positive progress Congress can make when committees work together in our respective fields of expertise to conduct oversight and craft legislation to address identified vulnerabilities.

Mr. STEVENS. I concur with my chairman, Senator INOUYE. The Commerce Committee has worked for over a decade to improve transportation security and has had to deal with the inertia of the Federal Government as well as fight entrenched interests to change the way we secure our transportation system. As far back as 1996 we began discussing the security advantages of transferring security functions from the airline industry to the Federal Government. Similarly, we initiated action on the Maritime Transportation Security Act of 2002 prior to 9/11 in order to address a broad range of criminal activity at our ports. The attacks of 9/11 created sufficient public pressure for Congress to fundamentally change the way the Federal Government secures our aviation system and ports.

In particular, Aviation and Transportation Security Act, ATSA, Public Law 107–71, established the Transportation Security Administration, TSA, within the Department of Transportation to be "responsible for security in all modes of transportation, including: carrying out chapter 449, relating to civil aviation security, and related research and development activities; and security responsibilities over other modes of transportation that are exercised by the Department of Transportation."

The creation of the Department of Homeland Security, DHS, and the Senate Homeland Security and Governmental Affairs Committee, HSGAC, did not alter TSA's authority or the Commerce Committee's subject matter jurisdiction. The Senate engaged in a healthy debate on the floor and made clear that the authority being transferred to the HSGAC under S. Res. 445 did not affect the Commerce Committee's jurisdictional authority over transportation security programs, the Coast Guard and communications matters conducted through the Federal Communications Commission, FCC, and the Department of Commerce. In large part, the debate focused on the difficulty of separating transportation safety issues from transportation security issues. It is difficult, if not impossible, to separate safety and security issues from general transportation policy. To consider security without understanding the impacts of the safety and market position of a mode of transportation could lead to unrealistic, contradictory, and counterproductive policies. Those tasked with the responsibilities of securing our transportation system need to understand the complexity of the systems operations from safety standards to market place realities. The two cannot be separated and the Senate vote effectively affirmed those arguments.

Mr. INOUYE. I agree. Without such context, security decisions will be made in a vacuum that, at best, might produce misguided or extraneous efforts, and, at worst, could cripple the transportation modes that ensure the free flow of commerce and travel that our Nation has been built upon. The Commerce Committee has passed three of the most significant transportation security bills considered since 9/11 and has been successful because of its understanding of the industry and past work on safety and security issues. The distinguished majority leader and Senator MCCONNELL recognized this when crafting S. Res 445 and the Senate approved.

Mr. REID. My colleagues from the Senate Commerce Committee are correct. S. Res. 445, as introduced by me and Senator MCCONNELL and as passed by the Senate, proposed continued oversight of transportation security by the Commerce Committee.

Mr. INOUYE. The Department consists of 22 separate agencies. These agencies are responsible for everything from international trade to animal health inspection. It would be unwise for the Senate to suggest that a single committee should manage oversight of those 22 agencies and each of their multiple missions just because the Secretary does not like to travel to the Hill and testify. The Senate cannot abdicated its oversight responsibilities because the Department thinks it takes up too much time.

And so, I respectfully but deeply disagree with the nonbinding measure in the underlying bill suggesting that this Senate should neglect its oversight duty—and put aside much of its long-standing expertise—because the Department is too busy to come tell us what they are doing. While I and many of my colleagues discussed striking this provision from the underlying bill, the majority leader noted that it was simply the work product of one committee. I would like to ask the majority leader if it is intention to continue to operate under S. Res. 445 given the recent success of legislation like Public Law 109–347 and S. 4.

Mr. REID. The Senator is correct. S. Res. 445 determines Senate oversight and jurisdictional authorities.

TRANSIT SECURITY

Mr. DODD. Madam President, I thank the majority leader for this colloquy and for his work with the chairmen and ranking members of many of the committees who have been involved in putting together the legislation to implement the recommendations of the 9/11 Commission. The Banking Committee took this task very seriously. I am pleased to report that the committee unanimously reported S. 763, the Public Transportation Terrorism Prevention Act of 2007, which has been incorporated into the 9/11 legislation as title XIV. Transit security has long been a focus of the Banking Committee, where we have held several hearings and reported similar legislation in each of the last two Congresses. While the Banking Committee's previous legislation also passed the Senate, once as a free-standing bill and as title VII of the SAFE Port Act, it has yet to become law. I will continue to work very closely with Senator SHELBY, who was a leader on this issue as chairman of the Banking Committee, to work through the conference process with our counterparts in the House of Representatives to make this provision law. I appreciate the leader's support and commitment to having the Banking Committee continue to take responsibility on this title.

Transportation security was also addressed more broadly in title VIII of this legislation. As title VIII called for national transportation security and information plans, I worked very closely with my fellow chairmen and ranking members from the Commerce Committee, Senators INOUYE and STEVENS, who have jurisdiction over other modes of transportation security besides public transportation. Together we reached an agreement, represented in the Inouye amendment, No. 423, between the Commerce, Banking, and Homeland Security Committees. I am very pleased that this amendment was agreed to, and it is my intention to continue our close working relationship on these issues throughout the conference process.

The Banking Committee was also very engaged in other areas of the bill that involved the committee's jurisdiction. Since 9/11, we have worked with and overseen the Federal financial regulators as they have implemented sophisticated preparedness requirements for the institutions under their jurisdiction. Title VII, as proposed, authorized the Secretary of the Department of Homeland Security to create another series of requirements. Although these requirements are voluntary, Federal financial regulators and the financial services industry have expressed concerns about the impact of these requirements, and I share their concerns. A letter from the Board of Governors of the Federal Reserve System staff dated March 1, 2007 explains that the "voluntary standards [of Title VII are] not appropriate to meet the objective of greater preparedness and resiliency." The letter states that it would "be desirable that Title VII reflect the unique relationships that already exist within the banking and finance sector and not impose any new requirements that duplicate actions that have already been taken by the Federal financial institutions regulators." The American Bankers Association in a letter dated February 28, 2007, stated "ABA is concerned that this program would be redundant to and potential conflict with the existing process by which the banking industry develops business continuity standards, as well as with existing business continuity regulatory requirements." Also, the Office of Management and Budget issued a Statement of Administration Policy on February 28, 2007, that stated, "These standards may increase the regulatory burden."

I have proposed amendments intended to address these concerns, working with Chairman LIEBERMAN and Ranking Member COLLINS. The final legislation will include an amendment to clarify that institutions in a sector, such as financial services, must obey their sector regulators and to emphasize that this program is voluntary and does not supersede the institutions' responsibilities to maintain the high standards required by their regulators.

Another amendment that I authored pertains to title X of the underlying bill. I commend Senators LIEBERMAN and COLLINS for their efforts in addressing an important issue under this title—to ensure that the Department of Homeland Security thoroughly discerns the risks to America's critical infrastructure. As originally drafted, however, I was concerned that the bill would not ensure that DHS adequately consults with the Federal agencies best equipped to assess and prioritize risks in specific sectors of the economy. From the perspective of the Banking, Housing, and Urban Affairs Committee, I can tell you, for example, that no one has greater expertise or technical resources for assessing the vulnerabilities of our financial infrastructure than our Federal financial regulators. It is for that reason that my amendment effectively removed language that would place limits on the DHS' use of information from sector-specific agencies in the formulation of their risk assessments and prioritized lists. It is my belief that we need to encourage greater coordination between these specialized agencies and the Department of Homeland Security, not restrict it. This is true in areas outside of the financial services sector. In matters of public health, DHS should consult the Department of Health and Human Services. In manners of farming and food development, the Department of Agriculture should be consulted. In matters related to drinking water and water treatment systems, the Environmental Protection Agency should be consulted. That is why my amendment endeavors to better integrate our efforts to understand critical infrastructure vulnerabilities and hopefully develop protections in all of these areas. In addition, my amendment ensures that the agencies most familiar with the sensitive data shared with DHS and Congress determine the relative classification levels of this information. Without this provision, I am afraid someone at DHS or elsewhere, who is unfamiliar with the sensitivities of a specific sector of the economy, might unintentionally divulge critical information that could be harmful to U.S. infrastructure.

Finally, although it pertains to the assessment of U.S. critical infrastructure, title X does not include any reporting requirement on the government's ability to ensure that U.S. industry reduces interruption of critical infrastructure operations during a national emergency and minimizes the impact of such a catastrophe. My amendment requires reports to the Committees on Banking, Housing and Urban Affairs as well as to Homeland Security and Governmental Affairs, along with their House committee counterparts, on compliance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 to meet this requirement. As chairman of the Committee with jurisdiction over this law, it is important to me that we oversee appropriate U.S. industrial preparedness to meet critical infrastructure needs in times of national emergency. I appreciate the cooperation of my colleagues in the development of all of these important provisions.

Once again, I thank the majority leader for his excellent work in bringing all of these committees together and fashioning an excellent bill. This demonstrates that the jurisdictional lines established in S. Res. 445 continue to work.

Mr. REID I thank the Senator from Connecticut. The Senator is correct that S. Res. 445 determines Senate oversight and jurisdictional authorities, and I acknowledge the important role that the Banking Committee has played and will continue to play on this legislation.

Mr. CHAMBLISS. Madam President I rise today in opposition to this final bill because I believe one of the provisions included will greatly undermine our homeland security efforts. Specifically, the provision would mandate that the Transportation Security Administration have the ability to collectively bargain with Government unions representing airport security screeners. This will create unnecessary red tape and bureaucracy and tie the hands of our security personnel. While this provision may be beneficial to the union bosses, it is not beneficial to Georgians and the American people.

TSA must have the flexibility to respond when our security is threatened. In this current era of unpredictable threats, TSA must be able to continually change its systems to meet the changing security environment. If we mandate that TSA must negotiate with the unions for every change in circumstance, it will negate the agency's ability to respond quickly to terrorist threats and other emergencies. I just don't think that is common sense.

In fact, when TSA was created, the agency was given the authority to decide whether to engage in collective bargaining with airport baggage screeners, and TSA concluded that such negotiations would weaken its ability to protect the American people. This authority was not recommended in the 9/11 Commission Report.

Now let's be clear—the issue here is not whether TSA employees should be allowed to join a union but whether TSA must collectively bargain with Government unions before it changes personnel and policies. At the present time, airport screeners may voluntarily join a union and TSA will withhold union dues at an employee's request. The union, however, has no standing to negotiate with TSA on behalf of their members.

I would just note that this restriction is not unique to TSA. Other Federal agencies that collect and respond to intelligence in an effort to address homeland security, such as the FBI, CIA, and Secret Service, all have the same restriction. This is done as an acknowledgement that highly sensitive security information should only be released on a need-to-know basis. Collective bargaining, conversely, would require the release of sensitive information to external negotiators and arbitrators, which would increase the risk of sensitive information getting in the wrong hands.

TSA must be able to quickly shift employees based on intelligence and airport traffic demands while modifying procedures at a moment's notice. For example, this past August, following an attempted United Kingdom airline bombing, TSA overhauled its procedures in less than 12 hours to prevent terrorists from smuggling liquid explosives onto any U.S. flights. Not only did this flexibility ensure that no U.S. flights were cancelled due to the change, most importantly, it ensured the safety and security of the United States. This past December, during a major snowstorm in Denver, local TSA employees were unable to get to the airport. However, due to the current policies, TSA was able to deploy officers from Salt Lake City, Las Vegas, and Colorado Springs to the Denver airport. This deployment allowed TSA to open every security lane in Denver around the clock at the airport until they were back to normal operations. So in circumstances like these, TSA cannot spend days, weeks, or months negotiating over officer assignments and new schedules before implementing them.

We should remember that TSA exists to protect American lives, and its focus must remain on homeland security and not on labor negotiations. I am extremely concerned that the provision included in this bill will lead to a change in culture within the agency, and I just don't think our hard-working TSA employees gain much from this.

I am proud of our dedicated TSA employees in Georgia, and we already have a "pay for performance" system in place that weeds out nonperformers. The system is based upon technical competence, readiness for duty, and operational performance. But under the proposed changes, the most effective security employees will be punished by the change in pay practices.

Finally, we should be concerned about what this means to passengers and the American taxpayers. The collective bargaining system would not reward good screening performance or customer service. Additionally, implementing the infrastructure for collective bargaining would cost hundreds of millions of dollars and TSA would be forced to relocate thousands of personnel. For Georgians, fewer personnel means fewer screening lanes and longer lines at airports like Hartsfield-Jackson International Airport in Atlanta.

Our national security is too important to risk. It is no accident that we have not had a terrorist attack on domestic soil since September 11, 2001. But that is not to say that it can't happen again. The terrorists only have to get it right once. But we have to get it right every time. So let's not hinder our ability to do that. Our homeland security infrastructure must be able to operate in real time. We should not tie the very hands we rely upon to protect us here at home. It is disappointing that this provision is included in this bill, and I urge my colleagues to oppose final passage.

Mr. KOHL. Madam President, I rise today to discuss three proposed amendments to S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act. I thank Senators LIEBERMAN, COLLINS, DODD and SHELBY for working with me and my staff on provisions to protect seniors in the event of an emergency. Unfortunately, two important provisions were pulled at the behest of Republicans to limit the number of amendments offered by Democrats.

It has been almost 2 years since our Nation reeled from the tragic and shameful images of seniors abandoned during the aftermath of Hurricane Katrina. Sadly, we now know that 71 percent of the people who died were older than 60. Last year, as the ranking member of the Special Committee on Aging, we held a hearing to examine how prepared the Nation is to care for our seniors in the event of a national emergency. What we learned was disheartening.

We learned that our Nation is woefully unprepared to meet the unique needs of our seniors in the event of a terrorist attack, natural disaster, or other emergency. Cookie cutter emergency plans are of little use to seniors, especially those who depend on others for assistance in their daily lives. We need specific plans, programs, and information for all seniors facing emergencies.

That is why Senators WYDEN, COLEMAN and I offered several amendments to the 9/11 legislation to ensure that the Department of Homeland Security place seniors on the forefront of its emergency planning agenda. The first amendment, which is supported by the American Public Health Association, is an important step towards ensuring that seniors are protected when the next national emergency occurs.

This amendment would ensure that any recipient of a homeland security grant, under title II, will include in its State, local, or tribal homeland security plan the evacuation, transportation, and health care needs of the elderly.

It would also require that the needs of the elderly are incorporated into any preparedness exercises or trainings for emergency responders to ensure they are adequately prepared to safeguard our seniors in the event of an emergency.

This amendment would have sent a strong signal to States and communities that are engaged in emergency planning that seniors must be a priority. Unfortunately, this is one of the amendments pulled from a manager's package of approved amendments at the last minute.

I am also pleased to be an original cosponsor of Senator WYDEN's amendment to establish a Special Needs Registry Pilot Project, which is supported by the National Association of Area Agencies on Aging. One of the most useful recommendations from our Aging Committee hearing last year was to follow the lead of counties like Miami-Dade in Florida. They have successfully set up a voluntary registry where seniors can list where they live, their transportation limitations, their health needs, and whether they may need help getting food and other supplies during an emergency.

It's clear that more cities and counties could benefit from these kinds of special needs registries. That's why this amendment would have created a pilot project for local emergency management agencies to set up and test these registries, allowing first responders to locate and care for seniors before and during emergencies. It was our hope that this pilot project would have helped spark a nationwide effort to establish special needs registries; unfortunately this amendment was also pulled at the last minute.

On a brighter note, I thank Chairman DODD and Ranking Member SHELBY again for working with me and Senator COLEMAN to successfully include a provision, supported by the American Public Health Association, in title XIV that would ensure that public transportation workers are trained to meet the evacuation needs of seniors in the event of a crisis. This is particularly important since so many of our seniors utilize public transportation for access to their everyday needs. Furthermore, only public transportation has the capacity to move millions of people and provide first responders with critical support in major evacuations of urban areas.

This provision will go a long way to ensure that our seniors are taken care of if we have another emergency or disaster. Unfortunately, two crucial provisions intended to safeguard the needs of seniors were not included in the final bill due to partisan efforts to limit Democratic amendments. Hurricanes Katrina and Rita taught us many painful lessons that should never be forgotten. I will not forget and I intend to pursue legislation aimed at explicitly safeguarding the needs of America's seniors in the event of an emergency. The time to act to protect our seniors is now.

Mr. REED. Madam President, today the Senate will vote on a matter of utmost importance—enacting the remaining 9/11 Commission recommendations. Since their publication 2½ years ago, roughly half of the recommendations have been left unaddressed, while many that have been adopted into law have not been effectively implemented. S. 4, the Improving America's Security Act, is a critical step to ensuring our Nation's safety.

This bill includes an important new interoperability grant program. Tragedies such as September 11, the Station Fire in my home State of Rhode Island, and Hurricane Katrina have demonstrated the need for interoperable communications equipment among first responders. More communities require access to funding to create interoperable communications networks, and I have long supported increasing accessibility for interoperability grants to local and state governments.

I am also pleased that this bill includes a transit security program that I helped author as a member of the Banking, Housing, and Urban Affairs Committee. The committee has been well aware of the need for this legislation since the tragic events of 9/11, spending significant time and effort to improve our Nation's transit security system. The Senate has passed transit security legislation in the last two Congresses, only to have them each stall prior to enactment. While our Nation acted quickly after 9/11 to secure airports and airplanes against terrorists, major vulnerabilities remain in surface transportation. As the 9/11 Commission concluded, "opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation. The time to act is now.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million times each weekday compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $7 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear.

In addition, the bill provides important protections for Transportation Security Officers at the Transportation Security Administration that have been long absent, including whistleblower protections, the right to appeal to the Merit Systems Protection Board, and certain collective bargaining rights.

Lastly, while Providence is now 1 of 39 urban areas eligible for the Urban Area Security Initiative grants, something that I have long sought, believing the city faces risks from terrorism, I was disappointed that Senator LEAHY's amendment to restore the minimum allocation to 0.75 percent for States under the State Homeland Security Grant Program failed. With this funding, Rhode Island has been able to make critical improvements, but adequate funding is still needed, and it is my hope that the highest minimum funding level will prevail in conference with the House of Representatives.

Implementing the final recommendations of the 9/11 Commission builds and improves on the work that has been done since the attacks of September 11, and I am pleased to support this bill.

Mr. FEINGOLD. Madam President, I want to add my thoughts to the debate on the Improving America's Security Act of 2007.

First, I preface my remarks by applauding the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their work on this important bill. This bill makes crucial and long overdue improvements in transportation security, critical infrastructure protection, and emergency response capabilities. There is no higher priority than protecting homeland security, and this bill is a key component in that effort.

Nearly 6 years since the horrific attacks of September 11, we are still struggling to give our first responders, law enforcement officers, and the employees of the Department of Homeland Security the resources they need to keep us safe. I thank these brave men and women who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

I am pleased that the Senate has increased funding for State homeland security grants, emergency management performance grants, emergency communications and the Urban Area Security Initiative. I have long advocated for greater funding of emergency management grants because they are crucial in assisting State and local officials in preparing for all-hazards emergencies. These grants provide emergency managers with the resources they need to increase coordination and planning so that if an emergency occurs, State and local officials will respond much more efficiently and effectively.

It is my hope that this bill represents a lasting shift in priorities, a shift towards an enhanced focus on the most pressing threats facing our country. We are still spending almost twice as much on Iraq as is allocated for homeland security, diplomacy, and international assistance combined. The billions we spend each month in Iraq could be invested in the protection of critical infrastructure and our system of national preparedness and response that failed in the wake of Hurricane Katrina. As we consider the budget resolution and the defense and homeland security appropriations bills this year, I encourage my colleagues to take a broader view when it comes to our national security priorities and make the tradeoffs that must be made.

I am particularly pleased that the Federal Agency Data Mining Reporting Act is included in this bill as section 504. I have been working on this legislation for a number of years with Senator SUNUNU, Senator LEAHY, and Senator AKAKA. I am glad that Senator SUNUNU and Senator AKAKA successfully offered the legislation as an amendment to S. 4 when it was before the Homeland Security and Governmental Affairs Committee.

Many law-abiding Americans are understandably concerned about the specter of secret government programs analyzing vast quantities of public and private data about their pursuits, in search of patterns of suspicious activity. Four years after we first learned about the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining. This bill is an important step in allowing Congress to conduct oversight of any such programs or related research development efforts.

The Federal Agency Data Mining Reporting Act would require Federal agencies to report annually on their development and use of data mining technologies to discover predictive or anomalous patterns indicating criminal or terrorist activity the types of pattern-based data analysis that raise the most serious privacy concerns. As amended on the floor, it would also allow classified information, law enforcement sensitive information, trade secrets, and proprietary business information to be provided to the relevant committees separately, in a nonpublic form, under appropriate security measures.

Intelligence and law enforcement agencies would not be doing their job if they did not take advantage of new technologies. But when it comes to pattern-based data mining, Congress needs to understand whether it can be effective in identifying terrorists, and Congress needs to consider the privacy and civil liberties implications of deploying such technology domestically. I hope these reports will help Congress—and to the extent possible, the public—finally understand what is going on behind the closed doors of the executive branch, so that we can start to have the policy discussion about data mining that is long overdue.

I am concerned about the ongoing development of the Information Sharing Environment without adequate privacy and civil liberties guidelines. In the Intelligence Reform and Terrorism Prevention Act of 2004, Congress mandated that the President create an Information Sharing Environment, ISE, for the sharing of terrorism information among Federal agencies, State and local governments, and the private sector. This is a critical goal in our counterterrorism efforts. But that legislation also required that the President issue privacy guidelines for the ISE, in recognition of the serious privacy and civil liberties implications of facilitating more sharing of information among these entities. Those privacy guidelines were issued in December, but in my view are wholly inadequate. They touch on the most significant privacy issues and provide a framework for agencies to think about the privacy issues that might arise, but they do not include specific guidelines and rules for protecting privacy. That is why I filed an amendment to S. 4 that would have provided more direction to the ISE program manager about what should be included in these privacy guidelines and the need for more specific government-wide rules for the ISE. I was disappointed that my amendment was not included, but will continue to work to ensure that the guidelines for implementation of the ISE are sufficient to protect the privacy of Americans.

The bill mandates the declassification of the aggregate amount of the intelligence budget. This reform has a long history going back to the Church and Pike Commissions. It is supported by the current Senate Select Committee on Intelligence. It was also one of the recommendations of the 9/11 Commission, which stated that "when even aggregate categorical numbers remain hidden it is hard to judge priorities and foster accountability." I concur with the Commission, that aggregate budget figures "provid[e] little insight into U.S. intelligence sources and methods." Sharing this information with the American people will, however, provide a greater level of transparency and accountability and in the end make us more secure.

I was pleased to support Senator McCASKILL's amendment to ensure that workers at the Transportation Security Administration are afforded the same workplace protections as other DHS employees. The low retention rate at TSA resulting in part from lack of workers' rights threatens our security. This amendment will address this concern while giving administrators the flexibility they need to respond to imminent threats.

I am pleased that this bill includes provisions to ensure proper oversight of homeland security grants. I am deeply troubled by reports of improper oversight of expenditures at DHS, including an article in the Washington Post last November stating that the Department was unable to locate one-third of the files needed to perform an audit of its contracts. I therefore supported Senator COBURN's amendment to require DHS to perform audits on homeland security grants. While I understand concerns that this requirement could have led to delays in the issuance of grants in fiscal year 2008, I did not think it was unreasonable to require DHS to conduct the audits required in a timely manner. I will continue to work with my colleagues to improve oversight of homeland security funding.

I supported several amendments that would have added funding for critical security needs not fully addressed in this bill. I do not take lightly a decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities, but it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it makes key changes to address security needs. However, our Nation's vulnerabilities demand more and I will continue to work to ensure that our vital homeland security needs are met.

Mr. LEVIN. Madam President, I support the Improving America's Security Act of 2007 because it takes a giant step in implementing the recommendations of the 9/11 Commission. Keeping America safe requires more than expensive weapons and war funding; it also requires a commitment to homeland security. This legislation shows that commitment.

We learned on September 11 and during Hurricane Katrina how important it is for our first responders to be able to communicate with each other. For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State and Federal levels.

I am also pleased that this legislation moves us closer to the equitable distribution of homeland security grant funding. For 5 years, the largest homeland security grant programs have distributed funds using a formula that arbitrarily sets aside a large portion of funds to be divided equally among the States, regardless of size or need. The current "small State formula" has severely disadvantaged States such as Michigan with high populations. In addition, it reduces the amount of funding that can be allocated to States with highest risks. Although I am disappointed that the Senate failed to pass two amendments that I supported that would have lowered the minimum funding level even further, the .45 percent minimum in the underlying bill is an improvement from the current .75 percent base funding amount.

The legislation also includes language that I authored that directs the Secretary of Homeland Security to establish international border community interoperable communications demonstration projects on the northern and southern borders to improve collaboration and help identify common frequencies for cross border communications. These interoperable communications demonstration projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders by identifying common international cross-border frequencies for communications equipment; fostering the standardization of interoperable communications equipment; identifying solutions that will expeditiously facilitate communications interoperability across national borders; ensuring that emergency response providers can communicate with one another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event; and providing training and equipment for relevant personnel to enable those units to deal with threats and contingencies in a variety of environments.

Also included in the legislation is language that I authored that will require the Department of Homeland Security to conduct a cost-benefit analysis of the Western Hemisphere Travel Initiative, WHTI, before publishing the final rule. The WHTI will require individuals from the United States, Canada, and Mexico to present a passport or other document proving citizenship before entering the United States. Although we all share the goals of the Western Hemisphere Travel Initiative to make our borders as secure as they can be, we need to make sure that we are achieving that goal in a way that will not cause economic harm to our States. I am also pleased that language was included in the bill that I worked with Senator COLEMAN on to require the Department of Homeland Security to sign a memorandum of understanding with one or more States to conduct a pilot project to see whether secure driver's licenses could be used as a form of documentation for travel between the U.S. and Canada under the WHTI. The amendment also provides that DHS must evaluate the pilot project and map out next steps, including an expansion if appropriate.

This legislation also takes important steps to shore up rail, transit and cargo security in the United States. The legislation establishes a grant fund for system wide Amtrak security improvements and much needed infrastructure upgrades as well as authorizes an existing grant program for improving intercity bus and bus terminal security. It establishes a grant program for freight and passenger rail security upgrades and requires railroads shipping high-hazard materials to create threat mitigation plans. It authorizes studies to find ways to improve passenger and baggage security screening on passenger rail service between the U.S.

and Canada. The bill will hopefully move us closer to addressing something I have been trying to get implemented at our northern car and truck border crossings for years: establishing a preclearance system. The study is required to identify what exactly is needed to perform prescreening of rail passengers on the northern border.

I am pleased that the Senate retained language that will require that TSA screeners finally come under an unambiguous personnel system. A further amendment that I supported will finally give Transportation Security Administration screeners the whistleblower protections afforded to most other Federal workers, including law enforcement officers. It also gives them the right to appeal suspensions and to collectively bargain, just like their counterparts in the Border Control, FEMA and the Capitol Police.

The bill also requires studies on how to improve the safety of transporting radioactive and hazardous materials and shipments of explosives and radioactive materials on our highways. I am pleased that this legislation requires the screening of all cargo carried on passenger airplanes within 3 years.

The intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA's errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the decision to remove Saddam from power. Nuances, qualifications and caveats were dropped. "Slam dunk" was the assessment.

Among the most important things we can do to keep this from happening again is to strengthen congressional oversight to ensure that intelligence community assessments are objective and uninfluenced by the policy judgments of whatever administration is in power. The 9/11 Commission agreed, stating in its report that "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important." Section 1102 of S. 4 bill is directed at that goal.

Too often Congress is stonewalled or slow-walked by the executive branch in accessing intelligence information necessary to make policy and conduct oversight of the intelligence community. Section 1102 of this bill adds a new section 508 to the National Security Act that will ensure Congress has access to intelligence information critical to do its job.

Section 508 requires elements of the intelligence community to provide, upon request from congressional committees of jurisdiction, timely access to intelligence information. The requirement would apply unless the President certified that the requested documents were not being provided because the President was asserting a constitutional privilege. Requiring the intelligence community to respond to requests for information from the vice chairman and ranking member of the Senate and House intelligence committees, respectively, will encourage rigorous oversight regardless of which party controls the Congress.

In addition to providing information in a timely manner, we expect the intelligence community to provide Congress its assessment of intelligence matters uninfluenced by the policy goals of the administration. However, an Office of Management and Budget—OMB—memorandum directs executive branch agencies to clear, through OMB, legislative proposals, agency reports, and testimony on pending legislation. The memo also states that "If agencies are asked by Congressional Committees to report or testify on pending legislation or wish to volunteer a report, similar clearance procedures are followed."

Our intelligence agencies should not have to get permission from the OMB, or any other executive branch official to share their views with the Congress. Section 1102 of the bill adds a new section 508 (d) to the National Security Act that says no executive branch official can require the intelligence community to get permission to testify or to submit testimony, legislative recommendations or comments to the Congress. Section 508 (d) is based on authority that exists for numerous other executive branch agencies, including the Securities and Exchange Commission, the Board of Governors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Housing Finance Board, and the National Credit Union Administration.

A CRS legal review of direct reporting requirements like the one created by section 508 (d) states that "direct reporting provisions are well within the Congress's constitutional authority to inform itself in order to perform its legislative function which has been consistently acknowledged by Supreme Court decisions, and dates back to the early enactments of the First Congress in 1789." The CRS review calls Department of Justice objections to direct reporting requirements "without substantial merit."

Finally, it is important for whistleblowers to know that they can come directly to Congress if they have evidence that someone has made a false statement to the Congress. And the Congress has a right to that information—even if it is classified.

Section 1102 of the bill adds a new section 509 to the National Security Act making it clear that intelligence community employees and contractors can report classified information directly to appropriate Members of Congress and cleared staff if the employee reasonably believes that the information provides direct and specific evidence of a false or inaccurate statement to Congress contained in an intelligence assessment, report or estimate.

Section 509 is substantively the same as section 225 of the Senate-passed version of the intelligence reform legislation. Section 225 was stripped from the intelligence reform bill in conference. Section 509 is also similar to a provision that passed the Senate twice previously. Once as part of the fiscal year 1998 Intelligence Authorization Act and once as a stand alone measure S. 1668, in the 105th Congress. S. 1668 passed the Senate 93–1.

Section 509 is also consistent with congressional findings passed in the 105th Congress as part of the Intelligence Community Whistleblower Protection Act of 1998 and incorporated by reference into the intelligence reform bill. Those findings state among other things that:

> Congress, as a co-equal branch of Government, is empowered by the Constitution to serve as a check on the executive branch; in that capacity, it has a "need to know" of allegations of wrongdoing within the executive branch, including allegations of wrongdoing in the Intelligence Community; . . .
>
> (N)o basis in law exists for requiring prior authorization of disclosures to the intelligence committees of Congress by employees of the executive branch of classified information about wrongdoing within the Intelligence Community . . .

I am pleased that the Senate will soon pass this legislation, for the families and friends of those we lost on September 11, 2001, and for the safety and security of our Nation.

Mr. LEAHY. Madam President, I will vote today in favor of final passage of the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, S. 4, but I do so with a heavy heart.

I am truly disappointed that the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, Senators LIEBERMAN and COLLINS, decided to arbitrarily lower the minimum allocation for States under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program from the 0.75 percent that has existed for the past 5 years to 0.45 percent. Not only would this change to the formula result in the loss of millions in homeland security funding for the fire, police, and rescue departments in small- and medium-sized States, like Vermont, Connecticut, and Maine, it also would deal a crippling blow to their efforts to launch federally mandated multiyear plans to build and sustain their terrorism preparedness.

During the Senate floor debate on S. 4, I offered with Senators THOMAS, STEVENS, ROBERTS, PRYOR, SANDERS, ENZI, HATCH, WHITEHOUSE, and LINCOLN an amendment to restore the minimum allocation for States under the State Homeland Security Grant Program from 0.45 percent, which is proposed by the underlying bill, to 0.75 percent, which is current law. As with current law, the State minimum under our amendment would have continued to apply only to 40 percent of the overall funding under this program. The majority of the funds would continue to be allocated based on risk assessment criteria, as are the funds under the several separate discretionary programs that Congress has established for solely urban and high-risk areas, which also are governed by risk assessment calculations.

Unfortunately, this amendment lost by a vote of 49 yeas to 50 nays. This is a marked change from just last year, when the 0.75 percent minimum allocation was overwhelmingly defended when 64 Senators voted against an amendment that would have lowered the minimum to 0.25 percent. Fifteen Senators changed their votes from last year, including HSGAC Chairman LIEBERMAN and Ranking Member COLLINS, whose States stand to lose the most from the decreased minimum.

The bill that passed the Senate today would reduce the all-State minimum for SHSGP and the Law Enforcement Terrorism Prevention Program to 0.45 percent. The House bill reduces it even further to 0.25 percent. Due to the formula differences, there is no guarantee that the minimum will not be even further reduced during conference negotiations. Small- and medium-sized States face the loss of millions of dollars for our first responders if the minimum is lowered.

By reducing the all-State minimum to 0.45 percent, the underlying bill would reduce the guaranteed dollar amount for each State by 40 percent. With appropriations for formula grants having been cut by 60 percent since 2003—from $2.3 billion in 2003, to $900 million in fiscal year 2007—further reductions in first responder funding would hamper even more each State's efforts to prevent and deal with potential terrorist attacks.

In fiscal year 2007, State Homeland Security and Law Enforcement Terrorism grants were funded at $525 million and $375 million, respectively, for a total of $900 million. Under the current all-State minimum of 0.75 percent, the base amount States receive is $6.75 million. Based on fiscal year 2007 levels, each State would face a loss of an estimated $2.7 million, or 40 percent, under the new 0.45 percent formula, which would be a real blow to our first responders.

And the cuts will be even deeper should the President's budget request for next year be approved. The President has requested only $250 million for these two important first responder grant programs.

My colleagues from our largest States—and apparently some small- and medium-sized States—seem to forget that the terrorist attacks of 9/11 added to the responsibilities and risks of first responders nationwide. I wrote the current all-State minimum formula as part of the USA PATRIOT Act of 2001 to guarantee that each State receives at least 0.75 percent of the national allotment to help meet their national domestic security needs.

Every State—rural or urban, small or large—has basic domestic security needs and deserves to receive Federal funds under this partnership to meet both those needs and the new homeland security responsibilities the Federal Government demands. Of course, high-density urban areas and high-risk centers have even greater needs, which is why this year alone we provided $1.3 billion for homeland security programs for which only a small number of urban areas are eligible to apply. All of these needs deserve and need to be met. I have worked hard over the years to help address the needs of larger States and high-density areas, and I have opposed the Bush Administration's efforts to pit our States against each other, as they have tried to mask their efforts to cut overall funding for first responders.

Smaller States, especially, would never be able to fulfill those essential duties on top of their daily responsibilities without Federal support, especially given that DHS is currently suggesting that States will pay for REAL ID implementation, an estimated $16 billion, with first responder grants. My colleagues should be warned that if the minimum drops further—compounded by substantial drops in overall first responder funding—then small- and medium-sized States will not be able to meet those Federal mandates for terrorism prevention, preparedness, and response.

Some from urban States argue that Federal money to fight terrorism is being sent to areas that do not need it and is "wasted" in small towns. They claim the formula is highly politicized and insists on the redirection of funds to urban areas that they believe face heightened threat of terrorist attacks.

What critics of the all-State minimum seem to forget since the September 11 terrorist attacks, the Federal Government has asked all State and local first responders to defend us as never before on the front lines in the war against terrorism. Emergency responders in one State have been given the same obligation as those in any other State to provide enhanced protection, preparedness, and response against terrorists.

The attacks of 9/11 added to the responsibilities and risks of first responders across the country. In recent years, due to the 0.75 percent all-State minimum allocation for formula grants that has existed in law, first responders have received resources to help them meet their new responsibilities and have made our neighborhoods safer and our communities better prepared.

There is much left undone in securing our Nation. I hope that the Senate's conferees will resist calls for further needless reductions to the all-State minimum base and risk the preparedness efforts in small States like their own. I trust they will do all they can during conference negotiations to ensure continued support and resources for our police, fire, and EMS services in every State if we expect them to continue protecting us from terrorist or responding to terrorist attacks, as well as carrying out their ongoing responsibilities in helping to keep our communities safe and prepared.

Mr. DURBIN. Madam President, now is the time to implement the unfinished recommendations of the 9/11 Commission.

I commend Senators LIEBERMAN and COLLINS for their leadership and the Senate Homeland Security and Governmental Affairs Committee for its work on this important legislation. More than 5 years after 9/11 despite tens of billions of dollars spent America's ports, rails, airports, borders, nuclear powerplants and chemical plants still are not completely safe. It has been more than 2 years since the 9/11 Commission issued its final recommendations, and here we are, today, still debating the same issues.

This legislation builds upon previous efforts to enhance homeland security and includes several critical provisions to allocate homeland security resources based on risk, ensure that first responders have interoperable communications equipment, and improve government-wide information sharing.

I especially am pleased to note three provisions included in this bill that I have championed for some time. This legislation specifies that States can use Federal grants to design, conduct, and evaluate mass evacuation plans and exercises. While most cities and States have evacuation plans, the lack of training drills and exercises makes it difficult to address problems and work out solutions before lives are at risk in a real emergency. As we learned from Hurricanes Katrina and Rita, there is no substitute for being prepared. We may only have one chance to get it right.

In addition, this legislation makes important structural changes to strengthen the Privacy and Civil Liberties Oversight Board. Again, I commend Senators LIEBERMAN and COLLINS for including a broad statutory mandate and subpoena power for the Board. This bill also would require Senate confirmation for the chair and the vice-chair of the Board, as well as mandatory public reporting by the Board and reports for Congress. These provisions are key to ensuring the integrity of the Privacy and Civil Liberties Oversight Board.

Finally, this bill improves intelligence and information sharing within the Federal Government and with State and local governments. I am pleased that the bill we consider today would make the program manager for the Information Sharing Environment, ISE, permanent and authorize additional funds and staff to accomplish the ISE mission. The bill also requires additional reports to Congress on the status of ISE development. These comprehensive new requirements would improve and strengthen government information sharing structures, which will mean a more integrated intelligence network and a more secure Nation.

The 9/11 Commission gave Congress a critically important job by charging us with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support its final passage.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate divided between the managers and the leaders.

The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I first want to thank our colleagues for their cooperation in moving forward this very important piece of legislation. When the 9/11 Commission completed its report and made its findings to Congress, the Homeland Security Committee, which I chaired at the time, worked very hard to produce a major overhaul of our intelligence community—in fact, the most sweeping changes in more than 50 years.

That legislation, for example, created the Director of National Intelligence and also established the National Counterterrorism Center, which brings together analysts from the 15 agencies involved in intelligence gathering and analysis. We took a major step forward.

Now we are on the verge of finishing the job. I salute the chairman of the committee, Senator LIEBERMAN, for making this legislation the top priority of our committee under his chairmanship. The legislation is going to help implement the unfinished recommendations of the 9/11 Commission. As I said, most of the recommendations were included in the 2004 Intelligence Reform and Terrorism Prevention Act. But there were some significant ones that were not completed. Thus, this legislation improves intelligence and information sharing, and it authorizes the Homeland Security Grant Program, which has been so important in improving the capabilities of our communities and States which are, after all, our partners in improving homeland security.

We worked very hard, the chairman and I and the rest of the committee members, to devise a formula that would be fair to all States, that would allocate the majority of the funding based on an analysis of risk, vulnerability, and consequences but also ensure that each and every State receive a predictable, steady level of funding so that each State can be improved and have a basic preparedness level.

I think we struck the right balance in that area. This bill would authorize a bit over $3 billion for each of the next 3 years for this new Homeland Security Grant Program. Included in that program is an emphasis on prevention. We all are very focused on recovery and response in the event of a terrorist attack, but we believe it is very important to also focus on preventing attacks from happening in the first place. Our legislation would do that by providing that at least 25 percent of the overall funding for the urban areas and State Homeland Security Grant Programs must be used for law enforcement terrorism prevention activities.

Another important section of this bill creates a program to deal with communications equipment interoperability. We know that lives were lost on 9/11 because the various first responders could not communicate with one another. As a result, firefighters, police officers, and emergency medical personnel lost their lives and suffered injuries. Much to our dismay, we also found as part of our investigation into the failed response to Hurricane Katrina that exactly those same interoperability problems were occurring in Louisiana, in particular. We simply must tackle this problem. It is too big a problem and too expensive a problem for States and communities to do on their own. That is why we have a partnership, a grant program that would be administered by FEMA and dedicated to improving the survivability and the interoperability of communications equipment used by our courageous first responders and emergency managers.

Again, that program would authorize $3.3 billion over the next 5 years.

The bill also makes a number of important improvements to prevent terrorists from traveling to our country; to strengthen the Privacy and Civil Liberties Oversight Board; to improve private sector preparedness, since we know that 85 percent of critical infrastructure is in the private sector; and to improve transportation security planning and overall security of our transportation system.

It has been a great pleasure to work with the chairman and the members of our committee, as well as the Commerce Committee and other Members who have been interested, to bring this bill to the floor, and I believe it will help make our Nation safer.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, first, let me thank my ranking member, the Senator from Maine. I was thinking, as she was speaking, that when the transition occurred at the beginning of this 110th session of Congress I said to her, all that would change in our working relationship was our title, the title that each of us had. As I look back on our work together on this bill, S. 4, I am pleased to say that we worked with the same spirit of cooperation that we did under her chairmanship in 2004 when we had our first legislative response to the 9/11 Commission and we adopted the Intelligence Reform and Terrorist Prevention Act of 2004. So I thank Senator COLLINS.

I thank her staff for their work, and I thank my staff as well.

Madam President, I note the presence on the floor of the majority leader. I thank him for making adoption of this legislation a priority for this Congress. Here is why. This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our Federal, State, and local governments to respond to natural disasters. In that sense, S. 4 is not only a response to finish the mission given us by the 9/11 Commission that learns from the lessons of the first months of implementation of that Commission report, but it also applies to lessons learned from Hurricane Katrina. We are trying to create an all-hazards approach in our Government that increases our homeland security against the threat of a terrorist attack and also prepares our Government to respond better to natural disasters. I do not want to repeat some of the points in this legislation that Senator COLLINS focused on. I will just pick a few additionally.

One is that S. 4 recognizes that 85 percent of the critical infrastructure in our country that is potentially a target for terrorist attack in our great open society is privately owned. For the first time, we establish a voluntary program where the private sector can come in and have their facilities certified as, I would use the term "terrorist resistant."

In another section we declassify the bottom line of the intelligence budget. That was a specific recommendation of the 9/11 Commission in the interests of transparency and accountability.

We also greatly improve the provisions that in our law and policy are aimed at disrupting terrorist infiltration of our borders. This bill requires the Department of Homeland Security and the Department of State to strengthen the security provisions of the so-called visa waiver program. It also authorizes an electronic travel system that would require travelers to apply in advance for authorization to visit the United States, thus allowing their names to be checked against terrorist watch lists.

I am very proud of the bill we present after almost 2 weeks of debate to our colleagues in the Senate for final consideration. I know it will strengthen the homeland security of the American people. It enjoyed strong nonpartisan support in our committee, coming out with a vote of 16 to 0 with one abstention.

I gather there will be a significant number of "no" votes on the final passage because of one section, and I regret that. I wish our colleagues would vote favorably because I know they support almost all of this bill because it is good for the security of the American people at home.

The one section, obviously, is the one that deals with the collective bargaining rights of transportation security officers. I sure hope we can continue to discuss this section: why we think it is fair, why we are totally convinced its implementation will have no adverse effect on public safety—no more than the collective bargaining rights of Capitol Police officers or local firefighters or police officers or members of the Border Patrol or other law enforcement agencies in the Department of Homeland Security in any way adversely affects the carrying out of the duties to protect the American people.

Madam President, I also want to thank the chairman and ranking member of the Commerce Committee, Senators INOUYE and STEVENS, for producing the rail and aviation security portions of this bill, and the chairman and ranking member of the Banking Committee, Senators DODD and SHELBY, who contributed important mass transit security provisions.

I would be remiss if I didn't also thank the majority leader, Senator REID, for working with all of the committees involved to bring this comprehensive measure before the Senate. We have had 2 weeks of often spirited debate, and votes on some important amendments. Now, I believe we are ready to pass this bill, and I look forward to working with my colleagues to conference this measure with the House, and moving the legislation onto the President's desk for signature.

September 11, 2001, was a tragedy of unspeakable proportions, and it is for the men and women who died in the terrorist attacks that we work to enact this legislation. The attacks changed the course of history for our Nation and marked our nascent century as a new and dangerous era. Overnight, we became aware of our vulnerability to an enemy that doesn't wear uniforms nor follows any traditional laws of combat. Rather, they move silently among us, probing for weaknesses while plotting attacks on innocent civilians.

The families of those we lost on 9/11 have worked with us for years to get the 9/11 Commission recommendations implemented. I must thank them as well for their steadfast and courageous advocacy often in the face of seemingly insurmountable odds. They worked with us to pass the bill that Senator McCAIN and I introduced to create the 9/11 Commission. They monitored the work of the 9/11 Commission, and testified before its members. And then they helped us win the fight to implement the Commission's recommendations in the Intelligence Reform and Terrorist Prevention Act of 2004.

In January, Senator COLLINS and I held a hearing on this legislation and heard from three family members who urged us to complete the job of enacting and implementing the 9/11 Commission's recommendations. When we pass this bill today, they will be watching. And they will know that they had a hand in its success.

Senator REID made adoption of this legislation a priority for this Congress. Here is why: This bill will strengthen our ability not just to respond to terrorist attacks but also to prepare our Federal, State, and local governments to better respond to natural disasters.

We are trying to create an "all hazards" approach that increases our homeland security against the threat of terrorist attack, but also prepares our government to respond better to natural disasters since it failed to prepare or respond adequately to Hurricane Katrina.

How do we do this? Let me briefly describe a few of the provisions in this bill.

First, we would improve information and intelligence sharing among Federal, State, and local officials. We know that before 9/11, different agencies had different pieces of information that, had they been put together, should have aroused suspicion about the attack that was to come. One of the most important innovations since 9/11 has been the establishment of fusion centers to share information within and between States. This legislation would create standards for the fusion centers, require the Department of Homeland Security to provide support and coordination, and authorize the assignment of homeland security intelligence analysts to the fusion centers to serve as conduits for sharing information. The legislation also encourages the elimination of the "need to know" standard, which allows the information holder in a given Federal agency to control dissemination, and instead, encourages a "need to share" standard—obviously with appropriate safeguards.

Second, this legislation provides support and resources to first responders through a balanced and better funded Homeland Security Grant Program. We would authorize over $3.1 billion for each of the next 3 years for key grants to reverse a precipitous decline in funding for homeland security over the past 4 years. We believe we have achieved a balanced proposal that gives the vast majority of the money out based on risk but still recognizes that risk is an art, not a science, and terrorists could strike anywhere. In an all-hazards approach, first responders everywhere need assistance to protect not just against a potential terrorist attack but also against natural disasters.

Third, we will help first responders attain the interoperable communications we know they need to save lives. We have known of this problem for decades, and on 9/11, when fire fighters and police officers could not communicate with one another inside the World Trade Center, hundreds of first responders lost their lives. So, we have created a grant program—authorized at $3.3 billion over 5 years—that will require States to spend their grant money consistent with their statewide communications interoperability plans and the National Emergency Communications Plan. In other words, their spending must be part of a statewide plan connected to the national plan.

Fourth, this legislation contains provisions to improve our ability to disrupt terrorist infiltration of our borders. It requires the Departments of Homeland Security and State to strengthen the security of the visa waiver program, by requiring better reporting by foreign countries in the visa waiver program of lost or stolen passports, requiring countries to share information about prospective visitors who may pose a threat to the U.S., and authorizing an electronic travel system that would require travelers to apply in advance for authorization to visit the U.S., thus allowing their names to be checked against terrorist watch lists.

Fifth, this bill moves to ensure that as we fight terrorism, we do not trample on the rights of Americans we are pledged to defend. Included here are provisions to strengthen the Privacy and Civil Liberties Oversight Board by requiring its members to be confirmed by the Senate and by giving the Board subpoena power through the Attorney General.

This legislation also includes a provision similar to one I was pleased to cosponsor in committee with Senator McCASKILL that will ensure Transportation Security Administration screeners—known as Transportation Security Officers—have the same employment rights as others in TSA and throughout the Department of Homeland Security. There is no good reason to deny TSOs these rights. Other law enforcement officers at Immigration and Customs Enforcement and Customs and Border Protection have these rights, with no negative effect on their performance of their security mission. In fact, Capitol Police also enjoy these rights and protections. This is simply a question of equality.

So this is a comprehensive bill. There are many other worthy aspects that I have not described. But I am convinced that, as a package, if this legislation passes and becomes law, the American people will be safer from the consequences of natural disasters, such as Hurricane Katrina, than they are today. And we will have done everything possible to make sure no other Americans suffer the loss that so many experienced after the brutal terrorist attacks of 9/11.

In the preface to the 9/11 Report, Chairman Kean and Vice Chairman Hamilton wrote, quoting here, "We hope our report will encourage our fellow citizens to study, reflect—and act."

We have studied. We have reflected. Now is the time to act to build a safer and more secure America for the generations to come.

Finally, I would like to pay tribute to my dedicated and exceptional staff, who have sacrificed nights, weekends, family time in the name of a safer America.

I particularly want to thank my Homeland Security Committee staff director Mike Alexander for his leadership in expertly guiding this legislation through drafting, markup, floor amendments, and onto final passage. I also want to thank the committee's deputy chief counsel Kevin Landy, whose drive and attention to detail resulted in superior legislation. Thanks also to Eric Andersen, Christian Beckner, Janet Burrell, Scott Campbell, Troy Cribb, Aaron Firoved, Elyse Greenwald, Beth Grossman, Seamus Hughes, Holly Idelson, Kristine Lam, Nate Lesser, Jim Mcgee, Sheila Menz, Larry Novey, Deborah Parkinson, Leslie Phillips, Alistair Reader, Patricia Rojas, Laurie Rubenstein, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Donny Williams, Jason Yanussi, and Wes Young—all on my committee staff. And thanks to Purva Rawal, Vance Serchuk, and Cherrie Daniels on my personal office staff.

I must also thank Senator COLLINS' staff director Brandon Milhorn and the Senator's entire staff for working with us to move this very important legislation.

But bottom line, thank you to our colleagues, thanks to the 9/11 Commission, thanks to the 9/11 families who have stuck with this mission to protect the American people from ever having to suffer the grievous loss they did at the hands of terrorists on 9/11.

I hope our colleagues will join together across party lines to support this very nonpartisan homeland security measure.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, let me congratulate Chairman LIEBERMAN and Ranking Member COLLINS on their Herculean effort on this legislation. I particularly commend our ranking member, Senator COLLINS, for fighting the good fight when there were some reservations on our side about a major portion of this bill which will compel me to vote against the bill. I know Senator COLLINS made every effort to strip the provision that I and others find so offensive, but regretfully the provision was not stripped.

In a few minutes the Senate will vote on final passage of Improving America's Security Act of 2007. It has, as I indicated, some good features. At its core, it seeks to improve America's security, but on balance it would also do much to weaken it. I plan to vote against the bill, and I urge my Senate colleagues to do the same.

But, before I cast my vote, a little background. Many of our Democratic friends spent last year campaigning on the claim that Republicans ignored the recommendations of the 9/11 Commission. We didn't. Of the Commission's 39 recommendations, we implemented 37. Nor are the remaining two recommendations at issue today. Both parties agree they should not be in the bill, so the two provisions that we did not adopt of the 9/11 Commission, both sides agreed we should not adopt. So I will oppose this bill on the basis of my answer to a simple question: Does it weaken America's security or strengthen it? The answer that I and many of my colleagues have come with is, regretfully, the former.

This bill would weaken America's security because of a single dangerous provision, and that at the insistence of big labor that Democrats include collective bargaining rights for airport security screeners, rights that Congress has refused to give them in the past because of the impact it would have on our ability to react to terrorist threats.

Congress would not grant screeners collective bargaining rights back in 2002. We have had this debate before. We had it at the time of the creation of the Department of Homeland Security—if it has a familiar ring to it, to many of my colleagues, we chose not to adopt that provision then, and we hopefully will not, ultimately, this time.

The difference is the Democrats are letting the fight play out. They are stretching it out based on a political calculation. They already know how this showdown is going to end. The President threatened to veto any bill that makes airport security more like the department of motor vehicles. So they are delaying passage knowing it won't be accepted, for an applause line down the road.

Republicans tried to inject meaning into this bill to include provisions that would improve security. For example, we proposed an amendment that would make it a crime to recruit terrorists, that would authorize the deportation of suspected terrorists, that would make it easier to detain dangerous illegal aliens and would increase penalties for people who cruelly call families of soldiers overseas and falsely report their loved one has died. But our colleagues on the other side of the aisle rejected all of those provisions, opting instead to pump for big labor. They are turning their backs on their own campaign promises in the process by ignoring a key recommendation of the 9/11 Commission that the United States do everything in its power to constrain terrorists' mobility.

TSA workers showed that mobility after the United Kingdom bombing threat in August when they showed up for work that morning at 4 a.m. and they were briefed on the situation overseas and they immediately implemented new protocols. Anyone who traveled to or from an American airport that day would not even have known anything had happened. The execution was seamless. It was a different story in Great Britain, where collective bargaining is the norm. Dozens of flights were canceled while new procedures were instituted. The Democrats know Americans will not stand for that approach to terrorism in our country, but they are counting on the President and the Republicans to stop it for them. That way, they can call us obstructionists and get another applause line in the bargain and maybe even a headline or two. It is a shame because there are some good things in the bill, such as new performance standards and auditing requirements for DHS grants. But we will let them have their applause line.

Republicans have never played games with national security, and we are not going to start now. Therefore, I will vote against the bill, and for the sake of the American people and their continued security, I would strongly urge my other colleagues to do the same, while saying once again how much I commend the Senator from Maine for her efforts to get this bill in the proper form, and there are provisions in the bill not as a result of any of the efforts of the ranking member of the committee. I commend her for her efforts but, regretfully, must oppose final passage.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, this should be a time of celebration, not a time of finger-pointing. In fact, the fact is, it is true that a number of recommendations the 9/11 Commission recommended we did do. But, as you know, the Commissioners themselves graded the administration on what needed to be done to implement the Commission's recommendations. That is where we get into the Es, Fs, and incompletes. So there is no question this legislation absolutely is totally necessary.

Following the terrible attacks on September 11, our country turned to a respected group of Democrats and Republicans, the 9/11 Commission, an independent bipartisan Commission, to review the lessons of that tragic day and to find a better way to protect the homeland fight on the war on terrorism. Under difficult circumstances, including a lack of cooperation, in instances, from the White House, the Commission did an outstanding job.

In July of 2004, it made a number of recommendations to Congress and the administration about how best to secure America from al-Qaida and other terrorist groups. Their recommendations were commonsense solutions. These commonsense solutions were designed to keep America safe. But, unfortunately, over the last 2½ years, many of the Commission's recommendations have been ignored, and too many of our communities remain dangerously unprepared to prevent or respond to a terrorist attack.

Today, in a few minutes, the Senate will correct that mistake. We will enhance the security of our transportation system at our ports. We will provide America's first responders with the technology they need to communicate with each other when a Katrina or another terrorist attack strikes, and we will put new security requirements in place to keep terrorists from traveling to the United States.

This is an important piece of legislation we are going to pass. We are going to pass it, as I said, in a short time. I thank Chairman LIEBERMAN and his ranking member, Senator COLLINS, for their efforts on this bill.

I said before this legislation was taken up on the floor that we have two people who set the example for how you should legislate. They got along well in their committee. When she was chairman, Senator LIEBERMAN worked well with her, and it has worked the same way. I commend and applaud both of these legislators. They have done a tremendous job trying to work through this issue. Anything that has been slowed down in this legislation has not been their fault—in fact, quite to the contrary. They have worked tirelessly to bring this legislation here today so we can have this vote. They reported a strong bill out of the Homeland Security and Governmental Affairs Committee. It has only been strengthened by the amendment process before the full Senate over the past several days.

Now, we do not need to redebate the issue regarding collective bargaining. Collective bargaining has been in this country for a long time, and it is here to stay. There is nothing in this piece of legislation that is in any way going to impair the security of this Nation.

I wish to thank the entire 9/11 Commission for their service, but especially I wish to thank 9/11 Commissioner Tim Roemer and the 9/11 family, but especially Carol Ashley, Beverly Eckert, Mary Fetchet, and Carie Lemack, members of Families of September 11 and VOICES of September 11th. Their input in this legislation has been essential. Former Congressman Roemer spent time here on the Senate floor. No one could ever accuse Congressman Roemer of being some wild-eyed liberal. He is a moderate, and he is from the State of Indiana. He has worked very hard on the Commission and to move this legislation forward. I underline and underscore my appreciation for his input and also for the families and the two letters they wrote during the debate. Their letters served as a reminder of what this legislation is about: protecting America against terrorism. Our country will be safer, stronger, and more secure as a result of their efforts.

The first responsibility of Government is to protect our people—the people of Colorado, the people of Nevada, the people of Maine, the people of Connecticut, Alabama, Nebraska, and Missouri. The Senators are here assembled, everyone in their seats. Our No. 1 job is to protect our people. By passing the legislation today, we will help ensure the Senate meets its obligation, and we will, once and for all, write the lesson of that terrible September 11 day into law.

In their report to the Nation, the 9/11 Commission wrote, "The men and women of the World War II generation rose to the challenges of the 1940s and the 1950s. They restructured the government so it could protect the country. That is now the job of the generations that experienced 9/11."

That is what the legislation is all about.

Again, I applaud and commend the two managers of the bill, those who offered amendments and debated the issue. This is good legislation, good for the country. It makes America a better place. I urge my colleagues to vote for this legislation so we can take another step to fulfilling the directives we were given by the 9/11 Commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that a list of the homeland security staffers on the Republican side who worked so hard on this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Brandon Milhorn, Andy Weis, Rob Strayer, Amy Hall, Allison Boyd, Kate Alford, John Grant, Amanda Wood, Jennifer Tarr, Asha Mathew, Brooke Hayes, Priscilla Hanley, Jane Alonso, Jay Maroney, Melvin Albritton, Mark LeDuc, Mark Winter, Michael Moncibaiz, Anna Hickey, Tom Bishop, Doug Campbell, Emily Meeks, and Neil Cutter.

Ms. COLLINS. I also wish to add my voice in thanks to the families of the victims of 9/11. They have truly been the committee's inspiration as we worked on these issues for the last 4 years.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the information of all Members, we are working—Senator MCCONNELL and I—on a consent agreement to deal with the Iraq debate tomorrow. Hopefully, we will be able to resolve the Iraq debate. Thursday, we will be able to deal with the U.S. attorneys bill and some judicial nominees. We do not have that worked out yet, so everyone stay tuned.

This will be the last vote today.

The PRESIDING OFFICER (Mr. SALAZAR). The bill having been read the third time, the question is, Shall it pass?

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—38

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Roberts
Sessions
Shelby
Sununu
Thomas
Thune
Vitter
Warner

NOT VOTING—2

Johnson
McCain

The bill (S. 4), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank Senators LIEBERMAN and COLLINS for working with the Commerce Committee to include important security measure in the bill that passed the Senate. And, I thank my longtime friend Senator INOUYE for his willingness to work in committee and on the Senate floor on a bipartisan basis to develop and pass these measures.

We have made tremendous strides to secure our Nation since the horrific attacks of September 11, particularly with respect to the security of our Nation's transportation systems, and ensuring interoperable communications needed most during times of crisis.

As the debate over this bill demonstrates, our job is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we must not become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which have been included in S. 4 will significantly enhance the ability of the Department of Homeland Security DHS, and the Transportation Security Administration TSA, to fulfill their missions. These provisions were developed by the Commerce Committee while Mindful of the delicate balance between implementing tough security measures and the effect such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated into S. 4 were reported by the Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations, and provide TSA with additional tools to carry out its layered approach to security.

To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last Year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the U.S. by sea be screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent, is designated for domestic passenger carriers.

Screening is particularly important in Alaska. Anchorage is the No. 1 airport in the U.S. for landed weight of cargo, and it is No. 3 in the world for cargo throughput. Our provision requires TSA to develop and implement a system to provide for the screening of all cargo being carried on passenger aircraft.

To address on-going concerns about passenger prescreening procedures, the legislation requires DHS to create an office of appeals and redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the no-fly or selectee watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances, but also upon improved security screening techniques employed by the TSA screeners, as well as the use of very effective canines. This legislation calls for TSA's national explosives detection canine team to deploy more of these valuable resources across the Nation's transportation network.

Mr. President, the bill passed by the Senate today also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which also was developed and reported on a bipartisan basis by the Commerce Committee.

While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our surface transportation network presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based on risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUYE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last Congress, as well as in the 108th Congress. Each time, however, the House of Representatives has not found the need to address rail, pipeline, motor carrier, hazardous materials, and over-the-road bus security. The time has come to get these provisions to the President's desk.

The substitute also contains the provisions of the Commerce Committee-reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters and emergency medical response personnel throughout the country need help achieving interoperability.

With this $1 billion program that helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long.

The legislation addresses the public safety issues that have been brought to the Commerce Committee's attention. It also creates a $100 million fund to establish both Federal and State strategic technology reserves that will restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

Added as amendments to the bill were a number of additional Commerce Committee items, for which I thank the managers of the bill, as well as Chairman INOUYE for their support.

Included among those provisions was a measure that represents an important step forward for public safety because it approved the 9–1–1 modernization Act, which was reported last month by the Commerce Committee. I offered this measure with Senators CLINTON, INOUYE HUTCHISON, SNOWE, SMITH, and VITTER.

The amendment provides advanced borrowing authority so that $43.5 million can be made available for 9–1–1 upgrades which are desperately needed throughout the country—especially in rural America. Congress previously allocated these funds in the digital television transition legislation, but without the borrowing authority language, public safety would have to wait until after the digital transition auction before they could receive these important funds.

Also added was an amendment sponsored by Chairman INOUYE that I cosponsored that establishes a national registered armed law enforcement program for law enforcement officers who need to be armed while traveling by air. This law enforcement provision builds upon mandates in the Intelligence Reform Act of 2004.

An additional amendment was sponored by Chairman INOUYE with my cosponsorship that enhances the canine provisions in the underlying bill by expanding the national explosives detection canine team training program. Beyond increasing the training capacity at the current facility at Lackland Air Force Base as provided in the underlying bill, the amendment adopted would require DHS to explore options of creating a standardized TSA-approved canine program that private sector entities could utilize to meet the ongoing need for canines.

We must not politicize national security. The Commerce Committee initiatives included in the pending bill were achieved only because of bipartisanship. I am pleased that the development and passage of the bill was conducted by the bill managers in that same spirit. And while some provisions contained within the bill need to be further developed—as many of our colleagues have highlighted over the past few weeks—I voted in favor of the bill as I support the preponderance of its contents.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak as in morning business for such time as I might consume, and if there are other Members who are wondering how long that might be, it wouldn't be probably for more than 15 minutes at the most.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX GAP: BLUE SMOKE

Mr. GRASSLEY. Mr. President, I wish to finish the discussion I started earlier today about the tax gap and efforts to close it. As I said this morning, the tax gap is the difference between what is paid in taxes and what is actually owed. While more reliable and timely data on the tax gap is greatly needed, the tax gap was thought to be $345 billion for the tax year 2001, which seemed to be the year that the IRS had the latest information where they could put together something that was fairly solid for that year.

I also pointed out this morning that many of my colleagues in the Senate see the tax gap as a sort of magical tonic that can be used to cure all sorts of ailments. Some people see $345 billion in AMT relief or health care spending or national debt reduction without thinking about what would be involved in actually collecting the money. So I am raising the question: Do people think through whether every dollar will be brought into the Federal Treasury?

The IRS is already making some progress in closing the tax gap. This morning I mentioned the Internal Revenue Service told the Budget Committee it could reduce the tax gap by nearly $70 billion, of that $345 billion, in the year 2007.

So where does that leave us? Can we do more in enforcement? The administration has proposed an increase in funding for the Internal Revenue Service. That increase looks toward the tax gap with funds directed toward increased data matching, improved research, as well as more auditors—auditors to make sure that more money comes in. I suggest my colleagues might also want to make certain that if we consider adding more Internal Revenue Service employees, we have greater confidence that the Internal Revenue Service is utilizing current resources effectively. In other words, before we hire more people, we ought to make sure the existing employees at the Internal Revenue Service are being used in the most efficient way to bring in the most money possible.

That doesn't preclude more money, but that is a necessary first step before we automatically think of more money and more employees.

For instance, the IRS has hundreds of employees, according to a Treasury inspector general for tax administration report, that do part- or full-time union work. This is thousands and thousands of work hours that could be spent going after the tax gap. What could we gain if we directed all those union hours to actually working on the tax gap before we appropriate more money to hire more employees?

So we have proposals then for increased enforcement. Let me remind my colleagues, though, that the Joint Committee on Taxation—that is a congressional committee that specializes in watching the Tax Code and making estimates and studying all ways to make the Tax Code more efficient and bring in more money—that committee will not give us a score for additional dollars based on increased enforcement. So we can talk all we want about hiring more people to bring in more revenue, but until that revenue is in the bank, the Joint Committee on Taxation isn't going to give us any credit for it.

As we are looking at budget debates over this week and next week, keep that in mind. That isn't going to get Senators anywhere in terms of reducing projected deficits or paying for tax cuts or bringing in more money to spend someplace else.

It is important to emphasize the Commissioner of the Internal Revenue Service made it clear to the Budget Committee a few days ago at a hearing that we cannot audit our way out of the tax gap. The Commissioner also warned about increasing the IRS budget too quickly if we decide to go the route of hiring more people by giving more money because he said a big increase in staffing would harm taxpayers' rights if the IRS was not able to grow in a managed way to control the outcome.

We can look at what we can possibly do legislatively beyond greater enforcement. The Democratic leadership hasn't proposed anything new, but the administration has put forward some proposals in the budget—in its own budget, meaning the budget of the executive branch. Many of the administration's proposals deal with information reporting. Information reporting is an important way to improve tax compliance. This is very clear from all the work that has been done so far on the tax gap.

However, information reporting places additional burdens on taxpayers, and it is very frustrating that we often find the Internal Revenue Service is not doing enough to match or review the documents taxpayers are already providing the IRS as a paper trail to make sure all taxes are paid. Needless to say, this greatly limits the benefit information reporting provides.

Setting these concerns aside, the administration in their budget has proposed, one, information reporting on payment to corporations; two, basis reporting on securities sales; three, broker reporting; four, reporting of merchant payment card reimbursement; five, increase information return penalties; six, taxpayer identification number verification for independent contractors; and seven, information reporting on certain Government payments.

The administration has proposed other proposals, including increased penalties, expanded IRS access to information, and required electronic filing as some of the other new proposals.

This is a very comprehensive list of proposals coming from the administration. Is it everything? No, but it seems to me this is a serious start and shows that people within Treasury, within the Office of Management and Budget, and maybe even within the White House, are very concerned about closing the tax gap.

If Senators who have attacked the Secretary of Treasury and the Internal Revenue Service believe more can be done, I suggest they should come forward with their own proposals and add to the multitude I read coming from the executive branch of Government.

I think Senators will find that while it is easy to complain about what is coming out of the Treasury's kitchen, it is a lot harder to get in there and do it themselves. I think Senators need to be careful—very careful—at putting out pie-in-the-sky numbers for what can be achieved by reducing the tax gap without at the same time putting forward their own detailed, concrete, Joint Tax Committee-scored proposals that show how it can be done.

That brings me to a chart. This chart shows there is a lot of smoke and mirrors when it comes to the tax gap, in other words, all the people who are saying they are going to use the tax gap to reduce the deficit, to fund tax cuts or even to take the money and spend it on some new program or increase spending on existing programs. There are a lot of ideas out there.

What I want this chart to demonstrate to us is that there is a lot of smoke and mirrors when it comes to the tax gap. We can't use smoke and mirrors to pay for tax cuts or to decrease the deficit; we have to have proposals that are in detail, black and white, and are scored by the Joint Committee on Taxation, our experts who are on top of the Tax Code and how much money will come in or how much money we lose if we cut taxes.

Tax gap proposals shouldn't be used for spending. The tax gap is appropriately viewed as unfairly placing a heavier burden on compliant taxpayers, 85 percent of the people who pay what they owe and file accordingly.

If we enact tax-gap closers, they should be used to reduce taxes or reduce the deficit, not to increase spending.

Let me conclude my discussion of the tax gap by saying you can have a blue Moon, you can have blue cheese, you can have blue-suede shoes, but when it comes to balancing the budget, you can't do it with blue smoke and mirrors. That, unfortunately, is what so much of the tax gap is right now: blue smoke.

I strongly encourage the Budget Committee chairman and other Senators not to use blue smoke during the upcoming budget resolution debates. That is going to happen Wednesday and Thursday in the Budget Committee this week. It is going to happen all next week on the floor of the Senate.

Now I will review some of the issues we must consider as the Senate works on its budget resolution. In an earlier visit with my colleagues in the Senate, I discussed the importance of preventing a tax hike on the American people. Anyone who considers themselves a deficit hawk needs to do more than raise taxes. So I challenge the new Democratic majority to also examine the spending side of the ledger; that is, if they are truly serious about deficit reduction.

In another visit with my colleagues from the floor of the Senate, I highlighted a study prepared by Goldman Sachs. That study shows that the likely result of letting tax relief expire could lead to a recession. Since tax relief was enacted, Federal revenues have increased, employment has increased, household wealth has increased—in fact, household wealth has increased to the highest level it has ever been in the history of our country—and the S&P 500 index has consistently moved upward. Again, a failure to extend tax relief or make it permanent puts all this at risk, and at risk for nothing.

Anyone serious about deficit reduction needs to also look, then, at the spending side of the ledger. In a third visit that I had with my colleagues from the Senate floor, I pointed out that Democratic revenue raisers did not come close to covering new spending contained in Democratic amendments when we had the budget up exactly 12 months ago this month. In many cases, I showed the same offset was used in multiple amendments to pay for multiple projects, just like every dollar coming into the Federal Treasury could be spent two, three, four times, and somehow just multiply and, like blue smoke, solve all of our problems.

If the Democratic leadership is serious about pay-go, and that is short for pay as you go, and if they are serious about deficit reduction, they need to be realistic about where the money is going to come from to cover any new spending proposals. The budget plan advocated by the other side last year would have either increased the deficit or gutted tax relief that was passed in 2001 and 2003, including items such as the alternative minimum tax fix that we did, and all of these things the other side of the aisle claims to support and yet have proposals that would gut them or increase the deficit.

I want to state my intention to fully cooperate with my colleagues of both parties to produce a budget that preserves our growing economy while addressing the needs of our government. I am particularly looking forward to exploring ways to use the Tax Code to help more Americans acquire health insurance. I am also looking forward to using the budget resolution to ensure, on a revenue-neutral basis, that we continue to pursue tax simplification and tax reform. In order to produce the best possible budget, we must be careful not to endanger our growing economy. We must be willing to examine spending. We must not just focus on revenues, and in the whole process, we have to be intellectually honest about how far we can push revenue raisers and other offsets. In other words, avoid the smoke and mirrors.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his remarks and would share his concerns that we have to be intellectually honest about the numbers with which we are dealing. We are not going to be able to have the kind of revenue collection enhancement that some have suggested is possible. I wish it were so. I pay my taxes. Most people pay their taxes. It is not right for people to cheat on their taxes. It cheats all of us when that occurs. From experience, we know that we can't get that big of an enhancement, at least that is what the experts tell us. We cannot get the enhancement from collections that some have suggested that we can. They will use monies projected to be collected—that is, they will say we are going to collect a lot more to justify spending—and then when the revenue doesn't come in, all we have done is increase the debt.

So that is a problem and I am pleased Senator GRASSLEY has raised it and we might as well deal with it openly.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 863 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE POLICY

Mr. BROWN. Mr. President, it is only Tuesday, and already we have a laundry list this week of reasons why we need a new direction for trade policy in our country.

First, we learned that Halliburton, the beneficiary of more than $20 billion in no-bid Government contracts, is going to, in a sense, take the money and run by moving its headquarters out of the United States and to Dubai in the United Arab Emirates. Then we learned the United States is again discussing trade deals with the United Arab Emirates. These trade talks first fell apart last year during the Dubai Ports World scandal.

Because of our fundamentally flawed trade policy, our Government nearly sold our port security to state-owned companies in the Middle East, and because of our fundamentally flawed trade policy, our Government continued to award no-bid contracts to Halliburton despite the fact that its subsidiaries have come under fire for doing business with the Government of Iran and for potential contract fraud in Iraq. It is time for a trade policy that rewards good corporate citizens, not one that allows our Nation's security assets to be sold to the highest bidder.

Last November, in my home State of Ohio, voters from Toledo to Steubenville, from Chillicothe to Lorain, from Dayton to Youngstown spoke out for change in our Nation's trade policy.

For too long, our Government has stood idly by as U.S. companies that benefit from our tax policy, that get Government contracts, that benefit from community support move their operations overseas. For too long, our Government has pursued fundamentally flawed trade agreements that fail to secure labor and other standards, fail to establish a policy to support business development at home, and fail to provide for national security reviews.

But in this Congress, a new direction has begun. Thirty Members, last week, of a fair trade coalition, that began with the Central American Free Trade Agreement, gathered on Capitol Hill to reaffirm that we need a new direction for trade. Senator DORGAN, Senator GRAHAM, and I have introduced legislation that would ban sweatshop imports and address concerns with China.

What is more distressing than Halliburton's news to abandon the United States for the Mideast is that it owes the Government at least $2.7 billion as a result of bad, possibly even illegal business practices in Iraq—practices which allowed for contaminated water to be served to our troops, which hired unauthorized security forces, and which shamelessly overcharged our Government. Will Halliburton pay their debt before leaving town or will they try to leave American taxpayers—who have already afforded them billions in profits—holding the bag? Congress must do all it can to assess the debt and ensure that Halliburton, before they leave town, pays their debt to our country.

It is unclear whether the administration will take any action to safeguard our Nation's interests when it comes to Halliburton, but it is clear they are not yet ready for a new direction on trade. The latest attempt at another flawed trade agreement is not even inked, and the first corporation is moving offshore.

That is why we need a new direction for trade. That is why we need a trade policy that rewards companies that keep production, and headquarters, in the United States, investing at home as well as in opportunities abroad. That is why, as we learned during the Dubai Ports scandal, we need a national security review of all future trade agreements.

Halliburton's decision to relocate its headquarters also underscores the critical importance of freeing our Nation from its addiction to oil.

Government should foster a climate where companies are rewarded for being good patriot corporations. It is time our Government stop rewarding the Halliburtons of the world and start investing in those businesses that want to help build our Nation, not cheat us and then leave us.

IN HONOR OF VACLAV HAVEL

Mr. CARDIN. Mr. President, 30 years ago, the Charter 77 movement was established with the simple goal of ensuring that the citizens of Czechoslovakia could "live and work as free human beings." Today, as cochairman of the Commission on Security and Cooperation in Europe, I join with my colleagues in celebrating the founding of Charter 77 and honoring those men and women who, through their personal acts of courage, helped bring freedom to their country.

When the Charter 77 manifesto was issued, three men were chosen to be the first spokespersons of this newly formed movement: a renowned European philosopher, Jan Patocka; Jiri Hajek, who had been Czechoslovakia's Foreign Minister during the Prague Spring; and the playwright, Vaclav Havel. They had the authority to speak for the movement and to issue documents on behalf of signatories.

Tragically, Jan Patocka paid with his life for his act of bravery and courage. After signing the charter and meeting with Dutch Ambassador Max van der Stoel, he was subjected to prolonged interrogation by the secret police. It is widely believed this interrogation triggered a heart attack, resulting in his death on March 13, 1977.

In spite of the chilling message from the regime, Jiri Hajek and Vaclav Havel continued to work with other chartists, at tremendous personal cost. Two-hundred and thirty signatories were called in for interrogation; 50 houses were subjected to searches. Many supporters lost their jobs or faced other forms of persecution; many were sent to prison. In fact, the harsh treatment of the Charter 77 signatories led to the creation of another human rights group, the Committee for the Defense of the Unjustly Persecuted, known by its Czech acronym, VONS. In October 1979, six VONS leaders including Vaclav Havel, were tried for subversion and sentenced to prison terms of up to 5 years.

Perhaps the regime's harsh tactics reflected its knowledge that, ultimately, it could only retain control through force and coercion. Certainly, there was no perestroika or glasnost in Husak's Czechoslovakia, no goulash communism as in neighboring Hungary. And so, the regime was threatened by groups that might have seemed inconsequential elsewhere: by the psychedelic band, "Plastic People of the Universe;" by a musical appreciation group known as the Jazz Section; by environmentalists, historians, philosophers and, of course, playwrights.

Mr. President, 1989 was an extraordinary year—a year in which the regime sought to control everything and, in the end, could control nothing. In May, Hungary opened its borders. In June, free elections were held for parliamentary seats in Poland for the first time in decades. By August, 5,000 East Germans were fleeing to Austria through Hungary every single week. Demonstrations in East Germany continued to rise, forcing Eric Honecker to resign in October. On November 9, the Berlin Wall was breached.

But while Communist leaders in other countries saw the writing on the wall, authorities in Prague continued to believe they could somehow cling to power. Ironically, the regime's repressive tactics were part of its final undoing.

On November 17, 1989, significant student demonstrations were held in Prague. Human rights groups released videotapes of police and militia viciously beating the demonstrators and these tapes were rapidly and widely circulated through the underground. Shortly thereafter, VONS received credible information that a student demonstrator had been beaten to death. The alleged death so outraged Czechoslovak society that it triggered massive demonstrations. Within days, Czechoslovakia's Communist regime collapsed like a house of cards.

As it turned out, no one had actually been killed during the November 17 protests; the story of the student death had been concocted by the secret police to discredit VONS but was all too believable. As concisely stated by Mary Battiata, a reporter for the Washington Post, ". . . a half-baked secret police plan to discredit a couple of dissidents apparently boomeranged and turned a sputtering student protest into a national rebellion." On December 29, Vaclav Havel—who had been in prison just a few months earlier—was elected President of Czechoslovakia by the Federal Parliament.

Jan Patocka once wrote, "The real test of a man is not how well he plays the role he has invented for himself but how well he plays the role that destiny assigned to him." It seems that destiny had a particular role for Vaclav Havel, not one that he invented or envisioned for himself, but one that he has played with courage and grace, with dignity and honor. Today, we honor Vaclav Havel and the Charter 77 movement he helped to found.

ADDITIONAL STATEMENTS

IN MEMORY OF ERNEST GALLO

• Mrs. BOXER. Mr. President, today, I ask my colleagues to join me in honoring the memory of the late Ernest Gallo, a true American success story who came from a humble beginning to head the world's largest winemaking company. Mr. Gallo passed away in the peaceful company of his family and loved ones at his home in Modesto, California on March 6, 2007. He was 97 years old.

The first son of Joseph and Susie Gallo, immigrants who hailed from Italy's renowned winemaking region of Piedmont, Ernest Gallo was born in Jackson, in the Sierra Nevada foothills region of California. Ernest and his younger brothers, Julio and Joe, gained important insight into the winemaking business by working alongside their father in the family vineyard. As a precocious and driven 17-year-old boy, Ernest sold a railcar full of family grapes during a trip to Chicago for $17,000, a considerable sum of money during those days. From that point forward, it was apparent that Ernest was a gifted and determined entrepreneur who was destined for great success in the winemaking business.

After his parents unexpectedly passed away, Ernest accepted the mantle of the head of the business and the family at the age of 24 and founded E. and J. Gallo Winery in 1933 using a $5,000 loan from Ernest's mother-in-law and his brother Julio's entire savings of less than $1,000. Throughout his stewardship of the winery that would become one of the world's most prolific and recognized winemaking companies, Ernest consistently demonstrated an unparalleled ability to produce affordable, popular, and high quality products.

A wine connoisseur in the truest sense of the word, Ernest was a perfectionist who left his imprint on nearly every aspect of the winemaking process: from overseeing production, to devising brilliant marketing plans, to regularly traveling across the country to make sure that wine displays were properly presented in markets. Simply put, Ernest was a consummate winemaker who was absolutely dedicated to honing and perfecting his craft.

Ernest Gallo has left behind a legacy of success and the well-deserved recognition as one of the leading figures of American winemaking. This son of California's Central Valley will be greatly missed.

Ernest Gallo was preceded in death by his beloved wife of 62 years, Amelia, and son, David. He is survived by his son, Joseph, and four grandchildren.•

HONORING LARRY NELSON

• Mr. ISAKSON. Mr. President, today I wish to honor in the RECORD of the Senate the induction of my friend and a wonderful Georgian, Larry Nelson of Marietta, to the World Golf Hall of Fame.

Larry was born on September 10, 1947, in Ft. Payne, AL, and was raised in Acworth, GA. Growing up, he preferred baseball and basketball. It wasn't until after he returned from military service in Vietnam that he actually swung a golf club. The first time he played he broke 100. Within 9 months of taking up the game in earnest, Larry broke 70.

In 1973, Larry successfully went through the PGA Tour Qualifying School, and his breakthrough came in 1979 when he won twice on the tour and finished second on the money list. In 1981, Larry won the PGA Championship at the Atlantic Athletic Club by four strokes over Fuzzy Zoeller. In 1983, he won his second major, the U.S. Open, at one of the toughest championship courses in the world, Oakmont Country Club just outside of Pittsburgh. And in 1987, Larry repeated his victory in the PGA Championship with a playoff victory over Lanny Wadkins at PGA National Golf Club in Palm Beach Gardens, FL. In addition, he played on the U.S. Ryder Cup team in 1979, 1981, and 1987.

I have known Larry for almost 40 years. In fact, I sold him a house when he was first starting out. It is also a huge point of pride that I am a member of the Atlanta Country Club where Larry Nelson plays today. However, Larry is more than a terrific golfer. He is also a wonderful husband and father as well as a devout Christian.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of my friend Larry Nelson. He is an inspiration to us all.•

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 342. An act to designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. An act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. An act to designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 85. An act to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies.

H.R. 1068. An act to amend the High-Performance Computing Act of 1991.

H.R. 1126. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 85. An act to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; to the Committee on Energy and Natural Resources.

H.R. 1068. An act to amend the High-Performance Computing Act of 1991; to the Committee on Commerce, Science, and Transportation.

H.R. 1126. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–919. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 7351) received on March 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–920. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Five-Year ITS Program Plan"; to the Committee on Commerce, Science, and Transportation.

EC–921. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (ID No. 011707G) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–922. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Increase the Trip Limit in the Commercial Hook-and-Line Fishery for King Mackerel in the Florida East Coast" (ID No. 010507D) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–923. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure for Commercial King Mackerel Run-Around Gillnet Fishery in the Southern Florida West Coast Zone" (ID No. 010507C) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–924. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 012507A) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–925. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to Reduce Overfishing of Atlantic Sea Scallops in the 2007 Fishing Year by Modifying Elephant Trunk Access Area Management Measures" (RIN0648-AV05) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–926. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Emergency Rule to Supersede the Previously Published 2007 Summer Flounder Specifications" (RIN0648-AT60) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-927. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Amendment 16-4; Pacific Coast Salmon Fishery" (RIN0648-AU57) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-928. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2006-2007 Pacific Mackerel Annual Specifications; Coastal Pelagic Species Fisheries; Fisheries Off West Coast States" (RIN0648-AU27) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-929. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Specifications for the Atlantic Bluefish Fishery" (RIN0648-AT67) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-930. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Management Measures for Caribbean Closures and Dehooking Requirements for the Atlantic Shark Fishery" (ID No. 082305E) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-931. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 020907G) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-932. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 020907F) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-933. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 020807B) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-934. A communication from the Commandant, United States Coast Guard, Department of Homeland Security, transmitting, the report of a legislative proposal to authorize appropriations for fiscal year 2008 for the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-935. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-936. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on Renewable Energy Resource Assessment Information for the United States"; to the Committee on Energy and Natural Resources.

EC-937. A communication from the Attorney, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Program for Certain Commercial and Industrial Equipment: Efficiency Standards for Commercial Heating, Air-Conditioning, and Water-Heating Equipment" ((RIN1904-AB16)(RIN1904-AB17)(RIN1904-AB44)) received on March 8, 2007; to the Committee on Energy and Natural Resources.

EC-938. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for fiscal year 2008; to the Committee on Environment and Public Works.

EC-939. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to navigation improvements to the Gulf Intracoastal Waterway from High Island to Brazos River; to the Committee on Environment and Public Works.

EC-940. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing efforts for fiscal year 2006; to the Committee on Environment and Public Works.

EC-941. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an ecosystem restoration project on the Snake River; to the Committee on Environment and Public Works.

EC-942. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Mangoes from India" (Docket No. APHIS-2006-0121) received on March 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-943. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Docket No. APHIS-2006-0149) received on March 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-944. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Agency's proposed fiscal year 2008 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC-945. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-946. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-947. A communication from the Director of Selective Service, transmitting, pursuant to law, the Director's Annual Report for fiscal year 2006; to the Committee on Armed Services.

EC-948. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and Procurement Unit Cost for the Expeditionary Fighting Vehicle; to the Committee on Armed Services.

EC-949. A communication from the Assistant Secretary of Defense (Homeland Defense), transmitting, pursuant to law, a report relative to assistance provided by the Department for civilian sporting events in support of essential security and safety at such events; to the Committee on Armed Services.

EC-950. A communication from the Secretary of Defense, transmitting , pursuant to law, a report on the approved retirement of Admiral John B. Nathman, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-951. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Bureau's Annual Report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-952. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Emergency Oil and Gas Guaranteed Loan Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-953. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-954. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Action to Close the Small Coastal Shark Fishery in the Gulf of Mexico Region" (ID No. 013107D) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-955. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-125, Quarterly Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons" (RIN0691-AA61) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-956. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons" (RIN0691-AA60) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC-957. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American

Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (ID No. 012307C) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–958. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: BE–185, Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons'' (RIN0691–AA62) received on March 8, 2007; to the Committee on Commerce, Science, and Transportation.

EC–959. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the status of significant unresolved issues with the Department of Energy's design and construction projects; to the Committee on Energy and Natural Resources.

EC–960. A communication from the Deputy Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to the Department's carryover balances; to the Committee on Energy and Natural Resources.

EC–961. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC–962. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report on its operations and financial condition; to the Committee on Finance.

EC–963. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Tier II Issue—Field Directive on the Examination of IRC Section 172(f) Specified Liability Losses Number 1—Industry Directive'' (Document Number: LMSB–04–0206–009) received on March 8, 2007; to the Committee on Finance.

EC–964. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Census Count'' (Notice 2007–23) received on March 8, 2007; to the Committee on Finance.

EC–965. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–26–2007–32); to the Committee on Foreign Relations.

EC–966. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Intercountry Adoption—Reporting on Non-Convention and Convention Adoptions of Emigrating Children'' (RIN1400–AC20) received on March 8, 2007; to the Committee on Foreign Relations.

EC–967. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–968. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report on U.S. Government Assistance to and Cooperative Activities with Central and Eastern Europe; to the Committee on Foreign Relations.

EC–969. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from General Atomics in La Jolla, California, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–970. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from Monsanto Chemical Company in Dayton, Ohio, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–971. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Commissioner of the Food and Drug Administration, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–972. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–973. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–974. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Secretary, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–975. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Allied Chemical Corporation Plant in Metropolis, Illinois, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–976. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Harshaw Harvard-Denison Plant in Cleveland, Ohio, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–977. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Planning of Evaluation and Policy Development, received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–978. A communication from the Inspector General, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–979. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Organ Procurement and Transplantation Network'' (RIN0906–AA62) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–980. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Claims Collection'' (RIN0991–AB18) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–981. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Salary Offset'' (RIN0991–AB19) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–982. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data; Withdrawal'' (Docket No. 2006N–0335) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–983. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Reprocessed Single-Use Device; Requirements for Submission of Validation Data'' (Docket No. 2006N–0335) received on March 8, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–984. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 2A for Fiscal Years 2004 Through 2006, as of March 31, 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–985. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 2006 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Homeland Security and Governmental Affairs.

EC–986. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the implementation and effectiveness of the direct-hire authority to attract candidates with unusually high qualifications to the Federal acquisition workforce; to the Committee on Homeland Security and Governmental Affairs.

EC–987. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the Inspector General's quarterly report for the period ending December 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–988. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Strategic Plan for 2006-2011 and its Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-989. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance Budget for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-990. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a change in previously submitted reported information for the position of Deputy Director for Supply Reduction, received on March 8, 2007; to the Committee on the Judiciary.

EC-991. A communication from the Associate Administrator, Office of Management and Administration, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2006; to the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 847. A bill to extend the period of time during which a veteran's multiple sclerosis is to be considered to have been incurred in, or aggravated by, military service during a period of war; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 848. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. DOLE):

S. 850. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Ms. CANTWELL, Ms. STABENOW, Mr. BROWN, Mrs. MCCASKILL, Mr. BAYH, Mr. SALAZAR, Mr. TESTER, and Mr. CASEY):

S. 851. A bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives; to the Committee on Finance.

By Ms. SNOWE:

S. 852. A bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 853. A bill to deauthorize the project for navigation, Northeast Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 854. A bill to modify the project for navigation, Union River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 855. A bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 856. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 857. A bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ENZI, Mr. MENENDEZ, Mr. INOUYE, Mr. DURBIN, and Mr. SANDERS):

S. 858. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 859. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. BROWN, Ms. STABENOW, Ms. CANTWELL, Mr. LEAHY, Mr. SPECTER, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Ms. COLLINS, Mrs. LINCOLN, Mr. WYDEN, Mr. BAYH, Ms. SNOWE, Mr. SANDERS, and Mr. BINGAMAN):

S. 860. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 861. A bill to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building"; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 862. A bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building"; to the Committee on Environment and Public Works.

By Mr. SESSIONS (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. CORNYN, and Mr. GRASSLEY):

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. 864. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 865. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damages attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 866. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 867. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 868. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 21

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 22

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 522

At the request of Mr. BAYH, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mr. BOND), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 585

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 585, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 615, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 627

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 718

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 721

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 727

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 815

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 815, a bill to provide health care benefits to veterans with a service-connected disability at non-Department of Veterans Affairs medical facilities that receive payments under the Medicare program or the TRICARE program.

S. 827

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 827, a bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S.J. RES. 5

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

AMENDMENT NO. 299

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 299 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 383

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 383 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 412

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 412 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 420 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 435

At the request of Mr. PRYOR, the names of the Senator from Maryland

(Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 435 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 448

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 448 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

BY Mr. LEAHY (for himself and Mr. CORNYN):

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senator CORNYN in reintroducing the Openness Promotes Effectiveness in our National Government Act", the "OPEN Government Act". This bill contains commonsense reforms to update and strengthen the Freedom of Information Act (FOIA) for all Americans.

Last year, the Senate Judiciary Committee favorably reported an essentially identical bill. Sadly, the full Senate did not consider this legislation before it adjourned last year. But, I hope that the Senate will do its part to reinvigorate FOIA this year, by promptly passing this bill.

During my three decades in the Senate, I have devoted a considerable portion of my work to improving government openness, to make our government work better for the American people. At times, this has been a lonely effort. But, for the past 4 years, I have been delighted to have Senator CORNYN as a partner on this important issue. I thank him for his leadership on preserving and strengthening FOIA.

Now in its fourth decade, the Freedom of Information Act remains an indispensable tool in shedding light on bad policies and government abuses. But, today, FOIA also faces challenges like never before. During the past 6 years, the Bush administration has allowed lax FOIA enforcement and a near obsession with secrecy to undercut the public's right to know. As we celebrate Sunshine Week this week, there is urgent need to update and strengthen our FOIA law.

Chief among the problems with FOIA is the major delays encountered by FOIA requestors. According to a report by the National Security Archive, an independent nongovernmental research institute, the oldest outstanding FOIA requests date back to 1989—before the collapse of the Soviet Union. And, while the number of FOIA requests submitted each year continues to rise, our Federal agencies remain unable—or unwilling—to keep up with the demand. Just recently, the Government Accountability Office found that Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006, than they had in 2002.

Although the Bush administration has taken modest steps to address the growing problem with FOIA delays, that effort has not done nearly enough to correct lax FOIA enforcement by Federal agencies. More than a year after the President's directive to Government agencies to improve their FOIA services, Americans who seek information under FOIA remain less likely to obtain it. For example, a recent study by the Coalition of Journalists for Open Government found that the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government fell by 31 percent last year. These and other shortcomings with the President's FOIA policy demonstrate that the Congress must play an important role in preserving and strengthening FOIA.

The legislation that Senator CORNYN and I introduce today takes several important steps to help Americans obtain timely responses to their FOIA requests and to provide government officials with the tools that they need to ensure that our government remains open and accessible. First, our bill restores meaningful deadlines for agency action by ensuring that the 20-day statutory clock runs immediately upon the receipt of the request and the bill impose real consequences on Federal agencies for missing statutory deadlines. Our bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

In addition, our bill establishes a FOIA hotline service for all Federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. Finally, our bill enhances the agency reporting requirements under FOIA and improves personnel policies for FOIA officials to enhance agency FOIA performance.

This legislation was drafted after a long and thoughtful process of consultation with individuals and organizations that rely on FOIA to obtain information and share it with the public, including the news media, librarians, and public interest organizations representing all facets of the political spectrum.

This legislation also reaffirms the fundamental premise of FOIA—that government information belongs to all Americans. Again, I thank Senator CORNYN for the time and effort that he has devoted to reinvigorating FOIA, and I urge all Senators to join us in supporting this important open government legislation.

By Ms. SNOWE:

S. 852. A bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 853. A bill to deauthorize the project for navigation, Northeast Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 854. A bill to modify the project for navigation, Union River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 855. A bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 856. A bill to terminate authorization for the project for navigation, Rockport Harbor, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 857. A bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to reintroduce a series of bills that are important to economic development along our long coastline. Most of these bills were either included in the Water Resources Development Act (WRDA) of 2006 or has passed the Senate as a stand-alone bill. Unfortunately, much to my great disappointment, the larger Corps of Engineers reauthorization legislation did not see action before the Senate adjourned the 109th Congress. My hope is that all of these noncontroversial bills will be included in the WRDA legislation in the 110th Congress.

Importantly, all of my bills are supported by the various townspeople and their officials, and State officials, who view these harbor deauthorizations and river improvements as engines for economic development. The bills also have the support of the New England District of the Corps of Engineers.

The first bill pertains to Tenants Harbor, St. George, ME. Deauthorizing the Federal Navigation Channel (FNC) would be of great help to the town in appropriately managing the Harbor to maximize mooring areas. Over the years there have been mounting problems with the Army Corps of Engineers' mooring permit process as people seeking permits for moorings that have existed for 30 years continue to be notified that the mooring locations are prohibited because they fall within the federal navigational channel.

My second bill concerns Northeast Harbor in Mt. Desert, ME. The language will not only allow for more recreational moorages and commercial activities, it will also be an economic boost to Northeast Harbor, which is surrounded by Acadia National Park, one of the Nation's most visited parks—both by land and by water. The removal of the harbor from the FNC will allow the town to adapt to the high demand for moorings and will allow residents to obtain moorings in a more timely manner. The Harbor has now reached capacity for both moorings and shoreline facilities and has a waiting list of over sixty people, along with commercial operators who have been waiting for years to obtain a mooring for their commercial vessels.

My third bill addresses the Union River in Ellsworth, ME. The bill supports the city of Ellsworth's efforts to revitalize the Union River navigation channel, harbor, and shoreline. The modification called for in my legislation will redesignate a portion of the Union River as an anchorage area. This redesignation will allow for a greater number of moorings in the harbor without interfering with navigation and will further improve the City's revitalization efforts for the harbor area.

My fourth bill, that passed the Senate as a stand-alone bill last year, will make the mooring of an historic windjammer fleet in Rockland Harbor a reality. Originally a strong fishing port, Rockland retains its rich marine heritage, and it is one of the fastest growing cities in the Mid-coast area. Like many of the port cities on the eastern seaboard, Rockland has been forced to confront an assortment of financial and environmental changes, but happily, the city has been able to respond to these challenges in positive and productive ways.

The City of Rockland has hosted the Windjammer fleet since 1955, earning a well-deserved reputation as the Windjammer Capital of the World. Rockland's Windjammers are now National Historic Landmarks, and as such, are vitally important to both the city and the State. The image of The Victory Chimes, one of five vessels slated to be berthed at the new wharf and a vessel whose historical designation I supported, graces the Maine quarter. This beautiful fleet of windjammers symbolizes the great seagoing history of Maine as well as the sense of adventure that we have come to associate so closely with the American experience.

Lermond Cove is perfectly situated in the Rockland Harbor to be the new and permanent home for these cherished vessels. The proposed Windjammer Wharf will also provide a safe harbor from storms, as it is tucked nicely near the Maine State Ferry and Department of Marine Resources piers.

The State of Maine capitalizes on the visual impact of the Windjammers to promote tourism, working waterfronts and the natural beauty that distinguishes our landscape. Over $300,000 is spent yearly by the Maine Windjammer Association to advertise and promote these businesses. Deauthorizing that part of the Federal navigational channel will clearly trigger significant and unrealized economic benefits for the region, providing many beneficial dollars to the local area and the State of Maine. According to the Longwood study, which uses a multiplier of 1.5, the economic impact of this spending is 3.8 million dollars a year. Conservatively, the Windjammers spend over 2.5 million dollars a year in the state.

I want to thank the New England Corps of Engineers for their help in drafting the language and working with the Maine Department of Transportation, which runs the ferry line, and also the Rockland city officials, the Rockland Port District, and the Captains of the Windjammer vessels—Mainers and business people with the vision and commitment needed to complete Windjammer Wharf and create a permanent home for this historic fleet of windjammers in Rockland Harbor.

I am reintroducing my fifth bill for the Town of Rockport—this request came in after the Environment and Public Works Committee passed out the WRDA bill in the last Congress. It would deauthorize a part of the Federal Navigation Channel in Rockport Harbor. The town, located on the active Mid-Coast of Maine, has requested that Congress decommission a 35 foot by 275 foot area directly adjacent to the bulkhead at Marine Park. With this deauthorization, the Town will be able to install permanent pilings to secure a set of new municipal floats, which would replace the current temporary float system.

My sixth bill for reintroduction today is a bill for the City of Saco, Maine that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or de-authorization of the Federal Navigational Project to resolve the issue.

The US Army Corps of Engineers suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language will allow for the legal moorage of boats, the fairway for which would be maintained by the city of Saco as is customary for towns with Federal anchorages. The two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

It is my hope that all of these noncontroversial provisions will be included in the Water Resources Development Act of 2007 and I am writing Senator BOXER, the new Chairwoman of the EPW Committee requesting inclusion of my bills in the upcoming WRDA bill. I am pleased to hear that she is also anxious for the WRDA bill to move forward just as quickly as possible. It has been six long years since our last WRDA bill was signed into law—much too long even for the patient people in Maine who want to urgently move forward on economic development for their coastal communities.

Also, I am pleased to be cosponsoring a bill with Senator COLLINS that addresses the project for the mitigation of shore damage at Camp Ellis, ME. The bill authorizes the Secretary of the Army to carry out the project, under the River and Harbor Act of 1968, to mitigate shore damage attributable to the Saco River navigational project, waiving the funding cap requirement for congressional authorization set forth in that Act. The legislation is needed to complete the project as it will cost more than authorized under current law, and is the preferred project by non-Federal interests.

Studies have shown that the Army Corps jetty, built over 100 years ago, has contributed to beach erosion and the loss of more than thirty houses to the sea. The houses in danger currently were once six rows back from the water. When the mitigation project is completed, it is hoped that it will protect the residents, households, and businesses along the shoreline adjacent to the Army Corps jetty in Saco.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ENZI, Mr. MENENDEZ, Mr. INOUYE, Mr. DURBIN, and Mr. SANDERS):

S. 858. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Mr. WYDEN. Mr. President, about the most red, white and blue, patriotic action our Nation could take is to develop a new energy policy that reduces our Nation's dependence on foreign oil. And the biggest source of our oil dependence is transportation—the cars, trucks and sport utility vehicles (SUVs) that our citizens drive every day.

That's why I am pleased to be introducing a bill that will help citizens who want to do their part to reduce oil dependence by commuting to work by bicycle. I am joined in sponsoring the Bicycle Commuters Benefits Act of 2007 by Senators SNOWE, COLLINS, DURBIN, MENENDEZ, INOUYE, ENZI and SANDERS.

I know that many people in our country want to do something concrete about our Nation's dependence on oil and gas. As gas prices continue to climb again this spring, more and more people are going to be looking for actions that they can take to free themselves from this dependency. The bill I am introducing today gives Americans more incentive to give up the cars and trucks that they drive to and from work every day and get on their bicycles instead.

According to recent Census reports, more than 500,000 people throughout the United States commute to work by bicycle. They are freeing themselves from sitting in traffic. They are saving energy and overcoming their dependence on oil and gas. They are getting exercise; avoiding obesity and helping us keep our air clean and safe to breathe.

Yet, they are commuting by bicycle at their own expense. Their fellow employees who take mass transit to and from work have an incentive created in the Transportation Equity Act for the 21st Century that enables their employers to pay for their bus or subway ride. And those who commute to work by car or truck can receive tax-free parking benefits provided by their employers. These incentives are great for mass transit commuters or those who drive to work. But they also create a financial disincentive for those riding their bikes to and from their jobs. The Bicycle Commuters Benefits Act of 2007 will eliminate this financial disincentive and level the commuting field for bicyclists.

The bill extends the fringe benefits that employers can offer their employees for commuting by public transit, car or truck to those who ride their bicycles to and from their jobs. Our bill amends the tax code so that public and private employers can offer their employees a monthly benefit payment that will help them cover the costs of riding their bikes, instead of driving and parking their cars where they work. The bill also provides employers the flexibility to set their own level of benefit payment up to a specified amount. That way, employers and their employees can decide how much of an incentive they need to stop driving and start riding their bikes. Those who currently ride the bus and/or subway to work would also gain an extra incentive to ride their bikes. Employers can deduct the cost of their benefit payments from their taxable income. This reduces the taxes that they pay to the Federal Government. And, in turn, employees will receive anywhere from $40–$110 per month as a non-taxable benefit, to help them pay for the costs of riding their bikes.

This is a fair and modest proposal that will reward employees who ride their bikes to and from their jobs.

Our Senate bill is a companion bill to a bill being introduced by my fellow Oregonian, Congressman EARL BLUMENAUER. He has dozens of co-sponsors from both sides of the aisle and every part of the United States eager to offer bicycle commuters the same incentive that I want to offer to those who take mass transit or drive.

In addition, our bill is supported by many regional and national bicycling organizations such as Bikes Belong, Cycle Oregon, the Bicycle Transportation Alliance, the League of American Bicyclists, the Washington Area Bicyclist Association, Transportation Alternatives and hundreds of Capitol Hill employees who commute by bike to work every day.

When you look around our cities, the taxpayers have paid millions of dollars for bike trails in all of America's urban areas and major job markets. Now, bicycle commuters will have an extra incentive to make greater use of this public investment to commute to and from their jobs.

I look forward to working with our colleagues to enact this legislation to reward citizens doing their part to put us on the road to oil independence by biking to work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bicycle Commuters Benefits Act of 2007".

SEC. 2. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

"(D) Bicycle commuting allowance.".

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

"(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.".

(c) LIMITATION ON EXCLUSION.—Subparagraph (A) of section 132(f)(2) of the Internal Revenue Code of 1986 (relating to limitation on exclusion) is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (D)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 859. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today I am introducing the Ethanol Infrastructure Expansion Act of 2007. This bill directs the Department of Energy, DOE, to study and evaluate the feasibility of transporting ethanol by pipeline. I am pleased that my colleague, Senator LUGAR of Indiana, is joining me as a cosponsor of this bill.

There is broad recognition that we need to reduce our almost-complete dependence on oil for energy in our transportation sector. We also understand that there is not a single, simple solution to this dependence. I believe that we need to use energy more efficiently and promote alternatives to petroleum-based fuels in transportation.

The most promising liquid fuel alternative to conventional gasoline today is ethanol. Use of ethanol as an additive in gasoline and in the form of E85 is expanding rapidly, and for good reasons. First of all, as a domestically-produced fuel, ethanol contributes to our national energy security. As a gasoline additive, ethanol provides air quality benefits by reducing auto tailpipe emissions of air pollutants. Because ethanol is biodegradable, its use poses no threat to surface water or groundwater. Finally, the production of ethanol provides national and regional economic and job-growth benefits by using local resources and labor to contribute to critical national transportation energy needs.

My Congressional colleagues and I have recognized the benefits and potential of ethanol and have promoted its expanded production and use in numerous bills, including most recently in the 2005 energy bill. A key provision in that legislation is the renewable fuels standard under which motor vehicle fuel sold in the United States is required to contain increasing levels of renewable fuels. Several other provisions promote the production of ethanol from a broad variety of plentiful and low-cost biomass including corn stover, wheat straw, forest industry wastes woody municipal wastes and dedicated energy crops.

The viability of ethanol is reflected in the rapid expansion of its production and use, which has increased by more than 20 percent annually for the past several years. Moreover, ethanol's longer-term potential to become a very significant energy source for transportation is gaining attention. A number of studies have concluded that ethanol can contribute 20 to 30 percent or more of our transportation fuel in the future. Several of my Senate colleagues have joined me to introduce S. 23, the Biofuels Security Act of 2007, which calls for increased access to ethanol at the pump and greatly expanded production of flexible-fuel vehicles. The Act also provides a directive for domestic production of renewable fuels to reach 60 billion gallons a year by 2030. I am especially proud of the leadership role that my State of Iowa and communities across rural America are going to play in this expansion.

Given this outlook, it is time for us to consider the full implications of such a transition. One issue that deserves prompt attention is that of ethanol transport. The volumes of ethanol to be shipped in the future strongly suggest that pipeline transport should be considered due to the potential economic and environmental advantages this alternative might offer as compared to shipment by highway, rail tanker, or barge. As production volumes increase, especially in the Midwest, it is likely to be more economical to pump ethanol through pipelines than to ship it in containers across the country. Pipeline shipping could provide for reduced vehicle emissions and superior energy efficiency compared to rail or tanker shipment.

For all of these reasons, we should begin to consider development of an ethanol pipeline network. Given the pace of ethanol's growth, it is likely that our Nation could begin to benefit from pipeline transport of ethanol as early as 2015. The current state of knowledge regarding transport of ethanol by pipeline is limited. Although it is being done in Brazil, a world leader in the production and use of ethanol, challenges remain. The water solubility of ethanol introduces technical and operational issues that affect the shipment of ethanol in multi-product pipelines. Thus, the largest associated research costs will be in the planning, siting, design, financing, permitting and construction of the first ethanol pipelines. This work may well take as long as a decade, perhaps longer. For that reason, we need to begin now to develop a solid understanding of this ethanol transport option.

This bill initiates that process by directing the Department of Energy to conduct ethanol pipeline feasibility studies. It calls for analyses of the technological, economic, regulatory, financial and siting issues related to transporting ethanol via pipelines. A systematic analysis of these issues will provide the substantive information necessary to assess the costs and benefits of this transport alternative. The Act would allow DOE the option of funding private sector studies or conducting the studies on its own. The results of these studies will provide a clearer picture of the benefits and challenges of pipeline transport of ethanol. They will provide critical information, both for the ethanol industry as it contemplates ethanol transport alternatives, and for policy-makers seeking to understand what policies or programs might be appropriate to promote the most cost-effective and environmentally sound ethanol transport into the future.

We have broad agreement on the need to do all that we can to reduce our dependence on oil. We are promoting expanding production and use of renewable fuels in many ways, but we need to take into account the full range of infrastructure issues that broader ethanol use entails. The rapid growth of ethanol production and use necessitates the very near-term study of transporting ethanol by pipeline. I urge my Senate colleagues to join me in passing this important and timely legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethanol Infrastructure Expansion Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the national interest to make greater use of ethanol in transportation fuels;

(2) ethanol is a clean, renewable fuel that provides public health benefits in the form of reduced emissions, including reduced greenhouse gas emissions that cause climate change;

(3) ethanol use provides economic gains to agricultural producers, biofuels producers, and rural areas;

(4) ethanol use benefits the national security of the United States by displacing the use of petroleum, much of which is imported from foreign countries that are hostile to the United States;

(5) ethanol can reduce prices at the pump for motoring consumers by extending fuel supplies and due to the competitive cost of ethanol relative to conventional gasoline;

(6) ethanol faces shipping challenges in pipelines that transport other liquid transportation fuels;

(7) currently ethanol is shipped by rail tanker cars, barges, and trucks, all of which could, as ethanol production expands, encounter capacity limits due to competing use demands for the rail tanker cars, barges, and trucks;

(8) as the United States ethanol market expands in the coming years there is likely to be a need for dedicated ethanol pipelines to transport ethanol from the Midwest, where ethanol generally is produced, to the Eastern and Western United States;

(9) as of the date of enactment of this Act, dedicated ethanol pipelines do not exist in the United States and will be challenging to construct, at least initially;

(10) Brazil has already shown that ethanol can be shipped effectively via pipeline; and

(11) having an ethanol pipeline study completed in the very near term is important because the construction of 1 or more dedicated ethanol pipelines would take at least several years to complete.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

SEC. 4. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall spend up to $1,000,000 to fund feasibility studies for the construction of dedicated ethanol pipelines.

(b) CONDUCT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall—

(A) through a competitive solicitation process, select 1 or more firms having capabilities in the planning, development, and construction of dedicated ethanol pipelines to carry out the feasibility studies described in subsection (a); or

(B) carry out the feasibility studies in conjunction with such firms.

(2) TIMING.—

(A) IN GENERAL.—If the Secretary elects to select 1 or more firms under paragraph (1)(A), the Secretary shall award funding under this section not later than 120 days after the date of enactment of this Act.

(B) STUDIES.—As a condition of receiving funds under this section, a recipient of funding shall agree to submit to the Secretary a completed feasibility study not later than 360 days after the date of enactment of this Act.

(c) STUDY FACTORS.—Feasibility studies funded under this Act shall include consideration of—

(1) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(2) potential evolutionary pathways for the development of an ethanol pipeline transport system, such as starting with localized gathering networks as compared to major interstate ethanol pipelines to carry larger volumes from the Midwest to the East or West coast;

(3) market risk, including throughput risk, and ways of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in these areas and help ensure the construction of dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the first dedicated ethanol pipelines will require to invest in the pipelines;

(6) ethanol production of 20,000,000,000, 30,000,000,000, and 40,000,000,000 gallons per year by 2020; and

(7) such other factors that the Secretary considers to be appropriate.

(d) CONFIDENTIALITY.—If a recipient of funding under this section requests confidential treatment for critical energy infrastructure information or commercially-sensitive data contained in a feasibility study submitted by the recipient under subsection (b)(2)(B), the Secretary shall offer to enter into a confidentiality agreement with the recipient to maintain the confidentiality of the submitted information.

(e) REVIEW; REPORT.—The Secretary shall—

(1) review the feasibility studies submitted under subsection (b)(2)(B) or carried out under subsection (b)(1)(B); and

(2) not later than 15 months after the date of enactment of this Act, submit to Congress a report that includes—

(A) information about the potential benefits of constructing dedicated ethanol pipelines; and

(B) recommendations for legislation that could help provide for the construction of dedicated ethanol pipelines.

SEC. 5. FUNDING.

There is authorized to be appropriated to the Secretary to carry out this Act $1,000,000 for fiscal year 2008, to remain available until expended.

By Mr. SMITH (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. BROWN, Ms. STABENOW, Ms. CANTWELL, Mr. LEAHY, Mr. SPECTER, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Ms. COLLINS, Mrs. LINCOLN, Mr. WYDEN, Mr. BAYH, Ms. SNOWE, Mr. SANDERS, and Mr. BINGAMAN):

S. 860. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, or ETHA. I ask unanimous consent that the full text of this bill, along with the numerous letters of support I have received from advocacy organizations, be printed in the RECORD. I am pleased that Senator CLINTON is joining me once again to introduce ETHA. I thank her for the steadfast support she has shown people living with HIV. This terrible illness knows no party affiliation, and I am pleased to say that ETHA's 20 cosponsors span both sides of the aisle.

ETHA provides States the ability to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that most patients must become disabled before they can qualify for Medicaid. Nearly 50 percent of people living with AIDS who know their status lack ongoing access to treatment. In my home State of Oregon, there are approximately 5,700 persons living with HIV/AIDS. It is estimated that approximately 40 percent of these Oregonians are not receiving care for their HIV disease. I believe it is our moral responsibility to do everything we can to ensure that all people living with HIV—regardless of their income or their insurance status—have access to timely, effective treatment.

Unfortunately, safety net programs across the country are running out of money, and as a consequence, they are generally unable to cover all of the people who need assistance paying for their medical care. For instance, Oregon's Ryan White funded AIDS Drug Assistance Program (ADAP) is experiencing significant financial hardship due to years of inadequate funding. As a consequence, the program has been forced to impose burdensome cost-sharing requirements and limit the scope of drugs it covers on its formulary. Fortunately, Oregon's ADAP has not had to resort to service waiting lists, a cost control mechanism that many States have been forced to adopt. As safety net programs like ADAP continue to struggle, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

I believe ETHA represents a promising opportunity to turn the tide against this devastating epidemic. In 2005, there were 220 newly infected HIV cases reported in my home State of Oregon. If we were able to provide even a fraction of those individuals access to early treatment, we could prevent the progression of their condition to full-blown AIDS. Experience has shown that current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease.

Studies conducted by Pricewaterhouse Cooper (PWC) support providing early healthcare to individuals diagnosed with HIV because it has both the potential to save lives and control costs. Specifically, providing individuals coverage through ETHA could reduce the death rate of persons living with HIV by more than half. Similarly encouraging is the potential cost-savings ETHA could generate in the Medicaid program. Due to its preventive aim, ETHA is estimated to begin saving the Medicaid program $31.7 million each year after the effects of expanded access to care are fully realized.

I believe ETHA is a key example of the type of reform Congress needs to be implementing to the federal entitlements. The short term investment required to expand Medicaid coverage will ultimately result in significant long-term savings to the program—at no harm to the beneficiary. But most importantly, ETHA takes an important step toward ensuring that all Americans living with HIV can get the medical care they need to lead healthy, productive lives for as long as possible.

One of the strongest features of ETHA is the enhanced Federal Medicaid match rate it provides to encourage States to expand coverage to individuals diagnosed with HIV. This provision closely models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows States to provide early Medicaid intervention to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of Americans from a variety of backgrounds. Some get the proper medications they need to keep healthy, but far too many do not. The inability to access life-saving treatment literally creates a "life and death" situation for many of our most vulnerable citizens. Fortunately, ETHA can give those individuals access to the care they need so they can look forward to a long, healthy life.

I again want to thank the strong group of bipartisan Senators that is joining me as original cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill, in particular, Oregon's Cascade AIDS Project. The work they do on behalf of individuals living with HIV/AIDS in my home State is truly commendable, and I appreciate the support they have shown ETHA over the years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Treatment for HIV Act of 2007".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking "or" at the end of subclause (XVIII);

(B) by adding "or" at the end of subclause (XIX); and

(C) by adding at the end the following:

"(XX) who are described in subsection (dd) (relating to HIV-infected individuals);"; and

(2) by adding at the end the following:

"(dd) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

"(1) who have HIV infection;

"(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

"(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan."

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking "section 1902(a)(10)(A)(ii)(XVIII)" and inserting "subclause (XVIII) or (XX) of section 1902(a)(10)(A)(ii)".

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "or" at the end of clause (xii);

(2) by adding "or" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

"(xiv) individuals described in section 1902(dd);".

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

"(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(dd) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XX).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

HIV MEDICINE ASSOCIATION,
Alexandria, VA, January 30, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: I am writing on behalf of the HIV Medicine Association (HIVMA) to offer our strong support for the Early Treatment for HIV Act (ETHA). HIVMA represents more than 3,500 HIV medical providers from across the United States. Many of our members serve on the front lines of the HIV epidemic providing care and treatment in communities ranging from the rural South to the large urban areas on the east and west coasts of the nation.

As you know, ETHA would allow states to expand their Medicaid programs to cover people with HIV disease, before they become disabled and progress to AIDS. This important program change would allow more people with HIV disease to benefit from the remarkable HIV treatment available today—treatment that has reduced mortality due to HIV disease by nearly 80 percent.

Many of our members still report high percentages of patients with HIV presenting at their clinics with advanced stage disease. These patients are often sicker; less responsive to treatment and more costly due to the need for more intensive interventions, such as inpatient hospitalization. With earlier access to medical care and treatment through Medicaid, these patients could remain relatively healthy and enjoy longer and more productive lives.

Now is the time to help these patients and the many new ones that will enter HIV care systems as a result of the Centers for Disease Control and Prevention's (CDC) new recommendations to make HIV testing a routine component of medical care. While we are strong supporters of routine HIV testing as a tool to promote earlier diagnosis and linkage to care, we are concerned that our current federal and state health care safety-net programs are ill-equipped to care for the influx of patients that we expect to be identified through routine HIV testing. Passage of ETHA would be a critical step forward in the battle to ensure that all low-income Americans with HIV disease have the healthcare coverage that will allow them to benefit from the lifesaving HIV treatment widely available in the U.S. today.

Thank you very much for your continued commitment to expand access to care for low-income persons living with HIV/AIDS and other vulnerable Americans. Please consider HIVMA a resource as you move forward with the passage of this important legislation.

Sincerely,

DANIEL R. KURITZKES,
Chair.

NATIONAL ALLIANCE OF STATE
& TERRITORIAL-AIDS DIRECTORS,
Washington, DC, February 16, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the "Early Treatment for HIV Act." NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS.

We would also like to commend the hard work of your staff, particularly Matt Canedy who has been extremely helpful on a myriad of HIV/AIDS policy issues. We look forward to working with him to gain support for the legislation.

Thank you very much for your continued commitment to persons living with HIV/AIDS.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

THE AIDS INSTITUTE,
Washington, DC, January 29, 2007.

Re the Early Treatment for HIV Act (ETHA).

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.
Senator HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: The AIDS Institute applauds you for your continued leadership and commitment to people living with HIV/AIDS in our country who are in need of lifesaving healthcare and treatment. While the HIV/AIDS epidemic in sub-Sahara Africa and other parts of the world often overshadow the epidemic in the United States, we must not forget about the approximately 1.1 million people living in the U.S. who have HIV or AIDS.

Those infected with HIV are more likely to be low-income, and the disease disproportionately impacts minority communities. In fact, the AIDS case rate per 100,000 for African Americans was 10 times that of whites in 2006. According to a recent Institute of Medicine report titled, "Public Financing and Delivery of HIV/AIDS Care: Securing the Legacy of the Ryan White CARE Act", 233,000 of the 463,070 people living with HIV in the U.S. who need antiretroviral treatment do not have ongoing access to treatment. This does not include an additional 82,000 people who are infected but unaware of their HIV status and are in need of antiretroviral medications.

One reason why there are so many people lacking treatment is because under current law, Medicaid, the single largest public payer of HIV/AIDS care in the U.S., only covers those with full blown AIDS, and not those with HIV. The Early Treatment for HIV Act (ETHA), being re-introduced in this Congress under your leadership, would rectify an archaic mindset in the delivery of public health care. No longer would a Medicaid eligible person with HIV have to become disabled with AIDS to receive access to Medicaid provided care and treatment.

Providing coverage to those with HIV can prevent them from developing AIDS, and allow them to live a productive life with their family and be a healthy contributing member of society. ETHA would provide states the option of amending their Medicaid eligibility requirements to include uninsured and under-insured, pre-disabled poor and low-income people living with HIV. No state has to participate if they choose not to. As all states have participated in the Breast and Cervical Cancer Prevention and Treatment Act, upon which ETHA is modeled, we believe all States would opt to choose this approach in treating those with HIV. States will opt into this benefit not only because it is the medically and ethically right thing to do, but because it is cost effective, as well.

A recent study prepared by PricewaterhouseCoopers found that if ETHA was enacted, over 10 years:

—the death rate for persons living with HIV on Medicaid would be reduced by 50 percent;

—there would be 35,000 more individuals with CD4 levels above 500 under ETHA versus the existing Medicaid system; and it would

—result in savings of $31.7 million.

The AIDS Institute thanks you for your bipartisan leadership by introducing "The Early Treatment for HIV Act of 2006". It is the type of Medicaid reform that is critically needed to update the program to keep current with the Federal Government's guidelines for treating people with HIV.

We were very pleased the US Senate passed an ETHA demonstration project during the last Congress. In this Congress, we hope ETHA will finally become a reality. We look forward to working with you and your colleagues as it moves toward enactment.

Thank you very much.

Sincerely,

DR. A. GENE COPELLO,
Executive Director.

AMERICAN ACADEMY
OF HIV MEDICINE,
Washington, DC, Jan. 22, 2007.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Hillary Clinton,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH AND SENATOR CLINTON: The American Academy of HIV Medicine is an independent organization of HIV specialists and others dedicated to promoting excellence in HIV/AIDS care. As the largest independent organization of HIV frontline providers, our 2,000 members provide direct care to more than 340,000 HIV patients—more than two thirds of the patients in active treatment for HIV disease.

The Academy would like to thank and commend you for co-sponsoring the Early Treatment for HIV Act (ETHA). We believe this legislation would allow many HIV positive individuals access to the quality medical care vital towards postponing or avoiding the onset of AIDS, and be cost-effective in doing so.

ETHA addresses a flawed anomaly in the current Medicaid system—that under current Medicaid rules people must become disabled by AIDS before they can receive access to Medicaidprovided care and treatment that could have prevented them from becoming so ill in the first place. The U.S. Public Health Service guidelines have consistently recommended for several years that the treatment of HIV patients, before their immune systems have been severely damaged by HIV, will greatly or even prevent the disabling effects of HIV disease.

ETHA would bring Medicaid eligibility rules in line with the clinical standard of care for treating HIV disease, which has changed dramatically over the last twenty years due to the revolutionary and increasingly more simplified life-saving drug regimens. The science of HIV medicine is clear on this point: Today, when appropriately treated, HIV can be managed as a serious chronic illness; however, appropriate treatment requires early and continuous access to highly-active antiretroviral therapy (HAART). Preserving an immune system is much more effective, if even possible, than rebuilding one already destroyed. Patients who do not receive proper treatment until they are diagnosed with AIDS may not fully respond or benefit from treatment once it begins.

The benefits of early treatment also extend to the population at large. Good data (Quinn et al.; Porco et al.) now supports what we have long suspected—that successful and consistent treatment of the infected individual decreases a patient's infectivity, further benefiting the health of the American public and reducing the number of individuals ultimately needing costly medical care.

Beyond the public's health, the cost-benefits of this bill's implementation are similarly clear. States that adopt this option to their Medicaid program would likely see cost-savings to Medicaid by limiting costly hospital admissions and reducing unnecessary, preventable illness. With reduced morbidity, mortality and inpatient costs as a result of state-of-the-art outpatient treatment, receiving early, quality outpatient care is cost-effective (Valenti, 2001; Freedberg et al. 2001) compared with the alternatives.

Passage of the Early Treatment for HIV Act will save lives, increase the length and quality of life for people living with HIV/AIDS, help ensure their medical coverage, and save money over time.

We will work in vigorous support of this legislation, and we appreciate your impressive leadership in doing the same.

Sincerely,

JEFF SCHOUTEN,
Chair.

PROJECT INFORM,
San Francisco, CA, February 28, 2007.

Re Support for Early Treatment for HIV Act

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of Project Inform, a national HIV/AIDS health care and treatment advocacy organization based in San Francisco, we are writing to express our strong support for the Early Treatment for HIV Act (ETHA). We commend you for your leadership in reintroducing this important bipartisan legislation.

ETHA would address a cruel irony in the current Medicaid system. Currently most individuals with HIV must become disabled by AIDS before they can receive access to Medicaid's care and treatment programs that could have prevented them from becoming so ill in the first place.

ETHA would modernize this system by allowing states to extend Medicaid coverage to low-income, pre-disabled people living with HIV. It would assure early access to care and treatment for thousands of people living with HIV across the country. It would also help relieve the financial crisis facing many discretionary HIV/AIDS programs, such as the AIDS Drug Assistance Program (ADAP) and other services funded by the Ryan White CARE Act.

Access to healthcare and treatment is a high priority for Project Inform as it ranks in the top concerns we hear from people through our treatment hotline and community meetings. We need long-term solutions like ETHA to ensure that people have the care and treatment they need to remain healthy and productive for as long as possible.

We greatly appreciate your longtime efforts on behalf of people living with HIV/AIDS. If there is anything we can do to help you with your efforts to pass this legislation, please do not hesitate to let us know.

Sincerely,

ANNE DONNELLY,
Director, Health Care Advocacy.
RYAN CLARY,
Associate Director, Health Care Advocacy.

By Mr. SESSIONS. (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. CORNYN, and Mr. GRASSLEY):

S. 863. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I am pleased to introduce today the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. The bill creates a specific crime of fraud in connection with major disasters or emergency benefits and increases the penalties currently available for such acts. I am happy my good friends and colleagues, Senators LANDRIEU, VITTER, CORNYN, and GRASSLEY have joined me in this important effort. I commend them for their leadership on this issue and look forward to working with them to pass this important piece of legislation.

As a former Federal prosecutor myself for 12 years on the gulf coast of Alabama, and one who has been involved in prosecuting fraud in the aftermath of hurricanes, I can tell you that it goes on, unfortunately, and there are some weaknesses in our laws that we can fix.

The ideas in my bill have received strong congressional support. In fact, the House of Representatives passed this same bill last Congress, H.R. 4356. Last March, the House Judiciary Committee approved the Emergency and Disaster Assistance Fraud Penalty Enhancement Act because both Democrats and Republicans wanted to move as quickly as possible against disaster assistance fraud. The committee submitted a report expressing its favor for the bill and recommended it be passed without amendment.

Last June, the Department of Justice sent a letter to members of the Senate Judiciary Committee in strong support of the bill, noting that it would "provide important prosecutorial tools in the government's efforts to combat fraud associated with natural disasters and other emergencies."

The goal of my bill is to protect the real victims of disasters such as Hurricane Katrina by specifically making it a crime, under the existing fraud chapter of title 18, USC chapter 47, to fraudulently obtain emergency disaster funds.

After an emergency or disaster, such as the recent tornadoes that devastated the city of Enterprise in my home State, we should do everything we can to make sure 100 percent of the relief funds gets into the hands of real victims. Taxpayers should not sustain a financial loss at the hands of scam artists, and these wrongdoers should not profit from exploiting the victims of horrific events. Common sense requires that those who deceive the government and obtain emergency disaster funds by fraud be subject to criminal punishment.

I want to share some thoughts about the scope of the problem. Hurricane Katrina produced one of the most extraordinary displays of loss, pain, and suffering, and of scams and schemes that we have ever seen. The scope of the fraud and the audacity of the schemers was astonishing.

One of the most heinous examples is a woman who tried to collect Federal benefits by claiming she watched her two daughters drown in the rising New Orleans waters. In truth, she did not even have children and she was living in Illinois at the time of the hurricane. Her outrageous claims are an affront to the many people who actually did lose loved ones in that terrible storm.

Another example of blatant and widespread fraud after Katrina include, in Texas, a hotel owner who submitted bills for phantom victims who never stayed at his hotel. Across the gulf coast, roughly 1,100 prison inmates collected more than $10 million in rental and disaster relief assistance by claiming they were displaced by the storm. People in jail were being sent checks.

You say: How can that happen? Well, they are trying to get money out to people in a hurry. I think they could do a better job, frankly. I think FEMA could do a better job in analyzing these claims. But the truth is, in the rush to make sure that people who have lost everything have money to find a room to stay in so they are not out on the streets, it does require them to take more risk than normally would be the case. People who take advantage of that to defraud the taxpayers and to rip off the system ought to go to jail for it.

In California, a couple posed as Red Cross workers and fraudulently obtained donations, saying they were working for the Red Cross. Also, in California, 75 workers at a Red Cross call center were charged in a scheme to steal hundreds of thousands of dollars from the Red Cross. One individual received 26 Federal disaster relief payments by using 13 different Social Security numbers. In my home State of Alabama, FEMA, the Federal Emergency Management Agency, paid $2,748 to an individual who listed a P.O. box as his damaged property.

As of January 3, the Hurricane Katrina Fraud Task Force has charged 525 individuals in 445 indictments brought in 35 judicial districts around the country. These numbers continue to grow every day. The Justice Department is aggressively prosecuting these crooks, but they have asked us for this additional tool. They have asked us to pass this legislation so that the Federal statute adequately addresses and deters fraud in connection with emergency disaster assistance.

The fact is, some people think in a disaster they can run in and make any kind of bogus claim they desire—that money will be given to them and people will be too busy to check. And if they do, nothing is ever going to happen to them. We need to completely reverse that mentality. We need to create a mindset on the part of everybody that these disaster relief funds are sacred; that they are for the benefit of people who have suffered loss, and only people who have suffered loss should gain benefit of it. We need to make it clear that those who steal that money are going to be prosecuted more vigorously and punished more severely than somebody who commits some other kind of crime because I think it is worse to steal from the generosity of the American people who intended to help those in need.

The total price tag for the fraud committed after Hurricanes Katrina and Rita is not yet known, but the Government Accountability Office investigators have testified that it will, at the very least, be in the billions of dollars. I am not talking about millions. This is the GAO saying it will be, at the very least, in the billions of dollars.

Now I have seen people, I have been down to Bayou La Batre and Coden and areas in my home area of Alabama who were devastated by this storm, and it is heartbreaking to see people who have lost everything. The day after the storm, my wife and I were there. The Salvation Army showed up and it was the only group there providing meals. There was a long line, and we walked down the line and just talked to the people about what had happened to them. Repeatedly, we were told:

> Senator, all I have is what is on my back.

Now we want to help people like that, but we don't want to help people who are somewhere unaffected in Illinois or somewhere in jail claiming they deserve displaced housing money.

So it is an insult to the victims of these natural disasters and an insult to the ultimate victim in this fraud, the American taxpayer. Natural disasters and emergency situations often create an opportunity for unscrupulous individuals to take advantage of both the immediate victims of the disaster or emergency, as well as those who offer financial and other assistance to the victims. The American people are extremely generous in responding to disasters, but they should not be expected to tolerate the fraud of those who deceitfully exploit their generosity.

In addition to creating a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster benefit—including Federal assistance or private charitable contributions—my bill would also update the current mail and wire fraud statutes found in chapter 63 of title 18—title 18 sections 1341, 1343. Those are the bread-and-butter criminal statutes for most frauds. My bill, though, changes the Federal mail and wire fraud statutes by adding emergency or disaster benefits fraud to the 30-year maximum penalties that are currently reserved for cases involving fraud against banks or financial institutions.

My bill is timely. Just this month we have seen tornadoes that killed at least 20 people in the Southeast and Midwest and damaged or destroyed hundreds of homes from Minnesota to the gulf coast. I recently toured many of the areas hit by the storms, and I was shocked by the devastation. The loss of eight Alabama schoolchildren at Enterprise High School was especially heartbreaking.

I had the opportunity to be with President Bush on the second day I was there. He came down and met with the families of those eight young people who were killed. He spent almost an hour with them—almost 10 minutes a person. It was a moving experience to be a part of that. I talked with each one of those families and felt the pain and loss they suffered.

Of course, money is not an answer to their pain. But I would say this: People do want to help. If people take advantage and steal from those who want to help families like that, who are in pain and loss, it is a despicable crime, to me.

The President has declared Enterprise and several other Alabama localities Federal disaster areas, including Millers Ferry, AL, in my home county, where one individual was killed. I knew him and his family, and saw the people there who I knew who suffered a total loss of their homes, caused by this incredibly powerful tornado. Being declared a disaster area means victims will be eligible to receive Federal financial aid. It is my responsibility to make sure the money goes to the right people and is not scammed off by criminals posing as victims.

I know my colleagues share my deep sympathy for the families who lost loved ones and suffered injuries last week, but it is simply not enough to have sympathy. We must ensure the full resources of the Federal Government are quickly deployed to the affected States, and we must ensure these resources are protected and distributed only to real victims, not individuals seeking to take advantage of the disaster.

It is disheartening that there was so much fraud associated with the relief following Hurricanes Katrina and Rita, but it is not surprising. I have been there in the aftermath of hurricanes as a prosecutor. I have seen such fraud and abuse firsthand.

Our resources are not unlimited, and it is critical that we ensure that every relief dollar goes to legitimate victims. It is important we give prosecutors the tools they need to protect legitimate victims and to protect American taxpayers.

By passing this legislation, the Senate will send a strong signal that exploiting the kindness of the American people in times of crisis is a serious crime that will be treated with appropriate severity. We will not tolerate criminals stealing from the pockets of disaster victims. A vote for this bill is a vote to ensure that victims and the generous members of the American public are not preyed upon by criminals attempting to profit from these disasters and emergencies.

I think it is a reasonable piece of legislation. We worked hard, on a bipartisan basis, with members of the Senate Judiciary Committee and the Department of Justice. Senator LEAHY has indicated he will bring the bill up in the Judiciary Committee this week. We are looking forward to an analysis of it.

We will be glad to listen to any suggestions for improvements that may be made, and I think it is a piece of legislation we should move forward with.

By Mr. BUNNING (for himself and Mr. McCONNELL):

S. 864. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, today I am introducing the Access to Competitive Power Act of 2007 with my friend and colleague, Senator MITCH McCONNELL.

I have spent years negotiating and working with the Tennessee Valley Authority. I have long believed we could work together to address the problems facing my customers in Kentucky. But every time I think I see the light at the end of the tunnel, representatives of TVA change their offer or make up a new rule.

I was optimistic that the expanded Board of Directors of the TVA Congress authorized last session would be able to change the problems of the past. But after many meetings and negotiations, I am convinced that TVA believes it has monopoly status and does not answer to anyone.

Today, I am telling TVA that the people of Kentucky deserve better.

For too long the TVA has acted against the best interests of the people of Kentucky. Five electric distributors, Paducah, Princeton, Warren County, Glasgow and Monticello, gave their notice to TVA to leave the system when they realized they could get cheaper electricity on the open market—and save their customers millions of dollars.

During the past few years, they have negotiated in good faith for basic services that are considered routine in the utility industry. But unfortunately, the electric customers of Kentucky are stuck on the TVA island. We forced them onto that island 75 years when we created the Tennessee Valley Authority. Their options are limited and they are wholly reliant on TVA for generation and transmission service. TVA knows this—and that is why they have continued to stall on providing reasonable services.

But the distributors who still intend to leave will now build hundreds of miles of new high voltage power lines to get access to the national electric grid. One may even need to run the city on diesel generators. Despite these costs, the numbers show that their customers will still save money.

The legislation I am introducing today, with Senator MITCH MCCONNELL, will give FERC full jurisdiction in relation to the Tennessee Valley Authority—the same jurisdiction that FERC has over utilities throughout the country.

Let me be clear—this legislation does not mandate contract language. It simply requires TVA to negotiate these services in good faith.

It defines the rights of two classes of TVA distributors—those who provided notice of termination prior to calendar year 2007 and those who did not provide notice.

For distributors in Kentucky and Tennessee who have previously given notice that they would like to leave TVA service, this legislation would put their rights into law.

Specifically, it would allow them to negotiate partial requirements services—making sure that TVA is not an all or nothing deal. For some customers it may make sense to get some power from TVA and some power from another generator.

It also requires TVA to provide transmission service for these customers. Because of Federal law, TVA is their only access point to the national electric grid. As such, they should provide reasonable transmission service.

It prevents TVA from charging these customers for stranded costs or imposing a reintegration fee and provides the customers the right to rescind their notice of termination if they ultimately decide they would like to stay with TVA.

And lastly, it allows everyone who enjoys the benefits of cheap, Federal power from the Power Marketing Administrations to retain a right to that power regardless of whether or not they choose to be a customer of TVA.

For all those customers who would like to stay in TVA, this legislation would give them the right to get partial requirements service from outside of TVA in an amount equal to TVA load growth.

I also believe that it is time the Government looks closely at the Tennessee Valley Authority. That is why my legislation asks for two important G.A.O. studies. First, it commissions a comprehensive study on the privatization the Tennessee Valley Authority. Second, it requests an analysis of the debt level of the Tennessee Valley Authority.

All Kentuckians deserve to choose where they receive their power. This bill will not only give them that choice, but it will also create a more competitive environment among Kentucky distributors and allow our businesses and residential consumers to keep more money in their pockets.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Competitive Power Act of 2007".

SEC. 2. ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.

Section 212(i) of the Federal Power Act (16 U.S.C. 824k(i)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(i) ESTABLISHMENT OF EQUAL ACCESS AND TREATMENT WITH RESPECT TO FEDERAL POWER RESOURCES.—

"(1) DEFINITION OF GENERATOR.—In this subsection, the term 'generator' means—

"(A) the Bonneville Power Administration;

"(B) the Southeastern Power Administration;

"(C) the Western Area Power Administration;

"(D) the Southwestern Power Administration; and

"(E) the Tennessee Valley Authority.

"(2) AUTHORITY AND DUTIES OF COMMISSION.—

"(A) IN GENERAL.—Pursuant to sections 210, 211, and 213, the Commission—

"(i) may order the administrator or board of directors, as applicable, of any generator to provide transmission service, including by establishing the terms and conditions of the service; and

"(ii) shall ensure that—

"(I) the provisions of otherwise applicable Federal laws shall continue in full force and effect and shall continue to be applicable to the system;

"(II) the rates for the transmission of electric power on the system of each Federal power marketing agency—

"(aa) are administered in accordance with applicable Federal law, other than sections 210, 211, and 213; and

"(bb) are not unjust, unreasonable, or unduly discriminatory or preferential, as determined by the Commission.

"(B) TENNESSEE VALLEY AUTHORITY RATES.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall have jurisdiction over the rates, terms, and conditions of the provision of transmission service in interstate commerce by the Tennessee Valley Authority.

"(ii) TARIFF.—Notwithstanding any other provision of law, pursuant to sections 205 and 206, the Board of Directors of the Tennessee Valley Authority shall have on file with the Commission an open access transmission tariff that contains just, reasonable, and not unduly preferential or discriminatory rates, terms, and conditions for the provision of transmission service in interstate commerce by the Tennessee Valley Authority.";

(3) in paragraph (3) (as redesignated by paragraph (1))—

(A) by striking "(3) Notwithstanding" and inserting the following:

"(3) PROCEDURE FOR DETERMINATIONS.—Notwithstanding";

(B) in the matter preceding subparagraph (A), by inserting "of a Federal power marketing agency" after "service"; and

(C) in subparagraph (A)—

(i) by striking "when the Administrator of the Bonneville Power Administration either" and inserting "if the Administrator of any Federal power marketing agency"; and

(ii) by striking "on the Federal Columbia River Transmission System";

(4) in paragraph (4) (as redesignated by paragraph (1))—

(A) by striking "(4) Notwithstanding" and inserting the following:

"(4) JUDICIAL REVIEW.—Notwithstanding";

(B) by striking "the Administrator of the Bonneville Power Administration" and inserting "the Administrator of a Federal power marketing agency"; and

(C) by striking "United States Court of Appeals" and all that follows through the end of the paragraph and inserting "United States court of appeals of jurisdiction of the Federal power marketing agency.";

(5) in paragraph (5) (as redesignated by paragraph (1)), by striking "(5) To the extent the Administrator of the Bonneville Power Administration" and inserting the following:

"(5) EXCEPTION.—To the extent that an Administrator of a Federal power marketing agency";

(6) in paragraph (6) (as redesignated by paragraph (1))—

(A) by striking "(6) The Commission" and inserting the following:

"(6) PROHIBITION.—The Commission"; and

(B) by striking "the Administrator of the Bonneville Power Administration" and inserting "the Administrator of a Federal power marketing agency".

SEC. 3. EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.

Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking "With respect to" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), with respect to";

(2) by striking "electric utility:" and all that follows through "electric utility." and inserting "electric utility."; and

(3) by adding at the end the following:

"(2) EXCEPTION.—Paragraph (1) and subsection (f) shall not apply to any area served at retail by a distributor that—

"(A) on October 24, 1992, served as a distributor for an electric utility described in paragraph (1); and

"(B) before December 31, 2006, provided to the Commission a notice of termination of the power supply contract between the distributor and the electric utility, regardless of whether the notice was later withdrawn or rescinded.

"(3) STRANDED COSTS.—An electric utility described in paragraph (1) that provides transmission service pursuant to an order of the Commission or a contract may not recover any stranded cost associated with the provision of transmission services to a distributor.

"(4) RIGHTS OF DISTRIBUTORS.—

"(A) NOTICE NOT PROVIDED.—A distributor described in paragraph (2) that did not provide a notice described in paragraph (2)(B) by December 31, 2006, may—

"(i) construct, own, and operate any generation facility, individually or jointly with another distributor; and

"(ii) receive from any electric utility described in paragraph (1) partial requirements services, unless the cumulative quantity of energy provided by the electric utility exceeds a ratable limit that is equal to a proxy for load growth on the electric utility, based on—

"(I) the total quantity of energy sold by each affected agency, corporation, or unit of the electric utility during calendar year 2006; and

"(II) a 3-percent compounded annual growth rate.

"(B) NOTICE PROVIDED.—

"(i) IN GENERAL.—A distributor described in paragraph (2) that provided a notice described in paragraph (2)(B) by December 31, 2006, may—

"(I) construct, own, and operate any generation facility, individually or jointly with another distributor;

"(II) receive from any electric utility described in paragraph (1) partial requirements services;

"(III) receive from any electric utility described in paragraph (1) transmission services that are sufficient to meet all electric energy requirements of the distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section; and

"(IV) not later than 180 days after the date of enactment of this paragraph, elect to rescind the notice of termination of the distributor without the imposition of a reintegration fee or any similar fee.

"(ii) TREATMENT.—On an election by a distributor under clause (i)(IV), the distributor shall be entitled to all rights and benefits of a distributor described in subparagraph (A).

"(5) RIGHT TO RETAIN ACCESS TO SERVICES.—

"(A) DEFINITIONS.—In this paragraph:

"(i) AFFECTED DISTRIBUTOR.—The term 'affected distributor' means a distributor that receives any electric service or power from at least 2 generators.

"(ii) GENERATOR.—The term 'generator' means an entity referred to in any of subparagraphs (A) through (E) of subsection (i)(1).

"(B) RETENTION OF SERVICES.—An affected distributor may elect to retain any electric service or power provided by a generator, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.

"(C) EFFECT OF NOTICE OF TERMINATION.—

"(i) IN GENERAL.—The provision or execution by an affected distributor of a notice of termination described in paragraph (2)(B) with 1 generator shall not affect the quantity of electric service or power provided to the affected distributor by another generator.

"(ii) PRICE.—The price of electric services or power provided to an affected distributor described in clause (i) shall be equal to the price charged by the applicable generator for the provision of similar services or power to a distributor that did not provide a notice described in paragraph (2)(B).

"(D) TRANSMISSION SERVICE.—On an election by an affected distributor under subparagraph (B) to retain an electric service or power, the affected distributor shall be entitled to receive from a generator transmission service to 1 or more delivery points of the affected distributor, as determined by the affected distributor, regardless of whether an applicable contract, or any portion of such a contract, has been terminated under this section.".

SEC. 4. STUDY OF PRIVATIZATION OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of privatizing the Tennessee Valley Authority.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

SEC. 5. STUDY OF DEBT LEVEL OF TENNESSEE VALLEY AUTHORITY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the financial structure of, and the amount of debt held by, the Tennessee Valley Authority, which (as of February 1, 2007) is approximately $25,000,000,000.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this section.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "Medicare Doctors Who Cheat on Their Taxes and What Should Be Done About It."

This is the fourth hearing to result from a three year investigation conducted by the Subcommittee into Federal contractors that provide goods or services to the Federal Government, but fail to pay their taxes. A 2004 hearing determined that 27,000 contractors with the Department of Defense had a tax debt totaling roughly $3 billion. A 2005 hearing determined that 33,000 contractors doing business with civilian Federal agencies had unpaid taxes totaling $3.3 billion.

In addition to examining contractors for DOD and civilian agencies, the Subcommittee has examined similar misconduct by contractors for the General Services Administration (GSA). A Subcommittee hearing in March 2006 determined that 3,800 GSA contractors collectively owed $1.4 billion in unpaid taxes.

The upcoming March 20th hearing will further explore the problem, focusing specifically on Medicare physicians and related suppliers that receive substantial income from the Federal Government but do not pay the taxes that they owe.

Witnesses for the upcoming hearing will include representatives from the Government Accountability Office, the Internal Revenue Service, the Centers for Medicare & Medicaid Services, as well as the Financial Management Service. A final witness list will be available on Friday, March 16, 2007.

The Subcommittee hearing is scheduled for Tuesday, March 20, 2007, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations at 224–3721.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 20, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 13, 2007, at 3 p.m. to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and House Committee on Education and Labor be authorized to meet for a joint hearing on the No Child Left Behind Act during the session of the Senate on Tuesday, March 13, 2007 at 10 a.m. in room 2175 of the Rayburn House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, March 13, 2007 at 10 a.m. in Dirksen Senate Office Building, Room 226.

Witness List:

Panel I: The Honorable THAD COCHRAN, United States Senator, R–MS and The Honorable TRENT LOTT, United States Senator, R–MS.

Panel II: Halil Suleyman Ozerden to be U.S. District Judge for the Southern District of Mississippi; Benjamin Hale Settle to be U.S. District Judge for the Western District of Washington; and Frederick J. Kapala to be U.S. District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 13, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT TO GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, March 13, 2007 at 2:30 p.m. for a hearing entitled, A Review of U.S. International Efforts to Secure Radiological Materials.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as Vice Chairman of the U.S.-China Interparliamentary Group conference during the 110th Congress: the Honorable TED STEVENS of Alaska.

ROAD CONSTRUCTION, OPERATION AND MAINTENANCE IN ST. LOUIS COUNTY, MO

Mr. REID. I ask unanimous consent that the Senate now proceed to H.R. 1129, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1129) to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise in support of H.R. 1129. This important legislation is necessary to provide for the construction, operation, and maintenance of an arterial road in the Lemay area of St. Louis County, MO. This road, the Lemay connector road, is the lynchpin of the long-term recovery of that community and will open several abandoned industrial sites to new industrial, commercial and retail development and create thousands of new much-needed jobs. The road was identified as the highest priority for redeveloping the area in a federally-funded study conducted by the Missouri Department of Transportation.

Mrs. MCCASKILL. Mr. President, I join my colleague, the senior Senator from Missouri, in supporting this much-needed legislation. Not only will the road revive the economy of the communities around Lemay, it will also support the restoration of brownfields sites, improve public safety, create new parks and riding trails, and provide other recreational opportunities. With all of these benefits, it is not surprising then that the bill has broad bipartisan support from every relevant State and local elected official and also here in the Congress. It has also been endorsed by the Missouri Department of Transportation, the local school district—Hancock Place School District and the local fire and police departments.

Mr. BOND. Mr. President, I vividly recall the devastation that was caused by the the flooding in 1993 and one of the areas that was hardest hit was the community of Lemay. In response to that tragedy, Congress enacted an emergency supplemental appropriations bill. As a new member of that committee, I worked to appropriate supplemental funds for HUD's community development grants to compensate homeowners for losses and to clear the area. Property acquired with the funds, however, was required to be maintained for uses consistent with open space, recreation or wetlands management. This was a one-time requirement, and no other property acquired using CDBG funds before or since the 1994 Emergency Supplemental Appropriations Act has carried similar deed restrictions. Furthermore, I want to assure my colleagues that we are not establishing any precedent by adopting this legislation in part because of the unique situation in which properties became deed restricted and also because exceptions have been made to allow for roads and public works development on deed restricted lands.

Mrs. MCCASKILL. I also want to assure my colleagues that no Federal funds will be used to construct or maintain the Lemay connector road. Neither St. Louis County nor the State of Missouri is seeking or will seek Federal assistance to build, maintain, or operate the road. In fact, the County has sent several letters to FEMA that it will not seek Federal funding for the road. Under terms reached by the St. Louis County and Missouri DOT, private developers will bear 100 percent of the cost of construction of the road, and the road will be maintained by St. Louis County as part of its standard maintenance program.

Mr. BOND. Mr. President, my colleague from Missouri is correct that no Federal funds will be used for either construction or maintenance of this road. Furthermore, this road will become a county road and it will not be part of the Federal-aid system. Under current law, which this bill does not amend, the Lemay connector road is not an eligible use of Federal funding.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The bill (H.R. 1129) was ordered to be read a third time, was read the third time and passed.

ORDERS FOR WEDNESDAY, MARCH 14, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., March 14; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired; that following the time for the two leaders, there be 1 hour of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 9, with the time equally divided and controlled between the two leaders or their designees; that the final 20 minutes prior to the vote be controlled 10 minutes each for the leaders, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate and if the Republican leader has no further business to come before the Senate, I would ask the Senate stand adjourned under the previous order, but if my esteemed colleague does wish to speak, there is ample time to do that.

Mr. MCCONNELL. I say to friend from Nevada, I have nothing further to add.

Mr. REID. I ask unanimous consent that the Senate stand adjourned.

There being no objection, the Senate, at 6:54 p.m., adjourned until Wednesday, March 14, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO MARGARET YORK

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Margaret York, of Pasadena, CA. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Margaret was born in Canton, OH, and has resided in Pasadena, CA, for over 25 years. She received a bachelor's degree from the University of Redlands and holds a master's degree in public administration from the University of Southern California. Ms. York is also a proud graduate of the Federal Bureau of Investigation National Academy.

Ms. York is widely admired for her long career with Los Angeles law enforcement. She began her career as a police "woman" and eventually became the first female deputy chief of the Los Angeles Police Department.

In December 2003, Ms. York became chief of the Los Angeles County Police, the fourth largest police agency in Los Angeles County and one of the largest in the State of California. With her keen leadership ability serving as her strongest asset, Chief York is responsible for 600 sworn police officers, 130 civilian employees, and for nearly 800 private security officers. Their mission is to provide a safe and secure environment for patrons, visitors, and employees of Los Angeles County facilities.

Ms. York lives by the motto "Dedicated to the Community We Serve." Indeed, it is because of her unwavering dedication to the community that she volunteers her limited free time to various community organizations. Ms. York is a member and former vice chair of the Metropolitan Board of the Salvation Army and is a founding member of the Army of Angels. She is also a founding member and vice chair of the Police Historical Society. Ms. York is a member of the LA5 Rotary Club, board member of Women Against Gun Violence, and a trustee of the YWCA of Greater Los Angeles.

In addition to the plethora of professional accomplishments, Ms. York is the proud wife of Los Angeles Superior Court Judge Lance Ito, a mother of three children, and a grandmother to seven grandchildren.

Ms. York's devotion to her career and her long-time commitment to the prosperity of our community serve as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Margaret York.

INTRODUCING A BILL TO EXTEND THE TRANSPORTATION BENEFIT TO BIKE COMMUTERS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing a bill to extend the Transportation Fringe Benefit to bicycle commuters. Currently employers may offer a Transportation benefit to employees for certain costs incurred while commuting to work. Employees may receive up to $215/mth for parking expenses or $110/mth for transit or vanpooling costs. The Bike Commuter act aims to balance the incentive structure by extending the benefit to include bicycling.

Communities across the Nation are seeking to reduce traffic congestion, improve air quality, save energy and enhance neighborhood safety. The Federal Government can assist in those efforts by promoting bicycle use through a small change to the tax code's existing Transportation Fringe Benefit. There is great potential to increase the number of bicycle commuters in the U.S., which would help reduce the number of trips made by automobile. These changes will benefit all Americans whether they ride their bikes or not.

IN HONOR OF WILLIAM P. MAINEY, RECOGNIZING HIS SERVICE TO THE HOUSE

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Ms. MILLENDER-McDONALD. Madam Speaker, on the occasion of his retirement in March 2007, we rise to thank Mr. William P. Mainey for his long years of service and support to the United States Government, most of it here at the U.S. House of Representatives.

Bill served proudly and honorably as a Marine. Following his military service, in 1973 Bill started his career as a technician with Xerox Corporation. He now retires as a Xerox Solutions and Sales Executive. As an employee of Xerox, Bill has provided tireless support to countless House offices, spending his entire 34-year career in support of the U.S. House of Representatives.

On behalf of the entire House community, we extend congratulations to Bill for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

ACTIVE FINANCING BILL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. CAMP of Michigan. Madam Speaker, I am pleased to join Representative RICHARD NEAL and introduce legislation to make permanent the Subpart F exception for active financial services income. Under current law, the provision will expire next year.

I have long been an advocate for this legislation. While Congress has extended Subpart F for active financial services income on an ad hoc basis, such inconsistency does not make for good tax planning or tax policy. Besides ensuring consistency, Congress must develop policies that help businesses invest and keep jobs here in the United States. Allowing tax benefits to expire is a direct tax hike on employers, and it is a direct assault on every American job.

This legislation ensures that U.S. financial services firms can continue to defer U.S. tax on their earnings from their foreign active financial services operations until such earnings are paid as dividends back home. No other developed country in the world imposes current tax on financial services income earned outside their country. If the U.S. is to remain competitive in the global marketplace, the Federal Government must not put our companies at a tax disadvantage. Without the legislation we are proposing, American financial services companies will lose out on business to foreign firms. When American companies lose customers, American jobs are lost.

Overseas operations are important to American companies' domestic success. For example, if North American profits dip, these companies can use their global profits to offset losses. And, as I mentioned before, domestic jobs are gained when a business has more customers to sell to. Domestic jobs support overseas operations, increased product exports, and product development.

Failure to make permanent this current law provision would be a critical mistake for the U.S. economy. If U.S. financial services companies have to pay current U.S. tax on the active financial services income they generate overseas, they will have higher costs than their foreign-owned competitors. Their customers will turn to non-U.S.-owned firms. Given the thousands of U.S. jobs at stake, I do not believe our tax policy should allow this to happen.

I urge my colleagues to support this important bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF ACTIVE FINANCING BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to join my friend and Committee colleague Representative DAVE CAMP in introducing legislation to make permanent the Subpart F provision for active financial services income. It is time to end the temporary extensions of this important incentive and finally make this a permanent part of the tax code. In the Senate today, Chairman BAUCUS and Senator HATCH will also be filing identical legislation.

The U.S. financial services industry employs workers all across the U.S. The continued health and vitality of this industry depends on the level of success of these U.S. companies in the global market. However, one important incentive expires at the end of next year, which allows these companies to defer U.S. tax on the active business financial services income earned by foreign subsidiaries of U.S. financial services companies. Other active U.S. businesses enjoy this deferral for active business operations, so it just makes sense that financial services companies should as well. The deferred tax would be triggered when that income is sent back as a dividend to the U.S. parent.

While the U.S. financial services industry is a global leader, the market is fiercely competitive with every company searching for some advantage over another. If U.S. financial services companies are unable to compete in global markets, foreign firms will fill the void. In that case, the thousands of jobs necessary to support a global financial services operation will be lost to foreign companies.

Current law includes stringent safeguards to ensure that the income eligible for deferral of U.S. tax is real business income and is earned by local operations serving local markets. Importantly, a qualifying business cannot be one that is based in a tax haven to serve other markets. To qualify, a company must be actively engaged in a financial services trade or business and must predominantly serve customers in the country in which it is located. These common-sense requirements ensure that this exception works as intended.

Deferral for active financial services income has been the law for most of the history of the corporate income tax. However, since 1997, it has only been a temporary provision in the code and extended many times. It is time for Congress to once again make this exception a permanent part of the code providing the stability our U.S. financial services indistry needs to remain the global leader. I urge you to join us in this effort.

TO RAISE THE DIALOGUE WHILE ENSURING COMPETITION AMONG THE FEDERAL STUDENT LOAN PROGRAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. PORTER. Madam Speaker, the Student Aid Reward Act (STAR) was drafted to provide additional funds for students to meet the ever rising costs of a higher education. Let me first note that I understand that there is a difference of opinion as to the calculation of the savings from this legislation and I hope we can reach an agreement on how to assess the real and actual costs of both programs before its enactment. As always, I believe it is important that all legislation needs to occur through the regular Committee process where all sides have the opportunity to participate. It is important to know that I strongly support diversity and competition within the Federal student loan system. Competition within the student loan system includes not only competition among Federal Family Education Loan Program (FFELP) providers, but also competition between the two Federal student loan programs. Each of these programs should be run in a manner that provides the best products and services to students, while being good stewards of taxpayer funds. I hope that strong tradition continues and believe this bill will act as a catalyst for open and productive dialogue with the ultimate goal of ensuring students are provided the financial aid package that will meet their financial and customer service needs.

The simple fact is that education is the single most important factor when it comes to equalizing opportunity and ensuring all students are able to achieve a better future. A well educated society is paramount to our global competitiveness and security here at home. Because education is so critical, I believe we have a duty to ensure it is available to all our citizens and we have an obligation to ensure we make thoughtful, careful and well informed decisions as the stewards of these critical financial aid programs.

A TRIBUTE TO MARGARITA CAMPOS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Margarita Campos, of Burbank, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Born to Cuban parents, Margarita has been a resident of Burbank, California for over forty years. Margarita received her Associate of Arts degree in Liberal Arts from Los Angeles Mission College and earned her Bachelor of Arts Degree in Business Law from the University of West Los Angeles.

Since 2001, Margarita has been the elected Burbank City Clerk and is responsible for maintaining all official city records including: keeping a complete and accurate record of all City Council, Redevelopment Agency, and related proceedings, maintaining the Burbank City Charter and Municipal Code, and conducting all municipal elections. Prior to her term as City Clerk, Margarita served as the City of Burbank Community Assistance Coordinator and the Secretary to the Mayor.

Margarita is involved with various professional organizations. She is a member of the International Institute of Municipal Clerks, the Association of Records Managers, and the City Clerks Association of California.

In her spare time, Margarita dedicates herself to volunteering with organizations that directly benefit the Burbank community. She is a member of the League of Women Voters, a nonpartisan political organization that advocates for the improvement of government systems and aspires to impact public policies through citizen education and advocacy. Margarita served as the First Vice-President for the Zonta Club of the Burbank Area, a worldwide organization comprised of a diverse membership working together to advance the global status of women through service and advocacy.

Margarita enjoys spending time with her family. She is a loving wife to husband Vince and proud mother to two children, Natasha and Vince.

Ms. Campos' devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District.

RECOGNIZING INTERNATIONAL WOMEN'S DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize International Women's Day and to enter into the RECORD an article by Edith M. Lederer appearing today in the Washington Post, entitled "U.N. Seeks End to Violence Against Girls."

Throughout the world, violence against women appears to be acceptable. According to a 1997 World Health Organization study, in her lifetime, one in five women will be a victim of rape or an attempted rape. A separate 2003 report has shown that 147 women are raped every day in South Africa. According to the same study, in the U.S. a woman is raped every 90 seconds.

Darfur presents one of the most extreme examples of violence against women in the world. Currently, rape is used systematically against women in this region of Sudan. While it is impossible to know exactly how many women have been victims of sexual violence since the armed conflict began; however, it is believed that thousands of women have been raped, many multiple times. The devastating effects of rape are ever lasting. Victims are pariahs in their families and their communities. Women, in the Sudan, and in many places throughout the world cannot file complaints against their attackers because no one cares or takes the time to listen.

Sexual violence against women is not limited to the Sudan. Since the conflict in Côte d'Ivoire began in 2002, thousands of women and girls have become victims of widespread, systematic rape committed by combatant forces or their civilian allies. Many women have been sexually tortured, gang-raped or abducted and reduced to sexual slavery by combatants. These women have little recourse or access to health care, counseling or other support services.

The single most important factor that allows violence against women to persist, whether in times of peace or war, is the fact that those who attack and rape women know that they can get away with it. I support International Women's Day and its efforts to bring much needed attention to this critical issue.

[From the Associated Press, Mar. 8, 2007]

U.N. SEEKS END TO VIOLENCE AGAINST GIRLS

(By Edith M. Lederer)

UNITED NATIONS.—On the eve of International Women's Day, the U.N. Security Council called Wednesday for an end to the "pervasive violence" against girls and women during armed conflicts and demanded that the perpetrators be punished.

The council reiterated "its utmost condemnation" of the killing, maiming, sexual abuse, abduction and trafficking of girls and women and called on all warring parties to protect them, especially from rape and other forms of sexual violence.

In a presidential statement read at a formal meeting, the council emphasized the responsibility of all 192 U.N. member states "to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls."

The theme of International Women's Day on Thursday and the two-week meeting of the Commission on the Status of Women that ends Friday is discrimination and violence against girls—and ending the impunity for perpetrators.

Rachel Mayanja, the special adviser to Secretary-General Ban Ki-moon on gender issues and the advancement of women, told a news conference that girls and women are subjected to violence every day in every country—and the violence "transcends politics, culture and religion, race, class, income and age.

"In order to eliminate violence against women and girls, we must take swift and concerted action to eradicate all forms of discrimination against them, and ensure women's equality with men," she said.

Noeleen Heyzer, executive director of the U.N. Development Fund for Women, said the U.N. Trust Fund to End Violence Against Women has granted more than $13 million to more than 230 initiatives in more than 100 countries over the last 10 years and demonstrated "that ending violence against women is possible."

"It is a pandemic that can be stopped . . . given the necessary political will and resources," she said.

Heyzer said currently 89 countries have legislative provisions on domestic violence, 104 countries have made marital rape a crime, 90 countries have provisions against sexual harassment, and 93 states prohibit trafficking of women and men.

The number of countries adopting legislation against violence is growing, she said, but implementation of the laws "is often insufficient."

Heyzer urged "a real increase in resources if we are to end impunity," including nearly tripling the trust fund's annual budget from the current $3.5 million to $10 million.

In Wednesday's statement, the Security Council also urged the secretary-general to appoint more women as top envoys in U.N. peacekeeping and peace-building missions, in decision-making positions in U.N. field operations, and especially among military observers, civilian police, human rights and humanitarian staff.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. COOPER. Madam Speaker, I was absent on Monday, March 12 for personal reasons. Had I been present for votes, I would have voted "yea" on each of the three votes taken: H.R. 85, H. Res. 136, and H. Res. 89.

FIRST CLASS NAVY DIVER TIMOTHY ALEXANDER, THE NAVY SEA SYSTEMS SAILOR OF THE YEAR

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. BOEHNER. Madam Speaker, I am extremely proud to rise today in honor of First Class Navy Diver Timothy Alexander of Middletown, Ohio. On March 9, 2007 First Class Navy Diver Alexander was awarded the Navy Sea Systems Command Sailor of the Year Award.

The Sailor of the Year Award program began 29 years ago in order to recognize the top enlisted sailors in the United States Navy. The program provides recognition to outstanding sailors through numerous presentations, awards, and meritorious advancement to the next pay grade. Sailors are judged on their performance for the past twelve months; performance over the course of their career to date; and off-duty education, civic involvement and awards earned. Additionally, a selection board of four Command Master Chiefs question the finalists concerning Navy policies, ethics, guiding principles, and leadership. Following this long process, First Class Navy Diver Alexander was chosen as the Navy Sea Systems Command Sailor of the Year.

First Class Navy Diver Alexander enlisted in the United States Navy on June 12, 1991. Since his date of enlistment, Mr. Alexander has proudly served our Nation and protected our interests throughout the world. In June of 1992, he was a vital member of the salvage team that prevented the USS *Ingersoll* from sinking in the Straits of Malacca. In November of 1999, as an experimental diver, he volunteered for numerous experimental dives and was the lead technician on a groundbreaking chemical re-breather, which has been instrumental to seal operators' safety and mission success. In January of 2002 he completed several classified missions in support of Operations Iraqi Freedom and Enduring Freedom. These are only a few examples of many brave actions taken by Mr. Alexander throughout his long and accomplished naval career.

First Class Diver Tim Alexander is a testament to the great commitment and courage of all volunteer military. He has worked hard to further his education and training, and his efforts have been rewarded in being named the Navy Sea Systems Command Sailor of the Year. I consider it an honor to represent him in Congress.

HONORING MONSIGNOR JOHN BRENKLE, HELAINE KATZ, AND MARIANNA DEWITT SCHMIDT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize three residents of St. Helena, CA. who were vital to the foundation and success of our Boys and Girls Club of my hometown. These three made vast contributions of time and energy to get the Boys and Girls Club established with a sound financial backing. Their efforts, as well as the work of many others, have ensured the success of one of the most vital and enduring youth programs in the Napa Valley.

My good friend Monsignor Brenkle is the Pastor of the St. Helena Catholic Church, where he has been for 22 years. During this time he has taken the lead on many projects in the community, and he is widely known throughout the Napa Valley for his activism with farm workers to ensure adequate housing conditions. Monsignor Brenkle, working closely with Ms. Schmidt, provided space for the program in the St. Helena Catholic School's gymnasium during the summer of 1989, from which it subsequently expanded into the Elementary School's cafeteria. In 1992 the program returned to redeveloped facilities at the Catholic School with Monsignor Brenkle's blessing, and has continued to expand ever since.

Ms. Mariatma Schmidt worked together with Monsignor Brenkle to complete the many tasks necessary to open the Boys and Girls Club of St. Helena. She then took on the role of president for 6 years, where she oversaw the establishment of permanent facilities and took the lead in recruiting fundraisers and volunteers to help the young program grow. Her vision left the Boys and Girls Club with a devoted network of supporters and financiers, and her efforts both with this program and other youth education foundations have had a substantial impact on our St. Helena community.

Ms. Helaine Katz chaired the Fundraising Committee during the club's early years, where her creative and exciting events raised countless thousands of dollars to provide the club with the early capital it needed to develop facilities and programs for young people. Her signature event for many years has been the Rotary Club's Winter Ball, which brings together St. Helena residents to benefit children's programs in our area. Her fundraising savvy and taste for a good party makes her an invaluable member of our community, and the money raised over the last 16 years has brought a succession of new facilities to the club, culminating in the new superb facility they share with the St. Helena school district.

Madam Speaker, I rise today to recognize all three of these individuals for the incredible contributions they have made to the Boys and Girls Club of St. Helena, and to the community at large. They are being recognized for their foundational roles in the club, and I join all in our community in thanking them for the work they have done on behalf of St. Helena's youth.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Thursday, March 1, 2007.

I would have voted "no" on rollcall vote No. 118, and "aye" on rollcall votes Nos. 114, 115, 116, and 117.

TRIBUTE TO THE FRANKLIN D. ROOSEVELT DEMOCRATIC CLUB

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and admiration that I wish to congratulate the members of the Hammond, Indiana Franklin D. Roosevelt Democratic Club as they celebrate the organization's 75th anniversary. To commemorate this special occasion, the Franklin D. Roosevelt Club will be having an anniversary banquet on March 24, 2007, at Dynasty Banquets in Hammond.

The Franklin D. Roosevelt Club of Hammond was founded on December 3, 1932, by 42 members of Polish ancestry. The mission of the Franklin D. Roosevelt Club is to "maintain high standards and secure the best possible candidate for the Democratic Party." The Franklin D. Roosevelt Club has selflessly given its support to the northwest Indiana community. In addition, the Franklin D. Roosevelt Club has had many members who have served or are currently serving as elected or appointed officials in our government.

Throughout the past 75 years, the members of the Franklin D. Roosevelt Club have offered their dedication and support to their noble cause of serving their local community, while striving for a democratic government in their cities for years to come. The Franklin D. Roosevelt Club has had 19 presidents over its 75 year history. At this time, I would like to acknowledge the 2007 Franklin D. Roosevelt Club officers. They are: President Kay Pucalik, First Vice President Wally Skibinski, Second Vice President Mary Fabian, Secretary Shirley Ridenour, Treasurer Mary J. Hildebranski, Sergeant of Arms John Stevens, Chaplain Bobbi Costa, Membership Chairman Diana Beyer, and Trustees Tom Hildebranski, Brian Kupinski, and Bertha McCoy.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating the members of the Hammond Franklin D. Roosevelt Democratic Club on the 75th anniversary of their noble organization. These dedicated individuals continue to give their time and unrelenting efforts to serve their local community, as well as all of northwest Indiana. It is their commitment to the democratic process that makes their organization and efforts such a motivating force in the First Congressional District, and I am proud to serve as their representative in Washington, DC.

A TRIBUTE TO SARAH TRAMEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Sarah Tramel, of Altadena, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Sarah was born in Johnson City, Tennessee, and relocated to Altadena, California in 1981. She earned her bachelor of arts degree in urban studies from California State University, Los Angeles. She worked for the Los Angeles Unified School District for 24 years until she retired, in 2003, from her position as telecommunication manager.

Sarah was instrumental in the opening of the Los Angeles City Child Care Center and the Pasadena Coalition for Better Schools. She also represents William Blair High School on the Pasadena Unified School District Superintendent's Advisory Board and is a Merit Badge Counselor for the Boy Scouts of America, Troop 40.

Currently, Sarah is the president of the Pasadena City College Parent Teacher Student Association. Pasadena City College is proud to be the only community college in the country with a Parent Teacher Student Association. This group is responsible for several tasks including hosting the Honors at Entrance Scholarship Program, supporting the Pasadena City College Child Development Center, and recognizing exceptional service to Pasadena City College.

Ms. Tramel is also the first vice-president of Women in Action, a group whose purpose is to work toward stimulating citizen participation, to increase community awareness, and to make minority representation in government a reality. She is an alumnus of the Gamma Phi Delta Sorority and has served at the local, regional, and national levels. She is a member of the Altadena United Methodist Church and volunteers on the Staff-Parish Relations Committee and the Finance Committee.

Most importantly, Sarah is noted for her ability to "look after the unders of this world: the under-represented, the under-served, the under-privileged, the under-educated, and more."

Ms. Tramel's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District.

TRIBUTE TO LEONA "KAY" HUTCHISON WILLIAMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SKELTON. Madam Speaker, it has come to my attention that a long and exceptionally distinguished career in public service is about to come to a close. Leona "Kay" Hutchison Williams will retire from her position as city clerk of Versailles on March 31, 2007.

Leona "Kay" Hutchison Williams was born on July 12, 1943, to Leo and Erma McBroom Hutchison in Latham, MO. She is a graduate of Morgan County R–II High School and went on to take classes at CMC in Warrensburg and SMC in Springfield.

Kay has performed many valuable and notable services for the community of Versailles. She has served as chairman of the Versailles High School Alumni Association in 1965, 2006 and 2007; is a member of the First Baptist Church; was appointed City Clerk in March of 1973; was appointed water clerk, was appointed purchasing agent; was appointed office manager; was elected city collector in April of 1974; is a member of the Central Missouri City Clerks and Finance Officers Association; is a member of the Missouri City Clerks and Finance Officer Association; International Institute of Municipal Clerk's Board Member of the Missouri Municipal League; and a member of the Morgan County Historical Society.

In addition, Kay is a member of the Women's Civic Club; a member of the Gold Wing Road Riders Association; a charter member of Missouri B–2 Gold Wing Riders Association; was awarded the B–2 Chapter of the Year Couple in 2000 & 2007; a member of West Central Riders; has served on the Chamber of Commerce Board and Old Tyme Apple Festival for 23 years; was chosen Citizen of the Year January, 1991; co-established the Adult Winter Volleyball league; a member of the 1986 Co-Ed Volleyball Team that placed 2nd in the Missouri Show-Me State Games; and Chaired the Committee to enter The Old Tyme Apple Festival into the Library of Congress for its Birthday Celebration.

Leona "Kay" Hutchison Williams is a leader in her community. She was one of the first tellers at the Morgan County Bank in 1963 and has served as secretary for the National Farmers Organization. Ms. Williams has also served as city clerk, city collector, and deputy city clerk working with 7 mayors and 35 different aldermen. Outside of public service, her greatest joy is time spent with her husband, Lonnie Joe, their two daughters, and one step grandson.

Madam Speaker, I wish Leona "Kay" Hutchison Williams all the best in her retirement and I know the Members of the House will join me in thanking her for her commitment to her community.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, March 12, 2007, I was unable to cast my votes on H.R. 85, H. Res. 136, and H. Res. 89 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 136 on the motion to suspend the rules and pass H.R. 85, the Energy Technology Transfer Act, I would have voted "yea."

Had I been present for rollcall No. 137 on the motion to suspend the rules and pass H. Res. 136, Commending the Girl Scouts of the United States of America, I would have voted "yea."

Had I been present for rollcall No. 138 on the motion to suspend the rules and pass H. Res. 89, expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day, I would have voted "yea."

COMMENDING OPENNESS AND ACCOUNTABILITY LEGISLATION

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. McNERNEY. Madam Speaker, I took to the floor in the beginning days of the 110th Congress to applaud the aggressive ethics package we passed.

At the time I noted my confidence that those ethics rules were the first of many steps that we would take to bring back trust and civility to Congress.

I'm proud that this week the Congress will take several more steps forward to promote accountability and openness in government by strengthening protections for whistleblowers, providing timely responses to Freedom of Information Act requests, restoring access to Presidential records, and limiting Federal no-bid contracts.

I can think of nothing more important than assuring the people we are elected to serve that this Congress—and indeed this government—is open, ethical and accessible. The measures we will vote on this week continue the important work we have already begun. I commend my colleagues in bringing forward these important pieces of legislation.

PERSONAL EXPLANATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Ms. MATSUI. Madam Speaker, I was unavoidably detained Monday, March 12, 2007, and missed three suspension votes. Had I been present, I would have voted as noted below:

Rollcall vote 136: "yea."
Rollcall vote 137: "yea."
Rollcall vote 138: "yea."

INTRODUCING THE LEGAL TIMBER PROTECTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. BLUMENAUER. Madam Speaker, today, along with Congressman ROBERT WEXLER and Congressman JERRY WELLER, I am introducing the "Legal Timber Protection Act, LTPA." The LTPA prohibits trade in illegally harvested timber by extending the protections of the Lacey Act to timber, while ensuring that legal timber trade isn't harmed. Specifically, the LTPA bans the import, export, transport, purchase, sale, or possession of timber that has been taken, possessed, transported, or sold in violation of a foreign law or international environmental treaty. It has been crafted to make sure that it will not prohibit trade in legal timber or impose burdensome regulations on American timber companies.

Illegal logging threatens some of the world's richest and most vulnerable forests. The illegal removal of high-value threatened tree species destined for international markets is often the first step leading to forest clearance. The tracks and roads built to access and remove timber become entryways for further illegal cutting, hunting and burning. The easy accessibility to the depths of the forest and fragmentation further threatens already endangered plants and animals and leaves others vulnerable to achieving this status. As illegal logging contributes to deforestation, the water balance and dynamics of fragile ecosystems are disrupted. Deforestation accounts for 20 percent of annual global greenhouse gas emissions—more than the entire global transportation sector.

In addition, illegal logging creates huge financial losses to producing nations. By avoiding export duties, timber royalties and taxes on their profits, companies operating unlawfully are robbing national governments of in excess of $15 billion annually on public lands alone. This loss in revenue decreases governments' ability to invest in the forestry sector to promote sustainable forest management and conserve their natural forest resources.

At the same time, given that as much as 30 percent of hardwood lumber and plywood traded globally could be of suspicious origin, responsible U.S. companies lose an estimated $460 million in export opportunities every year because of displacement caused by illegally harvested timber. On top of that, the annual value of U.S. exports is between $500–$700 million lower due to downward pressure on prices from illegally harvested timber. As Oregon produces approximately 13 percent of U.S. lumber, losses to Oregon are estimated to be between $130–$150 million every year.

I look forward to working with my colleagues and with all the stakeholders on this issue to pass this important bipartisan piece of legislation.

A TRIBUTE TO PATRICIA "TRISH" CALLAGHAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Patricia "Trish" Callaghan, of Alhambra, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Trish was born in San Francisco, California, and was raised in the San Gabriel Valley. She earned her undergraduate degree from San Diego State University and went on to receive her postgraduate degree from the University of California, Los Angeles.

Ms. Callaghan is widely admired for her long career with the Garvey Unified School District. As an educator, her goal was to make learning a joyful experience that would "come alive" for over a thousand middle school students. Trish set high standards for all her students and created a stimulating, challenging and meaningful learning environment that met the student's diverse needs.

While working as a full-time teacher, Trish participated in special committees and projects at both the school and district levels. She was a member of the Educational Technology Advisory Committee and the Curriculum Planning Committee. Trish was responsible for drafting grants and recruiting funds that supported the school-site technology program. Trish also authored the applications for the California Distinguished School Award in 2006 and the Title I Achieving School in 2004.

Despite her busy career as an educator, Trish has done an excellent job of following her family's motto of "giving back to the community." She has been volunteering for Huntington Hospital for the past 21 years and she is currently a board member of the Fall Food and Wine Committee. Ms. Callaghan has also done extensive work with the Junior League of Pasadena where she was involved in a variety of community projects. Through the Junior League, she was able to assist in the production of a foster family recruitment video and worked on the Pediatric Play Therapy project.

Now that she is retired, Trish intends to spend more time with family and friends, and continue her volunteer work. Trish is looking forward to working as a docent at the Japanese Garden in the Huntington Library, where she will give tours to 4th–12th grade students.

Ms. Callaghan's devotion to her career and her long-term commitment to the prosperity of our community serves as a true inspiration to us all. I ask all members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Patricia "Trish" Callaghan.

A TRIBUTE TO DIANE ACOSTA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Diane Acosta, of San Gabriel, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Diane was born in Los Angeles, California, and grew up in the San Gabriel Valley. She attended Rosemead High School and then went on to receive a bachelor's degree in social work from California State University Los Angeles.

Ms. Acosta began her career as general partner for a marketing consulting company where her clients included a regional shopping center, various hospitals, small and large businesses, and non-profit organizations. She currently is the development director for San Gabriel Union Church and Christian School where she is responsible for community outreach, fundraising, volunteer coordination, and special event planning. She has been with the church and school for the last 5 years.

Her involvement with the San Gabriel Union Church has provided Diane with a new medium for reaching out to those facing hardship. She is a member of the Deacon Ministry, a group that strives to meet the emergency physical, financial, health, and emotional needs of the church's congregation. Diane is also a member of the Outreach Ministry Teams, a group that develops new ways for the church to become a more effective community partner.

Most notably, Diane is admired for her dedication to the community she feels lucky to call home. She is a board member for both the San Gabriel and Temple City Chambers of Commerce and she is the president of the San Gabriel Community Coordinating Council. She is also a board member of the San Gabriel Community Foundation, a member of the San Gabriel Education Foundation, and has held leadership positions with local Parent Teacher Associations.

In addition to her many professional and personal accomplishments, Ms. Acosta is a wife and mother of three children. She enjoys watching her kids play sports, going on vacation, and spending time with good friends.

Ms. Acosta's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Diane Acosta.

A TRIBUTE TO JASIK "JASMEN" JARAHIAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today in honor of Ms. Jasik "Jasmen" Jarahian. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Born in Iran, Jasmen received her master's degree in accounting and held various positions with the York Shire Insurance Company in Tehran, Iran. In 1984, Jasmen moved to the United States and settled in Glendale, California. She joined Group Services and Tax Management Company, owned by her brother.

Since 1991, Mrs. Jarahian has been the general accountant/controller for the Armenian Relief Society of the Western United States of America (ARS). Mrs. Jarahian oversees a variety of funds, orphan sponsorships, and the coordinating of assistance. Her efforts have helped the Armenian Relief Society provide philanthropic assistance to isolated villages in Armenia and Artsakh (Karabagh). For almost 100 years, the Armenian Relief Society has "brought women together to laugh or cry, cook or eat, learn or teach, always serving, always striving for something larger than ourselves." Mrs. Jarahian's work in our community is an ideal illustration of that mission.

In addition to her work with the Armenian Relief Society, Mrs. Jarahian is an active member of Homenetmen (Armenian General Athletic Union). She is a founding member of the Davtian-Meyramian Educational Foundation, a non-profit organization that organizes after-school programs that promote education and multiculturalism for children in elementary and middle school. Mrs. Jarahian also does volunteer work with the Armenian Bone Marrow Donor Registry Project, a group whose mission it is to recruit and provide matched unrelated donors for bone marrow or stem cell transplantation for patients that are suffering from leukemia or other blood related illnesses.

She was named "Mother of the Year" by the North Hollywood ARS Meghri Chapter and was deemed an "Honorary Artsakh Citizen" by the Dzaghgatsogh Village. Jasmen became an honorary citizen after several years of leading efforts to renovate Dzaghgatsogh Village, including the museum, the local hall, and school. Jasmen spends her free time mentoring women and enjoys inspiring others to volunteer.

Mrs. Jarahian's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Jasik "Jasmen" Jarahian.

URGING REMAINING EUROPEAN NATIONS TO EXPEDITE OPENING ACCESS TO HOLOCAUST ARCHIVES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution urging the remaining member countries of the International Commission of the International Tracing Service (ITS) to expedite opening access to the Holocaust archives located in Bad Arolsen, Germany.

On March 8, 2007, a most important diplomatic meeting concluded in the Hague. Nine out of the 11 International Commission of the ITS member countries, which includes the United States, Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom, met to discuss opening up the world's largest Holocaust era archives.

Incredulously, 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed Second World War-era archives in the world. Inside the archives are 50 million records that disclose the fate of some 17.5 million individual victims of Nazism.

These records are some of the last remains that the Allied forces seized when they liberated the death camps in 1945. Years later, documents were given to the Red Cross for the purpose of tracing missing people and later for validating compensation claims by victims or their relatives. Over the past 60 years, the ITS has handled more than 11 million inquiries.

In order to allow for open access to these important archives, each of the 11 members of the International Commission of the ITS must individually ratify through their respective parliaments the May 2006 amendments to the 1955 Bonn Accords.

For the past decade, Holocaust researchers and most survivors have sought and failed to access the Bad Arolsen archive because the ITS Commission believed it would violate the privacy of the survivors and their families.

Slight progress has been made since last May after the Commission recently amended the Bonn Accords. The Bonn Accords were amended to allow researchers to use the archives while granting each Commission member a digitized copy of the archives and make them available to researchers under their own country's respective archival and privacy laws and practices. Unfortunately, these measures have not gone into practice because not all of the member countries of the ITS have ratified the amendments.

I support the progress made thus far by the ITS and all Commission member countries. Just last week, technical specialists reviewed plans for preparing the documents for electronic transfer and drafted recommendations to be reviewed by the commission in advance of the May 2007 ITS meeting. In fact, many of the Commission's member countries have taken significant steps since last May's meeting in order to expedite the process of ratification and allow for the digitization of the archived materials.

However, the facts remain the same. Generations after the Holocaust, 7 member countries of the International Commission have still yet to ratify these amendments. To date, only 4 out of the 11 Commission member countries; the United States, Israel, Poland and the Netherlands have ratified the treaty. Unfortunately, many Holocaust survivors may be long dead before each country's parliament ratifies the amendments.

I ask: why has it taken over 60 years to allow for open access to these Holocaust records? There is no reason European governments should not give this issue the utmost elevated attention, as this issue should be made a top priority in their respective parliaments.

For the many years after the War's aftermath, the survivors and their families who requested information have faced cumbersome delays and occasional unresponsiveness from the ITS. As a result of the harrowing experience, many survivors had in past dealings with the ITS, many survivors now lack confidence that new inquiries will be answered. Although access to individual records may be requested by Holocaust survivors and their families, the millions of extensive records remain inaccessible to researchers. Furthermore, it will likely still take years before the implementation of the distribution of the digitized archival materials.

Those responsible for the progress made at the meeting in the Hague should be widely commended. The advancements made recently are largely due in part to the United States Holocaust Museum and the United States State Department. I am grateful for their diplomatic efforts which have proved so fruitful at the last meeting.

But much work still remains undone. With the express acknowledgement of the variance in each country's internal procedures and the utmost respect for the letter of international law, I strongly encourage parliamentarians from other members of the ITS Commission to ratify the ITS amendments promptly so that the Bad Arolsen archives can be opened at the earliest possible date.

The short time left for the remaining Holocaust survivors does not afford us time to delay any longer.

As the few remaining survivors pass away, they are being deprived of information concerning their loved ones and the assets that were rightfully theirs. Let us not continue to waste the precious time left for the remaining survivors. After all of the horrific acts to which they have been subjected, they are completely justified in uncovering the truth about their family and their loved ones without hassle or delay.

In passing this legislation, Congress can put itself on record saying, "Enough is enough." I urge my colleagues to support this resolution and ask for its expeditious consideration.

A TRIBUTE TO PEGGY TSIANG CHERNG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Peggy Tsiang Cherng. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our Nation's women.

Born to Chinese parents, Dr. Cherng was raised in Burma and Hong Kong. She attended Baker University in Kansas before transferring to Oregon State University, where she earned her bachelor of science degree in applied mathematics. Dr. Cherng then received her master's degree in computer science and a doctorate in electrical engineering from the University of Missouri.

Following graduation, Dr. Cherng married and settled in southern California, where she became a member of the technical team at McDonnell Douglas. Later, she worked at Comtal–3M, where her highly technical background allowed her to quickly move up the corporate ladder to become software development manager. During this time, her father and husband decided to open a restaurant they named Panda Inn—which featured gourmet Mandarin and Szechuan cuisine—in Pasadena, California.

While at Comtal–3M, the Panda Inn business grew steadily and in 1982, Dr. Cherng decided to join the family business. As executive vice-president, Dr. Cherng's leadership and skills played a vital role in creating the vision, mission, and value statements for the Panda Restaurant Group, and established a solid foundation for future corporate growth. In 1997, Dr. Cherng served as president and in 1998, she also took on the role of CEO until 2004. During the time she held both roles, the company flourished and more than doubled in size from about 250 locations to nearly 650. In 2004, Dr. Cherng took the position of co-chair and CEO, and now focuses primarily on her co-chair responsibilities.

Dr. Cherng is a firm believer in giving back to the community. The Panda Restaurant Group has supported the community and charitable causes such as United Way, City of Hope, Children's Hospital Los Angeles and Children's Miracle Network. In 1999, Dr. Cherng launched a company-wide community involvement initiative called Panda Cares, which gives back to the community and provides assistance for the care and education of children. Panda Cares has committed nearly $3 million to non-profit organizations nationwide.

Dr. Cherng is active in a number of organizations including the National Restaurant Association, the board of directors of the Methodist Hospital of Southern California, East West Bancorp, Inc., the board of visitors for the UCLA Anderson School of Management, and the board of trustees for Children's Hospital Los Angeles.

Dr. Cherng's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Dr. Peggy Tsiang Cherng.

A TRIBUTE TO MS. GINA WILLIAMS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. KIRK. Madam Speaker, I rise to honor Ms. Gina Williams, an art teacher at Lake Forest Academy in Illinois. Ms. Williams is one of ten Chicago-area high school teachers to be awarded a 2007 Golden Apple Award for Excellence in Teaching out of over 800 nominees from Cook, DuPage, Kane, Lake and Will counties.

As chair of the school's fine and performing arts department, Ms. Williams has developed programs aimed at stimulating her students and creating awareness of the world around them. She initially came to the school in 1998 as a visiting artist specializing in glass blowing. Today she continues to share her artistic skills as a sculptor while also teaching Advanced Placement Art History, AP Studio and 3–D design. In addition she has created a unique program that has used art to connect students with communities from inner-city Chicago to communities around the world.

Golden Apple's Chief Program Officer Gloria Harper describes Ms. Williams as "an artist in the true sense. If you walk around the school, inside and outside, she's responsible for the art that brings it alive. She brings the kids out of the school and exposes them to everything, different ethnicities and cultures. She really makes them aware that they're part of a larger world."

I ask my colleagues to join me in honoring Ms. Gina Williams and all the educators that work every day to ensure our children's minds are expanded.

A TRIBUTE TO JANET BARRIE SMITH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Janet Barrie Smith of Temple City, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions made by our Nation's women.

Janet was born in Palo Alto, California, and has been a resident of the Temple City community for the past 25 years. She earned her bachelor of arts degree in liberal arts from California State University San Diego in 1979 and her State of California teaching credential in 1980.

Mrs. Smith is a former elementary school teacher and worked for San Marino Unified School District and Monrovia Unified School District. Her greatest joy is contributing to the community in which she has raised her family. She has served four terms as the Temple City Council PTA president and has held virtually every PTA office and chairmanship at Longden Elementary School, Oak Avenue Intermediate School, and Temple City High School. Currently, she is the vice president of hospitality for the Temple City High School PTA. Janet also serves as the outreach chairman at First District PTA and the Temple City Council PTA representative.

In 2002, Janet helped develop the Temple City Schools Foundation, a fundraising organization dedicated to preserving quality programming and creating unique opportunities for students of the Temple City Unified School District. Aside from being a founding member and current board member, Janet has also served terms as secretary and vice president. Last year, Janet was the chair of a committee that raised funds for a Temple City High School Senior that was diagnosed with cancer. The overwhelming success of the event illustrated Janet's ability to bring her community together in support of a common cause.

Janet is an active supporter of the performing arts. She served on the Temple City High School Band Rose Parade Committee and helped raise over $100,000 to support the Pride of Temple City's debut in the 2004 Rose Parade. Most recently, she has chaperoned parades, competitions, and coordinated the Temple City High School week-long band camp.

Janet states her most rewarding experience is being a stay at home mother to three sons. Janet is married to Matt Smith, a member of the Temple City Unified School District Board of Education. In her very limited spare time, she enjoys baking, photography, and being creative on the computer.

Mrs. Smith's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Janet Barrie Smith.

SENATE—*Wednesday, March 14, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who alone stretches out the heavens, from everlasting to everlasting, You are God. Thank You that our daily work is intended by You to bless us and not to be a burden.

As our lawmakers labor today to fulfill Your purposes, give them strength and wisdom to discern the signs of these times. We do not ask You to give them faith for every day they will live but for enough faith to live 1 day at a time. Lord, keep them vigilant in the face of temptation, resolute in their determination to resist it and do Your will. Fill their hearts with Your spirit so that whatever they do will glorify and honor Your Name. Keep them from becoming weary in doing good, reminding them that at the proper time, they will reap a harvest if they don't give up.

We pray in the Name that is above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 14, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any time Senator MCCONNELL and I will use, there will be 60 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 9 relating to Iraq policy. The time is equally divided and controlled between the leaders or their designees. The leaders will have the final 20 minutes immediately prior to the vote, with the majority leader controlling the last 10 minutes.

I have had an ongoing discussion with the Republican leader about how we could or would proceed to the Iraq resolution following whatever happens this morning. In addition to Iraq, I mentioned a proposed agreement regarding the U.S. attorney legislation. I anticipate that agreement will be able to be reached soon, which would eliminate the necessity of a cloture vote on the motion to proceed on the legislation. If no agreement is reached, then once we dispose of the Iraq resolution, a cloture vote would occur automatically on the motion to proceed to the U.S. attorney legislation.

As the day progresses, I will have more to say about the schedule after conferring with the Republican leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REACHING AN AGREEMENT

Mr. MCCONNELL. Mr. President, let me just indicate that Republican Senators will be voting for cloture on the motion to proceed. The majority leader has it entirely correct. He and I will be discussing during the course of the day how to proceed, both on the Iraq issue and on the U.S. attorney proposal, and we will be, as I indicated, trying to reach an agreement on both of those matters.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I haven't had a chance to confer with the distinguished Republican leader. I would like to ask unanimous consent that there be 5 minutes additional time on each side for the debate prior to the cloture vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, finally, on our side, I yield 4 minutes to Senator KENNEDY, 4 minutes to Senator LEVIN, 4 minutes to Senator BIDEN, 4 minutes to Senator NELSON of Florida, and 4 minutes to Senator REED of Rhode Island.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

TO REVISE UNITED STATES POLICY ON IRAQ—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour 10 minutes of debate equally divided and controlled between the two leaders or their designees prior to the motion to invoke cloture on the motion to proceed on S.J. Res. 9, with the final 20 minutes for the leaders and the majority leader controlling the final 10 minutes.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, I have 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Would the Chair let me know when I have 30 seconds remaining?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. KENNEDY. Mr. President, this is a defining moment. The American people are watching. The world is watching. The issue is clear: Will we stand with our soldiers by changing their mission to begin to bring them home or will we stand to keep our soldiers in Iraq's civil war? History will judge us. We can either continue down the President's perilous path or embrace a new direction. If we don't change course, we know what lies ahead: more American casualties, more American death, and more destruction. A new strategy that makes the Iraqis less reliant on our military is the best way forward. More of the same misguided policy will result in more of the same tragedy for our military. Let's try a new course and try it now.

We must proceed because Iraq is the overarching issue of our time. We are being told we need to be patient. We are being told we have to give the latest escalation a chance to succeed. But we have heard it all before. We have heard for years that this administration has a plan for success. We have heard for years that progress is just a few months away. We have heard for years that we have turned a corner. But the plans for success keep getting tossed aside for new plans, the timelines for progress keep getting extended, and we have turned so many corners that we have ended up back where we started: trying to control Baghdad.

It is time to change direction. There are too many parents who have buried their children, too many children left without their father or mother, and too many soldiers missing arms and legs and eyes and ears. It is time to change course, let the Iraqis step up to the plate and take responsibility for their own future, and begin to redeploy our troops out of Iraq.

Those of us who oppose the war are used to the administration's attacks. They have questioned our patriotism and called us defeatist. When we challenged the President's misguided policy, they accused us of having political motives and being partisan. They were wrong then, and they are wrong now. Our motives have always been clear: to protect the lives of our soldiers.

The American people are far ahead of the administration. We have an obligation to stand up for our troops and stand up to our President when he stubbornly refuses to change course in Iraq. We are meeting our responsibility by changing the mission of our military, not micromanaging the war.

The recent hearings on Walter Reed should instruct us here today. They tell us how little faith we can put in this administration. The very people who hide behind the troops when their policies are questioned have failed to keep faith with our wounded soldiers. But just as importantly, the hearings on Walter Reed remind us all of the human costs of the war. This administration has done all it can to hide them from us. They have forbidden photographs of the coffins flown back from Iraq. The President has avoided attending the funerals of the fallen, and the tours at Walter Reed never included Building 18. But the hearings on Walter Reed swept away all the spin and camouflage and put our wounded soldiers back where they belong: at the heart of our debate about the war.

At the end of those hearings, everyone agreed that the Army had failed these brave soldiers. But we failed them long before they arrived at an Army hospital. This administration failed them when it trumped up the intelligence in order to make the case for war.

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. KENNEDY. I ask unanimous consent for 30 additional seconds.

It failed them when it sent too few troops with too little armor. It failed them when it turned the reconstruction of Iraq into a political science project.

We in the Senate will fail them today if we do not vote to change course and to bring our soldiers home.

At the end of this debate, the American people will know where each of us stands. On our side of the aisle, we stand with the American people. The voters told us in November to change course and begin to bring our troops home, and that is what we are going to do. We stand for our constitutional system in which the Congress speaks for the people in matters of war and peace and can require that the President listen to them. Finally, we stand with our troops. We alone are insisting on a policy worthy of their courage and worthy of their sacrifice.

Peace and progress in Iraq must be earned by the Iraqis and their neighbors. We must no longer send our brave soldiers into an uncertain fate on the streets of Baghdad. Bring them home to the heroes welcome they have earned.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for the first 15 minutes, followed, in the order in which people are recognized, by Senator MARTINEZ for 5 minutes and Senator ALEXANDER for 10 minutes.

Mr. LEVIN. Mr. President, reserving the right to object, is this dividing the hour of debate on the motion to proceed?

Mr. MCCAIN. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I amend my request. Delete Senator MARTINEZ; just Senator ALEXANDER for 10 minutes. I believe that would leave me or other speakers an additional 5 minutes, according to the division of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, no matter we will debate this year is as important as the future of America's involvement in Iraq. The decisions we make will shape the future of the Middle East, the conduct of American foreign relations, the security of our Nation, and the lives of our countrymen.

Just as each of us will use our best judgment to find answers to the problems we face in this war, so too must we heed the moral implications of our judgments regardless of the political ramifications. Matters of war and peace impose responsibilities on us that mock our other less solemn obligations in which partisan or personal considerations may be expected to have a less injurious effect.

I must admit to some bewilderment at the way in which the proponents of the resolution authored by the majority leader have chosen to proceed. They do not support the President's plan to send additional troops to Iraq as one element of a broader effort to stabilize that violence-torn country. They believe the Senate should be on record as opposing the plan to augment our forces. Fair enough. Let's have this debate, and if any Senator believes our Nation is embarking on a misguided approach, he or she has not just the right but the obligation to oppose it vigorously. Such is our responsibility as elected officials in a Congress that possesses the constitutional power of the purse.

Yet we debate today not legislation that would defund the war but, rather, a new resolution authorizing again the use of military force in Iraq. Having authorized the President to use military force in Iraq in 2002, the sponsors of this new resolution would attempt to legislate our troops' mission in midstream. They would not declare war, nor end it, as the Constitution provides, but micromanage it. I ask my colleagues: Is such micromanagement of warfare the responsibility of this body? The Supreme Court has said in the past that the conduct of campaigns is the province of our Nation's executive branch, not a task for lawmakers. Yet S.J. Res. 9, by choosing particular missions for U.S. forces in Iraq and forbidding others, would attempt to exercise the power properly reserved for the Commander in Chief of our Armed Forces.

When Congress authorized this war, we committed America to a mission that entails the greatest sacrifice a country can make, one that falls disproportionately on those Americans who love their country so much they volunteer to risk their lives to accomplish that mission. When we authorized this war, we accepted the responsibility to make sure they could prevail. When we voted to send them into battle, we asked them to use every ounce of their courage and fortitude on behalf of us.

Now it is only right that we, the elected officials entrusted with overseeing the future of our soldiers' involvement, exercise a lesser magnitude of courage, our political courage, on behalf of them and the country they serve. If any Senator believes that our troops' sacrifice is truly in vain, the dictates of conscience demand that she or he act to prevent it. Those who would cut off all funding for this war, though I disagree deeply with their position and dread its consequences, have the courage of their convictions, and I respect them for it. If, on the other hand, you believe, as I do, that an increase of U.S. troops in Iraq, carrying out a counterinsurgency mission and coupled with critical political and economic benchmarks to be met by the Iraqi Government, provides a better—and perhaps the last—chance for success in Iraq, then you should give your support to this new strategy.

It may not be popular nor politically expedient, but we are always at our best when we put aside the small politics of the day in the interest of our nation and the values upon which they rest.

Mr. President, allow me to turn to the substance of this resolution. After stating, twice, that the conflict in Iraq requires principally a political solution, it would legislate the withdrawal of U.S. forces in Iraq. Let me ask the sponsors of this resolution precisely what assumption is behind this construction. Is it that all hope is lost in Iraq, that we have lost the war and thus must bring our troops home? Or is it the proponents' contention that by withdrawing troops we will actually maximize the chances of success?

Can we, by withdrawing our troops from Iraq, actually increase the stability in Iraq rather than risk catastrophe, and induce a political solution rather than make it less possible? Is success in Iraq as simple as issuing redeployment orders, a move blocked only by stubborn commanders and civilian authorities?

General David Petraeus, for one, believes that it is not. Of course the dire situation in Iraq demands a political solution. That is undeniably true. But a political solution among the Iraqis cannot be simply conjured. It is impossible for meaningful political and economic activity to take place in an environment as riddled with violence as Baghdad is today. Security is the precondition for political and economic progress, and without security, we will not see the political settlement all of us agree is necessary.

Until the government and its coalition allies can protect the population, the Iraqi people will increasingly turn to extra-governmental forces, especially Sunni and Shiite militias, for protection. Only when the government has a monopoly on the legitimate use of force will its authority have meaning, and only when its authority has meaning can political activity have the results we seek.

The presence of additional forces could allow the Iraqi government to do what it cannot accomplish today on its own—impose its rule throughout the country. Toward that end we have begun executing a traditional counterinsurgency strategy aimed at protecting the population and controlling the violence. In bringing greater security to Iraq, and chiefly to Baghdad, our forces can give the government a fighting chance to pursue reconciliation.

This does not imply that reconciliation is the inevitable outcome of a troop surge. On the contrary, there is no guarantee of success. What the situation demands is not a guarantee, but rather a strategy designed to give us the best possible chance for success. This, I believe, is what the new plan represents. It gives America and the Iraqis a better chance to avoid the catastrophic consequences of failure.

Catastrophic failure is, on the other hand, what many of us fear is on offer should the proponents of this resolution prevail. They would shift the focus of our commanders and troops from establishing security in Iraq to three limited objectives: protecting coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counter-terrorism operations.

Let us think about the implications of ordering American soldiers to target "terrorists," but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi Army attacks government police stations, are they acting as terrorists or as a militia? What about when an American soldier comes across some unknown assailant burying an IED in the road? The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined, and that is one reason why progress has been so difficult. To say that targeting terrorist violence is allowable while stopping sectarian violence is illegal flies in the face of this reality.

The three limited missions contained in this resolution would prohibit intervention to stop genocide, should that terrible consequence unfold as a result of our withdrawal. Can we really expect American soldiers and Marines to turn their backs while ethnic cleansing on a Rwanda-like level of violence occurs in Baghdad? I don't think it is realistic or right to expect Americans to observe another Srebrenica on a truly epic scale occur, and do nothing to stop it. And I don't think it is realistic to think that we can somehow ameliorate its catastrophic consequences for the rest of Iraq and the region by continuing to chase insurgents and al-Qaida terrorists on search and destroy missions or stretching our forces along its borders to prevent other nations from intervening more forcefully to support whichever side they find their interests aligned with.

I've heard some argue that Iraq is already a catastrophe, and we need to get our soldiers out of the way of its consequences. To my colleagues who believe this, I say, you have no idea how much worse things could get, indeed, are likely to get, if we simply accede to the sectarian violence in Baghdad. It is a city of six million people, two million of whom are Sunni. Without U.S. forces there to attempt to prevent it from descending further into the sectarian warfare, and all of its citizens turning to the militias and insurgents to protect them, the bloodshed and destruction we have witnessed to date will be but a suggestion of the humanitarian calamity to come.

The President, under this legislation, would have to begin redeployments within 120 days, and nearly all troops would have to leave Iraq by March 31, 2008. Why were these dates chosen? Why these and not others? Why dates for withdrawal, rather than conditions? Such mandates are a retreat, not a strategy, and we should be honest about the character of such a proposal.

Iraq is not Vietnam. We were able to walk away from Vietnam. If we walk away from Iraq now, we risk a failed state in the heart of the Middle East, a haven for international terrorists, an invitation to regional war in this economically vital area, and a humanitarian disaster that could involve millions of people. If we walk away from Iraq, we will be back—possibly in the context of a wider war in the world's most volatile region.

All of us want to bring out troops home, and to do so as soon as possible. None of us, no matter how we voted on the resolution authorizing this war, believes the situation that existed until recently is sustainable. None of us can say we have proposed a course of action that will achieve certain success. The hour is late. The situation is, indeed, dire.

But all of us have a responsibility to withstand despair to make sound, informed judgments about how to proceed from here, and to defer our own interests and political considerations to considerations of what is in the best interests of our country. Presidents don't lose wars. Political parties don't lose wars. Nations lose wars and nations suffer the consequences. Those consequences are far graver than a lost election.

When a nation goes to war, a million tragedies ensue. None are more painful than the loss and injury of a country's finest patriots. It is a terrible thing, war, but not the worst thing. The men and women we have sent into harm's way understand that. They, not us, have endured the heartache and deprivations of war so that the worst thing would not befall us, so that America might be secure in her freedom. The war in which they fight has divided Congress and the American people. But it has divided no American in their admiration for them. We all honor them. We are all—those who supported the decision that placed them in harm's way and those who opposed it—we are all humbled by their example, and chastened in our prideful conviction that we, too, in our own way, have offered our country some good service. It may be true or it may not, but no matter how measurable our own contributions to this blessed and beautiful country, they are a poor imitation of theirs. I know we all know how little is asked of us compared to their service, and the solemn and terrible sacrifice made by those who will never return to the country they loved so well.

In the last few weeks some of those brave men and women have learned their tour in Iraq will last longer than they were initially told. Others have learned that they will soon return to combat sooner than they had been led to expect. It is a sad and hard thing to ask so much more of Americans who have already given more than their fair share to the defense of our country. Few of them and their families will have greeted the news without feeling greatly disappointed and worried, and without offering a few well deserved complaints in the direction of those of us who have imposed on them this additional hardship. Then they will shoulder a rifle and risk everything—evetything—to accomplish their mission, to protect another people's freedom and our own country from harm.

May God bless and protect them. And may we, their elected representatives, have the political courage to stand by our convictions, and offer something more than doubts, criticism, or no confidence votes to this debate. They deserve more than that.

I know that every Member of this body is united in our regard and concern for them. I know every Member of this body is struggling to understand the best way forward to avoid complete failure in Iraq. But whether this resolution carries or not, these soldiers and marines are going to deploy to Baghdad. If we are certain that despite their courage and devotion they cannot succeed, then take the action the Constitution affords us to prevent their needless sacrifice. If we are not prepared to take that action, then let us do everything in our power to help them succeed. Those are the only responsible, the only honorable choices before us. There are no others. I wish there were. But here we are, confronting a political, military and moral dilemma of immense importance, with the country's most vital security interests and the lives of the best Americans among us at stake. May God grant us the wisdom and humility to make this difficult judgment in our country's best interests only, and the courage to accept our responsibility for the consequences which will ensue.

I yield the floor and reserve the remainder of my 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, our troops don't lose wars; bad policy and bad leadership lose wars. We should have the courage to stand up and tell the administration they have had a God-awful policy. They put our troops in a position that, in fact, has made it virtually impossible for them to succeed at the outset. They deserve a policy, a plan, but there is no plan.

We went to war with too few troops, we went to war unnecessarily, and we went to war with men and women who were ill-equipped, and they are coming home ill-served. It is about time we have the courage to stand up and say to the President: Mr. President, you have not only put us in harm's way, you have harmed us. You have no policy, Mr. President.

I am so tired of hearing on this floor about courage. Let's have the courage to tell the administration to stop this ridiculous policy they have.

We are taking sides in a civil war. I was there in Srebrenica. I was in Tuzla. I was in Sarajevo. I was in Brcko in the Balkans. How did we solve that? We solved that with a policy of separating the parties.

This is a cycle of self-sustaining sectarian violence that 20,000, 30,000, 50,000, 100,000 Americans will not be able to stop. This is ridiculous. There is no plan. I ask the President and everyone else who comes forward with a plan, whether it is capping or surging or whatever they have: Will it answer the two-word test: Then what? Then what? Then what? What happens after we surge these women and men?

And by the way, he said General Petraeus is one who believes. He may be the only one who believes this is a good idea. Virtually no one else thinks it is a good idea. Look, in this story about the Constitution, we gave the President specific authority, which is our responsibility. It was to take down Saddam, if need be, it was to get rid of weapons of mass destruction that did not exist, and it was to get compliance with the U.N. resolution. Every one of those have been met. Saddam is dead, there were no weapons, and Iraq is in compliance with the U.N.

So if one wants to be literal about it, his mission no longer has the force of law. Everyone I have spoken with, including from the Biden-Gelb plan straight through to the Iraq Study Group, says: Look, use our troops wisely; use them wisely. What are their missions? We have the right and obligation constitutionally, and we should have the courage constitutionally, to exercise our responsibility to say: Why are our troops there?

Did anybody on this floor, did anybody count on the utter incompetence of this administration when they were getting the authority they were getting? Absolute incompetence. I stood on this floor 3 years ago saying we need another 100,000 troops before the sectarian violence became self-sustaining and warned, as others did, that once it did, all the king's horses and all the king's men could not hold that country together.

So what is our objective here? Our objective is to leave Iraq relatively stable within its own borders, not a threat to its neighbors and not a haven for terror.

What is the President and my friend from Arizona and others insisting on? What can never be: a central government that is a democracy that is going to be fair to the rest of its citizens. It is not possible, mark my words.

So as long as the President keeps us on this ridiculous path, taking us off a cliff, I ask my colleagues: Does anybody think they are going to be able to sustain keeping American forces in Iraq at 160,000 for another year and a half? What do you think? What do you think is going to happen in Tennessee, in Delaware, in Illinois? Are we going to break this man's and woman's Army? What are we going to do here? How many times do we have to ask those 175,000 marines to rotate, three, four, five, six, seven times?

And what is the President's political solution? I love this. Everyone says there is no military solution, only a political solution. Name me one person who has come up with a political solution—one—other than me and Les Gelb.

There is a political solution. It is what history teaches us. When there is self-sustaining sectarian violence, there is only one of four possibilities:

They either, one, expire, kill one another off; two, you impose a dictator; three, you have an empire; or, four, you have a Federal system.

Mr. President, I ask unanimous consent for 30 more seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I am tired of hearing about courage. The only courage being evidenced in this country is by those folks out on the battlefields getting shot at, getting killed. Why are they there? Let's get on with this. This is the only rational way to move.

All this malarkey about cutting off funds—this is about the mission.

Mr. President, you are leading us off a cliff. Stop.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, it is my understanding that when we allowed the unanimous consent request for the Senator from Arizona, it gave 5 additional minutes to the minority. I ask unanimous consent that the majority have 5 additional minutes so we have equal time in this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who seeks time? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, next Tuesday will mark the start of the fifth year of the war in Iraq. Our Nation has spent almost $400 billion now in Iraq and is spending an average of almost $9 billion in U.S. taxpayers' funds per month. More importantly, we have lost almost 3,200 American service men and women and have suffered almost 24,000 wounded.

The resolution before us is aimed at turning the responsibility for the future of Iraq over to the Iraqis themselves. Last year, we adopted a resolution which said that calendar year 2006 was going to be a period of significant transition to full Iraqi sovereignty with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces from Iraq. That was over a year ago.

We were supposed to be through a year of significant transition by now. It has not happened. The only way it is going to happen is if this Congress makes it happen.

Many of us have long maintained it was necessary that pressure be placed on the Iraqis to come together politically because only a political settlement could bring about the end of sectarian violence in Iraq and the defeat of the insurgents.

I have recounted how Ambassador Khalilzad and even President Bush have told me a number of statements that many of us have made—that we should begin to reduce our presence in Iraq—were, indeed, useful statements, useful in an effort to prod the Iraqis to reach a political settlement.

Those words—the words of President Bush, Ambassador Khalilzad, and recently Secretary Rice—words prodding the Iraqis to take responsibility, telling the Iraqis the open-ended commitment is over, telling the Iraqis we must begin to reduce our presence in 4 to 6 months are useful words for the Iraqis to hear.

The problem is it is not the President who is speaking those words. The problem is the administration has not adopted those words as a matter of policy. Now it is time for Congress to explain to the Iraqis: It is your country. We cannot save you from yourselves. It is time for us, the Congress, to tell the Iraqis as a reminder that it is their own Prime Minister, Mr. Maliki, who acknowledged the following when he said a few months ago:

> The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting are the [Iraqi] politicians.

A few weeks ago, Ambassador Khalilzad said in an interview on television that the congressional debate is "useful in one way. It does send a message to the Iraqis that the patience of the American people is running out, and that is helpful to my diplomacy."

I wish to repeat this because there are a number of Members of this body and there are a number of members of the administration who have attacked this debate as somehow or another undermining our troops. It is quite the opposite. We support our troops when we give them our best thinking as to how to succeed in Iraq. It is good for our troops to have a debate in this democracy about whether a course is failing or succeeding and, if it is not succeeding, to offer our best thoughts as to how to make it succeed.

Our troops deserve everything we can give them. They haven't gotten it. They deserve the best equipment. They didn't get it. They deserve treatment when they come to our hospitals. They didn't get it. They deserve our best thinking, our honest thoughts as to how we can succeed in Iraq, how can we change course from a failing course to one which succeeds.

We know there is no military solution in Iraq, there is only a political solution, and that must be achieved by the Iraqis themselves. We cannot save the Iraqis from themselves. It is their country. After 4 years of shedding American blood and American treasure, it is long overdue that the Iraqi leaders be told, not just by this Congress, although we alone apparently will do it, but by the administration that they and they alone have the responsibility, the capability, and the power to make Iraq a country instead of a place of civil strife.

This resolution we are about to embark upon will end the open-ended commitment of American military forces that is not working. We must change this course. Only the Iraqis can save their country, and we will be helping to force them to do that. It shouldn't be necessary, but it is. We will be helping to force the Iraqi leaders to save their country if we step up finally and say: We have been there longer than we were in World War II. We have been in Iraq longer than we fought the Korean war. Iraqis leaders, only you, and you alone, can decide: Do you want a civil war or do you want a nation? We hope you choose a nation.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. Will the Chair let me know when 2 minutes remain, please.

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. Mr. President, my purpose today is to say I believe it is time for President Bush to take the Iraq Study Group report down off the shelf and use it for something other than a bookend. But first let me say something about the resolution that we are about to consider.

There is a reason why we don't have 535 commanders in chief or 100 commanding generals each saying: Charge down this street or over that hill. The Founders of our country made the President the Commander in Chief and gave to Congress the power to declare war and pay for it. That is why I will vote against this resolution and any of the resolutions that seek to micromanage the war. Once a war is authorized, as this one was by a bipartisan vote of 77 to 23 in 2002, it is the President's job to manage the war.

As an example of why we don't need 535 Members of Congress micromanaging the war, consider this: Since last January, the new Democratic majority has offered 17 different bills and resolutions outlining what we ought to do in Iraq, and there will be more coming in the next few weeks, I am sure.

I am not about to cut off funds for General Petraeus's troops in the middle of the current military exercise, which clearly Congress has the power to do but should not do.

I have—and each of us has—the responsibility as a Senator to say what I believe is the right way forward for our country in Iraq, and my belief is this: The President would be wise to take down off the shelf the recommendations of the bipartisan Baker-Hamilton Iraq Study Group to develop a strategy based on those recommendations and to ask Americans to accept that strategy as the right way forward in Iraq.

I believe the President would have been wise to do that in January during his State of the Union Address. The country was then looking for a new way forward in Iraq. The Iraq Study Group, after 9 months of careful bipartisan work, offered such a plan. Instead, the day after the report was announced in December, some who wanted another 100,000 or 200,000 troops to win the war said the report was a recipe for defeat. On the other side, those who wanted the United States out of Iraq immediately dismissed the report as more of the same. So the report was put on the shelf. That is, until lately.

Lately, the President's National Security Adviser has cited the Baker-Hamilton report as authority for the surge of troops in Baghdad, which, in fact, on page 73, the report did say might be necessary. Over the weekend, the United States participated in meetings with Syria and Iran, perhaps the most controversial recommendation in the report. The timetable and strategy for reducing our combat strength in Iraq contained in the new Democratic Senate resolution sounds very much like the Iraq Study Group, calling for combat troops to be largely withdrawn from Iraq by next March. But the Iraq Study Group specifically opposed setting timetables or deadlines for withdrawal, noting that its recommendation should be "subject to unexpected developments on the ground."

At the same time, like one of the Republican-sponsored resolutions, the Iraq Study Group recommended the United States work closely with Iraq's leaders to support the achievement of certain "milestones." In short, if there is any bipartisan consensus emerging about how the United States should go forward in Iraq, the best blueprint of that consensus can be found in the report of the Iraq Study Group.

The membership and process of the Iraq Study Group is as important as the substance of what it said. It included some of America's most distinguished citizens from the Reagan and Carter and the first Bush administrations, from the Congress, and the Supreme Court. One of its former members is today's Secretary of Defense. It was ideologically and politically diverse. The group spent 9 months, met 9 times, including a trip to Baghdad, interviewed 171 individuals, and made 79 specific recommendations.

Its assessment of the "dire" current conditions in Iraq was honest and sober. It didn't shy away from bad news—that 79 percent of Iraqis have a mostly negative view of United States influence in their country; that 2,900 Americans at that time had been killed, with another 21,000 wounded; that we had spent roughly $400 billion, and that estimates run as high as $2 trillion on this war. The group acknowledged its recommendations weren't perfect, but were the best options.

As much as America needs a new strategy in Iraq, we also need a consensus in support of that strategy. To put it bluntly, a majority of the American people do not now have confidence in the President's course in Iraq. The Iraq Study Group offered the President an opportunity to say, okay, here is a different approach suggested by a bipartisan group of distinguished Americans. It is not my strategy, it is theirs. The President could say, I accept it, and for the good of our country and the Armed Forces fighting for it, I ask you to accept it.

Such a statement would not exhibit Presidential weakness. That would be Presidential leadership, recognizing that the President's job is not only to choose the right strategy but to successfully persuade at least half the people he is right. The President still has this option before him. I respectfully suggest he would be wise to exercise it today, this week. Come back to Congress, report on the progress of the last few weeks in Iraq, invite the Iraq Study Group members to sit in the gallery, compliment their work, accept their recommendations, and ask the Congress and the country to also accept their recommendations.

Now, this course won't satisfy those who want another 100,000 or 200,000 more troops to win the war in Iraq. Neither will it satisfy those who want all troops out on a specific timetable. But it will get United States troops quickly out of the combat business in Iraq and into the support business. It will reduce the number of American forces in Iraq over the next year. It will leave American special forces in Iraq to go after al-Qaida and the troops to help guard the borders, because there would still be a limited United States military presence. It will send a signal to the rest of the Middle East to stay out of Iraq. It will give support to General Petraeus and his troops, who are in the midst of a surge to make Baghdad safer. It will expand diplomatic efforts to build support for Iraqi national reconciliation and sovereignty, including with Iraq's neighbors. And it will recognize, or at least begin to recognize, that America has done most of what it can do to help Iraq. As Prime Minister Tony Blair has said, it is time for the next chapters in Iraq's history to largely be written by the Iraqis themselves.

Finally, this course will recognize that while the United States can and should be a shining example of democracy, and while the United States does have the mightiest military force in the world, a conservative view of human nature and our own national interest places limits on what we can do to make it possible for others to adopt our democracy and to adopt our way of life.

Mr. President, I yield the floor.

Mr. REED. Mr. President, I rise to express my strong support for the United States policy in Iraq Resolution of 2007. I think it represents a sound policy and strategy that will help us achieve our objectives not only in Iraq but in the region, and not only in the region but across the globe.

Let me first begin by saying I have heard many of the opponents suggest this Senate has but one choice: either to cut off funding or to allow the President to continue to pursue any policy he feels is appropriate. That is a false choice, similar to the false choice the President presented to this Senate in 2002 and 2003. That choice was that we could either invade Iraq or step back and watch them morph into a much more serious threat. In fact, there were diplomatic options. There was the possibility of effectively using U.N. inspectors. So I don't think we should engage in discussions of false choices. We have the authority constitutionally to adopt policies, to shape what the President does, and that is the essence of this resolution.

Just today, the New York Times' Walter Dellinger and Christopher Schroeder wrote an op-ed piece which bears on this point. They say the Supreme Court has long recognized Congress's authority to set limits on the President's military power, as in 1799, when it accepted Congress's power to authorize the seizure of ships going to but not coming from French ports. Talk about micromanagement: that is micromanagement.

That is not what our Iraq resolution does. We are laying out policy objectives, a changed mission, which I think will enhance the ability of military forces in the United States to do their job and to protect our country.

The Dellinger piece goes on to say, "More important, the legal advisers of presidents have themselves repeatedly recognized this congressional power. When former Chief Justice William Rehnquist was President Reagan's chief legal adviser in 1970, he flatly rejected the all-or-nothing claim." In Rehnquist's words, "It is both utterly illogical and unsupported by precedent to think Congress may not delegate a lesser amount of authority to conduct military operations."

That is essentially what we are talking about today. We are trying to redefine the mission so that it is consistent with the highest purposes of American national strategy. This mission would, first, recognize we have to protect our forces, giving the Commander in Chief broad discretion in protecting those forces; second, that we have an ongoing obligation to help train Iraqi security forces, which is absolutely critical; and, third, that we have the ongoing obligation to go after the terrorists wherever they may be. We did this in Somalia a few weeks ago when we had information of al-Qaida operatives. We had much cooperation on the ground and we went in there. That is the same option we must pursue in Iraq and every place else. These are the three missions that are most consistent and most important to our national strategy.

Also, this resolution begins a phased redeployment; not a rigid, inflexible timetable, but starting a date where we begin to pull out combat forces, leaving, of course, forces to carry on this mission of training Iraqi security forces, going after the terrorists, and protecting our own forces. Our goal, and it is strictly a goal, is that these combat brigades should be out of the country, we hope, by March of 2008.

This is a policy that I think will work, a policy that will be supported by the American people, and a policy that will encourage, I think, the political solution that is necessary. As everyone has noted, the answer to Iraq is not going to be achieved by military means. It will be achieved by political means. General Petraeus has said that. These are his words: "There is no military solution to a problem like that in Iraq, to the insurgency of Iraq."

We have to have, and this resolution calls for, the application of diplomatic power, support for the creation of functioning institutions in Iraq that can provide both the kind of political progress and economic progress these people demand, tangible signs that their Government will function. That is what we are encouraging and directing in this policy.

This policy makes sense and it is well within not only the obligation of this

Congress but the constitutional power of this Congress.

Mr. President, I request an additional 1 minute to be yielded from the time of the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, what the President is suggesting to us, his policy, is more of the same for a much longer period of time. As we all know, recently General Odierno suggested this surge is probably going to last not until the end of this year but into next year, and probably into the following year. That is putting a huge strain on our troops.

I think also we have to recognize our focus in Iraq, our preoccupation with Iraq, is inhibiting our strategic flexibility across the globe. It has enhanced the relative power of Iran, ironically, and it has caused us, belatedly, to begin serious negotiations with North Korea, which might be a profitable and progressive thing to do, but the focus on Iraq is serious.

Let me tell you, one of the most interesting comments that I have heard is when I asked Admiral McConnell, the head of our intelligence establishment, where is the most likely threat coming from, engaging in an attack on the United States, Pakistan or Iraq? He answered quite quickly: Pakistan.

We have to change our policy. This resolution will do that, and I urge its support.

Mr. DURBIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5 minutes 15 seconds.

Mr. DURBIN. Mr. President, I ask that you notify me when there are 2½ minutes remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the question is: What is our duty? We know what the duty of our soldiers will be when they raise their hand and take an oath to serve our country. They agree to risk their lives for America. They follow orders. They follow the lead of their commanders. They march into battle. Some come home and some do not. But what is the duty of the Congress? What is our responsibility when it comes to war?

First, of course, was the authorization for the use of force. President Bush came to us and said, I want to have the authority to invade Iraq for three reasons: No. 1, to get rid of the dictator Saddam Hussein; No. 2, to destroy weapons of mass destruction; and No. 3, to make sure the country lives up to the requirements of the United Nations resolutions.

Many of us felt at the time that America was being misled about the real danger in Iraq. Some of us, some 23 Senators, voted against the authorization of force back in October of 2002. But as we take a look at that scene in Iraq today, we realize that all three of those things have been accomplished. Saddam Hussein no longer exists, weapons of mass destruction never existed, and there is no question about complying with the United Nations resolutions.

So the obvious question is: By what authority is America still there? By what authority do 150,000 Americans now risk their lives while we stand in the safety of this Chamber?

This resolution seeks to define our mission today in realistic terms. If the President had come to Congress 4 years ago and said, I want the authority to send American troops into the middle of a civil war in Iraq, a war that has been brewing for 14 centuries between warring Islamic factions; I want American soldiers on the street risking their lives every day until the Iraqis resolve this age-old dispute, do you think we would have approved that authorization of the use of American force? Of course not. It would have been pure folly.

Sadly, the situation today has no clear mission, and that is the reason for this resolution. This resolution makes it clear the Iraq Study Group, Democrats and Republicans, men and women who served our country so well in public service, would have a chance to step forward and come up with a plan that makes sense for America to start coming home, and that is what this resolution says.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. DURBIN. Who wants America to come home at this point? The American people do. The Iraqi people want us to leave. In fact, the Iraqi leadership has said it is time for us to start withdrawing our troops. The resistance to bringing our troops home comes from the other side of the aisle and from the White House. They believe we need more troops.

How often will America respond when the Iraqis pick up the phone and dial 9-1-1 to send another 20,000 of our best and bravest to go into battle? It is time for the Iraqis to stand and defend their own country. It is time for the American forces to start to come home. It is time for us to acknowledge that they have done their job and done it well. We have lost almost 3,200 American lives; 24,000 have been injured. We know among those injured many have not been greeted as they should have been. They have been sent to flophouse rooms at Walter Reed's Building 18. They have been pushed through the bureaucracy of the Veterans' Administration. For those who say they support our troops, they will have a chance to prove it soon, as we start trying to put the resources we need into the military and VA, to help our troops as they return.

This resolution is an opportunity for this Congress to speak to the reality of what is going on in Iraq today, and the reality suggests that it is time for American forces to start to come home; not more forces in harm's way but more forces coming home to be greeted by us, as Americans, for the fine job they have done. We cannot blame them if the mission has been lost over the last 4 years. They had nothing to do with that. But we can make it clear that our future mission is going to be one we can define precisely: to stop terrorism, to train the Iraqis so they can defend themselves, and to protect our own troops. Those are clear missions.

For those who resist this resolution, the obvious question is this: What do you think our mission is today? Is it simply to send more and more troops into harm's way, that they would risk their lives? I think not.

For those who argue that we are micromanaging the war, I guess my question for them is, isn't it time that somebody managed this war? Isn't it time, when it came to troops and mission and equipment, that we clearly had a management plan that our troops deserve?

For those who argue that we are cutting off funding, they have not read the resolution. We are not cutting a penny from the troops and the money that they need to come home safely. But we are saying that our mission has to be clear and our troops have to come home.

I urge my colleagues on both sides of the aisle to support what the American people want, the redeployment of our fine troops back to America.

The PRESIDING OFFICER. The time of the Senator has expired. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, today Senate Republicans will agree to move to debate on an important question, and that question is this: Should a majority of Senators direct activities in the war in Iraq? Republicans are eager to engage in this debate on the Reid resolution because it is different in kind from any of the previous Democratic proposals—very, very different.

It is unprecedented in the powers it would arrogate to Congress in a time of war. It is a clear statement of retreat—a clear statement of retreat from the support that the Senate only recently gave to GEN David Petraeus, and its passage would be absolutely fatal to our mission in Iraq.

Previous resolutions proposed by the Democrats were a mere statement of opinion or of sentiment. This one has a binding quality. It would interfere with the President and General Petraeus's operational authority to conduct the war in Iraq as he and his commanders see fit. It would substitute for their judgment the judgment of 535 Members of Congress.

The judgment they have made in this, that Iraq is simply a distraction on the Global War on terror and that U.S. troops should begin to withdraw in months, with all combat forces leaving within a year—that is the judgment that the Reid proposal makes. This is the memo that our enemies have been waiting for. Osama bin Laden and his followers have repeatedly said that the United States does not have the stomach for a long fight with the terrorists. Passage of the Reid joint resolution will be the first concrete sign since September 11, 2001, that he was right on target.

Timetables are bad, but don't just take my word for it. Speaking at the National Press Club in 2005, my good friend, the majority leader himself, said this:

> As for setting a timeline, as we learned in the Balkans, that's not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

Six months after the majority leader made that observation, the chairman of the Foreign Relations Committee, Senator BIDEN, said this:

> A deadline for pulling out . . . will only encourage our enemies to wait us out. . . . [It would be] a Lebanon in 1985, and God knows where it would go from there.

That was our friend, JOE BIDEN, the chairman of the Foreign Relations Committee.

Shortly after Senator BIDEN's observation, Senator CLINTON made the same point, just 3 months after that:

> I don't believe it's smart to set a date for withdrawal.

Said Senator CLINTON:

> I don't think you should ever telegraph your intentions to the enemy so they can await you.

That is the majority leader, the chairman of the Foreign Relations Committee, and a prominent Democratic candidate for President, all on the wisdom of what this Reid proposal proposes to do, just a short time back.

Surely Senators REID, BIDEN, and CLINTON have not changed their minds about who would benefit the most—who would benefit the most if we set a date certain for withdrawal. They know just as well as I do that this is just what the terrorists have been waiting for and just what our allies in Iraq and the entire region of the world have feared.

Setting a date certain for withdrawal will send a chill up the spine of every Iraqi who has dared to stand with America. Millions of good men and women have helped us in this fight. Since we arrived in Iraq, nearly 120,000 Iraqis have volunteered to serve in their Army. More than 8,000 Iraqis have died in uniform to defend the fledgling democracy over there. And, recently, in Anbar Province, we are told that roughly 1,000 Sunnis volunteered for a police force over a couple of weeks.

These brave men and women are watching what we do. They know, as we do, that chaos will engulf Iraq and the rest of the region on that day. They know they and their families will likely face a firing squad soon after we leave. The message we send them with this resolution is this: Good luck.

General Petraeus understands the importance of the mission in Iraq and his new mission to secure Baghdad. In a recent letter to the soldiers under his command, he wrote as follows—General Petraeus said:

> The enemies of Iraq will shrink at no act, however barbaric. They will do all they can to shake the confidence of the people and to convince the world that this effort is doomed. We must not underestimate them. Together with our Iraqi partners, we must defeat those who oppose the new Iraq. We cannot allow mass murderers to hold the initiative. We must strike them relentlessly. We and our Iraqi partners must set the terms of the struggle, not our enemies. And together, we must prevail.

That is General Petraeus just recently. These are the words of the man this body sent to Iraq unanimously. They are the words of a military commander, confident yet realistic and committed above all to victory. This is the voice of courage and resolve in the face of danger. We do best to listen to voices such as this, which speak of victory rather than defeat and withdrawal. We owe it to him, his soldiers, our allies and the world.

Republicans are ready for this debate.

I have some more time, I gather?

The PRESIDING OFFICER. The Senator has a little over 6 minutes remaining.

Mr. McCONNELL. I yield back that time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, in life you can't stand still. You either go forward or backward. If it were not such a serious matter—and it is a serious matter—to have the Republican leader go back to a statement that I made 5 years ago is what is wrong with the Republicans in this debate. Things have to change. Things change. You can't stand still. You either go forward or backward. To take a statement that I made 5 years ago and think that things haven't changed in 5 years is without any degree of sensibility.

In just a few days our country will mark a solemn anniversary: the beginning of the fifth year of a war that has raged in faraway Iraq. For the fifth year, this war has taken a tremendous toll on our country, our troops, their families, and our standing in the world. Mr. President, 3,200 Americans, soldiers, airmen, sailors, and marines have been killed in Iraq. We have seen tens of thousands of our best wounded—men and women who have come home to a health care system unprepared and ill-equipped to take care of them.

Our Army has been stretched dangerously thin. Our Treasury has been spending, week after bloody week, $2 billion, each week; $2 billion each week.

Despite these tremendous costs, despite these great sacrifices, despite the opposition to this war, Iraq continues to spiral out of control. In February, attacks in Iraq increased dramatically. Three American soldiers and 100 Iraqis died every day—every day in February. In March it seems it is going to be just as bad. Our overburdened troops, including hundreds of Nevadans, have done everything asked of them and more. It is their political leaders at home who have failed—who failed our troops and the American people. President Bush did not go to war with enough military on the ground. We all know that. President Bush didn't have a plan to win the peace, much less the war. President Bush surrounded himself with yes-men, who told him what he wanted to hear, what he needed to hear. To this day, President Bush lacks a plan to complete the mission so our troops can come home. His current strategy of more of the same is not working.

Five years into the war in Iraq the mission has changed but the Bush policy has not changed. Saddam is gone, long gone. There are no weapons of mass destruction; there never were. Iraq is in chaos. There is no stability in Iraq. U.S. troops are policing a protracted civil war, not hunting and killing terrorists who attacked us on September 11, 2001.

The original mission no longer exists. Yet President Bush wants to stay the same—the same—failed course, to surge toward more of the same, to sustain more failure.

Today, the Senate must finally send a clear message to the Commander in Chief, President Bush. That message is: It is time for a new way forward. Change course, Mr. President. The way to succeed in Iraq is not more of the same; it is to change the mission and change the course. Our country must have a surge, but that surge must not be a military surge. There must be escalation in our diplomacy.

This is the message the American people delivered to Congress on November 7, 2006. This is the message we must send President Bush again today.

In just a few moments, we will have another cloture vote. I urge my colleagues to vote to allow the debate to proceed and then vote to change the course. Vote for the resolution. Voting no today is voting to greenlight the same failed course in Iraq. Voting no today is an endorsement of 5 years of failed policy. Voting no today is an endorsement of America's continuing occupation of Iraq. Voting no today is a vote to support President Bush maintaining an open-ended commitment to keep U.S. troops in the middle of an Iraqi civil war.

But a "yes" vote on cloture and on the resolution—and a vote for the resolution—is a vote of hope, hope that after 4 years in this war we can finally begin to have the Iraqis control their own destiny, their own future. We can tell President Bush to change course, redeploy our troops, bring in Iraq's neighbors, and revitalize reconstruction efforts that have failed, that have fallen woefully short.

Five years into the war, is it not the time for a new direction? The answer is yes, and that direction starts by voting yes on this next vote.

I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 72, S.J. Res. 9, to revise the United States policy on Iraq.

Harry Reid, Carl Levin, Dick Durbin, Byron L. Dorgan, Robert P. Casey, Jr., Barbara C. Boxer, Edward M. Kennedy, Patrick Leahy, Jay Rockefeller, Patty Murray, Jack Reed, Debbie Stabenow, H.R. Clinton, Jeff Bingaman, B.A. Mikulski, Ben Cardin, Robert Menendez.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res 9, a joint resolution to revise United States policy on Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Ms. CANTWELL) would vote "yea."

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 9, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—89

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Burr
Byrd
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—9

Allard
Bond
Bunning
Coburn
DeMint
Enzi
Hatch
Inhofe
Thomas

NOT VOTING—2

Cantwell
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I am pleased the Senate has voted to allow debate on the Iraq war to go forward. It is far past time we had this important debate. It is far past time we brought our involvement in this misguided war to a close.

Under the strong leadership of Senator REID, the Democratic caucus has produced a joint resolution that takes a significant step toward ending our involvement in the war in Iraq. I support the resolution, and I hope my colleagues will do the same.

The resolution does not go as far as I would like. I continue to believe the only way we are ultimately going to end the President's failed policies in Iraq is by exercising Congress's power of the purse to safely bring our troops out of Iraq. I have introduced legislation that would do that, and I will continue to look for every opportunity to bring up my bill for a vote.

I will support this resolution because it avoids the mistakes of previous proposals to address Iraq. It does not allow the President's misguided policies to continue. It does not tacitly reauthorize the war. It does not focus solely on the so-called surge. This is binding legislation that would bring to an end our involvement in perhaps the greatest foreign policy mistake in our country's history.

Some of my colleagues continue to argue that Congress should defer to the Commander in Chief when it comes to Iraq, that we should give him the opportunity to change course in Iraq or that we should allow his escalation plan a chance to succeed. Those arguments ignore our congressional responsibilities.

Mr. ROBERTS. Madam President, would the Senator yield for a question?

Mr. FEINGOLD. Madam President, at the conclusion of my remarks, I would be happy to yield.

Congress authorized this war, and it is in our power to bring it to a close. More importantly, we have not just the power but the responsibility to end a war that is draining vital national security resources in pursuit of a goal that cannot be achieved militarily.

The political problems that are driving much of the insurgency and sectarian strife in Iraq are tragic and important. They require the attention of U.S. policymakers. They do not require—in fact, they cannot be solved by—a massive and indefinite U.S. military presence in Iraq.

Some of my colleagues raise the specter of dire consequences if we redeploy U.S. forces from Iraq. That is precisely why we need a strategic approach to redeployment, one that addresses ongoing instability and other threats, with our intelligence, diplomatic, economic and, in a limited manner, military capabilities. Not only is the continuation of this war not going to end sectarian and insurgent violence, it puts off the day when we develop a comprehensive strategy for Iraq that is sustainable, and that fits squarely within the larger struggle of fighting al-Qaida.

As long as the President's policies continue, our troops will continue to put their lives on the line, our constituents will continue putting billions of their dollars into this war, our military readiness will continue to erode, our Guard and Reserve members will continue to face heavy burdens, and our ability to respond to an array of national security challenges will continue to suffer a great deal. From Somalia to Afghanistan to the ongoing fight against al-Qaida, we face threats and challenges that require serious attention and resources. Right now, far too much of both are being spent on a single country. It is this singleminded and self-defeating policy that needs to end, and it is up to Congress to do so.

Time and again, the President has made it clear that nothing—not the wishes of the American people, not the advice of military and foreign policy experts, not the concerns of Members of both parties—will dissuade him from pursuing policies in Iraq that are not working. Faced with a clear mandate from the voters last November, the President just stalled for time, and then he announced not just a continuation but an escalation of his policy. So Congress cannot wait for the President to change course. We need to change the course ourselves.

This resolution recognizes, and acts on, that reality. It would effectively terminate the misguided resolution authorizing force in Iraq, while allowing a minimal number of troops to remain to perform very limited functions: protecting personnel and infrastructure, training and equipping Iraqi forces, and conducting certain targeted counterterrorism operations. The latter provision is a particular priority of mine, which is why my original legislation includes exactly the same language.

Clearly, the United States has an ongoing role to play in addressing the terrorist threat in Iraq. While Iraq was not a hotbed of terrorism before the President led us to war in that country, al-Qaida and its allies are trying to use the anger and frustrations unleashed by that war to their advantage. Like Afghanistan and Somalia, Iraq will need to be closely monitored to ensure that it does not become a failed state and a breeding ground for terrorism, and we must be prepared to pursue targeted missions to take out terrorists.

But maintaining 140,000 U.S. troops in Iraq is not the way to defeat al-Qaida. Military operations of any size will only succeed if they are combined with other measures—including diplomatic, economic, and intelligence measures—as part of a comprehensive strategy for defeating the terrorists who threaten our country. Al-Qaida is not a one-country franchise; it is a global threat that requires a global response.

The Reid resolution would require the President to begin redeploying combat forces not essential to the three limited functions I just mentioned within 120 days, with a goal of finishing redeployment by the end of March 2008. While I support a faster redeployment with a firm deadline, these provisions are, in fact, binding and would make clear that the President's commitment to an open-ended, massive military mission in Iraq is over. That is what the American people want, and that is what this Congress should ensure.

Regardless of what happens this week, I believe the introduction of this resolution, with the cosponsorship of some 41 Senators, represents a significant step toward ending the war. The overwhelming majority of Democrats are saying that the war must come to a close and that they are prepared to take binding steps to do just that. The question each of us will face as this debate continues is how to best end our involvement in the war and redeploy our troops.

I look forward to the opportunity to offer an amendment to the upcoming supplemental that would actually use Congress's appropriations power to require the safe redeployment of our troops. While I do not agree with much of what has been said by those in this body who continue to defend a disastrous war, they are right about one point: If we are serious about opposing the war, we must be serious about ending funding for the war.

I am pleased the Senate has voted to allow debate on the Reid resolution to go forward. Unfortunately, however, some in this body continue to make arguments that undermine the ability of Congress to have a serious discussion about the Iraq war. They fail to recognize that this body has an obligation to address the most pressing issue facing the country today and respond to the overwhelming sentiment of our constituents. They purport to defend the President's prerogatives and the morale and well-being of our troops, but their rhetoric has the effect of trying to stifle open and honest debate.

While I cannot speak for the President, I am confident our troops, and our constituents, are ready for this debate. They know that in a democracy such as ours, discussion of major foreign policy issues can and should be conducted openly. So I am glad the Senate is beginning such a discussion today, and I will continue pushing this body to finally bring to a close our involvement in a war that has been a disaster on so many fronts.

Madam President, I am now happy to yield for a question to the Senator from Kansas.

Mr. ROBERTS. Madam President, I was just going to ask the distinguished Senator if he would yield. While I can't associate myself with all of his remarks and, as I note, the press gallery and the world will little note nor long remember our colloquy, perhaps, I wish to congratulate him for his forthrightness and his candor and his conviction.

The Senator and I have talked about the situation and about the need for full debate in regard to our national security and the war in Iraq, and I had hoped his resolution would be agreed to during the last—or the previous attempt when we only had one resolution and that was it. I had asked at that particular time, in a very similar situation—I was making a speech, and the Chamber was empty, and so I can empathize with that. But my comments were that we should consider the McCain amendment with the benchmarks, the Gregg amendment, and Senator FEINGOLD's, because his is very forthright. It is very clear and very understandable. Now, I would not vote for it, but I respect the Senator's opinion, and I respect his candor.

The Senator has been a member, a valuable member of the Intelligence Committee. I had the privilege of being the chairman of that committee. I think I am the longest serving Senator on the Intelligence Committee up to this point—10 years. It is tough work. There are a lot of times I disagreed with the Senator, but the Senator is an extremely valuable member of the Intelligence Committee. Upon learning all of the intelligence from the 19 different agencies that comprise the community, he has developed a very strong opinion. I respect that. That is what we should be doing. We should be having a full debate. I hope in voting to proceed that we at least get that full debate.

I would say to the Senator, one of my best friends is General Petraeus, who used to be the commanding general at Fort Leavenworth, at the Intellectual Center of the Army, and he wrote the counterterrorism manual for the Army. He just finished it. We talked a lot about the British experience in regards to what happened at that particular time in Iraq. It is unique, it seems to me, because what the Senator wants to do follows the same time period General Petraeus wants to inform us as to whether we are making any progress and if we can achieve stability in Iraq, and that is a mighty big "if."

I think by the summer at least, if we are not making progress, at that particular time we are going to have to go to a policy of containment as opposed to intervention, as the Senator has suggested. How we do that, I am not quite sure. We haven't had that debate on the Senate floor.

Now, this Senator, Mr. FEINGOLD, has called for that debate, and that is what we should be debating. It calls for a lot of different opinions.

So I congratulate the Senator. I thank him for his candor. I thank him for being forthright. I wish we could vote on the Senator's resolution this time around. Does the Senator think that is even possible?

Mr. FEINGOLD. Madam President, I wish to thank the Senator from Kansas, first of all, for his kind words and for listening to my speech and for being present to do so. He has endangered himself politically by saying kind words about me and my resolution in front of some groups who may find that a little strange. But I do enjoy working with him, and I especially enjoyed working with him when he was the chairman of the Intelligence Committee.

I, of course, want to do exactly what the Senator from Kansas has said. I want to have a debate and a vote on the approach I have suggested. As I just indicated in my remarks, I believe that is the next thing which needs to happen after we have this debate.

Just so the record is clear, though, the Democrats have agreed to vote on S.J. Res. 9 and the McCain amendment and the Gregg amendment and the Warner resolution, as well as the Reid resolution. So the Republicans objected to that.

Mr. ROBERTS. Why not the Feingold resolution?

Mr. FEINGOLD. I would like to do that, but I think probably the appropriate place to do that is the supplemental.

Mr. ROBERTS. Madam President, if the Senator would continue to yield, what if I ask unanimous consent that the Senator's amendment be made in order?

Mr. FEINGOLD. I would object on behalf of the leadership because I agreed that this should be the next step and we should take up this resolution.

I say to the Senator from Kansas, this resolution before us, the Reid resolution, makes perfect sense. What it does is it says: Look, we no longer believe the authorization that was given in 2002 makes sense, and it severely limits that resolution and moves us in the right direction. So I think that is the proper step. The supplemental bill is about to come up. I think that is the right place, given that it has to do with funding, for the type of amendment I have suggested. So I would object on behalf of the leadership.

But I do look forward very much to the day not only when we debate this but when I persuade you that it is a good idea that we cut off the funding in order to bring the troops safely home—which, by the way, is what we did—and I assume Senator ROBERTS was involved in this as well—with Somalia. The Senator remembers "Black Hawk Down." He knows it well. We lost 18 people. We decided: This isn't working out. This isn't a good idea. What did the Senate do? It passed legislation that said by a certain date we will no longer fund this military mission, but it gave plenty of time to get the troops out, and they got out successfully. That is the nature of what I propose to do with an amendment on the supplemental.

Mr. ROBERTS. If the Senator will continue to yield for a question, you are talking about step 2. Step 1 is being considered, and your specific resolution would be step 2 on the supplemental.

Mr. FEINGOLD. Step 1 was our vote here in this body and in the House to say that the surge was unwise, and a majority did vote for that here, as well as in the House. This is step 2. This says that the fundamental underpinnings of this mistake should be reversed, that the resolution authorizing force in Iraq should be reversed. Yes, step 3, in my view, would be saying—to enforce it. Since the President won't listen to us, we need to turn to the ultimate power, the one the Senator from Kansas and I both agree is the appropriate power in this situation; that is, whether to use the power of the purse to remove funding.

Mr. ROBERTS. So if the Senator will continue to yield, we are on step 3 until we get to your resolution?

Mr. FEINGOLD. We are on step 2.

Mr. ROBERTS. It would be step 3 before you would think it would be appropriate to consider your resolution?

Mr. FEINGOLD. I think we would be best to do it on the supplemental. That seems to be the appropriate vehicle.

Mr. ROBERTS. I have got it. I just want to make clear, understandably, I would probably vote no—well, not probably—I would vote no on the resolution. But again, the thing that disturbs me is when we get to the what-ifs. What if we pass your resolution? What if we pass somebody else's resolution? What happens if we get the troops out? Hopefully they would not be in a situation where we have to send them back. The what-ifs on what happens to us, which you have discussed in a rare discussion on the floor, we haven't talked about that.

Mr. FEINGOLD. We need to get to that.

Mr. ROBERTS. We have an honest difference of opinion, but we have not talked about that. That is the whole point I am trying to make, that at least the Senator is trying to force the issue in making his point, and let nobody say that they challenge your patriotism or your intent or whatever. I know there is a lot of rhetoric flying around. I don't agree with that at all. I think this debate ought to take place, and this debate is not taking place. So thank you to the Senator. And I don't think I have endangered—well, maybe I have—my reputation just a little.

Mr. FEINGOLD. I think the Senator from Kansas is on shaky ground with some people now. But I think the Senator from Kansas should know that we are essentially in the heat of agreement here; the only question is the order in which it should happen. The exact questions the Senator has discussed should be debated in the Senate. I hope they are debated soon. Guess what. We just had a debate, so we are having a debate, and this is the beginning, and we will continue it.

Mr. ROBERTS. I thank the Senator.

Mr. FEINGOLD. I thank the Senator from Kansas, and I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LATIN AMERICA

Mrs. HUTCHISON. Madam President, I rise today to talk about Latin America. I think this has been highlighted by the President's trip there and the focus the President is putting on Latin America.

It is so important that we not forget our own hemisphere and some of the problems we are facing in our hemisphere.

President Bush, of course, is in Mexico right now. He is holding discussions with Mexican President Calderone. Immigration, reducing poverty, fighting drugs, and strengthening our economic relationship are all items on the agenda. This is the President's final stop on a five-nation trip that included Brazil, Uruguay, Columbia, and Guatemala.

But the President of Venezuela, Hugo Chavez, has been conducting his own tour, deliberately instigating protests and riots to disrupt the President's peaceful mission.

It is very important that we focus on Mr. Chavez and what is happening in South America because it will affect the stability of our whole hemisphere.

The problem starts in Venezuela, a nation which once enjoyed 50 years of democratic traditions but now is in the early stages of a dictatorship. Last month, elected representatives in Venezuela abdicated their responsibility and gave the Venezuelan leader sweeping power to rule for 18 months to be able to impose economic, social, and political change. These dictatorial powers would be alarming in anyone's hands but particularly dangerous in the hands of Hugo Chavez.

This strong man rules an oil-rich nation that exports 1.1 million barrels of oil to the United States per day, roughly equivalent to what we import from Saudi Arabia. President Chavez has already colluded with other OPEC nations to raise oil prices, and when he nationalizes multibillion dollar crude oil projects, that is going to make the prices rise again. This could have a severe impact on the pocketbooks of American families. According to some economists, every time oil prices rise by 10 percent, 150,000 Americans lose their jobs.

Mr. Chavez has used his nation's windfall oil profits to buy political support at home and to stir trouble abroad. He says Venezuela has a "strong oil card to play on the geopolitical stage" and "it is a card that we are going to play with toughness against the toughest country in the world, the United States."

In his struggle against U.S. imperialism, President Chavez has found a useful ally in the world's largest state sponsor of terrorism, the Government of Iran. He is one of the few leaders in the world to publicly support Iran's nuclear weapons program. The Iranian mullahs have rewarded Mr. Chavez's friendship with lucrative contracts, including the transfer of Iranian professionals and technologies to Venezuela.

Last month, President Chavez and Iranian President Mahmud Ahmadi-Nejad revealed plans for a $2 billion joint fund—$2 billion—part of which they say will be used as a "mechanism for liberation" against American allies.

This could help achieve the vision that Mr. Chavez has stated:

> Let's save the human race; let's finish off the U.S. empire.

Mr. Chavez has grown bolder by interfering in the elections of several Latin American countries and his own brand of politics has made some gains.

Bolivia's newly elected President, Evo Morales, has nationalized the energy industry, rewritten the Constitution, and promised to work with Mr.

Chavez and Fidel Castro to perform an "axis of good" to oppose the United States.

The former Soviet client, Daniel Ortega, has returned to the Presidency of Nicaragua. During the 1980s, Mr. Ortega ruled his country with an iron fist until U.S.-backed freedom fighters ousted him from power. Nicaragua's democracy prospered for the next 16 years, but now he's back.

In response to the Ortega victory, Hugo Chavez said:

> Long live the Sandinista revolution.

Then, in his first week as President, Mr. Ortega met with President Ahmadi-Nejad from Iran and told the press that Nicaragua and Iran share common interests and have common enemies.

Left unchecked, Presidents Ahmadi-Nejad and Chavez could be the Khrushchev-Castro tandem of the early 21st century, funneling arms, money, and propaganda to Latin America, endangering that region's fragile democracies and volatile economies. If these two succeed, the next terrorist training camp could shift from the Middle East to America's doorstep. We need to face reality. We need to confront this threat head on.

At the pinnacle of the Cold War, President Reagan seized the initiative and repulsed Soviet efforts to set up camp, in our hemisphere, with Cuba. We should follow that lead. We should dust off the Cold War play book and become active in helping our friends to the south.

Specifically, we should adopt a three-pronged approach: Energy independence would be No. 1. We should confront the Chavez threat head on by reducing imports to the United States from Venezuela. How can we do that? We can do it by increasing our domestic energy supply and production and accelerate innovation for renewable fuels—wind power, solar power, ethanol, biodiesel, even wave energy. Using the currents in the sea can always produce energy, and research is going on in that effort.

There is so much we can do to make our country independent from people such as Mr. Chavez and Mr. Ahmadi-Nejad and others who would try to affect our economy by raising the price of oil or cutting off the supply.

No. 2, free trade. We should try to reduce heartbreaking poverty by approving free trade agreements with friendly Latin American countries, those Latin American countries that have democracies, that want to increase their economic prosperity.

We need to reauthorize the President's trade promotion authority which expires on July 1. Free trade and working for economic prosperity in these countries is the best way to keep them free.

And No. 3, debt relief. We should help stabilize Latin America's fragile democracies by reducing their crushing debt burdens. This would empower their newly elected governments, or their elected governments that have been elected many times before, to use their revenue on education and health care for their people, strengthening their democracies.

Energy independence, free trade, and debt relief would go a long way toward helping us strengthen our whole hemisphere.

As we are looking at so much volatility around the world, it is important we remember that if we strengthen our hemisphere, if we increase the prosperity and the living standards of people throughout our hemisphere, it will not only help us have stronger economic ties, which will be good for our country and other countries, we create export markets for our goods as well as importing the goods from overseas, from Latin America, but it also is a security issue for our country. The idea that we would have terrorist training camps set up in countries that are hostile to America in South America is one I don't even want to anticipate. It would be very harmful for the security of America to have more of these dictatorships setting themselves up as an "axis of good" to thwart American freedom and democracy.

I am glad our President has gone to Latin America. The President of Mexico acknowledged that the President of the United States, after 9/11, had security threats that had to be addressed and, therefore, he was not able to do the innovations working with South America he had hoped he would be able to do in his first term as President.

But now the President is trying to renew that promise and go to South America and Mexico and talk about what binds us together. Land binds us together. Borders bind us together. We need good relations with Mexico and Central and South America. We want friendly borders. It is important for our security.

I hope the President's efforts are not for nought. I hope we can enhance what he has started by promoting free trade, by giving him the ability to negotiate free trade agreements with more of the South American countries that are friendly to America, by promoting independence in energy supply for our country so we don't have to depend on any foreign source for energy to make sure our economy stays strong, and to try to help them be relieved of debt that would allow their countries to invest more in education and health care for their people and their children.

This is an initiative whose time has come. Maybe it is an initiative whose time has long since come but is now beginning to become a viable option for our country. I hope the President's efforts are rewarded with Congress stepping up to the plate and helping America become more energy independent, helping America have more free trade agreements to build up economies in these foreign countries. That would be a huge step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, will you state the parliamentary situation in front of the Senate at this moment.

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to S.J. Res. 9.

Mrs. BOXER. So, Madam President, we are now debating whether to proceed to S.J. Res. 9. I am glad the Chair clarified that. I am here to speak briefly, to say I hope our colleagues will say yes and will proceed to S.J. Res. 9. I will go into why I think that would be an excellent vote for this Chamber to take. I wish to speak briefly as to where we are procedurally.

Our Democratic leader, Senator REID, has presented to the Senate S.J. Res. 9. Its purpose is to revise the policy of the United States in Iraq, and if ever we needed to revise the policy of the United States in Iraq, it is certainly now. In my belief, it was certainly a year ago and the year before.

As someone who did not vote to give the President the authorization to go to war in the first place, I and a number of my colleagues have watched with horror as we have seen take place what we predicted.

We said the President did not consider what would happen if our troops were not greeted as liberators and, in fact, were greeted as occupiers. We asked questions about the possibility of sectarian violence among the Sunni, Shia, and others. We said it was a mistake to take our eye off capturing bin Laden and finishing our work in Afghanistan, which is crucial. We wondered why the President was doing this when the whole world was with us after the tragedy of 9/11. He turned around and went after Saddam Hussein, told us he was going to get nuclear weapons, told us he was harboring al-Qaida, and I will tell you, Madam President, all of that proved to be false.

So he took the country to war on false pretenses, and who has paid the price for that? The military families. The dead. These families have lost over 3,000 of their nearest and dearest, and they will never, ever—ever—be the same.

The wounded are suffering the worst kind of wounds. These are the folks who have paid the heavy price and who continue to pay the heavy price.

I am proud of Senator REID and the Democratic leadership. We promised the people we would make this our No. 1 priority, and we are. We tried to debate Iraq before. The Republicans stopped us. Now we are trying to do it again.

We have a resolution I wish to share with you, Madam President. I said it was called a Joint Resolution to Revise United States Policy in Iraq. It says, and I am going to truncate this:

Whereas, Congress and the American people will continue to support and protect the troops who are serving or have served bravely and honorably in Iraq; and whereas the circumstances referred to in the authorization in 2002 have changed substantially; and whereas U.S. troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution; and whereas U.S. policy in Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chance of success and to more effectively fight the war on terror; therefore be it resolved that we transition this mission away from being in the middle of a civil war toward being supportive of the Iraqi troops and training them; that we shall begin the phased redeployment of the U.S. Forces from Iraq not later than 120 days after enactment of the resolution; that we then move forward with a comprehensive strategy so that we finally resolve this Iraq quagmire—it means that it has to be diplomatic and political and economic—and that there be a report every 60 days so we know how this redeployment is going.

This is a breath of fresh air. This resolution is a breath of fresh air into a situation where you can't even breathe you are so suffocated from the tragedy, from the deaths, from the wounded, from the explosions every single day. So, yes, we are debating whether we should proceed to S.J. Res. 9, and I hope we will.

In closing, let me say this. There is a lot of talk about loving the troops, and I think every one of us in this Chamber loves the troops, so I have a rhetorical point here. If you love the troops, and I believe we all do, why put them in the middle of a civil war where they can't tell who is shooting at them? If you love the troops, why do you give them a mission they can't accomplish? They can't solve the civil war. That has to be done diplomatically, politically. If you love the troops, why would you lower the standards for their future colleagues in arms? We are stunned to see that convicted violent felons are now being taken into the military, that is how desperately stretched the military is.

If you love the troops, why would you put them in a place such as Walter Reed, where you have mold on the walls and vermin, and not give them the access when they leave Washington and go back home, not give them definitive access to the help they need?

Why would you send them, if you loved the troops, out to battle again and again and again? I met a man yesterday whose son is on his third tour. I have the charts in front of my office with the names of the California dead. He looked at that, and I saw the look on his face, and I said, what is wrong? He said, I have a son in Iraq, third tour of duty, no rest.

So why do you have a rule that says they have to have rest; they have to be properly trained; they have to have the proper equipment?

If you love the troops, why would you continue to send them over in that fashion, without being properly equipped or trained? Why would you send them out on the battlefield with post-traumatic stress and a bottle of antidepressants, if you loved the troops?

I am proud to be a cosponsor of S.J. Res. 9. This is a comprehensive solution. The other side of this debate keeps saying, well, where is your solution? Here it is. It is right there. We transform the mission to a mission that can be accomplished, not mission impossible. That mission will be to protect United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations. Now that is a mission we can accomplish.

As for sending our troops into the middle of a civil war, that is wrong, and I don't believe anyone who voted for that resolution—and I am so proud and so glad I didn't vote for that resolution to take this country into this ill-fated war, but if you voted for it, you didn't vote to put troops in the middle of a civil war. So if that is where we are right now, we need to change it.

You know, Martin Luther King—and I read this recently—who is one of my heroes in life, said during the Vietnam war that what can happen to you when you are faced with these horrible options, these horrible choices—and by the way, the worst kind of leadership, no matter where it comes from, is a leadership that gives you no good choices, okay? But Martin Luther King said, when you are faced with that circumstance—and he was talking about Vietnam, where it was tragic, there were no good choices, what could we do—said, paralysis sets in and people can't change. What happens is the status quo prevails and it becomes a new reality: dead, dead, dead soldiers every day, suicide bombs, and we can't get out of it.

The surge isn't a new strategy. It has been tried before. We know what is happening. The enemy tells us what is happening. They are leaving, going someplace else to cause trouble; waiting it out. We know they will adjust to this.

There is only one solution, and that is why S.J. Res. 9 is so important. What is the solution? We spell it out. A comprehensive strategy shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

There is no more coalition of the willing. They are all leaving, whether it is Great Britain—which now is going to have only a few thousand troops there—Italy, Spain, Portugal. I could go through the list. They are all leaving. We need to redeploy our troops and we need a comprehensive strategy. I am proud to support S.J. Res. 9, and I hope when we have this vote we will vote to proceed to this very important resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Texas.

Mr. CORNYN. Mr. President, I have a lot of respect for the Senator from California, but I couldn't disagree with her more on this topic, and I will explain why.

This resolution that is currently before the Senate calls for the President to begin withdrawing troops from Iraq within 120 days. It calls for withdrawing all combat forces from Iraq—all combat forces from Iraq—by March 31, 2008, and it calls for limiting the flexibility of our military commanders to go after the enemy.

None of these provisions strikes me as wise or a good idea. And it is not just me. Let me quote from January 31, 2005, a speech made by one of our distinguished Members at the National Press Club. This distinguished Senator said: "As far as setting a timeline, that is not a wise decision, because it only empowers those who don't want us there." Who was that speaker? Well, none other than our majority leader, Senator HARRY REID, Democrat from Nevada, who said, "It is not a wise decision to set a timeline, because it only empowers those who don't want us there."

Senator REID was not the only one. Senator CLINTON said, "I don't believe it's smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you." That was a comment she made on February 13, 2007.

Senator JOE BIDEN, Democrat from Delaware, said: "A deadline for pulling out will only encourage our enemies to wait us out." He said that on June 21, 2005, in a speech at the Brookings Institution in Washington, DC.

I think we find ourselves in a time warp, but it is hard to know whether the distinguished majority leader's position is what he says today, when he says we ought to set a timeline for the withdrawal of troops, or whether we ought to credit his remarks made in 2005, when he said it is not a wise decision because it only empowers the enemy.

I think we know where the differences come down. There are those, as the distinguished Senator from California said a few moments, who regard what we are doing in Iraq, and she used these words, as "mission impossible." In other words, there are those who simply have given up, who believe all is lost and there is nothing we can possibly do to reverse the tide in Iraq and in the global war on terror, what Zarqawi, the former head of al-Qaida in Iraq, called the central front in al-Qaida's war against the rest of the civilized world.

What I would suggest is that this resolution, which calls for withdrawing troops beginning in the next 120 days, sets a hard deadline of March 31, 2008, to withdraw all troops and which limits the flexibility of our military commanders to go after the enemy. This is not a plan to succeed. This is a plan destined to fail. Because, in fact, to give the critics some credit, they have given up, so they believe all that is left is retreat, to admit defeat. But this Senator is not prepared to give up on either the mission or the members of our military who are carrying out that mission in Iraq.

Arbitrary deadlines for withdrawal and micromanaging our military commanders on the ground is not a military strategy, it is a recipe for defeat. The problem is the new majority and the Democrat strategy can best be characterized as one of slow bleed, micromanage, and say nice things about supporting the troops but don't support the mission we sent them on. I have said before, and I will say it again, if you believe all is lost and there is no possibility of success in the war in Iraq, to me, the logical conclusion is you would defund the effort to support that mission there. In other words, you would use the tool that is available to Members of Congress, the power of the purse, to cut off the funds.

I disagree with that. I don't think we should. But Senator DODD and Senator FEINGOLD have been the ones who have said, you know what, passing nonbinding resolutions is simply not worthy of the Senate. Nowhere else in life can you pass a nonbinding resolution, make a "no" decision and be credited for doing anything. Only here in Washington, only in the Senate can you pass a nonbinding resolution and somebody says, you know what, we have done something. Well, the fact is, the only thing we would have done is to lend encouragement to those who want to see us fail in Iraq and to possibly undermine the morale and support given for our troops who are in harm's way.

Giving the enemy a timetable when American troops should withdraw from Iraq only helps the enemy plan on how to accomplish their goals, not ours. Our focus should be, how can we succeed in Iraq. The irony of this proposal—the best I can tell, the 17th proposal that has come from the majority since we began talking about Iraq resolutions—is it comes at a time when the new Baghdad security plan appears to be making some hopeful signs toward success. One of those signs is Muqtada al-Sadr, the radical Shiite cleric who is in charge of the Shiite militias in Iraq, has fled the country because he knows the American military and our Iraqi allies are beginning to enter areas such as Sadr City, which have been in his sole province and domain. He has left to go to Tehran, to Iran. Similarly, he has instructed the Mahdi armies, the Shiite militias, not to confront the American soldiers or Iraqi allies as they go in to clear, hold, and build in some of the previously most dangerous areas of Iraq, that of Sadr City.

Democrats have offered 17 proposals on how to lose in Iraq but not a single proposal on how to succeed. The chairman of the Senate Armed Services Committee, Senator LEVIN, recently conceded that there are between 5,000 and 6,000 members of al-Qaida in Iraq—specifically in Al Anbar Province. To pass legislation that sets an arbitrary deadline for withdrawing our combat forces without defeating al-Qaida in Iraq makes no sense. Rather, it would provide potentially a safe haven, a power vacuum into which al-Qaida could reestablish itself, gain a foothold, and use that platform as a place to launch terrorist attacks against the United States and other countries.

The Iraqis know our commitment to Iraq is not open-ended, so it is simply not accurate to say that is the position of either the administration or anyone in this body. No one has made an open-ended commitment to Iraq. The Iraqis understand that the future of Iraq is in the hands of Iraqis, and that is exactly where it should be.

But to pass legislation that micromanages how our troops should fight and to try to make tactical decisions on how to handle those 130,000 or so troops on the ground from Washington, DC, is simply crazy. We unanimously confirmed GEN David Petraeus, who essentially is the architect of the counterinsurgency plan now being carried out in Baghdad. General Petraeus will lead our operations in Iraq and, frankly, he doesn't need armchair generals here in Washington, DC, trying to tell him what to do. General Petraeus knows what to do, and that is the reason the Senate unanimously confirmed him to carry out this new Baghdad security plan.

If Members of this body really support our troops, then they will provide our troops with the resources they need to accomplish their mission and not engage in a slow-bleed strategy of cutting off resources or reinforcements. We all want our troops to come home as soon as possible. But any decision to withdraw from Iraq should be based strictly upon national security considerations and not on political expediency.

We find that even our colleagues on the other side of the aisle are conflicted internally about the best strategy as reflected by this now 17th iteration of their resolution strategy. A Washington Post editorial dated March 13 labels the restrictions on Iraq war funding drawn up by House Democrats—and the 17th proposal on Iraq, by the way—this is the Washington Post. They called it "something of a trick," and is merely "an inflexible timetable, conforming to the need to capture votes in Congress or at the 2008 polls."

Then an article in the Wall Street Journal yesterday quotes House Appropriations Committee chairman, Democrat of Wisconsin, DAVID OBEY, saying this about the language contained in the wartime spending bill passed or being considered in the House—specifically regarding the benchmarks laid out for Iraq. Mr. OBEY is quoted as saying:

> I don't know if these are the right benchmarks or right conditions or right timetable.

Mr. OBEY said:

> It's a huge mistake for people to look at this word and that word. . . . This language will change 10 minutes after it passes the House.

The Vice President was quoted as saying this on March 12, and I couldn't agree with him more in this regard. He said:

> The second myth is the most transparent. And that is the notion that one can support the troops without giving them the tools and reinforcements necessary to carry out their mission. . . . When members of Congress pursue an anti-war strategy that's been called slow bleed, they're not supporting the troops, they are undermining them. And when members of Congress speak not of victory, but of time limits—when members speak not of victory but of time limits, deadlines or other arbitrary measures, they're telling the enemy simply to watch the clock and wait us out. . . . Anyone can say they support the troops and we should take them at their word. But the proof will come when it's time to provide the money. We expect the House and Senate to meet the needs of our military and the generals leading the troops in battle on time and in full measure.

I couldn't agree with the Vice President any more than in those quoted remarks. We have now had 17 different proposals from Democrats in the Senate to date. Maybe there are more to come but 17 so far. For my colleagues on the other side of the aisle to propose this ever-shifting plan of how to deal with Iraq is simply not constructive.

I must say that it is simply absurd that we would tell our enemy when we plan to leave Iraq. I am joined in that belief by Senator CLINTON and Senator REID, from the statements I quoted earlier.

This Senator is not prepared to give up on our men and women in uniform, and I am not prepared to agree to arbitrary timetables or strings on the money that we appropriate that will limit their ability to be successful. I hope all of us, Republican or Democrat alike—all Americans would hope that our American soldiers, sailors, marines, and airmen will come back home safely but after they have accomplished the mission we have asked them to take on, and that is to leave Iraq in a condition where it is stabilized, where it is able to govern itself and defend itself. Only then will we have eliminated another safe haven for al-Qaida and terrorist activities. Only then will we have reduced to the barest possible minimum the likelihood that we will have to return following a regional conflagration, following a vast humanitarian crisis and ethnic cleansing that is likely to occur if we do not take every possible step to see this Baghdad security plan succeed.

Yes, we all want our troops to come home as soon as possible. Some of us are not willing to set arbitrary deadlines or to bring our troops back home based on some calendar that bears no relationship to conditions on the ground. We want them to come home as soon as possible, but after they have accomplished the mission that they so bravely have taken on and in which they are so nobly led by GEN David Petraeus.

I believe S.J. Res. 9 is misguided. It should be defeated, and I will do everything within my power to urge my colleagues to so vote.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, after 4 years of fighting and the loss of almost 3,200 American lives, 24,000 wounded, $350 billion spent on this war, it is long past time for a new approach in Iraq. Everybody who participates in this debate wants to maximize our chances of success in Iraq. Even those of us who voted against going to war and those of us who have disagreed with how this war has been conducted want to see a stable Iraq which enhances our own national security.

But continuing the current course and surging along the current course does not do that. The President's current course of action, of putting more U.S. military personnel in the middle of a growing civil war in Iraq, does not enhance our security and it does not maximize the chances of success.

The President's plan has a fundamental flaw because what is needed in Iraq is a political solution among the Iraqi leaders, not a military solution. Our troops perform bravely and brilliantly, but American military firepower will not end the civil war in Iraq. It has been apparent for a long time that there is no military solution in Iraq, that an Iraqi political solution is necessary to end the violence. GEN Peter Chiarelli, commanding general of the multinational force in Iraq, said the following in December:

> We need a commitment by all Iraqis, of all of the ethno-sectarian groups to commit first to nonviolence and to resolving their differences through the political process . . .

And he continued:

> I happen to believe that we have done everything militarily that we possibly can.

At his confirmation hearing in December, I asked our new Secretary of Defense, Bob Gates:

> Do you believe that the end to violence in Iraq requires a political settlement, and that we need to communicate a sense of urgency to the Iraqis to pressure them to reach a settlement that only their politicians can reach?

Dr. Gates replied:

> Yes, I do.

The Iraq Study Group stated that:

> The violence in Iraq cannot be stopped or even contained if there is no underlying political agreement among Iraqis about the future of their country.

Perhaps most telling was Iraqi Prime Minister Maliki's acknowledgment recently on this essential point. This is what Iraq's own Prime Minister said:

> The crisis is political. And the ones who can stop the cycle of aggravation and bloodletting of innocents are the Iraqi politicians.

The real battle for Baghdad is not a military battle, it is a political one, and that battle can be resolved only by Iraqi politicians and not by our military.

So how do we pressure the Iraqi leaders to reach the political settlement that is essential? We can start by ending our open-ended commitment to Iraq. The President has changed his rhetoric about ending our open-ended commitment, but he has not changed his policy. In fact, he sent the opposite message when he sent more troops to Baghdad.

Our objective in Iraq, and the objective of this resolution, must be to shift responsibility to the Iraqis, both politically and militarily, for their future. For that to happen, we must end the open-ended commitment that has been made by this administration to Iraq of the presence—without decision by us, leaving it up to the Iraqis for how long and how many—of American troops.

We must make clear to the Iraqis that their future is in their hands, not ours. We must make it clear to the Iraqis they must reach a political settlement among themselves and, if they do not, we cannot save them from themselves.

As General Abizaid said in November:

> It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

General Casey made the same point in early January when he said:

> The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias. And the other thing is that they can continue to blame us for all of Iraq's problems, which are at base their problems.

The Iraq Study Group specifically drew the connection between the importance of ending the open-ended commitment of American troops and persuading the Iraqis to make political compromises. There is a connection between the two, the Iraq Study Group said, between ending the open-ended commitment and getting the Iraqis to resolve their political differences. Here is the way they put it in the Iraq Study Group's report:

> An open-ended commitment of American forces would not provide the Iraqi government the incentive it needs to take the political actions that give Iraq the best chance of quelling sectarian violence. In the absence of such an incentive, the Iraqi government might continue to delay taking those difficult actions.

That is the Iraq Study Group.

Columnist Tom Friedman put it succinctly recently in the New York Times:

> Right now everyone in Iraq is having their cake and eating it—at our expense. We have to change that.

But instead of putting pressure on the Iraqis, the President is putting his faith in the Iraqis to meet certain benchmarks they have set for themselves. But look at the track record of the Iraqi Government in meeting some of the benchmarks and promises it has set for itself and it has made.

Iraqi President Talibani said in August of 2006 that Iraqi forces would "take over security in all Iraqi provinces by the end of 2006." That pledge surely has not been kept.

Prime Minister Maliki said last June he would disband the militias and illegal armed groups as part of his national reconciliation plan, and in October he set the timetable for disbanding the militias as the end of 2006. That commitment has not been kept.

The Iraqi Constitutional Review Commission was to present its recommendations for changes in the constitution to the Council of Representatives within 4 months of the formation of the Iraqi Government last May. Well, the commission has yet to formulate any recommendations.

Prime Minister Maliki put forward a series of reconciliation milestones to be completed by the end of 2006 or early 2007, including approval of the provincial election law, approval of a new debaathification law, and approval of a new militia law. Not one of those laws has been enacted.

On January 30, Secretary Rice wrote to me about these benchmarks. She said the Iraqi Government had adopted a lot of benchmarks, and she attached those benchmarks to her letter called "Notional Political Timeline."

Here is what she said about the benchmarks attached to her letter:

> . . . Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006.

Then she said:

> These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

The posted document shows one benchmark after another, starting in September 2006, going through March of 2007, and I am going to read them off.

By September 2006:

> Form a Constitutional Review Committee;
> Approve the law and procedures to form regions;
> Agree on political timetable;
> Approve the law for Independent High Electoral Commission (IHEC);
> Approve the Investment Law.

By October 2006:

> Approve provincial elections law and set date for provincial elections;
> Approve a hydrocarbon law.

By November 2006:

> Approve a de-Ba'athification law;
> Approve provincial council authorities law;
> Approve a flag, emblem and national anthem law.

By December 2006:

> Approve Coalition Provisional Authority . . . concerning armed forces and militias;
> Council of Representatives to address amnesty, militias and other armed formations;
> Approve amnesty, militias and other armed formations law.

By January 2007—this was the timeline—

> Constitutional Review Committee completes its work.

By February 2007:

> Form independent commissions in accordance with the Constitution.

By March:

> Constitutional amendments referendum (if required).

Now, there may have been one or two of those guidelines met. If so, I am not sure what they are, but I want to at least allow the possibility that a flag, emblem, and national anthem law was adopted. But of those perhaps 15 milestones—and a timeline for them—to be adopted by the Iraqi Presidency, not more than one—but maybe two—of the 15 have been adopted. And none of the important ones have been adopted.

We are told by Secretary Rice, that was on the Web site of the President of Iraq. Then suddenly and mysteriously it disappeared from that Web site a few months ago.

When I asked Secretary Rice—I wrote her a letter asking: You said, Madam Secretary, this was on the Web site, but it disappeared from the Web site. Can you find out why? We have not heard back from the Secretary of State about that problem.

So much for the promises and commitments and milestones of the Iraqi leadership. They post them on a Web site month by month what these promises and commitments and milestones and benchmarks are, and then—poof—they disappear from the Web site, just as though they were not made. That is the problem with milestones, benchmarks which have no consequences when they are not met.

The President talks about benchmarks, and yet he has not outlined any consequences for the Iraqis if they fail to meet these new benchmarks. I have little hope they will meet benchmarks they lay out unless they see no alternative. It is time to go beyond the toothless benchmarks and to make clear to the Iraqi leaders their dawdling must end and that their nation is in their hands, and we cannot decide for them how to build a nation, whether to build a nation, or whether they prefer to have a civil war.

The administration says our debate on this bill would embolden the enemy. But what that shows is a serious lack of understanding of the situation we face. Congressional debate over Iraq policy does not embolden the enemy. The enemy is already emboldened. The enemy is emboldened by an open-ended presence of western troops in a Muslim country's capital, which serves as a magnet for extremists and gives a propaganda club to our enemies.

The enemy is emboldened by an invasion of Iraq without the support of the international community, and with no plan for a violent aftermath. The enemy is emboldened by a million and a half Iraqi refugees, with thousands more being added each day. The enemy is emboldened by a surge of American troops into a civil war that postpones the day when Iraqi leaders will take responsibility for their own future.

And now our responsibility as a Congress. What is our responsibility? What this resolution does is implement our responsibility by working to make the day when Iraqi leaders take responsibility for their own nation come sooner rather than later. The most recent intelligence estimate says "the current security and political trends in Iraq are moving in a negative direction."

Our resolution is the best way to stop the Iraqi leaders from continuing to fiddle while Baghdad burns. It would seek to pressure the Iraqi leaders to achieve a political solution by requiring our President to promptly transition the mission of American forces in Iraq to protecting United States and coalition personnel and infrastructure, to training and equipping Iraqi forces, and to conducting targeted counterterrorism operations.

Our resolution would require the President to begin the phased redeployment of United States forces from Iraq not later than 120 days after enactment, with the goal—I emphasize "goal"—of redeploying all United States combat forces by March 31, 2008, except for—except for—those that are needed to carry out the three missions which are described in the resolution, and which I have just outlined. That goal and the three limited missions are the same as the goal and the limited missions recommended by the Iraq Study Group.

Passing this resolution would deliver a cold dose of reality to the Iraqi leaders and would tell them we are not going to be their security blanket without end. When they finally understand our military presence in Iraq is neither permanent nor unconditional, then—and only then—are they likely to take the political steps necessary to deal with sectarian violence and to defeat the insurgency.

By shifting responsibility to the Iraqis for their own future and their own country, this resolution does what is needed the most—it puts pressure on the Iraqis to reach a political settlement.

As we consider the future of our involvement in Iraq, we must always be mindful of the price our military and their families are paying as a result of multiple deployments of units and people to Iraq. We must be mindful that the lack of attention to Afghanistan and Pakistan has allowed al-Qaida and the Taliban to regroup and strengthen. We must also be mindful that our nondeployed forces lack the equipment and other resources needed to maintain an acceptable level of readiness, and, as a result, the risk our Nation faces has substantially increased.

We must be tragically mindful, always, that the pledge to take care of those courageous soldiers and marines, who have sustained serious physical and mental injuries in combat, has been broken by this administration.

In recent days, there have been statements suggesting a debate in Congress on the war in Iraq is undermining the troops. Just last Monday, Vice President CHENEY said, among other things, that:

> When Members of Congress pursue an antiwar strategy . . . they are not supporting the troops, they are undermining them.

Contrast the Vice President's statement with statements Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff General Pace made recently on February 7 before the House Armed Services Committee.

Here is what Secretary Gates said:

> I would tell you that I think that our troops do understand that everybody involved in this debate is looking to do the right thing for our country and for our troops, and that everybody is looking for the best way to avoid an outcome that leaves Iraq in chaos. And I think our troops are sophisticated enough to understand that that's what the debate's really about. It's about the path forward in Iraq.

Here is what General Pace said, and contrast this to what Vice President CHENEY said—how worthy Secretary

Gates' statement is—and listen to how worthy General Pace's statement is compared to the stale and unworthy comments of the Vice President of the United States about what this debate signifies.

General Pace:

> There is no doubt in my mind that the dialogue here in Washington strengthens our democracy. Period.

And then he added:

> From the standpoint of the troops, I believe that they understand how our legislature works and they understand that there is going to be this kind of debate.

When I listened to the Vice President and his unworthy remarks, it reminded me of not only how worthy our troops are and how they are professional enough to understand what their duty is, but also that they are loyal Americans to know and understand that it is our duty to debate this war. For those of us who think it is leading in the wrong direction and going nowhere, it is on a road to failure, it is our duty to try to change that course.

Contrast our troops and their honor and their loyalty to the principles upon which this Nation was founded, reflected, interestingly enough, in a poll taken of our military by the Military Times. This poll was printed in the Army Times a few months ago. The question that was asked of our troops was whether they approve of the President's handling of the war in Iraq. Forty-two percent of our troops disapproved of the President's handling of the war in Iraq. Thirty-five percent of our troops approved of the handling of the war by their Commander in Chief. They are divided as Americans are divided. We should not only respect their bravery, we should respect their intelligence and their commitment to this debate in the Congress. That is what they are fighting for: that we can debate a mission and we can debate how to best secure this country so that we can debate how to best succeed in Iraq.

That is what our troops believe in. That is what they are fighting for. It is insulting to them. It is insulting to them to say, as the Vice President of the United States said, that a debate in the United States Congress as to how best to succeed in Iraq, how best to change the course in Iraq, somehow or other undermines the troops.

So we have before us an opportunity, an opportunity which can only be achieved if this debate can advance beyond the motion to proceed. We will be voting on that motion later on today or tomorrow. I hope that Senators, regardless of our views on this war, will allow this Senate to once again debate the direction in Iraq. The last real vote we had was one that denied us this opportunity to proceed. I hope there will be enough of our colleagues on the other side of the aisle who will recognize the importance of this debate to this future—the future of this country, to the future of this world, perhaps; to the lives of so many of our gallant, brave troops and their families, and perhaps, indeed, to the future well-being of this institution because this institution surely should be about debating issues as transcendently important as our future in Iraq.

Mr. President, I ask unanimous consent that some correspondence between myself and Secretary Rice, and Senator MCCAIN and myself with Secretary Rice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Thank you for your recent letters regarding the way forward in Iraq and the role of benchmarks for political issues Iraq must solve. The President has also asked that I reply on his behalf to your December 12, 2006, letter to him concerning the importance of announcing a deadline for beginning a phased redeployment from Iraq.

I share your view that the Iraqi Government must meet the goal it has set for itself—establishing a democratic, unified, and secure Iraq. We believe the Iraqi Government understands very well the consequences of failing to make the tough decisions necessary to allow all Iraqis to live in peace and security. President Bush has been clear with Prime Minister Maliki on this score, as have I and other senior officials in discussions with our counterparts. We expect the Prime Minister to follow through on his pledges to the President that he would take difficult decisions.

In his January 10 address, the President stated that after careful consideration he had decided that announcing a phased withdrawal of our combat forces at this time would open the door to a collapse of the Iraqi Government and the country being torn apart. The New Way Forward in Iraq that the President announced on January 10 is designed to help the Government of Iraq to succeed. This strategy has the strong support of General Petraeus and his commanders, and we must give the strategy time to succeed.

On your point about a political solution being critical to long-term success, I also agree. However, with violence in the capital at the levels we have seen since the Samarra attack on February 22, 2006, extremists and terrorists have been able to hold the political process hostage. The President's strategy is designed to dampen the present level of violence in Baghdad and ensure that Iraq's political center has the security and stability it needs to negotiate lasting political accommodations through Iraq's new democratic institutions.

At the same time, the President has made clear to the Prime Minister and other Iraqi leaders that America's commitment is not open-ended. It is essential that the Government of Iraq—with our help, but its lead—set out measurable, achievable goals and objectives on each of three critical, strategic tracks: political, security, and economic. In this regard, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Beyond that, as the President said, Prime Minister Maliki made a number of additional commitments including:

Non-interference in operations of the Iraqi Security Forces;

Prosecution of all who violate the law, regardless of sect or religion;

Deployment of three additional Iraqi army brigades to Baghdad; and

Use of $10 billion for reconstruction.

We will continually assess Iraq's progress in meeting these commitments as well as other initiatives critical to Iraq's development.

Sincerely,

CONDOLEEZZA RICE.

UNOFFICIAL TRANSLATION

NATIONAL POLITICAL TIMELINE

September 2006

Form Constitutional Review Committee
Approve law on procedures to form regions
Agree on political timetable
Approve the law for Independent High Electoral Commission (IHEC)
Approve the Investment Law

October 2006

Approve provincial elections law and set date for provincial elections
Approve a hydrocarbon law

November 2006

Approve de-Ba'athification law
Approve provincial council authorities law
Approve a flag, emblem and national anthem law

December 2006

Approve Coalition Provisional Authority Order 91 concerning armed forces and militias
Council of Representatives to address amnesty, militias and other armed formations
Approve amnesty, militias and other armed formations law

January 2007

Constitutional Review Committee completes its work

February 2007

Form independent commissions in accordance with the Constitution

March 2007

Constitutional amendments referendum (if required)

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 25, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY: On November 14, 2006 Senator Levin sent you a letter (attached) asking that you provide the agreed timeline and benchmarks (or the U.S. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. At that time he also requested the same from Secretary Rumsfeld. On December 4, he heard from Under Secretary of Defense Edelman that the State Department had received his letter and had agreed to respond on behalf of the Administration. Having not heard from the State Department for two months, Senator Levin again wrote to you (attached) on January 16, 2007 reiterating his request and noting his expectation that you would be courteous enough to respond by the end of last week. Unfortunately, you have not done so, which necessitates yet another request.

In his January 10 address to the nation on his new strategy for Iraq, President Bush said that "America will hold the Iraqi government to the benchmarks it has announced." It is essential that Congress have the information on those benchmarks to comprehensively consider as it addresses the way ahead in Iraq. It is both baffling and disturbing that the Administration will not provide the timeline and benchmarks, and it is our joint expectation that you will do so promptly, and by the end of this week at the latest. If the benchmarks to which the President referred include additional commitments beyond those initially agreed to by the Iraqi government, then our expectation is that you will make that clear in your response, and will clearly indicate which are new commitments.

Sincerely,

JOHN MCCAIN,
Ranking Member.
CARL LEVIN,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 16, 2007.
Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: On November 14, 2006 I sent you a letter (attached) asking that you provide the agreed timeline and benchmarks (or the U.s. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. At that time I requested the same from Secretary Rumsfeld. On December 4, I heard from Under Secretary of Defense Edelman that the State Department had received my letter and had agreed to respond on behalf of the Administration. I have yet to hear from the State Department in this regard.

As I stated in my first letter, this information will be essential to the Congress' consideration of a way ahead on Iraq. Now that the President has announced his new strategy for Iraq, this information is even more vital. I am very disappointed that two months have gone by and you have not responded to my initial request. In view of the passage of time and the importance of this issue, I expect to receive the timeline and benchmarks by the end of this week.

Sincerely,

CARL LEVIN,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 14, 2006.
Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: The top priority for the coming months must be finding a way forward to change course in Iraq. U.S. policy must include urging the Iraqis to make the necessary political compromises, which only they can make, to preserve Iraq as a nation. Our military commanders have made clear there is no military solution; only a political solution can restore security in Iraq.

The Administration announced last month that Iraqi leaders had agreed to a timeline and benchmarks for a political process over the coming months. On October 25, 2006, President Bush stated that the Administration and the Iraqi Government were developing benchmarks for determining whether the "hard decisions necessary to achieve peace" were being made. Earlier, on October 24, 2006, Ambassador Zalmay Khalilzad stated that Iraqi leaders had agreed to a timeline for making the hard decisions on outstanding issues and that President Talibani had made those commitments public. According to Ambassador Khalilzad and General Casey, these included enactment of an oil law for sharing resources; a constitutional amendment on powersharing that would guarantee democratic rights and equality to all Iraqis; reforming the de-Ba'athification Commission; and increasing the credibility and capability of Iraqi forces. However, on October 25, 2006, Iraqi Prime Minister Maliki stated publicly that no timetable has been set.

Please provide the agreed timeline and benchmarks (or the U.S. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. This information will be essential to the Congress' consideration of a way ahead on Iraq.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Ranking Member.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

Mr. DORGAN. Would the Senator from Rhode Island yield?

Mr. REED. I yield for the purpose of a question, yes.

Mr. DORGAN. I was wondering if we could determine the timing for debate, and I was wondering who is arranging debate on this side of the aisle.

Mr. LEVIN. Mr. President, I wonder if the Senator from Rhode Island would yield.

Mr. REED. I will yield for a question.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. There is no order that has been established, No. 1. I would like very much to establish an order for the convenience of all Senators, but I would have to know more about the other side in terms of what their wishes are. I know Senator SCHUMER wanted to begin at about 1:45, and then I know Senator DORGAN was in the queue—it is an informal queue. I believe, if my memory is correct, although I don't have the sheet of paper in front of me, Senator DORGAN wanted to come out between 3:00 and 4:00.

We will do everything we can to accommodate Senators, and if Senators could let me know, for those who want to speak in favor of the motion to proceed, when they would like to be here and about how long they need, I would be most appreciative, and I will try to put together an order.

Can we put in an order now that Senator REED has the floor, and we would be happy to alternate if a Republican shows up. Let me ask Senator DORGAN. I did tell Senator SCHUMER that we would try to fit him in at 1:45. Can we put Senator SPECTER in immediately after Senator SCHUMER? Could we put the Senator from Pennsylvania in immediately after Senator SCHUMER because I have not specified with him the amount of time he needs. But I would prevail upon him to see if he could end close to 1:55. Let me raise that with Senator SCHUMER.

Could I ask the Senator from Rhode Island about how much time he needs?

Mr. REED. Apparently, approximately 10 minutes or until Senator SCHUMER arrives.

Mr. LEVIN. As always, he is most accommodating. The Presiding Officer apparently also wishes to have time. Could we put the Senator from New Jersey in after the Senator from Pennsylvania? Why don't we set up the next three Senators on this side to be Senator REED, Senator SCHUMER, and then Senator SPECTER, and then Senator MENENDEZ.

Mr. DORGAN. Mr. President, if I could be added following the last Democratic speaker who was mentioned, I would appreciate it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, we are engaged in a debate that will be critical to the future of this country. We have now for many years been engaged in Iraq. We have seen substantial casualties of our military men and women, not only those who have given the ultimate sacrifice but those who have been seriously wounded. We have seen our position in the world, particularly in that region, seriously eroded. We have a situation where, unwittingly perhaps but actually, Iran has become a more powerful agent in that area of the world because of the policy of this administration. I think we have the opportunity at this juncture to change this flawed strategy; also, to improve the operational skill of this administration because not only was the strategy flawed, but the implementation was absolutely horrid.

The Iraq Study Group made many useful suggestions, and key to those suggestions was to begin a phased redeployment of our forces. This was similar to language Senator LEVIN and I proposed last June, which talked about a phased redeployment of our combat forces, leaving residual missions for other forces, and also talked about an ambitious diplomatic effort to try to adjust politically the various forces and the various tensions in the country of Iraq and in the region. It was interesting to note that many months after the Levin-Reed proposal, the administration finally participated in a regional conference last week involving both Iran and Syria and the other neighboring countries. That is a step forward—a timid step but, indeed, a step forward.

The President, however—after the Iraq Study Group recommendations and after our debates last year—in January, when he was able to present and willing to present his new strategy, he made another mistake in several respects. First, the surging or escalating of forces is, I think at best, a temporary stopgap. The real solution to the dilemmas and the details that engulf Iraq are political in nature. That has been vouched for by every military commander and most commentators.

Rather than embracing the Iraq Study Group's recommendations, he distanced himself from them. Rather than talking about a phased redeployment, he talked about an indefinite escalation. In doing so, he jeopardized one of the fundamental foundations of any national policy, and that is public support. I believe the American people were listening closely, waiting for a sign that the President finally got it and that he was going to begin to conduct an orderly phased withdrawal and concentrate on the other critical missions of training Iraqi forces and going after terrorists who are much more important to our long-term security. They did not hear that in his speech. It is no surprise to me that their continuing lack of confidence in the administration has been translated into a lack of confidence in our prospects in Iraq.

I think the American people are looking for a policy they can support, one they can sustain, and one we can sustain. In my view, that policy is laid out very explicitly in the proposal that we are debating today authored by Senator Harry REID. It focuses on defining critical missions so that our soldiers know precisely why they are in that country and that we can give them all the resources necessary for those missions to go after terrorists who have infiltrated the country.

The existence of terrorists before the invasion was one of highly speculative debate, and it turned out there was more speculation than fact. But the reality is terrorists have infiltrated Iraq in the intervening several years, and we have to go after them just as we did in Somalia, just as we are doing in Afghanistan, and just as we hope the Pakistanis are doing in Pakistan. After all, that is where bin Laden and Zawahiri are residing, reorganizing, and contemplating attempts to attack us again.

That effort of preemption of terrorists has to go on, and we have to maintain a presence in Iraq to do that. We also have to train the Iraqi security forces because, frankly, they are ultimately the decisive point in terms of security for Iraq. It is not American soldiers. We don't have the cultural affinity, as best we try; we don't have the vested interests. We are trying to help, but it is not our country, it is their country, and to prevail, they must carry the burden of war. We have to help them, we understand that. We have to continue to train them. Of course, we have to protect our forces.

There was some discussion today about how these missions are going to cause our soldiers, as they go through Iraq, to say: Well, I can't go after that fellow because he might be a sectarian militiaman and not a terrorist.

If those forces pose a threat to American troops in the field, they are fair game. That is what this resolution says. But it is made, these missions are, in the context of a policy of redeployment, of getting our combat forces out of Iraq. We hope we can do that within a year, but much depends upon what happens in other arenas: political mentoring and economic support. Frankly, this administration has done a dreadful job of that.

I have been to Iraq a number of times, as my colleagues have. You arrive there and they proudly announce they are going to have provisional reconstruction teams all over the country. Suddenly you discover months later that their goal of 20 was really 10, and now they have just about 10 but not fully staffed and not fully functional.

They are still trying to get it right. Again, any military officer will tell you that military forces in a counterinsurgency buys time. The decisive action is by political and economic progress, to give the citizens, the people of Iraq, tangible proof that their future lies with a legitimate government and not those who seek to undermine. Yet, repeatedly, when you strip away the President's proposal, it is just more troops, without the real enablers, the real decisive factors of economic, political, reconstruction and reconciliation.

So, again, I think this is exactly the right course to pursue. It is a course that we must pursue. I have a great deal more to say about this issue. I notice my colleague from New York has arrived. Under the arrangement worked out with Senator LEVIN, I will yield the floor so he may speak in the order established. There is much more to be said, and I hope I have the opportunity to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, I thank my colleagues from Rhode Island and Michigan for yielding me some time. I appreciate it. Their expertise in this area has been invaluable not only to the Senate but to all Americans. I could not think of two people who have shown light more on this issue than the Senator from Michigan and the Senator from Rhode Island.

Where are we now, Mr. President? Somehow—and there will be many debates as to how—what we are doing in Iraq has largely evolved into fighting a civil war, into patrolling a civil war, into policing a civil war, and, yes, into fighting it at times. The age-old enmity between the Sunnis and Shiites, of course, has exploded. Once Saddam Hussein was gone, it was perhaps inevitable that it would occur, particularly without any real authority in large parts of the country.

Most of what our soldiers are doing, and most of those who come back from making the ultimate sacrifice, dying or making a large sacrifice by being wounded, are doing is not fighting terrorism but, rather, policing, patrolling, and even fighting in a civil war. That is not what the American people bargained for. That is not what President Bush stated when we began going into Iraq. In fact, he has never stated that.

Now they say we need to bring order to allow their government to work, but that is a fallacious argument for two reasons. First, we may bring temporary order to Iraq but, make no mistake about it—you don't have to be a Ph.D. in middle eastern studies to realize that the minute our troops leave, whether it is 3 months or 3 years, the fighting between the Sunnis and the Shiites will continue. We will have lost lives, and men and women will have lost limbs, but not much will have changed—even in the medium term.

Second, the absurdity of what we are doing is shown by this: We are sending more troops to create a temporary peace to bolster a government that we don't trust, like, or believe in. Prime Minister Maliki is almost universally regarded poorly, not just at this end of Pennsylvania Avenue but at the other end as well. Their government seems incompetent. The government seems unable to accomplish the most basic things. The government, of course, created a terrible drama, almost, when they could not complete the execution of Saddam Hussein in a way that would have conformed to how it should have been done. So their government is incompetent. It is also controlled, in large part, by someone we do not like, Sadr. The Sadr party is the Prime Minister's base. He cannot do anything, even should he want to, in terms of actually bringing peace and creating a government that is friendly to America.

So here we are with this escalation, a surge to bolster a government we don't like or trust. Here we are, instead of fighting terrorism, policing a civil war. The American people know that. We have seen all of the data and all of the polls. The overwhelming majority does not support the President in Iraq. So we need a change in strategy. Substance dictates it, people see it, and our job in the Senate is to do that. That is what we are attempting to do in this debate.

The proposal that most of us on this side of the aisle are behind is a very simple one. We require the President to change strategy. Instead of policing a civil war, fighting a civil war, our troops should have the far more limited mission of protecting us in America from terrorism. That means that if al-Qaida sets up a base anywhere in Iraq, we should take it out—do what it takes to take it out. But it doesn't mean that our soldiers should be patrolling the streets of Baghdad simply because the Sunnis and Shiites are fighting with each other. That will require a change in mission and will require fewer troops, and those troops need not be in harm's way. It makes eminent sense.

We set a deadline of a little more than a year from now, during which time the mission will have changed. The number of troops will be greatly reduced. We don't set a number. That is up to the President. It is our job in the Congress to debate missions and the broad context of foreign policy and then, should we pass a law, have the President carry out the details.

Now, some on the other side have said that any debate means you are not supporting the troops. Well, I have talked to the troops—to generals and enlisted men and women. They want debate, Mr. President. The more demagogic the other side is, saying if there is a debate, you are not supporting the troops—frankly, that is not the American way. Of course, we debate issues. In fact, their view is that basically the only way to support the troops is to rubberstamp the President's policy. We don't agree with that. We are supporting the troops. We are supporting the troops when they are in the field by trying to get them the body armor and humvees and blood-clotting bandages they have not had. We are supporting them when they come home by trying to fully fund the Veterans' Administration. Don't talk to us about supporting the troops. We are walking the walk and putting our money where our mouth is.

So, sadly, our colleagues on the other side, instead of joining us in this debate, often seek to thwart it, as they did last time. I hope they will not do that again because America is demanding debate. We hope they will come together with us, as we did last year in the Levin-Reid resolution, in a bipartisan change of mission. That is what the people are asking for.

I know my colleagues on the other side are in an uncomfortable position. They are torn between the policy of our President, their party leader, and what their constituencies want. By the way, the constituencies across America want this. I have seen the polling data. It is not just in places such as Rhode Island, New York, and Pennsylvania where the people are asking for a real change in strategy; it is also in places such as Kentucky, North Carolina, and Mississippi. It is throughout America. They are not doing it because they don't support the troops or for some nefarious reason. They are doing it for a reason that is as plain as the noses on our faces: what we are doing now is not working—whether it be with 140,000 or 150,000, 160,000, or 200,000 troops.

So we are here in the hallowed tradition of our Constitution to debate what we are doing in foreign policy and war policy and whether it is right. We will stand together on this side of the aisle and state that, as patriots who support our troops, we desperately need a change in strategy and in mission. We will bring up this issue on the floor of the Senate again and again and again, until our colleagues on the other side join us, until our colleagues on the other side understand that the wishes of their constituencies are for a change in strategy, until our colleagues on the other side have the courage to tell the President that on this issue he simply is wrong. That is part of the hallowed tradition of this country. We are proud to do what we are doing.

Mr. President, I hope and pray that our colleagues on the other side of the aisle will allow this debate to go forward, that they will put forward their ideas, and we will put forward ours. Debate it we will and debate it we must. I hope and pray that debate starts to yield the change in strategy that our troops in Iraq, our people in America, the Iraqi people, and the people of the world so desperately need.

With that, I thank my colleague from Rhode Island for the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Senate has now commenced the debate on an issue of great importance, really of historic importance, which challenges us on the issue of what course of action we should take in Iraq, in a very complex factual situation, and challenges us on what our authority is under the Constitution, contrasted with the President's authority as Commander in Chief.

On the factual issue, when we look at the resolution, which calls for the phased redeployment of the U.S. forces from Iraq not later than 120 days after enactment of this joint resolution, with the goal of deploying by March 31, 2008, all U.S. combat forces, except for three purposes: one, to protect the U.S. and coalition personnel and infrastructure; second, training and equipping Iraqi forces; third, conducting targeted counterterrorism operations.

We are setting a deadline and our opponents simply have to wait us out. They know if they can hold on until March 31, 2008, a little more than a year from now, we will be leaving, except for those stated limited purposes. That is not a very desirable course of conduct.

It is equally undesirable, however, to view the current situation in Iraq, which looks like an endless tunnel—a tunnel without a light at the end. You cannot see the end of the tunnel and, certainly, there is no light at the end of the tunnel in terms of what we can do.

Last month, the House of Representatives passed a nonbinding resolution expressing displeasure, objecting to the President's course of action in Iraq. Last November, in the election, the American people spoke in a resounding manner, in a way that could only rationally be interpreted as rejecting the conduct of the war in Iraq. We are faced with very considerable discomfort in this body. How it will resolve itself remains to be seen. I think it is very important that we debate this matter, that we exchange our views, that we stimulate discussions that will go beyond this Chamber and will resound throughout the country, resound throughout the editorial pages and the television and radio talk shows, and by our colleagues in the corridors and in the cloakroom so that we can try to work our way through an extraordinarily difficult situation where, as I see it, there is no good answer between the two intractable alternatives to set a timetable where our opponents simply have to wait us out or to keep proceeding down a tunnel which, at least at this juncture, appears to be endless and has no light. We don't know where the end is, let alone to have a light at the end of the tunnel.

What I am trying to do at the moment is to get from the administration, from the Department of Defense, and the Department of State an evaluation of what has happened since General Petraeus briefed us on what he intended to do before he returned to Iraq several weeks ago. There have been some preliminary reports that the strategy employed by General Petraeus is producing results. There have been some commentaries.

The Washington Post last Sunday in an op-ed suggested things are improving. Reports by NBC's Brian Williams suggest that matters are improving, not sufficiently definitive to come to any conclusion, but if there was a sign on the military side that we could see improvement and see a path to victory, that would have a material bearing on what this body would do or at least on the thinking of this Senator.

The resolution calls for a comprehensive strategy, and it defines it as "diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq."

I was pleased to hear the testimony of Secretary of State Condoleezza Rice, when she appeared before the Appropriations Committee on which I sit on February 27, 2007, announcing the initiative of an international conference to be held in Baghdad and announcing for the first time that there would be negotiations by the United States in a conference which included Iran and Syria, which I think is a very important and sensible change in the foreign policy of the United States.

We saw the results in North Korea where we faced a very difficult situation with North Korea possessing nuclear weapons and the various tests they had undertaken. We saw the multilateral discussions and then, more importantly, saw bilateral talks between the United States and North Korea, which Secretary of State Rice obtained the authority of the President to engage in those direct bilateral talks so when she was traveling overseas, she did not go through the normal vetting and analytical processes in Washington which might well have stopped that direct bilateral discussion. It did occur, and it appears to have been instrumental in working out what may well be a diplomatic answer. It appears that way at the present time, although no one can ever be sure in dealing with North Korea.

I would like to have an up-to-date evaluation—and I am seeking one—from the Department of State as to what is happening with those negotiations. Candidly, it is pretty hard when we have one of our sessions in room 407 upstairs, which is the secret room where we are briefed. We very seldom get much information there. I think it would be very useful if we could find information to bring us up to date as to what progress, if any, the administration is making. I know, to repeat, it would be very influential on my thinking as to what course I will take when the roll is called on these resolutions.

Beyond the evaluation of the factual situation, there are very complex legal questions involved in what is the authority of Congress. The resolution does not call upon the congressional constitutional authority on appropriations or the so-called power of the purse. We know there is authority in the Congress to cut off funding. I think there is unanimous agreement that we should not even broach the issue cutting off funding if in any way it would jeopardize the troops who are serving in Iraq.

The President's powers as Commander in Chief have been the subject of judicial interpretation. In the case of Fleming v. Page—it goes back a long way to 1850—but the Supreme Court said:

> As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

On the face of that statement by the Nation's highest Court, there is a real question as to whether Congress has the constitutional authority to order the "phased redeployment of the United States forces from Iraq."

The Supreme Court dealt with the issue on the power of the purse in the case of United States v. Lovett in 1946, holding that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective.

So that brings into play squarely what is the constitutional authority of the President as Commander in Chief.

I think it is most unwise for Congress to even broach the subject of micromanagement of the war. When Congressman MURTHA suggested some time ago that funding be conditioned on a whole series of requirements, it bore all the earmarks of micromanagement of the war.

The resolution at hand calling for a redeployment may well cross that line of micromanagement of the war. It is unclear. But there remains the very deep concern in the country, expressed by the electorate last November, expressed by citizens across the country that reflected in the resolution passed by the House of Representatives last month objecting to the administration's conduct of the war and considerable sentiment in this body so that we are searching for a way to approach this issue rationally.

We have to face up to the consequence that if we acknowledge defeat in Iraq, there are very disastrous consequences which will flow from that, disastrous consequences in the region, the issue of whether the terrorists will come at least in part from the Mideast to threaten us on the homeland. But, at the same time, we have to recognize that when the President laid down two markers in his State of the Union speech earlier this year, that the Iraqis accomplish two objectives: One, to stabilize Baghdad, and, two, to end sectarian violence. The Iraqis have not shown either the capacity or the will to accomplish those two prerequisites which the President set down as minimal markers.

My thinking is we ought to deliberate on this subject. We ought to hear each other out, and we ought to seek updated information from the administration to see whether there are any signs, in the several weeks since General Petraeus has undertaken the new strategy, whether there are any indications of what may lie ahead on the negotiations, now that there have been contacts by the United States with Iranian officials and presumably also with Syrian officials.

I would like to see this Chamber filled with Senators when we undertake this debate. I recollect the debate we had back in 1991, which was classified as historic, when we decided to pass a resolution authorizing the use of force. I know we are all very busy. I am about to go to a hearing of a subcommittee on Labor, Health, Human Services, and Education. This issue warrants the close attention of the Senate. We have been called the world's greatest deliberative body, and this issue now will give us a chance to see if we are entitled to that lofty title.

Mr. President, I ask unanimous consent that a letter I sent to the chairman of the Judiciary Committee, outlining underlying legal issues in the debate we are now undertaking, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
Washington, DC, February 20, 2007.

Chairman PATRICK LEAHY,
Senate Judiciary Committee,
Washington, DC.

DEAR PAT: I write to ask you to hold additional hearings into the constitutional authority of the Congress to place restrictions on the President's power as Commander-in-Chief to prosecute the war in Iraq. Since there is considerable public discussion on the scope of Congress's constitutional authority to limit the President's conduct in the war in Iraq, and the Attorney General has not responded to our joint letter of January 30, asking for the Administration's legal authority for the President's actions in Iraq, I write to request early additional Judiciary Committee hearings on these issues. Time is of the essence because these matters are coming to a head and there may soon be floor action on legislation, especially in the House.

As you will note, this letter goes into some detail on legislative precedents, judicial decisions and commentaries by constitutional experts to put into public discourse some background on these complex matters in advance of the purposed hearings. Many people have called upon the Congress to set time tables for bringing the troops home or to cut funding for the anned forces as a means of preventing the President from deploying an additional 21,500 troops in Iraq. Last Friday the House of Representatives recently adopted a non-binding resolution indicating that body's disapproval of the President's military strategy in Iraq. Others have pressed for more direct action, proposing legislation to reduce military appropriations until the President agrees to change course.

Representative John Murtha outlined a plan to halt the so-called surge by proposing to insert conditions in the forthcoming supplemental appropriations bill to prevent the President from (1) deploying troops, until they have meet certain readiness standards; (2) redeploying troops, until they have been at home for at least one year; and (3) extending tours beyond one year. (Movecongress.org, Feb. 15, 2007, http://www.movecongress.org/content/index.php). While these proposals may differ in substance, they represent Congressional proposals for the President to change course.

A difficulty the Congress faces is understanding precisely the contours of our power to limit the President's constitutional authority as Commander-in-Chief. As we know, the Congress' war powers are articulated in Article I, 10–16. Chief among those powers is the Congress' exclusive authority to declare war. James Madison wrote: "In no part of the constitution more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department." Alexander Hamilton & James Madison, Letters of Pacificus and Helvidius on the Proclamation of Neutrality of 1793, at 89 (James Madison) (Washington, D.C., J. Gideon & G.S. Gideon 1845). Originally, the Constitution's Framers proposed that Congress enjoy the power to "make" war. The word "make" was changed to "declare," however, because it was argued that the term "make" might be understood to mean "conduct," and a war's conduct was determined to be an exclusively executive function. While the declaration and funding of war was consigned to the Congress, the actual conduct of the war on the battlefield was left to the President, acting as Commander-in-Chief.

The Congress is not necessarily sidelined once a war begins, however. The Congress can also exercise control over military ventures through its power of the purse, captured in Article I, §8, cl. 1 and Article I, §9, cl. 7, and in its exercise of the Necessary and Proper clause. The Constitutional provisions outlining Congress' and the President's war powers reflect a structural system of checks and balances.

Nevertheless, there is considerable division over the extent the Congress can exercise control over the President's war powers authority. Some prominent academics argue that there are a number of war powers conferred on Congress that allow ongoing regulatory authority with respect to the conduct of war. This view advocates that Congress' authority to control military policy is plenary, extending to the deployment of troops, the battlefields to choose, and the training and regulation of soldiers.

Other commentators, however, believe that the only congressional control over wartime policy is the appropriations power and that it remains constitutional to use the appropriations power to limit the breadth and scope of military deployment so long as such limitation does not impede constitutional presidential war powers. Any effort to tell the President how many troops to send to Iraq or how to fight the war, they would argue, amounts to an unconstitutional usurpation of the President's authority.

The question remains as to where the President's authority to conduct an already engaged war ends, and Congress' supervisory authority begins. It is asserted that the Framers intended, by vesting the Commander-in-Chief power in the President, to give him the sole authority to conduct war. Conducting war arguably includes the power to direct the movement of troops and to employ them as he determines necessary to conduct war. Chief Justice Taney in Fleming v. Page stated "As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy." (50 U.S. 603, (1850)). I question whether, absent use of the appropriations power, the only choice for the Congress is a total repeal of the authorization to use military force in Iraq.

If Congress acts to repeal the authorization to use force in Iraq, the question may arise whether the President may veto that action requiring a two-thirds override. It may be relevant that the President does not have to approve a Congressional Declaration of war.

History demonstrates that the Congress has previously acted to restrain the President through threats to cut funding or proposed budgetary requirements. In Federalist No. 58, James Madison explained that the power of the purse represents the "most complete and effectual weapon with which any constitution can arm the immediate representative of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure." Madison explained that the Congress would "hold the purse—that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activities and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of government."

As early as Teddy Roosevelt's administration, "Congress conditioned appropriations on a minimum of eight percent of detachments aboard naval vessels being marines." Charles Tiefer, Can Appropriation Riders Speed Our Exit From Iraq?, 42 Stan. J. Int'l L. 291, 302 (2006). This represents a specific action by the Congress to control a quite specific aspect of warfare; namely, the composition of the troop on a naval vessel.

Perhaps the most compelling precedent to illustrate Congress' authority to place legislative conditions and withdraw funds to effectuate the end of a war are the actions taken by the Congress during the later half of the Vietnam War. The Congress successfully exercised its spending power to restrict action in Vietnam on at least three separate other occasions. The Special Foreign Assistance Act of 1971, P.L. 91–652, prohibited the use of funds authorized or appropriated by it or any other Act "to finance the introduction of United States ground combat troops into Cambodia or to provide U.S. advisors to or for Cambodian military forces in Cambodia." The second Supplemental Appropriations Act for fiscal year 1973, P.L. 93–50 cut off funding for combat activities in Indochina after August 15, 1973. The Continuing Appropriations Resolution for fiscal year 1974, P.L. 93–52, specifically disallowed the use of appropriated funds to finance U.S. combat activities in or from North Vietnam, South Vietnam, Laos, or Cambodia.

Finally, the Foreign Assistance Act of 1974 all but eliminated the U.S. personnel presence at the close of the Vietnam War. Section 38(f)(1) set a ceiling for the total number of U.S. personnel in Vietnam, ordering a drop to 4,000 within six months and 3,000 within a year. Although President Ford expressed his reservations in a December 30, 1974 signing statement, he nevertheless signed the Act into law.

More recently, the Department of Defense Appropriations Act for fiscal year 1994, P.L. 103–139, approved the use of U.S. troops to protect U.N. units in Somalia, but specifically cut off funding after March 31, 1994. Similarly, the Defense Appropriations Act for fiscal year 1995, P.L. 103-335, provided that, with a narrow exception "None of the funds appropriated by this Act may be used for the continuous presence in Somalia. . . after September 30, 1994."

Nevertheless, I understand that congressional power of the purse is not unlimited and the Congress cannot exercise its authority in contravention of the Constitution. What remains unclear, however, is what types of conditions the Congress may impose are unconstitutional. In United States v. Lovett, 328 U.S. 303 (1946), for example, the Supreme Court held that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective. It remains unclear as to how far Congress can go in controlling the President through its exercise of the power of purse. One scholar stated during her testimony before the Senate Judiciary Committee that "[r]eliance on the power of the purse alone as a check on executive war power. . . can be an overly blunt and sometimes ineffective tool for expressing the will of Congress. Limiting or cutting off funds after forces have already been committed is problematic because it undercuts both troops in the field and America's credibility with her allies."(Testimony by Ms. Jane Stromseth, Professor of Law, Georgetown University, before the Senate Judiciary Subcommittee on Constitutional, Federalism, and Property, titled "Application of War Powers Act to War on Terrorism", April 17, 2002).

As a consequence, Congress may turn to other means to regulate the conduct of war. Article I, Section 8 of the Constitution grants Congress the authority to raise and to regulate armies and navies. Although this has traditionally been understood as the power to create rules governing the armed forces, Alexander Hamilton suggests in Federalist 69 that the Congress may possess the authority to dispatch those forces. Essentially, the President is "raising" an additional twenty thousand troops to go to Iraq. Arguably, Congress could pass a law, pursuant to its authority to raise and to regulate the services, that would forbid the President from "raising" those forces and dispatching them overseas.

For example, at the end of the 18th Century, Congress passed a number of statutes authorizing limited military engagement with France in the so-called "Quasi War." See Louis Fisher, Presidential War Power 24 (2d ed. 2004). In 1798, the Congress authorized the President "to instruct and direct the commanders of the armed vessels belonging to the United States" to seize French vessels that were disrupting United States commerce. 1 Stat. 561 (May 28, 1798). The Congress limited both the kind of force the President could use (the navy only) and the areas where he could use it (our coastal waters, at first, and then the high seas)." The Constitution Project, Deciding to Use Force Abroad: War Powers in a System of Checks and Balances 15 (2005). In fact, the Supreme Court found that Congress had only authorized seizure of vessels traveling to French ports, not from French ports. Little v. Barreme, 6 U.S. (2 Cranch) 170, 179 (1804).

Similarly, during the reconstruction following the Civil War, Congress attached a rider on an 1867 military appropriations bill providing that the "orders of the president and secretary of war to the army should only be given through the general of the army (Gen. Grant); [and] that the latter should not be relieved, removed or transferred from Washington without the previous approval of the senate." Alexander Johnston, Riders (in U.S. History), in III Cyclopedia of Political Science, Political Economy, and of the Political History of the United States By the Best American and European Authors, 147.7 (John J. Lalor ed., 1899), available at http://oll.libertyfund.org/ToC/0216–03.php. And, in 1878, Congress passed the Posse Comitatus Act, ch. 263, §15, 20 Stat 145, 152 (codified at 18 U.S.C. §1385), which restricted the President's ability to use the military for police actions in the United States by imposing criminal penalties on the troops themselves.

Even with respect to the present conflict, the Congress placed restrictions on the President's use of force in Iraq, requiring him to certify that diplomatic means are insufficient and that the use of force will not impede the war on terrorism, and limiting the use of force "to. . . (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq." Authorization for Use of Military Force Against Iraq, Pub. L. 107–243, §3(a), 116 Stat. 1498 (Oct. 16, 2002).

The debate over the Congress' wartime authority runs deep. Walter Dellinger, former Assistant Attorney General for the Justice Department's Office of Legal Counsel offered a legal opinion to the President explaining: "[t]rue, Congress has the power to lay down general rules creating and regulating "the framework of the Military Establishment; but such framework rules may not unduly constrain or inhibit the President's authority to make and to implement the decisions that he deems necessary or advisable for the successful conduct of military missions in the field, including the choice of particular persons to perform specific command functions in those missions." (Citations omitted).

The memorandum was written in response to questions on whether Congress could bar President Clinton from putting American forces under foreign (specifically the United Nations) command and ban appropriated funds for such purposes. Dellinger determined that this was an infringement on the Commander-in-Chief clause. He wrote, "The proposed [House] amendment unconstitutionally constrains the President's exercise of his constitutional authority as Commander-in-Chief. Further, it undermines his constitutional role as the United States' representative in foreign relations. While '[t]he constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping,' Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone, for that would "pose a 'danger of congressional usurpation of Executive Branch functions.'"

Nor may Congress legislate in a manner that "'impermissibly undermine[s]' the powers of the Executive Branch, or 'disrupts the proper balance between the coordinate branches [by] prevent[ing] the Executive Branch from accomplishing its constitutionally assigned functions.'. Even though there are areas in which both Congress and the President have a constitutional voice, and in which Congress, therefore, may rely on its own constitutional authority to seek to guide and constrain presidential choices, it may not impose constraints in the areas that the Constitution commits exclusively to the President." (Citations omitted).

More recently, Professor Dellinger joined a letter signed by 23 law professors to the Congress distinguishing the arguments made in his earlier memorandum with his position today that Congress is well within its constitutional powers to limit the scope and duration of the war in Iraq. He wrote: "Congress may by legislation determine the objective for which military force may be used, define the geographic scope of the military conflict and determine whether to end the authorization to use military force . . . I believe that the President has extensive inherent powers to protect and defend the United States. In the absence of any congressional legislation on point, I would often presume that the President can act of his own authority and pursuant to his own judgment in matters of national security. Once Congress has acted, however, the issue is fundamentally different. The question then becomes whether the Act of Congress is itself unconstitutional."

The debate over the Iraq war is the most important issue confronting the American people today. The Congress cannot be pushed to the sidelines as the President commits more troops and ever increasing funds to an engagement that commands uncertain support. We have an obligation to determine how, within appropriate constitutional constraints, we may engage the President and ensure that the will of the American people regarding this conflict is heard. To this end, it would be in the public interest for the Judiciary Committee to conduct a series of hearings to determine the constitutional authority of the Congress to limit conduct of the war.

At the same time, we must be unwavering in our support of the men and women in the field who are so honorably seeking to carry the torch of freedom throughout the world. Even as some may doubt the efficacy of the President's conduct of the war, no one doubts the professionalism, integrity, and dedication of our troops in the field.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to support the resolution on which I hope we will have an opportunity to vote. As we hear this debate, it is a good debate that should move forward. I hope we will actually get to vote on the resolution.

I am amazed at some of our colleagues who would suggest that this debate shouldn't even take place. The Senate, the greatest marketplace of ideas, the clash of ideas, should be the place in which one of the most momentous issues facing the Nation should have the opportunity for those 100 Senators, elected by their constituencies across the country, to come and not only debate but cast a vote so that the American people know which way the Senate intends to lead on this question of changing the course in Iraq.

What we seek to do is put forward a new direction and a clear plan for Iraq—a clear plan that is very different than the President's current plans to escalate the war in Iraq. We have a plan that, if effectuated, would end the war in Iraq.

Our plan is relatively straightforward and says: One, our troops should leave Iraq by March 31, 2008, with a small number remaining to help with security and counterterrorism.

Those who say we shouldn't have any date because the enemy will outwait us, we see that Sadr's militias have already retracted, that they are already willing to spend the time to wait until it is propitious to strike.

Two, we should start the process of leaving within 120 days.

Three, our troops' mission should immediately change to the priority of training—priority of training—Iraqi security forces, focusing on counterterrorism.

I heard some of our colleagues talk about that element of al-Qaida in Anbar Province. Well, that is 5,000 or so. We have roughly 140,000 troops, and 140,000 U.S. troops could certainly take care of 5,000 elements of al-Qaida in Iraq and protecting U.S. personnel in Iraq. Or we should take all these steps as part of a comprehensive diplomatic plan, working with Iraq's neighbors and our allies to bring stability to Iraq.

I support this plan. I would like to see it be much more than a goal. I would like to see it move more along the lines of a mandate. I support the plan because it matches the goals of the Iraq Study Group, a bipartisan group that met unanimously, agreed upon all of its recommendations, and who said that U.S. combat forces should leave Iraq by the end of March 2008.

I know some of my colleagues have mentioned comments made by Democrats in previous statements. Well, I would point out that this was a bipartisan group and it had prominent Republicans on it, such as former Secretary of State James Baker, Lawrence Eagleburger, Ed Meese, Sandra Day O'Connor, and Alan Simpson. They all came to the conclusion, as we have in this resolution, that, in fact, our goal should be to have our troops out by March of 2008.

I support the plan because it transitions the mission for our troops, instead of keeping them fighting in the middle of a civil war. I support the plan because it sets a clear timeframe for our troops to leave Iraq. In my mind, unlike the way in which our opponents in this regard pass a negative light on a timeframe, I think a timeframe is the most powerful element to achieve success in Iraq. It is only by setting a clear timeframe for our troops to leave that Iraqis will have to take the responsibility for security in their country and to work out their political power struggles.

Some of these hearings that I have been part of in the Senate Committee on Foreign Relations, you hear how so much of the struggle among Iraqis is about political power. Is it the mission of the U.S. troops, the sons and daughters of America, to sit in the crossfire as people are pursuing political power? I think not.

Unless we have the Iraqis understand this is not an open-ended commitment, they will never make the hard choices, compromises, and negotiations necessary for a government of national unity, if that is possible. They will never get there so long as they believe we will shed the blood and our national treasure in an unlimited fashion. It is only by setting a clear timeframe for our troops to leave that Iraq's neighbors will start to take responsibility for ending the chaos inside of Iraq.

Right now, that violence hasn't reached the tipping point for them to get Iraq's neighbors involved. Ultimately, it is not in their national security interest to have the conflict spill across their borders and have Iraq disintegrate, but they do not yet feel the pressure to do this. By setting a date certain to leave, we create a new incentive for Iraq's neighbors to help quell the violence.

It is only by setting a clear timeframe for our troops to leave that the international community will take its responsible and necessary role in Iraq. Right now, the international community sees this as America's war. Once we make it clear we will not be there permanently or indefinitely, they, too, will have an incentive in getting involved to help preserve security in a region that is incredibly important to them, much closer to Europe than the United States. By setting a clear timeframe for our troops to leave, we actually motivate Iraq's neighbors and the international community to take the steps necessary to stabilize Iraq.

Let me be clear, for my friends who are saying we shouldn't vote for this resolution. They say we shouldn't try to micromanage the war. No one is trying to micromanage a war. There is a constitutional responsibility by Members of the Senate to act as a legislative body. I say the era of blank checks, both in lives and national treasure, is over. They say don't micromanage the war. Well, you have had a blank check under this administration. You have rubberstamped everything they have wanted, with virtually no oversight, until this new Congress started. That is not the responsible exercise of the Senate. They say slow bleed. How about the endless bleeding going on now?

Let me take a moment to talk about the President's plan to escalate the war and stay there without any timeframes that bind. First, let's be frank. I simply don't believe the recent escalation of troops in Iraq is a temporary surge. I believe it is a long-term escalation. Even General Petraeus has said we are in it for the long haul, and that, to me, is undefined.

I wish this administration would be honest with the American people and the Congress about the total cost of the escalation and the total number of troops needed for the escalation. I sit as a member of the Budget Committee, and we had the Deputy Secretary of the Department of Defense, Mr. England, testifying in a hearing. I said to him: If the chairman would put you under oath, would you say that the $5.6 billion that you want in addition for the escalation of the war would be the total amount; the total cost? He told me: Yes, even if I was under oath it would be roughly that amount. Of course, depending on the needs of the commanders. And then that weekend—that weekend, after the hearing—the administration said they needed another $2 billion. They needed $2 billion more over a weekend? That is not a small amount of money that he didn't know about. We are also told the administration will need more troops, and there may be additional billions added to the supplemental. Each time we ask, we get a different answer. I, for one, would like a clear and honest answer for the total number of troops and the total cost of the troop escalation.

Staying indefinitely in Iraq isn't in the national interest or the national security interest of the United States. Our troops are caught in the middle of a civil war they can't solve. Adding more troops will only put them more directly in the middle of an Iraqi fight. Keeping our troops there or adding more troops is trying to solve a political problem with a military solution.

I have heard General Pace and others in the past say: You know, we have to get the Iraqis to love their children more than they hate their neighbors. That is a powerful truism. We have to get the Iraqis to love their children more than they hate their neighbors. That, however, cannot be accomplished by military might. That is accomplished by reconciliation measures. That is accomplished by confidence-building measures. That is accomplished by revenue sharing. That is accomplished by power sharing. It cannot be accomplished at the point of a gun. It cannot be accomplished at the point of a gun.

Staying there would only continue to empower and embolden Iran, a country that has turned out to be, by many experts who have testified before the Senate Committee on Foreign Relations, one of the biggest winners in our war with Iraq. Staying in Iraq actually keeps the Iraqis from making the hard choices, compromises, and negotiations necessary to achieve a government of national unity.

Frankly, what we hear from the other side doesn't make sense to me. They talk about victory. What is the definition of victory? Is it when the President landed on the aircraft carrier, fully decked out, and said, "Mission accomplished"? Is it the many times we have heard the administration say, victory is right around the corner? How many lives, how much national treasure, what victory are we talking about? They talk about benchmarks for the Iraqis, but they set no consequences. Benchmarks without consequences are simply aspirations, nothing more.

Victory. How many lives must we lose? How much more money must we spend? How long will we be in this war under a plan without end of the President? I believe it is long past time to change the course in Iraq. That is why this vote to allow us to move forward, to allow us to have a final vote on changing the course in Iraq and laying out a plan that can create the best possibility for victory in Iraq is essential, and that is what I hope we will do between today and tomorrow.

Finally, in the time it takes me to finish my remarks this afternoon, the United States will have spent over $2 million on the Iraq war today. Our Nation spends over $8 billion a month in Iraq. We spend $2 billion a week in Iraq. We spend $280 million every day. And the loss in money pales, pales in comparison to our Nation's loss of our best and our brightest, with almost 3,200 lives lost in the conflict and over 24,000 who have been wounded.

I visited them again this past weekend in New Jersey at the Veterans Hospital at Fort Dix. I listen to the stories they tell me, especially now as they face challenges in this part of their life. I know that may be another subject matter, but it is something for which we have to be responsible. A grateful Nation does not just say they are grateful, a grateful Nation takes care of those who serve their country, in how we treat them in their health care, how we treat them in their disability, and how we treat their families, for those who commit the ultimate sacrifice on behalf of the Nation. The stories I heard from those soldiers do not indicate a grateful Nation.

I didn't vote for the Iraq war when I was in the House of Representatives. I believe that was one of the most important votes I ever cast. I don't support the President's escalation of the war. I was in the minority when I voted against the war in 2002, and there were those who said voting against the war would be political suicide. Even with that knowledge, I put my seat in the Congress on the line because my conscience told me this was simply not the right thing to do.

In a speech about the war, the President said the following:

> In speaking of the consequences of a precipitous withdrawal, I mentioned that our allies would lose confidence in America. Far more dangerous, we would lose confidence in ourselves. Oh, the immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people.

The President added:

> I recognize that some of my fellow citizens disagree with the plan for peace I have chosen. Honest and patriotic Americans have reached different conclusions as to how peace should be achieved. I share your concern for peace. I want peace as much as you do. I have chosen a plan for peace. I believe it will succeed.

That plan did not succeed. The man speaking wasn't President Bush but President Richard Nixon, and the war he spoke of was not the war in Iraq but the war in Vietnam. It is painful to hear the similarities between what was said by the President of the United States in that conflict and the one in which our Nation is currently ensnared. It is even more painful to see an administration and a President similarly disconnected from the American people.

In soaring speeches, President Bush, the Vice President, and Republican allies invoke the "will and courage" of the American people. They say, if the American people would have the "will and the courage" to persevere in Iraq, then we can succeed militarily. This administration fails to understand this war is not just about will and courage, it is also about wisdom and clarity of judgment, traits that have been sorely lacking in this administration.

No one should doubt the will of the American people. In fact, they expressed their will last November, a point that seems to elude many Members of this Chamber. The American people have the will, they have the nerve. What they no longer have is patience with this administration and the continued failed policy in Iraq, and they are losing patience with Members of this body.

It is time for the Senate to take a stand against the President's failed plan in Iraq and to vote for a new plan, a new plan and a new course to end the war in Iraq.

I urge my colleagues to support the ability to move ahead, to have a final vote, and then I urge them to support the resolution that would lead us out of the war in Iraq, that could give us the greatest opportunity for victory, that would give the greatest opportunity for the Iraqis to make the hard choices, compromises, negotiations for a government of national unity, and in doing so would honor those who have served their country with courage, with valor, and with distinction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BILL NELSON be recognized next and Senator GRAHAM be recognized after Senator NELSON, and then we return to Senator DORGAN.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I say to my colleagues in the Senate that I support this motion to proceed and want us to get on to the resolution so we can have a full and thorough debate on this issue of what to do in Iraq. Without a doubt, this issue is the No. 1 issue, foremost in the minds of the American people. My State of Florida, being a microcosm of the entire country, is certainly reflective of that. People are unsettled over the course of the war. They are unsettled over the fact that none of our leadership will indicate we are winning this war and, indeed, at the same time they recognize the stakes are so very high in that part of the world if we are unsuccessful. Therefore, because this issue naturally is at the forefront of Americans' minds now, and what to do about it, we need to get it out here and get it thoroughly discussed and debated.

It seems to me one of the fundamental mistakes at first of going into Iraq was not to understand the world of Islam and the schism that has been there for 1,327 years, ever since the battle of Karbala, in 680 A.D., when the grandson of the Prophet Mohammed was killed in the battle. That led to a division of those new worshipers who had followed the Prophet Mohammed into the primary sect, Sunnis, and those who were rebelling, the Shiites.

That schism has lasted ever since. We see attempts at bringing those two groups together, but we always see—just in the demonstrations in the religious holidays recently reenacting that battle, establishing the Shiite sect as one that is separated from the Sunnis—they have been at it ever since. So, when you have a country that has those two sects, they have been at each other's throats and you find that order has been maintained, in the case of Iraq, by a brutal dictator who favored one sect over the other. Now that that dictator has been overthrown and is no more, in an attempt to bring about democracy, you see the majority in that country of Iraq, the Shiites, suddenly feeling they have control and maybe it is not quite so bad that they let out—in their mind, they say it is not so bad—to let out their frustrations on the ones who had kept them down for years and years, their rivals, the Sunnis. In the process, you get this sectarian warfare which is, by anybody's definition, very close to civil war.

How do we stabilize Iraq? For us just going in and thinking it is going to be a democracy and that the Shiites are going to play the democratic game and the Sunnis are—and not even to speak of the branch of the Sunnis, the Baathists, who had been the ruling party—to think they are all going to play the game of democracy and majority rules, you have seen, now, after going on 4 years, what has happened.

So what do we do? We have a suggestion by a unanimous decision by a bipartisan group of extremely well thought of people called the Iraq Study Commission, led by former Secretary of State, former Chief of Staff of the White House, Jim Baker, and led by Congressman Lee Hamilton, former Member of the House, former head of the International Relations Committee in the House of Representatives. Unanimously, 10 people—5 Democrats and 5 Republicans—came up with a plan. How do you stabilize Iraq, given the conditions we find ourselves in there today? They said, clearly, what you have to do is stop having the mentality of an American occupying force. Let the Iraqis start to work it out for themselves. Realize there is probably going to have to be a separation of the sects until they can get them stabilized, and in the meantime do a very aggressive, diplomatic effort throughout the region to get all of the countries in the region to buy into what is ultimately the political solution.

This Senator thinks, given all of this chaos and tumult and sectarian warfare, that political solution is going to have to be some kind of division. Clearly Kurds in the north basically have their own autonomous government. Shiites are concentrated in the south. Sunnis are concentrated in the center. They made an important first step recently in the establishment of a new law distributing the oil production—which is not distributed geographically throughout the country but is concentrated in the north and in the south.

So if all the elements are there to make this possible for local control, of Kurds in the north, Sunnis in the middle, Shiites in the south, distributing the oil wealth proportionally according to the population, having a national government for the common defense, let's see if that political situation will work.

People say you can't do that because you have all these neighborhoods where Sunnis and Shiites are all living together. But the fact is the separation is already occurring because of the sectarian violence and the killing that is going on. You are seeing that separation.

If that is a likely political outcome that has the best chance to stabilize Iraq, then what should be the position of the United States and its forces, and what should be the policy of the United States to bring that about? Go back to the Iraq Study Commission. People say there is not a plan. There is. There is a plan. It is printed. It has about 75 recommendations. What it says is the American force should withdraw from the midst of that sectarian warfare, withdraw more to the perimeter, start lessening the forces and therefore the casualties to our American men and women, and use that force to train the Iraqi Army—to continue to train them—to provide force protection and very likely border control, since the neighbors in the region have not been exactly good on that—that is something we ought to be diplomatically insisting on, with the neighbors in the region—and to continue to prosecute the war against the terrorists by going after the terrorists there, particularly al-Qaida, who are trying to undermine the whole process.

What I have outlined, which came from the basics of the Iraq Study Commission Report and Recommendations, is the essence of the Reid resolution that is before the Senate. That is why I think we ought to get it out here, get it debated and, barring some unforeseen turn, it is this Senator's intention that he will support the Reid resolution. This does not say withdraw. It says redeployment. It doesn't say get out of Iraq, it says get out of the cities in the middle of the crossfire of a civil war. It says utilize the American forces for training, going after al-Qaida, and for the purpose of force protection. That makes common sense in the overlay of a very complicated part of the world.

As I close, I say that the United States, back in the 1980s, thought by the introduction of troops we could suddenly help bring about peace in another very troubled part of the Middle East, the country of Lebanon. Suddenly, it was as if scales fell from our eyes, that we saw it was an either/or. But it was multiple choice of all the factions that were there, each with a stake in the outcome. It became very difficult, particularly when the Americans became perceived to be supporting one particular part of those factions. Watch out for that happening today in Iraq. Let us understand something from the mistakes that were made in the past in places such as Lebanon as to how you ultimately stabilize an area and what is in the interests of the United States.

I think part of that wisdom is what came to bear by those 10 people unanimously agreeing, in the Iraq Study Commission, whose work product boiled down is, in essence, the resolution before us here in the Senate.

I thank the Chair for this opportunity to share these thoughts with the Senate.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I appreciate the opportunity to share some thoughts on what is probably the most important decision the Senate will make in the war on terror for decades to come, not just for the next election. I have a framework in my mind about what is going on in Iraq and how it fits into a global struggle. Quite frankly, I think it is unshakeable. I am not pursuadable on this issue. I will put my bias right up front. The outcome of what happens in Iraq is part of an overall global struggle called the war on terror. That is not just my view; it is the view of the al-Qaida members who have gone to Iraq to destabilize this infant democracy.

It is being billed all over the Mideast as the struggle between moderation and extremism. We have Sunni extremists trying to get back in power. They reigned during the Saddam era, and some of them do not want to give up power. They want to destroy this democracy so they can rule again as a minority within Iraq because they had a taste of it before—that power—and they do not want to give that up. The Shia extremists, who are a minority of the Shia community, have a hope to create a theocracy in Iraq, not be the dominant political party in a democracy. They have a religious agenda for Iraq very similar to Iran. Then you have foreign fighters, including al-Qaida, who see a democracy in Iraq as the biggest threat to their overall agenda.

What we are talking about is withdrawing from a central battlefront in the war on terror. What would be the consequences of redeploying—whatever word you would like to use—in the overall effort called the war on terrorism?

I think it would be the worst signal you could possibly send to the insurgents, to the extremists, and to al-Qaida members who are involved in this fight, who are watching this fight. Redeployment means surrender. If you think we are in the middle of a civil war that is a hopeless endeavor, cut off funding and get the hell out.

This idea of trying to go somewhere where it is safe for Americans is folly. If you are in uniform in Iraq, there is no safe place for you. Wherever we move to, they are coming after us. We have this illusion that there is a place we can go inside of Iraq or some other country in the Mideast that will provide safety. I can assure you our enemy is intent on proving to us there is no safe place for us in the Mideast. When I say "us," I mean those men and women wearing the uniform.

The goal of the extremists in Iraq—some are limited to the country of Iraq. Other extremist groups within Iraq have a wider goal. Their goal is to drive American forces out of the Mideast. So there is no place, in my opinion, you can redeploy within Iraq that would not be a signal to the people we are fighting that we are surrendering and retreating.

This war is about not killing terrorists from an American point of view alone, it is about empowering moderates. The Bush administration has made plenty of mistakes. The biggest mistake we made after the fall of Baghdad was not appreciating how much Saddam Hussein had raped his own country, how hard it would be to build a democracy out of ashes of a dictatorship, doing this on the cheap, assuming the best, never planning for the worst, and not having enough troops on the ground to provide security, which is essential to democracy.

It is so easy to beat on the Iraqi political leadership. They deserve to be pushed, and they deserve to be challenged. But one thing I can tell my colleagues, they represent a better Mideast than the groups trying to literally kill them. Our goal is not to just destroy terrorist organizations; it is to empower moderates.

The Democratic Congress is about to trump any mistake Bush has made by a factor of many. If they, as a Democratic Congress, set in motion a resolution that would undercut General Petraeus's ability to reinforce Iraq in a way that makes sense, then they have made a much bigger mistake than President Bush has ever made. If my colleagues are trying to pass a resolution that would make it impossible for moderates to reach political consensus because security is no longer certain, then my colleagues have made a much greater mistake than President Bush.

Now why not cut off funding? I guess the only reason we are not cutting off funds is because the American people, through polling, say that is a bad idea. But I know there are many on the other side who want to cut funding. To be honest, I respect them immensely; I just disagree with this idea of taking a middle position that has as its basis that there is a safe way to redeploy and not affect the outcome of Iraq. That, to me, is just folly. It is unconstitutionally sound. It destroys the ability of the commander on the ground, General Petraeus, to do the job we sent him over there to do. It will be a sign of weakness to those we are fighting. Moderates will start hedging their bets. My belief is that the stronger we are in Iraq, the bolder the moderates will be. The weaker we become, the more uncertain they will be.

It took us from 1776 to 1789 to write our own Constitution. When the product was written, women could not vote, and African Americans had no standing in the law. So I know there are religious problems in Iraq of a longstanding nature. I know this: Before al-Qaida bombed the Samarra mosque, the third most holy Shia holy site in Samarra, there had been generations of Iraqis, Sunnis and Shias, living together, intermarrying. I do not believe Sunnis and Shias are born to kill each other.

I do believe, like other places in history, other times in history, and other places on the planet, people are divided—sometimes by race, sometimes by religion—and our country needs to come to the aid of those who want to live together and reject religious bigotry.

The idea of dividing the country based on race, not many people in this body would say: Yes, that is a good idea, that will bring about peace, because it is giving in to bigotry. The idea of trying to give in to religious differences is insurmountable, is giving in to religious prejudice. I do believe the Iraqis can overcome their differences because it is in their best interest. But I do believe, if we do not reinforce this infant democracy at a critical time in its formation, we are going to lose in Iraq and the war just begins, it does not end. If you think withdrawing or redeploying ends this war, then I think you are going to be proven wrong in history.

I know what awaits those who are involved in the surge: more risk, more blood, and more treasure. On the other end of this surge, my hope is that we will provide enough security—holding areas previously cleared—and the Iraqi Government will step to the plate and start sharing the oil, doing the things politically they need to do to reconcile their country.

No one believes 21,500 troops are going to solve the problems of Iraq. Military power has its limitations, but we need to reinforce Iraq politically, economically, and militarily. The general we have sent to do the job has told us what he needs. He has a plan to accomplish his mission. The Congress is undercutting him at every turn.

This is the 17th resolution. I do not know what the magic number is to find the resolution that fits the political moment, but I can tell you this: The resolution in Iraq is not about the political moment; it is about decades to come in the Mideast if we can empower the moderates who are fighting and dying for their own freedom.

I say firmly and boldly to these Iraqis who have joined the military, who have joined the police, who are wanting to be judges, to those political leaders trying to find common ground between the three factions: You have my admiration and support because I know what it is like to be challenged in politics, when special interest groups try to take your job away from you because you will not do what they tell you. I cannot imagine what it is like to make political decisions knowing they are trying to kill your family.

I do believe the outcome in Iraq is part of a global struggle and that we need to reinforce Iraq on all fronts to have a chance, our last best chance to get this country up and running under democratic principles.

Talking to the neighbors is a wonderful thing. Somebody needs to be talking to Iran about their nuclear program and deal with this nut who is the President of Iran, who goes into the United Nations and says openly: I would like to wipe Israel off the face of the Earth, and who is challenging the world openly today that he will not give up his nuclear ambitions. It is clear to me, and I think anyone else who has looked at Iran, they are trying to develop a nuclear weapon to change the balance of power in the Mideast, and they are involved deeply in Iraq because their biggest nightmare, from the Iranian point of view, is a stable, functioning democracy. The theocracy in Iran does not have a shared interest with the United States or the Iraqi people when it comes to forming a democracy. If we can get them involved to help us provide security, let's give it a whirl. Let's give it a try. I do not believe they really have that as their goal.

Syria is trying to undercut this infant democracy called Lebanon. They are playing hard in Iraq because they are a police state.

I believe that the neighbors, Syria and Iran, are part of a global challenge to freedom-loving people. They are not the solution; they are the problem.

Where we find moderates in the Mideast, we need to stand boldly with them and give them the ability, the best we can, to change the course of the Mideast. This effort to withdraw and redeploy is the worst possible signal you could send to moderates or extremists. This is a war which has religious components to it.

There is one group who has proven they can live together in Iraq in peace, willing to live with us in peace. There are plenty of moderate forces throughout the Mideast who want to live on the planet with the rest of us and have a desire to do so. There is a minority who have hijacked a great religion, who have no place for us—moderate Muslims, Jews, or anybody else who is different. They want to destroy Israel eventually. They are not kidding.

I wish we could go back in time—not just to Lebanon, but I wish we could go back into the 1930s and take Hitler for what he was. I wish we would understand who our enemy is and take them for what they are. They are barbarians who kill without conscience. They have an agenda in writing. They are hell-bent on achieving that agenda. That agenda goes like this: Destroy anything or anybody that embraces a concept called democracy or is sympathetic to the West, to moderate governments where they exist in the Mideast; turn your attention toward America, drive us out of the Mideast; establish a religious-dominated Mideast with a view of religion that is harsh to everything and everybody; and destroy Israel. I am not making this up. This is not my theory of what they want to do; this is what they said they will do.

Iraq is the chance to turn it around. Iraq is a great opportunity for us, the Iraqi people, and the world at large to stand up to the extremists and beat them politically, militarily, and economically.

This resolution we are about to consider or may consider sends the worst possible signal at the most important time in the war on terrorism. Whatever mistakes President Bush has made in his administration—I think they are well documented—the biggest mistake is yet to come, and that would be passing this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask unanimous consent that Senator CARDIN be recognized for 5 minutes and then Senator KENNEDY be recognized immediately after the remarks by the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I urge us to move forward and consider the Iraq resolution so that every Member of this body can speak on this issue, we can debate it, and we can cast our votes on what we believe the policy should be for the United States in Iraq.

I would like to take us back to October of 2002. I was in the other body in October 2002. I voted against the resolution that gave the President the right to use force in Iraq. Let's remember the basis on which that resolution was passed. We were told that Iraq was in violation of U.N. resolutions concerning weapons of mass destruction and we needed to have the option to use military force in order to enforce that resolution and get rid of weapons of mass destruction.

The United States was also concerned about the war against terror, and there were statements made about the war on terror. I might tell you, there was no evidence that Iraq was involved in the attacks on our country on September 11. And, yes, there was a desire by many to get rid of the regime of Saddam Hussein.

What has happened since then? Our American troops have been in Iraq. We found no weapons of mass destruction. There are serious questions as to the intelligence information we had and how that was relayed to all of us. Saddam Hussein is gone. He has been removed. The Iraqi Government is now in place. A constitution was adopted. A government was elected. The Maliki government is now responsible for the affairs of Iraq. Times have changed.

But the most significant change that has occurred in Iraq during the last year has been the increased sectarian violence—a civil war. That is what is taking place in Iraq today. It is clear the presence of the U.S. military will not end the civil war. Iraqis need to end the civil war through diplomacy and negotiations and the confidence of the people in Iraq.

Something else has changed in the last year. We had national elections in our country, midterm elections. The people asked for change. Now there is a change in the Congress, and during the first few months of this Congress, we have held over 40 oversight hearings on what is happening in Iraq. I do not recall these hearings taking place in the last Congress.

Those hearings have pointed out—with expert after expert; military expert, foreign policy expert—we are not going to end the sectarian violence in Iraq by increasing American troops. We cannot win it on the battlefield. We have to deal with it and negotiate a settlement in Iraq.

We have before us the Reid resolution. We also have before us the President's current policies in Iraq. Do we want more of the same—an escalation of troops, a continuation of U.S. military presence in Iraq in the midst of a civil war—or do we want a change in direction? The Reid resolution represents a change in direction. It is a change in direction as it relates to U.S. troop levels.

We have lost almost 3,200 American troops, 68 from my own State of Maryland. There is a civil war in which American troops are not adding to ending that civil war. We need to look at whether we want to increase our troops, as the President wants, or to start redeploying our troops so the Iraqis can stand up and defend their own country so we can look for a political solution to what is happening in Iraq. We can remove the big target on Americans. Public opinion in Iraq says it is OK to kill Americans. We have to remove the American presence so we can move forward.

The Reid resolution gives us a well-defined mission which we can achieve, which is in the interest of the United States, that the Iraqis would take responsibility for their own country, would have well-trained security forces.

The resolution speaks to what we need to do as far as a surge in diplomacy, to urge more countries to get involved so the Sunnis and Shiites can live together and have confidence in their own government that represents a change, that represents a direction that is in the interest of the United States.

I urge us to be willing to debate this resolution and to vote on this resolution. That is our responsibility. It is our responsibility as Members of this body. It is our responsibility to our men and women who are serving our Nation, our Armed Forces. It is a responsibility we owe to our Nation. I urge my colleagues to move forward so we can go on record and change the direction of America's participation in Iraq so we can achieve the objectives that are in the interests of our Nation.

Mr. President, I yield back the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there a time allocation or are we without a time allocation?

The PRESIDING OFFICER. The Senator does not have a time limit.

Mr. KENNEDY. I thank the Chair. I do not intend to be long, and I am glad to yield at any time to the chairman of the Armed Services Committee.

Mr. President, this is a defining moment for our country. The American people are watching. The world is watching. The issue is clear. Will we stand with our soldiers by changing their mission and beginning to bring them home, or will we stand with the President and keep our soldiers trapped in Iraq's civil war?

History will judge us. We can either continue down the President's perilous path or insist on a new direction. If we do not change course, we know what lies ahead—more American casualties, more wounded, more destruction.

A new strategy that makes Iraqis less reliant on our military is the best way forward.

More of the same misguided policy will result in more of the same tragedy for our military. Let's try a new course and let's try it now because Iraq is the overarching issue of our time and because we need to protect our national security.

We are told we need to be patient. We are told we have to give the latest escalation a chance to succeed. But we have heard all of that before.

We have heard for years that this administration has a plan for success. We have heard for years that progress is just a few months away. We have heard for years that we have turned the corner.

But the plans for success keep getting tossed aside for new plans. The administration has benchmarks to measure success, but there are no consequences when the benchmarks are not met.

The timelines for progress keep getting extended. We have turned so many corners that we have ended up back where we started—trying to control Baghdad. It is time for a new direction.

Mr. President, I reference this document. It is: "Measuring Stability and Security in Iraq." It is a report to Congress by the Department of Defense, embargoed until 3 o'clock this afternoon. It is now after that hour. Here is what this document, which has just been released by the Department of Defense, has to say on stability and security in Iraq:

> The last two months of 2006, however, saw little progress on the reconciliation front. The first two of four planned reconciliation conferences were described in the last report (November 2006). These conferences laid solid groundwork for subsequent conferences, but there has been little progress since then and the conferences had no effect on quelling violence. On December 16–17, 2006, the Political Parties Conference was held in Baghdad. Speeches given by the Prime Minister and other Iraqi officials focused on political participation and national unity, and welcomed former Ba'athists into the political process, so long as they showed loyalty to the new national government. The Sadrist bloc, top Ba'athists, and many Sunni factions did not participate. A fourth conference of religious leaders has not yet been scheduled due to lack of financial support and attendance challenges.

Mr. President, too many parents have had to bury their sons and daughters. Too many children have been left without their father or their mother. Too many soldiers are missing arms or legs. Nearly 3,200 of our forces have been killed. More than 24,000 have been wounded. The casualties keep mounting. The violence in Iraq continues to spiral as well. Our troops are in the impossible position of trying to stabilize a country at war with itself.

The recent National Intelligence Estimate confirms the nightmare scenario unfolding for our troops. Iraq is sliding deeper into the abyss of civil war, and our brave men and women are caught in the middle of it. Prospects for halting the sectarian violence are bleak. Greater chaos and anarchy are looming ahead. Needless additional U.S. casualties are inevitable.

The intelligence community has finally determined what everyone but the Bush administration has been willing to admit for some time. As the Intelligence Estimate stated:

> [T]he term "civil war" accurately describes key elements of the Iraqi conflict, including the hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacements.

Those are the words of the intelligence community. Secretary Powell agrees. Former U.N. Secretary General Kofi Annan agrees. Only President Bush continues to stubbornly deny that our troops are policing a civil war.

The facts speak for themselves. According to the United Nations, nearly 35,000 civilians were violently killed in Iraq last year. In November and December of last year, more than 6,000 civilians were killed. Most were killed in Baghdad, where "unidentified bodies killed execution-style are found in large numbers daily." More than 2 million refugees have fled the violence in Iraq, and another 1.8 million have been displaced internally.

Our military should not be caught in the middle of this quagmire. Only a political solution can solve Iraq's problems.

General Casey, in his June 2005 testimony to the Senate Armed Services Committee, called out for a political solution. He said:

> If you look back historically at how insurgencies have been defeated, they have been defeated when the insurgents saw their options as better protected in the political process and their prospects for economic advancement can be better protected by the political process than fighting for them. And that's the essential element here.

Last August, General Abizaid spoke about the need for a political solution. He said:

> Our troops are the best equipped, the best trained, the best led in the world. And I am enormously proud of them, and I have the utmost confidence in their ability to handle any mission. Yet, sectarian violence is worse than ever in Baghdad in particular. And I wonder about the validity of a strategy that says that less capable troops that are not as well equipped, trained or led as the best troops in the world can handle the security of this country if the upswing in violence has occurred despite the presence of the best troops in the world. It doesn't give me a lot of confidence in our underlying strategy. And it suggests to me—

This is General Abizaid—

> it suggests to me that what we need is a political rather than a military solution.

Last week, General Petraeus, the new commander of our forces in Iraq, stated that there is "no military solution" in Iraq. But no one in the administration has been able to clearly articulate a political solution or how it can take hold in the midst of this chaos. Instead of giving the Iraqis a necessary incentive to get their political house in order by beginning an orderly redeployment of our troops out of Iraq, the President stubbornly insists on sending more and more troops into Iraq's civil war. Escalation didn't work in Vietnam and it will not work in Iraq either.

The President's latest proposal—to increase the number of our troops in Iraq—makes no sense at all. Sending more troops into the cauldron of Iraq's civil war is not the solution.

In addition to the fact that we know a military solution is not the answer, the administration still has not leveled with us on the number of troops the President plans to send to Iraq for the surge.

On January 10, the President announced he had committed more than 20,000 additional troops to Iraq. Within a few days, this number had been revised to 21,500.

The CBO estimated that it would be far higher—as much as 35,000 to 48,000 troops when support troops are included.

On February 6, I asked General Pace and Secretary Gates for the best military estimates of the actual size of the escalation, and their answer was an additional 10 to 15 percent. General Pace said:

> You're going to need no more than another 2,000, 2,500 troops on the ground.

By February 15, the number had more than doubled. General Schoomaker told the Armed Services Committee his estimate was somewhere between 5,000 and 6,000 troops when you included imbedded trainers.

Then, on March 6, Deputy Secretary of Defense Gordon England told a House committee: "About 4,000, maybe as many as 7,000."

Last week, at the request of General Petraeus, Secretary Gates authorized an additional 2,200 military police troops.

We still don't have an accurate total for the size of this escalation. The administration refuses to speak with clarity and candor. Since the current surge began, Shiite militias in Baghdad may be lying low, but violence has increased elsewhere in Iraq. In Diyala Province, in 3 months, American casualties have exceeded the number for the entire year of 2006. In January this year, 83 American soldiers were killed, compared to 62 in the same month a year ago. Eighty more Americans were killed in February of this year. In the same month last year, we lost 55 soldiers. Already, in 2 weeks this March, we have lost more than 31 soldiers, the same number killed in the entire month of March of 2006.

This is what today's report from the Defense Department points out on page 18, under the section "Attack Trends and Violence":

> The total number of attacks on and casualties suffered by coalition forces, the ISF, and Iraqi civilians for the October-December reporting period were the highest of any 3-month period since 2003.

It continues:

> Coalition forces continued to attract the majority of attacks, while ISF and Iraqi civilians continued to suffer the majority of the casualties.

That is today's report.

Continuing our open-ended commitment to stay in Iraq will not bring victory, it will not stop the violence, and it will not protect our national security.

The administration has outlined military, economic, and political benchmarks to measure success, but it has not given any timeline to achieve them, and it has not stated any consequences if the benchmarks are not met. This same administration supported timelines for every Iraqi election and for drafting the Constitution. Yet it remains emphatically opposed for any timeline for the redeployment of our military.

The American people have been patient. But America now has been in Iraq longer than it took us to win World War II. Instead of progress, we continue to see unacceptably high levels of violence, death, and destruction. We are putting too much strain on our Army, especially the Army National Guard. The Army is overextended. Many soldiers are now on their third rotation. To deal with the recruitment shortages, we have eased the standards and increased the bonuses. The Department of Defense is formalizing a policy to redeploy reservists more often and for longer. But in the long run, we can't protect our Army if we don't end the war.

Our troops have done their part. They have served with great courage. We are proud of their service, and we are ready to welcome them home.

It is time to change course. It is time to ask the Iraqis to step to the plate and take the responsibility for their own future, and it is time to begin to redeploy our troops out of Iraq. It is time to put the Iraqis on notice that our military will no longer be a permanent crutch for them to lean on. As General Abizaid told the Armed Services Committee last November:

> I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

It is time for American combat troops to begin to come home.

Those of us who opposed the war are used to the administration's attacks when we disagree with their wrongheaded policy. We have come to expect that. They have questioned our patriotism and call us defeatists. When we challenged the President's misguided policy, he accused us of having political motives and being partisan.

Before the war, Vice President CHENEY said we hadn't seen all the intelligence he had seen. But after the war, when things were going badly, the President said more than 100 times that we had seen the same intelligence.

More than 2 years ago, I called on the administration to focus on the training of the Iraqi security forces and to begin to redeploy our troops out of Iraq. I said the Iraqis need to take responsibility and that we should set a goal of about a year for the redeployment of most of our forces out of Iraq. Rather than debating the merits of the policy, the Republican spin machine went into overdrive. A year ago, on the third anniversary of the war, Vice President CHENEY went on national television and said:

> I would not look to Ted Kennedy for guidance and leadership in how we ought to manage national security.

Well, the American people certainly know we cannot look to the Vice President and this administration for national security. The administration has been consistently wrong about the war in Iraq. Year after year, they insist on a dangerously incompetent strategy. They were wrong about the link between al-Qaida and Saddam Hussein. They were wrong about Saddam Hussein's weapons of mass destruction. They were wrong about America being greeted as liberators. They were wrong about the insurgency being in its last throes, and they are wrong to deny that Iraq is a civil war.

The American people are far ahead of the administration. For all of us who oppose this misguided war, our goals have always been clear: protect the lives of our soldiers and protect our national security.

We have an obligation to stand up for our troops and stand up to the President when he stubbornly refuses to change course in Iraq. Our legislation will do that. It will change the mission of our military away from combat and require the President to begin to redeploy American combat troops out of Iraq in 4 months. The target date for the completion of the redeployment is March 2008—1 year from now. A limited number of troops would remain in Iraq after that to train and equip the Iraqi security forces, to conduct counterterrorism, and to guarantee the safety of our soldiers.

Our proposal is consistent with the bipartisan Iraq Study Group's finding. It recommended that:

> The primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi Army, which would take over primary responsibility for combat operations. By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.

Those are the words of the Iraq Study Group.

Legislation is clearly necessary to give the Iraq Government enough of an incentive to step up to the plate, work out its political differences, and take responsibility for Iraq's future. It is also consistent with the wishes of the American people, who want most of our troops home within a year. How much clearer does it have to be before Republicans in Congress and the President finally respond to the voices of the American people?

We are meeting our responsibilities by changing the mission of our military. We are not micromanaging the war. Many of us oppose the war, but all of us support our troops. We don't want to keep sending more and more of them into the middle of a civil war. Under no circumstances do we want them to go to war without proper armor and equipment. Our troops deserve better. Their families and loved ones deserve better.

For the good of our men and women in uniform and the American people, it is time for us to take a stand. We need to adopt a new strategy. We need to make clear to the Iraqi Government that the mission of our troops must change and that we have a clear timeframe for their departure from Iraq.

The recent hearings on Walter Reed should inform our debate as well. They tell us how little faith we can put in this administration. The very people who hide behind the troops when we question their policies have failed to keep faith with our wounded soldiers. As importantly, the hearings on Walter Reed remind all of us of the human costs of the war. This administration has done all it can to conceal them from us. They have forbidden photographs of the coffins flown back from Iraq. The President has avoided attending the funerals of the fallen. The tours of Walter Reed never included Building 18.

But the hearings on Walter Reed swept away all the spin and camouflage. They put our wounded soldiers back where they belong: at the heart of our debates about the war.

At the end of those hearings, everyone agreed that the administration failed these brave soldiers, but we failed them long before they arrived at Walter Reed. The administration failed them when it trumped up the intelligence in order to make the case for war. It failed them when it sent too few troops with too little armor into battle. We in the Senate will fail them today unless we vote to change course and begin to bring our soldiers home. At the end of this debate, the American people will know where each of us stands. On our side of the aisle, we stand with the American people. The voters told us in November to change course and to begin to bring our troops home, and that is what we are going to do.

We stand for our Constitution, in which the Congress speaks for the people in matters of war and peace and can require the President to listen.

We stand with our troops. We, and we alone, are the ones insisting on a policy worthy of their courage and sacrifice.

We stand for protecting America's national security. The war in Iraq has been a disaster from the start. It has made America more hated in the world. It has made it harder to win the war against terrorism. It has made it harder to work with other nations on every issue.

Peace and progress in Iraq must be earned by Iraqis and their neighbors. We must no longer send our brave soldiers to an uncertain fate on the streets of Baghdad. We must begin to bring them home to the hero's welcome they have surely earned.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Utah is finished with his remarks, on this side, the order then be Senator DODD, Senator BROWN, and Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, one thing I can say for the distinguished Senator from Massachusetts is that he has been against this war from the beginning. He has taken what he considers to be a principled position, that we should never have gone into Iraq to begin with. However, much of what he said does not resolve the problems that we are confronting in the War on Terrorism. We hear lots of comments about pulling out of Iraq but not very much in the way of how to defeat the terrorists who are dedicated to destroying almost everything we hold dear and sacred.

The fact of the matter is this resolution is an illustration of wishful thinking. No matter what you call it: pulling our troops out, a phased withdrawal, or redeployment, those who support this seem to think everything is going to be hunky-dory and by taking this course we can resolve all our difficulties. Of course, they provide the usual language of diplomacy and some of the other things.

Look at what this resolution says. It says: Whereas, U.S. troops should not be policing a civil war; and the current conflict in Iraq requires principally a political solution.

The fact of the matter is we have three distinct areas in Iraq: The Kurds in the north, the Sunnis in the center, and the Shias everywhere else, including in the center.

There is a long history of animosity between these groups. But look at the progress that has been made: women now have the right to vote; young girls are able to go to school.

Eighty percent of the people voted for the representative form of government that they enjoy today. Remember, it took us 10 years to implement our Constitution.

What I have not heard from those who oppose the war is, how do we solve the problem of terrorism?

Let's be honest. Terrorism is something we have confronted sporadically throughout the years, though not at the same level of intensity as the last couple of years. When the Bader-Meinhof gang paralyzed Europe, a lot of people felt we should back away. But we supported our allies and, today, you don't hear about them. Similar things can be said about the fate of the Red Brigade. However, I fully recognize that these groups were minor compared to the terrorists in the Islamic world.

The fact is we are in a different war than we have ever been in before. We are fighting terrorists who don't wear uniforms, who don't represent a country; they represent an ideology. They are Salafi jihadists who, going back to the seventh century, when the Islamic people controlled much of the Mediterranean world, used force freely to achieve their objectives and, if you disagreed with them, they killed you.

We lost 3,000 people in 1 day in this country. As the author of the 1996–1997 Antiterrorism Effective Death Penalty Act, I recognized that we did not give law enforcement the tools to be able to prevent terrorism in this country. One reason was we naively thought that we would never suffer from the type of terrorism that occurred on 9/11/2001. The PATRIOT Act brought the antiterrorism laws that were deficient up to the level of the anti-Mafia laws.

Can you imagine what will happen if we don't take these people on and do what we can to stop them. What happens if one of them—and they are dedicated to doing this—gets a weapon of mass destruction and comes to New York, Washington, DC, Boston, Los Angeles, Chicago, Miami, or any number of other cities, and blows up the city and causes the deaths of hundreds of thousands of people?

They are dedicated to this. They don't value human life as we do. They believe they are going to be blessed for having killed the infidels.

The fact of the matter is that is what we are faced with—radical extremists who would harm our country if they could. The reason they cannot is because we have been taking it to them in Afghanistan and Iraq. It is not pleasant, there is no question. There are sacrifices being made—our soldiers are being deployed and redeployed. There is no question there are mistakes that have been made—everything from throwing the Baathists out of the military, many of whom were not Saddam Hussein loyalists, to thinking this operation would initially be treated by the Iraqi as a liberation.

There were lots of mistakes, but there are a lot of things that are good too.

The fact of the matter is, there are hospitals up and running, girls are going to school, women have some rights in Iraq—more than ever before—and upward of 80 percent of the people voted for a representative form of government. We should never lose track of that. None of this would have happened had it not been for our soldiers and others in the coalition who were willing to fight, the fact is that When we get into documents such as this, basically what we are doing is making it very difficult for our young men and women serving in combat. Many of whom are risking their lives for us that they might be able to prevent terrorism from taking over the world and especially the USA.

We know there are terrorist supporters in our country. If we didn't have a PATRIOT Act, we would not be able to monitor them.

This resolution says:

> The President shall promptly transition the mission of the United States forces in Iraq to the limited purposes set forth in subsection (b).
>
> (B) Commencement of Phased Redeployment From Iraq—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

I like that word "essential."

> (1) Protecting United States and coalition personnel and infrastructure.

My gosh, can you imagine if we pull out? The terrorists will come in and try to capture that oil wealth to use against the rest of the world, especially us.

> (2) Training and equipping Iraqi forces.

How are we going to do that if we redeploy our forces out? We know that by training and equipping them, we may be able to help them bolster their representative form of government. Keep in mind, I made the point earlier, it took us 10 years to develop our Constitution and their's is functioning after 2 years. It took us years to solidify the strength of our country so we have this great representative form of government that we have in America today.

If we leave who is going to train and equip those Iraqi forces? Are we going to leave a small contingent of our people there to be murdered or are we going to be able to protect them and train and equip the Iraqi forces? Will anyone have any confidence in us if we leave?

It is interesting to me that as we have started this so-called surge, al-Sadr and others have left their bases. True, they are probably going away and hoping to come back; but if we can establish—and General Petraeus says we can—ourselves and the Iraqi Government in Baghdad so that they know they can take care of it themselves, it is going to be much more difficult for al-Sadr and the other brigades to come back and cause the havoc they have been causing.

Who is going to train and equip these forces? Oddly enough, it is interesting to me that this body voted 100 to 0 to back General Petraeus, and ever since we have done that, some here have done nothing but undermine the very thing he said we have to do. It should also be noted that this new strategy appears to be working.

We ought to give General Petraeus the opportunity to do it. He has said he will shoot straight with us. If he finds that the strategy is not working, he said he will let us know. He has been a straight shooter from the beginning. He was been a breath of fresh air. He understands counterinsurgency warfare. He has written the Army's Manual on this subject. We ought to give him a chance to do what he says he can do.

> (3) Conducting targeted counterterrorism operations.

How does this small, "limited number," to use the terms of this particular S.J. Res. 9, target counterterrorism operations? I guess we will have to do it through intelligence gathering. I happen to be on the Intelligence Committee, and I know all too well it is very difficult to establish human intelligence networks.

Think about that. Bring them all out, redeploy them by March 31, 2008—all U.S. combat forces from Iraq, except for a limited number that are, again, essential for the following purposes:

> (1) Protecting United States and coalition personnel and infrastructure.
>
> How does that small contingency do that?
>
> (2) Training and equipping Iraqi forces.
>
> (3) Conducting targeted counterterrorism operations.

My gosh, every one of them would be murdered on the spot if we didn't have enough people there to provide security.

This is ridiculous.

> (C) Comprehensive Strategy.

This is to make it look good, like they are trying to do something good. Here is what it says:

> Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy . . .

In other words, pulling out all our people except for this "limited number," to use their language—

> Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy.

Diplomatic? I know one thing. If you want to make sure diplomacy works, make sure it is backed up by force. We are not backing it up by pulling all of our troops out, except for that "limited number."

OK. How is that diplomacy going to work if they don't realize we are there to accomplish our mission? OK. Again, it says:

> Subsection (b) shall be implemented as part of a comprehensive diplomatic, political . . .

What do you think we are trying to do? Maliki, is pulling out the stops to help us.

> . . . as part of a comprehensive diplomatic, political, and economic strategy . . .

What happens if we pull our troops out of there and, all of a sudden, we have a renewed effort by terrorists to assault us on our mainland because we are not keeping them at bay over there? Can you imagine the cost to our society? Can you imagine if we pull out of there and there is widespread civil war and genocide that will occur, just like in Southeast Asia when we pulled out there? Millions of people died. I am not so sure we should have been in Southeast Asia, but I feel confident we should be here. It says:

> . . . that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

Those are nice, high-flying words. If our diplomacy is not backed up by our willingness to take these people on, I suspect we are going to have more than a 9/11, 3,000-person loss in this country. When we have many more people killed as a result of terrorism in our country because they will be emboldened by this type of resolution, then it seems to me that we are going to pay a price that will be much higher than what we are paying now. We have to take these people on. We cannot walk away. There are too many people who have relied on us.

Admittedly, we at least need to give General Petraeus and the current forces there a chance to make this work. He says he believes he can do it. But he also is a straight shooter and has said: If we cannot do it, I will tell you we cannot. That may be the time when we will have to say there is not much more we can do there. I know one thing. The moderate Arabs are very concerned about what is going on over there. They know that if the United States doesn't have its full influence in the Middle East, there is going to be chaos. They know that these Wahhabi, Salafi jihadists will make mincemeat of the Middle East, and they will be emboldened if we walk out of there and act like we can work diplomatically on some of these problems. I think diplomacy is very important. But it needs to be backed up by a strong military plan, so they know we are not going to put up with a lot of foolery.

Look, I think there are sincere people on both sides of this debate. But I challenge the other side, who believes in this type of a resolution, to show us how you prevent the terrorists from coming here. Show us how you are going to win this war against terrorism. Show us how you are going to make a difference in the lives of all those who have lost loved ones thus far, not only on 9/11 but those who have given their lives for us over in Iraq.

Show us how pulling the troops out is going to defeat the terrorists. Tell us what happens after this resolution becomes law. Their plan offers only one option: making the United States look like it lost to the terrorists in the Middle East. That would be one of the worst things that could happen to our Nation and one of the worst messages we could send to the world.

I don't find fault with anybody who sincerely believes in a resolution such as this, but I question whether they have thought it through. Have they looked at the intelligence? Have they listened to our Armed Forces, who know they are fighting for something worthwhile, who know they are fighting for freedom, and who know they are fighting for the Iraqi people. Our military fully realizes they are not only fighting, as they had to, to overturn a vicious, cruel dictator, but to create stability in a place that needs stability almost more than anything else. Our servicemembers also know that we have moderate Arab friends who are pulling for us. Allies, in the region, who hope we will succeed because they know they will be next. And if we fail, we will pay a price like nothing we have paid before.

As I said, everyone in this body is a friend of mine. However, I strongly disagree with those who think this is a good resolution. I do not question their integrity or their desire to try and find some solution. But this certainly is no solution. This is a walk away that will cause us greater problems in the future. If that happens, we are all going to reap the whirlwind.

I have no doubt, as a member of the Intelligence Committee, that there are terrorists who would love to destroy our country. There are some, who if set free, would do everything in their power to destroy our nation.

Frankly, we cannot walk away until we give General Petraeus and our servicemembers an opportunity to win this war.

We have never fought a war such as this. I do not blame anybody who is concerned that we are paying too high a price. But I ask people to think about the higher price we will pay if we don't win this war. I ask my fellow citizens to understand that we are fighting people who are dedicated to destroying those who disagree with them and there will be a heavy price to be paid if we walk away from our responsibilities.

There is a good reason why we have not had a major terrorist incident since 9/11/2001. We have shown the will to take these people on, and to disrupt their plans. We have captured or killed a large number of these terrorists, including members of al-Qaida leadership. We have bottled up Osama bin Laden and Zawahiri.

If we walk away because of this resolution, it seems to me we will pay a much heavier price later, and I am very concerned about that.

My family lost my only living brother in World War II. He flew on one of the air raids that helped destroy Hitler's oilfields. It was a price our family paid. I am very proud of my brother Jesse. He was fighting for freedom, and he did not walk away from the threat Hitler posed. Today, we once again live in dangerous times, possibly even more dangerous. We cannot leave Iraq until we give General Petraeus and our troops the opportunity to accomplish their mission. We should not undermine their efforts with this resolution.

Though I respect my colleagues differing opinions I believe this resolution undermines their efforts—the efforts of those young men and women who are sacrificing for us overseas.

We should not decide these matters based on polls. Unfortunately, I think we have far too many people who are paying attention to the polls. I look at some of the candidates for President today, how they have changed their positions gradually because they think the polls require it. We are not here to respond to polls. We are here to do what we believe is in the best interest of our country. Some sincerely disagree with me and I understand that. But I believe it is their solemn duty to explain what we are going to do if we pull out of Iraq. Will we not create a myriad of other problems? Will not the entire Middle East become a war zone? Under such conditions, Israel itself will be threatened as well as moderate Arab countries. We cannot walk away, and we cannot allow the whole Middle East to descend into the Salafis jihadist arms.

I hope our colleagues will think these matters through. I certainly hope they will vote against this joint resolution.

Many of my colleagues voted to bring forth this debate. I understand their reasoning. However, I could not vote for this debate because the resolution is faulty on its face.

I don't know anybody who worries more about our young men and women who are sacrificing over there than I do because our family has lived through it. Not only did we lose a brother in the Second World War, but we lost a brother-in-law in Vietnam. Just a few years ago, my family buried another brother-in-law who served with the Marines in Vietnam and rose to the rank of First Sergeant. I feel deeply about these matters, but if we don't stand up and do what is right, we will reap the whirlwind. It will cost us more than it is costing us right now, and today's cost is significant.

Mr. President, I wanted to say these few words. I hope we will defeat this resolution. I think it will be in the best interest of the country and in the best interest of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after Senator DODD is recognized, we had previously indicated that Senator BROWN and then Senator DORGAN would be recognized. We are trying to see whether it might be possible to substitute Senator KERRY for Senator BROWN, leaving Senator DORGAN in the same position. We are trying to determine that right now. For the time being, it will be Senator DODD, then Senator BROWN or Senator KERRY, and then Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, first, I thank my colleague from Michigan. I commend him, along with Senator BIDEN, my chairman of the Senate Foreign Relations Committee, and our majority leader, Senator REID, and others for the tremendous effort they have put into these matters over the last number of weeks. I haven't always agreed with my leaders in the majority on the course of action, but I have respect for their efforts to try and build consensus. I admire that. I always doubted whether consensus is something we ought to try and get on an issue such as this. Clarity, accountability, real proposals that require up-or-down votes that result in action I think in the long term may be necessary here. I respect immensely the efforts they have made to bring as many people as is possible under the same umbrella in dealing with this issue.

Once again, we find ourselves debating the same basic issue with respect to United States policy in Iraq, namely, when is the President going to admit his policy is a failure? From how many different places do you have to hear that—from the Baker-Hamilton report, to the analysis by military leaders. Over and over, the conclusion has been the same. This is not a conclusion I have arrived at myself, it is one that has been arrived at by almost every group of people or individuals who know anything about this matter. This policy must be fundamentally changed. The course must be changed to empower the Iraqis to take responsibility for their collective future. If they do that, there is a chance that stability and a better future for them can emerge. If they don't, there is not a treasury deep enough or an army big enough to do that for them.

How many debates, how many reports, how many more of our young men and women are going to be killed or wounded until the President and his advisers acknowledge the President's policy has been a failure, unfortunately, from almost the outset?

How long will it be before the administration begins a true diplomatic offensive to help the Iraqis and their neighbors secure a political solution that everyone has concluded is the only possible way this matter can have an outcome that offers some hope to the people of that country?

How many times can the administration and some of our colleagues here claim that any debate, any dissent, any action that departs one iota from the President's policy is somehow unpatriotic, words we have heard too often in this Chamber and elsewhere to describe those who have a different point of view—I emphasize "a point of view"—that has been embraced by people without any adherence to a political party or ideology who have reached the same conclusion that this policy is not working at all.

Jingoism and facile claims about "support the troops," about "good versus evil," about "victory versus defeat" can no longer, I think, be tolerated—in fact, they should never have been tolerated in the first place.

Let's stop invoking the inverted logic, as our colleague from Virginia, Senator WEBB, so aptly described it, of claiming that because there are troops are in harm's way, we, therefore, have to stay the course.

We all know we have troops in the field. We all honor the sacrifices they have made. They are a remarkable group of people. Like many of my colleagues, I have been there on several occasions over the past couple of years. Regardless of one's view on policy, the admiration for the job these individuals are doing ought to be very high. In my case, it is. It is rather remarkable the service they are providing. It is the policy that needs changing.

No one is suggesting our troops don't deserve all the support they can get, but supporting our troops and opposing a policy ought not to require the kind of gymnastics that some of our colleagues who oppose any changes suggest.

Having troops deployed overseas should not prevent us from debating critically important issues relating to the wisdom of staying the failed course the President has charted. In fact, we do a grave disservice to our troops by not having a public debate to shed light on the many questions and concerns that arise from our current involvement in Iraq.

I have publicly stated many times over recent months that this body should urgently take strong, binding action to force the President to change his Iraq policy. While this resolution before us does not represent as forceful an approach to accomplishing that goal as I would propose, it does take the United States one step closer to ending U.S. combat involvement in Iraq, and for that reason I am going to support it as a first step in what I think is the right direction.

This resolution goes beyond simply expressing disagreement with the President, which is the problem I had with earlier resolutions. It puts this Congress on record as authorizing a "prompt commencement of phased redeployment of United States forces from Iraq." It spells out the transition of the mission for the limited forces that would remain after the phased redeployment of combat forces have been completed.

This resolution unequivocally states that the United States should begin a phased redeployment of U.S. combat forces from Iraq. It states that the American forces remaining in Iraq should have a very different and more restricted mission: training, equipping Iraqi security forces, force protection, and targeted counterterrorism operations.

Crucially, this resolution also states that the redeployment of U.S. forces shall be part of a comprehensive, diplomatic, political, and economic strategy, and it requires the President to develop such a strategy, a strategy that has been seemingly nonexistent and that is critical to the stabilization of Iraq.

I am concerned, however, that the resolution allows for as many as 120 days from the date of enactment to pass before the President must commence the redeployment of U.S. combat forces. I firmly believe this redeployment can and must begin far sooner, and that we should set a hard target date for the completion of this phased redeployment rather than a soft goal of the end of March 2008, as stated in the resolution.

We face a region-wide crisis of credibility, a crisis that was caused by very bad policy choices rather than fate, as some would suggest. While the United States may still remain an enormous military power, and we are, our power to influence has been greatly diminished, unfortunately. It is this power to influence that is critical, I think, to America's interest in the region and to the future of Iraq and its neighbors.

It is my strong hope that the passage of this resolution will bring the United States one step closer to ending our intervention in Iraq's civil war and one step closer to developing and employing critical, comprehensive, diplomatic, political, and economic strategies in Iraq and in the wider region.

Based on past experience, however, I have no confidence whatsoever that this President will pay any attention to this resolution or this congressional debate. That has been the history of the administration over the past many months. So I say to my colleagues, if you are truly sincere in your support, as I believe you are, for the policies expressed in this legislation, then I think we must be prepared to do far more in the coming days, I hope in the short days, to bring an end to this destructive and futile policy, including the exercise of the congressional powers of the purse. We need to stop financing the administration's reckless strategy and put critical resources into rebuilding our military. Our troops deserve no less from this Congress.

Mr. President, I yield the floor.

Mr. MARTINEZ. Mr. President, we have been discussing this topic now for some time, and it seems that there are a succession of ways in which to fail.

The Democratic leadership in the Senate is looking to persuade the American people that our national security would improve if we immediately withdrew U.S. forces from Iraq and provided our enemies with a timetable and roadmap for our withdrawal. This is exactly what S.J. Res. 9 would do. It would require the beginning of the withdrawal of U.S. troops from Iraq within 120 days.

The distinguished Senator from Connecticut said he didn't even think that was acceptable; that it should be even less than 120 days. So the underlying goal is to remove all U.S. combat forces by March 31, 2008. There will be exceptions for those who will stay to protect personnel and to do the training of Iraqi forces, but the overall premise is to diminish the U.S. presence in Iraq. To that end, I ask: What is the goal, just withdrawal or success? If all we are about is withdrawing, there are many ways to do that. This timetable might be appropriate, if that were the only goal. But if the goal is success, if the goal is the opportunity for Iraq to succeed in its effort at democracy, a different plan must be followed.

Setting artificial, arbitrary timelines for withdrawal has been opposed by Republicans, Democrats, our military leaders, and the Iraq Study Group. In the words of the Democratic leader on January 31, 2005:

> As far as setting a timeline, as we learned in the Balkans, that is not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

In the words of the current chairman of the Foreign Relations Committee, in June of 2005:

> A deadline for pulling out will only encourage our enemies to wait us out.

Let me repeat that: It will only encourage our enemies to wait us out if we give a deadline.

Democrats are trying to bring before us the 17th version of how we would manage the war in Iraq. Seventeen plans in less than 2 months and none lead to victory. Can you imagine if the commanders on the ground actually had to take orders from the Senate? Thankfully, in our scheme of Government and the way our Government was set up, we only have one Commander in Chief, one person giving the orders to our armed services so that they might succeed at our endeavors.

This attempt to micromanage the war at every level by Senate resolutions is not what our Government should do at a time of war. The President put together a new plan and a new team. General Petraeus is on the ground as the Iraq allied commander, and Admiral Fallon with the Central Command. Both of these distinguished military leaders testified they supported the current plan, and this Senate confirmed General Petraeus by a vote of 81 to 0.

So now what is our message? We send you to war but we don't want you to execute your plan?

We are so fond of this whole atmosphere of anti-Bush and the President that we forget that this is a plan that General Petraeus, our military leader on the ground in Iraq, has said he believed was a plan that had a reasonable chance for success. So I say give General Petraeus and his plan a chance for success on the field.

Our forces have not suffered a single military defeat in this entire episode. Obviously, we have had some losses, and a high cost in lives and injuries and treasure, but we have not had a single military defeat. The sacrifice of our troops, their sacrifice, must be for a purpose: a state of Iraq that is not a failed state.

In hearing after hearing in the Armed Services Committee, I have listened to our military leaders, as well as intelligence experts, give us the same message, and their message is clear: A precipitous withdrawal from Iraq would almost surely result in a failed state, and a failed Iraqi state would be a disaster for the Middle East and our own national security.

I would suggest a rapid exit from Iraq is not in America's best national interest. I urge my Democratic colleagues to articulate how exiting Iraq, allowing chaos to reign, allowing thugs to rule the streets, and fear to rule the hearts of the Iraqi people will make America safer.

For years, my Democratic colleagues have been calling for a change of course. Well, President Bush provided one, a way forward politically, economically, and militarily. The new team, a new commander, and our commanders in the field, have said we need more troops, and the President provided them.

By the way, early indications are that things are a little encouraging. American and Iraqi forces, side by side, are walking in the streets of Sadr City as we speak. It is too soon to tell, but so far, I, for one, am encouraged. This may just work. Why not give it a chance?

The Democrats have provided 17 plans. None will give Iraq a chance to succeed. I have a plan. Let's support our troops by providing them the funding they need and allowing those responsible for executing the war to do their job. Let the generals on the field run the war.

My colleagues on the other side of the aisle try every day to equate this global war on terror to Vietnam. I do not believe there are many similarities, but I believe there is one. That war, Vietnam, was lost in Washington, and this one can be, too. Let's not do that.

The distinguished junior Senator from New York said it best on September of 2005:

> I don't believe it is smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.

That statement was true then, and I believe it to be true today.

During this debate, I want to hear how nonbinding resolutions, dragged out over several weeks, Saturdays included, resolutions with the sole purpose to undermine our Commander in Chief, will do anything but confuse our troops, embolden our enemy, and complicate our efforts to combat terrorism and support this young democracy in the heart of the Middle East.

I oppose S.J. Res. 9. It is wrong for Iraq, it is wrong for the Iraqi people, it is wrong for the stability of the Middle East, and it is wrong for the national security of the United States.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, 4 years ago the President of the United States told the Nation that Iraq had weapons of mass destruction. The President told us that Saddam Hussein was aiding and abetting al-Qaida. Now he is telling us that sending more troops into Iraq will lead to some kind of victory in a country torn by civil war and rife with insurgents. The President did not make a credible case in 2002. He has failed to do so again.

Before the President sent our troops into battle in 2003, I asked him a series of questions in a letter to the President and in a House resolution, questions about strategy, about reconstruction, and about troop safety. He did not answer those questions then. He still has not answered them. We do not know his definition of victory. We do not know his plan for an exit strategy. We still do not have an answer as to when our troops will have all the body armor they need. We are supposed to take it on trust that sending more of our troops into this chaos will somehow produce stability. Trust needs to be earned.

In November, voters in my State of Ohio and voters in Missouri and across the country spoke loudly and clearly that they do not support more of the same when the same simply has not worked. Clearly, the President has not listened to them. It is up to Congress to work together and up to Congress to work on a new direction for Iraq. We are well served to remember that we stand in this room today at the will of the American people. We have a duty to stand up to the President now as we failed to do in sufficient numbers 4 years ago.

The same people who chose to start this war, who recklessly started this war without the necessary resources, without the necessary planning, without the necessary body armor—those people who ignored the sage advice of military experts are the same people, with their same tired advice, who want to escalate this war today. If we choose to ignore history, we will be repeating a grave mistake.

This resolution does four important things.

First, this resolution reaffirms our continuous support of our men and women in uniform. Any official in our Government who says anything other than that is playing to the crowd, is disingenuous at best. Our troops have done everything we have asked of them in Iraq. They have acted heroically. They have done their job. Some have said that if we do not support the President's plans, we are unpatriotic. They say we don't support the troops. Every Member of this body supports the brave men and women fighting in Iraq. Every Member of the Senate who stands up and speaks out in this war is demonstrating patriotism. Patriotism isn't a yes-man; it is love for our country. Fighting against more of the same in Iraq when more of the same is not working is what patriotism looks like.

Second, this resolution answers the demand of the American people to redeploy our troops out of Iraq. The President's original plan for Iraq has not worked, and his most current plan for escalation is neither new nor different. We must have a timetable for redeployment of U.S. forces or, at the very least, a plan for it—something the administration has simply failed to do.

Third, this resolution calls for a comprehensive strategy using diplomacy—something else the administration has failed to do.

Fourth, and perhaps most important, this resolution calls for oversight. The abdication of oversight and accountability in past Congresses is nothing short of shameful. The administration says the current plan for escalation will require 20,000 troops and will cost $5.6 billion. The Congressional Budget Office tells a different story. In the past, the President could put those numbers out there and nobody would call him on that—nobody in this body who had any ability to do oversight. Instead of the 20,000 troops and the $5.6 billion this President claims it costs, the Congressional Budget Office said the requirement will be 48,000 troops and the price tag will be $27 billion. Again, more of the same is not the answer.

We have the duty to heed the call of those who sent us to Congress, and with this resolution we have the opportunity to heed that call. If the President will not listen to the voters, if the President will not listen to his generals, if the President will not listen to the Iraq Study Group, if the President will not listen to his own National Intelligence estimate, then we must make him listen to us as the people's representatives.

Let us work today toward sending a clear message to the President and to the world that the era of congressional willful ignorance is over. We will hold the President accountable, and we will start today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this has been an interesting debate. I have had the opportunity to watch some of it and listen to more of it. I think we are finally debating a very important subject.

From time to time, there is a tendency to treat the serious too lightly and the light too seriously here on the floor of the Senate. This is a serious matter being treated seriously. Our country is at war. Today, we have young men and women in America's military uniforms walking down alleyways and streets in Baghdad and other dangerous places in Iraq, risking their lives. Some, perhaps today, will give their lives. War is a serious subject, the most serious subject for our country.

I wish to talk a little about the history of how we have gotten to this place and what I think we should do.

I recall Memorial Day, shortly after 9/11. I believe it was the first Memorial Day after 9/11—perhaps the second—when a young man whom I had previously appointed to West Point came back. He was missing an arm, from combat.

We had, of course, gone to Afghanistan, waging a war against the Taliban that had housed and harbored al-Qaida, Osama bin Laden, and then shortly thereafter we went to the country of Iraq.

This young man, who came from a small town in North Dakota and whom I was privileged to send to the West Point Academy, came back missing an arm but enormously proud of having served his country. I recall speaking at the outdoor event at the veterans cemetery. He was there. He spoke. I was enormously proud of him. He was proud of serving his country.

I guess I described a verse I heard some long while ago—I don't even know the author—that:

> When the drums are heard and the lightning is seen and the knives are out,
>
> The patriots are always there, ready to fight and die for their country if necessary.

We can name many patriots in this country who serve today and who have served this country—in world wars, conflicts—who serve today because our country asks them to serve. It is always the case that old men send young men and women to war. Wars might be different if the ages were reversed, but they are not.

The question for me today is, What are our goals? My guess is every person serving in this Chamber, every man and woman, every Republican and Democrat, every conservative and liberal, wants the same thing for this country. We want our country to succeed. We are on our side, we are on the side of right, we are on the side supporting the greatest country that exists on this Earth.

We made some serious mistakes. We went to Afghanistan. That was the right thing to do. It was, after all, Afghanistan that housed Osama bin Laden, who boasted about committing the terrorist acts of 9/11, murdering thousands of innocent Americans. They boasted about that. They said, "We did it." Al-Qaida, Osama bin Laden, al-Zarqawi—"We did it," they said. They were in Afghanistan, so we went to Afghanistan and toppled the Taliban government of Afghanistan, and the leadership of al-Qaida escaped. The leadership of al-Qaida went, apparently, to the hills in northern Pakistan.

Then, with President Bush's direction, went to Iraq.

A great deal of top-secret information was disclosed to those of us in Congress and some to the American people. The Secretary of State made a lengthy presentation with charts and slides to the United Nations, a presentation to the world. It turns out much of the intelligence upon which that was based was fundamentally wrong, some of it embarrassingly inaccurate.

One single source, someone who we now know the Germans thought to have been a drunk and a fabricator, was used by the administration to suggest that Iraq threatened our country because it had mobile chemical weapons labs. This source, called "Curveball," whom we now know to have been a single source and a source who lied, was the basis for substantial allegations to the Congress and the American people about evidence of a weapon of mass destruction program in Iraq. The source for yellow cake from Niger turns out to have been forged papers. Equipment to recreate a nuclear weapons program in the form of aluminum tubes—the Secretary of State and others gave us information about that, information that is now public but was imparted to us in top-secret sessions without disclosing something she was responsible to disclose: There were other parts of the Government that said no, these are not aluminum tubes to reconstitute a nuclear program, they are not that at all. They are thought to be for use in rocketry, and that is exactly what we found out later to be the case. Very substantial mistakes were made but, nonetheless, we cannot turn back the clock. American soldiers were committed.

As a result of that, a number of things have happened in the country of Iraq. While the terrorists fled to Pakistan and Osama bin Laden and al-Zarqawi and the other leadership of the al-Qaida organization hid in northern Pakistan, now some over 2,000 days since they boasted about murdering thousands of Americans—while that was the case, we went to Iraq.

Saddam Hussein was deposed. This man was a butcher. We have unearthed mass graves in Iraq that housed hundreds of thousands of skeletons of people murdered by the Saddam Hussein regime. Is it a worthy thing to have deposed a leader of Iraq with that kind of record? Yes. Saddam Hussein is gone. He was executed. The Iraqi people have now voted for their own Constitution. They wrote it and supported it. The Iraqi people have now elected their own government by their own hand. So there is no dictator, they have a Constitution, and they have a new government.

The problem at the moment is they are not able to provide for their own security. In fact, there is a civil war occurring in the country of Iraq. We have just received the latest National Intelligence Estimate—the latest National Intelligence Estimate, which is a compilation of whatever is said by the best minds that exist in the intelligence community.

This is unclassified:

> Iraq has become a self-sustaining intersectarian struggle.

If you take those words as part of what the National Intelligence Estimate says, this is a civil war. Now we end up with American soldiers right smack dab in the middle of a civil war in Iraq while Osama bin Laden and the al-Qaida leadership exists in northern Pakistan directing al-Qaida's terrorist activities.

Now why does this matter? Let me describe why that is important. On January 11, 2007, Mr. Negroponte who was then the Director of National Intelligence testified before Congress. He said:

> Al Qaeda is the terrorist organization that possesses the greatest threat to U.S. interests, including to our Homeland.

Let me say that again. What is the greatest threat to our country's interests? Al-Qaida. That is not me; that is the head of American intelligence, Mr. Negroponte. This was reaffirmed 3 weeks ago by the current head of U.S. intelligence. The greatest threat to our country, the greatest terrorist threat to our country, is al-Qaida. They pose the greatest threat to our interests and to our homeland.

Now an additional statement by Mr. Negroponte says this:

> [Al Qaeda] continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa and Europe.

All of this is a direct quote from the unclassified testimony of the head of intelligence in our country. Al-Qaida is the greatest terrorist threat to our country, No. 1; No. 2, they continue to plot attacks against our homeland from their leaders' secure hideout in Pakistan.

Now let me ask the question: What is the goal here? What is the goal for this country? We were attacked on 9/11. Thousands of Americans were murdered by airplanes full of fuel, used as guided missiles to fly into office buildings, to the Pentagon. We were attacked on 9/11 by al-Qaida. They boasted about it. They said: We did it. Give us credit. We murdered innocent Americans.

Where are they now, over 2,000 days later? They are, according to our top intelligence experts, in a secure hideout in Pakistan with the objective of inflicting mass casualties by continuing to plot attacks against our homeland.

So what are we doing today? We are in Iraq going house to house, in Baghdad, in the middle of a civil war.

What is the goal? Is our goal to fight terrorism? To take on the terrorists? To eliminate the terrorists? To eliminate the leadership of al-Qaida? Is it our goal to go after those who attacked our country and murdered thousands of innocent Americans?

If that is our goal, let me ask this question: Why are they in a secure hideaway in northern Pakistan and our soldiers are going house to house in a civil war in Iraq, in Baghdad? Why? Maybe it is not our goal to fight the terrorists. Is it not our goal to take them on where they are? Yes, there are some al-Qaida in Anbar Province in Iraq. This resolution, by the way, will allow us to redeploy in Iraq to make an even greater effort against that al-Qaida organization that exists in Anbar Province. But our National Intelligence Estimate is quite clear: What is happening in Iraq, in the main, outside of Anbar Province has very little to do with al-Qaida and with terrorism. It has everything to do with a civil war and sectarian violence.

So the question is: What should be our goal? I very strongly believe we should redeploy our troops and understand that our obligation is to take on those interests that want to attack us in our homeland, those interests that attacked us previously, those interests that represent the greatest threat to our country as described by the head of U.S. intelligence.

Why on Earth on this day, Wednesday—2,010 days, nearly, following 9/11, after Osama bin Laden and al-Qaida boasted about launching attacks in our homeland and murdering the American people, murdering thousands of Americans—why on Earth would we not be in a full-court press to prosecute the war against terrorists? No, this situation in Iraq is not a proxy against the war on terrorism. It is not. It cannot be described that way.

The National Intelligence Estimate tells us it is sectarian violence, by and large. The head of national intelligence tells us where the head of the greatest threat to our country is in northern Pakistan, the leadership of al-Qaida. We are going door to door in Baghdad in the middle of a civil war, and they are in northern Pakistan promoting continued attacks against our homeland.

Is that a disconnect? It seems to me it is. Anybody in this Chamber who stands up and has a strong passion and opinion about these issues, I respect. The last thing I would ever do is suggest they are not patriotic, they don't love their country, they do not support soldiers. All nonsense. Every man and woman who aspires to come and serve, who is here in this Chamber, I know loves this country, supports our soldiers, and wants our country to succeed. That is a fact. This is not about anybody having bad motives. It is about our country trying to make a decision: Are we on the right path or the wrong path? Do we think the experience we have had in Iraq—now that this has become a civil war, in which we have made very little progress but seen many Americans killed and far more wounded—do we think that kind of situation can and should continue, or should we say to the Iraqi people the following: We want what is best for you as well. We have, with the blood and treasury of American soldiers and the American people, given you the following opportunities: You were able to get rid of Saddam Hussein. He does not exist anymore. He has been executed. You were able to write yourself a new constitution and you were able to cast your votes for a new government.

The question now is this: This is your country, not ours. Do you have the will and the capability to provide for your own security? Iraq belongs to you, not us. If you cannot provide for your own security, the American taxpayer and the American soldiers cannot do that for a long period of time and should not be asked to do that year after year after year.

We ought to redeploy, and that redeployment ought to be so our country can wage war against terrorists. We know where they are. Our National Intelligence Estimate and the head of the national intelligence organizations have told us. They are the greatest threat. We know where they are. Yet my guess is they do not feel terribly threatened today.

What is the goal? What is our goal here? I would hope our goal as a country is to decide to go after and eliminate those terrorists who plot attacks against our country.

Now there are many ways for us to manifest our love of country and our passion about these issues. But I think there is one other issue most of us would agree upon. One of the concerns I have had about what is happening these days with respect to the Iraq war is we have sent soldiers to war, but we have not asked our country to make a similar commitment. Just this morning I asked the Chief of Staff of the Army at a hearing, an Appropriations hearing, about a new personnel carrier we have developed. They say it will reduce deaths from improvised explosive devices by two-thirds in a country such as Iraq—new design, stronger, more capable. I asked: Were we ordering a lot of them? No, not really. At today's pace it will take about 6 years to replace the existing vehicles.

I chaired a democratic policy committee hearing last year, and retired Marine Colonel Hammes came to the hearing. He said: You know, in the Second World War, at the end we were producing 50,000 warplanes a year.

Do you know why? Because our country, by God, decided the whole country was going to make an effort to go to war, to commit and to produce and do everything there was to give our soldiers the opportunity to fight and win. We have not done that.

The Army has ordered 2,500 of those new armored personnel carriers some estimate will save two-thirds of the lives that are now being lost to IEDs. Our country is told we are at war, you go ahead and go to the mall, go shopping. The soldiers will go to war. In fact, we won't ask you to pay for anything either. We have now spent $450 billion, plus or minus. We are on the way to spending over $650 billion in Afghanistan and Iraq and the war on terrorism without asking the taxpayer to pay one cent; add it to the debt. The country has not been asked to go with the soldiers. There is no sacrifice. It is just the soldiers.

We have a resolution on the floor of the Senate. The resolution is S.J. Res. 9. I heard some of the debate a bit earlier. Some have suggested this resolution is about cutting and running. People will think we have left. I think most of the people in this world would take a look at us and say this is the strongest country in the world. It has got the biggest military in the world. We spend more money than any other country, any other series of countries, on defense. We spend more money than the top 30 countries combined on defense. Unbelievable.

We were attacked by the leadership of al-Qaida and their operatives on 9/11/2001. It is now 2007. They are still alive. Our national intelligence chief tells us where they are. They are still the greatest threat to this country. They are still plotting attacks against our country. And we are this behemoth military Nation that has such capability. Why are we not using that capability for the goal I think is preeminent, and that is the goal of protecting our country and eliminating those who are plotting attacks against our country, the leadership of al-Qaida? The way to do that will not be to wait for President Bush to decide he wants to change course. He does not want to change course. He wants to keep doing what we have been doing. But the way to change course is to pass the piece of legislation that says: Let us redeploy our troops.

Speaking only for me, I believe the redeployment ought to be to go after the greatest threat that exists to this country's future, the greatest threat described by our National Intelligence Estimate and the national intelligence chief. It is not a surprise, not a secret. We all understand where that threat is. And yet we reduced our forces in Afghanistan early so we could invade Iraq. Now we have got problems in Afghanistan. We have got bogged down in Iraq. We are now in the middle of a civil war in Iraq.

The greatest threat to our country's interests is in a secure hideaway in Pakistan; a secure hideaway. That ought never happen. The head of intelligence in this country ought never be telling us there is a secure hideaway for the organization that wants to destroy our country, to launch attacks against innocent Americans. There ought not be a place that is secure on this planet for people who are doing that.

What is the goal? Is not the goal to fight terrorism, to take on the terrorists? If that is the case, then let's heed the words of the head of intelligence, to know where they are, what they are doing, who they are, and find a way to bring them to justice. The sooner the better. After nearly 5½ years, it is past time, long past time for us to set our sights on those who represent the greatest threat to our country. That is the reason I will support this resolution. This is about redeployment. This is about establishing the goals we ought to have as a country.

Finally, let me say this: I have enormous respect for the men and women serving in the military. They are an unbelievable bunch of young men and women. I recall speaking to a helicopter crew in Afghanistan. They were young men and women, average age 19, 20, 21, 22 years of age who were keeping those helicopters in the air.

The officer said these are kids, but they are highly trained kids, highly motivated kids, these young people. You go in the field and watch what they do, and it is unbelievable. They love their country. When their country asks them to serve, they serve. But their country, it seems to me, owes them something too. Their country owes them the responsibility of clear, thoughtful policies, the ability to address what is important to our country.

When we use military force, we ought to use military force not in the middle of a civil war some place, but instead use military force to confront the terrorists who threaten America. That is what military force ought to be used for at this point. We understand terrorism is awful. Most of us have never before understood there are plenty of people out there who are willing to die themselves if they can kill a few innocent people in order to make their point. That is something we have never before understood very well. That is modern terrorism. We have to confront that. We owe it to our soldiers to have a set of goals that represent the best interests of this country.

So my hope, in short, is for us to be able to tell the Iraqis: This is your country, not ours. You need to provide for your own security. We are going to give you a sufficient time to do that, but we cannot keep American soldiers in the middle of a civil war for a great length of time. We intend to turn our attention to where it should have been all along; and that is, to confront the greatest threat that exists to our country, which is al-Qaida, its network around the world, and its plans to try to create terrorist acts in our homeland.

That ought to be our goal. The way to achieve that goal is through the redeployment that would come with this legislation.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I understand Senator FEINSTEIN is on her way. As soon as she arrives, I will yield the floor.

FUEL EFFICIENCY ENERGY ACT

Madam President, I wish to comment very briefly on legislation that Senator LARRY CRAIG of Idaho and I are introducing today. It is a bipartisan piece of energy legislation. I wish to describe it briefly.

We are in the process, this year, of trying to put together another Energy bill. I am on the authorizing committee. So with the leadership of Senator BINGAMAN and Senator DOMENICI and others of us on the authorizing committee, we will try to write a new Energy bill. That bill has a lot to do with security—oil security, energy security but the security of our country as well.

If we woke up some morning and terrorists had interrupted the supply of oil to our country, we would be in a desperate condition. On this Earth of ours, this planet, we stick straws in the planet and suck out oil—about 84 million barrels of oil a day. Of the 84 million barrels a day that is taken out of this planet, 21 million barrels is used in the United States. One-fourth of all the oil is used in this little patch of ground called the United States.

Nearly 65 percent comes from outside our country, much of it from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela. We are desperately dependent on oil from other countries—again, in many areas, troubled countries in the world.

We have to find a way to move toward energy independence. Senator CRAIG, a Republican, and I, a Democrat, have worked on a bipartisan basis to introduce legislation that has been put together for nearly 2 years now by an organization of retired business executives, retired military officers, to talk about reducing the oil intensity in this country, especially dealing with transportation.

Nearly 70 percent of all the oil we use is used in transportation. We run it right through our vehicles, by and large, and 70 percent of it is used in the transportation sector; and that line is going up, up—way up. We need to find ways to address this issue of our unbelievable dependence on foreign oil and the substantial increase in oil intensity in the transportation sector.

So we are introducing a piece of legislation that does a lot of things. A, it demands that vehicles be more efficient. And we are not leaving out any vehicles. This includes big trucks. Get a car these days and compare it to a car you would have purchased 10 years ago—identical models—and what you will find, I bet, is there has not been one bit of progress in fuel efficiency in 10 years.

Oh, the car company will say: That is not true. This is much more efficient. It is heavier, but you get the same gas mileage, even though you are actually pulling more weight. That is all baloney. The fact is, in terms of how much oil we use, we are not making any progress on efficiency. As a result of that, I believe, finally, it is long past the time when we ought to demand increases in the efficiency in our vehicle fleet.

Second, we believe we are going to have to find additional oil. I understand that digging and drilling, which I call "yesterday forever" as an energy strategy, is not the only strategy, but we do have to find some additional oil. We believe we should open up additional lands in the Gulf of Mexico, where the substantial quantity exists. We would do it by protecting beaches and protecting the viewshed, but there is substantial energy there we ought to be able to get.

Third: a dramatic increase in renewable energy. Yes, cellulosic ethanol, biodiesel, and a whole series of areas of achieving substantial additional renewable energy—all of that is achievable if we decide as a country to establish that as a goal.

We believe doing a number of things, some of which are very controversial, to both increase production and decrease use—that is through conservation and efficiency—can move us to a much less oil-intensive economy.

Now, there is more to do. The larger, comprehensive bill will have to include the issues of electrogeneration and transmission, and all these other issues. We are dealing, in the legislation Senator CRAIG and I are introducing today, with the question of oil intensity in the transportation sector, which is a very substantial part of our oil usage.

Now, we do not believe necessarily that somebody is going to say: Well, do you know what? Let's take this entire bill as it has been written and have a vote tomorrow. We understand that is not the way it works. But we do believe it is important for us to take a hard look at these energy issues from a security standpoint.

We talk about energy in many ways too casually. Our country runs on energy. Especially the issue of oil is a very important issue because so much of it comes from off our shores. So much of it comes in circumstances that we have very little control over.

From an energy standpoint, I was thinking the other day about a visit I had with our former colleague, John Glenn, who described to me, late one night on an airplane as we were flying over the Pacific on our way to Asia—I was pumping him with questions because I was a young boy as I listened on the radio about his space flight. I was asking John about all of this, and I had read about the time when the city of Perth, Australia, I think it was, decided to light every light bulb in the city as a signal to this astronaut flying up there alone circling the Earth.

John Glenn told me, when I asked him the question: As you reached the dark side and looked, did you ever see Perth, Australia, because they lit all the lights of the town to signal you?—and he said he did. He looked down.

The only evidence of life on Earth on the dark side was to see a shining light that was then Perth, Australia. But that light was, of course, a product of energy—energy produced by human beings to make life better on this Earth. So now we come to the year 2007, living in the greatest country on Earth—but an unbelievable, prodigious consumer of energy—in a situation where we do not have a secure energy supply, with 60 to 65 percent of our oil coming from Saudi Arabia, Kuwait, Iraq, Venezuela, and other parts of the world where there is great turbulence.

So the question for this Congress is what to do about that. The answer is, as is the case in all areas of security, we need to be concerned and we need to take action to become less dependent and more independent, to the extent we can, on foreign oil.

So working with a wide group of interests, with an organization that has been working now for several years to put this plan together, Senator CRAIG and I are introducing this legislation today in the Senate. I wish to take a brief moment to comment about what that plan is.

We take—pretty much all of us take—energy for granted. We live a great life. For light, we simply turn on a switch. To move someplace, we turn a key and gasoline flows from the tank, through the carburetor, the fuel injector, and we do not think much about that. But it has given us a pretty unbelievable life. Through it all, we have never had to be very conscious about saving, economizing, efficiency, conservation, and we have not had to be as conscious as we should be now about where oil comes from.

For that reason, we have introduced a piece of legislation that I think has substantial merit. We will work with Senator BINGAMAN and Senator DOMENICI and others on the authorizing committee to incorporate the provisions and the ideas that are represented in this plan as a new approach to energy in our country's future.

Madam President, I yield the floor and suggest the absence of a quorum.

I withhold the suggestion of an absence of a quorum.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I would like to particularly commend the leader, Senator REID, and the chairman of the Armed Services Committee, Senator LEVIN, for the work that has been done in putting together a resolution which, as much as possible, can meet some of the objectives of the Democratic majority of this body at the present time. That is not an easy task.

I think Members who participated in this effort took into consideration that in less than a week our Nation will mark 4 years in Iraq. We have spent nearly $400 billion. We have lost more than 3,000 Americans. More than 140,000 of our own brave men and women find themselves trying to salvage a situation that simply cannot be solved through military force.

If I believed there was any chance the military could solve the problem of hundreds of years of hatred between Sunni and Shia by resolving what is effectively a civil war, I would believe this surge and more troops might solve this situation. But I do not.

The only solution rests with the Iraqi Government and the Shia majority. The Iraq of today is embroiled in four different wars—a terribly complex civil conflict that even General Petraeus, our commander in Iraq, says requires a political solution.

Simply put, there is no end in sight. Yet the President insists on escalating our troop presence there. None of this makes sense to me because I deeply believe we must change our course in Iraq. That is why I support the joint resolution before us today.

Where the administration expands our involvement in Iraq, this resolution sets a time limit. Where the administration sees a military solution, this resolution recognizes that the solution must be political. Where the administration calls for more money and more troops, this resolution says: Enough is enough. Where the administration fails to put demands on the Iraqi Government, this resolution tells them: You must take responsibility for your own future.

The Iraqis must realize our commitment is not open-ended and they must stand on their own. How can we ever expect that Iraqis will be able to stand up and make the political choices if we keep such a large, sustained American troop presence in Iraq? We become the buffer, then, that prevents the solution. Only the Iraqis can choose to end this civil war. Only the Iraqis can unify their country if, in fact, the Shia majority want a unified Iraq. Yet this will never happen until we begin to draw down our troop levels. This resolution does exactly that. It is a vehicle for the Congress to show leadership, to tell the President that he has put us on the wrong course and that a political solution is the key to this conflict.

This resolution sets us on that path. It spells out clear deadlines: The phased redeployment of our combat forces must begin within 120 days of the resolution's passage. A goal of March 31, 2008, would be established for the redeployment of our combat forces out of Iraq. This resolution also redefines the mission. A smaller force could remain in Iraq. The mission would be limited to force protection, training and equipping Iraqi troops, and targeted counterterrorism operations.

It is, in a way, similar to the resolution I introduced last month which set an expiration date for the 2002 authorization for the use of military force in Iraq.

This resolution fills a void. It puts a long-term political, diplomatic, and economic strategy for Iraq at the center of our national policy. That is where I believe it should have been a long time ago. It is consistent with the views of the American people, whose opposition to this war and this escalation or surge remains strong and sustained to this very day. But instead of following the will of the American people, this administration is pursuing a surge in forces which appears to be growing. The administration has not set any limits on the number of troops needed or on the duration of the mission or the cost to the American people.

In January, the President said he would send an additional 21,500 troops to Iraq at a projected cost of $5.6 billion. Yet just this week the White House asked the Congress for another $2.5 billion to pay for an additional 4,700 support troops for the surge in Iraq. The costs keep rising.

The Pentagon initially said it would be only a matter of months before we could assess whether the surge was a success. I believe the new Secretary of Defense, Secretary Gates, said we should know within 4 months whether this surge is successful. But the commanders on the ground now suggest we may have to sustain the escalation until well into next year. Yet it is clear our military is under such strain that the only way to maintain those 20 brigades is by extending the deployment of many of our soldiers in Iraq, and by making many more deploy overseas much earlier than planned.

We are breaking our own military in Iraq, even as it becomes increasingly evident that success cannot be achieved militarily.

Just consider these facts. More than 420,000 troops have been deployed at least twice; 420,000 men and women have been deployed twice. More than 50,000 troops have had their tours extended through "stop-loss" orders. Troops are being rushed into the field without proper training and without enough armor. We are leaning more and more heavily on the National Guard. Yet 90 percent of the Guard units in the United States are rated "not ready."

I understand why the President may wish to talk about "encouraging signs" in Iraq. But the facts show otherwise. Even while the violence in Baghdad has decreased, violence outside the capital has increased. Two hundred Shia pilgrims have been killed in just the past week alone. As insurgents have left Baghdad to avoid the ongoing military crackdown, they have simply melted away into outlying regions, waiting for the pressure to ease.

What makes anybody think this will be any different by the end of this year, the middle of next year, or the end of next year, or any other time? While more American soldiers deploy to Baghdad, the Iraqis have yet to provide all the troops they promised.

There is no end in sight. This joint resolution changes that. It changes course. It redefines the mission. I urge the Senate to vote for it.

I thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The majority leader is recognized.

Mr. REID. Mr. President, I apologize to everyone, especially those who were planning on going to visit with the President of Mexico with me on Friday. I have had a longstanding appointment with the President to talk about issues important to our country, but we are now in the midst of this debate dealing with Iraq and, following that, the U.S. attorneys. I have told everyone that we weren't going to have votes on Friday, and that was really my intention because I was going to be out of the country with five of my colleagues. I haven't had a chance to speak to any of the five Senators who are traveling with me. But I think it is only fair at this time that I cancel my trip, and that is the reason I am addressing the Senate now. My trip is canceled as of now.

I don't hold any ill will toward anyone. Senator MCCONNELL has worked with me every half hour today trying to work something out, so this is not any finger pointing in any way. I just want the RECORD to reflect that I think we will work something out so we will not have to be in session on Friday, but I don't want anyone thinking that any of my work toward completing everything we need to do here by tomorrow is based upon my trip because that is not it. I want to make sure that everyone is free. I will be talking to my colleagues independently and telling them that we will try to do this some other time. But I think I would be judged very poorly if during the midst of this debate on the most important issue facing the American people—Iraq and then the issue we are also trying to resolve, and that is the U.S. attorneys problem—that my trip got in the way of that at all.

Again, I want the RECORD to reflect that the Republican leader has been a gentleman throughout. It is not his fault in any way. I hold no one to blame. I just want to make sure that as negotiations go forward from this minute, they are based on what is best for the Senate and has nothing to do with my trip. I will continue to work, I tell all my colleagues, both on the majority and the minority side, with the distinguished Republican leader to do everything we can so that we don't have votes on Friday, but we may not be able to do that. I think we can, but we may not be able to. If we can't work something out on a consent to finish this Iraq debate in some positive manner, then we would have to have—I would have to move to cloture tomorrow night some time, at 6 or 7 o'clock. But I will continue to work on this, and I apologize. Even though I had one of my staff a few minutes ago call the Mexican Ambassador to say that we would likely not be able to do that trip, and now we are not going to be able to do the trip, I will call the President of Mexico and tell him there will be other times to do this trip.

Mr. McCONNELL. Mr. President, will the majority leader yield?

Mr. REID. I yield to the minority leader.

Mr. McCONNELL. Mr. President, let me just echo the remarks of the majority leader. I see that Senator WARNER is now on the Senate floor. He and I had a conversation at noon about a proposal he hoped to offer. It is my understanding, I would say to my friend, the majority leader, that his proposal has just been handed to us. That was the reason for the delay this afternoon, with all due respect to the Senator from Virginia. I know he was working on drafting it, but that is the reason we have not been able to hopefully get to the point of having an agreement, which the majority leader and I both would like to have.

We are ready for this debate, and now that Senator WARNER is on the Senate floor and has his proposal, we will give a copy to the majority, and I will be able to see it myself, and hopefully, shortly, we will be able to enter into an agreement that will be satisfactory to both sides. Certainly, that is my hope and my expectation.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, may I say the distinguished Senator from Kentucky is exactly right. I am doing my very best, in consultation with Senator NELSON and other Members, to try to prepare this document. It is now in draft form. I would hope it could be concluded very shortly. So I plead guilty to the facts, and I apologize to the distinguished leader.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREDATORY LENDING

Mr. MENENDEZ. Mr. President, I wish to address one of the largest problems plaguing our home buyers today; that is, predatory lending. Over the past few days, the Wall Street Journal has written a number of articles about abuses in the subprime lending industry prompting a much needed crackdown on dishonest practices and deceitful lending. In addition, on Tuesday, the Mortgage Bankers Association reported that the number of new foreclosures reported during the fourth quarter of 2006 reached the highest level in 40 years. Not surprisingly, foreclosure and delinquency rates were highest among subprime lenders.

Mr. President, enough is enough. The recent scandal at the New Century Financial Corporation, one of the largest subprime lenders, is a final straw. As the Wall Street Journal describes in one instance, an elderly woman was struggling to make her $952 monthly mortgage payments when a mortgage broker called and offered her a "senior citizen's loan" from New Century Financial. They told her she wouldn't need to make payments for years. Well, she didn't get years. Instead, her monthly payment skyrocketed to $2,200 per month, more than double her income. With the assistance of a lawyer, she escaped foreclosure, but many others are not as fortunate. This is a prime example of the consumer exploitation occurring in subprime lending, and it is simply unacceptable.

Unfortunately, there are many more examples. Unscrupulous predatory lenders prey upon the innocent and unsuspecting. We know these lenders are more likely to target women, racial minorities, and the elderly. In fact, a recent academic study by the University of Denver found that more than 130 million Americans without prime credit scores—the type you need to get a low-cost loan—are disproportionately African American and Hispanic. How can we sit by while these groups are not only being robbed of their savings but robbed of their dream? For many, home ownership is the key to making the American dream a reality.

I have been a longtime advocate for increasing home ownership in underserved and minority communities. More and more Hispanics, for example, are realizing their dream of home ownership, with more than 50 percent of all Hispanics in the country owning homes. But when an average of 63 percent of Hispanic household wealth comes from ownership equity alone—the highest percentage of any group—it becomes clear the power that home ownership has to bring more families out of poverty, increase safety in our neighborhoods, and help make the American dream a reality for all.

I have worked to create innovative mortgage products to help more people achieve their dream of home ownership, and I strongly believe we should not act in such a way that we dry up access to capital and mortgage options for those who are legitimately prepared to take on the responsibilities of home ownership. There are legitimate lenders who fill that need, and we should continue to work with them to preserve safe and secure loan options for consumers.

Unfortunately, predatory lending is making a mockery of the home-ownership dream for far too many individuals. Ironically, however, deceitful subprime lenders are living the dream. They are making enormous amounts, often making millions in profits. They do that by undermining the very essence of that dream for so many in our country. Last year, subprime loans totaled about $605 billion, which is one-fifth of the total overall market for U.S. home loans. We simply cannot ignore this segment of the market which serves some of the most vulnerable populations, including women, seniors, and minorities.

Many Americans listening probably think they could never be a victim of these predatory lenders. Judging from their financial success and the significant impact their practices are having on the stock market and the economy as a whole, it is clear that far too many Americans are falling victim, in many instances through no fault of their own. In communities across America, people are losing their homes and their investments because of predatory lenders. Let me take a moment to list their tactics.

Deceptive subprime lenders encourage borrowers to lie about their income, expenses, or cash available for downpayments in order to get a loan. They approve loan applications in which the income fields have been left blank. They knowingly lend more money than a borrower could possibly afford to repay. Furthermore, these lenders tell borrowers they have no other chance of getting a loan or owning a home. For many who dream of home ownership, it is hard to ignore. Home buyers are asked to sign sales contracts or loan documents that are blank or that contain information which isn't true. They sign forms where the cost-of-loan terms at closing are not what they agreed to.

The lenders' tactics are deceptive, and their words are convincing. It is no wonder many Americans have fallen into the trap. That is why I believe those who engage in predatory lending practices must be held accountable. We should no longer sit by while our communities are being targeted by these individuals and companies. We must address predatory lending through vigorous enforcement of safety and soundness standards, consumer protection, financial education programs, and credit counseling. Well-informed consumers are less likely to be the victims of predatory lenders and more likely to make better choices. However, at the same time, there are market forces that absolutely, without a doubt, prey upon the innocent and unsuspecting.

I would have preferred to have the industry fix this situation, but I personally am no longer willing to wait. This has been going on far too long. Time has run out, and I believe we need a legislative solution. As a member of the Banking, Housing, and Urban Affairs Committee, I look forward to working with the chairman of the committee, Senator DODD, to address predatory lending and to develop a solution that will protect the Nation's home buyers.

I wish to assure the American people, those who are currently struggling to pay their mortgage and those who are looking to own a home, that I will not rest until they are protected against the claws of predatory lenders. Enough is enough. American consumers deserve safe and secure mortgage options and new protections against predatory lending.

Finally, for those across the country who believe this is an issue which affects just homeowners or minority communities or those who should know better, I say "think again." As today's Wall Street Journal reports, this issue has a chilling rippling effect across our Nation's economy, leading to sharp declines in the stock market and a sense that we are "kind of back to panic mode," according to one economist quoted in the article. So don't be fooled. This is a serious issue which has far-reaching effects across our economy. Without prompt action, we put not only more individuals at risk of deceitful predatory lending practices but we put our financial markets and our economy at risk as well. The time to act is now, and I look forward to working with my colleagues to do just that.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to speak against S.J. Res. 9.

Today, the Senate gathers once again to debate the war in Iraq. This is a debate which has been at the center of our national politics—indeed, of our national consciousness—for 4 years now. As everyone here knows, we are now in the thick of the battle for Baghdad, a critical battle where the outcome hangs in the balance.

A new commander, GEN David Petraeus, has taken command, having been confirmed by the Senate 81 to 0 just a few weeks ago. A new strategy is being put into action, with new troops being deployed into Baghdad. The question we in the Senate now confront is simple: Will Congress give General Petraeus and his troops a chance to succeed?

This joint resolution before us would deny them that chance, forcing our troops to break off the battle of Baghdad in 120 days without regard to how they are doing. Instead of providing General Petraeus with the necessary reinforcements he has requested, the reinforcements he is, indeed, counting on, this resolution would strip troops away from him in the middle of the battle. That makes no sense. It is why Eisenhower famously once said: "Anyone who sets a deadline in war doesn't understand war."

We need to be clear with ourselves and with the Nation. The joint resolution we are debating would impose a fixed date for the beginning of a withdrawal from Iraq. In just 120 days after this legislation would be passed, American forces would be required by law to begin redeploying out of Iraq. This would happen regardless of conditions on the ground, regardless of the recommendations of General Petraeus, regardless of the opinions of our allies in Iraq and throughout the region, and regardless of whether security is then improving or deteriorating. It would bind the hands of General Petraeus, substituting the judgment of Congress today for the judgment of our military commanders, our diplomats, and our friends in the region 120 days from now.

Congress has been given many great responsibilities by our Constitution, but the daily micromanagement of war is not one of them. In fact, the proponents of this resolution, as I listen to them, make no attempt to justify why 120 days from now is exactly the right time to commence a withdrawal. Perhaps that is because there is no military or strategic logic at work. This is a deadline which is as arbitrary as it is inflexible. It specifically denies a great American general, David Petraeus, the room for decisive leadership, which history tells us any successful commander must have. Surely we know better than this. Surely we cannot think this is a path to success or security.

I have heard opponents of the current strategy insist that our troops should not be there "policing a civil war." Well, that position, that statement would come as a surprise to the soldiers who have been serving in Bosnia and Kosovo over the past decade, first stopping and now policing a civil war—in fact, two of them. They were correctly, wisely dispatched there by a Democratic President, with the support of Democrats in Congress, the support of many of the same colleagues of mine who are today calling for this withdrawal.

I ask you, my friends, what has changed? Has security worsened in Iraq since the new strategy began? Has the political situation deteriorated? Have you lost confidence in General Petraeus, whom we confirmed just a few weeks ago? I think the answer to all those questions is no.

So I would ask: If we were to stop our legislative debating and maneuvering for a moment and actually look at what is happening in Baghdad right now, what would we see? We would see that sectarian fighting between Sunnis and Shiites is down in districts in Baghdad where American and Iraqi forces have entered. That is according to General Petraeus' senior counterinsurgency adviser. We would see that Muqtada al-Sadr has disappeared, that many of his top lieutenants have been arrested, and that his mighty army, which terrorized much of Baghdad for the last year, has gone to ground. We would also see signs of political progress, including the passage of the new oil law by the Iraqi Cabinet, renewed talks by Sunni insurgent leaders about reconciliation, and even word of an impending Government shakeup involving the removal of some Ministers in the current Government. Finally, if we stopped and stepped back from the debate here in Washington and looked at what is happening on the ground in Baghdad and in Iraq, in Anbar, right now, we would see that the military surge has made possible a critically important diplomatic surge, as representatives from neighboring countries gathered in Baghdad last weekend in the first of a series of such regional conferences.

I don't know if this progress will lead to ultimate success in Iraq, to victory over extremism and terrorism there, to a victory for democracy and hope for an alternative path in the Arab world to the death and suicide and hatred al-Qaida offers, but I can tell you that what is happening in Iraq today certainly does not look like failure to me. In fact, it looks like some progress is being made as a result of this new strategy in Baghdad and in Anbar—preliminary but encouraging progress.

So why, in the face of these developments, would the Senate possibly adopt a resolution such as this? Why, in the face of these encouraging developments that suggest this new plan might well be working, would this Chamber demand that it end? Why, just weeks after confirming General Petraeus, would this Chamber block him from carrying out the strategy he shaped and is now successfully implementing?

There is only one understandable reason for Congress to impose this kind of deadline to begin a withdrawal, and that is if we were absolutely convinced the Petraeus strategy is doomed to failure. The only way a timetable for withdrawal makes sense is if there is no glimmer of hope that General Petraeus and the troops serving under him can succeed. I submit that is simply not a conclusion justified by the facts on the ground in Iraq today.

We are in a long and difficult war. We know that. The price paid by our heroic soldiers and their families has been heavy. I recognize that it is a war in which we have made mistakes, some of them serious, and in which we have experienced exacerbating, heartbreaking, infuriating setbacks. It is a war that has stirred the anger and frustration of the American people, feelings that are justified. What is not justified, however, is for Congress to let the passions and politics of the moment blind us to what is happening on the ground in Iraq today and what is on the line for our security tomorrow.

Our decisionmaking should be driven by the real-world conditions in Baghdad, not by the political mindset here in Washington. This joint resolution before this Chamber fails that test, and that is why it should fail to pass the Senate. General Petraeus has said he will be able to advise us, the President, the Nation, whether his plan is succeeding by the end of this summer. Until then, let me suggest an alternative course for Congress. Let me suggest we declare a truce in the Washington wars over the war in Iraq. For the next 6 months, let's let our troops and the Iraqi forces fight with our support and without us sending them mixed messages. Let us, instead, across party lines, in this Senate and in the House, come together around a constructive legislative agenda for our security in the world, including in Iraq, authorizing an increase in the size of the Army and Marines; funding the equipment and protection for our troops in Iraq, Afghanistan, and worldwide; monitoring progress on the ground in Iraq with oversight hearings, investigating contract procedures being followed in Iraq and Afghanistan, and guaranteeing Iraq war veterans receive the first-class treatment and care they deserve when they come home.

I ask my colleagues to think hard about what we are doing and what this resolution asks us to do. I ask you to look carefully, not at the public opinion polls in Washington or throughout America, but at the realities on the ground in Iraq and to think about the consequences of a forced withdrawal and failure there. I ask you to step back from this path and to vote against this resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Vermont.

Mr. SANDERS. Mr. President, recently in my home State of Vermont, the Vermont State Senate, with a very strong vote, passed a resolution in opposition to the war in Iraq and demanding that our troops come home as soon as possible. It is appropriate our legislature has done that because in Vermont we have paid a very high price for this war. In fact, in terms of per capita loss, the State of Vermont is higher, tragically, than any other State in this country.

In my home State of Vermont, and I believe all across this country, the American people are deeply concerned about the war. They want real debate here in Washington on the issue and, most importantly, they want reaction. That is why I will vote for cloture on S.J. Res. 9 and why I will then proceed, if I am allowed to, if the Republicans allow us to cast that vote, to vote for this resolution.

Let me say a word about the resolution itself, which is very clear and to my mind directly addresses the central concerns of the majority of Americans who, in the elections last November, made it as clear as they could that they want a new course in Iraq. They do not want more of the same, they want a new direction.

The joint resolution we are debating backs our troops, it fully supports our troops, but recognizes that circumstances in Iraq have changed dramatically and most importantly establishes a goal of removing U.S. combat troops by March 2008.

It requires the troop redeployment out of Iraq begin no later than 4 months after the legislation is enacted. The goal it sets of redeploying most of our troops out of Iraq, March 31, 2008, happens to be the very same date proposed by the bipartisan and well-respected Baker-Hamilton Iraq Study Group. So this follows very closely the line of thought of the Baker-Hamilton Iraq Study Group.

It allows troops to remain in Iraq for three purposes: to protect Americans still working on Iraqi reconstruction, to train the Iraqi police and their military, and to engage in counterterrorism operations.

In my view, President Bush's war in Iraq has been an unmitigated disaster. It is a war many of us understood we should never have gotten into in the first place. It is a war this administration was totally unprepared to fight, where some people in the administration were talking about how the Iraqis would be throwing flowers at our troops—not roadside bombs but flowers—and that our troops would be coming home after a "cakewalk," in a couple of months.

That was what they were talking about. It is a war that unfortunately and tragically has cost us terribly in terms of American blood. As of today, we have lost almost 3,200 brave American soldiers, almost 24,000 more have been wounded. Let me tell you very clearly that the evidence is overwhelming that tens of thousands more of these brave soldiers fighting in Iraq are going to be coming home with post-traumatic stress disorder or coming back home with traumatic brain injury. That is the reality of what this war has cost us up to now.

This at a time when we do not have the funding to adequately take care of our veterans, as we have seen at Walter Reed, at a time when middle-class families cannot afford to send their kids to college, at a time when this Nation has the highest rate of childhood poverty in the industrialized world, at a time when hunger in America is substantially increasing. This war, with the President's proposed increase, will cost us some $500 billion and that price tag is going up by $8 billion every month.

This cost is not only going to take money away from the pressing needs of the middle-class and working families of this country, but it is going to add to the $8.5 trillion national debt which this country currently has.

This is a war that has caused unspeakable horror for the people of Iraq—not just for our families who have suffered losses but for the people of Iraq. People who had suffered so long under the horrendous brutality of the Saddam Hussein dictatorship are suffering even more today. We are looking at a nation in the process of disintegration. That is Iraq today. There are estimates that hundreds of thousands of Iraqis have been killed—some estimates go as high as 500,000—and almost 2 million Iraqis have fled their own country. In fact, anyone in Iraq who has any money at all, anyone who is part of the middle class, is trying to get out of that country as quickly as possible, and about 8 percent of Iraqis have had to flee their own country.

As I speak, President Bush is returning from a trip to Latin America. Wherever he spoke, he encountered massive protests. In country after country he discovered that people in Latin America hold our Nation in extremely low esteem, largely because of his ill-advised decision to invade Iraq and the disastrous way in which the Iraq occupation has been managed. That is certainly true not just in Latin America, it is true all over the world. How are we, as the most powerful military force in the world, going to be able to lead the world in the very important fight against international terrorism and Islamic extremism when in country after country leaders do not want to identify with us because of the policies of the President of the United States.

In the days immediately following 9/11, the world rallied around the United States when we were grievously attacked; not just leaders but the huge majority of people in nations all over the world expressed their support and expressed their concern for the United States. They were on our side, not just for reasons of compassion but understanding that we had to work together as a planet, as a civilized world in addressing the attacks of extremists and fundamentalists and terrorists. We had to work together and the United States was prepared to play a leadership role.

Tragically, that reality is no longer the case. We are now held in lower esteem internationally than ever before in the modern history of America. That is not just a bad thing in the sense of our young people going to Europe and finding out they are not respected or that our country is not respected, it is a bad thing if we are serious about trying to develop an international consensus to fight the very serious problem of international terrorism.

Tragically, the Bush administration has refused to listen to the American people who, in the national election this past November, made it very clear they want a new direction in Iraq and they want this war wound down. They did not vote for an escalation in this war, they voted to wind down the war. This administration has not only not listened to the American people, they have refused to listen to the thoughtful suggestions of the bipartisan Iraq Study Group. This administration has refused to listen to the advice of our military leaders in Iraq who have told us that increasing troops from the United States would make it easier for the Iraqi Government and military to avoid their political and military responsibilities: Why make the hard political decisions? Why make the hard financial decisions? You don't have to do that. Uncle Sam is there to provide you with the troops. The American taxpayer is there to provide you with the money. You don't have to make those choices.

This administration has not only refused to listen to the American people, to our military, to the Iraq Study Group, perhaps most importantly they have refused to listen to the Iraqi people themselves who, according to a number of polls, tell us very strongly they believe that in the midst of all of the chaos, all of the horror that is taking place in their country, they would be more safe, they would be more secure if our troops left their country.

If President Bush will not listen to anybody, including the American people, including former generals, including the Iraq Study Group, including international public opinion, then it is up to Congress to tell him it is time to move in a new direction in Iraq. In the 2006 elections, in my view, the people of Vermont and of this Nation told us they wanted Congress to begin asserting its constitutional authority over this war and that they wanted us to rein in this administration. Most important, they told us they wanted us to begin the process of bringing our troops home as soon as possible. As a Vermont Senator, that is exactly the effort I intend to make. We must bring our troops home instead of leaving them to be embattled referees of a civil war that only the Iraqis—not our brave soldiers—can stop.

Iraq's Government and its military must step up and accept their political and military responsibilities. As the Baker-Hamilton commission said, that will only happen when we insist that the Iraqis and not American troops are responsible for the future of Iraq.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SERGEANT CHARLES "CC" JOHNSON

Mr. REID. Mr. President, I rise today to congratulate Charles Curtis Johnson, or "CC" as he is known to friends, on his retirement from the U.S. Capitol Police after nearly 32 years of dedicated service.

Sergeant Johnson started his career with the Capitol Police in 1974. For more than 14 years, he performed a variety of law enforcement duties as a member of the Capitol Division. In 1992, Mr. Johnson was named administrative sergeant and started working with the First Responder Unit that protects the Capitol grounds. By 1998, Mr. Johnson was promoted to sergeant and supervised the officers that protect the House and Senate Chambers.

In 2004, Sergeant Johnson earned a post as one of the supervisors of the Horse Mounted Unit. This elite unit is well known for its rigorous training requirements, and Sergeant Johnson passed these tests with ease. After his work on the Horse Mounted Unit, Sergeant Johnson was promoted to the Patrol/Mobile Response Division. He served there until his retirement, marking a long career of dedication to the Capitol Police Force.

Sergeant Johnson is also the devoted husband of a fellow Capitol Police officer, Captain Shirley Jo Johnson. Together, they have raised four children, and are the proud grandparents of four grandchildren. There is no doubt that his family can be proud of his example of professionalism and sense of duty to others.

As Senate majority leader, and a former Capitol Police officer, I have the greatest respect for the fine men and women of the Capitol Police Force. Sergeant Johnson embodies all of the qualities that make the Capitol Police one of the best law enforcement divisions in the Nation. I am pleased to recognize Sergeant Johnson today before the Senate, and I wish him the best as he embarks on this new chapter of his life.

HONORING OUR ARMED FORCES

U.S. ARMY SPECIALIST JUSTIN ALLAN ROLLINS

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SPC Justin Allan Rollins, of Newport, NH. Tragically, on March 5, 2007, this courageous 22-year-old soldier, along with five of his soldier comrades, gave their last full measure for our Nation when an improvised explosive device detonated near their unit during combat operations in Samarra, Iraq. At the time of this hostile action, Specialist Rollins, the gunner on his HMMWV, was assigned to the 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC, and was serving in support of Operation Iraqi Freedom. He had recently reenlisted in the Army for an additional 4 years.

Justin, the son of Mitchel "Skip" and Rhonda Rollins, was born on November 10, 1984, and had resided in Newport, NH, all of his life. He was a 2003 graduate of Newport High School where he played center on the football team and threw shot put and discus for the track and field team. Those close to him describe him as a wonderful young man with a nice smile and a hearty laugh, a loyal friend, and a patriot with a strong desire to serve his country. Family and friends say he had a zest for life and loved to hunt and drive fast cars.

Sensing a call to duty, and in response to the September 11 terrorist attack on our Nation, he joined the U.S. Army in 2004. Justin reported to Fort Benning, GA, where he completed basic training, infantry training, and Army Airborne School. Upon completion of his training in August 2004, he was assigned and reported to the 2nd Battalion, 505th Parachute Infantry Regiment at Fort Bragg. In August 2006, he deployed with his unit to Iraq. He said he went to Iraq so that the Iraqi children could have the same opportunities as U.S. children and he was extremely proud of what he was doing. The awards and decorations that Specialist Rollins received over his years of service are a testament to his strong character. They include the Bronze Star with Valor, two Purple Heart medals, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Army Overseas Service Ribbon, Combat Infantry Badge, and Airborne Wings.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from the first conflict at Fort William and Mary, New Castle, NH, to the current conflict in Samarra, Iraq, and U.S. Army SPC Justin Allan Rollins served and fought in that same fine tradition. During our country's difficult Revolutionary War, Thomas Paine wrote, "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman." In these turbulent times Justin stood with the country he loved, served it with distinction and honor, and earned and deserves our love and thanks.

My sympathy, condolences, and prayers go out to Justin's parents Skip and Rhonda, older brother Jonathan, grandparents, longtime girlfriend Brittney Murray, and to his other family members and many friends who have suffered this most grievous loss. Family, friends, and fellow soldiers will no longer be able to enjoy his company. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. Justin had said that there is no higher honor than to be buried in Arlington National Cemetery, and now he joins many of our country's heroes in that sacred place. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. In the words of Daniel Webster, may his remembrance be as long lasting as the land he honored. God bless Justin Allan Rollins.

PRIVATE FIRST CLASS JASON D. JOHNS

Mr. BAYH. Mr. President, today I have a heavy heart and deep sense of gratitude to honor the life of a brave young man from Frankton. Jason Johns, 19 years old, died on February 21 while deployed in Afghanistan. With his entire life before him, Jason risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Although Jason moved to Florida when he was young, his valor over the course of his service in Afghanistan makes us proud to count him as a Hoosier, too. According to his father, Jason had known that he had wanted to be a soldier for as long as his friends and family could remember. He fulfilled that dream when he joined the Army in 2005, shortly after receiving his GED. Jason enjoyed the military, and he intended to make it his career, hoping to someday reach the rank of general. His father, along with friends of the family, described him as serious about his career and a selfless man who wanted to serve his country.

Jason died while serving his country in Operation Enduring Freedom. He was a member of the 3rd Battalion, 82nd General Support Aviation Battalion, 82nd Airborne Division out of Fort Bragg, NC. This brave young soldier leaves behind his mother and father, Kim and Jeffrey Johns, and two older brothers, Jack and Jeremiah.

Today, I join Jason's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jason, a memory that will burn brightly during these continuing days of conflict and grief.

Jason was known for his dedication to his family and his love of country. Today and always, Jason will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jason's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jason's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jason D. Johns in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jason's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jason.

IMPROVING AMERICA'S SECURITY ACT

Mrs. CLINTON. Mr. President, over 5 years ago, on September 11, terrorists murdered nearly 3,000 people in the single deadliest attack on American soil in our history.

What all Americans witnessed and what too many families experienced personally and tragically was the dawn of a new era. We knew it then. National Guard patrolled Federal buildings and airports. The military patrolled the skies over New York and Washington, DC. The United States had been attacked by a new kind of enemy in a new and more dangerous world. We faced tough questions as a nation: How do we defeat this enemy? How do we fight terror abroad and protect America at home?

What was clear that day and remains so today is that the threat posed to us by terrorism requires a great mobilization of American might, muscle, resources, and ingenuity.

Armed with this mandate, many of us fought alongside those who lost loved ones on September 11 to compel an unwilling Bush administration to create the 9/11 Commission. The determination and steadfastness demonstrated by the families hardest hit by the September 11 tragedy made the 9/11 Commission a reality. We applauded when the bipartisan Commission concluded its investigation and released its thorough report detailing recommendations to protect this Nation from another attack, confident that the Congress and the administration would in short order implement their recommendations.

Shamefully, for some in our Federal Government, the sense of urgency and resolve faded in the months and years that followed. Some of the Commission's most commonsense recommendations went ignored. Even in the face of dangerous incompetence in our emergency preparedness and response to Hurricane Katrina, we received tough rhetoric instead of much needed reform. Five years after the 9/11 attacks and 2½ years after the 9/11 Commission released its initial report, much of the work of properly securing our homeland has gone undone. That is why this legislation to implement many of the remaining recommendations of the 9/11 Commission is long overdue.

I have long supported the Commission's recommendation that "homeland security assistance should be based strictly on an assessment of risks and vulnerabilities." With our homeland security resources limited, we need to be smart about how we distribute funding to guard against terrorism. Sadly, all too often, funding decisions have been made based on politics in Washington instead of the reality in our cities and neighborhoods. It is why I introduced the Homeland Security Block Grant Act as well as the Domestic Defense Fund Act, both of which would provide direct and threat-based homeland security funding to our communities and first responders to help them improve our homeland defense. But even funds supposedly distributed based on risk have been administered incompetently.

Last spring, the Department of Homeland Security, DHS, announced its 2006 homeland security grants. Cities and States across the country facing high terrorist threats suffered considerable funding cuts, a decision which can be largely attributed to a series of highly questionable risk assessments. New York City and Washington, DC, both already the targets of attacks, were slated for drastic reductions. Funding under the Urban Area Security Initiative, UASI, alone was slashed in New York City by more than 40 percent and in Washington, DC by 43 percent.

We clearly need to get smarter about how we assess risk. It would surprise most people to learn that until now, the process of assessing risk has been done on an ad hoc basis within DHS, with several different offices tasked with contributing to the analysis. This seemingly haphazard process has led to constantly changing grant guidance and formulas, wide fluctuations in yearly grant awards, and a failure to develop a long-term strategy for risk assessment. What we need is a full-time staff of methodologists whose sole responsibility it is to assess risk. That is why I offered an amendment to bill that would create a Risk Assessment Center within DHS.

While the funding proposal contained within Improving America's Security Act moves us closer toward a threat-based funding model, it still falls shorts of what the 9/11 Commission recommended. Specifically, the State minimum funding requirements contained within the bill are still too high and there is still too much reliance on population-based formulas that bear little relation to risk. My hope is that during conference committee negotiations to reconcile the House and Senate bills, efforts will be made to ensure that our limited homeland security funds are directed toward mitigating our most significant vulnerabilities and that political formulas are abandoned.

As we discuss the importance of homeland security and how critical it is to provide adequate funding for our first responders, we cannot leave the 43,000 transportation security officers, TSOs, in this country out of the conversation. Every day, TSOs are on the national security frontlines, keeping our airports safe and protecting countless citizens as they travel. Despite the significant training, experience, and patience required to execute these duties, TSOs have lacked the basic workers rights and protections for over 5 years, including whistleblower protections and the right to collectively bargain. As a result, the officers we task with protecting our airplanes from another terrorist attack now have the highest injury rate of any Federal agency, a high attrition rate of almost 30 percent, and, according to a recent report, the lowest morale of any agency in the Federal Government.

It is why I supported Senator MCCASKILL's amendment that would guarantee to TSOs collective bargaining and other basic labor rights that other Federal law enforcement officers already enjoy. This amendment would promote our Nation's security by providing a stable workplace structure for the resolution of disputes and the reduction of turnover, as well as allow TSOs to expose threats to aviation security without fear of retaliation. The amendment also includes provisions that make explicit that TSOs would not enjoy the right to strike, the right to bargain for higher pay, or the right to reveal classified information, and that the TSOs must follow all orders during an emergency. This was a smart and carefully tailored amendment that correctly recognizes that we will not be able to effectively safeguard our Nation's security if we do not stand with and support its security workers.

It is also past time to secure our ports and transportation systems. Unscanned cargo containers that pass through our ports pose a substantial risk to our homeland security, threatening not only the gateways to our national economy but also the larger American public. We learned the painful lesson on September 11 that those intent on destroying our American way of life are keenly focused on exposing our vulnerabilities. Because our ports serve as the gateway to our country and its economy, they remain attractive targets susceptible to terrorist attack.

In 2005, more than 84 million tons of cargo with a value greater than $132 billion passed through the Port of New York and New Jersey alone. The sheer scope of commerce at our ports means the threat carries grave consequences—and will take a great deal of hard work and our smartest strategies to meet. And while we took important steps toward addressing these concerns last year with the passage of the SAFE Ports Act, we still need to act with more urgency. It is why I supported efforts to expedite the implementation of new scanning requirements during consideration of the Improving America's Security Act.

I am encouraged that the bill does take steps to secure our rail and mass transit systems. Given the lessons of London, Madrid, and Mumbai, it is unbelievable that not more has been done to secure our mass transit. Passenger rail systems—primarily subway systems—here in the United States carry about 5 times as many passengers each day as do airlines. Instead of forcing an impossible decision, between protecting one form of transportation over another, we should invest in the resources and tools necessary to secure our entire transportation infrastructure—before terrorists strike our rail systems here at home.

Importantly, the bill provides grants through TSA to Amtrak, freight railraods, and others to upgrade security across the entire freight and intercity passenger railroad system. Additionally, the bill provides funding through the Department of Transportation, DOT, to upgrade and to fortify Amtrak railroad tunnels in New York, Washington, and Baltimore.

Furthermore, the legislation requires the Federal Motor Carrier Safety Administration, FMCSA, to provide recommendations to both motor carriers and States on how to coordinate hazardous materials routing. The bill also requires DHS to develop a program to encourage equipping trucks that carry hazardous materials with communications and tracking technology. These steps are in addition to those in the bill that bolster aviation security standards. Importantly, the bill requires the Transportation Security Administration, TSA, to develop and implement a system, within 3 years of the date of enactment, to provide for the screening of all cargo being carried on passenger aircraft, a security measure that is long overdue.

The bill also takes several important steps to address our emergency communications systems before we face another crisis. Chaotic, real-world disasters, whether manmade or natural, do not obey borders. They require close coordination of Federal, State and local agencies, firefighters, police officers and EMTs, and others. Yet often these different entities use different communications devices, frequencies, even languages. On September 11, police officers could not effectively talk to firefighters at Ground Zero; at the Pentagon, first responders from Virginia and Washington, DC faced the same problem. After Katrina, we had responders exchanging business cards at the site of the disaster along the gulf.

That is why the 9/11 Commission recognized our crucial need to have interoperable communications, so that all of our first responders can communicate with each other at the scene of an emergency. It is why I introduced legislation last year that would give our first responders an interoperable emergency communications system coordinated under Federal leadership. I am pleased that the bill provides funds to improve interoperable emergency communications and gives the National Telecommunications and Information Administration, NTIA, greater direction regarding how to distribute these funds.

This bill also contains a provision offered by Senator STEVENS and me which will provide immediate and critical funding to help upgrade and improve our Nation's 9-1-1 call centers. This funding will help ensure that 9-1-1 call centers can be an effective part of an emergency response plan and will make certain they have the technological upgrades to handle and process all the emergency calls that come into them so that our first responders know where to go and what situation they are walking into.

Nearly 5 years ago, America suffered a brutal terrorist attack that stole nearly 3,000 lives and changed America forever. What was required here in Washington was leadership. Leadership to inspire Americans to meet the threat head on. Leadership to mobilize our resources and respond effectively. Leadership to keep our country safe in a new and more dangerous world.

Sadly, the Bush administration failed to match the urgency and resolve of the American people in this great struggle to secure our homeland. Today, with passage of this important legislation, we will demonstrate the leadership that we have been sorely missing for too long in the fight to safeguard our Nation and its citizens.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on March 9, I was unable to vote on certain provisions of S. 4, the Improving America's Security Act of 2007. I wish to address these votes so that the people of the great State of Kansas who elected me to serve them as United States Senator may know my position.

Regarding vote No. 68, on the motion to invoke cloture on the Cornyn amendment No. 312, as modified, I would have voted to invoke cloture on this amendment. My vote would not have altered the result of this motion.

Regarding vote No. 69, on the motion to invoke cloture on the Reid amendment No. 275, as amended, I would not have voted to invoke cloture on this amendment. My vote would not have altered the result of this motion.

TESTIMONY OF DR. ROBERT SOCOLOW

Mr. BAUCUS. Mr. President, on Tuesday, February 27, 2007, the Finance Committee held a hearing on energy-tax issues titled: America's Energy Future: Bold Ideas, Practical Solutions. I ask unanimous consent that the following testimony from that hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF MANAGING U.S. COAL IN A CLIMATE-CONSTRAINED WORLD

TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE

(Professor Robert Socolow, Princeton University, Feb. 27, 2007)

Mr. Chairman, Senator Grassley, and members of the Committee: Thank you for inviting me to testify today. I am pleased to be here in my capacity as co-director of Princeton University's Carbon Mitigation Initiative; as a Professor of Mechanical and Aerospace Engineering at Princeton; and as an individual concerned about the future of U.S. and global energy policy. I commend you for these hearings.

In 2004 Stephen Pacala and I published a paper in Science magazine called "Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies." We argued for a portfolio of climate-change mitigation strategies. Among these strategies are the deepening of energy efficiency in buildings, transport, and industry; the deployment of renewable energy, nuclear power and biofuels; and the capture and sequestration of carbon dioxide produced at coal power plants and coal-to-liquids plants.

Today, I will focus my testimony on the strategy that has moved to near the top of the list from the perspective of urgency: carbon capture and sequestration, or CCS for short.

COLLISION AVOIDANCE

Mr. Chairman, this really is a time of Bad News and Good News. The Bad News is that two trains are on a collision course. The Good News is that there is still time to switch one of the trains onto a different track.

Train Number One is the rush to coal power in the U.S., a consequence of changed expectations about the future natural gas price. Train Number Two is the urgency of dealing with climate change. In my view, none too soon, climate change is high on the agenda for U.S. policy.

A collision is imminent because burning coal as we have burned it in the past sends more carbon dioxide into the atmosphere for each unit of useful energy produced than any other energy source. So, the rush to coal makes the already difficult challenge of climate change even more challenging.

The switch is carbon dioxide capture and sequestration, or CCS. Using CCS, when coal is burned its carbon does not end up in the atmosphere.

READINESS

CCS is commercially mature; it uses proven technologies in new combinations. Carbon dioxide has long been captured at natural gas power plants and coal power plants for use by the food industry. A 500-mile carbon dioxide pipeline built 20 years ago has brought carbon dioxide from across New Mexico from southwest Colorado to oil fields in west Texas. There are no technological reasons to delay full-scale deployment of CCS.

The best evidence I know for the readiness of CCS for full-scale deployment is the 500-megawatt CCS project at BP's Carson refinery, near Long Beach, California. This project of BP and Edison Mission Group received investment tax credits under Section 48B of the tax code, per the 2005 Energy Policy Act. The project will gasify 4500 tons per day of petcoke, the bottom of the barrel at a refinery, a negative-cost fuel. Four million tons of carbon dioxide will be sent off-site each year for enhanced oil recovery (EOR).

Carbon dioxide capture and sequestration is likely to become a favorable economic strategy for a coal utility at a price of about $30 per U.S. ton of carbon dioxide. Prices on emissions in the same range should also enable other "upstream" carbon-saving strategies, ending flaring at the oil field and bringing new investments at oil refineries. Carbon dioxide policy should reach far upstream, because the low-hanging fruit is upstream.

Efficiency in energy use is where the other low-hanging fruit are to be found. A low-tech air-conditioner cooling a poorly designed and poorly instrumented office building is as out of place in a climate-constrained world as a coal plant without carbon dioxide capture and sequestration.

EOR AND NATIONAL ENERGY SECURITY

Carbon dioxide is the mischief molecule in the atmosphere, but the miracle molecule below ground. Used for enhanced oil recovery (EOR), carbon dioxide injects new life into old oil fields. Quantitatively, a new one-thousand-megawatt coal plant will produce about six million tons per year of carbon dioxide. If captured and used for enhanced oil recovery, this carbon dioxide should increase oil production at mature fields by between 30,000 and 80,000 barrels a day. Any carbon dioxide heading for the sky is domestic oil not produced—and more imported oil.

NO CTL WITHOUT CCS

Your committee is considering subsidizing synthetic fuel from domestic coal. From a climate change perspective, unless synfuels production is accompanied by carbon dioxide capture and sequestration, this is a big step backward. Burning coal-based synthetic fuel in a car engine, instead of burning gasoline made from crude oil, sends approximately twice as much carbon dioxide to the atmosphere when driving the same distance—unless CCS is incorporated into the synfuels production process, in which case CTL fuel is no worse for climate than petroleum fuel.

"No CTL without CCS" isn't the world's most exciting bumper sticker, but it carries a vitally important message.

CARBON PRICE, PLUS

Mr. Chairman, The sulfur trading you helped launch in the early 1990s has been a spectacular success and the template for every cap-and-trade proposal since then. But the launching of CCS will require "a carbon dioxide trading system, plus." I strongly recommend that your committee restrict the next investment tax credits only to coal power plants and coal synfuels plants that capture and sequester carbon dioxide.

Moreover, I recommend that policies specify only that carbon dioxide must be sequestered, with penalties for failure, but then leave it to the market to choose the specific capture and sequestration strategy for each circumstance.

POLICY MUST DISTINGUISH INDUSTRIAL FROM NATURAL CARBON DIOXIDE

Several federal and state energy policies in the 1980s that subsidized enhanced oil recovery resulted in the extraction of carbon dioxide from large geological formations—carbon dioxide that otherwise would have stayed below ground for millions of years. This adverse impact on climate was inadvertent; but now we know better. All legislation henceforth must distinguish industrial carbon dioxide from natural carbon dioxide.

POLICIES THAT PENALIZE EARLY BAD ACTION

Urgently needed for the current period are policies that give clear and persuasive signals that any new coal plants without CCS will be penalized, not rewarded, in whatever U.S. climate-change mitigation policy emerges after the current planning period. No one should expect the grandfathering of the newborn.

I was one of many who were delighted by the news this past weekend that eight new coal plants with conventional technology proposed for rapid construction in Texas will not be built. I can't prove it, of course, but it seems likely to me that the op ed in the Dallas News last month from Senators Bingaman and Boxer, warning investors and the TXU leadership that, in effect, there would be no grandfathering of the newborn, was instrumental in derailing the construction of these eight backward-looking plants.

Mr. Chairman and members of the Committee, thank you for your attention.

RETIREMENT OF JIM SOURWINE

Mr. HARKIN. Mr. President, this is a statement I wish I did not have to make. Jim Sourwine, who has almost 40 years of Federal service, including more than 30 on the staff of the Senate Appropriations Committee, will retire this month. He not only served the committee but the entire Senate as a professional staff member. And when I say "professional," I really mean it with Jim. Always courteous, always helpful, he is an appropriator's appropriator. He worked for Republicans and he worked for Democrats, with equal diligence. He treated every Senator with respect, and we respected him as well.

Mr. SPECTER. I don't know if the Senator from Iowa knows this, but Jim Sourwine has served almost 100 different members of the Appropriations Committee during his time in the Senate. Imagine each of the desks in this Chamber filled with U.S. Senators, and you will have a sense of the number of committee members Jim served.

Mr. HARKIN. And we all benefited from that service. He understands the appropriations process better than anyone. New staff could always look to Jim for institutional knowledge, and count on him to be a patient teacher of many on both substantive issues an the appropriations process.

The Senate depended on this expertise. Jim is a master craftsman, the person we relied on to compile all the spending figures and technical language and mould it into an appropriations bill. Whether it was drafting an amendment to the budget resolution; finding a creative offset to meet an important priority; or organizing and staffing a hearing on an important labor issue, such as those that we held on the overtime regulation, Jim Sourwine was the staffer we wanted and needed by our side.

Mr. SPECTER. Jim came to the Senate in 1972 when he was first detailed to the committee from the Department of Labor. He found his place quickly and began responding to what were known as "Harleygrams"—daily instructions from Harley Dirks, who was Senator Magnuson's clerk of the Labor, HEW and Related Agencies Subcommittee, as it was called then.

After Senator Magnuson, Jim served under Senator Schmitt in the 97th Congress, and then Senator Weicker and Senator Chiles. Since the 101st Congress, the Senator from Iowa and I have exchanged the gavel on several occasions. I never miss a chance to mention that I always prefer to have the gavel in my hand. On this occasion, I should also say that I prefer to have Jim Sourwine's services on staff as well.

Mr. HARKIN. Jim is the undisputed master at identifying creative solutions to funding problems. However, we can never forget that the work he did to support this institution ultimately benefited the American people, through increased educational and job training opportunities, greater protections for the Nation's workers or more affordable and improved health care.

For example, when Jim came to the committee, title I education grants were funded at $1.6 billion; this year's level is $12.8 billion. Think of the millions of disadvantaged students who have benefited over the years from this funding. In 1972, Congress created the basic educational opportunity grant to provide grant aid that would help low-income students earn a postsecondary education. The grant program, now known as Pell grants, provides a maximum award of $4.310 to more than 5 million low- and middle-income students. Millions of students have been able to earn a postsecondary education because of the extra assistance they were provided. Jim should feel proud of the role he has played in each of these programs and so much more.

Mr. SPECTER. I would like to add several other accomplishments of Congress for which Jim should feel a great sense of pride. In 2002, Congress completed a doubling of the NIH budget over a 5-year period. Jim's thorough knowledge of the bill and the budget was instrumental in securing the doubling. If there was a way to write bill language that would save money or change a date to free up some cash, Jim knew how to do it.

When Jim started working at the Department of Labor in 1967, the Job Corps program was in its infancy, just 3 years old. Today, it is a $1.6 billion enterprise widely touted for its performance standards and student outcomes, helping more than 60,000 youths each year. After the Quecreek coal mine accident, I held a hearing in Pennsylvania to look into the mine safety issues related to that situation. We have held two mine safety hearings since the Sago and Alma disasters in early 2006. Jim organized and staffed those hearings. What's more, he helped craft legislation that I introduced last year which contributed to the development of the MINER Act. This act passed last year and is now the law of the land. It is the most significant piece of mine safety legislation passed in more than 30 years and its effective implantation will save lives. Jim should feel very good about the work he did to support that legislation, as well as other worker protection programs.

I believe the Senator from Iowa and I could go on for some time on all that Jim Sourwine has meant to the Senate Appropriations Committee, the Senate and the American people. For me, I want him to remember always what the long hours have done for so many. Jim, best wishes to you on your retirement. You will be missed.

Mr. HARKIN. Jim, I understand that the round-the-clock hours and weekend work have made it difficult to catch up on some projects around the house and get on the golf course. While you might prefer one over the other, I hope you know that your long and distinguished service to the Senate has more than earned for you the right to do just that or nothing at all. I will miss you and your sage counsel. The Senate will miss you. I wish you all the best on your retirement and thank you for your service.

ADDITIONAL STATEMENTS

INDIANA WOMEN'S STATE BASKETBALL CHAMPIONS

• Mr. BAYH. Mr. President, I wish today to pay tribute to the Oregon-Davis Women's High School basketball team for their extraordinary State championship victory. The Bobcats historic 54–46 defeat of Wood Memorial for the Class A State Championship was the first statewide championship for the Bobcats and a proud moment for our State.

In reading of their victory, I was reminded of what people say about teamwork: that at the end of the day we are only as strong as the shoulders we lean on. The talent of the Bobcats was apparent throughout their stellar season, but it was their extraordinary teamwork that brought the championship trophy to the O–D gymnasium for the first time in school history. The young women of the Oregon-Davis basketball team are a testament to what student athletes should be, and they should be commended for winning with class, courage, and character.

Two years ago the team lost a dear friend in a tragic automobile accident. Jessica McMullen was the daughter of Tim McMullen, a coach in Florida and a close friend of Terry Minix, the Bobcats' head coach. Jessica, a hard-nosed basketball player, used to help her dad at camps at O–D and was only 16 years old when she died. The day after their championship win, the team was honored in the Oregon-Davis gym, and each team member wore a T-shirt commemorating Jessica's contribution to the Bobcats. At the ceremony, Aubrey Minix, a lead player on the team, spoke about the championship saying, "It means even more to us because we did want to do it for Jess; it brought us even closer together."

While the young women on the O–D team put in countless hours practicing and developing their skills, the parents and coaching staff dedicated just as much time supporting the team. As a father of two young boys who love to play sports, I know how rewarding it can be to watch my sons' games. I also know how dedicated parents must be to drive their kids to practice every day, make it to the games, and cheer the whole game through. It is this kind of dedication that builds a support network worthy of a State championship.

Once the playoffs started, the Bobcats' true character shined even brighter as they never lost faith in themselves and prevailed as a team. Their conduct this season should be an example for all other student athletes to follow. I congratulate the Oregon-Davis Bobcats on their State championship and commend them for the example they set for all student athletes who I hope are inspired by their example.•

CONGRATULATIONS TO STEPHEN JOEL TRACHTENBERG

• Mr. CONRAD. Mr. President, as an alumnus of the George Washington University, GW, I wish to take a few minutes to pay tribute to president Stephen Joel Trachtenberg, who is retiring in July after 19 years of dedicated service to GW.

President Trachtenberg became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, President Trachtenberg came to GW from the University of Hartford, CT, where he had been president for 11 years. Before assuming the presidency of Hartford, he served for 8 years at Boston University as vice president for academic services and academic dean of the College of Liberal Arts. Previously, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He was also an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

President Trachtenberg has shown a strong commitment to public, civic, and personal service. He worked tirelessly to honor and enhance the relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for reinvention, change and civic engagement.

In 1989, President Trachtenberg created the 21st Century DC Scholars Program—now the Stephen Joel Trachtenberg Scholars—which has granted almost 100 full scholarships to students from the DC Public Schools to attend GW. Under his leadership, GW's Multicultural Student Services Center has become a strong center for cultural awareness and celebrations, student development, and diversity training. His dedication to civic service is reflected throughout the University, its faculty, and its students.

GW has experienced great changes and improvements under President Trachtenberg's leadership. During his tenure, the university has seen the number of undergraduate applications triple. Financial aid to students, research funding, and campus infrastructure investment have also significantly increased.

President Trachtenberg has received numerous accolades from across the Nation and abroad for his service, vision, intellect, wit and compassion. His passion and demonstrated commitment to GW and its students, the city of Washington, DC, and the pursuit of lifelong learning are to be commended. I congratulate him on his record of service and outstanding leadership.•

HONORING SENATOR ANITA BOWSER

• Mr. BAYH. Mr. President, today I pay tribute to the life of a distinguished public servant, community leader, and friend, Senator Anita Bowser, who passed away at the age of 86 on March 4. Senator Bowser's dedication to the State of Indiana kept her involved in public service throughout her life, and I know that she will be greatly missed.

Senator Bowser was a good and decent woman who dedicated her life to serving others. From her work as a constitutional scholar to her role as a State representative, her career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana.

In 1980, Senator Bowser retired from teaching political science at Purdue University, North Central, and started her career in the Indiana House of Representatives. In 1992 she was elected to the state senate representing LaPorte and St. Joseph Counties. Throughout her career as an elected official, Senator Bowser addressed issues such as prescription drug assistance, the protection of Indiana's telephone privacy list, support for agricultural development, assistance for victims of sexual assault, and tax amnesty for small businesses.

As Governor of Indiana, I had the privilege of seeing firsthand the difference Senator Bowser's efforts have made in our State. The contributions she made through her leadership and philanthropy touched countless lives, and her dedication and strong will made her a role model for a generation of Hoosiers.

Senator Bowser's many accomplishments include being the first woman to act as house speaker, deputy speaker pro-tempore, in the history of the State. In addition, she received numerous honors based on her public service, including the Louis Ingelhart Award for Freedom of Expression, the Amnesty International Abolitionist of the Year Award, and the Robert Dale Owen Legislator Award from the Indiana Civil Liberties Union. She was also a founding member and the first woman to be hired to teach at Purdue University, North Central, in Westville. A veteran lawmaker, Senator Bowser was widely respected as the conscience of the Indiana State Senate.

Before she died, Senator Bowser was the ranking Democrat on the Senate Pensions and Labor Committee and was a member of the Judiciary Committee, the Corrections, Criminal and Civil Matters Committee, the Ethics Committee, and Education and Career Development Committee. It is a rare person who can make such an impact on so many people over the course of one life. Hoosiers will miss Senator Bowser as a friend, a community leader, and a committed advocate for our State.

It is my sad duty to enter the name of Senator Anita Bowser in the official RECORD of the United States Senate for her service to the State of Indiana.●

TRIBUTE TO WAYNE TIPPETS

● Mr. CRAPO. Mr. President, on March 2, 2007, the Boise Veterans Administration Medical Center bade farewell to its director of 14 years, Wayne Tippets. After a dedicated career with the VA spanning 37 years, Wayne retired with plans to travel and spend time with his family. I also understand that his retirement will likely include golfing.

Wayne served with the VA across the Nation, in places such as Iowa, Tennessee and California, before coming back to Idaho in 1993. He recognizes the importance of honesty, a strong work ethic, and the critical importance of competent, compassionate staff, and volunteers to the hospital's success. Wayne has handled the almost doubling of hospital patients over the past 14 years with a sense of pragmatism and drive to continue a history of responsible service to Idaho's veterans. Under his leadership, the Boise VAMC rebuilt and modernized the medical/surgical ward; constructed a behavioral health center, outpatient care building, and specialty care clinic; opened a larger and modernized emergency room; opened a new building in Twin Falls; opened a new administration building; opened a community-based outpatient clinic in Caldwell; and established a patient care access point in Salmon, ID, offering social worker and telepsychiatry services.

Wayne was instrumental in these and other improvements and expansion of VA patient services throughout his tenure in Idaho. I wish him well in retirement and thank him for his long years of service to our Nation's veterans.●

MESSAGE FROM THE HOUSE

At 3:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 429. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse".

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

H.R. 478. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

The message also announced that pursuant to 2 U.S.C. 2081, the minority leader appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Mr. WAMP of Tennessee.

The message further announced that pursuant to 2 U.S.C. 2081, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. OBEY of Wisconsin and Ms. KAPTUR of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 429. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 430. To designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse"; to the Committee on Environment and Public Works.

H.R. 478. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building"; to the Committee on Environment and Public Works.

MEASURES DISCHARGED

The following measure was discharged from the Committee on the Judiciary, and referred as indicated:

H.R. 399. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 710. To amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-17. A resolution adopted by the Legislature of the State of Florida relative to urging the Senate to fulfill the requests of the 2005 BRAC Commission by restoring federal funds for military construction; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6008

Whereas, Kansas communities, state officials and the members of the Kansas Congressional Delegation worked hard and the results of the 2005 Base Realignment and Closure (BRAC) Commission recommendations were the best news for Kansas in years; and

Whereas, these recommendations are resulting in significant increases in personnel and the missions assigned to Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base in Kansas; and

Whereas, the military commands, the troops and their families coming to work on those missions are facing a situation with much of the funding support originally contained in the Federal Continuing Resolution, and many of the key projects in Kansas, now at risk; and

Whereas, the Federal Continuing Resolution adopted by the United States House of Representatives currently provides less than half of the request for the 2005 BRAC Commission and is more than $3 Billion short of the amount agreed upon in the FY 2007 Defense Authorization Bill; and

Whereas, Kansas Governor Kathleen Sebelius' Military Council voted on February 7, 2007, to support efforts to restore vital federal military construction funding for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base at this time when these military posts are getting new missions; and

Whereas, projects that are potentially at risk at Fort Riley include a Combat Aviation Brigade complex, which would provide additional housing for troops, headquarters and operations buildings and facilities, hanger expansion and a crash rescue fire station ($152 Million); essential Runway Improvements ($17 Million); Division Headquarters and Sustainment Brigade Headquarters buildings and facilities ($87 Million); a state-of-the-art Battle Command Training Center ($27 Million); and a Health and Dental Clinic ($17.5 Million) and a Child Development Center ($5.7 Million) to serve the thousands of troops and their families moving to Fort Riley; and

Whereas, the project for the Joint Regional Corrections Facility ($68–$95 Million) at Fort Leavenworth is also at risk; and

Whereas, the House of Representatives of the State of Kansas considers the federal funding requested for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base, based on the recommendations of the 2005 BRAC Commission, to be crucially important to the United States of America, as well as to the State of Kansas: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas: That the House of Representatives of the Legislature of the State of Kansas strongly urges the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill: and be it further

Resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas Congressional Delegation.

POM–18. A resolution adopted by the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe Insurance Program; to the Committee on Finance.

House Memorial

Whereas, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $36 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

Whereas, the losses caused by the 2004 and 2005 hurricane seasons have led to dramatic and economically painful increases in property insurance premiums for Florida's citizens and businesses, forcing many to consider relocating outside the state, and

Whereas, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

Whereas, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes: Now, therefore, be it

Resolved by the Legislature of the State of Florida:

(1) That the Legislature urges the Congress of the United States to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(a) Providing consumers with a private market residential insurance program that provides all-perils protection.

(b) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses; and providing personal income tax deductions for mitigation expenses.

(c) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(d) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(e) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

(2) That the Legislature urges the Congress to participate in a federal/state issues summit in this state to discuss and develop policy positions on current and emerging issues of state importance that are likely to be considered by Congress to build better working relationships in order to mutually accomplish goals of benefit to Floridians.

(3) That the Legislature urges Congress to provide federal tax exemptions for:

(a) Catastrophe premium equalization deductions charged and held by the state in a segregated account for the benefit of insurers for use in the event of a catastrophe.

(b) The Florida Property and Casualty Joint Underwriting Association.

(4) That the Legislature urges Congress to provide a federal income tax deduction for residential property insurance premiums paid by consumers to offset the dramatic cost of property insurance.

(5) That the Legislature urges Congress to support the National Hurricane Research Initiative, which is intended to foster a better understanding of hurricane prediction, intensity, and mitigation on coastal populations, infrastructure, and the natural environment.

Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–19. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida, the Florida Office of Insurance Regulation, and the Citizens Property Insurance Corporation to develop and implement rating systems for homeowners insurance; to the Committee on Banking, Housing, and Urban Affairs.

POM–20. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to prohibit the use of cellular telephones while driving in a school zone at times when reduced speeds are in effect; to the Committee on Commerce, Science, and Transportation.

POM–21. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to pass legislation providing a sales tax rebate or similar benefit related to the construction of a public-owned stadium for a Major League Baseball franchise; to the Committee on Finance.

POM–22. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to acknowledge the crisis that now exists related to Florida jails and mentally ill inmates; to the Committee on Health, Education, Labor, and Pensions.

POM-23. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging Congress and the Legislature of the State of Florida to add crimes against the homeless to existing hate crimes statutes; to the Committee on the Judiciary.

POM-24. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging Congress to reinstate the Federal Assault Weapons Ban; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself and Mr. MARTINEZ):

S. 869. A bill to reform certain provisions of section 404 of the Sarbanes-Oxley Act of 2002, to make compliance with that section more efficient, with the goal of maintaining United States capital market global competitiveness; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ISAKSON:

S. 870. A bill to amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare program; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. BUNNING, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, and Mr. WARNER):

S. 871. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. COLEMAN):

S. 872. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. BURR:

S. 874. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 875. A bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ:

S. 876. A bill to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 877. A bill to amend the Controlled Substances Act to add human growth hormone to schedule III, to prohibit the sale of prescriptions for controlled substances for illegitimate purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. SPECTER):

S. 878. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mrs. BOXER, and Mr. LEVIN):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. BYRD and Mr. INOUYE):

S. 880. A bill to amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 881. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CASEY):

S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 883. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 884. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 885. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 105. A resolution designating September 2007 as "Campus Fire Safety Month"; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. ENSIGN, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. COLEMAN, Mrs. BOXER, Mr. SUNUNU, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, Mr. ALLARD, Mrs. DOLE, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. Res. 106. A resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself and Mr. BROWNBACK):

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress on the nuclear program of Iran; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 26

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 214

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 214, supra.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 487

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 487, a bill to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

S. 500

At the request of Mr. SALAZAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 500, a bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes.

S. 516

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 516, a bill to amend the Internal Revenue Code of 1986 to make permanent the option of including combat pay when computing earned income.

S. 545

At the request of Mr. LOTT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 691

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 756

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S.J. RES. 9

At the request of Mr. SALAZAR, his name was withdrawn as a cosponsor of S.J. Res. 9, a joint resolution to revise United States policy on Iraq.

S. CON. RES. 14

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 14, a concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high employment areas and to to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, one of the key components to success in our classrooms is a qualified teacher. One of the provisions of the No Child Left Behind Act mandates the hiring of qualified teachers by every school in every district.

But what are the incentives to keep qualified teachers in the classroom? I believe we need more targeted incentives to reward teachers willing to stay in the classroom, especially in rural schools and high poverty schools.

Unfortunately, without our help, America's poor and rural schools may not be able to attract the qualified teachers this legislation mandates and our children deserve. Isolated, struggling and competing against higher paying well-funded school districts for scarce classroom talent, such school faces a shortage of qualified teachers. As pressure to hire qualified teachers increases, this shortage will become a crisis, and children already at a disadvantage in relation to their more affluent and less isolated peers will be the ones who suffer most.

Today, I propose a bill that will help bring dedicated and qualified teaching professionals to West Virginia's and America's poor and rural schools, and help give their students the opportunity to learn and flourish that every child deserves. The Incentives To Educate American Children Act—or "I Teach" Act—will provide teachers a refundable tax credit every year they practice their profession in the public schools where they are needed most. And it will give every public school teacher—whichever school they choose—a refundable tax credit for earning certification by the National Board for Professional Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

One-fourth of America's children attend public schools in rural areas, and of the 250 poorest counties in the United States, 244 are rural. West Virginia has rural schools scattered through 36 of its 55 counties, and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location.

Attracting teachers to these schools is difficult in large part due to the vast gap between what rural districts are able to offer and the salaries paid by more affluent school districts—as wide as $20,000 a year, according to one study. Disadvantaged schools must overcome similar difficulties. It is often a challenge for these schools to attract and keep qualified teachers. Yet according to the 2001 No Child Left Behind Act, every school must have qualified teachers by the end of the 2005–2006 school year.

My "I Teach" Act will reward teachers willing to work in rural or high poverty schools with an annual $1,000 refundable tax credit. If a teacher obtains certification by the National Board for Professional Teaching Standards, they will receive an additional annual $1,000 refundable tax credit.

Every teacher willing to work in underserved schools will earn a tax credit. Every teacher who gets certified will earn a tax credit. Teachers who work in rural or disadvantaged schools and get certified will earn both. Schools that desperately need help attracting teachers will get a boost. And children educated in poor and rural schools will benefit most.

In my State of West Virginia, as in over 30 other States, there is already a State fiscal incentive for teachers who earn national board certification. There are over 55,000 teachers with a national board certificate, and 290 are West Virginia teachers. West Virginia offers our national board teachers a $2500 bonus. My legislation builds upon the West Virginia program; together, they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

I have spent a great deal of time in West Virginia classrooms this year, and it has become obvious to me that our education agenda suffers greatly from inadequate funding on a number of fronts. That is why I Teach is part of my education agenda. I also want to promote school construction bonds to improve our schools and renovate aging classrooms. For a decade, I have fought for the E-Rate program to provide $2.25 billion in discounts to connect our schools and libraries to modern technology.

Education must be among our top national priorities, essential for every family with a child and vital for our economic and national security. I supported the bold goals and higher standards of the 2001 No Child Left Behind Act, but they won't be met unless our schools have the teachers and resources they need. I am committed to working closely with my Senate colleagues this year to secure as much funding as possible for our children's education.

As important as school construction and technology are in the classroom, neither can replace a qualified and motivated teacher; therefore making it easier for underserved schools to attract the teachers they need remains one of my most important objectives. I hope each of my colleagues will join me in supporting this important legislation which takes a great stride toward providing better education for every child in the United States.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 875. A bill to improve energ security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Security and Fuel Efficiency Act of 2007 or SAFE Energy Act. This legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

What that means, plainly, is that if we used more than 4 barrels of oil in 1973 for every one unit of GDP and are using just over 2 barrels of oil per unit of GDP today, then under the provisions of the SAFE Energy Act we are striving to get down to 1 barrel of oil per GDP by 2030. This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, and other unstable regions of the world. This is very troubling to me.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. I am proposing along with my colleague, Senator CRAIG, a bipartisan, balanced approach to securing our future energy through reducing our dependence on foreign oil.

Our proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

Senator CRAIG and I came together on this legislation because we believe that bolder energy security measures must be taken now to address our long-term security, economic growth and environmental protection. Producing much of our energy at home will also address other major challenges.

There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps in the SAFE Energy Act sets the right pathway to U.S. energy security.

I ask unanimous consent that the text of the Security and Fuel Efficiency Energy Act of 2007 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Fuel Efficiency Energy Act of 2007" or the "SAFE Energy Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

Sec. 101. Definitions.
Sec. 102. Annual increase in average fuel economy standards.
Sec. 103. Tax credits for alternative motor vehicles and fuel-efficient motor vehicles.
Sec. 104. Advanced technology motor vehicles manufacturing credit.
Sec. 105. Increase in maximum allowable gross weight for vehicles using the National System of Interstate and Defense Highways.

TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE

Sec. 201. Renewable fuel standard.
Sec. 202. Modification of credit for alternative fuel vehicle refueling property.
Sec. 203. Ethanol-blend fuel infrastructure.
Sec. 204. Requirement to increase percentage of dual fueled automobiles.
Sec. 205. Emerging biofuels.
Sec. 206. Biodiesel.
Sec. 207. Unconventional fossil fuels.
Sec. 208. Study of incentives for renewable fuels.

TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES

Sec. 301. Definition.
Sec. 302. Authorization of activities and exports involving hydrocarbon resources by United States persons.
Sec. 303. Travel in connection with authorized hydrocarbon exploration and extraction activities.
Sec. 304. Moratorium of oil and gas leasing in certain areas of the Gulf of Mexico.
Sec. 305. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.
Sec. 306. Enhanced oil recovery.

TITLE IV—MANAGEMENT OF ENERGY RISKS

Sec. 401. Bureau of International Energy Policy.
Sec. 402. Strategic energy infrastructure equipment reserve.

TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

SEC. 101. DEFINITIONS.

(a) DEFINITION OF AUTOMOBILE.—Section 32901(a)(3) of title 49, United States Code, is amended—

(1) by striking "4-wheeled"; and

(2) by striking ", and rated at—" and all that follows and inserting a period.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—Section 32901(a)(16) of such title is amended by striking "decides by regulation—" and all that follows through the period and inserting "determines by regulation, to have a significant feature (except 4-wheel drive) designed for off-highway operation.".

(c) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended—

(1) in the subsection header, by striking "DEFINITIONS" and inserting "DEFINITION"; and

(2) by striking "section—" and all that follows through "(2)" and inserting "section, the term".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to automobiles manufactured for model year 2012 and for each subsequent model year.

SEC. 102. ANNUAL INCREASE IN AVERAGE FUEL ECONOMY STANDARDS.

(a) FUEL EFFICIENCY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by striking subsections (a) through (c) and inserting the following:

"(a) IN GENERAL.—Not later than 18 months before the beginning of each model year beginning with model year 2012, the Secretary of Transportation, by regulation, shall prescribe average fuel economy standards for automobiles manufactured by a manufacturer for that model year in accordance with subsection (b). The Secretary of Transportation shall prescribe separate average fuel economy standards for different classes of automobiles. The Secretary shall establish average fuel economy standards for medium-duty trucks that are consistent with the projected benefits of hybridization. In this section, the term 'medium-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight between 10,000 and 26,000 pounds.

"(b) ANNUAL INCREASES IN FUEL ECONOMY STANDARDS.—

"(1) FOR MODEL YEAR 2012.—For model year 2012, the average fuel economy standard for each class of automobiles shall be the average combined highway and city miles per gallon performance of all automobiles within that class of automobiles in 2011 (rounded to the nearest 1/10 mile per gallon).

"(2) FOR MODEL YEARS AFTER MODEL YEAR 2012.—For each model year beginning with model year 2013 and ending with model year 2030, the average fuel economy attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).

"(c) AMENDING FUEL ECONOMY STANDARDS.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation may prescribe an average fuel economy standard for a class of automobiles in a model year that is lower than the standard required under subsection (b) if the Secretary of Transportation, in consultation with the National Academy of Sciences, determines that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for that class of automobiles in that model year—

"(A) is technologically not achievable;

"(B) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

"(C) is shown not to be cost effective.

"(2) MAXIMUM STANDARD.—Any average fuel economy standard prescribed for a class of automobiles in a model year under paragraph (1) shall be the maximum standard that—

"(A) is technologically achievable;

"(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

"(C) is cost effective.

"(3) CONSIDERATIONS IN DETERMINATION OF COST EFFECTIVENESS.—In determining cost effectiveness under paragraph (1)(C), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of 1 gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

"(A) value to consumers;

"(B) economic security;

"(C) national security;

"(D) foreign policy;

"(E) the impact of oil use—

"(i) on sustained cartel rents paid to foreign suppliers;

"(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

"(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

"(iv) on import costs and wealth transfers during oil shocks;

"(v) on macroeconomic dislocation and adjustment costs during oil shocks;

"(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

"(vii) on the timing and severity of the oil peaking problem;

"(viii) on the risk, probability, size, and duration of oil supply disruptions;

"(ix) on the strategic behavior of the Organization of the Petroleum Exporting Countries and long-run oil pricing;

"(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

"(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

"(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

"(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

"(xiv) on well-to-wheels urban and local air emissions of pollutants and their uninternalized costs;

"(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

"(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries;

"(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

"(I) additional relevant factors, as determined by the Secretary.

"(4) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

"(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

"(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

"(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.".

(2) CONFORMING AMENDMENTS.—Title 49, United States Code, is amended—

(A) in section 32902—

(i) in subsection (d) by striking "subsection (b) or (c) of this section" and inserting "subsection (a), (b), or (c)";

(ii) by striking subsection (f);

(iii) in subsection (g)—

(I) by striking "subsection (a) or (d)" and inserting "this section"; and

(II) by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)"; and

(iv) in subsection (h) by striking "subsections (c), (f), and (g) of this section" and inserting "subsections (c) and (g)";

(B) in section 32903—

(i) by striking "section 32902(b)-(d) of this title" each place it occurs and inserting "subsections (a) through (d) of section 32902"; and

(ii) in subsection (e), by striking "section 32902(a) of this title" and inserting "subsections (a) through (d) of section 32902"; and

(C) in section 32904—

(i) in subsection (a)—

(I) by striking "subject to—" and all that follows through "(B) section 32902(a)-(d) of this title" and inserting "subject to subsections (a) through (d) of section 32902"; and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(ii) by striking subsection (b); and

(iii) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) REPEAL OF CREDIT FOR DUAL FUELED AUTOMOBILES.—

(1) IN GENERAL.—Section 32905 of title 49, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

"(b) DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904."; and

(B) by amending subsection (d) to read as follows:

"(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of gaseous fuel dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904.".

(2) CONFORMING AMENDMENTS.—Such section 32905 is further amended—

(A) by repealing subsection (f); and

(B) redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 103. TAX CREDITS FOR ALTERNATIVE MOTOR VEHICLES AND FUEL-EFFICIENT MOTOR VEHICLES.

(a) MODIFICATIONS TO ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) ELIMINATION OF LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR FULL ALTERNATIVE MOTOR VEHICLE TAX CREDIT.—

(A) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(i) by striking subsection (f); and

(ii) by redesignating subsections (g) through (j), as amended by subsection (a), as subsections (f) through (i), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Paragraphs (4) and (6) of section 30B(g) of such Code, as redesignated by paragraph (1)(B), are each amended by striking "(determined without regard to subsection (g))" and inserting "(determined without regard to subsection (f))".

(ii) Section 38(b)(25) of such Code is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(iii) Section 55(c)(2) of such Code is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(iv) Section 1016(a)(36) of such Code is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(v) Section 6501(m) of such Code is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(2) EXTENSION OF NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT FOR VEHICLES OVER 8,500 POUNDS.—Paragraph (3) of section 30B(i), as redesignated by subsection (a)(1)(B), is amended by striking "2009" and inserting "2011".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after the date of the enactment of this Act.

(b) CREDIT FOR NEW QUALIFIED FUEL-EFFICIENT VEHICLES PRODUCED AFTER 2010.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under subsection (b) with respect to each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

"(b) CREDIT AMOUNT.—

"(1) FUEL ECONOMY.—

"(A) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2012 model year average fuel economy standard) of—	The credit amount is—
At least 125 percent but less than 150 percent	$400
At least 150 percent but less than 175 percent	$800
At least 175 percent but less than 200 percent	$1,200
At least 200 percent but less than 225 percent	$1,600
At least 220 percent but less than 250 percent	$2,000
At least 250 percent	$2.400

"(B) 2012 MODEL YEAR AVERAGE FUEL ECONOMY STANDARD.—For purposes of subparagraph (A), the 2012 model year average fuel economy standard with respect to a vehicle shall be the average fuel economy standard (determined on a gasoline gallon equivalent basis) for such model year, as prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, with respect to the class to which such vehicle belongs.

"(2) CONSERVATION CREDIT.—The amount determined under paragraph (1) with respect to a new qualified fuel-efficient motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

In the case of a vehicle which achieves a lifetime fuel savings expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800	$250
At least 1,800 but less than 2,400	$500
At least 2,400 but less than 3,000	$750
At least 3,000	$1,000

"(c) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a passenger automobile or a light truck—

"(1) described in subsections (c)(3), (d)(3), or (e)(3) of section 30B,

"(2) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

"(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

"(3) the original use of which commences with the taxpayer after December 31, 2010, and

"(4) which is acquired for use or lease by the taxpayer and not for resale.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) LIFETIME FUEL SAVINGS.—The term 'lifetime fuel savings' means, in the case of any new qualified fuel-efficient motor vehicle, an amount equal to the excess (if any) of—

"(A) 120,000 divided by the 2012 model year average fuel economy standard for the vehicle class, over

"(B) 120,000 divided by the fuel economy for such vehicle.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

"(3) FUEL ECONOMY.—The fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(4) OTHER TERMS.—The terms 'automobile', "passenger automobile", "medium duty passenger vehicle", "light truck", and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(e) SPECIAL RULES.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(2) NO DOUBLE BENEFIT.—

"(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

"(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

"(3) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

"(f) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27 and 30, over

"(B) the tentative minimum tax for the taxable year.

"(g) REGULATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(e)(1).".

(B) Section 6501(m) of such Code is amended by inserting "30D(e)(4)," after "30C(e)(5),".

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 30D. New qualified fuel-efficient motor vehicle credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after December 31, 2010.

SEC. 104. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

"(b) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

"(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

"(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

"(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

"(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

"(A) any qualified electric vehicle (as defined in section 30(c)(1)),

"(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)),

"(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)), and

"(G) any new qualified fuel-efficient motor vehicle (as defined in section 30D(c)).

"(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(3) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) NO DOUBLE BENEFIT.—

"(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) RESEARCH AND DEVELOPMENT COSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30E(g).".

(2) Section 6501(m) of such Code is amended by inserting "30E(k)," after "30C(e)(5),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30D the following new item:

"Sec. 30E. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006.

SEC. 105. INCREASE IN MAXIMUM ALLOWABLE GROSS WEIGHT FOR VEHICLES USING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) SPECIAL RULE FOR VEHICLES WITH A SUPPLEMENTARY SIXTH AXLE.—Not later than 180 days after the Secretary of Transportation makes a positive determination under subsection (d), the Secretary of Transportation shall promulgate regulations, in accordance with section 127(a) of title 23, United States Code, that set the maximum allowable gross weight for a vehicle using the National System of Interstate and Defense Highways at 97,000 pounds for vehicles with a supplementary sixth axle.

(b) CONDITIONS ON REGULATIONS.—The regulations promulgated under subsection (a)—

(1) shall ensure that a loaded tractor trailer with a supplementary sixth axle and a gross weight of not more than 97,000 pounds that is traveling at 60 miles per hour has a stopping distance of not greater than 355 feet; and

(2) shall not require a fundamental alteration of the vehicle architecture that is common for use in the transportation of goods as of the day before the date of the enactment of this Act.

(c) STUDY.—The Secretary of Transportation shall conduct a study that—

(1) analyzes the safety impacts of allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed under regulations in effect as of the day before the date of the enactment of this Act; and

(2) considers the potential impact on highway safety of applying lower speed limits on such vehicles than the limits in effect on the day before the date of the enactment of this Act.

(d) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall determine whether allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed as of the day before the date of the enactment of this Act would have a material impact on highway safety.

TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE

SEC. 201. RENEWABLE FUEL STANDARD.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o) is amended—

(1) in paragraph (2)(B)—

(A) by striking clause (i) and inserting the following:

"(i) CALENDAR YEARS 2006 THROUGH 2020.—

"(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), subject to subclause (II), the applicable total volume for any of calendar years 2006 through 2020 shall be determined in accordance with the following table:

Calendar year:	**"Applicable total volume of renewable fuel (in billions of gallons):**
2006	4.0
2007	4.7
2008	7.1
2009	9.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0

"(II) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (1), of the total volume of renewable fuel required under subclause (I), the applicable volume for any of calendar years 2012 through 2020 for cellulosic biomass ethanol shall be determined in accordance with the following table:

Calendar year:	**"Applicable volume of cellulosic biomass ethanol (in billions of gallons):**
2012	0.25
2013	1.0
2014	3.0
2015	5.0
2016	7.0
2017	9.0
2018	11.0
2019	13.0
2020	15.0";

(B) in clause (ii)—

(i) in the clause heading, by striking "2013" and inserting "2021";

(ii) by striking "2013" and inserting "2021"; and

(iii) by striking "2012" and inserting "2020";

(C) in clause (iii), by striking "thereafter—" and all that follows through "(II) the" and inserting "thereafter, the";

(D) in clause (iv)—

(i) by striking "2013" and inserting "2021"; and

(ii) in subclause (II)(bb), by striking "2012" and inserting "2020";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "2011" and inserting "2019"; and

(B) in subparagraph (B)(i), by striking "2012" and inserting "2020"; and

(3) in paragraph (6)(A), by striking "2012" and inserting "2020".

SEC. 202. MODIFICATION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) Increase in Credit Amount.—

(1) In general.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 (relating to alternative fuel vehicle refueling property credit) is amended by striking "30 percent" and inserting "35 percent".

(2) Further increase for blender pumps.—

(A) In general.—Section 30C(a) of such Code, as amended by paragraph (1), is amended by inserting "(40 percent in the case of any qualified alternative fuel vehicle refueling property which is a blender pump)" after "property".

(B) Blender pump.—Section 30C(c) of such Code is amended by adding at the end the following new paragraph:

"(3) Blender pump.—The term 'blender pump' means any fuel pump which, with respect to any fuel described in paragraph (1)(A)(i)—

"(A) sources ethanol and gasoline products from separate underground storage tanks,

"(B) incorporates the use of inlet valves from such tanks to enable varying amounts of ethanol and gasoline products to be blended within a chamber in the pump, and

"(C) dispenses the various blends of ethanol and gasoline products through separate hoses.".

(b) Credit Allowed for Blended Ethanol Other Than E85.—Subparagraph (A) of section 30C(c)(1) of the Internal Revenue Code of 1986 (defining qualified alternative fuel vehicle refueling property) is amended to read as follows:

"(A) at least—

"(i) 11 percent of the volume of which consists of ethanol, or

"(ii) 85 percent of the volume of which consists of one or more of the following: natural gas, compressed natural gas, liquefied natural gas, liquified petroleum gas, or hydrogen, or".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 203. ETHANOL-BLEND FUEL INFRASTRUCTURE.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(11) Installation of ethanol-blend fuel pumps by covered owners at stations.—

"(A) Definitions.—In this paragraph:

"(i) Covered owner.—The term 'covered owner' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 10 or more retail station outlets, as determined by the Secretary.

"(ii) Ethanol-blend fuel.—The term 'ethanol-blend fuel' means a blend of gasoline not more than 85 percent, nor less than 80 percent, of the content of which is derived from ethanol produced in the United States, as defined by the Secretary in a manner consistent with applicable standards of the American Society for Testing and Materials.

"(iii) Secretary.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator and the Secretary of Agriculture.

"(B) Assessment.—Not later than 5 years after the date of enactment of this paragraph, the Secretary shall make an assessment of the progress made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel (including the creation of adequate qualified alternative fuel vehicle refueling property that is a blender pump).

"(C) Regulations.—If the Secretary determines (in the assessment made under subparagraph (B)) that adequate progress has not been made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel, the Secretary shall promulgate regulations to ensure, to the maximum extent practicable, that each covered owner installs or otherwise makes available 1 or more pumps that dispense ethanol-blend fuel (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the retail station outlets of the covered owner specified in subparagraph (D).

"(D) Applicable percentages.—For the purpose of subparagraph (C), the applicable percentage of the retail station outlets shall be—

"(i) during the 10-year period beginning on the date of any determination made under subparagraph (C), 10 percent; and

"(ii) after the 10-year period described in clause (i), 20 percent.

"(E) Financial responsibility.—In promulgating regulations under subparagraph (C), the Secretary shall ensure that each covered owner described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

"(F) Production credits for exceeding ethanol-blend fuel pumps installation requirement.—

"(i) Earning and period for applying credits.—If the percentage of the retail station outlets of a covered owner at which the covered owner installs ethanol-blend fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (D), the covered owner shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

"(ii) Trading credits.—A covered owner that has earned credits under clause (i) may sell credits to another covered owner to enable the purchaser to meet the requirement under subparagraph (D).".

SEC. 204. REQUIREMENT TO INCREASE PERCENTAGE OF DUAL FUELED AUTOMOBILES.

(a) In General.—Section 32902 of title 49, United States Code, is amended by inserting after subsection (e) the following:

"(f) Requirement for Annual Increase in Duel Fueled Automobiles.—Each manufacturer shall ensure that the percentage of automobiles manufactured by such manufacturer in each of model years 2012 through 2022 that are dual fueled automobiles is not less than 10 percentage points greater than the percentage of automobiles manufactured by such manufacturer in the previous model year that are dual fueled automobiles.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date specified in section 102(c).

SEC. 205. EMERGING BIOFUELS.

(a) Establishment of Incentive Program.—The Secretary of Energy (referred to in this section as the "Secretary") shall establish a program under which the Secretary shall provide to eligible entities such incentives (including grants, tax credits, loans, and loan guarantees) as the Secretary determines to be appropriate for the production of cellulosic ethanol and other emerging biofuels derived from renewable sources (including municipal solid waste).

(b) Application.—To be eligible to receive an incentive under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the project for which the incentive will be used;

(2) a description of the use by the eligible entity of the incentive; and

(3) an estimate of the annual production using the incentive by the eligible entity of cellulosic ethanol or another biofuel, expressed on a per-gallon basis.

(c) Selection Requirements.—

(1) Minimum number of incentives.—The Secretary shall provide incentives under this section to not less than 6 biorefineries located in different regions of the United States.

(2) Least-cost incentives.—The Secretary shall provide incentives under this section only to eligible entities the applications of which reflect the least-cost use of the incentives, on a per-gallon basis, with respect to similar projects.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000,000.

SEC. 206. BIODIESEL.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel, as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105).

(b) Regulations.—The Administrator of the Environmental Protection Agency shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

SEC. 207. UNCONVENTIONAL FOSSIL FUELS.

(a) In General.—The Secretary of Energy shall carry out a 10-year carbon capture research and development program to develop carbon dioxide capture technologies that can be used in the recovery of liquid fuels from oil shale and the production of liquid fuels in coal utilization facilities to minimize the emissions of carbon dioxide from those processes.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for the period of fiscal years 2008 through 2012; and

(2) $100,000,000 for the period of fiscal years 2013 through 2017.

SEC. 208. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) Study.—The Secretary of Agriculture (in consultation with the Secretary of Energy, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, representatives of the biofuels industry, the oil industry, and other interested parties) shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce corn-based and cellulosic-based ethanol and biobutanol, biodiesel, and other emerging biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the level of tax incentives necessary, to the maximum extent practicable, to grow the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the types and advantages and disadvantages of tax incentive options to, to the maximum extent practicable—

(1) limit the overall cost of the tax incentives to the Federal Government;

(2) encourage expansion of the biofuels industry by ensuring that new plants and recently-built plants can fully amortize the investments in the plants;

(3) reward energy-efficient and low carbon-emitting technologies;

(4) ensure that pioneering processes (such as those that convert cellulosic feedstocks like corn stover and switch grass to ethanol) are economically competitive with fossil fuels;

(5) encourage agricultural producer equity participation in ethanol plants; and

(6) encourage the development of higher blend markets, such as E-20, E30, and E-85.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit a report that describes the results of the study to—

(1) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Environment and Public Works of the Senate;

(4) the Committee on Finance of the Senate;

(5) the Committee on Agriculture of the House of Representatives;

(6) the Committee on Energy and Commerce of the House of Representatives; and

(7) the Committee on Ways and Means of the House of Representatives.

TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES

SEC. 301. DEFINITION.

In this title, the term "United States person" means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

SEC. 302. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.

Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

SEC. 303. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

"(1) IN GENERAL.—The Secretary of the Treasury shall; authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

"(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.".

SEC. 304. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking "125 miles" and inserting "45 miles";

(3) in paragraph (3), by striking "100 miles" each place it appears and inserting "45 miles"; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting "and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act" after "2006)".

SEC. 305. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES OFF SOUTHEASTERN COAST OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may conduct an inventory of oil and natural gas resources beneath the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) off of the coast of the States of Virginia, North Carolina, South Carolina, or Georgia in accordance with this section.

(b) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory, the Secretary shall use the best technology available to obtain accurate resource estimates.

(c) REQUEST BY GOVERNOR.—The Secretary may conduct an inventory under this section off the coast of a State described in subsection (a) only if the Governor of the State requests the inventory.

(d) REPORTS.—The Secretary shall submit to Congress and the requesting Governor a report on any inventory conducted under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 306. ENHANCED OIL RECOVERY.

Section 354(c)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 15910(c)(4)(B)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(v) are carried out in geologically challenging fields.".

TITLE IV—MANAGEMENT OF ENERGY RISKS

SEC. 401. BUREAU OF INTERNATIONAL ENERGY POLICY.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following:

(1) by redesignating subsection (i) (as added by section 301 of Public Law 105–292 (112 Stat. 2800)) as subsection (k); and

(2) by adding at the end the following:

"(l) BUREAU OF INTERNATIONAL ENERGY POLICY.—

"(1) ESTABLISHMENT.—There is established within the National Security Council a Bureau of International Energy.

"(2) DUTIES.—The Bureau shall, in conjunction with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, prepare and submit to Congress an annual energy security report.".

SEC. 402. STRATEGIC ENERGY INFRASTRUCTURE EQUIPMENT RESERVE.

(a) ESTABLISHMENT.—The Secretary may establish and operate a strategic energy infrastructure equipment reserve.

(b) USE.—The reserve shall be used and operated for—

(1) the protection, conservation, maintenance, and testing of strategic energy infrastructure equipment; and

(2) the provision of strategic energy infrastructure equipment whenever and to the extent that—

(A) the Secretary, with the approval of the President, finds that the equipment is needed for energy security purposes; and

(B) the provision of the equipment is authorized by a joint resolution of Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr KOHL (for himself and Mr. SPECTER):

S. 878. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Oil Industry Merger Antitrust Enforcement Act. This legislation will significantly strengthen the antitrust laws to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Last year, gasoline prices shattered the once unthinkable $3.00 a gallon level, before receding in the fall. Prices are on the move upward once again, having increased by 15 percent in the last month alone. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases in the last year.

Industry experts debate the causes of these extraordinarily high prices. Possible culprits are growing worldwide demand, supply disruptions, the actions of the OPEC oil cartel and limits on refinery capacity in the United States. But we cannot overlook one important factor—the substantial rise in concentration and consolidation in the oil industry. Since 1990, the Government Accountability Office has counted over 2,600 mergers, acquisitions and joint ventures in the oil industry. Led by gigantic mergers such as Exxon/Mobil, BP/Arco, Conoco/Phillips and Chevron/Texaco, by 2004, the five largest U.S. oil refining companies controlled over 56 percent of domestic refining capacity, a greater market share than that controlled by the top ten companies a decade earlier.

This merger wave has led to substantially less competition in the oil industry. In 2004, the GAO concluded that these mergers have directly caused increases in the price of gasoline. A study by the independent consumer watchdog Public Citizen found that in the five years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent jump. And the grossly inflated profit numbers of the major oil companies—led by Exxon Mobil's $8.4 billion profit in the first quarter of 2006, which followed its $36 billion profit in 2005, the highest corporate profits ever achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and greatly compound their profits along the way—confirms that that there is a failure of competition in our oil and gas markets.

More than 90 years ago, one of our Nation's basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger or acquisition the effect of which "may be substantially to lessen competition." Despite the plain command of this law, the Federal Trade Commission the Federal agency with responsibility for enforcing antitrust law in the oil and gas industry has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along price increases without remorse as the market becomes increasingly concentrated and competition diminishes. It is past time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further loss of competition in this essential industry.

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merger or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as "Merger Guidelines." The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal tests the FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny, conditions that do not occur in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever-increasing profits, new producers enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening new refineries, so this normal market mechanism cannot work. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But for such an essential commodity as gasoline, consumers have no such option they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise their Merger Guidelines to take into account the special conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry. This revision of the Merger Guidelines must be completed within six months of enactment of this legislation.

The second manner in which this legislation will strengthen antitrust enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the parties seeking to effect a merger with a competitor in an already concentrated industry, and possessing all the relevant data regarding the transaction, it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry—if the merging parties can establish that their merger does not substantially harm competition, it may proceed. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil mergers and acquisition to survive court challenge, thereby enhancing the law's ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today's concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As Chairman of the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry.

Since the days of the break-up of the Standard Oil trust one hundred years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Industry Merger Antitrust Enforcement Act".

SEC. 2. STATEMENT OF FINDINGS AND DECLARATIONS OF PURPOSES.

(a) Findings.—Congress finds the following:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and retail sale of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation caused by mergers and acquisitions among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) Purposes.—The purposes of this Act are to—

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.

SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

"In any civil action brought against any person for violating this section in which the plaintiff—

"(1) alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

"(2) establishes that a merger, acquisition, or transaction is between or involves persons competing in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas;

the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly.".

SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) Review.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 2, 1992 and revised April 8, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to—

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distribution, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition in the oil industry, when the effect of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) Special Conditions.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the high inelasticity of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry;

(3) supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) unique regulatory requirements applying to the oil industry.

(c) Competition.—The review and revision of the enforcement guidelines required by this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) Report.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) Oil industry.—The term "oil industry" means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) Petroleum-based product.—The term "petroleum-based product" means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. KOHL (for himself, Mr. Specter, Mr. Leahy, Mr. Grassley, Mr. Feingold, Ms. Snowe, Mr. Schumer, Mr. Coburn, Mr. Durbin, Mrs. Boxer, and Mr. Levin):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act of 2007 ("NOPEC"). It is time for the U.S. government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This bill will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

Our bill will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will expressly specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this bill in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously three times since it was first introduced, and in 2005 passed the full Senate by voice vote as an amendment to the Energy Bill before being stripped from that bill in the conference committee. It is now time, in this new Congress, to finally pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout the last year, consumers all across the Nation watched gas prices rise to previously unimagined levels. As crude oil prices exceeded $40, then $50 and then $60 per barrel, retail prices of gasoline over $3.00 per gallon became commonplace. While prices temporarily receded last fall, the general trend is significantly upwards, and prices are rising even today. Gas prices have increased 32 cents in the last month alone to a national average of $2.56 per gallon, a nearly 15 percent increase in just one month.

As we consider gas price changes, one fact has remained consistent any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented "we had a bad situation at the beginning of the year. It is much better now." The difference—combined output cuts of 1.7 million barrels of oil a day adopted by OPEC last October and December driving up crude oil prices. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anticompetitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated.

Real people suffer real consequences every day in our Nation because of OPEC's actions. Rising gas prices are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter can tell you about the tremendous personal costs associated with higher home heating bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of "reformulated" gas in the Midwest or other "boutique" fuels around the country. Some even claim that refiners and distributors have illegally fixed prices. On this issue, I have repeatedly asked the Federal Trade Commission to investigate these allegations. As a result of our requests, the FTC has put a task force in place to find out if those allegations were true. While we continue to urge the FTC to be vigilant, the FTC has to date found no evidence of illegal domestic price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. Our bill will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. The bill will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of "sovereign immunity" or "act of state" to escape the reach of American justice. In so doing, our bill will overrule one twenty-year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. A few years ago, for example, the Justice Department secured record fines totaling $725 million against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. Their behavior harmed consumers by raising the prices consumers paid for vitamins every day and plainly needed to be addressed. As this and other cases show, the mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of "sovereign immunity" to escape accountability for their price-fixing. The Foreign Sovereign Immunities Act, though, already recognizes that the "commercial" activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will establish that the sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

The suffering of consumers across the Nation in the last year has made me more certain than ever that this legislation is necessary. Between OPEC's repeated decisions to cut oil production and the FTC's conclusion for the last several years that there is no illegal conduct by domestic companies responsible for rising gas prices, I am convinced that we need to take action, and take action now, before the damage spreads too far.

I urge my colleagues to support our legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. Thank you.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2007" or "NOPEC".

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

Mr. LEAHY. Mr. President, I am pleased to join Senator KOHL, the chairman of the Subcommittee on Antitrust and Competition Policy, by cosponsoring once again the No Oil Producing and Exporting Cartels, NOPEC, Act. I thank Senator KOHL for his leadership on this important issue, and Senators SPECTER, GRASSLEY, FEINGOLD, SNOWE, SCHUMER, DURBIN, BOXER and COBURN the other cosponsors, for their continued support of this critically important effort.

The collusive behavior of certain oil producing nations has artificially—and drastically reduced the supply and inflated the price of fuel. Put simply, the behavior of these oil cartels, which would be illegal under antitrust laws, grievously harms American consumers and businesses.

We have introduced this measure in each of the last four Congresses. We introduce it again today, in our neverending effort to make OPEC accountable for its anticompetitive behavior by allowing the Justice Department to crack down on illegal price manipulation by oil cartels.

This bill will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and artificially limiting the amount of available oil. While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy will remain unchecked.

When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost $1.45 a gallon. Fuel prices have skyrocketed since then. Prices will at times fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

President Bush has said he is concerned about gasoline costs and has pledged that the government would keep a close watch on unacceptable profiteering. It is time for the President to join us in supporting this legislation.

Our antitrust laws have been called the "Magna Carta of free enterprise." If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to them. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments. I urge my colleagues to support this bill and to say "No" to OPEC.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 881. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Short Line Railroad Investment Act of 2007".

SEC. 2. EXTENSION AND MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (d) of section 45G of the Internal Revenue Code of 1986 (relating to qualified railroad track maintenance expenditures) is amended by striking "for maintaining" and all that follows and inserting "for maintaining—

"(A) in the case of taxable years beginning after December 31, 2004, and before January 1, 2008, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2005, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track), and

"(B) in the case of taxable years beginning after December 31, 2007, and before January 1, 2011, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2007, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track).".

(2) CONFORMING AMENDMENT.—Section 45G of such Code is amended by striking subsection (f).

(b) COORDINATION WITH SECTION 55.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting ", and", and by adding at the end the following new clause:

"(iii) the credit determined under section 45G.".

(c) CREDIT LIMITATION ADJUSTMENT.—Subparagraph (A) of section 45G(b)(1) of the Internal Revenue Code of 1986 is amended by striking "$3,500" and inserting "$4,500".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mr. SMITH. Mr. President. I rise today with my colleague Senator LINCOLN of Arkansas to introduce the Short Line Railroad Investment Act of 2007.

More than 500 short line railroads operate nationally, serving nearly every State and account for almost 50,000 miles of track in the United States. By connecting to the larger railways, short line railroads are critical to farmers and small businesses that need to move their goods into the marketplace. Moreover, transporting goods using rail relieves highway congestion by decreasing the number of trucks that would otherwise move the same products.

Railroads are capital intensive and require significant investment to operate. Today, the unmet infrastructure needs of the short line railroads total in the billions of dollars. And capacity and physical demands on the short lines continue to grow. The presence of heavier rail cars being used today only further exacerbates the need for investment to meet the infrastructure needs of the short line railroads.

Currently a tax credit exists to enable increased investment in short line railroads. However, this critical credit is set to expire at the end of 2007. Current law allows for a taxpayer to claim a tax credit of 50 cents for every dollar invested in track rehabilitation. The extension of the tax credit for short line railroad maintenance and rehabilitation is integral to meeting this need.

The enactment of this credit in the 2004 American Jobs Creation Act has encouraged the private sector to increase investment in short line freight rail infrastructure. The ultimate beneficiaries of these investments will be over 11,000 rail customers employing over 1 million Americans in rural and urban areas.

It is imperative that we extend this credit. I propose a 3-year extension of this credit through 2010 that will help achieve the original goal of prompting $1.5 billion in new infrastructure improvements on short line railroads.

I urge my colleagues support for this important measure that will improve short line railroads that have such a vital role in the transportation of goods and our Nation's economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CASEY):

S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MENENDEZ. Mr. President, since the March 2003 start of the Iraq war, more than 24,042 members of our Nation's armed forces have been injured, more than 10,685 of them too severely to be returned to action.

I have visited these soldiers at Walter Reed, at Fort Dix, and at the East Orange Veterans Hospital. I have heard stories consistently from our veterans about fighting against DoD and VA bureaucracy for months and even years simply to receive the basic benefits they are owed by a grateful Nation.

The controversy at Walter Reed again brings to light the shortcomings in the process our returning veterans must deal with in their difficult transition from soldier to civilian. Just as the deplorable conditions that have come to light are unacceptable, so too are the countless stories detailing the maze of forms, hearings, and medical evaluations that prevent so many of our veterans from getting the health care and benefits they need.

Too often, it seems that rather than thanking the soldier for their sacrifice, this system sets up yet another battle of bureaucracy. Too often, it seems that the system is stacked against the very soldiers it is designed to help. Too often, veterans must seek out their own treatment options and benefits or risk missing deadlines and losing benefits. It doesn't have to be this way. We have an obligation not only to fulfill the promises we make to America's fighting men and women, but to do so in a manner that ensures the benefits we owe them are made readily available.

At the East Orange VA hospital in my State of New Jersey, for instance, we have a modern War-Related Illness and Injury Study Center that stands underutilized because many veterans aren't even informed that it's there. Patients whose quality of life could be drastically improved by the technology the center provides miss the opportunity simply because they are not aware the option is available. This country can do better; the will of the American people is to do better; now this government must do better.

That's why I am proud to introduce the "Veterans Navigator Act", a bill that would expand and enhance the important work done by VSOs and other non-governmental organizations to guide our Nation's servicemen and women to and through the VA healthcare system. It would, in fact, acknowledge the work of these organizations by providing $25 million in grants over 5 years to augment their capabilities.

The "navigator" concept is not new. It is similar to the Patient Navigator demonstration program I introduced and which was subsequently enacted into law. There, we also took a successful small-scale program being used at select medical facilities around the country and expanded it by providing grants for a scaled-up demonstration program to serve those with cancer and other chronic diseases, and in particular, to provide support to medically underserved populations.

With the Veterans Navigator bill, I propose to do something similar, capitalizing on the successes of the Patient Navigator concept, to help our troops. The $25 million over 5 years in the bill would allow VSOs and other organizations to apply for grants so that they could hire and train navigators to provide assistance, on an individualized basis, to members of the Armed Forces as they transition from military service to the VA healthcare system. They would do so in coordination with DoD and the VA. Right now, many VSOs rely principally on donations to perform these services.

At the end of the 5 years, the VA Secretary would submit a report to Congress on the effectiveness of the Veterans Navigator demonstration program and recommend whether or not it should be made permanent.

Often called National Service Officers or counselors, a navigator is a "sherpa", a guide through the maze of paper and people and specialists and benefits. A navigator is an advocate for those no longer able to go it alone. A navigator is a facilitator, someone who will be with you through the process, to provide the expertise you will need to transition between active duty and veterans status and to get the urgent care you need.

Let me be clear: a navigator does not supplant the role of the DoD or the VA. A navigator is meant to complement the work done by these organizations, particularly at a time when those systems are struggling to meet the needs of the soldiers returning from war and will continue to do so long after the conflicts in Iraq and Afghanistan have ended.

While all veterans will benefit, the bill focuses particular attention on four underserved groups in the military community: the seriously injured or wounded soldiers, female soldiers, those suffering from psychological problems like Post-Traumatic Stress Disorder, PTSD, and members of the activated National Guard and Reserves.

These underserved groups have not been sufficiently served in existing VA and DoD transition programs and activities. It is these underserved groups who especially need continuity of care as they enter and wind their way through the VA medical system. Part of the reason they have not been adequately cared for is that the nature of the current wars we are fighting, in Iraq, in Afghanistan, is different from previous conflicts we've undertaken.

During the Iraq and Afghanistan campaigns, we have the largest activation of National Guard and reservists since World War II. As of March 12, according to DoD, the United States had 141,000 military personnel deployed in Iraq. Of these, 119,005 were active component personnel and 21,995 were National Guard and Reserves. These numbers are set to increase due to the recent announcement by President Bush to send at least 20,000 more troops to Iraq by May.

The GAG released a report in February 2005 citing deficiencies in benefits for these soldiers. The report concluded that National Guard and Reserve soldiers "are given little help navigating a thicket of regulations and procedures necessary to gain access to military doctors."

To complicate matters, members of our National Guard who seek medical care must file for an extension of their active duty status in order to continue to access military bases and hospitals.

In its report, GAG also concluded that, and I quote, "the Army has not consistently provided the infrastructure needed to accommodate the needs of soldiers trying to navigate their way through the "active duty medical extension" (ADME) process . . . this has resulted in injured and ill soldiers carrying a disproportionate share of the burden for ensuring that they do not fall off their active duty orders."

The Veterans Navigator Act would help minimize such occurrences by providing National Guardsmen and Reservists someone to help bring them through the ADME process and to help correct any discrepancies before they cause a delay in accessing VA medical care.

Veterans with psychological problems also need help. In the last several years, we've been hearing a lot more about post-traumatic stress disorder, or PTSD in veterans and those returning from conflict. The GAO report concluded that almost four out of five service members returning from Iraq and Afghanistan who were found to be at risk for PTSD were not provided appropriate medical assistance. All of these factors mean that now, more than ever, our Nation's soldiers need help moving between the DoD and VA realms.

According to a recent study commissioned by the Department of Veterans Affairs, roughly 13 percent of service men and women returning from Iraq suffer from PTSD. GAO has concluded that roughly 78 percent of those service members at risk for PTSD do not get further evaluation. That means they return to active duty or are discharged without receiving the appropriate care.

It is the nature of this disorder to appear not right after the traumatic event is experienced, but often not until an individual re-experiences an event, has a flashback or is somehow reminded of a battlefield event. That may not happen until after a service member has been discharged from service. Once PTSD does emerge, the veteran may not know how to access VA medical assistance, or he or she may not have yet enrolled into the VA medical system.

Again, as in the case of the severely wounded, time is of the essence. PTSD can manifest itself so severely as to incapacitate a soldier, making medical care more urgent. In the case of returning National Guardsmen and Reservists, the problem is made more complex because of the 2-year time limit on filing for VA benefits.

Since 1991, opportunities for women in our Nation's armed forces have grown. For the first time, the military is placing women in support units at the front line. This has come partly as the result of more than 10 years of policy changes making 91 percent of the career fields gender neutral.

The Navy and the Air Force have begun to allow female soldiers to fly fighters and bombers. The Army has expanded the role of women in ground-combat operations. Right now, "women command combat military police companies, fly Apache helicopters, work as tactical intelligence analysts, and serve in artillery units."

This would have been unheard of a decade ago, but it's happening right now. Right now, record numbers of female soldiers are fighting on the front lines and, as a result, more are being seriously wounded or killed. A Baltimore reporter profiling women soldiers' participation in Iraq observed that "the war in Iraq has been an equal opportunity employer, by killing and injuring a historic number of female soldiers in combat situations."

Therefore, a VA medical system designed to treat wounded male soldiers must now ensure that female soldiers get the right kind of medical care. They will need help finding that care and getting access to that care. A veteran navigator can help them do that.

Because of the length and size of the deployment, many more soldiers are being seriously wounded. According to the GAO, roughly 30 percent of U.S. soldiers wounded in combat during World War II later died. Today, that number has dropped to 3 percent for those serving in Iraq and Afghanistan due to advances in technology and protective gear.

While this is clearly a positive development, it also means that many of these injured soldiers are returning home with severe disabilities, including traumatic brain injuries and missing limbs that require comprehensive inpatient rehabilitation services.

But, severe injuries often mean a lengthy transition from active duty to veteran status. As my story earlier indicates, the physical evaluation of a seriously wounded service member to determine whether he or she can return to active duty can take months to complete. In the interim, the VA has to be able to identify these soldiers so that they can perform early outreach, provided that they have the information to do so.

Despite this, the GAO observed in a March 2005 report that the VA faces "significant challenges in providing services to seriously injured service members."

In many cases, VA staff have reported that seriously injured service members are simply not ready to begin thinking about VA benefits or dealing with the VA system during the recovery process. The problem here, as GAO has pointed out, is that the VA has no policy for maintaining contact with these soldiers down the line, once they are discharged. Contact is often conducted on an ad hoc basis. Navigators can also help these seriously wounded soldiers.

VSOs such as the Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans and so many others have emphasized the importance of maintaining contact with seriously injured veterans who do not initially apply for VA health care benefits because it may be many months or even years before they are prepared to apply for them.

The Veterans Navigator can help perform this function. Because this individual or individuals have reached out to the injured service member before his or her discharge, they can, in coordination with the VA caseworkers, remain in contact with them as they recover and prepare to re-enter civilian life. The navigator can also help obtain information from DoD on seriously injured soldiers earlier on so that they can help ensure that all service members and veterans benefit from VA health care services at the right time.

At a time when many active duty service people and veterans have fought and often made the ultimate sacrifice for their country, we cannot risk having any soldier fall through the cracks. We cannot take the risk that our female soldiers, who are fighting alongside their male colleagues, may not receive the medical care they need. We cannot risk the lives and health of soldiers with PTSD. We cannot risk the lives and the health of any service member who put their lives at risk for our country.

As we have seen with the situation at Walter Reed, DoD and VA simply do not have the manpower to effectively handle the influx of veterans cases coming into the system. With a backlog of over half a million claims, the VA can not adequately address the individual needs of America's warriors. Our service members didn't have to wait to sign up to serve their country; they shouldn't have to wait and fight to get the benefits they are seriously entitled to.

The very least that we can do is to ensure that all of these brave men and women are able to access the medical benefits to which they are entitled, particularly in their time of greatest need. At some point in each of our lives, we might need a guiding hand to help us find our way. Today, I am proposing to provide that helping hand to our troops in a time of their greatest need. It is the very least that we can do.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 883. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator VOINOVICH to introduce legislation that would expand the Federal student loan forgiveness program to include Head Start teachers.

Nationwide, only 31 percent of Head Start teachers have completed a baccalaureate or advanced degree program.

In California, that number is even smaller: only 21 percent of Head Start teachers have completed a bachelor's degree.

To prepare Head Start children for elementary school, we must recruit highly qualified teachers who have demonstrated knowledge and teaching skills in reading, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning.

Recruiting and retaining teachers with such qualifications is critical to ensuring that our children start elementary school ready to learn.

A survey conducted by the U.S. Department of Health and Human Services, the Head Start Family and Child Experiences Survey (FACES), found that "teachers with higher education levels were found to have more high quality language activities and more creative activities in their classrooms."

In order to give every child a jump start in life, we must continue to recruit highly qualified teachers to the Head Start field and prevent the best teachers from leaving.

Many Head Start programs across the country, including in California, are losing qualified teachers to local school districts in part because the pay is better.

Nationally, the average Head Start teacher earns a salary of about $21,000—almost half the amount of elementary school teachers' salary of about $43,000.

Low pay, combined with increasing student debt, makes it increasingly difficult to attract and retain highly qualified Head Start teachers.

We must provide incentives to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in this important field.

This legislation would allow recent college graduates (obtaining a minimum of a bachelor's degree), and current Head Start teachers without a degree, to receive up to $5,000 of their Federal student loans forgiven in exchange for 5 years of teaching in a qualified Head Start program; and provide Head Start teachers with the same opportunity as currently offered to eligible elementary and secondary school teachers to receive up to $5,000 in loan forgiveness in exchange for 5 years of service.

Providing our Nation's low-income children with access to highly educated and qualified Head Start teachers so that they enter school ready to learn is critical to their future success.

Head Start is the primary Federal program that has the potential to reach out to low-income children early in their formative years when their cognitive skills are just developing.

Research shows that Head Start is a smart investment in our children's future.

For example, a 2003 Kindergarten Readiness: Head Start Success study of more than 600 graduates in San Bernardino County, CA, demonstrated that society receives nearly nine dollars in benefits, i.e. increased earnings and employment, for every one dollar invested in Head Start children.

That is why we must act now.

Every teacher that the Head Start program loses impacts the quality and access to services for our Nation's neediest children, and ultimately can impact their future success.

I urge my colleagues to join me and Senator VOINOVICH in supporting this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the "Loan Forgiveness for Head Start Teachers Act of 2007".

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078–10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1)(A) has been employed—

"(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(B)(i) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

"(ii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(2) in subsection (g), by adding at the end the following:

"(4) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007."; and

(3) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).".

(c) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

"(A)(i) has been employed—

"(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(ii)(I) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

"(II) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(B) in subsection (g), by adding at the end the following:

"(4) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007."; and

(C) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).".

(d) CONFORMING AMENDMENTS.—

(1) FFEL PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

(2) DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)(1)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)(I)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 884. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Based Meth Treatment Access Act of 2007".

SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended—

(1) in the section heading, by striking "PREGNANT AND POSTPARTUM WOMEN" and inserting "PREGNANT AND PARENTING WOMEN";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "postpartum women treatment for substance abuse" and inserting "parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)";

(B) in paragraph (1), by striking "reside in" and inserting "reside in or receive outpatient treatment services from"; and

(C) in paragraph (2), by striking "reside with the women in" and inserting "reside with the women in, or receive outpatient treatment services from,";

(3) in subsection (d)(6), by inserting ", or referrals for counseling," after "Counseling";

(4) in subsection (h)(1), by striking "pregnant and postpartum women" and inserting "pregnant and parenting women";

(5) by amending subsection (m) to read as follows:

"(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

"(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

"(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.";

(6) in subsection (p), by—

(A) striking "October 1, 1994" and inserting "October 1, 2008";

(B) striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(C) inserting "In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law." after "biennial report under section 501(k)."; and

(D) striking "Each report under this subsection shall include" and all that follows and inserting "Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

"(1) A summary of any evaluations conducted under subsection (o).

"(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse under programs carried out pursuant to this section. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse under such programs, disaggregated by State and tribe.

"(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.";

(7) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(8) by inserting after subsection (p) the following:

"(q) METHAMPHETAMINE ADDICTION.—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide to pregnant and parenting women treatment for methamphetamine addiction."; and

(9) in subsection (s) (as so redesignated), by striking "such sums as may be necessary to fiscal years 2001 through 2003" and inserting "$70,000,000 for each of fiscal years 2008 through 2012".

SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 509 the following:

"SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of assisting local jails and detention facilities in providing comprehensive, family-based substance abuse treatment services (including treatment for addiction to methamphetamine) to pregnant and parenting adults who are considered nonviolent offenders.

"(b) MINIMUM QUALIFICATIONS FOR NONPROFIT PRIVATE ENTITIES.—An award may be made under subsection (a) to an applicant that is a nonprofit private entity only if the Secretary determines that—

"(1) the applicant has the capacity to provide the services described in subsection (a); and

"(2) the applicant meets all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

"(c) REQUIREMENTS APPLICABLE TO FAMILY DRUG TREATMENT PROGRAM THAT IS AN ALTERNATIVE TO INCARCERATION.—A grant under this section may be used for a family drug treatment program that is an alternative to incarceration only if the program complies with the following:

"(1) The program is a comprehensive, long-term family treatment program focused on the treatment of the parent and child.

"(2) The program and its providers meet all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

"(3) Each parent offender who participates in the program is sentenced to, or placed with, a long-term family treatment program (which shall include a residential component).

"(4) Each parent offender who participates in the program serves a sentence with respect to the underlying crime if that parent offender does not successfully complete treatment with the residential treatment provider.

"(5) The program has mandatory periodic drug testing. The Secretary shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such testing. The standards shall ensure that—

"(A) each individual participating in the program as an alternative to incarceration is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Secretary may require; and

"(B) the testing is accurate and practicable; and

"(C) the drug testing regime is a factor in determinations of whether program participants successfully complete treatment.

"(d) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Secretary shall give priority to any entity that agrees to use the award for a program serving an area that—

"(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Secretary to have a shortage of family-based substance abuse treatment options; and

"(2) is determined by the Secretary to have high rates of addiction to methamphetamine or other drugs.

"(e) DEFINITIONS.—In this section the terms 'family drug treatment', 'family treatment', and 'comprehensive, long-term family treatment' describe programs that provide, or are able to provide referrals for, the following services: Substance abuse treatment, children's early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or general equivalency diploma (GED) classes.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for each of fiscal years 2008, 2009, and 2010, and $50,000,000 for each of fiscal years 2011 and 2012.".

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill toamend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Vermont, Senator LEAHY, to introduce a bill that would restore the American people's access to Presidential papers. This bill is the companion to H.R. 1255, which is sponsored by Representative HENRY WAXMAN, and was passed in the House of Representatives with strong bipartisan support.

In 1978, this body passed the Presidential Records Act and declared that a President's papers were the property of the people of the United States of America and were to be administered by the National Archives and Records Administration, or NARA. The Act provided that Presidential papers would be made available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents. In order to fulfill that mandate, President Reagan in 1989 signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, President Bush issued Executive Order 13233, nullifying President Reagan's order and imposing new regulations for obtaining Presidential and Vice-Presidential documents. President Bush's new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President and current White House. In this way the order goes against the letter and the spirit of the Presidential Records Act by creating a presumption of nondisclosure, thus allowing the White House to prevent the release of records simply by inaction.

The President's order also limits what types of papers are available by expanding the scope of executive privilege into new areas—namely communications between the President and his advisors and legal advice given to the President. The order extends executive privilege to the records of the Vice President for the first time. Also, former Presidents can now designate third parties, including family members and Vice Presidents, to exercise executive privilege on their behalf, meaning that Presidential papers could remain concealed many years after a President's death. These expansions raise some serious constitutional questions. Deleted sentence. My legislation simply seeks to restore a presumption that Presidential records belong to the people of the United States and to create a legitimate, streamlined means of carrying out this body's wishes—making Presidential records available for examination by the public and by Congress.

The administration shouldn't fear passage of this bill. Any documents that contain sensitive national security information would remain inaccessible, as would any documents pertaining to law enforcement or the deliberative process of the executive branch. Executive privilege for both former and current Presidents would still apply to any papers the White

House designates. With these safeguards in place, there is no reason to further hinder access to documents that are in some cases more than 20 years old.

By not passing this bill, the Congress would greatly limit its own ability to investigate previous administrations, not to mention limit the ability of historians and other interested parties to research the past. Knowledge of the past enriches and informs our understanding of the present, and by limiting our access to these documents we do both ourselves and future generations a great disservice. Numerous historians, journalists, archivists and other scholars have voiced their disapproval of Executive Order 13233 because they understand how important access to Presidential papers can be to accurately describing and learning from past events. We here in the Congress cannot and should not surrender our ability to investigate previous Presidential administrations because doing so would remove a vitally important means of ensuring Presidential accountbility.

I believe it is time for these documents to become part of the public record. I believe in open, honest, and accountable government, and I do not believe in keeping secrets from the American people. The Presidential Records Act was one of this country's most vital post-Watergate reforms and it remains vitally important today. In these times when trust in government is slipping more and more every day, we need to send a statement to the American people that we here in Washington don't need to hide from public scrutiny—that instead we welcome and encourage public scrutiny. This bill will send just such a message.

Franklin Roosevelt commented on the opening of his Presidential library in 1941:

"To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. I must believe in the future. It must, above all, believe in the capacity of its own people to learn from the past so that they can gain in judgment in creating their own future."

I believe that the American people deserve and need access to Presidential records.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Records Act Amendments of 2007".

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

"§ 2208. Claims of constitutionally based privilege against disclosure

"(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

"(A) promptly provide notice of such determination to—

"(i) the former President during whose term of office the record was created; and

"(ii) the incumbent President; and

"(B) make the notice available to the public.

"(2) The notice under paragraph (1)—

"(A) shall be in writing; and

"(B) shall include such information as may be prescribed in regulations issued by the Archivist.

"(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

"(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

"(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

"(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure shall be asserted personally by a former President or the incumbent President, as applicable.

"(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

"(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

"(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

"(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

"(A) the incumbent President withdraws the privilege claim; or

"(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

"(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

"(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.".

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following:

"(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.".

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting ", except section 2208," after "chapter".

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting ", except section 2208," after "chapter"

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

"2208. Claims of constitutionally based privilege against disclosure.".

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with Senator DURBIN to restore our Nation's agricultural inspection functions to the Department of Agriculture.

This bill would transfer the Agricultural Quarantine Inspection Program—AQI—from the Department of Homeland Security's Customs and Border Protection back to the USDA's Animal and Plant Health Inspection Service—(APHIS).

In 2003, as part of the Homeland Security Act, agricultural inspections at all points of entry in the United States were transferred from the USDA to DHS. Four years later, it is clear that fewer agricultural inspections are being conducted at our borders and ports.

I have heard this message loud and clear from: California Secretary of Agriculture A.G. Kawamura, California Farm Bureau, the American Landscape and Nursery Association, the California Agriculture Commissioners and

Sealers Association, the Nisei Farmers League, the Nature Conservancy, Environmental Defense, National Wildlife Federation, Union of Concerned Scientists, Defenders of Wildlife, and the San Diego County Agriculture Commissioner, the Contra Costa County Agriculture Commissioner, and many California farmers.

These groups have observed not only the decrease in the number of inspections since the Agricultural Quarantine Inspection Program was transferred to the Department of Homeland Security—DHS—but also decreased communication between the program and State agricultural organizations.

Last year, the Government Accountability Office produced a report that highlighted the problems associated with the transfer of the program from the U.S. Department of Agriculture to the Department of Homeland Security, entitled "Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease."

The GAO study found:

The inspection rate at several key American points of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent.

Sixty percent of agricultural inspection specialists believed they were doing either "somewhat" or "many fewer" inspections since the transfer.

Sixty-three percent of survey respondents did not believe that their port had enough agriculture specialists to carry out agriculture duties.

Lastly, 64 percent of the agriculture specialists reported that their work was not respected by Customs and Border Patrol.

These statistics are deplorable.

The failure to protect our borders from the invasion of agricultural pests places our farmlands and forests at great risk of infestation.

USDA estimates nationally that agricultural pests cost the American agricultural industry an annual loss of about $41 billion.

In California alone, pest infestations cost my State's farmers about $3 billion. This amount includes crops lost in the quarantine, and the cost of measures taken to control and eradicate pest outbreaks.

The farmers in my State continue to battle against serious agricultural pests, such as the glassy-winged sharpshooter, the Asian long-horned beetle, the Mediterranean fruit fly, and many others.

During the time that DHS has been in charge of agriculture inspections, Fresno County experienced its first fruit fly outbreak, quarantine, and eradication.

According to the Fresno County Department of Agriculture, a 105-square-mile area had to be quarantined due to an outbreak of the peach fruit fly. The pest is indigenous to Asia, and is believed to have entered the country on smuggled fruit carried by an airline passenger. The eradication effort cost approximately $1 million.

The interception of pests at inspection points, coupled with the elimination and eradication of pest outbreaks, is a top priority for California agriculture organizations. And these groups have asked for help in improving the agricultural inspection process.

But this is not just a California problem. Farmers and foresters from every corner of our country have faced the imposing threat of a foreign agriculture pest invasion.

Here are just a few examples of the pests that threaten our Nation:

The glassy-winged sharpshooter is a devastating new pest for California. Since its migration into California in 1990 from the southeastern United States, the glassy-winged sharpshooter population there has ballooned throughout southern California. This pest transmits Pierce's disease, which threatens 450,000-plus acres of winegrapes, more than 330,000 acres of raisin and table grapevines, a crop production of $4 billion and associated economic activity of $45 billion. There is no known cure for Pierce's disease. The glassy-winged sharpshooter also threatens crops such as almonds, citrus, and peaches as well as native plants, shrubs, and trees.

Citrus canker is believed to have originated in Southeast Asia and was discovered in Florida in 1995. It causes lesions on the leaves, stems, and fruit of citrus trees, causes leaves and fruit to drop prematurely, and makes fruit too unsightly to be sold. The Federal Government has spent $378 million for eradication, with little results.

The Asian long-horned beetle was introduced to the United States in August 1996 inside solid wood packing material from China. The beetle is a serious threat to hardwood trees and has no known natural predator in the United States. The beetle has the potential to destroy millions of acres of America's hardwood forests and industries such as lumber, maple syrup, nursery, and tourism accumulating over $41 billion in losses. The beetle has spread to New York, New Jersey, Illinois, and California.

In the summer of 2002, scientists detected a new exotic insect in Michigan, the emerald ash borer. This insect is an invasive species originally from Asia. To date, it has killed or damaged millions of ash trees in Michigan. It has been detected in Ohio, Indiana, Maryland, Ohio, Illinois, and in Ontario, Canada.

The National Association of State Departments of Agriculture—NASDA—recognizes the impending danger and has first-hand experience of how inspections have changed since the DHS takeover.

NASDA recently announced that one of its key recommendations is to reassign cargo inspection from DHS to USDA's Animal and Plant Health Inspection Service—APHIS.

NASDA explains: APHIS has "the expertise and communication system to carry out a focused and effective agricultural safeguarding effort at our borders."

Our Nation's agriculture is too important to leave open to the risk of invasion of agricultural pests. I urge my colleagues to join me in supporting this bill.

Let us reprioritize the plant and animal border inspections and strengthen the anti-terrorism mission of DHS by returning the Agricultural Quarantine Inspections to its logical place, the United States Department of Agriculture.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) Repeal of Transfer of Functions.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) Conforming Amendment to Function of Secretary of Homeland Security.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) Transfer Agreement.—

(1) In general.—Not later than the effective date described in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) Use of certain employees.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) Restoration of Department of Agriculture Employees.—Not later than the effective date described in subsection (e), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) Authority of APHIS.—

(1) Establishment of program.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service

(referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the "Secretary") shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the "International Trade Inspection Advisory Committee" (referred to in this subparagraph as the "committee"), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service—

(A) from amounts made available to the Department of Agriculture for the applicable fiscal year; or

(B) if amounts described in subparagraph (A) are unavailable, from amounts of the Commodity Credit Corporation.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—DESIGNATING SEPTEMBER 2007 AS "CAMPUS FIRE SAFETY MONTH"

Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 105

Whereas tragic fires in student housing in Nebraska, Missouri, Oklahoma, and Pennsylvania have cut short the lives of college students in the United States;

Whereas, since January 2000, at least 99 people, including students, parents, and children, have died in campus-related fires;

Whereas more than 75 percent of those deaths occurred in off-campus occupancies;

Whereas a majority of the students in the United States live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems have been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method for controlling or extinguishing a fire in its early stages and protecting the lives of the building's occupants;

Whereas many students are living in off-campus occupancies, sorority and fraternity housing, and residence halls that are not adequately protected with automatic fire alarm systems and automatic fire sprinkler systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college careers;

Whereas it is vital to educate future generations in the United States about the importance of fire safety to help ensure the safety of young people during their college years and beyond; and

Whereas by educating a generation of adults about fire safety, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "Campus Fire Safety Month"; and

(2) encourages administrators of institutions of higher education and municipalities—

(A) to provide educational programs about fire safety to all students during "Campus Fire Safety Month" and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 106—CALLING ON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE

Mr. DURBIN (for himself, Mr. ENSIGN, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. COLEMAN, Mrs. BOXER, Mr. SUNUNU, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, Mr. ALLARD, Mrs. DOLE, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 106

Whereas the Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of more than 2,500-year presence of Armenians in their historic homeland;

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia that explicitly charged, for the first time ever, another government of committing "a crime against humanity";

Whereas that joint statement stated "the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres";

Whereas the post-World War I Turkish Government indicted the top leaders involved in the "organization and execution" of the Armenian Genocide and in the "massacre and destruction of the Armenians";

Whereas in a series of courts-martial, officials of the Young Turk Regime were tried and convicted on charges of organizing and executing massacres against the Armenian people;

Whereas the officials who were the chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal, were tried by military tribunals, found guilty, and condemned to death for their crimes, but the punishments imposed by the tribunals were not enforced;

Whereas the Armenian Genocide and the failure to carry out the death sentence against Enver, Talaat, and Jemal are documented with overwhelming evidence in the national archives of Austria, France, Germany, Russia, the United Kingdom, the United States, the Vatican, and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences;

Whereas the National Archives and Records Administration of the United States holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings for the Department of State under Record Group 59, files 867.00 and 867.40, which are open and widely available to the public and interested institutions;

Whereas the Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide;

Whereas Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as "a campaign of race extermination", and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the "Department approves your procedure . . . to stop Armenian persecution";

Whereas Senate Concurrent Resolution 12, 64th Congress, agreed to July 18, 1916, resolved that "the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians," who, at that time, were enduring "starvation, disease, and untold suffering";

Whereas President Woodrow Wilson agreed with such Concurrent Resolution and encouraged the formation of the organization known as Near East Relief, which was incorporated by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32);

Whereas, from 1915 through 1930, Near East Relief contributed approximately $116,000,000 to aid survivors of the Armenian Genocide, including aid to approximately 132,000 Armenian orphans;

Whereas Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that "the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered";

Whereas such Senate Resolution followed the report to the Senate of the American Military Mission to Armenia, which was led by General James Harbord, dated April 13, 1920, that stated "[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages";

Whereas, as displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying "[w]ho, after all, speaks today of the annihilation of the Armenians?" and thus set the stage for the Holocaust;

Whereas Raphael Lemkin, who coined the term "genocide" in 1944, and who was the earliest proponent of the Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century;

Whereas the first resolution on genocide adopted by the United Nations, United Nations General Assembly Resolution 96(1), dated December 11, 1946, (which was adopted at the urging of Raphael Lemkin), and the Convention on the Prevention and Punishment of Genocide, done at Paris December 9, 1948, recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards;

Whereas, in 1948, the United Nations War Crimes Commission invoked the Armenian Genocide as "precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover" and as a precedent for the Nuremberg tribunals;

Whereas the Commission stated that "[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments";

Whereas House Joint Resolution 148, 94th Congress, adopted by the House of Representatives on April 8, 1975, resolved that "April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry";

Whereas Proclamation 4838 of April 22, 1981 (95 Stat. 1813) issued by President Ronald Reagan, stated, in part, that "[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten";

Whereas House Joint Resolution 247, 98th Congress, adopted by the House of Representatives on September 10, 1984, resolved that "April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry";

Whereas, in August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled "Study of the Question of the Prevention and Punishment of the Crime of Genocide", which stated "[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916";

Whereas such report also explained that "[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eyewitnesses and this is corroborated by reports in United States, German, and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany";

Whereas the United States Holocaust Memorial Council, an independent Federal agency that serves as the board of trustees of the United States Holocaust Memorial Museum pursuant to section 2302 of title 36, United States Code, unanimously resolved on April 30, 1981, that the Museum would exhibit information regarding the Armenian Genocide and the Museum has since done so;

Whereas, reviewing an aberrant 1982 expression by the Department of State (which was later retracted) that asserted that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide "contradicted longstanding United States policy and was eventually retracted";

Whereas, on June 5, 1996, the House of Representatives adopted an amendment to H.R. 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by $3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Government of Turkey acknowledged the Armenian Genocide and took steps to honor the memory of its victims;

Whereas President William Jefferson Clinton, on April 24, 1998, stated, "This year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923";

Whereas President George W. Bush, on April 24, 2004, stated, "On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire"; and

Whereas, despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls on the President, in the President's annual message commemorating the Armenian Genocide issued on or about April 24 to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

Mr. DURBIN. Mr. President, I rise today to submit a resolution calling on the President to ensure that the foreign policy of the United States reflects an appropriate understanding of the Armenian Genocide and sensitivity concerning issues related to human rights, ethnic cleansing, and other mass atrocities that made up the Armenian Genocide.

The President usually issues an annual message commemorating the Armenian Genocide issued on or about April 24. This resolution calls on the President to accurately characterize what happened to the Armenian people as genocide and to recall the proud history of United States intervention in opposition to it.

The definition of "genocide" is "the deliberate and systematic extermination of a national, racial, political, or cultural group."

Scholars agree that what the Armenian people suffered in 1915 to 1917 fits the definition of genocide.

The sheer scale of the death toll is evidence of a systematic, organized plan to eliminate the Armenians. One and a half million people were systematically and deliberately annihilated, many simply left to die of starvation and exposure.

To date, 19 countries and the European Parliament have officially recognized this violence as genocide. Countries officially recognizing the Armenian Genocide include: Argentina, Armenia, Belgium, Canada, Cyprus, France, Greece, Italy, Lebanon, Lithuania, The Netherlands, Poland, Russia, Slovakia, Sweden, Switzerland, Uruguay, Vatican City and Venezuela.

Thirty-seven States of the United States recognize the Armenian Genocide. They are: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington and Wisconsin.

Genocide is wrong. It is evil.

It is evil whether its victims are Armenians, Sudanese, Rwandan Tutsis, Cambodians or European Jews.

Not to acknowledge genocide for what it is denigrates the memory of its victims.

Recognition of genocide is part of the healing process.

Reminding the world that genocide has occurred far too often serves to help prevent it from happening again.

Recognizing the Armenian Genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan.

As we recognize the role Americans played in exposing the Armenian Genocide and trying to relieve the suffering of the Armenian people, we remind ourselves that it is our tradition to speak out and do something.

During the Armenia Genocide, American consuls and missionaries, in what was then the Ottoman Empire, reported the atrocities which were taking place far from the capital in Istanbul. Our ambassador, Henry Morganthau Sr., confronted the Ottoman government with the accusations.

Ambassador Morganthau wrote in his memoirs:

> Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915.

The American Near East Relief Committee, a relief organization for refugees in the Middle East, raised over $102 million for Armenians both during and after the genocide.

As I have said in this Chamber before, the response to the atrocities was the birth of the American international human rights movement.

Official recognition of the role Americans played in confronting the Armenian Genocide over 90 years ago will reaffirm our tradition of protecting the vulnerable and inspire us to not stand by and watch as genocide occurs in our time.

Mr. ENSIGN. Mr. President, I rise today to speak about an issue of great importance to the Armenian community. In order to move forward, we must not repeat the mistakes of the past. It is for this reason that I have long sought to bring proper recognition to the crimes perpetuated against the Armenian people.

April of this year will mark the 92nd anniversary of the attempted annihilation that occurred in the Ottoman Empire from 1915–1923. Millions of Armenians of all ages were subjected to deportation, expropriation, abduction, torture, massacre, and starvation.

The great bulk of the Armenian population was forcibly removed from Armenia and Anatolia to Syria, where the vast majority was sent into the desert to die of thirst and hunger. Large numbers of Armenians were methodically massacred throughout the Ottoman Empire. Women and children were abducted and horribly abused.

There is one word that describes the horrific attempt to annihilate the Armenian people, and it is genocide. Ironically, while the United States has failed to make that recognition, Adolf Hitler, in defending his own plans to rid the world of Polish people, among others, asked, "Who, after all, speaks to-day of the annihilation of the Armenians?"

The resolution I introduce today, with my distinguished colleague Senator DURBIN, calls on President Bush to ensure that the foreign policy of the United States demonstrates significant understanding of the issues surrounding the Armenian Genocide. The resolution encourages the President to commemorate the Armenian Genocide by recognizing the persecution and extermination of over 1,500,000 Armenian citizens as genocide.

The resolution calls on the President to state that the slaughter of Armenians by the Ottoman Empire was genocide and to recall the proud history of United States intervention in opposition to the Armenian genocide. It is important that the United States once and for all reaffirms the incontestable facts of history and allows our representatives to speak out about the crimes perpetuated against the Armenian people from 1915–1923.

It is my hope that through recognition of these crimes our Nation and the entire world community will be able to prevent further instances of genocide, ameliorate relations between Turkey and Armenia, and increase awareness of issues such as ethnic cleansing and human rights around the globe.

As we fight to ensure freedom around the globe, we must ensure that our future reflects the lessons of the past. In this case the facts are incontestable. Yes, the Armenian people were victims of genocide. Genocide at any time, at any place, is wrong and needs to be confronted and remembered. Let us come together to remember that by recognizing that what happened to the Armenian people from 1915–1923 was genocide. We owe it to the victims and to the future of freedom.

Mrs. FEINSTEIN. Mr. President, as we approach the 92nd anniversary of the Armenian Genocide, I rise today in support of a resolution introduced by Senator RICHARD DURBIN, calling on the President to recognize the Armenian Genocide.

Specifically, this resolution would: encourage the President to incorporate the memory and lessons of the Armenian Genocide into the foreign policies of the United States, and: urge the President to accurately portray this terrible episode as "genocide" in his annual statement.

Between 1915 and 1923, as many as 1.5 million Armenians perished and 500,000 were exiled by the Ottoman government in a systematic campaign of murder, deportation, and forced starvation.

Ninety-two years later, nearly all of the survivors are no longer with us. Yet their solemn voices still echo, urging us to remember them and work to ensure that their suffering was not in vain.

In my 15 years in the U.S. Senate, I have received thousands of letters from members of the Armenian-American community in my home State of California, encouraging our government to recognize the Armenian Genocide. Many of them are descendants of the genocide's survivors, who immigrated to the United States and, over the course of a few decades, built a strong and vibrant community in California and elsewhere.

For the genocide's victims, there can be no justice. But by preserving and cherishing their memory, we can begin healing the wounds that still linger.

The recent murder of Hrant Dink, a Turkish-Armenian journalist who championed human rights and advocated Turkish recognition of the Armenian Genocide, serves as a chilling reminder of the dangers that loom in our silence. An open, informed, and tolerant discussion of the genocide is necessary for true and lasting reconciliation between present-day Turkey and the Armenian people.

Equally important, recalling the Armenian Genocide is essential to the prevention of ongoing and future atrocities, including the genocide in Darfur. By taking an unequivocal stance against genocide—regardless of where or when it occurs—we and other members of the international community will send a strong message that such atrocities will not be tolerated. Let us remember Adolf Hitler's ominous words on the eve of the 1939 Nazi invasion of Poland: "Who, after all, speaks today of the annihilation of the Armenians?"

So today, let us speak loudly. Let us join the hundreds of thousands of Armenian Americans in my home State of California and across the United States, as well as millions of people around the world, in acknowledging and commemorating the Armenian Genocide. Let us ensure that the legacy of these atrocities is one of reconciliation and hope. And let us fulfill the promises our parents made us, and we made to our children: never again.

SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF CONGRESS ON THE NUCLEAR PROGRAM OF IRAN

Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas President of Iran Mahmoud Ahmadinejad refuses to abandon the uranium enrichment program of the Government of Iran, and continues to work towards advancing that program;

Whereas the United Nations Security Council unanimously passed Security Council Resolution 1737 on December 23, 2006, which imposed sanctions on trade and expertise related to the nuclear infrastructure of Iran and the transfer to Iran of International Atomic Energy Agency technical aid;

Whereas United Nations Security Council Resolution 1737 (2006) states that if Iran refuses to comply with the Resolution within 60 days, the Security Council "shall adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary";

Whereas, according to a report issued by the International Atomic Energy Agency on February 21, 2007, Iran failed to comply with United Nations Resolution 1737 within 60 days;

Whereas the refusal of the Government of Iran to comply with International Atomic Energy Agency orders to prove the peaceful intent of its nuclear program and with United Nations Security Council Resolution 1737 (2006) indicates that the efforts of the Government of Iran toward uranium enrichment are not for peaceful means;

Whereas the Government of Iran has contributed to instability in the Middle East and has shown itself unwilling to use its influence to support peaceful transformation in the region, including by demonstrating its ability to strike United States military forces and allies in the Middle East with missiles, by being either incapable or unwilling to stop the movement of weapons produced in Iran into Iraq and other countries in the region in support of violent religious extremism, and by the continued assertion of President Ahmadinejad that Israel will be "wiped off the map" and the consistent denial by President Ahmadinejad of the existence of the holocaust, as evidenced through the hosting of an "International Conference to Review the Global Vision of the Holocaust" on December 11, 2006;

Whereas John Michael McConnell, Director of National Intelligence, indicated in a hearing of the Committee on Armed Services of the Senate on February 27, 2007, that economic sanctions on Iran uniformly applied by the international community could have a major effect on the economy of Iran;

Whereas the placement and implementation of sanctions on countries such as North Korea and Libya have made progress in bringing about change;

Whereas, despite the release of an internal European Union document dated February 7, 2007, which indicated that European Union officials believe that preventing Iran from developing a nuclear weapon is not likely, on February 12, 2007, the European Union agreed, in compliance with United Nations Security Council Resolution 1737 (2006), to impose limited sanctions on Iran in order to prevent the sale of materials and technology that could be used in Iran's nuclear program; and

Whereas full economic sanctions on the part of the entire international community have not been applied to Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the nuclear program of the Government of Iran continues to be of grave concern and should be considered a serious threat to the United States and its military forces and personnel in the Middle East, and to United States allies and interests in Europe, the Middle East, and Asia;

(2) as a result of the failure of Iran to comply with United Nations Security Resolution 1737 (2006), the United Nations Security Council should implement additional sanctions in order to persuade Iran to comply with requirements imposed by the International Atomic Energy Agency;

(3) full economic sanctions, uniformly imposed by the entire international community, including Russia and China, offer the best opportunity to bring about significant change in Iran to prevent the development of a nuclear weapon in Iran; and

(4) the elimination of the threat of a nuclear Iran is in the long term interest of the people of Iran, the region, and the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 458. Mr. BIDEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 458. Mr. BIDEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 19, insert "(FYROM)" after "Macedonia".

On page 12, line 22, insert "(FYROM)" after "Macedonia".

On page 14, line 7, insert "(FYROM)" after "Macedonia".

On page 14, line 9, insert "**(FYROM)**" after "**MACEDONIA**".

On page 15, line 6, insert "(FYROM)" after "MACEDONIA".

On page 15, line 6, insert "(FYROM)" after "Macedonia"

On page 15, line 20, insert "(FYROM)" after "Macedonia".

On page 17, line 3, insert "(FYROM)" after "Macedonia".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 14, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Charting a Course for Health Care Reform: Moving Toward Universal Coverage."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 14, 2007 at 2:30 p.m. to hold a hearing on the Philippines.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 14, 2007, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on drug safety during the session of the Senate on Wednesday, March 14, 2007, at 10:15 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 14, 2007, at 9:30 a.m., for a hearing titled "The Threat of Islamic Radicalism to the Homeland."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Open Government: Reinvigorating the Freedom of Information Act" on Wednesday, March 14, 2007, at 10 a.m., in Dirksen Senate Office Building room 226.

Witness List

Tom Curley, President and CEO of the Associated Press, Representing the Sunshine in Government Initiative, New York, NY; Meredith Fuchs, General Counsel, The National Security Archive, Washington, DC; Sabina Haskell, Editor, Brattleboro Reformer, Brattleboro, VT; and Katherine Cary, General Counsel, Texas Office of the Attorney General, Austin, TX.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 14, 2007, at 10 a.m., to conduct a hearing on S. 223, The Senate Campaign Disclosure Parity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the privilege of the floor be granted to a fellow in my office, Jonathan Burke, for the duration of the debate on S.J. Res. 9, the Iraq resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—H.R. 399

Mr. SANDERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 399 and the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 15, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, March 15; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day and that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the next 30 minutes under the control of the majority; that the period of morning business be extended for an additional 30 minutes, with that time equally divided and controlled between the two leaders or their designees; that during the adjournment all time count postcloture and all time in morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate, and if the Republican leader has no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, March 15, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 2007*

The House met at 10 a.m.

The Reverend Johann Arnold, Church Communities International, Rifton, New York, offered the following prayer:

Lord, we thank Thee for another day and for another chance to serve Thee and our beloved Nation.

Before Thee we are like little children who do not know how to carry out our duties. Therefore, we ask, like King Solomon, not for long life, not for wealth for ourselves, not for the death of our enemies, but for discernment to administer justice and to distinguish between right and wrong. Let us together heed the words of the Apostle John: "If we love one another, God dwelleth in us." Let us hope that this spirit will become the order of the day right here in Washington.

We pray for our President, for our Madam Speaker, and for all our brothers and sisters in the House and in the Senate, for our servicemen and -women and their families. We pray for our beloved Nation. May it always be under the rulership of God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HINCHEY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HINCHEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment à bill of the House of the following title:

> H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Hawaii (Mr. INOUYE).

The message also announced that pursuant to section 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

The message also announced that pursuant to section 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

WELCOMING REVEREND JOHANN CHRISTOPH ARNOLD

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Madam Speaker, it is my great pleasure and honor to introduce a dear friend of mine and a very respected member of our community, Johann Christoph Arnold, for his opening prayer as the guest chaplain of the House of Representatives today.

Pastor Johann Christoph Arnold and his wife, Verena, are senior pastors of Church Communities International, an international movement that is dedicated to peace around the world. They work very diligently and very effectively with families, with individuals, with veterans, and a host of other people to bring them the kind of counseling and conciliation they need in many communities.

Pastor Arnold and his wife, Verena, are the parents of eight children and 34 grandchildren. For over 35 years as family counselors, they have advised thousands of couples in our community and in many other places here in the United States and around the world. People have come to expect sound advice from this award-winning author, whose books have sold over 350,000 copies in English and have been translated into 19 other languages.

It is a great pleasure and an honor to have Johann Christoph Arnold, his wife, Verena, and other members of their community here with us this morning; and I thank him very much for his opening prayer.

OPPOSING THE IRAQ FUNDING BILL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. At present, Congress has before it, for consideration in committee, an Iraq funding bill which will keep the war going perhaps through the end of President Bush's term. It would order the privatization of Iraq's oil and open the door for the President to order an attack on Iran without congressional authorization.

Democrats were brought to power not to spread war, but to stop it. The administration took us into war for oil. We should not be confirming that purpose by promoting privatization in the Iraq funding bill.

The President desires to attack Iran without Congress asserting its constitutional authority. We should be asserting our constitutional authority to restrain another administration abuse of power.

DEMOCRATIC PLAN FOR IRAQ IS RECIPE FOR FAILURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Friday's The Post and Courier of Charleston, South Carolina, detailed the dire consequences of setting artificial timelines for withdrawal from Iraq. The editorial states that it would be tragic if the rug should be pulled from under U.S. forces by the U.S. Congress.

The political message coming from House Democrats threatens to throw efforts to stabilize Iraq off balance. As The Post and Courier, where I was a former reporter, concludes, General Petraeus should be given the time and forces he needs to succeed, and not a legislative recipe for failure. Democrats and Republicans should be united to remember that al Qaeda spokesman for Osama bin Laden, Zawahiri, has clearly identified that Iraq and Afghanistan are the central fronts in the global war on terrorism. Bin Laden has specifically stated, "The most serious issue today for the whole world is this Third World War that is raging in Iraq."

In conclusion, God bless our troops, and we will never forget September 11.

SUBPRIME LENDING

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, in the last 2 weeks, we have seen a tsunami of foreclosures and turmoil in the subprime markets. The Federal regulators' recent joint guidance to stop issuance of loans that borrowers can't repay in full is a good first step, but lenders won't make bad loans if no one will buy them. The secondary market must stop buying the loans causing this crisis.

Freddie Mac did this voluntarily, and I am introducing legislation to require all the housing GSEs to do the same. In the interim, I call on Fannie Mae and the Federal Home Loan Banks to follow Freddie Mac and stop buying these risky loans. Both Congress and the GSEs must act to protect homeowners and stabilize the system.

BUILDING A STRONG WORKFORCE BY IMPROVING MENTAL HEALTH TREATMENT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Employers spend over $26 billion per year in direct medical costs to treat depression. But the indirect costs, including lost productivity and absenteeism, increased spending by some $51.5 billion per year, but appropriate treatment for depression reduces health care costs for businesses.

The National Institutes of Mental Health reported depression treatments reduce absenteeism and save money. Plans for Federal employees where mental health coverage is included in their health care plan also saves money.

Employers and Members of Congress should review the benefits of mental health insurance coverage and note that coverage of mental health treatment can also significantly reduce public health care spending on Medicare, Medicaid and our criminal justice programs.

I would urge all my colleagues to review how businesses and the Federal Government can save money on this by reviewing my Web site at murphy.house.gov. And remember, patient-centered health care saves lives and money by emphasizing patient safety, patient quality and patient choice.

DANIA BEACH/SOLAR ENERGY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. I am RON KLEIN, and I represent Florida's 22nd Congressional District in south Florida.

Today, I am honoring the city of Dania Beach, a community in southeast Florida, for investing in a $1 million solar energy system to power the city's streetlights. Not only is this an innovative and environmentally sound decision made by the city of Dania Beach, but it is also a decision that will strengthen the safety of the community.

After Hurricane Wilma struck, Dania Beach could not restore its power and the pole damage quickly enough, leaving the city streets without lighting for a lengthy period of time. With the new solar panels, the streetlights will not be dependent on electricity, and the panels will be mounted to withstand even the most fierce hurricane winds.

I applaud this sort of ground-breaking, innovative way of thinking. Alternative energy sources are the way of the future. If more communities around the country would follow Dania Beach's lead, we would leave our environment in a much better condition for our children and our grandchildren.

CAIR MEETING

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, House Democrats and the Speaker of the House arranged for a conference room in the Capitol to be used by the Council on American-Islamic Relations, or CAIR, an Islamic advocacy group which refuses to disavow terrorist groups like Hamas and Hezbollah.

CAIR officials have been charged with, and some convicted of, offenses related to the support of terrorism, including a CAIR fundraiser, Rabih Haddad, as well as a founding board member and a former CAIR civil rights coordinator.

Most notably, the CAIR fund-raiser Haddad was deported to Lebanon in 2003 after being arrested in a raid on an Islamic charity that Federal officials said, "provided assistance to Osama bin Laden and the al Qaeda network and other known terrorist groups."

Apparently, the Democrats live in some parallel universe where it is okay to set up a meeting in the Capitol for a group with known terrorist ties. The American people must ask about this colossal failure of judgment. With friends like these, imagine our enemies.

CONGRESS CANNOT AFFORD TO GIVE THE PRESIDENT ANOTHER BLANK CHECK ON IRAQ WAR

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Mr. Speaker.

After 4 years, billions of dollars and thousands of lives, President Bush is once again asking Congress to reward failure with a blank check for the war in Iraq. Many of my Republican colleagues are more than willing to give the President anything he wants, but Democrats refuse to be a rubber stamp for the President's failed policies and, instead, want to finally require Iraqis to take control of their country. And yet the President has threatened to veto legislation that contains his own benchmarks for success in Iraq, ensures our troops have the training they need, and fully supports both our veterans and our soldiers wounded in combat.

Our legislation also commits additional funding to fighting the forgotten war in Afghanistan. Over the last 4 years, the Bush administration has redirected funds and troops away from Afghanistan, forgetting that al Qaeda and the Taliban were the ones that attacked our Nation in 2001.

Mr. Speaker, Democrats will not allow President Bush to continue to pursue these failed policies. We will insist on a new direction.

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. has been calling for prompt action at the U.N. Security Council to address the ongoing humanitarian crisis in Burma. Unfortunately, other member nations have been slow to take up the call. One European nation even suggested recently that the world should wait for the situation in Burma to become urgent and acute before we take action.

Mr. Speaker, Burma reportedly has close to a million IDPs, internally displaced people. Isn't that urgent? Over 3,000 villages have been brutally destroyed by the military dictatorship. Isn't that an acute situation? The latest story out of Burma tells of four teenage girls brutally raped and then thrown into prison by the military rulers, more evidence of their systematic sexual violence there. Isn't that an urgent problem?

Mr. Speaker, there has been enough talk and enough delay. It is time for the world to take action and end the humanitarian crisis in Burma.

CONGRATULATING MANCHESTER WEST HIGH SCHOOL

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, I come to the floor today to congratulate Manchester West High School in Manchester, New Hampshire, and Region 14 Applied Technology Center team from Peterborough, New Hampshire, on their victory at the regional FIRST Robotics Competition this past week in Manchester. FIRST is an acronym for For Inspiration and Recognition of Science and Technology.

This remarkable program was developed in New Hampshire and has now spread to 1,500 high schools nationwide. It encourages young people to become actively involved with engineering and technology. FIRST brings innovative companies together with kids, teaching and inspiring them to pursue careers in advanced science. The brilliant students who participate actually build robots and then enter the robots in a series of competitions against the creations of other teams.

I salute the creativity and technological savvy of the winning teams. Congratulations to Manchester West and the Region 14 team and to FIRST on its aspirational mission. FIRST is helping inspire the next generation of technology innovators which our country depends on to remain competitive in our global economy.

☐ 1015

IN MEMORY OF THE SEVEN OHIOANS WHO PERISHED IN GEORGIA BUS ACCIDENT

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, I rise in solemn remembrance of seven Ohioans whose lives were cut short by a tragic bus accident on the morning of Friday, March 2, 2007, in Atlanta, Georgia. Though words cannot express the depth of their loss, we honor their memory and offer our condolences to their families, friends, teammates, and classmates of these seven individuals:

David Betts of Bryan, Ohio
Scott Harmon of Elida, Ohio
Cody Holp of Arcanum, Ohio
Jerry and Jean Niemeyer of Columbus Grove, Ohio
Tyler Williams of Lima, Ohio, and
Zack Arend of Oakwood, Ohio.

In the midst of this tragedy, I was heartened to see the selfless way these families and communities pulled together to support each other in a time of need. It reminds me of what is special about America.

I was also humbled by the outpouring of kindness from concerned families in Georgia and around the country. Just minutes after the accident, complete strangers were opening their homes to our families and offering their condolences and prayers.

While we grieve their passing, we know that they will live forever in the hearts of their loved ones and will eternally be remembered by the Bluffton University family and the people of Bluffton, Allen County and west central Ohio.

MEDICARE

(Ms. CASTOR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR. Mr. Speaker, access to the highest quality health care for our seniors under Medicare is one of the most important issues facing this Congress. Unfortunately, the Bush White House has sought to undermine the great Medicare safety net by privatizing a great deal of health care under the Medicare system, turning it over to HMOs.

Just last week the former director of the Centers for Medicare and Medicaid Services from 2001 to 2003 spoke at a conference in Tampa and a reporter caught him on record saying that this privatization effort "was done to prime the pump and to get people to go back to HMOs. But it's a much bigger subsidy than we intended."

You see, these private plans receive about 11 percent more per beneficiary than the government spends in original Medicare. And this director said that he had meant for the subsidy to be about half that.

Mr. Speaker, we have a lot of work to do to stand up for our seniors and ensure the Medicare safety net works for everyone.

WAR SUPPLEMENTAL CONTAINS GOODIES

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. There is talk that the $100 billion war supplemental will include an extra $20 billion in goodies. Such projects are seemingly irrelevant to the mission our soldiers are expected to carry out. For example:

$60 million for the California and Oregon salmon fishery disaster of '06;

$400 million for timber revenue program in Oregon;

$400 million in low-income home energy assistance for State grants;

$448 million unrequested funds for State children's health insurance programs, and;

a half a billion dollars for wildfire management and suppression.

Now, these are valuable projects, but they don't belong in an emergency war supplemental. They appear to be nothing more than an attempt to buy votes at the expense of our soldiers in the war on terror. The supplemental is meant to be an emergency troop funding vehicle and there is no excuse for $20 billion worth of pork in that supplemental.

Let this Congress respect our soldiers and deny this pork.

KOSOVO

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, today I rise to express my deep concern over the recent Department of Defense proposal to remove combat status from American soldiers serving in Kosovo. This summer, roughly 400 Minnesota National Guard soldiers who serve in my district will once again answer the call to duty in Kosovo. Almost every one of these 400 soldiers from my district will be going for the second or third time since September 11. In addition to the financial hardship these soldiers and their families will endure, the Department of Defense is asking them to suffer further by reclassifying this mission. Reclassification will cost American soldiers more than just the $225 a month in hazardous duty pay, the payroll tax exemption and the flights home to see their families. We will all pay for this with the loss of morale.

Kosovo suffers from ethnic unrest. The country has unexploded ordnance and American soldiers work to defuse these daily. Mr. Speaker, Kosovo is still a dangerous place. It's revealing that the State Department's assessment is different than the Department of Defense. Foreign service officers receive hazardous duty pay.

Ensuring that this mission remains classified as a combat mission is more than about $225 a month to soldiers. It's about doing right for those who risk their lives in defense of this Nation.

"WHO GETS THE WORKER?"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, while the flow of illegals continues to storm across our southern border, much to the joy of those who want cheap plantation labor, Mexico now wants to keep some of its workers home. President Calderon wants the United States to invest in Mexico and use Mexican workers.

Well, what does that really mean? Does that mean more U.S. foreign aid? Or have U.S. companies expand to Mexico and use those Mexican workers? Either way, Calderon expects the United States to solve his problem. Mexico alone cannot or will not take care of its economic problems, thus making their problem our problem.

Currently, Mexico exports its people to the United States to work and then have them send money back to Mexico. Mr. Speaker, if the United States invests in Mexico and more Mexican workers stay home, is there going to be a cross-border conflict over who gets the worker?

It would be ironic indeed to see the pro-amnesty cheap labor crowd in the United States encouraging illegal entry while the Mexican Government tells workers to stay home and take new jobs provided by U.S. investment.

And that's just the way it is.

BUSH ADMINISTRATION IS PLAYING POLITICS WITH U.S. ATTORNEYS OFFICE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, every day the Bush White House is losing more credibility with the American people and with the Congress. Late last year the Justice Department fired eight U.S. Attorneys for purely political reasons. Last week, Attorney General Gonzales came to Capitol Hill and swore that the terminations had nothing to do with politics. But then 2 days ago we learned that these decisions were not made exclusively by the Justice Department. The political purge reached the highest levels at the White House and was actually prompted by President Bush. So much for no political involvement from the White House.

Mr. Speaker, this information would have never come out if the new Democratic Congress did not take its oversight responsibility seriously. U.S. Attorneys should be free of political pressure and that is simply not the case with the Bush White House.

We will continue to demand answers from an administration that is not too interested in working with Congress. It would be nice if they would finally learn their lesson and realize that it is time to level with both the Congress and the American people.

□ 1030

GOVERNMENT'S OBLIGATION TO AMERICA'S HEROES

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to address Walter Reed and this government's obligation to America's heroes.

On Monday, I toured Walter Reed. My first impression is that one visit is not enough. I will make several more trips to the facility to speak with patients and staff about what they need and how we can best address this unacceptable situation.

Mr. Speaker, our Nation's finest deserve the finest medical care, plain and simple. This Friday, I will continue my tour of local VA facilities when I visit the James A. Haley VA Hospital in Tampa. This is one of the largest VA facilities in the country, and serves many veterans in my district.

Mr. Speaker, this is not a Democrat or Republican problem, this is America's problem and it requires a bipartisan solution. I urge my colleagues to work together to quickly address and resolve this situation.

God bless our troops and veterans. They truly are America's heroes.

WHITE HOUSE PLAYING POLITICS

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, after weeks of denial from both the White House and the Department of Justice that politics played no part in the firing of eight U.S. Attorneys, the Attorney General finally admitted yesterday that there is more to the story.

It was an embarrassing and disturbing set of e-mails between the White House's political operatives and Gonzales's chief of staff that clearly revealed that there were political concerns involved in the political purge, or firing. The chief of staff resigned after e-mails were released to the New York Times and the Washington Post, but questions still remain unanswered.

What about those at the top? Is it plausible that the Attorney General was unaware of the actions of his own chief of staff? When is the President going to hold members of his Cabinet accountable for misdeeds and mistakes?

The Attorney General's office is supposed to be above politics. An independent judiciary is one of the hallmarks of this great democracy which we, as Americans, promote around the world. There is simply no place for politics at the Justice Department. But sadly, it appears that the Justice Department has become a pawn of the Republican Party.

CONGRATULATING CHANDLER AND HIGHLAND CHOIRS

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to congratulate two outstanding high school choirs from my district, the Chandler High School Chorale and the Highland High School Concert Choir. These groups were selected by competitive audition out of dozens of high schools across the country to perform on March 19, 2007, at New York's famed Carnegie Hall.

The Chandler High School Chorale from Chandler, Arizona, has already distinguished itself as one of the top high school choirs in the Nation. Led by Dean Anderson, the chorale has performed across the country and around the world over the past two decades. This is the choir's second performance in the Carnegie Hall National High School Choral Festival, a singular achievement in the festival's history.

The Highland High School Concert Choir of Gilbert, Arizona, has also secured a spot in the festival. Led by Rita Scholz, the concert choir has performed in the Arizona ACDA conference, the Arizona Music Educators Association Conference, and the 1998 MENC National Convention. The Highland High School choral music program consists of 170 students in five performing ensembles, presenting four concerts on campus per year, as well as other performances around the country.

I am honored to have two of the four schools in the Nation chosen from my district.

HALLIBURTON SLAPS TAXPAYERS IN FACE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Halliburton has decided to move its headquarters to Dubai. This is a company that has received over $25 billion worth of contracts in Iraq, and this is the kind of thanks the U.S. taxpayers get. In fact, this is a real slap in the face of the U.S. taxpayers.

The ABC National News reported Sunday night that Halliburton has been charged by government inspectors of overcharging our government and overcharging our taxpayers to the tune of $2.7 billion. No company that commits those types of overcharges should ever get a Federal contract again. In fact, in my opinion, the U.S. Government should not give a contract to any company that cannot certify that over half of its employees are U.S. citizens.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to section 2 of House Resolution 24, 110th Congress, and the order of the House of January

4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. SALAZAR, Colorado
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007

Hon. NANCY PELOSI,
Speaker, H–232, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 2 of House Resolution 24, 110th Congress, I am pleased to appoint the following as Members of the House Democracy Assistance Commission. All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

The Honorable David Dreier of California, The Honorable John Boozman of Arizona, The Honorable Jeff Fortenberry of Nebraska, The Honorable Joe Wilson of South Carolina, The Honorable Judy Biggert of Illinois, The Honorable Wayne Gilchrest of Maryland, The Honorable Jerry Weller of Illinois, The Honorable Jeff Miller of Florida, and The Honorable Bill Shuster of Pennsylvania.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2081, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. OBEY, Wisconsin
Ms. KAPTUR, Ohio

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
March 9, 2007.

Hon. NANCY PELOSI,
Speaker, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 2081, I am pleased to appoint the Honorable ZACH WAMP of Tennessee to the United States Capitol Preservation Commission. Mr. WAMP expressed interest in serving in this capacity and I am pleased to fulfill his requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

The Clerk read as follows:

H.R. 1254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Library Donation Reform Act of 2007".

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Any Presidential library fundraising organization shall submit on a quarterly basis, in accordance with paragraph (2), information with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling $200 or more for the quarterly period.

"(2) For purposes of paragraph (1)—

"(A) the entities to which information shall be submitted under that paragraph are the Administration, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the dates by which information shall be submitted under that paragraph are April 15, July 15, October 15, and January 15 of each year and of the following year (for the fourth quarterly filing);

"(C) the requirement to submit information under that paragraph shall continue until the later of the following occurs:

"(i) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the archival depository.

"(ii) The President whose archives are contained in the depository no longer holds the Office of President and a period of four years has expired (beginning on the date the President left the Office).

"(3) In this subsection:

"(A) The term 'Presidential library fundraising organization' means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

"(i) a Presidential archival depository; or

"(ii) any facilities relating to a Presidential archival depository.

"(B) The term 'information' means the following:

"(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

"(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

"(iii) If the source of such a contribution is an individual, the occupation of the individual.

"(iv) The date of each such contribution.

"(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted under paragraph (1). The information shall be made available without a fee or other access charge, in a searchable, sortable, and downloadable database.

"(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(6)(A) It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

"(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

"(7)(A) It shall be unlawful for a person to knowingly and willfully—

"(i) make a contribution described in paragraph (1) in the name of another person;

"(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

"(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

"(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

"(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.".

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Connecticut (Mr. MURPHY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I walked into the Capitol today, it was sunny outside, and one of the benefits of coming from Connecticut about 100 or so miles south a few days a week is, you might get a few sunnier days this time of year. And it is important, I think, on this day that there is some sunlight outside because beginning with the bill before us today, and following with pieces of legislation to come, we are going to start once again to open up this government to the people of this country. There is a sense, I think, over time that too much in Washington, D.C., gets done in back rooms and not enough gets done in the open daylight.

Today, we begin to open, again, this government to the people of this country.

Mr. Speaker, today I rise in strong support of H.R. 1254, the Presidential Library Donation Reform Act of 2007, and I am grateful to do so through the benefit of work done before by Chairman WAXMAN, Congressman EMANUEL, by Mr. CLAY, and on the other side of the aisle, in particular, Mr. PLATTS and Mr. DUNCAN.

The legislation that they have worked on that is before us today is part of a larger effort by Congress to restore that honesty and accountability in the Federal Government. Simply put, this legislation would shine sunlight on donations to Presidential libraries.

Mr. Speaker, the Presidential library system was created by Franklin Delano Roosevelt. Roosevelt had an idea to create a repository to house his Presidential papers for the benefit of future generations of Americans; you could call it yet another successful New Deal program.

His idea was to raise private funds for the construction of a library facility, and then he turned the facility and his papers over to the Federal Government for operation by the National Archives. This model is still followed to this day.

But, like many things, Presidential libraries keep getting more expensive. They have become libraries in concept much more than in practice. They often include various facilities in addition to a repository, such as museums, conference centers, or classrooms.

The George H.W. Bush Library was reported to cost more than $80 million to build. The Clinton library and museum cost about $165 million to build. News reports have indicated that the fund-raising goal for President Bush's library and think tank in Texas is $500 million. One can only imagine how much his successor will have to raise.

The problem is that as these libraries continue to grow in size and scope, Presidential foundations need to raise more money to build them, and many of these organizations do so by selling access to the President while he is still in office while his power and celebrity are the strongest.

Under current law, there is no requirement to disclose the names of the donors and the amounts that they have donated, and there is no limit on the amount that can be donated. You don't need to be a political scientist to see the potential for abuse.

Today's bill simply requires that fund-raising organizations disclose information about their donors to Congress and the National Archives during the period of that most intense fund-raising, while the President is in office, and during the first 4 years after the end of his term.

The legislation before us, H.R. 1254, would require that all organizations established for the purpose of raising funds for Presidential libraries, or their related facilities, report on a quarterly basis all contributions of $200 or more.

Under the bill, Presidential library fund-raising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. The National Archives would be required to disclose this information through a free, searchable, and downloadable database.

Mr. Speaker, this is a nonpartisan problem, and what we have before us today is a nonpartisan solution. This bill does not seek to limit the amount a donor can contribute or the amount a foundation can solicit. It simply seeks to shed sunlight on the process.

Many of us came to Congress to bring government out of the back rooms and back into the open air. This bill, I believe, is an important step in that transformation; and I am honored to be able to stand on the work of colleagues who have worked on this issue over the years and to be able to present it to this body today.

Mr. Speaker, similar legislation has enjoyed overwhelming bipartisan support in the House in the past, and I urge all of my colleagues to support this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our Nation's Presidential libraries attract millions of visitors each year, and serve as an important resource for researchers and historians, and provide inspiration for generations.

Over time, the cost of building and maintaining these facilities has risen significantly. Presidential libraries are built with private funds, then turned over to the Archivist for operation. An endowment covers some of the cost of operating a library, usually met through the establishment of a charitable organization. Funding for construction and the endowment come from private sources. Under current law, there is no requirement to disclose the source of these contributions.

There is a great deal of interest in enhancing disclosure on both sides of the aisle. Under the leadership of the gentleman from Tennessee (Mr. DUNCAN), a Republican, Congress passed bipartisan legislation to require the disclosure of contributions to organizations that raise funds for Presidential libraries and related facilities.

□ 1045

His bill, H.R. 577, from the 107th Congress passed the House with strong bipartisan support by a vote of 392-3. When we consider enhanced disclosure, it is important to treat everyone equally. We need a sensible, even-handed approach to disclosure, one that applies equally to Democrats and Republicans.

The gentleman from Tennessee has had the right approach, one that was supported by the gentleman from California (Mr. WAXMAN) and many others across the aisle. I think it is of utmost importance that we avoid any temptation to politicize this important issue.

An amendment offered in committee would add the reasonable step of applying the disclosure steps of this legislation to Presidents elected after the enactment of this act. It is my hope that we can take politics out of disclosure, which is an important issue.

I also commend the Chair of our subcommittee, Mr. CLAY, for his leadership on our subcommittee and in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished chairman of the Government Oversight and Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Connecticut for yielding to me and for managing this legislation. It will be the first of a number of bills that we think are important for openness, transparency, accountability and sunshine in government.

This particular legislation has strong bipartisan support. The gentleman from Tennessee (Mr. DUNCAN) introduced it originally several years ago, and we are building on his proposal. It is a wise proposal because it would provide for disclosure of contributions that are made for Presidential libraries.

There is nothing wrong with contributing to Presidential libraries, but at the present time contributions to Presidential libraries can be of any amount, from my source, and they need not be disclosed. This is a loophole that calls for abuse. Whether it is real or perceived, we should not have special interest groups making contributions to a Presidential library with the expectation that they may receive something in return. We should not allow foreign governments even to contribute to Presidential libraries.

This legislation would require disclosure of contributions that are made to Presidential libraries and their affiliates.

It is interesting to see that in recent years Presidential libraries and their affiliated institutions have grown and become increasingly expensive. It cost more than $80 million, although I even think that is a lot of money, but that was what it cost to build the George H.W. Bush Library. President Clinton went and doubled that amount, and it took $165 million to build his library. There are recent reports suggesting that the projected fund-raising target for this President Bush's target library is $500 million.

I think that we ought to have disclosure, as do my colleagues on the other side of the aisle. It is time for openness and sunshine in the area of these contributions, and I strongly support it.

I want to commend all of the people who have been involved in this legislation, the chairman of the subcommittee, Mr. CLAY; the ranking member, Mr. TURNER, and all of those involved.

Mr. TURNER. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I want to first thank the gentleman from Ohio for yielding me this time and for his work on this legislation and his kind comments from a few minutes ago, and I want to thank the gentleman from Connecticut who is managing the bill today. Especially I want to thank Chairman WAXMAN because this bill, while it has been mentioned that we passed this once before in an earlier Congress, it would not be on the floor today if it were not for the support of Chairman WAXMAN, and I do appreciate that very much.

As has already been mentioned, I introduced this bill several years ago, and in fact it was the 106th Congress when I first introduced this because I learned that some foreign governments from the Middle East were making very large contributions to the proposed library for President Clinton, and I was concerned that could lead to undue influence on the part of not only foreign governments but perhaps others.

Many months later after I introduced this bill, I learned that Marc Rich's ex-wife, and one of his closest friends, had made very large contributions to the Clinton library, and then President Clinton, on his last day in office, granted a pardon to Mr. Rich who had fled the country after evading $40 million in income taxes.

I can tell you this, in my mind, is not a partisan bill. I introduced this under a Democratic President. I reintroduced it in the 107th Congress under a Republican President. As has been noted by the gentleman from Ohio, this bill passed the House by a vote of 392–3. There was not enough interest in the Senate at that time, and so we are back here today to try to pass this bill this time to bring as, has already been said, some openness, some transparency, to shed some light on these contributions and on what would be a real potential for abuse under either a Democratic or Republican President in the future.

As Chairman WAXMAN and others have said, the price tag on these Presidential libraries has escalated just in a few years' time from $80 million to $500 million projected for this President's library, and no telling where those libraries might go in the future in regard to costs.

This bill does not prohibit any contributions. It allows even very, very large contributions. All it does is require reporting, quarterly reporting.

My original bill has been made stronger by the suggestions, by the actions by Chairman WAXMAN, and I support this bill. I think it is a good government bill, and I think it is one that all of our colleagues can be proud in supporting. It will certainly help to prevent some real serious potentials for abuse in the years ahead if we pass this legislation.

So I appreciate the support of everyone who has spoken here today, and I urge the support of all of my colleagues.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY), the distinguished chairman of the subcommittee.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Connecticut for yielding and managing this bill. I want to also thank the gentleman from Tennessee for his leadership on this subject. I rise in strong support of H.R. 1254 and urge my colleagues to vote in favor of it.

Mr. Speaker, Federal election laws limit the amount a single source can give to a political campaign. It requires that donations and donor information must be disclosed to the public. These requirements help to preserve the integrity of our democratic system by ensuring that campaign donors do not exercise undue influence over elected policy-makers.

Similar requirements do not apply to Presidential library fund-raising campaigns, and this creates the potential for large donors to exert or appear to exert improper influence over a sitting President.

The fact that private foundations are required to raise money to build and maintain Presidential libraries lowers the burden on taxpayers, but it also increases the incentive for sitting Presidents to pursue aggressive fund-raising for libraries that have become more and more expensive over the years.

Under H.R. 1254, the Presidential Library Foundation would be required to report on a quarterly basis all donations of $200 or more. This requirement would apply to donations made to the foundation during the time that the President is in office and during the period before the Archives agrees to use the land or facility.

In addition, the proposal calls on the Archivist to make all reports available to the public online through a searchable and downloadable database.

In 2000, during the last days of the Clinton Presidency, the House passed similar legislation by an overwhelming bipartisan vote. A similar provision was included in legislation introduced last year by then-Minority Leader PELOSI but it did not move.

Mr. Speaker, the time has passed for the Congress and the President to enact these requirements into law. This is not a partisan issue. It is an issue of concern to all Americans who care about government, integrity and transparency.

I commend Mr. WAXMAN, my fellow original cosponsors, Mr. DUNCAN, Mr. PLATTS and Mr. EMANUEL, for their leadership on this issue and urge all of my colleagues to support this important bipartisan bill.

Mr. TURNER. Mr. Speaker, I have no other speakers at this moment and reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from Connecticut and colleagues from California and Missouri and my other colleagues for their leadership on this legislation.

It is an important part of this legislation, like the other legislation we are doing on whistleblowers and protection for whistleblowers, as well as the no-bid contracts.

If you look at the Presidential library and the other two pieces of legislation, they all have a common meaning, to ensure that the public trust is protected from being bent for the private interest.

What we mean here is that, in making sure in the period of time in which a President of the United States is raising money for their library, that at no time will their actions, or public actions, be influenced by those who are willing to support their library. In the same way that we are trying to make sure later this week when we vote on the no-bid contracts, that in no way should those contracts be renewed automatically for those who have gotten their business, no-bid contracts, and somehow had the influence to get that legislation, and the whistleblower legislation, all attempted to protect the public trust.

President Bush plans on raising about $500 million for his Presidential library. President Clinton's library has cost about $165 million, and President Bush's, the 41st President, library cost approximately $80 million, slightly more than that, and there are no questions asked about where the money comes from.

We do not know who is raising these funds, who is donating them, and if the donors are looking for any other favors in return. This process is overdue for sunlight, and we are reforming that practice here today.

I am proud to have worked with Congressman WAXMAN, Congressman CLAY, Congressman PLATTS, and Congressman DUNCAN in drafting this bill, which would require the disclosure of any contribution of $200 and above for a Presidential library. This information will be available online so that every American can see who is sending money to the Oval Office.

Mr. Speaker, change is good. Last November, the American people voted for change and that is exactly what we are doing this week and this year. We are changing the way business is done in Washington and restoring integrity to government.

In the first weeks, when we were here, we initiated change on banning gifts, banning meals by lobbyists, making sure earmarks had reform, and this is part of that step-by-step process. You will not change the ways of Washington overnight, but you must have a dedicated step-by-step process to bring reform to the way business is done in Washington. This is an important step, as will be the whistleblower protection we take on today and vote on, and the no-bid contracts for those who are trying to enact contracting reform in the areas of Iraq, Katrina and other places.

As you just saw last week, the taxpayers are getting back only 40 cents on the dollar for the trailers they built for the protection of hurricane victims because we did not use it. We have got to reform the way Washington does work, and this is an important piece of legislation in doing that as part of our overall process.

I thank all my colleagues for their work on this legislation.

Mr. TURNER. Mr. Speaker, I do not have any other speakers for the moment, and I reserve the balance of my time.

□ 1100

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself so much time as I may consume.

I want to thank both sides of the aisle, Mr. DUNCAN, Mr. WAXMAN and Mr. CLAY, who have done such great work on this issue. They have constructed a bill which will allow the development of these facilities to move forward in an expeditious manner, but done so in a way that gives people faith in that process.

So much of our ability to build and rebuild faith in this government is connected to whether or not people believe that things we do here are done in the open light of day. Today is going to be a very good day to restore part of people's faith in this government, and this bill is an important first step.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the public's right to know. I rise in support of H.R. 1254, the "Presidential Library Donations Reform Act of 2007," which requires the disclosure of donors to presidential libraries.

Mr. Speaker, Presidential libraries are built using private funds raised by an organization or foundation working on behalf of the President. It costs a lot of money to construct and endow a Presidential library. The first Presidential library, housing the papers of Franklin D. Roosevelt, cost less than $400,000 to build, about $5 million adjusted for inflation. But since that time, Presidential libraries have grown more and more ambitious and costly. The $26 million Carter library was succeeded by the $57 million Reagan library, followed in turn by the $83 million library complex for former President George H.W. Bush, and the $165 million Clinton library complex. George W. Bush's Presidential library complex may cost as much as $500 million.

To erect these major complexes is going to take more than the $25 to $50 donations that built Harry Truman's modest Presidential library. Donations from individual donors can and have amounted to several million dollars. Under current law, Presidents may raise unlimited funds for their libraries while in office, which raises concerns about conflicts of interest, corruption or the appearance of corruption. This is because donations for the Presidential library can be unlimited in size but are not required to be disclosed.

Mr. Speaker, H.R. 1254 greatly enhances the public's access to information because it requires that contribution information be made available in a timely manner on the Internet in a searchable, sortable, downloadable database, without any fee or access charges. This proposal would ensure, for the first time, the public knows the source of contributions to the Presidential libraries intended to serve them.

Typically, fundraising to construct a Presidential library is done through a nonprofit foundation or group, which is free to seek donations from corporations, individuals, even foreign nationals and foreign governments. Sitting presidents may be actively involved in soliciting these contributions. And, there is no limit on the size of the donations, and no requirement that they be disclosed.

Mr. Speaker, a Presidential library complex has become one of the vehicles for Presidents to shape and perpetuate their legacy. They also provide a platform for Presidents to continue work on issues they care about. But if sitting Presidents are raising money in undisclosed, unlimited amounts for projects in which they are personally invested, wealthy special interests have unprecedented opportunities to seek access and influence at the White House and evade all public scrutiny. At the very least, the public deserves to know the amount of donations, the names, addresses and occupations of the donors, and the dates donations were made.

H.R. 1254 requires that all organizations established for the purpose of raising funds for Presidential libraries or their related facilities report on a quarterly basis all contributions of $200 or more.

Under H.R. 1254, organizations fundraising for Presidential libraries would be required to disclose their donations while the President is in office and during the period before the Federal government has taken possession of the library. The bill sets a minimum reporting period of 4 years after the end of a President's term.

The bill injects sunshine in government by making public information about donations to presidential libraries made during the term of the president in question. Under the bill, presidential library fundraising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. As noted previously, the National Archives would be required to make the information available to the public through a free, searchable, and downloadable database on the Internet.

For all of these reasons, Mr. Speaker, I strongly support H.R. 1254. As Justice Brandeis famously observed, "sunshine is the best disinfectant." I urge all my colleagues to join me in supporting this important and necessary legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker our Nation's Presidential libraries are a priceless resource for researchers, historians, and the public. They serve as legacies to our Presidents, repositories of history, and a source of tremendous pride for local communities. At the same time, they have become elaborate institutions, housing official papers, museums, classrooms, conference facilities, and even gift shops.

With this expansion, however, come additional costs. As the costs increase, so does the pressure to raise private funds. But under current law, those contributions do not need to be disclosed.

The gentleman from Tennessee, Mr. DUNCAN, worked to close this loophole. He has been a leader on this issue, drafting and moving legislation to an overwhelming House vote.

But we should keep politics out of this. The bill before us applies to the current President and future Presidents. I offered an amendment in Committee to make this law effective for the next elected President. I hope we again will resist inserting politics into a bill the House passed by a vote of 392 to 3.

With this legislation we are recognizing the perception of impropriety that contributions to a presidential library can raise. We don't need to re-open old wounds or begin inflicting new ones today. Presidents leave their mark on our rich history, and those giving to presidential libraries should be proud to have their donations publicly disclosed.

Mr. Speaker, our goal should be a unanimous vote on the House floor—anything less is a step back. I know my colleagues will agree: The cost of building presidential libraries: millions. The value of disclosing contributions to those libraries: priceless.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I want to congratulate, again, Mr. DUNCAN of Tennessee, and urge all Members to support the passage of H.R. 1254.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MURPHY of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1255) to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, as amended.

The Clerk read as follows:

H.R. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Records Act Amendments of 2007".

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

"§ 2208. Claims of constitutionally based privilege against disclosure

"(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

"(A) promptly provide notice of such determination to—

"(i) the former President during whose term of office the record was created; and

"(ii) the incumbent President; and

"(B) make the notice available to the public.

"(2) The notice under paragraph (1)—

"(A) shall be in writing; and

"(B) shall include such information as may be prescribed in regulations issued by the Archivist.

"(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

"(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

"(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

"(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure must be asserted personally by a former President or the incumbent President, as applicable.

"(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

"(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

"(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

"(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

"(A) the incumbent President withdraws the privilege claim; or

"(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

"(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

"(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.".

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

"(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.".

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting ", except section 2208," after "chapter".

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting ", except section 2208," after "chapter".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

"2208. Claims of constitutionally based privilege against disclosure.".

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives and an original cosponsor of the Presidential Records Act Amendments of 2007, I strongly support H.R. 1255 and urge its passage by the House. It is appropriate that the House should consider H.R. 1255 during Sunshine Week, when we can call attention to the importance of transparency and open government.

Introduced by Representative WAXMAN, this bipartisan bill is intended to promote the timely release of Presidential records under the Presidential Records Act of 1978, by rescinding Executive Order 13233. Issued by President Bush in November 2001, the executive order granted new authority to Presidents, former Presidents, their heirs and designees and Vice Presidents, allowing them to withhold information from public view unilaterally and indefinitely.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

When it comes to the records of a President, we need to ensure that the public's interest remains paramount. As I noted in the subcommittee, it is important that we distinguish the Nation's interest from that of a former President's interest. We need to achieve that critical balance between the President's constitutional privilege and the public's right to know.

The bill is one step toward preserving and protecting the constitutional prerogatives of Presidents while preserving public access to important and historic Presidential records. The legislation before us established a process whereby incumbent and former Presidents could, within specified time limits, review records prior to their release and determine whether to assert constitutional privilege claims against release of the records.

This legislation is identical to H.R. 4187, introduced in the 107th Congress and approved by the committee under the leadership of the gentleman from Indiana (Mr. BURTON). I want to commend him for his work in this area.

In addition, I want to highlight an amendment which was approved by the full committee. This provision will close a loophole in the Presidential Records Act which would have allowed individuals previously convicted of a crime relating to the mishandling of Archives records to continue to have special access to Presidential records. The amendment to the bill states that the Archivist shall not make available any Presidential records to any individual claiming access as a designated representative under section 2205(3) of title 44 if that individual has been convicted of a crime relating to the review, retention, removal or destruction of Archives records.

If you are convicted of mishandling Archives records, you should not have special access to original Presidential records. You are a proven risk, and we are obligated to mitigate this type of risk. Given the critical importance of Presidential records to the public, to researchers and to the press, we must ensure no one is able to tamper with history. This bill today includes this important amendment.

I also want to commend the Chair of our subcommittee, Mr. CLAY, for his leadership on the subcommittee, and his thoughtful hearings held by the subcommittee in support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I now yield 3 minutes to the distinguished Chair of the full Committee on Oversight and Government Reform, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the chairman of the subcommittee for yielding to me and the fine work he and his subcommittee have done with this legislation. I also want to commend the gentleman from Ohio, the ranking member of that subcommittee.

Mr. Speaker, this bill also builds on a bipartisan proposal that came to light in the last Congress, and I think it fits well within the theme of many of the bills that we are pursuing this week, openness in government.

The bill has a straightforward goal. It ensures that future historians have access to Presidential records as the Presidential Records Act intended.

This law was adopted after the Watergate scandals to underscore the fact that Presidential records belong to the American people, not to the President, not to his family, but to the American people. It has been a bipartisan proposal from the very beginning. In fact, this bill had bipartisan support not only from Mr. CLAY and others, but Mr. PLATTS and Mr. BURTON.

The act said that these records would be available to researchers and the general public in a timely manner. This was the rule for over two decades, but in 2001, President George W. Bush issued an executive order that turned the Presidential Records Act on its head and gave Presidents the authority to keep their records out of the public eye.

The Bush order gives both current and former Presidents nearly unlimited authority to withhold Presidential records from public view or to delay their release indefinitely. It allows a designee of former Presidents to assert executive privilege after the President's death, and for the first time, it gives former Vice Presidents the authority to assert privilege over their own documents. In short, this gives former Presidents and their heirs the ability to control their legacy and determine what information will be available to history.

That undermines the entire purpose of the Presidential Records Act. Historians and scholars need access to Presidential records so that there is an accurate record of a President's term in office and not an alleged version based on what the President chooses to share.

During Sunshine Week this bill fits in so well, because it would make sure that information about government and government activities is open to public scrutiny. It is an essential component of this open government agenda.

I urge my colleagues to support this legislation, protect historical research, and vote for this bill.

Mr. TURNER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during subcommittee hearings last week, the Archivist of the United States, Allen Weinstein, testified that Executive Order 13233 has "added to the endemic problem of delay that NARA faces from the PRA in the processing of Presidential records."

Tom Blanton of the National Security Archive testified that the order already has added 5 years to the response time for records from the Reagan library and violates the letter and spirit of the PRA.

Presidential historian Robert Dallek urged Congress to rescind the order, stating, "President Bush's order carries the potential for an incomplete and distorted understanding of past Presidential decisions, especially about controversial actions with significant consequences."

"It is understandable," said Dr. Dallek, "that every President and his heirs wants to put the best possible face on his administration, but an uncritical or limited reconstruction of our Nation's history does nothing to serve its long-term national interest."

Mr. Speaker, the long-term national interest demands that the American people know how and why important decisions are made at the highest level of our government. This straightforward and bipartisan legislation would ensure that this will be the case by requiring that Presidential records will be treated as the property of the American people.

Mr. Speaker, I urge all of my colleagues to support the bill as reported by the Committee on Oversight and Government Reform.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as the gentleman from California (Mr. WAXMAN) may consume.

Mr. WAXMAN. Thank you very much for yielding to me.

Mr. Speaker, history is important because it informs us of events of the past, so we can learn from those events, not to make the same mistakes or to follow good examples that turned out to be successful. History always is an ongoing process. It is a process of looking at facts and reinterpreting those facts, often in light of current events and matters that are before the researchers at the present time.

But there are those who would like to rewrite history for their own purposes, and to the extent that we can keep that from happening, I think this bill goes a long way. It would allow the records, the raw information, to be available, let those who want to interpret those events do so as they see fit; and in doing so, by making these records available to scholars and the public, we can find out the information that we didn't know at the time the events were taking place: what motivated certain decisions, what other factors were being considered, what was going on that led to certain conclusions.

There are books now being written about the present day, how we got into Iraq, what we had hoped to do, what we still hope we can accomplish, what the thinking was of those who led us into the adventure. Many of the books have been praiseworthy, and most of them have been quite critical. But it won't be until the judgment of history that we will be able to fill in many of the gaps that remain.

So, at some point, Presidential records help scholars fill in those gaps. That is why I think it is so worthwhile to have this information available, at least at a time when there is some historical perspective. Many times it is after the President has passed on, but certainly long after the President's administration.

During the Nixon period, President Nixon thought that the records belonged to him, and he sought, as I recall, a tax break for donating his records to a nonprofit organization. He felt he could control those records.

Well, I think the American people looked at that and said, wait a minute, some things are his, the President's, to do with as he sees fit, but some things don't really belong to him.

□ 1115

They belong to the American people. They belong to scholars. They belong to history. And the Presidential Records Act was adopted because of that concern. It has worked well for several decades, and it is only when we saw the executive order presented by President George W. Bush that some of the concerns have been raised because that Presidential order overturned the one that was put into effect by President Reagan implementing the post-Watergate legislation.

So I wanted to use this additional time to give some historical background to this matter. We heard from many scholars, as the chairman of the subcommittee indicated, who set out the reasons why they thought it was important to be able to get this information, the Archivist, Mr. Weinstein, Presidential scholars like Mr. Dallek and Mr. Reeves, particularly, who have written about recent Presidents, urged us to adopt this legislation. And I am pleased that now we are considering it. And it is important, it is a good government bill, and we are doing it in the appropriate way, in a bipartisan spirit where we vote together on the committee. And I commend all those involved. And I know now, because I have just been informed, that the next bill is ready for consideration of the House.

Mr. CLAY. Mr. Speaker, I want to thank the chairman of our committee for those anecdotes and his knowledge of history.

I also want to thank the ranking member from Ohio for his cooperative spirit of allowing the sunshine in on this bill and the other bills that we have been discussing today.

And I just want to close by urging all of my colleagues to vote in support of H.R. 1255, the Presidential Records Act Amendments of 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1255, the "Presidential Records Act Amendments of 2007," which vitiates an Executive order issued in 2001 by President Bush that unreasonably and severely restricts public access to Presidential records. By negating that Executive order, we win a great victory for open government.

Under the Presidential Records Act, Presidential records are supposed to be released to historians and the public 12 years after the end of a Presidential administration. Shortly after taking office in 2001, President Bush issued Executive Order 13233, which overturned President Reagan's Executive order and gave current and former Presidents and Vice Presidents broad authority to withhold Presidential records or delay their release indefinitely. H.R. 1255 will nullify the Bush Executive order and establish procedures to ensure the timely release of Presidential records.

Under the Bush Executive order, the Archivist of the United States must wait for both the current and former President to approve the release of Presidential records, a review process that can continue indefinitely. Under the bill, the current and former President would have a set time period of no longer than 40 business days to raise objections to the release of these records by the Archivist.

Mr. Speaker, another salutary feature of H.R. 1255 is that it limits the authority of former Presidents to withhold Presidential records. To prevent the release of his records under the regime established by President Reagan's Executive order, a former President was required to request the incumbent President to assert the claim of executive privilege. If the incumbent President decided not to assert executive privilege, however, the records would be released unless the former President succeeded in obtaining a court order upholding the assertion of privilege and enjoining disclosure.

The regime established by President Bush's Executive order turned this process on its head. It requires the incumbent President to sustain the executive privilege claim of the former President unless a person seeking access could persuade a court to reject the claim. In effect, the Bush order gave former Presidents virtually unlimited authority to withhold Presidential records through assertions of executive privilege. H.R. 1255 restores the Reagan approach, giving the incumbent President the discretion to reject ill-founded assertions of executive privilege by former Presidents.

Mr. Speaker, under President Bush's Executive order regime, claims of executive privilege could be asserted to defeat disclosure even after the death of a former President by his heirs, assigns, and descendants. The practical effect of eliminating the requirement that the former President had to assert the privilege personally is to extend the time in which Presidential records may be withheld in perpetuity.

H.R. 1255 makes clear that the right to claim executive privilege is personal to current and former Presidents and does not survive the death of the former President.

Mr. Speaker, perhaps the most egregious aspect of President Bush's Executive order is that it authorized former Vice Presidents to assert executive privilege claims over Vice Presidential records. If the authority to assert such a claim is left undisturbed, the public will never learn what really went on behind the closed doors of Vice President CHENEY's secret energy task force or the White House Iraq Group's marketing campaign to sell the Iraq War to the Congress and the American people. That is why I support the provision in H.R. 1255 limiting the right to assert executive privilege over Presidential records only to Presidents and former Presidents.

Mr. Speaker, I strongly support H.R. 1255 and urge all my colleagues to join me in supporting this legislation amending the Presidential Records Act to nullify the Bush Executive order and establish procedures to ensure the timely public release of Presidential records.

Mr. UDALL of Colorado. Mr. Speaker, as a proud cosponsor of this bill—and of similar legislation since shortly after I was first elected to Congress—I strongly support its approval by the House.

The bill amends the Presidential Records Act of 1978 to establish a clear and equitable process enabling incumbent and former Presidents to review records prior to their public release under the act and determine whether to assert constitutional privilege claims against release of the records.

Importantly, it would revoke an Executive order issued by President George W. Bush in 2001 that overturned rules set by President Ronald Reagan. By that order, President Bush has sought to give himself and Vice President CHENEY—as well as former Presidents and Vice Presidents—broad authority to withhold Presidential records or delay their release indefinitely. I do not think that order should be allowed to stand.

The Presidential Records Act was enacted in 1978 after the Watergate scandal and the subsequent resignation of President Nixon. It makes clear that Presidential records belong to the American people, not to the President, and required the Archivist of the United States—who was given custody of the records—to make the records available to the public as rapidly and completely as possible consistent with the provisions of the law.

The act first applied to the records of former President Ronald Reagan. In 1989, he issued an Executive order requiring the Archivist to give the incumbent and former Presidents 30 days notice before releasing Presidential records, with the records to be released after that unless the incumbent or former President claimed executive privilege, or unless the incumbent President instructed the Archivist to extend the period indefinitely. If the incumbent President decided to invoke executive privilege, the Archivist would withhold the records unless directed to release them by a final court order. If the incumbent President decided not to support a former President's claim of privilege, the Archivist would decide whether or not to honor the claim.

Before he left office, President Reagan used his authority under the act to restrict access to some of his records for 12 years, a period that expired in January 2001.

In February 2001, the Archivist provided the required 30-day notice of his intent to release about 68,000 pages of former President Reagan's records. In March, June, and August of 2001, the counsel to President Bush instructed the Archivist to extend the time for claiming executive privilege. And then, in November 2001, President Bush issued a new Executive order extending the review period for former Presidents to 90 days and allowing a former President to extend it indefinitely. In addition, that order allows an unlimited review period for the current President and requires the Archives to honor the assertions of executive privilege made by either the incumbent or a former President—even if an incumbent President disagrees with the former President's claim. And, while the Reagan order said records were to be released on a schedule unless action occurred, the Bush Executive order says records will be released only after actions by the former and current Presidents have occurred—so, secrecy, not disclosure, is the rule. Also, the Bush Executive order allows designees of a former President to assert privilege claims after that President's death and authorizes former vice Presidents to assert executive privilege claims over their records.

Mr. Speaker, when we think what difference the release of the Kennedy, Johnson, and Nixon tapes has made in our understanding of the decision-making on Vietnam we can see how much could be lost if representatives of the Reagan, Clinton, and current Bush administrations in the future can hold back any and all documents related to Iran-contra, the first gulf war, the way the Clinton administration responded to intelligence about a potential Al Qaeda attack, or the current administration's decisions about Iraq.

It is understandable that every President and his or her heirs wants to put the best possible face on his administration, but an edited and airbrushed version of history is not something that will serve our long-term national interest.

H.R. 1255 would nullify Executive Order 13233 and establish procedures to ensure the timely release of Presidential records.

It requires the Archivist to give advance notice to former and incumbent Presidents before records are released so they can review the records and decide whether to claim privilege and provides for withholding of material for which the incumbent President claims privilege. The bill also clarifies that the incumbent and former Presidents must make privilege claims personally and that a right to claim executive privilege cannot be bequeathed to assistants, relatives, or descendants. And the bill eliminates executive privilege claims for vice Presidents, restoring the long-standing doctrine that the right to executive privilege over Presidential records is held only by Presidents.

Mr. Speaker, this is a fair, balanced, and essential bill. I strongly urge its approval.

Mr. TOM DAVIS of Virginia. Mr. Speaker, this legislation establishes a statutory process under which incumbent and former Presidents could, within specified time limits, review records prior to their release, and determine whether to personally assert constitutional privilege claims against release of the records.

This legislation is identical to legislation introduced in a prior Congress and approved by the Committee under the leadership of the gentleman from Indiana, Mr. BURTON.

During consideration of the bill before us, the Committee approved my amendment to close a loophole in the Presidential Records Act. Current law allows those individuals previously convicted of a crime relating to mishandling Archives records to continue to have special access to Presidential records. My amendment states that the Archivist shall not make available any original Presidential records to any individual claiming access as a designated representative under statute, if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of Archives records.

As I noted in Committee, we should take the simple step of blocking access to original Presidential records if you've been convicted of crime related to Archives records.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I urge all Members to vote in support of passage of H.R. 1255, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1309) to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes, as amended.

The Clerk read as follows:

H.R. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Freedom of Information Act Amendments of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Protection of fee status for news media.
Sec. 4. Recovery of attorney fees and litigation costs.
Sec. 5. Disciplinary actions for arbitrary and capricious rejections of requests.
Sec. 6. Time limits for agencies to act on requests.
Sec. 7. Individualized tracking numbers for requests and status information.
Sec. 8. Specific citations in exemptions.
Sec. 9. Reporting requirements.
Sec. 10. Openness of agency records maintained by a private entity.
Sec. 11. Office of Government Information Services.
Sec. 12. Accessibility of critical infrastructure information.
Sec. 13. Report on personnel policies related to FOIA.
Sec. 14. Promotion of public disclosure.
Sec. 15. Requirement to describe exemptions authorizing deletions of material provided under FOIA.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), "The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.";

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a "strong presumption in favor of disclosure" as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) "disclosure, not secrecy, is the dominant objective of the Act," as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the "need to know" but upon the fundamental "right to know".

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

"In making a determination of a representative of the news media under subclause (II), an agency may not deny that status solely on the basis of the absence of institutional associations of the requester, but shall consider the prior publication history of the requester. Prior publication history shall include books, magazine and newspaper articles, newsletters, television and radio broadcasts, and Internet publications. If the requestor has no prior publication history or current affiliation, the agency shall consider the requestor's stated intent at the time the request is made to distribute information to a reasonably broad audience.”.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United State Code, is amended by adding at the end the following: “For purposes of this section only, a complainant has substantially prevailed if the complainant has obtained relief through either—

“(i) a judicial order, administrative action, or an enforceable written agreement or consent decree; or

“(ii) a voluntary or unilateral change in position by the opposing party, in a case in which the complainant's claim or defense was not frivolous.”.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from the amendments made by this section. Any such amounts shall be paid only from funds annually appropriated for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting “(i)” after “(F)”; and

(2) by adding at the end the following:

“(ii) The Attorney General shall—

“(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

“(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

“(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).”.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking “determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request” and inserting “within the 20-day period commencing on the date on which the request is first received by the agency (excepting Saturdays, Sundays, and legal public holidays), which shall not be tolled without the consent of the party filing the request, determine”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) APPLICABILITY OF AGENCY FEES.—

(1) LIMITATION.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

“(viii) An agency shall refund any fees collected under this subparagraph if the agency fails to comply with any time limit that applies under paragraph (6). Such refunds shall be paid from annual appropriations provided to that agency.”.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and shall apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

“(7) Each agency shall—

“(A) establish a system to assign an individualized tracking number for each request for information under this section;

“(B) not later than 10 days after receiving a request, provide each person making a request with the tracking number assigned to the request; and

“(C) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

“(i) the date on which the agency originally received the request; and

“(ii) an estimated date on which the agency will complete action on the request.”.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

“(A) if enacted after the date of enactment of the Freedom of Information Act Amendments of 2007, specifically cites to this section; and

“:(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;”.

SEC. 9. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT REQUIREMENTS.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “fiscal year and which” and inserting “fiscal year. Information in the report shall be expressed in terms of each principal component of the agency and for the agency overall, and”;

(2) in subparagraph (B)(ii), by inserting after the first comma the following, “the number of occasions on which each statute was relied upon,”;

(3) in subparagraph (C), by inserting after “median” the following: “and average”;

(4) in subparagraph (E), by inserting before the semicolon the following: “, based on the date on which each request was initially received by the agency”; and

(5) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively, and inserting after subparagraph (E) the following new subparagraphs:

“(F) the average number of days for the agency to respond to requests beginning on the date on which each request was initially received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

“(G) based on the number of business days that have elapsed since each request was initially received by the agency—

“(i) the number of requests for records to which the agency has responded with a determination within a period greater than 1 day and less than 201 days, stated in 20-day increments;

“(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

“(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

“(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

“(H) the average number of days for the agency to provide the granted information beginning on the date on which each request was initially received by the agency, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

“(I) the median and average number of days for the agency to respond with a determination to administrative appeals based on the date on which each appeal was initially received by the agency; the highest number of business days taken by the agency to respond to an administrative appeal; and the lowest number of business days taken by the agency to respond to an administrative appeal;

“(J) data on the 10 active requests with the earliest filing dates pending at the agency, including the amount of time that has elapsed since each request was initially received by the agency;

“(K) data on the 10 active administrative appeals with the earliest filing dates pending at the agency as of September 30 of the preceding year, including the number of business days that have elapsed since each request was initially received by the agency;

“(L) the number of expedited review requests received by the agency, the number that were granted and the number that were denied, the average and median number of days for adjudicating expedited review requests, and the number of requests that adjudicated within the required 10 days;

“(M) the number of fee waiver requests that were granted and the number that were denied, and the average and median number of days for adjudicating fee waiver determinations;”.

(b) AVAILABILITY OF RAW STATISTICAL DATA.—Section 552(e)(2) of title 5, United States Code, is amended by adding after the period the following: “In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.”.

SEC. 10. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) ‘record’ and any other term used in this section in reference to information includes—

“(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

“(B) any information described under subparagraph (A) that is maintained for an agency by an entity under a contract between the agency and the entity.”.

SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Chapter 21 of title 44, United States Code, is amended by inserting after section 2119 the following new section:

"§2120. Office of Government Information Services

"(a) IN GENERAL.—There is established in the National Archives an office to be known as the 'Office of Government Information Services'.

"(b) NATIONAL INFORMATION ADVOCATE.—

"(1) IN GENERAL.—The Office of Government Information Services shall be under the supervision and direction of an official to be known as the 'National Information Advocate' who shall report directly to the Archivist of the United States.

"(2) FUNCTIONS OF OFFICE.—

"(A) GUIDANCE FOR REQUESTERS.—

"(i) IN GENERAL.—The Office of Government Information Services shall provide, as a non-exclusive alternative to litigation, guidance to FOIA requesters.

"(ii) TYPES OF GUIDANCE.—In providing such guidance, the Office shall provide informal guidance to requesters and may provide fact-finding reviews and opinions to requesters. All reviews and opinions shall be nonbinding and shall be initiated only on the request of FOIA requesters.

"(iii) AVAILABILITY.—Any written opinion issued pursuant to this section shall be available on the Internet in an indexed, readily accessible format.

"(iv) FOIA REQUESTERS.—In this paragraph, the term 'FOIA requester' or 'requester' means a person who has made a request under section 552 of this title and who has been denied records or has not received a timely response to the request or to an administrative appeal.

"(B) ANALYSES OF AGENCY OPERATIONS.—The Office of Government Information Services shall—

"(i) review polices and procedures of administrative agencies under section 552 of this title and compliance with that section by administrative agencies; and

"(ii) recommend policy changes to Congress and the President to improve the administration of section 552 of this title, including whether agencies are receiving and expending adequate funds to ensure compliance with that section.

"(3) IMPACT ON REQUESTER ACCESS TO LITIGATION.—Nothing in this section shall affect the right of requesters to seek judicial review as described in section 552 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by inserting after the item relating to section 2119 the following:

"2120. Office of Government Information Services.".

SEC. 12. ACCESSIBILITY OF CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Not later than January 1 of each of the 3 years following the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation and use of section 214 of the Homeland Security Act of 2002 (6 U.S.C. 133), including—

(1) the number of persons in the private sector, and the number of State and local agencies, that voluntarily furnished records to the Department under this section;

(2) the number of requests for access to records granted or denied under this section;

(3) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats; and

(4) an examination of whether the nondisclosure of such information has led to the increased protection of critical infrastructure.

(b) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 13. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate;

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 14. PROMOTION OF PUBLIC DISCLOSURE.

Section 552 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The policy of the Federal Government is to release information to the public in response to a request under this section—

"(A) if such release is required by law; or

"(B) if such release is allowed by law and the agency concerned does not reasonably foresee that disclosure would be harmful to an interest protected by an applicable exemption.

"(2) All guidance provided to Federal Government employees responsible for carrying out this section shall be consistent with the policy set forth in paragraph (1).".

SEC. 15. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter appearing after paragraph (9)—

(1) in the second sentence, by inserting after "amount of information deleted" the following: ", and the exemption under which the deletion is made,"; and

(2) in the third sentence, by inserting after "amount of the information deleted" the following: ", and the exemption under which the deletion is made,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, as chairman of the Oversight Subcommittee on Information Policy, Census and National Archives, and lead sponsor of the Freedom of Information Act Amendments of 2007, I strongly urge my colleagues to support H.R. 1309.

H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act, or FOIA, as it is referred to.

Introduced with my colleagues Representative WAXMAN, chairman of the full Committee on Oversight and Government Reform, and Representative PLATTS, this bipartisan legislation is necessary to strengthen FOIA as a tool for enabling public access to government records.

During a hearing in February, the subcommittee heard extensive testimony concerning long delays and bureaucratic obstacles experienced by requesters when trying to obtain government records under FOIA.

According to testimony from GAO, most agencies throughout the government are failing to keep pace with the volume of requests they are receiving, the number of pending requests carried over from year to year has been steadily increasing, and the rate of increase is growing.

A report released on Monday by the nonprofit National Security Archive further highlights the failure of agencies to make information available to the public in a timely way. According to the report, just 22 percent of agencies are complying with the 1996 "e-FOIA law," which requires agencies to post frequently requested information on their Web sites.

An insufficient level of resources available for FOIA processing is one reason requesters are being forced to wait long periods of time for responses from agency FOIA offices. Another factor is the current administration's policy of withholding government information that would have been released under previous administrations. Government secrecy has increased as the volume of requests has gone up dramatically.

Building on the OPEN Government Act introduced in the last Congress by

Senators CORNYN and LEAHY and Representative LAMAR SMITH, H.R. 1309 contains 13 substantive provisions aimed at removing obstacles to complete and timely government responses to FOIA requests.

The bill would re-establish the policy of the Clinton administration, under which agencies were directed to disclose requested information unless the disclosure would result in some harm. The current administration has encouraged agencies to be more aggressive in asserting statutory exemptions to deny FOIA requests.

In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time consuming litigation.

Other key provisions include: A requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties; the establishment of a publicly accessible tracking system for pending FOIA requests; and new reporting requirements to allow Congress to evaluate agency compliance with FOIA laws and regulation.

In conclusion, Mr. Speaker, H.R. 1309 provides a strong, reasonable and bipartisan approach to streamlining the FOIA process and increasing transparency in government. It has the vigorous support of every major organization representing the media industry, journalists, historians, archivists and the public interest in government openness and accountability.

We owe it to our constituents to pass this legislation and ensure that the Freedom of Information Act provides actual access to government information to which the American people are entitled.

I urge all of my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself as much as I may consume.

Mr. Speaker, we have a bit of irony in play here on the House floor. This week the Democratic leadership has declared it Open Government Week. Open Government Week as we take up amendments to the Freedom of Information Act, an act that is incredibly important as a tool for us to hold our government accountable because it gives people the opportunity to access information that can be reviewed by people to determine what action needs to be taken.

But, unfortunately, in the middle of this Open Government Week we have a bill that is coming to the floor, not the bill that went to the committee, not the bill that went through the subcommittee hearings, but an amended bill that has not been reviewed, and was handed to us 10 minutes ago.

Now, the reason why bills come on the Suspension Calendar where we agree to suspend the rules is because they are bills that have been fully vetted, that have openness to them, and that people are aware of what they are and have the opportunity to review them when we have an understanding that more than a majority of this House supports what is in that bill.

But today, without prior notice, and 10-minute amendments to the bill, we have a bill that we are currently reviewing to determine what changes have been made and what the implications would be.

Some of the speakers on the other side of the aisle talked about in Open Government Week that we wanted to make certain that there weren't backroom deals that were being made. Well, clearly the bill, unfortunately, that comes before us on the Freedom of Information Act is the product of a backroom deal where the majority of this House is going to be left with reviewing it to determine what is in it after it had come through our committee and subcommittee.

So my comments about this bill will be about the one that came from the committee and the subcommittee that the subcommittee Chair and the chairman worked so hard in a bipartisan way to bring to this floor.

I know others on this side of the aisle will be reserving their comments for the areas of the bill where it has been modified, where the backroom deals have been made. And we are all unaware of its impact.

The Freedom of Information Act is a popular tool for inquiry for the press, researchers, business, attorneys, activists. But most importantly, it remains a tool for the citizen. Improving the procedural aspects of the act is certainly a worthy goal.

Legislation designed to streamline and improve the Freedom of Information Act process was introduced last Congress by the gentleman from Texas (Mr. SMITH). His bill, H.R. 867, has moved through subcommittee to the full committee. This was a solid bipartisanship bill that Republicans introduced and guided through the legislative process. This year the majority took that bipartisanship bill and made a few changes.

Republicans offered two amendments that were not included in the reported bill. First, the attorneys' fee provision appears to significantly lower the bar for the recovery of fees, making it easier for those seeking information from the Federal Government to recover legal fees.

The language in this bill differs from that in H.R. 867. The Supreme Court has ruled on this matter in the Buckhannon case, and now some fear the effect of this decision, what it might have on their ability to get attorneys' fees.

The language of section 4 of this bill would make plaintiffs eligible for attorneys' fees in almost any case, so long as they can show that the defending government agency somehow changed its position once the case had commenced. I hope we can closely consider the rationale behind this provision, and its implications for the numerous Federal statutes providing for attorneys' fee awards where the United States or a Federal agency or official is a party. You have to assume that if this is the provision that passes, everyone litigating under any private right of action will clamor for the same favorable legislative treatment.

An amendment was offered in committee to strike section 4 to preserve settled judicial precedent regarding attorneys' fees and highlight this issue. I hope my colleagues in the House and the other body will take a close look at this section as the legislation moves forward.

Second, the majority has taken to heart various groups' concerns about the so-called Ashcroft memo. During President Clinton's administration, Attorney General Janet Reno issued a memorandum establishing a presumption of disclosure if no foreseeable harm would result from the release of information.

Shortly after 9/11, and recognizing the challenges of the standard and the challenges that we face in the global war on terror, Attorney General Ashcroft issued a memorandum that encouraged agencies to carefully consider the protection of the values of interest embodied in the statutory exemptions to FOIA when making disclosure determinations.

I understand that there are serious concerns with this section, and I understand the gentleman from Texas (Mr. SMITH) will speak on this bill and this provision.

Nevertheless, I hope that we continue to balance the need for open government with the need to protect information vital to national security and homeland security, and I hope we keep in mind the importance of individual privacy throughout this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I yield 5 minutes to the distinguished chairman from California, Mr. WAXMAN.

Mr. WAXMAN. Thank you very much, Mr. CLAY, the chairman of the subcommittee, and I thank the gentleman from Ohio, the ranking member of the subcommittee.

Mr. Speaker, I first of all have to express my regret in response to the complaint that, while we have openness in government, we had an amendment to this bill suddenly presented to the minority.

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And let me explain why that happened. The legislation before us was completely bipartisan in committee. I don't think anybody voted against the bill passing out of our committee, for all the reasons that both the Chair of the subcommittee and the ranking member described, and I would like to get into those substantive issues as well, because this is the best known and most important of the freedom of information that people look to when they want to be able to find out what government is doing. It is called the Freedom of Information Act for that reason.

But we did not have presented to us in committee any objection to the fact that there is a score on this bill of $7 million. But because there is a score, we found out last night that there might be an objection to the bill; and we didn't want to have an objection to the bill, possibly cause people to come to the floor and vote against something as important as the Freedom of Information Act. So we added an amendment to the bill that simply provided that the $7 million, which, by the way, is only expended if the government is sued and loses and has to pay the penalty owed to people for withholding the information. But because there is a $7 million score, we added to this bill that there would be nothing paid unless there is an appropriation of that money. So the bill would not be scored as costing any money at all.

I wish we had more time to bring this to everyone's attention, but no one brought to our attention in the committee that there was concern about this score.

Nevertheless, this bill goes to the heart of the public's access to find out information about what its government is doing. And as we look at what we have designated "Sunshine Week," we are considering this legislation to improve and strengthen this vital law.

H.R. 1309 has been in effect for 40 years, but yet we have a dozen provisions that will increase public access to information under FOIA. These provisions will help FOIA requesters obtain timely responses to their requests, reduce the backlogs at agencies, increase transparency in agency compliance, and provide an alternative to litigation for requesters who are facing delays or denials.

In addition, this bill will restore an important element of the Freedom of Information Act, the presumption of disclosure. Through memoranda issued in 2001 and 2002, the Bush administration discouraged agencies from releasing any document if they could find a technical reason for withholding it. This bill before us today reverses this policy by codifying the presumption of disclosure. Under this bill, agencies will revert to their former policies that emphasized public disclosure and supported the withholding of information only when the agency could foresee a harm from disclosure. This is an important change that will ensure continued public access to government information.

The bill is a bipartisan bill, it is an important bill for openness in government, and I urge my colleagues to support the legislation.

Mr. TURNER. Mr. Speaker, I appreciate the chairman's description of that. I do want to note that my understanding of the applicable dates are that the markup of our bill occurred on March 8 and the CBO cost estimate I believe is dated March 12, which would explain perhaps why there were no objections in the committee.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I came to the floor to oppose the bill not on the merits of the FOIA policy, but on the grounds that this bill had a budget section 303 point of order against it and that it violated the new PAYGO rules we have before us.

This bill that we just now got 10 minutes ago, as we read it, we believe does not violate section 303 of the Budget Act or the PAYGO rules. But I think the point I would like to make is this: 10 minutes ago this bill did have a section 303 violation against it; 10 minutes ago this bill did violate the majority's own PAYGO rules they put in place less than 10 months ago. And it scores not just a $7 million, but a $63 million increase over 10 years. So $63 million over 10 years is a lot of money. And given the fact that this new amended bill, as it appears as we read it, does have the required language, subject to appropriations, that it is not out of order, it doesn't waive the PAYGO rules because it does pay for itself subject to appropriations.

I will withhold my objection, but I simply want to say to the majority this place would run a lot better if, when we put bills on the calendar and bring them to the floor, that they comply with the rules that the majority themselves put in place just 2 months ago with respect to PAYGO and with respect to the Budget Act. I just think the whole place would work a lot better if we do that. Then we get on to debating the merits of this legislation.

I think FOIA is an important tool. It needs to work better. I think there is a lot of merit to that point. But let's make sure that as we take a look at our budget problems, and they are enormous, our budget problems, if we can't make sure that bills that spend $63 million over 10 years can't comply with the Budget Act, can't comply with PAYGO, who is to say that bills that spend $2.9 trillion like our Federal budget can comply with it? So if we can't get the rules right on small bills, who is to say we are going to get the budget discipline rules right on the big bills?

Fiscal discipline starts one step at a time, starts one bill at a time. We have got to get fiscal discipline rules in place and right on small business, especially if this Congress is going to get our arms around our larger fiscal problems.

That is simply the point I want to make to the chairman.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me, and I just want to say what is seldom said on the House floor, that I agree with you. And we tried to correct the problems so that we didn't make the error that would have violated our PAYGO principles. And I thank the gentleman for pointing it out, and I think you have raised a very good point and we should all be mindful of it, including the points about the deficit, which I strongly think we need to deal with. So we will have differences about that, but I do want to show my agreement with your basic statement.

Mr. RYAN of Wisconsin. I appreciate the gentleman.

Mr. CLAY. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I appreciate my colleague from Ohio yielding me time, and I also want to thank Ranking Member TOM DAVIS and Chairman HENRY WAXMAN for their hard work on this issue. I know how strongly they feel about the need for more open government, and I and many others appreciate their efforts.

The process for obtaining government information is overly burdensome, and Federal agencies have become less and less responsive to requests for information. This deters citizens from obtaining information to which they are entitled.

H.R. 1309, the Freedom of Information Act Amendments of 2007, has much to recommend it, but it contains at least one fatal flaw, the statutory presumption of disclosure. For that reason, I oppose this legislation.

The presumption of disclosure would reverse the FOIA guidelines set out by former Attorney General John Ashcroft. Shortly after September 11, 2001, then-Attorney General John Ashcroft directed that FOIA be used to ensure an open and accountable system of government while at the same time protecting national security and personal privacy.

The directive encouraged agencies, when making a decision on discretionary disclosure, to carefully consider whether national security, privacy, and government's interest would be jeopardized.

Unfortunately, this bill only exacerbates national security and personal privacy concerns. Instead of allowing agency discretion regarding national security concerns, this statutory language would mandate the release of information if the information does not blatantly fall under an existing exemption.

For instance, under the bill's language there is no discretion to determine whether the information requested will invade personal privacy. Also, if information requested is required by FOIA to be released, under this language it could tip off a terrorist to an investigation that is being conducted. So the bill could set in motion events that could compromise our national security.

Last year, neither the House nor Senate bipartisan legislation included this questionable presumption of disclosure language. It is my understanding that this year's bipartisan Senate version also will not include this questionable language. And, furthermore, Mr. Speaker, the administration opposes this provision, too.

There is no good reason to support a flawed bill, and I encourage my colleagues to oppose it.

Mr. Speaker, I would ask unanimous consent to have the statement of opposition by the administration be made a part of the RECORD.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1309—FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007—(REP. CLAY (D) MISSOURI AND TWO COSPONSORS)

The Administration shares the goals of H.R. 1309 of increasing the timeliness of Freedom of Information Act, FOIA, responses and ensuring a customer-oriented approach to FOIA processing. The Administration has been pursuing these goals, and will be continuing to pursue them, through the strong management review and reforms that the President directed 15 months ago in the first-ever Executive Order on FOIA—Executive Order 13392, "Improving Agency Disclosure of Information"—which he signed on December 14, 2005.

However, the Administration cannot support H.R. 1309. The Administration believes it would be premature and counterproductive to the goals of increasing timeliness and improving customer service to amend FOIA before agencies have had sufficient time to implement the FOIA improvements that the President directed them to develop, put into place, monitor, and report on during FYs 2006 and 2007. For example, as explained below, several of the bill's provisions would impose substantial administrative and financial burdens on the Executive Branch. These provisions could result in slower, not faster, agency processing of FOIA requests, and the personnel and funds needed to implement them would have to come from existing agency resources. Moreover, the agency reports that were issued last summer, and the improvement plans that are being implemented, illustrate that the challenges that agencies face in responding to FOIA requests are often unique to each agency and, therefore, require agency-tailored reforms, not a government-wide, one-size-fits-all legislative approach.

The Administration's specific concerns with the bill include the following.

The Administration strongly opposes expanding the definition of "representative of the news media." The bill would exempt a larger class of requesters from the obligation to pay fees assessed for searching for responsive documents. Expanding the definition would have serious fiscal consequences for the Executive Branch. Moreover, with no requirement that requesters pay search fees, they have no incentive to tailor their requests and will likely make overly broad requests, which, in turn, will stretch agency resources and increase the time it takes to process all requests. Further, under current law, agencies have authority to waive or reduce fees upon a determination that disclosure of information will contribute significantly to public understanding.

The Administration also strongly opposes reinstating the so-called "catalyst theory" for the reimbursement of FOIA litigation fees. The Administration is concerned that its reinstatement would serve as a disincentive to an agency's voluntarily revisiting decisions and improving procedures with respect to FOIA requests, because doing so could make the agency liable for a complainant's legal fees. Furthermore, the bill could be interpreted to include an "administrative action" through the FOIA appeals process as a possible means by which a requester can obtain "relief" that would justify attorneys fees. Such an interpretation would be a major departure from long-standing administrative law practice and would severely undercut the traditional function of the administrative appeal process, which is designed to provide the requester with an avenue of further review at the agency, thereby reducing the likelihood of a lawsuit. If this provision covers relief provided at the administrative appeal stage, this could increase the FOIA program costs dramatically and would serve as a disincentive to release records at the administrative appeal stage.

The Administration strongly opposes commencing the 20-day time limit for processing FOIA requests on the date that the request "is first received by the agency," and preventing the collection of search fees if the timeline is not met. This provision represents a very significant change from current practice in which the 20-day clock begins once the appropriate element of an agency has received the request in accordance with the agency's FOIA regulations. The provision fails to take into account the complexity of many requests, the need to consult with other Executive Branch entities, or the need to search for records in multiple locations, including at Federal records centers. As noted above, the Executive Order requires agencies to implement improvement plans specifically focused on eliminating or reducing any backlog of FOIA requests, and the Justice Department's preliminary review of the agencies' annual reports indicates that some agencies have already realized meaningful backlog reductions.

The Administration is opposed to the creation of an "Office of Government Information Services" within the National Archives and any intent that the proposed Office would be given any sort of policymaking role with respect to FOIA compliance. The FOIA compliance function remains appropriately placed with the Department of Justice, the lead agency in implementing Executive Order 13392.

Finally, the Administration strongly opposes the provision in the bill that appears to be an attempt to repeal Attorney General Ashcroft's FOIA Memorandum and return to Attorney General Reno's pre-9/11 FOIA guidance. The Administration believes that the structure of the FOIA reflects the appropriate balance between the public's right to know how the government is operating and the equally important need to safeguard certain information, such as that pertaining to personal privacy or homeland security.

Mr. CLAY. Mr. Speaker, at this time I yield 4 minutes to my distinguished colleague from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership, along with Mr. WAXMAN, on working on so many sunshine bills to make government more open and accountable to the citizens, to our taxpayers, to the American public. And an important part of sunshine is the Freedom of Information Act Amendments, it is a tremendously important bill, H.R. 1309, of 2007.

Since coming to Congress, I have been working on this committee, and improved FOIA processes which are critical to an open government and making our government more transparent is very fundamental to our democracy.

We have made improvement over the years, and I am pleased to have been one of the authors of the Electronic Freedom of Information Act of 1996. This important law was intended to make FOIA more efficient by providing public access to information, including in an electronic format.

The Oversight and Government Reform Committee, of which I am a member, has held many hearings on FOIA over the past few years, and we have learned that it has not progressed as well as we had hoped. Some agencies and Departments are doing a better job of fulfilling freedom of information requests, while some continue to have terrible records and lag far, far behind. Requesters often wait months or years to find out the status of their requests or to obtain the information. And I am pleased that we have report language that clarifies that they have to get back quickly on requests and at least let them know where they are.

As a result, the backlogs at agencies and Departments continue to grow, and frequently the only recourse for the denial of requested information is to file lawsuits. But many people, many Americans cannot afford the high costs associated with court costs. So by not moving in a timely manner, you are depriving them of this information.

H.R. 1309 includes many important provisions that my colleagues have spoken about and that I hope will improve the process and eliminate the problems that exist in today's system, including an amendment that I offered in committee that would provide for greater disclosure to the FOIA requester about the exemption under which a deletion has been made from requested material.

I often hear from constituents, they come to my office with piles of FOIA requests and like the whole thing is redacted and there is absolutely no explanation why. This is really not fair.

and we hope that this amendment will improve the process.

I am pleased that it was accepted in a bipartisan way by Ranking Member DAVIS and Ranking Member TURNER. I really feel this legislation is long overdue, and I commend Chairman WAXMAN and Ranking Member DAVIS and Chairman CLAY and Ranking Member TURNER for bringing this bipartisan legislation to the floor with the many other very important sunshine bills to make our government more open and accountable to the American public.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I rise in support of H.R. 1309, the Freedom of Information Act Amendments of 2007.

Open and accountable government make up the cornerstones of good government. This legislation before us today seeks to strengthen these cornerstones.

The Freedom of Information Act was signed into law over 40 years ago, in July 1966, enacted after 11 years of debate. FOIA established a statutory right of public access to executive branch information.

FOIA provides that any person has the right to obtain Federal agency records. Originally, the act included nine categories of information protected from disclosure, and Congress has added additional exemptions over time.

Balancing the need for open government with the needs to protect information vital to national security and personal privacy is a constant struggle. Federal Departments and agencies are operating in the post-9/11 information age and face 21st century security, information management, and resource challenges.

As we seek to achieve this balance we must remember the words of Thomas Jefferson who said, "Information is the currency of democracy." FOIA is an essential tool to ensure that the citizens of our great Nation have access to information in the way that Thomas Jefferson envisioned.

Over the past several years, the Government Reform Subcommittee on Government Management, Finance, and Accountability, on which I had the privilege to serve as Chair, conducted multiple hearings on FOIA implementation.

□ 1145

In response to legislative proposals introduced last session in the House and Senate, as well as the oversight conducted by the subcommittee, President Bush issued Executive Order 13392, entitled Improving Agency Disclosure of Information, on December 14, 2005. This document sought to improve the overall processing of FOIA requests, creating a more citizen-centered and results-oriented approach to information policy. And I certainly commend the administration for their efforts.

In response to that effort, though, we believed further work was needed. On September 27, 2006, the subcommittee marked up legislation very similar to that legislation before us here today. Specifically, the OPEN Government Act, introduced by my colleague from Texas, LAMAR SMITH, like the bill before us today, would close loopholes in FOIA, help requesters obtain more timely response, and provide FOIA officials with the tools they need to ensure that the Federal Government remains open and accessible.

While the legislation before us today includes provisions not included in Representative SMITH's legislation from last session and to which he is currently opposed, I certainly want to commend Representative SMITH for his leadership and dedicated efforts to improve the Freedom of Information Act and to make government more open and accountable.

I also want to thank Chairman WAXMAN of the full committee and subcommittee Chairman CLAY for their efforts in moving this legislation forward quickly and, as well, recognize Ranking Member DAVIS of the full committee and Ranking Member TURNER at the subcommittee for their efforts.

This legislation is about open and accountable government. I urge a "yes" vote.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to thank my colleagues on both sides of the aisle for working together on this bill to open up our government to the people of the United States. And I also want to thank Mr. SMITH, who has reservations about the bill, but I want to thank him for his leadership in championing the cause of freedom of information in this country.

I want to also thank my friend from Wisconsin for agreeing with us that the bill was modified since it came out of committee, and that modification was in order to eliminate the costs associated with the bill.

Let me say that H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act. The bill does several things: It would reestablish the policy of previous administrations under which agencies were directed to disclose requested information unless the disclosure could result in harm. In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time-consuming litigation.

It does several other things: There is a requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties. It establishes a publicly accessible tracking system for pending FOIA requests.

Mr. Speaker, in conclusion, H.R. 1309 provides a strong, reasonable, and bipartisan approach to streamlining FOIA and increasing transparency in government. I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho and a member of our subcommittee (Mr. SALI).

Mr. SALI. Mr. Speaker, I rise today because of my serious concerns with section 4 of H.R. 1309.

As I begin, let me emphasize that I support the intent of H.R. 1309. Transparency in government is an important priority. I campaigned on it and voted for the new ethics package that came before this House in early January with the hope that Congress might be more openly accountable to those who elected us.

This is a government of, by, and for the people, and the people deserve to know what their government is doing. Except for critical issues of national security policy, there must be a much better level of openness in the conduct of the Federal Government and the access of the American people to information about it.

However, section 4 of the bill before us, as it is currently drafted, appears to authorize Federal courts to award attorneys' fees to a plaintiff even when the opposing parties mutually reach and execute a settlement agreement.

The policy of FOIA is, and should be, to expedite and streamline production of documents falling within the statute. My concern is that when a Federal statute provides attorneys' fees after the parties mutually reach a voluntary settlement, it runs contrary to that very goal. Resolution short of protracted litigation should be encouraged, not discouraged. The current proposed language of section 4 of H.R. 1309 may have a devastating, perverse effect.

Second, the statute may further allow plaintiffs to receive attorneys' fees in almost any case they file so long as they can show that the defending government agency, for any reason, changed its position once the case had been commenced.

While it is true that FOIA complainants often face an uphill battle when they deal with a Federal agency, the language, as proposed, invites litigation instead of resolving it. Additionally, the legislation, as drafted, may actually undermine the stated "dominant objective" of the act by giving an incentive by Federal Departments to avoid disclosure.

The question this raises in my mind, Mr. Speaker, is that given the provisions of section 4 of the bill, why would any agency settle? As I read the bill, once a lawsuit is commenced, any change in position by a Federal Department or agency would be tantamount to an admission of liability for attorneys' fees. This would only encourage the filing of a myriad of lawsuits. If lawyers know they will make money no matter what the outcome, they will see this as a great opportunity to file, file, and file again. We will likely see a cottage industry for litigants who may not even care about the underlying documents.

Because of the concerns I have that the current proposal provides incentives to prolong litigation, I cannot support this measure in its current form. I regret that because I want to vote for any bill that prudently opens the door of government to those whom government represents, our fellow citizens. But the law of unintended consequences is at play here, and unless we strike section 4, we will see massive new litigation that will only clog the Federal docket, hamstring legitimate functions of government, and cost taxpayers potentially untold millions of dollars.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the Chair of our subcommittee, Mr. CLAY, for his thoughtful approach to hearings on this matter and his leadership in shepherding this bill. I want to thank Chairman WAXMAN for his efforts in having a very bipartisan discussion in the committee on the bill. He was very welcoming of the input from all of the committee members.

Unfortunately, though, here, right in the middle of Open Government Week, we have the irony that this is not the bill that both of these gentlemen worked so diligently on a bipartisan basis for in the committee and subcommittee. It has been amended, unfortunately, as the other side of the aisle decried, in a back room by Democratic leadership in order to make the bill conform to the rules of the House for it to be able to move forward.

In the middle of Open Government Week, what does that mean? Well, it means that while we all stand up here and talk about the importance of freedom of information, and freedom of information is important because it gives people the ability to hold their government accountable; but as we all discuss that, we have a bill that is going to be moving forward and come before this House that the members of the committee did not see, the members of the subcommittee did not see, that each of them is going to have to review and have to have their staff review, that members of the public at large who may have been following this bill in the professional community or average citizens who had an interest in it will go to a Web site and look at a bill that was approved by the committee and approved by the subcommittee, but unfortunately, is not the bill that is before us.

And it is not before us because in the middle of Open Government Week, the bill that was placed before us was amended without the participation of the committee, without the participation of the subcommittee, and without the participation of this body. We will all come to vote on a bill that has been amended in a back room by Democratic leadership.

You have heard that there are a number of concerns that people on this side of the aisle have about the bill. As you are aware, this bill began as a Republican bill offered by Mr. SMITH of Texas, H.R. 867. It has been modified in several ways about which individuals do have concern. But the underlying principle, freedom of information, that encourages effective government and encourages government to be responsive, is one that we all support and hold dear and certainly we should continue to support the Freedom of Information Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1309, the "Freedom of Information Act Amendments of 2007." This legislation contains a dozen substantive provisions that will increase public access to Government information by strengthening the Freedom of Information Act (FOIA).

Mr. Speaker, the principles embodied by FOIA are intended to make the Government, in President Lyndon B. Johnson's words, "as open as the security of the Nation permits." But in recent years, Federal agencies have come to look on FOIA requests as something to be prevented and obstructed, rather than welcomed and facilitated. The bill before us will help end that way of doing business.

Mr. Speaker, H.R. 1309 restores the presumption of disclosure to FOIA by making it clear that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee any harm from such a disclosure.

Mr. Speaker, under current law, agencies are required to respond to a request for information filed under the FOIA within 20 days but as we all know, delays and backlogs are all too common. H.R. 1309 makes this deadline meaningful by ensuring that the 20-day statutory clock runs immediately upon an agency's receipt of a request. The bill imposes consequences on Federal agencies for missing the deadline. For example, agencies are prevented from charging processing fees whenever they failed to meet the 20-working day response deadline.

The bill also requires agencies to provide requesters individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests.

Another important feature of the bill is that it strengthens agency reporting requirements to identify excessive delays and requires each agency to make the raw data used to compile its annual reports publicly available. Also, the bill requires the Government Accountability Office to report annually on the Department of Homeland Security's use of the broad disclosure exemption for "critical infrastructure information."

I also commend to Members another feature of H.R. 1309 that should reduce the need to resort to litigation. The bill creates the new position of FOIA Ombudsman to help FOIA requesters resolve problems without having to turn to the courts. The FOIA ombudsman will be located at the National Archives and will help requesters by providing informal guidance and nonbinding opinions regarding rejected or delayed FOIA requests. The FOIA ombudsman will also review agency compliance with FOIA.

Last, Mr. Speaker, H.R. 1309 makes it more feasible for citizen groups to challenge the improper withholding of Government information by expanding access to attorneys' fees for FOIA requesters who successfully challenge an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against Government officials who arbitrarily and capriciously deny disclosure.

Mr. Speaker, I strongly support H.R. 1309 and urge all my colleagues to join me in supporting this legislation that will restore public confidence in the administration of the executive branch of the Federal Government.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill, which will increase the transparency and accountability of the Federal Government by making a number of long-overdue revisions to the Freedom of Information Act, or FOIA.

The bill will reemphasize that disclosure is to be the rule, secrecy the exception. It will help people seeking documents to get timely responses, and improve transparency in agency compliance. It will reduce the need for people seeking documents to go to court, and provide accountability for agency decisions on whether to release requested information.

Mr. Speaker, the enactment of FOIA in 1966 was a watershed. It established as fundamental policy the principle that information within the government's control should be available and established a presumptive right for the public to obtain identifiable, existing records of Federal agencies. Anyone can use FOIA to request access to Government information. Requesters do not have to show a need or reason for seeking information, and the burden of proof for withholding requested material rests with the department or agency that seeks to deny the request. Agencies may deny access only to records, or portions of records, that fall within certain specific categories.

FOIA has been used effectively by journalists, public interest organizations, corporations, and individuals to access Government information. But the process could be better—because of delays and backlogs, requesters often have found it hard to learn about the status of their requests, and a recent Supreme Court decision has hampered requesters' ability to litigate their claims.

H.R. 1309 would address these and other concerns about the implementation of FOIA. It is a modest measure, but an important one that deserves the approval of the House.

That's especially true because, as the Rocky Mountain News noted in a recent editorial, "The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. . . . President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward."

For the information of our colleagues, I attach the complete text of that editorial:

[From the Rocky Mountain News, Mar. 13, 2007]

OPEN RECORDS UPGRADE

CONGRESS HAS CHANCE TO IMPROVE CRITICAL LAW

We welcome bipartisan efforts in Congress to beef up the Freedom of Information Act—the four-decade-old law that affords citizens access to the inner workings of the executive branch.

FOIA could certainly stand a little love, as open Government has been attacked many times since Lyndon Johnson signed the act into law July 4, 1966.

The revisions to FOIA in H.R. 1309, which could come before the full House as early as today, would both shine more light on the nooks and crannies of federal bureaucracies and force agencies to better respect the spirit of the law.

Here are a few of the improvements:

The Government would have to act on FOIA requests more quickly. Agencies that did not respond to a request within 20 business days would forfeit any copying and research fees; agencies are now supposed to respond within that period, but there are no penalties.

Federal departments would have to set up FOIA hotlines and individual tracking numbers so that people and organizations that file FOIA requests can easily follow the process.

Citizen journalists and freelancers would gain new credibility. An agency could no longer summarily deny FOIA requests from journalists who are not employed or under contract with established media organizations or watchdog groups. Such requests from unaffiliated individuals can now be rejected.

The amended law would force agencies to consider any request to disseminate information to a broad audience as legitimate, particularly if the party making the request has any record of publication (including bloggers).

The Government would have to reimburse the legal fees of more parties that sue under FOIA. Currently, there's only one way a party that has filed suit to enforce a FOIA request can get repaid: The Government has to lose in court. The amendments would force agencies to repay attorney fees if the government turns over records before a final ruling is issued. This would prevent agencies from sticking media groups with attorney fees by surrendering records just before a judge rules.

The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. Former Attorney General John Ashcroft urged Federal agencies to fight FOIA requests and not presume that the public has a right to know what goes on inside the executive branch. The administration also placed gratuitous limits on requests to the Department of Homeland Security.

President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.

Mr. TOM DAVIS of Virginia. Mr. Speaker, for 40 years, the Freedom of Information Act (FOIA) has ensured the public's access to Government records. The 1966 act replaced the old "need to know" standard with today's "right to know" practice, placing the burden on the government to justify any need for secrecy. However, the FOIA process has recently struggled to keep up with the public's demand for documents. Since 2002, FOIA requests have increased 71 percent. This additional volume has delayed the processing of some requests.

Not long ago, President Bush signed an Executive Order to make FOIA operations more citizen-centric and results-oriented by requiring every agency to name a Chief FOIA Officer, establish a FOIA Requester Service Center, identify underperforming areas, and formulate a plan to implement improvements.

Legislation designed to streamline and improve the FOIA process was introduced last Congress by the gentleman from Texas, Mr. SMITH. His bill had moved through subcommittee to the full committee, with the assistance of the gentleman from Pennsylvania, Mr. PLATTS. The Executive Order adopted many of the process improvements contained in that bill.

The Majority took this bill and made additional changes, moving beyond process reforms.

First, the attorney's fee provision appears to lower the bar attorney's fees eligibility. The Supreme Court has ruled on this matter, and it appears some want to codify old, more lucrative, law. We should take a close look at this provision. There is a great deal of talk about freedom of information, and open Government, and the public right to know. But I hope when we scratch the surface of this bill, it is not about money.

Second, the Majority has listened to vocal special interest complaints about the so-called Ashcroft memo, and is attempting to codify the policies of former Attorney General Reno. I hope we can come to real bipartisan agreement on this provision as we move forward.

Improving the procedural aspects of FOIA should be our goal here today. It is something we all agree on. Although the debate on the appropriate balance between open access and protected records will continue, I trust we will find a way to balance National Security with the vital principles of open Government.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TURNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1254, by the yeas and nays;

H.R. 1255, by the yeas and nays;

H.R. 1309, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 34, not voting 9, as follows:

[Roll No. 142]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Everett
Fallin
Farr
Fattah
Feeney

Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—34

Bartlett (MD)
Barton (TX)
Burgess
Campbell (CA)
Cannon
Coble
Conaway
Cubin
Culberson
Davis (KY)
Doolittle
English (PA)
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Hastert
Hensarling
Hoekstra
Jones (NC)
King (IA)
Kingston
Lamborn
Linder
Manzullo
McHenry
Myrick
Paul
Sensenbrenner
Shadegg
Tancredo
Walberg
Westmoreland

NOT VOTING—9

Brown (SC)
Davis, Jo Ann
Eshoo
Granger
Kanjorski
Meehan
Miller, George
Saxton
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1223

Messrs. COBLE, CONAWAY, DAVIS of Kentucky, KINGSTON, ENGLISH of Pennsylvania, LINDER, TANCREDO, KING of Iowa, BURGESS, SENSENBRENNER, HOEKSTRA, WALBERG, HENSARLING, LAMBORN, and CANNON, Ms. FOXX and Mrs. MYRICK changed their vote from "yea" to "nay."

Mr. JACKSON of Illinois changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 93, not voting 7, as follows:

[Roll No. 143]

YEAS—333

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—93

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Buchanan
Campbell (CA)
Cannon
Cantor
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pence
Pitts
Poe
Price (GA)
Putnam
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Walberg
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Young (AK)

NOT VOTING—7

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1234

Mr. MARCHANT changed his vote from “yea” to “nay.”

Mr. ROYCE changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 143 I inadvertently voted “nay.” I meant to vote “yea.”

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 117, not voting 8, as follows:

[Roll No. 144]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—117

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bono
Buchanan
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1242

Ms. ROS-LEHTINEN changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. LEONARD L. BOSWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sally Bowzer, District Director of the Honorable LEONARD L. BOSWELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court for Polk County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
SALLY BOWZER,
District Director.

PROVIDING FOR CONSIDERATION OF H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments recommended by the Committee on Oversight and Government Reform now printed in the bill, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 985 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

☐ 1245

Mr. HASTINGS of Florida. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 239 provides for consideration of H.R. 985, the Whistleblower Protection Enhancement Act of 2007 under a structured rule. The rule provides 1 hour and 20 minutes of general debate with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The remaining 20 minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute, consisting of the text of the bill, modified by the amendments, recommended by the Committee on Oversight and Government Reform, and printed in the bill, shall be considered as adopted.

The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

Now, the rule makes in order five amendments, three Republican amendments and two Democratic, which are printed in the Rules Committee report accompanying the resolution.

The amendments may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

All points of order against amendments, except for clauses 9 and 10, are waived.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, today is an important day for the more than 2.7 million Federal employees who show us, day in and day out, their commitment to improving our great country. It is an important day because the House, in bipartisan cooperation, is closing the loopholes which permitted retaliation against Federal employees who have reported unlawful fraud, corruption, incompetence and abuse of power.

Today is an important day because the House is saying loud and clear that whistleblower protection is an essential component of government, of government accountability and of government fiscal responsibility.

Throughout our history, whistleblowers have played integral roles in improving our government and holding it accountable for its negligence. From Shawn Carpenter to Joseph Darby to Mark Felt, and everyone in between, whistleblowers have faced harsh penalties from those who would prefer that what they know is never shared with the public. They have, nevertheless, put their careers on the line, and in some instances even their lives, to do what they knew was the right thing to do. Their courage is to be commended and their conviction embraced.

When history judges this current administration, I believe it will look down upon the drastic and despicable actions taken by this administration, which have stifled those seeking to speak truth to power. These actions are, indeed, some of the very reasons why this bill is so desperately needed.

For example, in 2005, the Bush administration officials placed a gag on a senior NOAA official who was scheduled to give an interview arguing that global warming exists and has contributed to greater and stronger hurricane activity. Three weeks later, Hurricane Katrina made landfall, first in my State of Florida, and then in Louisiana and Mississippi and Alabama, killing hundreds and leaving hundreds of thousands homeless, jobless and ill.

How can we forget former CIA operative Valerie Plame? Her life, and the lives of others, were placed in jeopardy after the Vice President's chief of staff revealed her name to a reporter in retaliation for her husband, former Ambassador Joe Wilson, revealing that the administration lied about the existence of weapons of mass destruction in Iraq and where they were trying to retrieve uranium from Africa.

When the Bush administration hasn't been able to directly punish whistleblowers, it has simply tried to unilaterally change the law. Just this past September, after a senior Environmental

Protection Agency scientist revealed that the administration had purposefully misled the public regarding the air safety at Ground Zero following the attacks of September 11, the Bush administration issued an executive order declaring that EPA employees are no longer covered by Federal whistleblower protections. That is outrageous.

These three high-profile cases, and there are a great deal more, these three capture only a small snapshot of the problems in the current administration. More importantly, they highlight the need for extended protection across all agency lines to Federal whistleblowers.

Unfortunately, for nearly the last decade, Federal whistleblowers have received nothing more than lip service. Let me make it very clear, I said for the last decade, that includes the previous administration and this one. Even when the House drafted legislation in 2002 establishing the Department of Homeland Security, it failed to include whistleblower protections for DHS employees.

Now, I am proud that I was the author of the amendment which extended these protections and was the only Democratic amendment adopted by the House during consideration of the legislation. The protection of whistleblowers in recent years has unfortunately garnered only lip service. Today, the House is backing up these words with real action that protects our 2.7 million Federal workforce.

I close by noting that this bill is not perfect. That is why the Rules Committee has made five amendments in order, the majority of which, I might add, are going to be offered by our colleagues, the Republicans, on the other side.

Democrats are proud to continue our efforts to work in a bipartisan manner, and to provide the minority with many opportunities to improve already good legislation.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks during debate on House Resolution 239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend from Florida for the time.

Mr. Speaker, I yield myself such time as I may consume.

Congress has the constitutional duty to oversee the executive branch. In order to discharge our constitutional oversight responsibility, Congress depends on information obtained through agency reports and direct communication from Department heads. However, we also depend on information provided directly from employees within the agencies who are witnesses to the misuse of taxpayer dollars and alert Congress of the possible corruption or incompetence in management.

In 1989, Congress passed the Whistleblower Protection Act in an effort to strengthen statutory protections for Federal employees who assist in the elimination of fraud, waste, abuse, illegality or corruption.

H.R. 985 would modernize and expand this protection to Federal employees, with added whistleblower protection.

For example, the bill would extend protection to FBI agents, CIA agents, employees of the Defense Intelligence Agency, the National Geospatial Agency and the National Security Agency.

I think it is important to have whistleblower protection for the intelligence community. I would like to point out, however, that Congress has already passed such legislation. In 1998, Congress passed the Intelligence Community Whistleblower Protection Act to encourage the reporting to Congress of wrongdoing within the intelligence agencies.

In crafting the 1998 legislation, Congress sought to balance the need for information with national security requirements, giving intelligence community whistleblowers access to Congress but through the intelligence committees.

Yesterday, the Rules Committee denied the ranking member of the Intelligence Committee, Mr. HOEKSTRA, from offering an amendment striking section 10 of the bill. Section 10 conflicts with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998.

The amendment, I believe, should have been made in order. National security is obviously one of the most important issues that we deal with. Before we make changes to how Congress handles intelligence oversight, we should have a full and complete debate on that particular provision. We could have done that if the majority had made the Hoekstra amendment in order.

Under the bill, defendants in whistleblower cases will now be able to make their cases to any Federal district court if the Merit Systems Protection Board does not take action within 180 days.

Part of this provision will allow claims to be processed on a more timely basis than they are now. However, there are possible problems with the provision.

□ 1300

Yesterday, Oversight and Government Reform Committee Ranking Member DAVIS asked the Rules Committee that his amendment be made in order. His amendment sought to retain uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without the amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections, depending on where they file their claim. However, unfortunately, the majority decided to close down the debate process on that issue, and refused to allow the House to debate that very important and meaningful amendment.

I believe the majority should have made those amendments, the Hoekstra amendment and the Davis amendment, in order, along with other important amendments brought before the Rules Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time, before yielding to my good friend and colleague on the Rules Committee, only to respond to my friend from Florida regarding an amendment that was not made in order of the ranking member of the Intelligence Committee.

I serve on that committee, and one amendment that was made in order contemplates everything that the ranking member of the Intelligence Committee might have provided in the amendment that he sought.

Quite frankly, I think Mr. TIERNEY's amendment, which we will have an opportunity to debate here on the floor, will give a full exploration of those matters having to do with whistleblower concerns in the intelligence community. So I commend that to my colleague and all here in this body.

Mr. Speaker, I am very pleased to yield to a new Member, who is not so new now, to the Rules Committee, my good friend, Mr. ARCURI from New York. I yield to him 4 minutes.

Mr. ARCURI. Mr. Speaker, I thank my good friend and colleague from the Rules Committee, the gentleman from Florida, for yielding.

Mr. Speaker, accountability is a word often used but seldom implemented. For the last 12 years it is as if Congress forgot one of its principal responsibilities is to demand accountability from the administration and protect the American people from waste, fraud and abuse.

The Whistleblower Protection Enhancement Act, which this rule provides consideration for, will provide additional transparency and accountability for the way the Federal Government spends tax dollars of the hardworking Americans.

It is no secret that the only way we can truly gather firsthand accounts of instances where waste, fraud and abuse occur is from the people on the inside, the Federal employees. Unfortunately, not all Federal employees are currently protected from being fired if they unmask corruption or other fraudulent activities going on inside the administration.

This legislation goes right to the heart of the issue by extending much needed whistleblower protections to Federal Government employees working on national security, government contractor employees and transportation security employees, including baggage screeners at our airports. It only makes sense that Federal employees, especially those who have undergone extensive background investigations, obtained security clearances and handled classified information on a routine basis, be afforded the same rights and whistleblower protections as all other Federal employees.

In addition, this legislation takes some very important steps. It would abolish the U.S. Circuit Court of Appeals for the Federal Circuit's exclusive jurisdiction for overhearing whistleblower appeals cases, taking away its Supreme Court-like jurisdiction and allowing the appropriate Federal appeals courts in the respective circuit where the incident took place to hear such cases.

For instance, if the instance of whistleblowing were to occur in New York, in my district, that is the Second Circuit. The initial decision rendered by the Second Circuit should be appealed in the Second Circuit. It should not be required to come to the Federal Circuit here.

The current appeals structures for hearing whistleblower cases not only places a hefty financial burden on individuals who would have to travel from across the country to D.C. just to have their appeal heard, it also provides a disservice to our Nation's legal system by overburdening one court.

As a former district attorney, I know from experience that having the ability to draw on decisions from similar cases rendered from different courts around the country would greatly improve our legal system. It would benefit all parties involved, and further enhance our Nation's exceptional legal system. Further, by allowing other Federal circuit appellate courts to hear whistleblower appeal cases increases the opportunity for those cases to be heard by the United States Supreme Court.

Mr. Speaker, it is time to level the playing field for all Federal employees who have the courage to stand up for the American people.

I urge my colleagues on both sides of the aisle to support this rule and the Whistleblower Protection Enhancement Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I rise to begin by thanking my friend from Miami and my friend from Fort Lauderdale. We have got this Sun Belt linkage now here. The only thing in between it was somebody from upstate New York there. And I know he likes that better than Los Angeles, as he told me up in the Rules Committee just before we were going into our last break. But I am proud that there are three of us at least who come from the Sun Belt who are representing this debate on this rule.

Mr. Speaker, I do rise to reluctantly oppose both the rule and the underlying legislation. The bill is very well-intentioned, and it is designed to clarify and expand the laws regarding those who try to expose waste, fraud and mismanagement in the Federal Government.

Whistleblowers, oftentimes, put their jobs at risk to expose wrongdoing in the workplace, and whistleblowers are absolutely crucial to our Nation's security, safety and success as well. I believe very much that their protection is an inherent right for all employees, and it needs to be maintained.

In addition, the whistleblower protections enable Congress to fulfill our constitutional responsibility of overseeing the executive branch. It is imperative that we do that. We need to recognize that we are a separate and coequal branch of our Federal Government. We have a right to know the actions of the executive branch and to oversee the implementation of the laws that we create as Members of this body, and whistleblowers are a very crucial part of that.

Now, Mr. Speaker, I do support the idea of expanding and modernizing whistleblower protection laws. But, unfortunately, I believe that this legislation ends up falling short of that very important goal to which I believe we all aspire.

The bill aims to extend whistleblower protections to Federal workers who specialize in national security issues. These workers include employees of the FBI, the CIA, the Defense Intelligence Agency, among others. Unfortunately, the bill raises significant national security concerns that have really led me to conclude that I can't support this bill in its present form.

Within its oversight obligations, Mr. Speaker, Congress is tasked with protecting highly classified intelligence programs. It is absolutely critical for us to ensure that any oversight is conducted by Members and staff with the appropriate experience and expertise.

Now, this bill, in its current form, compromises that duty and outlines new procedures that have the potential to expose highly classified national security programs and information.

Now, during the Rules Committee hearing yesterday, an amendment was offered by the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA. And I just heard my friend from Fort Lauderdale, who has served very ably as a member of the Intelligence Committee, as well as on the Rules Committee, say that there is another amendment designed to address this.

But, frankly, I believe very strongly that the amendment that was filed in a timely manner by the gentleman from Michigan (Mr. HOEKSTRA) was one that was not made in order, and I believe really best takes on this issue of dealing with a better way to ensure the security of this important, very important information.

Now, Mr. Speaker, 10 amendments were offered at the Rules Committee, and while I commend the majority for making five of those 10 amendments in order, I do believe that an open rule would have been more appropriate. Give the Members of this body the opportunity to offer amendments to important pieces of legislation like this, not just on noncontroversial bills, which is what we have seen the open rule procedure used for in the past.

At the very least, Mr. Speaker, I think we should have made all 10 of the amendments that were submitted to the Rules Committee in order so that we could have had a free flowing debate on these, and we would have had a chance for people like the ranking member of the committee of jurisdiction here, the Oversight and Government Reform Committee, Mr. DAVIS, who served very ably as the chairman of that committee before we saw last November's election make this change. This former chairman, the now ranking member, sought to offer an amendment, and he also was denied a chance to offer that amendment.

I do commend my California colleague, Mr. WAXMAN, the distinguished chairman of the committee, as well as Mr. DAVIS, for their hard work and expertise on this very critical issue. Unfortunately, I believe that the bill does, as I say, fall short of that goal. The goal really is an important one, as I said, to ensure that whistleblowers help us meet our constitutional responsibility for oversight of the executive branch.

But the national security concerns that have been raised I think are such that, in its present form, I am not going to be able to support this measure.

So, Mr. Speaker, I do urge my colleagues to vote against this rule. And as I said, I am troubled enough that the bill itself, in its current form, is not legislation that I can support.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and classmate, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I rise, Mr. Speaker, in strong support of the rule, H. Res. 239, and the underlying bill, H.R. 985, the Whistleblower Protection Enhancement Act.

And I want to commend, not only the Rules Committee for coming forward with a fair rule, but also Chairman WAXMAN and Ranking Member DAVIS for moving this important bill out of the Government Reform and Oversight Committee on which I serve.

The Whistleblower Protection Act has been weakened by court cases in recent years, and even the weak protections offered under the Whistleblower Protection Act do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle. In some cases they have been fired for pointing out lapses in security, for pointing out waste, fraud and abuse.

We have been told that wrongdoers have been allowed to continue their actions, while the whistleblowers have been the ones that have been made to suffer. This is absolutely wrong.

In the 109th Congress I was joined by my colleague, DIANE WATSON, in offering an amendment during the committee's consideration of the Federal Employee Protection of Disclosures Act, that would have extended whistleblower protections to employees in national security and in the intelligence community.

I would argue, and I believe many of my colleagues would agree, that revealing lapses in the security of our Nation is a national security priority above all. Whistleblowers in these categories should be protected.

And I am thrilled that, under Democratic leadership, this has been included in the bill, that these protections have been extended to employees of intelligence agencies, and to Federal contractors in intelligence agencies. This is an important step forward for the American public. This is an important step forward, I would argue, for the national security of our country.

Whistleblowers are heroes and heroines. They should not be turned into villains and be harassed out of their jobs, denied their security clearance because they see a breach in security or a breach in accountability in our government.

So I am thrilled with this Democratic bill, and I urge my colleagues to vote for the rule and also for the underlying bill. I urge all of my colleagues to support it. It had bipartisan support coming out of our committee.

□ 1315

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank again my distinguished friend from Florida for his courtesy in yielding the time.

Mr. Speaker, we will oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order the amendment offered yesterday in the Rules Committee by the gentleman from Michigan, the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA.

The Hoekstra amendment would safeguard our national intelligence and allow the Intelligence Committee to appropriately address whistleblower concerns through regular order. While the Tierney amendment which was made in order, as was pointed out by my good friend, attempts to address these concerns, it still allows the possible disemination, we believe, of highly sensitive information to individuals outside of the Intelligence Community and, therefore, may put our security at risk.

Mr. Speaker, I ask unanimous consent to insert the text of the Hoekstra amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. At this time, Mr. Speaker, I urge all Members to oppose the previous question, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the underlying legislation is desperately needed. Federal employees need to know that Congress is on their side. They need to know that their jobs will not be at risk if they choose to reveal fraud, abuse of power, neglect, or corruption in their workplace.

The extension of these whistleblower protections is absolutely critical to our national security and our government accountability. I am proud to support the underlying legislation and hope that my colleagues will do the same. This is a fair rule for a bill that is supported by Members from both sides of the aisle, including the chairman and ranking Republican of the Government Reform Committee.

I urge a "yes" vote on the previous question and on the rule, Mr. Speaker.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 239

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Hoekstra of Michigan or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike section 10 of the bill and conform the table of contents accordingly.

Redesignate sections 11 through 14 as sections 10 through 13, respectively, and conform the table of contents accordingly.

In section 11(a)(2), as redesignated, strike "section 2303a (as inserted by section 10)" and insert "section 2303".

In section 13, as redesignated, strike "section 12(a)(2)" and insert "section 11(a)(2)".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 239, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 12, as follows:

[Roll No. 145]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
McCarthy (CA)
Meehan
Meek (FL)
Miller, George
Ruppersberger
Saxton
Wynn

☐ 1342

Ms. GINNY BROWN-WAITE of Florida, Mr. REYNOLDS, and Mrs. BACHMANN changed their vote from "yea" to "nay."

Ms. McCOLLUM of Minnesota and Mr. KUCINICH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 146]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz

Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Brown (SC)
Buyer
Carter
Cole (OK)
Davis, Jo Ann
Eshoo
Farr
Ferguson
Granger
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Peterson (MN)
Saxton
Scott (GA)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1349

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably absent for rollcall vote 146 on H. Res. 239, the rule to provide for consideration of H.R. 985. Had I been present, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 157, answered "present" 1, not voting 10, as follows:

[Roll No. 147]

YEAS—265

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—157

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Graves
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Kagen
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Olver
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Poe
Price (GA)

Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Stearns
Stupak
Sullivan
Terry
Tiahrt
Tiberi
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—10

Brown (SC)
Carter
Davis, Jo Ann
Granger
Grijalva
Meehan
Miller, George
Saxton
Smith (TX)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1359

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, I am sure you would like to join me in noting that clause 2(a) of rule XX provides that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote. On the previous question vote, Rollcall Vote No. 145, I would hope that you would agree that at the expiration of time for this vote the noes were prevailing. Is that true?

☐ 1400

The SPEAKER pro tempore. The gentleman is correct that that particular clause says that a vote may not be held open for the sole purpose of changing an outcome.

In this case, the vote remained open to allow all Members to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker tell me when an instance of the vote being held open would reverse the outcome if it is not when the "nays" are prevailing against the "yeas," or the "yeas" prevailing against the "nays," and the majority wants the outcome to be the exact opposite?

The SPEAKER pro tempore. The Chair is not going to respond to a hypothetical question.

Mr. WESTMORELAND. Sir, that is not a hypothetical.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WESTMORELAND. I am asking you a question about the House rules. If I am not correct, further parliamentary inquiry, you are the arbitrator of those rules; is that true?

The SPEAKER pro tempore. The gentleman is correct that the Chair may describe pending parliamentary situations.

Mr. WESTMORELAND. Further parliamentary inquiry. According to clause 2(a) of rule XX, it says that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. Speaker, my parliamentary inquiry to you is: When would this rule apply to a vote where, at the end of the time, the outcome was different than what the majority wanted it to be?

The SPEAKER pro tempore. The Chair would advise the gentleman that the rules address the duration of votes in terms of minimum times; 15 minutes is a minimum time, not the maximum. A vote ultimately is called at the Chair's discretion, trying to accommodate all Members who wish to vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

We are talking about a single vote. We are talking about the previous question vote, rollcall No. 145, which was held open past the 15-minute mark to change the outcome. If clause 2(a) of rule XX does not apply to that, what would it apply to?

The SPEAKER pro tempore. The Chair is prepared to elucidate as follows:

It is true that under clause 2(a) of rule XX, a vote by electronic device "shall not be held open for the sole purpose of reversing the outcome of such vote."

In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome on the one hand, and activity that might have as its purpose the reversal of an already-established outcome, on the other.

The Chair also must be mindful that, even during a vote by electronic device, Members may vote by card in the well. So long as Members are recording their votes—even after the minimum period prescribed for a given question—the Chair will not close a vote to the disenfranchisement of a district whose representative is trying to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, what you just read, is that in the rules?

The SPEAKER pro tempore. That is the Chair's elucidation of the rule.

Mr. WESTMORELAND. So it is the Chair's interpretation of the rule, of clause 2(a) of rule XX; it is the Chair's interpretation that the vote can be held open to reverse the outcome of the vote?

The SPEAKER pro tempore. The statement of the Chair speaks for itself. It is the responsibility of the Chair to see to it that each and every Member of the House of Representatives who responds to the vote has a chance to record his or her vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker answer me why we have a time limit on votes?

The SPEAKER pro tempore. The 15-minute time period is not a limit. It is a minimum duration. After that, it is in the discretion of the Chair in order to allow all Members a reasonable opportunity to vote.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move we adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 258, not voting 33, as follows:

[Roll No. 148]

AYES—142

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Fallin
Fattah
Feeney
Ferguson
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hastert
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer

Nunes
Paul
Pearce
Pence
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Sali
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—258

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-
McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)

NOT VOTING—33

Ackerman
Boyda (KS)
Brown (SC)
Camp (MI)
Capps
Davis, Jo Ann
Deal (GA)
Delahunt
Dicks
Farr
Flake
Forbes
Granger
Hastings (WA)
Hulshof
Jefferson
Johnson, Sam
LaHood
Larson (CT)
Linder
Mack
McCrery
Meehan
Miller (FL)
Miller, George
Olver
Radanovich
Rogers (AL)
Ryan (WI)
Saxton
Shadegg
Stark
Weldon (FL)

☐ 1428

Messrs. KUHL of New York, BAIRD, SCOTT of Georgia, MCNERNEY, PAYNE, RAHALL, ISSA, POMEROY and FRANK of Massachusetts changed their vote from "aye" to "no."

Mr. BOEHNER changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 985.

☐ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Iowa (Mr. BRALEY) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

☐ 1430

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I am proud to be here today to bring to the floor of the House of Representatives, H.R. 985, the Whistleblower Enhancement Protection Act of 2007. A month ago today this important bill passed the House Committee on Oversight and Government Reform unanimously by a vote of 28–0. I strongly support the bill, and I hope it will receive a similar level of bipartisan support on the floor of the House of Representatives today. We need to send a strong message that protecting the rights of whistleblowers is not a Democratic issue, it is not a Republican issue, it is an issue that impacts the lives and the safety of every American citizen.

Whistleblowers have long been instrumental in alerting the public and the Congress to wrongdoing in Federal agencies. In many cases, the brave actions of whistleblowers have led to positive changes that have resulted in more responsible, safe and ethical practices. In some instances, the actions of whistleblowers have even saved lives.

Unfortunately, despite the importance of whistleblowers in ensuring government accountability and integrity, court decisions by the U.S. Court of Appeals for the Federal Circuit have undermined whistleblower protections and have unreasonably limited the scope of disclosures protected under current law.

The hearings that Chairman WAXMAN and Ranking Member DAVIS have been holding in the Committee on Oversight and Government Reform in the 110th Congress have highlighted the need for expanded protections for workers who shed light on wrongdoing by government agencies and departments. Several hearings held by the committee have helped uncover waste and fraud in government contracting, both here in the United States, and in Iraq, waste and fraud which has led to the loss of billions of taxpayer dollars and has jeopardized the safety of Americans here at home and those serving abroad.

At another hearing, we learned that some officials in the Bush administration have sought to manipulate Federal climate science, compromising the health and safety of American families and the future of the planet solely for political gain.

Perhaps the starkest reminder of the need to protect those who remain silent in the face of government wrongdoing came at last week's hearing at Walter Reed, at which we learned about the terrible living conditions and bureaucratic hurdles that soldiers have endured there.

At the hearing, it became clear that nobody dared to complain about the squalid living conditions and inadequate care at what is supposed to be the best military facility in the world because of fear of retribution.

Because of this fear, it took an expose by a newspaper in order for action to be taken on these severe and systemic problems, and many of our Nation's heroes had to suffer there for far too long.

The Whistleblower Protection Enhancement Act of 2007 makes important changes to existing law that will strengthen protections for government workers who speak out against illegal, wasteful and dangerous practices.

The bill protects all Federal whistleblowers by clarifying that any disclosure pertaining to waste, fraud or abuse, "without restriction as to time, place, form, motive, context or prior disclosure," and including both formal and informal communications, is protected.

The bill also gives whistleblowers access to timely action on their claims, allowing them access to Federal district courts if the Merit Systems Protection Board does not take action on their claims within 180 days.

In addition, the bill clarifies that national security workers, employees of government contractors, and those who blow the whistle on actions that compromise the integrity of Federal science are all entitled to whistleblower protection.

As we continue to fight terrorism and other national security threats, this landmark legislation will give whistleblower protections to national security whistleblowers for the first time. It may be hard to believe, but currently employees at key government agencies in charge of protecting the United States, including the FBI, the CIA, and the Transportation Security Administration, are excluded from whistleblower protections.

These are the employees who work every day to keep our country safe and secure. These workers deserve to have the same protection as other Federal employees, and the American public deserves to know that workers who come forward with information that is essential to national security will not be punished for helping to keep us safe.

A good example is former FBI agent Coleen Rowley, Time magazine's Person of the Year in 2002. Special Agent Rowley graduated from Wartburg College in Waverly, Iowa, which is located in my district. Like me, she received her law degree from the University of Iowa College of Law. She is married and has four children.

After the terrorist attacks on 9/11, Special Agent Rowley wrote a paper for the Director of the FBI, which laid out in detail how personnel at FBI headquarters failed to take action on concerns raised by the Minneapolis field office concerning its investigation of suspected terrorist Zacarias Moussaoui. These failures, identified by Special Agent Rowley, could have left the United States vulnerable to September 11 attacks in 2001. Special Agent Rowley later testified before the Senate and the 9/11 Commission about these very same concerns.

Following those hearings, Iowa Senator CHUCK GRASSLEY, a Republican who has been a proponent of whistleblower protection, pushed for a major reorganization at the FBI, resulting in the creation of the Office of Intelligence, which significantly expanded FBI personnel with counterterrorism and foreign language skills.

Senator GRASSLEY commended the actions of Rowley, saying on the floor of the Senate last June, "in typical FBI fashion, the missteps from 9/11 would have been swept under the rug if it weren't for whistleblowers like Coleen Rowley . . . it looks to me like she's the only one who did anything to make sure the FBI was held responsible for its lack of responsiveness."

The Whistleblower Protection Enhancement Act also ensures that employees who work for companies that have government contracts are protected when they report waste, fraud, and abuse of taxpayer dollars. This provision is especially important, considering the use of private contractors by the United States Government has reached an all-time high, and that spending on Federal contracts has almost doubled since 2000, reaching $400 billion in 2006.

Private companies with government contracts are now performing some of the most important work of the government, including protecting civilian workers in Iraq and ensuring the safety of American citizens in the United States. This bill will help ensure that employees of government contractors, who report on the abuse of taxpayer dollars or other wrongdoing, do not have to fear the loss of their jobs or other retribution.

Finally, Mr. Chairman, this bill clarifies that employees who blow the whistle on political interference in Federal scientific research and reports are also entitled to whistleblower protections. It is essential that we have the best and most accurate scientific research and information that is possible.

Americans trust that their tax money is funding thorough and adequate scientific studies that are free from political interference or manipulation. As lawmakers, we also depend on accurate and unbiased scientific information to make policy decisions that will impact the lives and futures of American families.

Protecting government researchers who report actions or policies that compromise the accuracy and integrity of Federal science is critical to ensuring the public and the lawmakers are able to make wise and informed decisions that affect our lives now and will have repercussions far into the future.

I would like to thank Chairman WAXMAN and Ranking Member DAVIS for their work on this bill in the Committee on Oversight and Government Reform.

Again, I strongly urge my colleagues to support the passage of the Whistleblower Enhancement Protection Act today.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, today, we take up the Whistleblower Protection Enhancement Act of 2007. This legislation would modernize, clarify, and expand the laws protecting Federal employees who blow the whistle on waste, fraud, and mismanagement in the Federal Government.

At the outset, I think it is important to thank my colleague from Pennsylvania (Mr. PLATTS). Throughout this process, Mr. PLATTS has been an unwavering advocate for Federal employees. This bill would not exist today in this form if not for his steady leadership.

Almost immediately following the 1994 changes in the Whistleblower Protection Act, it became clear that the Federal Circuit Court of Appeals would continue to create loopholes where no loopholes were intended and dilute protections for whistleblowers Congress clearly intended to protect.

This bill we are considering today develops a new regime governing whistleblower protections and offers fresh solutions to the continuing problem of employee retaliation. I am proud this legislation would allow Federal employees and contractor personnel to pursue their claims in the Federal district court, to be heard before a jury of their peers, if no action is taken by the Merit Systems Protection Board within 180 days.

Under current law, cases filed by employees who believe they have been retaliated against for blowing a whistle can sometimes end up languishing before the MSPB for years before a final decision is issued. H.R. 985 would change the process and allow Federal employees to reach resolution on this issue one way or the other.

I am disappointed, however, the Rules Committee did not make in order my amendment to remove from the bill language which would provide for an "all circuits" review of whistleblower claims.

My amendment would have tried to maintain the uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United

States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without my amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections based on where they file their claim. For example, a Border Patrol agent in Texas could be protected by a different set of whistleblower protections than a Border Patrol agent in Maine.

I think the underlying legislation already provides sufficient reforms to the whistleblower protection laws by revising the statute under which the Federal Circuit reviews whistleblower claims. Going further in this legislation, removing the requirement that all appeals must go through one Federal appeals court, is going to, in the long term, be counterproductive to our policies governing Federal employment.

I am also interested in the amendment dealing with national security whistleblowers Mr. HOEKSTRA filed at Rules, but was not made in order. While I supported the language Mr. HOEKSTRA's amendment sought to strike, I understand many members from the intelligence-related committees and officials in the intelligence community have concerns which I believe need to be addressed before this bill moves on to the Senate.

One additional concern I would like to mention is with section 13 of the bill. Section 13 would open a whole new area of personnel conflicts to whistleblower protections. This new language, added to the bill this year, would make influencing federally funded scientific research a prohibited personnel practice by specifically identifying the dissemination of false or misleading scientific or medical or technical information as an "abuse of an authority" that is actionable in Federal court.

Rather than acknowledging the natural and perfectly healthy tension that exists between science and policymaking, this section would submit the "science versus ethics" issue to the Federal courts to be litigated as a personnel issue.

Unlike many on the Democratic side of the aisle who believe only scientific findings should serve as the foundation for public policy and decisionmaking, I believe science is just one cog in the policy decisionmaking process. Science must be balanced against factors such as the morals of our society and the ethics of individual policymakers, as well as countless other policy considerations. As I have said before, I don't believe we should turn the tension between science and policymaking into a personnel matter that gets litigated by the courts.

In closing, I believe the underlying legislation makes a number of important positive contributions to Federal whistleblower policy, and I support this bill.

While I believe we can still make a few refinements to the bill to make it better, I applaud Mr. PLATTS' and Mr. WAXMAN's efforts to move this bill forward.

Mr. Chairman, I reserve the balance of our time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 5 minutes to the chairman of the committee, Mr. WAXMAN of California.

Mr. WAXMAN. I thank the gentleman from Iowa for yielding me the time and for managing this bill. He has played a very important role in the committee in the formulation of this legislation and is far more knowledgeable than many of us because he has had experience in bringing whistleblower lawsuits as an attorney.

Mr. Chairman, this bill that we are considering at this time would strengthen one of our most important weapons against waste, fraud and abuse, and that is Federal whistleblower protections. Protecting whistleblowers is a key component of government accountability.

Federal employees are on the inside. They can see where there is waste going on or if there is corruption going on. They can see the signals of incompetent management, and what we want is to enable them to let us know, those of us in Congress, about these kinds of problems. So this bill would give them the protections to come forward and, in effect, blow the whistle on what they know is going on and is not right to be continued.

But I want to emphasize that one of the most important provisions of H.R. 985 protects national security whistleblowers.

□ 1445

It is impossible to overstate how essential this provision will be. Now, there may be an attempt to try to strike this provision, and I want to make clear to my colleagues why they should not be misled into voting for such a motion.

There are a lot of Federal officials who knew the intelligence on Iraq was wrong. Officials in the CIA and the State Department knew that Iraq did not try to import uranium from Niger. Officials in the Energy Department knew the aluminum tubes were not suitable for nuclear centrifuges. Other officials knew the information from "Curveball," the so-called informant that turned out to be inaccurate, but the information that he was spreading about so-called mobile weapons labs were completely bogus.

But none of these officials would come forward. In fact, none of them could come forward to Congress and share their doubts. If they did, they could have been stripped of their security clearances, or they could have been fired.

And we all know what the result has been. Nobody blew the whistle on the phony intelligence that got us into the Iraq war.

It is imperative that national security employees be protected against retribution so they will not be afraid to report national security abuses to Members of Congress. When the intelligence is wrong, the consequences for our Nation can be immense.

H.R. 985 also extends whistleblower protections to employees of Federal contractors. Every year, Federal contractors do more and more of the government's work. In 2005, nearly 40 cents of every Federal dollar, outside of the entitlements, went to private companies. We need to encourage the employees of these private companies to report wasteful spending.

We heard testimony in our Oversight Committee about a Halliburton truck driver, not just one but many of them, who were told, if they had a flat tire or some mechanical problem, not to worry about it, torch the truck. They will just go and buy another one. After all, these were cost-plus contracts.

Well, this abuse was so wanton that one of the truck drivers finally blew the whistle. But rather than being protected for speaking out for the American taxpayer, he was fired.

Finally, passage of this bill would stop this kind of intimidation. This legislation includes an important provision that will help check the growing problem of political interference with science. It gives explicit provisions to protect the Federal employee who reports instances where Federal scientific research is suppressed or distorted for political reasons.

Don't buy the argument that this should be struck. We ought to protect scientists from those that would try to suppress or distort their scientific work.

The bill is bipartisan. It was cosponsored by Ranking Member and former Chairman TOM DAVIS of the Oversight Committee and former subcommittee Chair TODD PLATTS. It passed unanimously last month by the Committee on Oversight and Government Reform.

It is carefully crafted legislation that protects both our national security and the interests of the American taxpayer, and I urge its adoption.

Mr. Chairman, I am including with my statement copies of letters between my Committee, Oversight and Government Reform, and the Committee on Homeland Security regarding jurisdiction.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 14, 2007.

Hon. HENRY WAXMAN,
Chairman, Oversight and Government Reform Committee, Washington, DC.

DEAR HENRY: I am writing you considering the jurisdictional interest of the Commttee on Homeland Security in H.R. 985, the "Whistleblower Protection Enhancement Act of 2007." Section 12 of this legislation provides whistleblower protections to Transportation Security Administration (TSA) employees. Under House Rule X, the Committee on Homeland Security has jurisdiction over the "[t]ransportation security activities" of the Department of Homeland Security and "[o]rganization and administration of the Department of Homeland Security." As a result, the Committee on Homeland Security has a jurisdiction interest in section 12 of the bill. Moreover, the Committee on Homeland Security received a sequential referral of a nearly identical bill, H.R. 1317, the Federal Employee Protection of Disclosures Act, legislation that was introduced by Rep. Todd Platts (R-PA) in the 109th Congress. Although the Committee on Homeland Security has sought a sequential referral of H.R. 985, the Committee agrees to discharge the legislation in the interest of clearing this measure as expeditiously as possible for consideration in the House.

As a condition to our agreement to forgo a markup of this legislation, you have agreed to include report language to accompany the bill that clarifies the congressional intent behind that the term "public safety" in 5 U.S.C. 2302 (b)(1),(8), and (9), as amended by H.R. 985, is meant to cover "national security" and "homeland security." This clarification will ensure that TSA employees who report security risk, in addition to safety risks or mismanagement issues, will still receive the whistleblower protections granted under the bill. Additionally, you have agreed to include report language to accompany Section 10 of the bill to ensure Department of Homeland Security employees who work on intelligence and information-sharing matters are covered by the "National Security Whistleblower Rights" granted under that section.

Our agreement not to hold a markup is also conditioned upon our mutual understanding that our decision to waive further consideration does not, in any way, reduce or otherwise affect the jurisdiction of the Committee on Homeland Security over provisions of the bill. Additionally, you have agreed to support the request of the Committee on Homeland Security to have its members named as conferees in the event of a conference with the Senate on this bill.

I ask that you please include in the Congressional Record during consideration on the floor, a copy of this letter and a copy of your response acknowledging the Committee on Homeland Security's jurisdictional interest in this bill and indicating your support of our agreement expressed in this letter.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, March 13, 2007.

The Hon. BENNIE G. THOMPSON,
Chairman, House Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON, I am writing regarding your Committee's jurisdictional interest in H.R. 985, the Whistleblower Protection Enhancement Act of 2007. I appreciate your cooperation in waiving consideration of the bill by the Committee on Homeland Security in order to allow consideration of the legislation on the House floor later this week.

I recognize that your Committee has a valid jurisdictional interest in section 12 of H.R. 985, as ordered reported by the Committee on Oversight and Government Reform. Your decision to forego a markup should not prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

I have included report language at your request that states that under the bill, Transportation Security Administration workers can report dangers to public health and safety, including those regarding or relating solely to homeland or national security. Also, the report states that the national security whistle blower section of the bill provides whistleblower rights to those individuals whose job functions make them eligible for the protections of this section even though their agencies are not specified, such as intelligence analysts and information sharing employees with access to classified information within the Department of Homeland Security's Office of Intelligence and Analysis.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you for your assistance.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. PLATTS. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished ranking member of the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I appreciate the efforts to enhance protection for whistleblowers in the intelligence community, a goal that I wholeheartedly endorse. It is important that personnel within the intelligence community have appropriate opportunities to bring matters to Congress so long as the mechanisms to do so safeguard highly sensitive classified information and programs. The bill before us raises significant issues in doing so that need more considered review.

As chairman of the Permanent Select Committee on Intelligence during the last Congress, I learned firsthand from whistleblowers about intelligence programs that the administration had not reported to the Intelligence Committees, despite its statutory duty to keep us fully and currently informed. I communicated my strong concerns directly to the President. I would vigorously defend the individuals who provided me with this important information from even the slightest reprisal.

So I strongly support the underlying intention of the provisions of the bill intended to protect the intelligence community. Unfortunately, however, that part of the bill was not coordinated with HPSCI, and it suffers from a number of problems that I believe need to be fixed.

First, the bill would conflict with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998, which has already provided specific mechanisms to permit whistleblowers to come to Congress, while simultaneously protecting sensitive national security information from unauthorized disclosure to persons not entitled to receive it.

Second, the bill violates the rules of the House by encouraging intelligence community personnel to report highly sensitive intelligence matters to committees other than the Intelligence Committees, which were created to solely and appropriately deal with and safeguard information regarding sensitive intelligence programs.

This is simply not a jurisdictional issue. The real issue is one of protecting highly classified intelligence programs and ensuring that any oversight is conducted by Members and staff with the appropriate experiences, expertise, and clearances. Our intelligence oversight should be conducted to determine how best to enhance our national security, protect civil liberties, and not to get press coverage.

Third, this bill would make every claim of a self-described whistleblower, whether meritorious or not, subject to extended and protracted litigation. It would also substantially alter the application of the judicially established state secrets privilege in those cases, forcing the government to choose between revealing sensitive national security information to defend itself or losing in court. Judges recognized the privilege precisely because they understood that such a Hobson's choice is fundamentally improper and unfair and could harm national security interests. The current law works to screen frivolous whistleblower claims and recognizes that our national security interest should not be managed by lawsuit. Those considerations must continue to be protected.

I agree very strongly with the principle that intelligence community whistleblowers should be protected from reprisal, and would look forward to working with the Oversight and Government Reform Committee to accomplish this goal. However, until those changes are made, and those issues are addressed, I would encourage my colleagues to vote "no" on this bill.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 4 minutes to my distinguished colleague from Maryland, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Chairman, I rise in support of the Whistleblower Protection Enhancement Act of 2007, which I have cosponsored.

To say the least, this administration has not prioritized openness in government, and I was not surprised to learn that the President is opposed to the Whistleblower Protection Enhancement Act.

I am similarly not surprised to learn that the President and many of his colleagues here in the Congress have threatened that by affording our Federal employees whistleblower protections, we are also threatening national security. This administration has consistently used security threats to strike fear into the public's consciousness.

But let me be clear: Claims that the legislation we are considering here today would threaten national security are baseless. If anything, the opposite is true.

As a member of the House Armed Services Committee, I know how vitally important it is for Federal officials to be able to share their knowledge and their firsthand experience with the Congress. We now know that, going into the Iraq war, Federal officials at the CIA and the State Department were aware that the pre-war intelligence about Iraq purporting to show that the nation had weapons of mass destruction was wrong.

Thousands of Americans and Iraqi lives and billions of American taxpayer dollars could have been saved if these individuals had been able to share their knowledge with a Congress willing to listen to them and protect them from retribution. But, lacking whistleblower protections, they were afraid to do so.

Recognizing the critical need for Federal employees to communicate openly with the legislative branch, Congress in 1912 enacted the Lloyd-LaFollette Act. And that act, which has never been repealed, by the way, affords all Federal employees, including employees at the national security agencies, the right to contact Members of Congress.

The statute states as follows: "The right of employees, individually or collectively, to petition the Congress or a Member of Congress or to furnish information to either House of Congress or to a committee or Member thereof may not be interfered with or denied."

The statute's language was intentionally drafted to be broad because Congress recognized in 1912, as we recognize today, the compelling need for Federal employees to exercise their rights to free speech.

But the law clearly does not go far enough. Consider the case of FBI Special Agent Bassem Youssef. According to a Washington Post article from July 18, 2006, an internal investigation conducted by the United States Justice Department concluded that Youssef, the FBI's highest ranking Arabic speaker, was blocked from a counterterrorism assignment in 2002 after he had met with U.S. Representative WOLF and met with FBI Director Mueller to discuss Youssef's complaints with regards to the way the war on terror was being conducted.

Mueller had approved a transfer for Youssef just days before the meeting, but it never occurred and Youssef was never informed of Mueller's decision, according to the report.

Investigators also said that the FBI has provided no rationale or basis for its failure to promote Youssef, although one former senior FBI manager said Mueller was appalled that Youssef had complained to a Congressman about his treatment.

Because of this retaliation, we lost 4 years of expertise for the war on terror from a highly qualified Arab American agent. Once the FBI's top Arabic translator, Youssef is now simply processing documents.

Under current law, Youssef cannot pursue legal action for the retaliation. The Whistleblower Protection Enhancement Act of 2007 would rectify this situation.

Congress has a mandate to oversee the functions of the executive branch to ensure that government runs as effectively and efficiently as possible, but we cannot fulfill this mandate if we cannot get reliable information, and we cannot get that information if people must put their lives and careers on the line.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, H.R. 985, the Whistleblower Protection Enhancement Act, is a bipartisan bill which seeks to restore protections for civil servants who report illegalities, gross mismanagement and waste, and substantial and specific dangers to the public health and safety.

H.R. 985 contains many of the provisions of legislation which I introduced during the 109th Congress, H.R. 1317. It represents consensus language crafted through bipartisan negotiations among myself, Chairman WAXMAN, Ranking Member DAVIS, Representative VAN HOLLEN, as well as the majority and minority staffs of the Oversight and Government Reform Committee, and interested stakeholders groups such as the Government Accountability Project. I certainly would like to thank all who have been involved in this process.

To provide context for the legislation we are considering today, it is important to review the legislative history in the area of whistleblower protections for Federal employees.

As a result of finding that the civil service protections of the time were inadequate, Congress, in the first Bush administration, enacted into law the Whistleblower Protection Act, WPA, of 1989, which expressly stated that "any protected disclosure of waste, fraud and abuse by a Federal employee is covered by the law."

Unfortunately, as interpreted by the Merit Systems Protection Board and the Federal circuit court, loopholes began to develop in the WPA. Accordingly, Congress strengthened the law in 1994.

It is noteworthy that the report accompanying the WPA Amendments of 1994 expressed great frustration with the way the WPA was being interpreted. According to the report, it states, "Perhaps the most troubling precedents involved the Board's inability to understand that 'any' means 'any.' The WPA protects any disclosure evidencing a reasonable belief of specified misconduct, a cornerstone to which the MSPD remains blind.

□ 1500

"The only restrictions are for classified information or material, the release of which is specifically prohibited by statute. Employees must disclose that type of information through confidential channels to maintain protection. Otherwise, there are no exceptions."

Unfortunately, we are once again largely back to where we started. Since the 1994 amendments, 177 whistleblower cases have come before the Federal Circuit Court; however, only two whistleblowers have prevailed. Among the reasons are a number of decisions which have continued to create exceptions to the law, including decisions stating that an employee is not protected by the WPA if the employee directs criticism to other witnesses or a supervisor in an attempt to start the process of challenging misconduct, or the information disclosed was done in the course of the employee's ordinary job duties, or the information disclosed has already been raised by someone else.

In addition, the Federal Circuit Court has stated in one case that: For a Federal employee to reasonably believe there is evidence of waste, fraud, and abuse, as required by the law, he or she must overcome with irrefragable proof the presumption that the agency was acting in good faith.

This is an unheard of legal standard, defined in the dictionary as "impossible to refute." In other words, the agency pretty much has to admit to the waste, fraud, or abuse.

H.R. 985 would clarify congressional intent that any whistleblower disclosure includes disclosures "without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of the employee's duties." In addition, H.R. 985 would end any uncertainty about the irrefragable proof standard, making it clear that the "substantial evidence standard" applies to all five categories for legally protected whistleblowing disclosures. Appellate courts could not impose additional burdens for a particular category, as I understand occurred in the case of White v. Department of Air Force with respect to "gross mismanagement."

Other provisions within H.R. 985 which are either identical or similar to provisions within previous versions of this legislation include:

Allowing employees the option to have their claims decided in Federal District Court if the Merit Systems

Protection Board does not act on a claim within 180 days;

Ending the monopoly jurisdiction of the United States Court of Appeals for the Federal Circuit over appeals under the Whistleblower Protection Act;

Conducting a GAO study on the revocation of security clearances in retaliation for whistleblowing;

Extending whistleblower protections to the Transportation Security Administration baggage screeners;

Enhancing whistleblower protections for employees of government contractors;

Codifying an anti-gag rule that was first included in the Treasury Appropriations bill for 1988 and every year thereafter; and,

Continuing protections for whistleblowers who were subjected to prohibited personnel actions prior to their agency or unit being exempted from the WPA.

In conclusion, I would like to once again thank each of the parties who have been involved in the ongoing development of this critically important legislation. I would also like to thank those courageous citizens who have blown the whistle on waste, fraud, and abuse in the Federal Government. If we truly want to eliminate waste, fraud, and gross mismanagement throughout the Federal Government, then we need to empower and protect our Federal employees who are on the front lines of government operations and best positioned to witness this waste, fraud, and gross mismanagement. This legislation provides such empowerment and protection. I urge a "yes" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentleman for his insightful comments, and I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, does the gentleman from Iowa have any additional speakers?

Mr. BRALEY of Iowa. Yes.

Mr. PLATTS. Mr. Chairman, I will then continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for his leadership, and I thank all of the cosponsors that have brought this legislation, H.R. 985, to the floor, Representatives HENRY WAXMAN, TODD PLATTS, CHRIS VAN HOLLEN, and THOMAS DAVIS, and certainly a number of the total of 29 cosponsors, and the fact that this committee voted the whistleblower protection out unanimously.

We who are members of the Homeland Security Committee, along with Chairman THOMPSON, and I know we have been working on this with the ranking member as well, stand in support of this legislation. I know that we will be yielded time shortly, but I am delighted to be able to share my thoughts on the importance of H.R. 985, which would extend whistleblower protection to Federal workers who specialize in national security issues. It would also ensure that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars.

Protecting scientific whistleblowers, this legislation would extend whistleblower protection to Federal employees who disclose actions related to the validity of federally funded scientific research and analysts. Many of us recognize and remember the Los Alamos incident of a couple years ago still was never, if you will, explored and never settled.

This also would override several court and administrative decisions that undermine existing whistleblower protection, provide whistleblower access to Federal District Courts if the Merit Systems Protection Board or the Inspector General does not take action on their claims within 180 days.

This is good news to the Homeland Security Department and particularly the transportation security officers. Contrary to assertions by the opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is, TSOs do not enjoy full whistleblower protection; specifically, transportation security officers enjoy little more than minimal whistleblower protections deriving from a memorandum of understanding entered into when the TSA was still part of the Department of Transportation. Under the MOU, screeners can only bring a claim to the office of a special counsel; they do not have the right of appeal or to seek independent review by another agency or court.

It is important to note that in 2004 the Merit Systems Protection Board ruled in a case, Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other department employees.

This is crucial. I have been working on this issue for quite a while. The No Fear Act, which indicated or had to do with discrimination against workers at the Environmental Protection Agency, generated, even though it is a bill on discrimination of Federal employees that generated from whistleblower employees at the Environmental Protection Agency that didn't have the necessary protection to talk about issues that dealt with regular issues of research, but also on the issue of security. Let me quickly say that the EPA had a similar problem where it also faced no protection of those employees, and the No Fear Act came out of that which had to do with racial discrimination against Federal employees.

But NASA, for example, legislation that I wrote dealing with the International Space Station to give protection to NASA employees to save lives and also to protect them in case of issues that they were dealing with relating to national security.

All employees should feel free to tell the truth. All employees should be protected, particularly Federal employees, particularly in this time in the backdrop of 9/11. Tell the truth, be protected, and the whistleblower protection will allow us to run this country in the right way, save lives, and have employees that are Federal Government employees gives us the fact so we can do the right thing. Support H.R. 985.

Mr. Chairman, I rise today in strong support of H.R. 985, the "Whistleblower Protection Enhancement Act of 2007," which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, there is a tremendous need to protect our best sources for identifying waste fraud and abuse—federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called "screeners," the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

Mr. Chairman, in 2004, the Merit Systems Protection Board (MSPB) ruled in Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other Department employees.

Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

This bill allows a whistleblower to seek relief in federal circuit court, if his or her claim has not been acted upon within 6 months. In addition, H.R. 985 permits the whistleblower to bring an appeal on their case to any federal circuit court of appeals having in personam jurisdiction, not just the Court of Appeals for the Federal Circuit as is the case under current law.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the federal government keep make America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited government resources. I urge all members to join me in voting for this important legislation.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

In the report language from the Committee on Oversight and Government Reform, there is a well-stated argument about the importance of this legislation, why we need it, and why we need it for national security employees as well. The report reads as follows:

"A key component of government accountability is whistleblower protection. Federal employees are on the inside. They can see when taxpayer dollars are wasted and are often the first to see the signals of corrupt or incompetent management.

"Unfortunately, whistleblowers too often receive retaliation rather than recognition for their courage. They need adequate protections so they are not deterred from stepping forward to blow the whistle.

"There are many Federal Government workers who deserve whistleblower protection, but perhaps none more than national security officials. These are Federal Government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects, yet these officials receive no protection when they come forward to identify abuses that are undermining our national security efforts."

I think the report language well states the case for this bill and the importance of us adopting this legislation and moving the process forward.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of H.R. 985, and I do so for a number of reasons. We all know that there are individuals who would love to simply be forthcoming with information. All of us have been places, all of us have worked places, all of us have known things, and we have all wanted to operate free and uninhibited. But unless individuals have the absolute protection, in many instances, of knowing that whatever it is that they would reveal that when they come forth that nobody can use that against them, because they also have concerns of their own relative to being able to maintain the job that they have got to take care of the security needs of their family.

Whistleblower protection could have been used more effectively even as we debated the issue of Iraq, as we made decisions based upon intelligence that supposedly we had but intelligence that obviously we did not have.

Whistleblower protection becomes very effective in helping to root out waste, fraud, and abuse. Some of the hearings that I have sat in on where we have discussed how we made use of our contracting resources in Iraq, for example, makes one wonder if we were just giving away the valuable resources of the American people.

So this legislation not only protects the taxpayers' money, but it also protects our troops, our soldiers, those who are in danger oftentimes because accurate information has not been deployed. Mr. Chairman, I urge passage of 985.

Mr. PLATTS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I see some of my distinguished colleagues here today, specifically Ranking Member DAVIS, Congressman SHAYS. And to prepare for this debate today, Mr. Chairman, I watched a movie, "The Insider," last night, because it was a classic example of why we need whistleblower protection in this country. The sight of those seven tobacco company CEOs standing before the committee on which I am proud to serve, raising their hands and swearing that tobacco and nicotine is not addictive, and the compelling personal story of Jeffrey Weigand and the struggle he and his family went through are why we need to support this bill today.

One of the reasons why we are here today is because of the compelling stories of dozens of national security whistleblowers from multiple Federal agencies who have provided sobering and exhaustive stories about retaliation and retribution for speaking the truth.

☐ 1515

These accounts have been well documented before the committees of this House.

Michael German was a highly regarded FBI agent working on domestic terrorism cases for 16 years before quitting in frustration in 2004. His whistleblowing concerned a case that, according to NBC's Dateline, "involved a potential nightmare scenario: meetings between a home-grown militia-type terrorism organization and an Islamic fundamentalist group during which they discussed possible cooperation."

Mr. German alleges that the FBI fumbled the case and then, after he blew the whistle, falsified records in order to cover its mistakes. He reported his concerns to his superiors and reportedly faced retaliation for doing so, though a Department of Justice Inspector General report substantiated many of his claims.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding, allowing me an opportunity to speak about this issue here before us.

I want to thank Mr. WAXMAN and the committee for reporting an excellent bill. The Whistleblower Protection Enhancement Act is a long overdue piece of legislation that will go a long way towards correcting some of the abuses of the past and updating the whistleblower protection system to face the challenges of the present.

For too long protections passed by Congress for good-faith whistleblowers have been chipped away by executive agencies and the courts. Court decisions have limited the scope of whistleblower protections in a way that betrays the spirit of the original law. This bill will clarify the rights of whistleblowers, including the right to a prompt court proceeding if their employer challenges their right to the protection.

The bill also protects whistleblowers who work in the national security sector or who work for Federal contractors. This is a critical provision. Under current law, national security employees have next to no protection if they are retaliated against for reporting waste or corruption. This is an extremely dangerous situation. If corruption or abuse of power is happening in our intelligence and security agencies, it should be a concern for all Americans. Employees who report abuses in these sectors are doing a service to our national security. I am glad to see that this bill would finally protect them.

I am also pleased to see protections strengthened for Federal contractors.

The growth of contracting under the current administration has been astronomical. Under President Bush the Federal Government is now spending nearly 40 cents of every discretionary dollar on contracts with private companies, a record level. Much of this money has been spent without any kind of oversight that would apply within a Federal agency.

Protection for whistleblowers in the contracting sector is key for improving congressional oversight and bringing potential waste and mismanagement under control.

Let me be clear. This bill doesn't just protect whistleblowers. It protects all Americans.

As chairman of the Oversight and Investigations Subcommittee of the Energy and Commerce Committee, I know that every congressional investigation relies on the willingness of individual witnesses to speak up about what they have seen. These individuals risk their careers and their reputations to expose instances of corruption, waste, and abuse within our government. We owe them a debt of gratitude for their courage. This bill is an important step towards making sure that those individuals have the protection they deserve.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to again thank my colleagues who have worked on this and give special thanks to the staff of the majority and minority sides of the Oversight and Government Reform Committee both this session and for the last two sessions that I have been involved in this issue. We certainly wouldn't be here today without the tremendous work of the staff as well as the leadership of then-Chairman DAVIS, now-Ranking Member DAVIS, and current Chairman WAXMAN. So I appreciate everyone's participation in moving this very important issue forward.

This truly is about doing right by our courageous Federal employees who are willing to come forward when they see wrong and do right on behalf of their fellow citizens.

Mr. Chairman, I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I also want to thank my colleagues for the bipartisan spirit of support for this bill.

I want to just add a few more names to the record, in the remaining time that I have available, of courageous whistleblowers. These are not hypothetical situations we are talking about.

One of them, Richard Levernier, was employed at the Department of Energy for 22 years and was in charge of testing security at U.S. nuclear weapons facilities. Working through normal DOE channels, he tried for years to get his superiors to address security weaknesses that might allow terrorists to successfully assemble and detonate a nuclear device at one of the facilities. But his superiors declined to acknowledge that vulnerabilities existed.

When he faxed two unclassified Inspector General reports to the press, DOE suspended his security clearance. At the time he was 2 years away from retirement and eligible for a full pension. After he filed a lawsuit against DOE for unjust termination, the Office of Special Counsel conducted an investigation and concluded that the harassment against Levernier constituted a systematically illegal reprisal. The OSC also found a substantial likelihood that his underlying charges were correct.

Another brave individual, Russell Tice, a former intelligence agent at the National Security Agency, worked for 20 years in special access programs known as "black world programs and operations." He had his security clearance revoked in May, 2005, after alerting his superiors of suspicious activity by a coworker. NSA later dismissed him after he raised questions about the legality of some NSA "black world" programs, including the eavesdropping by the Defense Department and the NSA on American citizens. Mr. Tice wanted to talk to Congress about what he feels are further abuses by the NSA, but has not been allowed to do so.

Specialist Samuel J. Provance's unit in Iraq was instructed to interrogate detainees in a way that he thought was immoral and inappropriate, and he told his superiors. Instead of investigating his claims, his superiors demoted him.

And, finally, Lieutenant Colonel Anthony Shaffer was demoted and his security clearance stripped after he made protected disclosures to the 9/11 Commission about Able Danger, a pre-9/11 operation for combating al Qaeda, and explained that there were DOD and DIA failures regarding 9/11.

This is not a hypothetical problem. Federal whistleblowers are being silenced, and instances of waste, fraud, and abuse are not being exposed. That is why I call on all my colleagues to support this bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend Chairman WAXMAN, Chairman THOMPSON, and others for their work on this long overdue and sorely needed bill.

As chairman of the Homeland Security Subcommittee on Management, Investigations, and Oversight, I have a vested interest in H.R. 985's passage. I would like to thank Chairman THOMPSON for allowing me to manage our committee's allotted time on the bill.

This bill extends whistleblower protections to Federal employees who work on national security mainly in the intelligence área and workers in the Transportation Security Administration, especially screeners, as well as to Federal contractors.

As Chairman WAXMAN and others have noted, there is a tremendous need to extend whistleblower protections for Federal workers or contractors, our best sources for shining light on waste, fraud, and abuse.

This bill treats transportation security officers, or TSOs, sometimes called "screeners," the same as all other Department of Homeland Security employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have whistleblower rights. This is debatably true on paper, but it has not been true in practice.

The truth is, TSOs do not enjoy full whistleblower protections. TSOs have limited whistleblower protections that come from a memorandum of understanding, or MOU, that was entered into when the TSA was still part of the Department of Transportation. Under the MOU, TSOs, transportation screeners, can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit Systems Protection Board, MSPB, ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review. Other DHS employees enjoy the right to MSPB review.

Thus, as you can see, Mr. Chairman, the TSOs are currently treated differently than other DHS personnel, including their fellow employees within TSA.

This bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months. This bill permits the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just the Court of Appeals for the Federal Circuit, as the law now stands.

I am also pleased that this bill provides the same rights to the Office of Intelligence and Analysis employees at DHS as it does to intelligence employees in other agencies. As we know, whistleblowers in the intelligence community must be careful when they disclose certain information. This bill helps govern how these intelligence-related employees bring their claims while also adequately protecting any sensitive or classified information that may be involved with their claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSOs whistleblower rights and collective bargaining rights. The collective bargaining rights are comparable to other law enforcement officers and others within the DHS, such as Border Patrol and CBP officers.

Mr. Chairman, I am happy to vote for this bill as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of our vital and limited government resources.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

It is a pleasure to share this debate with Congressman CARNEY and to know that former Chairman DAVIS, now ranking member, and former Ranking Member WAXMAN, now chairman, have worked so closely together. And tremendous kudos to TODD PLATTS for the work that he has done on this legislation. This is a bipartisan effort for a very real reason, whistleblowers need this protection.

All Federal employees are ethically bound to expose violations of law, corruption, waste, and substantial danger to public health or safety. But meeting that obligation to "blow the whistle" on coworkers and superiors has never ever been easy.

□ 1530

Breaking bureaucratic ranks to speak unpleasant and unwelcome truths takes courage and risks involving the wrath of those with the power and motive to shoot the messenger. Yet seldom in our history has the need for the whistleblower's unfiltered voice been more urgent, particularly in the realms of national security and intelligence. Extraordinary powers needed to wage war on our enemies could, if unchecked, inflict collateral damage on the very rights and freedoms we fight to protect.

The use of expansive executive authority demands equally expansive scrutiny by Congress and the public. One absolute essential source of information to sustain that oversight is whistleblowers.

But those with whom we trust the Nation's secrets are too often treated like second-class citizens when it comes to asserting their rights and responsibilities to speak truth to power. Exempted from legal protections available to most other Federal employees under the Merit System Protection Board, referred to as the MSPB, national security whistleblowers must traverse a confusing maze of inconsistent regulations and procedures that too often afford them far less process than is due.

The legislation before us today takes the important step of creating a procedure for whistleblowers handling sensitive national security information, to have their claims investigated and adjudicated on a timely basis. These claims would be investigated by the agency Inspector General, as they are now, who will keep all classified information secure, while providing a fair and independent mechanism for investigation and adjudication. Should the Inspector General, and we have an Inspector General in each of these agencies, not reach a timely decision, or the employees wish to appeal, our legislation allows the appropriate Federal Circuit Court to hear the case.

This new approach will give these employees effective protection, while at the same time ensuring sensitive and classified information stays secure.

While I believe an amendment to bring the Department of Homeland Security intelligence-related employees under the same provisions as employees of intelligence agencies such as the CIA or FBI should have been made in order, I am grateful we are finally moving legislation that will allow employees who have faced whistleblower retaliation to get on with their lives.

I also believe suspension or revocation of a security clearance has the same chilling effect as demotion or firing, but clearance actions are virtually unreviewable. Those with whom we trust the Nation's secrets should not be second-class citizens when it comes to asserting their rights and obligations to speak truth to power. Employees should never face termination or harassment for acting courageously to identify improprieties in the workplace, especially when their observations could help improve safety or eliminate waste, abuse or fraud.

Another important step this legislation takes is to expand whistleblower protections to Transportation Security Administration, TSA, screeners for the first time, and that is why the Homeland Security Committee has been given time for this debate. TSA baggage screeners currently do not have whistleblower rights, and this bill will extend to screeners the same protections that all other Department of Homeland Security employees enjoy.

With the full whistleblower protections of this bill, TSA workers could report violations of law, mismanagement, waste, abuse of authority, or dangers to public health and safety, including those regarding or relating solely to homeland or national security.

The bottom line is with more power to the executive branch must come more oversight. That is why I strongly support this legislation. I think that is why this legislation is strongly supported on both sides of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. CARNEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlelady from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I thank Mr. CARNEY for his leadership and work, along with, as I mentioned earlier, the chairman of the full Committee on Homeland Security, Mr. THOMPSON, and the ranking member.

There is no doubt that whistleblower protection is intimately interwoven with the work and the issues and the mission and obligations of the Homeland Security Department and the Homeland Security Committee, both in the House and the other body. We have too often seen debacles occurring, tragically, and I believe with a clean whistleblower protection, where workers are aware of their rights, we are enhancing the security of America.

This bill in particular responds to the transportation security officers, sometimes called screeners. As the chairwoman of the Subcommittee on Transportation Security with oversight over our transportation security screeners, it is clear that giving them full whistleblower protection is crucial, and it is also clear that they do not have it now.

Others will tell you that TSOs have whistleblower protection rights. They do not. While this may be true on paper, it is not true in practice. The truth is that transportation security officers do not enjoy full whistleblower protections. Specifically TSOs have limited whistleblower protections that come under a memorandum of understanding, an MOU, that was entered into when TSA was still part of the Department of Transportation. Under the MOU, TSOs can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

What that means, Mr. Chairman, is they can be fired. So if a transportation security officer sees a breach at one of the thousands upon thousands of airports around America, they have no protection to protect the traveling public.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit System Protection Board ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review, which review rights are enjoyed by other department employees.

Thus, as you can see, Mr. Chairman, this bill is crucial to the transportation security officers, who are treated more differently than any other Department of Homeland Security personnel, including their fellow employees within TSA. The bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months.

There is much that the TSA screener says as he or she watches day after day at whether the procedures that we have in place really work. In fact, I know there are procedures that go on at the screening site where it is crucial that an astute, well-trained TSA employee, screener, can in fact be able to enhance the security of America by telling the truth.

I am glad Mr. CARNEY is chairing our Management Subcommittee, because he is going to be talking about training issues. They are crucial. This bill permits, Mr. Chairman, as I close, the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just a Court of Appeals for the Federal Circuit, as the law now stands. That means we have real protection against firing and termination just because a transportation security officer is doing his or her job.

I am also pleased this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. As we know, whistleblowers in the Intelligence Committee must be careful when they disclose certain information. This bill helps govern how these people bring their claims, while also adequately protecting any sensitive or classified information that may be involved with such claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSO whistleblower rights and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as Border Patrol and others.

I ask my colleagues to support this. This is a new day, a fresh day for homeland security in America, giving these officers the right to tell the truth and do their job and protect America.

Mr. Chairman, I rise today in strong support of H.R. 985, the "Whistleblower Protection Enhancement Act of 2007," which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, I have long been a strong proponent of whistleblower protection. As a Member of Congress from Houston, home of NASA's Johnson Space Center, I have long been involved in developing procedures and protections to ensure that concerns affecting the public health and safety are made known and addressed in an atmosphere free of intimidation, threats, harassment, and reprisal.

For example, during a hearing held a few years ago by the Science Committee of which I was a member, Admiral Gehman and representatives of the Columbia Accident Investigation Board explained how fear of retaliation by management led some engineers to withhold their concerns about the safety and well-being of NASA missions and crew. Reports received after the tragic Colombia space shuttle accident indicated the accident may have been avoided had there been in place a process that would foster an environment encouraging employees and contractors to come forward with information that could avert future threats to the safety of astronauts, mission specialists, and other workers.

My legislation created a NASA Safety Reporting Board that would rapidly screen such disclosures and either report them directly to the Administrator, or reject them as non-eligible—perhaps with a suggestion to seek redress through internal means, e.g., union and OSHA representatives, and agency ombudsmen. Afterward, the Board would be tasked with keeping a registry of reporting workers and with dispute resolution in the event that the worker alleges retaliation by management. Coupling the reporting and anti-retaliation functions in one board would limit the scope of the board to truly vital issues, and make workers feel confident that their concerns will not be lost or buried in the bureaucracy of standard whistleblower or OSHA claims. The Safety Reporting Board would be comprised of both NASA managers and non-managers, with diverse expertise, representing multiple Centers, and include an advocate for workers.

Because we saw the lack of whistle blower protection for NASA employers as a safety threat to the nation's commitment to space exploration and travel, we took action to remove this impediment. The effort has been successful and we are reaping the benefits to this day.

Mr. Chairman, we need to extend the benefits of whistleblower protection from NASA to other vital Government agencies and functions. There is a tremendous need to protect our best sources for identifying waste fraud and abuse—Federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called "screeners," the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

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Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

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I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the Federal Government keep America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited Government resources. I urge all members to join me in voting for this important legislation.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when you give the administration of any party the kind of powers we need to give an administration today, you have to have a strong whistleblower statute, a strong civil liberties board, and aggressive congressional oversight. There are two inconvenient truths we need to deal with, in society today. One is what Al Gore talks about: the environment, and national security issues related to the environment.

Another inconvenient truth is what the 9/11 Commission points out to us, that we are confronting deadly radical Islamist terrorism. And that requires stronger statutes to deal with it.

We had an attempt in the late eighties by the first President Bush to have a workable whistleblower statute. That statute was eroded by the Federal Court in D.C. We saw the Clinton administration try to strengthen it in 1994, and again it was weakened by the courts. This is another attempt to strengthen this statute.

We have a weakness in our whistleblower statute that we must address. And it is being addressed on a bipartisan basis.

We have a Merit System Protection Board that deals with everyone outside of the intelligence community, but it doesn't render decisions soon enough. We are requiring that decisions be rendered within 180 days. If not, a whistleblower can go to court. And we now allow whistleblowers to appeal decisions they disagree with.

But we have had a more serious problem. This is the area of concern relating to the intelligence community. Whistleblowers have had to go to their own individual Inspector Generals. The Inspector Generals follow different practices. We are now making sure those practices conform to the Merit System Protection Board practices.

The biggest challenge was when you take away someone's security clearance, it is like telling a bus driver you don't have a license to drive a bus. You make that whistleblower meaningless to the agency, and it is a huge disincentive to speak out.

We are not saying that can't be taken away in this legislation. We are saying it needs to be studied by the GAO. But what we are also doing is giving the employee the right to go to court within 180 days if a decision isn't rendered, and to have that same ability to make sure their case is heard if they disagree with the decision.

I can't say how strongly enough I support this legislation. This legislation, which passed the committee last year has been improved this year. But, again, I want to say, Mr. PLATTS, you deserve a tremendous amount of credit for what you have done and I congratulate my colleagues on the other side of the aisle for bringing this legislation up so quickly.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. I yield myself such time as I may consume.

Mr. Chairman, I do urge my colleagues to vote for H.R. 985. It is important for any number of reasons. The bipartisan nature of this bill itself is I think in many ways reason enough. We have reached across the aisle in a bipartisan fashion to make sure that we do what is right for the American public, for the traveling public and for the safety of all of us.

Mr. Chairman, as an intelligence officer myself, I know full well from firsthand experience the importance of having lines of communication open so the right information is getting to decisionmakers, and that right information can often include telling us what is not going right, what has gone wrong and how we can fix it.

□ 1545

It is vital that people have the opportunity and avenues and conduits through which they can give good information, information when things are going well and information when things are not going well. All of this ultimately makes us a safer, stronger Nation. That is why I urge all of my colleagues to vote for H.R. 985.

Mrs. LOWEY. Mr. Chairman, I want to thank Chairman WAXMAN and Ranking Member DAVIS of the Oversight and Government Reform Committee for bringing this bill to the floor.

I rise in support of this bill and in particular, the provisions extending whistleblower protections to federal employees who work on national security matters, including those employed by the Transportation Security Administration.

The simple fact is that TSA screeners are treated differently than other Department of Homeland Security personnel. That is why I authored the provisions in the Implementing the 9/11 Commission Recommendations Act of 2007, which the House passed in January, that would give TSOs whistleblower and collective bargaining rights.

Astonishingly, the President has threatened to veto the 9/11 bill over this provision.

TSA screeners are frontline security workers who perform a crucial and often grueling job that requires training, experience, and patience. We need workers who have mastered the job and providing whistleblower protections to TSA employees is part of a broader strategy to ensure that these individuals will make a career of protecting our Nation.

I intend to vote for this bill not only to strengthen protections for whistleblowers and restore accountability to the federal government, but to advance this critical TSA provision through the legislative process and show the President that we are serious about giving our frontline security workers the same rights as other Department of Homeland Security personnel.

I urge my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Chairman, I applaud Chairman WAXMAN, Ranking Member DAVIS, and others for their work on this badly needed bill.

This bill extends whistleblower protections to Federal employees who work on national security, mainly in the intelligence area, workers in the Transportation Security Administration, especially screeners, and Federal contractors, amongst others.

As Chairman WAXMAN correctly identified, there is a tremendous need to protect Federal workers and contractors who are our best sources of identifying waste fraud, abuse or security problems.

This bill treats Transportation Security Officers (TSOs) the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have adequate whistleblower rights. While this is debatably true on paper, it is not true in practice.

The truth is TSOs do not enjoy full whistleblower protections. They have extremely limited whistleblower protections granted by a Memorandum of Understanding (MOU) that was entered into when TSA was part of the Department of Transportation.

In fact, while reviewing a TSO whistleblower claim in 2004, the Merit Systems Protection Board (MSPB) ruled that the Homeland Security Act does not provide TSO whistleblowers with a right to MSPB review.

Compared to other Department employees who do enjoy the right to MSPB review, TSOs are treated differently.

Under the MOU, TSOs can only bring a claim to the Office of Special Counsel, but TSOs have no right of outside appeal to either the MSPB or any other independent agency or court, like all other the Department employees can.

This bill remedies this situation by giving the TSOs full whistleblower rights, including the right to independent outside review.

Besides independent outside review, this bill also allows a whistleblower to go to court if their claim has not been acted on within 6 months of filing.

This bill permits the whistleblower to bring an appeal on their case to any federal court of appeals having proper jurisdiction over the case.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies.

As we know, whistleblowers in the intelligence community must be careful when they disclose certain information.

This bill helps govern how these people can bring their claims, but it also adequately protects any sensitive or classified information that may be involved.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, has some similar effects as H.R. 985, mainly that it provides whistleblower protections to TSOs.

H.R. 1 also fixes the poor morale problems by allowing collective bargaining rights for TSOs, similar to other law enforcement officers and others within the Department, such as the Border Patrol and Customs and Border Protection Officers.

Nonetheless, I am happy to vote for H.R. 985 today as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of vital and limited government resources.

I urge my colleagues to support the bill.

Mrs. MALONEY of New York. Mr. Chairman, as a cosponsor of this legislation, I rise in strong support of H.R. 985, the Whistleblower Protection Act.

I think one thing we can all agree on is that the current system is broken and whistleblowers are simply not being protected.

Too often our system retaliates against whistleblowers rather than thanking them for standing up for what is right.

The Oversight and Government Reform Committee has heard from many of them, including Sibel Edmonds, the former FBI Translator who was fired for raising concerns about the way the FBI was translating important information about our security.

Her reward for blowing the whistle included having her security clearance stripped, being fired from her job and being forced to endure a years-long court battle that prevented her from any sort of normal life.

Things were so bad with her case that when she testified before the committee she literally could not tell us anything about her life—where she was born or which languages she speaks.

Sadly, she is not alone.

The Whistleblower Protection Act (WPA) has been weakened by court cases in recent years and even the weak protections offered under the WPA do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle.

We have been told that wrongdoers have been allowed to continue their actions while the whistleblower has been the one made to suffer.

In the 109th Congress I was joined by my colleague Representative DIANE WATSON in offering an amendment during the Committee's consideration of the Federal Employee Protection of Disclosures Act that would have extended whistleblower protections to employees in national security and the intelligence community.

I am thrilled that this legislation will extend these important protections to employees of intelligence agencies and to federal contractors.

Passage of this bill is long overdue.

I urge my colleagues to vote for this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to have joined Chairman WAXMAN and Ranking Member DAVIS in sponsoring the Whistleblower Protection Enhancement Act of 2007.

The Whistleblower Protection Act of 2007 strengthens current law to protect whistleblowers in Federal agencies. Since 1994, the Whistleblower Protection Act has been gutted by judicial activism. The legislation would grant whistleblowers the right to challenge reprisals in Federal district court and clarifies that "any" protected disclosure applies to all lawful communication of misconduct. It would extend whistleblower protection rights to whistleblowers in the intelligence community and would extend these rights to federally funded contractors.

Extending whistleblower protection to the intelligence community is a critical aspect of this legislation. Most national security whistleblowers are not protected from retaliation by law. The National Security Whistleblower Coalition reports that the median number of years of government service for national security whistleblowers is 22 years. These employees are experienced and dedicated and their careers should not be put at risk when they report waste, fraud, and abuse. Protecting national security whistleblowers from retaliation is in the best interest of our national security.

I do have concerns about one group of workers that do not have whistleblower protection—postal workers. The Postal Service is not, by law, subject to the Whistleblower Protection Act—WPA. The Service's Employee and Labor Relations Manual—ELM—contains provisions adopted by the service that replicate the more significant protections found in the WPA for victims of unlawful reprisal. The ELM provisions, however, only concern "corrective actions"; they do not mandate discipline for managers who retaliate against whistleblowers.

As chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I will hold a hearing to examine the need to extend full whistleblower protections to postal employees.

Chairman WAXMAN, thank you for your advocacy in this area.

Mr. PLATTS. Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I thank my colleague for his presentation, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments printed in the bill, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Whistleblower Protection Enhancement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of disclosures covered.
Sec. 3. Covered disclosures.
Sec. 4. Rebuttable presumption.
Sec. 5. Nondisclosure policies, forms, and agreements.
Sec. 6. Exclusion of agencies by the President.
Sec. 7. Disciplinary action.
Sec. 8. Government Accountability Office study on revocation of security clearances.
Sec. 9. Alternative recourse.
Sec. 10. National security whistleblower rights.
Sec. 11. Enhancement of contractor employee whistleblower protections.
Sec. 12. Prohibited personnel practices affecting the Transportation Security Administration.
Sec. 13. Clarification of whistleblower rights relating to scientific and other research.
Sec. 14. Effective date.

SEC. 2. CLARIFICATION OF DISCLOSURES COVERED.

Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation"; and

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)".

SEC. 3. COVERED DISCLOSURES.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the **[**employee**]** *employee or applicant* providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

SEC. 4. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by adding at the end the following: "For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to or readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

SEC. 5. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking "and" at the end;

(2) by redesignating clause (xi) as clause (xii); and

(3) by inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and".

(b) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (11), by striking "or" at the end;

(2) by redesignating paragraph (12) as paragraph (14); and

(3) by inserting after paragraph (11) the following:

"(12) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosures to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 and following) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.';

"(13) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary factfinding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; or".

SEC. 6. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency; or

"(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

SEC. 7. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under such paragraph (8) or (9) (as the case may be) was the primary motivating factor, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

SEC. 8. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON REVOCATION OF SECURITY CLEARANCES.

(a) REQUIREMENT.—The Comptroller General shall conduct a study of security clearance revocations, taking effect after 1996, with respect to personnel that filed claims under chapter 12 of title 5, United States Code, in connection therewith. The study shall consist of an examination of the number of such clearances revoked, the number restored, and the relationship, if any, between the resolution of claims filed under such chapter and the restoration of such clearances.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study required by subsection (a).

SEC. 9. ALTERNATIVE RECOURSE.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) If, in the case of an employee, former employee, or applicant for employment who seeks corrective action (or on behalf of whom corrective action is sought) from the Merit Systems Protection Board based on an alleged prohibited personnel practice described in section 2302(b)(8), no final order or decision is issued by the Board within 180 days after the date on which a request for such corrective action has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such employee, former employee, or applicant has not filed a petition for judicial review of such order or decision under subsection (h))—

"(A) such employee, former employee, or applicant may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in [controversy;] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury;* and

"(B) in any such action, the court—

"(i) shall apply the standards set forth in subsection (e); and

"(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

"(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the district in which the prohibited personnel practice is alleged to have been committed, the judicial district in which the employment records relevant to such practice are maintained and administered, or the judicial district in which resides the employee, former employee, or applicant for employment allegedly affected by such practice.

"(3) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.".

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking "the United States Court of Appeals for the Federal Circuit" and inserting "the appropriate United States court of appeals"; and

(2) by adding at the end the following:

"(3) For purposes of the first sentence of paragraph (1), the term 'appropriate United States court of appeals' means the United States Court of Appeals for the Federal [Circuit.] *Circuit, except that in the case of a prohibited personnel practice described in section 2302(b)(8) (other than a case that, disregarding this paragraph, would otherwise be subject to paragraph (2)), such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such prohibited personnel practice.*".

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking all after "travel expenses," and inserting "any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).".

[(c)] *(d)* CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

"(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which the employee, former employee, or applicant has filed a petition for judicial review under subsection (k).".

(2) Section 7703(c) of such title 5 is amended by striking "court." and inserting "court, and in the case of a prohibited personnel practice described in section 2302(b)(8) brought under any provision of law, rule, or regulation described in section 1221(k)(3), the employee or applicant shall have the right to de novo review in accordance with section 1221(k).".

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

"§ 2303a. National security whistleblower rights

"(a) PROHIBITION OF REPRISALS.—

"(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105-272, or any other provision of law, an employee, former employee, or applicant for employment in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

"(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

"(A) by an employee, former employee, or applicant for employment in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee, former employee, or applicant, including a disclosure made in the course of an employee's duties); and

"(B) to an authorized Member of Congress, an authorized official of an Executive agency, an authorized official of the Department of Justice, or the Inspector General of the covered agency in which such employee is employed, such former employee was employed, or such applicant seeks employment.

"(b) INVESTIGATION OF COMPLAINTS.—An employee, former employee, or applicant for employment in a covered agency who believes that such employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee, former employee, or applicant and to the head of the covered agency.

"(c) REMEDY.—

"(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee, former employee, or applicant, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, [and any other reasonable and foreseeable consequential damages including attorney's fees and costs.] *any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).* If the head of the covered agency issues an order denying relief, he shall issue a report to the employee, former employee, or applicant detailing the reasons for the denial.

"(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

"(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures. .

"(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee, former employee, or applicant for employment may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.* [A petition to review a final decision under this paragraph shall be filed in the United States Court of Appeals for the Federal Circuit.] *An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.*

"(4) An employee, former employee, or applicant adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal [Circuit.] *Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court.* No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

"(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the [plaintiff] *employee, former employee, or applicant* from establishing an element in support of the [plaintiff's] *employee's, former employee's, or applicant's* claim, the court shall resolve the disputed issue of fact or law in favor of the [plaintiff] *employee, former employee, or applicant*, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the [plaintiff's] *employee's, former employee's, or applicant's* claim.

"(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee, former employee, or applicant for employment, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

"(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee, former employee, or applicant for employment in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

"(e) CONSTRUCTION.—Nothing in this section may be construed—

"(1) to authorize the discharge of, demotion of, or discrimination against an [employee] *employee, former employee, or applicant for employment* for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee, former employee, or applicant for employment; or

"(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee, former employee, or applicant for employment under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee, former employee, or applicant under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered information', as used with respect to an employee, former employee, or applicant for employment, means any information (including classified or sensitive information) which the employee, former employee, or applicant reasonably believes evidences—

"(A) any violation of any law, rule, or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

"(2) the term 'covered agency' means—

"(A) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

"(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

"(3) the term 'authorized Member of Congress' means a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the committees of the House of Representatives or the Senate that have oversight over the program about which the covered information is disclosed;

"(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee, former employee, or applicant for employment in an agency, include—

"(A) the immediate supervisor of the employee or former employee and each successive supervisor (immediately above such immediate supervisor) within the employee's or former employee's chain of authority (as determined under such regulations); and

"(B) the head, general counsel, and ombudsman of such agency; and

"(5) the term 'authorized official of the Department of Justice' means any employee of the Department of Justice, the duties of whose position include the investigation, enforcement, or prosecution of any law, rule, or regulation.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United

States Code, is amended by inserting after the item relating to section 2303 the following:

"2303a. National security whistleblower rights.".

SEC. 11. ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 315(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)) is amended—

(1) in paragraph (1), by striking "If the head" and all that follows through "actions:" and inserting the following: "Not later than 180 days after submission of a complaint under subsection (b), the head of the executive agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:"; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

"(3) If the head of an executive agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.*".

(b) ARMED SERVICES CONTRACTS.—Section 2409(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "If the head" and all that follows through "actions:" and inserting the following: "Not later than 180 days after submission of a complaint under subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:"; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

"(3) If the head of an agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.*".

SEC. 12. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303a (as inserted by section 10) the following:

"§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

"(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

"(1) the provisions of section 2302(b)(1), (8), and (9);

"(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

"(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.

"(c) EFFECTIVE DATE.—This section shall take effect as of the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

"2304. Prohibited personnel practices affecting the Transportation Security Administration.

"2305. Responsibility of the Government Accountability Office.

"2306. Coordination with certain other provisions of law.".

SEC. 13. CLARIFICATION OF WHISTLEBLOWER RIGHTS RELATING TO SCIENTIFIC AND OTHER RESEARCH.

Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(f) As used in section 2302(b)(8), the term 'abuse of authority' includes—

"(1) any action that compromises the validity or accuracy of federally funded research or analysis; and

"(2) the dissemination of false or misleading scientific, medical, or technical information.".

SEC. 14. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act, except as provided in the amendment made by section 12(a)(2).

The Acting CHAIRMAN. No further amendment is in order except those printed in House Report 110-48. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-48.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike "and".

Page 28, line 21, strike "technical.'." and insert "technical; and".

Page 28, after line 21, add the following:

"(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.".

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, thank you for allowing me an opportunity to address my amendment, and I thank the Rules Committee for making my amendment in order. I want to recognize Mr. WAXMAN, Mr. BRALEY, Mr. DAVIS, and others of the Government Reform Committee for advancing a good bill, and I want to thank Mr. MARKEY for his help with this amendment and for his previous work in protecting the right of government scientists to publish their findings.

One of the most important sections of H.R. 985 deals with protecting the integrity of the scientific process by shielding whistleblowers who report tampering with government scientific investigations. My amendment would enhance whistleblower protection by including in the list of reportable actions any attempt to suppress the right of government scientists to publish or announce their findings in peer reviewed journals or public meetings with their fellow scientists.

In science, one of the strongest signs of credibility in a study is that the scientists are given a right to publish their rights freely, whatever those results may be. Completed studies are submitted to peer-reviewed journals for consideration, allowing the scientific community at large to review, challenge and incorporate new findings.

The peer review process is a critical step in the development of scientific knowledge, and the transparency inherent in the process is one of our strongest safeguards against corrupted or misleading scientific claims.

Scientific studies funded by the taxpayers should be held to this same high standard. Political pressure on scientists to suppress or hide the results of their research is a direct attack on the public interest, and employees who report suppression of their scholarly publications should be given the same protection as those who report other kinds of corruption or abuse of authority.

My amendment would protect science in the public sector and has been endorsed by the Union of Concerned Scientists, a leading nonprofit organization dedicated to issues of scientific integrity.

Congress has already had some experience with this issue. In November 2004, the Senate Finance Committee heard testimony from Dr. David Graham, the whistleblower in the Vioxx case. Dr. Graham described how senior managers within the Office of Drug Safety of the FDA attempted to block publication of his study on the dangers of Vioxx, even going so far as to call the editors of The Lancet, a prestigious medical journal, to attack Dr. Graham's work.

Dr. Graham's case is not an isolated incident. In a recent survey by the Union of Concerned Scientists, 150 of 279 government scientists reported some sort of political interference with their work. When asked whether they believed they were free to publish results that might go against the political positions of their agency, a majority of those scientists who answered the question felt they were not free to publish.

We all know how important good science is in helping us make good public policy. As chairman of the Subcommittee on Oversight and Investigations, I am especially aware of the critical role whistleblowers have in rooting out abuses of power and aiding Congress in its oversight responsibilities.

My amendment helps to make the important scientific integrity section of the base bill more comprehensive and more clear. My amendment will protect the public's right to know the results of publicly funded research, and will help make a good bill even better.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this amendment would amend the section of the bill dealing with the so-called "politicization of science" to say that Federal researchers and scientists are permitted to publicize the results of their federally funded research without any input from the agency paying their salaries and employing them.

First of all, I think it is inappropriate to shoehorn the debate about public policy influencing science into a bill about protecting whistleblowers. That is why I intend to support Mr. SALI's upcoming amendment to strike entirely the section which gives rise to this amendment.

Second, this amendment would make worse the provision in the underlying bill which would turn the natural tension between science and public policy into a personnel issue to be litigated in the courts.

The whistleblower laws protecting Federal employees are intended to protect individuals retaliated against for exposing waste, fraud, or abuse in government. This amendment has nothing to do with waste, fraud, or abuse, it actually has to do with one person's opinion.

Instead, this amendment would give an individual Federal researcher who conducts research using taxpayer dollars the full discretion as to how and where to publicize his or her research, prohibiting the agency who financed the research and for whom the researcher works from even getting involved in that process.

If a Federal researcher conducts a study using Federal money and decides he or she wants to present the research at a meeting in, say, Cuba, Iran, the Federal Government can wind up in court if it attempts to prevent the researcher from presenting the findings in that country.

Or if a Federal researcher conducts a study using Federal money on a classified national security matter involving, let's say, satellite technology, the Federal Government would be legally barred from having any say in how and to whom that information gets disseminated.

It is an overreach. This amendment protects one individual's right to determine how best to use taxpayer dollars instead of the collective judgment of elected and appointed policymakers. And to add insult to injury, the underlying bill would require taxpayers to pay the attorneys' fees of the individual should the researcher sue the government for trying to get involved.

To make matters worse, there is nothing in this amendment that would bar the Federal researcher from touting the fact that his or her work was "Federal research," giving it the pretense of being research endorsed by the American public. It is a slippery slope to scientific chaos where the taxpayer foots the bill for conflicting, misleading, and possibly even poorly done work. There are no protections for the public or taxpayers for this amendment.

We have held a number of hearings in the Oversight and Government Reform Committee under the leadership of Chairman WAXMAN to investigate the possibility of "politicization" of science, and I understand the problem this amendment is attempting to address. I don't think, however, this is the way to do it. This is possibly a deal killer in terms of how this bill comes together in getting support from this side of the aisle.

This amendment is bad public policy, and it is bad for national security. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I will be brief.

I sat for 12 years on the Energy and Commerce Committee, Oversight and Investigations, and I cannot tell you how many times we have dealt with scientists who have come forward under a whistleblower status, or will call us up in cases like the Vioxx that I mentioned.

I have an article I will include for the RECORD where a scientist said, "FDA Called Journal to Block Vioxx Article." Thousands of people have died because a drug was put forth on the market because the scientist within the FDA was not allowed to publish the results of his study and was not allowed to speak at advisory panels.

We also see that in a drug called Ketek. It is a drug we continue to do investigation on, and we will have further hearings next week on it, how fraudulent studies were put forth before the FDA. The scientists knew it, and the FDA suppressed the evidence and allowed the drug to be approved, to the detriment and the death of many Americans.

And there is the drug Accutane which has many mysterious questions surrounding it, and people have not been allowed to testify at advisory panels which must approve a drug before it is put forth for public use.

This is a safety issue, and 150 of 279 government scientists reported political interference with their work.

My amendment protects the public right to know the results of taxpayer-funded research. What is wrong with that?

This amendment is a good amendment. It will make the bill better. I ask that my amendment be approved.

[From USA Today]

SCIENTIST SAYS FDA CALLED JOURNAL TO BLOCK VIOXX ARTICLE

(By Rita Rubin)

Just days before a medical journal was to publish a Food and Drug Administration-sponsored study that raised concerns about the safety of the arthritis drug Vioxx, an FDA official took the unusual step of calling the editor to raise questions about the findings' scientific integrity, suggests e-mail obtained by USA TODAY.

Lead author David Graham says the call was part of an effort to block publication of his research, an analysis of a database of 1.4 million Kaiser Permanente members showing that those who took Vioxx were more likely to suffer a heart attack or sudden cardiac death than those who took Celebrex, Vioxx's rival. Graham had reported his study in August at an epidemiology meeting in France, but publication in a medical journal would have exposed it to a wider audience.

Graham, associate director for science and medicine at the FDA's Office of Drug Safety, says The Lancet, a medical journal published in London, had planned to post the study on its Web site Nov. 17, a day in advance of his appearance before the Senate Finance Committee to testify about the FDA's handling of Vioxx.

Merck had pulled the drug from the market Sept. 30 because of safety concerns. Publication of the study could have embarrassed the FDA, which was being criticized for not warning patients sooner of Vioxx's cardiovascular risks.

Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, said Sunday that Graham's charges are unfounded. "We didn't make any efforts to block publication in The Lancet," he said. "What we did is let The Lancet know that the paper was submitted in violation of the agency's clearance process." Graham had sought to publish his study before getting the FDA's OK, Galson said.

And in a written statement, FDA Acting Commissioner Lester Crawford said that Galson contacted Lancet editor Richard Horton "out of respect for the scientific review process."

Galson said he would like to see the paper published some day but didn't see the value of timing its release to the Senate hearing, "not exactly a scientific imperative."

Graham says he pulled his paper at the last minute because he feared for his job. Following is a chronology of the events surrounding the paper's withdrawal:

Nov. 12. Galson called Horton to tell him that the FDA had not cleared Graham's paper for publication. He then e-mailed Horton a link to a document describing the FDA's internal review process for journal articles. "As you will see, there are some ambiguities here," Galson said in his e-mail.

In a later e-mail to Horton that day, Galson brought up points from a nine-page review of Graham's study by Ann Trontell, deputy director of the FDA's drug safety office. Galson and Trontell noted discrepancies between the article submitted to The Lancet and an abstract of the study that had been submitted in May for presentation at a second scientific meeting, an American College of Rheumatology conference. Trontell's review, which Graham had forwarded to Horton, refers to "potential charges of data manipulation."

Graham says he had already explained the discrepancies to his superiors at the FDA. After the abstract was submitted to the rheumatology group, Graham says, he discovered two problems: A computer program had misclassified the amount of Vioxx some patients had taken; and one of his co-authors noticed that an analysis Graham had done was incorrect.

Graham says the rheumatology group told him that it was too late to correct the printed abstract, but that he could present the corrected analysis at its annual meeting in October, as he had at the epidemiology meeting in August

Nov. 14. In an e-mail to Galson, Horton wrote, "You will not be surprised if I say that I was a little taken aback to get your call on Friday (Nov. 12). It is very unusual indeed for a member of the employing institution of an author to contact us in the middle of the review and publication process of a manuscript."

Horton wrote that Galson's call could be perceived as an improper attempt to interfere with The Lancet's review process. Raising the possibility that a scientist manipulated data "is an extremely serious allegation," Horton wrote. "One could read such an allegation as an attempt to introduce doubt into our minds about the honesty of the authors—doubt that might be sufficient to delay or stop publication of research that was clearly of serious public interest"

Nov. 18. Graham told a Senate panel that the FDA is "virtually defenseless" against another "terrible tragedy and a profound regulatory failure" like Vioxx.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I don't think there is a Member of this House that doesn't sympathize with what the gentleman from Michigan is trying to do.

The difficulty is the way this amendment is drafted. It is a huge overreach. It allows anybody who is doing research under the auspices of the Federal Government to then publish it without any kind of overview from their superiors, who sometimes have competing reports and deliberations as they reach a public policy decision.

This is bad law. It allows attorneys' fees in the case where somebody is denied that opportunity.

This kind of overreach amendment is not about whistleblowing at all; it is a politicization of science from the other perspective. I urge Members to defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman from Michigan for introducing this amendment which would enhance a provision of underlying legislation that protects scientific whistleblowers.

The underlying provision clarifies that whistleblowers disclosing political or ideological interference with Federal science are protected from retaliation. This amendment furthers that goal by affirming that Federal scientists and grantees should also be able to report censorship of scientific debate without fearing reprisal.

I support passage of this amendment. I urge Members to vote "yes."

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PLATTS:

Strike the heading for section 3 and insert the following (and amend the table of contents accordingly):

SEC. 3. DEFINITIONAL AMENDMENTS.

In section 3, insert "(a) DISCLOSURE.—" before "Section" and add at the end the following:

(b) CLEAR AND CONVINCING EVIDENCE.—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: "For purposes of the preceding sentence, 'clear and' convincing evidence' means evidence indicating that the matter to be proved is highly probable or reasonably certain.".

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would require the Merit Systems Protection Board to rely on a consistent standard for clear and convincing evidence, which is the burden of proof that must be met to sustain an agency's affirmative defense that it would have taken the same personnel action in question independent of an employee's protected contact.

Under the amendment, clear and convincing evidence will be defined as "evidence indicating that the matter to be proved is highly probable or reasonably certain." This standard is consistent with United States Supreme Court precedent and administrative decisions for remedial employment statutes.

By way of background, when Congress passed the Whistleblower Protection Act of 1989, it intended to toughen the legal burden of proof for a Federal agency's affirmative defense once a whistleblower establishes a prima facie case of retaliation from "preponderance of the evidence" to "clear and convincing evidence." However, just the opposite has occurred. The clear and convincing evidence standard is now the primary basis cited to rule against whistleblowers in decisions on merits.

The reason behind this is that the Merit Systems Protection Board has created a unique test for clear and convincing evidence which is inconsistent with long-established judicial and administrative norms. In assessing the standard, the board considers three factors:

First, the merits of an agency's stated independent justification for acting against a whistleblower; second, whether there was a motive to retaliate; and third, whether the action reflects discriminatory treatment compared to that afforded employees who have not engaged in protective conduct.

The three-part test leaves the board with broad discretion in any given case with respect to how many criteria an agency must demonstrate and what level of proof must be demonstrated for each factor.

Adoption of this amendment is necessary in order to restore congressional intent in passing the Whistleblower Protection Act.

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Through the WPA and this legislation we are now considering, Congress has defined the terms for two of the three tests an employee must pass to obtain relief: "reasonable belief" and "contributing factor." For the administrative process to function as intended, Congress must also define "clear and convincing evidence."

Accordingly, I urge a "yes" vote on the amendment. I appreciate this amendment being made in order by the Rules Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I oppose this amendment. This amendment would raise the threshold by which agencies must prove they would have taken disciplinary action against an employee notwithstanding the employee's whistleblower claim.

Current law requires agencies to prove this by clear and convincing evidence. This amendment raises the threshold and requires agencies to prove that such action was highly probable or reasonably certain.

There may be a real issue here which must be addressed, but after working on this bill for years now yesterday was the first time that this issue was brought to our attention.

On its face, I am concerned this amendment would raise an already high threshold imposed upon agencies trying to prove they are placing an employee on administrative leave because, for example, the employee sexually harassed another employee and not because the employee is a whistleblower. The current clear and convincing evidence standard seems a sufficient burden of proof to impose upon agencies.

I am also concerned we may be establishing a dangerous precedent by further defining in one isolated statute what the term "clear and convincing evidence" means. Does the U.S. Code typically define standards of proof such as "clear and convincing" and "beyond a reasonable doubt" or are these terms of art defined in case law? And does this new definition of "highly probable" or "reasonably certain" actually solve the problem or does it make it even more confusing for courts and litigants?

Mr. Chairman, there may be a valid issue here worth investigating. It is entirely possible that the Office of Special Counsel, the Merit Systems Protection Board and the courts are getting this wrong, but we should review this proposed change and vet it through the committee process before amending the Whistleblower Protection Act.

The good news is we have an opportunity to address these questions. The authorizations for both the Office of Special Counsel and the Merit Systems Protection Board expire this year, and the committee can and should carefully review the issue as we consider these reauthorizations.

I think my concern on this, if there is a pending sexual harassment claim against an employee, and they all of the sudden turn out and become a whistleblower, that then in the sexual harassment claim we have a higher standard, and for the litigant, the person that has been harassed in that case, they have a higher burden of proof than they would notwithstanding the whistleblower claim. I do not think that is fair to the person who is being harassed in this case, and I do not see a need for it.

So I urge my colleagues to oppose this amendment today and allow the committee in regular order to consider carefully and foil this problem identified by my good friend and colleague Mr. PLATTS.

Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I appreciate the gentleman's concerns raised and certainly will keep them in mind as we move forward with this process today and in the weeks and months to come.

I yield 1½ minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work. This amendment will clarify the standard used to evaluate an employee's defense when a whistleblower claims that an employer acted in illegal retaliation.

When a whistleblower claims that an agency engaged in a retaliatory action, it is an affirmative defense for the agency if it can prove that it would have taken the same action even if the employee had not blown the whistle. This is, in fact, the same type of analysis that takes place in sex discrimination and sexual harassment claims, and yet nothing in this amendment would impose a different burden of proof in those cases because they are statutory-based claims and are not affected by the amendment.

Congress set the agency's burden of proof for this defense as "clear and convincing evidence" in the Whistleblower Protection Act. The Merit Systems Protection Board has ignored the intent of Congress and implemented its own test for evaluating whether or not an agency has shown clear and convincing evidence that it would have taken the same action anyway.

This has made it almost impossible for employees to successfully challenge retaliatory personnel actions.

This amendment defines clear and convincing evidence as evidence indicating that the matter to be proved is highly probable or reasonably certain.

This is a commonsense fix that clarifies Congress' intent.

I support this amendment which will further strengthen protection for whistleblowers and urge all Members to vote "yes" in support of the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I just urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PLATTS. Mr. Chairman, again, I appreciate the gentleman from Iowa's support and words in support of this amendment and urge a "yes" vote. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PLATTS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PLATTS:

In section 2, in the matter to be inserted by paragraphs (1)(A) and (2)(A) thereof, insert "forum," after "context,".

In section 2, insert "(a) IN GENERAL.—" before "Section" and add at the end the following:

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a) and (e)(1) of section 1221 by inserting "or 2302(b)(9)(B)-(D)" after "section 2302(b)(8)" each place it appears.

In section 1221(k)(1) of title 5, United States Code (as added by section 9(a)), insert "or 2302(b)(9)(B)-(D)" after "section 2302(b)(8)".

In section 7703(b)(3) of title 5, United States Code (as added by section 9(b)(2)), insert "or 2302(b)(9)(B)-(D)" after "section 2302(b)(8)".

In the matter to be inserted by section 9(d)(2) in section 7703(c) of title 5, United States Code, insert "or 2302(b)(9)(B)-(D)" after "section 2302(b)(8)".

In section 2303a(a)(2)(A) of title 5, United States Code (as amended by section 10(a)), insert "forum," after "context,".

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment is intended to address situations in which an employee faces retaliation for being associated with whistleblowers through his or her testimony in a legal proceeding, and to encourage cooperation with Inspector General and Office of Special Counsel investigations, as well as compliance with the law.

Oddly, under current law, whistleblowers who make their disclosures of waste, fraud or abuse in the context of another employee's legal appeal, a grievance hearing, an Inspector General or Office of Special Counsel investigation are not given the same protections as other whistleblowers, such as those who blow the whistle on national television. This simply does not make sense.

My amendment would rectify this situation in three ways. First, the amendment would clarify that a protected disclosure cannot be disqualified because of the forum in which it is made, such as through witness testimony in another employee's appeal.

Second, the amendment would establish more realistic burdens of proof, the same as exist in most whistleblower cases, for those who were retaliated against because they testified on behalf of an employee exercising their legal rights, because they cooperated with an Inspector General or Special Counsel investigation, or because they refused to obey an order that would have required a violation of the law.

And third, the amendment gives these whistleblowers access to the same due process rights as other whistleblowers.

Testifying under oath, cooperating with an Inspector General or Special Counsel investigation, and refusing orders to violate the law are all important ways by which public servants can expose waste, fraud and abuse in the government. Accordingly, I urge a "yes" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

This amendment clarifies that Federal whistleblowers are protected regardless of where they are or when they blow the whistle.

A whistleblower who makes a disclosure that is considered a whistleblower disclosure under 5 U.S.C. 2302(b)(8) gets the benefit of protections such as the right to challenge a retaliatory act by an employer. If the same whistleblower makes the same disclosure but does it while testifying as a plaintiff or as a witness in litigation, the whistleblower does not get the same protections.

We should protect Federal employees who expose government wrongdoing, no matter what the forum. This amendment appropriately extends Whistleblower Protection Act coverage to employees who make disclosures in litigation as described in 5 U.S.C. Section 2302(b)(9).

This amendment extends equal burdens of proof and individual rights of action to whistleblowers who serve as witnesses in Inspector General and Special Counsel investigations. This amendment also clarifies that these protections apply to Federal employees who face retaliation for refusing to violate the law.

I urge my colleagues to support this amendment, which closes these senseless loopholes.

Mr. Chairman, I yield back the balance of my time.

Mr. PLATTS. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Pennsylvania (Mr. PLATTS) has 3½ minutes remaining. The gentleman from Iowa (Mr. BRALEY) has yielded back the balance of his time.

Mr. PLATTS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the ranking member of the Committee on Oversight and Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman from Pennsylvania and, once again, thank him for his leadership on this issue. I support this amendment.

This amendment will extend additional whistleblower protections against reprisal to employees who cooperate with their agency Inspector General or in some other official grievance or investigative process.

Unfortunately, courts have misread the intent of the Whistleblower Protection Act and have arbitrarily reclassified certain whistleblowing activity as an exercise of appeal right. These rights are covered under a different section of title V of the U.S. Code.

By reclassifying these activities as exercises of appeal right, the courts have deprived employees of whistleblowing protection for their same disclosure showing significant misconduct if presented in a grievance or litigation instead of, for example, in a television interview.

It could occur when an employee faces reprisal as one associated with a whistleblower when testifying in an IG investigation or Office of Special Counsel investigation.

It strikes me these are precisely the forums Congress intended the whistleblower to take. These are, in essence, whistleblowers who are operating within the existing chain of command. They have used the chain of command, not gone outside the system, but they are not afforded the same protection as those who do.

These are the forums where we can actually make a difference to policymakers. This amendment ends the inequity by clarifying that an otherwise protected disclosure cannot be disqualified because of the forum where it is communicated.

I support this amendment. I congratulate my friend for offering it.

Mr. PLATTS. Mr. Chairman, I would just like to again recognize the ranking member, the past several terms as the chairman of the Government Reform Committee. He and his staff have been instrumental in moving this issue forward and working with my staff and members on the other side as well, and want to recognize him and his staff for their great work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-48.

Mr. SALI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SALI:

Strike section 13 (and make all necessary technical and conforming changes).

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

□ 1615

Mr. SALI. Mr. Chairman, my amendment would remove language from H.R. 985 that would prohibit dissent with respect to scientific research.

I filed my amendment because I believe it is inappropriate to attempt to shoehorn the debate about public policy influencing science into this legislation, thus turning it into a personnel issue to be litigated in the courts.

As set forth by section 13 of the bill, the dissemination of "false or misleading technical information" is deemed to be an "abuse of authority" upon which a Federal authority can make a protected disclosure.

The problem is that on scientific issues, the question of what is false or misleading is often a difficult question on which reasonable people can disagree, and on which sometimes scientific authorities have a hard time making up their minds. Are eggs good for you or bad for you? Is milk good for you or bad for you?

Section 13 of this bill has significant implications upon the development of scientific research conducted by the government, including research and development work at the Defense Department, as well as federally funded research on health and related issues. By including the science provisions in this bill, I am concerned that we are opening the door for debates in science to become the basis of litigation. Putting the threat of litigation on a healthy debate of science is not good public policy.

Furthermore, this clause potentially makes the tension between ethics and science the subject of litigation. For example, federally funded scientific research on human cloning should be debated amongst policymakers and agency officials without fear of retaliation by scientists and researchers. If an agency or the administration disagrees with the findings of a particular scientist, we should not be opening up our judicial system for those disagreements to be litigated as Federal employee personnel issues. That hardly seems like a responsible policy.

I urge my colleagues to oppose turning science into a personnel issue to be litigated in the courts.

Mr. Chairman, I reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. For the past 6 years, there has been overwhelming political interference with science by the Bush administration. We have seen examples of government scientists barred from conducting or presenting research because it conflicts with administration policies. We have seen scientific findings manipulated or outright rejected when they don't bolster favored policies. And we have seen government agencies put out information about health that is entirely false, but politically advantageous. In one EPA report on the environment, the White House made so many edits to downplay the discussion of global warming that scientists at the agency said the draft no longer accurately represents scientific consensus on climate change.

The FDA delayed approval of plan B for over-the-counter use based on political, not scientific, reasons, causing senior FDA officials and scientific experts to resign in protest.

Numerous scientific and medical organizations have taken positions against this abuse of science. It has been condemned in the editorial pages of the most prominent scientific journals. The Journal of Science, for instance, said that this interference invades areas once immune to this kind of manipulation.

Mr. Chairman, 52 Nobel Laureates, 62 National Medal of Science winners, 194 members of the National Academies of Science and thousands of other American scientists have signed a statement speaking out against political interference in science. To prevent and remedy these kinds of problems, we have to know about them. That is why this legislation makes clear that employees who want to disclose these kinds of abuses are entitled to whistleblower protections. Our Federal scientists should not be punished at work for coming forward to report these abuses of science.

This legislation will have no effect at all on legitimate political or policy decisions related to scientific issues. All it does is prevent retaliation against employees who report abuses of science. The amendment we are debating now would strike this critical provision.

I strongly oppose the amendment and urge all Members to vote "nay."

Mr. Chairman, I reserve the balance of my time.

Mr. SALI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise in support of this amendment and for the exact same reason that my colleague on the other side of the aisle opposes it.

We have a predicament that we are dealing with in this very committee, in the Committee on Oversight and Government Reform. We are dealing with global warming. The $2 billion-plus that we spend every year, and scientists like Jim Hansen and others who have been out there saying what they want to freely, the way they want to, and they have done this at a time in which there is an allegation of a problem. Quite frankly, it is amazing that when I Google, I get tens of thousands of hits on a scientist who is talking about why global warming is a threat, why we have to do things quickly, and yet there is some theory that we have stifled science.

By treating science separately in the whistleblower status, we are doing a disservice to every scientist and treating them adversely, separately and differently. This simply wants to return us to a procedure that we had before, one that has worked. In fact, Jim Hansen, who will be before our committee next week, and others have gone through a vetting process and then proceeded to make freely the speeches they wanted to make. There has not been a need for whistleblower. In fact, scientists are free to express their opinions now, and that is appropriate; they can do it under the existing guidelines.

This amendment seeks to return us to what was a functioning system, one in which we supported science, and scientists have been free to say what they want to. There may be edits going up the process that the gentleman on the other side of the aisle objects to, but there were edits under the previous administration.

I urge support of the Sali amendment, recognizing that, in fact, this would be a sword that could cut both ways and the future could be adverse to the very scientists it seeks to assist.

Mr. BRALEY of Iowa. Mr. Chairman, this amendment, which strikes section 13 of the underlying bill, is very simple; all it does is expand the term "abuse of authority" under existing law to include any action that compromises the validity or accuracy of federally funded research or analysis. And it is the federally funded component of that clause that makes this amendment bad for the American people.

American taxpayers should not have the risk of important scientific research being impacted by political influence from any political party. That is why it is important that this amendment be defeated.

There are those that say that politics and science will always intersect. That is absolutely true. Science doesn't give us all the answers. We have to make political and policy decisions about the right path to follow.

For example, an administration might decide not to support a certain type of research. We may not agree with that decision, but the administration has a right to make it as long as it is honest about the information and rationale behind it. What is not acceptable is when the government actually manipulates science to advance its decisions.

Hiding data, releasing misinformation, gagging scientists, all to justify a political course of action, is wrong. That is the type of action that we want Federal employees to feel safe in reporting. And that is why this bill makes crystal clear that disclosures related to manipulation and distortion of science are protected disclosures. That is why I again call upon my colleagues on both sides of the aisle to join me in voting against this amendment.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. SALI. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Idaho has 1 minute remaining.

Mr. SALI. Mr. Chairman, I would expect that the good gentleman that is debating against this amendment has policies in his office that allow him to control the message that comes out of his office, not to hide anything, I'm sure, but so that he will have a uniform message. That is important at times within government agencies.

What we do not want to do, Mr. Chairman, is, we do not want to include a provision in this bill that will put scientific debate in the middle of personnel issues for the Federal Government. We do not want to put the results of scientific research, we don't want to take that out of the grasp of debate by policymakers for fear of retaliation by scientists and researchers who are doing work for the Federal Government.

Mr. Chairman, this is good public policy to have this amendment, to take this section out of the bill; and I would urge my colleagues to support this amendment

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SALI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–48.

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TIERNEY

Page 13, strike line 19, and all that follows through page 24, line 7, and insert the following:

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

"§ 2303a. National security whistleblower rights

"(a) PROHIBITION OF REPRISALS.—

"(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee or former employee in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

"(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

"(A) by an employee or former employee in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or former employee, including a disclosure made in the course of an employee's duties); and

"(B) to an authorized Member of Congress, an authorized official of an Executive agency, or the Inspector General of the covered agency in which such employee or former employee is or was employed.

"(b) INVESTIGATION OF COMPLAINTS.—An employee or former employee in a covered agency who believes that such employee or former employee has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee or former employee (as the case may be) and to the head of the covered agency.

"(c) REMEDY.—

"(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee or former employee has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee or former employee, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs). If the head of the covered agency issues an order denying relief, he shall issue a report to the employee or former employee detailing the reasons for the denial.

"(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

"(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

"(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee or former employee may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in controversy. An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

"(4) An employee or former employee adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

"(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the employee or former employee from establishing an element in support of the employee's or former employee's claim, the court shall resolve the disputed issue of fact or law in favor of the employee or former employee, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the employee's or former employee's claim.

"(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee or former employee, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

"(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee or former employee in an

Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

"(e) CONSTRUCTION.—Nothing in this section may be construed—

"(1) to authorize the discharge of, demotion of, or discrimination against an employee or former employee for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee or former employee; or

"(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee or former employee under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee or former employee under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered information', as used with respect to an employee or former employee, means any information (including classified or sensitive information) which the employee or former employee reasonably believes evidences—

"(A) any violation of any law, rule, or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

"(2) the term 'covered agency' means—

"(A) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

"(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

"(3) the term 'authorized Member of Congress' means—

"(A) with respect to covered information about sources and methods of the Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947), a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, or any other committees of the House of Representatives or Senate to which this type of information is customarily provided;

"(B) with respect to special access programs specified in section 119 of title 10, an appropriate member of the Congressional defense committees (as defined in such section); and

"(C) with respect to other covered information, a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, or any other committees of the House of Representatives or the Senate that have oversight over the program which the covered information concerns; and

"(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee or former employee in an agency, include the head, the general counsel, and the ombudsman of such agency.".

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, as we discussed already here, whistleblowers play a key role in holding government accountable, and this legislation takes the important and long-overdue step of providing whistleblower protections for Federal workers who specialize in national security issues.

This amendment was carefully crafted to clarify the process by which national security whistleblower information, that is, information which may evidence a violation of law, rule or regulation of gross mismanagement, fraud, waste, or abuse is shared with executive branch officials and Members of Congress. It specifically addresses information possessed by whistleblowers involving intelligence sources and methods. And in those instances that is information that is customarily provided to the House and Senate Intelligence Committees. It also makes clear that information of concern relating to the Department of Defense Special Access Programs, or SAPS as they are currently called, should be reported to the Armed Services Committee and the Defense Appropriations Subcommittee.

Overall, this clarifying amendment strengthens the bill by ensuring that current and former employees of the intelligence community, the FBI, the military and other national security elements that possess sensitive classified national security information receive adequate protections against reprisals under the law. Further, it will better ensure the protection of classified sensitive information at issue in many of these cases. So I urge my colleagues to support what I believe is a sensible amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

I commend Mr. TIERNEY for his work on this compromise. As a member of both the Permanent Select Committee on Intelligence and the Committee on Oversight and Government Reform, he has done a great job on expressing the concerns of both committees in a way that will allow us to move forward with this important legislation.

One particular change made by this amendment is the removal of language in the underlying bill that allows a national security whistleblower to always disclose information to a supervisor. This amendment acknowledges that there are certain circumstances where it may not be appropriate for a supervisor to receive a disclosure, such as when an employee is disclosing classified information to which the supervisor does not have access. This amendment also changes a provision in H.R. 985 regarding national security whistleblowers, to limit which Members of Congress can receive information from a national security whistleblower about an especially sensitive subject.

It is important that Federal workers who specialize in national security issues have the ability to disclose the information about government wrongdoing to Congress. These workers need to know that they have access to a safe harbor where information will be fully investigated and appropriately safeguarded. However, because of the sensitive nature of the information these whistleblowers may disclose, it is also important to ensure that appropriate Members of Congress receive these communications.

□ 1630

This amendment addresses concerns that have been raised about allowing national security whistleblowers to disclose sensitive classified information to Congress by ensuring that information will go to members of committees with expertise and procedures for handling such information.

I support this compromise amendment, and I urge all Members to vote "yes."

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

Mr. PLATTS. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on amendment No. 2 and the previous vote by voice on that amendment be vacated, to the end that the Chair put the question on adopting the amendment de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. STUPAK of Michigan.

Amendment No. 4 by Mr. SALI of Idaho.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 178, not voting 10, as follows:

[Roll No. 149]

AYES—250

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brown (SC)
Costa
Costello
Davis, Jo Ann
Granger
Jones (OH)
Meehan
Miller, George
Saxton
Tanner

□ 1658

Messrs. PEARCE, CAMPBELL of California and DEAL of Georgia changed their vote from "aye" to "no."

Mrs. LOWEY and Messrs. BARTLETT of Maryland, WALDEN of Oregon and ISRAEL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. SALI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 271, not voting 8, as follows:

[Roll No. 150]

AYES—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry

McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Gutierrez
Meehan
Miller, George
Saxton
Tanner

☐ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Georgia) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, pursuant to House Resolution 239, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Stupak amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike "and".

Page 28, line 21, strike "technical.'." and insert "technical; and".

Page 28, after line 21, add the following:

"(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.".

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 173, not voting 8, as follows:

[Roll No. 151]

YEAS—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton

Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Meehan
Miller (FL)
Miller, George
Saxton
Tanner

□ 1727

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WESTMORELAND. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Westmoreland moves to recommit the bill H.R. 985 to the Committee on Oversight and Government Reform with instructions that the Committee report the same back to the House forthwith with the following amendments:

Page 28, line 13, before "Section" insert "(a) IN GENERAL.—____".

Page 28, line 19, strike "and".

Page 28, line 21, strike ".'." and insert "; and".

Page 28, after line 21, insert the following:

"(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.".

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term "on the basis of religion" means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. WESTMORELAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. WESTMORELAND. Mr. Speaker, I offer this motion to recommit with instructions.

One of the most confusing areas of public life for most Americans involves to what extent a person may express their personal religious views. Everyone believes they have complete religious freedom and yet the media often reports instances where courts or administrators say people may not express their religious faith. The unfortunate result of this confusion is that people tend to self-censor their behavior.

In 1997, the Clinton administration sent out guidelines to all Federal agencies that specifically detailed an employee's right to religious expression in the workplace. As then-President Clinton said in his remarks on the executive memorandum, "Religious freedom is at the heart of what it means to be an American and at the heart of our journey to become truly one America."

America continues to see ever-growing and diverse forms of religious expression, and unfortunately we have also seen an increase in the attempts to undermine religious freedom and expression.

So, as we consider this bill, we should be clear that the Federal employees do not have to check their faith at the door of their workplace and are protected under this bill if they do report violations of the current Clinton-era guidelines. In fact, it is often their faith that makes them the compassionate social worker in the employment office, the loving teacher in the Head Start program and the caring medical professionals treating our wounded soldiers.

There is nothing more personal than a person's faith, and our Federal employees deserve to know that they cannot be forced to check their quality of life at the door. As such, this motion provides that it is an abuse of authority for Federal agencies to prevent a Federal employee from blowing the whistle on instances of retaliation against permissible religious exercise and expression in the workplace.

The definition of permissible religious exercise and expression is drawn from President Clinton's 1997 memorandum to Federal agencies regarding religious expression in the Federal workplace. It includes, for example, the ability of Federal employees to have a Bible on their desk, wear a religious emblem on their clothing, or to express their views to other employees. It also includes provisions protecting against discrimination, harassment and coercion.

I believe this is an important addition to this bill, Mr. Speaker, and I urge my colleagues to support the addition of this language.

Mr. Speaker, I yield back the balance of my time.

Mr. TIERNEY. Mr. Speaker, I am not opposing the motion, but I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, we are prepared to accept this motion, and assume that means we will have unanimity on final passage.

This appears to track President Clinton's executive order, and it is, in fact, current law. To that extent, we have no difficulty in accepting it.

The motion to recommit seems to extend the coverage of the Whistleblower Protection Act to whistleblowers who report violations of President Clinton's guidelines of religious exercise and religious expression in the Federal workplace.

The guidelines apply to all civilian executive branch agencies, officials, and employees of the Federal workforce, they specify which religious expressions by covered employees, and under what circumstances, are permitted or may be regulated or prohibited.

The guidelines were issued by President Clinton to clarify how to address the sometimes difficult situations in the workplace where an agency must balance the free expression rights of Federal workers with the rights of other workers and the obligation of Federal authorities not to engage in the official promotion of religion.

By providing greater clarity, the guidelines have helped to avoid conflicts in the Federal workplace over the balance between religious expression and the obligations of the Federal Government to the Constitution, other employees and the general public.

With that, as I said, it seems to track that executive order; and if it does, we are happy to accept it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 7, as follows:

[Roll No. 152]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee

Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Brown (SC)
Davis, Jo Ann
Granger
Meehan
Miller, George
Saxton
Tanner

☐ 1758

Mr. SHERMAN changed his vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded

Mr. BRALEY of Iowa. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 985, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 28, line 13, before "Section" insert "(a) IN GENERAL.— ".

Page 28, line 19, strike "and".

Page 28, line 21, strike "." and insert "; and".

Page 28, after line 21, insert the following:

"(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.".

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term "on the basis of religion" means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or non-participation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. BRALEY of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BRALEY of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 331, nays 94, not voting 8, as follows:

[Roll No. 153]

YEAS—331

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—94

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Hastert
Hastings (WA)
Hensarling
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
McCotter
Meehan
Miller, George
Saxton
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1808

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRALEY of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 985, the Whistleblower Protection Enhancement Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-49) on the resolution (H. Res. 242) providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Ms. MILLENDER-MCDONALD. Mr. Speaker, I offer a resolution (H. Res. 244) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows

H. RES. 244

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Brady of Pennsylvania.

(2) Mr. Capuano.

(3) Mr. Ehlers.

(4) Mr. McCarthy of California.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration:

(1) Ms. Zoe Lofgren of California.

(2) Mr. Ehlers.

(3) Mr. Daniel E. Lungren of California.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTOR MUELLER SHOULD STEP DOWN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, regarding the recently revealed abuses of power and process by the FBI, Director Mueller has now indicated that he should have provided adequate training, experience and oversight. He is right.

But it also ignores what may have been one of the underlying contributors to the ultimate problem now revealed. Director Mueller has for some time now changed personnel policies at the FBI that he knew would drive out some of his best agents with the most and best experience to handle such very sensitive PATRIOT Act powers. When a director decides that his policies are far wiser than others, even as he sees that he is driving many of his best, most experienced agents and employees out of their supervisory roles, he has an even greater burden to see that his agents are trained.

Some tried to advise him of the damage to the ranks of experience that he was causing by what he thought to be innovative personnel management. He did not listen, and he did not ensure that the turnover he was creating left adequately trained personnel.

It is a wonderful thing when a leader goes against all the critics to do what he knows to be right, and he is, in fact, right. However, when a leader goes against critics who tried to tell him he was wrong, and he is later proved to be quite wrong, he should do the noble thing and step down without further ado.

Director Mueller has stated himself he must take the responsibility, and he is right. He must and he should. He should step down.

OUR NATION MUST SHOW RESOLVE AGAINST THE IRANIAN NUCLEAR THREAT

(Mr. CANTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, recently some Members of the House have proposed using the supplemental appropriations bill to restrict the President's ability to defend our country and its allies from a hostile Iran. Attempts to curtail the bargaining ability and leverage of the United States comes at the precise moment when our Nation must show strength.

However, attempts to dampen our resolve and security send the anti-U.S. forces in Tehran a signal that America is weak. If Iran continues to see that America stands determined to prevent it from going nuclear, it will be encouraged to become a responsible member of the international community.

If we falter, the Iranian nuclear threat may well become a reality. Mr. Speaker, we must not let that happen.

☐ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SCOOTER LIBBY CONVICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week brought news of the conviction on four counts of perjury, obstruction of justice and lying to Federal investigators of the Vice President's former Chief of Staff, Scooter Libby.

It is easy to forget exactly what this case was about and its precise bearing on the ongoing bloody chaos in Iraq, so I think it is important to refresh our memories.

What did Mr. Libby lie about? He lied about his alleged role in blowing the cover of a CIA agent named Valerie Plame Wilson. And why would Scooter Libby or anyone else in the White House even consider doing such a thing? Political retribution, of course. Valerie Wilson's husband, Ambassador Joseph Wilson, had been a public critic of the Bush administration's march to war. He had traveled to Africa at the behest of the CIA and concluded that there was nothing to the President's claim, made in the State of the Union no less, that uranium from Niger was helping Saddam Hussein build a nuclear weapon.

Ambassador Wilson dared to question the White House on a critical matter of policy, indeed a matter of war and peace. He dared to suggest that they had taken the Nation to war under false pretenses. So they destroyed his wife's career, and in so doing may have imperiled our national security.

Remember, this is the administration that guards information so closely that it considers its secrets sacrosanct, that has lectured others for leaking classified information, but they had no qualms about divulging sensitive information about someone else, someone who uses her undercover status to help protect the Nation. Why did they out her? Because she is married to someone who leveled a legitimate and accurate criticism at the White House.

It just goes to show, Mr. Speaker, they were willing to stop at absolutely nothing to discredit anyone who undermined their case for war, a case that was based on exaggeration at best, and outright lies at worst.

After the Libby verdict was rendered, a former national chairman of the Republican Party tried to pooh-pooh the matter by telling the USA Today, and I quote him, "When you get down to it, it was one case involving one guy."

Similarly, the Washington Post concluded its editorial by saying that the Wilson-Plame case and Mr. Libby's conviction tells us nothing about the war in Iraq. I couldn't possibly disagree more. Mr. Libby wasn't lying about whether he revealed Valerie Wilson's favorite color. Mr. Libby's conduct was part of a campaign of deceit intended to shut down any and all objections to the war. And why did they need a campaign of deceit? Because there was no legitimate reasonable cause for war without the specter of weapons of mass destruction, without the disgraceful scare tactic of warning that we don't want, and they said this, the smoking gun to be a mushroom cloud.

It is the responsibility of Congress now to delve even deeper into the manipulation of pre-war intelligence. I am eager to hear Mrs. WILSON's testimony before the House Committee on Oversight and Government Reform on Friday, and I hope this is just one of many such inquiries.

Even as we are currently immersed in a debate right here in the House about how to end our occupation of Iraq, it is critical that we hold people to account for the mistakes and the misdeeds that launched this disastrous war and cost 3,200 Americans their lives.

Justice was done in the case of Mr. Libby, but I hope when it comes to Iraq we can bring about justice in a broader sense, by restoring Iraq's sovereignty and letting its people determine their own future, by becoming a reconstruction partner and not a military occupier in Iraq, by promoting stability in the region instead of being a catalyst for violence, a catalyst for terror, by completing a fully funded withdrawal from Iraq and bringing our troops home at last.

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, in 1947, when the National Security Act became law, Congress declared that the Department of Defense consists of four distinct military services, the Army, the Air Force, the Navy and the Marine Corps. But the act spells out the mission of today's Marine Corps and clearly indicates that the Corps is a legal distinct military service within the Department of Navy; that is, the Marine Corps and the Navy are coequal partners. The Marines do not serve beneath the Navy, they are a team. There is not a subordinate relationship between the Chief of Naval Operations and the Commandant of the Marine Corps. They are equal partners of the Joint Chiefs of Staff, and it is time the Department of Navy recognizes the equal status.

Mr. Speaker, that is why I have again introduced legislation, H.R. 346, to change the name of the Department of the Navy to the Department of Navy and Marine Corps. I am encouraged that this change has been included in the House defense authorization bill for the past several years, but it has not been accepted by the Senate.

I ask my colleagues to join me in supporting the passage of this legislation, and I hope this year the House position will prevail in the Senate. This legislation is not about changing the responsibilities of the Secretary or reallocating resources, there is no cost to this change. Instead, it is about showing the Nation the true meaning of the department and recognizing the Marine Corps' extreme importance to our national security.

When the President's top military adviser, General Peter Pace, is wearing the uniform of the Marine Corps, it is time to realize that change is long overdue. The Marines that are fighting today deserve this recognition. Sadly, in the past 4 years over 900 Marines have been killed while serving in Iraq and Afghanistan. When the Department of the Navy writes the families of Marines who have been killed, their families deserve to receive that letter from the Department of the Navy and the Marine Corps.

Mr. Speaker, I have on the floor this afternoon an enhancement of the orders for the Silver Star for Sergeant Michael Bitz of the United States Marine Corps who was killed in the Iraq war for freedom. He was cited with a Silver Star received by his family after his death. I brought this to the floor to emphatically show the difference of what it is today and what it should be tomorrow.

The first poster is an enlargement of the actual orders from the Secretary of Navy. And you can see the Secretary of the Navy, Washington, D.C., with the zip code and the Navy flag. Again, this was a Marine who died for this country.

If you look at the second poster that is beside me, you will see what it can be if this bill becomes law and is accepted by the Senate and sent to the President for signing. The order should be a flag, the Navy flag, the Secretary of the Navy and Marine Corps with the Marine flag.

Mr. Speaker, as I close, this is all about fairness and equality because there are four distinct services, the Army, the Navy, the Marine Corps and the Air Force. I think it is only right and befitting that two great services that have such a tradition and a heritage be treated as partners, and that is what this legislation does, the Department of Navy and Marine Corps.

I hope my colleagues on both sides of the aisle will join us in this effort, and let's recognize two great services, the Navy and the Marine Corps, as partners and a team.

With that, I ask God to please bless our men and women in uniform and their families. And I ask God to please hold in His loving arms the families who have lost a loved one dying for this country. And I ask God to continue to bless America.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, good evening.

Mr. Speaker, 2 weeks ago I had the privilege to visit our service men and women serving in Iraq, and I saw for myself what is really happening on the ground.

I met with several service men and women from cities that I represent, the city of Azusa, East Los Angeles and West Covina in California. I spoke with troop commanders, Iraqi women representing NGOs, and two parliamentarian women.

My trip to Iraq confirmed my belief that we must supply better support for our troops, including redeployment out of Iraq. But supporting our troops means securing our troops and making sure we minimize the risks they really face. Our troops, as you know, are overextended. The length of time they are spending in Iraq is not only demanding, but exhausting. For many of them, it is not their first tour either, this is their second, third and maybe even fourth.

While our troops remain committed to their work, they are concerned about the impact their duty is having on them and their families. The time they spend with their families is shorter with each tour of duty.

Our troops are concerned about the lack of adequate equipment. Some troops lack the basic equipment needed to do their job, like body armor. In fact, one soldier told me they don't have light bulbs. I said light bulbs for what? They said well, Congresswoman, for our vehicles. When we are asked to go into the communities, if we don't have light bulbs on our vehicles we can't see. Another one mentioned they didn't have scissors, and I said, Why do you need scissors? And he said because if one of my men gets hit, I need to have scissors to be able to bandage and provide whatever help that person needs.

In some cases they told me that the equipment they use is unreliable due to overexcessive use. And I was appalled to learn that some service members are forced to share their equipment with recent arrivals. The new members of the service that we are sending in in this surge or escalation are actually taking equipment away from those who are being currently deployed there. Without the proper equipment, our troops face significant and unnecessary risk to their lives.

Supporting our troops also means redeployment and an Iraqi nation that will govern itself and its people. Unfortunately, the best plan President Bush offers is another blank check request for his already failed policies.

In California, the 32nd Congressional District that I represent, as you can see, 13 of our sons have already given their lives, the ultimate sacrifice. U.S. casualties, as you know, are close to 3,200, and more than 24,000 service men and women have been injured or permanently disabled, and more than half of those will not be able to lead normal lives.

This blank check that President Bush provides must end. By deploying additional service men and women into combat, the President shows just how out of touch he is with the real needs of our troops and the reality of the situation. The increase of troops will do nothing to improve the long-term security situation.

The President's escalation plan ignores the very needs of these veterans. The crisis, as you know, at Walter Reed highlights the fact that this administration has not prioritized the health care needs of our returning veterans. And as Members of Congress, it is our responsibility to protect our troops and veterans when our Commander in Chief will not. We need a plan that will ensure that there will not be permanent bases in Iraq. And we need to ensure that all troops are provided with adequate equipment and training needed to do their job safely.

Our plan must require the Iraqis to take control of Iraq and bring other Arab states together to help solve this problem. Our plan must refocus also on Afghanistan. And our plan must ensure that our service men and women and veterans receive the best care available when they return home.

□ 1830

This includes traumatic brain injury, post-traumatic stress disorder, culturally competent health care, housing, and education.

The troops and their families have kept their promise to us. We must now keep our promise to them, and I am proud that we have made such a plan available. The U.S. Troop Readiness, Veterans' Health & Iraq Accountability Act, in my opinion, is key to this success. It supports our troops. It holds the administration accountable. It establishes a plan for redeployment, and provides for our veterans.

My trip to Iraq strengthened my belief that the right course of action is to redeploy our troops out of Iraq. Our men and women in uniform are doing their job, and we in Congress must do ours so that our troops will come home and receive the care that they deserve. We must not continue to turn our backs on those who proudly have served our Nation, and I will continue to fight and support our troops.

I look forward to their redeployment and their safe return to their families, to their friends, and to their loved ones, and I look forward to a resolution, and an Iraq governed by Iraqis, and a world safer and more secure for all of us. And I know our leadership will help to take us there.

PRISON INMATES HELP IN WAR EFFORT

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, behind the thick walls of some Federal prisons, inmates are being put to work. Not on chain gangs tarring roads and hacking rocks, but in prison factories.

Private industries are bringing their businesses behind the barbed wire fortresses, realizing the benefits of incarcerated inmates going to work. Prison industries are operated to achieve two goals: First, they occupy the prisoners' time to keep them busy and out of trouble. The second goal is to provide those incarcerated inmates a trade and valuable work experience, a trade and experience that can be applied to the American workforce once they leave the penitentiary. Prison industries give an inmate a sense of accomplishment and achievement, and the ability to have a chance to work and live as a law-abiding citizen beyond the prison walls.

In the Federal prison system, UNICOR, the Federal Prison Industries, Incorporated, contracts out to the Federal Bureau of Prisons and hires inmates to work behind those tall prison walls. The inmates earn 35 cents to $1.15 an hour. Now, Mr. Speaker, this money is paid by private industries, not taxpayers.

And, here is the best part: The money that the inmates earn goes to, first, pay their fine; second, partial restitution to the victim through the Victims of Crime Act; and, third, the rest goes into a savings account that the inmate will get once they leave the penitentiary. This way, the prisoner literally earns his keep in the big house. He helps pay for the system he has created, relieving the taxpayers of this burden.

I have had the opportunity to tour one of these prison units in Beaumont, Texas, at the Beaumont Federal Correctional Complex in my congressional district. In the Beaumont Federal prison system, prison inmates craft state-of-the-art military helmets for our troops fighting in Iraq. I have one of those helmets right here with me, Mr. Speaker.

This is officially called by the Federal Government the "personal armor for ground troops helmet." I just call it a helmet. It is used by our troops in Iraq and Afghanistan. It is made of Kevlar, and it provides our warriors protection from shrapnel and bullets. These helmets have been credited with saving several of our troops' lives in Afghanistan and Iraq.

Mr. Speaker, each month the inmates at the Beaumont Prison produce 30,000 of these helmets; 360,000 of them a year are being provided for our military. The Beaumont Prison factory also has the distinction of being the only UNICOR factory that produces these helmets. Currently, the prison is designing a more protective helmet that will soon be used in Afghanistan and Iraq.

The 320 inmates in the Beaumont factory making these helmets are patriots, and they think they are because they are patriots; they are doing their part in the war efforts. This is a medium security facility, and it is not the only war contributor in the Beaumont prison system.

The minimum security system in Beaumont repairs damaged tanks. They receive a facelift from the inmates and their engines are overhauled. The mechanics that work in these prisons are experts in diesel mechanics, and they take a once unusable piece of machinery that has been damaged and they turn it into a war-worthy military tank once more.

Mr. Speaker, as a former judge, I believe in using inmate labor; make them help pay for the system they have created. The taxpayer has paid for the system long enough. Some of these inmates in the Beaumont prison I met earlier on a professional basis at the courthouse, and now I am glad to see that they are turning their lives around. For behind the steel doors and tall walls of the prison, these men go to work each day producing helmets that safeguard American troops from enemy fire. They are not forced to work in the factories, but they choose to. They choose to volunteer.

The inmates I talked to are proud of our troops overseas and feel a sense of connection to them by making these helmets. Prison labor programs are a good idea for inmates and for America, and certainly for the American taxpayer. Some inmates are locked up behind bars because they harmed another person's life. Now they have the chance to redeem their past deeds; they now work to save the lives of our American soldiers. After all, Mr. Speaker, we are all in this together.

And that's just the way it is.

COMMENDING THE LILLY ENDOWMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise to commend the Lilly Endowment for its exceptional commitment to Indianapolis and to the State of Indiana.

Recently, the Lilly Endowment announced the winners of its 2007 Teacher Creativity Fellowships. The result of this endowment's effort is a program that will enable 129 teachers, principals, guidance counselors, and school librarians from all over Indiana to take the time to gain insight into new cultures, to explore subjects that intrigue them, and to just get away and bring back refreshed perspectives to share with their students.

The endowment has been successfully funding such programs for 20 years now. The class of 2007 includes nine recipients from public and private schools across the State who were selected as "distinguished fellows" of the program and received up to $25,000. The remaining 120 recipients each received an $8,000 grant for their activities.

The distinguished fellows feature of the program was introduced last year by the Lilly Endowment. A limited number of grants were available for creative renewal projects that would provide additional financial support and the possibility of time away from the classroom. As a result of this innovative feature, each selected teacher received up to $25,000. A separate grant of up to $25,000 was available to the teacher's school district to cover the costs of a replacement teacher, if necessary.

The winning creative renewal projects will send Indiana educators to study Indian culture by visiting Punjab, India; practice service learning by volunteering in Calcutta, Belfast, reservations in South Dakota, Haiti, and Mississippi; and interviewing street children in Latin America. But whether they travel to the Arctic or Mongolia, they will return to their Indiana schools carrying new cultural insights, full of new adventures and wisdom to share with their students.

Sara B. Cobb, the Lilly Endowment Vice President for Education, summarized the effort when she said, "Once again, we are thrilled at the response to this popular program. Good teaching requires a high degree of energy and motivation. We regularly hear that these renewal experiences have helped hard-working Indiana educators regain their enthusiasm for their profession."

So, Mr. Speaker and Members of the House, I want to commend the Lilly Endowment for doing such a great thing for Indiana and the education system. Good teaching does require a high degree of energy, motivation, and inspiration. I would add, "Good corporate neighboring requires a commitment to a corporate vision for a better community and the will to invest its resources to achieve that vision."

I want to extend my heartfelt thanks to the Lilly Endowment and its CEO, and indeed a good neighbor to Indiana. Thank you very much.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$25,000 FELLOWSHIP RECIPIENTS

INDIANAPOLIS PUBLIC SCHOOLS

Arsenal Technical High School, Karen Beck, "Service Learning: The Example of Mother Teresa"—travel to Calcutta, Belfast, the Rosebud and Pine Ridge reservations (South Dakota), Haiti and Mississippi to do volunteer service; conduct interviews in Maryland and Washington in preparation for creating service learning program at Tech; volunteer with local agencies.

Juvenile Learning Center School No. 459, Robert Masbaum, "Street Children of Latin America and Human Rights"—visit Mexico, Colombia, Nicaragua, Honduras and Panama to study and interview street children; prepare a documentary, curriculum guide and exhibit about children's rights.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$8,000 FELLOWSHIP RECIPIENTS

Archdiocese of Indianapolis (private), St. Joan of Arc School, Susanna L. Abell, "Mentoring Abroad in Central America"—work with promising young artist in Honduras; offer an art camp for children in Honduras; create paintings.

St. Therese Little Flower School, Lori Grant Feliciano, "Defining a Hoosier"—study the unique history and culture of Indiana.

Heritage Christian School (private), Sherryn L. Miley "Never Forget: The Holocaust"—study the Holocaust at the U.S. Holocaust Museum, European concentration camps and the Yad Vashem Holocaust Memorial in Israel.

International School of Indianapolis, Bernadette C. Allamel, "Ceramic Storytelling from Mali"—learn to make pottery in Mali, from collecting the clay through firing finished pieces; study cultural stories of Mali.

Arlington High School, Kerry J. Brown (see also MSD Lawrence Township) "East Meets West"—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Charity Dye No. 27, Sidney Allen, "Pilgrimage to Monet's Garden"—study art and horticulture in Giverny, France; create a garden at school.

Howe Middle/High School, Mary F. Nolan, "A Linguistic Immersion Amidst the French Culture"—spend time in rural France completing a book; experience the culture of France.

Jonathan Jennings No. 109, Patricia Reeves, "Tolerance and Diversity as Seen Through the Irish Eyes"—research Ireland's "Great Famine;" introduce classroom activities about immigration, racism and cultural tolerance.

New Horizons Alternative School, Christopher L. Howey, "A Journey on the Path of the Martial Way"—study aikido and jodo in Japan and Canada.

MSD Lawrence Township, Bernard K. McKenzie Career Center, Jane Davis Miller, "The Ups and Downs in Life: Unmasking the Search for Ourselves"—study history of mask-making; create and use masks in therapeutic theater programs.

Lawrence Central High School, Lan Bui-Brown (see also Indianapolis Public Schools), "East Meets West"—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Mary Castle Elementary School, Jan Good, "The Joy of Painting"—attend watercolor workshops; develop painting skills.

MSD Warren Township, Raymond Park Middle School, Rae Bosio, "Flamenco in Spain"—travel to Spain to study culture and dance.

MSD Washington Township, Eastwood Middle School, Douglas O. Vinton, "History Alive"—tour Germany, Italy, Greece, France and Austria to explore history and culture.

J. Everett Light Career Center, Robert Hendrix, "Voices Amidst the Mountains: A Journey into the Folklore of Storytelling"—create a radio documentary on the art of storytelling in the Smoky, Blue Ridge and Appalachian mountain chains.

North Central High School, Stephen J. Quigley, "The Emerald Ash Borer and the Art of Carving Ash Sticks for the Sport of Gaelic Hurling"—study history and cultural significance of the Gaelic sport of hurling; learn to cut and carve hurley sticks using ash wood salvaged from central Indiana forests decimated by the emerald ash borer.

Martha Sando, "2007: To Russia with Love, From Moscow to St. Petersburg"—view art collections in St. Petersburg and Moscow; hone plein air landscape painting technique; create classroom lessons on painting techniques, history and culture of Russia.

MSD Wayne Township, McClelland Elementary School, Eric Webb (principal), "Bringing My Ancestors to Dinner"—investigate Clan McLeod, capture images, poetry, songs and stories of Scotland.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK. Mr. Speaker, it is an honor to come before the House here, the 30-Something Working Group. I am glad that we are here tonight to have an opportunity to really talk about the accomplishments under the 110th Congress, and also issues that we are going to be working on in the very near future.

But as you know, Mr. Speaker, day after day I have been coming to the floor sharing with the Members and the American people on the fact that we have really worked hard to make sure that we run a house in a way that all the Members can feel comfortable about voting on the public policy that comes to this floor, especially major public policy.

The Whistleblower Protection Enhancement Act that passed this floor today is a piece of legislation that is going to assist not only the public knowing more about what happens here, but to make sure that we protect those that are trying to protect us.

As we start to head down the road of fiscal responsibility, as we start to have oversight hearings and Federal employees and others that are involved in Federal action, and just average Americans will be able to come forward and to share with this Congress and other agencies of accountability and oversight about waste, they will be able to come and share concerns or speculation of corruption, they will be able to come forth with recommendations without receiving the repercussions that they would have received prior to the passing of this legislation today.

One other thing that I think is important when we start looking at this legislation, the fact that there were 102 Members on the other side of the aisle that voted in the affirmative. The vote on this floor just moments ago was 331–94. And I think that will go right in line with other pieces of legislation that have passed this House floor in a bipartisan way on a major bill. I think we have a chart here that I think will be helpful for the Members to take a look at.

Implementing the 9/11 Commission recommendations, H.R. 1, passed 299–128, with 68 Republicans voting with the Democrats.

Raising the minimum wage passed 315–116, with 82 Republicans voting along with Democrats.

The funding for enhanced stem cell research, H.R. 3, 253 Members of the House voted in the affirmative, only 147 voted against. But as you know, Republican votes, 37 joined Democrats on that vote.

Making prescription drugs more affordable for seniors, H.R. 4, passed 255–170, with 24 Republicans voting with Democrats.

Cutting student loan interest rates in half, H.R. 5, 356–71, with 124 Republicans voting for it with all Democrats.

Creating long-term energy initiatives, I think it is an important initiative, H.R. 6, 264–163, with 36 Republicans voting with Democrats.

□ 1845

Now, Mr. Speaker, why is this important? Why are we talking about bipartisanship so much when we come to the floor in the 30-Something Working Group? We are talking about it because this has not been the culture here in the House. Major pieces of legislation, from H.R. 1 to H.R. 6, and even today when we passed off of this floor the Whistleblower Act, H.R. 985, to see bipartisan votes on these major pieces of legislation goes to show you that we have been waiting; and when I say "we," Members of the House have been waiting for a very long time to have the opportunity to vote on commonsense legislation that is going to assist the American people in their everyday lives, will assist this Congress in bringing about the kind of accountability that the American people voted for and hoped that we would, hopefully, enact one day.

I think it is also important to look at three House bills to shed light on public records. I think it is very important that the American people understand that we are going to open the Federal Government up to allow them to be able to receive public records in a timely manner. Of course, we are going to protect national security issues. Of course, documents that are not ready for public consumption will not be given to the public or anyone that may endanger Americans abroad or here in the United States. But there are so many documents by the White House that have been deemed secret when it wasn't necessary for them to be deemed secret. This piece of legislation and the three bills would deal with that issue, to be able to have a little more openness to the process so that we can do our jobs here on Capitol Hill.

I think it is important to continue to stick with the watchwords that we have been talking about here, the 30-Something Working Group, on accountability, oversight, new direction, and fiscal responsibility. I think it is important that we pay attention to what is happening right now, Mr. Speaker, when it comes down to Hurricane Katrina, Abu Ghraib, 9/11 Commission recommendations, which I must add that 10 Republicans and the Senate joined Democrats in passing the 9/11 Commission recommendations. All of these reports, as we look at good government, are taken from bipartisan commissions.

We are talking about governance here. We are talking about accountability here. Some may say, well, 9/11 Commission recommendations, that is a Democratic work product. No. That is just a Democratic leadership bill, that we said that we would fully implement the 9/11 recommendations even though the President has threatened to veto them. Even though it was a bipartisan commission, Mr. Speaker, chaired by a Republican Governor, former Governor, still the President and Republicans are saying that there is not a need to implement those recommendations.

I think, as we start to reflect, before I start talking about the supplemental appropriations bill that is being marked up in the Appropriations Committee this week, since Democrats have taken the majority, Mr. Speaker, Walter Reed, the misconduct was exposed by a newspaper here in the Washington area, The Washington Post. Democrats took action, making sure that we had hearings going immediately, not after, not 2 or 3 weeks later, saying we are waiting on the administration to see what they are going to do.

In kind, the administration started working very vigorously to take some action, and I commend the President on appointing two very outstanding Americans, Ms. Shalala and also Mr. Dole, to lead a commission to look at that.

The firing of U.S. District Attorneys became exposed recently, within the last 48 hours. Information that we received here in Congress was inaccurate. And now Democrats, in control of the House and Senate, are immediately going into hearings dealing with the Justice Department, asking the tough questions because no longer are we going to allow politics to run public policy in this country.

And I think it is important for the Members to understand that we are here as board members of the largest corporation on the face of the Earth, if one wants to call it that. I am just using that as an example. We are the board of directors here in the U.S. House of Representatives. One of the Members of our caucus during a caucus meeting made this analogy, with the President's being the chairman of the board or President/CEO.

When you start looking at the President/CEO of any corporation and you start looking at the mismanagement and you start looking at the political overtones, it is important that the board respond to whom? The stockholders, in this case, the American people, because it is their tax dollar that we are appropriating. It is their tax dollar that we have oversight on. And they have sent us, made us members of the board of directors to watch out for their interests. And that is using, once again, the word of accountability, the oversight.

We talk about a new direction. We also talk about fiscal responsibility. But those are not just catchwords. They mean something, and I think it is important that we pay very close attention to that.

I pointed out in this whole issue at Walter Reed last week, Mr. Speaker, and I felt very proud as a Member of Congress and someone that voted for the continuing resolution because the Republicans did not do their work in passing all of the appropriations bills. We had to clean it up when we came into the 110th Congress by passing a continuing resolution.

All district projects that Members fought for in the appropriations bill were taken out, and we had to then take those dollars and we put $3.6 billion into the veterans' health care system. And I am so glad we did that because when the Walter Reed story came out and the media started to focus on the lack of resources to take care of our veterans and take care of those that are still enlisted on the health care side, and this was actually the front cover here with the specialists of Newsweek, it gave the American people an opportunity to see leadership in action and also see a policy response to what has been unearthed by the media. And I think that is important because there has been a lot of foot-dragging around here and there has been a lack of the majority in the past of having the will and desire to do the right thing. And I am glad we did it in that case.

I am so glad to be joined by my very good friend, Mr. RYAN, from Niles, Ohio. They have a saying in Niles, Ohio, Mr. RYAN—well, in Ohio; I don't if it is necessarily in Niles. But it goes something like this: Remember that the field mouse is fast but the owl sees at night.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman's yielding and his comments about the field mouse and the owl. It is very important for us to remember that wisdom that he gives us.

And I appreciate your running over here, hustling over here. I actually wasn't going to come. I have got some meetings tonight that I have to get at, but I saw you over here out of breath, and I thought I would come over and sling-shot you in.

Mr. MEEK of Florida. Reclaiming my time, when I came over, it wasn't like can we pause for a minute and let me catch my breath. I mean, I was actually anchoring this special order and sharing with the Members the great work that has been done.

I talked about the bipartisan vote that we took today on the whistleblower legislation. And, Mr. RYAN, I did go to the gym today to make sure that I am in the right shape to be a Member of this House and serve as an example of making sure that you take care of yourself, that you do the right thing, and you live a long time.

So, Mr. RYAN, thank you for being concerned about my health care needs and making sure that you came down and allowed me to catch my breath. But I am so happy to see you, sir, because as a member of the Appropriations Committee, I am honored just to be in the same Chamber with you, sir.

Mr. RYAN of Ohio. I appreciate that. And it is an honor for me to be in the Appropriations Committee, and my friend on the Ways and Means Committee provides the ways and the means for us to get the job done.

One of the issues that we have talked about today a little bit is what the Democrats have been doing in Congress since we got here a couple of months ago. And I think it is very important, as we see all of the news stories about Walter Reed, as we see the news stories about the Attorneys General, we see the news stories about what is going on in Iraq, a year ago or 2 years ago, those stories wouldn't have even been possible because the threat of oversight hearings that Speaker PELOSI and the Chairs of our various committees have been executing is the exact balance of power that we were talking about prior to the elections last year. And the American people, very wisely, thought it was time for there to be some oversight.

But I must say, Mr. MEEK and Mr. Speaker, that all of the thoughts that we had about what was going on in a lot of these various agencies we thought were bad, but we didn't know they were this bad. And I don't think anybody would have said the level of pressure, for example, in the Attorneys General situation, the level of incompetence and neglect at Walter Reed is just absolutely shocking. And we knew about it with the war. We saw the lack of execution in the war. We saw it in Katrina. And now, because the Democrats are in power, we are now able to begin to fix these problems.

The whistleblower reform strengthens protections for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud, abuse. This is how we begin to reform government, by allowing those people who are in the institution of government to be able to speak freely and to be protected and not to be bullied or prevented from somehow improving the institution.

The Freedom of Information request, we had some provisions here. More timely disclosure of government documents, restoring the presumption of disclosure to FOIA, helping FOIA requesters obtain timely responses, improving transparency and agency compliance with FOIA, providing an alternative to litigation, and providing accountability for FOIA decisions, opening up government, transparency in the 21st century. It is an information-based society, an information-based economy; and the more we open it up and allow the information to flow, the more we are going to be able to improve things.

One of the great problems we had in China several years with the SARS issue is that nobody knew about it and you can't fix problems that you don't know about. And whether you are in a family or on a team or in a business or running a government, you need to make sure there is free and open access to information.

Now, granted, there are sensitive issues, national security issues that need to be protected and need to be kept in order to secure the long-term future of the country. No one debates that. But when we are talking about government documents and the execution of an administrative or executive branch department protecting whistleblowers who may have information in order to make the government improve, this isn't to punish anybody. This is to improve the government. And that means some difficult decisions need to be made.

And I think, under the leadership of this House, we are moving down that road, step by step, very methodically to improve the lives of people in this country and to reform the institution of government.

□ 1900

That is what we are all here to do. We have had several other things that we had.

But I want to talk for a minute, Mr. MEEK, if you don't mind, about oversight. I know you had mentioned oversight earlier in the evening, but what is going on and what has gone on already in this Chamber, as I mentioned, the Walter Reed thing came because of the threat of Democratic oversight and the committee oversight process that has already been going on.

For example, the war in Iraq, between the House and Senate, more than 97 oversight hearings have looked into the conduct of the Iraqi war. Ninety-seven. There is the big number hearings. And more are coming.

Tomorrow in the Appropriations Committee we are going to pass out the supplemental that is going to begin the exit of this war, begin the end of this war.

Mr. MEEK of Florida. Mr. RYAN, I am glad, because you are a member of the Appropriations Committee. Let me just say this, Mr. RYAN. Putting everything to the side here that we have been talking about, again, I am glad, because you are here as a member of the Appropriations Committee.

We actually have some Members, Mr. RYAN, that are concerned about the kind of leadership that this Congress is putting forth on behalf of the men and women in uniform and the men and women that wore the uniform and their families.

Mr. RYAN of Ohio. These are the same people, Mr. MEEK, these are the same people who were in charge several months ago, and for the previous 14 years, that led to the dismal display that we see at Walter Reed, the conduct of some of the people in the Veterans Administration. The same people that had oversight then are now upset and trying to point the finger.

Mr. MEEK of Florida. You know, Mr. RYAN, they say when you point your finger, you have like three or four fingers pointing back at you.

Mr. RYAN of Ohio. Shake and Bake. Right back at you.

Mr. MEEK of Florida. That is right. In full effect. You have here U.S. Troops Readiness, Veterans Healthcare, and Iraq Accountability Act. Expanding funding for veterans healthcare and hospitals. What is wrong with that? Nothing.

The Bush administration must meet military standards for troop readiness. Mr. RYAN, this is the DoD policy as it relates to troop readiness. The Congress had nothing to do with the policy. The Department of Defense came up with the policy.

So basically what we are saying, Mr. Speaker, through this act, follow your policy, because it is in the best interests of the American people and the troops that are in harm's way.

What is in that policy? Making sure troops have what they need when they are deployed. What else? Making sure we have a military that is ready to respond at a moment's notice when we need them. We will go deeper into that.

Mr. RYAN of Ohio. Armored Humvees. Up-armored Humvees. Kevlar vests. The proper amount of rest.

I want you, Mr. MEEK, to try to name me one person in this country that would dare send one of their own kids off to war without the proper equipment, that would not ride in a Humvee that was armored. And there are kids still getting killed in Iraq now because the Humvees are light armored and not heavy armored. They don't have the proper equipment and everything else. We are still losing kids because of that.

Mr. MEEK of Florida. Mr. RYAN, losing kids? We are losing 47-year-old Reservists. We are losing granddads in some instances that are still serving our country, Mr. Speaker, in the Guard, in the Reserve, active duty.

When you look at this, again, the Iraq government must meet the Bush benchmarks for reform.

Mr. Speaker, once again, this is not what the Democratic Congress put benchmarks on the Iraqi government for. The President of the United States of America, the Commander in Chief, marched down this aisle, walked that way and went up there to that rostrum right under where you are standing, Mr. Speaker, and said if they don't meet the standards and do X, Y and Z, then we are not going to be there forever. What is wrong with following the leadership, especially when you talk about accountability?

What is different this time, Mr. Speaker, is when the President has made those statements in the past, he had a rubber stamp Congress willing to do anything that he wanted them to do. But now you have a Congress that put forth legislation that will allow Members of the minority party, the Republican Party, Mr. RYAN, to vote with Democrats, for accountability, there is that word again; oversight, there is another word we use all the time; and to head in a new direction as it relates to Iraq. We have said that 100 times.

I think that is important, making sure that strategic redeployment of U.S. troops in combat by 2008, and reforming military efforts on Afghanistan and the fight on terrorism. What is wrong with all of that?

If I can, Mr. RYAN, I want to just talk about how the American people are way ahead of the Bush administration on this issue and the reason why we had this big transition in leadership here in the Congress back in September.

Nearly six out of 10 Americans want U.S. troops to withdraw from Iraq by 2008 or sooner. That is a CNN poll of 3–13–07.

Fifty-two percent think the United States should set a timetable for withdrawal of U.S. troops from Iraq. That is a CBS-New York Times poll on 3–12–07.

Sixty-seven percent of those polled by NBC-Wall Street Journal disapprove of the way the President is handling the situation in Iraq. That is an NBC-Wall Street Journal poll, 3-9-07.

I can go on and on and on, Mr. RYAN, of how the American people are with us as it relates to making sure that we do the right thing.

When we are in Congress and we are here, we are not generals, we are not in a forward area, Mr. Speaker. We have Members that have never worn a uniform, not even in school when they were coming up. We are not in the Armed Forces. Some of us are. Some of us are Reservists. Some of us are Guardsmen, Guardspeople, women, what have you.

But we have been elected to be Members of Congress to carry out the things that we talked about, oversight, accountability, being fiscally responsible, moving the country in a new direction, coming and voting on behalf of our constituents and the American people.

So, brave speeches on the floor about how Members support the troops. No, I support the troops more than you. No, I have a tattoo on my arm saying I support the troops. No, I have raised money back home.

That is fine. That is all good and dandy. Come to the floor and say what you want to say.

But when it comes down to it, where are the benchmarks as it relates to over $500 billion that has been spent on the war and $100 billion-plus that is going to be authorized sometime in the very near future? Where are the accountability measures? They are there to make sure you meet the benchmarks.

I know you can go further into that. But the 97 hearings to date, it is unprecedented in the past Congress and the Congress before that, Mr. RYAN. We have been here for the last two Congresses, and I can guarantee you that 97 hearings at this point in the Congress did not happen.

Mr. RYAN of Ohio. Not at all. We are starting to figure out what has been going on. Part of it, over the past few years, everyone kept saying 6 more months. Give them 6 more months. Six more months. Well, 6 more months, we are 4 years later 6 more months.

Mr. MEEK of Florida. Going on 5, Mr. RYAN.

Mr. RYAN of Ohio. Going on 5. Sixty to 65 percent of Iraqis believe it is okay to kill Americans, to shoot at Americans. We are in the middle of a civil war and we need to get ourselves out of it, not get ourselves further into it. So these hearings are an important component of that, to try to pull ourselves out of this situation that President Bush has gotten us into.

I say that because—for several reasons. One is, some people say well, if you have an end date, then they are just going to sit back and wait until we leave. The problem with that theory is if we say we are going to stay forever, then they are never going to do their share, and the problem has been the Iraqi soldiers won't get trained, the problem is we can't get a political solution because everyone thinks we are just going to stay there and keep the situation intact.

They need a goal, and the goal is, in our supplemental bill, if you do not have improvement in some of the benchmarks we have in there, political and military, if you don't have improvement by July, we are getting out. If you are showing some progress, we will give you until the end of the year, until the fall. And if you haven't met the goals by then, then we are out.

You have got to meet your obligations. Believe me, I didn't support this war from the get-go, and it kills me, it kills me, that we have got to spend $100 billion to get us out of a situation. That kills me.

This last couple of weeks we have had hearings in the Labor, Health and Education Subcommittee on Appropriations, and you see the millions of dollars the Bush administration submitted that they cut from physical education programs, art programs. They flatlined TRIO, GEAR UP, Upward Bound. All flatlined, with thousands of more kids going into those. Head Start. Only 60 percent of the kids eligible for Head Start get covered. There is a $100 million cut in Head Start, and we are going to go spend $100 billion?

I am voting for the supplemental, because I will do anything to get us out of there, and I believe this supplemental is the best step for us to take to get us out of there.

But it is not only what is going on in Iraq, Mr. MEEK. I don't know if you had a chance to see this memo.

Mr. MEEK of Florida. Before the gentleman goes to the memo, you said this thing is not just about Iraq.

Let me just say very quickly, again, you know here in the 30-something Working Group, we love, we don't like, we love third party validators. We love it, Mr. Speaker. We can't get enough of it. It fires us up. We just love it.

Here is the deal. Requiring the President to honor the standards of the Department of Defense set for troop readiness, training, equipment before sending troops into battle, 70 percent favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed to Iraq. That is a Gallup Poll, USA Today, 3-6-07. It is not a poll we did. This is just a poll that these news organizations have held.

Holding Iraqi government to the same standards for progress that the President outlined in announcing the escalation of troops. Seventy-seven percent favored requiring U.S. troops to come home from Iraq if Iraqi leaders failed to meet the promises to reduce the violence there. That is the Gallup Poll-USA Today.

This is very, very, very important. Providing urgency needed to support addressing the military medical care crisis at Walter Reed and other hospitals, 76 percent of Americans do not think the Bush administration has done enough to be responsible to take care of the needs of our men and women that are in uniform.

Mr. RYAN, the bottom line is that this is not a political speech that we are on the floor giving. This is reality. This is governance. This is oversight and this is accountability.

And for Members, Mr. Speaker, who feel that we shouldn't be venturing off into the area of leadership, maybe they didn't pay attention to what took place last November. I would say to some of my friends on the Republican side, because if this was political, I would keep it a secret. But you know, Mr. RYAN, we always talk about issues that may be detrimental to the Democratic forward progress of gaining more seats in the House.

If Republican Members want to vote on being with their, quote-unquote, leadership that has them in the minority right now, because they use catch words like well, you know, we don't need to make decisions because the President is making decisions and it is not our place to do it. Oh, we don't have to have accountability measures within the appropriations bill, within the emergency supplemental, because we need to leave the flexibility for Secretary Rumsfeld and unnamed individuals in the White House and unnamed folks over in the Pentagon to make these decisions.

I am going to tell you right now, that is the road leading to the minority, because it is a lack of oversight and a lack of leadership and a lack of accountability. And I am so happy, Mr. RYAN, I am very happy, it fires me up, Mr. Speaker, that we have a majority that is willing to do what we must do to give the American people, because we are responsible, they are our stockholders. They gave their tax dollars for us to have the opportunity to appropriate those dollars and have oversight over those dollars in an appropriate way.

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And by reading these poll numbers and what you just shared, Mr. RYAN, is more than vindication, more than third-party validators; it is leadership, accountability, and being fiscally responsible on behalf of the taxpayer dollars. I can tell you that I don't know a Republican that would say, "I am against accountability." I don't know of a Democrat who would say, "I don't like being fiscally responsible; I like to be fiscally irresponsible."

I don't know an Independent who says, and Independents came out in record numbers this last election. They voted for a new direction, and I am so glad we are giving it to them.

Mr. RYAN of Ohio. I would just like to make a couple more points to support you before I take off.

I don't know if you have seen this. I am sure you have as a distinguished member of the Armed Services Committee in your fifth year already. The memo from the gentleman from Texas (Mr. ORTIZ) chairman of the Subcommittee on Readiness, and Mr. ABERCROMBIE, House Armed Services Committee, Air and Land Force Subcommittee, these are the folks in Congress on the ground. They submitted a couple of days ago for Members of Congress, editors, defense writers and other interested parties a memo on military readiness.

I want to say a couple of things that I think are very important on where this war has put our military readiness, an elective war in Iraq as opposed to a real threat to our national interest, and the situation it has put us in. And our distinguished gentlewoman from Ohio (Ms. KAPTUR) who sits on the Defense Committee could probably speak better than I can on this.

Short-term readiness in this memo addresses the needs of soldiers on the field today. Iraq and Afghanistan have been marked by a lack of adequate funding for equipment, from effective Kevlar vests and helmets to uparmored Humvees which are better able to protect our personnel from roadside bombs. Compounding the lack of equipment for both deployed and nondeployed units is the fact that if nondeployed units don't have the same equipment they will use in combat, their training is less than optimum.

So if you don't have a Kevlar vest to train in when you actually are in the field and have to wear one, it is a much different scenario, and you may not have the proper training you need.

Long-term readiness, military preparation for any challenges our Nation may face tomorrow, that encompasses everything from manpower training and equipment to preposition stores of military equipment strategically located around the world that, the Government Accountability Office reports, have been deeply ransacked for Iraqi operations.

Check this out. Roughly half of all of the ground equipment in the United States Army is in Iraq or Afghanistan, nearly half the ground equipment that the Army owns. Since the start of the war, the Army has lost nearly 2,000 wheeled vehicles and more than 100 armored vehicles. Harsh desert climate, mountain terrain, virtually continuous combat and the physical weight of extra armor is wearing out equipment in Iraq and Afghanistan at up to nine times the normal rate.

The Army GAO report details that the Army has not been keeping accurate track of what they have or what they need to reset the force, nor can they provide sufficient detail for Congress to provide effective oversight.

The National Guard, between 75,000 and 100,000 pieces of National Guard equipment worth nearly $2 billion are now in Iraq and Afghanistan instead of National Guard armories around the U.S.; and National Guard units are left with about one-third of their equipment. These urgent equipment shortages hit especially hard on the military's ability to train Guard and active Army units, and they are forced to prepare and train for deployment with minimal equipment.

We have a real problem where the American Army is not ready should we have another incident around the world, or should someone, heaven forbid, attack the United States, or should we have another Katrina. For this President to talk, Mr. Speaker, about protecting the troops and saving the troops and being on the side of the troops, this is being on the side of the troops.

Mr. Speaker, I am going to yield to the gentlewoman from Ohio (Ms. KAPTUR), the dean of the Ohio Democratic delegation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN) and also Congressman KENDRICK MEEK from Florida, two 30-somethings who are outstanding leaders in this Congress, bringing new energy and new vision. I thank them for yielding me this time.

We will have extensive debates on the budget concerning the supplemental request for the war in Iraq, the global war on terrorism, and other related measures tomorrow and later next week. But as we are debating this and looking at sending another $100 billion across the oceans, halfway around the world, to support our troops and to try to reach resolution to that conflict, I want to bring to the attention of the American people a very serious issue here at home, one that is making headlines all over the United States.

This is USA Today's headline, "Record Foreclosures Reel Lenders," and "Subprime Troubles Send Stocks Into Swoon."

The issue of mortgages across this country going belly up by the thousands should be of concern to every Member of this Congress. The stock market this week has been roiled by concerns over the financial health of largely unregulated mortgage brokerage institutions that have been irresponsibly issuing mortgages in what is called the subprime market across this country and much of that market targets consumers with less than stellar credit ratings or who are at the margins of home ownership in this country.

They have been luring them into mortgages they can't afford, and as those mortgages adjust to higher interest rates in the third, fourth, fifth and subsequent years, they go belly up.

We saw yesterday the connection between the fast rate of foreclosures and the health of our economy when the Dow dropped 243 points as a reaction to the dramatic rise in these foreclosures. As USA Today recounts in the first paragraph, "The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year, and the rate of new foreclosures hit a record."

Companies like New Century Financial, the Nation's second largest subprime lender, have quit making loans and are edging towards bankruptcy protection. There is a map in the article that shows certain States, and I am going to discuss my own now, that are far above the national average where we know thousands upon thousands of people are losing their homes.

Ohio was the number one State in the Union to date with these mortgage foreclosures, three times the national average. They are estimating that in the next year and a half, over 250,000 more home mortgages will reset, and they are estimating that the financing gap in Ohio for this year and next year now totals somewhere between $14 billion and $21 billion. That is just Ohio. Add to it Alabama, Texas, Mississippi, Tennessee, Indiana, Michigan, West Virginia. This is a problem of national proportion.

There is plenty of blame to go around, but there is no question it is a serious issue that should be given primacy in this Congress.

I want to compliment the gentleman from Massachusetts (Mr. FRANK) for holding hearings yesterday on hedge funds, the unregulated part of the financial markets that is rather secretive. We don't know a lot about them, but we know many times they are involved with intertwining with these types of loans that have been going out into the marketplace.

We know our weak economy contributes to the situation, but also the failure of the past Congress as well as State legislatures to address predatory lending practices and to try to nip this problem in the bud before it became so much worse.

There is another side to this coin as well, and that is the large number of campaign contributions made by these hot-shot lending brokerage firms that have been making deals across this country; and that story, unfortunately, has to come out, too, and perhaps why some lawmakers have been unwilling to grapple with the magnitude of this problem and prevent the kind of foreclosures that are going on across the country.

Let me say that this USA Today article and the U.S. Department of Housing and Urban Development have a phone number that I urge citizens to call: 888-995-HOPE. 888-995-HOPE.

This line will connect those who are concerned about losing their homes to foreclosure with foreclosure prevention counselors nationwide. That is something we can do immediately. In the measure we will pass next week, we will make every effort possible to put in housing counseling money, and I would urge the Department of Housing and Urban Development to target those dollars to the areas that are just bleeding with foreclosure after foreclosure after foreclosure.

State and local governments could do a lot to help homeowners find help also, particularly in working out financing deals. I think Wall Street is going to have to take some losses. They ought to take them earlier rather than later. We ought to package some of this debt, and we ought to find a way to eat some of it and move some of those egregious profits they are making into filling the financing gap, because what good will it do for us to have millions of housing units across this country vacant? It is not going to help anybody.

We know in these subprime markets, they don't set aside escrow money for property taxes, and we know this is going to have a major effect on local government as well.

Mr. Speaker, I just want to say the President and his administration are focused on rebuilding Iraq, but somebody had better focus on rebuilding America and dealing with these rising foreclosure problems across the country. I will be the first in this Congress to put my shoulder to the wheel.

I want to thank Congressman MEEK for yielding me this time and thank him for his leadership in showing how much money we are spending in Iraq and how it is affecting our ability to address domestic needs here that coast to coast are so very serious.

[From USA Today]

(By Adam Shell)

SUBPRIME TROUBLES SEND STOCKS INTO SWOON

DEPTH OF DAMAGE IN MORTGAGE BUSINESS CONCERNS INVESTORS

The ripple effect of the "submerging" subprime mortgage market hit Wall Street hard Tuesday, with the Dow suffering a 243-point drop amid growing fears that home loan woes will infect other companies and hurt the broader U.S. economy. In another volatile day on Wall Street, stocks were battered by a slew of negative news in the home loan arena, prompting investors to wonder just how deep the damage in the mortgage business will turn out to be.

"The market fears that the submerging subprime lenders could drag down other companies with it," says Sam Stovall, chief strategist at Standard & Poor's. "Investors fear credit will dry up," which will make it harder for people to borrow money to buy homes and for companies to raise much-needed cash in a pinch.

Tuesday's biggest losers were financial companies that either lend money directly to homeowners or provide cash to the lenders themselves. Shares of subprime and commercial lenders, investment banks and brokers all finished deep in the red. The top two decliners in the Dow Jones industrial average, for example, were American Express, down 3.5%, and JPMorgan Chase, down 4.4%.

Pain in that sector is magnified by the fact that financial services is the biggest of the 10 industry groups in the Standard & Poor's 500 index, accounting for almost 22% of the index's total market value.

Still, the fallout was broad-based. The Dow fell 243 points, or 2.0%, to 12,076, its worst drop since Feb. 27, when it plunged 416 points. The S&P also dropped 2%, with 487 of its 500 components finishing lower. The three worst S&P industry groups were home building, specialized finance and investment banks/brokerages.

The bad news in mortgage land continued to pile up around subprime lenders as New Century Financial shares lost 49% and Accredited Home Lenders fell 65% on concerns their financial woes will worsen. The S&P's worst-performing stock: Bear Stearns, a big Wall Street brokerage with subprime exposure, fell 6.7%.

The big question now is whether Tuesday's sell-off, like the Feb. 27 plunge, is just air being let out of the speculative balloon, or whether more serious economic issues are at play, says Nicholas Sargen, chief investment officer at Fort Washington Investment Advisors. "Yeah, we are going to see a general tightening of credit standards and a crackdown on subprime lenders," Sargen says. "If you say it stops there, that is nothing new. But, and it's a big but, nobody knows for sure."

Investors will be watching what Lehman Bros. says about the health of the mortgage market and if the damage is isolated to subprime lenders when it reports earnings Thursday. Says S&P's Howard Silverblatt: "They will be looking to get more info as to how much exposure there is and who else is exposed."

[From USA Today, Mar. 14, 2007]

RECORD FORECLOSURES REEL LENDERS

(By Noelle Knox)

The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year—and the rate of new foreclosures hit a record.

The problem is most severe for borrowers with scuffed credit and adjustable-rate mortgages. More than 14% of them were behind on their payments. And the worst is yet to come, the MBA said. At least $300 billion in subprime ARMs will reset this year to higher interest rates. Those borrowers face higher payments and a harder time refinancing.

Blindsided by the number of loans that have already gone bad, more than two dozen lenders have gone out of business or been purchased. New Century Financial, the nation's second-largest subprime lender, has quit making loans and is edging toward bankruptcy protection.

"There's been a stunning erosion of mortgage quality," said Mark Zandi, chief economist at Moody's Economy.com. "It's primarily in the subprime market, but the entire market is weakening . . . and that adds to problems in the housing market, and by extension the broader economy." Retailers are already feeling the effect, he said, because homeowners tend to spend less when they fear their homes are worth less.

To stem their losses, lenders are ending 100% financing plans, requiring better credit scores and demanding more proof of a borrower's income. The stricter rules are squeezing first-time buyers, as well as homeowners who want to refinance.

Sellers, meantime, must compete with a rising number of foreclosures at cut-rate prices. Lenders that seize control of a house are usually aggressive about selling it, to limit the cost of maintaining and marketing it.

It's like a one-two punch, Zandi says. "It means less demand because many potential borrowers will be locked out," just as foreclosures expand the supply of homes for sale.

Some economists, such as Patrick Newport of Global Insight, had been expecting the real estate market to rebound soon. Now, he says, "We probably won't see a recovery in the housing market until next year."

In fact, sales of new homes are expected to fall 10% this year, while sales of existing homes are likely to slip about 1%, the National Association of Realtors said Tuesday.

States with the most job losses are seeing the largest number of delinquencies. In Mississippi, Louisiana, West Virginia, Michigan, Alabama, Missouri and Tennessee, at least one in five subprime ARMs is in default.

In the final quarter of last year, 0.54% of homeowners with a mortgage began foreclosure proceedings—a record—up from 0.46% in the third quarter.

Calls from distressed homeowners to the Homeownership Preservation Foundation, a free credit counseling service (888-995-HOPE or 888-995-4673), have more than doubled from last summer.

Mr. MEEK of Florida. I thank the gentlewoman from Ohio. I am so glad that she comes to the floor often to share with Members and the American people on issues that need light. It is good when we are able to give good information out.

Mr. Speaker, I think it is important as we go through this week of accountability in Washington, D.C. I think that is what people have been waiting on and counting on. The leadership is being provided to make that happen.

Earlier you heard me talk about the whistleblower legislation that was passed here today. When we start talking about ending waste in Federal contracting, we start looking at strengthening protections for Federal whistleblowers and moving to increase disclosure requirements for Presidential records, and also requiring disclosure of big donors to Presidential libraries. Providing long-term, overdue, constitutionally mandated oversight over veterans' health care crises and other Federal issues is very, very important.

This is serious work, and there are some serious pieces of legislation that will cross this floor.

Tomorrow we will be dealing with the whole issue of accountability in contracting. That is so very, very important, not only with the war in Iraq and the war in Afghanistan, but many of the contracts that are being executed in Homeland Security and the Defense Department. As we start to look at future disasters, looking at future contracting in our Federal agencies, it is important.

Limited duration of no-bid contracts awarded in emergencies to 8 months; within the emergency, Mr. Speaker, if it is an emergency, it is an emergency, not an emergency over the next 4 years for no-bid contracts. And many of the bigger companies have taken advantage of the no-bid contracts and have been the headline of several news articles about the fact that we have not provided the kind of oversight needed.

Also, requiring large Federal agencies to develop and implement a plan to minimize the use of noncompetitive contracts in having no-bid contracts, and many of these Federal agencies have not only doubled, but tripled in some instances.

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So overall within the Bush administration that has doubled under this administration.

Also, requiring large Federal agencies to implement a plan in minimizing the use of cost-plus contracting. Cost-plus contracting are the type of contracts that give contractors little or no incentive to control costs. This is so very, very important. This kind of contracting has grown by 75 percent under this present administration.

This legislation that we are passing or will pass tomorrow hopefully as we debate it on the floor is not for the Bush administration. It is for the future. It is from this point on of how we are going to deal with contracting, how we are going to cut out some of this waste that is taking place here in Washington, D.C., and throughout the Federal Government.

This is really tackling many of the issues that we have right here under our nose, Mr. Speaker. We do not have to go off into foreign lands and try to figure out how we can correct. We need to correct some things right here in Washington, D.C., on how we do business.

Also, requiring agencies to prepare a public letter explaining why they awarded a no-bid contract. Again, shedding light where we do not have light now. This is leadership and work. It takes work to uncover the fact that we must shed light on the issue of no-bid contracting.

Also, requiring that contractors that overcharge more than $1 million, that it is disclosed to Congress. We want to bring about accountability. Disclose it. Right now, contractors that go over and overcharge, go over the billions of dollars. When I was on Homeland Security Committee last year, the oversight committee, seeing all of the contractors that overcharged and was paid by the Federal agencies and Homeland Security, you charge us, you sent us a bill, we will pay it, no accountability, no oversight. Those days are over. It is going to start here tomorrow here on this floor.

I urge all Members to vote for the legislation in the affirmative, and Mr. Speaker, maybe tomorrow when we come to the floor, the 30-something Working Group, maybe we will have a bipartisan vote on this legislation. It is kind of hard for anyone to go home and say I voted for the Accountability in Contracting Act. Just the word "accountability" I have been using that for the last 3, 4 weeks. We will see. I hope we have it.

Also, making sure that we close the revolving door and requiring that former Federal procurement officers wait 1 year before seeking employment at lobbying and contracting firms; require that the Federal procurement officer wait 1 year before involving themselves in contracts given by the former employer.

I think it is important, Mr. Speaker, once again, we had just here on this floor, we have had Members that have anchored bills, led it through Congress and announced retirement, in past Congresses they have done this, announced retirement and go into the private sector and make millions, but that happens under the lights of this Chamber.

But in some of these Federal agencies, you have some folks that will start a project and then have an end date of when they are going to end their Federal employment to do what? To go out and manage the project. Again, I do not know an Independent, Republican or Democrat that would endorse that kind of activity.

Why will the Accountability in Contracting Act be on the floor to tomorrow? Because the Democratic leadership has the will and the desire to clean up the waste in Washington, D.C., not just talking about it, not just having boards behind us saying we believe in accountability, we hate waste, but actually doing something about it.

This should be good for the private sector, too, of making sure that their employees and individuals that work with them and subcontractors that work with them on Federal contracts are accountable and that they make sure that they pay very close attention to what they are doing with the taxpayer dollars.

So, Mr. Speaker, with that, I look forward to coming to the floor tomorrow, talking about the victories of this week. I believe tomorrow will be our last day voting here this week, and I would like to just recap and also talk about what is coming up next week. The reason why we are going through this process is because not only has the leadership asked for inclusion of ideas, but to make sure that no one feels excluded of being a part of this process and having the opportunity to vote on legislation.

The bipartisan votes that I have mentioned earlier will continue to add on to that list, and soon I am pretty sure it will be in the high 30s and 40s because legislation that makes sense to the people back home are coming to the floor of the House of Representatives in a record number like it has never done before.

So I am happy that we are having these bipartisan votes. I am happy that we are working as though we were in the minority, hungry to provide leadership. I am glad that accountability is shining on to this floor and throughout the halls of Congress, and with that, Mr. Speaker, once again, it was an honor addressing the House.

REPUBLICAN STUDY COMMITTEE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come to the floor this evening and to talk about something that is of tremendous importance to the American people, and today, we have introduced an American Taxpayer Bill of Rights.

This is something that we have had talk. We have had a lot of conversation. We have heard from constituents around the country who have said, you know what, we do not like the size of government. We do not like how it has grown. We do not like how government seems to be out of control. We do not like how the Democrats always seem to support the government elitists. We know that we need to have somebody there fighting for the American taxpayer, fighting for the American family, so that when they sit down to work out their budget, when they sit down to look at the family finances, they can be assured that somebody is thinking about them when they take the votes that are going to affect us, to affect the Federal Tax Code and to affect how the American family lives and works and hopes and dreams and plans, how they make their plans for college education, how they make their plans for small businesses, how they make their plans for building a nest egg and a retirement.

So we have the American Taxpayer Bill of Rights that was introduced today by the fiscally responsible Republican Study Committee, and this is something that we have brought on. Some of our colleagues are going to join us tonight and talk about this issue, talk about the legislation that we have brought forward, and that we will bring forward through the next several months and talk about the proposals and the principles that we have laid forth today.

Now, if my colleagues want to find out more about the American Taxpayer Bill of Rights, I would encourage them to go to the Web site which is house.gov/hensarling/rsc, and you can e-mail the Republican Study Committee at rsc@mail.house.gov. That is the way to stay in touch with us, and as we talk about the principles that are embodied in the taxpayer bill of rights, we want to hear not only from our colleagues that are here in the House but from our constituents all across America, from people who want to weigh in on making certain that this Nation stays focused on preserving freedom, on preserving free enterprise, that we stay focused on making certain that America is a prosperous Nation.

Now, our components, we have four simple principles that we have introduced into the American Taxpayer Bill of Rights, and I am certain, Mr. Speaker, that people that are listening to this say I think I have heard about a bill of rights in my State; I think I have heard this before. Many of our States have because many of our States know they need to be responsible with the taxpayers' money, and that is one of the first lessons.

The money that we have here in Congress is not government's money. It is not the money of the House of Representatives. It is the money of the taxpayers of this great Nation. They are the ones that have earned that money. They are the ones that have paid their taxes.

Most of my constituents in Tennessee will tell me regularly, Congress does not have a revenue problem; they have got lots of money and they are right. For the past 2 years, this government has brought in more tax revenue than ever in history. We have had more revenue come in. The problem is government has a spending problem. Government has such an appetite, it never gets enough of your money.

Now, my colleagues across the aisle like to talk about how there is all this waste and how there is all this fraud and how there is all this abuse, and you know what, they are right on that, because over the past 60 years there has been this huge, enormous bureaucracy that they have built. The bureaucracy of the Federal Government that exists in this town is pretty much a monument to the Democrats. They like it. They like bureaucracy.

They did not have control of this House for 2 days before they increased spending, and within 2 weeks they had increased taxes on the American middle class and American working families. Two days to increase the spending, so that they could feed this bureaucracy, so that they could grow this bureaucracy; and 2 weeks to increase taxes on the American middle class and the American family, men and women that are working and seeing their taxes go up. Last week, I think it was $17.9 billion that they increased spending.

So their habits have not changed. They are going to continue to feed the bureaucracy, to see that bureaucracy waste money, to see that bureaucracy grow because that is the way they like it.

What we are going to do in the fiscally responsible Republican Study Committee is put the focus on the American family and on the American taxpayer and be certain that they know we are defending their rights.

One of those is to limit Federal spending to the growth of the American family budget. Now, this is a great idea that we have taken from many of our States.

In Tennessee when I was in the State Senate, when you look at our State Constitution, you cannot grow spending in that State more than the growth of the budget. You have got to be certain that you balance that out. So what we are saying is, if we have per capita income growth of 3 percent or 4 percent, then you cap your Federal growth spending at 3 percent or 4 percent. You cannot be growing it 8 or 9. You cannot keep up with that. There is no way to make those numbers work unless you go into deficit spending.

Our friends across the aisle love to rail about deficit spending. Well, how did we get there? They grew a government so big, with entitlements so wide, that every year they come here and it is always a little more and a little more. Let us spend a little bit more, and a little bit adds up to a lot, and a lot adds up to a deficit, and a deficit adds up to a debt.

So limit what the Federal Government is going to spend, get in behind some of these programs that have outlived their usefulness.

Every year we bring forward programs that have outlived their usefulness. Every year we talk about programs that need to be reduced. Every single year we talk about ways to find waste, fraud and abuse. It is time for this body to have the will and the energy to begin to reduce spending.

Mr. Speaker, for all the rhetoric that comes out from some of the liberal elites who want to pad and grow the bureaucracy and some of those organizations that benefit from the bureaucracy, you do not hear them talking much about the Deficit Reduction Act that this House passed and was the budget for 2006. The Deficit Reduction Act included a 1 percent across-the-board reduction in discretionary spending.

□ 1945

Lo and behold, that yielded a $40 billion savings. Well, now, those on the left wanted to cry, oh, $40 billion is not enough. It is a mere drop in the bucket. It is not even a good start. Their solution was to go out and propose several hundred billion dollars' worth of spending amendments that would increase spending.

That is how they wanted to reduce it. Not reduce what we were spending, just maybe reposition some money and spend a little more.

So we want to be certain, the Republican Study Committee, with our fiscally responsible premises, let's limit it. Let's not let this Federal budget grow more than the family budget.

Another of our premises is to ensure that our Social Security remains secure. I think it is absolutely appalling that every year the Federal Government spends the surplus from Social Security, every single year. Every single year it goes into the general fund.

We have a plan we are going to bring forward, and we are going to see several different plans on this. Move it off budget, don't spend it, make certain that it is there for our seniors when they are ready to retire.

Commonsense tax reforms: We have a plan for sunsetting the Tax Code, and as we sunset that Tax Code on January 1 of 2011, let's begin now and have a debate. Do we want a flat tax? Do we want a fair tax? How do we want to reduce what the taxpayer spends? How do we want to reduce the tax burden?

You know, one of my colleagues was down here a little bit earlier and was talking about how difficult things are for working families, how difficult things are for moms and dads who are working and trying to make ends meet, and where they could go for help. You know the best place they could go for help? The best place to go for help is right at your kitchen table when you can look there at the papers in front of you and say, we have seen our taxes reduced by 15 percent, by 20 percent, by 25 percent.

There is no need for nearly 50 percent of everybody's income to end up going to taxes at the local, State and Federal level. It is time to roll that back. Give people first right of refusal on the money that they earn in their paycheck.

Our fourth premise is to make certain that we have a balanced budget amendment, another great idea that has come from our States. Many of our States have balanced budget amendments, many of our cities and county governments have balanced budget amendments. You cannot go into deficit spending. The Federal Government needs to adopt that practice.

At this time, I would like to yield to the gentleman from Texas (Mr. HENSARLING), who is chairman of the Republican Study Committee, for his comments on the American Taxpayer Bill of Rights that was introduced today.

I yield to the gentleman from Texas.

Mr. HENSARLING. I certainly thank the gentlelady for yielding, and I especially thank her for her leadership. She was one of the prime architects of the Taxpayer Bill of Rights that was unveiled today in the United States Capitol. It is a very bold concept that we have, and that is that taxpayers, taxpayers ought to have rights that will be as respected and as revered as those that are enshrined in our United States Constitution.

Now, why is this so important? Just within the last 2 to 3 weeks, we have heard reports now from the Congressional Budget Office, the Office of Management and Budget, the Government Accountability Office, the Chairman of the Federal Reserve, the Secretary of the Treasury, every single person, or every single department that is in charge of either the monetary or fiscal policy of our government have all come to the same conclusion; and that is the number one challenge that we face, the number one fiscal challenge that we face in America is the out-of-control spending represented by what we call entitlement spending.

Now, our friends on the other side of the aisle, they don't want to do anything to help reform entitlement spending. They don't seem to want to work with us to find better, smarter, more accountable ways to deliver health care and to deliver retirement security at a more reasonable and affordable cost. So what that means is, there will be a tax increase, yet another tax increase on the American people.

Now, immediately, they have their sights on the tax relief that was passed in the last few years, the tax relief that has now created over 7.5 million new jobs in America; 7.5 million more people are working now because of the economic growth due to that tax relief. They want to do away with that.

We have the highest home ownership we have ever had in the history of America, home ownership, part and parcel of the American dream, and thanks to this tax relief, we have that. Household net worth is up. The unemployment rate is lower than it was in the average of the 1990s, the 1980s, the 1970s, and even the 1960s. All of this is due to tax relief.

But our friends on the other side of the aisle, they want to take it away. They would take the working poor and increase their taxes 50 percent. They would take away the 10 percent bracket, bring back the 15 percent bracket. They bring back the marriage penalty, the marriage penalty. Tomorrow, if you fall in love, you get married, you pay higher taxes. The list goes on and on. Now, that is bad enough, but that is just what would happen immediately if we don't have a Taxpayer Bill of Rights.

More importantly, as time goes by, just to pay for the government we have today, the government programs which are on automatic pilot to grow exponentially, if I remember my 8th grade geometry, it's not growing like that, it's not growing like that, it's growing like that. These programs are growing exponentially. What is going to happen is, as time goes by, the children and grandchildren of our families, they will be facing a tax increase of almost double their present taxes.

Again, let me restate that, double taxes. The average American family today pays about $20,000 a year combined in their Federal income taxes and their payroll taxes. People who are viewing this debate now, their children, their grandchildren, are going to be facing a crushing tax burden of almost $40,000.

Again, don't take my word for it. Go to the Web site of the Office of Management and Budget. Go to the Web site of the Government Accountability Office.

The Comptroller General, I guess you would call him the "chief green eyeshade guy" for the Federal Government, our key actuary, has said something along the lines, and this is a paraphrase, that we stand on the verge of being the first generation, the first generation in American history to leave the next generation with a lower standard of living.

Mr. Speaker, my wife and I have a 5-year-old daughter and a 3-year-old son, I am not just going to sit idly by and allow that to happen, allow that to happen. We have to have a Taxpayer Bill of Rights today to save the taxpayers of the future from this crushing burden. Shame on us if we do nothing, if all we do is look to the next election and not the next generation.

That is why it was so important, particularly having the help of the gentlelady from Tennessee in helping craft this Taxpayer Bill of Rights, four very fundamental principles that are so important to the future of this country.

Number one, and probably the most important principle, every taxpayer ought to have the right to have their Federal Government not grow faster than their ability to pay for it. What a radical concept to think that if your family budget grows 3 or 4 percent, why should the Federal budget grow 7, 8 or 9 percent?

Ultimately, we cannot sustain that growth rate, because every time, every time we balloon the Federal budget, we are putting the family budget in a vice. That means there are families all over the Fifth District of Texas, that I have the honor of representing in the hallowed halls of Congress, some family in the Fifth District of Texas, now they are not going to be able to send a kid to college because there is a plan, they don't have any rights as taxpayers, and their taxes are going to get increased 50 to 100 percent.

Some family in the Fifth District of Texas will not be able to enjoy their version of the American dream, express their entrepreneurial spirit and start their first small business. Some family in the Fifth District of Texas, they are not going to be able to get the proper, long-term care for an aged parent, all because Uncle Sam will take more taxes, more and more taxes, just to pay for the programs we have today.

So we believe that every taxpayer ought to have the right to have their Federal Government not grow beyond their ability to pay for it. The Federal budget should not be growing faster than the family budget.

Second of all, we know how important Social Security is to our seniors. Not only am I a father, I am very happy that I have parents who have Social Security. It is part of their income. It is a very important program.

But every taxpayer who pays into Social Security ought to have the right to know that their Social Security taxes will be used only for Social Security. We know if we don't reform that program, if we don't take it away from big spending liberals in Congress, they are just going to blow it on something else. That is not right.

Every taxpayer should have the right, should have the fundamental right, who pays into Social Security, to have that money go to Social Security.

Third, the Tax Code is wrong. It is unfair, it is complex, it is unconscionable. It ought to be pulled out by its roots and thrown away. Every taxpayer should have the right to a fair and simple Tax Code, one that they can understand, one that they don't have to employ an army of lawyers and accountants to explain to them, a Tax Code where, if you call the IRS, you shouldn't get five different answers just because you talk to five different people about a problem.

They ought to have a right to a Tax Code that, due to its complexity, doesn't send jobs overseas.

It is time to sunset the Tax Code. We want to sunset the Tax Code in 3 years and force this body to replace it with something that will be fair, something that will be simple.

Winston Churchill once said that Americans will usually do the right thing once they have exhausted every other possibility. It is time to exhaust the other possibilities and help force this Congress to do the right thing and scrap the Code.

Fourth, the fourth right of the conservative movement in the House, the Republican Study Committee, we believe that every taxpayer ought to have the right to have their Federal Government balance the budget. Families all across America have to balance their budget. Why doesn't the Federal Government balance theirs and balance it without raising their taxes?

Of course, we can balance the budget if we double their taxes, if we take away their hopes to send a kid to college, if we take away their hopes to start a small business, if we take away their hopes of providing long-term care for an aged parent. Sure, that is one way of balancing the budget, but there is another way. It is for Members of Congress to actually do the hard labor of prioritizing all the Federal expenditures and getting there and reforming ancient programs that are no longer fulfilling their mission, or maybe they already have. Maybe they have already achieved success.

It wasn't too long ago that I figured out that we were still paying for Radio Free Europe. I don't know how many people who are listening to the proceedings this evening remember Radio Free Europe; it served a very vital role in helping win the Cold War. But if I remember my history properly, the Berlin Wall came down in 1989. We should have given everybody at Radio Free Europe a great party, given them a great bonus check and used that money to help shore up Social Security.

President Ronald Reagan once said the closest thing to eternal life on Earth is a Federal program. So we have to decide, what is the priority around here? We need to balance the budget.

The easiest thing Members of Congress do is, they say "yes" to some constituency today, and then they just go ahead and send the bills to a future generation. Just by leaving government on automatic pilot they are sending bills to future generations, because we know again, if the Democrats on the other side of the aisle will not work with us to reform out-of-control, runaway entitlement spending, again, our children and grandchildren are going to face a doubling of their taxes. That is unconscionable, absolutely unconscionable.

So we, the conservatives within the House of Representatives, represented by the Republican Study Committee, believe that taxpayers deserve four fundamental rights: a right to have a government grow no faster than their ability to pay for it; they should have the right that every single penny of their Social Security tax dollars goes to Social Security; they ought to have the right to a fair and simple Tax Code; and they should have the right to have the Federal Government balance the budget so that they don't end up paying half of their tax burden for previous generations.

So I am very happy that 100-plus members of the Republican Study Committee have come together to embrace this Taxpayer Bill of Rights. It is a very exciting concept, and one, Mr. Speaker, that legislation will be introduced in the weeks and months to come, that we will be talking about from coast to coast, north to south, east to west, that we believe will capture the imagination of the American people so that finally some amount of fairness and some amount of rationality can come in, because if we say "yes" to everybody who walks in our office today with their hand out, we end up saying "no" to our children's future.

□ 2000

And, again, I don't want to be a part of the first generation in America to leave the next generation a lower standard of living. That is not the American way. That is not the American dream. There is a better way, and it is called the Taxpayer Bill of Rights.

And with that I would be happy to yield back to the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Texas for his leadership on the issue. The American people have just so clearly said we are tired of this wasteful spending. We are tired of taxes that continue to go up. We are tired of watching wastefulness in bureaucracies that don't respond to you when you need them, when you have a problem.

And we have heard from so many people today who have said, we are so excited somebody has grabbed this problem and is looking for solutions, because that is what the American people want is for this body to come together to grab hold of problems and to work for solutions, work those problems through to solution, so that we make certain that our children and our grandchildren are going to have a better future, so that we know that we are going to leave things in better shape than we found them. That is good stewardship.

And continuing to feed this bureaucracy that started with the New Deal, that started with the great society, programs that have piled on and piled on and piled on; people that are afraid to say no to every special interest group that comes in this town.

It is time for things to change. The Republican Study Committee has unveiled their Taxpayer Bill of Rights; house.gov/hensarling/rsc. Or e-mail the Republican Study Committee, rsc@mail.house.gov, and give us your comments and your feedback and participate with us as we look at ways to make certain that we take less from the American worker, we take less from the American family, we reduce those taxes, and we leave that money there with you, without ever taking it away, leaving it for you so that your pay check is bigger, so that you have got money left over at the end of the month, instead of having too much month left over at the end of the money. That is the way we need to be doing it, leaving the money with the taxpayer.

At this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, who has been such a leader on fiscal issues and on the tax reform issues, and seek his comments on the Taxpayer Bill of Rights.

Mr. GINGREY. Mr. Speaker, I really thank the gentlelady for yielding. And I am sitting here chuckling a little bit here at that comment, too much month left over at the end of the money. If that doesn't cut to the chase, I don't know what does. And certainly I want to compliment my colleagues from the 108th Congress.

Mrs. BLACKBURN. If the gentleman would yield.

Mr. GINGREY. Of course I will yield.

Mrs. BLACKBURN. I have a constituent who uses that phrase all the time, you know, about having too much month at the end of the money, and would like to have a little bit of money at the end of the month.

And today, during our press conference, as we announced this, one of our colleagues was quoting one of his constituents named Hoss. Another of our colleagues got up and quoted the philosopher, Voltaire.

And where I come from in Tennessee, we generally quote country music. And when we talk about this Tax Code, I generally think of the great James Dean Hicks song sung by Randy Travis, "When You're In a Hole, Stop Digging."

And that is what the American people and what a lot of our constituents are saying. We have dug such a hole with this 17,000 pages of Tax Code, and it is taking too much away, and there is not enough to cover the expenses every single month. So we are kind of looking at the IRS and saying, maybe we will bury these tax books.

And I yield back to the gentleman.

Mr. GINGREY. And I thank the gentlewoman; and absolutely right on target. I also share her love of country music as well.

But when we did that press conference today, Mr. Speaker, with our Communications Chair of the Republican Study Committee, our chairman, the distinguished gentleman from Texas (Mr. HENSARLING) and JOHN CAMPBELL, the gentleman from California, who chairs our Subcommittee on the Budget and Spending Task Force and many other of the members of the Republican Study Committee and talked about this four point Taxpayer Bill of Rights. Everything has got an acronym. You could call that TABOR, I guess, TABOR. But the gentleman from Texas who just preceded me outlined those 4 points. I don't need to go back into that.

But clearly, the Taxpayer Bill of Rights is just as important, as one of the Hosses from the State of Georgia, our dear esteemed colleague, Charlie Norwood introduced a bill a number of years ago, the Patient Bill of Rights. I love that. The Patient Bill of Rights. I wasn't a Member at the time. It inspired me to become a Member, because he was concerned about the physical well-being when the excesses of the managed care industry, if you will, were really causing people a hard row to hoe to get to their doctor of choice. And Charlie Norwood, Dr. Charlie, had that Patient Bill of Rights because he was concerned about the physical well-being of America. And what we are talking about now is the fiscal well-being in this Taxpayer Bill of Rights, equally as important.

And again, I am proud to be supportive of my colleagues in the Republican Study Committee. I hope that we can have the Blue Dog Democrats embrace this TABOR, Taxpayer Bill of Rights.

I will tell you this, Mr. Speaker. This is the season of Lent. It is the season when Christians reflect on their spiritual life, and they think about repentance and doing things better and being better toward their fellow man and making sacrifices.

And I will tell you, I have thought about that during this Lenten season; we are midway at this point, of my political life and what changes I, as a Member, can make, representing those 650,000 constituents in the 11th District, Northwest Georgia, what can I do better for them?

Have I lost my way a little bit?

I want to say this, Mr. Speaker. And these are my two good friends that are on the floor with me. They have not lost their way. And they have been an inspiration to me from day one, back in 2003, when we were sworn in, in regard to their total commitment to fiscal responsibility and taking that leadership role.

I have been maybe, from time to time a little bit squishy. Some of those people that come in, you know, it is easy, everybody needs a little bit more. Just what is going to make you happy? Well, just a little bit more spending from the Federal Government.

But I am recommitting myself during this Lenten season, both spiritually and politically, because what has really happened, Mr. Speaker, and I think my acting Legislative Director said this to me as we were chatting earlier this evening. He said, you know, Congressman, what has happened here is the Federal Government has become this giant riding lawnmower, this giant riding lawnmower, when the Founding Fathers really intended it to be a weedeater, and that is exactly what has happened. We need to go back and with this Taxpayer Bill of Rights, go back to the days when the Federal Government was a weedeater, and we can do it. And I commend my colleagues, and I appreciate the opportunity to share those thoughts with my colleagues tonight.

And I yield back.

Mrs. BLACKBURN. I thank the gentleman from Georgia. I was interested in some comments the gentleman from Georgia made earlier today as we look at sunsetting the Tax Code. And I appreciated his perspective on the conversation we should have with the American people about sunsetting the Tax Code, and then, what kind of tax we go to, and what a great and vigorous debate that that can be. We have got some wonderful options to choose from. And there are those that want to reduce the limits. There are those that want to get rid of some of these 17,000 pages of deductions and credits and special preferences and incentives, and they want it to be simple and easily understood. And I appreciated that.

There are those, and the gentleman from Georgia mentioned that, another of our colleagues, who supports the fair tax, and having just the national sales tax, and how important that would be to allow a debate on that. How wonderful for the American people if both sides would come together, if they would join the fiscally responsible Republican Study Committee and say, we are going to have this debate. We are going to get rid of this Tax Code. We are going to set about on the path so that our children and our grandchildren will say, they thought about me. They put in place a tax code that I can do my taxes myself. I can focus on building a business. I will have more money in my checking account, in my savings account, in my business, building that nest egg. They will leave that money with the person that earns it, rather than sending it to a bureaucracy to waste on frivolous desires. And I appreciate the comments the gentleman from Georgia made on that issue.

At this time, I would like to recognize the gentleman from Iowa (Mr. KING), who has worked diligently on the issue of tax reform since he came to this body.

And Mr. Speaker, it is a point of personal pride for me that our freshman class that was sworn in in 2003, everyone that is here in the 108th Congress, all the Members speaking tonight were a part of that class.

And I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Tennessee and especially all the work that you do and the way that you helped direct this communications together so that it is a consistent message. And it is a privilege to serve with you. And there is a certain bond that comes in. When you come into this Congress together, you go through these wars together, and you fight the battles together and stand up for Americans and for the Constitution together. And those are bonds that make us stronger and make us better and more unified. And when we see things happen that are breaking down the opportunity for a better American destiny, that is when we rally and come together for the things that are right.

And so with the discussion that has been going on here, that has to do with the responsibility of funding and being able to put together a real fundamental tax reform and the reference to the fair tax, I need to stand and say that that is something that I came to a conclusion that I was supportive of that concept some time in about 1980. In fact, I know it was 1980 because it was the IRS that audited me one too many times in a row and the audit was for 1979. And as I sat there and my business was immobilized for 4 days while I pulled pieces out of the filing cabinet, finally we got that resolved. And then I went back out and climbed in the seat of a bulldozer and I began to think, why are those people in my kitchen? Why are they looking through everything, all my records that I have had for the last several years? Who do they think they are making Monday morning quarterback decisions on decisions I had to make on the fly while I was trying to make a living? And wouldn't it be wonderful if we could live without the Internal Revenue Service.

And so I started with that principle, quickly got to the principle of, as Ronald Reagan said, what we tax we get less of. What you subsidize, you get more of. What we tax we get less of.

And so the Federal Government, in its "infinite wisdom," and I do put that in quotes, has the first lien and taxation on all productivity in America. Well, I want to take that first lien off of all productivity. I want to untax all productivity. I want to untax the poor. I want to put the tax on consumption, not production. And if we do that, we will see this Nation's economy blossom and grow dramatically. People will get back their freedom. Little Johnny, that puts up his baseball cards, or Sally, that buys her Barbie doll clothes, will have to dig a couple of dimes out for Uncle Sam. And when they see that, transaction after transaction, that generation of Americans will understand how expensive the Federal Government really is, and some of those little Johnnys and Sallys will come to this Congress and stand here on this floor like we are tonight, and they are going to say, boy, you know, I kind of like my freedom, and I am really not that happy with more government security, and we will have a Nation of responsible people that will be singing their voices here on the floor of Congress and shrinking the responsibilities that Congress has taken on, and expanding personal responsibility.

Mr. Speaker, I would also like to address this issue of this bill that we expect is coming to the floor next week, and the bill that would have in it the supplemental appropriations for our armed services, and all the bells and whistles and the Christmas tree that the people on the inside of the door could possibly hang on there to the tune of, we are at least hearing $20 billion in other wants that some people want to have that they want to bring to this floor when we need to make sure that we fund our military in a responsible fashion.

☐ 2015

And we haven't seen a lot of those details. They aren't going to come to us in time to actually debate them and analyze them very well, but they have been leaked to the press.

So I would like to make a point here, a point, Mr. Speaker, for the American people to understand. We all come down here on this floor every new Congress, this 110th Congress. And I bring my Bible to the floor and I swear on my Bible, not the Koran, but the Bible, and I swear to uphold the Constitution of the United States.

Well, I happen to have one here, I carry it in my jacket pocket every day. And the people who are behind the scenes that are drafting the supplemental bill that needs to take care of our military and adding the billions of dollars onto that need to go back and check this Constitution in a couple of places. They swore the same oath. And here are our constitutional responsibilities as a Congress. This comes from article I, section 8.

We have the responsibility and the constitutional authority to declare war; to raise and support armies, to provide and maintain a navy, by implication, and an air force; and to make rules for the government and regulation of the land and naval forces.

And we also have to recognize that in the Constitution the President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several States when called into actual service of the United States. That is our constitutional obligation, Mr. Speaker. And we have all taken the same oath.

And we will have another profound constitutional debate here on the floor of this Congress. And I will submit that there has not been a court test or a court challenge to the standards that I am going to ask this Congress to be held to, and that is, this constitutional standard, this standard of we declare war, we fund the military and we hand the authority of commanding this military over to the commander in chief because it is a constitutional right that he has and a constitutional obligation that we have to support and trust him as he makes those decisions, those life and death decisions; and I mean life-and-death decisions for armed services personnel, also life-and-death decisions for American civilians, for civilians around the world.

The life-and-death decisions for the life of this Nation hang in the balance. And we think that we have 435 generals here in the House of Representatives, and 100 generals over there in the Senate, and somehow that committee of 535 can come to a consensus and we can figure out how to fight a war which requires intelligence, secrecy, knowledge, decisionmaking, the element of surprise, the list could go on and on and on, all the things we could give up if we think we can micromanage a debate from here.

It is a political debate on this floor, Mr. Speaker; it is not an analytical debate. It needs to become a constitutional debate. I am going to stand with the Constitution. I am going to stand with my Oval Office. I am going to stand with the commander in chief, whether he is a Democrat or Republican, and maintain my constitutional responsibility here and keep my oath, which I swore on my family Bible here on the floor of the United States Congress.

I would be happy to yield back to the lady from Tennessee, and I thank you.

Mrs. BLACKBURN. I thank the gentleman from Iowa so much.

And I am so pleased that he mentioned the supplemental budget that will come before us. I noticed today in an article I was reading that it would include $16 million for new House office space. That is not an emergency priority, it is not a war priority, that is something that should be disclosed in the regular budget. And I find it so curious that we are having this type spending find its way into our budget. And Mr. Speaker, that is unfortunate that the American people are having the wool pulled over their eyes, if you will, are being afflicted with this type of budgeting process where there is going to be all sorts of additional domestic spending that goes into something that is to fund our troops and to meet the needs of the men and women in the field.

As I close this tonight, I want to go back to talking a little bit about how we limit the Federal spending, how we limit the growth in the Federal Government. And as we have worked on preparing this American Taxpayer Bill of Rights and as we have looked at the items that go into this, as we look at how to grab hold of this situation and this problem and solve it and move the solution to the floor of this House, as a way to be certain that we keep the emphasis on freedom and prosperity for the American people, we had a comment that was made. And it was that the Federal budget should not tell the story of the government, the Federal budget should tell the story of the American people.

And, Mr. Speaker, I think that that is a very appropriate way for us to consider this budget document and what the budget should look like and what the Federal spending should look like. Because truly if we are listening to our constituents, if we are making certain that we meet our priorities of leaving money with those who earn it, balancing the budget, making certain that the money we earn that has been set aside for our retirement and Social Security is there for Social Security and is not spent on frivolous needs, frivolous wants of the government, then we can say, yes, indeed, the budget document, Federal spending, should tell the story of the American people and their priorities.

And, Mr. Speaker, I think if you were to ask any of our constituents, what are those priorities, what should government do? They will tell you, defend our Nation; keep us free; make certain that we are secure; keep the emphasis on our families; keep the emphasis on our communities; make certain that we are safe, that we are free, that we have the opportunity to seek the American Dream. And as many of us would say, keep that focus on faith, family, freedom, hope and opportunity. That is what we should do as we keep our focus on the American Taxpayer Bill of Rights

We have been joined by the gentleman from California (Mr. CAMPBELL), who chairs our Budget Committee. And I am going to ask him to provide our closing remarks as we finish our debate this evening on the Taxpayer Bill of Rights, and at this time I yield to the gentleman from California.

Mr. CAMPBELL. I thank the lady from Tennessee, Mrs. BLACKBURN, for yielding and all of your great, great hard work on this and all kinds of other issues on behalf of the taxpayers, because that is what this is about, Mr. Speaker, this is about the taxpayers, American Taxpayers Bill of Rights. It is about American taxpayers having in law rights that they should have by right.

You know, Congressman RYAN from Wisconsin today said, and I am going to paraphrase some of what he said, that Congress should have constraints so that the people can have more freedom.

If you look at what has happened here, in 34 out of the last 38 years, this Congress has spent more money than it took in. It ran a deficit 34 out of the last 38 years. This year will be another one. That will be 35 out of 39 years. Clearly something is structurally wrong.

What the American Taxpayers' Bill of Rights will do is put some structure and make this structurally right. Let's just run through one more time what those four rights are that are going to restore fiscal responsibility here in Washington, the fiscal responsibility that the people watching at home already have.

First of all, you have the right to know that your government will not spend money faster than your ability to pay for it. What does that mean?

Well, Mr. Speaker, that means that if taxpayers' incomes go up by 3 percent in a given year and the government's spending goes up by 7, you won't be able to pay for it. If you get a 3 percent raise and the government spends 7 percent more money, the only thing they can do is increase taxes so much that they take 100 percent of that raise and then some. So the government gets to spend more while you hardworking taxpayers at home actually have less money to spend.

That is unsustainable. That can't continue. And so we propose that there be a limit on the spending of government, that from year to year it can't increase spending faster than your income increases.

Second, you have the right to know when you pay taxes for Social Security that they are used for Social Security. That doesn't seem like that strange a concept. Your Social Security taxes are supposed to go to Social Security. When you pay for a driver's license at the DMV, that is supposed to go to provide your driver's license. When you pay a fee on a boat or something, that is supposed to go for boating. It makes sense that when you pay a tax for something it goes for that. But that isn't what has been happening with Social Security. Those taxes have been lumped in with everything else and used for whatever, and that is just wrong. So it should be used only for Social Security.

Third, you have the right to a Tax Code that you can understand and that is fair and that is simple. Now, I am actually a CPA, Mr. Speaker, and I have a Master's in taxation. I used to prepare tax returns for a living, that is because it is not an easy thing to do, but it should be. So what we have proposed is that the Tax Code, the current labyrinth, this Byzantine Tax Code that we have, these sunset; that means it ends, it quits, we repeal it as of January 3, 2011. That would give us 4 years, Mr. Speaker, if you include this year, in which to come up with an alternative, an alternative that is fair and simple and understandable.

You know, taxes are supposed to raise the necessary revenue to fund the government's necessary operations with the least interference with commerce. I think you could argue that the Tax Code that we have today raises more revenue than what the government needs to do, what the government should do—not what it is doing, but what it should do—but it does it with a tremendous interference with commerce. So we would propose to sunset the Tax Code.

And the fourth right in the American Taxpayers' Bill of Rights is the right to have a government that balances its budget the way that people at home balance their budgets every year.

Now, as I started out in this comment, 34 of the last 38 years, this government has been unable to balance its books. Can you imagine if people at home, average American taxpayers, went 34 out of 38 years spending more money that you had, spending more money than your income? You wouldn't have lasted very long, and the government shouldn't have lasted very long either. So we propose a constitutional amendment to balance the budget and to provide that you can't raise taxes without a two-thirds vote of this body and of the Senate.

Now, a lot of people out here talk balanced budgets. I bet if you asked the 435 Members of Congress if they were in favor of a balanced budget, that 435 people would say, "yes," they are. Well, that is great because we have had statutory balanced budgets, we have this scheme today that the majority party has put, called PAYGO, which is a complete sham, but it is supposed to be an argument that it is somehow a balanced budget. Well, you know what? If we really want a balanced budget, a constitutional amendment requiring a balanced budget will absolutely do it.

So now let's ask those 435 Members of this body, okay, you say you want a balanced budget. Well, then you ought to support a constitutional amendment to do it because that is the way it will really get done.

Four rights, four simple rights in the American Taxpayers' Bill of Rights that, put together and enacted into law and the Constitution, will put the constraints around Congress to keep spending under control so that the freedom of the taxpayers is enhanced.

I yield back to the lady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from California and for his work in chairing our Budget Committee in the Republican Study Committee. And again, house.gov/Hensarling/rsc. E-mail us at rsc@mail.house.gov.

And it looks like the final word we can slip in here is the gentleman from New Jersey (Mr. GARRETT), who is a member of the Budget Committee and continues to work on fiscal issues for the betterment of this great Nation and of our American families.

I yield to the gentleman.

□ 2030

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate that, and I will leave the final word to the gentlewoman.

I just wanted to come to the floor to commend your work here today and the press conference that we had earlier today and the work of the RSC on this matter.

As was indicated earlier, the soothsayer said to Julius Caesar "Beware the Ides of March." And that is exactly where we are right now, the center of March. A time of doom, a bad omen in many ways. And it is a bad omen for many Americans because many Americans across this country right now are sitting at their kitchen tables or their dining room tables getting all their paperwork together to do their taxes. Actually, I don't know how many Americans still do their own taxes. Many people actually pay now to send it out to some of these accountants out there, that you were referencing before, to do them, because it has gotten just so complicated. It has gotten just so incomprehensible.

Earlier today we saw the little stacks of books of the regulations and the Code that is made up of the incomprehensible regulations. And that is why Americans can't understand the entire Code. And for that matter, and I raised this question earlier, I think it would be interesting if someone did a survey of all the Members of the Congress and the Senate, 535 Members of the House and Senate. These are the people who actually made that Tax Code. How many of them actually do their own taxes anymore? I don't do it anymore because, quite honestly, I find it incomprehensible, as well, and I send it off to an expert.

The initiative that we are all pushing here tonight is to say that it has gone far too long to have an incomprehensible Tax Code. We can't be sure that we are paying a fair amount if we don't know what we are filling out. So what we are doing here is not only citing the problem, but setting the road to recovery of that problem as well by coming up with a comprehensible system of paying our taxes.

While that is incomprehensible, how you fill out your taxes, what is not incomprehensible is the fact that we have been paying and spending far too much in the Federal Government for far too long. The American family realizes that they have to live within their means, that they have only so much of a paycheck each week and they have to make sure that that goes as far as their expenses, and they can't spend any more than that.

The Federal Government, as we know, does that every day, spends far more than they take in. That is what the American public doesn't understand. If the American public has to live within their means, why doesn't the Federal Government have to do so? The initiative that we are talking about here would say, balance our budget, be just like American families at home, and live within our means.

The final point is this: We have talked in the past, also on this floor, with regard to ethics, and I may be wrong but I think it was in an article in The Washington Post that said, why are we exceeding our spending and why do we have these ethical problems on K Street and the like? And one of the reasons they said, and this references the point that the gentleman from Iowa said before, is because we exceed our constitutional authority, as Mr. KING was pointing out; that we spend in areas that the Constitution never permitted us to do in the first place.

The Washington Post article made the same reference. If we live within our means, live within the constitutional boundaries, we would meet the objectives of the American family.

I see by the clock on the wall we are coming to the end of the time. And I appreciate the gentlewoman's work in this area.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from New Jersey and I thank all of my colleagues for joining me.

The American Taxpayer Bill of Rights, this is something we are pushing forward to the forefront. Over the past 60 years an enormous bureaucracy has been built. Our Democrat friends continue to want to feed that bureaucracy. We say, it is time for the spending, it is time for the increased taxing, to stop. They had power for 2 days when they raised your spending. They had power for 2 weeks when they raised your taxes. The American taxpayer deserves a break.

House.gov/hensarling/rsc, the fiscally responsible Republican Study Committee has proposed the American Taxpayer Bill of Rights

OVERSIGHT AND ACCOUNTABILITY IN GOVERNMENT

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes.

Ms. SUTTON. Mr. Speaker, it is my honor to be here today with some of the other Members who were newly elected just a few months ago. And, boy, it was a few months ago, but we have been making strides. And we are here to report to the American people the steps that we have taken to increase the oversight and accountability of this government.

I am sure that, like many of my colleagues who were elected, one of the reasons I am here, I came to Congress to clean up the culture of corruption that had so flourished under the Republican leadership in previous Congresses. And to that end, on the very first day that I was here, it was my honor to proudly cast a vote to end an era of corruption in this Capitol and to begin to change the way this Congress is doing business. To make it such that this Congress begins to enact policies that benefit the American people rather than just the special interests and the privileged few.

We took aim at the corruption and the abuses because it was a necessary prerequisite to creating policies that benefit all Americans. And people were tired. People were tired back in Ohio.

I have the privilege to represent people who are the salt of the Earth. But we saw both at the State level and the Federal level scandal after scandal. Scandals of public officials being bought off by special interests, public officials abusing power, and Republican leadership and officials neglecting to provide oversight.

Democrats, in the very first hours of this new Congress, they severed the links between those who would buy influence on Capitol Hill and those who would, unfortunately, willingly sell it and create and facilitate this culture of corruption that the American people have had to suffer under. We acted to clean up that corruption that eroded the public trust and resulted in far too many policies, as I said, that just benefited the few at the expense of the many.

We have begun and we have continued to restore oversight and accountability since that first day in our government through hearings and greater transparency, through initiatives that we have enacted and we continue to enact. And this strong congressional oversight in the 110th Congress has dramatically reversed years of neglect of the constitutional role of the Congress in providing oversight of Federal activities.

The American people have had enough. They have suffered enough from the lack of oversight. And I am so happy to be here with my new colleagues in this role to clean it up.

Just to name a couple of things, and then I am going to pass it off to some of my freshmen colleagues, but if we just go through a list and you can pick up on any of these subjects because, sadly, there are so many areas where the past Congress had been delinquent, and we have already had to move to act.

The war in Iraq, between the House and the Senate since we took the leadership in this body, since we became the majority under the leadership of Speaker NANCY PELOSI, there have been more than 97 oversight hearings that have looked into the conduct of the Iraq War. And certainly that was something that the American people made loud and clear, when they elected this new majority, that they desired.

And, sadly, in the wake of revelations of inadequate care and conditions for wounded soldiers at Walter Reed Army Medical Center, both the House and the Senate have launched investigations and hearings into those matters.

We are also looking at the political ramifications of actions taken with U.S. attorneys and the linkage of improper phone calls from Republican Members of Congress and senior staff that forced resignations of those U.S. attorneys.

The Hurricane Katrina response, we heard a lot right after the hurricane, after we saw the tragedy, not just the natural tragedy, but the tragedy in the lack of response of this government; and we heard a lot about how we were going to take that seriously from the last Congress. And now, because they didn't do that, we have been called upon and we have answered and House committees are looking into the housing and health care crisis that persists after that bungled response to the gulf coast disaster.

And we are also looking at and addressing the many aspects of the climate crisis and our dependence on nonrenewable fuels from foreign sources. Investigations, hearings, initiatives that are long overdue. And, of course, there are many, many upcoming hearings.

And at this point what I would like to do is, I would like to yield to my friend from Minnesota, Representative ELLISON, to hear what you think about some of these things that we have been doing in this new Congress.

Mr. ELLISON. Congresswoman SUTTON, it is a great honor to be here with you tonight together with our other colleagues in the freshman class who will be speaking in just a moment because I think it is important that the American people know that the freshman members of the Democratic Caucus came to this Congress, not to occupy space, not to warm a seat, but to create positive change for the American people, to project a vision, a vision of inclusion, of a generosity of fairness, a vision that says that this economy should be one where everybody can be successful.

This government should be one where everyone has access, not just lobbyists and the privileged few, a system of government that people can feel proud of and not have to be worried that privileged individuals might be lining their pockets at the expense of the American people.

We came here on November 7. We were elected here by the American people because the American people, the finest people, have the right to feel good about their government, not cynical, not despondent, not despairing, but good and positive, who would say, Do you know what? I trust my government. I feel that my government is doing the right thing. We can do no less than to take up that charge.

We have to say the American people have a right to feel that their government is operating for the public good and in their best interests. And to that end, I am proud to be associated with this Democratic majority that from the very beginning began to signal change with the 100 hours program. The 100 hours program is not all that we are going to do, but, Mr. Speaker, we had to tell the American people that we are about business from the very beginning. We had to signal change from the very beginning.

We had to let them know that we care about the affordability of a college education by cutting student loan interest rates; we care about our seniors by making sure that we get a prescription drug benefit that actually helps our seniors by allowing Medicare to negotiate.

We did a 100 hours program that said, we are going to raise the minimum wage; we are going to stop the oil and gas subsidies and put the money into renewable energy. We had to signal change.

That is not all we are going to do. We are just getting started. But we had to do something soon, something quick, something early, in the very beginning, so that the American people will know that we are putting money on the table. This is an earnest commitment to the American people to do real government, real change that they can feel good about.

So what I want to talk about very briefly tonight is how important it is and how happy I am that the Democratic Congress has taken steps regarding this scandal about the U.S. attorneys. The United States attorneys are members of our government under the executive branch whose job it is to do good, to promote justice. They are ministers of justice. They are not just lawyers who are entitled to advocate for their clients. Their job is higher. Their job is to do the right thing. Neither fear nor favor should influence them. Neither concern about their job nor worry about who is not going to like it should influence their behavior. They should enforce the law and protect the American people.

So when it came to light that U.S. attorneys that had had good recommendations, eight of them, were summarily fired with no explanation, and then when the explanations did come, their reputations were besmirched—they said that they were not good workers, that they were not good employees of the State, not carrying out an excellent mission for the people of the districts that they were charged to represent—I think people started getting a little nervous. Wait a minute. Why besmirch these people? Why put them down? What have they done that was wrong?

And what we began to find as the common thread between these U.S. attorneys is that these individuals, though Republican appointees, took their charge to promote respect for law and took their charge to protect the American people seriously. And some of them prosecuted corruption cases, and that brought them into disfavor with the administration.

☐ 2045

As the facts just keep on leaking out, they don't look good. They don't look good. It appears, it appears that political decisions were brought to bear in this scandal with regard to the U.S. Attorneys. In fact, one of the U.S. Attorneys was one of the people who prosecuted Mr. Duke Cunningham, and somehow ended up getting fired. My goodness. Don't we want to get rid of corruption in government? Don't we want a clean government? Why would you bring the hammer on somebody who did that, unless you didn't necessarily want the even hand of the law to be applied, you wanted it to be tilted one way or another. Justice must be blind, Mr. Speaker.

Then what else did we see? One of the calls that was made from as high as the White House was that these folks are not going after immigration cases or going after voter fraud cases enough. Wait a minute. Doesn't the prosecutor make decisions? Isn't prosecutorial discretion a hallmark of our legal system? Wait a minute. These people are charged with protecting us from drug dealers, killers, bank robbers and people who commit acts of terrorism.

These people are charged with protecting us from defrauders, stealers, thieves, embezzlers, and yet somebody on a political basis is trying to force them to focus in one area or another? They have finite resources to prosecute the cases and protect the people. They have to make a determination as to what is most important to protect our seniors from identity thieves, to protect our neighborhoods from drug dealers and meth makers. And yet they were put under scrutiny and fired, it appears, and the evidence is still coming in, because they wouldn't play ball with people in the administration.

This is scary business. This is not a good thing. And it goes to the very heart of restoring accountability to Washington. It goes to the very soul of whether we have a fair justice system and whether justice is blind.

Mr. Speaker, I am very concerned about that, and I want to urge the American people to continue to insist that all the facts come out. We have to know. Justice must be served, and it must be served with these U.S. Attorneys, because if the people whose job it is, the ministers of justice, cannot be comfortable in doing their work, then what can the rest of us who need their services expect?

Let me just make one point, and this has to do with the questions around the prosecution of Mr. Scooter Libby. He was found guilty of four out of five counts just last week, and we hear there are linkages to the Vice President. We hear many people are calling him a "fall guy," signaling there may be more people involved.

I think that it is very important that if we are going to insist upon accountability in Washington, that there be no pardons. I am very concerned that there could be a pardon in this situation that would render him not willing to tell all that he knows.

We need to know how bad this thing is. In the U.S. Attorney issue we found out it was Harriet Miers, the very person the President wanted to be on the United States Supreme Court, who said fire them all.

It is very important we get to the bottom of this, because, as I started with, the American people have every right to know what their government is doing and to trust in and feel good about their government. It is not a question of public relations, it is a matter of substance.

So I will yield back to my colleague, Congresswoman BETTY SUTTON, who has been leading us in so many excellent ways, who has been doing such a fine job, and with whom I am so honored to be associated in this Congress. We have other excellent Members joining us tonight and they are going to tell the story. I just want to say I am proud to be associated with these majority makers, these difference makers, these people who believe that the American people have a right to believe in their government, and the only way to do it is to restore accountability to Washington.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman from Minnesota, and I thank him for his service on the Judiciary Committee. I think it is with heartfelt appreciation, not only on behalf of myself, but on behalf of the people that I represent, that I am grateful that you sit on the Judiciary Committee, where you are going to provide the oversight and the accountability on the issues that you brought forward here tonight.

You are right, that there is nothing more important than restoring the trust of the people we represent in this government. And it is not the end in and of itself, but it is essential, to both the substance and the spirit of what we do. The corruption has hurt the American people in so many ways. So this oversight and accountability is sorely needed, long overdue.

With that, I would like to recognize another distinguished gentleman from the State of Minnesota who we are honored to have join us this evening, a new Member of Congress, somebody who came here to change the direction of this country, to take us in a new and positive, honest direction, Mr. TIM WALZ. What do you think about all this?

Mr. WALZ of Minnesota. First of all, I thank the gentlewoman. I thank you for your leadership. I thank you for your optimism. I thank you for your service to our country and all of our colleagues here.

Every time we come and stand on this floor, it is an overwhelming feeling. It is an overwhelming sense of the greatness of this Nation, as well as the responsibility that goes with standing here. Each and every one of us represents over 600,000 Americans. Their hopes and dreams rest on what we do in this building. This is the most serious task we can ever undertake.

As we talk about restoring accountability and restoring trust, nothing is more important. Nothing shapes this Nation more than what we do here. And as we reflect the great values that have made America the country that it is, we need to make sure that it is being done in the way that the Americans want it to be done. They don't care about the partisan ideology. What they care about is results.

I hear a lot of talk that actions are what matter. I watched for the last hour as our friends talked about a very important subject across the aisle before we came on. They talked about fiscal responsibility. They are absolutely right, that is something that must be restored. This Nation's hopes and dreams and the investments we make in our children and grandchildren are going to be largely determined by how we handle the fiscal responsibility put on us.

The only thing I find curious about the discussion is that our friends are so convinced that nothing works in here they seem to have forgotten to mention that they have been the majority party for 12 years. They seem to have forgotten to mention that they had the executive branch for the last 6 years and both branches of Congress.

During that time, we saw record surpluses turn into record deficits. We now have a $9 trillion national debt. We have seen the largest growth in government in a generation. And we have seen services provided to the people shrink and fees increase.

So I guess, coming from a high school classroom, sometimes I said it is always very important, those actions matter. Everyone wants to do well and everybody wants to talk about it, but what happens in here truly matters.

We have seen the culture of corruption. What I call it is the permanent vacation that Congress was on. Most people realize that the past Congress worked the fewest number of days since the do-nothing Congress of 1948. While we were passing the 100-hour agenda and the things you heard from our friend from Minnesota, all of the things that we accomplished, the previous Congress met for one day in January of 2006.

There is a stark contrast here. You are absolutely right. We were sent to this floor to do the people's bidding, not in a partisan manner but in a way that was open, accountable, transparent and actually got the results that we were looking for.

I wanted the opportunity tonight to come here and illustrate a couple of things how we are doing business differently, how things have changed in Congress and how these things are tangible, and I am going to bring a couple of these that are very near and dear to my heart.

One is about a project back in my district, if I could, Congresswoman, illustrate this just for the people. I will give a little background on it. Because this project had the potential to be the single largest taxpayer loan to a private entity in the history of this Nation, and most people, even in my district, until it was brought to light, knew almost nothing about it.

There was a railroad that came from outside the State of Minnesota that was planning on doing that was very important, building rail infrastructure. All of us agree in southern Minnesota that it is needed. We need to move our commodities to market, we have a burgeoning ethanol industry that needs to move our product, and we also have the need to move coal and other commodities on this railroad.

Well, this railroad tried for nearly a decade to try and secure private financing for this project. It failed to do so. Late in 2005, a program to give loans to railroads all of a sudden found an extra $32 billion in this program. It was written in by a Senator in the middle of the night in conference committee with specific parameters that would only apply to this railroad to get this loan.

This was done in the dark of night. The finances were kept private and out of the public eye, and the decision was going to be made after that conference committee by a set of appointed officials at the Department of Transportation.

Now, that in itself is bad enough in the culture of corruption. But it gets worse. Nine months prior to that Senator writing that in there, that Senator was a paid lobbyist, and as hard as it is to believe, for that very railroad. He is elected to the Senate and he puts this in here.

No one is doubting that we need rail. What this situation did and what it illustrated perfectly was when government is done badly, no matter what the intention was, it starts a domino effect of distrust and bad decisions.

This railroad was going to increase rail traffic up to 36 coal trains a day possibly, one mile long, and it was going to run by the single largest private employer already in my district, 210 feet away. That private employer was the world famous Mayo Clinic. Decisions were not allowed for mitigation, decisions were not allowed to make sure the impact and the safety of the thousands of patients that traveled were addressed. This was a case of special interest and their lobbying friends allowing something to happen that the people of the district had very little say in.

I was told all along, it is the railroad and it is the way it is. There is nothing you can do. They are going to be approved for the loan and they are going to start building.

My question was that I refused to believe that this body would allow that to happen. I refused to believe that the public's elected official for their district would not have the opportunity to see the financial situation of the railroad, as well as the safety, which, by the way, ranked 43 out of 44 in safety, with one being the best.

So upon coming to Congress in January, working bipartisanly across the aisle with our friends, I put forward a bill that would ask that this be evaluated for credit, that this be looked at and see what the finances were, and see if the American people's money was being put at risk.

To put this into context, when Chrysler needed to receive a government loan to stay afloat in the early 1980s, this loan was over twice as big than that. That loan for Chrysler was debated for 3 weeks on the floor openly before it was finally voted on and strict requirements for its payback put into place.

Well, I am happy to say that the Federal Railroad Administration and the Department of Transportation looked at those finances again and determined that this was not creditworthy and was not worthy of a risk to the American taxpayers.

Now, to ensure that this never happens again, we have taken it one step further and passed a bill that Congress must cosign. If we ever try and do this again with $1 billion or more of taxpayer money on a Department of Transportation loan, it is going to come in front of this body and we are going to get a vote and we are going to ask the questions. Is there a need for public investment into our infrastructure? Absolutely. Is there a need for expanded rail travel? Absolutely. Is there a right of private business to come to the government looking for some help so that they can build that infrastructure and profit? Absolutely. But it must be done in the light of day. It must be done with the approval of the American people's elected representative so that they can have the ability to decide if it was right or if it was wrong, and they will decide that in the way they vote in 2 years.

So, within 2 months, this Congress is starting to take those responsibilities. They are starting to ask those questions and we are starting to see progress. I can absolutely assure you, and I may never be able to prove this, but I had to think had there not been a change to Congress, had there not been a new focus on trust and accountability and a new way of doing business, we maybe would have never seen the light of day on this.

So the people are served well, we have the people's interests at heart, and now we can move forward with a much more responsible plan.

So I applaud the Congresswoman for bringing us together. I know we each have several more opportunities to illustrate these. But I hope this one shows the American people, this is not a partisan issue. This is common sense. This is right and wrong. And I applaud those Members on the other side of the aisle that came to us and said, you are absolutely right, this is the way it should be done.

I yield back to the gentlewoman.

Ms. SUTTON. I thank the distinguished gentleman from Minnesota, and I thank you for your leadership, and for that example of how public policy can work for the people, that it doesn't have to be the way that it has been. You point out an important point.

□ 2100

In the first 100 hours, when we took steps to clean up some of the unfortunate practices that have happened in the past and to change some of the resulting policies or the failure to enact some good policies, when we actually brought those measures to the floor under this new Democratic leadership, we did enjoy broad bipartisan support for many of those measures.

This is not just a Democratic agenda, this is about the people's agenda. That is what this House is about. I am glad, with the leadership we have, we are now getting the people's agenda on this floor so that people from both parties have the chance to deliver the kind of public policy that will help the people they are sent here to serve.

At this point, I would like to yield to a new Member in this Congress, a tremendous leader, a woman who has shown unwavering dedication and commitment to the people she was sent here to serve, Representative SHEA-PORTER from the State of New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I was interested in hearing from Members on the other side speak about the money we needed to save and the debt we have, because it was the Republican administration that drove us into the greatest deficits in history. Indeed, they are the reason I am standing here today.

I am a social worker by profession, and for years I noticed things were getting worse and worse for the middle class. I kept saying the middle class is stumbling and the poor have fallen, because while the very wealthy were enjoying the tax breaks, thanks to this administration, the middle class was trying to figure out if they had enough money to go to the movies on Friday night and have money for pizza. Indeed, this is the first time we have seen this great, great difference in the rich and the poor since the time of the Titanic. Wages have been flat for several years now.

The American public understands this. This is not a Republican issue, it is not a Democratic issue, it is an issue about protecting the middle class, building the middle class, and bringing the poor so we do not have a permanent underclass in this country. The way to do that is to make sure we have a fair tax system, and we have to have accountability and oversight to make sure that we do.

We know that the tax breaks have gone to the top 1 percent for too long. So this drove me to Congress, looking at this; and the final, final nail in the coffin was looking at what happened after Hurricane Katrina because even if the administration could not find it in their hearts to take care of the people of Katrina, where was the homeland security?

When you look at Louisiana, you realize there is a port there. Gas and oil are there. Our food, our grains come there. Seventy percent of the grain passes through there. Certainly that is a vulnerable area. We heard that we were spending all of this money for homeland security and for programs to protect the American people. But when Hurricane Katrina hit, the American Government was missing in action with the exception of our military, and I give them great credit for what they did.

I know this because I went there not once, but twice. It was very frightening to see that the Federal Government was missing in action. And then the extra insult of having to listen on television while they were praising each other for the good job they did. They didn't bring the resources to the American people. They didn't have the money to bring the resources to the American people.

Where is the money? That is why we are here in Washington, to find out where is the money for the programs that the American people need, that we must have to protect us.

I looked at Iraq. I went there a couple of weeks ago. I looked at the contractors there personally. There are more than 100,000 contractors in Iraq for 133,000 soldiers; some more now, we had over 100,000 contractors.

The American public knows this word so well, Halliburton. The American people understand what has happened to the money. Every child born today has a birth tax of about $29,000. Think about that. We went from a budget surplus to the greatest deficit in history, borrowing money from Communist China along the way to pay our bills, which is a security risk that all Americans understand, and every child born today owes about $29,000 before he or she draws their first breath. This is an outrage, and we need to turn this around.

Like the rest of my freshman class, this propelled me to run. I had never even run for office in elementary school or high school. I was a social worker. I taught politics. Yes, I got involved in politics, but never envisioned myself here. And it is a tremendous honor to be on the floor and to be able to protect and speak up for the American people.

But we have an obligation to, first of all, provide programs that lift the poor and the middle class, to make sure that the wealthy pay their fair share; and we have an obligation to be fiscally conservative, and we can do that by good fiscal oversight and accountability. That has been missing for many years.

We are having more hearings now looking at various aspects. I serve on the Armed Services Committee. It was a shock to me to find out that we did not have the equipment we need and that the soldiers were suffering so.

Again, we can talk about Walter Reed. We had a week last week about that. Who could leave a soldier in rooms that had mold? Who could leave soldiers unattended and untreated? If we are going to honor our soldiers, we need to honor our commitments to the soldiers, and it is not right to say if we can afford to. When we put them into battle, we make sure that our commitment will be to care for them. Once they say they are going to serve us, it is our obligation to serve them.

It is truly an honor to be here and to be able to be working for the people of my own State, New Hampshire, and the people of this country. It is an honor to be here with such wonderful colleagues who are driven by one motive, and that is service and patriotism.

We were campaigning over a year or 2 years. We heard the message loud and clear from the middle class that they needed protection. They needed protection from policies and this administration that protected the wealthy and harmed the middle class. They wanted their children to be able to afford college again because that changed. They wanted their children to have the opportunities that they had growing up.

Even rents have gotten so high and with wages so flat, adult children have to come home to live with their parents. This is not the American way. The American way is to be fiscally responsible and to make sure that opportunities are available for all.

I think we have a terrific class with wonderful leadership. Speaker PELOSI certainly understands the direction this country needs to go in. We will do the job that the American people sent us here to do.

Ms. SUTTON. I thank the distinguished gentlewoman from New Hampshire, and I appreciate your service, as do the people I represent, and your leadership.

You bring up so many important points. The bad news is that so much has gone wrong in the past due to the failure of proper oversight and accountability. The good news is that, as you point out, we heard the call of the American people for more. We know what the expectations are, and we know what our responsibility is. And every day I am honored to come here with you to serve, and knowing that

that is why we are here in the people's House, to help make those course corrections that will take this country in a new direction.

It is so important to be here tonight to talk about that oversight and accountability because it is essential if we are to make those course corrections, whether it be one of the points you make about the growing income and inequality, which is at record levels. We are losing the middle class. There are many, many things that we can do and we have already done, and we have talked about some of them today in the opening hours of Congress when we increased the minimum wage, when we made college education more accessible and more affordable, when we expanded research and development into alternative fuels which will provide us not only with a way to deal with an environmental imperative, but also as a security issue we have to address that, and our dependence on foreign oil.

Also, it provides us with opportunity for jobs today and tomorrow for the people out there because one of the other ways that Congress can show its oversight and accountability commitment, and I expect that we will because we heard a lot about this on the campaign trail from the American people, is on the issue of trade because we are losing jobs and our trade policies are not working for the American people and American businesses in the way that they should.

So I am confident that one of the things that we are going to do is exercise our constitutional responsibility to deal with trade and make sure whatever trade model we have—and we are for trade, and I hope to get to the day in the early days of this coming Congress, or later on in this Congress, that we can vote for a trade policy that will truly lift up American workers as well as workers abroad, and that we will be able to vote for a trade policy that has environmental standards that benefit America and this world.

There are so many options that we can do. There are so many things that we can do. We can have a trade policy with enforceability to stop the unfair manipulation and unfair trade practices. These are all matters of accountability and oversight, and this Congress I know is committed to producing that.

Now I want to again yield to my good friend, the gentleman from Minnesota, because another point that the distinguished gentlewoman from New Hampshire brought up was the issue of our veterans and what we are doing and not doing to serve our veterans who have served us so nobly.

So I yield to Representative WALZ who has some charts that he is going to share with the American people.

Mr. WALZ of Minnesota. Mr. Speaker, I think it is important to illustrate to the American people exactly what we are talking about when accountability and oversight fail. There are ramifications. Some may go unnoticed; others are absolutely horrific.

In the past several weeks, we have seen one of those examples. And the sad part is most people were not surprised. Most people have looked at this issue.

I want to talk about accountability and oversight. This Congress and our leadership are making sure we get our job done here. They are working us 5 days a week most weeks. My constituents back home, they don't have a lot of sympathy when they hear we are working Monday through Friday in the Capitol. That is what we were elected to do. That is what we were hired to do in their name.

I hear my friends on the other side of the aisle talk about, what do we have to do the whole time we are here? We are not voting the whole time, and the answer is, do our job providing oversight and accountability. Keep in mind, the entire last Congress had 30 oversight hearings. In the first 8 weeks, we have had 100.

Getting the job done for the American people means acting as a coequal branch in the responsibility of being fiscally responsible with their money, putting policy forward that benefits everyone, and making sure that the follow through is done on that.

I want to mention something as it pertains to our veterans and let people understand where this starts exactly. Make no mistake about budgets, budgets are far more than accounting. We hear our friends on the other side of the aisle talk about accounting and putting money in Americans' pockets. They talk about they have never met anyone who did their own taxes.

Well, I came to this Congress straight from the public school classroom, never having run for elected office before. I was teaching high school geography a few months ago. I can tell them on a high school teacher's salary, I was doing my own taxes.

And when they talk about a budget in terms of only being what is left in the pocket, they forget that budgets are moral documents. They are a reflection of our national values. How we prioritize those values is an absolute reflection of what we believe is most important in this Nation.

Now, I also come to you not just as a teacher but as a 24-year veteran of our armed services and our Army National Guard. I think the highest distinction that I could ever claim—at this time, I am the highest ranking enlisted soldier or servicemember that has ever served in this exalted body; it is something that I am very proud of.

Those people who know something about the military, I retired as a command sergeant major. The command sergeant major has one responsibility: Take care of the troops. Nothing else. That means feed them, clothe them, pay them, make sure their health is taken care of, and train them to complete their mission. That's what you need to do.

Well, I am now a member of the Veterans Affairs Subcommittee on Oversight and Investigation, and what has happened at Walter Reed and what is going to happen again is not an anomaly. It was a decision. It was a decision that resulted from a failure in leadership and a bigger failure in accountability and oversight. And the saddest part about this is, the saddest, most tragic part about this was, it was totally avoidable.

Our veterans' service organizations, from the DAV to the Paralyzed American Veterans, to the Blind Veterans of America, to the Legion, all of these organizations understood what was coming.

□ 2115

I would like to just talk a little bit about, and illustrate, how the budget impacted what happened and how the lack of leadership and the lack of accountability led to that.

The chart I have up here is showing this is the VA treating many more Iraq and Afghanistan war veterans. Every soldier who serves in these wars will, one day, be a veteran. Now, it does not come as a surprise to most Americans, since 2003, when the war started in Iraq, we have seen a steady increase in the number of soldiers that are going to be treated. Seems pretty logical. Most people anticipated that was going to come.

The number of VA health care patients in general continued to rise. We have an aging generation from our World War II veterans to our Korean War veterans to our Vietnam veterans. They are continuing to rise at a steady rate. Every single veteran service organization predicted this. Every single person involved with this predicted this.

Now, we are finding out we have not had enough money. We have not correctly planned ahead to take care of the warrior after the war. When you choose to fight a war, and make no mistake about it, Iraq was a choice, you understand you accept full responsibility for those warriors, not for the time that they are there, not for the time they are treated in a facility like Walter Reed, but for the rest of their life.

In falling short on this, here is how we are going to make up for it. If you will look at our copy here, enrollment fees, pharmacy copayments and third party copayments. This says up here, the President's budget increases fees on veterans. Make no mistake about the language. This is the President's tax on warriors, period.

So we saw a situation, increasing number of veterans coming back, budgets that were grossly underestimating the number, that we would need to try and spend the money elsewhere or maybe put the money back in somebody's pocket. When I go to my district, and I ask them the question, do you want a few more dollars in your pocket or do you want to make sure that warrior has a room that shows the dignity that this Nation should provide, and every single one of them will go with the veteran.

We must have an open debate in this Congress about accountability, where is this money going to go, where is this money going to come from, and I want Members who agree with this, that this is the way we should do it, to stand in front of the mother from Saginaw, Michigan, who was at the VA hospital in Minneapolis, treating her son with a traumatic brain injury, and tell her she better get the checkbook out and write it out and pay for this because that is exactly what has happened here.

When this Congress chose to not hold hearings, to not hold oversight, and to not ask the hard questions, they created the situation at Walter Reed. They created the coming situation on our VA system, and this new Congress has accepted the responsibility and I, as a command sergeant major, retired, stand here and say my responsibility was to take care of those soldiers in my unit. My responsibility now is to take care of all of them.

I have absolute confidence in my colleagues that they will provide exactly that. That is what accountability means. That is what oversight means. It is not a gimmick to get reelected. It is not cute words, and for those that say it is hogwash and pay-as-you-go does not matter, I tell them this is what matters. Decide how we take care of our veterans and let us do it the way this Nation knows it should.

I know we have a few more things to go over, but this illustration is one that impassions all of us. It is one that did not need to happen, but it is one that I am optimistic holds the silver lining of uniting this Nation over an issue we all care about and getting real results.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman, and we thank you for your service both in the Congress and in our military.

At this point, I yield to another distinguished colleague who has joined us on the floor who is a fantastic new Member of the Congress, who has shown great leadership on many issues, Dr. STEVE KAGEN, a representative from Wisconsin.

Mr. KAGEN. Mr. Speaker, thank you and I thank as well TIM for being not just a classmate in this great class of 2006 but also for serving the country and speaking out so eloquently and forcefully. You do not have to work out later like I do. You just had your workout.

But you bring up something that is terribly important. These are not just words or phrases. The boards are accountability, responsibility. This is something that you know from living your life as you have that we must do not just here in Congress but in our everyday lives as citizens.

I am sure you would much rather be home teaching and serving your country as you were, but you were called to a higher duty. You were called to come here, and it was meant to happen.

I would like to mention a few things about values. I believe that the President has put forward a budget that is a reflection of his values and his party's values. Where you spend your money is a reflection of your values, and the President sought to cut $3.8 billion from veterans health care and veterans benefits. The President and this administration was asking our veterans who have already earned their benefits to pay for them again. Why pay for something you have already earned? This is something that I consider to be disrespectful to those who have served in harm's way.

We will be talking about Iraq in several days and several weeks here on floor. We will be talking about supporting our troops, not just before they go in with adequate training and preparation and all the armament they need, not just during the combat itself, but after they come home, they must receive the care that they deserve in a prompt and meaningful fashion.

I served our veterans for a number of years in VA hospitals in Wisconsin and Illinois, and I can tell you the VA hospitals are superior, much better today than they were in the 1970s and 1980s and early 1990s when I was working there. They are much better than what we saw in Walter Reed, much better, but what happened at Walter Reed was this infection, if you will, this malfeasance, this bad idea, that government cannot help people. It is called privatization.

We should not privatize the health care of our veterans unless you are going to offer every veteran who served in harm's way with a card and say, here you go, soldier, you served in harm's way, you covered our back, now we have got yours; go to any doctor, any pharmacy, any hospital of your choice, we have got you covered.

Well, we are not ready to do that yet, are we? This administration has to come to understand there is a better way. Our class of 2006 represents America's hope, hope for a positive change and new direction, not just in veterans health care but in health care for every citizen in this country. I believe that is what we have to offer.

Ms. SUTTON. I thank the distinguished gentleman and both of you, the gentleman from Minnesota as well, who point out so eloquently the responsibility that we have when we put forth a budget.

I am honored as a freshman Member of this Congress to have the honor to serve on the Budget Committee, and while I am grateful to be there because we have the chance to realign the budget that came to us from the administration, I must say that when it came over, when it failed to provide the resources that we need for veterans health care and asked our veterans to pay more for their health care, it was a great disappointment.

But the reality is, because we are in a fiscal mess, because of years of irresponsibility, failure to provide oversight and accountability, even though we have limited resources because of that, I know that this class and this Congress is committed to realigning the money that we do have to ensure that we do, Mr. Speaker, that we do provide our troops what they need when we send them into any mission on our behalf and that they have what they need after they return.

Our commitment to ensuring oversight and accountability is going to be an ongoing mission because it is an ongoing responsibility. It is, in fact, the very essence of what our congressional duty is, to be that check, to ensure that which we enact and that which is done from the administration comports with the needs of the American people, and we will do so in an honest and open way.

We have heard about some of the steps that we have already taken, the first step, to restore trust, openness and accountability in Washington. This week, we are going to take additional actions, and in fact, we have already taken some here on this floor today.

In this week, we have scheduled consideration or acted already on whistleblower reform. We are going to deal with that issue. We are strengthening the protection for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud and abuse. This is so essential to making sure that the safeguards that we need will result in the kind of a government and the policies and the contracting and the work of the people will be of such a caliber that we can be proud, and more importantly, the American people can be proud.

We are also providing for more timely disclosure of government documents, another good measure not only of good government but of accountability, that will pay huge dividends and allow us to ensure that we are acting wisely and responsibly.

We are also nullifying a 2001 presidential executive order and restoring public access to presidential records. The public has a right to know the public's business. This is another measure to ensure that.

As we talk about the need to fund veterans health care, how can we fail to mention at the same time we fail to meet that need, we have seen gross excesses of lack of oversight and accountability and money, literally being lost in Iraq due to a failure of proper oversight of those we contract with. Limits on how long Federal no-bid contracts can last will be enacted this week by this new Congress. We will minimize the use of no-bid contracts and direct agencies to justify any such contracts if they are awarded.

These are all important measures that we will take this week in order to continue to fulfill our commitment to the American people to take this country into a new direction, one that will work for them and one that has their interests at heart.

As we come to the conclusion of our hour, I would just like to give my colleagues another opportunity to report what they would like to report in these closing moments to the American people. I yield to my good friend from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio, and so eloquently put. It is a new opportunity in America. It is one of optimism. We have got a lot of work to do, but Americans always rise to the challenge in the time of the greatest challenge.

I think it is important to realize that this place we are standing, this sacred hall, this is the people's House. This is the first branch of government in the Constitution. This branch is coequal to the other two branches, and our duty of providing oversight and accountability is not something that we get to pick and choose on. It is our constitutional responsibility.

When I hear people entrust me, you will hear people in this very chamber start using the term "micromanage." It seems to me there is a place where they dream up these words that they just keep repeating and repeating. Well, I can tell you what, micromanage, call it what you may, could be oversight and accountability also, and I ask my constituents, would you like a little oversight and accountability at Walter Reed? Would you like a little accountability on the situation in Iraq? Would you like a little accountability on what you hear on some of the things that are happening? And the answer is yes.

Sunshine truly is the best antiseptic. This new Congress has been here for 2 months, and there is a new way of doing business. It is the way that this country was laid out under the Constitution. It is the one that has served us best for over 230 years, and it is the one that we will continue to use that will provide the American people with the best government possible.

☐ 2130

I thank the gentlelady, I thank my good colleague from Wisconsin for the opportunity to be here with you, and I look forward to many more opportunities to do the Nation's bidding the way it should be.

Ms. SUTTON. I thank the gentleman. At this time I would like to yield to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. I am very proud to be standing next to both of you and express a great deal of optimism. I was sent here from the great State of Wisconsin, some might call it Cheeseconsin. We are still the Dairy State. I was sent here because people felt they needed some honest leadership, leadership that wouldn't let them down, some straight talkers.

We are delivering that message here. We are delivering a message not just verbally, but in a work product. Take a look, if people around the hall here and at home across America will take a look at the work we have already produced, you will find we have been working hard, and the work is not done yet. I am absolutely convinced that by working together, we will build a better future for everyone in this country. Stay tuned to C–SPAN. We will be back and deliver a positive message again.

Ms. SUTTON. I thank the gentleman.

These issues that we have begun to talk about here, and we have begun to take action on, is part of our ongoing effort to restore accountability and trust in Washington. They are part of the mandate of the last election.

Together, we will build on this work throughout the 110th Congress, and as I wrap up here, I would just like to thank those people, those people that I have the honor to represent from the 13th District of Ohio from Lorain to Elyira to Akron to Barberton, I thank you for the privilege of serving you, and we shall be unyielding in our commitment to deliver on promises

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ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. BILBRAY) is recognized for 60 minutes.

Mr. BILBRAY. Mr. Speaker, it is an honor to present our report to the American people on the status of the immigration issue tonight, and it is an honor to be able to welcome you to the Speaker's chair.

As a new freshman, or as one of your first times up there, I want to congratulate you on your advent to service of the people of America as the acting Speaker tonight.

Mr. Speaker, actually tonight we are talking about an issue that a lot of Americans have asked for a long time to be addressed, and that is the many different ways that we are encouraging illegal immigration. But actually tonight, we are to be talking about one of the items that originally was not intended to be one of immigration, it was one to be basically addressing national security and neighborhood security.

For good reasons, Congress in the past, both Democrats and Republicans, have said that the movement of capital funds, of bank accounts, was a major issue in fighting things like drug trafficking, of terrorist activities and of other illegal activities to where the United States' Congress, with this support and the consent of the people of the United States, said that before somebody opens a bank account, before they start getting involved in business transactions with a lending institution, they need to show and prove who they are so we know who is moving this cash back and forth. The identification issue became critical to make sure that drug cartels and criminal elements and terrorist elements were not able to use our institutions of lending, of finance, as part of their terrorist and illegal activity.

Sadly what has happened, though, is we passed a law that said everyone must be identified. There are lending institutions that have found ways to get around the law and say that if somebody is able to get a phony ID from a phony government document, we will look the other way and use that to be able to open bank accounts.

A lot of this discussion is specifically about illegal immigrants being able to get these documents, because you have countries such as Mexico that are willing to give documents, ID documents to individuals without any proof of who they are. Thus, the document such as the consulate card from the Republic of Mexico isn't worth the paper it is written on.

What has happened is these institutions, these American institutions, are actually participating in business transactions that they know violates the spirit of the law and accepts phony identification as a way to be able to engage in business that otherwise would be illegal for legal resident aliens and U.S. citizens to engage in, because the rest of us are required to show viable identification.

At this time I have the privilege to recognize the gentlelady from Tennessee. At this time I would like to yield whatever time she may consume to Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from California, and I thank him for his insightfulness on the immigration issue.

He has done so much work in his service in this Congress addressing this issue and encouraging people to look at the issue, to learn about the issue and to realize it is more than just a surface issue.

I also have appreciated the fact that the gentleman has encouraged people to realize the compassionate thing to do in this is to make certain that we keep immigration legal and that we honor the men and women who have gone through the process legally.

That is important to do, and it is the right step It is the compassionate step to make.

H.R. 1314 addresses the issue that Mr. BILBRAY mentioned and referenced as he opened his remarks about those that have entered the country illegally, getting access to our financial markets. Now, H.R. 1314 is the Photo Identification Security Act. This is a great piece of legislation. It is not a lengthy bill, it is one that I think everybody here in the House can pick up and read in 1 or 2 minutes. As you see, it is only about three pages.

What it does is something very big and very important, though, it closes a loophole that exists in the PATRIOT Act and the IRS regulations, and it is through that loophole that you could literally drive a truck. That is the loophole that we know that not only illegal immigrants use, but sexual predators and identity thieves, those people that want to be anonymous, that need to be anonymous, that have to be anonymous to the legal system. This is what they are choosing to use to gain access to banking institutions, to wire transfer services from the Federal Reserve, the U.S. Treasury, the IRS. It is giving them the ability to sign up for credit cards, to get home mortgages, to obtain taxpayer identification numbers, which employers call ITEN numbers, and to transfer money from this country back to Mexico.

This is a difficult situation for our country, because we have spent a lot of time, effort and energy trying to seek out terrorist groups and those that would do us harm. We are spending a lot of time, effort and energy talking about protecting intellectual property and looking at money laundering and how those pirates are laundering money and sending it back out of the country, taking money out of our communities.

We are spending a lot of time routing out identity thieves. Certainly in my community I hear from so many people who have had their identity lifted. They have had it stolen. They have had somebody take that from them, and then these individuals want to go open checking accounts, they want to go open credit cards and run up the number, just swipe those numbers off that credit card, run it ragged.

Somebody pays the bill, and it always comes back to being the American taxpayer that is going to pay the bill for fraud and for misuse. Happens every single time, every single time. This is a very serious problem to the faith that people have in our governing institutions. It is a serious problem to the stability of our financial markets. But there is a solution to this problem, and it is H.R. 1314, the Photo Identification Security Act.

As I said, it is a very simple bill, and I will do three things. It says in order to access our nation's financial services, in order to do business with the Federal Government, you have to present one of the three secure forms of ID as recognized in this country.

Number one would be a Social Security card with a government-issued State or Federal government issued photo ID. This could be a driver's license, if you are from a State that complies with the REAL ID Act.

Then you have got number two, a U.S. passport or a foreign nation passport. That would be a passport that we recognize, that we have a reciprocity agreement with.

The third form of ID would be a US citizenship and immigration service photo ID card. Now, that would be your USCIS permanent resident card, permanent alien card, work card, green card. Simply put, you have to have a visa before you can apply for a visa if this legislation passes, and we are encouraging everyone to join us in this. We are encouraging everyone, both parties, both Houses, to sign on, let's close this loophole and close it quickly.

I was talking to one of my constituents about this problem after it had arisen, it was a banker, in rural west Tennessee in my district. He was excited that we were working on this bill and thrilled that we were going to be closing this loophole. He looked at it like this, he told me a story of a couple of his customers, they had worked at a local plant, both had retired.

Then they decided they wanted to buy a motor home, which they did, good customers at the bank, so they get the motor home. They decide to start travelling.

Well, they needed a credit card to make reservations at those campgrounds. This banker could not get them a credit card because they had never had a credit card. They had a checking account. They had pretty much operated on cash, they had retired, they were now unemployed. They could not qualify for a credit card.

So, when the scandal began that we had major iconic banks in this country issuing credit cards to those that had illegally entered this country, as long as they were willing to put $100 in a checking account and leave it there for a month, then they could get a $500 credit card, that gentleman, that good, solid, patriotic American man that has worked for a company, retired from a company and wanted to enjoy his retirement years, walked into that bank, and he asked that banker, do I need to be an illegal immigrant just to get a credit card in this country?

That is the right question for him to ask. That is how ludicrous the practice is and how horrific it is that we would have these big banks, big banks, big iconic companies that have benefitted from the prosperity of this great Nation to play favorites and to say, all right, if you are an illegal immigrant, if you want to put $100 in over here, I am going to give you a $500 credit card.

Basically, I will tell you, that is predatory lending. Basically, that is a pretty high interest rate to go get a credit card, but that is the way we are doing it, and their response is we are exploiting a loophole. So the loophole needs to be closed because it just isn't right. It isn't a practice that should continue.

Another thing I have heard from some of my constituents is this, all of our local communities depend on keeping money in that community and having it turn over in the community several times before it leaves. You know, once somebody earns a dollar, they like to have that dollar turn over three and a half, four, four and a half, five times, in order to keep that economy humming along.

You earn the dollar, you go by the grocery store and make the purchase, and by the dry cleaners and by the shoe shop. You go over and you take the kids out for ice cream after you have gone to the ball game. You go buy new sporting goods for them to play in that ball game. Then you go buy new clothes for Easter as you are getting ready for Easter, and a swim suit for summer, maybe even a little swimming school for the backyard. The point is, the money has to turn over in that community in order for the community to be available.

Guess what, our friendly Federal Reserve system has done? The Federal Reserve system of the U.S. government has set up a system that allows illegal immigrants to transfer money back to the Bank of Mexico, direct to Mexico is the program.

The funny thing about this is, there are 27,000 transaction a month to the tune of $23 billion a year.

□ 2145

Mr. Speaker, guess what? Friendly Federal Reserve is bragging about keeping the fees low, $0.67 a 100. Well, I have not found a one of my constituents who has said their ATM fees are going down. I have not had a one of them say their checking account fees are going down. I haven't had a one of them say they have had any transaction fee go down. My merchants complain about the fees that they get charged. And we even have a hearing reported in one of our Hill newspapers today about retailers and banks duking it out over transaction fees.

But then we have another article that came out of the L.A. Times that is talking about the Federal Reserve bragging about being able to keep these fees low.

Now, Mr. Speaker, it is a little bit of a head scratcher, I will have to admit it, my goodness gracious, you know, when they can go in here and they can wire this money out of the country, 27,000 transactions a month, $23 billion a year, the money is not turning over in the local communities.

Some of our friends across the aisle are saying, well, you know, we are not seeing what we want in jobs growth and income growth, even though it has been pretty healthy. Maybe they need to look at some of this. Maybe they need to join us in stopping illegal immigration. Maybe they need to join us in standing against amnesty. Maybe they need to make sure that we are a sovereign and free Nation, and that we remain so.

The Photo Identification Security Act, closing the loophole that allows those that have illegally entered this country, that allows those who are predators and identity thieves to remain anonymous to the system; closing that loophole, so that they do not have access to credit, so that they do not have access to our financial markets, so that they cannot have the ability to remain anonymous to the system.

I encourage everyone to join me in supporting H.R. 1314, the Photo Identification Security Act. I encourage everyone in this body, Mr. Speaker, to join us in closing this loophole that exists in the PATRIOT Act and the IRS regulations. And I encourage them to join us in encouraging the Federal Reserve to end the program that allows $23 billion to be transferred out of this Nation every year without turning over in the community. Every single year.

Let's be certain that we keep our economy secure and safer. Let's be sure that we keep our communities secure and safe, and let's be certain that we are fair to the families and the working men and women in this great Nation.

And I yield back to the gentleman from California.

Mr. BILBRAY. Thank you. I appreciate the gentlelady. Let me say at this time, it is my privilege to introduce the gentleman from Texas, who actually is a, in his previous life, was a judge who saw over 25,000 cases. So this is a man who knows a crime when he sees it. And at this time I would yield to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman from California, and also your leadership on the Immigration Caucus. This important issue, border security, immigration is a national security issue, Mr. Speaker. And the people from Southeast Texas who I represent have long been concerned about the open borders that we have in the United States and the continuing problems that arise from that.

It is said, Mr. Speaker, that money is the root of all evil. And companies like Bank of America think making a buck is more important than knowing who their customers really are. By issuing credit cards and bank accounts to people who show little, if any legitimate documentation, banks are leaving the door wide open for money laundering, fraud, and identity theft. They contribute to the magnet that drives people to the United States to come and stay here illegally. And they are blatantly sending a message to drug cartels and terrorists around the world that they are open to business for anybody that has got a little money.

Bank of America's slogan is "Higher Standards." Higher standards, Mr. Speaker. It seems they have no standards. Whatever happened to good corporate citizenship, where integrity takes a back seat to banking greed? Since when does greed override their responsibility?

Let me read to you what the Bank's Director of Latin American Card Operation, a Mr. Brian Tuite, I think that is his last name, T-U-I-T-E, said about this recent bank program of giving credit to illegals in the United States. He said, "These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life."

Mr. Speaker, since when did Mr. Tuite write Federal immigration laws? And what part of illegal immigrant does he not understand? You know, with that attitude, I suggest he and Bank of America change their name to Bank of Mexico.

While on the subject of Federal immigration laws, let me read Title 8 of the U.S. Code, section 1324(a) which defines several distinct offenses related to illegals. The law prohibits, among other things, encouraging or inducing unauthorized aliens, that is Federal language for illegals, to enter the United States, and engaging in a conspiracy or aiding and abetting any of the preceding acts.

So what is the Department of Homeland Security doing about all this? Are they working to strengthen document standards for banks like my colleague from Tennessee is attempting to do, Ms. BLACKBURN? No. They are using Bank of America's position to argue for more guest workers and for amnesty that would reward illegals en masse. They seem not to get it.

The Department of Homeland Security spokesman, Russ Knocke said banking products aimed at illegal immigrants reinforce the need for a temporary worker program. This is nonsense. His idea rewards the unlawful activity of being in the country illegally by now saying it is permissible activity to be here illegally.

Banking products aimed at illegal immigrants do not reinforce the need for a temporary worker program. They reinforce the need to enforce the border rules, strengthen interior enforcement of immigration laws and punish companies who openly flout the rule of law.

How do we expect to hold employers who knowingly hire illegals accountable when American banks are rolling out the welcome mat to illegals and giving them credit?

Issuing credit cards to people without valid and legitimate documentation makes no sense. The banking industry would have you believe it has to do with helping these poor individuals with bad credit history. This is nonsense, again. It is all about banks cashing in on the underground illegal cash economy, pure and simple. It is all about money. It always has been, and it always will be.

I am proud to be a cosponsor of H.R. 1314, the Photo Identification Security Act that Mrs. BLACKBURN has spoken about and offered tonight. This legislation will close the Federal loophole created in the PATRIOT act that allows for financial institutions to accept these bogus alternate forms of identification when opening accounts or obtaining credit cards.

Like Mrs. BLACKBURN pointed out, many American citizens and lawful immigrants have difficulty obtaining credit or credit cards, but banks are making it easier for illegals to obtain credit and credit cards.

This bill will require any official business with the Federal Government or financial institutions to accept one of the forms of identification that are normal, such as a Social Security card, with a government issued identification card, including a state driver's license, a U.S. or foreign passport or U.S. citizenship and immigration service photo identification card.

The Mexican government-issued matricula consular card under this new legislation will no longer be accepted. Now, Mr. Speaker, the MATRICULA CONSULAR CARD, issued by the nation of Mexico, is an identification card made by the Mexican government for Mexican nationals that are illegally in the United States. Banks and even our Federal Government have now begun to accept this as a valid identification form. We need to work with the banking industry and convince them to maintain the integrity of our laws and provide strict guidelines on acceptable and secure identification policies. Banks like Bank of America need to stop encouraging illegal entry into the United States and quit pandering to the illegals that are here, all in the name of the all mighty peso.

So I appreciate the time the gentleman from California has given me and, hopefully, working together, we can stop this nonsense of allowing illegals in this country to obtain special privileges over American citizens and lawful immigrants.

Mr. BILBRAY. Thank you very much.

Mr. Speaker, I think that the gentleman from Texas pointed out a real issue here, and that is the special treatment being given to somebody who is being perceived to be legally in the country. If you are a resident, legal alien, if you are a U.S. citizen, you are expected by these institutions to show up with the proper documentation, viable ID to prove you are who you are. But under this misguided concept that if you are here illegally, we can't expect you to live up to the minimum standard that everyone legally is playing here, that we will accept this consular card, which, admittedly, is given without any documentation, without any verification, and could be used by drug cartels, could be used by terrorists, could be used by anyone as a way of hiding their identity. But because we perceive you may be illegally in the country, we will abandon all our standards that we apply to everyone else and allow you to have a special standard that does not hold you to the viable ID requirement.

I just think that Americans across this country keep saying, how far off course can we go in America? And sadly, this is an issue that the Federal Government has been allowing to happen, that the administration has looked the other way on, and I think it is something that this administration has to address, this Congress has to address. And the American people need to call their Members of Congress and say, where do you stand on this issue of viable identification for the opening of financial arrangements?

At this time, Mr. Speaker, I have the privilege to be able to yield whatever time he may consume to the gentleman from Virginia, Virgil Goode.

Mr. GOODE. Thank you, Mr. BILBRAY.

Mr. Speaker, I want to say thanks, first, to you, as the Chair of the Immigration Reform Caucus, and to your predecessor, Tom Tancredo of Colorado, for your relentless efforts to secure our Nation and make our country safer by enhancing border security and by reducing magnets that are attractions to illegals. One magnet has been discussed just by the previous speakers. Mrs. BLACKBURN of Tennessee and Mr. POE of Texas have discussed the legislation that will, hopefully, block companies like Bank of America from issuing credit cards to illegal aliens. That is a magnet for them to come here and get an American credit card.

There are many other magnets that attract millions to come across our borders to avoid the law and to enter this country illegally. Amnesty is a huge magnet. Amnesty means that if you get here and stay here a little while, we are going to let you stay. We are going to give you a blue card, a red card or a green card, and we are going to give you a glidepath to citizenship. Amnesty is probably the worst magnet of all. It is estimated that between 12 and 20 million persons are here illegally already. And they are placing a financial burden on the educational and social services of localities and states.

□ 2200

Also, many illegals are criminals, and they are filling local jails, State prisons, and placing a burden on our law enforcement system. Even in a State like Virginia, which is not adjacent to our southern border, you can talk with local law enforcement officials and they can tell you about the number of persons that they believe to be illegal going through the criminal justice system is costing the taxpayers of the localities of the Fifth District and the citizens of the State of Virginia millions of dollars.

I listened to the President's State of the Union message. I was happy when he said that we needed to have our borders more secure, but I was not happy, very much so, about his proposal that would grant amnesty to illegals. Paying a fine for breaking immigration laws of the United States and after a few years being given an opportunity to become a citizen is amnesty any way you slice it. And I don't care what others say about legalization or regularization, they are euphemisms for amnesty.

Once the illegals become citizens, they have the right to petition to bring family members into the United States. And that is not just son, daughter, father, mother, it extends beyond that, it is called chain migration. If you give amnesty to 12 million illegals, that is going to be 60 million in less than half a decade. A huge burden on the United States. And it is a reward for those who broke the law.

Giving a glidepath to citizenship in the mid-1980s was tried. It was an amnesty then. It failed. It didn't stop the flow, we had more. It served as a lure for more to come across our borders. And there is reason to believe that if we do it again, millions upon millions will follow suit because they will say in the 1980s, if we worked our way across, just walked across one night, maybe with a guide, maybe without a guide, and we stayed there a few years, they gave us amnesty. And you know what? In the nineties more just came across the border, that border that has very little fencing along it. They just came in, and they got them amnesty then. And they are counting on another one in this decade.

If we want to stop a big magnet for illegal immigration, we will have a firm and signed policy of no amnesty, no matter how euphemistic you may make the words "amnesty" sound.

And Mr. BILBRAY is from San Diego. The fence between San Diego and Mexico is working. It is not a simple barbed-wire fence, it is not a simple woven-wire fence, it is a three-layer fence with two rows, and it is a stopper. I hear those on the other side and many in this body say, you know, we really don't need a fence, we can do some other things; a fence won't work. Let me tell you, the opponents of the fence don't like it because it will do the job. I don't think anyone yet has made it across the fence in San Diego by climbing the first fence, going across the road, climbing the huge barrier fence in the middle, going across the next road and then crossing the third fence. And very few, if any, tunnelists have been able to make it so far.

So the magnet of amnesty is one that needs to be rejected. And if this body and the body on the other side on our executive branch were to come out four-square, forthrightly against amnesty in any shape or form, many of those illegally in the country now would walk back just like they walked in because they would know that there was no hope of getting that special colored card or getting citizenship. They would know that the only way you get to the United States is to play by the rules. You go back to your home country, and you don't jump in front of those that are going through the process, that are having background checks, that are having their criminal records evaluated so they wouldn't have any. Their health records and their health checks would be undertaken, interviews would be given, they would be playing by the rules.

Another magnet that we must fix is the anchor baby. The United States, unlike most countries of the western world, provides for the children born of persons illegally in this country with citizenship. The mother and father can come here illegally, can be expecting and have a baby across the border in the United States, that baby is an automatic citizen. And if they go to one of the hospitals, and most likely because they are without assets, will be getting free treatment at the expense of the taxpaying citizens of the United States of America. Anchor babies are a huge magnet.

If we want to stop the invasion of illegal aliens into this country, we must do away with the magnets. And we have talked about three of the magnets here tonight. If we want to make America sound financially, reduce the deficit, save money, make our country safer and make our borders secure, we need to say no amnesty, no credit card and no anchor babies. Let's do the right thing, let's save America.

Mr. BILBRAY. Thank you very much. I appreciate the gentleman from Virginia.

Just to let you know, a lot of people might say, Mr. Speaker, how many illegal alien babies can be born in America, can it be that big a deal? Well, let me just say to the gentleman of Virginia, in my State of California, the cost of just giving birth to the children of illegal aliens every year is $400 million. That is just for the birth. Then the parents who are illegally in this country qualify to get welfare payments in the name of their children because we give them automatic citizenship, even though technically the parents are not totally subject to the jurisdiction as required by the 14th amendment. You can't draft them, you can't try them for treason. But $400 million just for the birth. And in fact, just the cost of the welfare, Mr. Speaker, paying for the children of illegals have gotten so big that even a great moderate like Arnold Schwarzenegger, our terminator, or what we call "governorator" has recognized that he wants to be able to provide health care to these children, he wants to be able to take care of the costs, but even he is proposing that we now have to cut off welfare payment to the children of illegal aliens at 5 years, not because he wants to cut it off, but because even the wealthiest State in this Union, California, can no longer afford to pay the benefits to illegal aliens that have been going on for so long. It has gotten that far.

And I think anybody would recognize that Arnold Schwarzenegger is not exactly anti-immigrant. He is probably the flagship and the banner boy for the successful immigrant story. But even he has looked at the bottom line and said there is a place where you have got to be able to say enough is enough. How much are you going to take from the law-abiding citizens and the children of law-abiding citizens and shift it over and give it to people who have broken our laws?

I appreciate the gentleman from Virginia for bringing that up. And all I have to say is a lot of people may talk about this issue of banks looking the other way and accepting these consular cards, even they are not viable because their argument is, but we are making money. This is America. We are supposed to be making money. This is breaking that fine line between legal and illegal. Those who make money legally are totally separate from those who are making it illegally. And the banks are saying we are getting away with it, so let us keep doing it.

Mr. Speaker, I think you would admit, this is right where the issue of racketeering brought the Federal government in to address people who were into bootlegging, though they were making big money, people that were into prostitution, people that were in drug dealing, people that were involved in the labor market below fair market value. We have laws against racketeering, and these major banks are involved in racketeering. They are profiteering from illegal activity because they are willfully and openly encouraging people that are in violation of the law, working and making money in violation of our laws, and then taking that money and profiteering by cutting a deal with the illegal alien that we will let you be in our institution if we get a wink and a nod and we are able to get our pound of flesh out of it. So I think it is something we need to address.

I appreciate the chance to be able to be here tonight with you. And Mr. Speaker, let me just say that American people may say they hear a lot about the problem of illegal immigration and what do we do about it, but not enough people talk about simple answers. And I would ask you, Mr. Speaker, and everybody that wants to find a simple answer, it is not a Republican or Democrat problem, it is an American problem. And there were two great Americans, one was a Democrat, a former Border Patrol agent called Sylvester Reyes, another was the former chairman of Rules, now ranking member of Rules, a Republican from California named David Dreier, who sat down with the Border Patrol agents, the men and women that are tasked with taking care of the immigration issue. And they were asked, what is the one thing you would do if you had one law to take care of illegal immigration? And they didn't say be mean to anybody, all they said is give the American employer such a simple way as a tamper resistant Social Security card, one document, only one document to prove who is legal to work in the United States and who isn't. Make it so simple for an employer to know who is legal that there is no excuse for somebody to hire an illegal so the Border Patrol agents then can go in and really crack down on those who are hiring illegals. Because the employers who are knowingly hiring illegals cannot hide behind the guise of well, I am like the little guy who didn't understand, it will become so clear.

So I would ask, Mr. Speaker, that you do us the privilege of looking at H.R. 98. SYLVESTER REYES is a very respected member of the Democratic Party, DAVID DREIER is a very respected member of the Republican Party. This bill has had the support from members of the Hispanic Caucus and members of immigration groups. This is where Democrats and Republicans can work together, and I think it is a place that America expects us to work together.

And I would ask anyone that is within the range of my voice, call their Member of Congress, call their Senator. Mr. Speaker, all they have to do is ask where the Member of Congress stands on H.R. 98, because this is where both Americans, Democrat and Republican, should be able to come together for the good of our future and for the future of our children and our grandchildren.

At this time, Mr. Speaker, I would yield back my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today after 4:30 p.m.

Mrs. GRANGER (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. SAXTON (at the request of Mr. BOEHNER) for today and March 15 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. JONES of North Carolina) to revise and extend his remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, March 15.

ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, March 15, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

848. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Polymer of 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol, Oxirane, Methyloxirane, 1,2-Epoxyalkanes; Tolerance Exemption [EPA-HQ-OPP-2006-0658; FRL-8116-9] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0312; FRL-8113-6] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

850. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders (RIN: 1210-AB15) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2007-0041; FRL-8284-8] received March 7,

2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

852. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Interstate Transport of Pollution [EPA-R07-OAR-2006-1015; FRL-8285-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

853. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kansas; Interstate Transport of Pollution [EPA-R07-OAR-2007-0141; FRL-8286-3] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

854. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007- 0083 ; FRL-8286-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

855. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 9 (RIN: 3150-AI03) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

856. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No. 050112008-5102-02; I.D.102406B] (RIN: 0648-AT21) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

857. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC [Docket No. FAA-2006-24027; Airspace Docket No. 06-ASO-1] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Route (RITTR) T-210; Jacksonville, FL [Docket No. FAA-2005-23436; Airspace Docket No. 05-ASO-10] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Huslia, AK [Docket No. FAA-2006-24004; Airspace Docket No. 06-AAL-13] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Keokuk Municipal Airport, IA [Docket No. FAA-2006-25009; Airspace Docket No. 06-ACE-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, Western Nebraska Regional Airport/William B. Heilig Field, NE [Docket No. FAA-2006-25007; Airspace Docket No. 06-ACE-5] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

864. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance (RIN 2900-AM36) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

865. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry Of Certain Cement Products from Mexico Requiring A Commerce Department Import License [USCBP-2006-0020] (RIN: 1505-AB68) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. H.R. 1362. A bill to reform acquisition practices of the Federal Government; with an amendment (Rept. 110-47 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 242. Resolution providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government (Rept. 110-49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 1513. A bill to provide for demonstration projects to help improve the Nation's unemployment compensation system; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. Pitts, Mr. Emanuel, Mr. English of Pennsylvania, Mr. McIntyre, and Mr. Brady of Texas):

H.R. 1514. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself and Mr. Shimkus):

H.R. 1515. A bill to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Financial Services.

By Mr. OBERSTAR (for himself, Mr. Mica, Ms. Corrine Brown of Florida, and Mr. Shuster) (all by request):

H.R. 1516. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2008 through 2011, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself, Mr. George Miller of California, Ms. Woolsey, Mr. Bishop of New York, Mr. Payne, Mr. Hare, Ms. Shea-Porter, and Ms. Corrine Brown of Florida):

H.R. 1517. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of State and local governments; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself and Mr. Wicker):

H.R. 1518. A bill to allow employees of Federally-qualified health centers to obtain health coverage under chapter 89 of title 5, United States Code; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 1519. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract, and to provide for the Federal Trade Commission to enforce violations of such prohibitions as unfair and deceptive acts or practices under the Federal Trade Commission Act; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. McHugh, Mr. Welch of Vermont, Mr. Ackerman, Mr. Arcuri, Mr. Bishop of New York, Ms. Clarke, Mr. Crowley, Mr. Engel, Mr. Fossella, Mrs. Gillibrand, Mr. Hall of New York, Mr. Higgins, Mr. Israel, Mr. King of New York, Mr. Kuhl of New York, Mrs. Lowey, Mrs. McCarthy of New York, Mr. McNulty, Mrs. Maloney of New York, Mr. Meeks of New York, Mr. Nadler, Mr. Rangel, Mr. Reynolds, Mr. Serrano, Ms. Slaughter, Mr. Towns, Ms. Velázquez, Mr. Walsh of New York, and Mr. Weiner):

H.R. 1520. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KAGEN (for himself, Mr. ALTMIRE, Mr. LARSON of Connecticut, Ms. CASTOR, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. FARR, Mr. CLEAVER, Mr. HIGGINS, Mr. MCNULTY, Ms. HIRONO, Mr. COHEN, Mr. PATRICK MURPHY of Pennsylvania, and Mr. WEXLER):

H.R. 1521. A bill to amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER (for himself and Mr. CUELLAR):

H.R. 1522. A bill to promote the availability and use of the Federal student financial aid website of the Department of Education; to the Committee on Education and Labor.

By Mr. LEVIN:

H.R. 1523. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, and Mr. DOGGETT):

H.R. 1524. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. GOODLATTE, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 1525. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. ESHOO, Mrs. TAUSCHER, Mr. LANTOS, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, and Mr. STARK):

H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas (for himself and Mr. LATHAM):

H.R. 1527. A bill to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLVER (for himself, Mr. NEAL of Massachusetts, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. LARSON of Connecticut):

H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. MCCOTTER, Mr. WOLF, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. TOM DAVIS of Virginia, and Mr. PASCRELL):

H. Res. 243. A resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes; to the Committee on Foreign Affairs.

By Ms. MILLENDER-MCDONALD (for herself and Mr. EHLERS):

H. Res. 244. A resolution electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 245. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Oversight and Government Reform.

By Mr. GOODE:

H. Res. 246. A resolution expressing the sense of the House of Representatives that States and units of local government should enact legislation to prohibit the issuance of business, professional, or occupational licenses to unauthorized aliens; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced a bill (H.R. 1529) for the relief of Griselda Lopez Negrete; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GEORGE MILLER of California and Mr. WELLER.

H.R. 39: Mr. HILL, Mr. ARCURI, and Mr. SMITH of New Jersey.

H.R. 171: Mr. SCOTT of Virginia and Mr. MCGOVERN.

H.R. 180: Ms. CLARKE.

H.R. 243: Mr. SENSENBRENNER.

H.R. 245: Mr. GERLACH.

H.R. 255: Mr. GERLACH.

H.R. 275: Mr. MCCOTTER.

H.R. 303: Mr. CONYERS and Mr. CLEAVER.

H.R. 419: Mr. THORNBERRY.

H.R. 463: Mr. KANJORSKI.

H.R. 471: Mr. LEWIS of Kentucky, Mr. FOSSELLA, and Mr. MCGOVERN.

H.R. 477: Mr. WALDEN of Oregon and Ms. LINDA T. SÁNCHEZ of California.

H.R. 493: Mr. ALTMIRE.

H.R. 511: Mrs. CAPITO, Mr. CHABOT, Mr. FLAKE, Mr. FORTUÑO, and Mr. FOSSELLA.

H.R. 619: Mr. LEWIS of Georgia, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SOLIS.

H.R. 621: Mr. ROTHMAN and Mr. RAHALL.

H.R. 657: Mr. LAHOOD.

H.R. 661: Mr. MCGOVERN.

H.R. 684: Mr. MCNULTY.

H.R. 699: Mr. JINDAL, Mr. LINDER, Ms. FOXX, and Mr. WALBERG.

H.R. 718: Mr. SOUDER and Mr. HILL.

H.R. 721: Mr. COLE of Oklahoma, Mr. PETERSON of Pennsylvania, and Mr. ISSA.

H.R. 731: Mr. CUELLAR and Mr. MICHAUD.

H.R. 748: Mr. BOUCHER.

H.R. 768: Mr. TANCREDO.

H.R. 769: Mr. TANCREDO and Mr. GARY G. MILLER of California.

H.R. 797: Mr. WEXLER.

H.R. 804: Mr. MEEHAN, Mr. THOMPSON of California, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, and Mr. ELLISON.

H.R. 869: Mr. TAYLOR, Mr. ALLEN, Mr. HILL, and Mr. KIND.

H.R. 897: Ms. CARSON.

H.R. 971: Mrs. NAPOLITANO.

H.R. 977: Mr. STARK.

H.R. 980: Mr. FATTAH, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. DENT, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. GRIJALVA, Mr. OBERSTAR, Ms. DELAURO, Mr. SKELTON, Mrs. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. FILNER, and Mr. UDALL of New Mexico.

H.R. 981: Mr. MCHUGH.

H.R. 983: Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. GRIJALVA, Mr. BONNER, Mr. STEARNS, Mrs. WILSON of New Mexico, Mr. CHANDLER, Mr. HINOJOSA, Mr. WALBERG, Mr. GOHMERT, Mr. PENCE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 988: Mr. DOOLITTLE, Mr. RADANOVICH, Mr. BERMAN, Mr. LANTOS, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mr. GALLEGLY, and Mrs. DAVIS of California.

H.R. 989: Mr. MILLER of Florida and Mrs. BLACKBURN.

H.R. 1026: Mr. MCNULTY.

H.R. 1034: Mr. RAHALL.

H.R. 1043: Mr. RAMSTAD.

H.R. 1061: Mr. RENZI and Mr. ENGLISH of Pennsylvania.

H.R. 1093: Mr. BOYD of Florida and Mr. FEENEY.

H.R. 1108: Mr. HARE, Mr. ROSKAM, and Mr. TOWNS.

H.R. 1132: Ms. ZOE LOFGREN of California.

H.R. 1188: Mr. RUPPERSBERGER.

H.R. 1190: Mr. TERRY and Mr. CUMMINGS.

H.R. 1229: Mr. PASTOR and Mr. GERLACH.

H.R. 1234: Mr. CLAY and Mr. FILNER.

H.R. 1236: Mr. BUTTERFIELD, Mrs. MALONEY of New York, Mr. CLEAVER, Mr. HOLDEN, Mr. SIRES, Mr. GEORGE MILLER of California, Ms. BORDALLO, and Mr. RUPPERSBERGER.

H.R. 1240: Mr. FILNER, Mr. MICHAUD, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. FATTAH, Ms. NORTON, Mr. GRIJALVA, Mr. CROWLEY, Mr. MANZULLO, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. LANGEVIN.

H.R. 1287: Ms. SCHAKOWSKY.

H.R. 1293: Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. ROSS, Mr. KELLER, and Mr. MCHENRY.

H.R. 1303: Mrs. NAPOLITANO.

H.R. 1324: Mr. ROHRABACHER and Mrs. MCMORRIS RODGERS.

H.R. 1325: Mr. CAPUANO, Mr. REYES, and Mr. RODRIGUEZ.

H.R. 1330: Mr. GERLACH and Mr. PAYNE.

H.R. 1333: Ms. SCHAKOWSKY.

H.R. 1342: Mr. HOEKSTRA.

H.R. 1344: Ms. CORRINE BROWN of Florida, Mr. ALEXANDER, Mr. GERLACH, and Mr. FARR.

H.R. 1359: Mr. FRANKS of Arizona.

H.R. 1366: Mr. CANTOR.

H.R. 1394: Ms. BORDALLO.

H.R. 1420: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. STARK, Mrs. DAVIS of California, and Ms. DEGETTE.

H.R. 1424: Mrs. BONO.

H.R. 1430: Mr. FRANKS of Arizona, Mr. HERGER, and Mr. CHABOT.

H.R. 1433: Mr. DAVIS of Illinois, Mr. ELLISON, and Ms. WASSERMAN SCHULTZ.

H.R. 1435: Ms. KAPTUR, Mr. FATTAH, Ms. BORDALLO, and Mr. NEAL of Massachusetts.

H.R. 1441: Mr. ABERCROMBIE, Mr. ISRAEL, and Mr. MCINTYRE.

H.R. 1448: Mr. SCHIFF, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 1459: Mr. YARMUTH, Mr. GONZALEZ, Mr. POE, Mr. BONNER, and Mr. FORBES.

H.R. 1505: Mr. BOSWELL.

H.R. 1509: Mr. HULSHOF.

H.J. Res. 14: Ms. CARSON.

H. Con. Res. 9: Mr. ANDREWS and Ms. SUTTON.

H. Con. Res. 49: Mr. ORTIZ, Mr. WILSON of Ohio, and Mr. MCNERNEY.

H. Con. Res. 71: Mr. DOYLE, Mr. MARKEY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 49: Mr. HARE, Mr. CONYERS, and Mr. OBERSTAR.

H. Res. 105: Mrs. CUBIN and Mr. LINDER.

H. Res. 146: Mr. MCNULTY, Mr. FILNER, and Ms. HIRONO.

H. Res. 194: Mrs. CHRISTENSEN, Mr. CLAY, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. LANTOS, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. FATTAH, Ms. CORRINE BROWN of Florida, and Ms. LORETTA SANCHEZ of California.

H. Res. 208: Mr. FORBES.

H. Res. 213: Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MCNULTY.

H. Res. 223: Ms. MCCOLLUM of Minnesota.

H. Res. 233: Mr. LATOURETTE and Mr. SENSENBRENNER.

H. Res. 237: Mr. FATTAH and Mr. MCGOVERN.

EXTENSIONS OF REMARKS

IN HONOR OF STEPHEN J. SOLARZ

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. PELOSI. Madam Speaker, next week, one of our most respected former colleagues, Stephen J. Solarz, will receive the President's Award from the International Crisis Group for his role in the creation of that highly respected organization and his other vital contributions to international public policy. This award is richly deserved, and calls to attention the accomplishments of this remarkable public servant.

His career in public office—which included 6 years of service in the New York State Assembly and 18 years representing Brooklyn's 13th district in this chamber—was characterized by tireless advocacy, unyielding resolve, historic vision, and a deep sense of civic duty.

His career was marked by exceptionally strong service in the international arena. Mr. Solarz served for 18 years on the House Foreign Affairs Committee, including service as Chairman of the Subcommittee on Asian and Pacific Affairs, and the Subcommittee on Africa. His record of achievement mirrors the historic and positive changes that occurred in the world during that period, A champion of human rights and democracy, his name figures prominently in the history of South Africa for his efforts to help end apartheid and build a non-racial democracy; in the Philippines for his tireless work in supporting democratic transformation and good governance; and in Cambodia for his public and private initiatives to help build a sustainable peace and national reconciliation in the wake of tragic mass killings. His vision in promoting democratization and European integration of the nations of Central and Eastern Europe following the fall of the Berlin Wall was essential in promoting peace and stability throughout the European continent.

His deep-seated resolve to contribute to international peace and justice did not cease after he retired from Congress in 1993. Mr. Solarz then served President Clinton as special envoy to Cambodia and as Chair to the Board of the Central Asian-American Enterprise Fund. He has stayed active since then, contributing frequently to the public discourse on international events through his writings and teachings.

Mr. Solarz also played a vital role in the creation and early leadership of the International Crisis Group, which has emerged as a respected conflict prevention and resolution organization. As part of a group of prominent international citizens and foreign policy specialists who were appalled by the international community's failure to respond to crises of the mid-1990s in Somalia, Bosnia, and Rwanda, Mr. Solarz recognized the need for an organization, wholly independent of any government that would help governments, international organizations, and the world community to prevent, contain, and resolve deadly conflict. In the early stages of its formation, Mr. Solarz traveled to two dozen countries to discuss the proposed organization, garner support, and raise funds. The vision of that group was "realized", and Mr. Solarz went on to serve first as the organization's first vice chairman and now serves on its board of trustees.

It is with great pride and admiration that I join the International Crisis Group in celebrating this great American and distinguished veteran of the House of Representatives. I thank his wife of 38 years, Nina Koldin, and his two children for sharing their husband and father with us. I am proud to pay tribute to Stephen Solarz for his contributions to the people of New York, the United States, and the entire world.

SUPPORT FOR FARMERS AND RANCHERS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. That is an important subject that I plan to discuss in depth later this week.

But today I wish to focus on another element of this bill, one that is of vital importance to the farmers and ranchers of the Second District of Kansas.

America's agricultural industry is in the midst of a calamity. Fully 70 percent of U.S. counties were declared disaster areas by the Department of Agriculture in 2006. Believe it or not, this was an improvement from 2005, when 80 percent of all counties were declared disasters. In my home state of Kansas, every single county is suffering from disaster conditions.

It is hard to express the frustration of the farmers I speak to in my district. Many have worked the same acreage for decades, and they feel a profound connection to their land: They trust that, if they treat their land right, if they plow its soil and plant it carefully and tend it for the many months before harvest, it will reward them with enough crops to earn a living.

But lately, as disaster conditions have stretched out into every corner of Kansas, the land has betrayed our farmers and ranchers. William Norman, Jr., a farmer from Leavenworth County, is fighting to make ends meet now that his corn production has plummeted by two-thirds. Frances Ford, a rancher in Coffey County, is struggling to feed her cattle off of only half of her ordinary hay yield.

These are good, hardworking people who put food on America's plates every single day. But their land has betrayed them—and sadly, Congress has betrayed them, too.

Despite the magnitude of the current agricultural catastrophe, Congress has failed to provide sufficient agricultural assistance. We have abandoned our farmers and ranchers to a massive and ongoing natural disaster.

The 2007 supplemental bill rights this wrong. It provides $3.7 billion in agriculture disaster relief, which will help Kansans continue to farm and ranch in spite of the ever-present threats of drought, fire, and other catastrophes.

Our farming and ranching communities needs a government that supports them during their most difficult hours. Now Congress has an opportunity to meet their needs, to serve as a steward of the agricultural industry.

A vote for the supplemental bill is a vote for our farmers and ranchers.

IN PRAISE OF "PRESIDENTIAL SERVICE AWARD" WINNER, MELISSA MORGAN

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor a special young lady, a constituent of mine, Ms. Melissa Morgan of Hillsdale, Michigan. Ms. Morgan is a recipient of the highest level of the "Presidential Service Award," the Gold Level, honoring her dedication to Hillsdale community through her volunteer efforts.

Ms. Morgan is a student at Hillsdale High School where she has been involved with several extracurricular activities which include: soccer, basketball and volleyball, as well as cross country. Melissa was the Vice President of the Hillsdale High School National Honor Society, senior class representative for student council and also a participant in the Student Statesmanship Institute. This is just a short list of the activities Melissa has participated in at Hillsdale High School.

Madam Speaker, those activities which I have just named are impressive, however, Ms. Morgan's volunteer efforts are the heart of the "Presidential Service Award." In his 2002 State of the Union address, President George W. Bush called on all Americans to increase volunteerism within their communities. From this call to action came the President's Council on Service and Civic Participation in 2003 which sought out ways to recognize outstanding volunteers, such as Melissa Morgan. The Council created President's Service Award Program and the Presidential Service Award.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Gold Level of the "Presidential Service Award," requires young adults, such as Ms. Morgan, to volunteer two hundred fifty hours or more of their time. Ms. Morgan has eclipsed this threshold almost five times, netting just below 1200 volunteer hours. I will highlight just a few of Melissa's volunteer activities; Spanish assistant and tutor—180 hours, Key Club volunteer—200 hours, 40 hours dedicated to organizing and running a children's sports camp raising money for Hurricane Katrina victims and 10 hours volunteered with Habitat for Humanity.

Melissa Morgan is a great example of everything right with America and is a reflection of the spirit of a true Michigander, selfless and fighting for a cause greater then themselves. I am pleased to congratulate Melissa Morgan on her achievement of the "Presidential Service Award," and I commend her for her work.

RECOGNIZING THE YOUNG MEN'S LEAGUE OF GUAM FOR SERVICE TO THE COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BORDALLO. Madam Speaker, I rise to commend the members of the Young Men's League of Guam, the YMLG, for their service to our community for over 90 years. YMLG is perhaps the oldest, active non-profit organizations in my home district, continuing to provide dedicated and honorable volunteer service to this day. The YMLG contributes immensely to help the homeless, the medically indigent, and less fortunate in Guam, as well as the elderly at St. Dominic's Geriatric Care Facility. They also support and assist other charity organizations.

Since its founding in 1917, the Young Men's League of Guam has remained true to its mission to uphold and defend the principles of good government by instilling among its members a sense of individual obligation to our community, as well as fostering and promoting friendship, camaraderie, closer understanding and respect among themselves as unique equals. Also known proudly as "I Inetnon Lalåhen Guåhan," the Young Men's League of Guam continues to be a strong proponent for the preservation and advancement of the indigenous culture, language, heritage and traditions of the Chamorros of Guam and the Marianas. YMLG annually sponsors the "Silabrasion Chamorro" Student Oratorical, Essay, and Writing Competitions.

As its name proclaims, the Young Men's League of Guam has always sought to harness the talents and instill a sense of community obligation among up-and-coming young men as they take their places in our society. Educational and Recreational promotion of youth continues through scholarships, financial contributions, and sponsorships. Today, many members continue active membership, even though they are well into their senior years.

Madam Speaker, YMLG's membership roster is a "Who's Who" of 20th Century Guam history. Indeed, the legacies of its charter officers—Mr. Leon Flores, president; Mr. Jose Duenas, vice president; Mr. Manuel Ulloa, secretary; Mr. Adriano Cristobal; and Mr. Vicente Arriola, librarian/historian—live on through their offspring and beyond. President Flores was the father of Guam's first Roman Catholic bishop and archbishop, the late Felixberto C. Flores. Vice President Duenas was the father of retired U.S. District Court Judge Cristobal C. Duenas and the brother of Father Jesus Baza Duenas, who was executed during the occupation of Guam in World War II. Secretary Ulloa was a prominent and a long-time island educator. Treasurer Cristobal was the grandfather of Superior Court Presiding Judge Alberto C. Lamorena; and YMLG Historian Arriola was the father of former Speaker Joaquin C. Arriola. Indeed, all the Chamorro Governors of Guam, appointed and elected, were members of the Young Men's League of Guam at some point in their public careers. They include the late Joseph Flores, the late Manuel F.L. Guerrero, and the late Carlos G. Camacho, father of our current governor, Felix P. Camacho, who is a YMLG member himself. Former governors Paul M. Calvo, Joseph F. Ada, and Carl T.C. Gutierrez were YMLG members as well. My late husband, Ricardo J. Bordallo, who served two terms as governor of Guam, and my late father-in-law, Balthazar J. Bordallo, who served in both the pre-war bicameral Guam Congress, as Chairman of the upper House of Council, and the postwar Guam Legislature, were lifelong members, as was Governor Calvo's father, Eduardo T. Calvo, and Francisco B. Leon Guerrero, who, with my father-in-law, was known as the fathers of the Organic Act of Guam.

HONORING THE STAFF OF FAIRVIEW SOUTHDALE HOSPITAL AND FRIENDS OF THE ORPHANS MINNESOTA REGION MARCH 13, 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor a group of Minnesotans who exemplify the great spirit of American compassion, generosity and human ingenuity by making a difference in the lives of a group of orphans living in El Salvador. I especially want to thank the staff and volunteers of both Friends of the Orphans Minnesota Region who helped facilitate arrangements for five Salvadoran orphans to have eye surgery in Minnesota earlier this year.

Claudia Vanessa Vasquez Ramos, age 18; Estela Martinez Perdomo, age 18; Hector Lopez Jovel, age 10; Jonas Perez, age 6 and Brian Stanley Lemus, age 5 were born with strabismus, commonly known as cross or unaligned eyes. When Minnesota residents learned about these orphans, and that corrective surgery for strabismus is not available in El Salvador, they worked with Friends of the Orphans to bring them to Minnesota for surgery. Mr. Nestor Jaramillo arranged surgeons and nurses at Fairview Southdale Hospital to perform the surgery, while Friends of the Orphans made flight arrangements and helped to coordinate host families.

On January 18th, the children arrived in Minnesota, and their successful surgeries were performed the following day. The day after their surgeries, I had the opportunity to meet these young people at Our Lady of Grace Church in Edina, Minnesota, and experienced firsthand their excitement with their new, corrected vision. By January 22nd, they returned to El Salvador with a much brighter outlook for the future in their home country.

I am pleased to honor the generosity of doctors, pediatricians, and nurses at Fairview Southdale Hospital in Edina, Minnesota, who through the donation of their skills and time to perform the surgeries, gave a life-long gift to these orphans.

Fairview Southdale Hospital surgeons and nurses: Marshall Everson, M.D.; S. Jafar Hassan, M.D.; Mathew Jones, pediatrician; Thomas LeFebreve, pediatrician; Linda Rosengren, R.N.; Barbara Resendez, R.N.; George Markuson, surgical tech; Christine Volp, C.R.N.A.; Dennis Bless, C.R.N.A.; Dr. Suzanne Shearen, M.D.A.; Becky Hagemann, R.N.; Jan Johnson, R.N.; Sharon Cegla, R.N.; Shirley Holton, R.N.; Kristi Bahnemann, R.N.; Susan Hahn, health unit coordinator; Brad Beard, President of Fairview Southdale Hospital; Nestor Jaramillo, Jr., Vice-President of Sales and Marketing; Bonnie Herda, director of periop services; Julie Hennen, communications and marketing staff.

In addition I want to recognize the extraordinary individuals, families, groups and organizations that have offered their hearts to make a difference in the lives of these orphans:

Friends of the Orphans Minnesota Region and its entire staff: Judy Hawkinson, Charlene Dick, Gail Duer, Erin Dirksen and Mackenzie Wheeler.

Host families: Nestor and Laurie Jaramillo, Stephen and Elizabeth Smith, John and Mary O'Toole.

Nuestros Pequenos Hermandos (NPH) Central America: Father Ron Hicks.

The U.S. Embassy in San Salvador: thanks to Consul General Virginia Hotchner and the entire staff of the Consular Section for their assistance in providing non-immigrant visas for the children.

Mr. Chao Lee from my St. Paul office: special thanks to Chao for his hard work and tenacity in working with Friends of the Orphans and the U.S. Embassy in San Salvador to secure non-immigrant visas for the children.

Madam Speaker, in honor of the staff of Friends of the Orphans, U.S. Embassy staff in San Salvador, and the doctors, pediatricians and nurses of the Fairview Southdale Hospital and compassionate citizens who made an impact on the lives of the five Salvadoran orphans, I submit this statement for the official Congressional Record.

INTRODUCTION OF THE BAY AREA REGIONAL WATER RECYCLING PROGRAM AUTHORIZATION ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. GEORGE MILLER of California. Madam Speaker, today I am pleased to be joined by many of my colleagues in introducing legislation to help the San Francisco Bay Area to solve its water challenges. The bill is a revision of legislation I first introduced in the 109th Congress, and will provide local agencies with the Federal partner that they need to implement an ambitious and forward-thinking regional water recycling program.

The City of Pittsburg and the Delta Diablo Sanitation District, in my congressional district, have been leading the charge, investing time, energy, and local funds in developing water recycling projects to help meet regional water needs.

My new legislation, the Bay Area Regional Water Recycling Program Authorization Act of 2007, would authorize a federal partner for the effort in Pittsburg, as well as for similar programs in Antioch, Palo Alto, Mountain View, Pacifica, South Santa Clara County, Redwood City, and San Jose.

We put the tools for these Federal-local water recycling partnerships in place with the historic Reclamation Projects Authorization and Adjustment Act of 1992, which not only included my Central Valley Project Improvement Act but featured a provision now known simply as the "Title XVI" water recycling program.

In my introductory remarks for last year's version of the bill, I made the case for the Title XVI program and the importance of water recycling. Although the Bush administration continues to oppose funding water recycling, the case has only gotten stronger since then, as evidenced by the breadth of local support for this bill and for the Bay Area Regional Water Recycling Program. I am also including in the record an editorial from the Contra Costa Times supporting the earlier bill.

The Bay Area Regional Water Recycling Program is a collaboration of public utilities that helps to meet our region's and state's growing water needs through a set of recycling and reclamation projects. The projects in this coalition have been repeatedly vetted, both internally at the local level and through each step of the Title XVI review process.

Although these worthy projects have supplied local funding, and secured matching State funding, they still need the Federal partner to step up. There is a clear Federal interest in these projects, as there is in the other successful regional recycling programs like those of Southern California. A good water recycling program stretches existing supplies and provides certainty to all of the water users in the area; conflict can be reduced even in a critically dry year. As we all know, a stable and reliable regional water supply makes good neighbors.

This new bill authorizes the Secretary of the Interior to participate in the following Bay Area water reuse projects: Antioch Recycled Water Project (Delta Diablo Sanitation District, City of Antioch); Pacifica Recycled Water Project (North Coast County Water District); Mountain View/Moffett Area Water Reuse Project (City of Palo Alto, City of Mountain View); Pittsburg Recycled Water Project (Delta Diablo Sanitation District, City of Pittsburg); Redwood City Recycled Water Project; South Santa Clara County Recycled Water Project (Santa Clara Valley Water District, South County Regional Wastewater Authority); and South Bay Advanced Recycled Water Treatment Facility (Santa Clara Valley Water District, City of San Jose).

These seven projects are estimated to make 12,205 acre-feet of water available annually in the short term, and 37,600 acre-feet annually in the long term, all while reducing demand on the Delta and on existing water infrastructure. The new bill also directs the U.S. Bureau of Reclamation to fully fund the San Jose Area Water Reclamation and Reuse Project, first authorized in the original Title XVI legislation.

These programs are a fiscal and environmental win-win, and encouraging them is sound federal policy. I commend my original cosponsors for joining in this effort to support our region's water recycling initiative: Reps. ANNA ESHOO, ELLEN TAUSCHER, TOM LANTOS, MIKE HONDA, ZOE LOFGREN, JERRY MCNERNEY, and PETE STARK.

I'm glad to be working with my Bay Area colleagues to help our region's water reuse program, and I urge my colleagues to support this legislation.

[From the Contra Costa Times, Jan. 25, 2007]

FUND WATER RECYCLING

One of the most effective ways to protect our environment and efficiently use natural resources is recycling. It is particularly true of water, which can be used more than once.

There is no good reason to flush wastewater into rivers, bays, estuaries and the ocean if it can be treated and used again for other purposes such as irrigating parks and golf courses.

That is the philosophy behind six Bay Area water recycling projects ready to begin once they are fully funded. They are in Pittsburg, Antioch, Pacifica, Palo Alto-Mountain View, Redwood City and South Santa Clara County.

The recycled water will be treated and piped to water golf courses, parks, school grounds and roadway medians, and will be used by some businesses.

Half of the money for the projects will come from local sources. One-fourth will come from the state, including Proposition 50 funds. Another one-fourth will come from the federal government under a bill sponsored by Rep. George Miller, D-Martinez.

Pittsburg has taken the lead in the recycling effort, has raised local money, has some of the infrastructure in place and already is doing some recycling. Antioch is not far behind.

Both cities are at the top of the list for the second round of state funding for recycled-water projects.

However, the Department of Water Resources, which can approve the money by administrative decision, needs a bit of prodding by local legislators.

Miller's bill, HR 6218, which has bipartisan support, also needs quick approval.

Together, the six Bay Area projects would recycle nearly 10,000 acre-feet of water per year. That is not a large percentage of the total volume of water used in the area, but it is a significant amount and, would help spur more recycling efforts.

The total cost of the six projects is $74.8 million. But the state and federal governments' share is only $18.7 million each. The state money already is available, and there is no reason to believe the federal funds will not be forthcoming.

Recycling is not the only way to meet the Bay Area's and California's water needs, but it must be part of the solution. Not only does it use water effectively, it also reduces pollution of the Delta, San Pablo Bay and San Francisco Bay.

We trust state and federal officials will agree and act quickly to help local efforts to recycle an essential resource.

THE WYLAND FOUNDATION'S PARTNERSHIP WITH THE AQUARIUM OF NIAGARA

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. SLAUGHTER. Madam Speaker, I am pleased to recognize the Wyland Foundation for its outstanding achievements in environmental education programs. Since 1993, the Wyland Foundation has dedicated itself to protecting the earth's oceans by bridging the world of art and science.

The Wyland Foundation is a non-profit organization dedicated to promoting, protecting, and preserving the world's oceans, waterways, and marine life. The foundation, led by the artist Wyland, encourages environmental awareness through education programs, life-size public arts projects, and community events. The Wyland Foundation strives to inspire as many people as possible—especially school children—to learn more about our oceans and aquatic habitats.

Perhaps the Wyland Foundation's best known initiative is the Whaling Walls: Art in Public Places. Through Whaling Walls, the Wyland Foundation works with communities to paint large-scale murals of migrating gray whales, breaching humpbacks, blue whales, and other marine life. The program is predicated on the idea that the best way to teach someone about environmental conservation is to show them what they are conserving.

The 81st Whaling Wall was painted at the Aquarium of Niagara in Niagara Falls, New York in 1998. The project allowed children ranging from three to eighteen years old to work side-by-side with Wyland to create a beautiful indoor mural. Niagara's Whaling Wall is a regional treasure that has helped foster a greater appreciation and awareness for our world's oceans.

Madam Speaker, I want to again commend the Wyland Foundation for their commitment to protecting the world's oceans, and their partnership with the Aquarium of Niagara.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. MILLER of Florida. Madam Speaker, I missed rollcall Votes No. 136–138 on March 12, 2007 and rollcall votes No 139–141 on March 13, 2007. It was six suspension votes H.R. 85, the Energy Technology Transfer Act, H. Res. 136, Commending the Girl Scouts of the United States of America on the occasion of their 95th anniversary, and H. Res. 89, Expressing the sense of the House that a day should be established as Dutch-American Friendship Day, H. Res. 64, Expressing the sense of the House that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury, H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American Democracy, and H. Res. 222, Expressing the support of the House for the Good Friday Agreement as a blueprint for lasting peace in Northern Ireland, respectively. I was detained and could not make it to the floor for this vote.

If present, I would have voted rollcall Vote No. 136, "yea," roll call Vote No. 137, "yea," rollcall Vote No. 138, "yea," Vote No. 139, "yea," rollcall Vote No. 140, "yea," and rollcall Vote No. 141, "yea."

TRIBUTE TO HARRIS COUNTY JUDGE ROBERT ECKELS

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CULBERSON. Madam Speaker, I rise today to pay tribute and wish a happy 50th birthday to my dear friend and colleague, Harris County Judge Robert Eckels. Until last week, Judge Eckels was the presiding officer of the Harris County Commissioners Court—the governing body of the county, and the only member that is elected countywide. The position involves executive, judicial, and legislative functions in the third most populace county in the United States. There are 34 municipalities within the county, including the county seat and the fourth largest city in the country, the City of Houston. More than 1.2 million people live in unincorporated Harris County and rely on the county to be the primary provider of basic government services. The term County Judge in Texas is comparable to a County Executive or County Mayor in other parts of the country.

Judge Eckels has been in public service for more than 25 years. He recently retired from public service after a distinguished career to join the private sector. He and his wife, Jet, are dear friends of mine and my wife, Belinda.

Robert Eckels was first elected to the Texas Legislature in 1982. When he began his service in January of 1983 he was only 25-years-old. Few thought he would have much impact his first year, but he passed 8 of 13 bills in his legislative package. Robert's quiet demeanor frequently led fellow members to urge the enforcement of the "no mumble rule" so they could understand what he was saying, but his understated nature was also key to his success in Austin. He did not care who got credit for passing legislation, so long as it was good law that did not have to fix later. He understands the legislative process, legislative language and the legislative intent as well as anyone I know.

Robert also cared about his colleagues. He would approach Members towards the end of our legislative sessions to ask them how their legislative agendas were coming along. If a Member complained that their most important bill was in trouble in committee or on the House floor, he would help his colleagues amend their priority onto another bill or find some other way to pass their bills.

In 1991 the Texas Monthly Magazine described his character in its biennial article at the end of the Legislative session entitled "The Best and the Worst Legislators." In that piece he was named an Outstanding Legislator for his work in ethics reform and redistricting, "the session's most thankless issues." It said "Eckels wrote a bill that outshone its rivals as silver outshines dirt." Other quotes describe his character, "Eckels is unselfish to the point of being sacrificial. He's the Good Samaritan of the House; he finds hurt people by the side of the road and helps them get well."

In 1994 Robert decided to leave the Legislature, over the protests of many of his House colleagues, myself included, to run for the office of Harris County Judge. He saw an opportunity to work on the issues that were most important to him and his vision for the county he grew up in and served with distinction in the Legislature. He won the election and his opponent in that election later became a member of his advisory group.

TRANSPORTATION

Judge Eckels believes as I do that one of the most important priorities in our county is improving the major transportation corridors so people do not spend hours stuck in traffic jams. Judge Eckels also believes, as I do, that mobility is vital to our county's future. He served as chairman of the Transportation Policy Council for the Houston-Galveston region and was a major author of the 2025 Regional Transportation Plan.

Judge Eckels was also Chairman of the Alliance for I–69 Texas and the Texas High Speed Rail & Transportation Corporation. Texas House of Representatives Speaker Tom Craddick appointed him to the Study Commission on Transportation Financing to look at the broader issues facing the State of Texas. It was Judge Eckels who spearheaded an effort to turn abandoned railroad right-of-way running through my District into major traffic arteries which bring hundreds of thousands of daily commuters into and out of downtown Houston. Today, as a result of his vision and leadership, the Westpark Toll Way, the country's first entirely electronic toll road, is an innovative addition to the Harris County Toll Road Authority.

HOMELAND SECURITY/EMERGENCY MANAGEMENT

Judge Eckels has always been deeply concerned with hurricanes and other natural disasters and the county's reponse to crises. He commissioned a study showing the impact of a Category-V hurricane coming into Galveston Bay, and he initiated planning procedures to ensure first responders had the proper training and equipment to take action.

He began to set up an interoperable communications system for Harris County that could be expanded regionally to allow communications among first responders across jurisdictional and disciplinary lines. Building such a system has required a strong leader like Judge Eckels to convince various agencies that rely on mission-critical communication to trust Harris County's Information Technology Department to build an interoperable system which was better than one they could run on their own.

Today, the Harris County Regional Radio System is a model communication system that has grown to support a shared intrastructure with more than 133 channels and 17 tower sites. It currently covers all of Harris County and parts of eight other counties, with the intent to expand even farther. As resources are available it will be expanded until it serves all 13 counties in the Houston/Galveston Area Council's service area.

There are more than 20,000 users from more than 400 different departments/agencies with nearly 2,000 mobile data-terminals and the system is growing quickly. The regional radio system is not only an essential response tool when disaster strikes, it can also be adapted to conform to the needs of the partners in day-to-day operations. Harris County has more than 90 different policing agencies operating in very close proximity. This system allows dispatchers to send the closest officer to the scene of an incident regardless of which agency the responder works for.

In his first State of the Union Address after 9/11, President George W. Bush called upon all Americans to dedicate at least two years of their lives—the equivalent of 4,000 hours—in service to others. He launched the Citizen Corps initiative to inspire and enable Americans to find ways to serve their communities and country. In response to the President's initiative, in August 2002, Judge Eckels created the Harris County Citizen Corps Council The Council coordinates with volunteer groups such as the Red Cross, the Salvation Army, and the United Way to identify volunteer opportunities. The Citizen Corps programs include the Community Emergency Response Team, the Neighborhood Watch Program, Volunteers in Police Service, Fire Corps, and the Medical Reserve Corps.

When Hurricane Katrina caused the evacuation of more than 250,000 to the Harris County area, Judge Eckels coordinated and managed the relief effort to create comfortable, welcoming shelters. Approximately 27,000 evacuees came to "Reliant City," which was created in the facilities at Reliant Park and the George R. Brown Convention Center in a 20 hour period in August 2005. This was the largest sheltering operation in U.S. history.

Thousands of volunteers were needed to assist in the relief operation and within one hour of the initial call for assistance to the Citizen Corps, more than 1,000 volunteers arrived at the shelter. In all, more than 60,000 of our citizens came forward, received training from existing Citizen Corps members, and made the massive, weeks-long sheltering operation possible. The Judge said that Katrina was a blessing for our community because it showed us just how much we were able to give when our Louisiana neighbors needed a helping hand.

Just three weeks after the nation watched the devastation of New Orleans and the Gulf Coast by Hurricane Katrina, Hurricane Rita was headed straight for Harris County. An already exhausted team, led by Judge Eckels, shut down the last sheltering operation for Katrina evacuees and prepared for the next storm. With less than 48 hours before Rita was predicted to reach landfall on Galveston Island, Judge Eckels worked with Governor Rick Perry and Houston Mayor Bill White to begin the largest evacuation in U.S. history. Under Judge Eckels' watchful eye and calm demeanor, he gave frequent updates to motorists stranded in the exodus and assured them that help was on the way. While the unprecedented evacuation was difficult, it was considered a success. Before the storm reached the shore later that night, the roadways were empty and our citizens were out of harms' way.

The Judge's work during Hurricanes Katrina and Rita was recognized with a number of awards. In an article entitled "The Power of Government to Do Good" in Esquire magazine, Judge Eckels was named the Best and Brightest 0/2005, Citizen of the Year for his extraordinary leadership. "When the city of New Orleans evacuated to Houston, Harris County Judge Robert Eckels took them in. He was an island of competence in the face of catastrophe," Esquire wrote.

The Partners for Livable Communities, a nonprofit organization headquartered here in Washington DC, gave the Judge the "Bridge Builders Award" for his collaboration efforts during the hurricane crises. The Greater Houston Partnership named him one of "Houston's Greatest Individuals 2005." American City and County Leader magazine named Eckels "2006 County Leader of the Year."

Under his leadership, the Harris County Office of Homeland Security and Emergency Management has become a national model for preparedness and response to emergency situations, natural or manmade. Considered an expert in local emergency management and response, Judge Eckels has testified before both the U.S. House of Representatives and the U.S. Senate Homeland Security Committees and he serves on the State and Local Senior Advisory Committee to President Bush's Homeland Security Advisory Council.

HEALTHCARE

The population of Harris County has grown considerably in recent decades and with that growth has come a disproportionally large population of uninsured and underinsured. Judge Eckels realized long ago that the needs of this growing community cannot be met by government alone. Therefore, under his leadership, Harris County has forged strong partnerships with non-profit, private, public, and faith-based health care providers and clinics to coordinate medical services to the poor and indigent. The Harris County Healthcare Council was created to coordinate a more efficient health care delivery system. He has, throughout his tenure as County Judge, maintained that the Harris County Hospital District should be there for those who have no where else to turn.

FLOOD CONTROL

In 1996 Judge Eckels asked Congress to help speed some of the critical flood-damage reduction projects to protect the citizens of our county. Under his leadership, the Harris County Flood Control District is now able to take the lead on flood reduction projects. As a result, our constituents along the Brays Bayou and White Oak Bayou are already receiving the benefits of flood mitigation years ahead of schedule.

CLEAN AIR

Harris County is committed to cleaning the air in our region. Judge Eckels is nationally recognized as an expert in devising and implementing acceptable air quality plans on the county level. He has testified before a U.S. Senate subcommittee on air quality issues and has appeared on national television news shows discussing environmental issues.

He also initiated new monitoring systems to ensure compliance with federal and state regulations, funding computer modeling to base our clean air decisions on the best information possible and searching for the newest and most cost-effective technologies to clean our air. Under his watch, the latest state of the art monitors that detect most of the 189 Hazardous Air Pollutants listed by the Environmental Protection Agency are in place in Harris County—paid for by environmental violators, not taxpayers.

CHILDREN'S ISSUES

Judge Eckels is passionate about children's issues. As fathers, he and I have shared many stories about raising our daughters. Like me, he always puts his family first. He and his wife, Jet, could not be more committed to their daughter, Kirby Rae.

That commitment inspired Robert to take a vital leadership role in the Do the Write Thing Challenge, a program of the National Campaign to Stop Violence. As chairman for the State of Texas, he has grown the program to an unprecedented size with more than 24,000 participants in 10 communities. Judge Eckels also spearheaded a collaboration that would become the Children's Assessment Center (CAC). The CAC gives victims on-site access to experts in abuse prevention, medical treatment, forensic examination, family counseling, therapeutic services and criminal prosecution. Each year, more than 5,000 sexually abused children, their siblings, and non-offending caregivers are served by this nationally recognized partnership of more than 20 agencies.

Judge Robert Eckels is a sound fiscal conservative who has always taken a business approach to government. Harris County applies common sense business principles to provide the best service at the least cost to taxpayers. Under his leadership Harris County introduced private sector competition to drive down the cost of government services. He led the reorganization of county departments and performance reviews, cut the number of departments in half, reducing service duplication, improving coordination and accountability and saving more than $14 million each year.

Under his leadership the county's debt was restructured, saving more than $60 million since 1995. Confidence in Harris County's financial footing has been restored. All of the major bond rating agencies have upgraded Harris County's bond ratings saving taxpayers millions of dollars in interest each year. Most importantly, financial reserves are up, revenues are up, and spending is under control. Judge Eckels understands that when we decrease taxes here at the Federal level, and cut funding to state and local governments, they cannot and must not increase taxes at the local level. He has found new and innovative ways to deliver the same services that promote the quality of life we have all come to expect here in the greatest country in the history of the world.

I hope that Robert Eckels will reenter public life again someday because he is an exemplary leader. If he chooses not to, there is no doubt that he has left behind a strong legacy in Harris County. I will always value his friendship and counsel.

TRIBUTE TO SYDNEY EVERETT

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CLAY. Madam Speaker, the St. Louis Post Dispatch recently published a series of articles to shed light on music education in the St. Louis Public Schools. The significant benefits conveyed by music education are immeasurable. Studies have found that education in the arts leads to success in society, school and life. I applaud the St. Louis Public Schools for recognizing the value of music education. I also commend Mr. Bob Dorries, the instrumental music teacher at McKinley Junior Classical Academy, a St. Louis magnet school, for his commitment to cultivating the gift of music in our children. I was especially impressed with the article's coverage of sixth-grader Sydney Everett's intense desire to master playing the clarinet.

In reading Steve Giegerich's articles, it is obvious that Sydney is an exceptional student who is dedicated to conquering new objectives and realizing her full potential. Sydney's love for music was instilled by her parents Sean and Deirdre Everett. They have always made music a part of Sydney's life. Her father, having taught himself to play the trumpet, shared his love for music with his children. Sydney exhibits that same drive and frequently takes the initiative to teach herself lessons before the class covers them.

Madam Speaker, it is with great privilege that I recognize Sydney Everett today before Congress. I encourage Sydney to continue her studies and remain committed to exploring new horizons.

The two articles from the St. Louis Post Dispatch chronicling Sydney's journey to master playing the clarinet follow this tribute.

[From the St. Louis Post-Dispatch, Sept. 30, 2006]

LEARNING TO PLAY: WILL SYDNEY MAKE THE BAND?

(By Steve Giegerich)

It's no accident that a poster of Miles Davis is in the sight line of Bob Dorries' students as he stands at the blackboard to review scales, time signatures and other rudiments of music education at McKinley Classical Junior Academy.

Dorries put it there as a constant reminder of the link between the East St. Louis jazz icon and the potential heirs to his legacy who pass through Dorries' classroom each day.

The connection is pretty much lost on the majority of sixth-graders enrolled in the instrumental music program at the St. Louis magnet middle school.

Most don't know Miles Davis from Wolfgang Amadeus Mozart.

The exception is an intense young girl in Dorries' seventh-period band class. Sydney Everett required no introduction to Davis, the man who provided much of the soundtrack for her childhood.

As parents, Sean and Deirdre Everett's priorities were established far in advance of Sydney's arrival on March 30, 1995. "Education has been the goal since her birth," said Deirdre.

The motivation came in part by the failure to realize their own potential. Both Sean and Deirdre had left college without a degree.

"I always felt I didn't take full advantage of all I had," said Sean. "Now I look at the way the world is going, and you have to have that degree."

From the moment she was born, music danced on the periphery of Sydney's life.

Her father had developed an eclectic taste in music as his family moved from one military base to another across the country.

"I listen to it all," he said. And the Everetts made sure their children did the same. Sydney and her brother, Sean Michael, their father said, "have an open mind toward music and life, too. I want them to experience everything possible."

Between the birth of his first and second children, Sean bought a used trumpet at a secondhand store.

Though he'd dabbled with the guitar in high school, he'd never learned to read music. He still can't. But he taught himself to play that trumpet by emulating chords and riffs of the musician he admires above all others: Miles Davis.

When Sean Everett's daughter took a seat in Dorries' band room a month ago, her own experience as a musician was limited to a month of piano lessons, family Karaoke singalongs at Christmastime and a class at Kennard Elementary School that taught the 12-tone musical scale.

Over the summer, Sydney toyed with the idea of enrolling in McKinley's vocal music program, a notion she ultimately rejected. "I knew I couldn't sing," she said.

On the day she walked into Dorries' class for the first time, Sydney was just as sure she knew which instrument she wanted to play: the trumpet, like her dad.

"Just to hear music in the house will be nice," said Sean Everett. "Music opens up so many horizons. She'll meet so many characters playing music, and it's such a release. Who knows? She could wind up joining an orchestra, seeing the world."

Before that can happen, Sydney must learn an instrument.

LEARNING THE NOTES

Impish and sarcastic, music teacher Dorries often plays the theme from "Final Jeopardy!" on the classroom synthesizer as students ponder a question. Dorries, 43, has a firm set of rules and little tolerance for those who break them.

Rule No.1 for sixth-graders: Before receiving an instrument, they must score an 80 or above on a 60–question exam that tests their knowledge of the categories of band instruments, musical history and, critically, the 12-tone notation scale.

The payoff for those who obey the rules, practice and stay the course is a chair in one of McKinley's four bands, which perform two concerts a year.

The students get as many opportunities as necessary to pass the exam. Most need it. Rare is the student who hits the magic score of 80 the first time.

Summoning lessons learned at elementary school, Sydney scored an 89.

The following week, Dorries asked the students who had fallen short of a passing grade to review their tests and prepare to retake the exam. Then he summoned Sydney to his desk.

"Let's see what you can blow," the teacher said, producing an array of sanitized mouthpieces for brass and woodwinds.

"I come from the theory of music that every person's mouth determines what instrument they should play," he explained. "It has nothing to do with intelligence, where you've come from, what school you attended or your ability. It's something you come to naturally. It's the shape of your mouth."

The fourth generation in a family of musicians, Dorries' philosophy was born of personal experience, a childhood dream of playing the trumpet shattered by the inability to make a single sound through a cornet mouthpiece. It wasn't until his teacher handed him the mouthpiece for a saxophone that he achieved the desired result. He was 5 and has played the sax ever since.

Dorries turned to Sydney: "The lesson here is that what we think we want to play, nine times out of 10, is not the instrument we wind up with. And looking at your overbite, I'd say there's a real good chance you'll be good at a wind instrument."

First, however, Sydney needed to learn the same lesson instilled in Dorries.

She blew into a trombone mouthpiece. Nothing. Same with the mouthpiece for a cornet. All hope of following in the footsteps of her dad and Miles Davis vanished, she slumped a bit in her chair.

Dorries handed her a mouthpiece and a clarinet reed and demonstrated how to moisten it. "Blow," he instructed.

A duck call broke the quiet of the room.

"It's called a squawk, that's what we're after," said Dorries. Sydney sat straighter, blew into the mouthpiece. Squawk.

All eyes on their classmate, the rest of the students stopped studying. Dorries held Sydney's cheeks to prevent them from puffing out. "Roll the mouthpiece over in your mouth," he said gently.

Sydney blew. Squawk.

Her classmates applauded and whooped. Sydney smiled.

After auditioning two more mouthpieces, she ruled out the saxophone and flute and chose the instrument her mother had played, long ago, at O'Fallon Technical High.

"I want the clarinet," Sydney told her teacher. "I like the way it sounds."

"I think that's a wise choice, either that or the flute," he responded. "With your mouth structure, you belong on a wind instrument. You have lovely cheeks."

Dorries excused himself and retreated to an adjoining supply room, emerging a moment later with a small black case.

Eyes wide, Sydney watched as Dorries slowly revealed the contents of the black case: a coal-black Yamaha clarinet nestled unassembled on a bed of molded velvet.

He handed her a form. The clarinet, he explained, belongs to the St. Louis Public Schools. After her parents gave written assurance that it would receive proper care, the instrument would be hers to take home.

Sydney slipped the piece of paper into a notebook just as the bell rang. Hefting her books, she headed for the door, her next class and the next phase of the journey envisioned by Sean and Deirdre Everett, long before their daughter was born.

[From the St. Louis Post-Dispatch, Nov. 18, 2006]

LEARNING TO PLAY: GIFTED STUDENTS GET NEW MOUNTAIN TO SCALE

(By Steve Giegerich)

No one will ever confuse Bob Dorries with Harold Hill, the mythical Music Man who, in another River City, bamboozled parents with the belief that their children could play double bell euphoniums and big bassoons—not to mention 76 trombones—without learning a single note of music.

Dorries is a fundamentalist. Not in the religious sense, but of the doctrine that music is a gift learned slowly and methodically through repetition.

For Dorries, the instrumental music teacher at McKinley Junior Classical Academy, a St. Louis magnet school for academically talented students, "Sixth grade is a kind of band boot camp."

Boot camp rule No. 1: Every student must pass an exam testing his or her grasp of musical history, notation scales, time signatures, flats and sharps.

Those who pass are paired with an instrument. Those who fail are destined to take the exam until they get it right.

For nearly 2 weeks, the first rule produced a divide in Dorries' seventh-period, sixth-grade instrumental music class.

On one side, the successful test-takers, B-flat clarinetist Sydney Everett and alto saxophonists Megan Ratcliff and Nick Wiegand, attacked the beginning exercises in Book One of the "Standard of Excellence—Comprehensive Band Method" and its companion CD.

Across the room, the others found inspiration and passed the test one by one.

All things being relative, Sydney was virtuoso by the time Jonathan Brooks added a trombone, Shaunice Safford a flute, Kaelan Moorehead a B-flat clarinet and Wolfgang Fortel a trumpet to the seventh-period ensemble.

That Sydney's virtuosity occurred on a clarinet was a bit unexpected. Sydney had intended to take up the trumpet, the instrument her father had played during her formative years.

Her dream of emulating her dad and Miles Davis ended when Dorries determined that the shape of her mouth was more conducive to a woodwind. Upon receiving her instrument, Sydney had no problem adhering to boot camp rule No.2: self-discipline.

"I only have you twice a week for 50 minutes," Dorries points out at least, well, twice a week. "I can help you when you're here. But there's seven of you and one of me."

Translation: The real learning takes place 30 minutes at a time. And it takes place at home. Due diligence is documented in practice reports, signed by parents and delivered to Dorries every other week.

The exemplary practice reports are posted on a "Wall of Fame." Less-than-satisfactory reports land on a "Wall of Shame." Dorries is characteristically blunt:

Kids who don't practice won't participate in rehearsals, won't perform in concert and won't pass his class.

Quiet and intense by nature, Sydney exhibited a preternatural ability to figure things out on her own from the time she was in prekindergarten. When she took up the clarinet this year, there was little need for her parents, Shawn and Deirdre Everett, to remind their daughter to practice.

Barely a week after receiving her clarinet, Sydney jumped ahead in the book to teach herself "Hot Cross Buns," a song incorporating the three notes—E-C-D she'd learned to date.

So, too, had Megan, who'd also skipped to the lesson in her saxophone book. Best friends since first grade, Sydney and Megan are equals in all ways but one: When it comes to decibels, Megan's instrument trumps Sydney's.

"I don't like the music we play in class that much because I can't hear myself," said Sydney. "It's the CD and Megan. They drown me out."

Along with classmate Nick—who learned the rudiments of his saxophone over the summer—Megan and Sydney established themselves as the tone-setters (so to speak) of the seventh period.

RULE NO. 3

The third rule of sixth-grade boot camp stipulates that students must learn to assemble, disassemble and properly store the instrument in its carrying case before they blow a single note.

With Dorries preoccupied with Shaunice and her flute, Sydney stepped into the breach.

Turning to fellow clarinetist Kaelan, she reviewed the rudiments of clarinet assembly and disassembly she'd learned just weeks before.

"Mr. Dorries was helping Shaunice," she explained later. "And (Kaelan) was doing it wrong. I was afraid that Mr. Dorries would yell at him, so I helped out."

"Besides," she added with a smile, "I was bored."

Not for long.

BIG NEWS

In the first week of this month, Dorries cleared his throat and waited for the din to die down.

The acerbic band director smiled broadly, clearly reflecting his pleasure at the announcement: "We've decided to let the Beginning Band butcher the holiday concert."

"Jingle Bells," he added, "will be the piece sacrificed on the altar of music."

Dorries paused. There was more news. Three students in the class, he continued, would not be joining the beginning band.

The class shifted nervously, wondering who would be excluded and why.

"Sydney Everett, congratulations. Megan Ratcliff, congratulations. Nick Wiegand, congratulations," Dorries said. "I'm about to hand you three pieces of music. You'll continue to work from the red book in class here. These three other pieces are from the blue book. The three of you are in Intermediate Band."

The first thing Sydney noticed when she glanced at the music—"Jingle Bell Rock," "Joyeux Noel" and "Tequila"—were the chords.

Dorries picked up on her hesitation.

"I'm going to warn you, there are some notes in there you haven't learned yet," he said.

Sydney studied the music. "Can we write on the music?" she asked.

Dorries looked at her. In 6 weeks, he knew, Sydney would take her seat on a stage before friends, family, teachers and classmates. She would lift a mouthpiece between her teeth and play an instrument which, when the semester began, she knew existed but hardly understood.

"You surely can," Dorries told his student. "Just make sure you use pencil."

TRIBUTE TO KAYLEE MARIE RADZYMINSKI

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WAMP. Madam Speaker, I rise today to acknowledge an outstanding young lady from the Third Congressional District of Tennessee, Kaylee Marie Radzyminski, of Cleveland, Tennessee. Kaylee is an incredibly special young lady with great ambitions and a strong sense of pride in her country and her military.

Kaylee joined the United States Naval Sea Cadet Corp in December 2002 and has befriended many of our men and women in uniform as she has traveled to our military bases and met with our soldiers first hand. In talking with some soldiers who had just returned from Iraq, she learned that among the things they missed while away from home was entertainment. So when Kaylee was 14 years old, she started an organization known today as Tunes 4 the Troops which consists of her collecting compact discs and DVDs and sending them to our soldiers who are defending our country.

As of last week, Kaylee has sent over 25,000 CDs and DVDs with a value of over $375,000.00. Kaylee has raised over $19,000 in cash, goods, and services. The Tennessee Titans NFL team sent her $4,000 and Outback Steak House provided her with 300 free meals recently for a fundraiser where she raised over $5,000. The money pays for cases, printing, and shipping costs. So many others are pitching in now . . . a box manufacturer in Ohio donates all the boxes and tape; David Smith, owner of Dick's Graphics in Cleveland, Tennessee, does all the printing at cost; Cleveland News Now.net, a media group in Cleveland, has given Kaylee office space with all utilities and Internet access as well as a computer to use there for 2 years; Cleveland High School, her sponsor in this endeavor, has given Kaylee a checking account at school to facilitate the bookkeeping.

Kaylee has set up drop-off locations all over Bradley County including the Armed Forces Recruiting Offices, Award Realty, Bradley County Courthouse, Circuit Court Clerk's Office, Cleveland City Mayor Tom Rowland's Office, Cleveland High School, Dick's Graphics, Bradley County Justice Center, and Southern Heritage Bank. As of this March, Kaylee has set up 27 other locations across the country to collect more CDs and DVDs for Tunes 4 the Troops with over 20 more boxes scheduled for delivery in combat zones this month.

Madam Speaker, 15-year-old Kaylee Radzyminski understands that she is the future of America and that she can look forward to her future because of the sacrifices made for her and all Americans. I'm so proud to represent Kaylee who is using her voice to say "thank you" to all those serving in the Armed Forces of the United States of America!

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BALDWIN. Madam Speaker, I regret that due to an illness, I missed recorded votes on March 12, 2007 and March 13, 2007.

Had I been present on those days, I would have voted in support of H.R. 85, H. Res. 136, H. Res. 89, H. Res. 64, H. Res. 228, and H. Res. 222.

SUPPORT FOR 2007 SUPPLEMENTAL APPROPRIATIONS BILL

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. This is an important subject that I plan to discuss in depth later this week.

But today I wish to spotlight another element of this legislation, one that offers renewed hope and opportunity to millions of children in Kansas and throughout the United States: the extension of the State Children's Health Insurance Program, or SCHIP.

If you are fortunate enough to have health coverage, you might not realize what peace of mind insurance brings. You don't worry that your child will wake up with an ear infection that will cost a month's rent. You need not fear that the price of a broken leg will force you to default on your auto loan, or that the injuries from a car crash will obliterate a year's salary.

But for many Americans, these fears are a fact of daily life. Forty-seven million of our fellow citizens—47 million of our brothers and sisters and our sons and daughters, 47 million of our coworkers and colleagues and our friends and neighbors—47 million of us lack health insurance.

Worst of all, among those 47 million uninsured Americans are nine million children.

This is not just an economic or an institutional challenge. It is the moral crisis of our age.

The Federal Government has addressed this simmering emergency through two primary means. The first is decades-old and well-known: Medicaid. Medicaid is a good and vital program, but its scope is very limited. In some states, if your family earns one dollar less than the poverty line, you will receive full Medicaid coverage—but if you earn just a few dollars more, you're ineligible for any assistance whatsoever.

A sane health care policy must recognize that families. earning 125% or 150% or even 200% of the poverty line need a helping hand. And that's where the State Children's Health Insurance Program, or SCHIP, enters the scene. SCHIP introduces badly needed flexibility into the Federal health care system. In short, it tells the states, "If you want to expand the eligibility of low-income children and families for government-sponsored health insurance, we'll offer matching funds to help you do it."

In the decade since its inception, SCHIP has proven itself an outstanding success. It has enrolled six million beneficiaries, dramatically reducing the number of uninsured children in our nation.

Later in this legislative session, Congress will consider extending SCHIP beyond 2007, and you'd better believe I'll fight every step of the way for its renewal. But for now our task is simpler. Due to poor planning and inadequate funding from the do-nothing 109th Congress, 14 states are running out of money to finance SCHIP through the current fiscal year. They need Congress to act immediately to ensure funding.

I urge my colleagues to show our compassion for America's children, to demonstrate that we will not tolerate the scourge of uninsurance. I urge you to vote to extend funding for SCHIP.

PERSONAL EXPLANATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, my vote on H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American Democracy, was not recorded yesterday. I would have voted "yea" on H. Res. 228.

RECOGNIZING A TRADITION OF LEADERSHIP IN THE GUAM COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BORDALLO. Madam Speaker, I rise today to commemorate the late Jesus S. Leon Guerrero's legacy of leadership that was carried on with distinction by his son, the late Anthony A. Leon Guerrero, and that now continues with his daughter, Ms. Lourdes A. Leon Guerrero, who follows her father and her brother as President, Chief Executive Officer, and Chairman of the Board of the Bank of Guam. Ms. Leon Guerrero has served in this capacity since March 31, 2006, and though her service at the helm of the Bank of Guam has been brief, she carries forward the visionary and dedicated leadership and work ethic which have been the hallmarks of the Bank of Guam since its establishment 35 years ago. These hallmarks have consistently characterized the leaders and the employees of the Bank of Guam since its chartering on March 13, 1972 and have given rise to the Bank's reputation as one of the leading and most successful financial institutions in the Pacific. Last year, the Bank was named by the Guam Chamber of Commerce as Business Laureate of the Year and was enrolled into the Guam Business Hall of Fame. Today, the leadership of the late Mr. Jesus S. Leon Guerrero and the Bank of Guam's service to our community continues to be celebrated and recognized by the people of Guam.

After working for the Bank of America for many years, Jesus struck out on his own in 1972 to charter a new and locally-organized bank for our island community—an endeavor that seemed nearly impossible at the time. But Jesus never gave up and his confidence in the future of Guam and in the people of our island never wavered. It was his vision, his drive, and his confidence that led to the chartering of a community bank for the people of Guam.

Upon Jesus's death in 2002, his son Anthony took the reins of leadership at the Bank of Guam. During that same year, Guam was hit by Typhoon Chata'an in July, a powerful earthquake in October, and Supertyphoon Pongsona in December. Still grieving, Anthony rose to the occasion and proved himself a worthy successor of his father. Anthony met and conquered every challenge except one: he lost his battle against cancer in 2004. Jesus's daughter Lourdes was called to assume the mantle of leadership of the Bank. A leader in her own right, as a Senator in the Guam Legislature for several terms, Lourdes did not hesitate and the transfer of the Bank's leadership was seamless and unfaltering.

The Bank of Guam has grown over the past 35 years in meeting the banking, financing, and insurance needs of the people of Guam and the greater Micronesia region. Today, the Bank of Guam, a publicly-traded company, has a presence on nearly every island in the region and in San Francisco, California. Such is the legacy of Jesus S. and Anthony A. Leon Guerrero and the challenge for Lourdes A. Leon Guerrero, the officers and employees of the Bank of Guam. We are confident that the leadership and the employees of the Bank of Guam will continue to meet these challenges.

TRIBUTE TO NEGRO BASEBALL LEAGUE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to express my profound respect and admiration to all the members of the Negro Baseball League. These athletes contributed greatly to the sport of baseball and to our nation. African American baseball players were an important part of breaking down barriers, reducing prejudice, and moving the country towards integration, fairness, and equality. And because of their talent and determination, Major League Baseball finally integrated in 1959, 40 years after the formation of the Negro Baseball League.

While the 4th District was never home to an official Negro baseball team designated by the Negro League, which began in 1920, it was home to the St. Paul Gophers. The team was formed in 1907, long before the official Negro League was created, and with the likes of Bobby Marshall, a stand-out at the University of Minnesota in three sports, they went on to win the unofficial championship in 1909 against the Chicago Leland Giants. Minnesota was also home to Minneapolis Keystones, an all-black men's team that also played in the early 1900's and, in 1944, the Minneapolis Millerettes, a member of All-American Girls Baseball League. Even though these teams played for only a short time, they remain an important part of the history of our state and a testament to the value of inclusion in our communities.

I am proud to support for H. Res. 162 and to recognize the enormous achievements by African American athletes throughout our Nation's history.

RECOGNIZING THE CONTRIBUTIONS MADE BY THE NURSING PROFESSION

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. LOEBSACK. Madam Speaker, I call attention to the important and essential role that nurses play in providing quality heath care across our Nation. Nurses are the health professionals involved on the front lines of caring for Americans. Our Nation's health care system is complex and every day people with all types of needs are served by legions of caring, qualified and professional nurses. They are integral to our Nation's heath care delivery system.

I believe every person can remember an experience when someone they loved needed heath care and a nurse was the first person by their side providing care and comfort. We all know someone who works in the field of nursing and the commitment they make to their profession, despite extraordinary challenges everyday.

The Nurse in Washington Internship program has brought more than 100 representatives of this noble field to our Nation's Capitol this week to give voice to their needs and experience. They see more of our constituents and care for more of our children then we will ever meet and we should listen and respect their views.

An adequate supply of nurses is essential to ensuring that all people receive quality care and that our Nation's public health infrastructure has the professionals necessary to respond to natural and manmade disasters. The Department of Health and Human Services (HHS) projects that today's 10 percent vacancy rate in registered nurses will grow to 36 percent by 2020, representing more than one million unfilled jobs.

Additional Congressional leadership, ongoing support and federal funding is necessary to ensure that the nation has an adequate supply of nurses to care for the patients of today and tomorrow.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WELLER of Illinois. Madam Speaker, had I been present on the legislative days of March 12th and March 13th for rollcall votes 136 through 141 I would have voted "yea" on rollcall vote 136, "yea" on rollcall vote 137, "yea" on rollcall vote 138, "yea" on rollcall vote 139, "yea" on rollcall vote 140, and "yea" on rollcall vote 141.

IN HONOR OF PHILLIP CONNELLY

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. SIRES. Madam Speaker, I rise today to honor Phillip Connelly for his service to thousands of professors and students as well as for his years in the Navy and in public service. Mr. Connelly is also an outstanding representative of the Irish-American community of the city of Bayonne.

Phillip Connelly is vice president of Administration and Finance at Kean University in Union, NJ. Mr. Connelly is responsible for multiple vital departments of the university that assist in the learning and welfare of 13,000 students and 12,000 employees.

Mr. Connelly spent most of his professional career as a dedicated public servant. For 7 years, Mr. Connelly was the business administrator of the city of Elizabeth, the fourth largest municipality in the State. His experience in public service was acquired early on as accountant for the city of Bayonne. Mr. Connelly was promoted to assistant and business administrator. During that time, Mr. Connelly was elected to the Hudson County Board of Chosen Freeholders, where he served for 3 years.

Phillip Connelly traces his Irish heritage to County Fermanagh where both his mother and grandmother were born. Mr. Connelly is known as being dedicated and loyal. For his contributions to the Irish-American community he is being honored with the "Friends of Brian Boru 2007 Man of the Year Award."

Let us honor this accomplished native and resident of Bayonne, and join me in congratulating his wife Maryann and son Patrick for the distinction bestowed upon this outstanding New Jersey family.

INTRODUCTION OF THE MICROBICIDE DEVELOPMENT ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. SCHAKOWSKY. Madam Speaker, today, on International Women's Day and as we prepare to recognize National Women and Girls HIV/AIDS Awareness Day on March 10th, I am proud to introduce the Microbicide Development Act. This legislation will advance and accelerate efforts to develop an effective microbicide product to protect against HIV infection. While the primary users of microbicides will be women, an effective microbicide would also make significant contributions to the reduction of HIV infections among men and among infants.

The Microbicide Development Act will bolster and coordinate microbicide research and development programs at the National Institutes of Health (NIH), the U.S. Agency for International Development (USAID), and the Centers for Disease Control and Prevention (CDC). Specifically, this legislation would establish for the first time a clearly-defined branch dedicated to microbicide research and development at the NIH and require the development of a strategic plan to expedite research.

In the 25 years of the HIV/AIDS pandemic, more than 25 million people have died from HIV/AIDS. Among persons aged 15 to 59, HIV/AIDS is the leading cause of death worldwide. With nearly 40 million people living with HIV/AIDS worldwide and more than 4 million new HIV infections in 2006 alone, HIV/AIDS continues to be a major global health problem, threatening the economic, social, and political stability of many nations.

Unfortunately, there is today no cure for HIV or AIDS and no magic bullet for prevention. In the global fight against HIV/AIDS, scientists have stressed the need for a comprehensive approach that includes care and treatment for individuals already infected as well as a range of prevention strategies to stop further spread of the disease. Microbicides represent a critical strategy within this comprehensive approach to the HIV/AIDS epidemic, particularly for women. With women accounting for nearly half (48 percent) of all HIV/AIDS cases across the globe and nearly 60 percent of all HIV/AIDS cases (76 percent of HIV/AIDS cases among 15–24 year olds) in sub-Saharan Africa, HIV prevention technologies meeting the special needs of women are increasingly important. In some areas of sub-Saharan Africa and the Caribbean, infection rates among young women are up to six times higher than among young men. The devastating impact of HIV/AIDS on women is certainly not limited to third world nations. HIV/AIDS is also a major problem for women in the United States, as AIDS is the leading cause of death for African American women between the ages of 25 and 34 in the United States.

Dr. Anthony Fauci, Director of the National Institutes of Allergy and Infectious Disease of the NIH, has emphasized the role of gender inequality in fueling the HIV/AIDS epidemic among women and the need to empower women with strategies over which they have control. In a March statement recognizing National Women and Girls HIV/AIDS Awareness Day, he stated:

> "Globally, the vast majority of women with HIV/AIDS became infected through heterosexual intercourse, frequently in settings where saying no to sex or insisting on condom use is not an option because of cultural factors, lack of financial independence, and even the threat of violence. These issues compel us to develop HIV prevention tools that women can use in situations when negotiating with sexual partners is difficult or impossible. One critical avenue of research is the development of safe, effective and acceptable topical microbicides—gels, creams and foams that could be used prior to sexual intercourse to prevent infection with HIV and other sexually transmitted pathogens. The development of these woman-controlled agents is a top HIV/AIDS research priority of the National Institutes of Health (NIH)."

Current prevention approaches are not practical for everyone, particularly women. The major route of transmission for HIV around the globe is heterosexual sex. Abstinence is often not an option for women. Around the globe, unmarried women are not always in the position to refuse sexual advances and may be the victims of violence. Married women are rarely in the position to be able to refuse sexual advances of their husbands, even if they know that their spouse is infected.

Many women who are infected with HIV or at risk for infection are monogamous and do not practice high risk behaviors. Frequently, they are married or in committed relationships in which they are placed at risk by the behavior of their male partner, which they have limited power to change.

Condoms represent the most effective prevention technology currently available. However, male condoms require male cooperation and even female condoms require the consent and cooperation of male partners, placing women's risk for HIV infection under the initiation and control of men. Women, particularly married women and those women in committed relationships, are often powerless to insist on or even request condom use by their male partner. Such requests can be interpreted as evidence of infidelity on the woman's part or accusations of infidelity on the man's part, either of which can result in serious penalties for women, including violence.

Topical microbicides represent a woman-initiated method of prevention that would not require cooperation from a male partner and may even permit conception. Microbicides are a class of products under development that could be applied topically to prevent the spread of HIV infection. Microbicides may eventually take the form of gels, creams, and films, and be used in cervical caps, pre-loaded diaphragms, or rings. These methods may be invisible to male partners, which would allow women to use these products with or without the knowledge of her partner. While the contraceptive effects of barrier methods such as condoms present an obstacle for women who want to or are expected to bear children, microbicides may be available in both contraceptive and non-contraceptive formulas. With the ability to discreetly protect themselves and the potential to continue to bear children unimpeded, microbicides address the reality of women's prevention needs.

Mathematical models predict that even a partially effective microbicide could prevent 2.5 million infections over 3 years and that gradual introduction of newer and better microbicides could ultimately save a generation of women. In addition, several prominent scientists anticipate that an effective microbicide will be available within the next 5 to 7 years. Significant advances have been made in the development of microbicides in recent years. By the end of 2006, there were 36 organizations involved in microbicide R&D, with 10 microbicide candidates currently in clinical development and over 30 in preclinical development. We cannot let this momentum slow; we must continue to prioritize microbicide research and development since an effective microbicide is within our reach.

The Microbicide Development Act affirms our commitment to microbicide research and to the women whose lives will be saved by microbicides in the future. The global community supports microbicide research. Around the world, there is heightened attention to the urgency of meeting the unique prevention needs of women. For the past few years, G8 communiqués and UN declarations have listed microbicides high among key global health priorities requiring focus and support. Numerous governments and donors have provided funding for microbicide development, including Belgium, Canada, Denmark, France, Germany, Ireland, Netherlands, Norway, Sweden, United Kingdom, United States, European Commission, World Bank, the Rockefeller Foundation, and the Bill & Melinda Gates Foundation. Within our own Nation, the Microbicide Development Act has garnered the support of over 120 community groups, including the AIDS Foundation of Chicago, the American Public Health Association, the Global Campaign for Microbicides, the Guttmacher Institute, the National Alliance of State and Territorial AIDS Directors, the National Minority AIDS Council, and the National Women's Health Network.

On this day, International Women's Day, we need to take a firm stand to validate and affirm the rights of women across the globe. This legislation recognizes the feminization of the HIV/AIDS epidemic and the important role that gender inequity plays in the increasing rates of infection among women. It addresses those gender inequities by recognizing the reality of women's lives and providing women with tools to protect themselves within the context of this reality. Microbicides represent a woman-initiated and woman-controlled method of prevention that will allow women to protect themselves from HIV even in settings where negotiation with male sexual partners is difficult or impossible. This legislation demonstrates that we, as a Nation, value women and it will take the necessary steps to protect their lives and their futures.

HONORING AUBURN, MASSACHUSETTS DEMOCRATIC TOWN COMMITTEE AWARD RECIPIENTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to three outstanding citizens from the Town of Auburn, MA, a community I am both privileged and proud to represent in the U.S. Congress. Tonight the Auburn Democratic Town Committee will rightfully recognize Patricia Bukoski with its FDR Outstanding Public Service Award, and Charles and Joan Baker with its Democratic Lifetime Achievement Award at their annual Irish Night Dinner. I regret that rollcall votes prevent me from attending the event to personally congratulate them for their remarkable contributions to the greater Auburn community.

Pat Bukoski is synonymous with the Auburn Housing Authority having directed the agency for fully 28 years. During her tenure, the Auburn Housing Authority received more than $4 million in Federal funding for the construction of the 60-unit Stoneville Heights Development. Pat also presided over the expansion of the Packachoag Village Development and courageously shepherded the Pheasant Court Family Housing Project to its completion. Her constant care and compassion for Auburn's elderly and less fortunate is renowned. A woman of extraordinary faith, Pat's legacy of public service is nothing short of inspiring and serves as a sterling example of what one person can accomplish on behalf of others.

Charlie and Joan Baker are among the most devoted democratic activists the Commonwealth of Massachusetts has ever produced. Their tireless efforts on behalf of dozens of democratic candidates for local, State and national office now span more than half a century. I have personally benefited from their wise counsel and steadfast support and will forever be grateful for their loyalty. Few couples can lay claim to having helped elect as many leaders as Charlie and Joan Baker. The only reward they have ever sought was the quiet pride and satisfaction of having supported good and decent people for public office. Charlie and Joan's political activism is rivaled only by their combined record of service to the Town of Auburn. Charlie's tenure as a town meeting member, selectmen and now Town Moderator is without equal. Joan also served as a town meeting member and together they are widely regarded by many as the "first couple" of Auburn.

Madam Speaker, Patricia Bukoski, Charlie Baker, and Joan Baker are richly deserving of the recognition bestowed upon them tonight by the Auburn Democratic Town Committee. The United States of America owes each of them a debt of gratitude for their service and I humbly offer the congratulations of the U.S. House of Representatives to them on this very special occasion.

CHINA'S "ANTI-SECESSION" LAW

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TANCREDO. Madam Speaker, it has been two years since the "legislature" of the People's Republic of China passed the so-called "anti-secession" law. The enactment of this law by China's rubber-stamp parliament represented a clear-cut, belligerent and dangerous step toward a military attack of a peaceful and democratic ally of the United States. Moreover, it underscored once again that the government in Beijing is not sincere about resolving its differences with Taiwan in a peaceful or rational manner.

America's position is clear: Any change in the status quo between the People's Republic of China and Taiwan must have the assent of the people of Taiwan. As such, resolving the differences between these two nations can only be achieved through honest and direct state-to-state negotiations without preconditions. They cannot be resolved by intimidation, indignant bluster or threats of military force from Beijing.

Unfortunately, in the two years since Beijing created this "legal framework" for starting a war with Taiwan, little has changed. China continues to point some 900 ballistic missiles at Taiwan and continues to ramp up its military spending and its military activities—none of this indicates that China is pursuing a peaceful settlement with its neighbor across the strait.

Madam Speaker, the truth is that Taiwan and China are not united. They are not "one country" as the communists in Beijing are so fond of asserting. If they were there would be no talk of "unification." China must accept that it does not have jurisdiction over Taiwan, and abandon this kind of counter-productive saber rattling.

I hope that the family of free nations will join me in condemning the "anti-secession law" with a unified voice, making it clear to China that any resolution of cross-straits tensions must be peaceful and above all acceptable to the people of Taiwan.

IN RECOGNITION OF THE 100TH BIRTHDAY OF THE HONORABLE WYATT BROWNLEE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of the 100th birthday of a living legend from my Congressional District, Judge Wyatt C. Brownlee. Born in Hodges, S.C., one of 11 children born to James and Elizabeth Brownlee, Judge Brownlee is the last living sibling of the family which migrated to Cleveland in 1921. His life has been an example of the power of courageous determination and faith in God.

Judge Brownlee attended Cleveland Public Schools, but was forced to drop out of Kennard Junior High School to help support his family. Because of his desire for an education, he attended night school, part time, until he received his high school diploma. His quest for knowledge continued and he graduated from: "FDR" Junior College in 1936; Fenn College (Cleveland State University) in 1940; and Cleveland Marshall Law School in 1944.

During his distinguished legal career he served as an Ohio Assistant Attorney General; Cleveland City Prosecutor and acting City Law Director. In 1957 he was appointed Cleveland Municipal Court Referee, and in 1977 he was appointed Cleveland Municipal Court Judge, where he served until his 1981 retirement. Judge Brownlee continued private practice after retirement.

Judge Brownlee has been involved in his community and has been recognized in "Who's Who in the National Bar Association," "Who's Who in American Law," and he has been honored by Black Lawyers and Black

Judges. He is a member of Phi Beta Sigma Fraternity, Inc., Prince Hall Masonic Organization, and is a lifetime member of the Cleveland Marshall Alumni Association.

Therefore, on behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend Happy 100th birthday wishes to the Honorable Wyatt C. Brownlee. Thank you, for being friend, teacher, and role model for so many of us. Judge Brownlee made an indelible imprint on my life. As a young lawyer, he nurtured me. When I became a judge, he mentored me. As a prosecutor, he counseled me. As a legislator, he influenced me. I count him among the people who kept the wind beneath my wings. I pray God will continue to bless him. We love you.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WELLER. Madam Speaker, I was unable to be present on Monday and Tuesday of this week and missed the following votes:

Rollcall No. 136, Motion to suspend the rules and pass H.R. 85.

Rollcall No. 137, Motion to suspend the rules and agree to H. Res. 136.

Rollcall No. 138, Motion to suspend the rules and agree to H. Res. 89.

Rollcall No. 139, Motion to suspend the rules and agree to H. Res. 64.

Rollcall No. 140, Motion to suspend the rules and agree to H. Res. 228.

Rollcall No. 141, Motion to suspend the rules and agree to H. Res. 222

Had I been present, I would have voted "yea" on each of these motions.

TRIBUTE TO FERN HOLLAND

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. MYRICK. Madam Speaker, I would like to honor and recognize a true American hero, Fern Holland. Three years ago, Fern gave her life so that others might have a brighter future. One of my staffers was friends with Fern and wrote this tribute on the three year anniversary of her death:

On March 9, 2004, my friend, Fern Holland was killed—assassination-style—in Iraq. She, her colleague, and a translator were stopped at a checkpoint where they were shot by gunmen posing as Iraqi police. These gunmen riddled their car with AK–47 bullets and took her life.

Fern wasn't killed because she was a soldier. She was killed because she was someone cared about other people.

When Baghdad fell, Fern traveled to Iraq to work for USAID and then later served on the Coalition Provisional Authority as a women's rights specialist. It was this work that made her a target by extremists. You see, Fern worked tirelessly at setting up Iraqi women's centers around the country. These centers were places women could organize, learn political skills to participate in a democracy, and learn life skills. These centers were not welcome by many extremists for a variety of reasons, and Fern was an easy target because she was white and blonde and very outspoken in her quest for women's rights in Iraq.

While she was doing this work, even more important work came to the forefront. Fern, 33 from Oklahoma, was a lawyer by trade, and she helped draft the interim Iraqi constitution. It was Fern Holland who wrote the section of the constitution that got Iraqi women 25 percent of the seats in the national assembly.

On March 8, 2004, Iraqi leaders signed the interim constitution that included Fern's provision. Women in Iraq now had more than just a seat at the table, they had a say in Iraq's future. Fern was able to see her hard work come to fruition, but only for a day. Her work on behalf of people she did not know, and who did not know her, led to her death.

In February 2003, I met Fern. I was looking for a place on the Hill as a young staffer, and I wound up subleasing her room while she went to work on projects in Africa. She had worked previously in the Peace Corps in Africa and headed back to continue the work she had started when I took over her lease. Her work in Africa led to the establishment of a legal clinic for women who had been sexually exploited. At the time of her death in 2004, the clinic had handled 118 cases including rapes, sexual assaults, wife beatings, family abandonment and sexual exploitation.

From time to time, Fern would come back to the U.S. and would stop by the house to pick up her mail, chat about what she was doing, make sure her car was still working, and then would head back out into the world to battle for what she believed. Several months prior to her death we chatted and I took over her lease and paid for her desk and other items she had left in the room that I now use. From time to time, when I get a chance to slow down, I look around and think about Fern.

Today, three years later, I don't tear up as much as I once did, but the sadness is just as real, and my heart is just as heavy, as it was when I got the call about her death from my roommate Michael. Questions still flood my mind as to why such evil would happen to such a good person. . . . I often think in deep silence about the Iraq War and the sacrifices of Fern and those who serve there . . . I wonder why God allowed Fern and my path to cross—if only for a brief time—yet thank Him at the same time that I got to meet her.

Fern's life has taught me many things. I have learned to love people more. It is really easy to get cynical about work and life on the Hill when things move at a snails pace, or when you see that people's main motives are something other than helping people. But when I catch myself in a poor attitude or in a cycle of cynicism, I think of Fern and her sacrifices and realize there is more work to be done to help others. Fern's life also taught me my time is not my own. I constantly try to keep in contact with friends/family—and would do anything in the world for them—and I try to reach out to people in need. I have learned that the most important things in this world are the small things people often overlook. I learned that people need other people and so I take the time to speak with someone longer than I would normally, or return calls or emails when I am tired or would rather not. I invest in people because it seems friendships and helping others is the only return that makes me happy. I think that is the secret of life that Fern learned and shared with others.

Today has just begun, yet my thoughts are constantly bouncing back to Fern and to a quote from Martin Luther King Jr. that I can't get out of my head: "A man who won't die for something is not fit to live." In one of Fern's last emails she wrote, "I love the work and if I die, know that I'm doing precisely what I want to be doing—working to organize and educate human rights activists and women's groups." In a day an age where people think only of themselves, Fern was willing to die for something she believed in; people. And because of that, her life and work means something . . . it means others can live in a better world.

We tend to throw around the word "hero" alot these days. But I have learned that they are not on the sports field or on the TV or on the movie screen. They are the people who sacrifice for others; who die for others if need be. Fern Holland will forever be one of my heroes. And I wrote this today so that others might know the work she did, and the life she led, because Fern deserves to be remembered.

IN MEMORY OF BOBBY HILDEBRAND

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Bobby Hildebrand of Camden, Arkansas, who passed away February 24, 2007.

Bobby Hildebrand and his family grocery store, Harvey's Grocery Store, were South Arkansas institutions. Bobby was a businessman, a landowner and the proud owner of Harvey's Grocery in Camden, one of Arkansas's legendary political landmarks. Bobby made Harvey's Grocery a famous gathering spot for Arkansas politicians, business leaders and residents of South Arkansas who had a love of good food, heated debate and friendship.

Bobby became known for his locally famous barbecue as much as his generous heart. Each time I drove through Camden, my car always wanted to veer to Harvey's Grocery where I knew I would find good food and great conversation with a man I truly looked up to and admired. I was privileged to have witnessed first hand the effect Bobby's big smile had on visitors of his store and friends who needed someone to listen. Above all else, I am blessed to have been able to call Bobby a dear friend.

Bobby talked endlessly about how politics could be a good and noble profession and how a career in public service could positively affect the lives of thousands. His love of politics helped inspire me and many others to seek elected office and for that, I am forever grateful.

I send my deepest condolences to his wife, Pat of Camden; his brother Harvey Hildebrand of Louisiana; and his sister Dorothy Herrington of Camden. Bobby Hildebrand will be greatly missed in Camden, Ouachita County and throughout the state of Arkansas, and I am truly saddened by this loss.

WALBERG SUPPORTS STATE, LOCAL CONTROL OF EDUCATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, as a member of the Education and Labor Committee, this morning I attended a bi-cameral hearing on the reauthorization of the No Child Left Behind Act.

In listening to testimony from various individuals today, it was impressed upon me that all of us involved are seeking the same goal: the best possible educational opportunities for our children.

Today, at a time when our Nation lags behind other countries in math and science testing and the Federal government has a larger role in education than ever before, this Congress must find a way to give our schools greater flexibility, reduce the bureaucracy involved in education and ensure these opportunities really are being given to our children.

In years past, Congress has attempted to solve problems in education by simply throwing piles of federal money into the education system.

The original purpose of No Child Left Behind was to return some education policymaking authority to the states.

Unfortunately, during the process of crafting, passing and enacting the legislation, No Child Left Behind took the form of a massive spending bill that increased the Federal government's presence in classrooms.

As the Detroit News stated in a December 22, 2006 editorial, "What our federal legislators come up with in the Nation's capital doesn't always translate well into the classroom."

The editorial continues, "Michigan should have the flexibility to decide how and when to measure student progress."

My daughter-in-law is a hard-working and talented teacher who has experienced firsthand the problems No Child Left Behind creates for teachers, parents and students.

As a classroom teacher forced to teach to the tests required by No Child Left Behind, she actually considered quitting because of the paperwork and restrictions imposed upon her. She struggled to have time to give individual attention to each of her "special needs" students.

Ironically, she obtained her teaching position due to her performance the year prior as a "permanent" substitute teacher in a classroom. Because she was not required to fill out all the forms and paperwork required by No Child Left Behind, she excelled, and the school offered her a permanent position.

In its origin, No Child Left Behind attempted to provide greater school choice and reduce Washington's involvement in education, but instead this expensive and largely unsuccessful legislation has broadened the scope of the Federal Government's role in education.

Enshrined in our Constitution is the 10th Amendment, which reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people."

Federal control of education is listed nowhere in the Constitution, and in accordance with the 10th Amendment, education should be the responsibility of State and local governments.

Because I believe each child's educational path should be determined by a child's parents, and not by the Federal Government, I am an original co-sponsor of the A-PLUS Act.

The A-PLUS Act would give States, teachers and parents the freedom and authority to determine what educational path a student should take.

As part of this legislation, States can opt out of Federal programs and State leaders decide how to use Federal education funds to improve student achievement.

We all are seeking the best possible educational opportunities for our children, and the way to achieve this is let States and local communities be accountable for academic achievement and educational reforms.

HONORING REX HANSON

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Rex Hanson, an exemplary citizen from my district who was recently named recipient of the LaRue County School's 2007 Excellence in Classroom and Educational Leadership, ExCEL, Award.

A math teacher at LaRue County High School in Hodgenville, KY, Mr. Hanson has worked to give his students the strong math and science skills needed in today's high tech world. Through his position as the Mathematics Department chairman, he has worked hard to strengthen the math curriculum in LaRue County, spearheading a program that allows high school students to receive college credit through Campbellsville University. This program continues to allow students in LaRue County to get ahead as they make the transition from high school to college.

Mr. Hanson's teaching philosophy is to challenge his students to become the best that they can be in whatever career path they choose once they leave high school. This philosophy has greatly served LaRue County and Kentucky's Second District.

President Bush has placed a strong focus on math and sciences as the country moves into a global economy. I believe Mr. Hanson is a fitting example of this charge. In addition to his position as the Math Department chair, Mr. Hanson is an advisor for the National Honor Society, senior class sponsor, ACT school coordinator, and teaches classes for Elizabethtown Community College.

I applaud Mr. Hanson for his accomplishments in public education, a profession of great responsibility and even greater reward. On behalf of many others in the Hodgenville area, I would like to express my profound appreciation of his service.

It is my great privilege to recognize Rex Hanson today, before the entire U.S. House of Representatives, for his special achievement. His unique dedication to the development of young people and the communities they will someday serve makes him an outstanding citizen worthy of our collective honor and respect.

A TRIBUTE TO MAYFIELD JUNIOR SCHOOL AND MAYFIELD SENIOR SCHOOL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to Mayfield Junior School and Mayfield Senior School as they celebrate their 75th Anniversary of Holy Child education in Pasadena, California.

In 1931, the Mayfield School was founded by the Sisters of the Holy Child Jesus. Under the philosophy and tradition of Cornelia Connelly, the Mayfield Schools are committed to educating the whole child, by providing a learning environment balancing academic excellence with the arts, athletics, community service, and spiritual growth.

The Mayfield Schools embrace seven goals developed by the Society of Holy Child Jesus founder Cornelia Connelly. These goals seek to provide an intellectually challenging and creative program of study that fosters academic excellence and to create a learning environment based on trust and reverence for the dignity and uniqueness of each person.

The Mayfield Schools have long been committed to community involvement and voluntary service. Upholding their motto of Actions not Words, both students and alumni have dedicated themselves to community enrichment and demonstrated the principals of compassion, integrity and leadership—characteristic of a Mayfield education.

Under the guidance of devoted teachers and faculty, the students of the Mayfield Schools have achieved great success. Over the past 75 years, more than 2,000 young men and women have graduated from Mayfield Junior School and more that 2,800 women from Mayfield Senior School.

I ask all Members to join me today in honoring the Mayfield Junior School and Mayfield Senior School upon the celebration of their 75th Anniversary. The entire community joins me in thanking the Mayfield Schools for their outstanding educational opportunities for the youth of California's 29th District.

HONORING BILL AND MURIEL ELLIOTT AND DREW KATZ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. and Mrs. Bill and Muriel Elliot for their hard work in creating the John R. Elliott HERO Campaign, which promotes the use of designated drivers. The HERO Campaign, named after their late son, Navy Ensign John Elliot of Egg Harbor Township, NJ, began in 2000 when he was killed by a drunk driver.

I also rise to honor Mr. Drew Katz of the Interstate Outdoor Advertising Company of Cherry Hill, NJ. Mr. Katz graciously offered assistance to the Elliott family by providing billboard space to promote the HERO campaign. Partnered together, the Elliott family and Mr. Katz are helping to make the roads a safer place for all New Jerseyans. The Elliot family's commitment to their son and to this cause is truly inspirational. I also thank Mr. Katz for his generosity and commitment to his community.

The Elliott family and Mr. Katz's commitment to the John R. Elliott HERO Campaign has served New Jersey well, and I hope that they continue their vital efforts. I thank the Elliot family and Mr. Katz and wish them success with the HERO Campaign in the future.

HONORING REVEREND THOMAS LOGAN ON THE OCCASION OF HIS NINETY-FIFTH BIRTHDAY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. FATTAH. Madam Speaker, I rise today to call the attention of the House to a great Philadelphian on the occasion of his 95th birthday, March 19, 2007. The Reverend Canon Thomas Wilson Stearly Logan, Sr., a 1935 Lincoln University graduate, is Rector Emeritus of the Calvary Church in North Philadelphia. In 1938, Father Logan began his now 60-year tenure of service to the diocese of Pennsylvania with his ordination as a deacon. One year later, he was ordained a priest at St. Peter's Church in Philadelphia. During his long and distinguished career, Father Logan served in numerous parishes including: St. Philips Church in New York City, St. Augustine's Chapel in Yonkers, St. Michael and All Angels and the Calvary Church both located in Philadelphia.

Father Logan's service to the children of God has extended beyond the church walls. He has been a member of numerous religious, fraternal, social and civic organizations including the Brotherhood of St. Andrew, the Restitution Fund Commission, the homeless fund, the Philadelphia Police Department, the National Conference of Black Episcopalians and Alpha Phi Alpha Fraternity, Inc. As a delegate to the Anglican Conference in Cape Town, Father Logan brought his spirit, energy and steadfast commitment to social justice across the Atlantic ocean.

Father Logan is committed not only to his church but also to his lovely wife, Mrs. Hermione Hill Logan who on March 16 will achieve the modest age of 96. Father and Mrs. Logan have been happily married since 1938. It is my great pleasure to offer congratulations to Father Logan on his birthday. I wish him years of health and happiness and appreciate his decades of service.

RECOGNIZING THE NEW YORK BLOOD CENTER AND THE IMPORTANCE OF GIVING BLOOD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to recognize the work done by the New York Blood Center (NYBC) and its efforts to recruit volunteer blood donors to help assure a safe and ample blood supply in the New York Metropolitan area. As one of the nation's largest non-profit, community based blood centers, The New York Blood Center has provided critical blood, transfusion products and services to patients in New York, New Jersey, and Connecticut hospitals for over 40 years.

Established in 1964 in order to better serve the transfusion needs of the New York City community, New York Blood Center was founded in order to carry out a critical mission to provide community members with the highest quality transfusion products and services, as well as leading-edge research and technological and medical care innovation.

The New York metropolitan area is currently experiencing a blood shortage that has reached an emergency level. The New York Blood Center reports a shortage of all types of blood, but most pressingly a need for "O" type blood, the universal donor to patients of all blood types. Hospitals in New York need an average of 2,000 volunteer donors every day to meet critical patient needs. NYBC collects an average of 1500–1700 units/day to help meet these needs in combination with other providers.

When the number of donations falls below the necessary number, NYBC must import the balance of necessary units from other areas of the United States. Without these vital donations, blood must be rationed to local area hospitals and elective surgeries postponed until blood supply levels improve. While the current shortage has not yet caused rationing to occur, it has become an area-wide crisis that endangers the lives and well-being of New Yorkers and demands the community's immediate attention.

To date, NYBC has avoided this critical problem through continuous partnership with local and national government officials to perform constituent outreach. NYBC also collaborates with businesses and organizations that sponsor blood drives, as well as with individuals who donate on a consistent basis. In recent years, while the number of donations in the New York metropolitan area have remained steady, there has been a downward trend in the number of donations in Manhattan, contributing to the causes of the current shortage.

IN RECOGNITION OF THE 80TH BIRTHDAY OF LILLIAN VERNON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of the 80th birthday of Lillian Vernon. Born Lilly Menasche in Leipzig, her family fled the perils of World War II and Hitler's Nazi regime in 1933, fleeing to Amsterdam, Holland then finally to the United States, settling in New York City in 1937. There she attended New York University for 2 years before getting married.

In 1951, while 4 months pregnant, Lillian began her mail order business with a $495.00 sixth-of-a-page ad for a personalized handbag and belt in Seventeen magazine. What started as a simple business run out of her kitchen in Mount Vernon, New York, turned into a leading catalog and online retailer, with its corporate headquarters in Rye, New York. In 1987, Lillian's business became the first woman founded and owned business to go public on the American Stock Exchange.

In addition to Lillian's accomplishments in business, she believes strongly in giving back to her community. Her company has donated funds and merchandise to more than 5,000 charities, religious, and civic organizations. She serves on the boards of several non-profit organizations, including the Lincoln Center for the Performing Arts, the Virginia Opera and The Kennedy Center for the Performing Arts. She has spoken at many universities and has received several honors, including induction in the Direct Marketing Hall of Fame, the Ellis Island Medal of Honor, the Big Brother/Big Sisters National Hero Award and the Gannett Newspapers Business Leadership Award.

At 80 years of age, Lillian continues to strive to be on the cutting edge of fashion accessories, exploring new and even more creative ideas. She is the proud mother of two sons, Dean Fred P. Hochberg, of the New School and David Hochberg, a private consultant. Especially committed to encouraging the careers of women, she has been a constant supporter and friend. Therefore, it is my pleasure to wish her many blessings on her birthday.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. CARSON. Madam Speaker, I was unable to record rollcall vote No. 139. Had I been present I would have voted "yes" on H. Res. 64.

HONORING DR. ELSON FLOYD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CLEAVER. Madam Speaker, I rise today to pay tribute to Dr. Elson Floyd, President of the four-campus University of Missouri System. He was selected to run the system November 11, 2002. He is leaving to become the tenth President of Washington State University on June 1, 2007.

During his tenure as President of the System, he has brought about many innovative strategies which have benefited the Universities. He developed a System-wide Strategic Plan with measurable performance objectives. He established a system-wide fundraising goal of one billion dollars, of which 900 million dollars in documented gifts have been received to date toward this goal. Total enrollment increased 7,000 since his hiring to a record high of more than 63,000 students. Minority student enrollment has increased on all four campuses. He has leveraged private support to generate 266 need-based scholarships to enhance student access.

Although there have been lean budget years in the University system, Dr. Floyd has effectively managed them by implementing a plan to reduce System-wide administrative expenditures by 20 million dollars, far exceeding the 10 percent goal of 12.4 million dollars, reinvesting resources of this initiative into scholarships and financial aid, student services and faculty recruitment. He also developed a tuition guideline that holds tuition increases to the rate of inflation, provided that state support also keeps pace with inflation. This allows students and families a certain degree of predictability of college costs.

Dr. Floyd is the 2004 recipient of the James C. Kirkpatrick Award for public service given by the Northwest Missouri Press Association. He is also the 2004 recipient of the Distinguished Alumnus Award from the University of North Carolina at Chapel Hill. In 2006, students at the University of Missouri-St. Louis established a scholarship in his name, the "President Elson S. Floyd Endowed Scholarship."

Madam Speaker, please join me in expressing our heartfelt appreciation to Dr. Elson Floyd for his leadership as President of the University of Missouri System. I urge my colleagues to please join me in conveying our gratitude to Dr. Floyd for his contributions to Missouri, and to wish him well in his new endeavor.

INTRODUCTION OF THE SAVINGS FOR WORKING FAMILIES ACT OF 2007

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to introduce H.R. 1514, the Savings for Working Families Act of 2007. I have worked with my colleague Congressman JOE PITTS of Pennsylvania and other Members from both sides of the aisle in both the House and Senate to introduce savings legislation that will help America's working families by expanding the successful Individual Development Account program (IDA).

H.R. 1514 provides a tax credit to financial institutions that match the savings of low-income families through Individual Development Accounts. Individual savings in IDAs are matched on a one-to-one basis, up to $500 per person per year, although personal contributions into an IDA are not limited.

Thousands of working families across the country currently take advantage of IDA matched savings and asset accumulation. IDA programs are run by community-based organizations in partnership with a qualified financial institution that holds the deposits. IDA funds can be used for college and post-secondary education, purchasing a home, or starting a small business. Those who save in IDAs also receive financial planning education. Nationally, 50,000 Americans are presently enrolled in 500 IDA programs. In the State of Ohio, nearly 5,000 savers benefit from fifteen IDA programs.

I want to praise the 16 financial institutions that run the fifteen IDA programs in Ohio and assist low-income families build assets: Citizen's Federal Savings & Loan, Faith Community United Credit Union, Farmers National Bank, First Federal Bank, First Federal Savings of Newark, Perpetual Bank, First National Community Bank, Home Savings and Loan, Huntington National Bank, Key Bank, Midwest Family Credit Union, Park National Bank, Fiberglas Federal Credit Union, Peoples Bank, Ohio Savings Bank, Sky Bank, and the World Financial Network National Bank.

Too many families in too many cities across this country live under constant threat of financial ruin due to a lack of savings. Individual Development Accounts allow working families to develop their own assets and establish sound financial footing, creating a fund that would make possible a down payment on a home or seed capital to start a business. We should not delay in expanding the existing IDA program. We have in our power the ability to help working families achieve the American Dream.

Madam Speaker, I would also like to take this opportunity to thank Erika Lunder, a Legislative Attorney at the Congressional Research Service, for providing my staff and me with valuable information and advice on this legislation. Throughout the years, particularly during my service on the Ways and Means Committee, she has consistently provided me with excellent research and counsel in a timely, impartial manner on several pieces of tax and pension legislation. Erika's service is not only greatly appreciated by me, but also my constituents in the Eleventh Congressional District of Ohio and the entire State of Ohio.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for the fiscal year 2008 for the Government Accountability Office, Government Printing Office, Congressional Budget Office, and the Office of Compliance.
SD–138

MARCH 19

1 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health.
SH–216

MARCH 20

9:30 a.m.
Armed Services
To receive testimony on the the United States Air Force in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.
SR–325

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.
SD–366

Finance
To receive testimony on identifying needs, partnerships, and resources relating to a competitive education.
SD–215

Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Interior.
SD–124

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To continue hearings to examine economic and safety concerns relating to promoting travel to America (Part II).
SR–253

Judiciary

To hold hearings to examine combating war profiteering, focusing on investigating and prosecuting contracting fraud and abuse in Iraq.

SD–226

Health, Education, Labor, and Pensions
Retirement and Aging Subcommittee

To hold hearings to examine the state of Alzheimer's disease research 100 years later.

SH–216

2:30 p.m.

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 126, to modify the boundary of Mesa Verde National Park, S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 500, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National heritage Areas, and for other proposes; and S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States".

SD–366

Homeland Security and Governmental Affairs
Investigations Subcommittee

To continue hearings to examine Medicare doctors who cheat on their taxes and efforts to address the problem.

SD–342

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee

To hold hearings to examine energy innovation.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the performance of the United States trade and food aid programs for the 2007 Farm Bill.

SR–328A

Homeland Security and Governmental Affairs

To hold hearings to examine an overview of the Government Accountability Office Assistance to Congressional Oversight, focusing on past work and future challenges and opportunities.

SD–342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine assessing the effectiveness of the current United States sanctions on Iran relating to minimizing potential threats from Iran.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine a review of treatment, diagnosis, and monitoring efforts, focusing on the long-term health impacts from September 11.

SH–216

Judiciary

To hold hearings to examine the Inspector General's findings of the improper use of the National Security Letters by the Federal Bureau of Investigation relating to the misuse of the Patriot Act powers.

SD–226

10:30 a.m.

Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold an oversight hearing to examine the Consumer Product Safety Commission.

SR–253

Appropriations
Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2007 for the United States Air Force.

SD–192

2:30 p.m.

Environment and Public Works

To hold hearings to examine Vice President Al Gore's perspective on global warming.

SD–106

Judiciary
Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft and solutions for an evolving problem.

SD–226

MARCH 22

9:30 a.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the Federal Aviation Administration (FAA)modernization.

SR–253

9:45 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine deconstructing reconstruction, focusing on problems, challenges, and the way forward in Iraq and Afghanistan.

SD–342

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the "Future of Coal" report recently published by the Massachusetts Institute of Technology.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 26

2 p.m.

Armed Services
Emerging Threats and Capabilities Subcommittee

To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for policy.

SR–232A

Energy and Natural Resources

To hold hearings to examine the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

SD–G50

3 p.m.

Judiciary
Human Rights and the Law Subcommittee

To hold hearings to examine the problem of human trafficking and the legal options to stop the problem.

SD–226

MARCH 27

9:30 a.m.

Judiciary

To hold oversight hearings to examine the Federal Bureau of Investigation.

SD–106

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.

SR–418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine competition and consumer choice relating to exclusive sports programming.

SR–253

MARCH 28

10 a.m.

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the future of the Coast Guard Dive Program.

SR–253

2:30 p.m.

Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine transitioning to a next generation Human Space Flight System.

SR–253

MARCH 29

9:15 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian trust fund litigation.

SR–485

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, the Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.

SD–106

APRIL 10

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Federal Trade Commission (FTC).

SR–253

APRIL 11

9:30 a.m.

Veterans' Affairs

To hold hearings to examine issues relative to Filipino veterans.

SR–418

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.

SD–538

APRIL 25

2 p.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.

SR–418

HOUSE OF REPRESENTATIVES—*Thursday, March 15, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 15, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Shea Harlig, Chabad of Southern Nevada, Las Vegas, Nevada, offered the following prayer:

Almighty God, the Members of this prestigious body, the U.S. Congress, convene here to fulfill one of the seven Noahide commandments: the commandment to govern by just laws which are based in the recognition of You, God, as the sovereign ruler of all people and nations.

We the citizens of this blessed country proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—"one Nation under God, with liberty and justice for all."

Grant us, Almighty God, that those assembled here be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On the eve of Passover, the Festival of Freedom, I beseech You, Almighty God, to bless and protect our troops and our entire Nation whom our esteemed spiritual leader, The Lubavitcher Rebbe, labeled "a nation of kindness" with freedom from terrorism.

Indeed "God Bless America."

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. WALBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. WALBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI SHEA HARLIG

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. It gives me great pleasure to introduce a spiritual leader in Las Vegas, Nevada. Rabbi Shea Harlig was ordained in March of 1988 from the Central Chabad Yeshiva in Brooklyn, New York, and since December of 1990 serves as the spiritual leader of Congregation Chabad in Las Vegas, Nevada.

He is the founder and regional director of Chabad of Southern Nevada, a major Jewish outreach organization in Las Vegas with five locations. Its programs include daily services, nightly adult education classes, Hebrew school and day camps, chaplain at the State and county prisons, bimonthly column for the Las Vegas Israelite, crisis counseling and financial assistance to members of the community. Rabbi Harlig is the kosher supervisor of five local kosher restaurants, markets and catering facilities. He is also the founder and dean of the Desert Torah Academy Day School, which has an enrollment of 175 children, preschool through eighth grade.

On a personal note, I have known the Rabbi since he came to Las Vegas. He has made an extraordinary contribution to the spiritual life of Las Vegas, Nevada. His impact is felt throughout the community. I am absolutely delighted to welcome him to our Nation's capital, Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minutes on each side.

IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. This House cannot avoid its constitutionally authorized responsibility to restrain the abuse of executive power. The administration has been preparing for an aggressive war against Iran. There is no solid, direct evidence that Iran has the intention of attacking the United States or its allies. The U.S. is a signatory to the U.N. Charter, a constituent treaty among the nations of the world. Article II, section 4, of the U.N. charter states, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Even the threat of a war of aggression is illegal. Article VI of the U.S. Constitution makes such treaties the supreme law of the land. This administration has openly threatened aggression against Iran in violation of the U.S. Constitution and the U.N. Charter.

This week, the House Appropriations Committee removed language from the Iraq war funding bill requiring the administration under Article I, section 8, clause 11 of the Constitution to seek permission before it launched an attack against Iran. Since war with Iran is an option of this administration and such war is patently illegal, then impeachment may well be the only remedy which remains to stop a war of aggression against Iran.

THE BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, while Democrats are talking about fiscal discipline, their actions say otherwise. Time and time again, the Democrat "plan" is to chase increased spending with increased taxes.

In less than 3 months, Democrats have called for immense new spending. Their agenda for the 110th Congress calls for throwing billions more at entitlements that are already growing at unsustainable rates. At the same time, they have not proposed a dollar of savings or a single reform—just more spending, financed by higher taxes.

The American people want reductions in spending, they want reforms to our overburdened and unsustained programs, and they want their elected leaders to be held accountable for the plans they put forth and the funding they approve.

Republicans have a responsible plan that balances the budget by encouraging economic growth and reforming

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

entitlement programs—without raising taxes. Increasing the tax burden on the American people has never led to economic prosperity.

Madam Speaker, my constituents don't want to see a return of tax-and-spend politics.

IMMIGRATION REFORM

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Madam Speaker, I rise today once again to state my strong support for comprehensive immigration reform. Last week, Federal agents from Immigrations and Customs Enforcement raided businesses in my district in southern Arizona because employers were suspected of employing illegal immigrants. For years, we have known that employers in Arizona and across the country have been breaking the law by illegally employing undocumented workers. Let me be clear: any company that knowingly hires illegal immigrants should be prosecuted and punished to the fullest extent of the law.

I recognize the humanitarian concerns that are involved when raids on businesses occur, especially regarding families. The problems of immigration are extensive. These raids make clear that in my district in Arizona we continue to bear the brunt of a national crisis. Approximately 4,000 illegal immigrants pass into Arizona each and every day. That is unacceptable.

We need to rise to the challenge and address a national crisis. We need to do it now. Democrats and Republicans working together must pass comprehensive immigration reform.

PUTTING OUR FISCAL HOUSE IN ORDER

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, a recent analysis by the Mackinac Center for Public Policy compared Michigan's per capita income to the national average and revealed the Great Lakes State reached its lowest level in 75 years. At the end of 2006, Michigan had the second highest unemployment rate in the Nation and since January of 2001, Michigan has lost over 205,000 jobs.

Certainly many of Michigan's problems have been caused by State policies, but the men and women of my district continue to stress to me they want Congress to put our fiscal house in order on a Federal level.

Right now, taxpayers in south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do it by cutting spending and having fiscal discipline. It's time we make these same hard choices on a Federal level. Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hardworking American families and reform unsustainable entitlements.

By putting our fiscal house in order, this Congress can go a long way in restoring the trust of the American people and build a better, brighter future for our country.

"SMOKING MEMO"

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, in a memo sent to the White House, the Justice Department laid out a plan to replace seven U.S. Attorneys who were cracking down on public corruption. This "smoking memo" seems to confirm that this administration targeted U.S. Attorneys involved in ongoing public corruption cases.

Today, as we learn more about the Attorney General's failure of leadership, many are eager to debate the future of Attorney General Gonzales and whether he will remain in office. But as we examine how these U.S. Attorneys were fired, we must not lose sight of the real story. What is happening to these ongoing public corruption investigations, from southern California to Nevada to Arizona to New Mexico?

The fired U.S. Attorneys were aggressively investigating public corruption cases and they were fired ostensibly for job performance, which in this White House means you're guilty of doing your job. I don't suppose any of these U.S. Attorneys will receive the Presidential Medal of Freedom award.

The question some of us want to know is where are these public corruption cases today? As Washington debates whether Alberto Gonzales, the Attorney General, survives by the weekend, some of us want to know whether we can bring back to life these public corruption investigations in these five jurisdictions.

THEFT FROM CRIME VICTIMS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, crime victims are once again being victimized, not by the hands of offenders but by the robber baron bureaucrats who are putting their hands in the pockets of American crime victims.

Let me explain. Under a law called VOCA, Victims of Crime Act, crime victims receive money from a fund that criminals pay into as a part of their sentence. This wonderful idea makes criminals literally pay for their crimes and give compensation to injured and brutalized victims. Make criminals pay rent on the courthouse. Make them pay for the system they created. This fund is now over $1.2 billion.

But now the insensitive Federal budget boys want to pick-pocket victims and take this money and put it into the abyss of the Federal Treasury. This is not taxpayer money. It doesn't belong to the Federal Government. The Feds should keep their sticky fingers off this victim money and Congress needs to protect victims from this bureaucratic theft.

And that's just the way it is.

ACCOUNTABILITY AND OVERSIGHT—DEMOCRATS DELIVER WITH LEGISLATION THIS WEEK

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, the appalling conditions at Walter Reed captured the Nation's attention this month and finally spurred this administration to begin taking action. But reports on the poor conditions at Walter Reed date back 2 years ago. The President and the Congressional Republicans did nothing. In fact, Lieutenant General Kiley, former head of Walter Reed, knew for years about the horrible conditions at the facility, but he claimed the problems "weren't serious and there weren't a lot of them."

We now know that that was not true, thanks to The Washington Post and hearings held by the Democratic House. Oversight by the former Republican Congress could have stopped these problems long ago. But lack of oversight didn't begin or end with Walter Reed. Republicans also failed to look at the President's policies in Iraq, the administration's actions during Hurricane Katrina, or the firing of numerous U.S. Attorneys for political reasons.

Madam Speaker, this Democratic Congress has already held 91 oversight hearings on these issues and others, and we will continue to uphold our legislative duty to oversee the actions of the executive branch.

AMERICAN TAXPAYER BILL OF RIGHTS—IMAGINE THIS SOLUTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, there is a common misconception in Washington that simply talking about a problem is as good as solving it. However, we know that actions speak louder than words. In 34 of the last 38 years, the Federal Government hasn't balanced its own checkbook.

It's time Washington stop looking for ways to afford bigger government. Yesterday, the Republican Study Committee introduced the Taxpayer Bill of Rights to restore budget accountability to Washington's checkbook, and it couldn't come at a better time. It is imperative that we prioritize America's financial responsibilities and reform the way Washington spends hard-earned taxpayer money. We can't expect different results if we keep on doing the same thing.

This is all about accountability, about reducing wasteful Washington spending, about balancing the budget, about fundamental tax reform, and about adapting programs to America's changing demographics.

Madam Speaker, the Taxpayer Bill of Rights isn't merely a slogan, it's a solution, a way we should all be thinking. Imagine this positive change to the way Washington spends hard-earned taxpayer money. Just imagine.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clauses 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clauses 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clauses 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1362 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Ms. SOLIS). The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 242.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 242 provides for consideration of H.R. 1362, the Accountability in Contracting Act, under a structured rule. The rule provides 80 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI.

The rule provides that in lieu of the substitutes recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services, the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as an original bill for the purpose of amendment. All points of order except clauses 9 and 10 of rule XXI are waived against the substitute, and the substitute shall be considered as read.

The rule makes in order the two amendments printed in part B of the Rules Committee report. Each amendment may be offered only in the order printed in the report and by the Member designated in the report. The amendments are considered as read, are debatable for 10 minutes each, are not subject to amendment and are not divisible. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived.

Finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this rule and the legislation before us today is the Accountability in Contracting Act. This new act will restore accountability in Federal contracting. It targets conflicts of interest that have become too prevalent over past years.

During the first 100 hours of this new Congress, we charted a new direction in response to the American people's call for change and reform. We passed pay-as-you-go budgeting to require greater fiscal responsibility, we passed Medicare part D reform to require the executive branch to negotiate lower drug prices for our seniors and help the Federal bottom line, and we eliminated unnecessary tax subsidies for big oil companies that were making record profits while we paid record prices at the pump.

But if you recall, Madam Speaker, the first item of business during the first 100 hours of this new Congress was ethics reform. After the scandals of the past years, our commitment to the American people is to fight for higher ethical standards in the United States Congress and for all of the Federal Government by severing the connection between lobbyists and legislation, by banning gifts and travel from lobbyists, and ending the abuses of privately funded travel.

Today, the new Democratic Congress will continue our fight for ethics reform while we are still in the first 100 days through this rule and the Accountability in Contracting Act. This bill targets waste in Federal contracting, limits the use of no-bid contracts, minimizes sole-source contracts, and closes the revolving door between purchasing officers and private contractors. This bill addresses the past problems with wasteful and fraudulent contracts in Iraq, the Defense Department and in relation to Hurricane Katrina.

Congressional hearings have already shown that an estimated $10 billion in Iraq reconstruction funds was wasted as a result of overcharging, poor tracking and mismanagement by U.S. contractors, three times more than was estimated just last fall. Unfortunately, these accounts have abounded under the Bush administration. Defense auditors estimate that at least one out of six dollars spent in Iraq is suspect, including $2.7 billion in Halliburton contracts.

Almost 19 post-Hurricane Katrina contracts worth a total of $8.75 billion have been plagued by waste, fraud and mismanagement; and only 30 percent of the more than $10 billion in Katrina contracts were awarded with full and open competition. And when it comes down to the small contractors who are actually hauling away the rubble and debris, they were not getting paid properly. This bill will help stop these kinds of wasteful contracts that keep the real work from getting done, that keep our neighbors from recovering from a natural disaster, and that keep the real workers from getting paid.

In my Tampa Bay area district, the Federal defense procurement revolving door has been the subject of Federal investigations in Federal district court proceedings in Tampa over the past several years. So it is vital we stand up for the folks we represent and demand their Federal tax dollars are spent correctly, especially when it comes to national security. That means having tough and fair oversight and a transparent system so there are no conflicts of interest.

So I commend the House Oversight and Government Reform Committee and the Chair, Mr. WAXMAN, for his diligent efforts. I also commend the House Armed Services Chair, Ike Skelton, and my fellow members of the Armed Services Committee for their work on this legislation. When we marked this bill up in the House Armed Services Committee on Tuesday, this effort won bipartisan and unanimous support. It deserves no less by the full House today.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to this closed rule and to the financially irresponsible underlying legislation. I also rise with great regret to report to the American people that for the third week in a row the Democrat leadership is bringing legislation to the House floor that stacks the deck in favor of big labor bosses at someone else's expense.

Madam Speaker, in just a few minutes I am going to ask that we submit this into the CONGRESSIONAL RECORD, but the Congressional Budget Office estimates that this bill will cost a new $20 billion for 4 years after it is implemented. $20 billion. Yet we have just heard from the other side that this is responsible and the right way to do things. What do we expect? An additional $20 billion worth of spending. It is a real sad day, Madam Speaker.

Two weeks ago, American workers were the main losers in the Democrat-controlled House when the majority leadership forced through legislation that would provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as "card check."

Last week, in another unprecedented expansion of Davis-Bacon to important water projects across this country, the Democrat leadership set its sights on one of their all-time favorite targets, the American taxpayer. Other losers that were targeted in that bargain included some other perhaps more surprising targets, including local communities, small and minority-owned businesses and, perhaps most of all, the environment.

But I suppose that that is everything that the Democrat-controlled leadership says is good. Everything is a fair game when tilting the playing field in favor of labor bosses. That is what this new Democrat majority is about.

Given this well-established track record, it should come as no surprise that today, once again, the Democrat majority has placed a bull's eye squarely on the American taxpayers' back on the floor of this people's House. The legislation that we are being asked to consider today represents the triumph of politics over policy by attempting to taint every government contractor with the high-profile transgressions that only a few have done.

I do commend Chairman WAXMAN for his desire to provide proper and appropriate oversight for the use of government funds, and I do share his desire to prevent waste, fraud, and abuse in government contracting. However, the approach that he has brought to the floor is far-reaching and intrusive, expensive; and it misses the mark. The problem is primarily one of enforcement, and this is where Congress should be focusing its efforts on behalf of the taxpayer.

While these proposals may seem beneficial and look good on paper, in practice they add up restrictions upon restrictions simply for the sake of regulation. They would increase the cost and reduce government access to the solutions it needs, while increasing the burden on an already-overworked Federal contracting workforce.

While I am concerned about fiscal responsibility as a Member of this body, I do not believe that adding layer upon layer of additional regulations is a way to save taxpayer money or to be responsible.

Every day, private contractors provide the entire Federal Government with effective cost-saving solutions, and this legislation represents a large step backwards in giving these contractors the flexibility they need to provide these vital services. Rather than taking Chairman WAXMAN's approach and discouraging the vast majority of contractors that do not play by the rules from wanting to do business with the government, Congress should focus on dealing with those bad actors that have violated the public trust.

☐ 1030

Right here on our Capitol campus, private contractors provide us with the services that we need to function on a daily basis. They include inspecting and delivering the mail, mowing the Capitol grounds, installing signs, repairing sinks, providing IT consulting and technology systems maintenance, and they do so at the lowest cost to taxpayers through competition.

The Federal Government should not be competing with a vibrant private sector that can provide these services better, faster, and cheaper than we can do them ourselves. I find that a good rule of thumb that I have used for years is if you can open up the Yellow Pages and find professionals willing to do the same services listed, then the government should not try to perform these tasks on its own, because it will end up costing the taxpayers a great deal more money.

Madam Speaker, I do understand that the Democrat Party wants to change this slowly and to stack the deck in favor of big labor bosses whose ranks have dwindled to 12 percent from a high of 35 percent in the 1950s. I understand that a very few contractors have behaved dishonorably and illegally, and for that they should reimburse the taxpayer and be prosecuted to the fullest extent of the law.

But I simply don't believe that limiting the Federal Government's flexibility to contract, especially in the case of an emergency, is the answer to this problem. Nor do I believe that this legislation that is a new private sector mandate and that the CBO estimates will cost taxpayers over $20 billion, 20 billion new dollars, should be considered reasonable or should be considered financially responsible. This is not the correct solution to this problem.

Madam Speaker, I include for the RECORD the CBO cost estimate for H.R. 1362.

H.R. 1362—ACCOUNTABILITY IN CONTRACTING ACT

Summary: H.R. 1362 would amend federal contracting rules. Specifically the legislation would require federal agencies to limit the length of noncompetitive contracts and limit the use of solesource and cost-reimbursement contracts when possible. H.R. 1362 also would authorize an increase in funds used to pay for contract oversight, planning, and administration equal to 1 percent of the value of an agency's contracts. The legislation would require various reports to the Congress on noncompetitive contracts and contractor overcharges and amend employment restrictions on federal procurement officials.

CBO estimates that implementing H.R. 1362 would cost $20 billion over the 2008–2012 period, assuming appropriation of the necessary amounts to provide additional resources for contract oversight, planning, and administration. That estimate does not include any costs or savings that could result from implementing the legislation's provisions regarding the use of noncompetitive and cost-reimbursement contracts. CBO has no basis for estimating any costs or savings for those provisions. Enacting the bill could affect revenues by increasing collections of civil penalties, but CBO estimates that any increase in revenue collection would not be significant. Enacting the bill would not affect direct spending.

H.R. 1362 contains no intergovernmental mandates as defined in the Unfunded Mandates Refonn Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in the awarding of contracts. CBO expects that the direct cost of complying with the mandate would fall well below the annual threshold for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1362 is shown in the following table. The cost of this legislation falls within all budget functions that provide contract funding.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	4,000	4,070	4,145	4,220	4,295
Estimated Outlays	3,440	3,900	4,090	4,165	4,240

Basis of estimate: H.R. 1362 would amend federal contracting rules and authorize the appropriation of additional funds for contract oversight, planning, and administration. CBO estimates that implementing H.R. 1362 would cost about $20 billion over the 2008–2012 period, assuming appropriation of the necessary funds. For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that spending will follow historical patterns for contract oversight activity.

SPENDING SUBJECT TO APPROPRIATION

Contract Oversight. Section 203 would authorize the appropriation of additional funds for contract oversight, planning, and administration equivalent to 1 percent of the value of contract awards. Those funds would be used for hiring and training of acquisition workforce personnel, as well as contract planning, administration, and oversight. Based on information from the General Services Administration, CBO estimates that federal government awards contracts with a value of about $400 billion annually. Thus, CBO estimates that implementing H.R. 1362 would require additional appropriations of about $4 billion annually (with adjustments for inflation). As a result, we estimate a cost of about $20 billion over the 2008–2012 period, assuming appropriation of the necessary amounts, and that the value of federal contracts increases at the rate of anticipated inflation.

Federal Contracting Rules. H.R. 1362 would amend various contracting rules regarding the use of noncompetitive, sole-source, and cost-reimbursement contracts by the federal government. This would include restrictions on the contract period for noncompetitive contracts and limiting the use of sole-source and cost-reimbursement contracts.

The provisions of the legislation that would impose restrictions on the length of noncompetitive contracts and limit the use of sole-source and cost-reimbursement contracts could increase costs for contract administration, but could also result in the use of other types of contract procurements that may lower costs to the government. CBO has no basis for estimating the net impact on the budget of those provisions. The circumstances involving the use of cost-reimbursement and noncompetitive contracts by federal agencies and the potential to use other types of contracts in those situations is often unique. At this time, CBO does not have sufficient information relating to the use of noncompetitive and cost reimbursement contracts to determine the magnitude of any cost or savings that could result from implementing H.R. 1362.

Other Provisions. The legislation also would require federal agencies to report to the Congress on noncompetitive and contractor overcharges. In addition, H.R. 1362 would require reviews and reports by the Government Accountability Office on the use of federal contracts. H.R. 1362 would amend employment restrictions on federal procurement officials. Based on the cost of similar activities, CBO estimates that those provisions would increase federal administrative costs by a few million dollars a year.

REVENUES

Enacting H.R. 1362 could affect federal revenues as a result of new civil penalties for violations of procurement employment restrictions. Collections of civil penalties are recorded in the budget as revenues. CBO estimates, however, that any change in revenues that would result from enacting the bill would not be significant.

Estimated impact on state, local, and tribal governments: H.R. 1362 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in government contracts awarded in excess of $10 million. The bill would expand an existing one-year restriction that would prohibit those officials from accepting compensation as an employee, officer, director, or consultant from contractors receiving such awards. The mandate would apply to those officials that leave government service after March 31, 2007, but before the date of enactment. The cost of the mandate would be the potential loss of net income resulting from the restriction on those former federal officials. Because the bill would limit the restriction on compensation to apply to lines of business directly related to the awarded contract, CBO expects the direct cost of complying with the mandate would be minimal and would fall below the annual threshold established in UMRA ($131 million in 2007, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, I urge all of my colleagues to oppose this closed rule and the well-intended underlying legislation which quite simply misses the mark and will be a huge net cost to taxpayers.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, to correct the record, the cost that the gentleman from Texas referred to was in section 203 of the bill. That section was deleted in the Armed Services Committee markup and is not in the base text.

Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, I thank the gentlewoman from Florida, and I thank her for her leadership on this rule and to get this bill to the floor so we can begin the big task of restoring accountability and oversight in our Federal contracting system.

I rise in support of the rule today and in support of H.R. 1362. I strongly believe we must restore the American people's faith in our government, and that is what this bill is about.

This bill will help stop the abuses of the Federal contracting system, a system that has deservedly come under fire recently, and sadly, whether it is in Iraq, Walter Reed, or many other places.

H.R. 1362 will increase transparency and accountability to help bring back the integrity to a system that has lost so much of the public's trust, and it is no wonder that we have lost so much of the public's trust when we have government auditors testifying that an estimated $10 billion in reconstruction spending has been wasted as a result of overcharging, poor tracking, and mismanagement by U.S. contractors. But this is not only an issue about waste, abuse and fraud, it is about getting the job done right and ensuring we have the proper people in place to help those who need Federal Government services.

Recent hearings brought to light an Army memorandum showing that the decision to privatize support services at Walter Reed was causing an exodus of "highly skilled and experienced personnel." And as a result, the "patient care mission are at a risk of mission failure," the memorandum continued.

So not only do we need to end the waste and ensure taxpayer dollars are being used wisely, we need greater oversight and accountability on the contracting decisions that are being made in the first place. And we need to tell these contractors that if they are going to get a contract with the Federal Government, they must play by the rules and they must fulfill their responsibilities in an effective and efficient manner.

Passing H.R. 1362 and the other bills that have been on the House floor this week are important steps in our effort to restore the faith in government that has been lost by the American people. I understand that additional legislation regarding contractor oversight and accountability is in the pipeline, and I look forward to working with this new Congress and chairmen of the committees of jurisdiction on this most important issue.

Mr. SESSIONS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is a costly bill. This is a bill that is an intrusion not only upon a system that works well, but it is also aiming at an unintended consequence, and that is it is not only going to be more expensive for the government to pay for those services that it wants to buy, but it is going to make it also more costly to the taxpayer in the amount of spending that takes place.

We think there could be better ways that this could be accomplished. I ask all of my Members to oppose this bill.

Madam Speaker, I yield back the balance of my time.

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

From day one, this new Congress has been working to restore accountability in Washington, including adopting fiscally responsible pay-as-you-go budgeting and fighting for higher ethical standards in government.

It is heartening to the American people, I know, that much of this has been done in a bipartisan way. And indeed, on this bill this morning, I anticipate that the House will follow the unanimous and bipartisan votes of the Oversight and Government Reform Committee and the Armed Services Committee.

As part of our ongoing effort to fight for fiscally responsible budgeting and higher ethical standards, this week I know, today, we will pass this legislation and this rule that changes the way that Congress and the Federal Government does business. It shines a bright light on how government operates. We will continue to answer the call of the American people for change and reform.

I urge a "yes" vote on the rule and on the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 20, as follows:

[Roll No. 154]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Brown (SC)
Brown-Waite, Ginny
Clay
Crowley
Davis, Jo Ann
Dingell
Fossella
Gerlach
Gohmert
Gutierrez
Kanjorski
Kind
Miller, George
Peterson (PA)
Radanovich
Saxton
Tanner
Westmoreland
Wexler

☐ 1105

Messrs. BOOZMAN, NEUGEBAUER, PICKERING, BISHOP of Utah and ROHRABACHER changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1362, the Accountability in Contracting Act.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentleman from California?

There was no objection.

ACCOUNTABILITY IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 242 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1362.

□ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume of the time that has been reserved to us.

The bill before us, H.R. 1362, the Accountability in Contracting Act, would increase transparency and accountability in Federal contracting, limit the use of certain types of abuse-prone contracts and promote integrity in the acquisition workforce.

Under the Bush administration, spending on Federal contracts has exploded in size. The Federal Government spent $175 billion more in Federal contracts in 2005 than it did in 2000, making Federal contracts the fastest growing component of the Federal budget.

The Federal Government now spends nearly 40 percent of discretionary spending on contracts with private companies, a record level. This surge in contract spending has enriched private contractors like Halliburton, but it has come at a steep cost to taxpayers through rising waste, fraud, abuse and mismanagement.

Spending on sole source and other noncompetitive contracts has more than doubled in the last 5 years. The administration has justified the awarding of these lucrative sole source contracts by citing urgent and compelling needs, but then they allow these contracts to continue years after the emergency has passed.

Cost reimbursement type contracts leave the taxpayers vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. But between 2000 and 2005, the use of this type of contract has risen by 75 percent.

The administration has also hidden contractor overcharges from Congress, international auditors and the public, impeding oversight and diminishing accountability. Too often, the independence of procurement of officials has been compromised by illegal relationships with government contractors.

Darleen Druyun, the former chief acquisition official for the Air Force, negotiated a lucrative deal to lease aircraft from Boeing in exchange for future employment. All of these problems have been compounded by an insufficient acquisition workforce to properly award and adequately oversee Federal contracts.

H.R. 1362 contains important provisions to rein in out-of-control Federal contracting. It would require Federal agencies to develop plans to minimize the use of the sole source contracts, and it would limit the duration of no-bid contracts issued in emergencies.

The bill would also require agencies to encourage the use of fixed-price contracts, which are not as prone to abuse as cost-plus contracts. This provision will allow the growth of contracts to give companies a financial incentive to increase their costs to the taxpayers.

When a sole source contract is awarded, agencies are required to prepare a justification and approval document to explain why full and open competition was not used to award the contract. The bill would require those documents to be made public.

The bill also promotes transparency in the acquisition process by requiring agencies to report to Congress when auditors identify over $10 million in questioned or unsupported costs. A big and growing problem with the Federal acquisition system is that it has a workforce that is too small and undertrained. The bill requires the administration to develop a comprehensive definition of the acquisition workforce and ensures that funds for training will continue to be available.

Finally, the bill includes revolving door provisions that close loopholes in the law, prohibiting contracting officials from negotiating employment for their relatives and establish a cooling off period before procurement officials can award or oversee contracts involving a former employer.

All of this is important legislation. This legislation alone will not do the job. We need, however, to continue our oversight, and Congress has already begun many oversight hearings in our committee and in other committees as well.

Members are starting to ask what went wrong and to insist on accountability. But this legislation is an important reform in the contracting area. I want to thank my ranking member, TOM DAVIS, and the chairman and ranking member of the Armed Services Committee for their hard work and efforts in reaching a bipartisan consensus on the bill before us.

□ 1115

The Accountability in Contracting Act makes sound commonsense reforms which will improve the transparency and accountability of the Federal acquisition system, and I urge Members to support the bill.

Madam Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to speak on H.R. 1362, the Accountability in Contracting Act, which was introduced by Government Oversight and Reform chairman HENRY WAXMAN last week. I want to thank the chairman for working with us.

This is not a bill that we are particularly enthusiastic about. We have very divergent views in the way we should go about contract regulation, but we both want the same ends. And I want to commend him for working with us, addressing some of our concerns as it moved through the committee process.

This bill would attempt to reform our acquisition system through a series of restrictions and reports geared towards greater regulation and oversight. More specifically, the legislation would limit the duration of contracts awarded under urgent conditions; require agency reports on minimizing the use of fixed-price and sole-source contracts; require additional reports to Congress on cost questions by auditors; and broaden the reach of current limitations on post-employment opportunities for our acquisition workforce, as well as limit the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities.

I want to thank the chairman again for working with me by including two provisions that we requested that are both intended to strengthen the Federal acquisition workforce through better training and management. The first would require the administrator for Federal Procurement Policy to come up with a government-wide definition for "acquisition workforce." This modification would help give Federal agencies a clear picture of the composition of their existing acquisition workforce and provide a baseline for the improvement of the human capital resource dedicated to the management of the acquisition workload. The second would make permanent the Acquisition Workforce Training Fund, which was first enacted under SARA, the Services Acquisition Reform Act, which I authored.

Last week our committee revised the introduced version of the bill by approving an amendment I offered to address the concerns I had with the bill's expansion of post-employment restrictions. While I wholeheartedly support the desire to promote integrity, transparency and accountability in government, I was troubled by certain provisions in the bill which sought to significantly expand current post-employment restrictions and curb the government's capability to take advantage of the valuable technical abilities and skills of former private-sector employees.

At a time when we need to be looking for ways to retain qualified acquisition personnel, too many of whom are approaching retirement age, while at the same time looking for effective ways to recruit new qualified people, the introduced version tried to instead impose new restrictions on these Federal employees. These restrictions would have had a detrimental impact on the executive branch's ability to recruit and retain the brightest and the best personnel for the acquisition workforce, something we can ill afford.

Our amendment shortened the bill's 2-year post-employment restrictions on contracting officers to 1 year and provided for a waiver of the restrictions on the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities. My amendment also shortened the duration of the activity restrictions from 2 years to 1 year. While this language goes part way toward addressing my concerns about the negative effects such restrictions have had on the Federal Government's ability to recruit, hire, and retain the skilled acquisition workforce, I continue to have the same concerns.

The bottom line is that there are too many good people working for this government for us to pass onerous restrictions based on the misdeeds of a handful of employees. We need to promote the natural churn of employees between the public and private sector, instead of trying to stymie it. We can't, on the one hand, bemoan the quality of contract management, while on the other, create more obstacles to getting the people that we need to do the job.

In addition to the changes we made in committee last week, I am pleased to see the text of the bill that is on the floor today includes the good work of the Committee on Armed Services. That committee made significant improvements and clarifications to the underlying bill. The Armed Services Committee toned down some of the rhetoric in the bill. For example, by changing terms like "limiting the abuse of abuse-prone contracts" to "improving the quality of contracts."

More substantively, the Armed Services Committee raised the threshold of the report on preliminary audits of contractor costs from $1 million to $10 million. Nonetheless, I remain concerned a report like this, even at the higher threshold and the limitation to significant contractor costs, still presents a distorted and incomplete picture of the management of cost-type contracts. Contract auditors are critical cogs in the management system. They write audit reports which are submitted to aid the contracting officer in making his final determination whether particular costs are reasonable and consistent with applicable law and the contract terms and, therefore, permitted or what we call "allowable under the contract." It is the outcome of the oversight process, not just the first phase, that we should be reviewing. If we want an accurate picture of costs actually billed to the government which the contracting officer determined the government will not pay, the unallowables, then we might learn something. But that is not what this bill does. The bill would only burden agencies with another meaningless reporting requirement and, I might add, add fodder up here for Members to take this review and make something of it that is probably not accurate.

Each year our Federal contract professionals use the acquisition system to purchase almost $400 billion worth of goods and services, ranging from paper clips to advanced weapons system, from sophisticated information technology and management services to grass cutting and window washing. Recent reforms, culminating in our Services Acquisition Reform Act of 2003, have modernized the way the government does business with the private sector. No longer is our government laden with inflexible, timely, and costly acquisition systems. Legislative efforts over the past decade have provided many of the tools necessary for our acquisition professionals to get the job done.

Unfortunately, the Federal acquisition system has been under stress in recent years because of the extraordinary pressures of a shrinking workforce, combined with the unprecedented Hurricane Katrina disaster relief and recovery efforts, the enormous job of managing contractors who provide logistical support for our troops in Iraq, and overseeing the daunting task of building an Iraqi infrastructure. To no one's surprise, this strain has resulted in a series of management problems that have been exaggerated by the press and exploited by opponents of the system.

Nevertheless, the system has worked pretty well, and the vast majority of the government's acquisitions have been conducted properly. The problems have largely been the result of management difficulties exacerbated by an overburdened and understaffed workforce, combined with improper actions by a handful of officials.

Frankly, Madam Chairman, I don't think that controls, reports, procedures and restrictions in this bill will go very far in addressing the challenges that face us today. Reverting to the bloated system of the past, weighted down with a process-oriented system doesn't help the government acquire the best valuable goods and services the commercial market has to offer and our government so desperately needs in a timely manner. Reverting to the past, under the rubric of fraud, waste and abuse and cleaning up the system may provide flashy sound bites and play well back home, but it doesn't give us the world-class acquisition system that we need to compete in the 21st century.

We have put the current system to the test in some of the most difficult environments imaginable: Hurricane Katrina reconstruction and Iraqi logistics and contracting and reconstruction. The failures which occurred have been rooted in the inadequacies of management and implementation.

And yet the Rules Committee, in looking at the Armed Services Committee report and ours, took out the provision that had the 1 percent additional funding for some of the management and implementation dollars that could have gone into training.

As legislators, we should resist the temptation to micromanage our acquisition system based on unproven anecdotes of failure and misconduct. More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and manage the subsequent performance.

Why should we force the taxpayers and private entities to undergo unreasonable burdens so politicians can reap short-term gain at the expense of crippling an already overburdened acquisition system and workforce?

It is for these reasons, Madam Chairman, we find this bill has sufficient shortcomings. These shortcomings are shared by the administration in their statement on administration policy in the ITAA, and I will discuss those as the debate goes further.

Finally, let me just say, this country, over the years, has had the debate over what is the appropriate role of oversight, how much is too much. But we need an acquisition system that works. And sometimes we spend so much in our rules and regulations, making sure somebody doesn't steal anything, that they can't do much of anything else either; and we get a system that is burdened and that does not create the efficiencies that we need to more forward. Once again, one of the greater issues that divide the chairman and myself is our philosophies on contracting. But I want to just commend him for working with us on this bill to try to get to where it is today. I know this is important to him.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I am pleased to yield 4½ minutes to a very important member of our committee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chairman, I rise today in support of H.R. 1362, the Accountability in Contracting Act, which I have cosponsored, because we have an obligation to be good stewards of taxpayer dollars.

I am simply appalled by the reports of pervasive waste, fraud and abuse in government contracting.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I led a hearing back on January 30 on the U.S. Coast Guard's troubled $24 billion 25-year-long Integrated Deep Water Systems Project.

The project was supposed to modernize the Coast Guard's aging fleet, but a series of failures by contractors and poor oversight by the Coast Guard have wasted millions of taxpayer dollars instead.

In one of the more disturbing examples, the modernization of 49, 110-foot patrol boats was halted when the hulls of the first eight modernized boats cracked upon being sent out to sea.

In the Committee on Oversight and Government Reform and in the House Armed Services Committee, we have consistently heard reports of waste, fraud and abuse in Iraq contracting. Examples include: a report from the Iraq Special Inspector General, Stuart Bowen. He found gross mismanagement in a $75 million contract awarded to Parsons Corporation to build the largest police academy in Iraq. According to the report, the police academy was so poorly constructed that feces and urine rained from the ceilings into the barracks of students, floors heaved inches off the ground and cracked apart, and water dripped so profusely in one room that it was dubbed "the rainforest."

Investigators fear that, with its structural integrity in question, the academy is beyond repair, and public health concerns are being raised.

Unfortunately, this scenario is not unprecedented. In total, Pentagon auditors have identified $3.5 billion in questionable and unsupported costs in Iraq reconstruction contracts. For one Halliburton contract alone, its $16.5 billion logistic civil augmentation program, the Defense Contract Audit Agency, identified $1.1 billion in questionable costs.

Halliburton whistleblowers have shed light on the company's deceitful practices, reporting that the company paid subcontractors up to $45 for a case of soda and $100 for a 15-pound bag of laundry.

And the IG in the past has reported that Parsons, despite spending $186 million of a $500 million contract to build hospitals and health clinics, has barely gotten the project off the ground, with just 20 of the 142 clinics completed. The list of such atrocities is endless.

Last Monday we visited Walter Reed Medical Center for a field hearing of the Oversight and Government Reforms Committee's Subcommittee on National Security and Foreign Affairs to investigate reports that substandard treatment is being provided to our troops and veterans. There, too, contracting played a role.

It appears that wherever we find failures in government these days, contractors are sure to be involved. We have consistently been told by this administration that privatization of critical government functions would cost less. But instead it has been both costly and ineffective.

We need accountability in contracting. We need the Accountability in Contracting Act. This vitally important legislation would institute critical reforms, including limiting the length of non-competitive contracts, minimizing no-bid contracts, minimizing cost-plus contracts, ensuring public disclosure of justification for no-bid contracts, disclosing contractor overcharges, funding contract oversight, and closing the revolving door.

□ 1130

Mr. Chairman, I want to applaud you for doing such an outstanding job on this legislation. And I strongly urge my colleagues to vote for H.R. 1362, the Accountability in Contracting Act.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, I yield to the gentleman from Tennessee (Mr. DUNCAN) for a unanimous consent request.

Mr. DUNCAN. Madam Chairwoman, I rise at this time to request unanimous consent to place a statement in the RECORD in regard to H.R. 1362.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Madam Chairman, I rise in support of this bill, and I thank all who have worked to bring this legislation to the floor today.

I wish the bill went much further, but there are so many former Federal employees working for Federal contractors now, and so many present Federal employees who want to some day hitch on to this lucrative Federal gravy train, that the pressures against reform are tremendous.

Unfortunately, almost every Federal contract is a sweetheart or insider or friendship type deal. Almost all Federal contractors have at least one or usually several former Federal employees working for them.

Defense contractors are the prime examples. The International Herald Tribune had an article a year and a half ago describing what it called the revolving door at the Pentagon.

It said the top 20 defense contractors had hired over 300 retired admirals and generals during the 90s.

But this type of thing is rampant throughout the Federal Government.

Now I am not against the Federal Government contracting out many functions.

Usually, or often, the Federal bureaucracy is so wasteful and inefficient that Federal contractors can do things better or cheaper, even while making huge profits.

But some of the markups on contracts in Iraq have been mind boggling. I believe fiscal conservatives should be the ones most upset about some of the ripoff deals in Iraq.

Be that as it may, this bill helps highlight what has become a serious abuse of power, and abuse of the taxpayer, and this is a good start toward correcting this problem.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

The administration strongly opposes H.R. 1362, which would impose a new statutory ban on how the government uses acquisition personnel and would restrict the executive branch's ability to determine the appropriate funding for acquisition workforce functions.

That is what they say on their statement on administration policy. We also note that other provisions would impose burdensome statutory requirements that overlap with more efficient administrative efforts to strengthen the use of competition and reduce fraud, waste, and abuse.

The administration also feels that this legislation would limit the Federal Government's ability to tap technical expertise of Federal employees who are former contractor employees.

Frankly, we need the best and the brightest overseeing these contracts. As I take a look at contracts that have failed, a lot of it is due to the fact that we have not had appropriate oversight within the executive branch, and being able to get the best and the brightest is a very, very critical component to this. These restrictions, the administration feels, would lower the quality of procurement, solicitations, and analyses and would significantly harm the executive branch's ability to recruit and retain the experienced procurement officials from the private sector to close skill gaps and strengthen the overall capabilities of the acquisition workforce.

The administration also is concerned with the new requirement in the bill that would impose exhaustive quarterly reporting on every significant contract management deficiency at the contractor and subcontractor levels. This requirement will interfere with agencies' abilities to address and resolve contract performance problems in a timely manner.

The Information Technology Association of America in Arlington, Virginia says: The Association joined with other members of the Acquisition Reform Working Group in pointing out flaws in H.R. 1362, while saying that such significant legislation deserves the same light-of-day and careful consideration as do the major government contracts that the majority seeks to control.

They note that the title of the bill alone mistakenly implies a lack of accountability for government contractors under current law. Their president, Phil Bond, notes that "to the contrary, there is already abundant chapter and verse to bring best value to government and to protect the interest of taxpayers. What is really needed is better application of existing regulations by a fully staffed professional Federal acquisition corps working with responsible government contractors."

The letter also points out to committee leaders that many of the contracting issues now being addressed are "symptoms of the shortages of manpower and training for adequate contract management." And they note that "the government can't retain personnel and fill existing job openings in the acquisition workforce."

They also joined the working group in taking issue with the sections of the bill regarding disclosure of government contractor overcharges. While agreeing that the proper use and oversight of government contracts is paramount, they dispute any need for quarterly reports to Congress on contract charges that are adjudicated by the Defense Contract Audit Agency, the DCAA. They note that these are unnecessary provisions and would force significant investment and government resources and additional burdens on acquisition personnel. So the ITAA comes out against it.

They also note that another section of the bill that seeks more restrictive cost reimbursement-type contracts is also unnecessary and potentially harmful. They note that such contracts typically are used when uncertainties and risks are high, as in emergency situations, and development programs when it is not feasible to set a fixed price for the work required. The Federal Acquisitions Regulations, the FAR, already establishes detailed criteria for proper selection of contract type, including limitations on the use of cost-type contracts "for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to suit any type of fixed price contract."

Madam Chairwoman, if we want to fix the Federal contracting system, the appropriate way is to hire, train, retrain, and pay well our acquisition personnel so that they have a toolbox of acquisition options to use to get the best deal for the government in every case, get the best value for the government. The taxpayers' dollars are at stake here, and their role ought to be to make sure the taxpayer dollars are spent most efficiently.

Adding burdens and layers and layers of regulatory reports do nothing to help that situation at all, and in many cases it can be very misleading as these burdens come out and we start taking out DCAA reports that have nothing to do with final adjudications of how these work. We already, by the way, have access to that information in Congress. What we don't have access to information is, and one of the things we would have liked to include, is to take final adjudications on costs that were deemed allowable and see what those costs are per contractor. That could have helped us in ferreting out which contractors are using these items. But this legislation does little to remedy those situations, unfortunately.

Madam Chair, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I recognize and yield to a very distinguished member of our committee, the gentleman from Illinois (Mr. DAVIS) for 3 minutes.

Mr. DAVIS of Illinois. Madam Chair, I want to thank Chairman WAXMAN for yielding.

I have always been told that one of the basic responsibilities of management is to effectively manage and account for the resources of the corporation, of the country, of the business. And, of course, in this instance we are talking about the United States Government; and all of us are shareholders, are stakeholders.

And I must confess that when I look at the record of our chief management team, we have come up woefully short. We have seen raw examples of waste, fraud, and abuse: no paper trails, no real rationale for why a contract or contracts were let.

And I want to commend Chairman WAXMAN for effectively laying out a bill of particulars against these current practices. The hearings that were held on contracting accountability were so revealing. As a matter of fact, much of the information that we saw, we just couldn't believe in terms of contracts that were let and nobody could tell what had happened as a result of the contract, what was the work that was done, who did it.

This legislation will limit the length of noncompetitive contracts, minimize no-bid contracts, maximize fixed-price contracts, require public disclosure of justification of no-bid contracts, disclose contractor overcharges, and promote ethics in procurement which is so important.

Every dollar spent by this Government should get maximum return for the shareholders. We have not seen that in our contracting policies and practices. And I commend the chairman not only for the oversight but also for the corrective action which we are about to take today by passing this legislation.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, may I inquire as to how much time is left on each side?

The CHAIRMAN. The gentleman from Virginia has 14½ minutes; the gentleman from California has 17 minutes.

Mr. WAXMAN. Madam Chair, I would like to now yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of our committee.

Mr. SARBANES. I thank the gentleman from California for yielding his time.

I rise to strongly support H.R. 1362, the Accountability in Contracting Act, and I want to thank Chairman WAXMAN for his leadership in shepherding this bill through to the floor.

This will establish a structure that will rein in the abuses in government contracting that we have been having hearing after hearing about over the last few weeks. By putting emergency no-bid contracts into position where they are limited to 1 year, requiring agencies to develop plans to try to limit the number of those contracts, and also to promote fixed-price contracts instead of cost-plus contracts, we can promote much more transparency in the way these contracts are let.

One particular way in which these emergency no-bid contracts can be exploited came to our attention during a hearing, and that is, often the cost structure is not put in place for some time after the contract is let under emergency conditions. This allows the contractor to front-load a lot of costs that can be very difficult for the auditors to come in and question later. And so in limiting the number of no-bid contracts and emergency contracts that are let, we can discourage that kind of activity.

Madam Chairman, the administration is really engaged over the last few years in sort of a two-step shuffle that seeks to discredit good government, and bad contracting gives a bad name to good government.

On the one hand, what they have done with many of our Federal agencies is they have cut resources. That makes it more difficult for good Federal employees to do their job, and they point at that and then they say government doesn't work. And on the other hand, they have this impulse to outsource and contract things to the private sector in situations where that may not be warranted, without any accountability or oversight. And then, when things go wrong, they point to it and they say, see, government doesn't work.

There are going to be times when we have to outsource things, when we have to procure services from the private sector. At a very minimum, when we do that, we need to make sure that it is done with transparency and accountability. If we do that, we can restore faith in the notion of good and accountable government.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

Let me start by saying we all want to limit the use of no-bid contracts. These go back of course to the Revolutionary War, where the troops were marching and they needed food and there is one farmer around. And you can't go out to bid to see who is going to sell you the lowest corn; you take what is there. But they should be limited, because competition is the cornerstone of our contracting system.

Let me go through some of the assertions that are made in support of the bill and give my thoughts.

Assertion one is that spending on sole source and other noncompetitive contracts has more than doubled over the last 5 years. And although spending has increased significantly over the last 5 years, it is due largely to 9/11 and Katrina. The total dollars competed is a percentage of total dollars available for competition. It has remained relatively constant between fiscal years 2001 and 2006, between 61 and 64 percent, according to the FPDS.

This notwithstanding, the Office of Federal Procurement Policy Administrator will be seeking to help in the leadership of the CAOs to reinvigorate through administrative means the use of competition and related practice for achieving a competitive environment. The role of competition advocates should be revived, with special emphasis on planning and execution in the management of hard-to-task and delivery orders.

There is an assertion that over the last 5 years the administration has jeopardized taxpayer interests and squandered hundreds of millions of dollars by giving private contractors exclusive control over huge portions of the reconstruction efforts in Iraq.

Frankly, DOD is giving increased attention to contingency contracting, including training for acquisition and program personnel and standard operating procedures. The Department of Defense and other agencies have recognized the need to increase the number of prepositioned, competitively awarded contracts to address contingencies. Also, the Department of Defense has several audit agencies including the Defense Audit Agency and Defense Contract Management Agency working in theater to monitor the contracts and resources.

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Another assertion that comes from the other side is that this administration has justified the award of lucrative sole source contracts by citing urgent and compelling needs but then allowed these contracts to continue years after the emergency has passed.

The Chief Acquisition Officers Council, the CAOC, has established an Emergency Response and Recovery Working Group to improve access to information that can assist the acquisition workforce in planning for and addressing emergencies. The working group created a community of practice Web site, accessible at http://acc.dau.mil/emergencyresponse, so that agencies can share information about their policies and procedures, their best practices, their training resources, and other information of interest. For example, the site provides a link to the Emergency Acquisition Field Guide developed by FEMA so other agencies can learn about and adopt, as appropriate, practices employed by FEMA for performing specific assignments or functions in an emergency acquisition environment.

The emergency response and recovery Web site includes a list of interagency contracts that offer the types of supplies and services that were required by agencies to address disaster recovery for Katrina and 9/11, such as communications equipment, fuel and transportation, pharmaceuticals, portable shelters, generators, tarps, bottled water, and emergency meals. The GSA has established a disaster relief and emergency preparedness homepage that provides a quick reference guide to offerings on its Multiple Award Schedules that can be suitable for addressing readiness, intervention, counteractive solutions, or post-emergency logistics.

Another assertion is that cost reimbursement-type contracts leave the taxpayer vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. Between 2000 and 2005, the use of this type of contract has risen 75 percent.

Frankly, according to the FPDS again, the total government spending on contracts has increased considerably, roughly at the same percentage as the increases in cost-type contracts stated above. From fiscal year 2000 to fiscal year 2005, total spending increased from $219 billion to $380 billion.

But cost-type contracts play a useful and necessary role in contracting when uncertainties involved in contract performance don't permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract. And the contractors get caught on these many times when they move ahead and they estimate it to be one thing and then the needs of the contract change and they end up having to advance costs. So cost-type contracts in these types of situations are proven useful, but they are only good when they get the appropriate oversight from the procurement officers. And we don't address that underlying issue in a significant way in this legislation.

Agencies such as NASA rely on cost-type contracts for critical R&D work, such as planetary science and exploration missions, systems development operation support in physical engineering, and life sciences. In the early 1980s, there was a push towards fixed-price contracts for R&D to address failed major programs, cost overruns. But ultimately Congress passed legislation requiring a secretarial approval for contracts over $25 million. DOD regulations preclude award of a fixed-price contract for a development program unless the level of program risk permits realistic pricing and the use of a fixed-price type contract allows an equitable and sensible allocation of program risk between the government and the contractor.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Chair, I want to, first of all, thank the gentleman for yielding.

I rise in strong support of H.R. 1362, the Accountability in Contracting Act. This is contract reform legislation that was reported favorably out of our Oversight Committee by unanimous consent, and I think that speaks to the merits of this bill. As a result of the hard work of Chairman WAXMAN and Ranking Member DAVIS, this is a good first step in bringing accountability to contracting practices in our government.

By minimizing the use, as others have said, of the abusive no-bid contract practice, we will reintroduce competition into this contracting protocol used by our government. As well as limiting the use of cost-plus contracts, we will strengthen the reporting and disclosure requirements for contract overcharges and increase funding for contract oversight personnel. H.R. 1362 will address the glaring weaknesses in our Federal procurement system that have caused considerable waste, fraud, and abuse of American taxpayer dollars.

The need to reform Federal contracting law has been with us for some time and demonstrated, I think, glaringly during our series of contracting hearings in the House Oversight Committee, as we continue to examine a variety of misguided and poorly managed, poorly designed, and extremely costly Federal contracts that have been issued.

In the area of Iraq reconstruction, where we have spent a lot of time, we have learned from William Reed, the Director of the DCAA, the Defense Contract Audit Agency, of more than $10 billion, 10 billion with a "b," in questioned and unsupported costs related to our Iraq reconstruction and troop support contracts. In addition, based on updated data provided to the committee by DCAA, we know that Halliburton's three massive cost-plus contracts alone are the source of at least $2.7 billion in questioned and unsupported billings. And until recently, unfortunately, we have not had auditors on the ground in Iraq. The DCAA did not have contractors on the ground to review these contracts. They were auditing these contracts from Alexandria, Virginia. We have changed that process and put people on the ground.

In the area of homeland security, we recently examined the Department of Homeland Security's $24 billion contract to modernize the Coast Guard's aging fleet and the $30 billion SBInet contract to design and implement a modernized border security plan. Based on thousands of pages of documents provided by DHS to our committee, we have learned that the Department's oversight of these massive contracts is severely limited by what they call the "prime integrator" contracts. These prime integrator contracts vest the government oversight responsibility in program design and construction to contractors to do this very work. In addition, we came to find out the Department had actually contracted out oversight functions that it had retained under the contract terms.

This is a good first step. And I want to give great credit to Chairman WAXMAN for his good work and also Mr. DAVIS for building compromise in this, and I think that the American taxpayers will be better served by the result of the work of these two gentlemen.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I would like to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I thank very much the gentleman's yielding and for his extraordinary leadership on protecting taxpayers' money by better oversight of our contracting policies. And I congratulate former Chairman DAVIS and Chairman WAXMAN on the Accountability in Contracting Act that we are passing today.

I feel so strongly about it because if we really manage our dollars better, then we will have more dollars for the services that we need for our people. And I urge all of my colleagues and all of my constituents and really the listening public to read this excellent report that has come out from the Oversight and Government Reform Committee on "Dollars, not Sense: Government Contracting Under the Bush Administration." And it shows that sole source contracts have absolutely ballooned. They have grown dramatically from $67 billion in 2000 to over $145 billion in 2005. These are contracts that only one person gets. It is as if I handed you a lollipop. It is giving someone billions and billions of dollars, and I believe there are many talented businesses, many talented individuals in this country that should deserve the right to compete for these contracts.

This bill makes it easier for them to compete and, I believe, will save taxpayers dollars by the billions. It says if we give Halliburton or some other company a sole source no-bid contract worth billions and billions of dollars, then they have to tell us why we should give it to them. They have to file a document called the Justification and Approval Document. That is the least that we can do for the American taxpayer, to build in some transparency and some accountability. It also has many other important reforms in it.

But I must say of all the areas of mismanagement, contracting may look dull, but it is billions of dollars that if we were better stewards, we would have those dollars for education and health care.

I commend the chairman for his leadership on cracking down on this waste, fraud, and abuse and really shoddy mismanagement that has ballooned into billions of sole source contracts.

If you read this report, it is really chilling.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the distinguished majority leader of the House of Representatives (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the chairman for yielding. I thank Mr. DAVIS for his work on this legislation. And I rise in strong support.

I want to commend the chairman on the Committee on Oversight and Government Reform, Congressman WAXMAN of California, for his hard work and leadership on the five, not just this bill, but on the five government accountability and transparency bills considered on the House floor this week. This has been a very significant week for transparency, openness, and accountability in government, and I commend the chairman for his actions and the committee for its.

It is no mere coincidence that the four bipartisan bills we have considered so far have passed with an average of 340 votes, including on average 112 Republican votes for every one of these four and now fifth reform bills. So there is not a narrow partisan agenda here. What the committee has been bringing to the floor are bills broadly supported because we know that transparency and accountability in government have not been the norm. We need to restore the public's faith in its government.

In fact, there is a clear demonstration of the new Democratic majority's commitment to change the way business is done in Washington, to restore accountability for government practices and congressional oversight and to reach bipartisan consensus when possible. The four bills included measures to increase public access to government information by strengthening the Freedom of Information Act. After all, this information is gathered by taxpayer dollars.

To provide whistleblower protection to Federal workers who specialize in national security issues. To nullify an executive order issued by President Bush giving former Presidents and Vice Presidents broad authority to withhold presidential records or to delay their release indefinitely. The public has a right to know, and this legislation facilitates the redress of that right.

Lastly, to require the disclosure of donors to presidential libraries so there cannot be secret, very large contributions to Presidents before they leave office.

It should be noted that the first three measures passed overwhelmingly despite veto threats from the White House that apparently does not want openness or accountability or transparency.

All four bills are reasonable, prudent, and consistent with our Nation's democratic values and openness and accountability.

The legislation before us today, the Accountability in Contracting Act, is equally important. In short, this legislation would instruct Federal agencies to minimize the use of no-bid contracts. Why? Because we want lowest prices. How do we get lowest prices? By competition. That is the free enterprise system. This bill says let us pursue the free enterprise system.

It would promote the use of cost-effective, fixed-price contracts and limit the duration of no-bid contracts awarded in emergencies to 1 year.

This bill also would require the public disclosure of the rationale for using no-bid contracts and require agencies to report to Congress on contracts on overcharges.

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Madam Chairman, it is unfortunate, but true, that problems in government contracting have arisen again and again during the last 6 years, and indeed before that, from the $2.4 billion, however, in no-bid contracts for Halliburton, that soon-to-be Dubai company based in Dubai, to the failed contracting in the aftermath of Hurricane Katrina.

Furthermore, Madam Chairman, it should be noted that spending on no-bid contracts has more than doubled under the Bush administration, even as hearings have exposed a pattern of reckless spending, poor planning and ineffective oversight by Federal contract officials.

This legislation, like the other four bills brought to the floor by Mr. WAXMAN considered this week, will help us begin to restore accountability and transparency to government. The American people expect and deserve no less.

This is a new day in this new Congress. The days of hear no evil, see no evil, speak no evil are over. This Congress embraces its constitutional responsibility to conduct real, meaningful oversight, as well as our value of openness and transparency.

Two days from now is St. Patrick's Day. The Taoiseach, the Prime Minister of Ireland, will be at lunch just a few feet from here any minute. Honor St. Patrick; vote green on this accountability legislation.

Mr. TOM DAVIS of Virginia. Will the gentleman yield for just one comment?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Let me just note that on the bills on the Presidential records, the library, the whistleblowers, Mr. WAXMAN and his staff have worked very well with us. And the record should show that the reason we got such big bipartisan majority was their willingness to bend back and our ability to work back and forth. And I want to, again, commend him.

We have other differences on this bill which is close to my heart that I think he understands and we understand; but even here they have worked with us. And I think the record should note that they have gone out of their way and we appreciate that.

Mr. HOYER. Reclaiming my time, I want to say that I spoke a lot about accountability and the lack of accountability in the last Congress, and in my opinion, the two Congresses before that. The chairman of the Government Reform Committee was one of the few chairmen, in my opinion, in the last Congress who undertook some oversight responsibility, and I commend him for that. I think we need to go further; we are going further; but I commend him for his recognition that oversight is a critical responsibility of this Congress, just as the referee is a critically important component of any football game or basketball game.

So I thank him for what he has done in the past. I thank him for his cooperation in working with our chairman on the three bills that we passed this week so far, and I would hope that we can pass this bill. If we make it better in conference, that's fine; but this is a good bill and an important bill, and I thank the gentleman for his efforts.

Mr. TOM DAVIS of Virginia. I yield myself 1 minute to note again the reason for the rise in sole-source contracts has been emergencies like 9/11 and Katrina, under which the exigencies which government is faced with at that point to meet in a timely manner doesn't allow you to go out in these cases for a wide swath of bids. But I think we share a common desire to bring more competition into government contracting.

I also want to note that at our committee hearing on February 8, the Inspector General, Richard Skinner, testified that the government's greatest exposure to fraud, waste and abuse is undoubtedly in the area of procurement. As already pointed out by members of this committee, he notes, the problem is not a new one. It dates back to the Federal Government's nearsighted policies in the early 1990s to reduce the Federal workforce. While acquisition management capabilities were being downsized, the procurement workload was on the rise.

I hope to continue to work with the gentleman as we focus on this acquisition workforce and give them the tools they need.

Mr. WAXMAN. Mr. Chairman, I am pleased now to yield 2 minutes to a new member of our committee, but who has been a valuable member and raised a great deal of concern about these issues, the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise today to simply thank Chairman WAXMAN and many of his compatriots on the other side of the aisle for giving us this week.

If you want to know why there are so many new Members in this Chamber today, it is that there have been a lot of people in this country who have been waiting for this week.

You know, we sit around and we wonder sometimes why we feel this disconnect between the people out there in the American public and their government. Well, there is a sense on their behalf that the government somehow exists separate from them, that it is an entity that is wholly divorced from what is happening out in the real world, and that government has ended up setting its own rules that don't really have applicability to their own lives and how they manage their own existences.

And I think the issue of how we have gone about contracting, whether it be for this war or for other domestic and foreign endeavors, is a perfect example of how we have broken down that contract between government and its people. They look to the $100 billion in no-bid contracts, many of which going to companies that didn't need any more help. They look at Halliburton and other companies like it get rich while local programs that help people in the communities, middle-class working families with health care and education wither on the vine. And I think they look with a renewed sense of faith and optimism to this House, not just this week, but in how we have gone about keeping their money and regaining their faith.

It started on the first day when those of us who got sworn in were lucky enough to cast a vote in favor of new budget rules that will make sure that we keep better track of the money that comes in and don't rack up record deficits. And it continues today, Mr. Chairman, with a renewed commitment to responsible contracting.

I am happy to be standing next to my new chairman, Mr. WAXMAN. I am happy to be here today in our process of restoring that faith in the government that our people have lost.

Mr. TOM DAVIS of Virginia. I would yield 2 minutes to the gentleman from Ohio, a member of the committee, Mr. TURNER.

Mr. TURNER. Thank you, Mr. DAVIS.

Yesterday I was on the House floor as part of the discussion concerning the Freedom of Information Act amendments and as we discussed the issue of the dedication of this week of open government.

Open government is an important issue because it is one that we all know that by being dedicated to information being available to the public, we can hold our government accountable. Unfortunately, we have an irony once again happening on the House floor, and that is that today's bill that we are considering is one that went through committee, Government Reform Committee, which I serve on, and the Armed Services Committee, which I serve on, and went through hearings where there were amendments that were provided and Members were able to participate. But this bill today is not the bill that came before those two committees. It has been amended in some backroom deal that we are all decrying here on the House floor, with language that has not been through the committee or the subcommittee. If the public were looking at this bill as it went through those two committees, they would not find that this language matches that which went through the committees. Certainly, as we dedicate ourselves to open government, we should dedicate ourselves to a process where the bills that are here are available and open to the public and the members of these two committees.

Mr. TOM DAVIS of Virginia. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman has 6½ minutes remaining.

Mr. TOM DAVIS of Virginia. I yield 5 minutes to the gentleman from California, the ranking member of the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. I thank the gentleman.

I am going to speak a little bit during our section on this bill, but I just wanted to invite the majority leader, Mr. HOYER, to come back down to the floor and to talk a little bit about the statement that he just made to the effect that there hasn't been any oversight over the last several years.

I am reminded of our teams that left the Armed Services Committee, went out to the companies that were up-armoring Humvees, started to move that schedule to the left, that means getting those Humvees quicker to the troops; and when they were told that there was a steel shortage, moving to the steel mills, finding out what the problem was. When they were told it might be a problem with too many shifts or not enough shifts with union employees, meeting with union employees, getting those shifts put on line, getting that steel produced, getting it to the Humvee factories and moving it out to the field.

I am also reminded of the times when we moved ahead quickly with what the gentleman has criticized as sole-source contracts when our troops in the field didn't have any dismounted jammers. That means the ability to stop an electronic signal that fires off a roadside bomb that hurts our troops. This committee moved quickly to give the Secretary of Defense the ability to waive all acquisition and competition regulations so you could do one thing, get equipment that protects our troops to the battlefield quicker. And we did that in terms of the first dismounted jammer that we produced, something that a marine or a GI could carry on a patrol that would keep a bad guy from detonating a roadside bomb that could kill him or his squad. Using this new system instead of the old system, we were able to, R&D, build in the United States and move into the warfighting theater 10,000 jammers for our troops within 70 days.

Now, the system that the gentleman is wedded to and loves so much, the slow system, the system in which you have interminable appeals, in which you have competitions that take months and months, sometimes years, is now working on the next generation of portable jammer. It has been a year, and we don't have that jammer fielded yet for troops in a portable fashion.

So I would just say to the gentleman who has been criticizing the contractor corps, 389 American contractors have been killed in this war so far, in this war against terror. They are great people, probably some of them from the gentleman's district. And the idea that he is trying to offer to this body, which I think is smart enough to reject that idea, that somehow there was no oversight in the theater, and by making these fairly minor changes, and these are fairly minor changes, we marked them up, they are nips and tucks in the oversight system. Somehow the judgment of the thousands of people who oversee our contracts around the world will now go from bad to good. That is obviously in great error. In fact, the same people are in place administering contracts; the same people are risking their lives in Iraq and Afghanistan to support our warfighters. And by and large, they are doing an excellent job.

And we are going to get into later, into the added restrictions that the majority has placed on people who are participating in contract decisions, participating in a broad category called "administering" and the vagueness that attaches to that that might make a person civilly liable if they walk into the wrong meeting at the wrong time and they are ultimately prosecuted or fined civilly for making that mistake.

You know, we have great members of our staffs in the Armed Services Committee and indeed in all the committees in the House of Representatives. We shouldn't put a more onerous burden on the people that work in the rest of government than we would put on our own staff.

And I would say to my colleagues, one thing you have got to have when you have penalties, whether they are civil or criminal, that attach to action, you better define the action and you better define it clearly enough that staff members know exactly what they are doing and know exactly where the line is so they don't cross that line.

And let me just finish by saying that the gentleman from Maryland (Mr. HOYER), who I consider to be a friend, has done a real disservice to the great men and women who serve in a contracting capacity for this country by implying that somehow they haven't been doing their job and somehow the committees of this Congress have not been doing their job in this war against terror.

I thank my friend from Virginia for yielding me a couple of minutes.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time is left on each side.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes, and the gentleman from Virginia has 1½ minutes.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

I want to acknowledge the fact that Chairman TOM DAVIS did more as the chairman of our committee in doing oversight than any other Chair in the House. We did do a lot, but the other committees did not. They didn't want to do oversight. It was as if the Republican leadership of the House decided that if they did too much oversight, they might find embarrassment to this administration.

Well, it looks like this administration would now like to keep us from getting embarrassing information about them because they don't like this bill. Oh, we have to give too many reports to Congress; there has to be too much transparency; it is burdensome to have to be open about these contracts. But the fact of the matter is we are spending an incredible amount of money on these outside contracts. And from what we have seen, our taxpayers are not being protected from waste, fraud, abuse and corruption. Just look at what went on in Iraq. Halliburton had contracts for logistical purposes, to restore oil. We were told we needed them to get a contract without any competition because they are the only ones, this is what we were told in the very beginning when we asked why did we get this contract in Iraq with no other competition.

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We were told, Well, they are the only ones who know how to put out the oil well fires when we go to war. And so they got a contract without competition on a cost-plus basis even though they had a history of overcharging the taxpayers. And then later we found out that they didn't do anything about putting out oil well fires in the first Gulf war; it was Bechtel, not Halliburton. We were told it was civil servants who had done it in giving this award to the contractor. But then we found out it was the political people who did it.

Halliburton was given special treatment. Other contractors were given special treatment by not having healthy competition. Competition benefits the consumer. When the government is the payor, the consumer, we are deprived of what market forces can bring. So these contractors got no-bid contracts.

I made a proposal on the House floor when we had one of these appropriations bills to say that if any contractor overcharges us $100 million or more, they ought to be barred from future contracts. The chairman at that time of the Armed Services Committee stood up and said, We can't have an amendment like this; we haven't even held hearings on anybody who has charged us over $100 million.

Well, why hadn't they held hearings? Why didn't the Armed Services Committee hold hearings?

The fact of the matter is in recent years, we have had an enormous outpouring of money spent in Iraq, in homeland security, in dealing with Hurricane Katrina, and we have seen the same mistakes over and over again: No-competition contracts; cost-plus contracts.

We have seen what the result has been: Wasted taxpayer dollars. That is why this legislation has been put together. It is a bill to require that if there is an emergency to give a contract, give it. But then have bidding within a year.

Gasoline prices charged by Halliburton were considered highway robbery. Parsons built just a handful, 20 of the 142 health clinics they were paid to build. Human sewage leaked out of the roof of a police academy.

In Hurricane Katrina, they subcontracted and subcontracted and subcontracted, and finally they paid a guy with a truck to come and take away debris. Every markup of every one of those subcontractors was passed on to the taxpayers.

We have had a contract to build a border for our homeland security that cost us billions of dollars that didn't work. We had a contract to help the Coast Guard get state-of-the-art ships, and they didn't meet standards. We need reform in this area.

If that is called micromanaging when we want transparency, this is the type of reform we need. We need something we didn't have before: A lot more oversight. We have got to keep people honest.

I am shocked when I hear conservatives say they care about taxpayers' dollars, and then don't want competition. I am shocked when they say taxpayers' money is being used wisely, and then we find it is being thrown away.

I urge support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, we fully support transparency and accountability in decisionmaking, but we need to remember we are asking for all of these audit reports that are only advisory in nature. They are not disposition. These are questioned costs, and contracting in a war zone or in an emergency often lacks appropriate documentation. But these are allowable costs.

I think to provide those to Congress not only gives you too much information, a lot of it can be misleading and can be misplayed.

Knowing that the results of an audit will be provided to Congress during the negotiation and the resolution process, which is what they are asking for, could unduly influence the impact the audit advice may have on the contracting officer's administrative determination. This inhibits their authority to appropriately and effectively resolve contracting issues using all of the relevant information available to them. This could also have the unintended effect of increasing the number of contract disputes.

But I know my colleague feels with a passion that we need to move ahead and do something of this order. I look forward to working with him on legislation on the acquisition workforce which we don't touch in this area. This legislation I think falls short of the promise, but I appreciate the willingness he has shown to work with us. We will address further issues later in our motion to recommit.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman from California has 30 seconds.

Mr. WAXMAN. Mr. Chairman, legislation is an organic process. We have negotiated with the minority. We have strong bipartisan support for this legislation. The bill was referred to the Armed Services Committee. They gave us good recommendations which have been adopted unanimously by that committee and incorporated into this bill.

The gentleman from Ohio complained there was another change made. There are always changes going on to make the bill better. It will get even better as we move it through the process. Let's pass the bill and work together. Let's stand up for the American taxpayers of this country.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will now control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1362, the Accountability in Contracting Act. This bill amends title 10 and 41, United States Code, and establishes other new statutory requirements to improve the quality of government contracts, increase government contract oversight, and promote integrity in contracting.

The House Armed Services Committee approved this legislation on a bipartisan vote of 53-0. Our committee has worked for decades to improve the contracting process within the Department of Defense.

Over this time, the committee has passed numerous bills, including both major additions to contract law and focused revisions. We utilized the experience gained in these legislative efforts to formulate our recommendations in this bill. I am confident that this is a good product that will improve contracting and save the taxpayer money.

Right now, American military forces are deployed throughout the world in support of the war on terrorism as well as other military operations, including Iraq. These contingency operations have generated a number of very large contracts, the Department of Defense has expended billions of dollars on support and reconstruction contracts that have been awarded, administered and overseen in the most challenging of conditions.

H.R. 1362 would help address these challenges by empowering the heads of the military departments and the defense agencies to ensure the proper use of a variety of contract types, both competitive and noncompetitive, and by empowering Congress to oversee such contracts. It also ensures continued faith in the integrity of the procurement system.

I thank my friend and colleague, Chairman WAXMAN, for introducing this legislation and bringing it to the floor today. And I especially want to thank my friend and partner on the Armed Services Committee, Mr. HUNTER, who is the ranking member and the former chairman, for working so closely with us on this legislation. I thank him for that.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have given a fair amount of consideration to this bill, H.R. 1362. I have a couple of observations to share with you.

First, I am very proud of the work that the Armed Services Committee has done with respect to this bill to craft what I consider to be a better bill. I want to thank the chairman, my good friend from Missouri, Mr. IKE SKELTON, for making sure that we participated in this markup and holding the markup of H.R. 1362.

I had serious concerns about the original bill as reported out of the Committee on Oversight and Government Reform, including a number of provisions that, through amending title 10, U.S. Code, and other procurement regulations, would have had the effect of preventing the Department of Defense from serving warfighter needs in the most expeditious manner possible. That is an issue that I spoke to just a minute ago in my exchange with Mr. WAXMAN.

As my colleagues from the Armed Services Committee know, this committee has given a great deal of attention to matters pertaining to acquisition reform. This has been especially true during wartime as our committee has worked hard to ensure that the brave men and women serving our country receive what they need when they need it as they deploy to Iraq, Afghanistan, and other theaters of operation.

At the same time, we have been vigorous advocates for competition and cost control measures. I firmly believe that the Armed Services Committee is best suited to properly balance the need for improving accountability in defense contracting while at the same time ensuring that the Department of Defense can carry out its duties to the warfighter. I am pleased that the chairman agreed to hold an Armed Services Committee markup of this bill. In continuing its rich tradition of deliberation and robust oversight of matters within its jurisdiction, the committee produced a higher quality piece of legislation.

I supported Chairman SKELTON's mark because I believe the mark remedied the most serious deficiencies of the base bill and was truly a bipartisan measure. The Armed Services Committee mark encouraged competition and cost controls while protecting procurement flexibilities important to the national interest.

Secondly, it provided Congress with additional tools for oversight and reinforced standards of integrity widely held by the dedicated men and women of the defense acquisition workforce.

But, unfortunately, we are not here today to vote for the Armed Services Committee mark. We are not even here to vote for the Committee on Oversight Government Reform mark, which leads me to my second set of observations.

We are here today to vote for a piece of legislation that was not voted out of any committee. Those who would say this bill received unanimous support in two committees would not be telling it as it is. The full truth is that the Speaker wanted to put a rush on this bill so she could say Congress did something about contract reform. It was introduced late one night, and in 24 hours it was being voted out of committee. In two more business days a markup was scheduled in the Committee on Armed Services. Late that night, additional text was added that changed the bill yet again, and I think in a potentially dangerous way.

But no member of Oversight and Government Reform or Armed Services got to vote on those changes. Instead, the language simply appeared out of nowhere and the rule for H.R. 1362 let the new bill move to the floor.

What would the new language do? It is hard to say because the text is subject to broad interpretation, which is precisely what concerns me. One thing can safely be said. It is ironic that the original bill would have required agencies to hire thousands of additional personnel, but at the same time this new language would presume those personnel are dishonest and would attempt to restrict their decisionmaking ability or their ability to seek further employment.

I am all for accountability and performance in Federal contracting. I am likewise for accountability and performance in the legislative branch. Frankly, I am disappointed in the final product of this bill, and I am referring to the parts that were put in after we marked up our portion of the bill.

Mr. Chairman, let me go right back to Mr. HOYER and Mr. WAXMAN and their assertion that somehow we are leaving a period of no oversight, and they have brought now oversight to the warfighting process and accountability for the contracts that are let pursuant to this war against terror. That is absolutely not the truth.

As anybody knows when you are fighting a war, you need to move quickly. I use once again the example of the jammers that we got out the door under a new waiver strategy where you waive all acquisition regulations. You go in and build something that the troops need immediately on the battlefield. You don't give a 6-month appeal to the folks that lose the competition. You don't give small business set-asides because there is one thing you don't have, you don't have time.

When we have troops that are experiencing bombs on the battlefield that are detonated remotely, you have to move quickly to get the jammers that will jam that electronic device. When you have new explosives that are penetrating your Humvees, you have to get steel on the sides of those Humvees quickly.

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When you are moving a military force down the road and you have to get fuel to that force, whether it is in movement or in base, you have to move quickly. You cannot have 6-month appeal periods. You cannot have buyers' forums that take months to set up. You have to move quickly.

Now, when you have time, you want to absolutely have competition, and I can just tell my colleagues that that is always in my interest to have competition, get the best buy for the buck, and we have had a number of forums incidentally. We introduced the Challenge Program where any company that could come in and say, I could make a better tire for the Humvee than the incumbent, or I can make a better windshield or a better engine, that guy or lady has got the right to go in and challenge the incumbent company that has the present contract and show how they can do it cheaper or make something that has better warfighting capability. We introduced that legislation. That is called the Challenge Legislation.

But let us not mix that up with this idea that somehow you can have competition on every single aspect of the battlefield, and when you need a new jammer to stop roadside bombs, you go out and you start a month-long search, and then you have a 6-month competition, and then after the award you have a 6-month appeal, and by that time you are ready for the next war. You are not even relevant to the situation that is hurting your young men and women on the battlefield right now.

So there is some good substance in this bill, and I like it, but there is a lot of rhetoric. There is a lot of worthless, political rhetoric that preceded this bill, and I hope that the American people will not be snagged by that one. There are times that you have to move quickly.

I am reminded of one contractor that came back. One of the contractors who was not one of the 389 who has been killed in this war, and he showed me a picture of a crater, of a mortar crater. He said, That is where I was standing 5 minutes before that mortar landed. He said, I do not care how much you award this contract for, I am not going back to that dangerous AO.

Let me tell you, there are a lot of people who do go back time and time again. They are good Americans. They are honest Americans, and they are the same folks carrying out the contracting and administering the support of our Armed Forces who were there 6 months ago. The idea that somehow they have been crooked up to now, that now they are going to be straightened out by Mr. HOYER and Mr. WAXMAN is absolutely outrageous.

So having said those gentle words, I look forward to the continued discussion. Mr. WAXMAN has taken the floor. I would be happy to yield to Mr. WAXMAN if he has got a rejoinder.

Mr. WAXMAN. Mr. Chairman, well, I do. I am surprised you are taking the position you are taking in trying to make it personal but——

Mr. HUNTER. Let me just take my time back. I am not making it personal. Mr. WAXMAN made a statement, I am talking. Mr. WAXMAN, I will let you respond to this. We are not making it personal.

What I am telling you is that there are exigencies in the battlefield, and you got this from your own leadership, gentlemen like Mr. MURTHA who said you cannot have these long delays in awarding contracts and have this vigorous oversight period; you cannot have that hold up a battlefield situation. You do have to award sole-source contracts, and you have to award them to people who can move very quickly and get things done. That is my point.

The idea that we are supposed to stop that or that we have not exercised any oversight is simply not accurate. There is no personal animosity toward you as a fine Member of this body, but those statements are not accurate, and I yield to the gentleman.

Mr. WAXMAN. I think the gentleman is misinformed about what is in the legislation because we do permit under exigent circumstances a no-bid contract to be awarded. We understand there are times that there are emergencies, but we ask that after a year that the contract be put out to bid, that there be competition at least after a year. I see nothing wrong with that. It makes a lot of common sense to me, and you are arguing that we are not responding to the emergency situation when we do.

Mr. HUNTER. If the gentleman will allow me to say this, I think that that is a good provision. In fact, we supported that provision in the Armed Services markup.

Let me tell you a provision I do not support, and maybe you can help us with this. You refer in the revolving door that says that a person cannot take a job with a company in which he has administered——

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. Would the gentleman allow me to have a minute of his time so I can just offer this one point?

Mr. SKELTON. Mr. Chairman, I will be glad to yield 1 minute to the gentleman.

Mr. HUNTER. I thank the gentleman. Mr. WAXMAN, the two provisions that were put in after the markup, the one that talks about a person who participates in a meeting as a senior staff, that means if a person walks in a room and if they are involved in a discussion, they could be subjected to massive civil penalties at a later time if there is a contract awarded.

I would simply say that I think in areas where you have civil penalties you have to have great clarity, and I have not seen a definition of "senior staff" or "senior participants" in DOD, and I think that that is a real problem. I think it is a problem of vagueness and one that could keep people from entering the civil service in this role and in this capacity.

Mr. WAXMAN. What this provision provides is if somebody is personally and substantially involved in that contract, they should not be then going out and working for the contractor. I just think that is improper. There ought to at least be a cooling-off period. We do not think they can never go work.

Mr. HUNTER. Mr. Chairman, let me just rejoin to that. We have looked up "personally" and "substantially." That could involve standing there in a room and giving advice. So that can be just a person giving advice which could expose them to a $50,000 civil penalty, from what I have seen.

I thank the gentleman for yielding.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I first wish to thank the gentleman from California and all the members of the Armed Services Committee that worked on this legislation that recommended its passage by a 53-0 vote, and I was very pleased and proud of that. Of course, it was changed to about 1 percent as opposed to 99 percent that we approved in our committee.

The change merely clarifies the application of post-employment restrictions to senior level officials who are involved with procurement. It is a minor change. The language was shared with the minority well before the bill went to the Rules Committee for its rule on bringing it to the floor today. So I think that the change made post-Rules Committee effectually was minimal, or as they say in the law, de minimus; and I am sorry that there is a question that has arisen to that effect.

This bill does not affect the rapid acquisition authority that the Armed Services Committee did approve. It allows, as the gentleman from California mentioned, 1 year for emergency contracts, and it can go longer if the agency head so determines that it is needed.

I wish that this bill, as it is before us, could receive a unanimous vote on the floor because of what it does. It is clear. It helps the procurement process. It brings it home to every American that we are on top of the matter and that oversight is happening, and it is a clarification of a law that is actually overdue and well deserved.

I applaud all those who worked on it. I am going to thank the gentleman from California for his work on the Committee on Armed Services and all of those, Democrats, Republicans, who did approve it and thank the chairman, Mr. WAXMAN, for his hard efforts in bringing this to the floor.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank you very much for yielding to me.

I just want to point out that I think my good friend from my same State, former chairman of the Armed Services Committee, now the ranking member, protesteth too much.

He complained that they have to award a contract right away and that this bill would prevent it. Well, we have already pointed out that that is not the case at all. A contract can be awarded on an emergency basis; but after a year, there ought to be competition. He thought that sounded good once we explained it to him on the floor.

Then he said, well, there is another provision that he dislikes and that is the fact that somebody who awards a contract cannot go to work for the contractor. Well, that provision was narrowed, and it was narrowed to say it had to be a senior person, and it also had to be someone who was personally and substantially involved in awarding the contract.

Now, a lot of these contracts are determined by political appointees. For example, we learned that the Halliburton no-bid contract to restore oil in Iraq was signed by the contracting civil servant, but the decision was made by a political appointee. The gentleman's name is Michael Mobbs. He decided that Halliburton ought to get that contract and that there should not be competition. He even went before a committee of principals, including Scooter Libby representing the Vice President, and suggested to them this is the way the contract ought to be awarded, and the contract was awarded. He argued that it needed to be awarded at that time to that contractor, they would do the job.

Should he be allowed to go within a year and go sign up as an employee for Halliburton? I do not think he should be permitted. All we say is there ought to be a cooling-off period. We do not say he never could go work for Halliburton, but I think it is unseemly to have him go right from that position to go work for Halliburton.

Now, I must say from those who tell us everything is going great in Iraq, they are also telling us today on the House floor everything has gone well with contractors in Iraq. I must submit that things have not gone well, unless you do not mind hundreds of billions of dollars in questioned costs, in overcharging by a contractor to bring in gasoline from Kuwait, having a contractor charge $45 for Cokes or $50 for laundry, obscene kind of expenditures. Things have not gone well. That is why we need more oversight, and that is why we need this important reform legislation.

Mr. SKELTON. Mr. Chairman, I yield myself the remaining time.

I thank the gentleman from California; and, again, I certainly hope we could get a strong bipartisan vote for this bill. It does good things. It clarifies the law and makes sure that the American taxpayer is more protected regarding contracts. It is fair. It is equitable. It is easy to understand.

All you have to do is read the King's English and follow the law, and it will help clarify so much of the problems that have arisen in recent years regarding contracting.

Ms. HIRONO. Mr. Chairman, as a cosponsor of H.R. 400, introduced by my colleague from Hawaii, the Honorable NEIL ABERCROMBIE, which seeks to prohibit war profiteering, I support H.R. 1362 which champions the same goals.

At a time of war, when the lives of Americans are put at risk, when the limited resources of the Nation are being expended and when programs serving millions of Americans are being cut back, no corporation or person should ever be allowed to misuse, waste or misappropriate Federal tax dollars. Unfortunately, due to mismanagement, incompetence and sweetheart deals, and lack of oversight, certain U.S. corporations and their subsidiaries apparently have blatantly over-charged government agencies, engaged in wasteful practices and committed allegedly fraudulent acts that have resulted in the virtual disappearance of billions of dollars.

Examples of American corporations padding expenses then charging an administrative fee on top of the overpriced goods and services have been well-documented. Documentaries such as "Iraq for Sale" chronicle a chilling story of unchecked waste, demoralization of our troops from shoddy services provided by contractors and shameless acts of corporate misconduct.

It is shocking that, in some cases, it's all legal. Without reasonable restrictions on contractor spending and practices on no-bid and cost-plus contracts and lack of enforcement of existing law, there is no incentive to provide goods and services to the government at the least cost and with the greatest efficiency. Indeed, the current practices foster and encourage waste and corruption, as the dismal track record in Iraq of defense contractors demonstrate. Just one corporation, Halliburton, has disputed charges amounting to over a billion dollars.

This bill minimizes the use of no-bid contracts, promote the use of cost effective fixed-price contracts and limit the duration of no-bid contracts, which must be awarded under emergency conditions, to one year. This bill allows the awarding of no-bid contracts which cannot be delayed but require re-bidding when the emergency has elapsed. Public disclosure of the reasons for using no-bid contracts and overcharging will promote transparency and expose improper contracting practices. Fixed price, rather than open-ended cost-plus, contracts will encourage efficiency and minimize unrestricted spending by contractors.

H.R. 1362 will go a long way to curb unchecked abuse and overcharging, slipshod accounting practices and lack of accountability. It will give government procurement managers the authority to control wasteful and fraudulent contractor practices, as well as be governed by stricter ethical guidelines to regulate the procurement managers' own behavior.

Until now, there has been no effective congressional oversight since the war began and no effective laws to rein in wasteful, corrupt and, in fact, unpatriotic behavior. Billions have been lost in this war, while critical programs in education, health, environment, alternate energy and other domestic needs have been unnecessarily slashed.

This legislation will help correct this unacceptable situation. I commend Chairman WAXMAN and the Committee on Oversight and Government Reform for this important improvement in our Federal contracting laws.

Mr. CARDOZA. Mr. Chairman, I support this legislation, and believe that it will improve accountability in Federal contracting and increase the amount of information provided to the public and to Congress about Federal contracts. However, I believe that more needs to be done.

I am particularly concerned about overuse of exemption four of the Freedom of Information Act—the exemption that protects trade secrets and business confidential information. Too often, this exemption is used to withhold information about Federal contracts that should be made public.

With minimal exceptions for proprietary information, the public should have access to information submitted to the Federal Government in application for Federal contracts. And agencies should release information to the public regarding questionable performance of Federal contractors. The public should be able to easily access through FOIA information relating to whether a contractor actually performed the work required under the terms of the contract as well as information that indicates the use of substandard materials or work practices in performing the contract.

Waste, fraud, and abuse in contracting is all to common. Contractors should not be able to hide behind a FOIA exemption in order to keep their poor performance out of the public eye.

I have spoken to Chairman WAXMAN and he has pledged to jointly request that GAO conduct an examination of this issue and clarify what legitimately qualifies as an exemption for confidential business information. I appreciate Mr. WAXMAN's interest in this issue and look forward to working with him.

Mr. WAXMAN. Mr. Chairman, I understand that my colleague, Representative CARDOZA has concerns about the use of the confidential business information exemption within the Freedom of Information Act to withhold information about Federal contracts from the public. I understand Mr. CARDOZA's concern and want to work with him to ensure that the public has access to this type of information under FOIA. Yesterday, the House approved legislation that will strengthen FOIA and ensure that agencies apply a presumption of disclosure when considering requests. I believe that yesterday's bill, along with the bill we are considering today, are steps in the right direction. But, neither bill directly addresses my colleague's concerns related to overuse of FOIA's exemption four.

I have an ongoing interest in strengthening the Freedom of Information Act and certainly want to work together with Mr. CARDOZA to accomplish his important goal of ensuring public access to information about federal contractor performance.

I have agreed to work with Mr. CARDOZA to request that GAO conduct an examination of agency use of exemption four. A report from GAO could clarify what is currently being withheld from the public under this exemption, and how much of that information is actually a trade secret or is truly confidential. This report will inform us as we move forward.

Mr. ORTIZ. Mr. Chairman, a government of the people only works when transparency and accountability are the watchwords of the day. This is vital when it comes to contracting. Democracy suffers when our government spends taxpayer money on contracts that can include fraud, waste, and abuse.

Nowhere is this more apparent than in defense-related contracts that are single-sourced and rarely overseen. Our troops don't have the equipment they need in the field; and taxpayers are losing billions in fraud and abuse in contracts.

The bill before us today ends waste in Federal contracting, by reducing the use of no-bid contracts, mandating disclosure of no-bid contracts and contract overcharges, and closing the revolving door between government procurement officials and private contractors. The wasted money would be far better used to improve readiness needs—currently in deep crisis.

We have to reconstruct our military that has been decimated by the Iraq war. A good beginning to that long and difficult task is providing open competition in contracting in order to provide the best services for our military in both wars.

Congress has exposed a pattern of reckless spending, poor planning, and ineffective oversight in contracting that has resulted in the waste of hundreds of millions of taxpayer dollars in no-bid contracts for Halliburton and for contracts for Hurricane Katrina.

This legislation builds on the progress we are making to return to the basic principles of fiscal responsibility and to restore Congress's role as a check and balance to the Executive Branch, particularly on training and equipping of our troops, in order to make this government more accountable to the American people.

Specifically, the legislation would change Federal acquisition law to require agencies to limit the use of emergency no-bid contracts and to increase transparency and accountability in Federal contracting in an effort to protect the taxpayers' money. To restore accountability in the Federal contracting process, the bill would instruct agencies to minimize the use of no-bid contracts, promote the use of cost-effective fixed-price contracts, and limit the duration of no-bid contracts awarded in emergencies to one year.

It also promotes transparency by requiring public disclosure of the rationale for using no-bid contracts, and requiring agencies to report to Congress on overcharges in contracts. To improve the integrity in contracting, the bill closes the revolving door between government procurement officials and private contractors.

Spending on no-bid contracts has more than doubled under the Bush Administration with a 75 percent increase in spending on contracts that reward companies for every taxpayer dollar spent, not saved with more than $2.4 billion squandered on no-bid contracts for Halliburton in Iraq, with another or the other $23 billion for other abuse-prone contracts. That money lost to fraud and abuse would have gone a long way in equipping our troops in the field.

Mr. Chairman, our military readiness is in crisis in no small measure due to the waste, fraud and abuse that is inherent in how this government has awarded contracts in Iraq and elsewhere. I ask the House to join me in supporting this important legislation.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of H.R. 1362, the Accountability in Contracting Act. With the alarming increase of no-bid contracts and cost-plus contracts under this administration, I am very gratified to see the Democratic majority bring this bill up for a vote so that we can put an end to these scurrilous practices.

The United States government has paid hundreds of millions of dollars in the past few years to contractors that did not even have to submit a bid for the work it wanted to conduct. So much for good old fashioned American competition! In addition, there have been very few penalties for the contractors when this work went far over budget and Federal dollars were misused such as in the Hurricane Katrina recovery effort. American taxpayers have had to pick up the tab for these cost overruns, and they have been on the hook for millions and millions of dollars.

Mr. Chairman, in this week devoted to oversight legislation, this is a necessary bill to protect the taxpayers of this Nation from paying too much for too little work. This bill will reduce the number of no-bid contracts and strictly control cost overruns. Further, new rules will be promulgated for disclosing contractor overcharges.

The Accountability in Contracting Act is long overdue, and I thank the Speaker, the Majority Leader, and Chairman WAXMAN for bringing this bill up for a vote.

Mr. ARCURI. Mr. Chairman, it is time to rein in this administration's prevalent use of no-bid contracts. I urge all my colleagues on both sides of the aisle to support this rule and the Accountability in Contracting Act.

In the last five years, spending on "no-bid" or "sole-source" contracts has more than doubled. The administration contends that in every one of these cases there were "urgent and compelling needs" that required these contracts to be awarded without a competitive bidding process. In the case of the emergency response to disasters like hurricanes Katrina and Rita, I don't dispute that the need was urgent, but for non-emergency contracting needs, we must get our fiscal house in order.

Just as any family has a budget to stick to, shouldn't we reach a point after an emergency when there has been enough time to consider multiple, competitive bids? A point after which the "compelling needs" are a little less urgent? By last June—nine months after Hurricane Katrina—$10.6 billion had been awarded to private contractors for recovery efforts, but only 30 percent of that had been awarded competitively.

I know of no small business in Upstate New York, who could get by without reasonably budgeting for their expenses—even in times of emergency. Why should taxpayer dollars be spent differently?

Oversight of these contracts has been no better. Audits have revealed that post-Katrina contractors have over-billed, double-billed, and billed for work that was never completed. The Defense Contractor Audit Agency found that through fiscal year 2006, over $10 billion in contractor charges in Iraq have been identified as "questioned" or "unsupported."

Under this administration, the use of "cost plus" contracts has increased more than seventy-five percent. These cost-plus contracts guarantee a contractor a fixed profit, regardless of how efficiently they spend the government's money—taxpayers' money. These contracts provide no incentive to look after the bottom line because they guarantee there will always be money off the top. When indefinite, no-bid contracts contain "cost-plus" provisions, the opportunity for foul play is only amplified.

The Accountability in Contracting Act addresses these concerns. This bill limits to roughly 8 months the time that federal no-bid contracts can last. It requires each federal agency that has awarded at least $1 billion in the preceding fiscal year to develop and implement a plan to minimize the use of contracts entered into using no-bid procedures and cost-reimbursement type contracts. The bill also establishes a system to increase competition in contract bidding and requires agencies that enter into a no-bid contract to make "justification and approval" documents public within fourteen days after awarding a contract.

Mr. Chairman, we have a responsibility to the American people to spend their hard-earned tax dollars in a fiscally responsible way. And the Accountability in Contracting Act will help reach that end by providing much-needed transparency to the way the federal government awards contracts.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 1362, which makes several changes to federal acquisition laws to increase transparency and accountability in federal contracting.

Specifically, the bill requires agencies to limit the use of certain types of abuse-prone contracts, and to promote integrity in the acquisition workforce. The bill limits the length of certain noncompetitive contracts and requires large federal agencies to develop plans to minimize the use of noncompetitive contracts and cost-reimbursement type contracts. In addition the bill requires the public disclosure of justification and approval documents required for noncompetitive contracts and requires reports to Congress on certain contract audits. Finally, the bill contains a number of provisions which would improve the acquisition workforce.

The Bush administration has justified the award of lucrative no-bid contracts claiming exigent circumstances. The spending on no-bid contracts has more than doubled under the Bush Administration. The time has come again for us to continue in the tradition of restoring accountability back into Congress. This legislation builds on the progress we have made to return to the basic principles of fiscal responsibility and restore Congress's role as a check on the Executive Branch.

Transparency and integrity is needed in order for accountability to be restored in the federal contracting process so that taxpayers' money can be protected from waste, fraud, and abuse. The effect of this legislation would change federal acquisition law to require agencies to limit the use of emergency no-bid contracts and to increase transparency and accountability in federal contracting in an effort to protect the taxpayers' money.

An estimated $10 billion in Iraq reconstruction spending has already been wasted and the waste will continue until legislation such as H.R. 1362 makes it a requirement for agencies to limit the use of these abuse-prone contracts. Congress has held multiple hearings over the abuse that has occurred regarding such waste in federal contracting and now we must act. Waste and fraud occurred not only with Iraq reconstruction contracts but also in connection with Hurricane Katrina recovery efforts.

Reports of government contractors defrauding the Coalition Provisional Authority of tens of millions of dollars in Iraq reconstruction funds have surfaced and this Administration has done little to try to recover the money. It is time to clean up fraud in Iraq and elsewhere.

I wholeheartedly support H.R. 1362 to change our current federal acquisition laws to require agencies to limit the use of abuse-prone contracts. I applaud this beneficial legislation and urge my colleagues to join me in supporting H.R. 1362.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to bring to the House's attention the correspondence between myself and Chairman WAXMAN. It deals with the jurisdictions of our respective committees.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 21, 2007.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ: I am writing to you concerning the jurisdictional interest of the Committee on Small Business in H.R. 1362, the Accountability in Contracting Act.

I recognize that the Committee on Small Business has a valid claim to jurisdiction over Section 102 of the bill, and I appreciate your decision not to request a sequential referral. I recognize that your decision to forgo a sequential referral does not waive, reduce or otherwise affect the jurisdiction of the Committee on Small Business. Furthermore, I will support your request for representatives of the Small Business Committee to be conferees on the provisions over which you have jurisdiction during any House-Senate conference. I am grateful for the accommodation that you have shown the Oversight Committee.

A copy of this letter, as well as your accompanying letter, will be included as part of the Congressional Record during consideration of this bill by the House of Representatives.

Sincerely,
HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, March 21, 2007.

Hon. HENRY WAXMAN,
Chairman, Oversight and Government Reform Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 1362, the Accountability in Contracting Act, a bill to reform the acquisition practices of the Federal Government. You introduced it on March 6, 2007, and was considered on the House floor on March 15, 2007 subject to a rule. The bill was referred to the Oversight and Government Reform Committee on the Armed Services Committee.

The bill that was reported to the House included Section 102 that would directly affect contracting programs contained within the Small Business Act—including the program established by Section 8(a) of the Small Business Act (15 USC 637), the HUBZone program (15 USC 657a), and the service-disabled veteran procurement program (15 USC 637f)—that rely on agencies awarding government contracts without competition. These three programs are included within the exceptions to non-competitive procurement procedures contained in 41 USC 253(c) in paragraph (5) which allows contracts to be awarded without competition if they are covered by other statutes.

I wish to make clear that the Small Business Committee does not waive its jurisdiction over the subject matter contained in those sections. My support of the bill was provided with the understanding that you and I agree that the referral and consideration of the bill does not in any way serve as a jurisdictional precedent for our two committees.

The parliamentarian and Speaker's offices have recognized that the Small Business Committee would have been granted a referral if it was so requested. I appreciate your recognition that Section 102 falls under the jurisdiction of the Small Business Committee. Additionally, I hope in the future you would provide for similar consideration and accommodation when the House Small Business Committee considers legislation that may fall under the jurisdiction of our respective committees.

I will insert this letter in the Congressional Record as part of the debate on H.R. 1362.

Sincerely,
NYDIA M. VELÁZQUEZ,
Chairwoman, House Committee on Small Business.

Mr. SKELTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110–49. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Accountability in Contracting Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—IMPROVING THE QUALITY OF CONTRACTS

Sec. 101. Limitation on length of noncompetitive contracts.
Sec. 102. Minimizing sole-source contracts.
Sec. 103. Maximizing fixed-price procurement contracts.

TITLE II—INCREASING CONTRACT OVERSIGHT

Sec. 201. Public disclosure of justification and approval documents for noncompetitive contracts.
Sec. 202. Disclosure of Government contractor audit findings.
Sec. 203. Study of acquisition workforce.
Sec. 204. Repeal of sunset of training fund.

TITLE III—PROMOTING INTEGRITY IN CONTRACTING

Sec. 301. Additional provisions relating to procurement officials.

TITLE I—IMPROVING THE QUALITY OF CONTRACTS

SEC. 101. LIMITATION ON LENGTH OF NONCOMPETITIVE CONTRACTS.

(a) REVISION OF FAR.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) CONTRACT PERIOD.—The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than $1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term "executive agency" has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term "head of the executive agency" means the head of an executive agency except that, in the case of the Department of Defense, the term means—

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 102. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) CERTAIN CONTRACTS EXCLUDED.—The following contracts shall not be included in the plans developed and implemented under subsection (a):

(1) Contracts entered into under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), in amounts less than the amounts listed in paragraph (1)(D)(i)(II) of that section.

(2) Contracts entered into under section 31 (15 U.S.C. 657a) of such Act, in amounts less than the amounts listed in subsection (b)(2)(A)(ii) of that section.

(3) Contracts entered into under section 36 of such Act (15 U.S.C. 657f), in amounts less than the amounts listed in subsection (a)(2) of that section.

SEC. 103. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

TITLE II—INCREASING CONTRACT OVERSIGHT

SEC. 201. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

"(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) DEFENSE AGENCY CONTRACTS.—

(1) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting '30 days' for '14 days'.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.".

(2) CONFORMING AMENDMENT.—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 202. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) Quarterly Report to Congress.—

(1) The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of $10,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) Submission of Individual Audits.—

(1) The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

SEC. 203. STUDY OF ACQUISITION WORKFORCE.

(a) Requirement for Study.—The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 204. REPEAL OF SUNSET OF TRAINING FUND.

Subparagraph (H) of section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is repealed.

TITLE III—PROMOTING INTEGRITY IN CONTRACTING

SEC. 301. ADDITIONAL PROVISIONS RELATING TO PROCUREMENT OFFICIALS.

(a) Elimination of Loopholes That Allow Former Federal Officials To Accept Compensation From Contractors or Related Entities.—Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended—

(1) in paragraph (1)—

(A) by striking "or consultant" and inserting "consultant, lawyer, or lobbyist"; and

(B) in subparagraph (C), by striking "Federal agency—" and inserting "Federal agency or participated personally and substantially at a senior personnel level in—"

(2) by amending paragraph (2) to read as follows:

"(2) Paragraph (1) shall not prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph if the agency's designated ethics officer determines that the former official's acceptance of compensation would not damage public confidence in the integrity of the procurement process.".

(b) Requirement for Federal Procurement Officers To Disclose Job Offers Made on Behalf of Relatives.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after "that official" the following: "or for a relative of that official (as defined in section 3110 of title 5, United States Code)".

(c) Requirement on Award of Government Contracts to Former Employers.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

"(i) Prohibition on Involvement by Certain Former Contractor Employees in Procurements.—An employee of the Federal Government who is a former employee of a contractor with the Federal Government shall not be personally and substantially involved with any award of a contract to the employee's former employer, or in the administration of such contract at a senior personnel level, for the one-year period beginning on the date on which the employee leaves the employment of the contractor unless the employee has received a waiver from the agency's designated ethics officer. In determining whether to issue a waiver, the designated ethics officer shall take into account the agency's need for the involvement of the employee and the impact a waiver would have on public confidence in the integrity of the procurement process.".

(d) Regulations.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end the following new subsection:

"(j) Regulations.—The Administrator, in consultation with the Director of the Office of Government Ethics, shall—

"(1) promulgate regulations to carry out and ensure the enforcement of this section; and

"(2) monitor and investigate individual and agency compliance with this section.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PART B AMENDMENT NO. 1 OFFERED BY MR. MATHESON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–49.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. Matheson:

At the end of title II, add the following new section:

SEC. 2 . NOTICE TO CONGRESS OF NONCOMPETITIVE CONTRACTS AWARDED TO FOREIGN-OWNED COMPANIES IN COUNTRIES SPONSORING TERRORISM.

(a) Notice to Congress Required.—If a contract is expected to be awarded by a department or agency of the Federal Government without the use of competitive procedures to a foreign-owned company that is based or has majority operations in a country described in subsection (b), the department or agency shall notify the appropriate congressional committees at least 30 days before awarding the contract, for purposes of providing Congress time to review the proposed contract and provide comments to the department or agency.

(b) Foreign Countries Described.—A country described in this subsection is a country the government of which the Secretary of State has determined, for purposes of section 6(j) of Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

The Acting CHAIRMAN. Pursuant to House Resolution 242, the gentleman from Utah (Mr. Matheson) and the gentleman from Virginia (Mr. Tom Davis) each will control 5 minutes.

The Chair recognizes the distinguished gentleman from Utah.

☐ 1245

Mr. MATHESON. Mr. Chairman, first of all I do want to commend Chairman

WAXMAN and the Oversight and Government Reform committee for all the work that they have done this week.

The four accountability bills that the House has already considered this week are an important step that Congress should take in order to keep a promise to the American people. A government of the people and by the people should do everything to ensure transparency in Federal Government contracting.

That is why I rise today to offer an amendment to H.R. 1362, the Accountability in Contracting Act. I believe that the public deserves a great level of accountability and transparency in sole source contracting.

Now, over the past several years, there has been a great deal of controversy regarding this type of contract. As a businessman, before I came to Congress and as a supporter of business, I believe that there are, indeed, legitimate reasons for this type of contract to be issued. However, I also believe that we need checkpoints in place at times.

My amendment anticipates a limited set of circumstances that call for additional scrutiny. It would simply provide Congress with prior notice of any sole source contract expected to be awarded to a foreign-owned company that is based in or has majority operations in a country known to sponsor terrorist activity.

The amendment is intended to allow Congress to review and comment on the proposed contract. As someone who has spent his life in the business world before coming to Congress, I think there are important reasons why Congress should be looking at sole source contracting beyond just the business perspective.

My amendment would provide 30 days for the appropriate congressional oversight committees to review this type of contract under the circumstances I have described. Now, this is not an overly long period of time, but it is still a sufficient amount of time for Congress to take a look at major contracts and offer a different perspective, if necessary.

I think it's important that we take a step in the right direction to attempt to address this issue in advance, instead of being put in the position of reacting after the fact, if this circumstance were to present itself.

Now, I would also stress this amendment is about good government and making sure that U.S. tax dollars aren't inadvertently benefiting countries that sponsor or harbor terrorists. My amendment is not about singling out any specific business or any specific country. This is about having the best possible process and checkpoints in place to provide for transparency in government.

It's clear the public has demanded accountability from Congress and from the Federal Government, which they should demand. This bill is a great vehicle for achieving that goal.

We have an opportunity to shine a bright light on contracting procedures in the underlying bill, and I believe that my amendment provides an added layer of appropriate congressional review in, as I described earlier, a rather limited set of potential circumstances in the future.

Again, I want to commend the committee. I want to commend Chairman WAXMAN and also Ranking Member DAVIS for their efforts in this bill, also Chairman SKELTON and Ranking Member HUNTER for his efforts in pursuing this bill as well.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would like to ask the offeror of the amendment just a clarification question before I yield.

For a company to have to disclose under this, it would be a foreign-owned company, I understand, that is based or has majority operations in a country described in subsection D. Any idea who that would apply to? I am just trying to figure out.

Mr. MATHESON. Could you repeat the last half of the question?

Mr. TOM DAVIS of Virginia. I am trying to figure out what companies this would apply to.

Mr. MATHESON. First of all, I did not, as I said, I am not singling out any particular company at all.

Mr. TOM DAVIS of Virginia. A foreign-owned company could be, if it is on the American Stock Exchange, that probably would not make it a foreign-owned company in all likelihood?

Mr. MATHESON. If a company has significant foreign operations in a country, that would be what the legislation is indicating.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Chairman, as I understand the gentleman from Utah's amendment, it would require a Federal agency that expects to award a sole source contract to a foreign company based in a country known to sponsor terrorist activity to notify Congress 30 days prior to the award of that contract. This seems to me to be a good idea.

Congress should know if no-bid contracts are going to countries that sponsor terrorism. So I support the amendment. I think it makes a lot of sense. What Congress does after they get this information will remain to be seen.

There may be some justification for it, but I would certainly want to know, as this Member of Congress, speaking on my own behalf, and I think others would feel the same way if such a sole source contract was going to be awarded.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank my colleague for yielding.

Mr. Chairman, let me just say about the major points of this bill, which we marked up, that we are in agreement with it. Contrary to Mr. WAXMAN, we did look at them before we came to the floor.

We agree with the no more than 1 year for sole source, that is good; the plan to minimize use of sole source, that is good; maximize fixed-price procurement, that is good; quarterly report to Congress, good; codify the right to review unredacted copies of reports, that is good.

What I think you need to be very careful about, because if you are going to penalize people, if you are going to give them $50,000 civil penalties, you need to have it clearly laid out for those people who may be professional members of our staffs, who may be good people who come in from the outside and go to work in DOD and wanting to serve this country, let's make sure that walking into a room and participating in a conversation about a contract doesn't then expose them to civil penalties later on.

So I am looking at title III, and I am looking at the word on line 17, it talks about participated personally and substantially at a senior personnel level.

Does that mean, and this relates, of course, to elimination of loopholes that allow former Federal officials to accept compensation from contractors or related entities? I think that is good.

But I think we need to make it very clear as to whether a staff member, like one of your staff members, Mr. WAXMAN, going to work for DOD, who walks in a room and is asked a question about a defense system and answers that question, participates in the conversation, whether he has then violated the law.

Now, if you turn, and I want you to take a look at that, that is line 18. Now, turn the next page, page 14, and go down to the bottom, and it talks about the administration of a contract, which could also be a violation of a law.

So if one of your former staff members or one of mine who goes to work for DOD should participate in the administration, let me just ask you, ask the gentleman from California, if it's a defense system, and your former staff member is assigned to go out to a range to see if that piece of equipment has arrived at the range and if it's being tested, is that involving itself in administration of the contract? Is that person, that former staff member of yours, now involved in administration such as to expose him to civil penalties? That is my question. I think we need to have that clarified.

Mr. WAXMAN. As I understand the way we wrote this bill, it would have to be a person at a senior level who is substantially involved in the awarding of the contract. I don't think being on a range is an awarding of the contract.

Mr. TOM DAVIS of Virginia. Let me just ask the author of the amendment, this would obviously apply, this is a list that evolves, as the Secretary of State certifies, is that correct?

Mr. MATHESON. That's correct.

Mr. TOM DAVIS of Virginia. I would assume that Iran, North Korea are probably on that list today?

Mr. MATHESON. Currently they are on that list, that is correct.

Mr. TOM DAVIS of Virginia. Jordan, the United Arab Emirates, for example, would probably not be on that list today?

Mr. MATHESON. That is correct.

Mr. TOM DAVIS of Virginia. I am prepared to accept the amendment. I congratulate the gentleman for offering it.

Mr. Chairman, I yield back the balance of my time.

Mr. MATHESON. I thank the gentleman from Virginia for the comments and helping to clarify this matter.

Again, a limited set of circumstances, one I think is appropriate that we try to anticipate in advance so Congress isn't caught unaware. I appreciate the expression of support from the minority side of the aisle.

I urge all my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

PART B AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-49.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. CASTLE:

Add at the end of title III the following:

SEC. 302. REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress that contains the Director's recommendations on requiring Government contractors that advise one or more Federal agencies on procurement policy, and requiring federally funded research and development centers, to comply with restrictions relating to personal financial interests, such as those that apply to Federal employees.

(b) DEFINITION.—In this section—

(1) The term "Government contractor" means any person (other than a Federal agency) with which a Federal agency has entered into a contract to acquire goods or services.

(2) The term "Federal agency" means—

(A) any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(B) any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

(3) The term "federally funded research and development center" means a federally funded research and development center as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation.

The Acting CHAIRMAN. Pursuant to House Resolution 242, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer myself a simple but much needed amendment to the legislation before us. According to a 2006 report by the Office of Government Ethics, many Federal agencies have become increasingly reliant on non government employees to work closely with government personnel and provide advice on important procurement and spending issues.

For example, Federally Funded Research and Development Centers, or FFRDCs, as they are commonly known, are in most cases financed exclusively by the agency of the Federal Government and provides services similar to the duties of the Government Accountability Office.

There are currently 36 of these centers, which are normally affiliated with an industrial firm, a university or a nonprofit institution that contracts with the Pentagon, Homeland Security, Department of Energy and other Federal agencies to provide decision-makers with recommendations on procurement policy and important issues that steer billions in taxpayer dollars.

In fiscal year 2000, FFRDCs received over $6 billion in Federal funding for their services, yet they are not considered to be Federal employees. Beyond just FFRDCs, other private advisers are increasingly being used to provide critical guidance and recommendations.

In fact, some of the most secret and inherently governmental jobs, including spending decisions and budget preparation at the Pentagon and Department of Homeland Security, are increasingly contracted out. Because private advisers and government employees play under different rules, our current conflict of interest laws do not apply to nongovernment workers serving in quasi-governmental controls.

In fact, the Office of Government Ethics has determined that current law prohibits government employees from making recommendations on matters where they have a financial conflict of interest. But it does not presently apply to FFRDC personnel or the private advisers who sit right next to those employees making high-level decisions that involve billions in taxpayer dollars.

While there is no doubt that the majority of these nongovernment advisers are dedicated individuals with highly specialized skills, there is purely a need to prevent financial conflicts of interest from impacting our government's important spending priorities.

In fact, there have been reported incidents in which the advice of private advisers may have been tainted by personal conflicts of interest. In one case, an FFRDC contradicted government auditors, including the Government Accountability Office, and advised the Pentagon to move forward with a risky fighter jet program.

As it turned out, the program suffered costly setbacks, eventually spending billions more than originally planned. It was later discovered that the President of the FFRDC that recommended the program had financial ties, which may have skewed their recommendations.

My amendment would simply require the Office of Government Ethics to study this issue and submit a report to Congress within 180 days on recommendations for requiring nongovernment personnel who serve in an advisory role to the government to comply with personal financial conflict of interest regulations, such as those that currently apply to Federal employees.

This is obviously a very complicated issue, but I firmly believe that it is Congress' responsibility to make certain that ethical people are providing sound advice when it comes to crucial government decisions regarding procurement and spending.

I believe this amendment will help us better understand whether there is a need for such provisions and ensure that our government maximizes its return on investment at the best value for the taxpayer.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am not in opposition to the amendment, but I wish to claim the time that would go to the Member in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Castle amendment. There are currently no Federal ethics laws that apply to contractor employees. This is particularly problematic because contractors are providing more and more services that used to be performed by Federal service personnel.

In many agencies today, one can tell the difference between a Federal employee and a contractor only by the color of his or her badge. One area where this can cause real problems is in the contracting workforce. A company providing contract oversight services to the government may be overseeing a company and working as a subcontractor to that same company in the private sector. Clearly such a situation would cause conflicts of interest.

The amendment offered by Mr. CASTLE would require the Office of Government Ethics to report to Congress with recommendations on requiring contract employees to be covered by Federal financial and conflict of interest laws.

I support this amendment and urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. I very much appreciate the support of the distinguished gentleman from California. I think that is significant.

Mr. Chairman, I do feel this is an area that we should look into. I am not enough of an expert to specifically recommend how to do it. That is why we are asking for the study in 180 days. There is potential for conflict here, and we are dealing with very, very large sums of money, and in my judgment, as part of a lot that we are doing this year in bringing in everybody with governmental basis in terms of making decisions, I think it's a very good idea that we do this.

I appreciate his support. I hope the amendment will eventually lead to the best rules and regulations possible with respect to conflicts of interest as far as the future is concerned and the best interests of the country.

Mr. Chairman, I yield back the balance of my time.

☐ 1300

Mr. WAXMAN. Mr. Chairman, I have time still available if any Member wishes me to yield to him or her.

Mr. TOM DAVIS of Virginia. Will the gentleman yield 30 seconds?

Mr. WAXMAN. I would be happy to yield.

Mr. TOM DAVIS of Virginia. I will commend my friend from Delaware for offering this amendment. I would just say we are happy, and we are here to support it as well, and we think this adds to the bill.

Mr. WAXMAN. Mr. Chairman, I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. There being no further amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. HASTINGS of Florida, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1362) to reform acquisition practices of the Federal Government, pursuant to House Resolution 242, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TOM DAVIS of Virginia. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis of Virginia moves to recommit the bill H.R. 1362 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

SEC. 2 . PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer. For purposes of this section, the term "institution of higher education" has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 2 minutes.

This motion to recommit would bar Federal agencies from awarding contracts to colleges and universities that either prohibit on-campus military recruitment, or otherwise do not provide military recruiters access to campuses and to students that is at least equal in quality and scope to the access that is provided to any other employer.

On March 6, 2006, the Supreme Court reversed a Federal appeals court ruling in Rumsfeld vs. Forum for Academic and Institutional Rights. In doing so, eight Justices upheld the constitutionality of the so-called Solomon amendment, upon which this motion is based, forbidding most forms of Federal aid to higher educational institutions that deny military recruiters access to students equal to that provided other employers.

Mr. Speaker, military recruiters must be given access to university and college campuses and students that is at least equal in quality and scope provided to other employers.

This motion establishes that requirement government-wide. We already do this to some agencies in government. A number of Departments are already covered; but since this bill is government-wide in scope, we make this government-wide in scope.

This motion establishes that requirement, thereby addressing an apparent trend among certain colleges and universities to attempt to frustrate military recruiters through official and unofficial mistreatment.

Unfortunately, this growing trend is not isolated to the higher education community, as evidenced by the decision last November by the San Francisco Board of Education to phase out Junior ROTC from the high school system over the next 2 years. At a time of war, when we are depending on a volunteer military, it seems counterproductive to be openly discriminating against our military personnel and to create perceptions that military service is not a noble and professional calling.

The Department of Defense noting that certain colleges and universities continue to restrict access or limit opportunities for military recruiters to participate fully in job fairs, placement office services and interview programs, supports congressional efforts to take action to pass legislation granting military recruiters access equal to that of other employers.

The motion to recommit would help prod those colleges and universities that currently do not provide equal access to military recruiters.

We also, I want to note, have a clause in here that this prohibition does not apply to an institution of higher education or a sub-element if the Secretary of Defense determines that the institution has a longstanding policy of pacifism based on historical religious affiliation.

I urge my colleagues to support this.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I like this motion to recommit. You know, all of us have shown our support for the troops. Almost every Member in this body has shown support by traveling to the warfighting theaters. This is a chance to show support in another way, to show that we believe that the military is an outstanding profession, one which many of our young people who are in institutions of higher education may want to engage in. And this elevates, I think, the military profession by showing that we accord it respect by putting this requirement in this motion to recommit.

So I thank the gentleman for offering it. I think it is excellent. I would commend it to all the Members of this body. And I want to thank the chairman for his offering of the base bill, and for the ranking member, Mr. DAVIS, for their hard work.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would just add, 10 U.S.C. 983 already covers a number of agencies, the Department of Defense and others in terms of contracting and limitations that are put on colleges and universities that don't allow recruiters to come on campuses. This makes it government-wide.

This body has addressed this issue before. But I think it is time to make this government-wide, and I would urge my colleagues to support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Members could have different views about the underlying question, and that is whether universities should be able to exclude military recruiters. It is not a new issue to be considered on this floor. We have voted on this many, many times. Some universities have taken the position that they don't want military recruiters on their campus because the military is not an equal opportunity employer based on the "don't ask, don't tell" policy. I happen to think that universities that take this position are right.

But that is not the reason I oppose this motion to recommit. I oppose it because I have heard the arguments made by my colleagues many, many, times that we shouldn't exclude somebody from competing from a contract on extraneous bases.

Why should we exclude a university from being able to compete in a government contract when they might be the ones who can save the lives of our troops? After all, the bioshield program has given money, Federal dollars to universities to try to develop ways to get us vaccines that will stop the impact of anthrax or smallpox. Are we going to say that a university that develops such a vaccine will not be able to compete for a contract to sell that vaccine because they don't want recruiters on their campus because they object to the don't ask, don't tell policy? That doesn't make any sense. People ought to be able to compete for contracts based on what they can do if they are selected to perform that contract. Are we going to exclude people for extraneous reasons? I don't think that makes sense.

So I think if you look at it carefully, when you recognize that the work being done at universities can be so important in so many different ways, that we should just arbitrarily exclude them. I think we have all said over and over again in the debate on this bill, we don't like sole-source contracts. We want competition. We want market forces. Well, sometimes you need a sole-source contract in an emergency. Well, then we say at least a year later, let's have competition.

But if we adopt this amendment, from the very beginning we will not allow competition if it involves competition from a university unless they have a longstanding position of being pacifists, and then we will let them compete. But if they have a different position, but they also have the ability to compete and to provide a service that can save our country from terrorism, save our military from disease, save the American people the consequences for which we need them to perform in that contract, we are going to exclude them.

I urge opposition. I know Members will feel a lot of pressure on this because it can be used in a 30-second ad, that Congressman So-and-So voted to allow universities to exclude military recruiters. Well, I don't think that is really what this amendment is doing. It is excluding universities from competing for contracts, even if they can, in awarding that contract, provide vital services and that maybe no one else can provide. So I urge opposition to the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 10, as follows:

[Roll No. 155]

YEAS—309

Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson

Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Allen
Arcuri
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Doggett
Ellison
Emanuel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Brown (SC)
Davis, Jo Ann
Deal (GA)
Hastert
Kaptur
Miller, George
Peterson (PA)
Radanovich
Saxton
Tanner

☐ 1409

Messrs. LOEBSACK, PALLONE, BECERRA, ALLEN, TOWNS, DELAHUNT, WELCH of Vermont, MEEHAN, RODRIGUEZ, OLVER, MOLLOHAN and ROTHMAN and Ms. CLARKE, Ms. HIRONO and Ms. WASSERMAN SCHULTZ changed their vote from "yea" to "nay."

Messrs. EVERETT, CARNAHAN, LARSEN of Washington, HARE, RAHALL, COSTELLO, MAHONEY of Florida, BACA, KAGEN, COURTNEY, KINGSTON and VISCLOSKY and Mrs. TAUSCHER, Ms. SHEA-PORTER, Mrs. McCARTHY of New York and Ms. LORETTA SANCHEZ of California changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. WAXMAN. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1362 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

SEC. 2 . PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer. For purposes of this section, the term "institution of higher education" has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 73, not voting 13, as follows:

[Roll No. 156]

AYES—347

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey

Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)

Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton

Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—73

Akin
Barton (TX)
Bilbray
Bishop (UT)
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Davis, Tom
Doolittle
Dreier
Everett
Feeney
Fossella
Foxx

Franks (AZ)
Gallegly
Hall (TX)
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
King (IA)
Lamborn
Lewis (CA)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer

Pearce
Pence
Pitts
Poe
Price (GA)
Rogers (AL)
Rohrabacher
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (TX)
Souder
Tancredo
Thornberry
Tiahrt
Turner
Walberg
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—13

Allen
Brown (SC)
Davis, Jo Ann
Deal (GA)
Hastert

Linder
Miller, George
Peterson (PA)
Radanovich
Saxton

Slaughter
Sullivan
Tanner

☐ 1427

Mr. TURNER changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ALLEN. Mr. Speaker, on rollcall No. 156, I was unavoidably detained. Had I been present, I would have voted "aye."

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 156. Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 106.

The SPEAKER pro tempore (Mr. McGOVERN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule from my friend, the majority leader; and I yield to my friend.

Mr. HOYER. I thank the distinguished Republican whip for yielding; and I would tell him on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules, as we usually do; but there will be no votes until 6:30 p.m. on Monday.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules, a complete list of which will be available by the end of the week. We also expect to consider H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, which has been reported out of the Financial Services Committee.

On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. We will consider the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act; the Caller ID/spoofing bill; and the DC vote bill.

Mr. BLUNT. I thank my friend for the information.

Mr. Speaker, on the I guess what I would consider the two major bills, the supplemental appropriations bill and the D.C. voting bill, I may be wrong in characterizing those are the two, but I would think they would.

You would expect both of those to be on the floor next week, is that what I heard?

Mr. HOYER. I do.

Mr. BLUNT. On the supplemental, we have a fairly firm sense that that will be ready next week? The committee has dealt with it today.

Mr. HOYER. The committee has favorably reported that bill, and we expect it to be on the floor next week.

Mr. BLUNT. You would expect that to be near the end of next week?

Mr. HOYER. Yes, sir.

Mr. BLUNT. I thank my friend for that.

On both of those bills, do you have a sense of the opportunities we will have on the D.C. voting bill and the supplemental to have amendments to those bills, to have the ability to change them?

Mr. HOYER. Because the bills, not the D.C. bill, but the supplemental was just reported out, I have not had, nor do I believe the Speaker has had an opportunity to discuss with Mr. OBEY his recommendation on a rule, so I unfortunately don't have an answer for you on the supplemental.

On the D.C. bill, they are marking up right now, so I am in the same position, because they haven't finished their markup. They are marking up as we speak on that bill. So I have not had the opportunity to talk to Mr. WAXMAN about his advice or desire, or Mr. CONYERS. It's a joint referral, they are considering it together, the D.C. bill. So I cannot give you an answer. I apologize at this point in time.

Mr. BLUNT. I thank my friend for that response. I would say that there are few exceptions to the rule, but my experience has been, and I have had some experience on this question when we were in the majority and had chairmen, the chairman almost never wants to believe that the bill can be improved.

So the chairman's desire for a closed rule is generally unanimous, though I know the chairman of the Finance Committee last week took a different view, and I was pleased to see his different view of that.

I think on appropriations bills, there are very few, if any, exceptions where those bills have not come to the floor with an open rule. The gentleman is a member of the committee and would have a sense of that, but the tradition here is pretty strong.

I don't know of any more important bill we are likely to deal with this year than this particular appropriations bill. I would hope that we have this kind of open process on the appropriations bill that we have had in the past.

I would yield for a response.

Mr. HOYER. I appreciate your yielding and appreciate your observation. Although I am not now on the Appropriations Committee, you are correct, I served there for 25 years. I am on leave. I have no expectation of going back soon, I hope.

In any event, the gentleman is correct. As you know, the bill we are talking about is probably, as we discussed on the floor, one of, if not the most important bill that we might consider this year on funding our troops, supporting our troops in Iraq, and dealing with the policy that we are pursuing in Iraq.

Obviously there is a broad spectrum of views on that. Just as obviously, if you had some bills that in many instances come with an open rule, very frankly, I don't know about your experience, but our experience has been that there are a wide range of views.

It may well be that we will solicit a request for possible amendments and make decisions on them, because this is, to some degree, as you know, not a straight appropriations bill in the sense that this is where the money is, in or out, up or down. This is a consideration of policy and authorizing bills. Usually the tradition is to have amendments offered in the Rules Committee and the Rules Committee determines which amendments they want to make in order.

I cannot anticipate what we are going to do at this point in time. The gentleman's point is well taken, but we will have to see how we want to bring to this floor to try to reflect in the final product, as best we can, the views of the American people, which are divided, and I think will be reflected in the floor vote on that bill.

Mr. BLUNT. I thank the gentleman for that response. I would say that I believe that I reflect the view of this side that the debates both on the policy issues, that I frankly think may be appropriate in some other bill besides an appropriations bill, on the policy issues and the spending issues, a full and free opportunity to discuss those is the desire of this side. I think it serves the best interest of the country.

As this appropriations bill gets broader and broader in the areas it deals with, it becomes more and more like the regular appropriations bills we will bring to the floor, and the tradition of the House, unaltered by any pattern I am aware of, has been on appropriations bills, as long as the Member was willing to say where they would pay for the change that they want to make, that they have been given the opportunity to make those amendments.

I was disappointed, as broad-based and as big as the continuing resolution was that we passed earlier, that it violated what I considered a well-understood and time-honored principle of amending those bills. This bill would go even further if we did that, and it would be a bad pattern, I think.

On the budget, does the gentleman have any information on the budget itself, when we might be able to see the majority's budget and when we would be voting on it, both?

I would yield to my good friend.

Mr. HOYER. We expect the budget to be marked up in the latter part of next week, the middle or latter part of next week, and we expect the budget to be on the floor the following week. As I indicated last week, we are still on that path, that schedule.

Mr. BLUNT. And so my friend's expectation from the previous week is unchanged, that we will see the supplemental on the floor next week and the budget on the floor the following week would be your anticipation?

Mr. HOYER. That is my anticipation.

Mr. BLUNT. I have no other questions. I am pleased for the information and hope we have an opportunity to debate these bills.

HOUR OF MEETING ON TOMORROW, ADJOURNMENT TO MONDAY, MARCH 19, 2007, AND HOUR OF MEETING ON FRIDAY, MARCH 23, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow; when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, March 19, for morning hour debate; and further, when the House adjourns on Thursday, March 22, it adjourn to meet at 9 a.m. on Friday, March 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007:

Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Ms. SOLIS, California
Mr. BUTTERFIELD, North Carolina
Mr. SMITH, New Jersey
Mr. ADERHOLT, Alabama
Mr. PENCE, Indiana
Mr. PITTS, Pennsylvania

HONORING THE BENTONVILLE HIGH SCHOOL CHAMBER CHOIR

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise this afternoon to honor an exceptional group of teenagers from my home district, the Bentonville High School Chamber Choir.

The choir, comprised of juniors and seniors, is one of only four across the Nation chosen to go to Carnegie Hall next week for the National High School Choral Festival.

Under the direction of Terry Hicks, the choir has participated in many regional and national competitions, representing Arkansas and the Third District with class. We are privileged to have students such as the Bentonville Chamber Choir living in and representing the State of Arkansas, and I commend their success.

I wish them the best of luck on their performance at the world-famous Carnegie hall.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, in 1947, with the National Security Act, the United States Congress clearly stated that we have four separate military services, the Army, the Air Force, the Navy and the Marine Corps. Too many times people, both in the military and outside the military, do not realize that we have four separate services.

The Department of the Navy was created to be the department for two equal services acknowledged by law, the United States Marine Corps and the United States Navy. Both the Navy and the Marine Corps have proud heritages. In my service in Congress and in my seven terms on the Armed Services Committee, many times in hearings we hear the Navy admirals and the Marines generals stating for the RECORD, we are one team, we are one fighting team.

Madam Speaker, it is time for the Marine Corps to be recognized as the other three services are recognized. As a great defender of freedom for America with H.R. 346, this is the fourth Congress that I have introduced legislation to change the name of the Department of the Navy to be the Department of the Navy and the Marine Corps.

Madam Speaker, 121 of my colleagues last year cosponsored the bill. This year the bill is the same language. We are gaining large numbers from both parties who believe in the fairness of this legislation.

I would like to share part of an editorial published last year in the Chicago Tribune, and I quote, "No service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches."

Madam Speaker, I submit for printing in the RECORD the entire editorial from the April 21, 2006, Chicago Tribune.

[From the Chicago Tribune, Apr. 21, 2006]

STEP UP FOR THE MARINES

No service branch shows more respect for tradition than the U.S. Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches.

The Continental Congress ordered "two Battalions of Marines" to be raised in 1775 as landing forces for the Navy. The Marines have remained within the Navy on government organization charts ever since, even though the corps functions through wartime and peacetime as a separate branch in every other way.

Like the Army, Navy and Air Force, the Marine Corps has its own command structure. Its commandant holds equal status with other members of the Joint Chiefs of Staff, which happens to be chaired for the first time by a Marine, Gen. Peter Pace.

Several Marine veterans and supporters have launched an online petition drive to support a bill proposed by Rep. Walter B. Jones. The North Carolina Republican, whose district includes Camp Lejeune, wants to fix the matter simply by changing the Department of Navy to the "Department of the Navy and Marine Corps."

Jones has twice passed similar measures in the House with bipartisan support, but the Senate was cool to them. Senate Armed Services Committee Chairman John Warner, a Virginia Republican, veteran and former Navy secretary, has promised "fair consideration" for the legislation. That's Senate-speak for a reluctance to commit. His reluctance seems to be rooted in a sense of tradition. But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 to the Army Air Forces and in 1947 to the autonomous Air Force.

The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The corps only asks for recognition. Having served their nation proudly and courageously since colonial days, the leathernecks have earned a promotion.

But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 into the Army Air Force, and in 1947 to the autonomous Air Force.

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Madam Speaker, I want to say more emphatically beside me is a poster, is a blow up of orders from the United States Navy to submit to the family of Michael Bitz, a Marine sergeant killed in Iraq. His family received a Silver Star for valor. He gave his life for this country.

I have met his family, I have met his children, twins he will never know on earth because he died before they were born. You can see that the orders for Silver Star says at the top, the Secretary of the Navy, Washington DC, and there is a Navy flag, but there is nothing about the Marine Corps about the heading.

□ 1445

We took these orders and we want to show you how, if this bill should become law, how the fairness will show itself. If you take the orders for Michael Bitz, again, a marine who died for this country, his family received a Silver Star, and should this bill ever become law, this is what the orders will say: the Secretary of the Navy and Marine Corps, with the Navy flag and the Marine flag.

Madam Speaker, before I close, this is only an issue of fairness. The Marine Corps has earned this distinction to stand with the other three services and be recognized as a separate service.

With that, Madam Speaker, I ask God to please continue to bless our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying in Afghanistan or Iraq. And I close by asking God to please continue to bless America.

DEMOCRACY IN BELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, democracy and the rule of law is something that we have cherished in this country for over 200 years. And it is part of our responsibility to not only strengthen and preserve that in our country, but support those countries who are fighting for democracy and freedom.

Many of you may be thinking that this talk is about Iraq and Afghanistan. It is not. It is addressing the last dictatorship in Europe, which I am fortunate to have a relationship with based upon a niche I have developed in working with former captive nations and Eastern European countries.

The country of Belarus has been in a dictatorship for many years. And I am here today to call attention to the arrest two nights ago of an opposition leader, Vintsuk Vyachorka, by the KGB police. Yes, the Belarusian police still go by the KGB, under the direction of the Belarusian dictator, Alexander Lukashenka.

Vintsuk Vyachorka was pulled from his home in the middle of the night, only to be brought up on non-existent charges that will likely land him in jail for at least 25 days.

Madam Speaker, it is my belief, along with many others who have been monitoring the unraveling civil liberties of Belarus, that this arrest is merely the beginning of a series of arrests that the dictator, Mr. Lukashenka, is going to try to use to intimidate opposition leaders into abandoning a large protest on March 25 in honor of Belarusian freedom.

I say that we need to stand together today and say that we will not sit by and watch idly as Mr. Lukashenka uses his power to intimidate and scare the Belarusian people.

I am holding up a wrist bracelet, and many kids have been wearing these now in the United States for a couple of years. It is very simple. In Belarus, you can get arrested for wearing this. In fact, young people are pulled off the streets, intimidated and harassed. So today I bring this on the floor to show my solidarity with the Belarusian people, for those who are seeking freedom, a return to democracy and the rule of law.

I will not be silent, and I know the world community will not be silent until the last dictatorship in Europe changes its ways and becomes a democracy and enters the community of free, democratic countries in Europe.

CHEMICAL FACILITY SECURITY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to introduce the Chemical Facility Security Improvement Act of 2007. It is my hope that this act will improve upon the current legislation authorizing the Department of Homeland Security to regulate security practices at the Nation's chemical facilities.

On October 5, 2006, H.R. 5441, FY07 Department of Homeland Security Appropriations Act became law (P.L. 109–295). Section 550 of that bill granted the Department of Homeland Security the authority to promulgate interim regulations for chemical facility security.

Although not required for interim regulations, the Department put out an Advance Notice of Rulemaking and requested public comments. Parts of the proposed regulations caused concern, prompting comments from myself and several of my colleagues in Congress. The intention of this bill is to address four areas of concern: Preemption of State laws, use of specific security measures, information protection, and private rights of action.

The most concerning piece of the proposed regulation occurred when the Department decided to go far beyond congressional intent and assert the right of the Secretary to preempt any State or local law; H.R. 5441 was silent on the issue of preemption of State laws, and other major chemical security legislation considered in the 109th Congress—specifically H.R. 5695 and S. 2145—protected State laws from preemption in most cases.

This bill will protect State laws by allowing no Federal funds to be used to approve a site security plan unless the facility meets or exceeds security standards established by the State or local government.

H.R. 5441 restricted the Secretary from requiring the use of any particular security measure. The use of specific security measures could, however, prove necessary to lower the risk posed to and by the chemical facility in certain cases. This bill removes this restriction and would allow the Secretary to require the use of specific security measures where necessary.

According to the proposed regulations, the Department seeks to create a new class of security information called Chemical-Terrorism Vulnerability Information (CVI). The creation of new classes of protected information is not desirable, and this bill would require Vulnerability Assessments and Site Security Plans to be treated as Sensitive Security Information (SSI). SSI is the same information classification currently used for Vulnerability Assessments and Site Security Plans required by the Coast Guard under the Maritime Transportation Security Act, under which chemical facilities located at ports are currently regulated.

H.R. 5441 also restricted the right of a private citizen to sue a facility or the Department to force the facility to adopt and enforce the security measures. I feel that private suits are sometimes necessary to force a Federal agency to enforce regulations passed by Congress. Given the proliferation of signing statements made by President Bush in the past, we should not assume that congressional intent will be automatically followed.

Regulations that preclude American citizens from access to judicial action run counter to our values. We should be empowering the citizens of this country to help protect the homeland, not restricting them from doing so.

I urge my colleagues to support this legislation.

UPHOLD THE UNITED STATES CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to speak to the House, and I rise today to alert my colleagues to a bill, H.R. 328. And I rise to alert them and to speak in disbelief, truly disbelief, at this bill that the majority is preparing to bring to the House floor.

Now, it is hard to say, after some of the legislation that has been offered this year, but this is clearly the most egregious and unconstitutional bill that we have seen proposed to be brought to the floor of the House. In fact, some folks, some constitutional scholars, have said this is the most unconstitutional bill that they have ever seen.

Article I, section 2 of the Constitution states unequivocally: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, the majority has held hearings on a bill and they have passed a bill out of committee that totally disregards this portion of the Constitution. It is a bill to give the District of Columbia a seat, and a voting seat, in the House of Representatives, a clear violation of the Constitution.

The Democrats have apparently taken their majority to mean that they can run roughshod over the Constitution. Madam Speaker, this is a sad and distressing state of affairs.

It is really a very simple issue. The Founders of our Nation wisely determined that the House of Representatives was to be composed by Members elected by the States. Now, the last time I looked, Washington, DC is not a State.

Madam Speaker, we are the longest surviving democracy in the history of the world and on the face of the Earth for a reason. There is a reason for that.

The Founders of our great Nation, the authors of our Constitution, were brilliant individuals. People around the world still marvel at what they created in our Constitution.

Now, do Democrats think that Washington, DC was not given a seat in the House of Representatives as an oversight?

Was the over-200-year history of our Federal city's place outside of statehood the result of a lapse in judgment?

Constitutional scholars have repeatedly found that the Founders did not believe it to be appropriate for the site of the Federal Government to be a State. They never wanted the seat of the Federal Government to be considered a State, clearly, because of the conflicts that creates.

Congress simply does not have the authority to grant a non-state full congressional representation. But why are they doing this now? Why is the Democrat majority doing this?

Well, Madam Speaker, it is because they can, because they have got the votes. What an incredible abuse of power.

The Constitution addresses House membership very clearly. The legislative branch and the House of Representatives was so important to our Founders that it is the first thing discussed in the Constitution.

Article I, section 1, literally, the third sentence of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by people of the several States." The several States, Madam Speaker. It is clear. And Washington, DC is not a State.

Now, some may try to construe that statement to mean that the United States is the whole Nation, but the Constitution goes further to make this point even more clear. It says: "No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen." You must be a resident of a State.

This isn't just my opinion. The Congressional Research Service, the nonpartisan research service of Congress, filled with constitutional and congressional scholars, released a report that affirms that this bill is unconstitutional. It violates the Constitution.

Madam Speaker, this is a clear power grab. Now, I believe strongly that the citizens of the District should have representation. The right to vote is a sacred one, but so is the document that every one of us takes the oath to support, uphold and defend. We can't just disregard the Constitution. It is the supreme document of our land.

The options are to pass a constitutional amendment identifying the District of Columbia as a State, or to cede the land of the District of Columbia that has residents back to the State of Maryland. It is what happened in 1846 when the land west of the Potomac was ceded back to the State of Virginia.

Madam Speaker, the process that the majority is employing here is completely unfounded. We shouldn't be surprised, however. This new majority has taken the liberty to throw process out the door when they took over. Now they are tossing the Constitution out the door.

Madam Speaker, I will continue to honor the oath to support and defend and uphold our Constitution. It is a sacred document, the bedrock of our Nation.

This new majority claims to be the most open and honest and ethical government ever.

Madam Speaker, what is open about trampling on the Constitution? What is honest about trampling on the Constitution? What is ethical about trampling on the Constitution?

Madam Speaker, the American people are watching, and they don't like what they see.

FROM FOSSIL FUELS TO RENEWABLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Madam Speaker, I want to talk about a subject today that at least five groups in our country have a common cause in. They come from quite different perspectives, but they all end up at the final common pathway. And these groups are those who are concerned with national security. They are concerned because our country has only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil and import almost two-thirds of what we use. And as the President says, we get a lot of that from countries that don't even like us.

And so those who are concerned about national security are urging that we make a transition from these fossil fuels, most of which are owned by countries over there, and move to renewables so that we can have a sustainable source of energy for our country from a national security perspective.

There is a second group of people who believe that our burning of these fossil fuels is polluting the environment to an unacceptable level. And it is not just the greenhouse gases, because that introduces us to a third group. But it is all of the other pollutants that come in the atmosphere as a result of using these fossil fuels in all the ways that we use them to produce energy, coal, fire, power plants, our automobiles, our trains, heating our buildings, all the ways that we use energy.

By the way, you can make an argument that even if you are producing more CO_2, that may not produce global warming if you are producing it by burning hydrocarbons in a way that puts a lot of other pollutants up in the atmosphere.

I remember a number of years ago when Carl Sagan, the great astronomer, was noting that if we had a nuclear war we might go through what he called nuclear winter; and the trash thrown up into the atmosphere as a result of the nuclear explosions, he thought, might block enough of the Sun's rays that there would be a cooling of the Earth so that we would go through a kind of an ice age. Indeed, there is some natural phenomena that give some credibility to that possibility.

Whenever there is a major volcano that goes off, an eruption that throws millions of tons of trash up there that may circulate for a couple of years before all the fine particles finally come down, we can see a degree or two of temporary cooling in the Earth as a result of that. So there is the environmental group that is concerned about our excessive burning of these fossil fuels and the pollutants that come from that, and they are very interested in conservation, in efficiency, and moving to true renewables.

□ 1500

And then there is the growing group of those who are concerned that the release of these greenhouse gases, CO_2 being one of the major ones, is warming our Earth.

Now, it is true that our Earth is warmer than it has been in the last 10,000 years, since the last Ice Age, and maybe as warm as it has been, some say, in the last million years if in fact we have been here that long. It is not certain that there is a cause-effect relationship between CO_2 and warming.

But when you go back through history, and they do this in Antarctica by doing ice borings, and that is a desert down there; they have less than 2 inches of precipitation per year; it doesn't fall as snow, it falls as tiny little ice granules, and that accumulates very slowly. There is nearly 2 miles of ice piled up at the South Pole down there. And so with borings you can go in there and you can look back through tens of thousands of years, and the scientists can tell pretty much what the climate was like and what the temperatures were by the kinds of materials that were deposited there during that time. And they note that every time that CO_2 was up, the Earth was warmer. So that at least is a presumptive evidence that CO_2 certainly as a greenhouse gas is the cause of the present global warming that we are looking at.

And, of course, what the global warming people want is to move away from fossil fuels, because what we are doing with fossil fuels is releasing into the atmosphere carbon dioxide that was sequestered by plants a very long time ago.

As a little boy, I knew that that is what was happening, because we lived up in western Pennsylvania and we had a coal furnace; as a matter of fact, we didn't buy it, we mined it on our own farm.

There was an abandoned mine on the farm and we got the services of a miner in the little local town and he opened up the mine and we shared the coal that he got from it, and we would use coal as it came from the mine, some big chunks and down to very small ones, and some were too big to put in the furnace. And as a little boy, when it was my time to tend the furnace I would have to go down and sometimes break a lump of coal so that I could get it into the furnace.

I remember taking that sledgehammer that stood by the wall there and breaking the lump of coal, and once in a while it would open up and there would be a fern leaf. I remember as a little kid looking at that fern leaf and wondering, how long ago did that fern live and die and fall over and now be compressed under dirt and with time it finally converted to coal? So as a little boy I knew that the coal that we were burning came from plants that lived a very long time ago, and they had sequestered the CO_2 then over thousands of years perhaps.

And now what we are doing in a relatively few years, because we are in the age of oil, only about 150 years now in the age of oil, and we are now releasing into the atmosphere all the, CO_2 that has been taken out of the atmosphere over a very long time period.

So what the global warming concerned people are interested in is an energy economy that uses the energy that we are producing. If you are burning the tree that grew, you are now releasing into the atmosphere the CO_2 which the tree took out of the atmosphere. So although, and if it was possible, I am not sure that it is, that we could get as much energy from these alternative renewable sources that we are now getting from fossil fuels, you can use them to your heart's desire and you wouldn't increase the CO_2 in the atmosphere because for every pound of CO_2 that you released into the atmosphere, that pound was taken out of the atmosphere by the tree or the grass or whatever grew that you were getting energy from.

And so what the people concerned with global warming want us to do is to move as quickly as we can from fossil fuels to these renewables. So they have common cause with the environmental people and with the national security people.

And then there is a group of people growing, not large yet but growing, who believe that, even if you don't have any concern about the environment, even if you don't have any concern about global warming, even if you don't think that it is a national security risk to be getting so much of our oil from over there, it just isn't going to be there because we are going to have such a phenomenon as peak oil. By the way, our country reached that plateau in 1970. We will talk about that in a few moments.

And then there is a fourth group that really ought to have common cause here, and that is the group that is concerned about what could America do to get back as a premier manufacturing Nation? And you know that we are not now, because all you have to do is to look at the cars on the road and where they are made, and I think more than half of them are now made overseas. And all you have to do is go into a store and buy things and just look at the tag at where it is made. And I have to look and look and look to find something that is made in the United States anymore. You would make a lot of money if your wager was that the first thing you pick up is going to be made in China, because almost always the first thing you pick up is made in China.

So we desperately need an area in which we can be premier, in which we can export to the world, and I would submit that that would be in the energy efficiency and alternative energy area. There is no society in the world that is half as creative and innovative as the American people if we are challenged and if we see the need and if we see the goal.

So I wanted to talk today about this phenomenon which I think that these five groups have common cause in: Those that are concerned about national security, those that are concerned about the environment and isn't our air polluted enough, those that are concerned with global warming, those that believe that by and by the oil just isn't going to be there, the Moon isn't made out of green cheese and the Earth isn't made out of oil and, quite obviously, it is not going to last forever, and then the group that is looking for something where we can again become a premier engineering and manufacturing Nation. And, of course, we have now relinquished that premier position to other parts of the world.

The first chart that I have here kind of explains a lot of our dilemma, the World According to Oil. And I found this, and I found it so intriguing that I have shown it now a couple of times. But what this does is to show you what our planet would look like if the size of the nation was relative to how much oil it had. And, boy, do we have a warped geography here.

Here is Saudi Arabia, and it dominates. Look how big Saudi Arabia is. How many times could we put the United States in Saudi Arabia, 20? That is about how much more oil they have than we have. Canada looks pretty big here; they have got a meaningful amount of oil compared to the lower 48, compared to their size. Look at Venezuela down here, it just dwarfs the rest of South America. And look at the North of Africa here.

The countries that we think of as being important in the world economy like England and Europe and so forth, look at them there, they look like little splotches here on the globe if the countries were sized according to the amount of oil that they have.

Iraq. So you can see why people are concerned about Iraq, it is a pretty big reservoir of oil. Little Kuwait. If you look at a map of that part of the world, you will see that Kuwait, and Saddam Hussein thought that it looked like a province down there in the most southeastern part of Kuwait that he wanted to reclaim it and that is why he went in more than a decade ago, but it is tiny compared to Iraq. You could fit the United States into Kuwait five, six times. Here is Qatar, a little nation so small you can hardly see it on the globe but there it is probably as large as the United States. Iran, now problems with Iran, note how large Iran is.

Something of particular note on this. The two countries that contain about 2½ billion people total, more than 1 billion now in India, and 1,300,000,000 in China, and look at how big they are relative to oil. Russia north of them, which has only 140 million people, dwarfs them. By the way, notice how big Russia is, 1½ or maybe twice as big as the United States, it doesn't have all that much oil. We have only 2 percent of the known reserves, this is about 2 percent of that total volume of oil nations there. And Russia looks big as an oil exporter because they don't use that much oil so they can export, but they really don't have all that much oil compared to countries like Saudi Arabia and so forth.

The next chart is a prediction that was made by a very famous speech that was given 51 years ago the 8th day of this month. And I will submit that, within a decade, this may well be recognized as the most important speech given in the last century. It was a speech given by M. King Hubbert, who was an oil geologist and he worked for the Shell Oil Company. And there was a convention of oil people in San Antonio, Texas on the 8th day of March 1956, and he got up and gave an absolutely audacious speech. It was inconceivable and unbelievable when he gave the speech.

What he said was that the United States, and if you look back in your history at that point in time we were king of oil; we were producing more oil and I think exporting more oil than any other country in the world. And he predicted that this giant in oil would reach its maximum production of oil in just about 14 years, and he was predicting that by about 1970 we would reach our maximum production of oil.

Now, he was talking only about the lower 48. He couldn't imagine at that time that we would be able to go out and drill in the Gulf of Mexico where there are now 4,000 oil wells, I think, and he did not take into account that we might find oil. I expect the technology for getting it out of there probably would have been very difficult at that time. So he was predicting the lower 48. And that would be everything here of the rest of the U.S. and Texas. You see how big Texas was here. Maybe a third in total oil we have ever produced has come from Texas. And that would be the lower 48.

As you see, right on schedule in 1970, his prediction came true. That shocked a lot of people. And whereas he had been an object of ridicule before that, now he became kind of a legend in his own time.

And then we found that huge strike of oil in Alaska in Prudhoe Bay up at Dead Horse, I have been there; I saw the beginning of that 4-foot pipeline, through which for a number of years now about one-fourth of our total oil has flowed. And then the nongas liquids you see up here. If you add those two in, there was just a bump on the way down the other side of Hubbert's Peak.

And here we are today. In the lower 48, we are producing considerably less than half of the oil that we produced in 1970. And if you even add to that the liquids made from gases and the Gulf of Mexico oil, now that is recent enough that people can remember that, and you may remember the hype that went on over that. Gee, we don't have to worry about oil for the foreseeable future. We found this enormous amount of oil in the Gulf of Mexico; and, as I mentioned, there are about 4,000 oil wells there. Notice that hardly made a blip in our slide down the other side of Hubbert's Peak.

The next chart shows a depiction of Hubbert's Peak, and this is from a very interesting publication. This is in a publication by CERA. Now, CERA is one of the few organizations that believes that you don't need to be worrying about oil for the next number of years, and they have this chart in their publication and they intend to repudiate and ridicule M. King Hubbert with this chart. And they are saying that M. King Hubbert couldn't have been right because look at the actual data here.

Now, this is the total U.S. production, the red, and the yellow is the Hubbert's lower 48. And what he is saying was that Hubbert must have been all wrong, because the actual lower 48 production are these green things down here, and they think that is far enough away from the yellow that his prognostication is repudiated by this.

I would think the average person looking would say, well, gee, he was right on. Wasn't he? He said it was going to peak in 1970, that is 1970. He said it would go downhill after that. Well, it didn't go downhill quite as fast as he thought it would, but it certainly has gone downhill after that. Maybe he couldn't have imagined that we would drill more than ½ million oil wells in this country. We have more oil wells drilled in this country than all the rest of the world put together.

Now, the red here reflects that contribution from Prudhoe Bay and from the Gulf of Mexico that we saw in the previous one, that little blip going down the other side of Hubbert's Peak.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. I would be happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I would like to say that the gentleman from Maryland is like Socrates up here lecturing to the Members and to the country on this incredibly important issue. And I would just like to take note that you do it day after day, and you are relentless.

There is no question that, still, there is this denial with regard to the amount of oil that the United States has in terms of reserves compared to OPEC, compared to Russia, compared to other countries in the world.

□ 1515

And the gentleman from Maryland on a consistent basis comes here to the House floor. I know you do it in other places to bring this message. And if I may, just for 10 seconds because I know the gentleman shares my view on this, I think we both drive hybrids. I think the gentleman is the Chair of the Hybrid Caucus, as a matter of fact. And we both know that the technology exists if we make a commitment as a nation. So here is just one little statistic I would like to put out there:

In 1970, the United States imported 20 percent of its oil; 80 percent we produced. By 1977, just 7 years later, we imported 47 percent of our oil. We went from 20 percent imports to 47 percent imports. But then the Congress and Gerald Ford, President Ford, passed legislation which mandated a doubling of the fuel economy standards for the United States of America. By 1985, 1986, we had dropped back down to 27 percent imports. So we went from 20 percent to 46 back down to 27 percent because we improved our technology. We doubled the fuel economy from 13 miles per gallon to 27 miles per gallon. We did it technologically.

Today, unbelievably, the United States imports 60 percent of its oil. So from 1986 to 2006, we went from 27 percent of our oil that we imported to 60 percent of our oil that we imported. And as the gentleman graphically, in eye-watering detail, continues to present out here on the House floor, the places from which we import this oil is not healthy for the United States of America. It is an unhealthy relationship with countries that we should not be dependent upon. Three hundred billion dollars worth of oil imports last year. Three hundred billion dollars. And we know that much of that money is spent on things that are completely adverse to the overall national security interests of the United States of America even as we emit more greenhouse gases out into the atmosphere that we would not be emitting if our fuel economy standard was much higher.

So I saw you out here again like a preacher, and I thought that I would just let you know that I am out here in the congregation listening to you, and I know that there are many, many other people who are very much in debt to you for having the resolute commitment to getting this message into the minds of the American people.

So I thank the gentleman for yielding.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much for his kind words.

This is, in fact, the 25th time that I have been here. And, wow, it was the 14th, just about a year ago I came here for the first time, the 14th of last month, March. And we were putting our charts together and we were trying to decide what to call this phenomenon. Were we going to call it the "great rollover," when you reach the top and start down the other side, or were we going to call it "peak oil"? And we had a long conversation in the office about what we should call it, and we finally decided we would call it "peak oil."

Now, I didn't know that there were some other people out there already calling it "peak oil" because I am a whole lot wiser now than I was then, but this kind of indicates the status of the recognition of the problem a year ago, and I was one of the more interested people in the Congress in this and I didn't even know what to call it. I was arguing with myself and with the staff. We were discussing it. Should we call it the "great rollover," and it will be a great rollover, or should we call it "peak oil"? We finally settled on "peak oil," and now today there is an increasing number of people who are concerned about peak oil.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. Why do you think it is so hard to convince people that we don't have the oil reserves that would allow us to have a healthy relationship with the rest of the world that does have the oil reserves that ultimately we are going to need to import if we don't change our habits? Why do you think our country doesn't come to grips with that? Where is the gap in communicating with the American people on this issue?

Mr. BARTLETT of Maryland. Well, thank you. I think there are several reasons for this. One is an irrational confidence, worship almost, of the marketplace, and technology. And the third is that people just don't like to think about tough, hard things. I love to think about those things because there is no exhilaration like the exhilaration of meeting a big challenge and overcoming it. So this is exhilarating to me, and there are many people that don't like this. And my wife tells me that I shouldn't be doing this because don't you remember that in ancient Greece they killed the messenger that brought bad news? And my response is this is a good news story. If we start today, we will have a less bumpy ride than if we start tomorrow.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. You tell your wife that in Massachusetts the messenger's name was Paul Revere and we actually built statues to him up in Massachusetts for telling us the Red Coats were coming, the British were coming, the regulars were coming. And that is what you are telling us right now, that at 60, 61 percent dependence upon imported oil, we are heading inexorably towards a very, very dangerous foreign policy, national security crisis in our country because we are averaging about 1½ percent per year increase in our dependency. So in order to move from 27 percent back in 1985, 1986 to 60, 61 percent today, it just has to go up that much. So if we come back here in 67 years and we haven't done anything, we will be over 70 percent, 75 percent dependent upon imported oil, all unnecessary if we looked at the facts and looked at the facts today and began to change our national habits.

So tell your wife that Paul Revere is more likely the analogy that applies to you rather than the messenger that they shot.

Mr. BARTLETT of Maryland. I want to thank my friend for joining me. This is absolutely a bipartisan issue. I don't know that energy and oil knows the difference between a Democrat and a Republican. So I am very pleased that you joined me on the floor.

I might say just a word about these two philosophies that are keeping us from really focusing on this issue. One is an almost reference for the marketplace. There are many people who believe that the marketplace is both omniscient, it knows everything; and it is omnipotent, it is all powerful and it will solve everything. Well, I believe the market is really very powerful. But, you know, there are some things that even God can't do. God can't make a square circle, can he? So there are some things that the marketplace won't be able to do.

I do not think that the market signals will be able to be responded to quickly enough to meet this challenge. If there were infinite resources, then this blind faith in the market might have some relevance. But there clearly are not infinite resources. The amount of oil out there is, in fact, finite.

The other is the near worship of scientists and technology: Don't worry, they will fix it. I mentioned to one of our really high officials in government that peak oil was a reality and that it just wasn't going to be there in the future in the amounts that we need for our economy. And he said, Well, I guess when that happens, the price will go up and people will use less and they will find something else and that solves the problem. Don't worry about it, they will fix it.

Well, I point to two different societies: The Mayan society down in Central America. That didn't get fixed and they are gone. Our cliff dwellers out in the West. I am sure that a number of folks have been there and seen those cliffs, and their world is gone. And I am sure when it was deteriorating, they were saying to each other, Don't worry, they will take care of it.

Easter Island, a vigorous civilization there, and when we finally found the last survivors of it they were living in caves. They were eating rats and each other because they had done, in that little part of the planet, what we may one day do to our total planet; that is, they were living beyond the renewable resources of their little island there in

Easter Island and somebody didn't fix it. There wasn't somebody there to fix it.

The next chart looks at a number of the experts and what their predictions are as to when this peak oil that Mr. MARKEY was talking about is going to occur. And we are now here in 2007 and notice that there is a large number of them here: Colin Campbell, Kenneth Deffeyes, Matt Simmons. Several of these I know personally. And their predictions are all in the very, very near timeframe. As a matter of fact, Deffeyes believes that we now have passed peak oil. He said he used to be a prognosticator and now he is an historian. He is now looking back at the event of peak oil. And then we have a few that believe it will be between 2010 and 2016. And then CERA. CERA is the largest one here. Shell. No visible peak. Very few who believe that it may be some time off in the future.

We will have an opportunity in a few moments to talk about CERA and some of their projections. But notice that most, the large percentage of all of those who have been looking at this and studying this believe that peak oil is either present or imminent.

The next chart is a really interesting one. And if you had only one chart to look at, this I think is the most instructive of all of the charts that we have because on this one chart, it shows the discovery, and that is the large bars here. And you see that back in the 1940s we were discovering lots and in the 1950s, and, boy, in the 1960s and 1970s huge amounts of oil. But notice what has happened. Since about 1980 it has been down, down, down. And that is in spite of ever better technologies for discovering oil and ever better incentives.

When Reagan came to office, that was in 1980, and we were already 10 years down the other side of Hubbert's Peak; so we knew darn well that M. King Hubbert was right, that the United States had reached its peak and we were sliding down the other side of the peak. And I really liked Ronald Reagan. I can like a person without liking everything that they do. And I thought then and I am more convinced now that his solution to this oil problem was totally the wrong solution. His belief was that if you gave them a profit incentive they would go out there and find it. So they gave them a profit incentive, and, boy, did they drill. And I don't have it with me, but I have a chart that shows the number of wells that were drilled and how much oil was found. And drilling didn't help. You can't find what is not there and you can't pump what you haven't found. So in spite of ever better techniques like 3D seismic and computer modeling, we now pretty much know what the whole globe looks like geologically except maybe we would like to know a little more about Saudi Arabia and some of the countries around the Caspian. But largely we are pretty aware of what the geology is, and we know that gas and oil can occur in only certain unique geological formations.

The dark line here represents the use of oil. And you see that for a long while we were finding enormously more oil than we were using. But from about 1980 on, we were finding less and less and using more and more.

By the way, notice this little blip here in the 1970s. This is the result of the Arab oil embargo, and had this curve kept going up at the rate it was before, where would it be? There was a stunning statistic up through the Carter years, through this time; every decade we used as much oil as had been used in all of previous history. Wow. What that says is that when you have used half of all the oil in the world, there would be what, one decade left at current use rates? Now, obviously, that couldn't happen because you are not going to use it and then fall off a cliff at the end because the last remaining oil is going to be harder and harder to get. But since about 1980 on, we have now been eating into or reserves, and you will have to take some of this surplus here and fill in this area here. And then what will the future look like?

This chart presumes that it will peak in about 2010. And you can make the future, within limits, look differently, depending upon how aggressive you want to be in using enhanced oil recovery and if you want to drill everywhere in the world the equivalent of the half million wells that we have drilled in this country. If you drilled 10 wells rather than one in the Oil Patch, you obviously would get the oil out quicker. You are not going to get any more oil out probably, but you will get it out more quickly.

So there may be some argument about what the future looks like, but there can be no argument that you can't pump what you haven't found. Now, if you put a smooth curve over this discovery curve, the area under that curve represents the total amount of our discoveries. That is the equivalent of adding up all these little individual bars. And if you look at the area under the use curve, that will be the amount of oil that we have used.

Now, obviously, at the end of the day, those two areas are going to be the same. So unless you think that we are going to reverse this discovery curve and find a lot more oil, and some people do think that, by the way, and we will talk about that in a few moments, but unless you think that we are going to find a lot more oil, the future cannot look very much different than this because you can't pump what you haven't found.

□ 1530

Because you can't pump what you haven't found, and the area under this discovery curve cannot be different than the area under the use curve. There are many people who are projecting uses that would just indicate that we are going to have to find enormously more oil in the future. One of those projections is in the next chart.

This is from our Energy Information Agency, and this is projections of discoveries. Now, they didn't draw a really smooth curve. They took in some of the big humps, but they could have smoothed this whole thing out.

This is the discovery curve we were just looking at. I think you can recognize that, way up here in the seventies and down, down, down since then. Back in about 2000 they were projecting what we would find in the future. Now, they used some very interesting assumptions here.

The USGS has done a series of simulations. They have some computer modeling, and they have done a whole series of computer modelings, thousands of these, with different inputs. If this was true, if that was true, then what would the likely amount of yet-to-be-discovered oil be. And they have charted those things, and they have the frequency on the ordinate, and on the abscissa they have the amount of oil yet to be found.

Now, this is all a computer game. They simply are making some guesses, assumptions; and they are putting those into this computer model and they are running that model; and as they change the assumptions, they will change the amount of oil they think we will find.

So they have gone to the midpoint of that, and they have said that was F, they call it F, and somehow that got distorted to P and they are now talking about probabilities, which is just bizarre, because these are not probabilities. But this is the fraction of oil that you will find more or find less than this.

So what did they have here? Three of these curves. They have the P–95, that is 95 percent probability they say. Then they have the P–50. That is really F–50 in the data they took this from. And then they have the 5. What they are saying is that since 50 is halfway between 5 and 95 it is the mean and therefore that is the most probable. So their projection when they made the chart was that this downward slope was now going to be reversed and we were going to start going up.

Of course, if they really are probabilities, and it didn't start as that, it started as these fractional things, but it ended up being projected here as probabilities, if they really are probabilities, there should be another green line down here and another blue line down here.

It is like that little funnel-shaped thing you see from the hurricane. Tomorrow you are pretty certain where it is going to be. The day after tomorrow, you are less certain, so that gets to be a big funnel as you go out. So that is what these various probabilities are.

Now, not surprisingly, the actual data points have followed the 95 percent probability. If you say those are probabilities, obviously this 95 percent probable is a whole lot more probable than 50 percent probable. But for what it is worth, the actual data points for a decade or so have been following the 95 percent probability.

The next chart, this is from the Hirsch Report. I might digress for a moment to note what the Hirsch Report is. There have been two major studies that are financed by our government. One was financed by the Department of Energy and that was SAIC report. Dr. Hirsch, which is why this is called the Hirsch Report, Dr. Hirsch was the leading investigator on that, and this came out, oh, a year-and-a-half ago roughly. I think we will have some quotes from it a little later. But they looked at this situation, peaking of world oil production, impacts, mitigation and risk management. It is going to peak. What should we do about it, what can we do about it, is what was in this report.

This is one of the charts from this report, and these are USGS estimates of ultimate recovery. This is the F that I was talking about. They somehow changed it to P. But this is low, 95 percent; high, 5 percent; and the mean, or expected value, 3,000.

Just a word about what these numbers are. These are thousand gigabarrels. Now, we use gigabarrel because a billion in England, I understand, is a million million. A billion in this country is a thousand million. So if you are talking about billions, you may confuse some people. But apparently everybody knows what a giga is, and a giga is our billion. So we are talking about gigabarrels of oil.

So this is 2,248 gigabarrels of oil. That is about, what, 2,000 gigabarrels of oil. That, by the way, is roughly the amount of oil that most of the world's experts believe we have found, and we have used about half of that. We have used about 1,000 gigabarrels of oil, so there are about another 1,000 that we have yet to use.

But what this prognostication indicates is that we are going to find as much more oil, another roughly 1,000 gigabarrels to bring this 2 up to 3, we are going to find as much more oil as all the oil that is still left in the world. Now, that is conceivable. I think it is about as likely as winning the lottery. I don't think there is much probability of that happening.

But even if that was true, and that is the stunning thing that this chart shows, even if that is true, that only takes the peak out to 2016. That is just around the corner. That is 9 years away, even if that is true.

This is the power of the exponential function. One of the most interesting lectures I have ever heard was given by Dr. Albert Bartlett, emeritus, University of Colorado, no relative of mine. I wish he were. I wish I had some of his genes. He gives some fascinating explanations of the exponential function. One of them I think is worth spending just a moment on.

The story is told that chess was developed in an ancient kingdom, and the king was so pleased at the invention of chess that he asked the inventor to come in and he promised him any reasonable thing. And the inventor of the chess game said, O, king, I am a very simple person. I have simple needs. If you will just take my chess board and put a grain of wheat on the first square and two grains of wheat on the second square and four grains of wheat on the third square and eight on the fourth square and keep doubling until you have filled all of the 64 squares on my chess board, that will be reward enough.

The king said to himself, simple fellow. He could have asked for something meaningful, and all he has asked for is a few grains of wheat on a chess board. Of course, the king could not deliver, because it is my understanding that it would take the world's harvest today of a decade to fill the chess board. That is the power of exponential growth.

Albert Einstein was asked about what the next great power in the universe would be after the discovery of nuclear energy, and he said the most powerful force in the universe was the power of compound interest.

Well, Dr. Albert Bartlett's fascinating 1-hour lecture, and just do a Google search for Dr. Bartlett, Albert Bartlett and energy, and you can pull it up, and he has some very interesting illustrations in there.

He says the biggest failure of our industrialized society is the failure to understand the exponential growth. But even if we were to find as much more oil as all the oil that now exists, it would push the peak out to only 2016.

Now, if you use enhanced oil recovery and pump a lot of CO_2 down there and live steam and so forth, maybe you can push it out to 2037, but look what happens after that. Then you fall off a cliff, is what they say in this prognostication.

The next chart is an interesting chart from CERA. In an article entitled "Undulating Plateau Versus Peak Oil," it says there is not going to be any peak. I looked at this, and, by golly, it looks like a peak to me. It goes up and then it comes down.

Now, they have several different assumptions in here, and they are pretty easy to sort out, I think. This is roughly that 2 trillion, the current known amount of oil; and if that is all the oil there is, they agree that the peak is pretty imminent. But they believe that we are going to find about as much more conventional oil as still exists in reserves. If that is true, then the peak moves out only this far.

Then they think we are going to get a lot of oil from the unconventional oil sources, like the Canadian tar sands and our western oil shales and the really heavy oil from Venezuela; and if we get that, then we are going to go up that high plateau. But this is still a plateau

I have 10 kids, 15 grandkids and 2 great grandkids. Wouldn't it be nice if we left a little energy for them? We are bequeathing them, not with my votes, but we are bequeathing them the largest intergenerational debt transfer in the history of the world. I would like to leave them a little energy, thank you, which is why I don't vote to drill in ANWR and I don't vote to drill offshore. I think there is a real moral element to this discussion.

If we are going to bequeath them this horrendous debt, which I think is immoral in itself, then I think it is doubly immoral that we give them a world from which we have raped all the readily available energy. Someone suggested in the future they may look back at what we have done and say to themselves, how could the monsters have done that? I hope that they won't be able to say that about this generation, because I hope that we will do better.

Well, this curve that they meant to repudiate, peak oil, I think confirms there will be a peak oil.

The next chart here is a statement from one of the experts in this field, Dr. Laherrere, and this is what he says. The USGS estimate implies a five-fold increase in discovery, to reverse the current trend, which is going down, and it is going to go up, a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is in fact utterly implausible, he says, given the great technological achievements of the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects.

And we found a pretty big one just recently out in the Gulf of Mexico, under, what, 7,000 feet of water, roughly 30,000 feet of rock. If you notice, they aren't developing that yet. I am told, and not everything I am told is true because it is sometimes hard to get the correct facts, but I am told that they will start developing that when oil is $211 a barrel, because that is what it is going to cost to get it out of there. I am not sure whether that is true or not.

The next chart, I mentioned the oil chart that we showed before as being the single chart I would use if I had only one. If I was awarded two charts to use to talk about this, this would be the second one I would use, the upper part of it. This is a really revealing chart.

This goes back through about 400 years of, I generally say 5,000 years of, recorded history. Hyman Rickover referred to it as 8,000 years of recorded history.

I might digress for just a moment. I hope to come to the floor the 15th of this May to talk about a really, really interesting speech that Hyman Rickover, the father of our nuclear submarine, gave to a group of physicians in Saint Paul, Minnesota, 50 years ago the 15th of this May.

He notes that we have 8,000 years of recorded history. He said at that time, 50 years ago, we were about 100 years into the age of oil. This now introduces us to that age of oil.

It was introduced, of course, by the Industrial Revolution which started with wood, the hills of New England, the mountains that were denuded, taking charcoal to England to make iron. Up in Frederick County, which I have the honor of representing, there is Catoctin Furnace up there, which is a little smelter up there, and they denuded the hills up in Gambro where Camp David is. They denuded those hills to make charcoal for that furnace. It is now a historic site. The Industrial Revolution began with the use of wood. The Stanley Steamer used wood.

On the ordinate here is the quadrillion BTUs. This is a measure of the total amount of energy produced. Notice that is pretty far down here. Then we found coal. Boy, then the Industrial Revolution took off. But it really took off when we found gas and oil. And notice how that is standing up on end. And notice what happened at the Arab oil embargo here in the seventies.

□ 1545

Where would we be if that hadn't happened? That was really a wake-up call. As a result of that, we have enormously more efficient appliances than we had then. Your air conditioner is probably three times as efficient as it was then. Too bad our cars didn't follow that path, isn't it?

Well, the interesting thing is that the world's population just about followed this curve. For these 8,000 years of recorded history, we had half a billion to a billion people worldwide. Now with the industrial revolution, the population has exploded. We now have almost 7 billion people in the world.

There is, in Hyman Rickover's speech to those physicians 50 years ago, a fascinating discussion of the contribution of energy to the development of civilization.

I hope to come to the floor on May 15 and we will spend the whole hour talking about his speech. It was so prophetic. As a matter of fact, he predicted that if we start making too much energy from a food substance, the price of food will go up. We have made trifling amounts of ethanol from corn, and we have doubled the price of corn. We are hurting the poor people who use tortillas because they are made out of corn. My dairymen are financially dying because the price of corn has doubled and the price of milk does not justify that feed cost. They are losing money month by month.

Well, this is striking symbolism here. In another 100–150 years, we will be down the other side of the age of oil. This is going to fall off.

Is there any reason that the world shouldn't follow the microcosm of the United States? M. King Hubbert predicted in 1956 that we would peak in 1970. We did. He predicted the world would be peaking about now. If he was right about the United States, why shouldn't he be right about the world, and why shouldn't we have been doing something about that?

Since 1980, we have known very well that M. King Hubbert was right about the United States. If he was right about the United States, maybe he would be right about the world. If it is true that the world's oil production would peak about now, then no matter what we do, drill a half million wells, like we drill in the United States, which would be millions worldwide, it still goes downhill no matter what we have done. Our production is downhill.

Very interesting, in 8,000 years of recorded history, the age of oil will be but a blip: 300 years. What will our world look like? Our next chart introduces us to that.

Sooner or later, whether we like it or not, we will transition from fossil fuels because they will one day be gone. We will transition from fossil fuels to renewables. This chart looks at the options that we have. We have some finite sources, and we need to come back for another hour and talk in detail about some of these finite sources that we have here and what their potential is, and then let the listener judge as to what contribution they think will be made from this.

One of the challenges we have is the fantastic density of energy in our fossil fuels. One barrel of oil has in it the energy equivalent of 12 people working all year long. Hyman Rickover gives some fascinating examples in his speech to those physicians nearly 50 years ago. He said that each worker in the factory had at his disposal the power equivalent of 244 men turning the wheels and so forth; that every family had the mechanical system, stoves and vacuum cleaners, toasters, that represented the work of 33 full-time faithful household servants. He said 100,000 men pushed your car down the road, and the equivalent energy of 700,000 men pushed a jet plane through the sky.

Two little examples to help realize this, just think how far one gallon of gasoline or diesel, how far that one gallon of gasoline or diesel takes you. I drive a Prius. It drives 50 miles on a gallon. How long would it take me to pull my Prius 50 miles?

If you go out and work really hard all day, I will get more work out of an electric motor for less than 25 cents worth of electricity. Now energy-wise electricity is about half the cost of gasoline, but about 25 cents worth of electricity, and that may be humbling to represent that you are worth less than 25 cents a day in terms of fossil fuel, but that is the reality. And that is why we have such an incredibly high standard of living, we have this incredible energy source at our disposal.

The challenge is to transition to renewable forms of energy that will provide the same quality of life. We have some finite resources that we can go through. The tar sands, the oil shales, the coal, nuclear fission, nuclear fusion. We don't have time today to talk about these in detail. We will come back and talk about those in detail. And then all of the renewables. These will one day be gone, except for nuclear. We will talk about nuclear. If we ever get fusion, we are home free. I think that is most unlikely. If we go to breeder reactors, we buy some problems, but then we have relatively secure energy if you can handle the waste, and so forth, from that.

But there are only so much tar sands, oil shale, and coal. They come at great expense. They are pretty polluting processes. Ultimately, we will be down here, getting all of our energy from these resources: Solar, wind, geothermal, ocean energy, agricultural resources, soy diesel, biodiesel, ethanol, methanol, biomass.

Now there is a lot of talk about cellulosic ethanol. I understand the President on television was saying that there is going to be limited amounts of energy we can get from ethanol because already we have doubled the price of corn. So now we need to turn to biomass, to cellulosic ethanol.

Cellulosic ethanol is liberating the glucose that is so tightly bound in the starch molecule that enzymes in our body can't liberate it, but there are microbes that live in the guts of the wood-eating cockroach, cryptocercus, and in the stomach of cows and sheep and goats and so forth that does that for them. So the cellulosic ethanol is liberating the glucose from the big cellulose molecule.

Waste energy. Just a word of caution, that huge stream of waste we have is the result of profligate use of fossil fuels. In an energy deficient world, there will be nowhere near as much waste as we have now. We jolly well ought to be using the waste energy now. It is a much better use of this waste than burying it in a landfill, but it will not be the ultimate solution to our problem.

Hydrogen. I want to make sure that everyone understands that hydrogen is not an energy source. We talk about it because when you burn it you get water that is pretty darn clean, and it is a great candidate for fuel cells, if we ever get fuel cells. Think of hydrogen as a battery, something to carry energy from one source to another.

We have only a few moments remaining, and I would like to put the last chart up. That will introduce us to a longer discussion we will have next time.

We are very much like the young couple whose grandparents have died and they have inherited a lot of money. They have established a lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent from what they are earning.

Here we are getting 85 percent of our energy from fossil fuels and only 15 percent from anything else, and the fossil fuels are not going to last. The kids look at what they are doing and say gee, that is going to run out. We have to do something. Either we have to make more or use less. That is exactly where we are.

A bit more than half of all of this other than fossil fuel energy is nuclear power: 8 percent of total use in our country, 20 percent of electricity, it probably could and should be more than that, and then 7 percent. That is going to have to grow until it is 100 percent, but some don't have much potential for growth.

Conventional hydroelectric, that is peaked out. We will come back and spend a full hour talking about the potential of these. There are exciting challenges here, and I think it will inspire the best of America

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to be here for another session of the 30-Something Working Group. We have had a very interesting week in Congress this week, and we want to share some of that with our fellow Members of Congress and those people paying attention for the record on the week of sunshine in the United States Congress.

In the past several days we have, as Democrats, continued to honor our pledge to try to open up government, knowing that the more information that we share, the more information that we have about the inner workings of government, the better off we are all going to be.

I think we have all seen over the past several years how a very closed, secretive government rules and what the end result may be of a very closed and secretive government. We are trying to fix that problem.

As you watch the news, Madam Speaker, as you watch the news every single day, it seems like we continue to hear stories about problems that we knew about many, many years ago, but we never did anything about it because you are not allowed to admit you make mistakes.

What we have tried to do this week is try to prevent the kinds of situations we have had with Walter Reed, try to prevent the kinds of situations we have had with Iraq, and try to prevent the kinds of situations we have had with Hurricane Katrina. All of these things were happening behind closed doors, and the people involved at the Pentagon or the Department of Defense, or whether it was in FEMA, the problem was people in the organization or in the agency or in certain departments knew things weren't going well or knew there wasn't a plan or knew we didn't have the proper people in place to execute whatever the exact role was of that agency, but nobody was allowed to tell anybody or talk about it. And if you talked about it, you were fired.

We saw Hurricane Katrina on TV. We continue to see the war on TV, and we see what has happened at Walter Reed. Can you imagine people knew about what was going on at Walter Reed and didn't say anything? And then getting up in front of the TV cameras and say: We are for the troops, and you're not. That is a problem.

The new Democratic majority has begun the problem of fixing that problem this week. We are restoring accountability. This week we passed whistleblower protection and other government reform bills so that those people involved in the agencies who know how the agencies need to be run will not be subjected to the political whims of the day.

We want them to share with us what the problems are. We want them to share with us how we fix the agency or the department or the execution of the mission of a specific department. And I think it is important politically. As I am joined here by my good friend from Florida, Mr. MEEK, I think it is important that we recognize what has happened since the Democrats have taken over.

Now we are not here to just say we are the only political party in the country and we are the best and this and that. We had a political situation in this country since 2000 where the presidency was Republican and for the most part the House and the Senate were Republican the whole time, and the Republicans have controlled this Chamber for 14 years. And a culture of coverup happened, to where the Republican majority in the House would not oversee or provide the proper oversight to what was going on in FEMA, in the war, and a lot of these other agencies.

And what has happened when the Democrats took over Congress and the American people said we need to bring a little balance to this situation, just look at what has happened. Walter Reed, who knows if that would have ever come up if the Democrats weren't poking around saying what is going on with veterans' health care?

□ 1600

All of the issues in Iraq. Today we passed a supplemental to begin to put the framework together to get our kids home from Iraq. And look at what is going on with Katrina and the oversight we are providing for that.

These are things that are happening because the American people put balance back into the government. And we want to continue to honor the pledges that we made previous to the last election. We want to make sure that it is not just the whistleblower protection, but it is the 67 hearings that we have already had, Democrats have already had on Iraq. Sixty-seven. No, it's even more.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, it is more than 67 hearings. You meant 97 last week, but now it is 104 hearings. Three digits.

Mr. RYAN of Ohio. And what is today, March 14?

Mr. MEEK of Florida. March 15. That's a good thing, Mr. RYAN.

Mr. RYAN of Ohio. In a couple of months we've had more hearings than the Republican majority had.

Mr. MEEK of Florida. Definitely at this point in the 109th Congress, in the 108th Congress.

But go ahead, Mr. RYAN.

Mr. RYAN of Ohio. I think it is important for us to really recognize the importance and the results already of what has been happening. And I don't know if this is a coincidence or not, but Halliburton just picked up and moved; they just picked up and said we're moving out of the country.

Mr. MEEK of Florida. That is no-bid contract Halliburton.

Mr. RYAN of Ohio. Yes. And it is a shame that a company that gets that much public tax money would pick up and leave the very country that they get their money from to have their corporate headquarters.

But it is important that we are living up to our commitment. We are providing the oversight, 104 committee hearings. We are restoring accountability with the whistleblower protection; Presidential library donation; FOIA requests, where you can actually access documents in the government, freedom of information. So a lot of sunshine came down on the Capitol this week.

And I couldn't be prouder of the Speaker of the House, NANCY PELOSI, and STENY HOYER and JIM CLYBURN and

RAHM EMANUEL and JOHN LARSON, our leadership and the Chairs of our committees for really applying the pressure and really trying to fix things and make things better.

I yield to my friend from Florida.

Mr. MEEK of Florida. Thank you, Mr. RYAN. Thank you for yielding. So kind of you. My good friend from Ohio.

Mr. RYAN, you know, yesterday when we were down here, we talked about the bipartisan votes, the fact that we are allowing an opportunity for the Members of Congress to vote for good commonsense, good government legislation that they have been denied of voting on for 12 years. And now we are in the majority, and we have an opportunity to put legislation forth. And as Ms. WASSERMAN SCHULTZ experienced in the last Congress, we had, Madam Speaker, very few bipartisan votes because it was the bills that came to the floor that encouraged a lack of bipartisanship. As a matter of fact, it encouraged partisanship, to keep us divided. And that is not what Americans asked for. They didn't say, hey, Congressman, I am sending you to Washington, DC to be a partisan. I am sending you to Washington, DC to make sure that we have accountability; to make sure that we are fiscally responsible; to make sure that we hopefully move in a new direction when we need to move in a new direction.

And I am so happy today, with this whole Accountability in Contracting Act, that there were 347 votes in the affirmative. Madam Speaker, I am more concerned about the 73. How do they go back home and say, well, I don't believe in accountability in contracting; I'm against that. You know, I would think that the folks that did vote against this very good piece of legislation are probably going down the line of saying that I am committed to being a partisan, because it wasn't my idea or it wasn't their idea. Well, the good thing that I am excited about, because I am not going to focus on the individuals who decided not to vote for it, I am going to focus on the 119 Republicans that did vote for it and the 228 Democrats that did vote for it. Every last Democrat that was voting on that bill voted in the affirmative because it was the right thing to do. And I commend the bipartisanship, and we will continue to talk about that.

Whistleblower protection, we talked about that yesterday, such a good vote. I am going to say it again, Madam Speaker: 331 voting in the affirmative. Bipartisan, the House. The majority of the House voted to protect whistleblowers

Mr. RYAN, someone is in there in an office somewhere here in Washington, DC, Ms. WASSERMAN SCHULTZ, or in a regional office in Atlanta and come to work every day saying that this is not the way we should be doing things. This is against the law. That individual will be protected once we get it through the legislature, once we get it through the Senate and hopefully to the President.

But what I am more concerned about, Ms. WASSERMAN SCHULTZ and Mr. RYAN, is that the President has already said of these accountability measures that we are passing that he is willing to veto three out of four of them.

Mr. RYAN of Ohio. There is a surprise.

Mr. MEEK of Florida. Which is very interesting. I don't know of the 73 that voted against it today, if that is going to be the basis for saying that that is the reason why I am going to veto it, because 73 Members of the House voted against it. But neither be here nor there, I am glad that we are here in the majority, Madam Speaker. We have been in the minority, but we still have not allowed the majority to get to our heads or to our heart.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield, but I was just making a wonderful point. I will yield, Mr. RYAN, if you want me to yield.

Mr. RYAN of Ohio. Okay, make your point.

Mr. MEEK of Florida. We are not letting it get to our heads or our heart or the reason why we are here in the first place.

And the reason why the 30-Something Working Group continues to come to the floor, Madam Speaker, because some folks thought, Ms. WASSERMAN SCHULTZ, this is just a minority project. Oh, they are in the minority, they want to go to the floor, they want to talk about what's wrong, they want to talk about what they will do if they ever get in the majority, and that will be it. Well, guess what? We are here in the majority celebrating the fact that we are doing the things that we said we would do. I mean, that is a paradigm shift in Washington politics: you run for office and you come here and you actually do what you said you were going to do. And now that is being carried out.

We have always said some of our friends on the other side of the aisle wanted to be a part of good government, 6 in '06, implementing the 9/11 Commission. We were able to get 299 votes with 68 Republicans voting with us on that. Raising the minimum wage, we were able to get 315 votes with 82 Republicans voting with us. Funding on enhancement of stem cell research, H.R. 3, 253, with 37 Republicans, on and on and on. And the reason why that is happening is not because Republicans all of a sudden say, hey, I want to vote with Democrats and I am going to be bipartisan. They are voting because they always wanted the opportunity, Madam Speaker, to vote for good legislation.

Back home, I am going to tell you right now, there are Republicans that are saying I wanted the 9/11 recommendations to be fully implemented to protect America. They don't care who is the leader of the Republicans in the House and who is the leader of the Democrats in the House. They want to be secure. And those Republicans that voted with Democrats to implement every last one of those 9/11 recommendations did so on behalf of their constituents.

So we come to the floor to talk about bipartisanship. We come to the floor because we have always said bipartisanship can only be allowed, Madam Speaker and Members, if the majority allows it; and we are allowing it.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend.

First, let me say that that is a beautiful orange and blue tie, Mr. RYAN, an excellent choice of colors, and coincidentally, the colors of my alma mater which, by the way, is playing in the NCAA tournament beginning tomorrow night. And who will be at the White House to celebrate the national championship in football? But I digress.

Mr. RYAN of Ohio. I didn't get invited to the White House.

Ms. WASSERMAN SCHULTZ. And we can talk another time about which team our team defeated in order to get there, Mr. RYAN of Ohio.

Mr. RYAN of Ohio. I think we have gotten through that.

Ms. WASSERMAN SCHULTZ. Anyway, to get back to the matter at hand, Mr. MEEK referred to the fact that the 30-Something Working Group was probably expected to shrivel up and die, to blow away after we won the majority, to just not re-emerge because one might think that there was no point in our continuing to exist. However, because the United States Congress and because we believe Democrats are responsible in the leadership of this Congress for accountability, we absolutely need to make sure that we use multiple facets of opportunity available to us to hold people accountable.

We had an opportunity the last number of years to use this forum to hold our good friends on the other side of the aisle accountable, yet we still need to hold this administration accountable. And Lord knows that they certainly need it, as they continue to demonstrate every single day.

And I just want to move on a little past the whistleblower act and the 104 hearings that we have had on this war in Iraq that have been scheduled since we took over the leadership of this Congress to the Attorney General, the U.S. Attorney firings that occurred in the last 10 days or so.

I just came from a House Committee on the Judiciary meeting in which we adopted legislation that will ensure that we reassert the Congress', on the Senate side, role in confirming U.S. Attorneys and restore the check and balance that used to be in place before a provision was inserted in the dead of night by the Republicans in the conference committee without any committee reviewing it whatsoever. They completely changed the way the U.S. Attorneys were confirmed. They politicized that process without any Member being able to have the opportunity to debate it in the light of day.

And clearly we can see as a result of the actions of Attorney General Gonzales and the fact that he has chosen to throw a staff person under the bus rather than have the buck stop with him, seems to be a pattern in this administration, i.e. Scooter Libby. We need to make sure that Congress reasserts our oversight role, and that is exactly what we just did in the Judiciary Committee.

But let's just recap what happened with the U.S. Attorneys. Eight U.S. Attorneys were fired. Now, the U.S. Attorneys serve at the pleasure of the President, and we certainly don't deny that. However, when asked, when an inquiry was made, as is the Congress' responsibility, as to why those eight U.S. Attorneys were fired, the answer that we got was, well, the eventual answer we got was that it was performance related. Well, of course the eight U.S. Attorneys took umbrage at that and some of them came forward and suggested that there were actually some lawmakers, our good friends on the other side of the aisle specifically, that called and inquired about the progress of cases against Democrats in their jurisdiction. And then coincidentally, a few weeks later those that had gotten called that weren't responsive enough seemed to have been let go.

Now, in the wake of all of this, in the wake of the Attorney General being less than factual in front of a committee of this body and in the wake of the clear difference in what he said and what actually happened, you have the chief of staff to the Attorney General who has resigned. Last week you had another individual responsible for overseeing the U.S. Attorneys resign. Now, they say that he was on his way out anyway.

But it is time, and thank God we are able to now exercise Congress' oversight role and make sure that we have some fairness, make sure that we have justice administered in the way that Americans expect it to be, and that we are not politicizing the Department of Justice or the legal process that U.S. Attorneys oversee in each of their jurisdictions. Without us pointing that out, it would normally have just been swept under the rug. The administration would have just tried to ride it out and weather the storm. But now that we have a Democratic Congress, they can't do that anymore.

Mr. MEEK of Florida. That just happened.

Mr. RYAN of Ohio. That just happened. And it is funny how the chiefs of staff are dropping like flies, first the Vice President's, and now the Attorney General's.

Mr. MEEK of Florida. Mr. RYAN, if you would yield. I mean, Ms. WASSERMAN SCHULTZ, we were just talking just the other day about outing CIA agents; we were just talking about it. And in the last Congress folks were like, why are you all speculating? We are not speculating, I mean, someone is not telling the truth. Now a court of law said that people did know certain things. And you are right, Mr. RYAN, I mean, the most endangered job, especially if you are on the other side of the aisle, is to be chief of staff. Now people are looking at the chief of staff in a different way than they have done before in the past.

□ 1615

Mr. RYAN of Ohio. If I can make a point.

Mr. MEEK of Florida. Make that point.

Mr. RYAN of Ohio. The Attorney General's office, with all these problems, let's think about the role and the mission of the Attorney General's office in the post-9/11 era. We now have Senators calling the current Attorney General not up to the job, I think was the phrase, he is not up to the job, and the other comments that those folks have made.

Ms. WASSERMAN SCHULTZ. They actually went farther than that. You have a former Chief of Staff of the White House, a U.S. Senator from New Hampshire, Mr. SUNUNU, who said, "I think the Attorney General should be fired," period, dot, in the words of Mr. MEEK.

Mr. RYAN of Ohio. The thing is, this has been going on for a long time, and it's not until now where the threat of oversight looms, like impending danger.

Mr. MEEK of Florida. I know Ms. WASSERMAN SCHULTZ will be returning soon, but while we have two high level members of the House Appropriations Committee on the floor at the same time, since you share with me how important the Appropriations Committee is, we need to talk about what's going to happen next week, because I think it's important that the Members understand that we are carrying out a great mission here.

On Tuesday, I know the House will meet at 10:30 for morning business, and we will consider suspension bills, what have you, but we are going to have on the floor next week H.R. 1227, which is the Gulf Coast Hurricane Housing Recovery Act. That is going to resolve many of the issues that gulf coast States and States in the future will face, and will allow us, allow the Federal Government to work in an appropriate way versus an inappropriate way of not being prepared for the needs of the American people.

Then on Wednesday we are going to deal with U.S. troop readiness and accountability act, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. Mr. RYAN, you and I were talking about this yesterday, and you were marking it up, or you have marked it up in the Appropriations Committee.

I think it's important that we share with the Members, as they break to go home back to their districts, that the real story within this bill is that it has accountability, that it is protecting the troops in a way that the Department of Defense has said that they should be protected, using their own rules and regulations for readiness.

Now, what does that mean? That is to assure, Mr. RYAN, as you mentioned yesterday, that they have what they need when they go into theater, that it is already there before they get there. They have things that are simple like Kevlar vests, up-armored vehicles, to make sure that they have appropriate downtime before they are put back into the theater. These are Department of Defense regulations. These are not regulations that we came up with here in Congress, this is Department of Defense regulations. So we took those regulations and put it into this legislation.

Looking at holding the Iraqi government to the benchmarks that the President spoke about, when he spoke of his escalation on plan, it's holding the President and also the Iraqi government accountable for benchmarks as it relates to continued funding. Also, I mentioned the strategy of redeployment of U.S. troops by 2008. I think that is very important.

Yesterday I read some poll numbers, Mr. RYAN, that the American people are far ahead of the Bush administration on this issue. Guess what, we are helping the American people make sure their message makes it into law, makes it into this great emergency supplemental that has teeth in it and that has benchmarks for accountability and fiscal responsibility.

Also, when we look at refocusing military efforts on Afghanistan and fighting terrorism, it's in the bill. What is also in the bill is expanding funding for veterans health care and hospitals. Our track record is clean on this, $3.6 billion went into veterans health care prior to the Walter Reed story breaking, prior to this emergency supplemental, and the continuing resolution that we passed almost a month ago.

If we can talk a little bit about this legislation, the legislation is coming up next week, but talk about the significance, not only of housing for individuals who are in gulf coast areas, but also the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. You all just had a great discussion on it today.

Can you share it with the Members so they know exactly what they are voting on next week? You know, in the 30-Something Working Group, we hate to see Members that don't fully understand what they are voting on, because when they go back home and a veteran walks up to him and says, Congressman, Congresswoman, why didn't you vote for additional funding for veterans health care, or when they go to a military base, a Reserve unit, National Guard or Active duty, and they say, well, Congressman, Congresswoman, why are you putting me back into the theater and I just left the theater 120 days ago? That is against Department of Defense regulations.

Ms. WASSERMAN SCHULTZ. Can I share a story with you? I know I have shared this with you before, but I think it's worth repeating.

Right before we debated the Iraq war resolution a couple of weeks ago, I took the opportunity to go to Walter Reed and visit our wounded soldiers, had a chance to meet with six or eight of the finest young men that I have ever encountered. One of them was a young man who suffered from an inexplicable illness and was recovering at Walter Reed.

When I met him, his wife and his 6 year-old little boy were there. The gentleman explained to me that he had been in the middle of his third tour of duty, and he had a 6-year-old little boy. Each tour was 1 year, 1 year.

Now, if you do the math, that means that he missed half of his little boy's life. The overwhelming sadness that came over me was almost too much to bear. I mean, this little boy was so sweet, his wife was so understanding, they were so committed to his dad's service, her husband's service. The little boy said to me, just spontaneously, you know, as 6-year-old little boys are, I have a 7-year-old little boy so I know, he spontaneously burst out, he knew his dad was supposed to finish his tour in August, and he was going to come home forever in August. We forget this is about families and people, and we are destroying the fabric of these families.

Mr. MEEK of Florida. I have to run to the whip's office for an important meeting. I am a member of the Ways and Means Committee. Maybe you all will get a call. I know you are all important, you may get a call as members of the Appropriations Committee to go to the Democratic whip, office of the majority whip, but let me just say this very quickly, the men and women in uniform are standing by for us to sling-shot them in. They want us to stand up for them.

Mr. RYAN, I told you the other day a great Ohio saying, you have to have these sayings in Washington, DC and in politics, where they said that we have to remember that the field mouse is fast, but the owl can see at night. It's important that every Member of the House remember why we are here in the first place. People voted for us, you mentioned families, people voted for us to stand up for them, not stand up for a political party or to stand up on behalf of, oh, well, my President is in the White House.

Guess what, the President is the President for the entire country. I don't say your President, he is my President too. When we have issues such as this and we have supplementals, the President said we had a nonbinding resolution, it's nonbinding.

Guess what, this is binding. For folks who are looking for a binding document, this will be a binding document with accountability measures. I hope the two of you as members of the Appropriations Committee can go into it further, because we do have some Members that are on the fence, and we want those Members to vote on behalf of the continuing emergency supplemental so that the troops get what they need. They want us to stand in for them. They want to make sure that we make sure that we sling-shot them in for a win for a change, and this is on behalf of the men and women in uniform, our veterans have been waiting for them.

Mr. RYAN of Ohio. If the gentleman will yield, there is no better way to support the troops than this supplemental bill that just passed out of our committee, and it will be on this floor next week. If you want to talk about sling-shotting the troops in, what we have done, and the Democratic leadership, and Mr. MURTHA, Mr. OBEY has been absolutely phenomenal as to what we have been able to do: $1.7 billion more than the President's request for defense health care. I don't know how you could vote against us; $450 million for post-traumatic stress disorder; $450 million for traumatic brain injury care and research; $730 million to prevent health care fee increase for our troops; $20 million to address problems at Walter Reed, and almost $15 million for burn care; another $1.7 billion in addition to the President's request for veterans health care, $550 million to address the backlog in maintaining VA health care facilities, which has been a huge problem; $250 million for medical administration to ensure sufficient personnel to support the growing number of Iraq and Afghanistan veterans who are coming back so that they can have the level of service that they need.

Now it's one thing to say you support the troops and then you turn around and you vote against a bill that has $4- or $5 billion in it to support the veterans and the troops coming back. It seems quite apparent to me that this is something that we need to do.

Believe me, nobody wants to get out of war faster than me. I want to be out this afternoon, tomorrow morning. Let's come back. This has been foolish to begin with, but there is a certain reality on logistical needs and diversity in the country of how we should do this.

So what we have done today was create a real framework for our kids to come back home, to let the Iraqis stand up, and put these benchmarks. I just want to talk for a minute about what these benchmarks are. Some people say, well, you are tying the President's hands, you are trying to micromanage more. We are not. That is not true.

The facts of the matter are these, the President and the Pentagon have benchmarks. So how many Iraqi troops need to be trained, what does the political situation need to look like? Have they achieved their political and military benchmarks that have been set by the President? All we are saying is that you have to show some progress towards those benchmarks by July.

Now, granted, we have already been in this war longer than we were in World War II. So by July you better show some progress as to meeting the benchmarks. If you are not showing progress, we will begin to redeploy out.

But if by July you are showing some progress, you will then have until October to actually meet the benchmarks. If you don't meet them by October, we redeploy. If you do meet them by October, we redeploy, because you have met the benchmarks.

This is just bringing this war to a reasonable end. What we have done today, I think the end is in sight.

Ms. WASSERMAN SCHULTZ. I am so glad that you went through those benchmarks and stressed that these were the President's benchmarks that we used. The President, on January 10, outlined the benchmarks for success, that he felt were imperative that we need.

Those were that we must give the United States the authority to pursue all extremists, we must rein in the militias and have Iraqis step up to the plate to enforce security. They have to decide how their oil revenues are going to be distributed. That is a very important benchmark that has to be accomplished, and they have to pass reconciliation initiatives to keep their country together. Their country is essentially about to fall apart. They are in the midst of civil war and are absolutely at the breaking point.

Besides those benchmarks that we had in that supplemental that we passed out of the Appropriations Committee today, and besides the incredibly necessary emergency funding that the troops need and that our veterans need, we also put provisions in that legislation to make sure that our troops can catch their breath.

I referred to that soldier who I met in Walter Reed, whose little boy just wanted him to come home, and who had missed half his little boy's life. We have soldiers, many, many soldiers, who have completed three tours of duty, are about to go on their fourth, who are deployed for 365 days and then that deployment is extended.

The language we put in that bill ensures and says to the Army that they need to make sure that those deployments are not beyond 365 days.

□ 1630

The President can waive that provision by submitting a report to Congress detailing why that unit's deployment is in the interest of national security. But that is the kind of accountability that we are inserting to protect our troops, to make sure that the President certifies that that deployment, that extension is absolutely essential to protect national security, despite the assessment that the unit is not fully mission capable.

Our readiness is shot. We are spread so incredibly thin, and we are talking about the impact on human beings' lives.

How about the length of deployment? The language in our bill requires the Defense Department to abide by its current policy and avoid extending the deployment of units in Iraq in excess of the 365 days. We have to make sure that those units are fully mission capable, and the time between deployments is essential as well.

The Defense Department would be required to abide by, again, its current policy and avoid sending units back into Iraq before troops get the required time out of the combat zone and training time, 365 days for the Army, and 210 days for the Marines. And the President can also waive that provision in the interest of national security. He just has to certify to Congress that that is the case.

And that is the kind of accountability that the American people insisted upon on November 7. They asked us for a new direction, in the 6 in 2006 items of our agenda that we have already passed, and they insisted that we move this war in a new direction so that there would be an end in sight, so that the President would no longer have a blank check, and so that we could make sure we could protect our men and women in uniform who are protecting us. And I would be happy to yield to the gentleman. And I am going to have to take my leave of the gentleman because I have constituents that are in town that I need to speak with. I look forward to you carrying on

Mr. RYAN of Ohio. I look forward to the old team being back down here. And I just want to continue as to what we are doing to try to fix this problem.

As I said, with the benchmarks and making sure the Iraqi soldiers stand up, but a key component of this, as Ms. WASSERMAN SCHULTZ has just mentioned is that we are saying that our troops can't leave here, the United States, and go to Iraq if they don't have the requisite level of equipment and training. And I don't think there is anybody in the country who would want to send one of our soldiers or lots of our soldiers off to war knowing, and the legal term is mense rea, you know, with intent, send kids that don't have the proper equipment and training.

And the training part is something that Ms. WASSERMAN SCHULTZ was just talking about. We have a readiness crisis in the Army. We are not capable now of handling another situation, military situation.

Now, I think if you would ask the American people are we overstretched, they would all say yes. And if you talk to the military families, they say, yes, we are overstretched to the point where we have kids in battle who don't have everything that they need. And that is unacceptable. And so in our supplemental bill, we are saying that if you don't have the training and the equipment and the proper amount of rest, you are not going.

Now, we put a waiver in there so that the President could waive it if there is a national security interest involved. But we don't like it. I know I don't like it. I shouldn't speak on behalf of everybody.

But the bottom line is, the President is the President. He is the Commander in Chief. He won the election in 2004. So we are left to deal with the situation.

And if you look at some of the polling in the country, 76 percent of Americans favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed. That is a Gallup poll. Seventy-seven percent favor requiring U.S. troops to come home from Iraq if Iraq's leaders fail to meet promises to reduce violence there. And 76 percent of the American people don't think the Bush administration has done everything they could reasonably be expected to do to care for the needs and problems of veterans.

But the bottom line is the American people want accountability, and the American people want to change course. You don't see the kind of tidal wave election that we had in November without a message that comes with it. And the message is, we need to change direction. And the Iraq supplemental bill that passed out of the Appropriations Committee today and will pass off the floor next week is that change in direction.

Is it everything all of us want? No. Are there things in there that we don't like? Yes. But we have to change direction in this war. It is not going well.

And you talk to the families and, you know, as a Member of Congress, I have made the phone calls, other Members of Congress have made the phone calls to parents. We have been to the funerals, and it is not good. And quite frankly, I don't want to go to any more. But I found out yesterday that I have got to go to another one.

This war has got to end, and it has got to stop. And what we are doing is the quickest way for us to go about bringing a reasonable, thoughtful end to this war, and that means getting our troops out of the middle of a civil war in Iraq.

There are only 2,000 al Qaeda members in Iraq. The war on terrorism needs to move back to Afghanistan, the country that harbored Osama bin Laden. And in this bill there is 1.2 billion additional dollars from the President's request to focus back on Afghanistan, because now Afghanistan, we are starting to lose our way in Afghanistan now because of the lack of focus.

So I think it is very important that the American people recognize what is in this bill. There are benchmarks there that the Iraqis need to meet. And if they don't begin to meet them and show some progress, we start moving out.

We have had 4 years for them to get their stuff together. And for whatever reason, they haven't. And think, contrary to what some of my friends on the other side have been saying, and the President has said, and people who have kids and everything realize this, this is very basic, that the President is saying, well, if you give them a benchmark, then they are just going to wait us out, and then we leave, and then they will take over, like everything is great right now, and then it will get bad. But it is bad right now.

What we are saying is if we communicate to the Iraqis that we are going to stay there indefinitely, then they will never get their stuff together because they are always relying on us. And what we are saying is, we are not going to be there indefinitely; you better start getting along with each other.

And I hate even saying that because I didn't want this war to happen in the first place. Now we broke them and now we are saying, get your stuff together.

But the bottom line is this, we are where we are, and they need to get together. And the political and religious factions need to get together. And if they don't, we need to leave. And if they do, we need to leave.

I think we have spent enough money, 400, going to be $500 billion in Iraq. $500 billion. And 3,100-plus lives, 20-some thousand soldiers who have been amputees, brain injuries, post-traumatic stress disorder. Enough is enough. Enough is enough. It is time to bring this war to an end. And that is what our supplemental ultimately does.

And so, in closing, I would just like to say, Madam Speaker, that the last 3 weeks we have had hearings in our Labor, Health and Education Subcommittee, and we have had great people testifying on health care in the

United States, education in the United States, very interesting stuff. But there are two things that have really hit home to me as I was sitting through these committees with all these experts.

And we had the education experts saying to us that this may be the first generation of Americans who will not have the standard of living or improved standard of living, compared to that of their parents. That was one hearing.

And then the next hearing came in and it was the health care experts. And the health care experts were saying that this generation may be the first generation of Americans that do not exceed the life expectancy level of their parents because of the crisis that we are having in health and obesity in the United States. Literally, your parents may, if you are a kid, your parents may live longer than you live. First time.

And when you look at the money that we are spending to destroy and to kill, as opposed to the money that we spend to create and to build up, it is tragic. It is tragic. And I hate voting for this stuff, but we have to because we have got to get out of there.

But the bottom line is this, we are spending hundreds and hundreds and hundreds of billions of dollars, and the Head Start program that helps kids get off the ground is being cut by $100 million in the President's budget. We are going to fix that. That is not going to end up that way.

But when you look at we are spending hundreds and hundreds of billions of dollars and flatlining funding on programs like Gear Up and TRIO that help young kids get into colleges and that we are not covering enough kids with children's health care, I hope we all remember this when we get through this war and it is time to make the proper investments in our country.

We only have 300 million people in this country. China has 1.3 billion. India has 1 billion. We need everybody on the field playing for us.

Let's put this war to an end. Let's bring our kids home with dignity, and make sure that when they get home these veterans have the proper health care that they need and that they deserve, and then let's start making some investments into this country so that we can be the best that we can possibly be.

Madam Speaker, you can e-mail us at 30somethingdems@ mail.house.gov, or visit us at www.speaker.gov/30something and comment. All of the charts that were seen here are on display on the Web site.

And with that, we conclude our 30-something for the week, and we will see you next week.

VACATING SPECIAL ORDER OF MR. POE

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Without objection, the 5-minute speech of the gentleman from Texas (Mr. POE) is hereby vacated.

There was no objection.

PROSECUTION OF BORDER PATROL AGENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Madam Speaker, this afternoon I want to discuss criminal cases, three criminal cases that have occurred in these United States. All three of these criminal cases have to do with law enforcement officers that were prosecuted by the Federal Government for alleged crimes that they committed on the southern border with Mexico. And I want to discuss the facts of each of these cases so that we have a clear understanding on what has occurred on the border and the border war with Mexico, and how our Federal Government is so relentless in prosecuting the border protectors and not prosecuting those who come across the border illegally.

The first case has to do with the Border Patrol by the name of David Sipe. David Sipe patrolled the Texas/Mexico border down in what is called the McAllen area. Pinedas, Texas, is exactly where it occurred. That is on the tip of Texas, on the Gulf of Mexico that borders Mexico.

In April of 2000, he was on patrol, as he did for many years, as a Border Patrol agent. And a sensor goes off on the border. What that means is that people are coming across the border without permission, illegals, if we can use that phrase.

David Sipe goes to the area where the sensor goes off and he sees 12 to 15 illegals coming across the border. Agent Sipe orders them to stop.

Now, first of all, Madam Speaker, we have one patrolman and 15 illegals. It takes quite a law enforcement officer to have the courage to stop that many people coming into the United States. But he did so because that was his responsibility.

Three of those illegals, however, ignored Agent Sipe and ran into a brushy area there on the Texas/Mexico border. He caught those three individuals. And one of those individuals who was illegally in the country, a Jose Guevara, attacked Border Agent Sipe. And according to Border Agent Sipe, Guevara was going for the agent's weapon while he was being attacked by this illegal.

So Agent Sipe pulled out a flashlight. It is not just a little flashlight that we normally get over at Wal-Mart. It is one of those long flashlights, and he hit Guevara in the head defending himself. And the wound on Guevara's head required about five stitches later.

□ 1645

Now, instead of prosecuting Guevara for assaulting the border agent, instead of prosecuting Guevara for being in the country illegally, our U.S. Federal Government swoops on the scene and charges Agent Sipe with using excessive force in the arrest of this illegal.

The government then gave Guevara, the illegal, and two other illegals what I call "get out of jail free" cards. In other words, their crime, illegally coming to the United States, their crime in my opinion of assaulting a border agent, was forgiven with some kind of backroom deal with the promise of those individuals to testify against Agent Sipe in Federal Court for using excessive force against these individuals.

But that is not all your Federal Government did for these illegals. Giving them get out of jail free cards also gave them Social Security cards, witness fees, and permits allowing them travel back and forth across the border to Mexico without any type of intervention, and further gave them living expenses or money, and, finally, gave them free government phones to use while they were waiting to testify against Sipe. So this is the deal they got to testify against the border agent.

Now, it has been my experience as a judge in Texas for over 22 years, trying only criminal cases, only serious felony cases, that when the prosecution starts making deals with witnesses or law violators and giving them some benefit for testimony, they usually get the testimony that the government wants.

And so what happened in this case? The agent was tried, he was convicted, and the three illegals who got immunity testified against him. He was convicted in the year 2006. During the trial, the Mexican Government was involved in this case, pursuing and demanding prosecution of Agent Sipe.

Now, let's talk about the rest of the story. He is convicted and his case is on appeal. But it turns out, while his case is on appeal, he files a motion for a new trial with the trial judge, telling the trial judge that at his own trial the jury should have heard about the deal made to the illegals. You see, the jury was never told about this backroom deal made with these witnesses. The Federal judge agreed and ordered a new trial.

During these hearings, the U.S. Attorney's Office of course never told the defense that they had given the illegals money or U.S. documents or immunity or green cards or Social Security or cell phones. See, the government never told the defense that during the trial, and they didn't know this deal was made with these illegals, and it is found out after the trial. And once this is found out, brought to the attention of the Federal judge, the defense saying the jury should have known about this so they could hear and judge the credibility of these illegals, a new trial was ordered. And sure enough, he was tried again, the second jury hearing all the truth, the second jury hearing the evidence that the prosecution suppressed in the first trial, and the second jury found Agent Sipe not guilty of any wrongdoing in January of this year.

So the facts of this case: Federal Government prosecutes the border agent for using force; the Federal Government hides evidence in the trial; they are caught hiding evidence; a new trial is ordered; the new trial occurs. The jury hears about the deals made with the illegals, and the second jury finds the agent not guilty, and properly so. Agent Sipe is trying to get his job back as a border agent, but of course our Federal Government is fighting that situation as well.

It makes you wonder, Madam Speaker, why our Federal Government is so relentless in prosecuting border agents, especially in a case like this where the person was found not guilty. And why must our Federal Government withhold and hide evidence that is favorable to the defense in a criminal case? Is it just so they can have convictions of border agents? It makes one wonder, does it not, Madam Speaker?

The second case involves one that most Americans have heard about, two border agents once again on the Texas/Mexico border. Their names are Ramos and Compean. Both of these individuals I have met. I have met their families. They are wonderful people. And both of them, all they ever wanted to be was a law officer protecting the U.S. border from people illegally coming into the United States.

So while these two individuals are on patrol as border agents on the southern border with Mexico, Agent Ramos responded to a call for backup from Agent Compean along the Texas/Mexico border. He had noticed a suspicious van coming into the United States, Texas, if we will, and it looked funny. And based upon his experience as a border agent, a van coming across the river at this desolate area only means one thing to most people: that means it is a drug dealer bringing in drugs.

In the van was an individual by the name of Aldrete-Davila. He was a drug smuggler. And when he comes across the river, he notices the border agents see him. He tries to turn the van around and head back to Mexico. He abandons the van, takes off running. He gets in a scuffle with one of the border agents right there in the Rio Grande riverbed. He runs on back across the Rio Grande river. Shots are fired by both border agents. And Davila, as he is going into Mexico, is shot in I believe the left cheek and the bullet coming out the right cheek. Of course, no one at the scene neither, Ramos or Compean, the border agents, knew that they had hit this individual because he disappears. He already had somebody waiting for him on the Mexican side to pick him up and take him back into Mexico someplace.

They go to the van, and in the van, sure enough, 800 pounds of marijuana. Now, that doesn't mean much to most of us; but if we give you a money figure, it will be relevant. The marijuana in the van was worth approximately $1 million. And it is recovered. And then the border agents, after other border agents appear on the scene, are eventually charged with using excessive force against the drug dealer.

How did this all occur, since no one even knew the drug dealer was hurt? Well, it turns out, once again, our Federal Government gets involved in this case, goes to Mexico, finds the drug smuggler Aldrete, brings him back to the United States, takes him to a hospital in El Paso, Texas, and pays for his recovery and his surgery. Paid for it, that means American taxpayers paid for his surgery and paid for his treatment. And while there, he decided he is going to sue the Federal Government, that means us, the taxpayers, for $5 million for being shot by two border agents.

Now, it is true, Ramos and Compean probably did not follow appropriate policy in the way they handled the reporting of this incident, and so they were suspended. They are tried, but they are not tried for violating Border Patrol policy. They are tried for using excessive force in firing their weapon at this drug dealer as he is fleeing back to Mexico. Part of the reason that they were prosecuted was because, like in the first case with Sipe, the Mexican Government in its self-righteous arrogance demanded prosecution of these two border agents, and that is exactly what happened.

They were prosecuted. They were tried in Federal Government court. It took forever for us in Congress to receive the trial transcript of that trial. And they were sentenced to 11 and 12 years in the Federal penitentiary for alleged civil rights violations

Now, the Federal Government, the prosecutors, in this case made another deal, a backroom deal with the drug smuggler. They forgave him of his sins of bringing in $1 million worth of drugs if he would testify against the border agents in this trial. And he did what was expected of him: he testified just exactly the way the Federal Government wanted him to testify in this case.

But now there is more to the story. It turns out that the drug dealer, while waiting to testify after picking up the first case, getting immunity from being prosecuted, and before the trial it seems as though that our little friendly drug dealer from Mexico brings in another 750 pounds of marijuana. And the Federal Government knew about this case, the DEA investigated the case, they made a report. I have that report; I have seen the report. That case is simple to be made. In other words, it could be a simple prosecution. A third-year law student could prosecute that case.

But the Federal Government doesn't prosecute the drug dealer on the second case. They just ignore the second case. He is never charged; he is never arrested. Nothing ever happens in the second case. And more importantly, the jury never heard about the second case and the second deal that our Federal Government implicitly made for the drug dealer.

Now, why is that important? First of all, it is withholding evidence from the jury. And as we discussed, it is basic American law that the prosecution may not withhold evidence favorable to the defense. They may not withhold it on purpose, they may not withhold it because of their negligence, and they may not withhold it because of their incompetence. If you withhold evidence from the jury that is beneficial to the defense, normally the defense is entitled to a new trial.

Also in the trial the drug dealer was made out to be, by the prosecution, as he testified, just a mule and that he was bringing drugs in the United States to get a little money to help his poor sick mama down there in Mexico. Well, we understand of course that wasn't the truth. He was more than a mule. He brought over at least two different times drugs into the United States. It kind of puts him up on the ladder a little bit, each time the drugs, around $1 million of drugs, going into our streets and our highways and byways. And the prosecution ignored the second case, and the jury should have heard about the second case to judge the credibility of the witness. And what do I mean by judge the credibility of the witness?

You see, when the witness comes in and testifies, the jury needs to know what deal the prosecution made with the witness to get him to testify because, as I mentioned earlier, you usually get the testimony you want when you make a deal with some criminal. And in this case, the prosecution obviously got the testimony they wanted because Ramos and Compean were convicted.

And so the question is, why did our Federal Government in this case choose not to prosecute the drug dealer?

Assume, if you will, that the border agents violated some policy. They probably should have been suspended, given some days off for not filling out the forms correctly or reporting it correctly. But here, on the other hand, you have got a drug smuggler bringing in $1 million worth of drugs.

Now, why did our Federal Government choose to prosecute border agents and not prosecute drug smugglers? We don't know the answer to that question. We may never know the answer to that question. But we do know the Mexican Government in this case as well was involved in relentlessly wanting these two border agents prosecuted. They are both now in Federal penitentiary serving their 11- and 12-year sentences. One of them, shortly after he went into custody, was beat up by people in the local prison because of the fact that he was a Border Patrol agent and arrested many drug dealers in the past.

And let me give you a little more information on this particular case. When this all came to public light about these two border agents, myself and other Members of Congress wanted to know the facts because the trial transcript had not been produced yet.

So we met with members of the Office of Inspector General to try to get a briefing, if you will, on what happened down there on the border; and during that briefing we were told certain things that did not occur. We were told that Ramos and Compean had decided that day they were going to shoot a Mexican national. At the trial, there is no evidence that that ever occurred or any statement was ever made. Is that misleading Members of Congress, misleading the American public?

We were also told that Ramos and Compean did not think the drug dealer had a gun. Not so. During the trial, both agents testified they had thought the drug dealer had a gun, thus the way the angle of the bullet went through one buttocks and came out the other side as if somebody is pointing a weapon at you. That was a falsehood as well.

It makes us wonder as elected officials why our Federal Government is not candid with Members of Congress about the truth of this particular case. So in this particular matter, the jury didn't hear about the second case. And now they are both in prison while their case is on appeal. And, hopefully, the appellate courts will review the entire matter, reverse the case, order a new trial, and let the jury hear all the truth in the second trial, like the jury did in the David Sipe case.

Now the third criminal case, which is even more recent than Agents Ramos and Compean. It also occurs in Texas, it also occurs near the Texas/Mexico border. It occurs in a place called Edwards County, Texas. Probably most Americans haven't been there. Edwards County is about the size of Delaware, and on any given day there are three deputy sheriffs on patrol. That is all.

□ 1700

And one of those deputy sheriffs is a person by the name of Gilmer Hernandez. Gilmer Hernandez was on routine patrol by himself. Of course, they don't have enough manpower to put two people in a patrol car. And in the middle of the night, he is in the small town of Rock Springs, Texas, and he notices a truck, a Suburban, runs a red light. Deputy Hernandez pulls over the vehicle. He approaches the vehicle, and he notices a bunch of people are laying down on the floorboard of this vehicle. As he approaches the vehicle, according to Deputy Hernandez, the driver takes off, swerves around, and tries to hit and run over Deputy Hernandez. So what does he do? Well, he pulls out his pistol and he starts shooting. And what is he shooting at? The tires. Just like in the movies, I guess. Deputy Hernandez not only shot at the tires, he hit them, and he blew out at least one, maybe two tires. The vehicle stops. Seven or eight illegals jump out and take off running.

Deputy Hernandez calls the sheriff, tells him exactly what happened, what he did. The sheriff arrives on the scene. The sheriff calls for an independent review or investigation of this entire thing since a shooting was involved, and in come the Texas Rangers.

Many people aren't too familiar with the Texas Rangers, but they are, in my opinion, as fine a law enforcement agency as there is anywhere in the world. They work independently of everybody. The Texas Rangers investigate this case, and they find that Deputy Hernandez acted properly throughout the entire matter.

Now, one thing I must mention is that while he was firing his weapon at the vehicle, one of the bullets ricocheted and hit a passenger in the lip, causing minor injuries, and that passenger stayed in the vehicle when the others fled.

But then here comes the Mexican Consulate with another demand letter to our Federal Government demanding prosecution of Gilmer Hernandez for firing his weapon, even to protect himself.

And then the Federal Government, our Federal Government, even though an investigation had already been done by local law enforcement, like the cavalry they show up to save the day, and Gilmer Hernandez is prosecuted for unlawfully discharging his firearm even though, in my opinion and the opinion of the other law enforcement agencies, he did exactly what he was supposed to do.

Now, Gilmer Hernandez was tried and he was convicted. And on Monday he is going to be sentenced by a Federal court for firing his weapon.

Let me tell you a little bit about Gilmer Hernandez. He is a deputy sheriff. He is 25. He is married and has a child. And patrolling the West Texas sands between Mexico and Texas earns him $21,000 a year. He has always wanted to be a lawman. He is proud of his service. And now he is in jail for enforcing the law.

So what do we know about the illegals in this case? Remember they are illegally in the country just like the drug dealer was illegally in the country, just like the other three individuals in the Sipe case were illegally in the country. Well, our Federal Government doesn't deport them back to Mexico. Our Federal Government makes a deal with these illegals and gives those seven or eight illegals green cards so they can stay in the United States and testify against Deputy Hernandez.

So it is interesting that these three cases are so similar. It is interesting how our Federal Government has such zeal to prosecute border protectors. And why does our Federal Government immediately take the side of the person that is illegally in the country whether they are an illegal or whether they are a drug dealer or whether somebody assaulted one of our Border Patrol agents? I don't know the answer to that question, but they do. And what has the effect of that been on our border protectors? What effect do you think it is on our border protectors? Border Patrol agents and deputy sheriffs that patrol the southern border with Mexico, when in doubt, they back off. Why? Because if they do their job and protect the border as we expect them to do, the Federal Government doesn't back them up. The Federal Government backs up the illegals that come into this country. All the while we have got the Mexican government back here demanding prosecution of our border protectors.

It is very disturbing to see this trend. And, Madam Speaker, as I mentioned before, I was a judge in Texas for 22 years. I heard about 25,000 felony cases, everything from stealing to killing. And I heard every kind of defense, every kind of story, and every kind of accusation against individuals. And before that I was a prosecutor in Houston, Texas, for 8 years. And I don't have any sympathy for criminals. I don't care if they are what we consider regular criminals or peace officers that violate the law. I even prosecuted five Houston police officers one time for beating up an individual of Hispanic descent and throwing him in one of our bayous where he later drowned. I have no sympathy for criminals whether they wear the badge or don't wear the badge. But looking at these three cases makes me wonder why our government is making the choices that it is making. I guess as long as we will continue to pursue these three matters, we may find the answer.

Now, many Members of Congress on both sides of the aisle have asked the President to pardon Ramos and Compean. That is the President's decision. He hasn't said one way or the other what he is going to do. He has the authority under the Constitution to pardon people. That is his authority, and whatever choice he makes, I respect that choice.

But we are also asking for there to be congressional investigations into this entire matter of the prosecution of these cases, especially in light of the fact that we now find out that the Office of Inspector General misled several Members of Congress, like myself, of what the facts were on the border between Mexico and Texas and in the Ramos and Compean case, because we just want to get to the bottom of it and find the truth in these matters and especially why our government makes the choices that it does.

You know, Madam Speaker, last year and this year we are hearing a word tossed around. The word is "amnesty.' I am personally opposed to granting amnesty to people who are illegally in the country, rewarding them for illegal conduct. But we hear about that amnesty all the time. But before we start talking about giving amnesty to 15 to 20 million people that are illegally in the country, why don't we just give amnesty to about three people, two border agents and a deputy sheriff that are behind bars that happen to be American citizens? Give them amnesty because, in my opinion, what they have done deserves either a pardon or some form of amnesty. And it appears to me that besides really telling our law enforcement officers to back off on protecting the borders, this sends a message to other people, and those are people who want to come into the United States illegally.

Now, we hear all of that about people coming over here and looking for a better life and that sort of thing. That may be true with some people. But not everybody coming over here is looking for a better life. People like Aldrete are coming over here to make a little money selling dope, over a million dollars worth of it in two cases. And failure to protect the border encourages those people to come across the border illegally as well.

And then there is that other group we haven't even talked about, those people that we still use the phrase of terrorists. But since the border is unprotected, it is much easier to just come right into the United States that way instead of fly into Reagan International Airport right down the street. So when we have lawlessness on the border that breeds more lawlessness. And failure to protect the borders increases illegal activity. Failure to support law enforcement agents that are doing their legal job encourages illegal activity into the United States.

I think all of this is telling us that, it appears to me, the Federal Government doesn't have the moral will to protect the borders. Why do I say that? Because this is the most powerful country that has ever existed but yet we cannot protect our borders. Why not? Because we don't have the moral will to do so. The United States defends the borders of other nations. We send our troops all over the world to defend the borders of other nations: Korea. We have got troops in Iraq, Afghanistan, Bosnia, all over the world. But yet we don't protect our own borders. Why not? Because maybe we don't have the moral will to do so. If we did, we could close the borders to any illegals coming into the United States.

So our Federal Government needs to get on the right side of the border conflict, and that is the American side and what is best for the United States. Not what is best for illegals, not what is best for some foreign country, not what is best for drug dealers coming into the United States, but what is best for the United States. And our Federal Government needs to get on the right side of the border conflict.

Madam Speaker, when I was a judge, I always wanted to make sure that in that particular case that justice occurred. To quote Willie Nelson, not that he was a great legal mind, but he made the comment that justice is the one thing we should always find. And that is true. Justice is the one thing we should always find. And, hopefully, if we bring more light to these law enforcement cases where law enforcement officers are prosecuted for doing their job, bring light to the American public that justice will prevail because I do believe in our system. I believe in our system of the trial court and the jury and the appellate courts, but I also believe in openness and that the prosecution cannot and should not ever hide evidence that is favorable to the defense. And down the road, hopefully, we will see justice occur, that these wrongs will be righted, that the innocent will be set free, and that the guilty will be prosecuted for their crimes against the United States and against law enforcement officers that protect our border day in and day out.

Now, I have been down to the Texas-Mexico border seven or eight times. I have been to the California-Mexico border. I hope all Members of Congress, especially those that live in other parts of the country, go to the border to see what it is like. It is a volatile area of our country, and all you need to do is go down there and see it.

When I was down at the Nuevo Laredo sector, where there is a high volume of crossings into the United States, both legal and illegal, I asked a former Texas Ranger, I said, What is it like down here? Give me your opinion.

And he said, Well, Congressman POE, after dark on the Texas-Mexico border, it gets western. It gets western.

What he meant by that is it gets violent. It gets violent. Sheriff Rick Flores of Webb County, Texas, and Webb County is also on the Texas-Mexico border, stated not too long ago that it is not unusual to be down on the Texas border on the American side and get gunfire from the Mexican side coming across shooting at his deputies. Whom is that from? Drug cartels fighting over turf. It gets western.

And the people we have asked that have sworn an oath to protect our border are the peace officers. They wear the badge. They are all that stands between us and the lawless. And we have the duty to make sure they have the equipment to do that job and fulfill that mission, and we have the duty to make sure that when they are in conflict and they have not committed any violation of the law that we totally support them and that we don't give in to the political pressures of other nations.

Madam Speaker, I just want to say that's just the way it is.

□ 1715

USING CONSTRUCTIVE ENGAGEMENT IN THE MIDDLE EAST

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, you don't negotiate with the barrel of a gun, but that seems to be the President's strategy with respect to Iran. That is why the House must legislate to ensure that the President cannot unilaterally start another war in the Middle East, this time with Iran.

The President has lost all credibility, and the world worries that another war will be waged in Iran in the name of regime change. It has been over a quarter of a century since the U.S. tried constructive engagement instead of destructive isolationism in dealing with Iran.

Foreign policy under this President has played a role in pushing Iran's leaders to the fringe. The Iranian President appears intransigent and willing to use strident rhetoric to drive a wedge between the United States and other nations. What is our response? Showdown and confrontation are the diplomatic skills of this White House, a repeat of the spin cycle to foment a march to war against Iraq. Today it is economic sanctions against Iran, but what about tomorrow?

Presidential advisers like the Vice President continue to encourage a policy of aggression. The President says one thing, but the Vice President says all options are on the table. The Secretary of State says one thing, but then we read what is going on behind the scenes from an investigative reporter, Seymour Hersch. The world is weary over the war in Iraq, and the world is worried about the President's intentions regarding Iran.

The other day the Asia Times raised these concerns in the section entitled "Dispatches From America." The Times published an article by Tom Engelhardt called "A Bombshell That Nobody Heard," and I will enter it in the RECORD. The article considers the troubling information revealed by Seymour Hersch, especially the disclosure of U.S. military planning for a first strike capability targeting Iran, and ready to go on one day's notice.

Despite official denials, we see and hear the Vice President chill the world by saying a military option against Iran has not been ruled out. Having seen it before in this administration, one troubling thought comes to mind: Bullets and bluster are more likely to produce bloodshed than peace.

That is why the House must exert its constitutional duty when it comes to the President's intentions with respect to Iran. We have got to chart a new course in the Middle East, and it has to be based on a commitment to stop the bloodshed, not guarantee the flow of oil. And we cannot hope to achieve peace or stability in Iraq or Iran without addressing the Palestinian-Israeli issue openly, honestly and urgently.

The issues of the Middle East are inextricably interconnected, and no one understands that better than Speaker PELOSI. At a time when the White House prefers to choose sides, our distinguished leader prefers to pursue peace in the Middle East, demanding diplomacy aimed at achieving peace through social and economic justice for all.

It is the kind of vision the whole world has passionately embraced before when the world believed the United States could stand taller than any problem and person in the region.

So one has to wonder, what were they thinking the other day when some Members of AIPAC, the American Israeli Public Affairs Committee, rudely booed during a keynote address as the Speaker spoke very plainly on this issue. She said the Iraq war has not made America safer, has not made Israel safer, and has not made peace in the Middle East much easier to achieve.

That is the truth. What is wrong with speaking the truth? Leaders speak the truth because they have a deep and abiding faith in the strength of people everywhere to see the truth for what it is and to use it to lay a foundation to build a better world.

Today, America has a Democratic leader willing tȯ see the world as it is, but unwilling to leave it that way. These are difficult times and we face difficult decisions just ahead. We need a strong commitment to get our soldiers out of Iraq and the strength to prevent another military misadventure in Iran.

The path to peace should be littered with pages and pages of negotiation, not booby trapped by inflammatory rhetoric and people unwilling to listen.

Madam Speaker, I include for the RECORD the materials referred to earlier.

[From the Asia Times: Dispatches From America]

A BOMBSHELL THAT NOBODY HEARD

(By Tom Engelhardt)

Let me see if I've got this straight. Perhaps two years ago, an "informal" meeting of "veterans" of the 1980s Iran-Contra scandal—holding positions in the Bush administration—was convened by Deputy National Security Adviser Elliott Abrams. Discussed were the "lessons learned" from that labyrinthine, secret and illegal arms-for-money-for-arms deal involving the Israelis, the Iranians, the Saudis, and the Contras of Nicaragua, among others—and meant to evade the Boland Amendment, a congressionally passed attempt to outlaw US administration assistance to the anti-communist Contras.

In terms of getting around Congress, the Iran-Contra vets concluded, the complex operation had been a success—and would have worked far better if the Central Intelligence Agency (CIA) and the military had been kept out of the loop and the whole thing had been run out of the vice president's office.

Subsequently, some of those conspirators, once again with the financial support and help of the Saudis (and probably the Israelis and the British), began running a similar operation, aimed at avoiding congressional scrutiny or public accountability of any sort, out of Vice President Dick Cheney's office. They dipped into "black pools of money", possibly stolen from the billions of Iraqi oil dollars that have never been accounted for since the US occupation began.

Some of these funds, as well as Saudi ones, were evidently funneled through the embattled, Sunni-dominated Lebanese government of Prime Minister Fouad Siniora to the sort of Sunni jihadist groups ("some sympathetic to al-Qaeda") whose members might normally fear ending up in Guantanamo and to a group, or groups, associated with the fundamentalist Muslim Brotherhood.

All of this was being done as part of a "sea change" in the Bush administration's Middle East policies aimed at rallying friendly Sunni regimes against Shi'ite Iran, as well as Hezbollah, Hamas and the Syrian government—and launching secret operations to undermine, roll back or destroy all of the above. Despite the fact that the administration of President George W. Bush is officially at war with Sunni extremism in Iraq (and in the more general "global war on terror"), despite its support for the largely Shi'ite government, allied to Iran, that it has brought to power in Iraq, and despite its dislike for the Sunni-Shiite civil war in that country, some of its top officials may be covertly encouraging a far greater Sunni-Shi'ite rift in the region.

Imagine. All this and much more was revealed, often in remarkable detail, just over a week ago in "The redirection", a Seymour Hersh piece in The New Yorker. Other revelations included news of US military border crossings into Iran, new preparations that would allow Bush to order a massive air attack on that land with only 24 hours' notice, and a brief window this spring when the staggering power of four US aircraft-carrier battle groups might be available to Bush in the Persian Gulf.

Hersh, the man who first broke the My Lai story in the Vietnam era, has never been off his game since. In recent years, from the Abu Ghraib prison scandal on, he has consistently released explosive news about the plans and acts of the Bush administration.

Imagine, in addition, that Hersh went on Democracy Now!, Fresh Air, Hardball with Chris Matthews and CNN's Late Edition with Wolf Blitzer and actually elaborated on these claims and revelations, some of which, on the face of it, seem like potentially illegal and impeachable offenses, if they do indeed reach up to the vice president or president.

Now imagine the response: front-page headlines; editorials nationwide calling for answers, congressional hearings, or even the appointment of a special prosecutor to look into some of the claims; a raft of op-ed-page pieces by the nation's leading columnists asking questions, demanding answers, reminding us of the history of Iran-Contra; bold reporters from recently freed media standing up in White House and Defense Department press briefings to demand more information on Hersh's various charges; calls in Congress for hearings and investigations into why the people's representatives were left so totally out of this loop.

Uh . . .

All I can say is: if any of this happened, I haven't been able to discover it. As far as I can tell, no one in the mainstream even blinked on the Iran-Contra angle or the possibility that a vast, secret Middle Eastern operation is being run, possibly illegally and based on stolen funds and Saudi money, out of the US vice president's office.

You can certainly find a few pieces on, or reports about, "The redirection"—all focused only on the possible buildup to a war with Iran—and the odd wire-service mention of it; but nothing major, nothing earth-shaking or eye-popping; not, in fact, a single obvious editorial or op-ed piece in the mainstream; no journalistic questions publicly asked of the administration; no congressional cries of horror; no calls anywhere for investigations or hearings on any of Hersh's revelations, not even an expression of fear somewhere that we might be seeing Iran-Contra, the sequel, in our own moment.

This, it seems to me, adds up to a remarkable non-response to claims that, if true, should gravely concern Congress, the media and the nation.

Let's grant that Hersh's New Yorker pieces generally arrive unsourced and filled with anonymous officials ("a former senior intelligence official", "a US government consultant with close ties to Israel"). Nonetheless, Hersh has long mined his sources in the intelligence community and the military to striking effect. Undoubtedly, the lack of sourcing makes it harder for other reporters to follow up, though when it comes to such papers as the Washington Post and the New York Times, you would think that they might have Washington sources of their own to query on Hersh's claims.

And, of course, editorial pages, columnists, op-ed editors, congressional representatives and reporters at administration news briefings don't need to do any footwork at all to raise these subjects. (Consider, for instance, the White House press briefing last April 10, where a reporter did indeed ask a question based on an earlier Hersh New Yorker piece.) As far as I can tell, there haven't even been denunciations of Hersh's report or suggestions anywhere that it is inaccurate or off-base. Just the equivalent of a giant, collective shrug of the U.S. media's rather scrawny shoulders.

Since the response to Hersh's remarkable piece has been so tepid in places where it should count, let me take up just a few of the many issues his report raises.

"MEDDLING" IN IRAN

For at least a month, the U.S. press and television news have been full to the brim with mile-high headlines and top-of-the-news stories recounting (and, more rarely, disputing) Bush administration claims of Iranian "interference" or "meddling" in Iraq (where U.S. military spokesmen regularly refer to the Iraqi insurgents they are fighting as "anti-Iraq forces").

Since Hersh published "Plan B" in The New Yorker in June 2004 in which he claimed that the Israelis were "running covert operations inside Kurdish areas of Iran and Syria", he has been on the other side of this story.

In "The coming wars" in January 2005, he first reported that the Bush administration, like the Israelis, had been "conducting secret reconnaissance missions inside Iran at least since" the summer of 2004. Last April in "The Iran plans", he reported that the administration was eager to put the "nuclear option" on the table in any future air assault on Iranian nuclear facilities (and that some in the Pentagon, fiercely opposed, had at least temporarily thwarted planning for the possible use of nuclear bunker-busters in Iran).

He also reported that U.S. combat units were "on the ground" in Iran, marking targets for any future air attack, and quoted an unnamed source as claiming that they were also "working with minority groups in Iran, including the Azeris, in the north, the Balochis, in the southeast, and the Kurds, in the northeast. 'The troops are studying the terrain, and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds,' the consultant said. One goal is to get 'eyes on the ground' . . . The broader aim, the consultant said, is to 'encourage ethnic tensions' and undermine the regime."

In "The redirection", he now claims that in search of Iranian rollback and possible regime change, "American military and special-operations teams have escalated their activities in Iran to gather intelligence and, according to a Pentagon consultant on terrorism and the former senior intelligence official, have also crossed the [Iranian] border in pursuit of Iranian operatives from Iraq."

In his Democracy Now! radio interview, he added: "We have been deeply involved with Azeris and Balochis and Iranian Kurds in terror activities inside the country . . . and, of course, the Israelis have been involved in a lot of that through Kurdistan . . . Iran has been having sort of a series of back-door fights, the Iranian government, because . . . they have a significant minority population. Not everybody there is a Persian. If you add up the Azeris and Balochis and Kurds, you're really 30-some [%], maybe even 40% of the country."

In addition, he reported that "a special planning group has been established in the offices of the Joint Chiefs of Staff, charged with creating a contingency bombing plan for Iran that can be implemented, upon orders from the president, within 24 hours" and that its "new assignment" was to identify not just nuclear facilities and possible regime-change targets, but "targets in Iran that may be involved in supplying or aiding militants in Iraq".

Were there nothing else in Hersh's most recent piece, all of this would still have been significant news—if we didn't happen to live on a one-way imperial planet in which Iranian "interference" in (American) Iraq is an outrage, but secret U.S. operations in, and military plans to devastate, Iran are your basic ho-hum issue.

America's mainstream news purveyors don't generally consider the issue of the United States' "interference" in Iran worthy of a great deal of reporting, nor do U.S. pundits consider it a topic worthy of speculation or consideration; nor, in a Congress where leading Democrats have regularly outflanked the Bush administration in hawkish positions on Iran, is this likely to be much of an issue.

You can read abroad about rumored U.S. operations out of Pakistan and Afghanistan aimed at unsettling Iranian minorities such as the Balochs and about possible operations to create strife among Arab minorities in southern Iran near the Iraqi border—the Iranians seem to blame the British, whose troops are in southern Iraq, for some of this (a charge vociferously denied by the British Embassy in Tehran)—but it's not a topic of great interest in the U.S.

In recent months, in fact, several bombs have gone off in minority regions of Iran. These explosions have been reported in the U.S., but you would be hard-pressed to find out what the Iranians had to say about them, and the possibility that any of these might prove part of a U.S. (or Anglo-American) covert campaign to destabilize the Iranian fundamentalist regime basically doesn't concern the news mind, even though history says it should.

After all, many of the United States' present Middle Eastern problems can be indirectly traced back to the successful CIA-British-intelligence plot in 1953 to oust prime minister Mohammad Mossadegh (who had nationalized the Iranian oil industry) and install young Mohammad Reza Pahlavi in power as shah.

After all, in the 1980s, in the anti-Soviet war in Afghanistan, the CIA (with the eager connivance of the Pakistanis and the Saudis) helped organize, arm and fund the Islamic extremists who would some day turn on the U.S. for terror campaigns on a major scale.

As Steve Coll reported in his superb book Ghost Wars, for instance, "Under ISI [Pakistan's Inter-Services Intelligence] direction, the mujahideen received training and malleable explosives to mount car-bomb and even camel-bomb attacks in Soviet-occupied cities, usually designed to kill Soviet soldiers and commanders. [CIA director William] Casey endorsed these despite the qualms of some CIA career officers."

Similarly, in the early 1990s, the Iraq National Accord, an organization run by the CIA's Iraqi exile of choice, Iyad Allawi, evidently planted, under the agency's direction, car bombs and explosive devices in Baghdad (including in a movie theater) in a fruitless attempt to destabilize Saddam Hussein's regime. The New York Times reported this on its front page in June 2004 (to no effect whatsoever), when Allawi was the prime minister of U.S.-occupied Iraq.

Who knows where the funding, training and equipment for the bombings in Iran are coming from—but, at a moment when charges that the Iranians are sending into Iraq advanced improvised explosive devices, or the means to produce them, are the rage, it seems a germane subject.

In the U.S., it's a no-brainer that the Iranians have no right whatsoever to put their people, overtly or covertly, into neighboring Iraq, a country that, back in the 1980s, invaded Iran and fought a bitter eight-year war with it, resulting in perhaps a million casualties; but it's just normal behavior for the Pentagon to have traveled halfway across the planet to dominate the Iraqi military, garrison Iraq with a string of vast permanent bases, build the largest embassy on the planet in Baghdad's Green Zone, and send special-operations teams (and undoubtedly CIA teams as well) across the Iranian border, or to insert them in Iran to do "reconnaissance" or even to foment unrest among its minorities. This is the definition of an imperial world view.

SLEEPLESS NIGHTS

Let's leave Iran now and briefly take up a couple of other matters highlighted in "The redirection" that certainly should have raised the odd red flag and pushed the odd alarm button in the U.S. far more than his Iranian news (which did at least get some attention).

Iran-Contra redux: Does it raise no eyebrows that, under the leadership of Elliott Abrams (who in the Iran-Contra period pleaded guilty to two counts of unlawfully withholding information from Congress and was later pardoned), such a meeting was held? Does no one want to confirm that this happened? Does no one want to know who attended?

Iran-Contra alumni in the Bush administration at one time or another included the late president Ronald Reagan's national security adviser John Poindexter, Otto Reich, John Negroponte (who, Hersh claims, recently left his post as director of national intelligence to avoid the 21st-century version of Iran-Contra—"No way. I'm not going down that road again, with the NSC [National Security Council] running operations off the books, with no [presidential] finding"), Roger Noriega, and Robert Gates.

Did the vice president or president sit in? Was either of them informed about the "lessons drawn"? Were the vice president's right-hand men, I. Lewis "Scooter" Libby and/or David Addington, in any way involved? Who knows?

In the Iran-Contra affair, the Reagan administration drew together the seediest collection of freelance arms dealers, intelligence agents, allies and—in the case of ayatollah Ruhollah Khomeini's Iranian regime—sworn enemies in what can only be called "amateur hour" at the White House. Now, it looks as if the Bush administration is heading down a similar path and, given its previous "amateur hour" reputation in foreign policy, imagine what this is likely to mean.

Jihadis as proxies: Using jihadis as U.S. proxies in a struggle to roll back Iran—with the help of the Saudis—should have rung a few bells somewhere in U.S. memory as another been-there, done-that moment. In the 1980s—on the theory that my enemy's enemy is my friend—the fundamentalist Catholic CIA director William Casey came to believe that Islamic fundamentalists could prove tight and trustworthy allies in rolling back the Soviet Union.

In Afghanistan, as a result, the CIA, backed by the Saudi royals, who themselves represented an extremist form of Sunni Islam, regularly favored and funded the most extreme of the mujahideen ready to fight the Soviets. Who can forget the results? Today, according to Hersh, the Saudis are reassuring key figures in the Bush administration that this time they have the jihadis to whom funds are flowing under control. No problem. If you believe that, you'll believe anything.

Congress in the dark: Hersh claims that, with the help of Saudi National Security Adviser Prince Bandar bin Sultan (buddy to the Bushes and Cheney's close comrade-in-arms), the people running the black-ops programs out of Cheney's office have managed to run circles around any possibility of congressional oversight, leaving the institution completely "in the dark", which is undoubtedly exactly where Congress wanted to be for the past six years. Is this still true? The non-reaction to the Hersh piece isn't exactly encouraging.

To summarize, if Hersh is to be believed—and as a major journalistic figure for the past near-40 years he certainly deserves to be taken seriously—the Bush administration seems to be repeating the worst mistakes of the Reagan administration and of the anti-Soviet war in Afghanistan, which led inexorably to the greatest acts of blowback in U.S. history.

Given what we already know about the Bush administration, Americans should be up nights worrying about what all this means now as well as down the line. For Congress, the media and Americans in general, this report should have been not just a wake-up call, but a shout for an allnighter with NoDoz.

In my childhood, one of the Philadelphia papers regularly ran cartoon ads for itself in which some poor soul in a perilous situation—say, clinging to the ledge of a tall building—would be screaming for help, while passers-by were so engrossed in the paper that they didn't even look up. Now, we have the opposite situation: a journalist in essence writing bloody murder in a giant media and governmental crowd. In this case, no one in the mainstream evidently cares—not yet, anyway—to pay the slightest attention.

It seems that there's a crime going on and no one gives a damn.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. CLARKE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, March 22.

Mr. BOOZMAN, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 19, 20, 21, and 22.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 14, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 342. To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. To designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

ADJOURNMENT

Mr. McDERMOTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 16, 2007, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

866. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Abandoned Mine Lands Reclamation Plan (RIN: WV-111-FOR) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

867. A letter from the Chief, Branch of Bird Conservation, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Take of Migratory Birds by the Armed Forces (RIN: 1018-AI92) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

868. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List Lepidium papilliferum (Slickspot Peppergrass) (RIN: 1018-AU99) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

869. A letter from the Principal Deputy Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Preparation of Rolls of Indians (RIN: 1076-AE44) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

870. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Interim Rule [Docket No. 061213334-6334-01; I.D. 120806B] (RIN: 0648-AV05) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

871. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 010807A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

872. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2007 Summer Flounder, Scup, and Black Sea Bass Specifications [Docket No. 061020273-6321-02; I.D. 101606A] (RIN: 0648-AT60) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

873. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 061003253-7008-02; I.D. 092606A] (RIN: 0638-AU27) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

874. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Alantic Bluefin Tuna Fisheries [I.D. 112006C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

875. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No. 051104293-5344-02; I.D. 122806A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Red Snapper Commercial Fishery [Docket No. 990506119-9235-02; I.D. 121106C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. 110-50). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas (for herself, Mr. THOMPSON of Mississippi, Mr. MARKEY, and Mr. LANGEVIN):

H.R. 1530. A bill to provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements established for such a facility by the State or local government for the area where the facility is located, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Mr. Rush) (both by request):

H.R. 1531. A bill to prohibit deceptive acts and practices in the content rating and labeling of video games; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mrs. Wilson of New Mexico, and Ms. Baldwin):

H.R. 1532. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1533. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1534. A bill to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. DeGette, Mr. Pallone, Mr. Waxman, Ms. Baldwin, Mr. Engel, Ms. Schakowsky, Mr. Boucher, Ms. Eshoo, Mr. Gene Green of Texas, Mr. Gonzalez, Mr. Gordon, Mrs. Capps, Mr. Butterfield, Mr. Markey, Mr. Weiner, Mr. Allen, Mr. Wynn, Mr. Melancon, Ms. Matsui, Mr. McNulty, Ms. Hirono, and Mr. Ross):

H.R. 1535. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Ms. Corrine Brown of Florida, Mr. Butterfield, Mrs. Capps, Mr. Capuano, Mr. Cardoza, Ms. Carson, Ms. Castor, Mr. Chandler, Mrs. Christensen, Ms. Clarke, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cohen, Mr. Conyers, Mr. Costello, Mr. Courtney, Mr. Crowley, Mr. Cuellar, Mr. Cummings, Mr. Davis of Alabama, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Doyle, Mr. Edwards, Mr. Ellison, Mr. Emanuel, Mr. Engel, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Gordon, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Hare, Mr. Hastings of Florida, Ms. Herseth, Mr. Higgins, Mr. Hinchey, Mr. Hinojosa, Ms. Hirono, Mr. Honda, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Johnson of Georgia, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Ms. Kilpatrick, Mr. Klein of Florida, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Lowey, Mr. Lynch, Mrs. Maloney of New York, Ms. Matsui, Ms. McCollum of Minnesota, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Michaud, Ms. Millender-McDonald, Mr. Miller of North Carolina, Mr. George Miller of California, Mr. Moore of Kansas, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Nadler, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Rangel, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz, Mr. Scott of Virginia, Mr. Scott of Georgia, Mr. Serrano, Mr. Sherman, Mr. Sires, Ms. Slaughter, Ms. Solis, Mr. Stark, Mr. Stupak, Ms. Sutton, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Towns, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Watt, Mr. Waxman, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Loebsack):

H.R. 1536. A bill to amend part D of title XVIII of the Social Security Act to assist low-income individuals in obtaining subsidized prescription drug coverage under the Medicare prescription drug program by expediting the application and qualification process and by revising the resource standards used to determine eligibility for such subsidies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. Royce, Mrs. Maloney of New York, Mr. LaTourette, Mr. Sherman, Mr. Burton of Indiana, Mr. Gutierrez, Mr. Paul, Mrs. Napolitano, Mr. Chabot, Mr. Ortiz, and Mr. Calvert):

H.R. 1537. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regulatory standards and reduce burdens, and for other purposes; to the Committee on Financial Services.

By Mr. SKELTON (for himself, Mr. Hunter, Mr. Snyder, Mr. McHugh, and Mr. Filner):

H.R. 1538. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bishop of Utah, Mr. Blunt, Mr. Cannon, Mr. Culberson, Mr. Feeney, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gingrey, Mr. Goode, Mr. Hensarling, Mr. Issa, Mr. Kingston, Mr. Linder, Mr. McHenry, Mrs. Musgrave, Mr. Pence, Mr. Price of Georgia, Mr. Renzi, Mr. Rohrabacher, Mr. Sensenbrenner, Mr. Tancredo, Mr. Tiahrt, Mr. Weldon of Florida, Mr. Wilson of South Carolina, Mrs. Bachmann, Mr. Bartlett of Maryland, Mrs. Blackburn, Mr. Campbell of California, Mr. Cantor, Mr. Doolittle, Ms. Foxx, Mr. Flake, Mr. Gilchrest, Mr. Gohmert, Mr. Goodlatte, Mr. Inglis of South Carolina, Mr. Jones of North Carolina, Mr. Lewis of Kentucky, Mr. Manzullo, Mr. Moran of Kansas, Mr. Paul, Mr. Pitts, Mr. Ramstad, Mr. Rogers of Michigan, Mr. Sali, Mr. Shadegg, Mr. Thornberry, Mr. Walberg, and Mr. Westmoreland):

H.R. 1539. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Ms. Pryce of Ohio, Mr. Levin, Mr. Ramstad, Mr. Becerra, and Mr. English of Pennsylvania):

H.R. 1540. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. Loebsack, and Mr. Boswell):

H.R. 1541. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mr. George Miller of California, Mrs. McCarthy of New York, Ms. Woolsey, Mr. Cohen, Mr. Allen, Mr. Doyle, Mr. Olver, Mr. Waxman, Mr. Murphy of Connecticut, Mr. Lynch, Mrs. Maloney of New York, and Ms. McCollum of Minnesota):

H.R. 1542. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. Shimkus, Mr. Wexler, and Ms. Berkley):

H.R. 1543. A bill to expand visa waiver program to countries on a probationary basis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. Fossella):

H.R. 1544. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 1545. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of Fort San Geronimo and other related resources in the Commonwealth of Puerto Rico and the suitability and feasibility of their inclusion in the National Park System as part of the San Juan National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York (for himself, Mr. Boucher, Ms. Corrine Brown of Florida, Mr. Crowley, Mr. Hare, Mr. Higgins, Mr. Hinchey, Mr. Holt, Ms. Hooley, Mrs. Maloney of New York, Ms. Norton, Mr. Rahall, Mr. Space, and Mr. Welch of Vermont):

H.R. 1546. A bill to authorize members of the Armed Forces receiving outpatient care at Walter Reed Army Medical Center to receive such care through the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 1547. A bill to prohibit the sale of certain inefficient light bulbs, and require the development of a plan for increasing the use of more efficient light bulbs by consumers and businesses; to the Committee on Energy and Commerce.

By Mr. HODES (for himself, Mr. Michaud, Mr. Arcuri, Mr. McHugh, Mr. Allen, and Mr. Welch of Vermont):

H.R. 1548. A bill to establish the Northern Border Economic Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 1549. A bill to use data from school years preceding the Gulf hurricane disasters for purposes of determining allotments under title III of the Higher Education Act of 1965 to institutions impacted by those disasters; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 1550. A bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baird, Mr. Becerra, Mr. Bishop of New York, Mr. Blumenauer, Mr. Braley of Iowa, Mrs. Capps, Mr. Capuano, Mr. Chandler, Ms. Clarke, Mr. Conyers, Mr. Crowley, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Mr. Dicks, Mr. Dingell, Mr. Ellison, Mr. Engel, Mr. English of Pennsylvania, Mr. Farr, Mr. Filner, Mr. Frelinghuysen, Mr. Gerlach, Mr. Gilchrest, Mr. Higgins, Ms. Hirono, Mr. Hinchey, Ms. Hooley, Mr. Holt, Mr. Honda, Mr. Inslee, Ms. Kaptur, Mr. Kildee, Mr. Langevin, Mr. LaTourette, Mr. LoBiondo, Mr. Lynch, Mrs. McCarthy of New York, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meeks of New York, Mr. Meehan, Mr. Michaud, Mr. George Miller of California, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Olver, Mr. Pallone, Mr. Payne, Mr. Pascrell, Mr. Perlmutter, Mr. Petri, Mr. Price of North Carolina, Mr. Rahall, Mr. Ramstad, Mr. Reichert, Mr. Saxton, Mr. Sires, Mr. Shays, Mr. Smith of Washington, Mr. Stupak, Mrs. Tauscher, Mr. Tierney, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, and Mr. Walsh of New York):

H.R. 1551. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and Labor, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. Ramstad, Ms. Baldwin, Mr. Lewis of Kentucky, Mr. Tim Murphy of Pennsylvania, Mr. Rogers of Alabama, Mr. Conaway, Mr. Hinchey, Mr. Farr, Mr. McCotter, Mr. Chandler, Mr. Ruppersberger, Mr. Lincoln Diaz-Balart of Florida, Mr. Franks of Arizona, Mr. Butterfield, Mrs. McMorris Rodgers, Mr. Graves, Mrs. Maloney of New York, Mr. Neal of Massachusetts, Mr. Langevin, Mr. Bishop of Utah, Mr. English of Pennsylvania, Mr. Allen, Mr. McIntyre, Mr. Davis of Alabama, Mr. Udall of Colorado, Mr. Kirk, Mr. Bartlett of Maryland, Mr. Higgins, Mr. Paul, Mr. Moran of Kansas, Mr. Souder, Mr. Boswell, Mr. Pearce, Mr. McNulty, Mr. Pitts, Mr. Gerlach, Ms. Schwartz, Mr. Gary G. Miller of California, Mr. Shimkus, Mr. Grijalva, Mr. Michaud, Mr. Etheridge, Mr. Weller, Mr. Davis of Kentucky, Mr. Emanuel, Mrs. McCarthy of New York, and Mr. Reichert):

H.R. 1552. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. Van Hollen, Mr. McCaul of Texas, Mr. Sestak, Mr. Ferguson, Mr. Castle, Mr. Yarmuth, Mr. Reichert, Mr. Hastings of Florida, Mr. Schiff, Mr. Mica, Mr. Ruppersberger, Mrs. Musgrave, Mr. Larsen of Washington, Mr. Graves, Mr. Platts, Mr. Culberson, Mr. Engel, Mr. Higgins, Mr. Boucher, Mr. Moran of Virginia, Mr. Reyes, Mr. Kildee, Mr. Dreier, Mr. Chandler, Mr. Sessions, Mr. Grijalva, Mr. Shuster, Mr. Al Green of Texas, and Mr. Forbes):

H.R. 1553. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama:

H.R. 1554. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits for certain new beneficiaries as part of the TRICARE program; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself, Mr. Ehlers, and Mr. Aderholt):

H.R. 1555. A bill to impose a two year moratorium on the approval by the Secretary of the Interior of new Tribal-State compacts for gaming under the Indian Gaming Regulatory Act; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. Paul, Mr. Doolittle, Mr. Sessions, Mrs. Bono, Mr. McCotter, Mr. Franks of Arizona, Mrs. Blackburn, Mr. McHugh, Mr. Regula, Mr. Simpson, Mrs. McMorris Rodgers, Mr. Garrett of New Jersey, Mr. Cuellar, Mr. Fossella, Mr. Gohmert, Mrs. Musgrave, Mr. Souder, Mr. Poe, Mrs. Myrick, Mr. McCaul of Texas, Mr. Mario Diaz-Balart of Florida, Mr. Walberg, Mr. Patrick Murphy of Pennsylvania, Mr. Jordan, and Mr. Pearce):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty on the deduction for interest on student loans; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. Blumenauer, and Mr. Ortiz):

H. Con. Res. 92. Concurrent resolution recognizing and commending Dr. Robert Meaders and all of the volunteers and contributors of Operation Helmet for their efforts in sending out 35,000 helmet upgrade kits to members of the United States Armed Forces deployed in Iraq and Afghanistan; to the Committee on Armed Services.

By Mrs. McCARTHY of New York (for herself, Mr. Andrews, Ms. Berkley, Mr. Boren, Mr. Boswell, Mrs. Boyda of Kansas, Mr. Brady of Pennsylvania, Mr. Burton of Indiana, Mr. Carney, Mr. Cooper, Mr. Courtney, Mrs. Davis of California, Ms. Giffords, Mrs. Gillibrand, Mr. Hare, Ms. Jackson-Lee of Texas, Mr. King of New York, Mr. Loebsack, Mr. Marshall, Mr. Meehan, Mr. Patrick Murphy of Pennsylvania, Mr. Ortiz, Mr. Reyes, Ms. Loretta Sanchez of California, Mr. Schiff, Ms. Shea-Porter, Mr. Skelton, Mr. Smith of Washington, Mr. Snyder, Mr. Spratt, Mrs. Tauscher, and Mr. Taylor):

H. Con. Res. 93. Concurrent resolution honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. COHEN, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 247. A resolution recognizing the contributions of all United States Attorneys, past and present; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. CANNON):

H. Res. 248. A resolution honoring the contributions of patient participants in clinical trials; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. HERGER, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. FORTUÑO, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. PITTS, Mr. MARCHANT, Mr. PEARCE, Mr. FORTENBERRY, Mrs. MYRICK, Mr. KING of Iowa, Mr. McCOTTER, and Mr. SALI):

H. Res. 249. A resolution amending the Rules of the House of Representatives to limit gifts to Members, officers, and employees of the House from State and local governments; to the Committee on Rules.

By Mr. HENSARLING (for himself, Mr. PENCE, Mrs. MYRICK, and Mr. SHADEGG):

H. Res. 250. A resolution honoring Dr. Edwin J. Feulner on the occasion of his 30th anniversary as President of the Heritage Foundation; to the Committee on Oversight and Government Reform.

By Mr. MELANCON:

H. Res. 251. A resolution congratulating St. Bernard Parish Public Schools Superintendent Doris Voitier for her receipt of the 2007 John F. Kennedy Profile in Courage Award; to the Committee on Education and Labor.

By Mr. SPACE (for himself, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Ms. SUTTON, Mr. WILSON of Ohio, Mr. REGULA, Ms. PRYCE of Ohio, Mr. LaTOURETTE, and Mr. JORDAN):

H. Res. 252. A resolution recognizing the 45th anniversary of John Hershel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 1557) for the relief of Elvira Arellano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. TANCREDO, Mr. MILLER of Florida, and Mr. McCAUL of Texas.

H.R. 162: Mr. McCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, and Mr. BAKER.

H.R. 217: Mr. FARR.

H.R. 327: Mr. HALL of New York.

H.R. 346: Mr. GILCHREST, Mr. NEAL of Massachusetts, Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. POE, Mr. DUNCAN, Mr. CAPUANO, and Mr. WALZ of Minnesota.

H.R. 406: Mrs. JONES of Ohio.

H.R. 468: Mr. ELLISON and Ms. HIRONO.

H.R. 503: Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. MICHAUD, Ms. ESHOO, Mr. FATTAH, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 507: Mr. BRALEY of Iowa and Mr. KAGEN.

H.R. 543: Ms. DeGETTE and Ms. HIRONO.

H.R. 581: Mr. PITTS and Mr. GOODE.

H.R. 620: Mr. GUTIERREZ.

H.R. 625: Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. CARDOZA, and Mr. LEWIS of California.

H.R. 643: Mr. ROTHMAN, Mr. SHIMKUS, and Mr. RADANOVICH.

H.R. 694: Mr. REYES.

H.R. 695: Mr. GONZALEZ, Mr. DAVIS of Alabama, Mr. McNERNEY, Ms. HOOLEY, Mr. PERLMUTTER, and Mr. ALLEN.

H.R. 698: Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. TERRY, and Mr. LYNCH.

H.R. 711: Mr. McNERNEY and Mr. WALBERG.

H.R. 727: Mr. WALDEN of Oregon and Mr. MARCHANT.

H.R. 779: Mr. ENGLISH of Pennsylvania.

H.R. 787: Mr. GILCHREST.

H.R. 797: Mr. BAKER and Mr. KLINE of Minnesota.

H.R. 861: Mr. CONAWAY and Mrs. SCHMIDT.

H.R. 887: Ms. SUTTON.

H.R. 891: Mr. REICHERT, Mr. McCOTTER, Mrs. NAPOLITANO, Mr. DOYLE, Mr. GORDON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. HINCHEY.

H.R. 917: Mr. MARIO DIAZ-BALART of Florida and Mr. McCOTTER.

H.R. 923: Mr. ABERCROMBIE.

H.R. 962: Mr. McNERNEY.

H.R. 971: Mr. THORNBERRY.

H.R. 988: Ms. MATSUI, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. TOM DAVIS of Virginia, and Ms. HARMAN.

H.R. 998: Ms. SUTTON.

H.R. 1009: Mr. ROHRABACHER.

H.R. 1022: Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. SHERMAN, and Mrs. TAUSCHER.

H.R. 1029: Mrs. MYRICK and Mr. ABERCROMBIE.

H.R. 1061: Mr. TOM DAVIS of Virginia.

H.R. 1064: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1093: Mr. KLEIN of Florida and Mr. MACK.

H.R. 1115: Mr. PORTER.

H.R. 1122: Mr. FORBES.

H.R. 1125: Mr. TANCREDO, Mr. CANNON, Mr. FRANK of Massachusetts, and Mr. ADERHOLT.

H.R. 1142: Ms. WOOLSEY, Mr. ALLEN, Mr. HOLDEN, Mr. KAGEN, Mr. WOLF, Mr. COHEN, Mr. BISHOP of New York, Mr. SMITH of New Jersey, Ms. DeGETTE, Mr. CHABOT, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mrs. McCARTHY of New York, Ms. MATSUI, Mr. VAN HOLLEN, Mr. PLATTS, Ms. SUTTON, Mr. GERLACH, Mr. ABERCROMBIE, Mr. PALLONE, Mr. ETHERIDGE, Mr. FILNER, Mrs. EMERSON, Mr. McDERMOTT, and Mr. RAMSTAD.

H.R. 1176: Ms. LEE and Mr. GUTIERREZ.

H.R. 1216: Mr. ACKERMAN.

H.R. 1238: Mr. STARK.

H.R. 1245: Ms. DeGETTE, Mr. McNULTY, Mr. PITTS, and Ms. HOOLEY.

H.R. 1261: Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mr. CARTER, and Mr. PITTS.

H.R. 1314: Mrs. CAPITO and Mr. SAM JOHNSON of Texas.

H.R. 1325: Mr. KIND, Mr. ORTIZ, and Mr. WEXLER.

H.R. 1329: Mr. WESTMORELAND, Mr. BOSWELL, Mr. PAUL, Mr. GINGREY, Mr. BURGESS, and Mr. KINGSTON.

H.R. 1354: Mr. HIGGINS, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SCHAKOWSKY.

H.R. 1381: Mrs. NAPOLITANO.

H.R. 1384: Mr. HONDA, Mr. McKEON, Mr. NUNES, Mr. RADANOVICH, Mr. KUHL of New York, and Mr. CALVERT.

H.R. 1398: Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. HENSARLING, Mr. WALBERG, and Mr. JORDAN.

H.R. 1428: Mr. GOODE and Mr. WALZ of Minnesota.

H.R. 1435: Mr. ORTIZ.

H.R. 1456: Mr. ANDREWS.

H.R. 1457: Mrs. JO ANN DAVIS of Virginia.

H.R. 1459: Mr. THORNBERRY.

H.R. 1490: Mr. COBLE, Mr. KIRK, Mr. WALBERG, Mr. LaHOOD, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. PAUL, Mr. ENGLISH of Pennsylvania, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. RAMSTAD, Mr. CAMP of Michigan, Mr. DUNCAN, Mr. DOYLE, Mr. LaTOURETTE, Mrs. EMERSON, Mr. KUHL of New York, and Mr. KELLER.

H.R. 1497: Mr. DeFAZIO.

H.R. 1509: Ms. SCHWARTZ.

H. Con. Res. 71: Mr. ROHRABACHER and Mr. RYAN of Ohio.

H. Res. 37: Mr. McNERNEY.

H. Res. 95: Ms. SUTTON.

H. Res. 100: Mr. HOBSON, Mr. LARSON of Connecticut, and Mr. ABERCROMBIE.

H. Res. 197: Mr. HARE.

H. Res. 231: Mr. FORBES and Mr. NEUGEBAUER.

H. Res. 232: Mr. SHUSTER and Mr. BURGESS.

H. Res. 237: Ms. CARSON and Mr. WELCH of Vermont.

H. Res. 240: Ms. LINDA T. SÁNCHEZ of California and Mr. BOREN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. ENGLISH of Pennsylvania.

SENATE—*Thursday, March 15, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, it has been said that without a vision for our life, we live without purpose. Help us to find in You a vision and a purpose for ethical living.

Move in the lives of our Senators today, giving them the vision and resilience to perform their work for Your glory. Keep them from putting partisanship ahead of country, and help them to resist the temptation to compromise Your plan. Strengthen them to be open to Your spirit and to receive guidance from You today. Make them faithful to their calling and resolute about fulfilling their God-given responsibility to serve others. Give them wisdom to prepare their minds for action, to be self-controlled, and to trust Your power to keep our Nation strong. Lord, may they persevere so that when they have done Your will, they will receive what You have promised.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 15, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 90 minutes, with each side controlling 45 minutes. The first 30 minutes will be under Republican control and the next 30 minutes under majority control. The next 30 minutes will be equally divided, so whoever is recognized will be able to speak for up to 10 minutes.

Yesterday, the Senate voted to invoke cloture on the motion to proceed on S.J. Res. 9. Since that time, the Republican leader and I have been discussing a proposed agreement that would allow votes on various proposals. Late yesterday, we received a proposal from Senator WARNER, and I understand Senator BEN NELSON was involved. We have it here now. It has been rewritten during the night, and we will see if we can include it in some agreement we have. If we can do that, we will go ahead with whatever we can work out to vote on today.

I would say—and the distinguished Republican leader knows this—we are going to do everything we can to put the votes over until a specific time so that people aren't coming back and forth. That is principally for the Budget Committee, which is meeting as we speak to try to finish that bill as quickly as possible so we can work on it next week.

I know Members were counting on the previous announcement of no votes this Friday. We are going to do everything we can to make sure we have no votes, but until we get an agreement on this Iraq issue and on the U.S. attorneys, we will have to have everyone wait until—we should be able to have something even before morning business is closed. If we can work on it prior to morning business closing, we will come, the Republican leader and I, and announce that agreement. We hope we are close.

Again, I thank everyone for their patience, especially the Republican leader. We have tried to be fair to everyone, and sometimes that is difficult to do, as people have so many different opinions as to how we should proceed. I will keep the Members apprised of the schedule based on the outcome of our negotiations.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

PROGRESS ON IRAQ RESOLUTION

Mr. McCONNELL. Mr. President, we were making great progress toward getting an agreement yesterday afternoon, and then Senator WARNER at the last minute had a proposal he would like us to consider, and that slowed us down a little bit. But we are now reviewing that, and I share the optimism of the majority leader that we may be able to reach a unanimous consent agreement in the very near future that would allow us to wrap up this matter sometime today.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority and the last 30 minutes equally divided between the two leaders or their designees.

The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, we all know and understand that Americans are deeply concerned about the war in Iraq. We all represent the finest and bravest men and women across this great country who put themselves in harm's way to protect our very way of life. We all want our brave men and women who are serving in Iraq and Afghanistan to come home as soon as possible.

Members of Georgia's military community have given mightily to our efforts in the Middle East. In fact, members of the 3rd Infantry Division, headquartered at Fort Stewart, GA, are heading to Iraq for the third time as we speak, and I wish to underscore how much we appreciate them and their families. These resolutions which the Democrats continue to put forth undermine these men and women. Any attempt to set a timeline for withdrawal of U.S. troops from Iraq, as the latest resolution does, will embolden the enemy and tell them exactly how

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

long they need to wait until they are free to take over and wreak havoc in Iraq.

I understand the desire to have the Iraqis take responsibility for their own country and step up to the plate in terms of taking the political, economic, and military actions necessary to secure Iraq, and I strongly support that goal. However, this resolution is the wrong way to accomplish it.

These resolutions—and I believe there have been about 17 put forth over the course of the last couple of months—simply send the wrong message to our troops, and they send the wrong message to the enemy.

Winston Churchill once said:

> Nothing is more dangerous in wartime than to live in the temperamental atmosphere of a Gallup poll, always feeling one's pulse and taking one's temperature.

I think that sums up what is going on here today.

These resolutions only serve to micromanage the war by a political body which simply is unable to do it effectively. We have a Commander in Chief who is entrusted with managing and leading our military during wartime, and the Commander in Chief's new plan for Iraq deserves a chance to succeed. These resolutions are designed to ensure that the President's plan fails, not that it succeeds.

Also, these resolutions are completely contradictory to the Senate's support for GEN David Petraeus, our new commander of the multinational forces in Iraq. No Senator opposed General Petraeus's nomination. I have not heard anyone criticize him, and rightly so. We need to give General Petraeus and his counterinsurgency campaign in Iraq a chance to succeed. The people of Georgia, myself included, want General Petraeus to succeed. We understand the consequences of failure, and there is no question the latest resolution we are considering in this body will not help him succeed.

This resolution advocates transitioning U.S. forces in Iraq to protecting U.S. coalition personnel, training and equipping Iraqi forces, and conducting counterterrorism operations, and calls for a diplomatic, political, and economic strategy to stabilize Iraq. Many people say the situation in Iraq requires a political and not a military solution. I strongly agree with that position; however, it is not possible to have a political solution or to make political progress if citizens live in an unstable and unsafe society. Some level of order and stability must be in place before a political solution can take hold.

In America, we take order and stability for granted because we live in a country that is extremely safe, secure, and stable. However, Iraq is not the United States. Iraqis do not live in a secure and stable society, and order and stability must be in place before there can be any hope for a long-term political solution. The additional troops we are sending are meant to create that order and stability, particularly in Baghdad. We need to give this effort a chance to succeed, and we need to create stability and order before we can be hopeful about a long-term political solution.

The Reid resolution opposes the President's plan without offering any concrete alternative. It opposes the mission which the Senate has unanimously confirmed General Petraeus to carry out, and it will not serve to help our troops and our commander in Iraq succeed in the mission we have sent them on to accomplish. For these reasons, I urge my colleagues to oppose the resolution.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to point out some of the bitter ironies of this debate.

Since roughly January, when the new majority took charge of this Congress, there have been numerous proposals with regard to how we should conduct ourselves in Iraq. I have tried to keep track of the various resolutions that have been proposed and, as my colleagues can see, there have been, according to my count, at least 17 resolutions. They start with the Biden and Levin resolutions, the Reid-Pelosi resolution, the Murtha resolution, the Biden-Levin resolution, the Conrad funding cut resolution, a waiver plan, a timeline plan, the Feingold resolution, the Obama resolution, the Clinton resolution, the Dodd resolution, the Kennedy resolution, the Feinstein resolution, the Byrd resolution, the Kerry resolution, and then the latest, the Reid resolution we are on today.

Under this current iteration before the Senate, it says: The President shall commence the phased redeployment of U.S. forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying by March 31, 2008, all U.S. combat forces from Iraq, except for a limited number that are essential for the following purposes: protecting U.S. and coalition personnel and infrastructures, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The reason I find this list of resolutions—and now with the culmination on March 15—somewhat ironic is we are beginning to see some of the signs of success of the new plan, the Baghdad security plan proposed by Prime Minister Maliki, with the support of the United States.

For example, in the Associated Press yesterday, Robert Reid wrote that bomb deaths have gone down 30 percent in Baghdad since the security crackdown that began a month ago and that execution-style slayings have been cut nearly in half.

I ask unanimous consent that the entire article be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

I want to add a few key quotes to highlight what this article says.

> . . . there are encouraging signs. Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

He goes on to say:

> The rattle of the automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

Consider this:

> In the months before the security operation began, February 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press. Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Mr. President, I think it is important to recognize that it has only been since February 14 that this new security plan has been operating and that Iraqi brigades and American surge forces are coming over the period of months and will not finally be deployed there for some time yet. Yet we are seeing some preliminary indications—nobody is claiming success or victory, but there are some preliminary indications that the plan is actually working. The article quotes MG William Caldwell, and I share in the sentiments he expresses when he says:

> I would caution everybody about patience, about diligence. This is going to take many months, not weeks, but the indicators are all very positive right now.

We should also be cautious and patient and diligent, but we should also recognize that progress is being made with this new plan proposed by General Petraeus, embraced by the President and his new Secretary of Defense, Robert Gates, and we should give it the chance to work.

That is precisely the reason I think this resolution is so misguided. The idea that we have simply lost and we have to give up, with no constructive alternative plan being suggested to deal with what will occur. In all probability there will be massive ethnic cleansing and a vast humanitarian crisis when the various sects continue to escalate their conflict against one another, which likely will draw in other, for example, Sunni majority nations such as Saudi Arabia to try to protect the Sunni minority in Iraq, and Iran, a

Shiite majority nation, seeks to take advantage of the chaos there. Without the stabilizing influence of the U.S. and our Iraqi allies and this new Iraq security plan, it is probable that this troubled area of the world will descend into a vast regional conflagration.

What I don't understand about this resolution is that there is virtually not even a nod of the head or a tip of the hat to the fact that, as Senator LEVIN pointed out, there are about 5,000 to 6,000 al-Qaida foreign fighters in Al Anbar Province. This so-called phased redeployment, which is just Washington-speak for getting out of town as fast as you can, leaves a void, a power vacuum in this area where al-Qaida can basically run wild and continue as they did in Afghanistan before 9/11—to plan, recruit, train, and finance terrorist attacks and launch them against the United States.

I am sure I wasn't the only one who was chilled at the testimony released today in the newspapers of Khalid Shaikh Mohammed, who confessed to beheading Daniel Pearl, the Wall Street Journal reporter, in Iraq and some 30 other terrorist attacks, including the attacks of 9/11. But how anybody in good conscience can advocate simply quitting in Iraq with the threat of 5,000 to 6,000 al-Qaida foreign fighters there, with the risk of a regional conflict, along with the tremendous body blow that would cause to the American economy, I don't know. I just don't understand it.

I was also surprised to see in today's New York Times some comments by Senator CLINTON, who, of course, is running for the Democratic nomination for President. Notwithstanding this resolution and her stated support for the resolution, she is quoted as saying she foresees a "remaining military as well as political mission" in Iraq. If elected President, she would keep a reduced military force there to fight al-Qaida—I am glad to hear that—deter Iranian aggression, protect the Kurds, and possibly support the Iraqi military.

It is a little troubling. While she says that would be her goal, it appears to be inconsistent with this resolution that she also says she will vote for. This is another quote in the article of March 15 in the New York Times. She said:

> So it will be up to me to try to figure out how to protect those national security interests and continue to take our troops out of this urban warfare, which I think is a loser.

This article says:

> Asked if her plan was consistent with the resolution, Mrs. Clinton and her advisers said it was, noting that the resolution also called for "a limited number" of troops to stay in Iraq to protect the American Embassy and other personnel, train and equip Iraqi forces, and conduct "targeted counterterrorism operations."

I don't know how that is consistent with this resolution. I don't know how it is consistent with her other statement that she made on the campaign trail when she said:

> If we in Congress don't end this war by January 2009, as President, I will.

It is speculated in this article that what she is proposing is a mirror image of a plan advocated by Dov S. Zakheim, a Pentagon comptroller under Donald Rumsfeld. He estimated that no more than 75,000 troops would be required for the kind of plan she describes, as opposed to the 160,000 troops the United States will have in Iraq once the surge is complete. But I wonder whether it is wise to embrace a plan proposed by the Pentagon's comptroller—in other words, the Pentagon's numbers cruncher, the budget man, as opposed to the plan proposed by GEN David Petraeus, who is an acknowledged expert in counterinsurgency matters, the very kind of plan that is being executed now with the Baghdad security planning—clearing, holding, and building. I cannot understand how you would embrace a plan essentially proposed by the Pentagon's bookkeeper as opposed to the Pentagon's best generals.

I see the distinguished whip on the Senate floor. I will yield the rest of our time to him.

I cannot understand why our friends on the majority side cannot make up their minds. We have 17 resolutions and counting. It seems as if each day brings a different plan but none to address the most urgent needs for our national security in the Middle East.

EXHIBIT 1

SOME PROGRESS MAY MEAN HOPE FOR BAGHDAD

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crack down began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets—favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city.

But while many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears that the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just laying low or hiding outside the city until the operation is over.

U.S. military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: only two of the five U.S. brigades earmarked for the mission are in the streets, and the full compliment of American reinforcements is not due until late May.

U.S. officials say that key to the operation's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive—a proposal for governing the country's main source of income—oil—is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

The rattle of automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

"People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas. "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left, while other kinds of violence have decreased."

In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by The Associated Press.

Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Bombings too have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.

In the 27 days leading up to the operation, 528 people were killed in bombings around the capital, according to AP figures. In the first 27 days of the operation, the bombing death toll stood at 370—a drop of about 30 percent.

Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.

"I would caution everybody about patience, about diligence," U.S. spokesman Maj. Gen. William C. Caldwell said Wednesday. "This is going to take many months, not weeks, but the indicators are all very positive right now."

Figures alone won't tell the story. In Vietnam, generals kept pointing to enemy body counts to promote a picture of success even when many U.S. soldiers and civilian officials realized the effort was doomed.

True success will be when Iraqis themselves begin to feel safe and gain confidence in their government and security forces. Only then can the economy, long on its heels and with unemployment estimated between 25 and 40 percent, rebound and start providing jobs and a future for Baghdad's people.

A long-term solution also must deal with the militias that sprang up after the ouster of Saddam Hussein.

Much of the relative calm may be due to a decision by Shiite cleric Muqtada al-Sadr to remove his armed militiamen, known as the Mahdi Army, from the streets. Al-Maliki warned the young cleric that he could not protect them from the Americans during the offensive.

U.S. troops rolled into the Mahdi stronghold of Sadr City on March 4 without firing a shot—a radical change from street battles there in 2004.

Some Mahdi Army fighters may have left the city. But Iraqis who live in Shiite neighborhoods say many others are still around, collecting protection money from shopkeepers and keeping tabs on people—albeit without their guns.

When American patrols pass by, Mahdi members step into shops or disappear into crowds until the U.S. troops are gone. Sunni militants remain in some areas of the city too, although last year's sectarian bloodletting drove many Sunnis from their traditional neighborhoods, depriving extremists of a support network.

Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.

If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then reemerging to fight each other for control of the capital.

Conscious of that possibility, new U.S. commander Gen. David Petraeus and other senior generals avoid setting a date for when the operation would end. They insist the extra troops will stay as long as they are needed.

And they say the military will continue to track down key militia and insurgent figures, in hopes of crippling the leadership of insurgent groups before they attempt to reemerge.

"You generally think that if you're going to achieve (the desired results), that it would need to be sustained certainly for some time well beyond summer," Petraeus told reporters last week.

The No. 2 commander in Iraq, Lt. Gen. Ray Odierno, has recommended that the buildup stretch longer, into the early months of 2008—if Congress will provide the money.

But positive trends in Iraq have proven hard to sustain. Hopes for reconciliation are quickly shattered. There have been a series of failed security initiatives. With so many uncertainties, public opinion appears mixed.

"We gain nothing from this government. No change," said Abu Zeinab, a Shiite father of two in Baghdad's Hurriyah district. "Today is like yesterday. What is the difference?"

In eastern Baghdad, one homeowner whose house was seized by the family of a Shiite militiaman gained enough confidence to tell them to leave or he would turn them in to the Americans—unthinkable only a few weeks ago.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

THE IRAQ RESOLUTIONS

Mr. LOTT. Mr. President, I have not had a whole lot to say in the Senate about the process, the various proposals, and even the substance of the Iraq resolutions. But it obviously is a very troublesome issue for me.

One of my concerns is the process. How bad could we possibly look as an institution? We can't come to an agreement on how to have a full debate and votes. Everybody says we will agree to this but not that, and it goes back and forth. For the life of me, I cannot understand why we cannot have some clear identification of some different approaches to this issue and have debate and vote on them.

The majority leader has to understand he cannot dictate what amendments the Republicans are going to offer and the substance of those amendments or resolutions, if you will, any more than we can dictate that to the Democrats. It has to be a fair process. I think that can be worked out. I know our leaders are talking—and I wish them the best—so that we can have debate and a vote on different approaches and move on to other issues.

My second problem is, how many iterations is this going to go through? I remind my colleagues that the election is over. It was last year. All we have been doing in the Senate is political partisan positioning, all sound and fury, achieving nothing. What is the score in the Senate? 0 to 0. Democrats haven't gotten anything done. Not one bill of any substance that we have passed has been signed into law, except a continuing resolution, which we acknowledged had to be done to keep the Government operating and, frankly, because we didn't do our work like we should have on that issue last year. That is all. It is all about positioning.

There is one other score that is the worst of all: Democrats, 0; Republicans, 0; American people, 0. We have to figure out a way to quit finding what we can disagree about and find some things we can work together on for the good of the people.

Regarding this Iraq issue, on the one hand, we say we want to succeed. On the other hand, you have the out-of-Iraq caucus saying get out of there, set deadlines, and withdraw the troops. We say we are giving General Petraeus our total confidence with a unanimous approval in confirmation. He is there trying to get the violence calmed down and to do a better job and get an opportunity for their Government to do what it needs to do, have economic development. So while we are saying: Congratulations, we all vote for you and wish you will succeed, we are over here doing things that could potentially undermine his ability to get them done.

You might say: Oh, well, that is not really what is at stake with the Iraq resolutions. Remember, to show you what positioning is going on, today, let's say we come to the conclusion that we are going to have two or three different votes and we will finish at some point this afternoon on the latest iteration of the Reid positions and we will move on to the budget. Well, the problem with that is we have already been told this will be back on the supplemental appropriations—the emergency appropriations to fund the needs of our men and women in uniform. We are being told: By the way, we are going to put this restrictive language on the funding resolution. So we are going to revisit this issue the week after next.

I think what we are doing is the worst of all worlds. We have had nonbinding resolutions to express the sense of the Senate, which is a misnomer in itself. Then, now we finally come to what would be statutory language in a joint resolution by Senator REID, which has deadlines and begins a process of Congress micromanaging a war.

We have tried it before and it didn't work, or it led to what some people consider a disaster. For us to state some opinions is one thing, but it has gone beyond that now. This is going to have an effect. I don't think there is a lot of language or a lot we can do that can positively affect what is going on in Iraq right now, but there is a lot we can do that will negatively affect it.

So I think to start setting deadlines and having the Congress trying to micromanage what is going on in Baghdad—we cannot even manage the process. How are we going to manage a war? Even the New York Times—and I don't usually quote them because most of the time I disagree with everything they have to say—is raising questions about the different resolutions and what would be the effect of what we are trying to do in the Congress about Iraq.

The Economist, I think the world's most respected magazine, said there is actually progress being made. General Petraeus is doing some things that have made a difference. Maliki and the Government there are beginning to make some decisions. We say meet your benchmarks, but as progress is being made, we say: If you don't do it like we have outlined, we are going to begin to just withdraw.

Mr. President, I wish my colleagues—all of us on both sides of the aisle—would think seriously about what we are doing in Iraq.

Then also, of course, we are going to go to the budget resolution next week. I have been through a lot of budget battles. Again, we are going to fuss and we are going to fight and we are going to have lots of amendments and we will have a vote-arama, which is the worst exhibition imaginable. We will vote on 25 amendments in a row probably every 3 minutes and have no idea what we are voting on. We will finish it up, and what effect does it have? None. The President doesn't sign it. We treat our own budgets about the same as we treat the President's budgets: We ignore them. We trash them a while and then throw them out in the street and do what we want to do.

I do think the budget is going to be the beginning of an opportunity for the American people to have buyer's remorse about what they have done with the Congress. This is going to be sort of a typical budget debate. The headline again in the New York Times is: "Senate Democrats offer spending plan but no way to pay for it."

I think in theory you can say Republicans always want to cut taxes, and they don't want to worry a whole lot about the effect that has on the deficit, although I believe if we cut taxes in the right way, we get more revenue.

I also think we all better take a look at what has been the effects of our tax policy and our budgets on the economy. The economy is good. Do we have some problems in the energy area and health care? Yes. We ought to do something about those issues. But overall, we have had economic growth. Revenues are pouring in.

So what is the budget I am looking at going to do? I think Senator CONRAD is a very serious chairman of the Budget Committee. I know he would like to do more than he is going to be able to do. I know he would like to do entitlement reform. We know it has to come. We will not belly up to that bar this year or next year. Maybe something will occur and we will do it in 2009.

This is going to be a budget where there is more domestic spending, less defense spending, and tax increases. That is what is going to happen. That is what always happens. We may not be a whole lot more responsible with a Republican budget, but this is your basic Democratic budget, and we are going to see it next week. We are going to describe it as one of smoke and mirrors. It assumes the tax cuts are going to be extended into the future, but it doesn't come up with any way to pay for them. Under the new rules, we are going to have pay-fors. If you increase spending, you are going to have to pay for it, or if you have tax cuts, you are going to have to pay for them, but it doesn't say how that is going to occur.

I do think we are at a critical juncture. We have gone through the opening, trying to get used to how we run the institution with new management. We haven't done it well. I am going to mark it off as the early phases of a new Congress and feeling our way forward. But when we get through positioning, I hope we are going to find a way to do some things together. We should have immigration reform. We need it. I know "comprehensive immigration reform" has gotten to be a dirty word, but I do think we have to deal with it in a broad way. It has to deal with legal immigration, illegal immigration, and we are going to have to have a temporary worker program. We have to find some way for people to have a pathway to citizenship.

We have to address health care in America. Health care has become so expensive and, in many cases, not accessible. Why can't we work together on that issue?

Energy—the energy situation in America is a national security risk and an economic risk. Some people say: Oh, we can fix it by raising mileage standards for automobiles, CAFE standards. Some of us—I am in that group—think we don't have to produce less or get along with not having more oil and gas and nuclear power and everything else. I think we can have more of everything. Let's see if we can't find a way to come together and maybe do both in a responsible way.

I appreciate the opportunity to talk about these issues this morning. I hope we can come to an agreement on how to proceed on Iraq, and I hope we can finish it by sundown tonight and then move on to the obligatory vote on the budget, which will be a waste of time, next week, and then maybe we can get serious about what we do in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, what is the floor situation?

The PRESIDING OFFICER. The Senate is in a period for morning business. Democrats control the next 30 minutes.

Ms. MIKULSKI. I thank the Chair. Mr. President, I yield myself approximately 10 minutes.

First, I wish to respond for a few minutes to my colleague, the Senator from Mississippi, the Republican whip. We have been in session less than 70 days. We have already been spending more time on legislation than the Congress led by the other party last year. Last year, we were in session less time than the Maryland General Assembly. We only voted 108 days.

Now we have been in session 70 days. We have had a robust work schedule. Our colleagues in the House have passed significant legislation. What takes them 1 day takes us 2 weeks. It takes us 2 weeks not only because parliamentarily and constitutionally we are the more deliberative body, but at the same time it has been the obstructionist tactics of the other party that has prevented us from being able to move our legislation.

Nevertheless, thanks to the determination of our majority leader, the Senator from Nevada, Mr. REID, we have been able to pass ethics reform. The American people wanted us to clean up our own act before we cleaned up Government and, man, have the Republicans left us a lot to clean up: the Walter Reed scandal, the Attorney General scandal, the national security letter scandal—scandal after scandal after scandal. We came saying we weren't going to be seeking investigations, but now their reckless incompetency is forcing us to do that.

Then we pushed to implement the 9/11 Commission recommendations. It has been 5½ years since the dastardly attack on the World Trade Center, and it has taken us forever to implement these recommendations.

So when the other party criticizes us for not doing the people's business, maybe if they get out of the way with their obstructionist tactics and let us move ahead with an agenda that is bipartisan, we can get the job done.

Too often, when all is said and done within the Senate, more gets said than gets done. So before people throw rocks, remember those who live in a glass house might end up being shattered to bits themselves.

Let us do our work. Every time we turn around, HARRY REID has to file another cloture motion. Why? Because they threaten filibuster. So, hello, don't criticize us.

IRAQ

Ms. MIKULSKI. Mr. President, let's get on with this micromanaging the war business. Maybe if the administration was micromanaging the war, we wouldn't be here today. They said there were weapons of mass destruction in Iraq. Maybe if they had micromanaged the intelligence community, we wouldn't even have gone into Iraq in the first place.

No. 2, they said, We are ready to go. If Mr. Rumsfeld had micromanaged the U.S. military, maybe we would have had enough troops. Maybe if they had micromanaged the war, they would have had enough body armor. Maybe if they had micromanaged the system, we wouldn't have the scandal at Walter Reed. Maybe if they had micromanaged, we wouldn't have this horrific backlog at VA. They are the ones who should have been micromanaging the war, and if they can't do it, they need to get out of the way and let us pass our resolution.

The distinguished whip from the other party said he wants us to finish by sundown. We would like to sunset the war. That is what we would like to do. It is time for our troops to come home, and it is time for us to bring them home swiftly. But we have a moral obligation and a constitutional obligation to bring them home safely. This is why I support the Reid resolution. This resolution states clearly that the Congress and the American people support our troops. Yet, at the same time, we are saying bring the troops home by March 31, 2008. Unlike the reckless incompetency that got us into the war, we are following the guidelines of the Iraq Study Group, wise heads who pondered some of the best ways to a new way forward.

The Reid resolution sets a framework and a time line for doing what needs to be done and assuring our troops that we honor their service, and we are going to protect them on the battlefield. We are going to make sure they have the resources to do the job, and when they come back home, we want to be sure they have health care and they have jobs and they have job training.

I know the distinguished Presiding Officer has been a leader in making sure that when our troops come home, they have job training, and I thank him for that.

I am not new to this position on the war. I never wanted to go to war in the first place, not because I am a pacifist—and I respect those who are—but I read that national intelligence report; I am on the Intelligence Committee. I had very grave suspicions about the level of weapons of mass destruction

Saddam had. But I also believed it was the U.N.'s job to go to Iraq and do the work that the U.N. was supposed to do.

I opposed giving the President unilateral authority to engage in a preemptive attack just because he said we were in imminent danger. I wish he had micromanaged that a bit. Maybe we wouldn't have had to go. I said the United States had to exhaust our diplomatic options, and I encouraged the administration at that time: Please, stick with the U.N. so the U.N. can meet its responsibility to deal with the Saddam threat. I said we shouldn't go on our own and we should work with the U.N. and the international community.

The day of the vote when I spoke, I said I didn't know what lies ahead. I didn't know if our troops would be greeted with flowers or with landmines. Go to Walter Reed and Bethesda Naval Hospital and talk to those coming home from Iraq. You know what we got. When we got there, there were no weapons of mass destruction, but destruction sure happened.

After 4 years of fighting, are we better off in Iraq? The United States went to war with Iraq, now we are at war within Iraq. Saddam is gone, we are still there, and now we are in a civil war. It is time for us to come home, and it is time for us to come home following the Iraq Study Group recommendations.

We need a new way forward in Iraq. The Iraq Study Group gave us 79 recommendations. Surely, we could agree on 50. If the administration wasn't being so isolated and so rigid, they would know it is time to engage in the international community, that it is always better to send in the diplomats before we send in the troops. Let's send in the diplomats so we can bring our troops back home.

The Iraq Study Group calls for enhanced diplomatic and political efforts in Iraq and outside Iraq. It provides a direction for the U.S. Government and the Iraqi Government to follow that would bring our forces home by the first quarter of 2008. That is what the Reid resolution calls for.

The Reid resolution sets a goal of bringing all U.S. combat forces home by March 31, 2008, except for limited numbers of troops for force protection, training of the Iraqi troops, and targeted counterterrorism operations. It would begin a phased redeployment within 4 months after the passage of this legislation. But it also develops a comprehensive diplomatic, political, and economic strategy. Finally, this resolution requires the President to report to Congress within 60 days.

That is why we support this resolution. Are we micromanaging? No, but I wish the administration, as I said, had micromanaged the war. We wouldn't be in the debacle we are in now.

I support the Reid resolution because I believe what the Iraq Study Group said, that the Iraq problems cannot now be solved with a military solution, no matter how brave, no matter how smart. It requires a political solution by the Iraqis and a diplomatic solution with Iraq's neighbors. It says the Congress and the American people will not just support the troops, but protect them.

I want this war to end, and I believe this Reid resolution will do that. Yet, in ending the war, it is my responsibility to ensure our troops are brought home not only swiftly but safely.

Mr. President, I have had sit-ins in my office four times during the last 3 weeks. Four times, people have come to my office to sit in. Some come to protest, some come to get arrested, but all have a right to speak out. They want me to vote against the spending for the war. Well, there is no way a responsible Senator can vote against spending. There is no one line item that says: War, yes or no. That is not the way the supplemental works. That is not the way the defense budget works. That is not the way our entire budget works. There is no vote that says: War, yes or no.

So I won't vote for defunding the war. I say to the protestors—I say to those well-intentioned liberal activists—know that we are on your side, but what are you asking us to vote against? Do you want us to vote against the pay for the soldiers and for their spouses and for their children? I won't vote against their benefits. What do you want us to vote against—the bullets and what they need to fight? I won't vote against that. Do you want us to vote against the body armor and the armored humvees they need for survival? I won't vote against that.

What if they are injured? One of the things that save their lives on the battlefields is the tourniquet. I won't cut off the money for the tourniquets. I want them to have the tourniquets to cut off the hemorrhaging on the battlefields. When they come out of there, there is the jet fuel that gets them on the medevac from Baghdad to Germany to Walter Reed and Bethesda. We will clean up Walter Reed, and we will fix Bethesda Naval Hospital, but they have to get here. When they get here, they need medical care. Hats off to acute medical care.

Now we need outpatient care. Now we need long-term care for the 50 years or so these men and women will have the need for it. We have had 22,000 people receive Purple Hearts in Iraq, and more have been injured than we will ever know or we will know years from now. So I can't vote against funding.

I tell all who are listening that you can sit in every single day, you can follow me throughout my Senate career, you can follow me to my grave—I will not vote to in any way harm the U.S. men and women in the military, nor will I cut off the support for help to their families. If you want to picket, you want to protest, you want to disrupt my life, better my life is disrupted than the lives of these men and women in uniform.

I am going to support this Reid resolution because I believe it helps bring the war to an honorable end, but at the same time, we are going to support our troops. It is time to stop the finger-pointing, and it is time to pinpoint a new way forward.

Mr. President, I yield the floor.

STATE CHILDREN'S HEALTH INSURANCE

Mr. CASEY. Mr. President, some years ago, the distinguished and late great Senator from the State of Minnesota, Hubert H. Humphrey, said the following when he was talking about how we should evaluate budgets in government. He said:

> The moral test of a government is how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

I rise today to speak of those in the dawn of their lives—children across America and especially the children of working families, working families who have no health insurance.

Unfortunately, despite good intentions and despite a good program I will be speaking about this morning, there are 9 million American children with no health insurance at all—9 million children. That is a blot on the American conscience—or should be—that there are 9 million children who have no health insurance at all. Justice cannot abide 9 million children in America with no health insurance.

That is the bad news. The good news is that we have a way to bring some relief to those children, to their families, and to the American economy. It is called the State Children's Health Insurance Program, known by the acronym SCHIP. So when I refer to SCHIP by that acronym, I am speaking of that program, the State Children's Health Insurance Program.

Here is what this program does, and it bears repeating because of the broad coverage that important program provides to children across America. It provides comprehensive health insurance coverage to up to 6 million American children. It is financed jointly by State governments and the Federal Government. Currently, that program costs the Federal Government just over $5 billion per year—a very small price to pay in a huge Federal budget with all the return you get from that investment for our children. Remember what this program is: It is a program that covers the children of working families, those families whose incomes are too high to be covered by Medicaid and whose incomes are too low to have the coverage that is provided in the private market. That is what we are talking about. We are talking about families who are squeezed in between and who cannot afford coverage in the private market but also don't qualify for Medicaid.

In Pennsylvania, my home State, I am honored and proud to say that my father, Governor Casey, when he was the Governor of Pennsylvania, signed into law one of the first children's health insurance programs in the Nation in 1992. Since that time, not only in Pennsylvania but especially in our State, we have had broad bipartisan support for this program from Republican Governors and Democratic Governors. Currently, Governor Rendell is trying to expand the Children's Health Insurance Program in Pennsylvania. That is a good thing because even though it covers as many as 150,000 Pennsylvania children, there are still over 130,000 children in the State of Pennsylvania who have no coverage. The Governor wants to attack that problem and reduce that number. Unfortunately, this Governor of Pennsylvania, Governor Rendell, as well as Governors across the country, in both parties, are unable to expand their programs if the budget proposal set forth by the President becomes the law.

Here is what the Bush budget does when it comes to the State Children's Health Insurance Program, and I am quoting from a report by the Center on Budget and Policy Priorities: "The Bush budget provides less than half"—less than half—"of the funding needed for States to maintain existing caseloads." What we are talking about there is, going forward in 2008, 2009, 2010, 2011, and 2012, in those budget years, the President's budget provides less than half the money to maintain the coverage for those approximately 6 million children who have coverage. This doesn't even address the problem I started with this morning, the 9 million children who don't have any health care coverage at all.

We have to do two things. We have to make sure we maintain the coverage for the 6 million children who have it in America across the country in almost every State in the country. They are not divided by Democrat and Republican; they are children and their families, and they are part of the family of America. We have to make sure we maintain their coverage. At the same time, we have to expand coverage to begin to cover the 9 million who have no health insurance coverage at all.

What is the effect of this budget on these families? The Bush budget has a funding shortfall over 5 years of $7 billion. That is a big number, but let us talk about that in terms of children. That is the most important thing here. That $7 billion shortfall equates, by 2012, to 1.4 million children losing their coverage. We are still on problem No. 1, those who have coverage who will lose it—1.4 million of them—if this budget goes through. That is what we are talking about when we talk about this budget and this important program. But we have to make sure we do more than just maintain coverage; we have to make sure we expand it for the millions of children who don't have health insurance.

I wish to conclude this morning with a couple of basic questions for the President, for the Senate, and for the House. This is what every elected official in Washington has to answer when they vote on this budget and when they vote on the question of the State Children's Health Insurance Program.

Question No. 1 for the President and for the Congress: Does the administration and the Congress want 1.4 million children to lose their health insurance coverage? You can't have it both ways. If you vote for the President's proposal, you are voting to cut 1.4 million kids from the insurance rolls. That is question No. 1, and it is a "yes" or "no" answer. There is no dodging that question.

Question No. 2: Are tax breaks for millionaires and multimillionaires and billionaires more important than the State Children's Health Insurance Program? Do they have a higher priority? Do their needs come ahead of the children of working parents?

That is another question we have to answer because there will be people in this town who will talk about the cost of expanding health insurance coverage or even maintaining the coverage that is there. They will say: Oh, that is going to cost lots of money. Well, I have to ask them a basic question: Are the millionaires and billionaires who have benefited year after year to the tune of hundreds of billions of dollars—is their tax cut more important than children? It is a "yes" or "no" answer, and that is what the Congress and the President have to answer.

Finally, No. 3, the basic question for today, tomorrow, but especially for many years from now: Do you want the gross domestic product to grow? Do you want the American economy to grow? Because if you answer that question "yes," you cannot oppose the expansion of the State Children's Health Insurance Program. You cannot. We know the benefits of providing health insurance to children. We know they will go to school ready to learn. We know they will be healthier in school, they will get higher test scores, and they will have the benefit of higher education, hopefully, for many of them, and they will go on to achieve their full potential in the job market and help grow the American economy. So if you care about the economy today, tomorrow, and into the future, and you care about growing jobs, you must vote, in my judgment, to expand the State Children's Health Insurance Program.

Finally, it is about coverage. It is about maintaining that coverage, and it is about making sure 9 million kids have health insurance in the future. It is also making sure we do everything possible to reach every child and make sure that child's family is utilizing the great services of the State Children's Health Insurance Program. If we meet this obligation to cover the kids who are covered now, to make sure their coverage is maintained, and to cover the 9 million children, we will have gone a long way toward meeting Hubert H. Humphrey's moral test of government: to make sure we are taking care and helping children in the dawn of their lives.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The majority controls 22 minutes in morning business.

Mr. PRYOR. I thank the Chair.

U.S. ATTORNEYS

Mr. PRYOR. Mr. President, I have come here today to talk about the political firings of U.S. attorneys, which I believe raises serious concerns over the administration's encroachment on the Senate's constitutional responsibilities but now I also believe raises serious concerns over the Attorney General's ability to serve. That is why I come here today to call for Attorney General Alberto Gonzales's resignation.

There has been a lot of attention focused on U.S. attorneys over the last couple of weeks, but this is an issue I have been involved with for the last 9 months. I first realized a problem existed in July of 2006. On February 6, 2007, I testified before the Senate Judiciary Committee. I won't repeat that testimony here, but I will focus on five facts today, and these are undisputed facts. First, based on the e-mails produced by the Department of Justice, this administration set out to fire or replace U.S. attorneys, some without cause and in some cases for suspicious reasons.

Second, this is different from anything done in previous administrations and includes putting a provision in the PATRIOT Act to carry out their scheme.

Third, it started with the White House.

Fourth, it was carried out by the Attorney General.

Fifth, the Attorney General crossed a line by putting politics above the pursuit of justice and has seriously damaged his stature and legacy in the process.

The first of these points is proven by e-mails from the Attorney General's Office and the White House. The fifth point is evidenced by the Attorney General's statements to me, the Senate

Judiciary Committee, and his public statements.

Immediately after the 2004 elections, the White House began a scheme to replace all U.S. attorneys. The Attorney General joined in that plan in early 2005 but recommended to limit the number of U.S. attorneys who would be replaced. During this process, the Attorney General identified U.S. attorneys to sacrifice to the White House demands.

In January 2006, the Attorney General sent a memorandum to the White House detailing obstacles that must be overcome before going forward with the plan. One such obstacle was the Senate. So in March 2006 the Attorney General hatched another scheme to get around Senate confirmation. During the PATRIOT Act reauthorization, the Attorney General, with the apparent purpose of replacing U.S. attorneys, had a provision slipped in during the Senate and House conference to allow the Attorney General indefinite appointment authority.

After this plan came to light, the Attorney General responded by misleading the American people. For example, in press interviews he said the Clinton administration had done something similar. That is not true. In an Attorney General memorandum dated January 9, 2006, it clearly says:

> In recent memory, during the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not—

And that is underlined, did not—

> seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

His own chief of staff has contradicted his public justification. Once the decision became apparent that they were going to push out U.S. attorneys—which, by the way, is the term the Attorney General's Office uses in the September 17, 2006, memo to the White House, that they are going to "push out" U.S. attorneys—there began a clear and precise method to obfuscate and delay the confirmation process by lying to home State Senators, including me. I know this because I have e-mails that lay out the game plan on how to get around Senator BLANCHE LINCOLN from Arkansas and myself.

I have in my hand a plan to replace certain U.S. attorneys, dated November 15, 2006. This memo gives a five-step plan on how to do this and also how to talk about it.

Step No. 1 has specific talking points. Step No. 2 says to call and to contact Republican Senators. This is an important point. Step No. 2 says the U.S. attorney—on step No. 2—should make these calls. The U.S. attorney says, on December 7: very important U.S. calls and Attorney General calls happen simultaneously. Mike Battle contact the following U.S. attorneys.

So they do that, and I'm sorry, in step No. 1 they contact JON KYL, JOHN ENSIGN, PETE DOMENICI. And then it says, "the California political lead, the Michigan political lead, and the Washington political lead."

Please notice, there are no Democrats who were contacted about this; not even a courtesy call from the White House or the Justice Department. Only calls made to Republicans. If there is not a Democratic Senator in that State it just says "to the State's political lead."

Clearly, this was a partisan effort on the part of Justice.

I believe the Attorney General crossed a line when they chose to go the partisan route on U.S. attorneys. Now the Attorney General states that he was unaware of all the details of their plans that were hatched by his chief of staff. I do not believe this for a minute. I know that an e-mail written on December 19, 2006, on how to get around Senator LINCOLN and myself is exactly what Attorney General Alberto Gonzales said to me in a telephone conversation.

In fact, by way of background, I had called the White House and the Attorney General to ask them to please nominate a suitable nominee for U.S. attorney in Arkansas. They had canned or pushed out Bud Cummins. They were going to, or were about to, do an interim appointment for Tim Griffin. I asked them to please not do that and please send someone through the confirmation process. If it was Tim Griffin, send him through. I couldn't say I was going to vote for him, but please send him through.

The December 19, 2006, memo is very enlightening. It is from Kyle Sampson, chief of staff to Alberto Gonzales. It is to Christopher G. Oprison, apparently at the White House. Again, this is from the chief of staff of the Attorney General.

> My thoughts: 1. I think we should gum this to death: ask the Senators—

And they are talking about Senator LINCOLN and myself—

> ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say "no, never" (and the longer we can forestall that the better), then we can tell them we'll look for other candidates, ask them for recommendations, evaluate the recommendations, interview their candidates, and otherwise run out the clock.

This is an e-mail from the Attorney General's chief of staff to the White House.

> All of this should be done in "good faith" of course.

When they put "good faith" in quotes, that tells me they are going in bad faith. They are not going in good faith, but they are giving the appearance of good faith in order to run out the clock.

No. 2 says:

> Officially, Tim is the U.S. Attorney and will identify himself as such on pleadings and other official documents. I think it's fine for us to refer to him as an "interim U.S. Attorney" in talking points, with the understanding that by "interim U.S. Attorney" we mean [Attorney General] appointed, (as opposed to Presidentially-appointed and Senate confirmed) U.S. Attorney.

No. 3:

> Overall, I think we should take the temperature way down—our guy is in there so the status quo is good for us. Ask for them to consider him; note that he is qualified and doing a good job whenever asked . . .

Here, again, they are telling him to tell us that he is doing a good job whenever asked. He hadn't been in office but 1 day when this thing was written. So, again, they are setting up a deception on the front end.

> . . . pledge to desire a Senate-confirmed U.S. attorney; and otherwise hunker down.

No. 4:

> The only thing really at risk here is a repeal of the AG's appointment authority.

You bet your life that is what is at risk because we are going to have that vote later today or tomorrow or Monday or Tuesday or at some point, and absolutely that is what is at risk because I think the Senate should change that law and should take that provision out of the PATRIOT Act, that they snuck in in the dark hours in a conference.

> We intend to have DOJ legislative affairs people on notice to work hard to preserve this (House members won't care about this; all we really need is for one Senator to object to language being added to legislative vehicles that are moving through). There is some risk that we'll lose the authority, but if we don't ever exercise it then what's the point of having it? (I'm not 100 percent sure that Tim was the guy on which to test drive this authority, but know that getting him appointed was important to Harriet, Karl, etc.

I could spend all day talking about this memo. But, basically, in here they say that the Attorney General is going to tell us, Senator LINCOLN and me, about six or seven things, and they did every single one of them. This is the playbook. They say ask the Senators to give him a chance. Attorney General Gonzales did ask me that. Meet with him. He asked me to, and I did. Give him some time in office. He asked for that, even though usually people don't get a little test drive before they get appointed. He asked me—they wanted to delay, just run out the clock.

At one point he said if I am not happy they will interview other candidates that I am interested in. They also mentioned for me to consider him and to look at him in a way that he is doing a good job.

Here, again, every single thing in this memo was done. Again, this is the playbook. This is why I feel lied to. The truth is, I was lied to because I was told that the Attorney General—and he not only said it to me, he said it to the Senate Judiciary Committee and he said it to the world—the Attorney General wanted a Senate-confirmed U.S. attorney in every slot. That is absolutely not true in Arkansas based on this e-mail from the Justice Department.

I assure you when they put "good faith" in quotes that means they are not proceeding in good faith. They didn't proceed in good faith with me, and that is one of the reasons I think Attorney General Gonzales should resign immediately. I do not think he has the credibility to run that department anymore.

Let me tell you this. I was one of six Democratic Senators who supported Attorney General Gonzales' nomination and confirmation. I supported the PATRIOT Act. Not all Democrats did. I have worked closely with this Attorney General. I have always tried to deal with them and reach out to them and have a constructive, positive relationship. I believe that is what the people in Arkansas want me to do, and that is exactly what I have done.

But on this issue, Attorney General Gonzales has broken faith with me, he has broken faith with the Senate, and he has broken faith with the people of Arkansas. When an Attorney General of this country, who I believe should be held to a higher standard—not a political standard but a high standard of integrity because he should be all about justice, not politics; he should be all about justice—when the Attorney General lies to a United States Senator, I think it is time for that Attorney General to go.

Again, he not only lied to me as a person, but when he lied to me, he lied to the Senate, and he lied to the people I represent. For that reason I am asking him and demanding that he resign today.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor to speak on a different matter, but I want to compliment my colleague from Arkansas, who is not only a colleague and a true Arkansan but a great leader. I appreciate the passion that he feels and the issue that he deals with and feel very blessed to have him as my colleague from the State of Arkansas.

Mr. PRYOR. I thank the Senator.

Mrs. LINCOLN. Many of us believe that the events at the U.S. Attorney's Office and how they have been handled by the administration have been a real disservice to the people of this country and to the processes that provide the transparency so that our great democracy can work, so that the wheels of this great democracy can turn and the people feel confident and trusting in their Government because these processes have worked and provided that transparency. To have eliminated the processes, or to circumvent the process that provided that transparency, the administration has presented a real disservice to the people of this country and to the justice system and what it represents. So I applaud my colleague for so many of his comments today on that very issue.

THANKING STEVE PATTERSON

Mrs. LINCOLN. Mr. President, I come to the Senate floor this morning with a little bit of sadness but, more importantly, a tremendous amount of joy in my heart to salute an individual who has meant so much to me and to pay tribute and to say thanks to a very dear friend and longtime chief of staff of mine, Steve Patterson. For the better part of 12 years, Steve Patterson, or as we call him in our office, "Patterson," as he is known to me and to my staff, has faithfully served the people of Arkansas, as well as me.

He has been my most trusted adviser in both the House of Representatives and in the Senate. Words cannot fully describe the meaningful impact Steve Patterson has had on both my personal and professional life. When I first decided to run for the Senate, my husband said: We are in, but only if Steve Patterson is in. He has meant so much to our entire family. I know the comfort and counsel he provided my mother.

In so many ways, he has been one of those people who you know from your professional side of life is so critically important, but from your personal side of life now is an unbelievable individual in all he has done and accomplished.

When I think of Steve Patterson, there are a few words that stand out: integrity, solid conviction, justice, fairness. All of the words each and every one of us strives for in our everyday life I see in this individual, who has meant and continues to mean so much to me.

For the past 25 years Steve has been one of the most loyal and hard-working servants in Government. He has been a team player as far as a congressional team is concerned. He is big on team sports. But more importantly, he is incredibly devoted to the team spirit the country has and needs to be the success it is. I consider him a true confidant and will most assuredly miss him in that position.

Steve was born in Oklahoma City in 1950 but grew up in Alva, OK, where he graduated high school. He attended the University of Oklahoma in Norman but eventually transferred to Oklahoma State University where he graduated with a degree in journalism, and I have to say, unfortunately for my colleagues in Oklahoma who have adopted him, he has moved to Arkansas and he is one of our own now.

According to his wife Jean, Steve was always very interested in politics. One of her first memories was when she and Steve were friends at Oklahoma State waiting to vote for the first time in the 1972 Presidential election. To give you an idea of how far we have come in the issue of election reform in the last 35 years, Jean told me they waited in line for what seemed like an eternity to cast their very first ever vote in, of all places, the laundry room of someone's home on the top of a washer and dryer. Before they could even get to the ballot box, they learned their candidate, George McGovern, was in the process of being defeated by Richard Nixon in a landslide. But you know what, they continued to wait in line. They voted despite the outcome they knew was probable because of their true convictions.

The experience of that election crushed a lot of young people and it caused them to turn away from the political process but not Steve Patterson. He has always wanted to make a difference and he has never cowered from any of the challenges that are faced when you have a conviction. He has got that conviction for many reasons, not because he loved this great country, not because he loves his family, not because he loves his fellow man, but for all of those reasons.

Shortly before he moved to Washington, Steve served as political reporter for various newspapers in Oklahoma and was working for the Lawton Constitution when newly elected Congressman Dave McCurdy asked Steve to become his press secretary. They had gone to college together, and there was a group of them, when Dave McCurdy was running for Congress, who all worked together to reach a common dream. The decision was not an easy one, however. When Steve moved to Washington, he was a single father, a very devoted single father. Money was tight in those days and the hours were long. He and my long-time systems administrator, who is still with me, Thirise Brown, were both young single parents and would on occasion have to bring their children to work. It is hard to imagine, or is it? Actually we see a lot of that these days.

Steve's daughter Paige and Thirise's daughter Tiki would often be oblivious to the major hard work that was being accomplished around them, and would have a great time getting into all sorts of trouble, watching as their two single parents worked desperately hard, not only in their conviction to provide for their children but also to make this country great.

Although Steve began as a press secretary, he quickly worked his way up to Chief of Staff. He was the Chief of Staff to my good friend Congressman Dave McCurdy and continued in that capacity until 1994. Shortly after, Steve became my Chief of Staff, joined me in my House times when I was in the House of Representatives. We were there together for 2 short years until I retired from the House to be with my newborn twins. Steve went to work for then Representative Jim Turner as his Chief of Staff. But it was not long until I was back on my feet and decided I was going to run for the Senate.

I begged Steve Patterson to move to Arkansas and to run my Senate campaign. The rest, as they say, is history. During our time together, Steve taught me so much and helped me gain the necessary skills to survive and navigate the tough political environment. When Steve came on, he quickly proved himself to be one of the most capable and effective managers on Capitol Hill. I think that is certainly in the proof today with the many friends he has, of staffers and consultants and others in this town who have tremendous respect both for his opinion and his judgment.

You would be hard pressed to find a man with a greater drive, a greater competitiveness, or a greater work ethic anywhere. He truly loved working, as he always puts it, to change America and to make it better. One of Steve's greatest assets that continually blessed me is his ability to identify talented young people and give them the confidence and the ability to become outstanding professionals.

He never approached the young staff on Capitol Hill with a condescending attitude. It was always an attitude of empowerment: What is it you can do today with the talent you have, and how is it you can develop the new talents you need to take those next steps you need to take to reach that ultimate goal.

How incredibly important to have people in our lives who empower us to reach our potential and to reach our goals, to reach for the stars, not just for ourselves but for our great country, and for those whom we love. There is no greater blessing than to see someone who gives of himself to make sure others can reach their potential.

Steve has mentored young men and women on my staff who have gone on to become House and Senate Chiefs of Staff, congressional State directors, campaign managers, State party directors, and a multitude of other positions. Steve also encouraged those in my office who showed great aptitude to continually challenge themselves and take on new responsibilities, never to shut a door or an opportunity they may have thought was too big or out of their realm, but encouraged them to do as much as they possibly could and to reach for those stars.

Nearly all of my current senior staff served me in some shape, form, or fashion, whether as an intern, a staff assistant, or a legislative correspondent before being promoted to their current position, and they did so with the recommendations of Steve Patterson, who said: Learn all the jobs in this office so you can talk about and know what it takes to make this office tick and to make it great.

Steve left me in capable hands, and I truly believe Steve's ability to nurture so many of the best and brightest political minds our State has to offer will be one of his lasting legacies.

But what also makes Steve special is he was more than a great boss to my staff; he has been a tremendously great friend to me and to my family.

Steve is a self-described Green Bay Packers and Cincinnati Reds fanatic as well as an Oklahoma Sooner and Oklahoma State Cowboy supporter. Steve was known to be commissioner or at least participated in fantasy football and baseball leagues with the staff. March was not complete without the famous Patterson annual March Madness pool. We think about it now as we move into those basketball playoffs.

Steve was an avid Senate softball player in his earlier days and took up golf in his later days. He loved getting the staff, both male and female, outside the office for these kinds of great activities of coming together in fellowship and fun and making sure our office was tight, not just in the responsibilities we had to accomplish but in the friendships we could build and things we should share with one another in helping each other to grow in our stature and in our accomplishments.

It was his passion for those things that endeared him to them and built bonds that went between the typical employer-employee relationship. It is what also made our office strong and will continue to make our office strong as we see the quality in all of those attributes we build both professionally as well as the fellowship with our fellow man.

Lastly, I couldn't talk about Steve Patterson if I did not mention what a terrific family man he is. "Punchy," as he is known in his family, was a wonderful son and is an exceptional husband and a father. In 1984 Steve married Jean, and shortly thereafter, they had a daughter together, Megan. Steve was devoted to both Paige, his first daughter, and Megan.

While in Virginia, he was active as a soccer coach for almost 10 years. Many of our staff remember this decked-out van he drove. He loved his van because he loved the time he spent in it traveling the State and the parameters of the State of Virginia with his girls on soccer tournaments. He drove to work in the van, but on the trips his daughters went on with the soccer tournaments, it was transformed. It was a home unto itself and he loved it.

He was more than a loving father, he was also a caring son. I was able to see that. His parents came to live with his family in 1985 when his mother was ill with breast cancer. Steve, Jean, and the girls cared for his mom until she passed away in 1994. I talk oftentimes about my own family, my grandmother living with us when I was growing up and what an incredible experience it brought to me and to our family. I could see Steve saw the value not only in what he could do and the love he could share and provide for his mother and father but also what it meant to his family to be a part of a larger giving in love.

When Steve moved to Little Rock in 2003 to run my Senate reelection bid, his father moved with them and they lived in Little Rock until he passed away in 2004. Steve's father had suffered from diabetes, and his affliction led to Steve's involvement as chairman of the Central Arkansas American Diabetes Association.

Giving back to the community was always a tremendous priority for him. As can you see, Steve Patterson is one of a kind. We will certainly miss him in the office. But I take comfort in the fact he will not be too far away—always an arm's reach or a phone call away—he has guaranteed me that.

He has now chosen a new career path and has opened a political consulting firm with two of my former staffers in Little Rock. They are doing great things, working hard and enjoying life. In his new tenure he will specialize in fundraising, strategic planning, and grassroots coalition building, which is something he is unbelievably talented at.

Life's journey is a great journey and the road we travel is one, as we look back, that provides us so many opportunities, so many blessings. I cannot think of a greater blessing than to be able to travel that road with a great friend such as Steve Patterson, not only in the past but in the future, in the many years ahead.

I am enormously grateful, Steve. I wish you the best of luck in your new endeavor. I know you will be successful as you embark on your new path. I cannot thank you enough for all you have done for me and so many others throughout your career in service to Government. From the bottom of my heart, thank you for your faithful friendship, your service to me, the great State of Arkansas, and without a doubt your country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Texas.

IRAQ

Mrs. HUTCHISON. Mr. President, I rise to talk again to the resolution pending on the floor. I look forward to having the debate continue on the other options for the resolution.

I am against the resolution on the floor because I do not see a purpose. I do not see a purpose for a nonbinding resolution that makes America look irresolute. What could we be thinking to try to take something across the floor of the Senate or the House of Representatives that would give any signal to our allies or to our enemies that we cannot finish a job, that the war on terrorism is important but not important enough to see it through?

I think of the young men and women who have died in this war. They are giving their lives, the ultimate sacrifice, as part of their legacy to our country. They are leaving something for our children and grandchildren and their children and grandchildren.

If we pass nonbinding resolutions that undercut the mission and the purpose for which they have given their lives, which is the war on terror, to keep freedom in America, we would be doing a great disservice that is undeserved for those great patriots. Our young men and women throughout the years have been willing to go into the volunteer service. The people who are fighting in this war are volunteers. We have had volunteers and even people who didn't volunteer in past wars to make sure that America stood strong for freedom. I cannot imagine that the Congress during World War II would have passed a nonbinding resolution to say: We don't think our troops should be in Europe.

We are sinking to new lows. I hope we can resist the political winds that have caused us to get to this point. The only reason we would pass a nonbinding resolution is to send a political message. I don't think the Senators who have stood on this floor for decades before us would have passed resolutions that meant nothing except to send a message that would undercut our troops in the field.

Do the people who want to pass a resolution such as this believe this isn't an important war? We are fighting for our children's futures every bit as much as we have in any conflict in which we have been engaged. We are fighting to keep terrorists from coming back to America and threatening our way of life and the opportunity that America offers for our children. If we look irresolute, if we look weak, if we look as if we can't be strong, we will put a blemish on the sacrifice that has been made already by so many of our young men and women, and we will undercut those who are serving right now in the theater in Iraq. I can't imagine, when we think this through, that that would be the course that a deliberative Senate would take.

The President of the United States knows we have not achieved the success we hoped to. For that reason, he is taking a different course. Any one of us in Congress might have done it a different way. There is no question that many in Congress are concerned about the mission. That does not mean we take the step of a nonbinding resolution that says we don't support the Commander in Chief. The Constitution didn't provide for Congress to command our military. The Constitution provides one Commander in Chief, not 535. It would be so wrong for 535 people to second-guess the Commander in Chief, who has announced that the plan he has put forward is one that was made in the military.

Many of us talked to General Petraeus. We asked questions, because there are questions about embedding our troops in the field outside the protected zone. General Petraeus totally defends the plan. He takes the responsibility for the plan. He believes it will work. In fact, there are signs things are getting better. There are signs the Iraqi Government is strengthening its measures to crack down on insurgents, militias, any of the groups that have been killing innocent people. There are signs that there are ways this could succeed.

During one of the Senate Armed Services Committee hearings, Senator LIEBERMAN asked General Petraeus if a resolution such as we are voting on today would give the enemy some encouragement, some clear expression that the American people were divided. General Petraeus answered:

> That is correct, sir.

We have been talking about this for the 2 months-plus that we have been in this session of Congress. We certainly talked about it all last year. We will continue to talk about it. I hope what we say on the floor is carefully crafted so we can disagree with people who do support this resolution, and we can do it based on the Constitution, on principles of war, on the relationship that Congress should have with the President. All of these are legitimate. There can be disagreements about what is the best approach for finding success, but what we cannot disagree about is that we must win the war on terror, we must show America's commitment, and we will not undercut our troops who are in harm's way today.

I have seen all the iterations of the resolutions that have been proposed by the majority. They have changed many times. Some of those resolutions even set deadlines for us to withdraw troops. What do my colleagues think that does for the troops who are there right now? If our enemy knows we are going to start the withdrawal of troops on a certain deadline, what does that do to their treatment of the people who are on the ground right now? They would consider that we have put a bull's-eye on every one of our young men and women with boots on the ground right now. It would be akin to saying: We are going to leave here so whoever is here now is not going to have the support needed to finish this job. If we are not going to finish the job, why wouldn't they step up their efforts, which is exactly what they would do.

We have to look at the reality. No matter what kind of front we would put on a resolution that shows that we do not have the resolve, the commitment to see this through, it will embolden the terrorists. When the terrorists think we are going to leave or that we can't take it, that we have to start an exit without regard to the success of the mission, then what would keep them from beginning to take over Iraq, make it a terrorist haven, make it the training ground from which they could proliferate weapons of mass destruction and terrorists all over the world? We have already seen that in many specific instances. This would give them a bigger field in which to train, one that is not going to be necessary to hide. It will give them more revenue to produce weapons that could hurt even more.

I have cosponsored S. Res. 70, the McCain resolution, which renews our commitment to defeating the terrorists in Iraq and winning the war. That is a resolution that we should all support. Congress has the right to cut off funds, but I cannot imagine that responsible Members of this body would vote for a resolution that would cut off funds and say we are not going to give the troops who are there the equipment, training, and protection they need to do the job. That would be unthinkable. That is one of the resolutions also pending for us to address.

Losing this war will not make America safer. This is a war that must be fought. It must be won, not just for the sake of the Iraqi people. It is for the sake of America. It is for the sake of freedom. It is wiping out terrorists where they are so they do not harm innocent people in America again.

I hope cooler heads will prevail. I hope this deliberative body that has a great history for our country and in the world will see we should not be taking the political position. We should not be testing the political winds because what we say has consequences. What we say can be used as propaganda against our troops who are in harm's way. Most certainly, it can be used to embolden those who are training right now to attack America.

I hope, in the end, we will defeat the Reid resolution, that we will take up some of the other resolutions, and we will keep in mind that what we say and the longer we talk about it, the more dangerous it can become for our troops and for the likely success of the mission that is before us. We want the Iraqi Government to take the responsibility for the safety and security of the Iraqi people. What do Senators think the Iraqi Government is going to do to make that happen, if they think America's resolve is wavering, if they think we might set a deadline in which to leave, if they think we might start a graceful exit before they have the ability achieve security?

We can't let the Iraqi Government think we are going to plan for an exit before we have won the war, secured

Iraq, kept the terrorists from having a training ground and revenue to harm more innocent people in the world or we will not be standing for the traditions and the spirit and the commitment to freedom that Americans have made throughout the generations of our country.

That is not a legacy I think any Member of the Senate would want to leave. I certainly do not want to leave that legacy for my children and grandchildren, nor for the children and the next generation of the State I represent and love so much, the State of Texas, nor for the children and grandchildren of Americans, the country I am serving. I hope we will not forget exactly what our legacy will be if we do the political thing rather than the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Texas, who is indispensable to the Senate.

Today we are confronted with a struggle that could very well define the world in which our children and their children will live. Many will say this statement is hyperbole or politically expedient and designed to disguise a troubled policy. I only wish that were so.

Today we are fighting to prevent Iraq and Afghanistan from disintegrating into failed states, where that chaos will be exploited by those who wish to undermine—and even destroy—mainstream Muslim and Western civilization.

In the past, these terrorists used Afghanistan and other developing nations as safe havens from which attacks against Americans were planned and executed throughout the world. One hardly needs to be reminded of the bombings of our Embassies in Kenya and Tanzania or the attack on the USS *Cole* to see this is true, not to mention the events of September 11, 2001.

What would happen if we were to permit these terrorists, and others who wish us ill, to have another such safe haven? Of what would they be capable? Just today we have read in the papers of Khalid Shaikh Mohammed's confession to many of the world's worst acts of terrorism. Remember that from Afghanistan, a country without significant infrastructure or resources, these terrorists were able to orchestrate the greatest attack on American soil since Pearl Harbor. Just imagine what their capabilities would be if they were able to control only a fraction of the oil wealth of Iraq. Is that the world in which we want our children and our grandchildren to live—a world in which uncertainty and fear become a part of everyday life?

As one prominent Democrat stated before he reversed his position and announced his intention to run for President:

> . . . we cannot and will not retreat. We will defend ourselves and defeat the enemies of freedom and progress.

Were mistakes made in the conflict in Iraq?

In a word, yes. I am sad to say important errors were made. Perhaps one of the greatest occurred over the past 30 years right here in our Nation's Capital. Past and present administrations, Congresses, and Department of Defense leaders primarily concentrated on training and equipping our forces to fight what is called in military circles "The Big War."

In such a conflict, large formations of mechanized divisions, corps, and armies seek to fight decisive battles on a conventional battlefield. This is not to say maintaining such a capability is no longer vital to our national security. It remains an absolute necessity.

However, in large part, due to the resolve of many of our military leaders not to fight "another Vietnam," for the bulk of our Armed Forces, the skills necessary to fight a counterinsurgency had withered and atrophied. This is exemplified by the fact that the Army-Marine Corps Doctrine for Counterinsurgency had not been updated for 20 years, until December of 2006.

As General Petraeus, our new commander in Iraq, wrote 1 year ago:

> [T]he insurgencies in Iraq and Afghanistan were not in truth the wars for which we were best prepared in 2001; however, they are the wars we are fighting and they clearly are the kind of wars we must master.

Other dire mistakes were made.

Many of those errors can be directly attributed to the decisions made by the Coalition Provisional Authority which originated from or were ratified by the senior civilian leadership at the Pentagon at the time. This includes the decision to disband the Iraqi Army without providing alternative means for the employing and sustaining of its former members. These former Iraqi soldiers went on to become the foundation of the initial insurgency. We might have been able to prevent that had we chosen another route.

Another mistake was the decision to eliminate the first three levels of leadership, not only in Government ministries but hospitals, universities, and Government-run corporations. Managers, no matter how junior, who were members of Saddam Hussein's Baathist Party were removed. The result was those who had the managerial experience best suited to rebuild Iraq's institutions were arbitrarily dismissed, even if they had not played any role in Saddam's atrocities.

In sum, many of the problems we confront today are as a result of our own shortsightedness and the administration's failure to fully and comprehensively develop and execute a plan for stabilization of Iraq after the fall of the Saddam regime.

So how do we go forward? We do have options.

Some, such as the authors and supporters of S.J. Res. 9, argue that we should unilaterally bring the bulk of our forces home from Iraq. Yet we all know what would happen if that were to occur. Iraq would be a failed state offering a safe haven for terrorists, not to mention the thousands and thousands of Iraqis who would be killed. Those who make this argument forget—or perhaps they do not know—that unlike our war in Vietnam, we face an enemy who is religiously committed to bringing the fight here to our shores. If the terrorists know we will withdraw the bulk of our forces in 120 days, as this legislation calls for, all the enemy has to do is husband its resources or "lie low" until that date. Perhaps the terrorists will launch fewer attacks to lull us into a false sense of security that this defeatist strategy is working. Then, with the cold calculation for which these terrorists have become notorious, they will spring on the Iraqi people before their Government's institutions—which were completely destroyed in 2003—can mature and fully take over the reins of fighting and defeating this insurgency.

These are not compelling options. At their core these "solutions" do not have the goal of victory but consist of resignation to an inevitable defeat.

So how do we win? How do we defeat the terrorists and give the Iraqi people a fighting chance to claim a destiny of their own, a destiny that is based upon peace and the rule of law? The answer is not simple, but what great endeavor ever was?

First, we must learn from our mistakes. Then we must implement a strategy that harnesses the tactics and strategies that have defeated other insurgents in the past and apply those lessons to the conflict in Iraq. That is what our new strategy, called Operation Fard al-Qanun—which is Arabic for "enforcing the law"—sets out to achieve.

So what is this operation's strategic objective? Once again, I believe General Petraeus said it best at his confirmation hearing. He said:

> [T]he mission . . . will be modified, making security of the population, particularly in Baghdad and in partnership with the Iraqi force, the focus of the military effort.

I could not agree more. Creating a secure environment is the essential task. This is accomplished not just by conducting operations to clear an area of insurgents but by maintaining an American/Iraqi security force in cleared areas which assists in providing essential services such as clean water and power to the local population and enforcing the rule of law. This, in turn, creates conditions where the Iraqi people can begin to develop a growing economy and where families feel safe to send their children to school. As these goals are achieved, more and more of the population will desire even greater stability and will support and work toward creating Iraqi Government institutions and security services that maintain and enhance this new security environment.

How is this strategy different from past endeavors? Unfortunately, in the past there were far too few American and capable Iraqi forces available to provide adequate security once an area had been cleared and, frankly, there are cases where political impediments prevented us from providing adequate security. That is why the additional forces we are sending to Iraq are so important. It is not more for more's sake but to maintain a secure environment for the Iraqi people.

This does not mean that our forces will be going it alone. Far from it. A key principle of the new strategy is to enhance and strengthen our efforts to advise and train the Iraqi military and police forces so they may eventually take over primary responsibility for the defense of their own nation. We must also remember that training was one of the major recommendations of the Iraq Study Group. Indeed, one of the members of my own party, who has authored legislation disagreeing with this new strategy—despite voting for the nomination of its implementer, General Petraeus—stated that Iraqi forces:

> . . . while they're not fully independently capable of operating, they're excellent and trustworthy and fighting hard with our troops today . . . I would be willing to serve alongside those Iraqi forces.

I believe it is also important to add that, as of last week, three of the four Iraqi battalions that recently entered Baghdad were at above 100 percent troop strength. Another vital element is our new commander in Iraq, General David Petraeus. I can think of no better choice for implementing our new strategy.

General Petraeus has long been a student of counterinsurgency warfare. In the 1980s, when he received his Ph.D. from Princeton, he closely studied counterinsurgency operations.

During the initial race to Baghdad, the General commanded the 101st Airborne Division, and he is largely credited with devising and implementing a strategy that secured the city of Mosul immediately after the initial combat phase.

Later, when he commanded our effort to train the Iraqi Army, General Petraeus implemented the Transition Team concept. A Transition Team is composed of a group of advisers, primarily officers and seasoned noncommissioned officers, who serve with Iraqi units from those units' inception, including basic and advanced training and eventually combat operations. This is an important strategy, since experienced U.S. soldiers learn firsthand the operational characteristics and requirements of Iraqi units and tailor a training program to fit the units' needs. It also provides a detailed analysis of the individual Iraqi units' combat capabilities. General Petraeus was also one of the authors of the updated Army/Marine Corps Field Manual on Counterinsurgency which was published in December of last year.

I do not know of any other officer with the intellect and experience necessary to carry out successfully this new strategy and win the war in Iraq. He has my confidence and apparently the confidence of most everyone in the Senate since 100 percent voted for him and he clearly articulated this new strategy. But what he needs is our support and time to carry out his new strategy.

One must also remember that all of the additional forces needed to fully implement this new strategy will not be in place until early June.

As the General stated in a recent news conference:

> We are, in any event, still in the early days of this endeavor, an endeavor that will take months, not days or weeks, to fully implement, and one that will have to be sustained to achieve its desired effect. . . . I have been on occasion bemused by people "Hey, how's it going? Have you won yet?" And the answer is we've just started. Just the second of five brigades [has arrived]. . . . Our soldiers are resolute. They want to see this succeed, as do their Iraqi counterparts, and that is exactly what we're endeavoring to do.

So what do we offer him and the soldiers, sailors, airmen, and coastguardsmen under his command? We offer guaranteed defeat in the form of a joint resolution.

But with great respect for General Petraeus, I believe we have already seen some preliminary success. For example, Richard Engel, an NBC News reporter who has lived in Iraq for the past few years covering the war, responded just last month about our change in tactics. He said:

> Night and day. There's a radically new war plan under way in Baghdad right now. For the past four years, U.S. troops have been on main bases, most of them outside the city center, some of them in Baghdad itself, and then have been effectively commuting to work. Now they live at work, they're living in small forward operating bases. . . . It is a very different strategy. We're seeing foot patrols again that we haven't seen in Baghdad for a long time, more hearts and minds campaign. . . . It's very much a new war. A lot of people say that this feels like '03, that the war is starting again and that this is a new battle plan. The battle plan to end the war in Iraq and finally establish some sort of stability.

I would also like to address a matter that, more than any other, has weighed on my heart over the past few years. That question is, Do we, not just as a nation but as a people, have the will to see our obligations through? This has always been an important question. But now, during an insurgent war, where the side with the greatest will, not technological advantage, will generally emerge victorious, it has become the essential question.

So now we must ask ourselves: Do we have the will to see right triumph? Do we as Americans believe in making sacrifices for the greater good? History provides an answer.

Almost 230 years ago, the Continental Army began a retreat, or more accurately a route, from Brooklyn Heights over the island of Manhattan into New Jersey and then across the Delaware River. General Washington had fewer than 1,000 troops and was confronted by the greatest Army of the day. The Continental's enlistments were up and many soldiers, lacking basic supplies and even food, were making plans to go home. For all intensive purposes, the American experiment in democracy, where all men were to be treated equal, was about to end.

Then something miraculous happened. A writer named Thomas Paine wrote a pamphlet entitled "Crisis." But panic was not his essay's subject. He wrote about commitment and faith that freedom would one day be victorious. His words still echo today:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now deserves the love and thanks of man and woman.

Shortly, after the Continental Army heard these words, the morale, which had been crushed by the cold winters of New Jersey, was restored enough for General Washington to launch the raids on Trenton and Princeton, thus saving the young Republic.

Commitment and faith had been restored—the faith that freedom is worth fighting for, that it is worth sacrificing for, and that is what we as a Nation must remember now more than ever.

I see the leaders are on the floor, and I will not take any more time, so I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I appreciate the distinguished Senator from Utah being his usual courteous self.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 9 be agreed to and that the Senate now begin debate en bloc on the following: S.J. Res. 9, S. Res. 107, and S. Con. Res. 20 by Senator GREGG; that there now be 4 hours for debate on the above items equally divided between the two leaders or their designees; that no amendments or motions be in order to any of the above; that at the conclusion or yielding back of that time, the Senate vote on each of the above in the above order; and that the preceding all occur without intervening action or debate; further, that there be 2 minutes for debate equally divided between each vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, since a filibuster is any Member's prerogative, I renew my consent with 60 votes required to pass each measure; and that if any measure fails to get 60 votes, the vote on passage be vitiated and the item be returned to its previous status.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, let me also say, when we complete these votes, we are going to move to three judges, one circuit court judge and two district court judges. So Senators should be alerted that we could have six votes.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 214

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 19, at 2 p.m., the Senate proceed to the consideration of Calendar No. 24, S. 214, a bill to preserve the independence of U.S. attorneys; that when the Senate considers the bill, it be considered under the following limitations: that there be 6 hours of general debate on the bill, with the time equally divided and controlled between Senators LEAHY and SPECTER or their designees; that once the bill is reported, the Committee-reported amendment be agreed to and the motion to reconsider be laid upon the table; that the only other amendments in order be the following: the Kyl amendment regarding the nomination and confirmation of U.S. attorneys; the Sessions amendment regarding appropriate qualifications for interim U.S. attorneys; that debate on each amendment be limited to 3 hours equally divided and controlled in the usual form; that the amendments have to be offered and debated during Monday's session, except as noted below; that on Tuesday, the Senate resume consideration of the bill immediately after the opening proceedings and there be 90 minutes of additional debate time on the bill and the amendments are to run concurrently with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, but not later than 11:30 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the Kyl amendment, to be followed by a vote in relation to the Sessions amendment; that upon disposition of the amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill, as amended; that the text of these amendments be printed in the RECORD once this consent is granted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 459 and 460) are as follows:

AMENDMENT NO. 459

(Purpose: To ensure that United States attorneys are promptly nominated by the President, and are appointed by and with the advice and consent of the Senate)

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

"(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

"(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.".

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

AMENDMENT NO. 460

(Purpose: To require appropriate qualifications for interim United States attorneys)

On page 2, line 23, strike the quotation marks and the second period and insert the following:

"(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

"(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

"(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

"(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.".

Mr. REID. Mr. President, in view of the agreement just entered, I now ask unanimous consent that the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, let me say these few minutes Senator MCCONNELL and I have spent on the floor have been just a brief interlude, but getting to this point has taken hours and hours of people's time. I think we are at a point now where we have had a good debate over the last several days and we will have one today. We are moving into another contentious issue, which will be resolved Tuesday morning. So I think we have made great progress. I think it speaks well of the Senate, in spite of the closeness of the margin between Democrats and Republicans, that we are able to get things done. Sometimes it is a slow process in getting things done, but I am confident this is good for the body and the country.

Mr. President, also it is important that everyone be notified—we were scheduled to have a vote Monday at 5:00 or 5:30—that it is not necessary. We have a lot of work going on. We have the debate on the budget that will take some time. We are going to complete this U.S. attorneys issue and we are going to complete three judges today. So in short, there is no need to have a judge's vote, though we have two remaining on the calendar, and I think we will accomplish what we need to do. So there will be no votes on Monday night.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader with regard to the painstaking process he and I have been through over the last day and a half trying to reach an agreement on the Iraq debate. I think it is an agreement that is satisfactory to both sides. It gives Senators an opportunity to express themselves on what is clearly, arguably, the most important issue on the minds of the American people at this particular juncture in our history, and we look forward to the debate starting shortly. Senator INHOFE will be here to control the time on our side, so let the debate begin.

Mr. REID. Mr. President, I ask unanimous consent that the final 20 minutes of the debate relating to matters regarding the Iraq resolutions, the first 10 minutes of the 20 minutes be for Senator MCCONNELL, the second 10 minutes right before the vote be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITES STATES POLICY IN IRAQ RESOLUTION OF 2007—S. J. RES. 9

EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS—S. RES. 107

EXPRESSING THE SENSE OF CONGRESS THAT NO FUNDS SHOULD BE CUT OFF OR REDUCED FOR AMERICAN TROOPS IN THE FIELD WHICH WOULD RESULT IN UNDERMINING THEIR SAFETY OR THEIR ABILITY TO COMPLETE THEIR ASSIGNED MISSIONS.—S. CON. RES. 20

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided between the parties.

Mr. INHOFE. Mr. President, it is my understanding the debate will start with our side. I encourage all Members who wish to be heard on our side on any of these resolutions to come to the floor and be heard.

Let me share some thoughts. This is a rather awkward situation we find ourselves in because we are debating three resolutions concurrently. Frankly, one of the three I have not even seen yet, so it is very difficult to debate something you have never seen. But I do know from the past discussions the type of concerns people have, the differences between, quite frankly, the Republican side and the Democratic side. I know it is not right down party lines, but let me share some concerns I have and some thoughts I have.

We heard from several Senators who expressed their concern over our micromanaging the war from this body and from the body of the other side. Five hundred and thirty-five people cannot be Commanders in Chief. It seems as if that is what is happening. Also, I observe, and I am only speaking for myself, that this thing has become highly politicized. When the war first started, the whole idea of weapons of mass destruction was the media trying to make us believe that is what it was all about, but that isn't what it was all about.

I was on the Senate Armed Services Committee during that time, both before and after 9/11, and I observed what was going on. I observed what was going on in Iraq for a long period of time. I had the honor back in 1991 of going to Kuwait on what they called at that time the "First Freedom Flight." There were Democrats and Republicans on that flight. We were the first ones to land in Kuwait. The Iraqis didn't even know the war was over at that time, and the oilfields were burning in Kuwait. I remember Tony Coelho was one of the Democrats who was on the trip, and Alexandria Hague was one of the Republicans on the trip.

He also had the Ambassador from Kuwait to the United States and his daughter on the trip, going back for the first time to Kuwait to see what damage was done by Saddam Hussein in Kuwait City. I remember so well—I don't recall the age of the daughter; maybe she was about 8 years old. I remember so well that when we landed, the oil fields were burning, Iraqis were still fighting, not knowing there had been an agreement and fires should have ceased by that time. They were still shooting at each other. When it calmed down, we went to their home.

Keep in mind the Ambassador to the United States from Kuwait was of nobility and he had a daughter with women. They had a mansion on the Persian Gulf, a beautiful place. We got there in time to see that their house had been used as one of the headquarters of Saddam Hussein. His young daughter wanted to see her bedroom, her stuffed animals and things girls want to see. We found out her room had been used for a torture chamber. There were body parts stuck to the walls, human hair and hands, where the torturing had been taking place.

I think sometimes people forget about how bad this guy was. We hear a lot about Adolf Hitler, and this guy was certainly the worst since the brutality of Auschwitz and Hitler and, of course, the Holocaust. If you had been there and looked down and seen the bodies in the open graves, if you heard the testimony from others whose daughters could not get married because they could not have weddings on the streets of Baghdad because, if they did, people would come in, the Iraqis, and Saddam Hussein's sons would come in and mob everybody and they would kill people and take the pretty girls and rape them and bury them alive. These atrocities that took place were inconceivable to people.

You don't hear about this in the media. They say they didn't find weapons of mass destruction. Well, you know, that is a moot point. There were weapons of mass destruction because they used weapons of mass destruction. They used them in the northern parts of Iraq. Saddam Hussein brutally, painfully murdered his own people, and the types of gases used in these weapons of mass destruction were the most painful kind that would torture people to death, burn them from the inside out. All the time this was happening, we heard testimonials about how Saddam Hussein was treating his people he thought perhaps were his enemies and didn't follow him after the war in 1991, and how they would put people to death, torture them, and drop them into vats of oil. The victims would be praying that they would put them in head first because their life would be over sooner. It was the same with the massive machines—like what we call shredders in this country—where they would shred the live bodies of these individuals. They used the most brutal types of torture imaginable.

I thought once they get Saddam Hussein and once he is disposed of and is dead, people will realize this monster is not coming back. Unfortunately, there are other monsters who would take up the mantle. These things have gone undiscussed, unnoticed. Even if there had not been weapons of mass destruction—which there were, because they used them, either chemical or biological, which is just as cruel as nuclear, and effective, and it kills many people. Even if that had not been the case, America could not stand by and watch that type of thing happening.

I have had the honor of going back more times than any other Member of the Senate. I will be going next week. It will be my 13th trip to the area of responsibility in Iraq. Each time I come back, after seeing the progress that is being made, I read the newspapers, the press accounts, and there is no relationship between reality and the press accounts we get.

I had the honor of being in Fallujah during a couple of the elections. The Iraqi security forces—people are not aware of this, but they allowed them to vote a day in advance of the normal voting that took place. I was purposely at a couple of these elections in Fallujah because that was where the problems were supposed to exist. That is where our marines were. They conducted door to door and they did incredible and great work at that time. The Iraqi security forces were the first to go down and vote. I remember one night having them come back and talk about the threats that had been made on their lives. Some were shot during the process. They were willing to risk their lives to vote and then to help the people vote the next day. The next day, the other Iraqis came to vote. We all heard about the fingerprinting and holding up with pride their stained finger, which would be a death sentence on individuals. In this country, when such a small percentage of the people vote, and we look at those who are willing to risk their lives, I think how dear that privilege is and how we do not appreciate it as we should.

Anyway, they voted and, of course, they knew when they were going to vote, they would be in harm's way, and many were shot. There are heroic stories of Iraqis going to vote where they would lay down their lives and get in the line of fire to save somebody else. So these were experiences that we had, the real reasons for being there.

As we approach these resolutions—I see my friend from Missouri is here and I will soon yield to him whatever time he asks. As we discuss the resolutions, I want people to keep in mind the one thing those of us who believe the generals are more capable of running this war than are the individuals in this body, the 535 Members of the House and Senate—and of the 535, many of them want to be Commander in Chief; many are running. The generals make these decisions.

At this time, I ask my friend from Missouri how much time he wishes.

Mr. BOND. I would like 15 minutes.

Mr. INHOFE. I yield 15 minutes to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague from Oklahoma. I appreciate the opportunity to talk about this very important subject. Some have said we don't want to debate the war in Iraq, but we have been doing that and I am happy to debate it.

We are at war. One of the jobs of this body is to support our troops when we are at war. As such, we should be taking up the supplemental war funding bill that will directly support and aid our service men and women and support the efforts underway in Iraq and Afghanistan.

I regret the Democratic leadership has chosen to delay acting on funds our troops in the field need and must have by the 1st of May. Here we go, talking about resolutions. We are taking up nonbinding resolutions. The key one is nonsensical; it would serve only to undermine the morale of our service men and women and boost the morale of our enemies. S.J. Res. 9 has a clear message, if not to Americans reading the news, certainly to our enemy: America has been defeated. America does not have the will to win. Or we cannot defeat American troops on the streets of Iraq, but we can defeat America in the halls of Congress. That is what they will be saying.

Out of the 17 different resolutions the majority has worked with and introduced, they have decided to debate S.J. Res. 9—one in a litany of defeatist, micromanaging resolutions that have been offered by the other side.

Like so many of the others, it calls for a retreat and it ensures defeat. Such a retreat, in its wake, would create a bastion of instability, violence, regional conflict, and a launching point for future attacks on our allies and this Nation such as that witnessed after 9/11. The intelligence community, in public testimony before our committee in January, publicly stated that the very real three-pronged threat of turning Iraq over to the chaos is a serious challenge we all should consider.

Fortunately, those of us who believe the generals ought to run the war have the Constitution on our side, which specifies that the President—not those of us in the 535 Members of Congress—is Commander in Chief. The proponents of S.J. Res. 9 to set deadlines must now believe they are more equipped, better informed, and have better judgment than the leaders and military commanders they recently and unanimously confirmed.

Is the American public to believe that the legislators in these beautiful halls, 8,000 miles away from the front, are better equipped to develop strategies than General Petraeus, whom this body confirmed unanimously to lead U.S. forces?

I think the Founding Fathers were right at the time and they are right now. We do not fight wars in the Halls of Congress. We cannot win this war by resolutions we pass, but we can lose the war in the Halls of Congress. My colleagues on the other side of the aisle continue to cite public opinion polls about Iraq as well as a reason why we should pull out. What may be perceived to be popular in the short run, regrettably, will in the long run compound into an even bigger problem that will end up costing us and our allies far more blood and treasure.

Further, when it comes to national security, we ought to be governing on principles, not on public opinion polls.

The American people want victory, not defeat. They are demanding progress, which the new security plan was designed to produce. Incidentally, this new plan fits almost exactly with the recommendations of the Baker-Hamilton committee, which so many people on both sides of the aisle said would be the ultimate solution. Well, General Petraeus and the administration are carrying out the details of the Baker-Hamilton plan, and now we are changing our mind. Why? Well, some, I fear, may be inspired by a loathing of President Bush. But even to those of you who do, I appeal to you to recognize the President is not the enemy. The enemy is ruthlessly chopping the heads off innocent civilians in front of cameras, blowing up schoolchildren, blowing up places of worship. One Army officer recently e-mailed me and said:

> I proudly served in Iraq. I know who the enemies of America are. I have met them in person. Our President is not the enemy.

This would not be George Bush's defeat or victory. It will be an American defeat or victory, and the sooner we understand that, the sooner perhaps we can be united.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund, recently wrote a piece in the Washington Post describing the sad state of current political affairs. It was entitled "Grand Illusion." In the piece he asserted:

> Democratic and Republican members of Congress are looking for a different kind of political solution: the solution to their problems in presidential primaries and elections almost 2 years off.

This is coming, as he indicates in his article, just as "American soldiers are finally beginning the hard job of establishing a measure of peace, security and order in critical sections of Baghdad."

He goes on to say that "they've launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia."

This is appropriate advice. He says:

> Politicians in both parties should realize that success in this mission is in their interest, as well as the nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect.

Despite many people's dissatisfaction with the war, I don't think a majority of Americans want us to withdraw, to retreat and admit defeat.

Throughout the debate, we have also heard references and comparisons made to Vietnam, that this is a quagmire, that the war is unjust, poorly managed, it threatens our individual liberties, it is unwinnable, and the only option is to pull out. All of the very same things were said during the campaign against President Lincoln in 1864, with well over one-quarter of a million dead Americans; after the Union suffered 7,000 casualties in 30 short minutes at Cold Harbor; and until Sherman won in Atlanta.

If you look at our history, anybody getting 24-hour television news during the battles Americans fought against the British in 1776, you would have had to say we were in worse shape than we are now.

When you look at the conditions our troops were in before D-Day and all the things that went wrong, 24-hour news coverage would have convinced an overwhelming majority of the American people to forget it, pull the plug, let the Nazis have it. But if somebody used Vietnam as a model—and it should be used completely—I think it reminds people of the image associated with Vietnam that too many ignore.

I suspect this is a historical photo that many of our murderous enemies dream would be superimposed over the rooftops of Baghdad. These are the people left behind. We left behind people. Some 2.5 million were murdered after we pulled out of Vietnam.

This is, of course, the final, classic departure, people trying to get away. Those who didn't were slaughtered.

Our enemies throughout the radical Islamist world are all too familiar with immediate withdrawal and retreat. We withdrew from Vietnam, we withdrew from Beirut, and we withdrew from Mogadishu.

These repeated withdrawals signaled to our enemies all over the world that if they inflict enough damage on our most heroic citizens, the Marines will never surrender but Washington will.

And make no mistake about it, they are watching. They are watching to see what we will do in Iraq.

These repeated withdrawals invited the 1993 World Trade Center attack, the bombings of our embassies in Africa, the USS *Cole*, the Khobar Towers, and eventually 9/11. None of these actions occurred because of our action to liberate Iraq. Five or six of these attacks occurred before President Bush took office, and George Bush did not invent the danger from radical Islam.

Further, the notion of separating al-Qaida from the sectarian killers can only be contemplated from as far away as Washington because al-Qaida is targeting the mixed neighborhoods and has overtly promised sectarian violence to undermine the Iraqi Government and to weaken U.S. Government resolve.

The Democratic resolution before us now is precisely what our enemies want to hear and, sadly, are expecting to hear.

Here are some quotes from one of the people we ought to be reading more frequently, Osama bin Laden. Osama bin Laden said:

> We found that out from our brothers who fought the Americans in Somalia. They did not see it as a power worthy of any mention. . . . God gave them and the mujahideen success in Somalia and the United States pulled out, trailing disappointment, defeat and failure behind it. It achieved nothing. It left quicker than people had imagined.

That is what Osama bin Laden said on October 21, 2001.

In addition to that statement, he said on February 14, 2003:

> It has been made clear during our defending and fighting against the American enemy that this enemy's combat strategy is heavily dependent on the psychological aspect of war . . . which hides the cowardice and lack of fighting spirit of the American soldier. . . . Likewise, let me remind you of the defeat of the American forces in Beirut in 1982, soon after the Israeli invasion of Lebanon, when the Lebanese resistance was personified by a truck laden with explosives that struck the main military base of the U.S. Marines in Beirut, killing 242 soldiers—towards hell was their destination and what an evil destination that is.

This is what Osama bin Laden thinks of us. He stated many times that Americans don't have the stomach for conflict and this Democratic resolution embodies that very notion.

What Osama bin Laden and the enemies we are fighting against expect to see is Vietnam. Let's give General Petraeus more confidence. General Petraeus was confirmed unanimously. He stated that the effort in Iraq will have to be sustained to achieve its desired effect and that more troops are vital to advancing security. We confirmed him unanimously. Give him a chance.

He reported last week that nine Iraqi reinforcement battalions have entered Baghdad. He pointed to a decrease in sectarian killings, the discovery of numerous weapons caches, and the capture of al-Qaida members. Al-Sadr has fled Sadr City, and al-Baghdadi was recently reported caught.

Associated Press reporter Robert Reid recently reported General Petraeus walking through the streets of Hit, a Sunni city with a bloody past. Last month in the article, he reported:

> Iraqi police backed by U.S. troops swept through the city of about 120,000 people, arresting suspected insurgents and establishing three new police stations in the downtown area. Since then, the number of violent incidents has dropped from an average of 5 per day to 1.3 per day.

Now that a relative level of security has been established, the important political and economic development work must begin.

In the past, the United States had claimed similar victories in Hit, but those gains were lost because of lack of enough troops to sustain the province.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the Associated Press]
>
> WALK DELIVERS A U.S. MESSAGE
>
> (By Robert H. Reid)
>
> HIT, IRAQ.—The top U.S. commander in Iraq strolled Saturday through the streets of a dusty Euphrates River city.
>
> Gen. David Petraeus was snacking on ice cream and promoting cooperation between Americans and Iraqis in a Sunni Arab community where insurgents have been driven out before, only to return.
>
> Petraeus visited Hit, scene of bloody fights with insurgents for the last three years, to affirm U.S. support for a nascent city administration and to deliver a message that U.S. troops will remain here until Iraqi forces are genuinely ready to provide their own security.
>
> To demonstrate his confidence, Petraeus, accompanied by dozens of armed U.S. troops and Iraqi policemen, strolled down the main street, stopping to buy ice cream from a vendor and wandering through the city market, where snipers were taking potshots at U.S. patrols just months ago.
>
> "Iraq presents its own complex set of challenges, and you have to do one city at a time," Petraeus said as he beamed at hesitant crowds and delivered Arabic greetings to small groups of young boys who stared at the entourage from the curb.
>
> Few of the Iraqis returned the greeting and most kept back, perhaps intimidated by the stern-faced, gun-toting Iraqi policemen who appeared keen to make sure nothing went awry during the visit.
>
> Nevertheless, the fact that a senior American general could walk through the public market in a Sunni city with such a bloody past indicated a degree of progress that U.S. commanders are eager to exploit. It is key to the new U.S. strategy of clearing areas of insurgents and then remaining to promote economic and quality-of-life projects. In the past, Iraqi forces have failed to maintain control once the Americans were gone.
>
> Last month, Iraqi police backed by U.S. troops swept through the city of about 120,000 people about 100 miles northwest of Baghdad, arresting suspected insurgents and establishing three new police stations in the downtown area.
>
> Since then, the number of violent incidents—mostly bombings and shootings—has dropped from an average of five per day to about 1.3 a day, the lowest level since March 2006, said Lt. Col. Douglas Crissman, commander of the battalion that took part in the sweep.
>
> The plan is for U.S. and Iraqi checkpoints around the city to turn Hit into a "gated community" free of insurgents.
>
> To convince the locals that better days are ahead, the U.S. plans to fly in $15 million to float the local bank, which will enable retired government employees and soldiers to start receiving pensions and provide cash to bolster the economy.
>
> The Americans are also encouraging the Shiite-run government in Baghdad to pay more attention to mostly Sunni Anbar province, including authorizing funds to pay for the extra police. But U.S. forces have claimed similar successes in the past in Hit, only to see gains lost because of a lack of enough troops in the province.

Mr. BOND. Mr. President, while it is far too premature to declare that the new strategy has succeeded, it does indicate there is a possibility. As General Abizaid once testified, despair is not a policy. It must be given a chance to succeed, and this resolution would do nothing to achieve victory. The alternative of retreat and defeat would be disastrous.

What are my colleagues who wish to see us leave Iraq thinking will happen once we do? The arguments for retreating before relative security is established because we grow tired of the war, because mistakes were made or because Americans allegedly want us to leave all ignore what the consequences will be if we do leave precipitously on a political withdrawal timetable.

Those who are advocating for retreat and departure from Iraq absolutely must address this very difficult question. In other words, what is "Plan Bravo," plan B, for those mandating retreat? Are we to redeploy forces back home only to have to redeploy them in much larger numbers 3, 4, 5 years from now, once Baghdad has turned into a base of operations and safe haven for al-Qaida? Will we endure the transfer of Islamofascist terrorism and violence occurring in the Middle East back to the homeland?

Mr. President, I ask for an additional 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, are we going to bear witness to a conflict between Sunnis and Shiites that would spread into a regional war throughout the Middle East? Will we sit idly by while a regional conflict ensues that would result in the death of thousands of civilians? What will happen when the price of oil goes up? Will we see radical Islam taking over more parts of the world? Will we hand them Iraq on a silver platter? Will we have to again deploy troops to the Middle East?

To ignore these considerations and questions simply because they are not politically palatable is shortsighted at best and dangerous at the worst. Those who are attempting to end the war don't want to talk about the fact that the war in Iraq will do anything but end. In fact, it will only grow more dangerous.

Mr. President, I suggest that Mr. Kagan had it right. In his article, he also said there ought to be a plan B for the Washington Post and others who have projected and counted on defeat. What is your plan B if General Petraeus's works and you predicted so successfully it won't work?

We need to put the money behind our troops, give General Petraeus the support for the new plan with money and support that effort underway. Our 130,000 to 150,000 American troops and their families at home are depending on us. They have a direct stake in this historic event, and I believe that fighting is necessary to prevail over evil.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Missouri. A lot of people don't know it, but his family has made a personal sacrifice in their efforts in this war. We appreciate that very much. The Senator from Missouri outlined the consequences of surrender in a very articulate way.

Mr. President, I ask unanimous consent that any quorum calls during the debate on the Iraq resolutions be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I see no speakers on the other side, so I will elaborate on my remarks. I appreciate the fact that the Senator from Missouri talked about specifically what would be the consequences of timelines or withdrawal. I can speak from personal experience, having spent time in Iraq. As I mentioned before, I plan to take my 13th trip to AOR in a couple of weeks. I believe what is not understood by people who are debating these resolutions is some of the good things about the Iraqi security forces.

I had the honor of being in Iraq when some of the new leadership took office. I remember Dr. Rubaie, who is the National Security Adviser, and Dr. Jassim—I believe he was the Minister of Defense at that time—they articulated in a very effective way that most of the differences between the two major factors over there were Western concepts, were Western ideas. It appeared to me that was the case.

As we debate these resolutions, we need to remember how we got in there in the first place. Remember what happened prior to 1991, remember the monstrous commissions that were made by Saddam Hussein and the number of people, the volumes of people who died tragic, painful deaths.

As far as the Iraqi security forces are concerned, it is pretty obvious to me that these individuals want to be in charge. I get the idea, when I listen to some of the people on the other side, that the Iraqi security forces somehow are inferior, somehow they don't have the knowledge and the capability, the potential to become great fighters. Yet when I talk with them, they are the ones who are anxious to get themselves in a position where they are going to be carrying the load for us.

The whole idea of the embedded training is that we put our people in the rear to advise the Iraqis on what to do and to train them while they are actually embedded and fighting with them. This has worked very effectively. It has been effective.

I happened to be there at a time when in one of the training areas for Iraqi security forces, there was an explosion. Some 40 were killed.

What the people over here don't understand is the commitment the Iraqis have to their own security. It happens that 40 families of those who were killed in this blast all supplied another member of their family to go in and carry the load for the deceased trainee.

These individuals are committed. They are as anxious as we are to get to the point where they have the capability of offering the security against the terrorists. From time to time, they have gotten that way. There was a time when the entire western one-third of Baghdad was under security control by the Iraqis themselves. They were just not in a position to sustain that control.

We saw the commitment the Iraqis had in Fallujah, when a general who had been the brigade commander for Saddam Hussein—this guy hated Americans; he was a brigade commander for Saddam Hussein, until we went into Fallujah with our Marines and they started the embedded training, the embedded training referred to by my friend from Missouri. It was so successful and they enjoyed each other so much that this man, this general, his name is Mahdi, he looked me in the eyes and said: I hated Americans before all this happened. I certainly hated the Marines. When they came in and started embedded training, I learned to love them so much that when they rotated out, we all got together and we cried.

This is the commitment the Iraqis have. When you get into one of the helicopters and go from place to place, maybe 50 feet off the ground, and you see the commitment of these individuals in the small towns and the kids who are down there—a lot of times the people who are supporting our troops send over candy, cookies, and this type of thing don't realize that when our troops get them, they normally repackage them, and then as they are in these helicopters going across the triangle and other places, you can see the little Iraqi kids out there waving American flags and our troops are throwing them candy and cookies. This is the type of relationship we don't see in this country.

Mr. President, while we are calling to make sure that some of them get down to the floor from both sides, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the Senate is now engaged in a historic debate about what the United States of America should do with respect to the conflict in Iraq. We are scheduled to vote on three resolutions at 3:45 this afternoon. I was advised early this morning, about 8 a.m., that we would have four resolutions to vote on and that there would be a time agreement of some 6 hours, with votes to occur late this afternoon. Two of the resolutions among the four were not in existence, one of the resolutions has since been dropped, and the fourth resolution was made available less than an hour ago. This kind of a timetable, it seems to me, is not conducive to the kind of deliberation and thought necessary to make intelligent decisions on the momentous questions which we are facing.

We are asking the U.S. military to adopt a timetable to clear out of Iraq no later than a year from now, and we have a tough time establishing even a timetable as to what the Senate will do in the course of a single day.

As I review the proceedings, it seems to me that the Congress is not prepared to act on this subject on this state of the record. It may be that the Congress is not competent to act on this kind of an issue. There is a maxim that you can't manage effectively by committee, and what this concurrent resolution seeks to do is to have management by two committees—that is perhaps twice as bad as trying to manage by one committee—a committee of 435 in the House of Representatives and a committee of 100 here.

Yesterday, I spoke briefly about S. Res. 9, which has been cosponsored by 41 Democrats, no Republicans. I think it is regrettable that there appears to be a partisan divide on this subject. This matter is too important to be determined by party loyalty. Perhaps a more important aspect of noting that the resolution is supported by 41 Democrats is that it is not supported by 9 Democrats, with 50 Democrats in this body. So perhaps it is significant that it is not supported by 9 Democrats.

I would be prepared to cross party lines, as I have done in the past when I thought it warranted, if I agreed with the thrust of the resolution. Seven of us joined with the Democrats in voting for cloture several weeks ago to move ahead with the debate and try to come to a resolution on the Iraqi issue, and I was one of the seven. I would not hesitate to do so again if I agreed, but I cannot agree with the proposal which would require that not later than 120 days after enactment to have phased redeployment of U.S. forces, with the goal of redeploying by March 31, 2008, all U.S. combat forces in Iraq except for three conditions: to protect U.S. and coalition personnel, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The thrust, however, is to leave Iraq in about 1 year, and that is to ensure defeat. Setting a timetable simply enables our opponents to wait us out.

I think beyond that, the idea of having the Congress of the United States micromanage the war is simply not realistic, and perhaps it may even be unlawful. As I noted yesterday, in the case of Fleming v. Page, in 1850, the Supreme Court said:

> As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

That is a fairly forceful statement that it is not up to the Congress to micromanage a war but that it is up to the Commander in Chief, the President of the United States.

That is not to say that the Congress does not have authority in the premises. Yesterday, I put into the RECORD a lengthy letter which I had written calling for additional hearings by the Judiciary Committee on the relative powers, authority of the Congress under the Constitution, with our power of the purse and our power to maintain and direct armies, contrasted with the President's power as Commander in Chief.

I believe, however, it is of questionable legal authority to micromanage, and it is definitely impractical for us to seek to micromanage if the consequences of giving an order to the President would just enable the enemy to wait us out. That is not to say that at some time in the future it may be necessary, and there may be a considered joint judgment by the Congress, to use the extraordinary power of the purse to implement our constitutional authority to maintain armies to effectuate a withdrawal.

Yesterday, I commented on the Senate floor that it would be most helpful to have an update from the Department of Defense and the Department of State as to whether, since General Petraeus went to Iraq, implementing a new strategy as he articulated it to many of us in the Congress in meeting with him, whether there have been improvements, so that there was some realistic prospect of victory, which is what we want. The consequences of defeat are disastrous, but that does not mean that we can be in Iraq forever.

The President, in his State of the Union speech, set two objectives for the Iraqis. One was to end the sectarian violence and, secondly, to secure Baghdad as indispensable prerequisites for maintaining U.S. forces in Iraq. The Iraqis have shown neither the capacity nor the will to carry out those objectives. In evaluating the strategy of General Petraeus, it would be helpful to know if there have been any positive signs or negative signs, giving us some clue as to the prospects of victory.

Through staff, I made an inquiry of the Department of Defense for some updated material, and none was available. Similarly, through staff, I made an inquiry of the Department of State, asking if there had been any results from the change in policy to negotiate with Iran and Syria, at least on a multilateral basis. One part of the resolution that is supported by 41 Democrats, calling for a comprehensive diplomatic, political, and economic strategy, has been implemented by the Department of State, at least in the incipient stages. Even in the absence of any indication of any progress, it seems to me unwise, on this state of the record, to set a timetable which would just embolden and empower the enemy to win by waiting us out.

The power of the purse is the ultimate constitutional authority of the Congress. Even there, as I noted yesterday in the case of United States v. Lovett, in 1946, the Supreme Court held that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective. That still leaves substantial parameters to decide what to do.

The second resolution is the one submitted by Senator GREGG, and Senator GREGG articulates a resolution that all of us agree with:

> That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field. . . .

That would be unthinkable. No one disagrees with that. Then the Gregg resolution goes on to say:

> . . . including the elimination or reduction of funds for troops in the field.

That phrase could be interpreted to mean that Congress does not have the authority to stipulate an elimination or reduction of funds for troops in the field so that we couldn't say to the President to reduce the troops by a certain date. Or perhaps it should be read in conjunction with taking no action to endanger to say you have to be down to a certain number by a certain date, as Congress did in legislation in 1974, saying that when the war in Vietnam was winding down, there could be no more than 4,000 troops in the field in 6 months and no more than 3,000 troops in the field in a year. That congressional legislation was signed by President Ford, although he expressed some reservations. So perhaps the Gregg resolution does not purport to totally eliminate the authority of Congress to act by cutting off funding if it can be done in a way which does not endanger the troops in the field. Certainly the thrust, the gravamen of the Gregg resolution is one where there would be no disagreement, we simply could not endanger the troops in the field or take any action which would endanger them.

Then the third resolution—which was filed less than an hour ago by Senator MURRAY—sounds very much like the Gregg resolution. It is intended, I think, to provide an alternative to the Gregg resolution, but it is very close. The Murray resolution provides:

> The President and Congress should not take any action that will endanger the Armed Forces of the United States and will provide necessary funds for training, equipment and other support for troops in the field as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

We all agree with that. Then it goes on to say:

> The President, Congress and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve.

No one could disagree with that. It is a reference to what has happened at Walter Reed. Then the third clause in the resolution.

> Resolved: The President and Congress should continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions.

We can't disagree with that. And then:

> . . . review, assess and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

That also is apple pie, motherhood, and milk. There is a little implication, on "review, assess and adjust," perhaps a change in policy, but it does not say anything definitive.

There was supposed to have been a fourth resolution offered by Senator WARNER, who had an earlier resolution which was not taken up by the Senate. Senator WARNER is to be commended for his service to the country, heading the Armed Services Committee, 28 years in this body, Secretary of the Navy, served in World War II. He was searching for some alternative. But in the absence of any resolution having been filed, the inference arises that the search continues. That is where I think we are on this issue.

The electorate spoke last November in disagreeing with United States policy in Iraq. The House of Representatives has spoken, disagreeing with United States policy in Iraq. The Senate is about to speak, but it is highly doubtful—virtually impossible that a forced withdrawal within a year will be approved by 60 Members of this body. The resolutions by Senator GREGG and Senator MURRAY are not twins, but they are first cousins. But we are still groping for what to do.

My own sense of the situation is we need to pursue some preliminary reports that things are improving and find out if in fact that is true. As I look at Iraq—and I used the metaphor yesterday—it is a tunnel and we can't see the end of the tunnel. Certainly there is no indication that there is a light in the end of the tunnel. I don't like being in the tunnel, but I don't know where else to go at the moment.

I am not going to go with a resolution to leave Iraq, micromanage the war, tell the President what to do when we frankly don't know what to do. But we are groping. Just as we are unprepared to deal with these resolutions in a limited time, by 3:45, we are unprepared to tell the military what to do in a year. So I think we need to go back to the drawing boards and I think we need to find out more facts. It may be General Shinseki was right in 2003, that job required a lot more personnel, into the hundreds of thousands, under the Colin Powell doctrine of overwhelming force. Maybe that was the course which should have been followed. Certainly we don't want to deploy more troops now, in those quantities. For General Shinseki's brilliance, he got himself fired, ridiculed and fired. We are trying to find out what to do.

I had an opportunity to visit the Mideast and talk to President Assad of Syria last December. President Assad advanced the idea of having an international conference before the idea was advanced by Secretary of State Condoleezza Rice. I carried that message back and conveyed Assad's suggestion to Condoleezza Rice. Whether that had any impact on her idea, I don't know. But I do believe—and I said this in a lengthy speech on the Senate floor last June, and in an article which appears in the current issue of the Washington Quarterly—that dialog should be undertaken with Iran and Syria. We have seen the multilateral dialog with North Korea, supplemented by direct contracts, bilateral negotiations, produce what appears to be an answer to diffusing North Korea's possession of nuclear weapons. We don't know for sure because that is a very tentative basis, but we made a lot of progress and we appear to have an answer.

I think there is cause for hope that the multilateral talks with Iran and Syria, and perhaps bilateral talks, will produce something there. So I am going to oppose S. J. Res. 9 and I am going to support the first cousins, the Gregg resolution and the Murray resolution. They say something which is obvious. We are not going to take any action to endanger the American troops. But that does not mean we are without power in the future to use the appropriations power, the power of the purse, to put Congress's imprimatur and decision on what is going on.

The President said for a long time he was the decider. I think he has wisely receded a little from that assertion. It is a joint, shared responsibility between Congress and the President. There has been a lot of talk. I think the American people ought to know there has been a lot of—it is more than talk; there has been a lot of very serious thought which has been undertaken by the Members of the Congress, both the Senate and the House, trying to find a way to have a victory in Iraq. Our statements of disagreement with the President do not mean we ought to tell him what to do when in fact we do not know what to do.

For myself, I think we need to find out more about what is happening now, both militarily and diplomatically; going back to the drawing board and seeing if we can come up with a better answer than the one we are facing at the present time.

I thank the distinguished Senator from Oklahoma, who is managing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I wish to inquire how much time we have remaining on our side.

The PRESIDING OFFICER. There is 64 minutes 30 seconds.

Mr. INHOFE. Fine. We are next going to hear from the Senator from South Carolina. I wish to say, after the conclusion of the remarks, I am going to be trying to line up, by unanimous consent, several speakers. It is my understanding Senator BYRD wants to come down and speak. But between the next speaker and Senator BYRD, we are going to try to get some lined up for a period of time. That will be our intention.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I think Senator SPECTER, has given a good overview of where the Congress finds itself, where it wants to go, and how to get there. What I wish to do is give my view for people back home and my colleagues about how what we do now, for the moment, could affect the overall war on terror, and throw out this proposition: Do we believe the outcome in Iraq affects the overall war on terror? Is Iraq a central battlefront in the global struggle? I believe the answer is clearly yes. You could debate whether going into Iraq was the right thing. Clearly that is a debate that will be resolved by historians. We are there now. What are the consequences of a failed state in Iraq and how likely is that to occur, based on what we do for the moment?

I would argue very strongly a failed state in Iraq is a tremendous defeat in the overall war on terror on several fronts. No. 1, it means moderate forces in Iraq were overwhelmed by the extremists. There are basically three groups in Iraq trying to kill this infant democracy. There is a Shia extremist group that has as its goal a theocracy for Iraq where the Shias will dominate the Iraqi landscape and they will have an Iranian style theocracy. It may be different in many ways, but it will be a religious state.

The Sunni extremists are trying to seize power and kill this infant democracy and rule by the gun, not by the rule of law. They were in power during the Saddam era and they want to get back in power. These two groups have different views of what to do with a future Iraq, but they both come together believing a democracy hurts their agenda.

Then there is the rest of Iraq, the Sunnis, the Shia, and the Kurds, which I think are the overwhelming majority—and they are struggling to create a new democracy out of the ashes of a dictatorship. I want to associate myself with some understanding of the struggle they are going through because our country went through this very same struggle. It is hard to create a democracy, but the benefits are enormous if we can pull this off.

The third group is the most dangerous of all. They are in Iraq to kill this infant democracy, not for political power within the border of Iraq as their goal but to create a movement that will sweep the Mideast. This is the al-Qaida organization within Iraq and associated Islamic extremist organizations that have a more regional view of what to do. All three groups, the Shia extremists, the Sunni extremists, and the foreign fighters, namely al-Qaida, are threatened by democracy in different ways.

Shaikh Mohammed has just admitted in open session in a military tribunal that he was in fact the mastermind of 9/11. He went on ad nauseam about all the activity he had been involved in for over a decade. The point of his testimony was he believes he is at war with us. We need to understand we are at war with him. I think for years they were fighting us and we did not quite understand they had declared war upon us. But we all agree now that al-Qaida is a force that needs to be dealt with militarily and that there is a global struggle in which they are involved, and that Shaikh Mohammed is a warrior, an illegal warrior but nonetheless a warrior. He doesn't have a criminal agenda, he has a political agenda and religious agenda, and he considers himself a warrior.

What I hope we can do in Iraq is defeat extremism on all fronts; that we could, in fact, defeat al-Qaida in Iraq, which would be a blow to their overall regional world agenda.

What to do? Senator SPECTER made a good point. Where do we go? Congress is trying to find its footing. Congress doesn't want to cut off funding. There are different reasons people don't want to cut off funding. The polls clearly show that cutting off funding is not popular, by the American people. There are Members in the body who do want to cut off funding. I respect their point of view because they have concluded Iraq is not part of the war on terror in a traditional sense; that our involvement in Iraq is doing more damage in the war than it is helping.

I just disagree. I think a loss in Iraq is a huge event in the war on terror. And they will come and cast a vote. They will vote against Senator GREGG's resolution saying the Congress should cut off funding. I respect them, but I think they are wrong.

Now as to Senator REID. His motion is that we are going to try to send a message to the Maliki Government and other political leaders in Iraq by telling them: At a date certain, we are going to start leaving if certain things are not done. I understand the point, that they are trying to get the moderate forces, the Democratic forces in Iraq, to do better and come together quicker.

My concern is pretty simple. I think Senator SPECTER expressed it very well: The audience of this resolution is not a single audience, that the world will be listening and watching what the Senate does.

If the Senate did pass a resolution setting a specific date—March of next year—where we will begin to redeploy if certain things are not done in Iraq, then I am convinced that in the Mideast it will be taken as a sign of weakness, not strength.

It will be not a message sent to the moderates alone, it will be a message sent to the enemies of democracy. We would be, no matter how well intentioned, laying out a roadmap as to how to drive the United States out of Iraq. The resolution would have two purposes, one well intended: to get the Iraqi Government to do more to expedite the political decisionmaking that is required to lead to a successful outcome.

The other consequence would be, we would be telling our enemies in great detail: Here is what you have to do to make sure we leave at a date certain and that every benchmark we set as to a date becomes a benchmark for the enemy. If you can achieve this benchmark, the United States will leave. To me, if we ever do that, then we have made a huge mistake.

Senator SPECTER mentioned some of the mistakes. I think General Shinseki was right, we never had enough troops to provide security. We planned for the best, never assumed for the worst. On the economic projections, in terms of the cost of the war, the military understanding of what would happen after the fall of Baghdad, we missed it by a mile. We are paying a heavy price for making those mistakes.

But the biggest mistake is yet to come. If we pass the Reid resolution, it would trump every mistake President Bush's team has made by a factor of many because it would be, in fact, destroying the last best chance we have to salvage democracy in Iraq.

General Petraeus is our best hope. Reinforcements are needed in Iraq: politically, economically, and militarily. Any resolution passed by the Senate declaring this operation lost before it is implemented cuts General Petraeus's legs out from under him. It would be the biggest mistake Congress could make—I would say maybe in American history—to a commander in the field. Eighty-one to zero, we sent the general off to fight in a war anew, and now we are about to send a message to the people he is fighting that on a date certain you win if you do the following things.

This resolution empowers our enemies. It gives them a roadmap of how to drive us out of the Mideast. It weakens the ability of General Petraeus to form coalitions to give the Iraqi politicians what they need to do the things they need to do.

If you want to empower a moderate, which is key to victory in the Mideast in the war on terrorism, the last thing you need to do, in my opinion, is make a public statement that our commitment ends at a certain date if you do not do certain things, because you are telling the enemy exactly what they have to do to win out over the moderates and the United States. It would be a huge mistake of monumental proportions. I hope this body will not allow that to happen.

What happens if we have a failed state in Iraq? Who is the biggest winner if Iraq breaks apart and democracy fails? Iran wins. In the south, the Shia south, a very oil-rich area, that most likely will become a puppet state of Iran. I cannot say for sure it will, but it is the most likely outcome. Let's start, for a change, planning for the worst.

I wish people who were introducing these resolutions would understand the consequences of a failed state and ask themselves: Does this resolution help create a democracy? Does it empower the enemy? Does it help create a failed State? What are the consequences?

Former Senator Edwards is saying we should draw 50,000 troops down today. They asked him the question: What would that mean for regional stability? I don't know. I am not sure.

Well, I can tell you what it means. It would tell the extremists we are leaving, you are winning. Every moderate in the Mideast would start hedging their bets because what kind of political solution are you going to come up with if you believe the American political and economic aid to your young democracy will vanish? You start hedging your bets.

The stronger we are, the bolder they become. The weaker we are, the bolder the enemy becomes. The stronger America, in a rational way, stands by moderate forces, the more likely they are to make the hard decisions to bring the country together. The weaker we seem, the weaker we portray ourselves, the stronger the enemy of democracy.

That is what I believe this is all about. You cannot kill the terrorists in numbers enough to win the war from an American perspective. This war will never be won by the American military killing terrorists. They are doing a wonderful job, our military. This war will be won when extremism is suppressed within the Mideast by the people who live in the Mideast.

So we have to take sides. This war is a war of religion and origin. The origin of this war is not Palestine-Israel, it is bin Laden, Shaikh Mohammed, and others who have a view of religion that has no place on the planet for the State of Israel or moderate Muslims, Christians, Jews. They have said publicly their goal is to drive us out of the Mideast, topple all moderate governments that do business with the West and essentially destroy Israel. I believe them.

Iraq is a test of us and our will versus their will. I do hope we understand the vote we are about to take will shape the fortunes in Iraq in the coming months one way or the other. The decision we take in Iraq will shape our national security interests for decades, will change the Mideast for the better or for the worse, and will have monumental consequences on the war on terrorism.

This is not about the political moment. This is about the decades to follow. Leaving Iraq, from a national security perspective, is not the question for the country. We all want to leave sooner rather than later for the good of our own troops, and eventually the stability of the world, to allow the Iraqis to take over their own destiny.

The question for this country is what do we leave behind? I am convinced if we leave behind a failed State, where moderates are overwhelmed by extremists, the problems in Iraq spill out to the Mideast, and the war does not end when you leave Iraq, it just begins.

You need to look at Shaikh Mohammed and what he said a few days ago, and what they are saying now, al-Qaida. Understand that they believe the outcome in Iraq is part of the war on terror. I believe it. These resolutions, in my opinion, do not understand that.

As to General Petraeus, I have a lot of confidence in this new plan. It is not more of the same. It is trying to go at the problems in Iraq new and differently. There are early signs of success. There is a long way to go, But please understand the General and those who are under his command are affected by our actions in Washington. The world is watching. Please do not send a message to the wrong people, no matter how well intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, let me thank the Senator from South Carolina, who has been steadfast all the way through this, and who has made such great contributions. In addition to what he said, I think it is worth observing that this is working.

In this morning's Washington Post, there is an article about the successes that are taking place. The top U.S. military spokesman in Baghdad said the number of sectarian killings has dropped since the operation began in mid-February.

Then on the other side, GEN Qassim al-Mousawi, who is the Iraqi military spokesman, also offered an upbeat assessment of the Baghdad security plan and how well it is working now. So I think, frankly, this is sooner than I thought we would be getting some positive results.

Let me also make one observation before going on to the next speakers. That is, after receiving rather late the resolution by Senator MURRAY, 107, in reading it, unless I misread it, it appears to me she is outlining some things that are pretty consistent with what is in the Gregg resolution. So I do not know—with the three resolutions we have—the order. That is going to be determined, but right now we are not sure of it.

Mr. President, I ask unanimous consent that the Senator from West Virginia, Mr. BYRD, be recognized for 20 minutes, followed by Senator ENSIGN for 7 minutes, followed by Senator TESTER for 10 minutes, followed by Senator KYL for 7 minutes, then any intervening Democrat, to be followed by Republican Senators BROWNBACK, WARNER, and VITTER for 7 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, along with my Democratic colleagues, I intend to vote for the Reid resolution, S.J. Res. 9. I have some concerns with the approach in this resolution—I firmly believe that the Congress must address the open-ended 2002 authorization to use force in Iraq, which is not dealt with in this resolution—but I certainly agree with the Reid resolution's intent. There is a diversity of views in both parties about our policy in Iraq, but a majority of the American people are united in the firm belief that a change of course is long overdue. Fifty-nine percent of Americans believe that the United States made a mistake in sending troops to Iraq. Sixty percent favor withdrawing all U.S. troops by the end of next year. The American people are speaking, and finally their Representatives in the Congress are listening.

Some of us may disagree about the best way to effect a change of course in Iraq, but this debate shows one thing—it is time for a new plan, time for a real discussion, not more empty rhetoric about "stay the course" versus "cut and run." This administration is fond of referring to the powers of the Commander in Chief, but surely the most important responsibility of any Commander in Chief is to provide solid leadership. As President Harry Truman said: "The buck stops here." But we are entering the fifth year of this misbegotten war, and this President has failed time and time again to articulate a plan, a plan to give a clear reason for why we are in Iraq or to outline a strategy for bringing our troops home. Stubbornly denying that Iraq is engaged in a civil war is not leadership. The White House has abdicated its leadership on this issue, so it is left to the Congress—that is us—to speak for the American people.

The hue and cry raised from my colleagues across the aisle and from the White House is that those who do not support this disastrous war do not support the troops. Three thousand one hundred and eighty-nine soldiers have now died in Iraq. Thousands more have been wounded and maimed and have come home to find outrageous and dehumanizing treatment. Truly supporting our troops means not putting them into harm's way without a clear plan for success and unless it is absolutely necessary. It means not asking our sons and daughters, our best and our brightest, to make the ultimate sacrifice without being able to articulate exactly why they are being asked to do so and exactly what we will accomplish as a result. Supporting our troops means treating our wounded men and women with dignity. It means not sending them to recuperate in mold-filled rooms without supervision and without assistance in a morass of paperwork. It means not sending back to the front lines those too wounded to fight, as this administration is doing.

I continue to receive letters and phone calls from service men and women, troops currently serving in Iraq, thanking me for my stand—yes, my stand—against this war. The troops are not the ones criticizing our attempts to bring them home. The troops are the first to say there is no military solution to the situation in Iraq, only a political solution. The Iraqis will have to assume leadership of their own country and start making political compromises to overcome the ethnic and sectarian divisions that are splitting the country apart. There is no military solution, none, no military solution for Iraq. A national reconciliation is the only solution for that war-torn country, and we do not need another 3,000 young lives lost to learn that.

We were wrong—and I said so at the time—to invade. We were wrong to think that victory would be quick and easy. We are wrong to stay on in an occupation which earns us only hatred with no end, no end, no end in sight. Our young men and our young women now find themselves in the crossfire of a civil war. Nearly every one—nearly every one—except our Commander in Chief realizes that there is no military solution. To continue this ill-advised and demoralizing war only damages our wonderful country in the eyes of the world and chews up lives, both American and Iraqi. I have said it before—yes, I will say it again, yes—democracy cannot be force-fed from the point of a gun.

Let this debate mark the beginning of a way out, out, out of Iraq. Let this Congress begin to understand why the Framers of this Constitution gave the power to declare war to the Congress, the representatives of the people we send to fight and to die for our country. Let us begin to put some sanity—sanity—in our foreign policy again.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Under the previous order, the Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise this morning to speak about S.J. Res. 9 and the consequences of failure in Iraq.

I want to begin by reviewing just how Osama bin Laden and al-Qaida see themselves achieving ultimate victory in Iraq.

You don't have to be a serious student of history to realize that as of late, America has not exactly demonstrated the kind of collective will necessary to successfully complete military missions abroad.

As a Nation, it seems easy, maybe too easy, to commit ourselves, through our military, into foreign lands in an attempt to accomplish what we believe is right, either to protect our vital national interests or to free a people from bondage, or in the case of Iraq to try to accomplish both.

Whatever the reason for committing ourselves to a noble cause overseas, America ventures into another country with only the best of intentions, and for a while the American people and her politicians overwhelmingly support our military and its mission.

Then, when we see that victory is not as easy or as immediate as we had initially hoped, we start down a road of self doubt. We convince ourselves that our military mission was probably not all that important in the first place. We somehow twist our values to accommodate an opinion that our military expedition is not worth the effort we need to expend in order to be successful. We recoil once the realization hits us that lives and treasure are the "coin of the realm" when it comes to using our military to ensure our continued national security. And for too long our adversaries have witnessed this reluctance, this lack of will, to finish the task at hand. In 1982, America deployed her military to separate warring factions in Lebanon. We went in with only the best of intentions. People were being killed and it was up to us to "do something" about it.

Then, on October 23, 1983, two truckbombs detonated in buildings housing American forces in downtown Beirut. Two hundred forty-one U.S. marines, sailors, and soldiers lost their lives that day. Six months later, America had had enough and we were out of Beirut.

The Lebanese civil war would rage on for another decade, and during that time countless Lebanese, Palestinians, and Israelis would suffer as a result of our abdication of responsibility.

As had always been the case before, our adversaries did not pursue us back to our shores to do us harm. But they did observe and they did note that the American public, led by her elected officials took the easy way out and departed before completing our intended mission.

In 1993, the United States once again sought to "do something" to end a humanitarian crisis that was taking place on the African continent. In a country with no functioning central government, warlords ruled their individual pieces of territory within Somalia as personal fiefdoms.

The Somali people were fodder as the warlords battled each other for control of land and resources. People were being killed. If they were not being killed by bullets, they were being starved to death.

Although the situation in Somalia did not directly affect our national security, American leaders at that time answered the call to "do something" to alleviate the human suffering Americans were witnessing nightly as part of their television news shows and reading in the daily editorial columns of most big city newspapers.

Our leaders once again answered the call by sending our young men and women in uniform to a foreign land to "fix things." Soon, our military had its mission expanded beyond providing humanitarian assistance.

Part of this new mission involved capturing and/or killing the Somali warlords responsible for the pain inflicted on their fellow citizens. As part of this new mission, Army Rangers conducted an assault on Somali forces in what has come to be known as the "Black Hawk Down" incident.

Here, two Black Hawk helicopters were shot down and 19 of our Rangers killed. In the days following, film footage was broadcast over and over again on television that showed the lifeless bodies of our soldiers being desecrated as they were dragged through the streets.

This footage both shocked and humbled us. The support for our mission to do good things in Somalia quickly evaporated. The costs had become too great to bear. It was no longer that important to do the right thing and we subsequently withdrew our forces from the region.

Once again, our adversaries watched as the world's superpower retreated from the fight. Today, Somalia continues to flounder as a failed state and a haven for Islamic radicalism on the eastern coast of Africa.

In a 1998 interview with ABC's John Miller, Osama bin Laden said that the Clinton administration's decision to withdraw from Somalia had emboldened his burgeoning al-Qaida force and encouraged him to plan new attacks.

"Our people realize[d] more than before that the American soldier is a paper tiger that run[s] in defeat after a few blows," the terror chief recalled. "America forgot all about the hoopla and media propaganda and left dragging their corpses and their shameful defeat."

And those attacks promised by bin Laden did come.

On August 7, 1998, al-Qaida decided to test our mettle by simultaneously bombing our Embassies in Tanzania and Kenya, and in the process killed 257 people and wounded over 4,000.

Our tepid response once again gave Osama bin Laden comfort.

Since the Clinton administration had chosen to treat terrorist attacks as law enforcement matters, America sought to prosecute in our courts those responsible. Osama bin Laden was soon placed atop the FBI's Ten Most Wanted List.

Along with the 1993 World Trade Center bombing, the 1996 Khobar Towers bombing in Saudi Arabia, and the 2000 attack on the USS *Cole* in Yemen, the Embassy bombing were two of the major anti-American terrorist attacks that preceded 9/11.

The United States responded to the Embassy attacks by freezing financial assets of related parties and by firing some missiles into al-Qaida training camps in Afghanistan.

The attack in Afghanistan destroyed some physical targets. However, the operation did not accomplish the destruction of bin Laden and his operatives and did not lead to any significant changes in the al-Qaida network and leadership.

Al-Qaida grew bolder, stronger, and more capable as we sat on our hands.

And so, here we are today, facing an embolden enemy bent on our destruction who has convinced himself that he possesses the will to break our spirit. He has done it before and he is convinced he can do it again this time.

The sad part about all this is that Osama bin Laden may very well be right this time.

Today we stand here debating a resolution of appeasement that directly affects our military strategy in Iraq and, by default, our overall national security for years to come.

This resolution calls for imposing an artificial timeline to withdraw our troops from Iraq, regardless of the conditions on the ground or the consequences of defeat; a defeat that will surely be added to what is unfortunately a growing list of American humiliations.

I agree with the President's assessment that this legislation before us would hobble American commanders in the field and substantially endanger America's strategic objective of a unified federal democratic Iraq that can govern, defend, and sustain itself and be an ally in the war against Islamic fascism.

The unintended consequence of this resolution is to bring to reality Osama bin Laden's vision for Iraq; that after 4 years of fighting in Iraq the U.S. Congress loses its will to fight. We precipitously withdraw our forces and leave the fledgling Iraqi government to fend for itself; Sunni and Shia factions rip the nation apart at a scale previously unimaginable. There is a mass exodus of refugees out of Iraq, and no mechanism in place to deal with them. Iran, Syria, Saudi Arabia and other states in the region feel the need to get involved.

This is a terrible scenario, but it is not the worst of scenarios. Bin Laden's nightmare vision also involves a chaotic Iraq with Sunni dominated areas like al-Anbar Province becoming a safe haven from which al-Qaida can launch attacks against the United States.

And we could see the Shiite dominated areas, with the help of Iran, and its own oil wealth, be used as a terrorist breeding ground, as well.

Make no mistake. The Iraqi situation is vastly different from Beirut, different from Somalia, and, different from the bombing of our African Embassies.

Iraq has consequences that will surely be felt here at home and around the world. If we leave Iraq before the job is done, as surely as night follows day, the terrorists will follow us home.

I believe this.

We will be sorry and we will regret having once again left unfinished our national security obligations. But by then it will be too late for regrets.

We will find that as strong and powerful and compassionate as we think we are, we cannot "unring" the bell. The damage will have been done.

Osama bin Laden and his al-Qaida followers are convinced that America is weak and decadent and they can succeed in grinding down our resolve and forcing us to retreat.

Osama bin Laden has openly said: America does not have the stomach to stay in the fight.

He is a murderer. He is a fanatic. He is an Islamic fascist. He is determined to destroy us and our way of life.

Let us resolve today not to also make him a prognosticator of things to come.

I urge my colleagues to reject this misguided legislation. We cannot afford to leave this fight at this time. For the sake of America's future, we cannot afford to fail.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Mr. President, I doubt I will use it all, but I thank the Presiding Officer very much.

Mr. President, I am here to address S.J. Res. 9. I am glad we have gotten to a point where we can debate this war in Iraq and vote. That is what we are all sent here to do. This war did not start yesterday. We are 4 years into this bloody war, at a cost of $2 billion a week, monetarily, and nearly $500 billion since we started 4 years ago. More importantly, we have lost nearly 3,200 of our Nation's best people. Soldiers, sailors, and marines have made the ultimate sacrifice; 17 from my home State of Montana. Twenty-four thousand more have been seriously wounded. An entire generation in this country has been marked by the injuries in this battlefield.

Yesterday, the Pentagon admitted something we have known for a long time: that our troops are caught in the midst of a civil war. The administration has begun to escalate this war with 21,000 more troops. This idea is not a new one. During this war, four previous surges have all failed. It is time for a different direction. It is time for a drawdown of our troops.

As unclear as the President's plan for Iraq has been, our mission for our troops is more blurred. The original mission was to find weapons of mass destruction, to topple Saddam Hussein, to train the Iraqi troops, and to turn Iraq into a model to transform the Middle East.

Our troops have done an incredible job. They and their families have given far more than most of us can imagine. It truly is time now to take a different direction. Our troops need a plan for success and a clear mission. The current plan of "stay the course" has failed. We now have an open commitment with no end in sight. We need a new direction, and we owe it not only to our troops but we owe it to the people of this country.

I strongly support the legislation put forth by Majority Leader REID. I am proud to be a cosponsor of this measure. It is a good first step—finally—to put an end to this war. Also, it is a good first step to the political and diplomatic solution this war needs to have happen to end this war.

This measure directly addresses my biggest concerns in Iraq. I support the legislation because it is a first step. We can begin redeployment of troops with the goal of removing most of those U.S. troops by March 31, 2008. It requires Iraqis to take an active role in their future, which is critically important. Also, as was pointed out last week, we cannot win every conflict with bullets. This forces Iraq to move forward toward a political and diplomatic solution.

This legislation focuses our mission and responsibly ends the war within 1 year, and after March 31, 2008, remaining American troops will still be there to protect American and coalition interests, to still continue to train these Iraqi forces, and, most importantly, to seek out and bring the terrorists to justice.

The fact is, this war has taken our eye off the war on terror. Osama bin Laden still runs free. We do not know where he is. I wholeheartedly support this legislation and will vote for it. The combined effort of this legislation will allow Iraq to stand on its own two feet. I urge my colleagues to look beyond partisan politics and vote for a long overdue change of course for this 4-year-old war. We cannot afford this war monetarily or from a people standpoint. It is time to pass S.J. Res. 9.

Thank you, Mr. President.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Madam President, I, too, rise to talk about this very important matter we are debating and voting on today, the situation in Iraq.

First, I want to say hallelujah, we are finally having a full, open debate and a range of votes. That is exactly what I have been pushing for, pleading for, asking for, along with so many of my colleagues on the Republican side. I am very glad finally we do have a full and fair and open debate, with the ability to cast votes on measures we deem very important, and specifically the Gregg resolution about supporting our troops in the field.

Secondly, I want to express real reservations about the Reid resolution, which we will also be voting on today.

The situation in Iraq is very tough. We need to make a final push, and certainly the biggest part of that push does need to be strong action by the Iraqi Government. We need benchmarks and pressure on the Iraqis to do the right thing. I specifically talked about that. But the Reid resolution does some things I believe we absolutely must not do. Specifically, it sets very precise and complicated and cumbersome dates certain. I believe that is much more useful as a message to the enemy and a help to the enemy than a roadmap for us.

In addition, I think the Reid resolution clearly micromanages the war. It clearly oversteps our bounds as a legislative body by taking on the responsibilities and the management and the function of the Commander-in-Chief. Therefore, for that reason, I think that aspect of the Reid resolution is, No. 1, a bad idea, but, No. 2, very possibly unconstitutional.

I will be voting against that Reid resolution. But again, I thank everyone who finally, after weeks and weeks of talk—finally—gave us the opportunity for these votes and for a vote on the Gregg resolution and other important matters.

The third and final point I want to make goes to the path, unfortunately, I think we are headed down with some of this language. I think this is very unfortunate, and I think this path and where it is headed, in my opinion, is something we must all work to avoid. Let me explain what I mean.

Senator REID has made it perfectly clear he will put forward his resolution today with all of those complicated dates and timetables and what-ifs and benchmarks. Again, I have problems with that; I will vote no. But Senator REID has also made clear he will also put forward the exact same substance in the context of the emergency supplemental appropriations bill to fund our men and women in uniform in the field in Iraq.

Now, why is that a problem? Well, it is a problem for the following reasons: that emergency supplemental bill is needed, as I just said, to fund the men and women in uniform in the field right now, under fire, risking their lives in Iraq.

We have all said over and over and over that no matter how we feel about the war, no matter what we put forward as the proper policy on the war effort, we would give our men and women in uniform in the field what they need to do their job and defend themselves. The problem is this Reid language, particularly the threat to put it on the emergency supplemental appropriations bill, threatens to cut that funding off because that language, if it gets on the bill, will, first of all, delay debate and implementation of the bill, and secondly, if it is in the final version of that spending bill, it will absolutely—absolutely—produce a veto by the President of the United States. He cannot agree to that language because of his position on the proper path forward, and no President can agree to that language because of the constitutional power of the President as the Commander in Chief. That will further delay this emergency spending bill and further delay getting necessary funds and equipment to troops in the field.

The military has said very clearly we need to act by April 15 so those funds and that equipment can get to the field starting in early May. Our troops are counting on it. They are waiting for it. These are men and women in uniform, in the field, under fire right now. But, again, this strategy and this language of Senator REID will make it very likely that won't happen and will make it very likely this whole matter and this whole spending to get to our troops in the field will be significantly delayed. That is not funding men and women in uniform. That is not supporting our troops in the field. What that is doing is refraining from supporting them, slowly bleeding away the resources, the equipment, and the money they need to do their job.

It is one thing to say: New troops, you are not going anywhere. You stay right here. We are having this debate. But it is quite another to slowly bleed and endanger troops in the field. Yet this is the path that I am very afraid we are embarking on with the Reid language, particularly if it is put on the emergency supplemental appropriations bill.

In closing, let me say, we have all said on this floor, virtually to a person in the U.S. Senate, that no matter what we think about the war, no matter what we think about the right path forward in the war, we will not endanger our troops in the field. We better think long and hard about the path some would adopt because they are beginning to do just that. We can't have that. We need to give our brave, smart, courageous men and women in the field already the money, the equipment, the resources they need to do their job. They are literally under fire there. We cannot bleed away what they need in the field, quickly, slowly, or anything inbetween.

Again, I am very concerned that is the path Senator REID and some others would put us on.

So, thankfully, we are having this full and open debate today. We will be having votes today. I believe the most important vote is on the Gregg resolution. I will proudly vote for that in support of our men and women in uniform in the field, and I will do everything I can to avoid slowly, quickly, or anything inbetween bleeding resources, money, and equipment away from what those brave men and women whom we have already put in the field need to defend themselves and to conduct their mission.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I spoke yesterday in favor of the resolution introduced by Senator REID, S.J. Res. 9. By bringing the current open-ended military mission to a close and requiring the funding of U.S. troops, the Reid resolution takes a significant, binding step toward ending our involvement in the war in Iraq. I am pleased that the Senate will have the opportunity to vote on that resolution shortly.

The Senate will also be voting, as the Senator from Louisiana just pointed out, on another resolution regarding Iraq sponsored by the senior Senator from New Hampshire. Unfortunately, this resolution is badly flawed, and I strongly oppose it. My chief objection is simple. The resolution rejects the idea of Congress using its power of the purse to safely redeploy our troops from Iraq. Moreover, it does so in a manner that can only be described as inaccurate and almost intellectually dishonest. By warning against "the elimination or reduction of funds for troops in the field," the resolution fully embraces the misleading rhetoric the White House has used to try to prevent serious discussion of Congress ending the war. Those who engage in such rhetoric pretend that cutting off funds for the war is the same as cutting off funds for the troops. They raise the specter of troops somehow being left on the battlefield without the training, equipment, and resources they need.

Obviously, nothing could be further from the truth. Every Member of Congress agrees we must continue to support our troops and give them the resources and support they need. Not a single Member would ever vote for any proposal that would jeopardize the safety of our troops. Using our power of the purse to end our involvement in the war can and would be done without in any way impairing the safety of our brave servicemembers. By setting a date after which funding for the war will be terminated, as I have proposed, Congress can safely bring our troops out of harm's way.

How can I say this with such confidence? There really is plenty of precedent for Congress exercising its constitutional authority to stop U.S. involvement in armed conflict.

I recently chaired a Judiciary Committee hearing entitled "Exercising Congress's Constitutional Power To End a War." Without exception, every witness—those called by the majority and those called by the minority—did not challenge the constitutionality of Congress's authority to end a war. Lou Fisher with the Library of Congress, one of the foremost experts on separation of powers issues, pointed out that Congress does not simply have the power, it has a responsibility, to exercise it when it is needed. He said:

> The question to me, always remember, Congress, is the continued use of military force and a military commitment in the Nation's interest? That is the core question. Once you decide that, if you decide it is not in the national interest, you certainly do not want to continue putting U.S. troops in harm's way.

The argument that cutting off funding for a flawed policy would hurt the troops, and that continuing to put U.S. troops in harm's way supports the troops, makes no sense. By ending funding for the war, we can bring our troops safely out of Iraq.

Walter Dellinger of the Duke Law School made this point when he testified about my proposal:

> There would not be one penny less for the salary of the troops. There would not be one penny less for the benefit of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or for support. Those troops would simply be redeployed to other areas where the armed forces are utilized.

So instead of allowing the President's failed policy to continue, Congress can and should use its power of the purse to end our involvement in the Iraq war, safely redeploying the troops while ensuring, as I do in my bill and as the Reid resolution permits, that important counterterrorism and other limited operations are still carried out.

Now, for those who don't believe this has ever been done or for those who say it can't be done, let me cite an example from not that long ago. In October of 1993, Congress enacted an amendment sponsored by the senior Senator from West Virginia cutting off funding—cutting off funding for military operations in Somalia effective March 31, 1994, with limited exceptions. Seventy-six Senators voted for that amendment. Many of them are still in this body, such as Senator COCHRAN, Senator DOMENICI, Senator HUTCHISON, Senator LUGAR, Senator MCCONNELL, Senator SPECTER, Senator STEVENS, and Senator WARNER.

Now, did those eight Senators and many Democratic Senators who joined them act to jeopardize the safety and security of U.S. troops in Somalia? By cutting off funds for a military mission, were they indifferent to the well-being of our brave men and women in uniform? Of course not. All of these Members recognized that Congress had the power and the responsibility to bring our military operations in Somalia to a close by establishing a date after which the funds would be terminated.

Now, on that same day with regard to Somalia, several Senators, myself included, supported an even stronger effort to end funding for operations in Somalia. The amendment offered by Senator MCCAIN on October 15, 1993, would have eliminated funding for Somalia right away, except for funds for withdrawal, or in the case of American POWs, MIAs not being accounted for. Thirty-eight Senators opposed a measure to table that amendment. I was joined by many Republican Senators in supporting the amendment, including none other than the current sponsor of S. Con. Res. 20, Senator GREGG. Senator GREGG suggests in that resolution that eliminating funds for troops would undermine their safety. Was he voting 14 years ago to do that? Obviously, he would not do that. In 1993, was he committing the same egregious offense that he so strongly opposes in 2007? Could he have been so cavalier about the safety of our troops? Not the Senator I know. He would never have been indifferent to their need for guns or ammunition or food or clothing, nor would I, nor would any other Member of this body. Of course not.

Senator GREGG knew, as did I, that Senator MCCAIN was proposing an appropriate, safe, responsible way to use our power of the purse to bring an ill-conceived military mission to a close without in any way harming our troops.

Unfortunately, the new Gregg resolution seems to have forgotten this point. I hope that my colleagues will think better of efforts such as that proposed by Senator GREGG today. All Senators, including the distinguished senior Senator from New Hampshire, are, of course, entitled to their opinions, and all Senators are certainly entitled to oppose my efforts to end funding for a disastrous war. But by putting forth misleading and baseless arguments, by suggesting that ending funding for the war is tantamount to ending funding for the troops, they are making it that much harder to have the open, honest, and essential debate about the Iraq war that this body and the American people so badly need.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we are debating a serious proposal with respect to the future of our involvement in Iraq and the future of Iraq and, indeed, that region of the world. I believe the proposal Senator HARRY REID of Nevada advanced is a sensible way to begin to change our policy, so it can be sustained over time and it can lead to a successful termination of our operations in Iraq but, more importantly, give the Iraqis the opportunity to establish a stable government in a very difficult part of the world.

The elements of the proposal that Senator REID has advanced, are right on target. First, to define the mission in a way that they can be fully supported by the United States and also that they are congruent with our best interests in the region and the world. Next, obviously, is force protection. We have to be able to assure our forces that they can protect themselves at all times. Third, to continue to develop the Iraqi security forces—not just to put guns in their hands but to develop their capacity to do other things, such as civil affairs, intelligence operations, those critical military skills that will allow them to be an effective force in their country, to bring not just stability but a sense of competence, coherence to the operation of their Government.

The next mission is the constant attention to counterterrorism. This is a mission that I believe transcends every border in the world. Wherever there are those elements that are actively plotting to attack us or our allies, we should be prepared, together with local authorities, if they are cooperative, to take these elements out very dramatically, preemptively. That is essentially what we did in Somalia, without the presence of hundreds of thousands of American troops in Somalia. But we had the special operations capacity, intelligence, and the cooperation of local parties so we could do that.

Those are the three critical missions I believe we have in Iraq that will be longer term. But I think, also, when recognizing those missions, we can begin to recognize and begin to redeploy our combat brigades that are there. They are essentially now engaged in a civil war, a sectarian battle between the Sunnis and Shia in Baghdad, but not just there. These forces we have to begin to redeploy away from Iraq. Initially, they could be redeployed within the country, to adjacent countries, and at some time back to their home stations. I think this is the wisest course.

I hope, as the legislation suggests, we could at least have as a goal March of 2008 for the redeployment of these combat brigades, understanding that these residual missions—force protection, training Iraqi security forces, and counterterrorism—will endure. That is a wise policy that is consistent with our national security objectives and also consistent with our ability and the ability of the American people to sustain these efforts over many months.

The continued course of simply adding more troops and hoping for the best, which is the President's strategy, is not going to work. More importantly, I cannot see it being sustained indefinitely by the American people or supported by a terribly overstretched military force, particularly our Army and Marine Corps.

This whole approach to Iraq, I believe, from the very beginning, was a flawed strategy. It disregarded fundamental aspects of any coherent strategy—identify the most serious threat and apply adequate, very robust resources to the threat. Iraq wasn't the most serious threat in that region. Iran is much more powerful and much more potentially dangerous and, also, at that juncture, the most serious threat, and still lingering are the international terror cells.

But this administration, against my judgment, entered into this conflict in Iraq. Not only did they have a flawed strategy, but the execution has been horrific, incompetent. Today, we are left with very few good choices. One of the most revealing aspects of why the strategic decisions made by the administration were so faulty was given a few weeks ago when I asked Admiral McConnell, the Director of National Intelligence: What is the most likely source of an attack on the United States, groups in Iraq or groups in Pakistan? His answer, without any delay, immediately, was: "Pakistan, of course." So we have invested billions and billions of dollars, 140,000-plus troops, over 3,000 Americans killed in action, many more seriously wounded, and yesterday, the highest intelligence official in the country says the most serious potential threat to our homeland, an existential attack on the order of 9/11, is from our ally Pakistan. That is because, once we focused on Iraq, we took our focus off Afghanistan and Pakistan. We have allowed the Taliban to rehabilitate itself. The Pakistanis have been unable to deny a safe haven to bin Laden, Zawihiri, and other key elements of al-Qaida's leadership who are not only surviving but beginning to reorganize and reassert themselves as directors or aspirers or at least coconspirators with other terror groups around the world. That is a stunning indictment of the strategy that this administration has unveiled.

There are other costs to this strategy. You will recall the "axis of evil." The President boldly announced that it was Iraq, North Korea, and Iran. Well, frankly, after ignoring the North Koreans for many years, now the administration is seeking to cut a deal with them with respect to their nuclear weapons. But this is a much worse deal than the administration had when it stepped into office. In 2000, their plutonium was capped by international inspectors on the ground. But through a series of miscues, the administration allowed the North Koreans to take away their plutonium, create up to 10 nuclear devices, we think, test long-range missiles and, in a shocking act, detonate a nuclear device, becoming part of the nuclear club. Now we are offering them essentially the same terms that could have been had, without all this damage, many years ago.

With respect to Iran, we know one of the consequences, one of the costs of our operations in Iraq is that Iran is in a much more secure strategic position today. They have colleagues and cohorts who are integral parts of the Government in Baghdad. The people we rely on, the Maliki Government, has huge support from people who have spent years, who have fought alongside the Iranians against the Iraqis. Yet we are supporting, as we must, the Maliki Government. But we should all recognize the huge influence Iran has today as a result of this strategy.

Now, these costs are strategic costs, but there are some obvious costs in terms of dollars and cents. We are spending in Iraq about $8.4 billion a month. That level of effort is difficult to sustain. In Afghanistan, we are spending less but still significant dollars. All these costs are being funded from the supplemental. We are borrowing the money from the next generation of Americans to pay for these efforts.

The President already set up another supplemental request that will be pending in a few days. It includes $93 billion for operations in Iraq and Afghanistan. It will bring the total for this fiscal year—what was in the original budget, together with the supplemental—to $145 billion. We will likely see totals such as that in succeeding years.

In the 5 years the United States has been engaged in Iraq and Afghanistan—Iraq particularly—we have spent about $530 billion. That is a huge sum of money. That is very difficult to sustain. We can also see the cost in terms of supplying the Army. We have a situation where units are without equipment. Our National Guard is in disarray. Now we are going to, once again, put a huge demand on our military forces to support this escalation. It has been suggested to me that, shortly, upward of nine brigades of National Guard and Reserve forces will be notified for redeployment to Iraq and Afghanistan. Once again, our citizen soldiers will be taken from their homes and sent overseas. When they go this time, they will not have quite the same equipment as they did the last time because National Guard equipment is in disrepair, even worse than the regular forces. Their training will likely not be as authentic because of the difficulty in getting out to the national training centers. They might do most of the training at their home stations. We are beginning to see this accumulation of costs reflected in many ways.

A few days ago, the Boston Globe published a story in which it showed that because of the retirement and resignations of captains in the Army, senior NCOs in the Army, promotion rates have been going up astronomically to fill these vacancies. That is probably the worst potential trend for any military force, because without those capable company grade leaders, we will not be able to assure the American public we have the same level of professional skill that we have today.

I believe, for all these reasons, the resolution proposed by Senator HARRY REID is the right course of action. But there will be an alternative approach, and that is a proposal by Senator GREGG with respect to funding. A few points can be made about that. The Gregg resolution misinterprets the Constitution by saying the Congress's only role is simply to rubberstamp what the President does—or worst case, they can only take funds away. That is not the case at all.

As I mentioned on the floor yesterday, way back in 1799, the Supreme Court of the United States clearly said that Congress had the right to make decisions with respect to national policy involving foreign affairs. In fact, their decision essentially said the Congress could pass a law that would allow the President to stop ships going into certain ports but not leaving certain ports.

Many of my colleagues on the other side came down and talked about us micromanaging. That is micromanaging. It is constitutionally permissible, perhaps, but it is not something we will do. It is not something we would want to do. We want to give the President the latter two that he needs but for missions that are consistent with our national security.

Under the Gregg resolution's interpretation of the Constitution, Congress's only responsibility seems to be to fund whatever the President asks.

That I don't think is appropriate constitutionally or with respect to our obligations as thoughtful participants in the policy process along with the President.

Senator MURRAY will offer an alternative, and that alternative strongly supports our troops but also properly interprets the Constitution by stating the President and the Congress have shared responsibilities for the decisions involving our Armed Forces.

I suspect if you took the Gregg logic to the extreme, if the President sent up a funding bill and we thought it was inadequate, then I suspect we couldn't do anything because, after all, all we can do is either agree with the President or cut off the funds. That is not the case at all.

I can recall the President sending up to the Senate budgets that did not have enough resources for armored humvees, body armor, et cetera. It was this Congress that put more money in because we have a role when it comes to funding the operations of the military.

When it comes to Presidential policy, it is not simply accepting it or taking away the money; it is altering that policy if it is wrong, it is redefining missions, and it is fully resourcing those missions which are the product of this interaction between the President and the Congress.

A quote from Senator MURRAY's resolution:

> . . . the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

That I think is a much more accurate, appropriate, and sensible approach to the issue of shared responsibility.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility to take actions that help our troops and our veterans. We have had a lot of talk about not funding the troops. But wait a second, it was the President who sent in forces without a plan. It was the President who sent in forces without adequate armored humvees. It was the President who sent in forces without body armor. It was the President and his Department of Defense who weren't aware of the travesties that were taking place at Walter Reed when it comes to veterans. It is the President's Veterans Administration that refused a few years ago to ask for adequate money for the Veterans Administration hospitals because of the new demand from veterans.

If anyone over the last several years failed to fund the troops properly, it is the President. So our concerns should be directed at his failures to fund the troops rather than that of Congress.

This is a collaborative process that both the White House and the Congress have to ensure our forces have the resources they need, but we also have to make sure they are performing the missions most important to the United States. By endorsing the Murray resolution, we are sending a clear message of our joint responsibility to fully fund our soldiers in the field, and by supporting Majority Leader REID's resolution, we are sending a signal that the right policy, phased redeployment, carefully defined missions, providing a stable regional approach to Iraq and, in the long term, redeploying troops so we can face with more flexibility the challenges of a North Korea, of an Iran, of places such as Afghanistan, Pakistan, and places perhaps at this moment we are not aware of but will suddenly burst onto the front page because of the presence of terrorists or other destabilizing activities.

I urge strong support of the resolution supported by Majority Leader REID and the resolution supported by Senator MURRAY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 7 minutes.

Mr. KYL. Madam President, there is an old joke about the definition of retreat, which is a strategic withdrawal. I note that is the phrase used in the resolution, S.J. Res. 9, to describe the process of leaving Iraq. The language effectively is: "The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days," and then says:

> . . . with the goal of redeploying by March 31, 2008, all the United States combat forces from Iraq. . . .

Except for the limited purposes of protecting forces, training Iraqi forces, and conducting targeted counterterrorism operations.

That is a very bad idea. We shouldn't be playing politics with this war, and we shouldn't be trying to micromanage the war from Congress. But setting specific dates by which the commanders are to make certain decisions, including how troops are deployed, is clearly micromanaging the war effort.

The fact there have been 17 resolutions—I believe this is the 17th resolution—on the Democratic side of the Congress, and the fact that none of those other 16 were adopted I think demonstrates the confusion on the other side as to what exactly ought to be done and the differences of opinion by Members on the other side of the aisle.

Thank goodness we didn't adopt any of the other 16, and we shouldn't adopt this one either. This one is particularly pernicious. It actually begins the withdrawal. It sets a date, "shall commence the phased redeployment . . . not later than 120 days.

Then it uses a goal of completing that withdrawal by March 31, 2008. Some have tried to hide behind the word "goal." I think Senator FEINGOLD said it right, however, on March 8 of this year when he said:

> For the first time, it—

"It" meaning the resolution—

> has a timetable in place, as I called for in August of 2005. It's not as early as I would like, but is a timetable not only to begin to get the troops out but to get the troops out except for very limited purposes.

It didn't always used to be this way. A lot of our Democratic colleagues understood that setting timetables and deadlines was absolutely the wrong thing to do.

The distinguished majority leader, for example, said:

> But as far as setting a timeline, as we learned in the Balkans, that's not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

Another one of the supporters of the resolution said 2 days ago:

> I don't believe it's smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.

Another cosponsor of the resolution said 3 days ago:

> I, for example, am not in support of circling a date on a calendar and saying, "No matter what, we're out on that date."

One of the most thoughtful people in the Senate on matters of foreign policy has spoken a lot on this issue, and I think what he said a couple of years ago makes a lot of sense. This is the distinguished chairman of the Foreign Relations Committee. He was talking about the options. He said:

> . . . we call it quits and withdraw, I think that would be a gigantic mistake for the reasons I stated earlier. Or we can set a deadline for pulling out, which I fear will only encourage our enemies to wait us out, equally a mistake. . . . I mean, the idea of setting a timetable to leave generally means that you have to set and train the process of leaving. It is not an easy process. And I think once that is smelled as the option, then I think you find it will degenerate quickly into sectarian violence, every man for himself. And the conclusion that will be achieved will be, I think, Lebanon in 1985, and God knows where it goes from there.

Recently, the distinguished chairman said this, unfortunately:

> We should withdraw our combat troops by early 2008, except for a limited number necessary to keep training Iraqis and to deny terrorists a sanctuary.

As I said, it used to be that most Senators understood that setting a timetable in a war, a date for withdrawal was a very bad idea, not just because it tried to micromanage the conduct of the war from the Congress but because it signaled to the enemy precisely what the enemy had to do, to wait us out and then prevail in the conflict.

That is precisely what this resolution does and is the key reason why every Senator should be voting against this resolution and why those who spoke against a timetable before should remember what they said and the wisdom of those words and follow that same advice today.

This is especially pernicious because at the very time this resolution is being adopted, there continues to be news from Iraq that suggests the new strategy, the Petraeus plan, is actually beginning to work. Nobody is claiming any victory. There are going to be bad days as well as good.

I ask unanimous consent at the close of my remarks to print in the RECORD an article from the Associated Press in my hometown newspaper: "Baghdad's terror death counts are falling."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Madam President, the article points out the fact that the death squad deaths are falling substantially, the militia activity is down substantially. While our commanders there are being cautious about declaring the operation a success, nonetheless, there are many different descriptions of events happening in Iraq that give us a lot of hope.

I was there a couple of weeks ago, and our commanders and Iraqis both were cautiously optimistic this would work.

The point is, at the very time the new plan is underway and it seems to at least show early signs of success, why would we want to declare it a failure and start the process of withdrawing at the very time these additional troops seem to be making a difference?

One of the chairmen of the Baker-Hamilton study commission, former Democratic Congressman Lee Hamilton, was testifying before the Congress about a month ago. He said we should give this plan a chance. We should give it a chance to succeed. That is exactly what we ought to do. We start by rejecting the resolution that is pending because it micromanages the war and sends a horrible signal.

We also try to support the troops by adopting as quickly as possible a supplemental appropriations bill that funds this effort without tying the strings of our commanders and without imposing so many other conditions that the President is constrained to veto it. We have to get that funding to our troops as soon as possible. That is the other message the commanders on the ground, both in Kuwait and Iraq, gave to me when we were there. They said: Please adopt the supplemental appropriations bill without strings.

I urge my colleagues to vote against the resolution when it comes up for a vote later this afternoon.

EXHIBIT 1

[From the Arizona Republic, Mar. 15, 2007]

BAGHDAD'S TERROR DEATH COUNTS ARE FALLING

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crackdown began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets, which are favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city, according to a Pentagon report released Wednesday.

But although many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just lying low or hiding outside the city until the operation is over.

U.S military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: Only two of the five U.S. brigades earmarked for the mission are in the streets, and the full complement of American reinforcements is not due until late May.

The report even used for the first time the term "civil war" to describe some of the violence. But it stressed that the term does not capture Iraq's complex situation, and its assessment was based on the final three months of 2006, which it said was the most violent three-month period since the U.S.-led invasion.

U.S. officials say the key to the security crackdown's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive: A proposal for governing oil, the country's main source of income, is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect, often to a gruesome torture and death.

The rattle of automatic-weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once-vacant streets.

> "People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas, or "Father of Abbas." "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left while other kinds of violence have decreased."
>
> In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital, all victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week, with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press.
>
> Since the crackdown began, weekly totals have dropped to about 80, which is hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.
>
> Bombings also have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.
>
> Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.
>
> "I would caution everybody about patience, about diligence," Maj. Gen. William Caldwell, a U.S. spokesman, said Wednesday. "This is going to take many months, not weeks. But the indicators are all very positive right now."
>
> Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province, where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.
>
> If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then re-emerging to fight each other for control of the capital.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, in November, the American people sent a clear message to Washington. They said: Change the course in Iraq. A few weeks later, the Iraq Study Group issued its bipartisan report calling for a change of course in Iraq. Even the President's new Secretary of Defense, Robert Gates, during his confirmation hearing, acknowledged that the current course in Iraq was not working. But instead of developing a new strategy, the President has stayed on his failed course, plunging American troops deeper and deeper into a civil war on the streets of Baghdad and relying on the promises of Iraqi politicians who have not delivered on previous promises.

The question for us today is whether we will accept that failing strategy or whether we will change it. The President's deepening military involvement will not lead to a stable Iraq because it has a fundamental flaw. It tries to impose a military solution on a political crisis.

Listen to the assessment of Iraq Prime Minister Maliki of the situation in his country. This is what he said:

> The crisis is political, and the ones who can stop the cycle of bloodletting of innocents are the Iraqi politicians.

Outside the White House is a consensus that a political solution among the Iraqis is required, but President Bush persists on a military deepening involvement.

The President claims that Iraqis will meet the political benchmarks that they have put forward, but the track record of Iraqi politicians indicates otherwise. On issue after issue, the Iraqi politicians have failed to keep their word, and Iraq is worse off because of those failures.

The President's course of action—deeper and deeper military involvement—sends a signal that the Iraqi leaders can continue to bicker without consequence. If the Iraqis fail to meet their own benchmarks, the President will presumably continue to bail them out by sending American troops to police an Iraqi civil war. Unless failure to meet benchmarks has consequences, those benchmarks have little meaning. We must change the course if there is going to be any hope of success in Iraq.

The best leverage we have is the presence and mission of American forces. As long as our presence is open-ended, the dynamic in Iraq will remain the same: Insurgents will target our troops, militias will cause mayhem, and the Iraqi politicians will sit in relative safety in the Green Zone, unwilling to make the compromises so essential to reaching a political settlement that can save their country. But if we send a clear message that we are ending the open-ended commitment, that will shift responsibility to the Iraqis, both politically and militarily, for their own future.

By requiring the President to change the mission of American forces to the three missions specified in the Reid resolution, by beginning a phased redeployment of American forces in 4 months, the resolution before us would force the Iraqi leaders to face reality and to understand that their future as a nation is in their own hands, not ours. The Iraqis will finally be forced to decide if they want a civil war or they want a nation. They will then understand we cannot save them from themselves.

The President and his supporters ask for patience. But asking for patience now, after all these years of asking for patience without success, is a little like Lucy asking Charlie Brown to try to kick the football one more time. We ought to be wise enough by now to know that increased military involvement won't achieve the political settlement that is needed.

General Peter Chiarelli, Commanding General of the Multi-National Corps in Iraq, said the following:

> We need a commitment by all Iraqis of all the ethno-sectarian groups to commit first to nonviolence and to resolving their differences through the political process. I happen to believe that we have done everything militarily we possibly can.

General Casey made a similar point in early January when he said:

> The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias.

The real battle for Baghdad is a political battle. Maximizing success in Iraq requires us to change course and to shift responsibility to the Iraqi political leaders for the future of Iraq. To paraphrase British Prime Minister Tony Blair, the next chapter of Iraq's history needs to be written by the Iraqis.

Our vote today will decide whether we will begin changing course to maximize chances of success in Iraq or whether we will remain mired in the status quo of sending more and more American troops into the middle of an Iraqi civil war.

Mr. CRAIG. Madam President, we are brought back to the floor again this week to continue the debate on Iraq and whether the United States should begin to pull our troops out of Iraq. Yet again the majority leader has brought legislation to the floor of the Senate that will set arbitrary timelines for U.S. withdrawal, sending a signal to the Iraqi people that we are poised to abandon them; while at the same time sending a strong message to our enemies that to defeat the United States, all they need to do is wait us out. That kind of policy will allow our current and future enemies to dictate our foreign policy for us, not the other way around.

General Petraeus has now only had weeks to implement his new strategy for stabilizing Baghdad. After a unanimous vote of confirmation, the majority party now wants to send a signal to General Petraeus that we not only have no confidence in his abilities to stabilize key parts of Iraq but that we have no faith in our soldiers ability as well. That is not a statement I am willing to send to our soldiers in combat. The majority would rather see 535 generals leading the way towards stability and security in Iraq and the greater Middle East, and I do not see that strategy as an effective way to run a war.

I cannot stress enough that our conflict in Iraq does not stop at the borders. Iraq is a central country in a very dangerous region of the world. Bordered by Iran and Syria, which are both contributing to the violence in Iraq, will clearly see a premature U.S. troop withdraw in Iraq as a symbol that our resolve is not strong enough to stop their ambitions for regional dominance.

A premature withdrawal from Iraq will almost certainly lead to a massive humanitarian crisis, which would leave hundreds of thousands of Iraqi civilians at the hands of murderous militias. I would ask of my colleagues who favor immediate withdrawal from Iraq, are they willing to stand idly by as hundreds of thousands of Iraqis are raped, beaten and murdered? I would assume the answer would be no, paving the way for an even greater peacekeeping force to be deployed to Iraq, and making the work to stabilize that country infinitely more difficult.

I think it is important for the American people to know that the roadblocks put up in the Senate regarding nonbinding votes on Iraq were not put up by the Republican minority. I have stood on this floor on more than one occasion debating the war this year. We have had, and will continue to have, full debates on the floor of the Senate regarding Iraq, but it is up to the majority leader whether those debates will be fair debates. I was pleased to see that an amendment offered by Senator GREGG will be allowed an up-or-down vote. This resolution clearly states that the Congress will not cut off any funding for soldiers we send into combat. An overwhelming majority of both the House and Senate voted to send these troops into war, and we all the responsibility to ensure that any American soldier in harm's way will have the full support of their government.

The majority party continuously denies planning or calling for defunding this war, and thus the troops, but several Democratic Senators and Congressmen have spoken publicly about their desire to eliminate funding for our soldiers. That is a very dangerous game to play, when Members will allow antiwar politics to convince Members of Congress that they should cut off funding for American troops on the battlefield.

Now, it is very clear that there is no single military operation that can bring stability to Iraq by itself. We need the Iraqi government to stand up on its own two feet and lead their country. We need an Iraqi economy to be strong and viable on its own in order to give the Iraqi people a choice between turning towards insurgent militias and terrorist organization, but instead to start new businesses and make constructive contributions to their society. However, without stability in the capital city, there can be no stable government and there can be no economic stability. The reinforcements called for by General Petraeus, which will assist in stabilizing Baghdad, are working to lower the levels of violence, and will pave the way for economic and government stability.

I, like all of my colleagues, want nothing else but to have our troops home and out of harm's way. That said, we should not be in such a rush to leave Iraq that we leave that country in shambles, creating a haven for terrorism and a humanitarian crisis that could rival or surpass any we have seen before.

We are at a critical juncture in this war. The American people are questioning our policies in Iraq, mistakes have been made over the three plus years we have been in Iraq, and I will readily admit that. But I do not believe that we are at a point of failure. The majority party is frustrated with our progress in Iraq, but I firmly believe that Congress micromanaging this war is the most detrimental policy our country could pursue. The Congress should not be in the business of setting arbitrary withdrawal timetables, setting troop levels, threatening funding for our soldiers, or sending messages to our soldiers that we have no faith in their mission.

The Senate is yet again going to be voting on a series of binding and nonbinding resolutions that will send a strong message to our soldiers, the American people, and to our enemies. I hope that my colleagues will speak in a loud voice of support to our soldiers; a resolute voice to the American people that we will not be defeated by radical insurgents and terrorist groups; and a firm voice to our enemies that we will not be defeated. Our national security, and that of our allies, is at stake, and I will not cast a vote to pull our troops out of Iraq prematurely and allow Iraq to become a base of operations for strikes against this country.

Mr. KOHL. Madam President, today the Senate confronts the tragic situation facing us in Iraq. No Member of the Senate, the administration, or our Armed Forces is happy with where we stand in Iraq. A mission that began with the great success of our men and women in uniform has bogged down through no fault of theirs. With heavy hearts the Congress, after hearing the people speak in November, must now force a change in our policy in Iraq. We can no longer allow an open-ended commitment to Iraq that endangers our forces while allowing Iraqi politicians to delay the difficult choices they must make.

S.J. Res. 9, which I support, calls on the President to begin the redeployment of our troops out of Iraq. After 4 long years they have been stretched to the breaking point. They now referee a bloody civil war that bears no resemblance to the original conflict we authorized them to engage in. The time for military solutions is over, and the difficult work of political compromise lies before the Iraqis with little our soldiers can do to help.

The resolution does not require a rapid pullout, however, but gives time for a measured withdrawal that will protect our troops while providing support to the new Iraqi government. It sets March 2008 as a goal for our combat troops to be gone from Iraq—5 years after they first entered the country—but it provides flexibility if that is not possible. The March withdrawal goal is also in line with what the Iraq Study Group believed was appropriate.

This reasonable goal will give Iraq's politicians time to make the difficult decisions they need to make about power sharing and dividing oil revenues. It will also give our troops time to complete the training and equipping of additional Iraqi police and security forces. Five years is plenty of time to help a new nation toward democracy—or prove that democracy cannot be imposed from the outside. Either way we cannot ask our military to continue their mission indefinitely.

Critics of the resolution believe that withdrawing from Iraq will damage our national security, but I disagree. The ongoing conflict in Iraq is hurting our image in the world, it is hurting our economy, and it is hurting our military. This war is no longer protecting us, but according to our own intelligence community it is encouraging terrorists to take up arms against us. Our presence has kicked off a vicious circle of violence that makes us less secure—not more. We need to close the circle and end this cycle of violence.

We all want a stable and peaceful Iraq, but it is time to recognize that the U.S. alone cannot achieve that goal. We need the help of the Iraqi people and the assistance of Iraq's neighbors. If we work together Iraq can get on its feet and repair the sectarian divide. But if we continue on our current path, bearing the burden by ourselves, the cycle of violence will erode our good efforts. It is time for a change. It is time for us to shift the burden to the Iraqis and help them carry it forward.

Mr. BIDEN. Madam President, there are many statements in the resolution by the Senator from New Hampshire that are true. It is a true statement that the President has the power to "deploy troops and direct military campaigns during wartime." But that presupposes that a war has been properly authorized by Congress because that power exists only in wartime, or in certain emergency circumstances. The President does not, however, have the power under the Constitution to initiate a war.

It is literally true that Congress has the power of the purse, and in that capacity has the moral responsibility to adequately support the troops in the field, once we are at war. This administration has failed in that responsibility in not equipping our soldiers in Iraq with adequate armor, in not having an adequate plan to stabilize Iraq after the initial invasion, and in not caring for our soldiers properly when they return home.

But this resolution is not balanced. It does not set forth a statement about Congress's powers under the Constitution to authorize the use of force under article I. Nor does it say anything about the authority of Congress to change the mission of U.S. forces, once a war has commenced. This silence about Congress's power might be interpreted to suggest that the President's powers as Commander in Chief to initiate war are unlimited, and that Congress's sole responsibility is to fund a war that the President initiates. That is not what the Constitution says, and I cannot vote for anything that might be so read.

Because the Gregg resolution lacks balance, I cannot vote for it. I will vote instead for the resolution by Senator MURRAY, which presents a more complete statement about the allocation of powers under the Constitution.

Mr. BUNNING. Madan President, I rise today to discuss the S.J. Res. 9 dealing with troop withdrawals from Iraq.

While this nonbinding resolution is different from the resolution we debated last month, its purpose is still the same. It will micromanage the war and send a detrimental message to both our troops and our enemies.

That is why I voted against cloture on the motion to proceed to the resolution and why I will vote no on its final passage. I believe that we must give the President's new strategy for Iraq a chance to work before we begin criticizing it.

At this time, we ought to be sending a clear message of support for our troops and for ensuring that they have the necessary supplies and resources to carry out their mission. Unfortunately, we cannot seem to see beyond our political differences to do this and instead want to attack the President's Iraq plan no matter what the consequences of our actions would be.

Jut a few weeks ago on January 26, the Senate unanimously—unanimously—confirmed GEN David Petraeus to be commander of the multinational forces in Iraq. General Petraeus supports the President's new strategy in Iraq and has embarked on a mission that both the President and the Senate selected him to do.

I would like to point out to my colleagues the irony, as well as the inconsistency, in the choice this resolution is presenting to this body. With the newest Iraq resolution, we are once again being asked to disapprove of the very mission we unanimously confirmed General Petraeus to execute. This resolution asks Senators and not General Petraeus to direct the activites in Iraq. But Congress is not the commander in chief, and we should not be dictating military strategy.

The resolution sets a specific date for the beginning of the withdrawal of our troops from Iraq. This withdrawal would occur even if there is progress on the ground in Iraq or our allies believe our presence is still necessary. This resolution allows politics to be the deciding factor of how we manage a war.

Passage of this resolution would show to the world that our will can easily be stripped by terrorists if they just wait it out.

If General Petraeus, who is a friend of mine, comes back to Congress and tells us that the President's new strategy is not working, then I am prepared to change our course. But we need to give it a chance to work.

We have already begun to see some successes based on recent events and reports from General Petraeus. Sectarian killings have been lower in Baghdad over the past several weeks than in the previous months. There is less sectarian displacement in Baghdad neighborhoods allowing families to return home and Sunni insurgent leaders have renewed talks with top U.S. officials about political accommodation.

I realize these successes are small and it is too early to tell whether they will lead to significant changes in the future, but we now have proof that this strategy could work if given the chance.

We have also begun to see a positive response from the Iraqi people. Just 2 weeks ago, the Iraqi council approved the foundation of a hydrocarbon bill which is a oil revenue-sharing measure with the Iraqi people and the provinces of Iraq. The legislation is soon going to the assembly. For the first time in the history of their country, the people of Iraq are on the doorstep of having equity in oil distribution.

Despite these successes and unanimously confirming our new commander in Iraq, my colleagues on the other side of the aisle would like to declare failure. They would like to tie General Petraeus's hands in a way that would make achieving his mission impossible. I do not believe that pulling the rug out from underneath our top commander in Iraq is a plan for success. Rather, I believe that we should focus the current debate on what we can do to support General Petraeus and the brave young men and women in Iraq to accomplish this critical mission. I will continue to do whatever I can to ensure that our troops and mission succeeds.

Failure in Iraq is not an option. It would not only jeopardize our own national security but that of the region as a whole.

When this motion to micromanage the war in Iraq comes to vote, I urge my colleagues to oppose it. Remember, we have only one commander in chief, not 535 generals who make war plans from the floor of the Congress.

Mr. ENZI. Madam President, as I begin my comments on the resolutions we have under consideration, I want to first make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for them all for their heartfelt commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making great sacrifices in our country's name so that we might continue to be the land of the free and the home of the brave.

Over the years, I have been to Iraq and I have met with the members of our Armed Forces there and, later, here in the United States when they have returned home. These remarkable men and women exemplify the best qualities of our Nation. They volunteered to serve in the best trained force in the world and they deserve our complete and unwavering support. If it were possible, I would like to have each and every one of our troops back home with their families and friends immediately. We cannot, however, pull our troops out of Iraq at this point without facing extremely dire consequences for a long time to come. I have spoken at length to our troops about their mission and they understand their mission.

I was thinking about them, and all of the members of our military who are presently serving around the world as I began to prepare my remarks. I thought back to the days, years ago, when I was first elected to serve as the Mayor of Gillette, WY. I made a habit of carrying around a copy of the United States Constitution with me everywhere I went. I kept it in my coat pocket, next to my pen, and whenever I looked at it, it reminded me of two things—the Government I was a part of, and the people I was elected to serve.

Then, when I came here to the Senate, the Constitution took on an even greater, deeper meaning for me. I see it as my job description. That is why I make sure to always keep it handy so it can continue to serve as a reminder of the detailed portrait it contains of our Federal Government and how it was designed to work by our Founding Fathers. Today, it provides us with a good starting point for our debate and it provides some of the answers to the issues before us.

The relevant parts of the our country's Constitution are quite clear. Congress must be consulted before any large scale military operation is begun. But once that has been done, the Commander in Chief of our Armed Forces, the President, is to direct the effort that we have approved.

The Founding Fathers had a good reason for establishing the President as the Commander in Chief of our Armed Forces and the one who is responsible for making the decisions affecting the actions of our Nation's military.

That does not mean that Congress does not have a play in these decisions. We all have an important role to play when it comes to matters like these.

Again, in their great wisdom, the drafters of our Constitution knew that Congress could—and should—influence policy—but they knew it would be impossible for us to have all the information available to the President to debate and assess before making a decision on the viability of every military operation. The process of determining military strategy would be a nightmare if we were to be expected to debate all of the intricacies of every policy and, by so doing, publicly reveal some of the information obtained by our intelligence agencies on the House and Senate floor before reaching a decision. Our procedure on the Senate floor is a good process for debating and considering legislation, but it is a process that does not lend itself well to producing a quick and informed military decision at a time of crisis.

Those thoughts were on my mind when the President put forward a new strategy for us to pursue in Iraq, recognizing that what we are currently doing is not working. General David Petraeus, our U.S. Commander in Iraq, testified before us about that policy. He is consulting with highly educated and trained members of the military, many from universities where criticism of U.S. efforts in Iraq has flourished. It is evident that the President and his advisors are seeking analysis and recommendations from people who recognize the fact that the road ahead will be complicated and difficult.

Listening to the debate, I have heard many of my colleagues sum up the President's new strategy as just increasing the number of American troops in Iraq. I do not believe it is a matter of numbers. The real question should be what the placement of these troops is designed to accomplish. There is no question that there must be a clearly defined mission for them on the ground. By having more forces on the ground, we may be able to decrease the vulnerability of our troops as they move from place to place. That will provide them with the backup and protection they need to more safely pursue their mission.

In the months to come, it is clear that there are several things the new policy must do if it is to be successful. First and foremost, the new campaign must provide the security the people of Iraq must have to feel safe at home. If they do not feel secure under the protection of the United States, coalition, and Iraqi forces, they will turn toward terrorist organizations that will prey on their fears and provide a false sense of security. America's long-term security interests and the possibility of world peace will be best served by an Iraq that can sustain, govern, and defend itself, while serving as an ally in the war against the terrorists.

Looking long term, I think we would all agree that the future of Iraq will directly affect the balance of power in the Middle East. That is why countries throughout the region are watching to see what action we will take in Iraq. An immediate withdrawal of United States and coalition forces will leave our allies in the region forced to prepare for additional conflicts.

Our mission in Iraq has not been easy, and it will not get easier in the days to come. After all, we are facing centuries-old difficulties as we work with the people of Iraq to help them overcome their religious and ethnic differences to form a nation that will work to benefit and protect all their people.

Ultimately, what the future of Iraq will be is up to the Iraqi people themselves. Iraq must put together a working coalition of its three major groups, the Kurds, Sunnis, and Shia, as well as other ethnic and religious minorities. They must work for national reconciliation through shared responsibilities as well as shared oil revenues that will be used to solve the problems that exist in their own backyard. Such a reconciliation will not only be good for Iraq, but the Middle East as a whole.

We have set forth benchmark requirements for the Iraqis to make. Our first benchmark has been met. Their parliament has approved an equitable split of oil revenues between the three factions. This is progress.

Looking back, the record is clear. Like many Members of the United States Senate, I supported the original decision in 2002 to take action against Saddam Hussein in Iraq. The vote I cast that day was not an easy decision. The tough ones are like that. You make the best decision you can, based on the information you have on hand at the time you have to make it. Those are the decisions that make us all lose sleep for years afterward. Anytime you vote to put our Nation's young men and women in harm's way, it stays with you long after the fighting is over and our troops are on their way back home.

Today, I remain concerned about the safety of the people on the ground: Americans, coalition allies, and the Iraqi people. And there is good reason for my concern. With today's rapid communication made possible by the Internet, cell phones, and other technologies, what we say here can almost instantaneously find its way around the world and straight to the camps of both friends and foes—and they are both watching. In fact, I do not think it is an exaggeration to say that the whole world is watching to see what we will decide to do.

That leads me to ask, what do we hope to accomplish through this debate? We have already approved the nomination of General Petraeus by a unanimous vote. Now we are considering a resolution condemning a plan he has not had a chance to put into action yet. What sort of message will we send our troops with our vote on that?

As Members of the United States Senate, we have the opportunity to voice our opinions to the President and our constituents. But the fact that we are even going through this debate at this point in time may give those who wish to do us harm hope and embolden them—and once emboldened they will pose an even greater threat to our troops.

As we continue with our consideration of these resolutions, I want to be clear that I do not want to cut funding for the troops. Their safety and their very lives depend on that funding. When you are in a war, you do not do that to the troops.

Looking ahead, in the months to come, Congress must continue to closely monitor the actions of the new Iraqi government, our military leaders, and our civilian leaders. We should continue to express our opinions, and take whatever actions are necessary to ensure our troops are provided the best support possible so that they can come home soon. We should not, however, further endanger the lives of Americans and Iraqis simply to make a statement and take a stand against the President.

Mr. WHITEHOUSE. Madam President, the Senate will vote on whether America is on the right course in Iraq, or the wrong one.

I have spent the past two years traveling all over Rhode Island, listening to people from my state who were angry and frustrated at this President's refusal to see that his policies in Iraq were wrong from the start, and remain wrong today. Last November, they and millions of Americans cast their votes for a new direction.

They sent us here to hold this President accountable: for distorting intelligence to serve his policy goals; for failing to give our troops the equipment they needed to do their jobs overseas, and failing to take adequate care of them when they return home; for telling our country the mission was accomplished when, as we've seen, the war has now stretched on for five long years; for now proposing to send tens of thousands more American soldiers into harm's way, against the wishes of the American people, and without a plan to bring the conflict to an end.

Americans know the truth: Escalating the war in Iraq will not make that nation more secure, or bring Iraq and its people any closer to a lasting peace. It will not make our nation more secure. And it is not the new direction Americans demanded.

There is a way to change course in Iraq. If we announce clearly that the redeployment of American troops will begin, and begin soon, that opens up diplomatic opportunities in Iraq, in the Middle East, and around the world.

When it is evident to the insurgents that America is not an army of occupation, the factions within the Iraqi government will be obliged—and better able—to assume responsibility for the security and governance of their own nation. Iraq's neighbors will be newly motivated to take steps that will encourage a peaceful and secure Gulf region.

This binding resolution makes it clear that the situation in Iraq has changed since Congress authorized the use of force in Iraq in 2002. It states the President must begin the phased redeployment of American combat troops in no later than four months, with that redeployment completed by March 31, 2008.

The President failed to show America a new direction, and so the Senate will step forward to lead where he will not. I will vote yes to a change of course in Iraq, and I hope my colleagues will do the same.

Mr. HATCH. Madam President, I wish to take this opportunity to explain why I will vote against S. Res. 107.

First, I must applaud Senator MURRAY for what I believe was the overall premise of her amendment, to show the entire Congress's resolve in supporting our troops.

I fully agree with the portion of the amendment that reaffirms the Senate's commitment to providing the "necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned duties."

This is a policy to which I have dedicated my entire Senate career.

However, as a lawyer, I believe that it is also my duty to evaluate and work toward ensuring that all legislation which the Senate passes is strictly within the limits of our constitutional powers. As the preamble states, "Under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime."

Unfortunately, S. Res. 107 does not meet that test. While at first glance the passage I just cited may seem innocuous, the phrase "shared responsibilities" raises important separation of powers questions.

As we all know, the Constitution does not speak of shared powers, it speaks of the different branches of government having separate and distinct powers—a point which is at the core of the debate on our Nation's policies toward Iraq.

Under article II, section 2 of the Constitution, the President is the "Commander-in-Chief of the Army and Navy of the United States." However, Congress's role is limited in article I, section 8 which, in part, reads ". . . The Congress shall have power to . . . provide for the common defense and general welfare of the United States. . . To declare war . . . to raise and support armies . . . to provide and maintain a navy . . . to make rules for the government and regulation of the land and naval forces; . . . to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions . . . to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States . . ."

These are very different powers; they are not shared. The Constitution provides for only one Commander in Chief. Our troops are facing enough challenges in the weeks and months ahead—they do not need to worry if there will be 435 commanders in chief.

It is important that we remember this point now more then ever. And so, it is my analysis that the "shared powers" reference in S. Res. 107 clearly raises constitutional concerns, and that is why I voted against S. Res. 107.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, before the Senator leaves, as it is right now, we have 10 minutes left on this side. There is 1 hour left on the Senator's side. We want very much to get some speakers down here, if we could. I understand we are trying to reserve 20 minutes for leadership time and 10 minutes on each side. If the Senator has speakers, this would be a good time to have them down here.

Mr. LEVIN. Madam President, I believe one Senator is on his way right now, and the Senator's notice should produce some other Senators as well.

I thank the Senator from Oklahoma.

Mr. INHOFE. Madam President, rather than to speak myself, since there is going to be equal time coming off for both sides until a speaker gets down here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that the last quorum call time be taken from the Democrats' time, and that future quorums come from the Democrat side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, what I wish to do at this moment is address one of the arguments I have heard many of my colleagues make over the past 2 days of this debate. The argument I have heard when I was on the floor yesterday, and again I have heard it today, is that the joint resolution we are debating is an effort to micromanage the war by focusing the mission of U.S. Armed Forces on training Iraqis, denying terrorists a safe haven in Iraq, and force protection.

If you listen to my colleagues who oppose this, you hear them recount that as if somehow that is exceeding the power of the people to speak, through their Congress, as to what role American military forces are permitted to play. Many of my colleagues on the other side go on to argue we are somehow overstepping our constitutional boundaries in defining the purpose for which U.S. forces can be used in Iraq.

Well, that argument, I respectfully suggest, is dead wrong. Defining the overall mission of U.S. troops is entirely within the power of the Congress under the U.S. Constitution. Indeed, not doing so would be an abdication of our fundamental duty under the Constitution, which clearly manifests war power in the hands of the Congress.

Now let me give you a few illustrations, if I may. In 2002, when we voted to authorize the use of force against Iraq, we defined the purpose. We defined the purpose for which the President was permitted to use American forces against Iraq. It was to defend the national security of the United States against the continuing threat posed by Iraq, and, further, to enforce all relevant U.N. Security Council resolutions regarding Iraq.

During the course of the negotiations on that resolution, in which I was deeply involved, Congress made it clear, at least on this side—as one of the several people speaking for the Democrats at the time in the Senate—we specifically and clearly rejected the Bush administration's initial proposal for using force in Iraq. President Bush sought what I believe to be, and the majority of the Senate eventually did, an overly broad authority to use force: to restore international peace and security in the region.

I read that at the time as a grant of authority to the President that far exceeded what arguably was necessary at all in Iraq. The function of our military force was not to restore international peace and security in the region. We struck that and said: The use of force is to defend the national security of the United States against a continuing threat from Iraq, not the region; not the region.

After the President's attempted overreach here, we narrowed the geographic scope of the authority the Congress, under the Constitution, was willing to grant the President, and we narrowed the purpose for which he was allowed to use force. We did two things. We not only said, Mr. President, this is not about the region. You can only use force, if necessary, dealing with Iraq being a threat to the United States.

I remind everybody what we were being told at the time. We were being told by the Vice President that Iraq had reconstituted its nuclear program. Simply not true. It was not true when he stated it. Our intelligence community not only said he did not reconstitute the nuclear program, it said he had no nuclear program. That is not what we were told.

So we gave him authority, I remind everyone, to negotiate at the United Nations, to keep the pressure of the world on Iraq, to bring back the U.N. people, to determine what nuclear program or weapons of mass destruction he had, to get the inspectors back in, and to negotiate to do that, because at the time the argument taking place in the world was, was the U.S. embargo, was the world embargo, were the U.N. inspectors causing pain for innocent Iraqis?

Do you remember how many times we heard the argument that the reason why there was not enough medicine, the reason why children were dying, the reason why they did not have enough food, was because of this awful thing the United States was leading, the embargo on Iraq, the Food for Oil Program?

So to put this in context so everybody remembers, there were a lot of us on the floor willing to give deference to the President, who we thought was responsible in the exercise of power at the time, because he appeared responsible immediately after 9/11; he proceeded correctly relative to al-Qaida and the Taliban. He did not go off willy-nilly and start bombing people. He built the case. He sent his envoys all over the world. He made a compelling case for the right for us to invade Afghanistan. He even went so far as to worry about whether the Arab street would rise up if we attacked Muslims in Afghanistan. He engaged in public diplomacy. He did a fine job.

That was the context in which we gave him this power. But even then, as much as he had done well relative to Afghanistan at the time, we quite frankly did not trust him or any President to have this broad reach of authority which he asked for, which was to maintain peace, international peace and security in the region.

So we cut back the authority we gave him to negotiate at the U.N. Remember what he tried to do. He came and made the argument: There has to be a demonstration that all of the Nation support him in that we must keep pressure on Saddam. All Democrats and Republicans support him. That was the argument made to us. He did not come up here and make the argument to the Foreign Relations Committee, the Armed Services Committee: We need to be able to attack. He argued we needed to be able to give him the moral authority to go to the United Nations and keep the pressure on, because the French were wavering, the Europeans were wavering, some Arab countries were wavering. And then as time went on, he built this argument about they reconstituted their nuclear weapons and the like. But even then we did not give him the authority he asked for.

Why am I dwelling on this? Well, we made a clear judgment as a Senate and as a House, as a Congress, that he did not have the geographic scope for the extended purpose he wanted. We said: Here is your writ, Mr. President. Here is the region you are allowed to, if need be, use force—in this constrained area called Iraq. Because you are telling us, Mr. President, it is a threat to the United States of America, not a threat to the region, it is a threat to the United States of America. So you have the authority to deal with that, if necessary.

Secondly, even within Iraq, you can only use the force to enforce all relevant U.N. Security Council resolutions regarding Iraq. If memory serves me, there were 16, including resolutions relating to weapons of mass destruction.

So that was the rationale. We severely limited the authority he wanted because we thought it was an overreach. Now we know there were no weapons of mass destruction. Now we know—I will speak and say what I believe—hopefully the Intelligence Committee will show—not only did we have bad intelligence, but the good intelligence we had was misused by the administration, in my opinion. We will find out whether that turns out to be true.

In 2002, when we offered the authorization to use force, we defined the purpose. So I ask those who argue that we are now overstepping our bounds with this resolution, did we overstep our bounds in 2002 when we authorized the use of force against Iraq, when we limited what the President wanted to do? If, in fact, we do not have the constitutional authority today to limit what the President wants to do, how did we have the authority to do it in 2002? As I said, what is the rationale for the continued authority under the 2002 resolution? There are no weapons of mass destruction. All the U.N. resolutions are in compliance. And nobody argues the Iraqi Government is a threat to the United States of America. Are they going to invade us?

To those who have a problem with the mission we defined in this joint resolution before the Senate, I also say, listen to Prime Minister Tony Blair in announcing last month the redeployment of British forces from Iraq. Last month the mission the British Government assigned to those Brits who will remain in Iraq is precisely what we prescribed in our resolution. The new mission of the British forces in Iraq is the following: to transfer responsibility to the Iraqis; to train and support Iraqi forces; to help secure the border and supply routes; and to conduct operations against extremist groups, i.e., Al-Qaida. It is not to fight in the Iraqi civil war. It is not to be in the lead role in security operations in Basra, where they had authority, or in Baghdad, where they did not. In short, with the exception of denying terrorists sanctuary and training of Iraqis, the British forces are moving from the driver's seat to the backseat. This resolution proposes that very transition for our forces in Iraq.

So I ask again, rhetorically, does the Vice President think Prime Minister Blair's announcement of a "redeployment," as the Vice President said, "validates the al-Qaida strategy"? That is what he is accusing the Congress of. That is what he accuses me and CARL LEVIN of when we came up with this idea, that is now a leadership amendment; we are validating al-Qaida's strategy.

Are the British validating al-Qaida's strategy? Is he saying Tony Blair is validating Osama bin Laden? It is ridiculous. It is a ridiculous argument. It flies in the face of the facts. It comes down to this: Do we want American troops fighting an Iraqi civil war? Is that what we want these troops for? Is that why we sent them? Do you think, when we voted back in 2002, if we knew there were no weapons of mass destruction, if Saddam were gone, if they were in compliance with other U.N. resolutions, but if there were a raging civil war, do you think we would have voted on the floor of this body to send 150,000, 160,000, 170,000, 180,000 American troops to Iraq to help them settle their civil war? What do you think? I don't think so. We might have sent troops to Jordan. We might have done what we are trying now in Amman and the emirates. We might have beefed up Turkey. We might have accepted to go after al-Qaida sites. But I doubt very much we would vote now to get in the midst of a self-sustaining cycle of sectarian violence, which is what it is. If you want American troops fighting a civil war in Iraq, if you want that, then vote against this resolution, do not vote for it. Do not vote for it.

You say that is not fair; we are not engaged in fighting in a civil war. Has anybody asked themselves the rhetorical question: Why is it that Sadr, who has been responsible for killing a lot of Americans, and his Mahdi army, which has been responsible for killing a lot of Americans, why is it that the Shia-led Mahdi army, particularly in Sadr City, has taken off their uniforms, hidden their weapons, and as of yesterday—I have not checked today—there were rumors that Sadr is no longer in Iraq? Maybe he is back now. We do not know for sure where he is. Why is it that they took down the blockade? Is it because all of a sudden they turned peace loving?

I respectfully suggest, because inadvertently the 17,500 troops we are surging into the middle of Baghdad, we are surging them into 20-some neighborhoods that are Sunni.

They are bad guys, these former Saddamists, these former Baathists—this insurgency—who were referred to until recently by the Secretary of Defense as "a bunch of dead enders." I respectfully suggest the reason all of a sudden the Shia in Sadr City are lying low is because they are very happy the United States is doing their job for them, killing their enemy, killing the bad guys who are Sunnis. Does anybody think if we succeed in that mission that all of a sudden we are not going to see all those weapons come out of hiding in Sadr City? Does anybody think that all of a sudden it is going to be safe for Americans in that region? Does anybody think the uniforms aren't going to come back on and the roadblocks aren't going to go back up? These folks aren't dumb. It is not our purpose, but the effect is, we are engaged in this civil war.

The question is, What is the plan to responsibly end our participation in this war without leaving behind chaos, without having traded a dictator for chaos, without having left behind a cycle of self-sustaining sectarian violence that metastasizes in the fragmentation of Iraq and metastasizes in the region—Turkey, Iran, Syria, Saudi Arabia? What is the answer?

So far, I don't hear a plan. Notice, by the way, now the surge is really getting bumped up, as some of us predicted on this floor when he announced the surge and predicted in our committee, 17,000 people to 22,500, whatever the actual number was initially. Now they are saying they are going to need 30,000 people for the surge. Why? Because it is like squeezing a water balloon. The bad guys have left this area in part, and they have now gone to the province directly outside of Baghdad.

General Keane is a very bright fellow, an honest guy, a former four-star general, who testified before our committee. He came up with the original plan about surging. He said: In order for this to work, you are going to have to surge well beyond Baghdad. You are going to have to go into Anbar Province and beyond. He predicted what would happen.

They said: No, we are only talking about 22,500 troops.

What is the purpose of the surge? The purpose of the surge, we are told—in a humanitarian sense, it makes a lot of sense, except for the humanitarian interest of our troops—is to bring order to Baghdad, stop the killing and the chaos. Why? Because when that happens and they have—I think the phrase used is "breathing room"—when they have that breathing room, what is going to happen? Then they can negotiate. Then they will sit down and negotiate an agreement among themselves. Has anybody asked the question, What will be the basis of that negotiation? What is the idea? What is the element? What is the political solution?

The President continues to insist on a well-intended but fundamentally flawed strategy. The flawed strategy is, it is possible to have a strong central democratic government. Before we went to war, I believed, and so stated, that there is not going to be a democracy there in any of our lifetimes, including the Presiding Officer, who is considerably younger than most of us. It is not going to happen. It is possible that we could leave behind a country secure within its borders, loosely federated, not a threat to its neighbor and not a haven for terror, but that is as good as it is going to get.

At least one and probably both of my colleagues in the Chamber were here during the Balkan crisis in Bosnia. What does history teach us and what does recent experience teach us? Wherever there is a cycle of self-sustaining genocide, self-sustaining sectarian violence, when in modern history has it ended other than any one of four ways:

One, a victor. They wipe out the other two sides or three sides or one side, and one of the ethnic groups prevails militarily on the battlefield.

Two, occupation by an outside force—the Ottoman Empire, the Persian Empire, the British Empire.

We can't afford the first to happen because that would have a devastating impact on the region because everybody knows the Sunni states will get more involved. If it goes the other way, the Shia states will be involved in Iran beyond what they are now. That is not a real option. We are not an occupying force. It is not in our DNA. We are not an empire.

The third option historically is a dictator, a strongman. Wouldn't that be the ultimate irony—us going to Iraq to take down Saddam and restoring a strong man, which, I respectfully suggest, we should consider might happen because eventually we are going to leave and the dysfunctional circumstances in Iraq are as likely to produce a strong military leader to take over as anything else, although there is no individual in sight right now. That is not an option available to us.

What is the fourth historical option? Federation, a federal system, a weak central government within the defined borders of a country that, in fact, gives the warring sectarian parties some control over the fabric of their daily lives, their local police force for their public safety, rules relating to marriage, education. That is the only other option which has ever worked. It doesn't work perfectly.

What does recent history tell us? Like many here, I was deeply involved in our Balkan policy. As my friend from Kansas may remember, I, to use the vernacular, beat President Clinton up and about the head to use force in the Balkans. I argued, after encountering Milosevic 2 years before he acted in his office—when he asked me what I thought of him, I said: I think you are a damn war criminal, and I am going to spend my career seeing you tried as one. I came back and wrote report after report, after close to a dozen visits. I saw what was happening in Brcko, in Tuzla, in Sarajevo, in Srebenica, more sectarian violence in the Balkans from Vlad the Impaler to Milosevic than ever occurred in what is now called Iraq.

So how did we end it? We ended it after they killed several hundred thousand people, mostly women and children. We ended it after we gathered all the neighbors, including Russia, a pro-Serbian force, France, all the nations in the region. We gathered in a room. We brought in the parties who were warring, including Milosevic, Tudjman, Croats, and other leaders representing the Bosniaks. What did we do? We then called the Dayton Peace Accords. What did we do there? We gave much more autonomy to each of those groups than ever was envisioned by what I am proposing.

We set up a thing called the Republic of Serbia in Bosnia with its own President. We had a Bosnian President and we had a Croatian President. For over 10 years, as my friend from Oklahoma can attest, who knows more about force structure than most of us know, there have been over 20,000 on average NATO forces there. To the best of my knowledge, none has been killed in anger with a shot fired.

What is going on in Bosnia today? Was everyone who was ethnically cleansed able to come back to their neighborhoods? No. A lot have. Is there still injustice? Yes. Is genocide continuing? No. What are they doing now? They are debating amending their Constitution to become part of Europe so they can join the EU down the road. We don't have to go very far for an example.

Let me ask the rhetorical question again: Can anybody name me a time, without empire, dictator or expiring, that self-sustaining sectarian violence within the borders of a country has resulted in a central federal control that is democratic? With all due respect to the President, arguably his dream at the outset made sense. That is why I called 3 years ago for 60,000 to 100,000 additional American forces. That is why I called for the need for at least 5,000 to 6,000 paramilitary police to be sent, because I believed—and I wrote at the time—if the genie ever gets out of the bottle, if we don't establish order quickly, there is no possibility of stopping a vicious civil war.

Senator HAGEL and I got smuggled across the Turkish border before the war began, and went up to Arbil and met with the Brazani and Talabani clans to discuss with them whether they would actually be with us if force was used. They had us each speak before the Kurdish Parliament, and they had already written a constitution that was the minimum they would, in fact, insist upon which allowed for significant Kurdish autonomy. They wanted a federal system.

A year ago January, my distinguished colleague from South Carolina and I went to Iraq for what was my sixth time. I have been there since. I don't know how many times it was. We went around and proudly put our fingers in the ink well, demonstrating that this was a free election. We came back and spoke to the President. We were debriefed by the President and his war cabinet. The President said it was a great democratic effort. I presumed to suggest it wasn't a democratic effort, it was a free election. It was a sectarian election. It turns out 92 percent of the vote cast was a sectarian vote. Kurds voted for Kurds. Shia voted for Shia. Sunni voted for Sunni. That is not democracy. Elections do not a democracy make. They are a necessary and ultimate condition to democracy. Democracy is about giving up things, about compromise.

I will never forget what Senator GRAHAM, who has a great facility for words, said as I was trying to explain to the President about the militias—not that he did not know there were militias. After we got finished, the President turned to Senator GRAHAM and Senator GRAHAM said, with a bit of humor: Mr. President, it is kind of like when the recount was taking place in Florida, if the Republicans had their own army and the Democrats had their own army. That is the better analogy.

The genie was out of the bottle, and the genie came roaring out of the bottle when that shrine in the Shia area was devastated and ripped off the Earth.

Let me conclude by saying, it comes down to a simple proposition: Why do we want our troops in Iraq? Is it to fight a civil war or is it to provide a circumstance whereby we do the only thing that can help our interest, to prevent al-Qaida from occupying territory, to train the Iraqi forces, and to protect our troops. To do that we need a lot fewer troops.

Do we want to end this war responsibly? If we do, I respectfully suggest we vote for this resolution. If you prefer the President's plan, which offers no end in sight, I respectfully suggest you should vote against it. But, ultimately, there are a lot of proposals put forward, including the President's, and you have to ask yourself the rhetorical question, I believe: After it is implemented, then what? Then what?

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, it is my understanding on this side we have 18 minutes. I am going to reserve 10 minutes for leadership time. That leaves 8 minutes I yield to the Senator from Kansas, Mr. BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank the Senator from Oklahoma for the time for debate.

I thank my colleague from Delaware, whom I enjoyed listening to and with whom I enjoyed serving on the Foreign Relations Committee.

I say at the outset, I have been endorsing and speaking often around the country about this notion of a federated system in Iraq, of the need for a three-state, one-country solution, with Baghdad as a federal city, where we have a Sunni area, a Shia area, and a Kurdish region.

I have been in Irbil as well. In the middle of January, I was there. I agree with his analysis of history. When you look at these situations, and you take a big military apparatus off the top of a place such as the former Yugoslavia, or now in Iraq, and then you have these old, ancient hatreds that sit there, how do you deal with them? That is why I think this is a political solution that is right. I agree with my colleague from Delaware about that.

I wish he had not left the floor yet so we could have some discussion on that point because I think, though, that issue would then bode to voting against this resolution because what we are going to need to have is a period of time to get that political machination in place. We are going to need some time and space for Kurds, Sunnis, and Shias to be able to talk together, to be able to talk in an environment where there are not these mass car bombs and assaults and attacks taking place on a sectarian basis—such as took place in Bosnia—so that you can be able to allow the political system to work.

These are not mutually exclusive objectives of having a military apparatus in operation and in place in Iraq while you are pushing forward a very sensible and probably the only political solution that can take place, having an area for Sunnis, Shias, and a Kurdish region—which already exists. I might add this is in the Iraqi Constitution now. This sort of sectarian division of areas is allowed in the Iraqi Constitution. They have even taken the first steps of implementation. The Kurdish area is being operated by the Kurds. The oil revenues, which are being equally—by the last agreement—divided up around the country, are the glue to hold this system together.

This can and should take place. I urge the administration to push this, and even to bring these leaders together in-country or outside of the country to push this form of political solution. But I would add on top of that, that form of political solution would then say: Do not vote for this resolution that sets a timetable under which this must happen because these are things that are going to take some period of time. As my colleague from Delaware noted, we have been in Bosnia for the last 15 years putting this in place and holding this in place.

That is the requirement of this, then, so the passions can calm down, the sectarian passions can cool. You are going to need a force in place to see this political solution on through. That is the long-term objective I think we need to look at, this form he is on track to, but that would be in opposition to this resolution that sets a timetable.

I respect his discourse and I respect my colleagues on the other side of the aisle who may look at it differently, but I think we have to look at recent history to tell us this is a logical way that would take place.

Iraq is more three groups held together by exterior forces at the present time—with pressure from Turkey, with pressure from the Gulf States, with pressure—that is not constructive—from a couple of other neighbors, particularly Iran and Syria.

I think we need to recognize that political solution that is there, the exterior forces, and push this political solution in the environment of a more stable military apparatus and military operation.

This resolution, it seems to me, is clearly not a call for victory. Therefore, it must be seen as a call for retreat. Even its supporters do not contend it is a plan for victory. We need to win. They talk about the problems we face, not the solutions we need. But yet there is a middle road here, even, of engaging the Senator from Delaware, his political solution with this military rationale, the military needs that are going to be there that is still in place in Bosnia and is going to be in place for some time in Iraq. We will need a military presence in Iraq for some time to come even to get to that political solution.

We cannot predict how long that presence will be necessary or exactly what type of presence will be required. At the Dayton Accords, did we predict at that point in time it would be for a period of 5 years and no more? No. We said: We are going to help provide the stability so the political solution can take place. We did not put a set date:

OK, in 1 year, we will have this few troops; and in 2 years, we will not have any of these types of troops; and in 3 years we will be out. We did not say that. We said: OK, here is a political solution, and we are going to help stabilize this militarily for whatever time necessary to be able to do that.

These solutions need to be brought together, not to be argued separately. I am not calling for an open-ended commitment to Iraq. I am suggesting that our commitment be driven by the mission. We must complete it. We must get this done. We can express opposition to the surge, which I have certainly done. But after doing so, I think we should oversee the implementation of it, not to try to undercut it, nor should we attempt to interrupt a mission just getting underway.

We are looking at this right now. I cannot vote for a plan that would begin a withdrawal of U.S. troops before the surge forces are even fully deployed at this point in time. The 4th Brigade of the 1st Infantry Division, based at Fort Riley, KS, recently arrived in Baghdad. I do not think it would be wise for us to tell those soldiers they should prepare to leave Iraq even before they get their gear unpacked.

Not only do I believe it is inappropriate for us to legislate a timetable for withdrawal, I also believe it is bad policy for us to do this in Iraq.

First, supporters claim the resolution continues the fight against the terrorists by leaving a minimal force in place for counterterrorism operations. But apparently the terrorists are not getting that message. Two days ago, one of the al-Qaida leaders in Iraq used a jihadist Web site to discuss the very resolution we are now debating in the Senate. He said:

> The democratic majority in the American Congress announced that the security plan must produce its fruits in the middle of this summer or else they would expedite the departure of the forces at the end of this year.

Can there be any clearer evidence that al-Qaida is ready to wait us out?

In fact, al-Qaida not only approves of a timetable for withdrawal, it is working feverishly to expedite our departure. In the last few weeks, al-Qaida bombings have stood out as obstacles to stemming the cycle of sectarian violence in and around Baghdad. Sunni leaders have become so tired of al-Qaida violence against their own communities that they are turning to U.S. forces for protection. A timetable for withdrawal serves al-Qaida's interests.

For many years now, several of my colleagues on the other side of the aisle have rejected the idea that Iraq is a part—a central part—of the war on terrorism. I believe the statement I just read and others by al-Qaida leaders, the recent al-Qaida-inspired violence, and the Sunnis rejection of that violence should end this discussion. Iraq is unquestionably a key front in the war on terror, and it is essential we prevail against the terrorists in Iraq. If my colleagues are serious about fighting the war on terror, they should frustrate al-Qaida by voting against—against—this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWNBACK. Madam President, I urge for political purposes of stabilizing Iraq, as Senator BIDEN talked about, this resolution be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I understand we have 10 minutes. I wish to retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield myself 6 minutes from the leader's time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the previous agreement be modified to provide that if any of the resolutions receive 60 votes, the preamble be considered agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Madam President, America's troops deserve our Nation's full support every step of the way—from when they enlist, to when they train, to when they deploy, to when they return home.

Tragically, this administration has failed our troops every step of the way. Today, Democrats are saying enough is enough. We are going to give our troops everything they need, and we are not going to be a rubberstamp for the President's war without end.

I am very proud today to offer the Murray resolution in support of our troops, and I am pleased our majority leader, Senator REID, strongly supports this resolution.

We have been fighting to finally have a debate in the Senate for months. Now we are having that debate, and today we have to do three things: We need to adopt the Murray resolution that says we support our troops every step of the way. We need to reject the Gregg resolution that blindly follows the President. And I hope we pass the Reid resolution that sets a new direction in Iraq.

The Murray resolution I have offered affirms we will provide our troops with everything they need to be safe and to complete their missions. We will provide everything they need in terms of training, equipment, logistics, and funding, and we will provide everything they need when they return home.

Now, some here have a different idea. The Gregg resolution will tie the hands of Congress and would, importantly, leave all decisions to President Bush.

Well, we know how that has turned out. If Congress—we who are elected by our constituents at home—surrenders its voice, we could see our troops being stuck with more of the same—more Americans being stuck in the middle of a civil war and more veterans coming home without the care they need.

We do not need more of the same, in my opinion. We need a new direction. The Murray resolution shows we can have a new direction in Iraq, and we can give our troops all the support they need.

So shortly we will all have a choice: Either you can blindly follow the President or you can say: We—here—are going to stand up to our own responsibility to support our troops, and we can also push for a new direction in Iraq.

Now, the Gregg resolution says we have to support the President. The resolution I have offered says: We—here—have to support our troops.

The Gregg resolution would simply make Congress a rubberstamp for a failed policy. The resolution I have offered says that Congress—us, those of us elected here in the Senate—have a voice, and we have to use that voice to help our troops.

I suggest to my colleagues if you are happy with the war in Iraq, go ahead and vote for the Gregg resolution. It will keep us locked on the same path.

If you are OK with returning troops waiting months in a crumbling military hold unit—or waiting years for their benefits—then vote for the Gregg resolution and keep us locked on the same path. But if you think our troops do deserve our support and do deserve better, vote for the Murray resolution. If you agree our troops deserve equipment to keep them safe, vote for the Murray resolution. If you agree our troops deserve the training that will help them succeed in their missions, vote for the Murray resolution. If you believe our troops deserve better when they come home, importantly, vote for the Murray resolution. If you believe Congress needs to use its voice and its power to give our country a direction in Iraq, vote for the Murray resolution.

Our troops deserve better than what they have been provided so far. This President sent our troops into battle without the lifesaving armor and equipment they need. This President left our troops on the battlefield without a plan, without a clear mission, and without being honest about the costs—all costs—of the war. This President shortchanged health care and benefits for our returning servicemembers, leaving brave Americans, as we now know, to languish in squalor at Walter Reed and facilities across our country.

Haven't we had enough of that? Didn't Americans send us a clear message last fall that enough is enough? It is time, I believe, for a new direction.

The resolution I have offered recognizes that Congress has a role to play in supporting our troops. We have a voice also to push for a new direction, and we are going to use our power we were elected to use to help the brave men and women who proudly wear the uniform of the U.S. military.

I would say to all of my colleagues today, if you vote against the Murray resolution, you don't really support our troops. Don't vote against our military and don't vote to tie our own hands. Use this opportunity today to tell our troops: We are all here for them and their families; from the time they head off to battle through the rest of their lives, we are there for them. Most of all, I hope the Senate votes to support the Reid resolution so we can change the direction in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I rise to express my strong opposition to the Reid resolution, S.J. Res. 9.

This is a dangerous piece of legislation. It is constitutionally dubious, and it would authorize a scattered band of Senators to literally tie the hands of the Commander in Chief at a moment of decisive importance in the fight against terrorism in Iraq. I would never doubt the patriotism of my colleagues across the aisle, but I have become increasingly troubled over the last few weeks as this debate has taken shape.

When the President prepared a solution to the growing violence in Baghdad, he had good reason to expect the support of at least some of our friends on the other side of the aisle. The democratic whip, Senator DURBIN, said in late December:

> If we need initially some troops in Baghdad to quiet the situation, to make it more peaceful so that our soldiers start coming home, then I would accept it.

That is the assistant Democratic leader not years ago but 3 months ago. Yet as details of the President's proposal to do so became clear, our friends on the other side circled the wagons, and Senator DURBIN got in line. Just 2 weeks—2 weeks—after saying he would support reinforcements as a way of stabilizing Iraq, the Senator from Illinois said:

> The proposed surge in troops is a sad, ominous echo of something we have lived through in this country.

Then later on that day he added:

> I don't believe that a surge is the answer to our challenge in Iraq.

That is 2 weeks after announcing that it might be a good idea. Would our friend from Illinois have felt the same way if one of his Democratic colleagues had proposed the surge? Increasingly, the troubling answer to this question appears to be yes. Indeed, it is increasingly clear that the only principle guiding our colleagues on the other side is this: If the President proposed it, we oppose it. This is a bad principle in good times. It is an outrageous principle in times of war.

Two months after many Democrats said they would support a surge in troops if it meant stabilizing Baghdad, and incredibly 1 month after sending General Petraeus on his mission to do so, Democrats are now calling for the very thing they have consistently opposed: setting a timetable for withdrawal. This is beyond silly. It is a chaotic embarrassment that threatens to shake the confidence of our commanders and of our troops, and to embolden an enemy that predicted and longed for nothing less. Of course, at some point it is not enough to simply say: If the President proposed it, we oppose it. The principle begs for a counterproposal: What would the Democrats propose instead? We all saw the answer: Seventeen different proposals, many of which contradicting the last, and then finally this, a proposal everyone could get behind, a proposal that sets a date certain for America's withdrawal from Iraq.

This resolution is a clear statement of retreat from the support that the Senate recently gave to General Petraeus; as I have said, its passage would be absolutely fatal to our mission in Iraq.

Senator CLINTON put it well. She said:

> I don't believe it's smart to set a date for withdrawal. I don't think you should ever—ever—telegraph your intentions to the enemy so they can await you.

That was Senator CLINTON. Well, "ever" is here, and our friends on the other side of the aisle apparently now think it is a good idea to telegraph our intentions to the enemy. Osama bin Laden and his followers have repeatedly said that the United States does not have the stomach for a long fight. Passage of this resolution will prove Osama bin Laden, regretfully, was right. This is the vote he has been waiting for.

Setting a date certain for withdrawal will please a vocal group of Democratic Presidential primary voters, but it would discourage many others, including many Democrats, who agree that timetables are foolish and dangerous. More importantly, it would discourage our own troops—and this is the most important part about this—who wonder whether we truly support their mission, and it will discourage our allies and the millions of brave Iraqi men and women who have dared to stand with America in this fight.

I will proudly vote against a resolution that sets a timetable that actually announces the date for our withdrawal from Iraq. I will do so for the same reason that many prominent Democrats opposed it up until the day President Bush announced his plan for securing Baghdad 2 months ago.

Republicans have a message for our allies and for our troops, and it is this: We will continue to fight a timetable for withdrawal that has no connection to events or circumstances on the ground. We will give General Petraeus's mission a chance to succeed. We are proud of the work the general has done, and we stand with him until the job is done. We will send this message today when we vote in favor of the Gregg resolution. This resolution pledges us to support the troops and their mission. The Republicans proposed a month ago that we be allowed a vote on this resolution, but we were denied. We are being allowed that vote today, and just as proudly as we will vote against S.J. Res. 9, we will vote in favor of the Gregg resolution.

In one sense, this debate has been academic. Senators will have a chance to show their support for the mission in Iraq when we vote on the supplemental appropriations bill later this month. That is the bill that matters. That is the one that funds the operation in Iraq. But in another sense, this debate was worthwhile because it exposed the principle that appears to guide the opposition: If the President proposed it, we will oppose it. This is no principle at all; it is pure politics. It is unworthy in good times. It is shameful at a time of war.

Meanwhile, the fighting in Iraq continues, and General Petraeus's mission is showing early signs of success. We are told that bomb deaths are down one-third in Baghdad since the new plan took effect last month. Execution-style slayings are down by nearly half. Traffic has returned to the once empty Baghdad streets.

No one is foolish enough to say this will last. This is not a prediction, but it is a sign of hope, the kind of sign that everyone in this country—Democrat and Republican—has been waiting for. We in this Chamber have a choice: We can fan this flame or we can smother it. By voting on a timetable for withdrawal, we are very decidedly doing the latter. Republicans take the hopeful path today.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

Mr. McCONNELL. I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, whatever time I have left I will add to that leader time.

Madam President, on the eve of the fifth anniversary of this protracted war in Iraq, the Senate finally considers important legislation to direct President Bush to change the course of this civil war. S.J. Res. 9, which is a joint resolution to revise U.S. policy in Iraq, is one I offered. The second vote will be on the Murray resolution expressing the sense of the Senate that no action be taken to undermine the safety of the Armed Forces. Finally, S. Con. Res.

20 is the Gregg resolution on funding for American troops in the field. I will discuss at some length at a later time this afternoon the difference between Murray and Gregg. Suffice it to say the Murray resolution takes care of the troops after battle in addition to while they are in Iraq. It takes care of the situation so we don't have another Walter Reed situation. The Gregg resolution does not cover the troops after battle.

As it relates to S.J. Res. 9, Members will have to consider a choice: Will we continue to support President Bush's failed policy that has our troops bogged down in the middle of a civil war while the enemy who attacked us on September 11 grows stronger or will we stand with the American people in demanding a new direction for this war? This new direction maximizes our chances for success in Iraq and in that part of the world, a new direction that recognizes the current policy has pushed our troops and their families to the breaking point, a new direction which sends a signal to the President that this Congress will hold him accountable and no longer will we rubberstamp his failed policies; a new direction that restores U.S. standing in the world and refocuses our resources on our most imminent threats. My hope is we will stand with the American people, because they are standing with this resolution, S.J. Res. 9. We must have a new direction in Iraq.

Monday will be the beginning of the fifth year of this war, the fifth year of this war our troops are now mired in, a war in this faraway country. Five years of war, of the President's approach to Iraq, and it is clear it is not working. The country is in a state of chaos. Iraq is in a state of chaos. There literally is no stability. U.S. troops are policing a civil war, a protracted civil war, not hunting and killing the terrorists who attacked us on 9/11. Five years. Five years of war.

The mission has changed. Saddam is gone. There are no weapons of mass destruction. The original mission no longer exists. Five years of war with 3,200 dead Americans, 25,000 wounded Americans, hundreds of billions of dollars spent, $4 billion a week, a couple of hundred million dollars a day and still no end in sight, according to this President. The American military, the finest in the world, cannot and should not police an Iraqi civil war. General Petraeus's name has been thrown around here as if it is his war. It is not his war. It is President Bush's war. General Petraeus, the commander in Iraq today, recently observed there is no military solution in Iraq. The war must be ultimately won through diplomacy, politically, by forcing Iraq's political factions to resolve their differences.

The key to success in Iraq is not to escalate the conflict by adding tens of thousands of additional troops to march down the same road. Some of these troops have been down the same road as many as four and five times. It is time to find a new way forward and a new way home that gives our troops a strategy to complete the mission and, I repeat, come home.

The Reid resolution will give our troops the best chance to succeed in Iraq and to succeed in the larger war on terror. It will direct the President to change course in Iraq by changing the mission in Iraq. This resolution immediately transitions the mission to training, force protection, targeting counterterrorist operations, and beginning the redeployment of our troops in the next 120 days.

Similar to the bipartisan Iraq Study Group, the goal in my resolution is to remove all combat forces not associated with these missions by the spring of 2008. My resolution also recognizes a comprehensive strategy in Iraq. Phased redeployment shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes Iraq's neighbors and the international community.

S. Res. 107, the Murray alternative to the Gregg resolution, strongly supports our troops but also properly interprets the Constitution by stating that the President and the Congress have shared responsibilities for decisions involving our Armed Forces.

Quoting from the resolution:

> The President and the Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for the training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility, in addition to the President, to take actions to help our troops and veterans. The Murray resolution says that our responsibility to our troops doesn't begin and end when they are deployed. Supporting the troops means giving them the proper training before they are deployed and ensuring they receive the proper medical and other support when they return home.

Madam President, I suggest that voting no on the Murray resolution is voting to condone what has taken place at Walter Reed. The Murray resolution recognizes that the troops must be taken care of not only when they are in battle but when they get out of battle. If there were ever a picture of what is wrong, look at what happened at Walter Reed. The Murray amendment underscores that.

The people voting against the Murray amendment will be voting against changing what took place at Walter Reed.

The Department of Defense said yesterday in a report they issued—the Pentagon issued—that there is a civil war going on in Iraq now, as we speak. The Pentagon, in their report yesterday, said violence is up, not down. Three soldiers a day are being killed. February was the month of more attacks than at any time during this 5-year war.

Al Maliki, when he met with the President face to face, said get the American troops out of Baghdad. He is the leader of Iraq. General Casey, who was a commander at the time the President suggested the surge, said the surge won't work. This is not General Petraeus's war, it is President Bush's war, and we must change course.

In our resolution, there is a 120-day redeployment, and there will be work on counterterrorism, force protection, and training. Yes, they will also do political and economic strategy, and certainly diplomacy. Our goal is the spring of 2008.

It is easy to talk about sending the troops into battle and supporting the troops. I support the troops. I support the troops, but I don't think that we should spill another drop of American blood in Iraq—not another drop of blood.

I spoke to the mother of LCpl Raul Bravo a week ago today. She is the mother of that 21-year-old boy who was killed in Iraq. It was his second tour of duty. She said that "he is the only man in our family"—her and his three sisters. She said that he was an angel. Her son did his best to learn to speak the language of the Iraqis. She said he said prayers with the Iraqis. His blood should not have been left in that faraway place.

The war has gone on too long. We must change direction in Iraq. We have given the President chance after chance. We hear that things are getting better. His own Pentagon says it is a civil war. His own Pentagon says it is getting worse. That is what these resolutions are about today.

The Reid resolution says let's change direction in Iraq. The Murray resolution says support the troops at all times. The Gregg resolution takes Congress out of the equation and doesn't do a thing for the troops when they come home.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that following these votes, the Senate proceed to executive session to consider en bloc the following nominations:

Calendar No. 36, John Preston Baily of West Virginia, to be a district judge.

Calendar No. 37, Otis D. Wright, II, of California, to be a district judge.

Calendar No. 42, Thomas M. Hardiman, of Pennsylvania, to be a circuit court judge for the Third Circuit.

Further, I ask unanimous consent that there be 20 minutes for debate, equally divided, under the control of

Senators LEAHY and SPECTER or their designees on the three nominations; that when the time is used or yielded back, the Senate proceed to vote on the confirmation of each of the nominations in the above order; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I am certainly not going to object, is the majority leader expecting rollcall votes on all three of the judges?

Mr. REID. At the moment, yes, but that can change.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of S.J. Res. 9.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—50

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50. Under the previous order requiring 60 votes for the adoption of this measure, this vote is vitiated, and the measure is returned to its previous status.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. MURRAY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, with the permission of the Republican leader, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

S. RES. 107

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on Senate Resolution 107, and the Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the Senate is about to vote on the Murray resolution. There should be no question that the Members of the Senate support our troops. We all do. In this resolution, we want to make sure we go on record saying we support our troops from the time they go to battle and are sent on their missions to the time they come home.

We make very clear in the Murray resolution that this Senate will go on record saying the support of our troops extends far beyond their mission in the field. It means when they come home and are sent to Walter Reed or one of our other medical facilities, we will support them with what they need. It says we will support their families throughout their lifetime, if that is what it takes, for their service to this country.

I hope this is passed on a strong, loud, bipartisan vote.

I yield the floor.

Mr. INHOFE. Madam President, ironically, I agree with the Senator from Washington, although I disagree with the characterization of this resolution.

First of all, the resolution does essentially the same thing the Gregg resolution does. No. 1, the Gregg resolution uses the language that "Congress should not take any action that will endanger United States military forces in the field." That is exactly the same language that is in the Murray resolution: "Congress should not take any action that will endanger the Armed Forces."

The Gregg resolution talks about article II, section 2, of the Constitution, in terms of the President's constitutional powers, and article I, section 8 of the power of Congress; and the Murray resolution does essentially the same thing, except it doesn't cite it. It merely says Congress and the President should continue to exercise their constitutional responsibilities.

So I am going to vote for the Murray resolution and vote for the Gregg resolution. I don't see any difference in them. I think we are supporting the President, and this is the right thing to do.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the resolution.

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—96

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Corker
Hatch

NOT VOTING—2

Johnson
McCain

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. CON. RES. 20

Mr. REID. Madam President, it is my understanding there is a minute on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, the Gregg amendment has been changed since it was originally filed. It is still imperfect. I still think, at least from my observation, it is not good, especially in light of the fact that the Murray amendment so clearly defines the necessity of taking care of the troops when they come home. But there is no caucus position on this issue. Senators on this side of the aisle should vote however they feel comfortable. I personally am not going to vote for it because I don't feel comfortable. I believe the resolution leaves a lot to be desired. It can be construed many different ways. It is wrong that we do not take into consideration the injured troops when they come home. My caucus can vote any way they feel appropriate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I am just wondering what the parliamentary situation is. Do I have a minute or was the minute on the other side just used?

The PRESIDING OFFICER. The Senator has a minute.

Mr. GREGG. That was a minute on the other side that was used or was that leadership time?

The PRESIDING OFFICER. Forty-five seconds was used.

Mr. GREGG. I think it is important Members understand what this amendment says, so I am going to read it:

> That it is the sense of Congress that Congress shall not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

It is very simple. If you support the troops, you have to support this amendment. In fact, if you supported the Murray amendment, you have to support this amendment unless you changed your mind in the last 30 seconds.

I yield back my time.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—82

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NAYS—16

Akaka
Biden
Bingaman
Byrd
Corker
Dodd
Feingold
Kennedy
Leahy
Menendez
Murray
Reed
Reid
Rockefeller
Sanders
Whitehouse

NOT VOTING—2

Johnson
McCain

The concurrent resolution (S. Con. Res. 20) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

Mr. DODD. Madam President, I wish to take a moment to explain why I felt it necessary to vote against the Gregg resolution on Iraq, S. Con. Res. 20.

The Bush administration and the Republican leadership in Congress have been making every effort until recently to avoid any real debate on Iraq and have, at each and every step of the way, supported the failed stay-the-course strategy by conflating Iraq with the war on terrorism and by propagating a false choice concerning Iraq: according to their logic, you either support the President or you harm the troops.

I firmly reject this false choice, as I rejected the Gregg resolution which was an attempt to validate that false choice.

There is no doubt that I and every other Member in this body will do all in our power to protect our troops while they are serving so bravely in Iraq or wherever else their political leaders decide to send them. That is why there was overwhelming Senate support for the Murray resolution, S. Res. 107, which we voted on prior to the Gregg resolution.

I would remind our colleagues that I have fought as hard as anyone in the Congress to ensure that our troops have the equipment and resources they need in Iraq—on some occasions over the objections of the administration and their congressional allies, I might add.

In 2003, the Army identified $322 million in shortfalls in critical health and safety gear—ranging from body armor, camelback hydration systems, and combat helmets to equipment for deactivating high-explosives—all priorities that the Rumsfeld Pentagon and Bush administration failed to provide for in their initial budgets. I offered an amendment to the emergency appropriations bill to resolve these problems. Unfortunately, the Bush administration opposed this legislation, and the amendment was defeated along party lines with the help of the very same Senators who are now claiming to be supporting our troops.

In 2004, we tried a different approach—requiring the Department of Defense to reimburse military personnel who bought equipment with their own funds for military service in Iraq and Afghanistan that the Rumsfeld Pentagon had failed to provide. This time, despite ardent objections of Secretary Rumsfeld's Pentagon, Congress approved the legislation in October 2004, President Bush signed the bill into law. We approved similar legislation in 2005 to further extend this benefit as troops, their families, and their communities continued to dig into their own pockets to buy needed lifesaving equipment for use on the battlefield.

Last year, the difficulties associated with equipment shortfalls posed a far more serious problem. I offered an amendment to address a $17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further.

That said, still more remains to be done if the men and women on active duty, in the Reserves and National Guard are to be fully equipped and ready to defend our country. We need to make certain that our troops have the resources they need to stay ready to fight wherever and whenever duty calls. Regrettably, the war in Iraq is actually draining these resources and making us less safe. That is why I am going to work to continue restocking our troops' equipment inventories to restore their readiness and assure their protection.

Voting for a resolution expressing support for the troops is not the same as making concrete decisions to actually do so. Making sure they are fully equipped and that the mission they have been sent to do is achievable is a fundamental part of meaningfully supporting the troops. For me and many others in this body, our vote in support of the Reid resolution, S.J. Res 9, was a vote to support our troops by mandating a different direction in the current failed policy in Iraq, namely the phased redeployment of our combat troops from Iraq, and a narrowing of the mission for those who remain.

I will continue to stand up for what I believe is a necessary change in course in Iraq and in American strategy. I will continue to fight to reverse the President's failed policy which has made us less safe, which has created a safe haven for extremists and terrorists in Iraq, and which has undermined the moral and political standing of the United States around the world.

Most important, I will continue to stand up for our brave men and women in uniform. I will continue to fight for increased funding for body armor and other critical needs. I will continue to fight for funding for our military personnel to keep them safe and effective and to ensure they are not forgotten if they come home injured and in need of care.

I will continue to call for meaningful actions in this Congress to redirect funding away from major combat operations, while ensuring that we have the means and tools necessary to continue vital training and equipping of Iraqi security forces, counter terrorism operations, and the diplomatic, political, and economic offensive and strategies that are the key elements to finding a solution to the crisis in Iraq and in the wider region.

I refuse to be cowed or bullied by false choices. It is long overdue that we stand up to unreasonable arguments, conflated logic, attacks against dissent and debate, and most important, failed policies which are making our country less safe, each and every day.

EXECUTIVE SESSION

NOMINATION OF JOHN PRESTON BAILEY TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NOMINATION OF OTIS D. WRIGHT II TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

NOMINATION OF THOMAS M. HARDIMAN TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate will proceed to executive session to consider en bloc the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of John Preston Bailey, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright II, of California, to be U.S. District Judge for the Central District of California; Thomas M. Hardiman, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. There is now 20 minutes equally divided for debate on the nominations.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, is the pending business the nomination of Thomas Hardiman to the Court of Appeals for the Third Circuit?

The PRESIDING OFFICER. That is one of the nominations that is pending.

Mr. SPECTER. Mr. President, I urge my colleagues to support Thomas Michael Hardiman for the Court of Appeals for the Third Circuit. He has served on the U.S. District Court for the Western District of Pennsylvania. He has an outstanding academic record. He has a law degree from Georgetown, bachelor's degree from the University of Notre Dame. He started his practice of law in 1990. He has an outstanding record both academically and professionally.

Senator Santorum and I know him personally and can vouch for him. I urge my colleagues to confirm him for the Third Circuit.

I ask unanimous consent that my full statements on the nominees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF THOMAS MICHAEL HARDIMAN TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Mr. President, I seek recognition today to urge my colleagues to confirm Thomas Michael Hardiman to the Third Circuit Court of Appeals. Judge Hardiman was nominated during the last Congress, and a hearing was held on November 14, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress. President Bush re-nominated Judge Hardiman on January 9, 2007 and his nomination was reported out of Committee favorably on March 8, 2007.

Judge Hardiman has an impressive resume and strong bipartisan support in the Commonwealth of Pennsylvania. He received his B.A. from the University of Notre Dame in 1987 and his J.D. from Georgetown University Law Center in 1990. He served on the Georgetown Law Journal as an Associate Editor and as a Note and Comment Editor.

After law school, Judge Hardiman joined the Washington, DC, office of Skadden, Arps, Slate, Meagher, & Flom as an associate in their litigation group. In 1992, Judge Hardiman moved to Pittsburgh and joined the litigation group of Cindrich & Titus, which later became Titus & McConomy. In 1996, he was elected partner. In 1999, Judge Hardiman joined the law firm of Reed Smith, also in Pittsburgh, as a partner.

In 2003, Judge Hardiman was nominated to be a U.S. District Judge for the Western District of Pennsylvania. On October 22 of that year, the Senate confirmed him to that position by voice vote. Throughout his legal career, he has taken time to give back to the people of Pennsylvania, most notably through his active involvement in Big Brothers and Big Sisters of Greater Pittsburgh, of which he is a past president.

The American Bar Association unanimously rated Judge Hardiman "well qualified." The vacancy to which Judge Hardiman is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

Lawyers and judges who know Judge Hardiman best believe he is the right choice to succeed for Judge Richard L. Nygaard. Timothy Lewis, a Pittsburgh native and former Third Circuit judge, recently praised this nomination. Judge Lewis, who considers himself pro-choice and a civil rights activist, emphasized the consensus nature of this nomination: He said "[t]his is the perfect opportunity—gift wrapped, signed, sealed and delivered—for both [parties] to work together." He reiterated his belief that "[t]here is absolutely no way anyone is going to find a more moderate candidate who is completely noncontroversial" and that Judge Hardiman "is the quintessential perfect judicial nomination for the 3rd Circuit."

I urge all my colleagues to join me and Senator Casey in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF OTIS D. WRIGHT, II TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Mr. President, I seek recognition today to support the nomination of Judge Otis D. Wright, II of California to be a district court judge in the United States District Court for the Central District of California.

Judge Wright was nominated to the District Court for the Central District of California during the last Congress; however, the Senate did not act on his nomination prior to adjournment of the 109th Congress.

President Bush re-nominated Judge Wright on January 9, 2007. A hearing was held on his nomination on February 6 and the Judiciary Committee favorably reported him to the floor on March 1.

Judge Wright has dedicated much of his life to public service. He is a veteran of the Marine Corps and served for eleven years in the Los Angeles County Sheriff's Department. He also has considerable experience as a prosecutor.

Judge Wright received his B.S. from California State University of Los Angeles in 1976 and his J.D. from Southwestern School of Law in 1980.

Prior to receiving his B.S., he served as a sergeant in the U.S. Marine Corps from 1963–1969. From 1969 to 1980, including his time in law school, Judge Wright served as a deputy sheriff in Los Angeles.

After law school, Judge Wright took a position as Deputy Attorney General in the Criminal Appeals Section of the California Department of Justice. During his three years in the office, he handled approximately 200 appeals before the Court of Appeals and the California Supreme Court.

In 1983, Judge Wright joined the Los Angeles office of Wilson, Elser, Moskowitz, Edelman and Dicker LLP.

As a partner in the firm, he handled all aspects of insurance law including, drafting of policies and reinsurance treaties, providing coverage options, auditing insurance company claims departments, defending insurance companies in direct actions by insureds for bad-faith, and defending insureds on a wide variety of matters.

On October 28, 2005, Governor Arnold Schwarzenegger appointed Judge Wright to the California Superior Court for the County of Los Angeles. Judge Wright is assigned to the Substance Abuse Court where he handles driving under the influence (DUI) arraignments, pre-trial, motions, and sentencing. He also monitors three drug diversion programs for felony drug possession offenders, including probation violation sentencing hearings.

The American Bar Association has unanimously rated Judge Wright "qualified."

The vacancy to which Judge Wright is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. The people of California will be grateful to see this vacancy filled so that litigants do not suffer from unnecessary delays.

I urge my colleagues to join me in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF JOHN PRESTON BAILEY TO BE A UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Mr. President, I seek recognition today to support the nomination of John Preston Bailey to the United States District Court for the Northern District of West Virginia.

Mr. Bailey was nominated during the last Congress, but a hearing was not held on his nomination in the Judiciary Committee prior to the adjournment of the 109th Congress.

President Bush re-nominated Mr. Bailey in the 110th Congress on January 9, 2007. A hearing was held on the nomination on February 6, 2007 and it was unanimously reported out of the Judiciary Committee on March 1, 2007.

Mr. Bailey is a highly regarded attorney in his home state of West Virginia where his qualifications are well known. He received his Bachelor of Arts degree from Dartmouth College in 1973 and received his Juris Doctorate degree from the West Virginia University College of Law in 1976.

Upon graduating from law school, he clerked for two years in the chambers of Judge Charles H. Haden, II, on the U.S. District Court for the Southern District of West Virginia.

Following his clerkship, Mr. Bailey returned home to Wheeling, West Virginia, to join the law firm Bailey, Riley, Buch & Harman, where he remains today.

Mr. Bailey has had an impressive career as a general practitioner. He has handled a diverse civil caseload ranging from personal injury and mass toxic tort defense to complex construction litigation and bankruptcy matters.

In addition to his civil docket, he has served as the Ohio and Marshal County Assistant Prosecutor. In that capacity he has handled the full spectrum of criminal matters.

The American Bar Association has rated unanimously Mr. Bailey "Qualified."

The vacancy to which Mr. Bailey is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts, underscoring how pressing it is that we act to fill the vacancy.

I urge my colleagues to join me in supporting this fine nominee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Pennsylvania said we are considering the nomination of Thomas Hardiman to a seat on the U.S. Court of Appeals for the Third Circuit that has been designated a judicial emergency by the Administrative Office of the U.S. Courts.

In 2003, the Senate confirmed Judge Hardiman to the District Court for the Western District of Pennsylvania at the age of 37. Four years later, and now 41 years old, Judge Hardiman is before the Senate for confirmation to lifetime tenure on the United States Court of Appeals for the Third Circuit. Out of deference to the home state Senators, Senator SPECTER and Senator CASEY, I support this nomination.

I only wish President Clinton's nominees, many of whom had a long record of accomplishment, had received the treatment we are according this nominee. Instead, highly qualified nominees, such as Elena Kagan, now Dean of the Harvard Law School, and Allen Snyder, who served as a clerk to Justice Rehnquist and was an experienced and respected litigator, were left without consideration for years. No questions were raised about their qualifications, as there have been for so many of President Bush's nominations. The fact is that during President Clinton's last two years, Senate Republicans refused to consider more than half of his appellate court nominees. They were just blocked, pocket filibustered with impunity.

Last Congress, we wasted enormous time and energy with controversial nominees. Now, a Democratic Congress has taken a better path and the high road.

Judge Hardiman has been nominated to a seat on the Third Circuit after serving as a Federal district court judge for four years. Before arriving on the bench, Judge Hardiman was a lawyer in private practice, where he worked for 13 years. In 1990, Judge Hardiman began his legal career as an Associate at the law firm of Skadden, Arps, Slate, Meagher & Flom in Washington, DC. From 1992 to 2003, he engaged in the private practice of law in Pittsburgh, PA, first as a partner at the law firm of Titus & Cindrich—now Titus & McConomy, LLP—and later as a partner at Reed Smith, where he specialized in real estate, contracts, securities, and constitutional law.

Judge Hardiman graduated from the University of Notre Dame in 1987, and received his law degree from my alma mater the Georgetown University Law Center, in 1990, where he served on the Georgetown Law Journal as a Notes and Comments Editor.

I thank both home State Senators for their support of this nominee. I know Senator SPECTER, who has been a strong advocate for Judge Hardiman on the Committee, will welcome his confirmation. I also thank Senator CASEY for his support, and for considering and approving this nominee so quickly after taking office.

With this confirmation, the Senate continues to make significant progress in this Congress on nominations for lifetime appointments to the Federal bench. We continue to put the lie to the alarmist rhetoric of some on the other side of the aisle by proceeding promptly and efficiently.

This session of Congress, the Senate has already confirmed 10 judicial nominations, including the nomination of Norman Randy Smith to the Court of Appeals for the Ninth Circuit. And now the Senate stands poised to confirm a Second Circuit court nomination and will likely have confirmed 13 judges by the end of the day.

The treatment of President Bush's judicial nominees in a Democratic Congress stands in stark contrast to the fate of many of President Clinton's nominees, who were blocked and delayed by the Republican majority. In the 1996 session, a Republican-controlled Senate confirmed only 17 of President Clinton's nominees—this year, we have already reported 15 nominees out of committee in just 3 months. In 1996, not a single judge was confirmed to the circuit courts—not one. This nomination is already the second confirmed this year. In all, more than 60 of President Clinton's judicial nominees were defeated in Senate committees through pocket filibusters and practices that Republicans then abandoned as soon as there was a Republican in the White House.

Regrettably, the Administrative Office of the U.S. Courts lists 50 judicial vacancies, yet the President has sent us only 20 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 22 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means more than two-thirds of the judicial emergency vacancies are without a nominee.

I would rather see us work together in the selection of nominees so that we can confirm judges rather than spend time fighting about them.

I congratulate Judge Hardiman, and his family, on his confirmation today.

NOMINATIONS OF JOHN PRESTON BAILEY AND OTIS D. WRIGHT

Mr. President, now the Senate will consider and, I believe, confirm the nominations of John Preston Bailey for the Northern District of West Virginia and Otis D. Wright II for the Central District of California.

With these two confirmations, both to fill judicial emergency vacancies, the Senate will have confirmed 13 lifetime appointments to the Federal bench so far this year. There were only 17 in the entire 1996 session. I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts.

The Administrative Office of the U.S. Courts lists 48 remaining judicial vacancies, yet the President sent us only 18 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means four-fifths of the judicial emergency vacancies are without a nominee.

Each of the nominations before us today has the support of their home State Senators. And I thank Senators BYRD, ROCKEFELLER, FEINSTEIN, and BOXER for their support of these nominations.

John Preston Bailey has been nominated to the Northern District of West Virginia, a seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. Mr. Bailey is a graduate of Dartmouth College, and he obtained his law degree from West Virginia University where he graduated with honors as a member of the Order of the Coif and the West Virginia Law Review. After law school, Mr. Bailey served as a law clerk to Judge Charles H. Haden II, a U.S. District Judge of the Northern and Southern Districts of West Virginia.

In his legal career, Mr. Bailey has worked as an assistant prosecuting attorney for Ohio County, WV, and special assistant prosecuting attorney for Marshall County, WV. He currently is a partner at the Wheeling, WV, law firm of Bailey, Riley, Buch and Harman, L.C., where he has worked since 1978.

Judge Otis D. Wright II has been nominated to the Central District of California, another seat designated a judicial emergency. Judge Wright is a judge on the Superior Court of California, a court with one of the largest caseloads in the country. Before coming to the bench, Judge Wright worked for 22 years as a civil litigator at the Los Angeles law firm of Wilson, Elser, Moskowitz, Edelman and Dicker LLP, and 3 years as a deputy attorney general for the California Department of Justice. He graduated from California State University and received his law degree from Southwestern School of Law.

Judge Wright's story has been a march toward the American dream. As an African American born in Tuskegee, AL, Judge Wright rose above the travails and barriers posed by a Jim Crow segregated society to serve his country as a U.S. marine, a deputy sheriff in the Los Angeles County Sheriff's Department, a State government attorney, a partner at a Los Angeles law firm, and a judge on the State bench. Today this great American story includes confirmation to a lifetime appointment on the Federal bench.

I am pleased one of the two nominations before us is an African American. I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Racial diversity remains a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially. Judicial decisions should reflect insight and experiences as varied as America's citizenry. A more representative judiciary helps cultivate public confidence in the judiciary which strengthens the independence of our Federal courts.

A more representative judiciary also strengthens the fabric of our democracy. As we were reminded earlier this year, while honoring the life of Dr. Martin Luther King, Jr., the promise of our democracy lies in building a Nation more inclusive of all Americans.

The nomination before us today represents an important step toward achieving that promise. I am pleased that, if confirmed, Judge Wright would become the 90th African-American judge currently on the Federal bench.

But there is still much work to be done. In 6 years, President Bush has nominated only 18 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. He has yet to appoint an African-American judge from Mississippi even though that State has the highest percentage of African-American residents of any State.

Our Nation has highly qualified individuals of diverse heritages who would help to unify our Nation while adding to the diversity of our courts. I hope the President will send us more consensus nominees that reflect the rich diversity of our Nation.

I congratulate the nominees, and their families, on their confirmations today.

NOMINATION OF OTIS D. WRIGHT

Mrs. FEINSTEIN. Mr. President, it is my pleasure to support Judge Otis Wright, a distinguished nominee to the U.S. District Court for the Central District of California.

Judge Wright is nominated to a seat that has been designated as a judicial emergency. The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation.

When this Congress began, there were five vacancies on this court more than twice as many as in any other judicial district in the country.

I am pleased that the Senate has already confirmed two new judges for the Central District this year, and I thank Chairman LEAHY for moving the California judicial nominees quickly.

Judge Wright is a graduate of California State University at Los Angeles and of the Southwestern School of Law.

After graduating from law school, Judge Wright was a deputy attorney general in the California Department of Justice for 3 years. During that time he specialized in criminal appeals.

He went on to join the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, where he became a partner during a career that spanned more than 20 years. He practiced civil litigation in many areas, with a particular focus on insurance coverage litigation.

While in private practice, Judge Wright was a volunteer attorney with the HIV AIDS Legal Services Alliance. His work on behalf of those with HIV and AIDS included housing and employment discrimination cases, as well as preparing wills for the terminally ill.

Judge Wright's public service has not been limited to his legal career: he was a deputy sheriff in the Los Angeles County Sheriff's Department while attending college and law school, and before that he served in the U.S. Marine Corps and the Marine Corps Reserves.

He is one of only 16 African Americans who have been nominated to be federal judges in the 6 years that President Bush has been in office. During the first 6 years of the Clinton presidency, by contrast, 53 African Americans were nominated. Judge Wright will be a welcome addition to the bench.

In California we have developed a bipartisan process known as the Parsky Commission for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to say that Judge Wright was recommended by the Parsky Commission. This gives me confidence that he comes to the bench without an ideological agenda and prepared to serve all the people of California.

I urge my colleagues to vote in favor of Judge Wright's nomination.

NOMINATION OF JOHN PRESTON BAILEY

Mr. BYRD. Mr. President, I am pleased to speak today in support of an esteemed colleague, a fine West Virginia lawyer named Mr. John Preston Bailey. Mr. Bailey hails from the beautiful city of Wheeling, WV. John Bailey has been nominated by the President for a seat on the Federal bench in the Northern District of West Virginia.

Mr. Bailey is a splendid choice for this judgeship. He is senior partner at the firm of Bailey, Riley, Buch and Harman. Not only is Mr. Bailey well-versed in administrative law, he is also a successful litigator, competent in both civil and criminal litigation.

John Bailey graduated from West Virginia University's College of Law in 1976, where he was a member of the West Virginia Law Review. He was admitted to the State Bar of West Virginia that same year and clerked for 2 years thereafter with the Honorable Charles H. Haden II, who, at that time, was the U.S. district judge for both the Northern and Southern Districts of West Virginia.

Mr. Bailey is extremely well qualified to be confirmed as a Federal judge. He worked as an assistant prosecuting attorney in the mid-1980s, and he served as chairman of the Workers' Compensation Appeals Board in West Virginia from 1985 to 1991. He sat on the executive council of the West Virginia Bar Association for 6 years and was elected to be president of that association in 1992. He was thereafter elected and served as president of the West Virginia State Bar from 2003 to 2004. Before that, he served as vice president of the state bar and as a member of the bar's Board of Governors.

More recently—in fact, just last year—he was also bestowed the honor of "Fellow" by the West Virginia Bar Foundation. In bestowing that honor upon Mr. Bailey, Tom Tinder, the executive director of the West Virginia Bar Foundation, stated that Mr. Bailey is a "true leader" of his community. John Preston Bailey has been a member of the Order of the Coif, the Order of the Barristers, a member of the Moot Court Board, the Ohio County Bar Association, the West Virginia Trial Lawyer Association, and a member of the National Association of Criminal Defense Attorneys.

I can attest to the fact that Mr. Bailey comes highly recommended by West Virginians of varying legal viewpoints. He is a smart, independent thinker. He is hard working. He has had over 30 years of experience as a licensed attorney. As a result, he recognizes the solemn responsibility with which a Federal judge is charged. He must interpret—impartially, and with proper contemplation of, and respect for, the three, separate branches of our Government—provisions that have been approved by the Congress and signed into law the President.

Mr. Bailey has an excellent reputation and a keen intellect. Based on my understanding of Mr. Bailey's character and impressive credentials, I believe that he will make a fine Federal judge. For all of the reasons that I have mentioned, I am pleased to urge my colleagues to support his nomination to be a U.S. district court judge for the Northern District of West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the majority leader for moving expeditiously to move the confirmation for John Preston Bailey to be a judge on the U.S. District Court for the Northern District of West Virginia. I thank Judiciary Committee Chairman LEAHY and Ranking Member SPECTER for reporting this nomination to the full Senate, and I commend Mr. Bailey to my colleagues as exactly the type of nominee we should all support for seats on the Federal bench.

John Bailey did something somewhat unusual after he earned his degree from Dartmouth College. He came back. He defied a longstanding trend of our best and brightest young men and women leaving to seek their fortunes and not returning. He went on to earn his law degree from the School of Law at West Virginia University and then served as a law clerk for the Honorable Charles Haden II. Judge Haden was a Republican and a Ford appointee but was also a good friend to this Senator. He was a fair and decent man widely respected for his intellect and his diligent efforts to arrive at the correct outcome. I can only hope that John Bailey chooses to emulate his former mentor, Judge Haden. Knowing what I know of John Bailey, he will, and West Virginians will benefit.

Lawyers in West Virginia have a great deal of respect for John Bailey. He has served the West Virginia legal community as president of the West Virginia State Bar and the West Virginia Bar Association and was a member of the Board of Governors of the West Virginia Trial Lawyers Association. Some West Virginia lawyers and judges I have known for many decades believe John Bailey will be a very capable judge because he is a great lawyer. He takes the facts as he finds them and does not come to the table with preconceived notions as to what the outcome should be. Those traits, along with a first-rate intellect and solid educational and work credentials, make up the formula for the kind of judicial nominee we all hope to see come to the Senate from Presidents of both parties.

I yield back the remainder of my time and ask for the yeas and nays on the Hardiman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, a very brief supplemental comment: Judge Hardiman has been on this bench since 2003. He received a unanimous "well qualified" rating from the American Bar Association.

I ask unanimous consent that the following information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOMAS MICHAEL HARDIMAN—UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth: July 8, 1965, Winchester, Massachusetts.

Legal Residence: Pennsylvania.

Education: B.A., University of Notre Dame, 1987, Notre Dame Scholar; J.D., Georgetown University Law Center, 1990, Associate Editor and Notes & Comment Editor, Georgetown Law Journal.

Employment: Associate, Skadden, Arps, Slate, Meagher & Flom LLP, 1990–1992; Associate, Titus & McConomy LLP, 1992-1996, Partner, 1996–1999; Partner, Reed Smith LLP, 1999–2003; Judge, United States District Court for the Western District of Pennsylvania, 2003–Present.

Selected Activities: Delegate, American Bar Association House of Delegates, 1996–1998; Fellow, Academy of Trial Lawyers of Allegheny County; Member, Pennsylvania Bar Association, Member Professionalism Committee, 1999-2003; Member, American Inns of Court, University of Pittsburgh Chapter; Volunteer, Big Brothers Big Sisters of Greater Pittsburgh, Inc., Director, 1995–Present, Past-President, 1999–2000; Member, Federalist Society; Treasurer, Republican Committee of Allegheny County, 2000–2003

Mr. LEAHY. We yield back all of our time.

Mr. SPECTER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Hardiman, of Pennsylvania, to be U.S. circuit judge for the Third Circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 78 Ex.]

YEAS—95

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Allard
Cochran
Durbin
Johnson
McCain

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN PRESTON BAILEY

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia?

The nomination was confirmed.

VOTE ON NOMINATION OF OTIS D. WRIGHT II

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otis D. Wright II, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 896 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MURKOWSKI. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY-BASED METH TREATMENT ACCESS ACT

Mr. DURBIN. Mr. President, substance abuse continues to claim victims, destroy families, and eat away at communities. Today, many communities in Illinois and across the country are struggling with the methamphetamine epidemic. Drug treatment centers in Illinois report an explosion in the number of people entering treatment for meth addiction. Public drug treatment providers have seen a 73 percent increase in meth treatment admissions in the last decade. Meth is having a particularly dire effect on families, tearing them apart and overwhelming our child welfare network. In 2004, more than half of the children entering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Meth use among adult women has very real and tragic implications for child safety, foster care, and family breakups.

It is the stories of these mothers that paint the real picture of the disease of addiction. Last week, I met an amazing woman and mother whose story clearly represents the need for family-based treatment services. Imani has been in recovery from drug addiction for over 5 years. Before that, she was in and out of treatment programs, making six consecutive attempts to break the addiction. She fought to find a treatment program that would meet her needs as a mother of three young children. While she was using and bouncing between failed attempts, she became pregnant with a fourth child. With four children and dwindling hope, she made one more stab at sobriety.

Imani found an addiction and treatment center that offered a family-based approach to treatment services. Five years later, Imani is sober, living happily with her children, including her fourth child who is now a healthy young boy and is currently on his school's honor roll. Today, she advocates on behalf of other recovering mothers and the importance of family-based treatment services.

As we identify new methods to combat the disease of addiction, we must consider the specific needs of families. When mothers seek out treatment to heal from their addiction, they face a difficult battle. The world of substance abuse treatment is not designed with the needs of families in mind, and though the general programs may be successful for single men and women, families struggling with substance abuse issues find few opportunities to find treatment and recovery.

Family-based treatment centers combine substance abuse recovery with mental health counseling, medical treatment, parenting, education, and legal services. These programs provide essential assistance to the entire family, rather than just the parent, and have proven to be extremely effective. Studies consistently show that family-based treatment increases long-term sobriety, educational enrollment, and gainful employment, along with decreased criminal activity and child development delays. Addressing the meth crisis through a comprehensive family-treatment approach provides a cost-effective alternative to incarceration and foster care and yields consistently positive outcomes in child well-being, family stability, and lower recidivism rates. A Substance Abuse and Mental Health Services Administration, SAMHSA, evaluation of family-based treatment programs in 2003 revealed that 60 percent of the mothers remained sober 6 months after discharge.

Family-based treatment acknowledges the important connection between a mother and her child. Many women cannot successfully go through substance abuse and mental health counseling if their children are excluded. More importantly, no woman should ever be forced to make that choice.

This is why I am proud that yesterday, Senator COLEMAN and I joined to introduce the Family-Based Meth Treatment Access Act of 2007. This bill will expand, intensify, and coordinate efforts to provide comprehensive, family-based substance abuse treatment for methamphetamine addiction. Our bill will provide additional funding for the Center for Substance Abuse Treatment to award grants to programs that provide comprehensive, family-based substance abuse treatment for pregnant and parenting women. Throughout our entire Nation, there are only about 80 known family-based treatment centers. Two, the Women's Treatment Center and the program at Haymarket Center are in the State of Illinois. These grants will strengthen the work of these centers and provide opportunities for other centers to extend their services to additional mothers and their children.

The Family-Based Meth Treatment Access Act also gives priority to programs serving rural and mental health professional shortage areas affected by high rates of meth addiction. The State of Illinois knows far too well the impact that the meth epidemic has had on our communities, especially those in rural areas. We need to strengthen services where the epidemic has made the biggest impact on the health of women and their children and where family-based treatment services are not readily available.

Finally, the bill provides assistance to organizations that help nonviolent offenders overcome their drug addiction. Many organizations provide comprehensive, family-based substance abuse treatment services to nonviolent offenders as an alternative to incarceration. These services are a successful model for the road to recovery and give families hope for the future. They are cost-effective and they yield consistently positive outcomes.

Family-based treatment services are a proven method for recovery for women with children, and we should make these programs available everywhere. Imani is just one example of the success of family-based treatment. I invite my colleagues in the Senate to support the Family-Based Meth Treatment Access Act and to make this successful reality possible for other recovering mothers and their children.

NATIONAL AWARD FOR PASSING MOST LOCAL SMOKEFREE LAWS

Mr. DURBIN. Mr. President, I rise to commend the great State of Illinois for receiving the National Award for Passing Most Local Smokefree Laws in 2006. This honor was awarded to Illinois by the national organization Americans for Nonsmokers Rights.

Last year, a recordbreaking 36 Illinois cities and counties enacted smokefree laws, more than any other State in the Nation. In doing so, Illinois has taken a firm stance against the devastating consequences that smoking has on our communities.

The 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that smoking rooms and ventilation systems cannot protect people from secondhand smoke. The report reaffirmed previous health findings that secondhand smoke causes heart disease, cancer, respiratory problems, and even death.

I am honored to acknowledge the tireless efforts of public health advocates and State legislators who helped make it possible. Before 2005, Illinois communities were preempted from passing local laws. Now, the local community has the right to deal with this important issue and help improve the health of millions of Illinoisans. The following communities have enacted smokefree laws in the State: Arlington Heights, Barrington, Bedford Park, Bloomington, Buffalo Grove, Burr Ridge, Champaign, Chicago, Cook County, Deerfield, DeKalb, Elk Grove Village, Evanston, Hawthorn Woods, Highland Park, Hinsdale, Hoffman Estates, Lake Forest, Libertyville, Lincolnshire, Lindenhurst, Long Grove, McLean County, Mt. Prospect, Normal, Northbrook, Oak Forest, Oak Park, Orland Park, Palatine, Park Ridge, Rolling Meadows, Sangamon County, Schaumburg, Skokie, Springfield, Tinley Park, Urbana, Vernon Hills, Wheaton, and Wilmette.

Again, I extend my deepest congratulations to the citizens of Illinois, who now can breathe a little easier.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to discuss the importance of the need to reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This act expired September 30, 2006, and now over 700 counties and 4,400 school districts in 39 States are in financial limbo.

In simple terms, this means that 8 million kids in rural America are going to be impacted by Congress's inaction.

This is simply unacceptable.

I have been joined by several of my colleagues in introducing, S. 779, a simple one year reauthorization. This measure would provide some certainty to the impacted counties and schools while Congress works to address the larger issue of a multiyear reauthorization.

It is clear to me that the safety net payments need to continue, but in a manner that encourages and focuses on building collaboration—one of the cornerstones of this act.

For my colleagues who are unfamiliar with this issue, let me quickly review how the Congress got to this point.

In 1992, Congress provided some counties in the Pacific Northwest with a temporary financial "safety net" to help them transition from the timber boom years of the 1980s.

The safety net was scheduled to gradually phase out over a 10-year period, but demands for a more inclusive program resulted in its early termination and the enactment of another temporary program, the Secure Rural Schools and Community Self-Determination Act of 2000.

This act was designed to allow counties an opportunity to transition back to the traditional revenue sharing programs.

The temporary safety net was originally recommended to Congress by the National Forest County Schools Coalition.

One of the Coalition's principles States that special payments to States under this legislation will provide a short-term safety net with a specific termination date.

The county payments program dramatically broadened the geographical and substantive scope of the original safety net payment.

The large majority of the funds still were focused on the Pacific Northwest, but the new national program permitted most States and counties across the country to participate and benefit from it thus, providing a measure of financial certainty to all counties that rely on revenues from Federal forest lands.

The act has been an enormous success, not just achieving but surpassing the goals of Congress.

This act has restored programs for students in rural areas and prevented the closure of numerous isolated schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to those enjoyed by suburban and urban students.

Next, the act has allowed rural county road districts to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced, and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs, have been formed.

Nationally, these 15-person diverse RAC stakeholder committees have studied and approved more than 2,500 projects on Federal forestlands and adjacent public and private lands.

These projects have addressed a wide variety of improvements drastically needed on our public lands. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

RACs are a new and powerful partnership between county governments and the land management agencies.

They are rapidly building the capacity for collaborative public land management decision making in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

In the future, I feel the RACs will be providing the leadership to build consensus for projects that will keep our forests healthy and as a result generate revenue for future projects, counties, and schools.

The achievements of this act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our public lands.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost.

Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children.

Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Congress needs to act now in order to ensure a future for rural schools and counties.

ZIMBABWE

Mr. OBAMA. Mr. President, the events of the last few days in Zimbabwe are outrageous and warrant universal condemnation. It is time for the government of Robert Mugabe to cease its repressive and divisive actions and to allow Zimbabweans to pursue their hopes for legitimate political change and opportunity.

Since Sunday, the world has watched with horror and outrage as the Mugabe government has cracked down on legitimate opposition, detained 50 Zimbabweans attending a peaceful prayer meeting outside of Harare, and brutalized opposition leaders and ordinary citizens alike.

A protestor was shot and killed. Morgan Tsvangirai, the leader of the Movement for Democratic Change, has been badly beaten and suffered severe head injuries. Lovemore Madhuku, the leader of the National Constitutional Assembly, reportedly has a broken arm and numerous other wounds. Many of their colleagues in opposition remain in Harare hospitals.

The Government has responded to the outrage prompted by these attacks on human rights and legitimate expression with characteristic bluster. Once again, we are told that the opposition is to blame. Once again, we hear ominous warnings that the opposition is "set to pay a very heavy price, regardless of who they are." Meanwhile, the true cause of the strife—President Mugabe's disastrous rule—remains unaddressed. To the dismay even of his own party, he has declared his intention to run for a new term in office in 2008.

These events are shocking, but sadly they do not come as a surprise. For years, it has been increasingly apparent that the Mugabe government is interested only in its own survival and enrichment, not the welfare of the people of Zimbabwe. International observers—including the United States—concluded that the Presidential election of 2002 and the parliamentary elections of 2005 were not free and fair.

The State Department reported just last week in its country report on human rights in Zimbabwe that: "The government engaged in the pervasive and systematic abuse of human rights. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government."

Meanwhile, the Government's corruption and mismanagement has brought the Zimbabwean economy to the brink of ruin. Estimates place inflation at a world high of 1,700 percent, and the IMF forecasts that this could pass 4,000 percent by the end of the year. Unemployment stands at 80 percent. Poverty rates are soaring. Zimbabwe's economy is shrinking faster than any other country in the world that is not at war.

I am heartened, though, that this political and economic deterioration has been met with growing calls for change.

Within Zimbabwe, the opposition to Mugabe is showing resilience and courage. Factions of Mugabe's own party have indicated that they want a transition in 2008, and ordinary citizens are increasingly voicing their hopes for a new chapter.

Beyond Zimbabwe, frustration with the Mugabe government is mounting. The head of the African Union has expressed his embarrassment at the situation in Zimbabwe. South Africa and the Southern African Development Community, which have been slow to criticize Zimbabwe in the past, seem to be losing patience. The United States, European Union, and the United Nations were swift in condemning this latest outrage and have been consistent in their calls for change.

The United States must continue to stand strongly against the Mugabe government's abuses of power in Zimbabwe. We must join with our European allies, the United Nations, and—most importantly—the countries and institutions of the region to press for positive change in Zimbabwe. That means a peaceful democratic transition in 2008 and support for economic growth and opportunity—including the lifting of sanctions—once the dark cloud of Mugabe's rule is lifted and Zimbabweans are able again to reach for the new horizon they deserve.

call on President Mugabe to immediately release all political detainees and repeal the ban on political rallies, to end the use of violence and torture in the jails, permit a free media and abide by the rule of law. His government must also urgently address the humanitarian crisis that has put the mass of his population in dire need of assistance.

Zimbabwe is a nation rich in history and rich in resources. Its talented people have known great hardship just as they have achieved great heights. When Robert Mugabe became President over a quarter century ago, there was great hope. Zimbabwe had emerged from British rule, claiming its freedom and its future for itself.

Sadly, the freedom and opportunity for which Zimbabweans fought have been eclipsed in the last decade by repression and uncertainty. Instead of peaceful self-determination, we see Zimbabweans intimidated and beaten in the streets. Instead of the responsible management of Zimbabwe's state institutions, we see state-sanctioned corruption, violence, and property seizures. Instead of economic self-sufficiency, we see what was once one of Africa's most promising economies in a free-fall.

Yet I am confident that the people of Zimbabwe will once again claim for themselves a better future. As they seek to hold their leaders accountable, as they try to rebuild their lives and their country, they must know that they have a strong and steady friend in the United States. The events of the last few days—and the Mugabe regime—must belong to the past, and the United States must work with the international community to help all Zimbabweans forge a better future.

ADDITIONAL STATEMENTS

RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC.

● Mr. AKAKA. Mr. President, I offer my congratulations to Maui Economic Opportunity, Inc. for 42 years of outstanding community service. A private, non-profit organization dedicated to helping individuals and families in need, MEO was chartered as a community action agency on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964.

For more than four decades, MEO has served the people of Maui, Moloka'i and Lāna'i through a number of poverty fighting initiatives. By providing employment training and placement, business education for low income entrepreneurs, and micro-enterprise loans, MEO has helped countless citizens get back on the path to financial independence.

Moreover, MEO has helped citizens lead fuller, richer lives by providing housekeeping for seniors, allowing them to remain in their homes, and providing specialized transportation for seniors, persons with disabilities and children to doctor's offices, grocery stores, and schools. In addition, they have helped former inmates reintegrate and become productive members of the community.

The hard work and dedication of Maui Economic Opportunity's staff and volunteers have earned national recognition by receiving the prestigious Excellence in Community Action award from the Community Action Partnership. To this I would like to add my sincere appreciation for the tireless efforts of these men and women for their continued advocacy on behalf of those in need of a helping hand.●

RETIREMENT OF DR. STEPHEN JOEL TRACHTENBERG

● Mr. INOUYE. Mr. President, I want to pay tribute to an exceptional man who is retiring in July, after 19 years of impeccable service to the George Washington University, GW.

Stephen Joel Trachtenberg, 68, became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, President Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, the juris doctor from Yale University in 1962, and the master of public administration degree from Harvard University in 1966. In 1968, he was selected as a Winston Churchill Traveling Fellow for study in Oxford, England.

He came to GW from the University of Hartford, Connecticut, where he had been president for 11 years. Before assuming the presidency of Hartford, President Trachtenberg served for 8 years at Boston University as vice president for academic services and academic dean of the college of liberal arts. Earlier, in Washington, DC, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He has been an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

Just a few of the highlights in his career include the following: President Trachtenberg was named one of the top 100 leaders in the American Academy in a 1978 Change magazine poll. He received a 1987 Human Relations Award from the National Conference of Christians and Jews. In 1988, the Connecticut Bar Association honored him with its Distinguished Public Service Award, and he was recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992, he received the Hannah G. Solomon Award from the National Council of Jewish Women. In 1993, the Washington, DC, Urban League named him "Father of the Year." And in 1992 and 2007, he received the Martin Luther King, Jr. Awards.

President Trachtenberg has served the GW community as a drum major for change and has lead by example a commitment to public, civic, and personal service. Throughout the years, he has worked tirelessly in honoring and enhancing the symbiotic relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for reinvention, change, and civic engagement. He has worked successfully for almost two decades to propel GW further into the first ranks of world-class institutions of higher learning.

As a result of President Trachtenberg's efforts, the number of applications for undergraduate admission more than tripled, from 6,000 in 1988 to almost 20,000 in 2006, while the university's acceptance rate of these applicants was reduced by two-thirds. President Trachtenberg made financial aid for students a priority so that today the university offers nearly nine times, $113 million, as much financial aid to incoming students as was offered in 1988.

It can confidently be said that the university's faculty now comprises experts on topics ranging from administrative law to zoology and contribute to scholarly journals, law reviews, and media outlets on a regular basis. The university's sponsored research enterprise has quadrupled from $33 million in expenditures in 1988 to $132 million in expenditures in 2006. Through President Trachtenberg's efforts, GW has significantly upgraded its information technology and library system which now contains more than 2,000,000 volumes and is a member of the prestigious Association of Research Libraries.

Under President Trachtenberg's unprecedented leadership, the university robustly developed academic, residential, and recreational facilities on campus—including the opening of the Media and Public Affairs Building and the establishment within of the Luther W. Brady Art Gallery in 2001, the Annette and Theodore Lerner Health and Wellness Center in 2001, GW Hospital in 2002, 1957 E Street, the new home of GW's Elliott School of International Affairs and Geography Department in 2002, and Ric and Dawn Duques Hall, the new home of GW's Business School in 2006—in a way that served the institution's scholarly and other programmatic needs while respecting the interests of its Foggy Bottom neighbors.

President Trachtenberg's commitment to the enhancement of academic and other space on campus supported the renovation and expansion of the law school complex, begun in 2000 and completed in 2006, the renovation of Morton and Norma Lee Funger Hall, dedicated in February 2006, and improvements of the Cloyd Heck Marvin Center including the addition of the Marc C. Abrahms Great Hall, dedicated in December 2002, and the renovation of J Street dining facilities, opened August 2004.

President Trachtenberg also spearheaded a campus beautification effort that transformed a series of city streets into a cohesive and vibrant urban campus with the addition of the Mid-Campus Quad, Kogan Plaza, pocket parks, and outdoor sculptures.

President Trachtenberg presides over the District of Columbia's largest private employer. And to support all the foregoing, President Trachtenberg oversaw two decades of balanced budgets, and the increase in the university endowment from $200 million in 1988 to more than $1 billion in 2007.

In 1989, President Trachtenberg created the 21st Century DC Scholars Program, now the Stephen Joel Trachtenberg Scholars, which has granted almost 100 full scholarships, representing over $13 million, to students from the DC Public Schools to attend GW. Under Trachtenberg's leadership, GW's Multicultural Student Services Center was named and has become a strong center for cultural awareness and celebrations, student development, and diversity training. Additionally, the Office of Community Service was created in 1992 and has become a focal point for civic engagement for the Washington DC community. His dedication to civic service is reflected throughout the university, which was named a "college with a conscience" in 2005 by Princeton Review, and most recently in the top 10 schools sending students to the Peace Corps.

His passion and demonstrated commitment to DC—the city, the schools, the business community and its residents—are unparalleled and have been recognized on several occasions by the District of Columbia Mayor, City Council and Chamber of Commerce. President Trachtenberg has received numerous accolades from across the Nation and abroad for his service, vision, intellect, wit, and compassion. Thanks to President Trachtenberg, GW went from being one of the best kept secrets in town to being one of the best known and most admired global universities.●

CONGRATULATING GILAD JANKLOWICZ

● Mr. AKAKA. Mr. President, I wish today to honor Gilad Janklowicz from the great State of Hawaii in recognition of his induction into the National Fitness Hall of Fame in Chicago on Saturday, March 17, 2007.

Gilad, a longtime resident of our beautiful State, is a pioneer in the fitness industry and one of the world's most popular fitness personalities. For over 23 years, he has helped over 38 million viewers stay healthy through his award winning instructional home fitness videos and popular television programs, "Bodies in Motion," "Basic Training the Workout," and "Total Body Sculpt with Gilad." "Bodies in Motion," which is filmed on location in the Hawaiian islands, is the longest running fitness show in the United States and was chosen as the No. 1 TV fitness program in the world by Self magazine.

Since his years as a high school athlete where he excelled in track and field, Gilad has devoted his life to fitness and become a leading proponent of the fitness movement. His efforts to raise awareness of the importance of maintaining a regular fitness program along with a nutritional diet and proper medical care have helped millions around the world. Let me be the first to extend my warmest congratulations to Gilad Janklowicz for his well-deserved induction into the Fitness Hall of Fame. His life and work truly embody the aloha spirit of our State and serve as an example to us all. Mahalo.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to share with my colleagues the winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Courtney Larson, of Bartholomew County, and Chad VanLiew, of Jackson County, as winners of this year's contest. I ask that the complete text of their respective essays be printed in the RECORD. Likewise, I would like to include the names of all of the district and county winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEEDING OUR BODIES, FUELING THE FUTURE

(By Courtney Larson)

Throughout the world there are many farmers working in their fields to provide people in America and other countries with food and alternate forms of fuel. Students in Indiana would like to thank the farmers in Indiana and other states for the sacrifices that they make in order to provide these goods for us. Without this supply of food and fuel, America would be different from what it is today.

Farmers in the United States feed over three-hundred million people in the United States every year, along with millions of people in other countries. The major crops that are grown in Indiana consist of beans, corn, and wheat. Besides converting the crops into food, they can also be used to make alternative fuels such as ethanol and biodiesel.

Alternative fuels such as ethanol and biodiesel can be used to power farmer's equipment along with cars and trucks. These fuels reduce emissions and make the United States less dependant on foreign oil. One of the popular alternative fuels produced in Indiana is soy diesel. This type of fuel is a little more expensive than regular diesel, but it is a cleaner product and it is more expensive because the amount of soybeans that can be converted into fuel is limited. This is not the only alternative fuel farmers have come up with, but is one of the cleanest and will help keep us from destroying the earth by reducing pollution.

Overall, Indiana farmers will play a role in the future of America whether it's feeding them or providing a source of fuel. With all the crops farmers are now producing, America will not go hungry in the near future and will have a cleaner environment by using alternative fuels.

FEEDING OUR BODIES, FUELING THE FUTURE

(By Chad VanLiew)

For hundreds of years Indiana farmers have been feeding the minds and bodies of Americans. Additionally, Indiana farmers are now being called upon for another equally important purpose—fueling the future. Indiana farmers are now being asked to play a huge part in the push to help the United States gain energy independence from foreign countries.

Just as American automakers are producing more fuel efficient vehicles, Americans need to switch to more environmentally friendly fuels, like biodiesel and ethanol, to run these resourceful automobiles. Indiana farmers can serve as a primary source of corn and soybeans, which will be used to produce these renewable fuels.

These two emerging fuel sources will increase the market for corn and soybeans, enabling Indiana farmers to see higher profits. This will in turn allow farmers to re-invest in new techniques for increased production of these important Indiana crops. Increased crop production will lead to an improvement in the Indiana economy due to the increasing demands for food and energy production by the American people. Indiana farmers are in this unique position because they can provide the products needed both to feed our citizens and fuel our means of transportation.

Because biodiesel is the cleanest alternative fuel available, the United States needs to switch. Indiana is fourth in the nation in soybean production. Indiana farmers will play a major role in the production of renewable biodiesel and ethanol. America needs to switch to home grown fuel, so we can become energy independent. Indiana farmers will then be not only feeding our bodies, but fueling our future.

2006–2007 DISTRICT ESSAY WINNERS

DISTRICT 1

Elizabeth Quinn, Highland and Matthew Thomas, Elkhart.

DISTRICT 2

Kyrsten Bonine, Fort Wayne and Matthew Hamlin, Kendallville.

DISTRICT 3

Antonio Arzola, Logansport and Lesley Park, Rensselaer.

DISTRICT 4

Kayla Priday, Kokomo and Jacob Mossburg, Uniondale.

DISTRICT 5

Fayaaz Khatri, Brownsburg and Hannah Chew, Cayuga.

DISTRICT 6

Trent Van Winkle, Indianapolis and Molly Scripture, Richmond.

DISTRICT 7

Quinton Heffner, Center Point and Lillian Hayhurst, Terre Haute.

DISTRICT 8

Courtney Larson, Columbus and Alex McCool, Brookville.

DISTRICT 9

Mark Turner, Princeton and Sarah Smotherman, New Harmony.

DISTRICT 10

Chad VanLiew, Seymour and Koralyssa Graham, Batesville.

2006–2007 COUNTY ESSAY WINNERS

ADAMS

Corey Marbach and Hannah Conrad, St. Peter Immanuel Lutheran School.

ALLEN

Ryan Spieth, St. Louis Academy, and Kyrsten Bonine, Ascension Lutheran School.

BARTHOLOMEW

Conner Bonnell and Courtney Larson, Central Middle School.

BENTON

Trent Hasser, Benton Central Junior High School, and Sarah Dobson, Tri-County Middle School.

BROWN

Allison Wooton, Home School.

CASS

Antonio Arzola, Columbia Middle School, and Bailey Farrer, Pioneer Junior High School.

CLAY

Quinton Heffner and LaKyla Cook, Clay City Junior High School.

DEARBORN

Samuel Martin, Home School.

DEKALB

Colin Malcolm and Kathryn Conrad, Eastside Junior High School.

ELKHART

Michael Lenezycki and Chloe Floyd, North Side Middle School.

FLOYD

Tyler Samples and Mary Beth Mattingly, Our Lady of Perpetual Help School.

FOUNTAIN

Julie McGrady, Fountain Central Junior High School.

FRANKLIN

Alex McCool and Megan Roberts, St. Michael School.

FULTON

Morgan Herrold, Caston Junior High School.

GIBSON

Mark Turner, Princeton Middle School.

GREENE

David Hestand and Ariel Fuller, Bloomfield Junior High School.

HAMILTON

Ben Mueller and Kaitlin Payne, Carmel Middle School.

HENDRICKS

Fayaaz Khatri, Brownsburg East Middle School, and Chandler Courtney, Tri West Middle School.

HENRY

Josh Rea and Danielle Reamer, Tri Junior High School.

HOWARD

Alec Smith and Kayla Priday, Northwestern Middle School.

JACKSON

Chad VanLiew and Ellyn Jones, Immanuel Lutheran School.

JASPER

Justin Cook and Lesley Park, Rensselaer Middle School.

JAY

Steve Alig and Elaine Hemmelgarn, East Jay Middle School.

JENNINGS

Sophia Biehle, St. Mary School.

JOHNSON

Nick Roeder and Lindsey Winneroski, Center Grove Middle School.

LAKE

Nicholas Vazquez and Elizabeth Quinn, Our Lady of Grace School.

MARION

Trent VanWinkle and Regina Huston, Immaculate Heart of Mary School.

MARSHALL

Josh Zehner and Amanda Master, St. Michael School.

MIAMI

Sarah Correll, Peru Junior High School.

MONROE

Danton Rogers and Danyelle Burton, Batchelor Middle School.

MORGAN

Dakota Owen and Kirsten Hardin, Eminence Junior High School.

NEWTON

Sadie Cole, Tri-County Middle School.

NOBLE

Matthew Hamlin and Anna Pasquali, Kendallville Middle School.

PARKE

Devon Gray and Chelsea Stone, Rockville Junior High School.

PERRY

Erika Hauenstein, Tell City Junior High School.

POSEY

Joey Priest, North Posey Junior High School, and Sarah Smotherman, New Harmony School.

PULASKI

Joyce Bangel, Winamac Community Middle School.

RANDOLPH

Matt Friend and Kristen West, Driver Middle School.

RIPLEY

Jack Gutzwiller and Koralyssa Graham, St. Louis School.

ST. JOSEPH

Matthew Thomas and Mary Bonadies, St. Matthew Cathedral School.

SCOTT

Cyndll Harqis, Scottsburg Middle School.

SPENCER

Nick Pledger, Heritage Hills Middle School.

STARKE

Quinn Biddle and Lauren Jernas, Oregon-Davis Junior High School.

SULLIVAN

Brittany Bezy, Carlisle Junior High School.

TIPPECANOE

Claire Paschen, Klondike Middle School.

VERMILLION

Zane Yoho and Hannah Chew, North Vermillion Junior High School.

VIGO

Joseph Botros and Lillian Hayhurst, Honey Creek Middle School.

WABASH

Tanner McCarty, Northfield Junior High School, and Elizabeth Schilling, Manchester Junior High School.

WASHINGTON

Jeffrey Strother and Alandra Bishop, West Washington Junior High School.

WAYNE

Joel Stocksdale and Molly Scripture, Seton Catholic School.

WELLS

Jacob Mossburg, Home School, and Acacia Herr, Southern Wells Junior High School.

WHITE

Zeph Bickett and Alex Daker, Tri-County Middle School.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings)

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

ENROLLED BILL SIGNED

At 12:01 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of it reading clerks, announced that the house has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1362. An act to reform acquisition practices of the Federal Government.

The message also announced that the House has agreed to H. Res. 244, resolving that the following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. EHLERS, and Mr. MCCARTHY of California.

The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration: Ms. ZOE LOFGREN of California, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California.

The message further announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007: Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, Ms. SOLIS of California, Mr. BUTTERFIELD of North Carolina, Mr. SMITH of New Jersey, Mr. ADERHOLT of Alabama, Mr. PENCE of Indiana, and Mr. PITTS of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes; to the Committee on the Judiciary.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1362. An act to reform acquisition practices of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 95. A resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S. Res. 96. A resolution expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics.

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. Con. Res. 14. A concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Lt. Gen. Robert L. Van Antwerp, Jr., 8468, to be Lieutenant General.

Navy nomination of Adm. Timothy J. Keating, 8508, to be Admiral.

Air Force nomination of Lt. Gen. Victor E. Renuart, Jr., 0278, to be General.

Army nomination of Lt. Gen. Peter W. Chiarelli, 6598, to be Lieutenant General.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

By Mr. KERRY:

S. 889. A bill to improve acquisition under the Deepwater program of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. DeMINT (for himself, Mr. CORNYN, Mr. KYL, Mr. MARTINEZ, and Mr. BROWNBACK):

S. 893. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. BUNNING, Mr. BINGAMAN, and Mr. SALAZAR):

S. 894. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Finance.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 898. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. Bennett):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Hatch, Mr. Dodd, Mr. Roberts, Mr. Harkin, Mr. Bond, Ms. Mikulski, Ms. Snowe, Mr. Bingaman, Mr. Domenici, Mr. Reed, Ms. Murkowski, Mrs. Clinton, Mr. Bennett, Mr. Obama, Mr. Grassley, Mr. Brown, and Mr. Burr):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. Leahy, Mr. Kerry, Mr. Lautenberg, Mr. Rockefeller, Ms. Landrieu, and Ms. Cantwell):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. Bennett, Mrs. Clinton, Mr. Kerry, and Mr. Harkin):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. Pryor, and Mr. Craig):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. OBAMA (for himself and Ms. Murkowski):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself, Mr. Reed, Mr. Kohl, Mr. Martinez, and Mr. Smith):

S. 908. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. Akaka, Mr. Kerry, and Mrs. Clinton):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mrs. Murray, Mrs. Clinton, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Durbin, Mr. Inouye, Mr. Biden, Mr. Levin, Mr. Kerry, Mr. Rockefeller, Mr. Lieberman, Mr. Akaka, Mrs. Boxer, Mr. Feingold, Mr. Schumer, Mr. Lautenberg, Mr. Menendez, and Mr. Casey):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Mr. Levin):

S. Res. 107. A resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. Reid, Mr. Kennedy, Mrs. Feinstein, Mr. Durbin, Mrs. Murray, and Mr. Leahy):

S. Res. 108. A resolution designating the first week of April 2007 as "National Asbestos Awareness Week"; to the Committee on the Judiciary .

By Ms. MURKOWSKI (for herself and Mr. Stevens):

S. Res. 109. A resolution congratulating the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. Biden, Mrs. Boxer, Ms. Murkowski, Mr. Hagel, Mr. Bond, Mr. Kerry, Mr. Webb, and Mr. Akaka):

S. Res. 110. A resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Mr. Lott, Mr. Shelby, Mr. Craig, Mr. Cornyn, Mr. Stevens, Mr. Chambliss, Mr. Allard, Mr. Graham, Mr. Roberts, Mr. Coburn, Mr. Martinez, Mr. Isakson, Mr. Coleman, Mr. DeMint, Mr. Thune, and Mr. Sessions):

S. Con. Res. 20. A concurrent resolution expressing the sense of Congress that no funds should be cut off or reduced for American Troops in the field which would result in undermining their safety or their ability to complete their assigned mission; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. Inhofe, the names of the Senator from Kentucky (Mr. Bunning) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 214

At the request of Mrs. Feinstein, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. Feingold, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 254

At the request of Mr. Enzi, the names of the Senator from Tennessee (Mr. Alexander), the Senator from Kentucky (Mr. Bunning), the Senator from North Carolina (Mr. Burr), the Senator from Mississippi (Mr. Cochran), the Senator from Idaho (Mr. Crapo) and the Senator from Alabama (Mr. Sessions) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. Cantwell, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 479

At the request of Mr. Harkin, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 507

At the request of Mr. Conrad, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 527

At the request of Mr. Feingold, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 548

At the request of Mr. Leahy, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 561

At the request of Mr. Bunning, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 584

At the request of Mrs. LINCOLN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 694, supra.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 738, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 779

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 791

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 821

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 849

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 852

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 852, a bill to deauthorize the project for navigation, Tenants Harbor, Maine.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 853, a bill to deauthorize the project for navigation, Northeast Harbor, Maine.

S. 854

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 854, a bill to modify the project for navigation, Union River, Maine.

S. 855

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 855, a bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

S. 856

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 856, a bill to terminate authorization for the project for navigation, Rockport Harbor, Maine.

S. 857

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 857, a bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area.

S. 882

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 882, a bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 65

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed in whole or in part within the United States;

"(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States.".

Mr. COBURN. Mr. President, I rise today as the lead Republican sponsor of the Genocide Accountability Act of 2007. I thank my colleague, Senator DURBIN, for introducing this important piece of legislation.

Senator DURBIN serves as the chairman and I serve as the ranking member of the new Subcommittee on Human Rights and the Law in the Senate Judiciary Committee. We held our first hearing, entitled "Genocide and the Rule of Law," on February 5, 2007. There could not be a more appropriate way to begin examining the law as it relates to human rights than to determine what we can and must do to prevent and stop genocide. The United States is a signatory of the Convention on the Prevention and Punishment of the Crime of Genocide. This convention provides that the contracting parties must "undertake to prevent and to punish" the crime of genocide. We have also passed a law implementing the Genocide Convention.

However, our hearing demonstrated that there are changes that need to be made in law and foreign policy to respond to the ongoing genocide in Sudan and to any genocide that may occur elsewhere in the future. Fortunately, two of these changes can be accomplished right now.

The first change can be accomplished through a bill Senators DURBIN and CORNYN introduced last week, of which I am a cosponsor. That bill, the Sudan Divestment Authorization Act of 2007, will allow State and local governments to prohibit the investment of State assets in the Government of Sudan or companies with certain business relationships with Sudan, while the Government of Sudan is subject to sanctions under U.S. law. The second change can be accomplished through the bill we are introducing today, the Genocide Accountability Act of 2007. This act will ensure that our justice system has the authority to prosecute someone who has committed genocide if that person is found or brought into the United States.

Under current law, the United States can deny admission to and exclude aliens from the United States on human rights grounds. The Attorney General can also consider avenues for the prosecution of aliens who have committed certain crimes, including genocide. However, the Attorney General can only prosecute a perpetrator of genocide if he committed his crimes within the United States or is a U.S. national.

What does this mean? It means that if a person who plans or participates in the genocide occurring right now in Darfur travels to the United States on vacation, business, or even to live here for an extended period of time—as a refugee or student, for instance—a court in the United States cannot touch him. The best our justice system can do is deport him once his crime is discovered.

Without question, it may be more appropriate in some cases to extradite someone who commits genocide to his home country or turn him over to an international tribunal. However, there are also times when a person's home country may not be willing to prosecute him and there is no viable alternative for prosecution. In these cases, extraditing a criminal would be no different than setting him free. This bill will not force our justice system to prosecute those who commit genocide just because they are found on our soil—it simply gives us the option. Nonetheless, in America we are blessed with great resources and the most effective and just legal system in the world. With these blessings comes great responsibility. It is contrary to our system of justice to allow perpetrators of genocide to go free without fear of prosecution.

It simply makes no sense to withhold from our justice system the authority to prosecute someone who is found in the United States and who committed a crime as atrocious as genocide just because he is not American and did not commit the crime here. We have passed tough laws that ensure that we can prosecute anyone found in the United States who has committed terrorist acts or supports terrorism. We do not want to become a safe haven for terrorists, so I ask: Do we want to be a safe haven for those who have committed genocide? The answer should be clear.

Fundamentally, we must decide if genocide is a bad enough crime, no matter where it happens, that it warrants the same treatment as terrorism-related crimes. I deeply believe that it is, and that is why I am proud to cosponsor this bill today.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INOUYE. Mr. President, the Eisenhower Memorial Commission was created by the U.S. Congress in 1999 as a bipartisan commission for the purpose of considering and formulating plans for the location, design and construction of a permanent memorial to President Dwight D. Eisenhower to perpetuate his memory and his contributions to the United States. Since being fully appointed in 2001, the Commission considered twenty-six different sites in the District of Columbia. In 2005, it selected a site between the Department of Education and the National Air and Space Museum, two institutions resulting from and greatly influenced by President Eisenhower's leadership.

In 2006, Congress approved the memorial's location within Area I, in compliance with the Commemorative Works Act. The Commission secured full approval for the selected site following extensive review by the National Park Service, the National Capital Memorial Advisory Commission, the National

Capital Planning Commission, and the Commission of Fine Arts. Since its inception, the Commission has also taken great care to study and analyze President Eisenhower's legacy. It produced a report by leading scholars and experts on President Eisenhower that provides a definitive statement on the transcending elements of President Eisenhower's enduring legacy. He ranks as one of the preeminent figures in the global history of the 20th century.

The Eisenhower Memorial Commission now needs to move into the design phase. As design begins, the Commission's organization, specifically with regard to contracting and staffing, needs to be updated and revised to enable efficient management and responsible stewardship. The proposed legislation which I introduce today provides for the necessary reorganization. I am joined by Senators STEVENS, ROBERTS, and HAGEL as original cosponsors of the bill.

The legislation enables the Commission to retain the services of full, part-time, and volunteer staff as government employees, without the restrictions of the competitive service requirements. It also provides the authority for the Commission's Executive Architect to manage technical and administrative aspects of design and construction. It provides for staff to be released on the completion of the memorial and enables the Commission to work in collaboration with federal agencies.

President Eisenhower spent his entire life in public service. His extraordinary contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but President Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President.

Although President Eisenhower grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created the National Aeronautics and Space Administration, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added the State of Hawaii and the State of Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent Federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War.

A career soldier, President Eisenhower championed peace, freedom, justice and security, and, as President, he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask: What is best for America?

President Eisenhower once said, "I know that the American people share my belief that if a danger exists in the world, it is a danger shared by all; and equally, that if hope exists in the mind of one nation, that hope should be shared by all." President Eisenhower's legacy provides hope to all of us—like him, through education and public service, we, as a nation and individually, can rise to meet any challenge. Accordingly, I urge my colleagues to support this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—

(1) by striking subsection (j), and inserting the following:

"(j) POWERS OF THE COMMISSION.—

"(1) IN GENERAL.—

"(A) POWERS.—The Commission may—

"(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

"(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

"(iii) hold hearings and enter into contracts;

"(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

"(v) take such actions as are necessary to carry out this section.

"(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

"(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

"(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title;

"(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

"(3) FEDERAL COOPERATION.—To ensure the overall success of the efforts of the Commission, the Commission may call upon any Federal department or agency to assist in and give support to the Commission. The head of each Federal department or agency shall furnish such information or assistance requested by the Commission, as appropriate, unless prohibited by law.

"(4) POWERS OF MEMBERS AND AGENTS.—

"(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

"(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

"(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

"(ii) perform other duties as designated by the Chairperson of the Commission.

"(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

"(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.";

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding at the end the following:

"(o) STAFF AND SUPPORT SERVICES.—

"(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

"(2) STAFF.—

"(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

"(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule

"(3) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the Vice-Chairperson, or the Executive Director, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

"(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

"(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

"(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

“(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

“(7) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

“(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(C) TREATMENT.—A person providing volunteer services to the Commission shall be considered an employee of the Federal government in the performance of those services for the purposes of—

“(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

“(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

“(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.”.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, TOM COBURN, to proudly reintroduce the Child Medication Safety Act, a bill to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend a school.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife, Kay, was a teacher at Edison High School in Tulsa for many years and now both of our daughters are teachers. I can assure you that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make this diagnosis and should not make it mandatory for the student to continue attending the school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement polices and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending the school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation for special education. Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: (1) the variation among States in the definition of psychotropic medication as used in public education, (2) the prescription rates of medication used in public schools to treat children with attention deficit disorder and other such disorders, 3) which medications listed under the Controlled Substances Act are being prescribed to such children, and 4) which medications not listed under the Controlled Substances Act are being used to treat these children and their properties and effects. This GAO report is due no later than one year after the enactment of this Act.

I believe this is an extremely important bill that protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. Please join us in support of this legislation that protects the freedoms of our children.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce the Capital Gains Inflation Relief Act of 2007. The taxation of inflation is one of the most unjust practices of the tax code. This simple improvement will not only enhance the basic fairness and efficiency of the tax code, but will also immediately increase the net return on capital investment.

Under current law, a taxable capital gain occurs whenever a capital asset is sold at a price higher than the original purchase price. However, the timing of capital gains taxation sets it apart from other types of income. While wages are generally taxed on a yearly basis, the taxation on capital assets occurs at the time the capital asset holder chooses to sell his asset and realize his gains. The gains on capital assets accrue over the course of the asset's life, which is usually many years. This is generally favorable to the capital asset holder, because he can defer taxation on his gains to a future year. This tax deferral is often cited as the primary reason for holding assets long term.

However, the value of tax deferral is often times overstated because current tax policy taxes the capital asset holder not only on real gains, but also on gains due to inflation. This creates a situation that is patently unfair to the American taxpayer. For example, an American who purchased a share of stock for $10 in 1950 and sold it for twice that amount today would be subject to capital gains taxes on the nominal gain of $10, though the transaction was a clear loss when one accounts for inflation. Why should an American taxpayer, who invested in a capital asset in his youth, be forced to pay capital gains taxes, on what can only be viewed as a loss, in his later years? In spite of all our efforts to curb inflation, it will remain a fact of life. This does not mean we should tax hard-working Americans with long-term goals on gains that are due to inflation, gains that they will never actually realize.

Without an inflation index, the tax code incentivizes short-term speculation and discourages long-term capital investment. The current turmoil in the subprime lending market is an example that demonstrates the perils of emphasizing short-term speculation over long-term capital investment. Though inflation has remained relatively modest recently, there is no guarantee of future stability. Inflation indexing would instantly increase the net return on capital investment and consequently encourage more of it. Inflation indexing would also restore core principles of sound tax policy such as “horizontal equity,” wherein two taxpayers in identical situations are treated identically by the tax system. Indexing capital gains would improve the basic fairness of the tax code with only a minor increase in administrative costs and a single step of simple multiplication for taxpayer compliance.

The need for indexing is clear. It would help average Americans and improve tax policy by enhancing both the basic fairness and the pro-growth incentive of the tax code. The merits of the capital gains tax are themselves debatable, but if we are to tax capital gains let us make sure they are taxed fairly. Please join with me in supporting this legislation to free the American taxpayer from the unfairness of the current tax policy.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I was proud to help create the State Children's Health Insurance Program during the Clinton Administration. It has provided health insurance for 6 million children, including more than 425,000 in New York. SCHIP was the biggest expansion in providing health insurance coverage in more than 30 years—a big first step to providing quality health care coverage for all children.

And now it is time to take the next step. Today, I am introducing new legislation with my colleague from the House of Representatives, Chairman DINGELL: a plan to make quality affordable health care available to every child in America.

The Children's Health First Act will make quality, affordable health care available to all children, and will pave the way to cover the more than nine million children in our country without health coverage.

Our bill cuts red tape to allow States to provide affordable healthcare options for all families to cover their children. It gives States the financial incentives and resources to expand—existing State coverage and find and enroll the 6 million children who are currently eligible for health coverage but are not enrolled. And it provides incentives to expand employer sponsored coverage for children.

As individuals and as a Nation, an ounce of prevention is truly worth a pound of cure. Health care accessible and affordable for all children will keep kids healthy, save lives, control costs, and end heartache and worry for so many parents. This plan is practical and fiscally responsible—it will honor our values and prevent kids from needing more costly healthcare in the future.

Our bill will provide incentives for States to expand SCHIP to more children and provide health coverage for children up to 400 percent of poverty, about $70,000 for a family of three.

Parents whose incomes are above their State's SCHIP eligibility levels and employers who want to provide coverage to dependents will also have the option to buy-in to the SCHIP program. This will ensure that all families have access to affordable coverage and aren't forced into the private insurance market where affordable options for their children are often out of reach.

And while expanding coverage is critical, enrolling children who are already eligible must also be part of our efforts to ensure every child has health insurance.

Currently, there are 6 million uninsured children who are eligible for public programs but not enrolled. In order to receive expanded Federal funding under our bill, States must undertake strategies designed to enhance outreach and enrollment of currently eligible children.

In addition, the Children's Health First Act would prevent funding shortfalls like those that 14 States are currently facing. Unlike the original SCHIP bill our legislation would determine funding based on State spending and indexed to medical inflation and child population growth so that states will get the funds they need.

Every child deserves a healthy start in life. This goes to the heart of our values, our responsibility to one another, the promise of our country. Far too many children in our Nation—more than 9 million—do not have health care. And, for the first time in nearly a decade, between 2004 and 2005, the number of uninsured children in New York increased by 61,000—part of a trend nationally.

It's simply wrong that there are working parents who worry about their children playing sports because they can't afford a doctor if their child gets hurt. I've met parents who when their children get sick fret and worry about their children's illness—but have the added anxiety of wondering how they are going to pay for the doctor visit. That just shouldn't happen.

No child in America, the greatest, richest Nation on Earth home to so much promise, should lack for the care he or she needs to grow up to be a healthy, happy adult.

We can tackle this challenge—and provide access to quality, affordable health care for all children in America. It's the right thing to do, and it's the smart thing to do.

I am proud to introduce this legislation. It will help us honor our values, protect our children. We can meet this challenge and that's what I'll be working with Chairman DINGELL and my Senate colleagues to achieve this year.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise again this evening to speak about a growing crisis in rural America. This crisis is found in rural New England, throughout Appalachia, spans the Great Plains, crosses the Western deserts, and reaches the mountains of the great Northwest. It impacts the seniors, children, the women, and the men of rural America. What I am speaking about today is a lack of access to quality health care.

In rural America, patients have long gone without care. Despite the fact that one-fifth of the U.S. population lives in rural America, only 9 percent of the Nation's physicians are practicing in these areas. Over 50 million of these rural Americans live in areas that have a shortage of physicians to meet their basic needs.

Now, physician recruitment to rural America is a big problem. Part of this problem comes about through high student debt, which often forces many students away from a rural practice and into urban specialty medicine where they can probably command higher salaries.

I recently held a Senate HELP Committee field hearing in Alaska. This was during the February recess. I held this field committee hearing on the physician shortage crisis in rural America. At that hearing, I had a young woman come up and speak. She is a medical student who is currently part of the WAMI Program, the Western States medical program. This young woman, Melissa Howell, is 26 years old. She stated the student debt she has accumulated is a huge concern that hangs over the decisions she makes as she decides where she is going to practice. Simply put, she said that the $100,000 student debt she faces is "kind of scary." I have to admit, that is kind of scary.

A dozen States already report severe physician shortages. These shortages exist in the areas of cardiology, radiology, neurology, to name a few. But the greatest shortages persistently have been in primary care. In fact, the shortage of primary care physicians in rural areas of the United States represents one of the most intractable health policy problems of the past century.

It will only worsen. In 20 years, 20 percent of the U.S. population will be 65 or older, and this is a percentage larger than at any other time in our Nation's history. Just as this aging population places the highest demand on our health care system, we have some experts who predict a national shortage of close to 200,000 physicians. If that becomes a reality, 84 million patients could be potentially left without a doctor's care.

So the question has to be asked, where are the doctors going? We are losing some of our doctors through attrition. One-third of physicians are 55 years old and older and are likely to retire as this baby boom generation moves into its time of greatest medical need. Additionally, for the last quarter of a century, medical schools have kept their student enrollments virtually flat.

We are also losing a lot of our doctors, quite simply, through frustration. Low Medicare and Medicaid reimbursement rates, coupled with complex regulations and paperwork, leave physicians aggravated, leave them disappointed with the practice of medicine.

In Alaska, we have lived with provider shortages since statehood. I grew up in a part of the State down in the southeastern area where you did not have doctors who were available to deliver babies except on Tuesdays and Thursdays. You hoped you could give birth on a Tuesday or a Thursday. Still, in many parts of our State, we do not have providers who can deliver. If you are out in the Aleutian chain, you are told by your physician's attendant to come to Anchorage, some 600 miles away, to wait out the remaining month of your pregnancy because they do not have the facilities, do not have the doctors available to take care of you in the event of an emergency.

So we have lived with provider shortages for a long time. Because our State is larger than Texas and California and Montana combined, "rural" brings on a new meaning and the physician shortage crisis is even more amplified, as I have given in my two examples. But we have had some recent events in the State that have created a situation far worse than Alaska has known in the past. Currently, in the State, we have the sixth lowest ratio of physicians to population in the United States. That is when you take into account Anchorage, which is our largest population center. In rural Alaska, it is the worst physician-to-population situation in the Nation. Alaska needs nearly 400 more doctors to provide the same level of care as elsewhere in the country.

One of our problems is we do not have a medical school, and we are not likely to be getting a medical school in the near future. We also have the lowest per capita number of medical school slots in the country and the lowest number of residency slots. We have two small but very successful programs; this is the University of Washington Medical School Partnership and the Alaska Family Residency Program. These two programs help train Alaskans as physicians and also help us bring doctors to Alaska. But despite the success of these programs, each is far too small to meet our population's needs.

Each week, without fail, I receive faxes, phone calls, letters, and e-mails from Alaskan seniors who simply cannot find a doctor to treat them. I wish to read a few excerpts from recent e-mails we have received. The first one is from a gentleman in Anchorage. Keep in mind, Anchorage is our largest population center; about half the population of the State is here.

He writes:

> My mother . . . has had difficulty in the extreme in getting a doctor who will take her on as she is a medicare patient . . . doctors are telling potential patients that they are no longer taking medicaid. My mother has made in excess of 100 calls to physicians in Anchorage.

Another constituent writes—and this is also from Anchorage:

> During the past year, I've tried to find a doctor that accepts Medicare. I used the Anchorage Yellow pages and called over 100 doctors, only to be told that they won't accept any more Medicare patients.

She then writes to say:

> I'll tell you ahead of time, we'll be going to the hospital emergency rooms, to receive, even the basic medical care, i.e.: colds, flu, and other basic medical care, that could have been treated through seeing a doctor, at their established practice. This doesn't sound like good fiscal management.

Another constituent—and this was actually in a letter to the editor in the Anchorage Daily News—says:

> My friends telephoned more than 80 doctors recently, and not one was accepting new Medicare patients.

A third gentleman from Kenai, AK, writes:

> My mom has Medicare and she had to wait 5 months to be seen by a Neurologist because she had been put on a waiting list to be seen due to the fact she was a Medicare patient.

Another woman from Anchorage says:

> I just got through trying to find a physician for an elderly Medicare-dependent friend. At this time I have found no one who will take her. Most physicians take no Medicare patients or have a quota which is full. The Providence health care provider list has no one who takes Medicare.

The last e-mail was from Anchorage stating:

> Almost no family practice office in Anchorage is accepting new Medicare patients.

This is just a sample of what we get from constituents around the State of Alaska saying: I don't have anyone who can see my mother. I can't get in to see anyone myself.

I mentioned in my comments this is a crisis that is growing. In Alaska, we don't often think of it as being a State where we have a large senior population. We think of some of the Southern States as being the ones that attract our seniors. But the fact is Alaska has the second fastest-growing senior population in the Nation, second only to Nevada.

So again we ask the question: Why aren't Alaska's doctors able to provide care to our seniors? Why are they saying: No, we are not accepting any new Medicare patients? Well, a lot of it has to do with the reimbursement rates. Recent Federal reductions in Alaska Medicare reimbursement rates have been so severe that primary care physicians report that Medicare pays them only 37 cents—it is actually between 37 cents to 40 cents—for every dollar that it costs to treat a patient. So the doctor is spending a dollar in the care provided but is getting reimbursed about 40 cents to every dollar. We had one physician testify at the field hearing, and he said that in order for him to basically break even with his medical practice, he would have to see one Medicare patient every 7 minutes in order for him not to lose money. For those of us who go into our doctor's office, if we only had 7 minutes in there with our medical provider, I don't think we would feel we were getting the care and the attention our medical issues deserve.

Losing money by seeing Medicare patients has meant that many of our physicians have stopped accepting Medicare patients entirely. They are making a decision not to accept any new Medicare patients. Or if you have been a patient of a particular physician and you turn 65, you may have had a good relationship with that physician, but if he tells you: I am sorry, I am not accepting any new Medicare patients, that date of your birthday comes and all of a sudden you don't have the care that you had relied on for some period of time.

During this committee field hearing, we had testimony that revealed that only one neighborhood health clinic in the entire city of Anchorage—and again, this is a city that has half the State's population—only one neighborhood health clinic is still accepting new Medicare patients.

So if you are lucky enough to find a physician, it often takes weeks or months for an appointment. So when you are faced with this kind of a delay, you have one of two options. You either go to the emergency room if the conditions are severe enough or you go without care entirely, putting it off until perhaps it becomes even more complicated down the road.

We had testify at the field hearing one gentleman who is from the city of Bethel. Bethel is in the western part of the State. He said he was willing to fly the 500-some-odd miles from Bethel to Anchorage if only he could find a primary care doctor who would accept him. He kind of joked because he said he counted himself lucky because he had a heart condition, and he was at least able to get in to see a specialist once in awhile.

The chairman of the Alaska Commission on Aging, Mr. Frank Appel, called the lack of access to health care for seniors "the most critical problem facing Alaska's seniors."

I know Alaska is not alone. The crisis is not just Alaska. It is nationwide. We as a body, as a Congress, should find this situation intolerable.

I haven't been in the Senate for as long as many of my other colleagues, but I have been here long enough to know that we fight a lot about health care. We debate the solvency issues, the funding issues, the insurance, the benefit coverage, universal coverage, health savings accounts, the prescription drug benefit. We debate and argue about a lot of these issues as they relate to health care, and each and every one of these issues is certainly worthy of great debate. But I would submit that not one of those very worthy debates matters in the least to one of the seniors I have mentioned in these letters who can't find a primary care doctor after making 100 phone calls.

So instead of this body debating how health care is delivered, it is time we focus on the fact that it is not delivered in much of America. We have a crisis that, simply put, cannot wait. We have to do two things. We have to help current physicians stay in the practice of medicine, and we must vastly increase our health care work force.

Earlier this year, Senator STEVENS and I introduced the Rural Physician Relief Act, and this is a bill that provides tax incentives for physicians to practice in our most rural and frontier locations in the country. Today, along with my colleagues, Senator SCHUMER, Senator STEVENS, and Senator SANDERS, we are introducing legislation entitled the "Physician Shortage Elimination Act." This legislation will double the funding for the National Health Service Corps, a program that is dedicated to meeting the needs of the underserved. Despite its success over the years, it has been vastly underfunded. We understand that 85 percent of the applicants to this worthy program have to be turned away each year because we don't fund it.

This legislation will also allow rural and underserved physician residency programs to expand by removing barriers that prevent programs from developing rural training programs.

We will also double certain title VII funding to create programs that target disadvantaged youth in rural and underserved areas and nurture them to create a pipeline to careers in health care. We need to get more people interested in the field.

Finally, we must bolster the cornerstone of rural health care, which is the community health center, through additional grants and by allowing them to expand their residency programs.

I would suggest that the prognosis for the quality of health care in America is poor. Fifteen million Americans in underserved areas across the Nation already do without care. Soon, with even greater physician shortages, it could mean that potentially another 84 million patients will be left without a physician's care.

The time for Congress to act is now. In fact, it is past time. I look forward to working with my colleagues on this issue that again is not just Alaska-specific. I think the facts on the ground up North perhaps make the arguments more accentuated, but I think it points to a situation in this Nation that we must deal with now before the crisis is felt throughout the country.

I appreciate the attention of the Chair.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join in cosponsoring the Alzheimer's Family Assistance Act of 2007 introduced by my colleague, Senator MIKULSKI.

As much as we all would like to think that we will remain healthy and strong throughout our lifetimes, many of us will need long-term care. The cost of that care, whether provided in a nursing home, assisted living facility, or in one's own home with the assistance of health aides, can quickly add up. That is why we should do everything we can to make people aware of long-term care insurance and to ensure that policies are affordable.

We need to encourage people to include long-term care insurance in their planning, especially when people are younger and premiums would be lower. The Deficit Reduction Act of 2005, DRA, made good progress in that regard by expanding State long-term care partnership programs. In addition, the DRA established an information clearinghouse to help individuals learn about long-term care insurance options in their states.

We also need to encourage older individuals to purchase long-term care insurance. By establishing a deduction for long-term care insurance premiums, this legislation will help accomplish that goal. In order to qualify for the deduction, the policy must include several important consumer protections recommended by the National Association of Insurance Commissioners, NAIC. The DRA incorporated the same protections plus some additional NAIC consumer protections into the State long-term care partnership policies. As this bill moves forward, I look forward to working with Senator MIKULSKI to ensure consistency in the application of these consumer protections to long-term care policies. Specifically, I hope we can expand the consumer protections in this bill so they are in line with those included in the DRA.

Finally, this legislation recognizes that individuals and their caregivers may need assistance in paying for medical supplies, nursing care, and other long-term care expenses. The tax credit called for in the bill, which increases from $1,000 to $3,000 in 2011 and beyond, will help defray these costs.

Mr. President, I have long supported the policies included in this legislation and commend my colleague for her work on this important issue.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleagues Senators MIKULSKI, MURRAY, SANDERS, DURBIN, LIEBERMAN, CANTWELL, AKAKA, and LEVIN, to introduce legislation to amend the Higher Education Act to improve access to college for low- and moderate-income students by raising the authorized maximum Pell grant to $11,600 within 5 years. This bill has the strong support of the American Association of Universities, American Jesuit Colleges and Universities, the American Association of Community Colleges, the National Association of Independent Colleges and Universities, the American Council on Education, and The Higher Education Consortium for Special Education.

Pell grants were first established in the early 1970s by our former colleague, Senator Claiborne Pell. Pell grants are the largest source of Federal grant aid for college students and make it possible for millions of low- and moderate-income students to attend college. The benefits of Pell grant aid cannot be overstated. Pell grants are beneficial to individual students as well as our society as a whole. Often, our Nation's great innovators and creative minds sharpen their skills on college campuses. By increasing the Pell grant, we make a college education more affordable, and thus, make it more likely that qualified and hard working low- and moderate-income students will attend. It would be a significant loss to this great Nation if a generation of individuals were not able to earn a college degree simply because they could not afford to pay for it.

In 1975, the maximum appropriated Pell grant covered 80 percent of the average student's tuition, fees, room, and board at 4-year public universities. In 2005–2006, the average Pell grant covered 33 percent of the total charges at 4-year public universities. That's not just a drop in aid, it's a free-fall. For low- and moderate-income families, the cost of college has also increased as a percentage of income. In 1999 it took 43 percent of a low-income family's income to pay for a college education. In 1972, it only took 27 percent. The cornerstone of American democracy is providing all citizens with access and opportunities so that through hard work they can achieve the "American dream." We must keep that dream alive by providing students the financial opportunity to attend college.

In order to meet the cost of attending college, many low- and moderate-income students are forced to take out an exorbitant amount in student loans. Upon graduation these students are often faced with an unmanageable debt load. Surveys tell us that students with a significant amount of debt are postponing marriage and having children. Others are choosing their jobs based on where they think they can afford to work. Clearly, we do not want student loan debt to solely drive our young people's goals and aspirations.

Over the past several years, the administration has not raised the maximum Pell grant. On top of leaving millions of children behind by underfunding K-12 education, they are also leaving students behind who have done well in school and want the chance to go on to college. If we are serious about leaving no student behind—if we are serious about having a society where equal opportunity for all is more than just rhetoric—then we must increase the Pell grant.

It has been said that investing in a student's future is investing in our Nation's future. We can start investing in our Nation's future by supporting this bill to increase the maximum appropriated Pell grant to $11,600. This bill won't bring the Pell grant's purchasing power back to where it was in 1975, but it is a critical first step. I hope that my colleagues will join me in taking this important step toward ensuring all that have the ability to excel in college are given that opportunity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PELL GRANT MAXIMUM AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by striking subparagraph (A) and inserting the following:

"(A) Except as provided in subparagraph (B), the amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $7,600 for academic year 2007–2008;

"(ii) $8,600 for academic year 2008–2009;

"(iii) $9,600 for academic year 2009–2010;

"(iv) $10,600 for academic year 2010–2011; and

"(v) $11,600 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year."; and

(3) by inserting after subparagraph (A) (as amended by paragraph (2)) the following:

"(B) If the Secretary determines that the increase from one academic year to the next in the amount of the maximum Federal Pell Grant authorized under subparagraph (A) does not increase students' purchasing power (relative to the cost of attendance at an institution of higher education) by not less than 5 percentage points, then the amount of the maximum Federal Pell Grant authorized under subparagraph (A) for the academic year for which the determination is made shall be increased by an amount sufficient to achieve such a 5 percentage point increase.".

By Mr. HATCH (for himself and Mr. BENNETT):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Boy Scouts of America Land Transfer Act of 2007. This important legislation will allow the exchange of two small parcels of land between the Utah Parks Council of the Boy Scouts of America and Brian Head Ski Resort.

In 1983, the Bureau of Land Management granted the Boy Scouts of America roughly 1,300 acres in Parowan, Utah. The land patent was granted with the stipulation that it be used exclusively for purposes of a Boy Scout camp. The Scout camp, known as Camp Thunder Ridge, is situated in the mountains adjacent to Brian Head Ski Resort and near Cedar Breaks National Monument.

When the land was given to the Scout Camp, a local rancher owned a parcel of land adjacent to the camp and another parcel in the middle of the camp. Upon his retirement, the rancher turned over his parcels, totaling 120 acres, to Brian Head Ski Resort. Thus, the ski resort now owns land in the middle of a Boy Scout Camp.

The Boy Scouts and the Resort agree that the land previously owned by the rancher would best be used as part of Camp Thunder Ridge, while certain parcels of the Scout Camp would be of more use to the Ski Resort.

The Boy Scouts of America Land Transfer Act would allow the Boy Scouts to exchange 120 acres of their land on the south end of the camp with Brian Head for 120 acres on the eastern side of the camp, including the 40 acres located in the middle of the camp. Because of the stipulations of the original BLM patent given to the Scout Camp, legislation is required to authorize this exchange.

While Camp Thunder Ridge is located in a steep, rough, mountainous area, much of the land the Boy Scouts seek is flat, making it particularly important for the camp. Obtaining the land would make it possible for the Scouts to make the camp shooting area and archery range safer and would allow them to improve and expand their camping facilities. It would also allow for the installation of much-needed septic tanks.

I am a strong supporter of the Boy Scouts of America. Scout camps, such as Camp Thunder Ridge, give young men the opportunity to learn vital skills, fulfill merit badge requirements, and otherwise improve themselves. This small land exchange will allow Camp Thunder Ridge to do a better job in helping these young men learn and grow.

For its part, Brian Head Ski Resort is seeking to expand their operations and have received preliminary approval from local officials. The local Planning Commission, however, has required them to build an emergency exit for their property. The only place to build such a road is through land owned by the Boy Scouts. The exchange will allow Brian Head to construct the access road and comply with county fire safety regulations.

The Boy Scouts have been working for more than 20 years to secure the lands in question, and Brian Head needs to build on lands currently owned by the Scouts. Therefore, it would be in the best interest of both parties to authorize this land exchange. In fact, the exchange is desperately needed by both parties, and I urge my colleagues to support this important legislation.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. DOMENICI, Mr. REED, Ms. MURKOWSKI, Mrs. CLINTON, Mr. BENNETT, Mr. OBAMA, Mr. GRASSLEY, Mr. BROWN, and Mr. BURR):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, tot he Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's an honor to join Senator HATCH and my HELP Committee colleagues today in introducing this bill to reauthorize the community health centers program. The Health Centers Renewal Act extends the program through 2012, it authorizes the funds needed to stabilize existing centers and enable them to increase their capacity and funds for new centers in underserved areas that have no existing center.

The community health centers program has been a success story by any measure over the past 40 years. It began as a two-site demonstration project for "neighborhood health centers" in 1965, with funds for Columbia Point in Massachusetts and Mound Bayou in Mississippi. The health center model was the brainchild of two young physicians and civil rights activists, Dr. H. Jack Geiger and Dr. Count Gibson. Their model was intended to address both health care and the roots of poverty, by giving communities a voice in their health care through a patient-majority community board, by creating jobs and investments in local communities, and by focusing on primary care and reducing health disparities among income groups.

Today, more than 1,000 health centers provide good health care to 16 million patients each year. They provide safety nets in their communities for the most vulnerable Americans, and bring care to 1 of every 4 Americans living in poverty. Nearly 70 percent of health center patients have incomes below the poverty line, and two-thirds are members of racial and ethnic minorities. Health centers give those who are so often disenfranchised in our society a voice in their own health care and in the care available in their community. Health centers are also an incentive for economic growth, providing 50,000 jobs across the country for residents in their communities.

As the number of uninsured and underinsured persons grows each year, the need for health center services increases. More than 40 percent of health center patients have no health insurance and their number is increasing. Another 36 percent of patients have coverage through Medicaid or CHIP, and cuts in these programs affect health centers as well. As the number of patients who rely on health centers continues to grow, we must provide the funds needed to open new centers in areas that are underserved and to provide additional funds to enable existing centers to meet the growing demand for care.

The funding authorized in this bill will provide stability and expanded services in existing centers, and enable new centers to open in areas that have no centers today. The legislation will keep health centers on track to serve 20 million patients by 2010 and more than 23 million patients by 2012. It also provides the funds needed to expand existing health centers to reach more uninsured and underinsured patients, open new centers in underserved areas with no current centers, expand coverage of mental health, dental, and pharmacy services to all centers, invest in information technology, and take other steps to improve health outcomes. Our goal in the bill is to make sure that health centers can provide high-quality care to their patients for years to come, and I look forward to its enactment into law.

I ask unanimous request that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Renewal Act of 2007".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Community, migrant, public housing, and homeless health centers are vital to thousands of communities across the United States.

(2) There are more than 1,000 such health centers serving more than 16,000,000 people at more than 5,000 health delivery sites, located in all 50 States of the United States, the District of Columbia, and Puerto Rico, Guam, the Virgin Islands, and other territories of the United States.

(3) Health centers provide cost-effective, quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations, and have done so for over 40 years.

(4) Health centers provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

(5) Health centers provide primary and preventive care services to more than 700,000 homeless persons and more than 725,000 farm workers in the United States.

(6) Health centers are community-oriented and patient-focused and tailor their services to fit the special needs and priorities of local communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments.

(7) Health centers are built through community initiative.

(8) Health centers encourage citizen participation and provide jobs for 50,000 community residents.

(9) Congress established the program as a unique public-private partnership, and has continued to provide direct funding to community organizations for the development and operation of health centers systems that address pressing local health needs and meet national performance standards.

(10) Federal grants assist participating communities in finding partners and recruiting doctors and other health professionals.

(11) Federal grants constitute, on average, 24 percent of the annual budget of such health centers, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees.

(12) Health centers make health care responsive and cost-effective through aggressive outreach, patient education, translation, and other enabling support services.

(13) Health centers help reduce health disparities, meet escalating health care needs, and provide a vital safety net in the health care delivery system of the United States.

(14) Health centers increase the use of preventive health services, including immunizations, pap smears, mammograms, and HBalc tests for diabetes screenings.

(15) Expert studies have demonstrated the impact that these community-owned and patient-controlled primary care delivery systems have achieved both in the reduction of traditional access barriers and the elimination of health disparities among their patients.

SEC. 3. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.

Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

"(A) $2,188,745,000 for fiscal year 2008;

"(B) $2,451,394,400 for fiscal year 2009;

"(C) $2,757,818,700 for fiscal year 2010;

"(D) $3,116,335,131 for fiscal year 2011; and

"(E) $3,537,040,374 for fiscal year 2012.".

Mr. HATCH. Mr. President, today I am introducing the Health Centers Renewal Act with my colleagues, Senators KENNEDY, ROBERTS, DODD, BOND, HARKIN, SNOWE, MIKULSKI, DOMENICI, BINGAMAN, MURKOWSKI, REED, BENNETT, CLINTON, GRASSLEY, OBAMA, BURR and BROWN.

The Health Centers program, created over 40 years ago, has an outstanding record of providing quality health care services to many Americans who do not have adequate health insurance. This ranges from children to parents and grandparents, in virtually every comer of the United States. In fact, Health Centers are a necessary component of our nation's health care safety net—they supply health services to over 15 million people in our country.

Health Centers include community health centers, which are local, not-for-profit 501(c)(3) corporations that give community-oriented health care and are governed by Boards of Directors that are made up of at least 51 percent health centers patients, to ensure that the patients and their communities are well represented.

From my work in Utah, I know how important Health Centers are. They have made a tremendous difference for Utah's citizens with insufficient health coverage—Utah community health centers serve close to 85,000 patients. Whenever I come home to Utah, I always hear wonderful things about the work of Community Health Centers.

Since 2001, Congress has consistently increased funding for Community Health Centers to meet President Bush's goal of having 1,200 new or expanded centers. The new dollars have provided services to four million new patients and have added facilities in over 750 communities across the country. By reauthorizing this program, Health Centers will give low-cost health care to many more deserving individuals.

S. 901 I will reauthorize the Health Centers program for 5 more years; it includes funding levels of: $2,188,745,000 in fiscal year 2008; $2,451,394,400 in fiscal year 2009; $2,757,818,700 in fiscal year 2010; $3,116,335,131 in fiscal year 2011; and $3,537,040,374 in fiscal year 2012. These numbers are based on the National Association of Community Health Centers; NACHC, growth plan—NACHC's goal is for Community Health Centers to serve 20 million patients a year by 2010 and 30 million patients a year by 2015.

I believe that Community Health Centers are worth every dime that our government invests in them.

Utah Health Centers have made a tremendous difference in the lives of many Utahns—66 percent of patients come from Utah's urban areas and 27 percent are from the rural parts of the state. Ninety-six percent of Utah Health Center patients' incomes are below 200 percent of the Federal Poverty Level. Utah Health Centers have literally changed these patients' lives, serving as a link to the health care safety net system for the medically underserved and uninsured. In rural areas, Health Centers are often the only health care provider.

Community Health Centers have made a huge impact on people's lives. I am pleased and proud to support them by introducing this legislation today.

I urge my colleagues to cosponsor this important bill, which not only provides people with essential health care services, but also ensures that the Health Centers will continue to have the funding necessary to provide these services.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. CANTWELL):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Mr President, Americans are divided over the Iraq war, but we are 100 percent united in our determination to support the troops in the field and their families back home.

But just as we have seen shortcomings in the treatment of wounded warriors at Walter Reed, it is clear to me that we are falling short in supporting the families of Guard and Reserve personnel who serve in Iraq and Afghanistan. These families are especially vulnerable because of their isolation, their distance from military bases, and their lack of access to the services that active-duty military families can draw upon.

This is a new era for our National Guard and for the Reserves. They are shouldering a huge share of the combat burden in Iraq and Afghanistan, plus a stepped-up role in homeland security. More than four times as many Guard members have been killed in Iraq as during the entire Vietnam war.

With many Guard and Reserve members on their third or even fourth deployment, and with some deployments being stretched out to 16 months, the stresses on their families are acute. Their children are at greater risk for depression, behavioral disorders, or academic problems. And long family separations often result in financial difficulties and troubled marriages.

To address this quiet crisis, today I am introducing legislation titled the Coming Together for Guard and Reserve Families Act. This bill does several things.

First, it expands and strengthens the existing family assistance program. We need to ensure that there is adequate professional staff to work with Guard and Reserve families and meet their special needs at every point of the deployment cycle—as they prepare for deployment, during the long absence, and during reunification and readjustment.

I am especially concerned that there are few resources for the families of Guard and Reserve members who are wounded or experience mental illness. My bill expands the VA's Disabled Transition Assistance program to ensure that family members have access to family counseling and mental health services during this critical time.

Children of deployed service members often react to parental separation with acting-out behaviors, anxiety, or depression. My bill calls for outreach to professionals who serve children—including school administrators and teachers—to alert them to the special needs of kids in military families, especially those with a parent deployed in a war zone.

Forty-one percent of Guard members and Reservists report symptoms of mental illness—including post-traumatic stress disorder—within 6 months of returning home from deployment. Currently, mental health information is distributed to service members when they return from deployment—and often that's it. But symptoms of PTSD may not appear for months after return. My bill will ensure that families receive mental health information 6 months post-deployment.

Finally, my bill creates a family-to-family mentoring program to enable military spouses to serve as peer counselors to other spouses and family members. It can be extremely valuable for a military spouse to consult with someone who has gone through a similar experience.

The role of our Guard and Reserve members in defending our national security abroad has significantly increased. In turn, we have an expanded obligation to care for their spouses and children, who are facing tremendous stresses, often alone and with no one to turn to.

The aim of my bill is to address the unmet needs of Guard and Reserve families before this becomes the kind of full-fledged crisis we witnessed at Walter Reed. I urge my colleagues to support this urgent and important legislation.

By Mr. DURBIN (for himself, Mr. BENNETT, Mrs. CLINTON. Mr. KERRY, and Mr. HARKIN):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to honor Dr. Muhammad Yunus for his contributions to the fight against global poverty.

Today, joined by my colleague Senator BENNETT of Utah as well as Senators CLINTON, KERRY and HARKIN, I introduced the Muhammad Yunus Congressional Gold Medal Act.

This bipartisan bill would award Dr. Yunus a Congressional Gold Medal in recognition of his efforts to fight poverty and promote economic and social opportunity.

Along with the Grameen Bank, which he founded, Dr. Yunus was awarded the Nobel Peace Prize in 2006 for developing the concept of microcredit. Through the Grameen system, Dr. Yunus created an economically sound model of extending very small loans, at competitive interest rates, to the very poor. Through this system, he has been transforming lives, one loan at a time.

He began in 1976 with a loan of just $27, out of his own pocket, to 42 village craftspeople in Bangladesh. Over the past 30 years, his model has been emulated around the world.

I met Dr. Yunus on my first trip to Bangladesh, and there I saw firsthand the economic miracle that microcredit can help create.

Nearly half the world's population lives on less than $2 a day. We can not hope to achieve lasting global peace and stability until we find a means by which the world's poorest can begin to lift themselves out of poverty.

The microcredit movement that Dr. Yunus pioneered has made enormous strides towards that goal. Over 125 million households have already been transformed by microcredit loans, and more are joining them every day.

Dr. Yunus' work has had a particularly strong impact on improving the economic prospects of women. Women disproportionately shoulder the burden of poverty. They also make up over 95 percent of microcredit borrowers.

I have long believed that if you want to predict the economic prospects of a country, ask how it treats its women. If a country sends its daughters to school, if its wives and mothers have economic and political rights and opportunities, then it is likely to prosper. But if it treats its women as second-class citizens, its chances for development diminish dramatically. Microcredit opens doors for women and in so doing it creates new opportunities for their sons and daughters alike.

Muhammad Yunus's work has also affected the lives of millions of Americans. Although Dr. Yunus launched his movement in 1976 in Bangladesh—a long time ago and a long way away—it has come home to us here in America and is still relevant today.

There are now an estimated 21 million microentrepreneurs in the U.S., accounting for approximately 16 percent of private employment in the country. Over $318 million worth of microloans have been made to American entrepreneurs in the past 15 years.

Culminating with his Nobel Peace Prize, Dr. Yunus has been recognized around the world as a leading figure in the effort to fight poverty and promote economic and social opportunity.

It is time that we properly recognize him here in Congress with our most distinguished honor.

Dr. Yunus would join a long and illustrious line of Congressional Gold Medal recipients that stretches back to 1776, when the award was created. Although most of the recipients have been American, many have not: Prime Minister Tony Blair, Pope John Paul II, and His Holiness, the Fourteenth

Dalai Lama, are just a few. We hope that Dr. Yunus will join them.

I want to thank Senator BENNETT and my other colleagues for joining me today in honoring Dr. Yunus. Dr. Muhammad Yunus is a great man who deserves our admiration and our thanks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of $27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,000,000,000 people, mostly women and children, who live on less than $1 a day, and the nearly 3,000,000,000 people who live on less than $2 a day, and which has already reached 125,000,000 households, by one estimate;

(7) there are now an estimated 21,000,000 microentrepreneurs in the United States (accounting for approximately 16 percent of private (nonfarm) employment in the United States), and the Small Business Administration has made over $318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

Mr. KERRY. Mr. President, I rise today to recognize Dr. Muhammad Yunus. For those who don't already know, Dr. Yunus is a modest man of great ideas, now revered around the world, as the father of microcredit and the founder of the Grameen Bank. His concept of microcredit has helped thousands of people work their way out of poverty. For his work to beat global poverty, I am very proud to join my colleagues, Senators DURBIN and BENNETT, in introducing a bill to honor Dr. Yunus with a Congressional Gold Medal.

When I look at the success of Dr. Yunus's idea and the microenterprise programs it has inspired over the past 30 years, one thing that amazes me the most is that it all began with a loan of 27 U.S. dollars. The beauty of microcredit is that such a small amount of money can have such tremendous and lasting effects to foster entrepreneurship among those who would not qualify for typical bank loans. By offering loans at competitive interest rates, or no interest, Dr. Yunus's Grameen Bank has been able to give individuals suffering from poverty the power to determine their own futures.

Last year, Dr. Yunus and his Grameen Bank were honored with a Nobel Peace Prize for his economic imagination. Dr. Yunus's innovation and entrepreneurship are certainly commendable and worthy of such an honor, as well as the distinction of a Congressional Gold Medal. In accepting his Nobel Peace Prize, Dr. Yunus challenged the world to think of an entrepreneur as not only being motivated by profit, but also by "doing good to people and the world."

The effectiveness of microcredit programs is evident by the success stories they have inspired all around the world. As chairman of the Small Business and Entrepreneurship Committee, I have seen first hand the power of microcredit in this country, through the SBA's—Small Business Administration's—microloan programs. In my home State of Massachusetts, Thondup and Dolma Tsering, two Tibetan refugees in the United States, were able to start their own restaurant in 2005, with assistance from the Massachusetts Small Business Development Center and financing from the Western Massachusetts Enterprise Fund. Through financing and support, otherwise not available to them from the banking community, they are now the successful owners of Lhasa Cafe in Northampton. As small business owners, the Tserings are socially responsible and support local farmers and their community.

From Dr. Yunus's first microloans to 42 entrepreneurs in Bangladesh in 1976, the concept of microcredit has come a long way. Here in the United States, where SBA has had a similar program since 1992, more than $328 million in microloans have been made to deserving entrepreneurs.

I have long been a supporter of funding microloan programs, which offer current and potential small business owners the opportunity to achieve financial independence, financial security, and dignity through work. Sometimes they use it to work their way out of poverty, but sometimes they use it to patch together income when they need more money, lose a job, want to buy a house or car, or maybe pay for college or send a child to college. These entrepreneurs create jobs, provide services and products to our communities, and generate tax revenue to benefit the economy. Funding microloan programs not only makes economic sense; it makes social sense as well.

In spite of growing support for microloan programs, and in spite of the return on investment to our economy, microenterprise does not get the support in this country that it does in other countries. In 2005, the administration provided approximately $211 million for the development of foreign microenterprise programs through the Agency for International Development, USAID. In fiscal year 2006, we are told that the administration provided more than $54 million for microloans in Iraq:

> The efforts of the U.S. government in its assistance to Iraq have been broad based . . . For example, over $54 million in micro-loans have been disbursed, resulting in 26,700 loans in twelve cities, and the program is set to expand to even more areas. Also, a Loan Guarantee Corporation is currently being established to encourage private banks to make

> loans to small businesses.—Ambassador Zalmay Khalilzad, U.S. Ambassador to Iraq, May 9, 2006.

And for fiscal year 2007, we are told that the administration is requesting supplemental funding for Iraq that includes at least $160 million for microloans.

> We will help local leaders improve their capacity to govern and deliver public services. Our economic efforts will be more targeted on specific local needs with proven records of success, like micro-credit programs. And we will engage with leading private sector enterprises and other local businesses, including the more promising state-owned firms, to break the obstacles to growth.—Secretary of State Condoleezza Rice, Foreign Relations Committee hearing on the administration's plan for Iraq, January 11, 2007.

At the same time, the President has proposed for fiscal years 2005, 2006, 2007, and 2008 eliminating all funding for the SBA's microloan programs.

Today I not only honor and recognize the genius of Dr. Yunus, but also call attention to President Bush's lack of support for U.S. microloans and call on the administration to reverse its policy. If we can support microloans in Baghdad, we should support microloans in Boston, and every other city that's home to a would-be entrepreneur.

I am honored to add my name in support of Dr. Muhammad Yunus, and I am gratified to see the support he has received among my colleagues. But I also implore my colleagues to pay tribute to American entrepreneurs and to fund the SBA's microloan program. We must honor Dr. Yunus's ingenuity with more than words; we must honor him with our actions.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. CRAIG):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Small Business Opportunity Act of 2007. Senators PRYOR, CRAIG, and I are introducing this legislation to assist veterans and small businesses that employ Guard and reservists. Our bill improves the Small Business Administration's, SBA's, Military Reservist Economic Injury Disaster Loan, MREIDL, program. Additionally, this bill increases procurement opportunities, capital access, and other types of business development assistance for veterans and service-disabled veterans.

We all know today's small business men and women play a vital role in the economic stability and prosperity of our Nation. Quite often, these same entrepreneurs are the veterans who have protected our Nation in years past, or who serve in the Armed Forces today. When our Nation's patriotic men and women are called to duty, they often leave behind thriving small businesses, and as a result, many of these businesses experience production slowdowns and lost sales, or incur additional expenses to compensate for an employee's absence.

In recent years, the Department of Defense has placed a greater reliance on our country's Guard and Reserve Forces. In fact, since September 2001, nearly 600,000 Guard and Reserve members have been called up in support of current operations, comprising nearly one-third of deployed service members in Iraq and Afghanistan. Furthermore, Guard and Reserve members were charged with assisting recovery efforts in the gulf coast region in the aftermath of Hurricanes Katrina and Rita.

In my 4 years as chair of the Senate Committee on Small Business and Entrepreneurship, and now as ranking member, I have fought to support our patriotic small businesses affected by the Guard and Reserve call-ups. My home State of Maine has one of the highest Guard and Reserve deployment levels in the country—over 50 percent have been deployed to Iraq and Afghanistan. In response to this I commissioned a Congressional Budget Office, CBO, study which found that 35 percent of Guard and reservists work for small busineses or are self-employed. In addition, the small businesses that employ them may be "paying" a disproportionate and unfair share of the burden of increased Guard and Reserve member call-ups. The burden is further magnified when it is the small business owner or a key employee who is deployed.

Our legislation will raise the maximum MREIDL amount from $1,500,000 to $2,000,000. A maximum military reservist loan amount of $2,000,000 is the same level as many of the SBA's other loan programs, including: 7(a) loans, international trade loans, and 504 Certified Development Corporation loans that serve a public policy goal.

Currently, some of the SBA's contracting and business development programs have defined time limits for participation. If the firm's time for participation expires prematurely, then competitive opportunities, investments, and jobs become lost. Today, small business owners who get called-up to active duty in the National Guard or Reserve are effectively penalized because their active duty time is counted against the time limitation participation in the SBA's programs. The Veterans Small Business Opportunity Act amends the Small Business Act by allowing small businesses owned by veterans and service-disabled veterans to extend their SBA program participation time limitations by the duration of their owners' active duty service after September 11, 2001.

Additionally, this bill will allow the SBA Administrator, either directly or through banks, to offer loans up to $25,000 without requiring collateral from a loan applicant. Currently, the SBA offers military reservist loans up to $5,000 without collateral. This provision would increase that level to eligible small businesses.

The bill will also require the Administrator to give military reservist loan applications priority for processing and ensure that Guard and Reserve members are adequately assisted with their loan application by incorporating the support and expertise of SBA entrepreneurial development partners, such as Small Business Development Centers and Veterans Business Outreach Centers.

This legislation increases the authorization of appropriations for the SBA's Office of Veteran Business Development to $2 million for fiscal year 2008, $2.1 million for fiscal year 2009 and $2.2 million for fiscal year 2010. Increased funding for SBA's Office of Veterans Business Development help them better assist our Nation's veterans and provide the business services they need.

This legislation will also strengthen the access of veterans and service-disabled veterans to Federal contracts and subcontracts. Under the Small Business Act and the President's Executive Order 13360, Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting, Federal agencies must award at least 3 percent of prime contracts and subcontracts to small businesses owned by service-disabled veterans. The order states that, to achieve these goals, Federal agencies "shall more effectively" use the authorities in the Small Business Act to reserve and award contracts to service-disabled veterans. During the Senate Small Business and Entrepreneurship Committee hearing held in January, it became very clear that Federal agencies have been short-changing service-disabled veteran-owned small businesses to the tune of over $7.5 billion a year in government contracts during fiscal year 2003 through fiscal year 2005. To remedy this unacceptable situation, our legislation puts the force of a congressional statute behind the requirements of the President's Executive order.

In addition, our legislation ensures that veterans and service-disabled veterans do not face confusing and duplicative red tape before they can be eligible to access the Federal procurement market. Currently, the Department of Veterans Affairs and the SBA both operate registration databases for small businesses owned by veterans and service-disabled veterans. A veteran must often register in both databases to be properly considered for bidding. Surely, in this information age, we can have a better process. Registration data can easily be made to migrate from one database to the other. Our legislation requires that a single registration point for both of these databases be established within a year. Such one-stop registration must be reliable and compliant with statutory provisions concerning veteran and service-disabled veteran status certifications for small businesses.

To increase the capacity of service-disabled veteran-owned firms, my legislation permits the SBA, in cooperation with the Department of Veterans Affairs, to develop a business development assistance program, including mentor-Protégé assistance, to be administered by the SBA. Our legislation contains a strict fairness requirement that any such program must be developed in such a way as to ensure success of other small business contracting programs. Within a year, the SBA is required to submit a report to Congress on its proposals for this program. In 2004, I succeeded in amending the Department of Defense Mentor-Protégé Program statute by expanding it to service-disabled veterans. Since then, over $204 million in contracts and subcontracts have been awarded to service-disabled veteran-owned small businesses as a result of the $17 million in mentor-Protégé assistance. This represents a stunning $12 return for every $1 in assistance investment. I believe the success of this initiative should be replicated. The SBA is already administering a Mentor-Protégé Program as part of the 8(a) business development program for small disadvantaged businesses, and both the SBA and the DOD programs would provide useful examples for helping our disabled veterans succeed.

Finally, our legislation creates an interagency task force among Federal agencies charged with improving procurement opportunities for service-disabled veterans. The scope of this task force will, in addition to procurement, include franchising, capital access, and other types of business development assistance. In examining the implementation of Executive Order 13360 and other veterans business development initiatives, our committee found that the responsible agencies were not talking to each other on a regular basis, and that no overall "game plan" was in place to coordinate various Federal efforts.

I would like to thank Senators PRYOR and CRAIG for working with me on this critical issue and I urge my colleagues to support this bill.

Mr. CRAIG. Mr. President, I rise to comment on a bill that is being introduced by Senator SNOWE today, the Veterans Small Business Opportunity Act of 2007. I am proud to join with Senator SNOWE and Senator PRYOR as an original cosponsor of this important bill.

This legislation will benefit patriot "citizen-soldiers" who are called from their employment at America's small businesses to serve our country in uniform. In States across the Nation, small businesses are being affected by the mobilization of our Guard and Reserve personnel. In my home State, the Idaho National Guard's 116th Brigade Combat Team returned in 2005 from an 18-month deployment to Iraq. I visited members of the 116th while they were in Iraq and discovered that a good number had left jobs at small businesses across Idaho. I also held a hearing in Idaho during the 109th Congress to examine the reemployment rights of returning Guard and Reserve members.

At that hearing, it was emphasized that, although legal rights to reemployment are critical, they do little for those who have no employer, or no small business, to return to. To me, it was clear that we should do more to help small businesses in coping with the financial hardships of frequent and lengthy mobilizations of its employees or owners during the war on terrorism. I believe we can provide some of that needed assistance with this legislation, which includes key provisions from The Patriot Loan Act of 2006, a bill that Senator SNOWE and I introduced last year.

This bill would enhance the U.S. Small Business Administration's Military Reservist Economic Injury Disaster Loan, or MREIDL, Program. That program provides loan assistance to small businesses to help them meet ordinary and necessary operating expenses after essential employees are called to active duty in their roles as citizen-soldiers.

This bill would raise the maximum military reservist loan amount from $1.5 million to $2 million. It would also allow the Small Business Administration, by direct loan or through banks, to offer unsecured loans of up to $25,000, an increase from the current $5,000 limit. In addition, this bill would ensure proactive outreach to Guard and Reserve members about the MREIDL Program and other small business programs by requiring SBA and the Department of Defense to develop a joint Web site and printed materials with information about those programs.

For the brave men and women who serve our Nation in the Guard and Reserve, we must do what we can to ensure that their sacrifices do not place them in financial harm's way when they return home. I urge my colleagues to support these measures, and I thank Senator SNOWE for her leadership in introducing this bill.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

Mr. INHOFE. Mr. President, the independent producers of oil and gas are the backbone of our domestic supply of energy. They have played and continue to play a critical role in meeting our domestic needs, especially as the big oil companies' focus mainly offshore. In fact, independents develop 90 percent of our Nation's wells. According to the Department of Energy, independent producers supply 68 percent of American oil production and 82 percent of overall American natural gas.

Therefore, I rise today to introduce legislation that eliminates the taxable income limit on percentage depletion for oil and natural gas produced from marginal wells; wells producing 15 barrels of day and less than 90 thousand cubic feet of natural gas.

Under current law, the percentage depletion method is limited to only independent producers and royalty owners. It is a form of cost recovery for capital initially invested toward production of oil and gas wells. Generally, the percentage depletion rate is 15 percent of the taxpayer's gross income from an oil and gas producing property and is limited to a daily average of 1,000 barrels of oil or 6,000 thousand cubic feet of natural gas. However, under the net income limitation, percentage depletion is limited to 100 percent of the net income from an individual property. In the case of marginal wells, where total deductions often do exceed this net-income, this limitation discourages producers from investing in the continued production from marginal wells.

As a result Congress has suspended the net-income limitation for 1998 through 2005; and again for 2006 and 2007, with the passage of the Tax Relief and Health Care Act of 2006, H.R. 6111.

My bill would simply clarify the policy by doing away with the taxable net income limitation altogether.

In my own State of Oklahoma, it is the small independents, basically mom-and-pop operations, producing the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells.

Because marginal wells supply such a significant amount of our oil and gas, it is vital we keep them in operation. According to the Energy Department, between 1994 and 2003, we lost 110 million barrels of crude oil due to plugged marginal wells. Thus, when we lose marginal wells, we become more dependent upon foreign sources of energy, at a time when virtually all agree that U.S. policies should encourage reliance upon domestic sources. Furthermore, we lose domestic jobs to foreign nations.

My bill would allow independents the necessary capital to continue to produce from these existing marginal wells—which is critical to the Nation's overall energy security. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to oil and natural gas produced from marginal properties) is amended to read as follows:

"(H) Nonapplication of Taxable Income Limit With Respect to Marginal Production.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. OBAMA (for himself and Ms. MURKOWSKI):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, I am pleased to be joined today by my esteemed colleague from Alaska, Ms. MURKOWSKI, in introducing the Mercury Market Minimization Act of 2007.

As most of us in this Chamber know, elemental mercury is a poisonous neurotoxin that can cause serious disability or death if ingested. Unfortunately, many people in the United States, and many millions more worldwide, do indeed ingest mercury—unintentionally, however, as a result of industrial emissions or practices, or poor waste management and storage techniques. When mercury enters into the environment, it often shows up in plants and animals, and that means a major source of mercury ingestion for humans comes as a result of eating certain types of fish. That, in turn, causes serious developmental problems in half a million children in our country, and similar health problems in adults, especially women at childbearing age.

Last year, an investigative report published in the Chicago Tribune outlined the extent of mercury contamination in fish. After concluding that the fish sampling efforts conducted by the Federal Government were limited and outdated, the Tribune conducted its own sampling, and the results showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by consumers in the Chicago region—higher levels than had been documented by the Federal Government. Mercury was found in both freshwater and saltwater species—tuna, swordfish, orange roughy, and walleye, to name a few examples. The Tribune also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For those of us who like fish, it causes us to pause when we first learn of the range of species with high mercury levels. For pregnant women and other at-risk groups, however, this doesn't just cause pause, it creates serious concerns about health consequences. Meanwhile, experts tell us that fish is an excellent source of critical nutrients and other compounds indispensable for good health. More of us should eat more fish.

So the real long-term solution is not to eat less fish, or to criticize those who commercially provide us with fish as food. It's not about issuing advisories, or printing labels on tuna cans, or posting placards at the supermarket, or creating inspection bureaucracies, or collecting statistics. If we're serious about eliminating mercury from fish, we need to reduce mercury in the environment.

Half of mercury settles where it is emitted, and the other half gets transported around the globe where we lose track of it, and it winds up in oceans, lakes, and rivers nowhere near mercury sources. From there, up it goes, through the food chain. If mercury is both local, and global, then the solution is not up to one state, or one nation, but up to all states and nations. The bill we introduce today was crafted based on that premise.

The Mercury Market Minimization Act, or M3 Act, establishes a ban on U.S. exports of mercury by the year 2010. Such a ban, when coupled with goal of the European Union to ban mercury exports by 2011, and the insufficient capacity in the world's mercury mines to respond, will result in a tightening of the global supply of commercially available elemental mercury in sufficient quantities that developing nations that still use mercury will be compelled to switch to the affordable alternatives that are already widespread in industrialized nations.

The M3 Act also requires those Federal agencies that now hold mercury in stockpiles to keep that mercury. Right now, the Department of Energy, and the Department of Defense, possess tons of mercury left over from various operations over the years. While it is the policy of these agencies to keep this mercury—not to sell it, not to transfer it, not to release it from their possession—it is not the law. The M3 act codifies these policies. In December of 2006, it was widely understood that the Department of Energy was considering the sale of its mercury stockpiles. After various inquiries into the matter, the Department of Energy ultimately announced that it would not sell its stockpiles. That underscores why a prohibition of stockpile sales must be enacted into law by the M3 act if we are to be assured that mercury remains safely stored, away from the environment, and not sold overseas to places where tracking and emissions and waste disposal laws may be inadequate.

Finally, the M3 Act calls for the creation of a committee to explore and make recommendations on the issues associated with the development of a permanent repository of mercury collected as a result of an export prohibition. Mercury is not like spent nuclear fuel, or other substances that may create community concerns, in that when mercury is stored in stainless steel containers in refrigeration, it remains benign. Every community must be provided the opportunity to evaluate for themselves if and when mercury is stored nearby in secure and stable storage. I do believe, however, that when mercury is safely and permanently stored, it means less microscopic mercury on one's dinner plate, less mercury in our kids' tuna fish sandwiches, and less mercury in the air we breathe.

Last month, a United States delegation, led by the State Department, participated in an international meeting in Kenya, sponsored by the United Nations Environmental Programme, where world representative discussed how to reduce mercury pollution. Two years ago, the U.S. Government could have taken a bolder stance, and did not. This time, with the decision of the E.U. to ban mercury exports, the United States had an opportunity to partner with its allies to eliminate a major part of worldwide elemental mercury contamination. Again, the State Department did not.

It is not often that policy options, such as this, might be considered "low-hanging fruit"—in that a small act of international leadership by the United States government could have far reaching benefits for the health of our kids, as well as millions of low-income hardworking artisanal gold miners whom we will never meet. But the United States, so far, has not acted. This bill, the M3 bill, is designed to change that course and the mark the beginning of the end of a global market of an outdated and obsolete poison. I hope my colleagues will support this bill, and I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Market Minimization Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside of the United States, often involving highly dispersive activities such as artisinal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of mercury exports globally;

(11) the European Union is in the process of enacting legislation that will prohibit mercury exports by not later than 2011;

(12) the United States is a net exporter of mercury and, according to the United States Geologic Survey, exported 506 metric tons of mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of mercury from the United States will have a notable affect on the market availability of mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(f) MERCURY.—

"(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act.".

SEC. 4. PROHIBITION ON EXPORT OF MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c) PROHIBITION ON EXPORT OF MERCURY.—

"(1) ELEMENTAL MERCURY.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

"(2) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

"(A) REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Mercury Market Minimization Act of 2007, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes.

"(ii) INCLUSIONS.—The report shall include an analysis of—

"(I) the sources and amounts of each mercury compound produced annually in, or imported into, the United States;

"(II)(aa) the purposes for which each of the compounds are used domestically;

"(bb) the quantity of the compounds currently consumed annually for each purpose; and

"(cc) the estimated quantity of the compounds to be consumed for each purpose during calendar year 2010 and thereafter;

"(III) the sources and quantities of each mercury compound exported from the United States during each of the preceding 3 calendar years;

"(IV) the potential for the compounds to be processed into elemental mercury after export from the United States; and

"(V) other information that Congress should consider in determining whether to extend the export prohibition to include 1 or more of those mercury compounds.

"(B) PROCEDURE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of preparing the report under this paragraph, the Administrator may use the information gathering authorities of this title, including sections 10 and 11.

"(ii) EXCEPTION.—Subsection (b)(2) of section 11 shall not apply to activities under this subparagraph.

"(3) EXCESS MERCURY STORAGE ADVISORY COMMITTEE.—

"(A) ESTABLISHMENT.—There is established an advisory committee, to be known as the 'Excess Mercury Storage Advisory Committee' (referred to in this paragraph as the 'Committee').

"(B) MEMBERSHIP.—

"(i) IN GENERAL.—The Committee shall be composed of 9 members, of whom—

"(I) 2 members shall be jointly appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate—

"(aa) 1 of whom shall be designated to serve as Chairperson of the Committee; and

"(bb) 1 of whom shall be designated to serve as Vice-Chairperson of the Committee;

"(II) 1 member shall be the Administrator;

"(III) 1 member shall be the Secretary of Defense;

"(IV) 1 member shall be a representative of State environmental agencies;

"(V) 1 member shall be a representative of State attorneys general;

"(VI) 1 member shall be a representative of the chlorine industry;

"(VII) 1 member shall be a representative of the mercury waste treatment industry; and

"(VIII) 1 member shall be a representative of a nonprofit environmental organization.

"(ii) APPOINTMENTS.—Not later than 45 days after the date of enactment of this subsection, the Administrator, in consultation with the appropriate congressional committees, shall appoint the members of the Committee described in subclauses (IV) through (VIII) of clause (i).

"(C) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

"(D) MEETINGS.—The Committee shall meet at the call of the Chairperson.

"(E) QUORUM.—A majority of the members of the Committee shall constitute a quorum.

"(F) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Committee shall submit to Congress a report describing the findings and recommendations of the Committee, if any, relating to—

"(i) the environmental, health, and safety requirements necessary to prevent—

"(I) the release of elemental mercury into the environment; and

"(II) worker exposure from the storage of elemental mercury;

"(ii) the estimated annual cost of storing elemental mercury on a per-pound or per-ton basis;

"(iii) for the 40-year period beginning on the date of submission of the report, the optimal size, number, and other characteristics of Federal facilities required to store elemental mercury under current and anticipated jurisdictions of each Federal agency;

"(iv) the estimated quantity of—

"(I) elemental mercury that will result from the decommissioning of mercury cell chlor-alkali facilities in the United States; and

"(II) any other supplies that may require storage to carry out this Act;

"(v) for the 40-year period beginning on the date of submission of the report, the estimated quantity of elemental mercury generated from the recycling of unwanted products and other wastes that will require storage to comply with the export prohibitions under this Act;

"(vi) any legal, technical, economic, or other barrier that may prevent the private sector from storing elemental mercury produced by the private sector during the 40-year period beginning on the date of submission of the report, including a description of measures to address the barriers;

"(vii) the advantages and disadvantages of consolidating the storage of mercury produced by public and private sources under the management of the public or private sector;

"(viii) the optimal plan of the Committee for storing excess mercury produced by public and private sources; and

"(ix) additional research, if any, required to determine a long-term disposal option for the storage of excess mercury.

"(G) COMPENSATION OF MEMBERS.—

"(i) IN GENERAL.—

"(I) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

"(II) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

"(ii) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

"(H) STAFF AND FUNDING.—The Administrator shall provide to the Committee such funding and additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

"(I) TERMINATION.—The Committee shall terminate 180 days after the date on which the Committee submits the report of the Committee under subparagraph (F).

"(4) INAPPLICABILITY OF UNREASONABLE RISK REQUIREMENT.—Subsection (a) shall not apply to this subsection.".

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Gestational Diabetes Act of 2007 with my colleague Senator COLLINS, to bring attention to an important health issue facing women and children.

I don't need to tell anyone that we have an obesity epidemic in the United States. Many of us realize that as parents, it is our responsibility to pass on good nutritional habits to our children. But many women may not realize that watching what you eat, exercising regularly, and having control of your blood sugar levels are serious health considerations during pregnancy. In fact, these factors are serious enough that they can affect both the health of the mother and the life of the child into adulthood.

More women than ever are entering their pregnancies overweight but without an understanding of how their own weight and nutritional habits can trigger gestational diabetes—a type of diabetes that only occurs during pregnancy. Women who are overweight before pregnancy are not only at greater risk of having gestational diabetes but are also more likely to have a c-section and are at an increased risk for other serious pregnancy complications.

In New York, gestational diabetes is on the rise. In New York City alone, gestational diabetes has risen by nearly 50 percent in about 10 years. This means that gestational diabetes affects 1 in 25 women, about 400 women per month. But across the Nation, between 4 and 8 percent of pregnant women in the United States are affected by gestational diabetes. Infants of women who have gestational diabetes are at increased risk for obesity and developing type 2 diabetes as adolescents or adults.

As women, we need to pay attention to our health. We are always worrying about the health of our children, our husbands, and our parents, but we often forget to take care of ourselves.

Today, I am introducing the Gestational Diabetes Act, also known as the GEDI Act. This legislation will increase our understanding of gestational diabetes by determining the factors that contribute to this condition and help mothers who had gestational diabetes reduce their risk of developing type 2 diabetes post-pregnancy.

The GEDI Act will provide funding for projects to assist health care providers, as well as for communities to find ways to reach out to women so that they understand how their own good health during pregnancy can decrease serious health risks for their children.

The GEDI Act would expand research to determine and develop interventions to lower the incidence of gestational diabetes. We need to alert women to the risk before this condition becomes an epidemic and, as we have seen so many times before, education is critical.

We should be doing everything we can to address the impact of obesity during pregnancy and to reduce the prevalence of gestational diabetes in pregnant women. The GEDI Act is an important step in assuring that women understand this critical issue and that we fully understand how to equip pregnant women to make the best choices for their health.

The GEDI Act is supported by the American Diabetes Association, American College of Obstetricians and Gynecologists, National Research Center for Women & Families, International Community Health Services, American Association of Diabetes Educators, and the American Association of Colleges of Pharmacy.

By Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. CLINTON):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today is designed to make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

Since July 1, 2006, most U.S. citizens and nationals applying for or renewing their Medicaid coverage face a new Federal requirement to provide documentation of their citizenship status. Recent reports indicate that tens-of-thousands of U.S. citizens, and in particular children, inappropriately are being denied Medicaid benefits simply because they don't have access to newly required documentation. The articles below and report by the Center on Budget and Policy Priorities highlight this very serious problem. Hospitals, physicians, and pharmacies may not be willing to treat these individuals until they have a source of payment, but they cannot qualify for Medicaid until they produce a birth certificate and ID.

This new Federal requirement was added to Medicaid by the Deficit Reduction Act of 2005, DRA, enacted February 8, 2006. The Tax Relief and Health Care Act of 2006, TRHCA, signed into law December 20, 2006, included some amendments to the DRA citizenship documentation requirement, primarily to exempt certain groups. Prior to enactment of the DRA, States were permitted to use their discretion in requiring such citizenship documentation.

Under Section 6036 of the DRA, citizens applying for or renewing their Medicaid coverage must provide "satisfactory documentary evidence of citizenship or nationality." The DRA specifies documents that are acceptable for this purpose and authorizes the HHS Secretary to designate additional acceptable documents. No Federal matching funds are available for services provided to individuals who declare they are citizens or nationals unless the State obtains satisfactory evidence of their citizenship or determines that they are subject to a statutory exemption.

It is important to note that citizenship documentation requirements do not affect Medicaid rules relating to immigrants—they apply to individuals claiming to be citizens. Most new legal immigrants are excluded from Medicaid during their first 5 years in the U.S. and undocumented immigrants remain eligible for Medicaid emergency services only.

The legislation I am introducing would make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

First, the legislation would restore citizenship verification to a State option. Specifically, States would be permitted to determine when and to what extent citizenship verification is required of U.S. Citizens. States would also be permitted to utilize the standards most appropriate to the their population as long as such standards were no more stringent than those currently used by the Social Security Administration and includes native American tribal documents when appropriate.

Second, the legislation would ensure that individuals are afforded a reasonable time period to provide citizenship documentation utilizing the same reasonable time period standard that is available to legal immigrants to provide satisfactory evidence of their immigration status.

Third the legislation protects children who are U.S. citizens by virtue of being born in the United States from being denied coverage after birth because of citizenship verification requirements.

Fourth, the legislation also clarifies ambiguities in federal law to ensure that these citizen children, regardless of the immigration status of their parents, are treated like all other low-income children born in the United States and are deemed eligible to receive Medicaid services for one year.

Finally, the legislation also ensures that the thousands of citizen children and adults, who were erroneously denied Medicaid coverage, may receive retroactive Medicaid eligibility for coverage they were inappropriately denied because of citizenship verification requirements.

I urge my colleagues in the Senate to support this critical legislation, which protects low-income U.S. citizens from being inappropriately denied Medicaid coverage because of lack of documentation.

I ask unanimous consent that the text of the bill and supporting documentation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

(1) by inserting "(A)" after "(46)";

(2) by adding "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or redetermining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));".

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (20), by adding "or" after the semicolon;

(B) in paragraph (21), by striking "; or" and inserting a period; and

(C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and

(D) by adding at the end the following new paragraph:

"(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

SEC. 2. CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.

Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by section 1(c)(2), is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(2) by adding at the end the following new paragraph:

"(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

SEC. 3. EFFECTIVE DATE.

(a) RETROACTIVE APPLICATION.—The amendments made by this Act shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 4).

(b) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by sections 1 and 2, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

[From the Associated Press, Nov. 29, 2006]

KS: SEBELIUS: NEW MEDICAID RULES COULD COST STATE MILLIONS

(By John Hanna)

The state could face millions of dollars in additional costs because of federal rules requiring Medicaid recipients to verify their citizenship, Gov. Kathleen Sebelius said Wednesday.

Sebelius said she's worried the state will have to pick up the full cost of caring for some poor, frail and elderly Kansans who are living in nursing homes, instead of sharing the cost with the federal government. Also, she said, she will propose adding state employees to verify the citizenship status of Medicaid recipients and applicants.

The governor told reporters she hopes Congress reviews the issue and other attempts to prevent illegal immigrants from obtaining social services or using driver's licenses as identification.

"There was no input from the states on how realistic these were or what the cost was," Sebelius said during a brief news conference following an unrelated meeting.

Under Medicaid requirements that took effect July 1, recipients must provide either a passport or two other documents, such as a birth certificate and a driver's license, to verify citizenship.

While the measure is targeted at illegal immigrants, some advocates for the needy have worried that citizens will either lose or be denied services because they have trouble finding the necessary documents.

State officials say the number of Kansans covered by Medicaid dropped almost 7 percent since July 1, down to 253,000 from 271,000. They believe much of the decline can be attributed to the new requirements.

Typically, every $1 the state spends on Medicaid is matched by about $1.50 from the federal government. If someone loses their coverage, then the state faces paying the entire bill for their services, Sebelius said.

"You're at 100 percent state dollars or push them out the door," she said.

Also, Sebelius said, the state needs to "ramp up" its staffing to handle the additional verification work. The governor is working on the budget proposal she'll submit to the 2007 Legislature, which convenes Jan. 8.

"We're certainly going to put some of them in place," she said. "We're trying to make a careful analysis of how many we need."

She said that if the state refuses to comply with the law, it could face the loss of all federal health care dollars.

"We don't have a lot of latitude to say we're not going to do this," she said. "There are literally hundreds of millions of dollars at stake."

Meanwhile, Sebelius expressed concern about a federal law on driver's licenses passed last year.

Starting in 2008, federal agencies won't treat a state's licenses as valid ID unless a state requires license applicants to document that they're living in the United States legally. Lack of ID could prevent someone from entering a federal building or boarding a plane.

Sebelius said the law will require local driver's licenses offices to certify that someone has the proper documentation and to store the information.

"Exactly how that's going to happen, we're not quite sure," Sebelius said. "We don't basically have any of the equipment that's required to do that in any of the rural areas."

[From the Associated Press, Nov. 29, 2006]

KS: THOUSANDS IN KANSAS OFF MEDICAID FOLLOWING CITIZENSHIP RULES

Thousands of low-income Kansans have lost or been denied state health care coverage because of new rules requiring them to prove they are American citizens, state officials say.

Since the federally mandated rules took effect July 1, the number of Medicaid recipients in Kansas has decreased by about 18,000, to 253,000. While officials can't determine exactly how much of the 7 percent drop can be attributed to the new rules, they believe much of it can.

"The impact to the consumer has been severe," said John Anzivino, a vice president for MAXIMUS, a Reston, Va., company that helps administer the joint federal-state Medicaid program in Kansas. "From our perspective, this has possibly been the most dramatic change and challenge to the Medicaid program since its inception."

The new rules were included in last year's federal deficit reduction law and were designed to prevent illegal immigrants from enrolling in the state programs providing health coverage.

But consumer advocates said many vulnerable people who legitimately were eligible for assistance would lose coverage because they couldn't produce the necessary documentation.

"We expect that many of these that have lost coverage will regain coverage once they have gathered and provided the necessary documentation," Marcia Nielsen, executive director of the Kansas Health Policy Authority, told the Lawrence Journal-World. "They will, however, experience a gap in coverage that could prove to be significant for some."

Medicaid applicants can prove their citizenship by providing a passport. Or they can provide other documents that verify both their citizenship, such as a birth certificate, and their identities, such as a driver's license.

Anzivino said most people seeking benefits don't have a passport and are left scrambling to find birth certificates and other documents.

The number of calls each month to a Kansas Medicaid clearinghouse has more than doubled to 49,000 from 23,000, official said.

Meanwhile, Rep. Dennis Moore, a Democrat whose district is centered on the state's portion of the Kansas City area, said federal officials were aware of states' problems with the new rules and probably would work on it when the new Congress takes office in January.

[From the Baltimore Sun, Jan. 22, 2007]

MD: MEDICAID CALLED HARDER FOR POOR; HEALTH ADVOCATES FEAR DOCUMENT RULES CAUSE MANY TO LOSE COVERAGE

(By Kelly Brewington)

Public health advocates fear that a new federal regulation requiring Medicaid applicants to supply proof of identity and citizenship has resulted in thousands of poor Marylanders losing their health insurance.

The requirement, part of the federal Deficit Reduction Act that went into effect in Maryland in September, was designed to prevent illegal immigrants from fraudulently receiving Medicaid, the nation's premier health insurance program for the poor.

But advocates and health officers in some Maryland counties insist the rule has burdened citizens who need health care the most and is likely responsible for thousands of Marylanders being kicked off the Medicaid rolls.

"It's a completely unnecessary law and Congress made a big mistake in passing it," said Laurie Norris, an attorney with the Public Justice Center. "The people who are on Medicaid in Maryland are supposed to be on Medicaid."

The announcement of the regulations last June sparked an uproar among advocates and state health officials, who were given a July 1 deadline to enforce the mandate or risk losing federal funding. The officials complained they were not given enough time to train staff and inform Maryland's approximately 650,000 affected Medicaid recipients that they must furnish such identification as birth certificates, driver's licenses and passports.

Nationwide, advocates feared huge enrollment declines, saying many of Medicaid's neediest recipients don't possess the necessary documents and would have to struggle to come up with the money to obtain them. Maryland, for instance, does not automatically issue birth certificates, which may be ordered for $12.

Last summer, the federal government exempted from the requirement elderly and disabled Medicaid recipients who receive Supplemental Security Income from Social Security, and last month it extended the exemption to foster children. Still, states such as Virginia, Iowa, Wisconsin and New Hampshire noted plunging Medicaid enrollment figures and backlogs related to the regulation, according to a report released earlier this month by the Kaiser Family Foundation's Commission on Medicaid and the Uninsured. In Virginia, 12,000 children have been dropped from Medicaid rolls in the requirement's first four months of implementation, the report stated.

In Maryland, Medicaid enrollment numbers are down overall, but state health officials say they are unsure whether the drop is due to the new rule, a point that has frustrated county health officers eager for evidence of the regulation's impact that they could use to push for change.

From August through December 2006, the state Department of Health and Mental Hygiene recorded about 6,000 fewer Medicaid enrollees statewide compared with the same period in 2005. Maryland officials say the enrollment computer system is not configured to determine the exact cause of the decline.

"It is imperative that the state disclose data to demonstrate the impact of this law," said Dr. Joshua Sharfstein, Baltimore health commissioner. "There are warning signs that a major erosion in health coverage could be happening as a result of this new law. This is really concerning. . . ."

Charles Lehman, who oversees eligibility issues in the state's Medicaid office, said the agency has concentrated its limited resources on "keeping people on Medicaid rather than tracking the people going off."

"It may not sound like we are doing everything we can, but really, we are, with the resources we have," he said. "It's not just the clients, not just the caseworkers, everyone has been impacted by this."

Officials said while applicants are typically allowed a 30-day grace period, caseworkers will not discontinue the insurance if applicants are "making a good-faith effort" to obtain the documents.

"I think we have done a good job applying the law appropriately but not in a way that arbitrarily cuts people off," said Lehman. "We have made our best effort to keep people on."

The department has spent $1 million for a toll-free number to help applicants, 866-676-5880.

The state health department has also partnered with other state databases to verify the citizenship and identity of beneficiaries, without requiring recipients to hand over documents. In July, the agency searched birth certificate records for about 600,000 Medicaid enrollees at the cost of $12 per search, said Lehman.

But the effort has not gone as smoothly as hoped, said Norris, with the Public Justice Center. For instance, the databases are not automatically synched—staff must print out the information and check it by hand.

"The state has been severely hampered in information technology," she said.

Norris alerted state lawmakers to the problem at a briefing in Annapolis last week. The problems come during a push by advocates and some lawmakers and business groups to expand Medicaid and help about 780,000 uninsured Marylanders.

Officials with local agencies have increased outreach and said they have allowed people extra time to provide the documents they need.

Nevertheless, in Anne Arundel County, for example, denial rates for the state's Medicaid program for pregnant women and children have jumped from an average of 18 percent from June through December 2005 to 42 percent for the same period in 2006.

"It's really shocking," said Frances Phillips, the county's health officer. "This is so serious because the people we are talking about are either children with no insurance and no way to access health care, or pregnant women."

Many applicants eventually produce the documents and get back on Medicaid, Phillips noted. But for vulnerable populations, any discontinuation in coverage can be harmful, she said.

A health department program in which nurses make home visits to women with at-risk pregnancies has focused on educating women on the documentation. "We just feel that this is so critical," said Phillips. " . . . We touch base with the women, find out what is going on with them and make sure they get insurance."

In Baltimore, outreach workers with Baltimore HealthCare Access Inc., which assists some of the city's estimated 200,000 Medicaid enrollees, are making home visits and contacting state agencies on applicants' behalf.

The agency received $5,000 from the Abell Foundation to help applicants cover the cost of documents.

"We are plowing away that money pretty quickly," said Kathleen Westcoat, the organization's president.

The funding helped Brenda Kent, 36, pay for her birth certificate last month. She lost her wallet two months before she was due to apply for Medicaid benefits for herself, her twin sons and a daughter.

"I didn't know how I was supposed to get it," said Kent, who does not work. "If they didn't help me with the cost, it would have taken me longer to do it."

[From the Associated Press, Sept. 1, 2006]

NC: U.S. Citizenship Proof Required for Medicaid in N.C.

A requirement that Medicaid recipients in North Carolina prove they hold U.S. citizenship probably won't uncover a large amount of fraud, a state official says.

Starting Sept. 1, new Medicaid applicants and nearly every current beneficiary must provide documentation of their citizenship as part of a new federal law designed to prevent illegal immigrants from receiving the health care coverage.

"I would be very surprised if we had a problem in our state with any large number of people receiving benefits who were not entitled to receive them," said Mark Benton, senior deputy director for the state Division of Medical Assistance.

The law was to have taken effect nationwide July 1, but North Carolina delayed its start while it prepared for the changes.

Under the old rules, social services workers were supposed to ask applicants about their citizenship status. They were permitted to accept an applicant's word unless there was reasonable doubt.

Now, the person seeking Medicaid will have to provide a U.S. passport, or an original birth certificate with a driver's license, or other combinations of eligible documents.

Regardless of citizenship, people who need emergency care will continue to receive it through Medicaid, although this type of care is for a limited time period.

Officials say there is no way to know how many illegal immigrants are on Medicaid. Some argue illegal immigrants aren't enrolling in large numbers in a government program like this for fear of being deported.

Illegal immigrants received emergency care of nearly $53 million in 2005, more than double the amount from 2000, according to the division.

The changes nationwide will save Medicaid, the government-run health care program for the poor and disabled, about $735 million by 2015, according to Congressional Budget Office estimates.

Children Dropping Off Medicaid Rolls

(AP) For several years, there has been a steady increase in the number of children enrolling in Virginia's health insurance program for the poor. Beginning July 1, state officials say, an unprecedented slide began.

Over the following five months, about 12,000 children dropped off the state's Medicaid rolls.

"An entire year's growth has been wiped out," said Cynthia Jones, chief deputy director for the state's Department of Medical Assistance Services.

The drop-off, Jones points out, began about the time a new federal law took effect. The law states that U.S. citizens applying for Medicaid or renewing their participation must present proof of their citizenship and identity. The law emerged out of concern that illegal immigrants were obtaining access to health insurance coverage sponsored by the government.

But some officials say that's not who is losing coverage.

Besides Virginia, some other states are also reporting declines in children enrolled in Medicaid or a decline in applications. They include Iowa, Louisiana, New Hampshire and Wisconsin. Health researchers say they don't know if the states are representative of a nationwide pattern.

The states singled out as experiencing enrollment declines were included in a report issued Tuesday by the Kaiser Family Foundation, which conducts health research, and by the Center on Budget and Policy Priorities, a liberal think tank.

The states experiencing declines are adamant that U.S. citizens and certain legal immigrants are dropping off the Medicaid rolls, not illegal immigrants.

"There is no evidence that the decline is due to undocumented aliens leaving the program," said Anita Smith of the Iowa Department of Human Services. "Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

Medicaid is a health insurance program serving about 55 million people that is financed by the federal government and the states. The declines cited would indicate that just a fraction of the people enrolled in the program have dropped out as a result of the documentation requirements, but they do represent vulnerable populations, such as pregnant women and children.

"We've delayed coverage for those children, and if those children need medical care, there's going to be ramifications for them," said Donna Cohen Ross, outreach director for the Center on Budget and Policy Priorities.

But the agency that oversees Medicaid questioned claims that would link enrollment declines to the new documentation requirements.

"We believe we've given the states tools they need to both implement the law and provide sufficient flexibility to assist individuals in establishing their citizenship," said Jeff Nelligan, spokesman for the Centers for Medicare and Medicaid Services. "We continue to monitor state implementation and are not aware of any data that shows there are significant barriers to enrollment.

"If states are experiencing difficulties, they should bring them to our attention as we certainly want to understand why they are not using the flexibilities we have provided."

After Congress passed the documentation requirements, Medicaid officials released rules that established which documents would suffice in meeting the law.

Primary evidence, namely a U.S. passport or a certificate of U.S. citizenship, is considered the ideal. Secondary evidence or lower-tier evidence must be accompanied by a document showing identity. Such evidence includes birth certificates, insurance records, and as a last resort, written affidavits.

Original documents or copies certified by the issuing agency are required by the regulation. Copies are not acceptable. The federal government excluded millions of seniors and disabled people from the new documentation requirements. In December, Congress also approved an exception for foster children.

New Medicaid Citizenship Documentation Requirement Is Taking a Toll: States Report Enrollment Is Down and Administrative Costs Are Up

(By Donna Cohen Ross)

INTRODUCTION

A new federal law that states were required to implement July 1 is creating a barrier to health-care coverage for U.S. citizens—especially children—who are eligible for health insurance through Medicaid. The new law, a provision of the Deficit Reduction Act of 2005, requires U.S. citizens to present proof of their citizenship and identity when they apply for, or seek to renew, their Medicaid coverage. Prior to enactment of the law, U.S. citizens applying for Medicaid were permitted to attest to their citizenship, under penalty of perjury.

In the six months following implementation of the new requirement, states are beginning to report marked declines in Medicaid enrollment, particularly among low-income children. States also are reporting significant increases in administrative costs as a consequence of the requirement.

This analysis presents the data available so far on this matter. The available evidence strongly suggests that those being adversely affected are primarily U.S. citizens otherwise eligible for Medicaid who are encountering difficulty in promptly securing documents such as birth certificates and who are remaining uninsured for longer periods of time as a result.

The new requirement also appears to be reversing part of the progress that states made over the past decade in streamlining access to Medicaid for individuals who qualify, and especially for children. For example, to improve access to Medicaid and reduce administrative costs, most states implemented mail-in application procedures, and many states reduced burdensome documentation requirements. The new Medicaid citizenship documentation requirement now appears to be pushing states in the opposite direction, by impeding access to Medicaid. Families must furnish more documentation and may be required to visit a Medicaid office in person to apply or renew their coverage, bypassing simpler mail-in and on-line enrollment opportunities, because they must present original documents such as birth certificates that can take time and money to obtain. This is likely to cause the most difficulty for working-poor families that cannot afford to take time off from work to visit the Medicaid office and for low-income families residing in rural areas.

The new citizenship documentation requirement—which the Bush Administration did not request and the Senate initially did not adopt, but which the House of Representatives insisted upon in conference—was presented by its proponents as being necessary to stem a problem of undocumented immigrants securing Medicaid by falsely declaring themselves to be U.S. citizens. The new requirement was adopted despite the lack of evidence that such a problem existed. In response to a report in 2005 by the Inspector General of the Department of Health and Human Services, Mark McClellan, then the Administrator of the Centers for Medicare and Medicaid Services at HHS, noted: "The [Inspector General's] report does not find particular problems regarding false allegations of citizenship, nor are we aware of any.

IMPACT OF THE CITIZEN DOCUMENTATION REQUIREMENT ON MEDICAID APPLICANTS AND BENEFICIARIES: THE EARLY EVIDENCE

Medicaid enrollment figures for all states for the period since the new requirement was implemented on July 1 are not yet available. By contacting several individual states that do have such data, however, we were able to secure enrollment information from Wisconsin, Kansas, Iowa, Louisiana, Virginia and New Hampshire. The data show the following:

All six states report a significant drop in enrollment since implementation of the requirement began.

Medicaid officials in these states attribute the downward trend primarily or entirely to the citizenship documentation requirement.

Two types of problems are surfacing:

Medicaid is being denied or terminated because some beneficiaries and applicants cannot produce the specified documents despite, from all appearances, being U.S. citizens; and

Medicaid eligibility determinations are being delayed, resulting in large backlogs of applications, either because it is taking time for applicants to obtain the required documents or because eligibility workers are overloaded with the new tasks and paperwork associated with administering the new requirement.

Some states have designed mechanisms specifically to track enrollment changes resulting from the new procedures. Wisconsin, for example, has established computer codes to distinguish when Medicaid eligibility is denied or discontinued due to a lack of citizenship or identity documents. In other states, a comparison of current and past enrollment trends strongly suggests that the new requirement is largely responsible for the enrollment decline. For example, in many states aggressive "back to school" outreach activities conducted in August and September usually result in increased child enrollment in September and October. In 2006, however, states such as Virginia and Louisiana reported that child enrollment declined despite vigorous promotional campaigns, indicating that the new requirement undermined the value of the outreach efforts.

The Medicaid enrollment declines identified in this memo do not appear to be driven by broader economic trends or a change in the employment of low-income families. If that were the case, parallel enrollment decline trends would appear in the Food Stamp Program, which is the means-tested program whose enrollment levels are most responsive to such developments. Instead, Food Stamp caseloads have been increasing slightly in recent months. Moreover, each of the states identified in this memo as having sustained a drop in Medicaid enrollment saw its food stamp caseload rise during a similar period.

Both Medicaid and the Food Stamp Program serve similar populations of low-income families and are often administered by the same agencies and caseworkers. A key difference is that the citizenship documentation rules were applied to Medicaid but there were no such changes in the Food Stamp Program. It thus appears that the changes in Medicaid enrollment are a result of changes in Medicaid policies—particularly citizenship documentation—that do not affect eligibility for food stamps.

The following states have documented declines in Medicaid enrollment since the implementation of the Medicaid citizenship documentation requirement:

Wisconsin: In five months—between August and December 2006—a total of 14,034 Medicaid-eligible individuals were either denied Medicaid or lost coverage as a result of the documentation requirement. The loss of Medicaid coverage occurred despite Wisconsin's efforts to minimize the impact of the requirement by obtaining birth records electronically from the state's Vital Records agency. Obtaining proof of identify, rather than proof of citizenship, was the major problem for people in Wisconsin who were otherwise eligible during this period: 69 percent of those who were denied Medicaid or who lost Medicaid coverage due to the new requirement did not have a required identity document, as compared to 17 percent who did not provide the required citizenship documents and 14 percent who were missing both a citizenship and identity document. This indicates that most of those who were denied were, in fact, U.S. citizens.

Kansas: The Kansas Health Policy Authority (KHPA) reports that between 18,000 and 20,000 applicants and previous beneficiaries, mostly children and parents, have been left without health insurance since the citizenship documentation requirement was implemented. About 16,000 of these individuals are "waiting to enroll" or "waiting to be re-enrolled;" the state says these eligibility determinations are being delayed because of a large backlog of applications related to the difficulties confronting individuals and eligibility workers alike who are attempting to comply with the new rule. Documents on the KHPA website state that the "majority of families with pending applications will qualify for coverage under the new requirements when we are able to complete processing." In the meantime, these children and parents are barred from getting the health coverage for which they qualify and are, in most cases, uninsured.

Iowa: Iowa has identified an unprecedented decline in Medicaid enrollment that state officials attribute to the Medicaid citizenship documentation requirement. Prior to July 1, 2006, overall Medicaid enrollment had steadily increased for the past several years. While sporadic declines occurred in rural counties, no county in the state's larger population centers experienced a decline in the months leading up to the implementation of the new requirement. However, between July and September 2006, Medicaid enrollment sustained the largest decrease in the past five years; this also was the first time in five years that the state has experienced an enrollment decline for three consecutive months.

Although other factors may contribute to the recent decrease in enrollment, state officials point out the state is now experiencing a more severe effect on enrollment than it has following any of the Medicaid changes that have occurred over the past several years. The state's conclusion that the citizenship documentation requirement is driving the decline is supported by the fact that enrollment has dropped among the populations subject to the requirement (children and families) but has remained steady among groups not affected by the requirement (individuals receiving Medicare and SSI).

Louisiana: In two months—September and October of 2006—Louisiana experienced a net loss of more than 7,500 children in its Medicaid program despite a vigorous back-to-school outreach effort and a significant increase in applications during the month of September.

According to state officials, the enrollment decline is not driven by population loss from Hurricane Katrina and contrasts dramatically with enrollment spikes that usually occur in September and have reached up to 13,000 in the past. The reason for the drop-off is two-fold, according to the state: for some people, Medicaid is being denied or terminated because they have not presented the required citizenship or identity documents. In addition, the additional workload generated by the new requirement is diverting the time and effort eligibility workers normally would spend on activities to ensure that Medicaid beneficiaries do not lose coverage at renewal.

Virginia: Since July, enrollment of children in the state's Medicaid program has declined steadily each month. By the end of November, the total net decline stood at close to 12,000 children. During the same period, enrollment of children in the state's separate SCHIP program, not subject to the new requirement, increased. Virginia also reported a substantial backlog in application processing at its central processing site, with 2,600 cases pending approval for Medicaid in September, when normally no more than 50 such cases are pending at the end of a month.

After the plunge in children's Medicaid enrollment over several months, a small increase occurred in December 2006 (although Medicaid enrollment for children then began dropping again in January). State officials say the December "up-tick" suggests that some families are finally "getting over the hurdles" imposed by the new law and children (who were eligible at the time they applied but lacked the required documentation) are getting health coverage after a significant delay during which they were without coverage.

New Hampshire: Data from the New Hampshire Healthy Kids Program, a private organization that processes mail-in applications for the state's Medicaid and SCHIP programs, indicate that the percentage of applications submitted with all necessary documents in September of this year dropped by almost half compared to the percentage of complete applications submitted in September 2005. If applicants do not supply missing documentation within 28 days, New Hampshire closes the application. The percentage of applications closed due to missing documents has also increased significantly: from around 10 percent of applications before the new requirement to 20 percent in August 2006. In addition, New Hampshire Healthy Kids reports that between June 2006 and September 2006, enrollment of children in Medicaid dropped by 1,275.

IMPACT ON STATE ADMINISTRATIVE COSTS

Data on state Medicaid administrative costs for the months since July 1 are not available from CMS or any other national source. Several states, however, have examined the impact of the new Medicaid citizenship documentation requirement on their administrative expenditures. Their findings are as follows:

Illinois: Illinois is projecting $16 million to $19 million in increased staffing costs in the first year of implementation of the requirement.

Arizona: The Arizona legislature has allocated $10 million to implement the citizenship documentation requirement. This included the costs associated with staffing, training and payments for obtaining birth records.

Colorado: The FY07–08 budget request for the Colorado Department of Health Care Policy and Financing includes a request for an additional $2.8 million for county administration costs. This request is based on an assumption by the Centers for Medicare and Medicaid Services (CMS) that it will take an additional 5 minutes per application for a caseworker to process citizenship and identity documents. The Department stated in a Joint Budget Committee Hearing that this amount "may not be sufficient for Colorado counties and special record storage needs.

Washington: Washington State is projecting additional costs associated with hiring 19 additional FTEs in FY07 due to the new requirement, and retaining seven of them in FY08 and FY09. The state estimates that the costs will be $2.7 million on FY07 and $450,000 in each of the succeeding two years.

Wisconsin: Wisconsin is expecting increased costs of $1.8 million to cover the increased workload associated with administering the requirement in FY07 and $600,000 to $700,000 per year for the two years after that.

Minnesota: Minnesota is estimating that it will spend $1.3 million in FY07 for new staff, birth record fees and other administrative expenses.

CONCLUSION

Based on these findings and reports, and strong anecdotal evidence, it seems increasingly clear that the new Medicaid citizenship documentation requirement is having a negative impact on Medicaid enrollment, especially among children. Insufficient information is available to determine the precise extent to which individuals whose Medicaid eligibility has been delayed, denied or terminated are U.S. citizens, eligible legal immigrants, or ineligible immigrants. However, the fact that significant numbers of individuals are being approved for Medicaid after delays of many months, during which they were uninsured, demonstrates that the requirement is adversely affecting substantial numbers of U.S. citizens, especially children who are citizens. Moreover, a large body of research conducted over a number of years has conclusively shown that increasing documentation and other administrative burdens generally results in eligible individuals failing to obtain coverage as a result of the enrollment and renewal processes having become more complicated to understand and more difficult to navigate. Regarding the Medicaid enrollment declines, Anita Smith, Chief of the Bureau of Medical Supports for the Iowa Department of Human Services, has stated: "There is no evidence that the [enrollment] decline is due to undocumented aliens leaving the program. Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

A number of governors across the nation are announcing their intentions to push new initiatives to cover the uninsured, particularly children. These proposals are being designed to build upon existing public coverage programs, of which Medicaid is the largest, and invariably these proposals call for the enrollment of individuals who are currently eligible for existing programs but remain uninsured. Success will depend, in large measure, on policies and procedures that facilitate rather than frustrate such efforts so that eligible individuals can obtain the benefits for which they qualify. The Medicaid citizenship documentation requirement, which appears to be an extremely blunt instrument, stands to undercut such efforts by placing a daunting administrative obstacle in the way of many low-income U.S. citizens who otherwise have shown that they qualify or by discouraging potentially eligible citizens from applying because the process appears too complex or intimidating. The requirement also appears to be deflecting state human and financial resources away from activities designed to reach eligible children and families and to enroll them in the most efficient and effective manner.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. DURBIN, Mr. INOUYE, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CASEY):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President day in and day out across America, millions of men and women go to work in jobs that are the backbone of our economy. They make our country great and prosperous. They work hard to provide for their families and care for them.

Often, however, they have to miss days of work because of illness. Every parent knows what it's like to care for a sick child, and every child knows the importance of a parent taking care of them when they are ill. Yet, every day, countless Americans find their paychecks or even their jobs at risk when illness strikes.

As Members of Congress, we don't lose our pay or risk our jobs if we stay home because of illness. But millions of our fellow citizens are not so fortunate.

Mr. President, 57 million Americans—nearly half of all private-sector workers in the United States—do not have paid sick days. Seventy percent don't have paid sick days they can use to care for family members. They can't take a day off to recover from the flu. They can't leave work to care for a child who is running a fever.

Among workers in the lowest income quarter, the numbers are even worse— percent do not have the right to take time off for illness without losing their payor even their jobs.

This lack of protection is especially difficult for working women with children. Women have moved into the workforce in record numbers, but they continue to have primary responsibility for their children's health. Nearly 80 percent of mothers say they are solely responsible for their children's medical care. Yet they can't take a day off to care for a sick child.

If we truly care about families, we have to change those facts. Americans want to be responsible employees and responsible parents. We need workplace laws that allow workers the time needed to care for themselves or family members when they are sick without losing payor risking their jobs.

That is why today I am introducing the Healthy Families Act, to give American workers up to seven paid days of sick leave a year. Now Congresswoman ROSA DELAURO is introducing the legislation in the House of Representatives.

Earlier this week, she and I met with hundreds of workers and parents from around the country, representing tens of thousands of parents asking Congress to take action.

I am talking about hard-working people such as Bertha Brown, who spoke to hundreds of us in front of the Capitol. Bertha is a home healthcare aide. She has spent her life caring for America's sick and elderly, yet she herself has no paid sick days to care for herself or her children. She told us how she had to leave her sick daughter at home when she went to work.

Paid sick days aren't just a family issue—they are also a public health issue. When sick people go to work, they are likely to infect their coworkers and the public. Every day, we hear reports of stomach illnesses breaking out in restaurants or on cruise ships. We learn of flu outbreaks leading to hospitalization of the elderly. Such illnesses are contagious, but their spread can be minimized if sick people stay at home.

However, a high proportion of workers who have constant contact with the public have no paid sick days—85 percent of food service workers and 55 percent of workers in the retail industry are denied that benefit; 30 percent of health care workers can't take paid time off when they are ill.

That is why nurses and doctors support paid sick days. When our Health Committee held a hearing on this issue last month, we heard from pediatricians at Boston Children's Hospital and a public health expert in San Francisco about the significant health benefits and reduction of medical costs that result from paid sick days. We all know that preventive care helps reduce medical costs. Giving people the opportunity to obtain medical treatment for illnesses or chronic medical conditions before their conditions worsen is common sense.

Paid sick days also are important to help children stay healthy and in school so that they can learn. When sick children go to school, they don't learn well, and they are likely to infect their fellow students.

We also heard this week from Carolyn Duff, a nurse in an elementary school in South Carolina. She treated a fifth grader she suspected had strep throat. His parents did not have paid sick days and could not take him to the doctor. After 4 days, his condition worsened. He developed scarlet fever and a rash covered his entire body—all because his parents, for fear of losing their jobs, weren't able to take time off to care for him. As Carolyn Duff said, the child not only suffered without the care of his parents, he also lost 10 precious days of his studies at school.

Paid sick days will result in significant savings to our economy and our health care system. That is why employers support paid sick days too. Dancing Deer Bakery—a small business Boston—sent me a letter making this important point:

> A national paid sick days law creates a level playing field for all businesses. . . . We hope that a bill will move through both Chambers and be on the President's desk. Paid sick days should be a non-partisan issue. A healthy nation is a productive nation.

Paid sick days are good for families, good for our public health, and good for our economy. Our people have waited long enough for this need to be met. It is time to pass the Healthy Families Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Families Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Working Americans need time to meet their own health care needs and to care for family members, including their children, spouse, parents, and parents-in-law, and other children and adults for whom they are caretakers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to meet health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten their duration.

(4) When parents are available to care for their children who become sick, children recover faster, more serious illnesses are prevented, and children's overall mental and physical health improve. Parents who cannot afford to miss work and must send children with a contagious illness to child care or school contribute to the high rate of infections in child care centers and schools.

(5) Providing paid sick leave improves public health by reducing infectious disease. Policies that make it easier for sick adults and children to be isolated at home reduce the spread of infectious disease.

(6) Routine medical care reduces medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and private payers of health insurance, including private businesses.

(7) The provision of individual and family sick leave by large and small businesses, both here in the United States and elsewhere, demonstrates that policy solutions are both feasible and affordable in a competitive economy. Measures that ensure that employees are in good health and do not need to worry about unmet family health problems help businesses by promoting productivity and reducing employee turnover.

(8) The American Productivity Audit found that presenteeism—the practice of employees coming to work despite illness—costs $180,000,000,000 annually in lost productivity. Studies in the Journal of Occupational and Environmental Medicine, the Employee Benefit News, and the Harvard Business Review show that presenteeism is a larger productivity drain than either absenteeism or short-term disability.

(9) The absence of paid sick leave has forced Americans to make untenable choices between needed income and jobs on the one hand and caring for their own and their family's health on the other.

(10) Nearly half of Americans lack paid leave for self-care or to care for a family member. For families in the lowest quartile of earners, 79 percent lack paid sick leave. For families in the next 2 quartiles, 46 and 38 percent, respectively, lack paid sick leave. Even for families in the highest income quartile, 28 percent lack paid sick leave. In addition, millions of workers cannot use paid sick leave to care for ill family members.

(11) Due to the roles of men and women in society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(12) An increasing number of men are also taking on caretaking obligations, and men who request leave time for caretaking purposes are often denied accommodation or penalized because of stereotypes that caretaking is only "women's work".

(13) Employers' reliance on persistent stereotypes about the "proper" roles of both men and women in the workplace and in the home continues a cycle of discrimination and fosters stereotypical views about women's commitment to work and their value as employees.

(14) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(15) It is in the national interest to ensure that all Americans can care for their own health and the health of their families while prospering at work.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick leave including leave for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that is feasible for employers; and

(4) consistent with the provision of the 14th amendment to the Constitution relating to equal protection of the laws, and pursuant to Congress' power to enforce that provision under section 5 of that amendment—

(A) to accomplish the purposes described in paragraphs (1) and (2) in a manner that minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term "child" means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) EMPLOYEE.—The term "employee" means an individual—

(A) who is—

(i)(I) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under clause (v), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (3)(A); or

(II) an employee of the Government Accountability Office;

(ii) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(iv) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(v) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; and

(B) who works an average of at least 20 hours per week or, in the alternative, at least 1,000 hours per year.

(3) EMPLOYER.—

(A) IN GENERAL.—The term "employer" means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) is engaged in commerce (including government), in the production of goods for commerce, or in an enterprise engaged in commerce (including government) or in the production of goods for commerce.

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term "covered employer"—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(II) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) PUBLIC AGENCY.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITIONS.—For purposes of this subparagraph:

(I) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term "employee" has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(4) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(5) HEALTH CARE PROVIDER.—The term "health care provider" means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this Act.

(6) PARENT.—The term "parent" means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(7) PRO RATA.—The term "pro rata", with respect to benefits offered to part-time employees, means the proportion of each of the benefits offered to full-time employees that are offered to part-time employees that, for each benefit, is equal to the ratio of part-time hours worked to full-time hours worked.

(8) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(9) SICK LEAVE.—The term "sick leave" means an increment of compensated leave provided by an employer to an employee as a benefit of employment for use by the employee during an absence from employment for any of the reasons described in paragraphs (1) through (3) of section 5(d).

(10) SPOUSE.—The term "spouse", with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

SEC. 5. PROVISION OF PAID SICK LEAVE.

(a) IN GENERAL.—An employer shall provide for each employee employed by the employer not less than—

(1) 7 days of sick leave with pay and employment benefits annually for employees working 30 or more hours per week; or

(2) a pro rata number of days or hours of sick leave with pay and employment benefits annually for employees working less than—

(A) 30 hours per week on a year-round basis; or

(B) 1,500 hours throughout the year involved.

(b) ACCRUAL.—

(1) PERIOD OF ACCRUAL.—Sick leave provided for under this section shall accrue as determined appropriate by the employer, but not on less than a quarterly basis.

(2) ACCUMULATION.—Accrued sick leave provided for under this section shall carry over from year to year, but this Act shall not be construed to require an employer to permit an employee to accumulate more than 7 days of the sick leave.

(3) USE.—The sick leave may be used as accrued. The employer, at the discretion of the employer, may loan the sick leave to the employee in advance of accrual by such employee.

(c) CALCULATION.—

(1) LESS THAN A FULL WORKDAY.—Unless the employer and employee agree to designate otherwise, for periods of sick leave that are less than a normal workday, that leave shall be counted—

(A) on an hourly basis; or

(B) in the smallest increment that the employer's payroll system uses to account for absences or use of leave.

(2) VARIABLE SCHEDULE.—If the schedule of an employee varies from week to week, a weekly average of the hours worked over the 12-week period prior to the beginning of a sick leave period shall be used to calculate the employee's normal workweek for the purpose of determining the amount of sick leave to which the employee is entitled.

(d) USES.—Sick leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee subject to the requirement of subsection (e).

(3) An absence for the purpose of caring for a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who—

(A) has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(e) SCHEDULING.—An employee shall make a reasonable effort to schedule leave under paragraphs (2) and (3) of subsection (d) in a manner that does not unduly disrupt the operations of the employer.

(f) PROCEDURES.—

(1) IN GENERAL.—Paid sick leave shall be provided upon the oral or written request of an employee. Such request shall—

(A) include a reason for the absence involved and the expected duration of the leave;

(B) in a case in which the need for leave is foreseeable at least 7 days in advance of such leave, be provided at least 7 days in advance of such leave; and

(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such leave.

(2) CERTIFICATION.—

(A) PROVISION.—

(i) IN GENERAL.—Subject to subparagraph (C), an employer may require that a request for leave be supported by a certification issued by the health care professional of the eligible employee or of an individual described in subsection (d)(3), as appropriate, if the leave period covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the leave. The employer shall not delay the commencement of the leave on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the leave will be needed;

(II) the probable duration of the leave;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of leave under subsection (d)(1), a statement that leave from work is medically necessary;

(bb) for purposes of leave under subsection (d)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of leave under subsection (d)(3), in the case of leave to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick leave.

(C) REGULATIONS.—Regulations prescribed under section 13 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(D) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee's child, parent, spouse or other individual described in subsection (d)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(g) CURRENT LEAVE POLICIES.—

(1) EQUIVALENCY REQUIREMENT.—An employer with a leave policy providing paid leave options shall not be required to modify such policy, if such policy includes provisions for the provision, use, and administration of paid sick leave that meet the requirements of subsections (a) through (f).

(2) NO ELIMINATION, REDUCTION, OR REDESIGNATION OF EXISTING LEAVE.—An employer may not eliminate, reduce, or redesignate any leave in existence on the date of enactment of this Act in order to comply with the provisions of this Act.

SEC. 6. POSTING REQUIREMENT.

(a) IN GENERAL.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing leave available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;

(3) the details of the notice requirement for foreseeable leave under section 5(f)(1)(B); and

(4) information that describes—

(A) the protections that an employee has in exercising rights under this Act; and

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 8) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of sick leave under this Act as a negative factor in an employment action, such as hiring, promotion, or a disciplinary action; or

(C) counting the sick leave under a no-fault attendance policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection:

(A) the term "employee" means an employee described in clause (i) or (ii) of section 4(2)(A); and

(B) the term "employer" means an employer described in subclause (I) or (II) of section 4(3)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

(i) the employees or individuals; or

(ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee or individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 7 days of wages or salary for the employee or individual;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (including a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 7 (including a violation relating to rights provided under section 5), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(7) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under paragraph (4) or (6).

(8) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary of Labor under this subsection shall be exercised respectively by the

Comptroller General of the United States and the Librarian of Congress.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any person, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iii).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this Act provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iv).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(v).

SEC. 9. COLLECTION OF DATA ON PAID SICK DAYS AND FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—Effective 90 days after the date of enactment of this Act, the Commissioner of Labor Statistics shall annually compile information on the following:

(1) The number of employees who used paid sick leave.

(2) The number of hours of the paid sick leave used.

(3) The demographic characteristics of employees who were eligible for and who used the paid sick leave.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall annually conduct a study to determine the following:

(A)(i) The number of days employees used paid sick leave and the reasons for the use.

(ii) The number of employees who used the paid sick leave for leave periods covering more than 3 consecutive workdays.

(B) Whether employees used the paid sick leave to care for illnesses or conditions caused by domestic violence against the employees or their family members.

(C) The cost and benefits to employers of implementing the paid sick leave policies.

(D) The cost to employees of providing certification issued by a health care provider to obtain the paid sick leave.

(E) The benefits of the paid sick leave to employees and their family members, including effects on employees' ability to care for their family members or to provide for their own health needs.

(F) Whether the paid sick leave affected employees' ability to sustain an adequate income while meeting health needs of the employees and their family members.

(G) Whether employers who administered paid sick leave policies prior to the date of enactment of this Act were affected by the provisions of this Act.

(H) Whether other types of leave were affected by this Act.

(I) Whether paid sick leave affected retention and turnover and costs of presenteeism.

(J) Whether the paid sick leave increased the use of less costly preventive medical care and lowered the use of emergency room care.

(K) Whether the paid sick leave reduced the number of children sent to school when the children were sick.

(2) AGGREGATING DATA.—The data collected under subparagraphs (A), (B), and (E) of paragraph (1) shall be aggregated by gender, race, disability, earnings level, age, marital status, and family type, including parental status.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

(B) FOLLOWUP REPORT.—Not later that 5 years after the date of enactment of this Act the Comptroller General of the United States shall prepare and submit a followup report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

SEC. 10. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act shall be construed to supersede any provision of any State or local law that provides greater paid sick leave or other leave rights than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid sick leave rights to employees or individuals than the rights established under this Act.

(b) LESS PROTECTIVE.—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) IN GENERAL.—

(1) AUTHORITY.—Except as provided in paragraph (2), not later than 120 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in clause (i) or (ii) of section 4(2)(A) and other individuals affected by employers described in subclause (I) or (II) of section 4(3)(A)(i).

(2) GOVERNMENT ACCOUNTABILITY OFFICE; LIBRARY OF CONGRESS.—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iii) and other individuals affected by employers described in section 4(3)(A)(i)(III).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iv) and other individuals affected by employers described in section 4(3)(A)(i)(IV).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(v) and other individuals affected by employers described in section 4(3)(A)(i)(V).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) IN GENERAL.—This Act shall take effect 1 year after the date of issuance of regulations under section 13(a)(1).

(b) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 18 months after the date of issuance of regulations under section 13(a)(1).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS

Mrs. MURRAY (for herself and Mr. LEVIN) submitted the following resolution; which was submitted and read:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

SENATE RESOLUTION 108—DESIGNATING THE FIRST WEEK OF APRIL 2007 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas there is no known safe level of exposure to asbestos;

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when a person inhales or swallows airborne asbestos fibers, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of individuals diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late-stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognoses;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas, in 1977, the International Agency for Research on Cancer classified asbestos as a Category 1 human carcinogen, the highest cancer hazard classification for a substance;

Whereas, in 2002, the United States Geological Survey reported that companies in the United States consumed 9,000 metric tons of asbestos, of which approximately 71 percent was consumed in roofing products, 18 percent in gaskets, 5 percent in friction products, and 6 percent in other products;

Whereas, in 2006, the World Health Organization issued a policy paper, and the International Labour Organization adopted a resolution, agreeing that all forms of asbestos are classified as human carcinogens, no threshold for "safe" exposure exists, and the elimination of asbestos use is essential to stop the global epidemic of asbestos-related diseases;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, builders of vehicle bodies (including rail vehicles), pipefitters, carpenters and electricians, construction workers (including insulation and stripping workers), extraction workers, energy and water supply workers, and manufacturing workers;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos exposures continue, but attention to safety and prevention has reduced significantly and will continue to reduce asbestos exposures and asbestos-related diseases;

Whereas the United States continues to import over $100,000,000 worth of asbestos products annually, such as brake pads and linings, cement pipe, floor tiles, and other asbestos products from other countries for use throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas people in the small community of Libby, Montana, have asbestos-related diseases at a rate 40 to 60 times the national average, and suffer from mesothelioma at a rate 100 times the national average;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have increased greatly in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all victims of asbestos-related diseases were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases; and

Whereas the establishment of "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2007 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

Mr. REID. Mr. President, I rise in support of the resolution introduced by Senator BAUCUS to designate the first week of April 2007 as "National Asbestos Awareness Week." It is my hope this resolution will raise public awareness of this dreadful substance and the pain and suffering that it has caused. It is also a reminder of our responsibility to the victims of asbestos in Nevada, in Libby, MT, and all over America.

We know too well that the effect of exposure can be deadly. Diseases caused by asbestos include cancers of the lung, digestive tract, colon, larynx, esophagus, kidney and some types of lymphoma; pleural disease; asbesostis; and, of course, mesothelioma. These devastating illnesses take the lives of 30 Americans each day and as many as 10,000 Americans each year.

According to the Occupational Safety and Health Administration, OSHA, 1.3 million Americans still face significant asbestos exposure in their workplaces. However, the danger is not confined to the Nation's shipyards, mines, or construction sites. Countless others are exposed in their neighborhoods, in schoolyards and at home; mothers and children who would otherwise have no clue that their very health is in jeopardy from this poisonous substance.

The cases of disease and death caused by asbestos exposure are not abstractions. Real lives are affected and destroyed by this dreadful substance. I have received countless letters from victims of asbestos-related diseases and their families. Each one shares another story of loss and of pain, of sickness and of tragedy.

James Baxter, a retired railroad worker from Carson City, NV, suffers from lung damage and respiratory problems. Richard Strauss from Las Vegas, NV, lost his father 3 years ago from asbestos exposure. Like many others, these two men contacted me seeking help in dealing with the hardship and tragedy they have endured.

Margy Urnberg from Carson City, NV, had a father, Ronald Johnson, who died from asbestos exposure. He worked in a vermiculite mine and received secondhand exposure from living in Libby, MT. Connie Peck-Youso was born and raised in Libby, MT. Although she never worked in a mine, she bares the scarring in her lungs from the same type of secondhand exposure that had such terrible consequences for Mr. Johnson.

Alan Reinstein, the cofounder and former Director of Communications of the Asbestos Disease Awareness Organization, suffered with acute mesothelioma. Alan fought bravely and responded to his illness as a call to action. Sadly, he lost his battle with his terrible disease last year. The Alan Reinstein Memorial Award was created to honor those, like Alan, who have brought awareness to the victims of asbestos. Les Skramstad will be honored posthumously this year.

Last year, the Senate debated a bill to remove asbestos liability cases from the court system and compensate victims from a trust fund. I strongly opposed that bill because it was unfair to asbestos victims. The bill would have made it too difficult for seriously injured victims to recover damages, and the trust fund would have been inadequate. Rather than deprive asbestos victims of their day in court, we should pass legislation to ban asbestos and heighten public awareness of this fatal disease.

I am also pleased to be a cosponsor of the legislation recently reintroduced by Senator MURRAY, the Ban Asbestos in America Act of 2007, which would ban asbestos by prohibiting asbestos-containing products from being imported, manufactured, processed, or distributed in the United States. While it has been banned in over 40 countries around the world, we continue to import over $100 million worth of asbestos products annually. This is more than 30 million pounds of asbestos that is imported for use throughout the Nation. Additionally, the bill calls for a public awareness campaign to help educate patients, workers, family members, and health care providers on the dangers of exposure to asbestos, along with possible treatment options. Asbestos is killing far too many people. We can and should do more. Senator MURRAY's bill and the National Asbestos Awareness Week are a step in that direction.

SENATE RESOLUTION 109—CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION RIFLE CHAMPIONSHIP

Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska, the University of Alaska Fairbanks rifle team (referred to in this preamble as the "Nanooks rifle team") earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the "NCAA Rifle Championship");

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach Dan Jordan, along with each member of the Nanooks rifle team, dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006-2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their opponents, and respect for the sport of competitive shooting throughout the 2006-2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

SENATE RESOLUTION 110—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 30TH ANNIVERSARY OF ASEAN-UNITED STATES DIALOGUE AND RELATIONSHIP

Mr. LUGAR (for himself, Mr. BIDEN, Mrs. BOXER, Ms. MURKOWSKI, Mr. HAGEL, Mr. BOND, Mr. KERRY, Mr. WEBB, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 110

Whereas the Association of Southeast Asian Nations (referred to in this resolution as "ASEAN"), was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore and Thailand as the initial members;

Whereas the membership of ASEAN has expanded to 10 countries since its establishment in 1967, and now includes Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam;

Whereas the United States-ASEAN dialogue and relationship began in 1977;

Whereas the countries of ASEAN constitute the 3rd largest export market for the United States, have received approximately $90,000,000,000 in direct investment from the United States, and are developing an integrated free trade area;

Whereas trade between the United States and the countries of ASEAN totals nearly $170,000,000,000 annually;

Whereas ASEAN is committed to accelerated economic growth, social progress, cultural development, and regional peace and stability;

Whereas ASEAN is committed to developing a regional energy security strategy;

Whereas nearly 40,000 students from ASEAN countries are studying in the United States;

Whereas ASEAN countries share common concerns with the United States, including the spread of avian influenza and other diseases, and environmental issues, such as the preservation of biodiversity and illegal logging;

Whereas ASEAN countries continue to partner with the United States against global terrorism;

Whereas the Senate passed legislation authorizing the establishment of the position of United States Ambassador for ASEAN Affairs; and

Whereas United States officials announced in August of 2006 that an Ambassador for ASEAN Affairs will be appointed: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States and the ASEAN countries should continue implementing the ASEAN-United States Enhanced Partnership, with emphasis on the agreed upon specific priority measures for cooperation in 2007;

(B) the United States should proceed with appointing a United States Ambassador for ASEAN Affairs;

(C) the United States should work with the countries of ASEAN in developing a regional energy strategy;

(D) the United States should provide greater emphasis and support toward encouraging students from ASEAN countries to study in the United States, and American students to study in ASEAN countries; and

(E) the United States should continue to support the work of multilateral financial institutions, including the Asian Development Bank and the World Bank in ASEAN countries, and to encourage additional transparency and anticorruption efforts by those institutions, for the benefit of the ASEAN countries where they operate;

(2) the Senate welcomes the initiation of a Fulbright Program for ASEAN scholars; and

(3) the Senate welcomes and encourages planning by the countries of ASEAN and the United States for an ASEAN-United States Summit in 2007.

Mr. LUGAR. Mr. President, since its inception in 1967, the Association of Southeast Asian Nations has been a trusted friend of the United States. The original five-member countries of Indonesia, Malaysia, Philippines, Singapore and Thailand, were joined by

Brunei Darussalam in 1984. Beginning in the late 1960s, U.S. officials today continue to interact with ASEAN regarding mutual interests in East and Southeast Asia. Vietnam, Laos, Burma and Cambodia joined ASEAN after 1994.

The level of intersects between ASEAN and the United States is immense, including student exchanges, business and trade, and security cooperation. ASEAN is the third largest export destination of American products.

It is important to note that ASEAN is continually changing, with the pursuit of economic integration. As noted by the ASEAN Secretariat, ASEAN officials hope to create "a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services and investment and a freer flow of capital, equitable, economic development and reduced poverty and socio-economic disparities in year 2020." Last year alone, there were over 500 meetings of ASEAN officials—it is a vibrant regional structure.

Committed to promoting regional peace and harmony, there has been no armed confrontation among ASEAN member nations, since ASEAN's beginning. An important part of ASEAN's future security lies in the development of a regional energy security strategy. This endeavor is well underway, and the United States looks forward to future dialogue on ways in which meaningful cooperation can occur.

Continued collaboration between ASEAN, the United States and the World Health Organization on addressing major disease challenges, such as Avian influenza is of the essence. All involved must act with vigilance and in a timely way.

While ASEAN and the United States have shared appreciation for the challenges of terrorism, our relationship is far more complex. For the benefit of my colleagues, I point to recent remarks conveyed to me by Singapore's esteemed Ambassador-at-Large, Tommy Koh, who wrote "ASEAN's relationship with the U.S. is its most important relationship. It is a mutually beneficial relationship. However, ASEAN often feels that it has been treated by the U.S. with benign neglect and viewed solely through the prism of terrorism. We hope, on this 30th anniversary year of the U.S.-ASEAN dialogue relationship, that the U.S. will develop a coherent strategy and policy to engage ASEAN, upgrade our priority and make the U.S. the best friend of ASEAN."

Full implementation of the ASEAN-United States Enhanced Partnership and appointment of the U.S. Ambassador for ASEAN Affairs are important steps in growing this important bilateral relationship.

I am pleased to introduce this resolution commemorating the 30th anniversary of the U.S.-ASEAN dialogue. It is a message of reaffirmation and deep appreciation by the United States Senate. We look forward to an even closer future partnership on many fronts, yielding mutual benefit for the people of ASEAN and the United States.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING THE SENSE OF CONGRESS THAT NO FUNDS SHOULD BE CUT OFF OR REDUCED FOR AMERICAN TROOPS IN THE FIELD WHICH WOULD RESULT IN UNDERMINING THEIR SAFETY OR THEIR ABILITY TO COMPLETE THEIR ASSIGNED MISSION

Mr. GREGG (for himself, Mr. LOTT, Mr. SHELBY, Mr. CRAIG, Mr. CORNYN, Mr. STEVENS, Mr. CHAMBLISS, Mr. Allard, Mr. GRAHAM, Mr. ROBERTS, Mr. COBURN, Mr. MARTINEZ, Mr. ISAKSON, Mr. COLEMAN, Mr. DEMINT, Mr. THUNE, and Mr. SESSIONS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, supra; which was ordered to lie on the table.

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

TEXT OF AMENDMENTS

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

"(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

"(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.".

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, line 23, strike the quotation marks and the second period and insert the following:

"(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

"(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

"(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

"(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.".

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table; as follows:

Beginning on page 2, line 11, strike "to the limited purposes set forth" and all that follows through page 3, line 20, and insert the following: "to the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(b) COMPREHENSIVE STRATEGY.—Subsection (a) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(c) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a classified report on the progress made in transitioning the mission of the United States forces in Iraq and achieving the benchmarks established pursuant to subsection (d).

(d) CLASSIFIED CAMPAIGN PLAN.—The President shall create a classified campaign plan for Iraq, including strategic and operation benchmarks and redeployment dates of United States forces from Iraq as those benchmarks are met.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; as follows:

On page 5, line 19, insert "(FYROM)" after "Macedonia".

On page 12, line 22, insert "(FYROM)" after "Macedonia".

On page 14, line 7, insert "(FYROM)" after "Macedonia".

On page 14, line 9, insert "**(FYROM)**" after "**MACEDONIA**".

On page 15, line 6, insert "(FYROM)" after "MACEDONIA".

On page 15, line 6, insert "(FYROM)" after "Macedonia"

On page 15, line 20, insert "(FYROM)" after "Macedonia".

On page 17, line 3, insert "(FYROM)" after "Macedonia".

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; as follows:

In the ninth whereas clause of the preamble, strike "Dial" and insert "Dail".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 22, 2007, at 9:45 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m., in open session to receive testimony on the posture of the United States Army in review of the Defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the U.S. Coast Guard budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, March 15, 2007 at 4 p.m. in the President's Room, S–216, of the Capitol building. We will be considering the following:

Agenda

1. S. 624, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007
2. S. 845, Keeping Seniors Safe From Falls Act of 2007
3. S. 657, the Trauma Care Systems Planning and Development Act of 2007
4. W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 15, 2007, at 10 a.m. to consider the nomination of Gregory B. Cade to be Administrator of the U.S. Fire Administration at the Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 15, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. COMMITTEE AUTHORIZATION

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys

II. BILLS

S. 236, The Federal Agency Data Mining Reporting Act of 2007; Feingold, Sununu

S. 261, Animal Fighting Prohibition Enforcement Act of 2007; Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl

S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Kyl, Cornyn, Grassley, Sessions

S. 231, A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program; Feinstein, Cornyn, Kohl, Durbin, Biden, Grassley

S. 368, COPS Improvements Act of 2007; Biden, Leahy, Kohl, Feinstein, Schumer, Durbin, Specter

S. 627, Safe Babies Act; Harkin, Specter

III. RESOLUTIONS

S. Con. Res. 14, Commemorating the 85th anniversary of the American Hellenic Educational Progressive Association; Snowe

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2007 at 2:30 p.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Thursday, March 15, 2007.

The agenda to be considered: Hearing on Water Resources Needs and the President's Budget Proposal for the Army Corps of Engineers for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent for John Krukameyer of my office to have floor privileges for today's session of the Senate. I also ask unanimous consent that a law clerk on my staff, Melanie Edwards, be granted floor privileges until March 31.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GREEK INDEPENDENCE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to calendar No. 80, S. Res. 95.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, "Greece and America have been firm allies in the great struggles for liberty.. . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . .. America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over $15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007, marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 109.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) congratulating the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to recognize the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship on March 10, 2007 in Fairbanks, AK.

With a total score of 4,662 points for their performance in the smallbore and air rifle competitions, the undefeated and defending champion University of Alaska Fairbanks "Nanooks" posted an 18-point win over the U.S. Military Academy and a 23-point win over Jacksonville State University to claim their ninth national championship title.

This was the first time the Nanooks have hosted an NCAA Championship. More than 900 spectators, a record crowd for an NCAA Rifle Championship, were present to help support the local team.

Nanooks head coach Dan Jordan, along with each member of the 2007 University of Alaska Fairbanks rifle team, which includes six National Rifle Association All-Americans, should be recognized for their achievements during this past season. I congratulate the team and wish them continued success in future years.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska, the University of Alaska Fairbanks rifle team (referred to in this preamble as the "Nanooks rifle team") earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the "NCAA Rifle Championship");

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach, Dan Jordan, along with each member of the Nanooks rifle team dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006–2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their opponents, and respect for the sport of competitive shooting throughout the 2006–2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

CONGRESSIONAL CHARTER OF THE AMERICAN NATIONAL RED CROSS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 71, S. 655.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 655) to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with an amendment, as follows:

[Omit the part struck through and insert the part printed in italic].

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The American National Red Cross Governance Modernization Act of 2007".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”; and

(2) in subsection (b), by inserting at the end the following new sentence: “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”.

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) to conduct other activities consistent with the foregoing purposes.”.

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “, or as otherwise provided,” before “in the bylaws”;

(2) in subsection (b)(1)—

(A) by striking “board of governors” and inserting “corporation”; and

(B) by inserting “policies and” before “regulations related”; and

(3) in subsection (b)(2)—

(A) by inserting “policies and” before “regulations shall require”; and

(B) by striking “national convention” and inserting “annual meeting”.

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

“§300104. Board of governors

“(a) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

“(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

“(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

“(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

“(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

“(A) CHAIRMAN.—

“(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

“(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

“(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(B) OTHER MEMBERS.—

“(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

“(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

“(b) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

“(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

“(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

“(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

“(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

“(c) COMMITTEES AND OFFICERS.—The board—

“(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

“(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

“(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

“(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

“(d) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

“(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

“(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

“(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

“(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

“(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

“(f) VOTING BY PROXY.—

“(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

“(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

“(g) BYLAWS.—

“(1) IN GENERAL.—The board of governors may—

“(A) at any time adopt bylaws; and

“(B) at any time adopt bylaws to be effective only in an emergency.

“(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

“(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.”.

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking “bylaws” and inserting “policies”.

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

“§300107. Annual meeting

“(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

“(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

“(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

“(d) VOTING.—

“(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) ESTABLISHMENT OF NUMBER OF VOTES.—

"(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§ 300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§ 300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

[“(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.”.]

"(b) REPORT.—

"(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

"(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

"(i) the Committee on Finance;

"(ii) the Committee on Foreign Relations;

"(iii) the Committee on Health, Education, Labor, and Pensions;

"(iv) the Committee on Homeland Security and Governmental Affairs; and

"(v) the Committee on the Judiciary.

"(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

"(i) the Committee on Energy and Commerce;

"(ii) the Committee on Foreign Affairs;

"(iii) the Committee on Homeland Security;

"(iv) the Committee on the Judiciary; and

"(v) the Committee on Ways and Means.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

Mr. LEAHY. Mr. President, I am pleased the Judiciary Committee approved and the Senate is considering S. 655, the American National Red Cross Governance Modernization Act of 2007. I thank my colleagues, Senator GRASSLEY and Senator KENNEDY, for their hard work on this issue and for introducing this important bill.

Since its founding by Clara Barton in 1881, the American Red Cross has provided crucial relief services to those affected by famine, floods, and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than 1 million volunteers and 35,000 employees. As a key participant in the U.S. disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope: the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami, and the 2005 hurricane season that included the enormously destructive Hurricanes Katrina, Rita, and Wilma. These events all challenged the Red Cross's ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross's Board of Governors unanimously voted to accept recommendations given by an independent advisory board, which examined the American Red Cross's governance structure and practices. S. 655 reflects these recommendations and would improve the American Red Cross's governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of 8 to 10 principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public.

According to the American Red Cross's end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing, and other necessities. My wife Marcelle was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself, and I urge my colleagues to support this important legislation.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 655), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The American National Red Cross Governance Modernization Act of 2007".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support

the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting "a Federally chartered instrumentality of the United States and" before "a body corporate and politic"; and

(2) in subsection (b), by inserting at the end the following new sentence: "The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.".

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) to conduct other activities consistent with the foregoing purposes.".

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", or as otherwise provided," before "in the bylaws";

(2) in subsection (b)(1)—

(A) by striking "board of governors" and inserting "corporation"; and

(B) by inserting "policies and" before "regulations related"; and

(3) in subsection (b)(2)—

(A) by inserting "policies and" before "regulations shall require"; and

(B) by striking "national convention" and inserting "annual meeting".

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

"§ 300104. Board of governors

"(a) BOARD OF GOVERNORS.—

"(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

"(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

"(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

"(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

"(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

"(A) CHAIRMAN.—

"(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

"(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

"(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(B) OTHER MEMBERS.—

"(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

"(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

"(b) TERMS OF OFFICE.—

"(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

"(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

"(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

"(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

"(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

"(c) COMMITTEES AND OFFICERS.—The board—

"(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

"(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

"(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

"(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

"(d) ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

"(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

"(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

"(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

"(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

"(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

"(f) VOTING BY PROXY.—

"(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

"(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

"(g) BYLAWS.—

"(1) IN GENERAL.—The board of governors may—

"(A) at any time adopt bylaws; and

"(B) at any time adopt bylaws to be effective only in an emergency.

"(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

"(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.".

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking "bylaws" and inserting "policies".

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

"§ 300107. Annual meeting

"(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

"(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

"(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

"(d) VOTING.—

"(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) ESTABLISHMENT OF NUMBER OF VOTES.—

"(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§ 300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§ 300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors."

"(b) REPORT.—

"(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

"(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

"(i) the Committee on Finance;

"(ii) the Committee on Foreign Relations;

"(iii) the Committee on Health, Education, Labor, and Pensions;

"(iv) the Committee on Homeland Security and Governmental Affairs; and

"(v) the Committee on the Judiciary.

"(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

"(i) the Committee on Energy and Commerce;

"(ii) the Committee on Foreign Affairs;

"(iii) the Committee on Homeland Security;

"(iv) the Committee on the Judiciary; and

"(v) the Committee on Ways and Means.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 73, S. 377.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 377) to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 377) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Poland Parliamentary Youth Exchange Program Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the "United States-Poland Parliamentary Youth Exchange Program".

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year;

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2008 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

NATO FREEDOM CONSOLIDATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 74, S. 494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 494) to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 462) was agreed to, as follows:

(Purpose: To clarify references to Macedonia)

On page 5, line 19, insert "(FYROM)" after "Macedonia".

On page 12, line 22, insert "(FYROM)" after "Macedonia".

On page 14, line 7, insert "(FYROM)" after "Macedonia".

On page 14, line 9, insert "(FYROM)" after "Macedonia".

On page 15, line 6, insert "(FYROM)" after "Macedonia".

On page 15, line 6, insert "(FYROM)" after "Macedonia"

On page 15, line 20, insert "(FYROM)" after "Macedonia".

On page 17, line 3, insert "(FYROM)" after "Macedonia".

The bill (S. 494), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Freedom Consolidation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . .".

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North

Atlantic Treaty Organization, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note), Congress endorsed ". . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996".

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .".

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia (FYROM), Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe".

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty".

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108–4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO's door remains open to new members, declaring "[w]e celebrate the success of NATO's Open Door Policy, and reaffirm tody that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country's candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report".

(16) Georgia and Ukraine have stated their desire to join the Euro-Atlantic community, and in particular, are seeking to join the North Atlantic Treaty Organization. Georgia and Ukraine are working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that ". . . I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there's a way forward through the Membership Action Plan . . . And I'm a believer in the expansion of NATO. I think it's in the world's interest that we expand NATO".

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) At the NATO–Ukraine Commission Summit in Brussels in February 2005, President of Ukraine Victor Yushchenko declared membership in NATO as the ultimate goal of Ukraine's cooperation with the Alliance and expressed Ukraine's desire to conclude a Membership Action Plan.

(20) At the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on the potential membership of Ukraine in NATO.

(21) At the Riga Summit of the North Atlantic Treaty Organization in November 2006, the Heads of State and Government of the member countries of NATO issued a declaration reaffirming that NATO's door remains open to new members, declaring that "all European democratic countries may be considered for MAP (Membership Action Plan) or admission, subject to decision by the NAC (North Atlantic Council) at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us. We welcome the efforts of Albania, Croatia, and the former Yugoslav Republic of Macedonia to prepare themselves for the responsibilities and obligations of membership. We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defence, reform of the defence-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue

with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.".

(22) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so, Congress calls for the timely admission of Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine to the North Atlantic Treaty Organization to promote security and stability in Europe.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, its Istanbul Summit Communiqué of 2004, and its Riga Summit Declaration of 2006; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, MACEDONIA (FYROM), AND UKRAINE AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA (FYROM).—The Republic of Macedonia (FYROM) is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(5) UKRAINE.—Ukraine is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2008 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) such sums as may be necessary are authorized to be appropriated for assistance to the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine.

PROVIDING THAT THE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK OR THE ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK MAY SERVE ON THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION

Mr. REID. I ask unanimous consent we now proceed to Calendar No. 75, S. 676.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 676) to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 676) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO APPOINT EXECUTIVE DIRECTOR OR ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK TO THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION.

The third sentence of section 401(g) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(g)) is amended to read as follows: "Three members of the Board shall be appointed from among the following: officers or employees of agencies of the United States concerned with inter-American affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank.".

CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO IMMEDIATELY ESTABLISH A FULL, INDEPENDENT, AND PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PATRICK FINUCANE

Mr. REID. Mr. President, I now ask unanimous consent that the Foreign Relations Committee be discharged and the Senate then proceed to consideration of H. Con. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 20) calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, the amendment to the preamble which is at the desk be considered and agreed to, the preamble as amended be agreed to, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 463) was agreed to, as follows:

In the ninth whereas clause of the preamble, strike "Dial" and insert "Dail".

The concurrent resolution (H. Con. Res. 20) was agreed to.

The preamble, as amended, was agreed to.

AUTHORIZING BUDGET COMMITTEE REPORTING

Mr. REID. Mr. President, I ask unanimous consent that on Friday, March 16, notwithstanding an adjournment of the Senate, the Senate Budget Committee be permitted to report the concurrent budget resolution during the hours of 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 19, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, March 19; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to S. 214 as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, this week has been a week full of a lot of work, a lot of surprises but a lot of results. We finished the 9/11 bill, which is something the Senate should feel very good about. We did that on a bipartisan basis with the leadership of Senator LIEBERMAN and Senator COLLINS.

Today we completed a 2-day debate on Iraq. It was a good, civil debate. Both the majority and minority issued their statements. I thought they did them well. We were able to have some votes. I think it was something that brought dignity to the Senate.

We had three judicial nominations approved—two district court judges, one circuit court judge. We are doing our level best to not have any problems with judicial nominations. The President is doing his share of helping us with this by sending us some good people. We have had agreement on the U.S. attorney bill that has been done with bipartisan support. This is set up for debate starting Monday. We will complete that on Tuesday morning.

Then, finally, again, using the Lieberman-Collins example, the chairman and ranking member of the Budget Committee, Senator CONRAD and Senator JUDD GREGG, did a wonderful job. There is not a more contentious issue that comes before this body than the budget. All 100 Members believe they can do a better job than either JUDD GREGG or KENT CONRAD can do, but they have the responsibility of coming up with the budget. They worked together for a number of years. They are friends and they set a good example. This matter was completed by 3:30 this afternoon.

Next week is going to be a tough week. There will be a lot of amendments offered, and we look forward to that. But we have a statutory way of proceeding through this. Whoever drew the statute probably had too much to drink the night before. But at least that is the statute we have. It is 50 hours, and unlimited amendments can be offered. But at least we know what we are up against next week because we have done it many times.

In short, this closely divided Senate, at this stage during the final weeks of Senator JOHNSON's incapacitation, is 50 to 49. He will be back with us soon. But even then, it is 51 to 49. It is a very closely divided Senate, and we are getting work done recognizing that there can be no bullies in the Senate, that we have to work together to get things done.

I think we have accomplished a lot this week. All 100 Senators deserve a pat on the back.

If there is no further business to come before the Senate today, I would turn to the Republican leader to see if he has comments before we adjourn.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, I would only add my own sentiment with regard to next week. It will be a challenging week; budget week always is. For those who are interested in offering amendments, obviously the earlier in the week, the better.

The majority leader and I have talked about the challenges associated with the so-called vote-arama that occurs at the end of the budget debate every year, which is frustrating to both sides. Some have thought it mutually assured destruction in terms of morale. The only way to have any real impact on that obviously is for Members to offer their amendments earlier in the week, hopefully to be allowed votes earlier in the week, thereby minimizing the multiplicity of votes that frequently occur—in fact, always occur—at the end of a budget resolution when the time expires.

We look forward to a challenging week and will see all of our Members next week.

Mr. REID. I say to my friend, being the great fan of basketball that he is, I thought he would note that Louisville won the first game today.

Mr. McCONNELL. I appreciate the majority leader noting that Louisville won the game today. I might say to my good friend, it is on the DVR, and I expect to watch it at home tonight. I note that UNLV and URI will play tomorrow.

ADJOURNMENT UNTIL MONDAY, MARCH 19, 2007, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate today, if the Republican leader has nothing further—I understand that is the case—I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Monday, March 19, 2007, at 2:00 p.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2007:

DEPARTMENT OF STATE

DELL L. DAILEY, OF SOUTH DAKOTA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE HENRY CRUMPTON.

MARK P. LAGON, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE, VICE JOHN RIPIN MILLER, RESIGNED.

HENRY BONILLA, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE JOHN F. MAISTO, RESIGNED.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

PHILLIP CARTER, III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

HANS G. KLEMM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

STEPHEN W. PORTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE DAVID GELERNTER, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 15, 2007:

THE JUDICIARY

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

EXTENSIONS OF REMARKS

PRAISING THE WORK OF TONY BEST, WHO JOINS MEMBERS OF THE NEW YORK CITY COUNCIL IN SPEAKING OUT AGAINST THE N-WORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an op-ed article drafted by Tony Best and printed the Carib News. The article, "A Racial Slur That Causes Black Nanny To Cringe: Why New York City Council May Ban Use of N-Word," published March 6, 2007, highlights the power of the word and the need for more thoughtful conversation about its implications and usage.

As stated in the article, the N–word is "a degrading term and should never be used to describe anyone." These words are particularly salient for Cindy Carter, a West Indian nanny who was physically and verbally disrespected by her employer, who insisted in calling her a "stupid N-" among other equally offensive expressions.

Since its inception the word has been used to pierce the minds and hearts of black people throughout the Diaspora. Despite being "reclaimed" by generations who prefer to use the term as a familiar greeting for one another—an attempt to take a word that has been historically used by whites to degrade and oppress black people, a word that has so many negative connotations, and turn it into something beautiful—the slur is abusive, ignorant and derogatory.

I applaud the work of Mr. Best and New York City Council persons, led by member Leroy Comrie of Queens to call for a moratorium on the use of the N–word in our city.

A RACIAL SLUR THAT CAUSES BLACK NANNY TO CRINGE, WHY NEW YORK CITY COUNCIL MAY BAN USE OF N-WORD

(By Tony Best)

Every time Cindy Carter, a West Indian who lives and works as a nanny on Long Island, hears the racial slur, it brings back nightmares.

"It's an awful word," said the young woman referring to the infamous and derogatory N–word.

Her nightmares go back to 2005 when an employer, Fontaine Sheridan, allegedly pushed her down some steps at the white woman's Massapequa Park home in Nassau County, scattered her clothes on the lawn, screamed vulgar expressions, called her a "stupid nigger" and ordered her to get "off my (obscenity) property."

The housewife didn't stop there. She reportedly told the Black woman who had been looking after her children, "I have been waiting for three years to call you a nigger."

Almost a year later, Sheridan pleaded guilty to simple assault in a Nassau County court and was placed on probation, ordered to do community service and to attend anger management classes.

The N-word and the circumstances surrounding Carter's injury, allegedly at the hands of her former employer are at the heart of a federal civil rights case in which Carter is seeking substantial damages from the Sheridan family for abusing her civil rights. Fred Brewington, one of New York State's top civil rights attorneys, is handling Carter's case.

"It's a degrading term and should never be used to describe anyone," said the West Indian.

The slur, its abusive use and why it should be banned are the subject of a resolution, which is to be debated by the New York City Council this week in Manhattan. Introduced by City Councilmember, Leroy Comrie of Queens, the measures describes the word as "an ignorant and derogatory" insult.

Because of constitutional issues, such as the First Amendment right of free speech, the resolution which calls for a moratorium on the use of the word in New York City wouldn't have the force of law but its approval would be symbolic while drawing attention to the importance of not using it.

Austin "Tom" Clarke, one of Canada's top novelist whose book, "The Polished Hoe," won the Giller Prize, Canada's equivalent of the Pulitzer and then went on to be chosen a few years ago as the best novel in the Commonwealth of nations in Africa, the Caribbean, Asia, Australia, Canada and New Zealand, objects to the use of the term.

"It is a degrading word meant to be just that, degrading and no one, including Blacks should find it acceptable," he said sometime ago in Brooklyn. "I vigorously object to its use."

Irving Burgie, the composer of some of the world's best known music, such as "Day-O," "Island in the Sun," "Jamaica farewell" and "Mary's Boy Child," agrees with Comrie, Clarke and other advocates of its ban.

"The history of its use has always been degrading and there is nothing redeeming about it," he said from his home in Hollis Queens. "We shouldn't try to fool ourselves about that.

"Burgie was referring to the rappers who have embodied "nigga" in their lyrics and contend it's a term of endearment when used by Blacks to describe other Blacks.

For example, Mos Def, a rapper, said in 1999 that they had taken "a word that has been historically used by whites to degrade and oppress us, a word that has so many negative connotations, and turning it into something beautiful, something we can call our own."

Linguists and others trace the origin of its use in the U.S. to 1619 when John Rolfe, a colonist in Jamestown wrote in his diary that a Dutch ship had arrived there with 20 'negars," meaning African captives.

While some scholars argued that Rolfe's use of the word wasn't meant as a slur but was simply another way of describing "Negroes" others contend that it was always designed as a pejorative expression. Nineteenth century American literature was laced with it, reflecting the attitudes of White racists and slave owners who believed that "niggers" were sub-human species.

But Black rappers and a few Black comedians began incorporating it in their using it more than 25 years ago, giving it some measure of acceptance among young Blacks who object to its use by whites.

Comrie and the • resolution's supporters contend the use of the N-word by Blacks is misguided because the young people don't "realize how their self-image is debilitated when they use this awful word in public."

THE N-WORD AND BLACK HISTORY—WHY IT SHOULD BE BANNED

(By Tony Best)

Julius Caesar, Gnaeus Pompey and Marcus Crassus used it liberally in Rome, Britain Gaul, the Balkans and Greece.

Whether as a writer, military general or orator, Caesar used the Latin word "Niger" liberally in his historical accounts of the Gallic Wars, conquests of Britain or in reports on the Senate in Rome. And when he spoke or wrote it around 50 BC he was describing a color, as in a piece of armor, house, chariot or a horse.

But somehow "Niger" that meant Black in English became "Negars" in Jamestown in the United States in 1619 to describe with contempt a shipload of African captives who were put into a state of bondage in the U.S.

Although scholars are divided over why John Rolfe, a Jamestown colonist, recorded "Negars" in his diary to describe the Blacks, whether he wanted to be verbally abusive or was simply describing Black people, what has happened since then is that the pejorative term which eventually became "Niggers" has taken on a long-lasting life of its own. This highly offensive word or some form of it has found its way into literature—Amos Zu Bolton II's "Niggered Amen" and Carl Van Vechten's "Nigger Heaven" are two examples—in comedy routines by Blacks and in the lyrics of rap music in the late 20th and early 21st century.

At the urging of New York City Council member Leroy Comrie of Queens, the legislative body at City Hall is this week considering a resolution that calls for a moratorium on the use of the N-word in our City. While opinion is split over what action the Council should take, it's clear that the use of the word is offensive to most right-thinking Blacks and should be expunged from our vocabulary.

Yes, some Blacks, especially rappers, may wish to defend the use of "Niggas" or "Niggaz" on First Amendment grounds of free speech or as a term of endearment among Blacks to describe each other; what's not in dispute is that the term is meant to be degrading.

Andrea C. McElroy, a Black member of the Irvington Council in New Jersey, which placed a symbolic ban on the word's use there, put it well when she said that Black adults and society as a whole should give the youth a history lesson. We may be at the end of Black History Month in 2006, but learning is a continuous process.

"There is a swelling population of Black youth that use this word as if it is a term of endearment," she said. "And I think it is basically incumbent upon us to remind them of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

what that word meant to so many of our ancestors. This is something we probably should have done years ago."

Yes, the First Amendment to the U.S. Constitution which guarantees free speech prevents the legalized banning of the word but there can be nothing wrong with sending a message to young people and others, whether comedians, reporters, novelists or historians, that the N-word was meant to degrade Black people, not to praise them.

Austin "Tom" Clarke, one of Canada's most celebrated novelists, whose latest work, "The Polished Hoe," captured the Giller Prize, Canada's equivalent of the Pulitzer, had an important reminder for the lawmakers at City Hall.

"It doesn't matter if it is used in Black circles and societies as a term of endearment," said the West Indian. "Historically its usage has been offensive. One may attempt to argue that when it is used by Blacks to define or address themselves, the bad meaning of the word is softened. But the fact is that its usage is either seen or heard by white people who might themselves feel that what is good for the goose is good for the ganger. That was exemplified with very negative effect recently by a white comedian in America (Michael Richards, who played Kramer on Seinfeld) and who thought he was being heckled by an aspect of his audience, used the word to ridicule his audience. His demonstration and use of the word in a public place might very well be reflective of his thoughts and feelings." Interestingly Richards declined to attend the Council meeting when invited to do so. Although he later apologized, the vehemence of his original mouthing told a story about vindictiveness which his anger brought into the open.

Richards isn't alone. Time and again, whites in particular resort to the N-word whether in literature, on the stage or the screen to suggest superiority over Blacks and to hint at violence to force them into submission.

The historical connection with violence and the N-word isn't simply 400 years old. Lynchings were commonplace in the 20th century and the N-word was often the rallying cry of racists to justify their lethal actions.

While it's true that Richards didn't commit violence as he uttered the two syllables, it's not difficult to see him being driven by rage and contempt for Blacks in the audience by turning to violence.

On Long Island, that's what a white middle class mother of three children apparently did when her children's West Indian nanny didn't feed the family dog on time in 2005. She subsequently pleaded guilty to assaulting the Black woman by pushing her down some steps, injuring her leg and then throwing her clothes on the lawn, all while calling her a N . . .

Apparently, she had waited three years to call her that. Thankfully, that incident is now the subject of a federal civil rights civil case seeking damages.

Contrary to what some misguided Blacks and whites would wish us to believe, the N-word can't be transformed into anything beautiful.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. DELAURO. Madam Speaker, due to a death in the family, I missed a series of suspension votes, the vote on Water Quality Investment Act and the Living Kidney Organ Donation Act.

Had I been present, I would have voted "yea" on rollcall number 121, "yea" on rollcall number 122, "No" on rollcall number 123, "Aye" on rollcall number 124, "yea" on rollcall number 125, and "yea" on rollcall number 126.

FREEDOM FOR JOSÉ ANTONIO MOLA PORRO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Jose Antonio Mola Porro, a political prisoner in totalitarian Cuba.

Mr. Mola Porro is a member of the Cuban Foundation for Human Rights and director of the Pedro Luis Boitel Independent Library, in a country oppressed by a regime that mandates official propaganda and prohibits truthful news. Due to his commitment to democracy and human rights, he has he has been repeatedly harassed and incarcerated.

In May 2005, while on his way to a meeting of the Assembly to Promote Civil Society in Cuba, Mr. Mola Porro was arrested and condemned to two agonizing years in one of the dictator's hellish totalitarian gulags for being a "pre-criminal danger to society". On February 28, 2006, Mr. Mola Porro was "conditionally" released after serving ten months of his "sentence". Never wavering in his commitment to freedom for the Cuban people, upon his release he again devoted his energies to depicting the true, tragic, reality of totalitarian Cuba.

During the early morning hours of November 17, 2006, approximately a dozen of the regime's state security thugs rearrested Mr. Mola Porro and again forced him to survive against all odds in an infernal dungeon. Following his arrest, the dictator's henchmen broke into Mr. Mola Porro's home, savagely wreaking havoc on what little belongings he had. When they finished, over one hundred books and magazines, along with many of his personal belongings, had been stolen.

Madam Speaker, Mr. Mola Porro suffers in grotesque conditions at the whim of a tyrant because of his steadfast belief that the Cuban people do not deserve to live condemned to oppression and under constant threat of unprovoked torture, abuse and arbitrary arrest. A condition that has fated, according to the U.S. Department of State's Country Reports on Human Rights Practices—2006, thousands of Cuban citizens to serve sentences for "dangerousness" in the absence of any criminal activity.

Mr. Mola Porro is a symbol of bravery in the face of a murdering tyrant's oppression. He is unrelenting in his fight for freedom for the Cuban people. It is a crime of the highest order that people, just 90 miles from our shore, who dream of and work for freedom, are imprisoned in these nightmarish conditions.

Madam Speaker, despite the constant harassment, the example of Mr. Mola Porro is proof that the Cuban people have leaders who are unafraid to demonstrate their thirst for democracy and freedom. My Colleagues, we must demand the immediate release of Jose Antonio Mola Porro and every prisoner of conscience in totalitarian Cuba.

H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT VOTE 155: ON THE MOTION TO RECOMMIT WITH INSTRUCTIONS

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. HALL of New York. Madam Speaker, unfortunately, the amending text contained in the motion to recommit was not fully debated or its full ramifications considered prior to the vote, and I cast my vote on the limited information available. As a result, my vote was informed by my concern over the current state of military recruiting. Nonetheless, I wish to reaffirm my opposition to the military's policy of "Don't Ask, Don't Tell" and my belief that the policy should be discontinued, as well as my support for the 1st amendment rights of American universities.

H. RES. 149, SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 149, a resolution supporting the goals of International Women's Day.

International Women's Day is an opportunity for us to evaluate the status of the world's women. As we take time to reflect on our achievements, we must reaffirm our commitment to addressing the inequalities and injustices that women in our country and around the world continue to face.

For example, we must do more in the fight against poverty. As much as 70 percent of the world's poor are women, many of them subsisting on less than $1 a day. Furthermore, according to the World Bank, women earn on average 22 percent less than men. To address these disparities, we must continue expanding micro-lending practices and other opportunities for women to start small businesses, as well as working to increase women's land and property rights.

Improving access to education for girls is also critical to expanding economic opportunities for women. Despite the fact that access to primary education is increasing around the world, girls compose two-thirds of the 130 million school-aged children who are not attending school. Investing in girls' education enhances the quality of life of women and families throughout the world. Increased education for girls results in numerous benefits including lower maternal, child, and infant mortality rates, lower rates of HIV/AIDS infection, and higher earnings.

Here at home, we celebrate Speaker NANCY PELOSI, the first female Speaker of the House, women's increasing educational attainment and participation in the workforce, and the growing number of women-owned businesses. While we have made incredible strides, challenges remain. Here at home, we must continue working to close the gender pay gap, increase access to appropriate health care, and protect Title IX, which provides opportunities for American girls and women in athletics.

I am committed to working for peace and justice for all the world's women. I urge my colleagues to join me in supporting the goals of International Women's Day.

INTRODUCTION OF THE MARRIED STUDENT DEBT RELIEF ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce the Married Student Debt Relief Act of 2007 to end the marriage penalty contained in the portion of the tax code allowing for the deduction of student loan interest.

Current tax law discriminates against married couples trying to pay down their educational debt while starting careers and families. Individual taxpayers are allowed to deduct up to $2,500 in student loan interest from their taxes each year. However, once a taxpayer marries, they are only allowed to deduct the same amount—$2,500—as a married couple, regardless of whether both spouses are paying back individual student loans.

Because the existing tax law limits married couples to the $2,500 deduction even when both spouses carry student debt and could have each taken a $2,500 deduction while single, I am introducing the Married Student Debt Relief Act of 2007 to correct this inequity. This legislation would double the student loan interest tax deduction to $5,000 for married couples who file a joint tax return when both spouses hold student debt, ensuring tax law treats students fairly, whether they are single or married.

The average U.S. student graduates with $19,000 in educational debt. The government should not make it more difficult for young married couples to payoff their debts as quickly as possible to increase their quality of life and begin making their dreams come true. I am joined by more than 25 bipartisan Members of Congress in introducing this legislation today. It is important to help married couples pay down their student loans as quickly as possible to support their families and futures.

This problem in the tax code was first brought to my attention by my constituent, Michael Currans of Omaha. He wrote to me about the inequity, and I drafted legislation shortly thereafter to correct it. After learning of the effort, he wrote:

> First off, I'm very pleased that my simple email to Congressman Terry has resulted in such an enthusiastic response. This is the first time I've ever written to my representatives in Congress, and it has definitely helped me see the value of getting involved. I really wish that I had written about this years ago.
>
> Ever since we were married in 2000 and began filing our joint tax return, my wife and I have struggled to understand the rationale for not allowing married couples to each take advantage of the student loan interest deduction to the same extent as two unmarried individuals. Between us, we had over $70,000 of student loan debt, and while we diligently make all our payments on time, it is frustrating that the principal balances are reduced so slowly. We often discuss how we'd like to make additional payments to try to pay the loans down faster, but now that we've got kids in the picture, daycare expenses, and a house to maintain, extra cash to put toward the student loans seems hard to come by. We find some solace in knowing that we can at least deduct a portion of the interest we pay.
>
> We are not complaining. The federal student loan programs have been good to us. We've both earned valuable undergraduate degrees, my wife at the University of Northern Iowa, and myself at Loras College in Dubuque, Iowa. Further, student loans allowed us both to attend the excellent law school at the University of Iowa where we met. Without student loans, we would not be where we are today, so even without the benefit of the full student loan interest deduction, our student loans are a positive investment.
>
> Some might ask why a two-income family with both spouses being attorneys should have any grounds to seek additional relief from income taxes. However, my wife is a public defender representing juvenile delinquents in Douglas County, Nebraska. She is most definitely using her law degree for the public good, earning much less than she might if she chose to pursue private practice. I'm sure for many married lawyer couples, the student loan interest deduction is a nonissue due to the phase-out at higher incomes, but for us, it is still an important deduction. I'm certain the deduction is important to the great many married couples of lesser means paying on student loans for both spouses, especially in cases where one spouse chooses to stay at home with children.
>
> We've joked on occasion about how we'd have been better off from a tax perspective if we'd just remained unmarried, lived together, and filed separate tax returns until our student loans were paid off. I doubt most couples would actually choose to live that way just for the additional student loan interest deduction. Nonetheless, why should a married couple be treated differently than two individual taxpayers? There is no good reason for this inequity, so I really hope this legislation goes through.
>
> If I can be of help, please let me know. Thanks to Congressman Terry and his staff for taking up this issue.—Mike Currans.

I am grateful to Mike for bringing this inequity to my attention so we can work in this Congress to correct it. I urge more of my constituents to bring their concerns to my attention, and I encourage every American to communicate their views to their Congressional Representative. Your voice does make a difference.

Thank you, Madam Speaker. I hope all of my colleagues will join my efforts by cosponsoring this legislation and working to bring it to a vote in the House of Representatives.

IN RECOGNITION OF THE RETIREMENT OF RONNIE AND JANIS BOND

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today to recognize Ronnie and Janis Bond for their retirement from Booker T. Washington High School in Pensacola, Florida.

Ronnie and Janis Bond have dedicated their professional careers to Booker T. Washington High School. Ronnie has been teaching at Washington for 38 years, and Janis retired in 2002 after 32 years of teaching. They worked everyday to challenge their students both in and out of the classroom. Ronnie served as an assistant coach for the football program for 27 years, and Janis coached cross-country for five years. Together they have coached track and field for 16 years and girl's basketball for the past 32 years.

When the State of Florida officially recognized girl's basketball as a high school sport in 1975, Ronnie and Janis truly made a home for themselves and began to develop what has become the best girl's basketball program in the state. They have devoted themselves to the players, and in return, the talented student athletes have made many tremendous achievements over the years. Under the leadership of Ronnie and Janis, the Washington girl's basketball teams have won twenty-four district championships, four state championships, and were runner-up finishers for the state championship four additional times.

Reaching 700 career wins was a milestone in itself, so it was with even more excitement that Ronnie and Janis reached their 722nd career win on January 20, 2007. This victory carried a unique significance as the Bond's entered the Florida record books as having the most wins of any high school girl's basketball coaches in the State of Florida.

Their winning basketball program has been founded on solid principles of love, family, honor, and commitment. They have taught many young people about teamwork, the power of a shared vision, and one way to achieve success is to expect excellence.

It will be difficult to find two people more committed to helping students than Ronnie and Janis Bond. They have set a high standard in their dedication to their work and devotion to their students. A benchmark has been established for all other high school coaches. Teachers and coaches serve as role models for students, and the Bond's have without a doubt been a great role model for those who have played for them. They are sure to remain in the Florida record books for years to come.

Madam Speaker, on behalf of the United States Congress, I would like to congratulate Ronnie and Janis Bond for their efforts in reaching out and touching the lives of thousands of our Nation's young people.

WELCOMING GHANA'S AMBASSADOR DR. KWAME BAWUAH-EDUSEI TO CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to welcome Dr. Kwame Bawuah-Edusei, Ghana's Ambassador to the United States, to the great State of Connecticut. Ambassador Bawuah-Edusei, who is visiting the State for the first time this weekend, will address Ghanaians from all across New England in honor and celebration of Ghana's independence.

Ghana, formerly known as the Gold Coast, is a nation rich in history, culture and natural resources. Under the leadership of Kwame Nkrumah, Ghana became the first African country south of the Sahara to gain independence from European rule on March 6, 1957. This year marks 50 years of social freedom, and economic and political achievement. Ghana has contributed greatly to world affairs and has been the birth place of national and international leaders, among them former United Nations Secretary General and Nobel Peace Prize winner Kofi Annan.

Connecticut's Ghanaian population continues to grow and prosper. I am proud to have Mr. Nana Okoda-Darko, king of the Akim-Kusi traditional council in Ghana living in my district and hometown of East Hartford. I am also pleased to have learned a great deal about Ghana and the Ghanaian culture from a member of my staff Adwoa Ansah whose father is from Kumasi in the Ashanti Region of Ghana.

And so today, on behalf of Mr. Okoda-Darko, Adwoa Ansah, and the many Ghanaians in my district and the great State of Connecticut, I ask my colleagues to join me in honoring Ghana in its 50th anniversary and welcoming Ambassador Bawuah-Edusei to the State of Connecticut.

"AN INCONVENIENT TRUTH"

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. WHITFIELD. Madam Speaker, I rise to bring attention to the House an article published in the New York Times regarding former Vice President Al Gore's documentary, "An Inconvenient Truth." As this documentary continues to shape the discussion on the controversial issue of global warming, I would like to highlight the following article, which identifies the inconsistencies of the film.

[From the New York Times, Mar. 13, 2007]

FROM A RAPT AUDIENCE, A CALL TO COOL THE HYPE

(By William J. Broad)

Hollywood has a thing for Al Gore and his three-alarm film on global warming, "An Inconvenient Truth," which won an Academy Award for best documentary. So do many environmentalists, who praise him as a visionary, and many scientists, who laud him for raising public awareness of climate change.

But part of his scientific audience is uneasy. In talks, articles and blog entries that have appeared since his film and accompanying book came out last year, these scientists argue that some of Mr. Gore's central points are exaggerated and erroneous. They are alarmed, some say, at what they call his alarmism.

"I don't want to pick on Al Gore," Don J. Easterbrook, an emeritus professor of geology at Western Washington University, told hundreds of experts at the annual meeting of the Geological Society of America. "But there are a lot of inaccuracies in the statements we are seeing, and we have to temper that with real data."

Mr. Gore, in an e-mail exchange about the critics, said his work made "the most important and salient points" about climate change, if not "some nuances and distinctions" scientists might want. "The degree of scientific consensus on global warming has never been stronger," he said, adding, "I am trying to communicate the essence of it in the lay language that I understand."

Although Mr. Gore is not a scientist, he does rely heavily on the authority of science in "An Inconvenient Truth," which is why scientists are sensitive to its details and claims.

Criticisms of Mr. Gore have come not only from conservative groups and prominent skeptics of catastrophic warming, but also from rank-and-file scientists like Dr. Easterbook, who told his peers that he had no political ax to grind. A few see natural variation as more central to global warming than heat-trapping gases. Many appear to occupy a middle ground in the climate debate, seeing human activity as a serious threat but challenging what they call the extremism of both skeptics and zealots.

Kevin Vranes, a climatologist at the Center for Science and Technology Policy Research at the University of Colorado, said he sensed a growing backlash against exaggeration.

While praising Mr. Gore for "getting the message out," Dr. Vranes questioned whether his presentations were "overselling our certainty about knowing the future."

Typically, the concern is not over the existence of climate change, or the idea that the human production of heat-trapping gases is partly or largely to blame for the globe's recent warming. The question is whether Mr. Gore has gone beyond the scientific evidence.

"He's a very polarizing figure in the science community," said Roger A. Pielke Jr., an environmental scientist who is a colleague of Dr. Vranes at the University of Colorado center. "Very quickly, these discussions turn from the issue to the person, and become a referendum on Mr. Gore."

"An Inconvenient Truth," directed by Davis Guggenheim, was released last May and took in more than $46 million, making it one of the top-grossing documentaries ever. The companion book by Mr. Gore quickly became a best seller, reaching No.1 on the New York Times list.

Mr. Gore depicted a future in which temperatures soar, ice sheets melt, seas rise, hurricanes batter the coasts and people die en masse. "Unless we act boldly," he wrote, "our world will undergo a string of terrible catastrophes."

He clearly has supporters among leading scientists who commend his popularizations and call his science basically sound. In December, he spoke in San Francisco to the American Geophysical Union and got a reception fit for a rock star from thousands of attendees.

"He has credibility in this community," said Tim Killeen, the group's president and director of the National Center for Atmospheric Research, a top group studying climate change. "There's no question he's read a lot and is able to respond in a very effective way."

Some backers concede minor inaccuracies but see them as reasonable for a politician. James E. Hansen, an environmental scientist, director of NASA's Goddard Institute for Space Studies and a top adviser to Mr. Gore, said, "Al does an exceptionally good job of seeing the forest for the trees," adding that Mr. Gore often did so "better than scientists."

Still, Dr. Hansen said, the former vice president's work may hold "imperfections" and "technical flaws." He pointed to hurricanes, an icon for Mr. Gore, who highlights the devastation of Hurricane Katrina and cites research suggesting that global warming will cause both storm frequency and deadliness to rise. Yet this past Atlantic season produced fewer hurricanes than forecasters predicted (five versus nine), and none that hit the United States.

"We need to be more careful in describing the hurricane story than he is," Dr. Hansen said of Mr. Gore. "On the other hand," Dr. Hansen said, "he has the bottom line right: most storms, at least those driven by the latent heat of vaporization, will tend to be stronger, or have the potential to be stronger, in a warmer climate."

In his e-mail message, Mr. Gore defended his work as fundamentally accurate. "Of course," he said, "there will always be questions around the edges of the science, and we have to rely upon the scientific community to continue to ask and to challenge and to answer those questions."

He said "not every single adviser" agreed with him on every point, "but we do agree on the fundamentals"—that warming is real and caused by humans.

Mr. Gore added that he perceived no general backlash among scientists against his work. "I have received a great deal of positive feedback," he said. "I have also received comments about items that should be changed, and I have updated the book and slideshow to reflect these comments." He gave no specifics on which points he had revised.

He said that after 30 years of trying to communicate the dangers of global warming, "I think that I'm finally getting a little better at it."

While reviewers tended to praise the book and movie, vocal skeptics of global warming protested almost immediately. Richard S. Lindzen, a climatologist at the Massachusetts Institute of Technology and a member of the National Academy of Sciences, who has long expressed skepticism about dire climate predictions, accused Mr. Gore in The Wall Street Journal of "shrill alarmism."

Some of Mr. Gore's centrist detractors point to a report last month by the Intergovernmental Panel on Climate Change, a United Nations body that studies global warming. The panel went further than ever before in saying that humans were the main cause of the globe's warming since 1950, part of Mr. Gore's message that few scientists dispute. But it also portrayed climate change as a slow-motion process.

It estimated that the world's seas in this century would rise a maximum of 23 inches—down from earlier estimates. Mr. Gore, citing no particular time frame, envisions rises of up to 20 feet and depicts parts of New York, Florida and other heavily populated areas as sinking beneath the waves, implying, at least visually, that inundation is imminent.

Bjorn Lomborg, a statistician and political scientist in Denmark long skeptical of catastrophic global warming, said in a syndicated article that the panel, unlike Mr. Gore, had refrained from scaremongering. "Climate change is a real and serious problem" that calls for careful analysis and sound policy, Dr. Lomborg said. "The cacophony of screaming," he added, "does not help."

So too, a report last June by the National Academies seemed to contradict Mr. Gore's portrayal of recent temperatures as the highest in the past millennium. Instead, the report said, current highs appeared unrivaled since only 1600, the tail end of a temperature rise known as the medieval warm period.

Roy Spencer, a climatologist at the University of Alabama, Huntsville, said on a blog that Mr. Gore's film did "indeed do a pretty good job of presenting the most dire scenarios." But the June report, he added, shows "that all we really know is that we are warmer now than we were during the last 400 years."

Other critics have zeroed in on Mr. Gore's claim that the energy industry ran a "disinformation campaign" that produced false discord on global warming. The truth, he said, was that virtually all unbiased scientists agreed that humans were the main culprits.

But Benny J. Peiser, a social anthropologist in Britain who runs the Cambridge-Conference Network, or CCNet, an Internet newsletter on climate change and natural disasters, challenged the claim of scientific consensus with examples of pointed disagreement.

"Hardly a week goes by," Dr. Peiser said, "without a new research paper that questions part or even some basics of climate change theory," including some reports that offer alternatives to human activity for global warming.

Geologists have documented age upon age of climate swings, and some charge Mr. Gore with ignoring such rhythms.

"Nowhere does Mr. Gore tell his audience that all of the phenomena that he describes fall within the natural range of environmental change on our planet," Robert M. Carter, a marine geologist at James Cook University in Australia, said in a September blog. "Nor does he present any evidence that climate during the 20th century departed discernibly from its historical pattern of constant change."

In October, Dr. Easterbrook made similar points at the geological society meeting in Philadelphia. He hotly disputed Mr. Gore's claim that "our civilization has never experienced any environmental shift remotely similar to this" threatened change.

Nonsense, Dr. Easterbrook told the crowded session. He flashed a slide that showed temperature trends for the past 15,000 years. It highlighted 10 large swings, including the medieval warm period. These shifts, he said, were up to "20 times greater than the warming in the past century."

Getting personal, he mocked Mr. Gore's assertion that scientists agreed on global warming except those industry had corrupted. "I've never been paid a nickel by an oil company," Dr. Easterbrook told the group. "And I'm not a Republican."

Biologists, too, have gotten into the act. In January, Paul Reiter, an active skeptic of global warming's effects and director of the insects and infectious diseases unit of the Pasteur Institute in Paris, faulted Mr. Gore for his portrayal of global warming as spreading malaria.

"For 12 years, my colleagues and I have protested against the unsubstantiated claims," Dr. Reiter wrote in The International Herald Tribune. "We have done the studies and challenged the alarmists, but they continue to ignore the facts."

Michael Oppenheimer, a professor of geosciences and international affairs at Princeton who advised Mr. Gore on the book and movie, said that reasonable scientists disagreed on the malaria issue and other points that the critics had raised. In general, he said, Mr. Gore had distinguished himself for integrity.

"On balance, he did quite well—a credible and entertaining job on a difficult subject," Dr. Oppenheimer said. "For that, he deserves a lot of credit. If you rake him over the coals, you're going to find people who disagree. But in terms of the big picture, he got it right."

HONORING THE LIFE OF U.S.A.F. COL. FRANCIS R. "FRANK" CAPPELLETTI

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of U.S.A.F. Col. Francis R. "Frank" Cappelletti, a giant amongst men.

Col. Cappelletti was born in Koppel, Pennsylvania in 1918. He graduated from Laval University in Quebec City, Quebec before entering the Army Air Force in 1940. He completed navigation training with Pan American Airlines in Coral Gables, Florida in 1941. Thereafter, he was assigned to a B–17 outfit, the 19th Bomb Group. During World War II, Col. Cappelletti courageously flew 91 combat missions against the Japanese in the Pacific Theater of Operations. Later he served under General Curtis LeMay at the Strategic Air Command Headquarters.

Frank Cappelletti's flying prowess extended beyond combat missions. Before it was routine, the Colonel pioneered the flight pattern from Alaska to the North Pole. His continued service in the Air Force had him participating in the Cuban Missile Crisis, as well as the Vietnam War.

He retired as an Air Force Colonel after 30 years of service. During his extraordinary career he amassed several awards and honors, including the Distinguished Flying Cross with cluster, Silver Star with clusters, and Air Medal.

A humble man who never rested on his laurels, Col. Cappelletti continued serving his country and his community. After his retirement, Frank worked for the Defense Department civil service section for 11 years. He also volunteered for the Smithsonian Institution, translating documents from Russian into English. He was an active member of the Kiwanis Club, the Boys and Girls Club, the Military Officers Association of America, and of St. Joseph's Catholic Church in St. Petersburg Beach, Florida.

A tall, striking figure with movie star good looks, Colonel Cappelletti was an exemplary resident of my district and I am so proud to have served him, even for a short time. His devoted wife, Rose Cappelletti, took care of him to the very end as Alzheimer's disease gradually consumed him. In the final days of his extraordinary life, Mrs. Cappelletti provided him with a last glimpse of what she described as the "love of his life," a look at his beloved B–17 bomber as it toured a local airport. While the B–17 may be a close second, I know the real love of Colonel Cappelletti's life was Rose.

Madam Speaker, may the Colonel's life be a model to which we should all strive. May he rest in peace, and may his memory be eternal.

IN HONOR OF JOSEPH SIMUNOVICH

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SIRES. Madam Speaker, I rise to honor Joseph Simunovich, who at the end of his 3-year term is being recognized for his service as chairman of the board of governors at Hackensack University Medical Center (HUMC). Mr. Simunovich has been the driving force behind the implementation of vital policy that has advanced the successful actions of HUMC, thus contributing to its prestigious reputation.

In addition, Mr. Simunovich currently serves as a member of the board of directors for United Water Resources, and as vice chairman for the board of Directors of United Water New Jersey—New York. In this position, Mr. Simunovich is responsible for setting public policy and strategic planning, focusing on external affairs and government relations. Since joining the company in 1992, Mr. Simunovich has been vice president, and senior vice president, as well as president and chief of staff of United Water Management and Services.

Active in governmental and civic associations, Mr. Simunovich was appointed by Governor Thomas Kean in 1986 as a member of the New Jersey Economic Development Authority (EDA). He was reappointed as vice chairman of the EDA by Governors James Florio and Christine Whitman for six consecutive terms, having, to date, the longest tenure in the organization's history. Mr. Simunovich also completed a 1-year assignment as a loaned executive to the Governor's Management Review Commission.

Joseph Simunovich's life in public service started even earlier. As a resident of West New York, he was elected to the Hudson County Board of Chosen Freeholders, where he served for 12 years. Mr. Simunovich was also appointed chairman of the New Jersey Turnpike Authority by Governor James E. McGreevey in 2002, where he led the integration of the Garden State Parkway into the Turnpike Authority.

Mr. Simunovich has been a member of numerous boards of directors including New Jersey City University, the New Brunswick Development Corporation, the National Association of Water Companies, and the National Council for Public Private Partnerships.

Please join me in honoring Joseph Simunovich for his guidance and service, and in congratulating him and his family.

RECOGNIZING THE LIFE AND WORK OF GENERAL CASIMIR PULASKI, THE POLISH HERO OF THE REVOLUTIONARY WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the birth anniversary of General Casimir Pulaski, the Polish Hero of the Revolutionary War.

Often referred to as the father of American cavalry, Kazimierz Michal Waclaw Wiktor Pulaski herbu Slepowron, more commonly referred to as General Casimir Pulaski, was born in 1746 in Winiary. Born into one of the most notable families in the region, he was sent away at a young age to be educated.

Working alongside his father Jozef in 1768, Pulaski co-founded the Bar Confederation, an insurrectionists group that aimed to limit the spread of Russian hegemony, a threat to Policy liberty and Catholicism, throughout the commonwealth. With the motto of "For Faith and Freedom," Pulaski participated in leading a confederation which fought for these goals. Pulaski gained renown during the battle of 1771 and went on to assert his leadership skills, military adroitness and valor in several battles before being exiled for a failed attempt to abduct the king. Although his efforts failed, Pulaski's leadership and courage inspired many.

In 1777 Pulaski traveled to the United States and met with General George Washington. Pulaski transformed soldiers into highly mobile forces, instituting the idea of a cavalry; soldiers who fought mounted on horseback. He would go on to lead several successful battles before sustaining a fatal gunshot wound in 1779.

Americans and Polish citizens alike have recognized Pulaski's heroism and commitment to freedom for centuries. He is honored, in both countries, in statue and in ceremony. In death, as in life, he remains a symbol of courage, commitment and friendship between Poland and the United States.

TRIBUTE TO JOHN GAINES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, the community of El Segundo, located in my congressional district, sustained a genuine loss this week. John Gaines, a former member of the El Segundo City Council, highly influential community leader, and my dear friend, succumbed on Monday night following an inspirational battle against a rare form of cancer.

John was a terrific guy. Even as he struggled with his illness, John never lost heart, and continued to be a rock for his family and friends. When I last saw him only a few months ago, he told me his doctors had advised that he move up the date of his son's December wedding. In typical John Gaines fashion, he not only ignored their advice, he was on hand to see his son married.

He even joked with me that, having lost 100 pounds, he had become an adult sex symbol in his form-fitting blue jeans. This kind of levity in a time of extreme pain and uncertainty is a powerful testament to who John Gaines was: Strong, compassionate, and charismatic.

Though it ended too soon, John led a full and accomplished life. A long-serving Naval Officer and Aviator, he attained the rank of Lieutenant Commander by the time he left military service in 1979.

Following his naval service, John returned to Southern California to start a distinguished career in the South Bay's booming aerospace industry. He quickly became an industry leader and worked at senior levels for some of the region's leading firms.

Ironically, it took the prodding of his son to get John into politics. But once elected, he was a natural and I believe John will be remembered most for his unwavering dedication to public service.

As a member of the El Segundo City Council, he made emergency preparedness, homeland security and community development priorities. During his tenure, John was instrumental in securing funds to better prepare El Segundo for any possible man-made or natural disasters. He also oversaw projects that helped to revitalize the city's downtown.

Over the years, John had a profound influence on so many people and literally helped change the face of his community. He and Assemblyman Mike Gordon, our mutual friend who died at age 47 of a brain tumor in 2005, are now local legend. John's wife, Susan, told me she is certain they are reunited.

My heart goes out to his wife Susan and their three children, Rebecca, Robert and Benjamin. Susan says the two boys are so much like their father. How fortunate!

TRIBUTE TO MADISON HIGH SCHOOL BEL CANTO CHOIR, REXBURG, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SIMPSON. Madam Speaker, I rise today to congratulate an exceptional high school choir in my district, the Madison High School Bel Canto Choir of Rexburg, Idaho, which has been chosen to perform at New York City's legendary Carnegie Hall on March 19, 2007.

The Bel Canto choir was selected out of dozens of high school choirs across the country for this performance. The concert will feature 200 students from three states, and it is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert will be conducted by Dr. Craig Jessop, esteemed Music Director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the nation. I am delighted that these young constituents have been given this opportunity.

Led by David Hinck, the Madison High School Bel Canto Choir had its beginnings in the 1960s. The choir consistently receives high ratings at regional choral festivals and has been a featured ensemble at the Idaho Music Educators Conference, Northwest Music Educators Conference, and the Idaho ACDA Retreat. In 2005, the choir received top honors at the FAME festival in Branson, Missouri. The ensemble regularly joins with the MHS Orchestra and has performed several works with the orchestra and other choirs from the Eastern Idaho Area.

I am honored to have one of the four schools in the nation chosen for the Carnegie Hall National High School Choral Festival residing in my Idaho district. They should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of Idaho provides. I commend these students and their leaders for their success, and wish them the best of luck on March 19 when they perform at Carnegie Hall.

TRIBUTE TO DR. KARL S. WRIGHT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise with great gladness over the inauguration of Dr. Karl S. Wright as the 11th President of Florida Memorial University. On March 15, 2007 he will take over the reins of this university amidst ceremonies that evoke the historical significance of this occasion. Having earned his Ph.D. in Economics at Mississippi State University and his bachelor's and master's degrees from the University of Maryland at College Park, Dr. Wright will preside over South Florida's only historically Black institution of higher learning which has played a major role in responding to the needs of a burgeoning urban center like Miami-Dade County.

He is not new to the challenge since he has served as executive vice-president and provost when he oversaw the dramatic increase in the size of its student enrollment. He has actively participated in navigating the rough waters of this university's change from a college status to that of a university. Dr. Wright is no stranger to this institution's upgrading since he has managed not only the quality of the faculty and staff, but also the number of courses and degree programs that now validate its status as a major university.

Being an institution of higher learning alongside the Baptist tradition, Dr. Wright's role is enhanced by his commitment to religious education amidst the challenge of academic achievement and higher learning, emphasizing financial management and entrepreneurship, aerospace engineering and personal development. He has also devised a very innovative program on physical fitness and dropout prevention strategies during a time when this urban university reaches out to inner city students in need of mentoring and tutorial assistance. These unique programs are making Florida Memorial University into one of those pioneering institutions whereby its outreach efforts to the youth of Miami-Dade County and beyond are generating dividends toward enhancing its prestige and reputation.

In the midst of these innovative educational strategies, Dr. Wright will continue to strengthen this university's graduate degree accreditation process, while expanding qualitatively its presence in the South Florida community and throughout nearby countries within the Caribbean basin. Having served for 7 years as Dean of the School of Business at South Carolina State University, he is well equipped with his educational background and hands-on experience to bring the necessary upgrade toward ensuring that Florida Memorial University become indeed a world-class university.

Defined by his ability to reach out beyond the confines of a university setting, Dr. Wright will no doubt bank on his role on the Miami-Dade County Investment Advisory Committee, as well as on the prestigious 100 Black Men of Ft. Lauderdale to give him the necessary tools to consolidate community and business support for the university. Most importantly, Dr. Wright has been recognized by the Kellogg Foundation as a leadership Fellow, and has earned kudos from the American Association of State Colleges and University, which recently selected him to participate in the Millennium Presidential Leadership Fellows Initiative.

As he is sworn into office, I am confident that Dr. Karl S. Wright will demonstrate to all those called upon by public service that excellence is never beyond the reach of those willing to make the sacrifice and dare the impossible on behalf of our leaders of tomorrow. I rest assured that he is truly imbued with the personal integrity and intellectual acumen to bring Florida Memorial University into one of the leading universities in our State.

A TRIBUTE TO THE WESTERN DIOCESE OF THE ARMENIAN CHURCH OF NORTH AMERICA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Western Diocese of the Armenian Church of North America upon the celebration of its 80th Anniversary.

The Diocese of the Armenian Church was established on July 2, 1898 under the direction of Khrimian Hayrig, placing all Armenian Churches in the United States and Canada under the jurisdiction of the Diocesan Headquarters in Worcester, Massachusetts.

On November 28, 1927, the Western Diocese of the Armenian Church was officially established by an Encyclical issued from the Mother See of Holy Etchmiadzin by His Holiness Kevork V. Supreme Patriarch and Catholicos of All Armenians. The creation of the Western Diocese was a response to a continued and vigorous growth of the Armenian community in California and the vast distance separating the Armenian Churches in the West from the Headquarters in the East.

From its creation, the Western Diocese of the Armenian Church progressed and expanded to serve the Armenian population throughout California. In 1928, the newly established Western Diocese consisted of five parishes. By 1953, the number of parishes had expanded to eight, and an additional three were added by 1957—the year that the Diocesan Headquarters relocated to Hollywood.

The Diocesan Headquarters remained in Hollywood until the 1994 Northridge Earthquake. Later that year, the Diocesan Assembly decided to purchase a new Headquarters. On May 16, 1997 the Western Diocese moved to its new Headquarters in Burbank. Today, the Western Diocese is the proud owner of a multi-purpose complex where it is currently headquartered and will be the future site for the Mother Cathedral.

In addition to providing places of worship, the Western Diocese has made a strong commitment to community service. In 1963, the Diocese began to provide youth throughout the community with the opportunity to participate in a Summer Camp. In 1967 the Diocese purchased the Alta Sierra Camp providing year-round camping facilities for children, families, and organizations. The Western Diocese also publishes the bi-monthly periodical, "The Mother Church," reaching 28,000 people worldwide.

I consider it a great privilege to recognize the Western Diocese of the Armenian Church of North America for its eighty years of service to the Armenian community and I ask all Members of Congress to join me in congratulating the Western Diocese for its remarkable achievements.

MILITARY BASE REALIGNMENT AND CLOSURE PROJECTS FOR 2007

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. That is an important subject that I plan to discuss in depth tomorrow.

But for now I wish to spotlight another element of this legislation, a fulfillment of a promise to America's military installations. The supplemental bill will fully fund Base Realignment and Closure projects through 2007, and in so doing, it will close the books on one of the 109th Congress's most shameful failures.

As you may know, the 2005 Base Realignment and Closure Commission was charged with restructuring the American military to better prosecute the war on terror. In the course of their work, the Commission discovered that certain American bases have outstanding strengths that are uniquely valuable in modern-day wars. The Commission asked these installations to scale up their operations, and Congress, in turn, promised to fully fund these expansions.

Among the targeted bases were three in my district: Fort Leavenworth, Fort Riley, and Forbes Field. The base commanders promptly enacted plans to build new facilities and house new personnel—all in the name of protecting America, trusting Congress to fulfill its promise.

But a promise made is not always a promise kept, and the 109th Congress was well known for breaking its word. In their 2 years in office, they cast aside promises to veterans, to schools, to farmers and ranchers, to children and seniors—and, sadly, to America's military bases as well.

For the 2007 fiscal year, when BRAC projects needed $5.6 billion to move forward as planned, the last Congress appropriated only $1.5 billion. Worse, they attached strings to what little funding they provided, which essentially blocked all new construction on BRAC projects for 6 months. As of October 1, 2006, all new construction came to an immediate halt. Worse yet, the bases most impacted by underfunding were those that stood to gain the most from BRAC—that is, the very bases at the frontline of the war on terror.

I cannot find words to express the scale of this catastrophe. The last Congress left our Nation less secure and our troop less supported. They closed their wallets and their hearts to the soldiers who so courageously fight the war on terror.

When Democrats took over Congress in January, we acted immediately to right this grave wrong. We passed a further $1 billion in BRAC funding by the end of January, and we promised to move promptly to fully fund BRAC through supplemental funding. More importantly, these funds allowed new construction to start.

And unlike the last Congress, when this Congress makes a promise to our soldiers, we deliver.

The bill now under consideration will fully fund BRAC for the current fiscal year. It will help the United States military better fight the war on terror, and it will strengthen and secure our great nation. I urge all of my colleagues, Republicans and Democrats alike, to keep their word to our troops and support this critical legislation.

HONORING LISA HUSSUNG

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Mrs. Lisa Hussung, an exemplary citizen from my Congressional District who was recently named Elementary Music Teacher of the Year by the Kentucky Music Educators Association.

A music teacher at Rich Pond Elementary School in Warren County, Kentucky, Mrs. Hussung demonstrates a special ability to relay her passion for music on to her students. She consistently engages students with her interactive teaching style, instilling an appreciation for music that often continues many years after they have left the classroom.

Mrs. Hussung's influence extends outside of the classroom, particularly through her work with other music professionals to build a stronger music curriculum in Warren County. She often leads student groups in choral, instrumental and dance performances, providing opportunities for young artists to publicly showcase their talents.

The combination of Lisa Hussung's two greatest passions, music and teaching, has made her career as a music teacher the perfect job. In her words, "There is nothing better than singing and dancing all day while still teaching and seeing my students learn."

It is my great privilege to recognize Lisa Hussung today before the entire U.S. House of Representatives for her excellent work in public education. Her unique dedication to the development of young people and the communities they will someday serve make her an outstanding citizen worthy of our collective honor and appreciation.

HONORING PRINCE WILLIAM COUNTY CIRCUIT COURT CLERK DAVID C. MABIE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. WOLF. Madam Speaker, it is my pleasure today to recognize Mr. David Mabie, of Nokesville, Virginia, on the occasion of his retirement after over four decades of public service.

After serving three years in the U.S. Army, Dave and his wife Copper moved to Waynesboro, Virginia, in 1967 where Dave joined the Waynesboro Police Department. Then in 1970 he became a police officer in Manassas, Virginia, and served as one of the original members of this newly formed Prince William County department. Dave served as a detective and eventually was assigned to the Commonwealth Attorney's Office where he specialized in trial preparation for capital murder cases.

In 1992 Dave was elected to serve as clerk of the Circuit Court in Prince William County, from where he will be retiring on April 1, 2007. Through the years Dave has been an active member of several organizations including the United Way, Regional Jail Board, and Chamber of Commerce. Dave has dedicated his professional life to public service and will be sorely missed by Prince William County and the northern Virginia community as a whole.

I cannot say enough about Dave and how honored I am to have worked with him throughout his career. I would be remiss today in didn't also recognize Dave's dedication to his wife Copper, and how proud he is of their children, Andrew, Meredith, and Christopher, and their many grandchildren. I suspect that as Dave prepares for retirement he is looking forward to spending more time with his family. We wish him the best and thank him for his dedicated service to the people.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. GEORGE MILLER of California. Madam Speaker, on Wednesday, March 14, 2007, I was unable to attend votes due to illness.

Were I present, I would have voted in the following manner: H.R. 1254—Presidential Library Donation Reform Act of 2007—"yea"; H.R. 1255—Presidential Records Act Amendments of 2007—"yea"; H.R. 1309—The Freedom of Information Act Amendments of 2007—"yea"; Stupak amendment to H.R. 985—"yea"; Sali amendment to H.R. 985—"no"; On Motion to Recommit H.R. 985 with Instructions—"yea"; H.R. 985—Whistleblower Protection Enhancement Act of 2007—"yea."

PERSONAL EXPLANATION

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. GILLIBRAND. Madam Speaker, I was not present to vote on Monday, March 12, 2007 because my flight from my district was delayed.

Had I been present, I would have voted in the following way:

(1) H.R. 85—Energy Technology Transfer Act—"yea".

(2) H. Res. 136—Commending the Girl Scouts of the United States of America on the occasion of their 95th anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls—"yea".

(3) H. Res. 89—Expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands—"yea".

INTRODUCTION OF THE CHILDREN'S HEALTH FIRST ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. DINGELL. Madam Speaker, we are here because we need to provide affordable healthcare options for children. There are 9 million children uninsured in the United States today. There is no excuse for a country that is spending $1.9 trillion on health care to have even one uninsured child, especially when it costs a mere $3.50 a day to cover a child.

Who are these children? Nearly two-thirds are low income children and more than half are children in working families. Moreover, over half are minorities. But most importantly, these are children that are significantly less likely to make it to a doctor when they have an acute earache or even recurrent asthma and even die.

I am introducing the Children's Health First Act with Representatives DIANA DEGETTE, FRANK PALLONE, HENRY WAXMAN, and others, to provide every child in this country access to affordable health insurance. Senator CLINTON is introducing the companion bill in the Senate as well.

This bill builds on successful public programs such as the State Children's Health Insurance Program by offering States financial support to expand coverage to working families making approximately $70,000 a year.

This bill allows employers and families to access good health insurance by buying into an affordable insurance pool. And the bill even goes further by allowing States to help employers retain coverage they already have through a 50-percent subsidy of the cost the States are spending on coverage for a child.

This bill provides States with new tools to help them find and enroll qualified children and ensure benefits and services are available once the children are enrolled. The tools include things such as allowing States to enroll children in schools and hospitals in public programs, allowing States to simplify their applications and renewal forms, and allowing children to enroll in coverage for a full year, as in most private plans.

The bill also makes numerous other improvements to Medicaid and the State Children's Health Insurance Program. This bill allows States to expand coverage to legal immigrants, young adults up to age 25, and offers incentives for States to cover pregnant women.

Health care is every person's problem. It costs our country to have parents staying home to care for sick children, for the insured to pay higher premiums, for hospitals to provide uncompensated care, and for us to have a unhealthy younger generation.

We cannot continue to ignore a problem as large as 46 million uninsured people and certainly not the 9 million vulnerable uninsured children. To cover all children, it will cost us a fraction of what it cost to provide prescription drugs to seniors. I think it is time we agreed to make that investment for our future.

RECOGNIZING THE CONTRIBUTIONS OF MARCUS MOSIAH GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the record an article by Michael D. Roberts published on February 27, 2007 in the Carib News, entitled: The Political Contributions of a Great Son of the Caribbean, Polemics of Garvey's Ideology Garveyism Is Black Action-Oriented and Just as Applicable, Today—An Analysis. The article reminds us of Marcus Mosiah Garvey's ideals of Black nationalism, the need to relinquish what he referred to as mental slavery and the importance of Black pride.

Marcus Mosiah Garvey was a pioneer and is credited with creating the biggest movement of people of African descent. In the 1920's, he founded the Universal Negro Improvement Association and African Communities League (UNIA–ACL), an international self-help organization with the goal of working for the general uplift of people of African ancestry. At its zenith, the UNIA had over a million members. This movement is said to have had more participation from people of African descent than the Civil Rights Movement, making it the largest Pan-African movement ever.

For the last several years I have sought to clear the name of Marcus Mosiah Garvey, which was tarnished by an unjust prosecution and conviction by the United States Government. I introduced H. Con. Res. 24, Expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted.

Marcus Garvey once exhorted, "Up you mighty race, accomplish what you will." I have always believed that every Black child should know these words, and from whom they came. By passing this legislation we will be giving a gift to all people and acknowledge Garvey's teachings.

I urge my colleagues to recognize the contributions of Marcus Mosiah Garvey and support H. Con. Res. 24.

THE POLITICAL CONTRIBUTIONS OF A GREAT SON OF THE CARIBBEAN POLEMICS OF GARVEY'S IDEOLOGY GARVEYISM IS "BLACK ACTION-ORIENTED" AND JUST AS APPLICABLE TODAY—AN ANALYSIS

(By Michael D. Roberts)

For Marcus Mosiah Garvey, his ministry was clear—the complete, total and neverending redemption of the continent of Africa by the people of African ancestry at home and abroad. This was his strategic aim and objective. His "Back to Africa" and "Black is Beautiful" were consciousness building tools that hold relevance today though some scholars will argue that the time for literally "going back to Africa" has long gone.

But there is another school of thought that is relevant today and that is that "Back to Africa" does not simply mean hopping onto a plane and visiting Africa. It means learning about Africa, embracing her culture and identifying with African history. That is something that Blacks in the Diaspora must do if, as the late great reggae superstar Bob Marley says they must, "liberate themselves from mental slavery."

I contend that an ideology is, at its most fundamental stage, simply a collection of ideas. The word ideology was coined by Count Destutt de Tracy in the late 18th century to define a "science of ideas." Thus, an ideology can be thought of as a comprehensive vision; as a way of looking at things in common sense with several philosophical tendencies. Ideologies therefore differ depending on socio-economic and political nuances and class relations in a society and the dominance (or lack of it) by one class over another (dominant ideology).

And while I'm at it let me try and define Garveyism so that this analysis can take on the significance that such an ideology deserves and exposes its essential lessons for 2007 and beyond. To more learned scholars on the subject and definition experts I readily admit my shortcomings but will try within the confines of this definition to set the stage for my discourse on Garveyism.

The ideology of Garveyism is that detachment of Black Nationalism which takes its core values and source from the works, words and actions of The Universal Negro Improvement Association and African Communities League (UNIA–ACL) and their founder Marcus Mosiah Garvey.

The basic tenet of Garveyism is its laser-like focus on the complete, total and neverending redemption of the continent of Africa by people of African ancestry, at home and abroad. It is rooted in one basic idea: "whatsoever things common to man that man has done, man can do". Therefore, according to Garveyism, Africans in the Diaspora must have an uncompromising and unwavering commitment to the universal improvement of the Black race since its redemption will restore Mother Africa to her former greatness.

But how did this potent mix of Black Nationalism, Pan-Africanism, and African patriotism become so enmeshed in this Black Liberation ideology that today is paid little attention by Black leaders in America and the Caribbean who believe that rabblerousing and posturing are the tools to advance the Black race? Let us revisit history for these answers.

In 1916 Marcus Mosiah Garvey (1887–1940) brought his budding Black Nationalist organization, the Universal Negro Improvement Association (UNIA) to Harlem. He had formed this organization two years before, in 1914, just as the big guns were booming and wholesale slaughter was taking place during the barbarism of the First World War in Europe.

UNIA itself was born out of Garvey's experience with racism, discrimination, and injustice both in his homeland Jamaica, and in other parts of the world where he traveled, and where Blacks were always at the bottom rung of the social, political and economic ladder. But Garveyism, as his philosophy and principles are now known, remains today, in 2007, an ideology largely underutilized and to some extent shunned by those who would lead Blacks to their promised land—wherever that may be. Nonetheless, Garveyism is a most powerful weapon and preaches a Black revolutionary path to achieving Black liberation.

Firstly Garveyism sees the Black problem as having to do with the cultural, economic and psychological degeneration of the Black race by centuries of slavery and racial stereotyping. Garvey himself believed that Blacks lacked knowledge and pride in their African ancestry and therefore were easy prey to the ravages and machinations of white racism.

This philosophy gained immense popularity in the early twenties when Garveyism was the most popular form of Pan-Africanism (a movement of union and recognition of cultural similarity and commonality of interests of all of the countries of Africa and Africans in the Diaspora) among Caribbean-Americans and African-Americans. It was an ideology which would find wide acceptance among Black leaders in Africa waging anti-colonialist struggles for independence and freedom.

But central to the teachings of Garveyism is the issue of race. Marcus Garvey felt that the Black man (and woman) was universally oppressed at the hands of the white power structure and that any program of emancipation would have to be developed around the question of race first. By establishing a clear perspective on the racial question Garveyism outlined a comprehensive program of political, social, and economic action aimed at the total liberation of the Black race.

So that in 1916, the same year that he brought the UNIA to Harlem, Garvey convened the First Black Parliament which had an international flavor. In an historical context the principles outlined by Garvey and which form the basis of Garveyism today set the guidelines for all succeeding Pan-Africanist organizations all over the world and throughout the Black Diaspora.

GARVEYISM'S CULTURAL PRINCIPLES

Garvey used the UNIA newspaper "The Negro World" to combat the negative propaganda of white supremacist groups who held that the Black man was biologically inferior and therefore should be happy to remain enslaved. He waged a constant campaign against all forms of racism from whatever quarter they came—white or Black.

Garvey debunked the commonly held white myth about Black people being visited with a biblical Hamitic curse telling Blacks that their history was one of greatness, achievement and pride. UNIA (motto: 'One God! One Aim! One Destiny!') and the "Negro World" sponsored Black beauty contests and published photographs of Black women, Garvey called them "Black Queens of Beauty," and numerous cultural programs aimed at uplifting the Black race and developing racial consciousness.

To the critics who assailed Garvey over the fact that he was placing too much emphasis on the issue of Blackness and race, saying that his focus should have been on the broader problem of humanity, Garvey, in his typical blunt fashion, argued that it was not humanity which was being "lynched, burned, Jim Crowed and segregated" but Black people.

So deep was the issue of race to Garvey that he has left us with a major statement on the primacy of race in all things. This is how he put it:

"In a world of wolves one should go armed, and one of the most powerful defensive weapons within the reach of Negroes is the practice of race first in all parts of the world." It is a lesson which modern-day Black leaders would do well to revisit.

Garveyism's economic program

Garveyism places economic emphasis on the development of Black-owned businesses. That is because although Garvey believed that the racial consciousness of Black people was of paramount importance, he also understood that without economic power Blacks would still be the targets of exploitation, oppression and discrimination. Garveyism has left a practical approach to the issue of Black economics which is more than applicable in today's troubled times of economic scarcity and uncertainty.

Marcus Garvey was not just an excellent orator. He was a Pan-Africanist revolutionary who believed in positive action. The Black Star lines (an international commercial and passenger steamship line), the African Commercial league and African Factories Corporation (formed in 1922) were economic organizations developed by Garvey aimed at the economic liberation of the Black race.

And although many reactionary scholars pushing a Eurocentric line have tried to ridicule the idea of the Black Star Line, the powerful example of a great visionary can never be smeared. Garvey understood the importance of international trade and Black self-reliance. It was this self-reliance which led him and his followers to form Black-owned laundries, Black-owned restaurants, and Black-owned grocery stores. Garvey encouraged Blacks to buy from Black businesses and even went so far as to have Black factories manufacture Black dolls for Black children.

Undoubtedly these principles of Garveyism should be dusted off by the leaders of Black America and the Caribbean today and used as a guide to positive action in these days when the Black Diaspora is coming under attack and the gains of past years are being threatened with erosion.

GARVEYISM'S EDUCATION PROGRAM

Garvey stressed the importance of education beginning from the position that white educational values had completely contaminated the Black mind. In this Garvey was right. For one of the first and most lasting forms of slavery, is in fact "mental slavery." Garvey saw that it was fundamentally important to re-educate the Black race using Black history and African heritage as the building blocks. To this end Garvey formed the Liberty University, a vocational training school in Virginia which was modeled after Washington's Tuskegee Institute. This school was part of a wider program of ongoing education which the UNIA launched to combat the years of white conditioning of Black minds.

Marcus Mosiah Garvey was a giant of his time. No Black leader has so completely dominated the Black liberation struggle since his ministry. The sad thing is that the ideology and philosophy which bear his name is not used as a major tool today by present day Black leaders. But history is full of the successes of Garveyism.

The ruling African National Congress (ANC) party of South Africa began as a Garveyite organization and many of its guiding principles today have been developed using the tenets of Garveyism. Malcolm X's father was a Garveyite who was killed by the Ku Klux Klan and the famous African and Ghanian anti-colonialist and pro-independence leader Kwame Nkrumah was also a Garveyite. They understood the necessity to "go armed in a world of wolves."

Today, Garvey's contribution to Black history stands out as a monumental work of sacrifice and dedication. It is a pity that as the Black Diaspora suffers at the hands of international reaction in the form of white supremacists here in the United States and neo-Nazi skinheads in Europe. Black leaders are still failing to go armed among the wolves.

For the world of wolves have become much more sophisticated, but the same problems which confronted Garvey more than half a century ago, still plague the Black community and race today.

The wolves have become more sophisticated, more organized, and have traded in their white hoods, masks and sheets for Armani business suits.

LIGHT BULB BILL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, today I introduce legislation to phase out low-efficiency light bulbs—an important step toward making every household, business and public building in America more energy efficient.

Most incandescent light bulbs currently use 12–15 lumens per watt. My legislation would ban the sale of light bulbs using anything less than 60 lumens per watt, the standards met by today's fluorescents. By 2016, the bill would ban the sale of anything under 90 lumens per watt. And by 2020, the baseline would be set at 120 lumens.

This standard—created in consultation with technical experts in the environmental community, architects, engineers and others—does not discriminate against any bulb type or technological composition. But it does create a bar that makes sense for the market, for the environment, and for America's energy future.

This bill also includes some practical carve-outs for specialized lighting, such as military, medical, and public safety uses and for situations where such lighting is not technologically feasible. But these would be small exceptions, not the rule. A seller of light bulbs would need to specifically seek a waiver and have it approved by a Department of Energy panel to put a non-conforming bulb on the market. These waivers would only be good for 2 years, pushing the market for more innovation.

Madam Speaker, it's clear that we need to change the way we consume and produce energy. This bill will help America one-day transform into a more energy efficient and energy independent Nation.

But today, most of us still use the same glass and filament bulbs that Thomas Edison invented 128 years ago. When it comes to lighting our homes, offices and public places, we still live in a cave.

Only 10 percent of the power used by today's incandescent bulbs is emitted as light. A full 90 percent is released as heat. The typical 60 watt bulb only lasts 750–1,000 hours. Most fluorescent bulbs can last 8 to 10 times longer.

The continued widespread use of incandescent lighting results in low overall efficiency, high energy costs and output, and in the end, tons and tons of harmful carbon emissions. According to the Department of Energy, one energy efficient bulb can prevent the release of over 450 pounds of greenhouse gases.

Because bulbs using 60 or more lumens significantly reduce energy consumption, everyone saves money—and new markets can blossom. Companies across the country, including some in my own district, will benefit by helping develop the technological innovations the legislation calls for.

Though the marketplace of ideas is suddenly crowded with proposals to cut carbon emissions, increase energy efficiency and tackle global climate change, sometimes the most effective, accessible ideas are also the smallest. One small change that everyone can make—one that is being proposed in Australia, in Europe, my home State of California, and now in Congress—is as simple as changing a light bulb.

TRIBUTE TO MAYOR GAYLON WATSON

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Mayor Gaylon Watson on his 16 years of noble service to the city of Piedmont, MO. As the mayor of Piedmont, Mayor Watson brought passion, hard work and innovative ideas to his job. Because of Mayor Watson's leadership, Piedmont continues to be a wonderful place in which to live, work and raise a family.

Mayor Watson possesses a deep sense of community and true desire to improve the lives of his fellow citizens. During his tenure, Mayor Watson brought more investment to the community than any other time in Piedmont's history—investments necessary to create jobs, improve infrastructure and foster the preservation of the area's natural resources. I have worked personally with Mayor Watson, and can attest to the fact that his dedication and steadfast leadership are responsible for making these investments possible.

Rural communities like Piedmont represent the best of our country, and they require constant and aggressive advocacy to keep that way of life alive. Mayor Watson has played a crucial role in advancing community interests while expanding economic opportunity for the Americans fortunate to live in southern Missouri. His successes have been closely observed and duplicated throughout our region, and Mayor Watson is a tremendous role model for those among the younger generation in Piedmont considering a career in public service.

Madam Speaker, it is a great privilege to honor Mayor Watson for his many achievements and the enduring impact he has made on his community, State and Nation. I ask that you join me, along with Mayor Watson's family and friends, in wishing him a wonderful and productive retirement.

CONGRATULATING KATE FANNING UPON BEING SELECTED "WOMAN OF THE YEAR" BY THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ms. Kate Fanning, who has been selected as "Woman of the Year" by the Lackawanna County Federation of Democratic Women.

Ms. Fanning resides on North Bromley Avenue in Scranton, PA. She is a daughter of James Fanning and the late Patricia Fanning.

She attended West Scranton High School, where she was a member of the school's marching band. Ms. Fanning graduated from Lackawanna Junior College and later from the University of Scranton where she earned a degree in criminal justice.

Ms. Fanning has been employed as a sergeant by the Lackawanna County Prison for 17 years. She is an active member of St. Patrick's Church in West Scranton, PA, where she has been a life member.

Ms. Fanning has been active in politics for many years, having helped to reinvigorate the Young Democrats of Lackawanna County 14 years ago. She has served as a Democratic committee-woman in West Scranton for many years.

She has also served as treasurer and is a veteran member of the Lackawanna County Federation of Democratic Women.

In addition to her political volunteerism with the Democratic Party, Ms. Fanning worked tirelessly for the Scranton Tomorrow "Winter in the City" project.

She is also a member of the Society of Irish Women.

Ms. Fanning also enjoys her role as aunt to her three nieces, Jennifer, Erin and Ellen and her nephew, James.

Madam Speaker, please join me in congratulating Kate Fanning on the occasion of this special honor. Her commitment to community service, citizenship and volunteerism serves as an inspiration to all and deserves the singular recognition she is receiving from the Lackawanna County Federation of Democratic Women.

THE RETIREMENT OF R. BYRON DAVIS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of a great public servant to the State of West Virginia. After 45 years of federal service, R. Byron Davis recently retired and while he will surely be missed, he leaves behind a legacy of work that will benefit the State of West Virginia for years to come.

Beginning his career in the 1960s, serving as a civil engineer for the U.S. Army Corps of Engineers Huntington District and later the U.S. EDA, Byron went on to become the Chief of Engineering Service for the Veterans Administration Medical Center in Huntington. He has spent the last 20 years as the Economic Development Representative for the State of West Virginia with the EDA.

During that time, Byron has traveled to all 55 counties in the State, meeting with most County Commissions, conducting meetings with city officials, economic development authorities and public service districts. Through his hard work, many new projects have been funded and many long-term jobs have been created.

In my District, Byron was instrumental in providing us the support to establish multi-use industrial buildings and incubators to Marshall University, Beckley, Hinton and Huntington. He was also instrumental in helping fund industrial park projects in Wayne, Mercer, Raleigh, Fayette, Logan, Summers, Monroe, Greenbrier and Mingo counties. Most recently, he was instrumental in helping with my establishment of a Mine Safety Technology Consortium in the Third District, and I am grateful for his support of this important project that will be a catalyst in transforming West Virginia coal mining.

It has truly been an honor and a pleasure to work with Byron through the years on these and so many other important initiatives. I admire and respect his dedication to our state, his strong work ethic and his unwavering values.

I again commend Byron for great work that he has accomplished. Of course, of all of his accomplishments, Byron would likely say that he is proudest of his strong Christian family, his wife of 47 years, Marion, and his seven grandchildren.

I hope that in his retirement he will get to spend a little more time with "his greatest accomplishment" and enjoy the fruits of his labor, for they are many. I wish him the best as he begins the next chapter in what has been and continues to be a life lived well.

Byron, the great State of West Virginia thanks you.

CELEBRATING THE LIFE AND WORK OF FATHER ROBERT ANTHONY MACK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. HIGGINS. Madam Speaker, I rise to commend Father Robert Anthony Mack for his 50 years of service as an ordained priest, and his significant contributions to the western New York community and Catholic Church.

Father Mack will be honored in a special Mass at Saint Louis Parish on Sunday March, 25, and today I honor his accomplishments and devoted service to his parish and community.

A passionate and dedicated man, his contributions to Buffalo include service as chaplain of Nardin Academy, Catholic chaplain of the Buffalo Fire Department, chaplain at Buffalo Memorial Auditorium and War Memorial Stadium, and division chairman of the Public and Service Division of the Erie County United Way.

A native of Riverside, Father Mack's first pastorate began in 1973 at Saint Matthew's Parish in Buffalo where he served until 1978. Father Mack also served as pastor of St. Bridget's in Newfane, NY, as well as at Saint Francis Xavier Parish of Buffalo. During his time at Saint Francis Xavier, Father Mack served as regional coordinator for Region 1 parishes and was a member and secretary of the Black Rock Riverside Clergy Association. In August 1989, Father Mack was honored in front of 25,000 people as Irishman of the Year at a home game of the Buffalo Bisons by the United Irish American Society of Erie County.

Father Mack also served as the pastor of All Saints and served as an administrator of the Rosary Parish in Niagara Falls before being appointed pastor of St. Louis Parish where he retired from in 2002. Father Mack also chaired the Peace and Justice Committee of the Priests' Senate and was appointed to the Arbitration Section of the Diocesan Due Process Committee.

Madam Speaker, Father Mack's experience during his 50 years as an ordained priest is unrivaled in our community. He has been a leader and an inspiration to countless parishioners and to the community at large. Father Mack is one of Buffalo's most prolific men of faith and on this special occasion, I recognize his vast accomplishments and dedication to our community.

RECOGNIZING RETIRING SUISUN CITY POLICE CHIEF RON FORSYTHE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Suisun City Police Chief Ron Forsythe, who after nearly 30 years of service to the community of Suisun City has retired from the Suisun City Police Department.

Chief Ron Forsythe has unselfishly served his community with great dedication and pride, and will leave the department with special recognition and with the highest commendation.

Chief Forsythe began his professional career in 1973, as a student aide in the Daily Republic newsroom, eventually being promoted to reporter and photographer.

His time spent in the newsroom piqued his interest in law enforcement. In 1977, he became a dispatcher and reserve police officer for the Suisun City Police Department. Working his way up the ranks, Chief Forsythe was promoted to chief of police in 1993.

During his career in Suisun City, Chief Forsythe was known for his innovative and forward thinking policies. He took leadership roles in introducing technology, such as automation and car-mounted computers to the department.

Chief Forsythe also instituted the first "citizen police academy" in the county and later introduced the first "teen academy" in the country. Moreover, Chief Forsythe's role in implementing community policing in Suisun City played a key role in turning around a city that was once considered the worst city in the bay area to live in.

Police Chief Ron Forsythe has served the citizens of Suisun City with great distinction, evidenced by policing policies that have served as nationwide models and the numerous State and national awards the department received.

As Chief Ron Forsythe retires from the Suisun City Police Department, I would like to thank him, and his partner, Matthew Forsythe, for his record of service and concern for the protection of life and property in the local community, and extend to him sincere best wishes for continued success in his future endeavors.

JUDGE ELISEO B. VEGA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. ORTIZ. Madam Speaker, the nation—and South Texas—lost a valuable patriot today with the passing of longtime Port Isabel municipal judge and community leader Eliseo B. Vega. Known affectionately as "Cheo," Judge Vega died following a lengthy illness.

Judge Vega was an extraordinary caring and hardworking man. He was a familiar face in the Port Isabel area and was a political powerhouse. Despite his several setbacks due to illness, when most would think that he couldn't pull through, the man just kept going and wouldn't miss working. He was a man of great faith and loved life fully. He loved life so much he didn't want a sad funeral, so we will celebrate his life this week.

His life touched so many people. Judge Vega was best known for his role as judge in the municipal court system. His lengthy judicial career, beginning in 1971, spanned generations. He was what you wanted a judge to be: fair and even-handed. He understood people, he understood justice, and he stood at the intersection of both.

Prior to his legal and judicial career, the Judge was a banker and also served in a law firm. He was the senior vice president of Merchants Marine Bank in Port Isabel for two decades, and as a public relations liaison for Linebarger Goggan Blair and Sampson, LLP Law Office . . . explaining the law long before he took the bench.

Judge Vega was also an educator. The Point Isabel Independent School (PIISD) District Junior High School complex bears his name to honor his role for his 33 years (1969–2001) as a PIISD school board trustee. He was also a trustee for the South Texas Independent School District since Feb. 2005.

He had also been inducted into the Rio Grande Valley Walk of Fame in February 2005 and the Point Isabel Independent School District Hall of Fame in 2002.

As a civic leader, Vega served as an officer or member of many economic, education, and public service organizations including: the Port Isabel/South Padre Island Chamber of Commerce, Port Isabel Urban Development Board, Texas Association of School Boards, National Association of School Boards, Salvation Army Service Unit, Port Isabel Jaycees, Port Isabel Volunteer Fire Department and the Port Isabel/South Padre Island Lions Club. He was also a lifetime member of Our Lady Star of the Sea Catholic Church.

Judge Vega was married to Olga Medina Vega, who was his boss for 40 years, and the love of his life. The couple had six children and ten grandchildren. The children are: Joe Eliseo, Albert, Nelda, Armando, Olgaisela, and Arlene.

Madam Speaker, Members of the House, I ask you to join me in expressing our condolences to Judge Vega's family—and the larger South Texas family—who lost a giant of a man in Judge Vega.

TRIBUTE TO TRUDY OWENS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, over the 92 years that she lived, my dear friend and legendary political activist Trudy Owens witnessed some of America's most important watershed moments and milestones. She was a political trailblazer, and her accomplishments stand as a reflection of the times in which she lived.

Trudy was born on the eve of woman's suffrage. In the aftermath of World War II, she helped organize the Palos Verdes Democratic Club. In the 1960's, she witnessed the expansion of civil rights and women's liberation while serving as the women's chair of the California Democratic Party. An opponent of the Vietnam War, Trudy worked on the campaigns of my political mentor, former California Senator John Tunney, and on Robert Kennedy's 1968 presidential campaign. She was a delegate to the Democratic convention in Chicago that same year.

In 2000, as a testament to her long service in Democratic politics, I chose Trudy as an Electoral College elector for Al Gore. Few people deserved this opportunity more. While the outcome of the election may not have been what she had hoped, Trudy still called this the culmination of her political life. She traveled to Sacramento, cast her vote, and broke her hip.

Trudy passed away last week, but not before the first female Speaker of the House was sworn in. And while she will not be with us during the 2008 Presidential election, she was no doubt thrilled to know that a woman has a genuine chance to become President of the United States.

Trudy's enthusiasm for politics and the Democratic Party was infectious. She was the consummate volunteer. And she naturally balanced her political passions with a gentle graciousness towards everyone around her.

Today, I honor her memory, her dedication, and her long, rich life.

CONGRATULATING BRUCE HEIDEN FOR RECEIVING THE 2006 HARRY S. BAKER DISTINGUISHED SERVICE AWARD FOR COTTON

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. PASTOR. Madam Speaker, I rise before you today to congratulate Bruce Heiden for receiving the 2006 Harry S. Baker Distinguished Service Award for Cotton. This award, presented by the National Cotton Council, is given annually to an individual who has provided extraordinary service, leadership, and dedication to the U.S. cotton industry. Mr. Heiden exemplifies all of these qualities.

When talking about agriculture, Mr. Heiden says it's not just an occupation, but a way of life. Born in Buckeye, Arizona, Mr. Heiden grew up watching his father work on his cotton farm. After graduating from high school, he chose to continue his family legacy and began working on the farm full time. After his father's death in the 1970's, he took over the family business—H Four Farms, which produces cotton, wheat, and alfalfa, and the Heiden Land and Cattle Company, a cattle feeding business. Today, he handles the management and operations of the two companies, with his four children.

In addition to growing his successful family business, Mr. Heiden has been a leader in the agriculture industry not only in the Southwest, but in our Nation. As a former National Cotton Council President and Chairman, Mr. Heiden oversaw the successful drafting and passage of the 1990 farm law, helped expand funding for the trade, and directed a significant expansion in program activities and funding for Cotton Council International. For his efforts, Mr. Heiden was named the 1990 Progressive Farmer Magazine "Man of the Year" in Southwest agriculture and was inducted into the National Cotton Hall of Fame in 1996.

Madam Speaker, I am honored to recognize Bruce Heiden for being a recipient of this award and to thank him for his leadership and dedication to our Nation's agriculture.

RECOGNIZING THE CONTRIBUTIONS OF THE CARIBBEAN AMERICAN POPULATION OF THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the Carib News newspaper the week ending February 27, 2007, titled "Black History Month: The Hand of People From the Caribbean Seen in Every Aspect of Human Development"; as well as an article appearing the same week in the CaribNews paper, entitled, "A Celebration of the Caribbean-American Contribution to Black History: Achievement and Hard-Won Successes Caribbean-Americans Have Added to the Rich Cultural Tapestry of the United States," by Michael D. Roberts. I cannot agree more with the author. Now is the time to reflect on past achievements of immigrants of Caribbean descent and their impact on our country, as well as look to the future with an abundance of hope that their continual contributions to the United States will resonate through eternity.

Since the abolition of slavery in 1834, the Caribbean has provided the primary source of the growth of the Black population in the U.S. Today many Caribbean workers residing in the U.S. are entrepreneurs and small business owners. They can be found working in hospitals, at construction sites and in technology and communication industries. They act as agents of social change in this country by participating in local, State and Federal Government, representing their communities while simultaneously inspiring others abroad to strive for stability and democracy in the homeland. Caribbean-Americans represent a large part of my district and have made a substantial contribution to the fabric of New York City's economy and they contribute to the diversity that characterizes the United States of America.

I ask my colleagues to join me in recognition of the contributions of the Caribbean-American population in the U.S.

BLACK HISTORY MONTH: THE HAND OF PEOPLE FROM THE CARIBBEAN SEEN IN EVERY ASPECT OF HUMAN DEVELOPMENT

"When the great day of our liberation comes, we will find the West Indian foremost in the ranks of those fighting with his armor on and his sword raised aloft."

Fenton Johnson, an African-American editor, poet and political activist in Chicago was looking back while keeping his eyes on the prize ahead of him in 1919.

"In every industry, in every profession, in every trade, we find this son of the islands holding aloft the banner of Ethiopia," he added.

Although much of what he had in mind: the black political, cultural and economic awakening, has been achieved, a lot remains to be done.

But as we celebrate Black History Month and the achievements of African-Americans, some things are quite clear: African Americans and people from the Caribbean have been consistent allies. Secondly, there is need for even more trust in each other.

Frederick Douglass, the ex-slave and the golden trombone of the 19th century anti-slavery movement and one of the leaders of the abolition crusade recognized the need for this united effort when more than 170 years ago he said: "Let no American, especially no colored American, withhold a generous recognition of this stupendous achievement."

The great achievement he had in mind as he addressed immigrants from the Caribbean islands in Elmira in New York was the impact of emancipation of slaves in the West Indies in the 1830s.

"Emancipation in the West Indies was the first bright star in the stormy sky," was the way he put it in Elmira, New York in 1880.

It was more than that.

(It was) "The first ray of hope" for African slaves in America, he insisted, was a reason to continue to fight, agitate, revolt and runaway from atrocities perpetrated across the land by white slave owners who considered four million people nothing more than "beasts of burden."

But emancipation in the Caribbean, which spawned expressions of joy and happiness, came at a price, thousands of lives lost in the revolts against the brutality of European domination.

As Douglass pointed out, "the emancipation of our brothers in the West Indies came home to us and stirs our hearts and fills our souls with grateful sentiments which link mankind in a common brotherhood."

That's why it is so important to recognize the contributions of people from the Caribbean to the development of human civilization long before and after slavery was abolished.

The contributions were recorded in all areas of human endeavor and they have had an impact on the wide range of emotions—exhilaration after outstanding successes, sadness over the loss of life during the struggle for freedom and hope for what may be ahead. From the fight for freedom from British colonialism in North America and the Caribbean, the growth of agriculture, including the sugar industry, the rule of law, and the struggle for independence and sovereignty to the outstanding educational advancement, literary accomplishments, global recognition as an incubator for sports stars, entertainment, and social and economic development, the Caribbean and its people have made their mark on society.

Dr. Winston James, a history professor at Columbia University in New York, listed some of them in his book, "Holding Aloft the Banner of Ethiopia," which should be read by those searching for factual information about how we got where we are today.

Denmark Vesey, who organized a Black uprising in Charleston in 1832, was from the Virgin Islands. John Russwurm, a Jamaican, was among the first Blacks to graduate from an American college and in the Spring of 1827, a year after he left Bowdoin College in Maine, he joined forces with the Rev. Samuel Cornish and launched the Freedom Journal, the first Black newspaper in the country.

Robert Elliott, one of the most erudite 19th century members of the U.S. House of Representatives and a strong advocate of civil rights in the Reconstruction era was also from Jamaica. Crispus Attucks, the first person to give his life fighting for the independence of the United States, was from Barbados and Prince Hall, also a Barbadian founded the Black Masonic lodge and led the struggle in Massachusetts to educate Blacks in the country. Marcus Garvey, the leader of the greatest Black mass movement of the 20th century, was also from the West Indies. Derek Walcott and Prof. Sir Arthur Lewis, two of the great Nobel Laureates, came from St. Lucia.

Today political, social and business leaders from almost every Caribbean country are carrying on that tradition of accomplishment at home in the Caribbean, in England, continental Europe, Africa, Latin America and other regions of the world.

That rich history of making a difference on the stage of life and of setting examples that the rest of the world can follow is undeniable and underscores the value of Black History Month and the need to examine the role of people from the Caribbean. This is a time to reflect on past achievements and look to the future with an abundance of hope.

A CELEBRATION OF THE CARIBBEAN-AMERICAN CONTRIBUTION TO BLACK HISTORY: ACHIEVEMENT AND HARD-WON SUCCESSES CARIBBEAN-AMERICANS HAVE ADDED TO THE RICH CULTURAL TAPESTRY OF THE UNITED STATES

(By Michael D. Roberts)

Today, nobody can doubt the sterling contribution of Caribbean-Americans to the growth and development of America. And it's been a long history of proven commitment for those who have made this country their adopted homeland.

That our ancestry from Africa labored without reward or recompense in the dark days of slavery underscores the stake that Caribbean-Americans have here in 2007. And for the ignorant and uninformed few who consider Caribbean-Americans outsiders, just sponging off the legacy of American hospitality, I say this—read your history.

But not so long ago, it used to be the politically correct thing to deny one's Caribbean-American roots. Indeed, early Caribbean immigrants only wanted to assimilate into the American mainstream. Don't rock the boat. Hide your Caribbean identity; speak "yankee" in a few days. Never speak in public about the "old country."

But even with this sentiment finding favor among certain sections of the growing Caribbean community, Caribbean nationals, later to be fully assimilated into American life by the honorific name "Caribbean-Americans," formed alliances, and remained at the vanguard of the Black struggle in their adopted homeland.

Today, the term "Caribbean-American" is synonymous with hard work, a growing community of highly literate and skilled people, a landed immigrant community taking hold of and fashioning with a true "Caribbean flavor" all those areas of American infrastructure—from government to religion. And while there is still some way to go before we can truly say that this community has "come of age," that should never diminish the contribution that these immigrants from the Caribbean have made and continue to make on the American scene.

Still, many stories are told even today about the early Caribbean immigrants who waged those initial struggles to be accepted by both Black and white America alike and for economic well-being. For the most part, these early immigrants, many of whom came from the middle and professional classes in their various Caribbean island homelands, were forced to take low-paying, menial jobs on the way up the social and economic ladder. They drove taxis, tended bar, worked in people's kitchens as housemaids, and did two jobs, and sometimes three, to help the family here and "back home."

And in today's climate of xenophobia, and the sustained attack on the immigrant community, Caribbean-Americans living here must be reminded that they are not all "wards of the state," and recipients of the legacy of white folks. Indeed, the Caribbean-American experience and achievement in the United States, and their unequalled penchant for hard work, is chronicled in the pages of Black History. And there can be absolutely no doubt that starting with the American War of Independence, Caribbean-Americans have been involved and at the forefront of every major struggle in the liberation of Black America.

From the War of Independence to the New Deal to the Civil Rights Era, the Caribbean-American record in their adopted homeland is one of which generations yet unborn can be very proud. Beginning with Crispus Attucks, the Barbadian man who was the first casualty of the War of Independence, to modern day leaders all over the country, Caribbean-Americans have excelled. Hard work, dedication, and a commitment to excellence at all and every level have marked their sojourn in America. Today this large, dynamic and growing community is recognized as one of the most affluent, educated, and upwardly mobile ones within the wider Black and immigrant communities—and the American society as a whole.

Despite many hardships, Caribbean-Americans have focused on getting ahead. Now the early generation of immigrants is almost retired, own their own homes, and have sent their children to college. They have also educated themselves along the way. This rising middle class has only now begun to flex its political muscle since the economic and social tasks have now been completed. First and second generations of Caribbean-Americans, those born here in America, have helped this community put down its roots, thus becoming an important part of American life. These new torchbearers will build and solidify the foundations started by the tremendous hard work, sacrifices and tenacity that their grandfathers and fathers have built.

On their journey Caribbean-Americans have drawn on the achievements of many who traced their roots to the Caribbean region in the persons of Hulan Jack, legendary trade unionist Raymond Jones, "The Fox of Harlem," and one of the first Caribbean-American members of New York's City Council, the king-maker Fred Samuels.

Upon the shoulders of these pioneering Caribbean-American leaders now stands a modern generation of new leaders in all areas of American life. The entertainment industry is littered with the names and achievements of Caribbean-American actors like Cecily Tyson, whose portrayal of Harriet Tubman, the legendary Black freedom fighter is considered a classic; Harry Belafonte, singer, actor, activist, and ambassador of goodwill; and Sydney Poitier, exquisite actor of film and television. Today's crop of actors who trace their roots to the Caribbean are no less impressive: Sheryl Ralph and Delroy Lindo from Jamaica.

Two Caribbean-Americans, former Congresswoman Shirley Chisholm, the first elected Black woman to the United States Congress, and Trinidadian Congressman Mervyn Dymally, were indefatigable fighters for the cause of Blacks. Both have made their marks on national and international politics. As did the deceased former Stokely Carmichael, now Kwame Toure, who was born in Trinidad and Tobago, and who excelled during the Civil Rights/Black Power era in the United States. Of course, the work and dedication of the late Cleveland Robinson, a Jamaican who marched with Dr. Martin Luther King, Jr., and who helped him plot the course of the Civil Rights struggle, also stands out, as well as his lifelong commitment to workers' rights in the trade union movement.

Retired General Colin Powell, the youngest Chief of Staff of the United States Armed Forces and former United States Secretary of State, was blessed by having a Jamaican mother and father. Minister Louis Farrakhan, leader of the powerful and influential Nation of Islam, traces his roots to the tiny Caribbean island of St. Kitts. And the legendary Malcolm X's mother came from the revolutionary island of Grenada, while his father was a Jamaican.

Today, New York is home to a little over two million Caribbean-Americans and while there is still some way to go, Caribbean-Americans have prospered and excelled. Indeed the impressive list of achievements reflects strong and bold strides in every area in the fight for social and economic justice. Caribbean-Americans have partnered with African-Americans in forging a common understanding and a need to work in each other's interests. Not only that, Caribbean-Americans have reached out to other immigrant communities to broaden the base of the socio-economic and political struggle.

This natural dynamic has spawned the likes of Congresswoman Yvette Clarke, Assemblyman Nick Perry, Former City Councilwoman Una Clarke, Councilman Dr. Kendall B. Stewart, deceased Assemblywoman Pauline Rhodd Cummings, former City Councilman Rev. Lloyd Henry and State Senator John Sampson, in the present political arena. Social and educational interaction has produced Nobel Prize winner, the St. Lucian playwright Derek Walcott, the novelist Paulie Marshall, the basketball stars, Patrick Ewing and Tim Duncan and many, many others.

So this record of not remaining aloof from the fracas that is American life and politics is clearly outlined in Black historical records. Caribbean-Americans have also had to contend with similar problems faced by African-Americans, and then some more. They have had to deal with the problems of racism and discrimination. They have been used as handy scapegoats when opportunistic politicians needed a vulnerable group of people to beat up on. And they have been used as an unwitting tool against each other in the devious tactic of divide, rule and conquer.

Recent problems of having to come to grips with a horrendous xenophobic climate and some very draconian immigration laws which all but say to immigrants, "You are not welcomed here," has literally placed this community under siege. And compounding these problems is the pervasive nature of neo-racism which hits all Blacks—not only Caribbean-Americans. For many Caribbean-Americans, like their African-American brothers and sisters, education is the key to liberation and thousands have taken advantage of these opportunities in the United States.

They have succeeded despite the constant changing of the rules and the shifting of the bar to perpetuate a program of exclusion.

The Caribbean-American contribution to Black and American history is a saga of struggle, dedication and commitment to success. Caribbean-Americans have defied all odds and surmounted every obstacle along the way.

They have formed alliances and forged new partnerships to defend and protect common interests.

They have brought their political savviness to the Black liberation struggle. And they have made America richer for the experience.

RECOGNIZING THE "STARS" OF THE 2007 LITTLE SMILES STAR BALL

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MAHONEY of Florida. Madam Speaker, it is my great pleasure to recognize the 2007 "Stars" of the Little Smiles Star Ball for their bravery and spirit. I am honored to be able to celebrate each of these exceptional children and the achievements they have made over the past year.

I would like to recognize Joey Botto, Nicole Cadavid, Steven Castro, Aleesha Choksi, Thannade "Eddie" Duclot, Ainsley Erb, James Franklin, Dominick Fuller, Gabriella Gonzalez, Sharnay Hightower, Tanner Hrobak, Cassandra McClanahan, Sean McKelvey, Chelsey Smith, Cesar Valasquez, and Sypress Wilson.

Each of these incredible children is being recognized for the courage they have shown and the big smiles they bring to their families and to the doctors, nurses and staff at the south Florida hospitals and hospices where they currently receive treatment. Each of them has a shining spirit and truly deserves "star" treatment.

Please join me in celebrating the "Stars" of the Little Smiles Star Ball and their outstanding achievements.

HOUSE OF REPRESENTATIVES—*Friday, March 16, 2007*

The House met at noon and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 2007.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who always speaks the word of salvation, in a world ruled by money, floating only on the currents of economic reports, people search for life-sustaining principles. Without Your gravity, none can be found.

In a democratic republic where equal justice under the law is the goal and diverse opinions are to be represented, without the inner sense of Your unified fervor, everyone feels left alone.

In the drowning news of corruption, hatred, and violence, hardworking people and their children have lost their sure footing. Cynicism has replaced all forms of true faith.

You, Lord God, speak to those who aspire to lead the most powerful Nation on Earth: "The greatest among you must be the servant of all. For the one who exalts oneself will be humbled, and the one who humbles oneself in the service of the rest will be exalted."

Until humility before You is established, we shall all languish.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 5, 2007, at 5:45 p.m.:

That the Senate agreed to S. Con. Res. 20.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 16, 2007, at 10:45 a.m.:

That the Senate passed S. 494.
That the Senate passed S. 655.
That the Senate passed S. 377.
That the Senate passed S. 676.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committe on Foreign Affairs.

S. 655. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes; to the Committee on Foreign Affairs.

S. 676. An act to provide that the Executive Director of the Inter-American Development Bank or the Alternative Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation; to the Committee on Foreign Affairs.

S. Con. Res. 20. Concurrent resolution expressing the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions; to the Committee on Armed Services.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Monday next for morning hour debate.

There was no objection.

Accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, March 19, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

877. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 121206B] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

878. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 013107A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

879. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 013107B] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

880. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested [Docket No. 060418103-6181-02; I.D. 121306B] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

881. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Amendment 16-4; Pacific Coast Salmon Fishery [Docket No. 060824226-6322-02; I.D. 082806B] (RIN: 0648-AU57) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

882. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 051104293-5344-02; I.D. 111406C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

883. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fisheries; 2007 Atlantic Bluefish Specifications; Quota Adjustment; 2007 Research Set-Aside Project [Docket No. 061109296-7009-02; I.D. 110606A] (RIN: 0648-AT67) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on Financial Services. H.R. 1227. A bill to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina; with an amendment (Rept. 110-51 Pt. 1). Referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. RENZI introduced a bill (H.R. 1558) to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; which was referred to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 579: Mr. LANGEVIN, Mr. MORAN of Virginia, Mr. MCCOTTER, and Mr. BACHUS.

H. Res. 169: Mr. JONES of North Carolina, Mr. MORAN of Kansas, Mr. SHULER, Mr. BOREN, Mr. KENNEDY, and Mr. WYNN.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO DAVID COX

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of David Cox, who died March 5th, 2007.

A lifetime resident of Nevada, David Cox made a huge impact on the lives of his community. David was in the first wave of men at Omaha Beach during World War II. Due to his service, he earned the Purple Heart and the Bronze Star. David also made an impact by serving in the Clark County Planning Commission for 4 years. Then in 1951, he started his career by teaching 5th graders, He served as an assistant principal on two separate occasions until becoming the principal for Jim Bridger, Von Tobel, and Fremont Junior High Schools which position he held until he retired. His greatest accomplishment came when they dedicated an elementary school in his honor in 1990. David served as a teacher, principal, and an educator for Clark County School District for 29 years. He was always eager to get involved in his community.

Madam Speaker, I am proud to honor the life and legacy of David Cox for his work on behalf of the community and enriched countless lives in southern Nevada. He was dedicated to teaching and enriching the lives of his students. David will be profoundly missed.

CONGRATULATING THE TEXAS CLASS 5A BOYS BASKETBALL STATE CHAMPIONS AT DUNCANVILLE HIGH SCHOOL

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. MARCHANT. Madam Speaker, I rise today to offer a word of congratulations to the boys basketball team of Duncanville High School who captured the Class 5A Division I State Championship. Their 60–46 win over Humble Kingwood took place on March 10, 2007, at Frank Erwin Center in Austin, TX.

The boys made a promise from the start of the season to go undefeated and they kept it with an unblemished record of 39–0. The Duncanville Panthers are one of only 11 other Texas high school teams to have gone undefeated and win the UIL state title since 1970. HoopsUSA.com poll ranks Duncanville as No. 1 in the Nation.

The Panthers consist of 11 tremendous young men, including Seniors D'Walyn Roberts, Corey Johnson, and Brent Staton; Juniors Brian Talley, Victor Adewunmi, Marcus Gilmore, Jamal Lenzy, Josh Etheridge, and Kevin Butler; and Sophomores Shawn Williams, and Roger Franklin.

In Coach Phil McNeely's 23 year tenure at Duncanville, this is his third State championship. Coach McNeely said this team was his best defensively allowing an average of only 40.8 points in the final four playoff games.

Again, I offer my congratulations to the Duncanville High School boys basketball team for an outstanding and historic season.

PAYING TRIBUTE TO JEFF FONTAINE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Jeff Fontaine, who was recently appointed as Executive Director of the Nevada Association of Counties, NACO.

Jeff joins NACO after years of distinguished public service. Prior to being named as Executive Director of NACO, Jeff served as Director of the Nevada Department of Transportation, NDOT, where he also held the position of Deputy Director and Chief Operating Officer. In this capacity, Jeff, oversaw a $600 million budget and 1,600 employees while engaging in road and bridge planning, designing, construction, and maintenance.

In the years before his work with NDOT, Jeff worked as a Public Health Engineering Supervisor with the Nevada State Health Division where he was the State Drinking Water Administrator who regulated the quality of water in the state's public water systems. Jeff also served as an environmental engineer for the U.S. Environmental Protection Agency, Region IX in San Francisco. In this capacity, Mr. Fontaine regulated the federal drinking programs on Indian Lands in three western states and in the island nations of Micronesia.

Madam Speaker, I am proud to honor Jeff Fontaine. His dedication to the community is commendable and I wish him continued success in his future endeavors.

TRIBUTE TO REVEREND DR. LEVI C. CHAVOUS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. CLYBURN. Madam Speaker, I rise to pay tribute to Reverend Dr. Levi C. Chavous on the occasion of his retirement as Pastor of Ridgewood Baptist Church in Columbia, SC.

Reverend Chavous began his tenure at Ridgewood in 1967, becoming the church's third pastor. Throughout his 40 years of continuous service, Reverend Chavous has demonstrated extraordinary faith and leadership to the church, the Ridgewood community, and the religious life of the entire state.

A native of Aiken, Reverend Chavous entered the ministry 57 years ago. In preparation for the ministry, he received degrees from Florida Normal College and Union Seminary. Early in his career in the ministry, Reverend Chavous pastored several churches across South Carolina.

Under Reverend Chavous' leadership, Ridgewood Baptist experienced tremendous growth in membership and established important new ministries and programs. Among the highlights are: the 7:45 a.m. Worship Service, the weekly Bible Study Class, the L.C. Chavous Ushers, the Tape and Sound Ministry, the Cherubs Choir, the Pulpit Aid Club, and the Christian Education Board. Reverend Chavous also commissioned the first recorded history of the church and established the Ridgewood Foundation.

In addition to new programs and organizations, Reverend Chavous oversaw the expansion of the church campus by acquiring the Mack's Nursery, the historic Holloway House, and additional parking. The crowning achievement of his administration was the construction of the Ridgewood Family Life Center, which was recently named in his honor.

Reverend Chavous has also served the greater community through his membership on the boards of Morris College in Sumter, South Carolina and his alma mater, Florida Normal College. Furthermore, he previously served as Moderator of the Gethsemane Association and President of the Fellowship Union; and has been active in the Baptist Education and Missionary Convention of South Carolina.

Madam Speaker, Reverend Levi C. Chavous has touched the lives of numerous individuals, and made an indelible impact on the members of his church and the entire community. Along with his lovely wife, Mrs. Lucille S. Chavous, he has won the admiration and respect of the members of the Ridgewood Baptist Church for his 40 years of dedicated service. On Sunday, March 25, 2007, Reverend Chavous will preach his final sermon as Pastor of Ridgewood Baptist Church and I wish him well and godspeed.

PAYING TRIBUTE TO JERALD "JERRY" LUDWIG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and memory of my good friend Jerald "Jerry" Ludwig, who passed away on Monday March 5, 2007.

Jerry, born in Algona, Iowa in 1930, was a resident of Henderson, Nevada for more than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

60 years. He graduated from Basic High School in 1950. Following his graduation from Basic High School, Jerry volunteered in service to his country and served as a photographer for the United States Navy during the Korean War, thereby kindling his passion for photography. After completing his military service, Jerry earned a degree in Political Science from Southern Nevada University in 1967. During his tenure at Southern Nevada University, Jerry also worked as the audio-visual coordinator for the Clark County School District.

Jerry was also very involved in the community, and was well known for his public service and mentoring abilities. Jerry was very active in the Boy Scouts and was instrumental in the development of the Boulder Dam Area Boy Scout Council in the late 1940's. He was also very impassioned about his involvement with the Henderson Rotary Club and boasted nearly 50 years of perfect attendance; Jerry also served as the President of the organization from 1995–1996 and held many other offices.

Madam Speaker, I am proud to honor the life and memory of my good friend Jerald "Jerry" Ludwig. His dedication to the community and service to his country are commendable. He will be deeply missed by all those whose lives he touched.

IN HONOR OF THE HALL OF FAME OF DELAWARE WOMEN 2007 HONOREES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to five exemplary women as they are inducted into the Hall of Fame of Delaware Women. Sujata Kumari Bhatia, Carolyn S. Burger, Liane M. Sorenson, Shirley M. Tarrant, and Val Whiting all possess extraordinary abilities which they have used to achieve great things and better their communities. Each inductee is truly deserving of this high distinction for the profound impact they have made not only upon Delaware, but the entire country.

SUJATA KUMARI BHATIA

To achieve her goals, Dr. Bhatia pursued a rigorous academic career. In only four years at the University of Delaware, she obtained three bachelors degrees in the fields of biology, biochemistry and chemical engineering in addition to a master's degree in chemical engineering. She then went on to earn both her MD and PhD at the University of Pennsylvania. Since her graduation, the Unversity of Delaware has presented her with the 1999 Woman of Promise award as well as the 2006 Presidential Citation for Outstanding Achievement. She has also been invited to attend several symposiums for the Nation's top engineers.

With advanced training in both the fields of engineering and medicine, Dr. Bhatia has positioned herself to bring a great deal of innovation to the world of biomedical materials. She currently works for DuPont Central Research and Development as the only physician-scientist. She is actively putting her unique expertise to work by spearheading a project to develop a surgical sealant which will greatly advance the way doctors care for wounds.

Beyond her worthwhile professional endeavors, Dr. Bhatia has also dedicated herself to helping the community. By mentoring young women at the University of Delaware's Engineering Department and also the Charter School of Wilmington, she positively impacts the engineering field as a whole, as well as individual lives. She further demonstrates her charitable spirit and leadership skills by serving on the Board of Directors of the University of Delaware Engineering Alumni Association, the Delaware Governor's Council on Lifestyle and Fitness, and the Delaware section of the American Chemical Society. On top of all this she is still able to find time and energy to donate to other causes such as the Ronald McDonald House, the Salvation Army, American Heart Association and the Special Olympics to name only a few.

CAROLYN S. BURGER

Carolyn S. Burger is a pioneer in the telecommunications industry. Her outstanding work ethic, effective managerial and interpersonal skills, intelligence, and perseverance have enabled her to break through the many barriers that stood in her way.

After graduating from Wilson College, Ms. Burger quickly ascended the ranks at the former Bell-Atlantic Company. She was the first woman in every management position she held at the company. She attained her goals by delivering quality, bottom-line results while still treating her employees and co-workers with the utmost respect. Ms. Burger became the first woman in the United States to lead a telecommunications company when she was promoted to President and CEO of Bell Atlantic Delaware. In this position she achieved a great deal. She is well known for bringing about legislative reform in the Delaware General Assembly which provided customers with more competitive rates. She retired from the company in 1996, leaving behind an unparalleled legacy.

Ms. Burger utilizes her strong leadership skills to effect change in the community. She champions many important issues as well as other charitable causes. She is the cofounder of "Swinging with a Star" golf tournament, which facilitates networking among women in business and raises money for girls prqgrams throughout the state of Delaware. Her philanthropic spirit and business prowess has secured a healthy financial future for the Delaware Art Museum and helped fund programs which are invaluable to the state of Delaware.

LIANE MC DOWELL SORENSON

Throughout her prolific career, Liane Sorenson has actively demonstrated her deep commitment to women, children and families. As the Director of Women's Affairs at the University of Delaware, she championed issues relating to date rape and gender-based harassment. In addition to establishing Sexual Assault Awareness Week at the University, she lobbied to improve procedures for handling reports of rape and harassment.

A passion for public service brought her to the State Senate, where she is now a Senator and the Minority Whip. She has proven herself to be a true leader by advancing important legislative issues concerning cancer, women's health, historical preservation, and child advocacy. In recognition of her hard work she was awarded the Legislative Award from the Delaware Recreation and Parks Society in 2001.

While maintaining a busy work schedule, Senator Sorenson still finds time to give back to the community. She is Chair of the Advisory Board of the Delaware Breast Cancer Coalition, a founding member and past President of the Hockessin Historical Society, and a member of the Newark Symphony Orchestra, to name only some of the ways she gets involved. She has received many awards for her efforts including ones from the Delaware Humanities Forum and the Newark Branch of the NAACP.

SHIRLEY M. TARRANT

Shirley M. Tarrant was the founder and president of the Suburban County Hospital Task Force. In this role she tirelessly fought to bring a much needed hospital to the Newark Delaware area. After seven years of overcoming obstacles, Shirley's dream was realized when Christiana Hospital finally came to be.

Ms. Tarrant is passionate in whatever she does. On top of her devotion to bringing quality healthcare facilities to Delawareans, Ms. Tarrant is active within the community. When the University of Delaware's medical technology program was almost terminated, Ms. Tarrant played a pivotal role in saving it. She was the Founder and First President of the Newark Girls Club, the Chairperson and member of the Delaware Health Facilities Authority, and the Secretary of the University of Delaware Alumni Association among a long list of other activities.

On many occasions Ms. Tarrant has been recognized for her achievements. Delaware Today Magazine named her one of the 30 people who "changed Delaware". She was also named the University of Delaware's Most Outstanding Alumnus in 1985. She has received the Dr. Wallace M. Johnson Community Service Award in addition to many other awards commending her outstanding accomplishments.

VAL WHITING

Val Whiting is an accomplished athlete, scholar, and leader in the Delaware community. Her basketball career took off when she was in high school and played in many state championships. At Stanford University, she led her team to two NCAA Championships and was named Pac–10 Conference Player of the Year. Ms. Whiting was an alternate to the 1995 National Team, which took the gold medal at the 1996 Summer Olympics. Recently both ESPN and the NCAA recognized Ms. Whiting as one of the "Top 25 NCAA Players of the Past 25 Years."

Although she was accepted to medical school, Ms. Whiting pursued her athletic dreams of playing professional basketball. After playing abroad in Italy, Brazil and elsewhere, she returned to the United States to play in the WNBA for the Detroit Shock and then the Minnesota Lynx. She is now one of a few African-American women trainers in the state of Delaware.

Ms. Whiting is an active leader in the Delaware community. She works to motivate young people to make good decisions and lead successful lives. She is a spokesperson for AIDS

Delaware in addition to volunteering for the Police Athletic League and serving on the Board of Directors of Girls Inc. She founded GAMESHAPE, a life skills program for young girls, as well as the Ms. Whiting Economic Literacy League for girls. For her efforts she has received awards from the WNBA, Wilmington Mayor James Baker, the Police Athletic League and many others.

I cannot applaud the accomplishments of these five women enough. Their ceaseless commitment to their personal goals as well as those of the broader community is testament to their rich quality of character. They are great role models for the people of Delaware and I would like to commend their outstanding accomplishments. I wish them all the best as they accept the well-deserved honor of being inducted into the Hall of Fame of Delaware Women.

PAYING TRIBUTE TO JOANN STRAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Joann Strand and congratulate her on becoming National Board Certified in 2006.

Joann, a teacher at Foothill High School in Las Vegas, has a long and distinguished career as an educator and greatly deserves this notable recognition. Joann is one of two educators in Henderson, NV to earn National Board Certification in 2006. National Board Certification is a process that requires from one to three years of preparation and testing. Joann had to complete a portfolio of assignments, essays, and videotapes as well as tests which assessed her knowledge of the individual subjects she teaches. Only 116 of more than 20,000 teachers in the Clark County School District, less than 1 percent, have earned this distinction. Joann has made a profound difference in our community and we are most fortunate to have this leadership which positively impacts student achievement.

Madam Speaker, I am proud to honor Joann Strand. Her efforts to improve the educational experiences of the student at Foothill High School are commendable. I congratulate her on her much deserved recognition and I wish her continued success.

TRIBUTE TO COACH BOB WILSON AND THE WILSON TIGERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. CLYBURN. Madam Speaker, I rise today to offer my congratulations to the outstanding members of the South Carolina AAA High School Boys' Basketball State Championship team, the Wilson High School Tigers, and their exceptional coach, Bob Wilson.

Wilson High School is located in the 6th Congressional District which I proudly represent. On Saturday night, March 3, Coach Wilson led the Tigers to the first State Championship for a Florence team in 20 years.

That State Championship game took place at the Colonial Center in Columbia, South Carolina. And although the Tigers did not score a single point until the 4th minute of the game, they gathered their wits and started playing with true determination and it all paid off in the end. I am proud of these exceptional athletes and so is their community. They won 23 out of their 29 games this season.

It requires a great deal of discipline to properly balance athleticism and academic requirements, but these young men have excelled at both. There are six seniors on the team this year, and all of them deserve congratulations for their hard work this season.

Madam Speaker, I would like to congratulate each of them on behalf of this Congress: Sam Muldrow, Dominique Lacy, Antwain Lyde, Greg White, Rico Young, Dalwayne Rhodes, Hiram Echols, Jamal Banks, Jamar Graham, Denzel Belin, Daron Cooper, Tracy McFadden, Shamel Brackett, Alan-Michael Thompson, and Trevonte Dixon. Their assistant coaches, Pete McCants, Rodney Barr, and David Littlefield, also deserve recognition for their hard work and devotion to these young men.

Coach Wilson's career speaks for itself: before coming to Wilson High School in 2000, he spent 5 years as head basketball coach for West Florence High School. Prior to becoming a head coach, he served as an assistant at Francis Marion University and West Florence High School.

Remarkably, Coach Wilson was involved in another historic state championship for Florence: he was the assistant coach when West Florence High School won the State Championship in 1986, the last time a Florence basketball team had won until this season.

Throughout his career, Coach Wilson has been a sterling example to his players both on and off the court. The entire State of South Carolina is fortunate to have such a dedicated and tireless advocate and role model for young men and women.

Madam Speaker, I admire the effort and teamwork the members of this team have demonstrated throughout the season and I ask you and my colleagues to join me in wishing them good luck and Godspeed in the future.

PAYING TRIBUTE TO TECHNICAL SERGEANT DELANO M. JACKSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Technical Sergeant Delano M. Jackson for his long and distinguished career in the United States Air Force.

Sergeant Jackson first began his long and illustrious career in 1986 for the purpose of continuing his education. Jackson attended Technical Training at Sheppard AFB in Wichita Falls, Texas where he received training as a Technical Aircraft Maintenance Specialist, however he always had a passion to become an Air Force recruiter and expose prospective Airmen to the opportunities that the United States Air Force provides. Sergeant Jackson's first assignment was in South Korea attached to the 51st Generation Squadron. His next assignment was to the 2952 Combat Logistics Support Squadron at Hill AFB in Utah; where he received training as an Aircraft Battle Damage Repair Technician and was subsequently deployed to Saudi Arabia and Qatar in support of Operations Desert Shield and Desert Storm.

Upon returning to the United States after the First Gulf War, Sergeant Jackson pursued his desire to become a recruiter and attended the Air Force Recruiting School, from where he graduated in 2001. His first assignment after Recruiting School was in Muskegon, Michigan, where he was awarded three senior recruiter badges during his three years assigned there. Sergeant Jackson was then assigned to the 339 Recruiting Squadron as an Operations NCO, and subsequently a Marketing NCO. In October 2001, Jackson was assigned to the USAF Air Demonstration Squadron (Thunderbirds), at Nellis AFB, Nevada, as a recruiter. Sergeant Jackson was then assigned to the 368th Recruiting Squadron to recruit for the Nurse, Dental, and Officer Training School programs in October 2002.

Over the course of his long and distinguished career, Sergeant Jackson received numerous accolades. His decorations include the Air Force Commendation Medal with 4 Oak Leaf Clusters, the Air Force Achievement Medal, the Outstanding Unit Award with 3 Oak Leaf Clusters, the Good Conduct Medal with 6 Oak Leaf Clusters, the National Defense Medal, the Southwest Asia Medal with 2 devices, the Global War on Terrorism Medal, the Korean Defense Medal, the Air Force Recruiter Ribbon with 4 devices, and the Kuwait Liberation Medal.

Madam Speaker, I am proud to honor Technical Sergeant Delano M. Jackson. His distinguished record of service to the United States Air Force is commendable and I thank him for his many years of admirable service. I wish Sergeant Jackson the best in his retirement.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, March 12 and was unable to cast votes on the House Floor that evening.

However, had I been present I would have voted aye on H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and aye on H.R. 136, a bill to amend title II of the Social Security Act to provide that individuals and appropriate authorities are notified by the Commissioner of Social Security of evidence of misuse of the Social Security account numbers of such individuals.

I also would have voted aye on House Resolution 89 which expresses the sense of the

House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands. My own district exemplifies how America has been enriched through our relationship with the Netherlands. One of the cities in my district, Artesia, was founded by Dutch dairy farmers in the first half of the twentieth century. While the farms are no more, the descendants of these settlers now thrive in business, the arts and public service. I am proud of the contributions Dutch-Americans have made and pleased to voice my support for this resolution.

PAYING TRIBUTE TO DR. JOEL AND CAROL BOWER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Dr. Joel and Carol Bower whose civic and professional contributions to Henderson have motivated the Clark County School District to name the student health center at Basic High School in their honor.

Dr. Joel Bower and Carol Bower were both active in their communities. Dr. Bower was the Medical director of Planned Parenthood of Southern Nevada, Director of Family Planning Clinic, on the Executive Committee for the American Red Cross, Chairperson for Maternal and Child Health Advisory Board, and on the Ethics Committee for St. Rose Dominican. He was also a faculty member for University of Nevada Reno, Touro University, and Nathan Adelson Hospice. As a result of his commitment to the community they recently renamed the Winter Ethics Symposium in his name. Carol was involved in organizations such as Court Appointed Special Advocate, St. Rose Hospital Women's Committee, Prenatal Clinic, and Boulder City Art Guild. She has also authored six books through the St. Rose Dominican women's Committee. Joel and Carol both volunteered at the Salvation Army.

Dr. Joel and Carol Bower have been instrumental in acquiring medical equipment for Basic's Health Center. Dr. Bower is also the acting medical director and the lab director for the facility. Dr. Bower still continues to volunteer his time and talents to the community.

Madam Speaker, I am proud to honor Dr. Joel and Carol Bower and their many achievements. Their dedication to the community is remarkable and I wish Dr. Bower continued success in his future endeavors.

PAYING TRIBUTE TO JOHNRAY EGELHOFF

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 16, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Johnray Egelhoff for his 41 years of dedicated service to the U.S. Postal Service.

Johnray began his long and distinguished career in the U.S. Postal Service in Phoenix, AZ, in 1966. Soon thereafter, Johnray enlisted in the service of his country. Upon his return to civilian life, he decided to pursue a Bachelors Degree from Arizona State University. Johnray graduated with a Bachelors of Arts in Education in 1972. While pursuing his higher education goals, Johnray continued to work for the Postal Service and witnessed a number of profound changes in the mail system.

Throughout the course of his career, Johnray has held many leadership positions with the U.S. Postal Service. During the postal reorganization of 1970, Johnray became a supervisor and was subsequently promoted a number of times in Plant Operations from general supervisor to Sectional Center Director of Mail Processing for the Phoenix Mail Service Center. He has served as Postmaster in both Casa Grande, Arizona and Chandler, Arizona and has also served as Officer In Charge in Anaheim, CA, and Tucson, AZ. In 1998, Johnray was named the Postal Career Executive Service Postmaster in Phoenix, AZ, and held this position until being named the Las Vegas District Manager/Lead Executive.

Johnray's leadership skills have not only been influential in the Southwestern United States, he has also made an imprint on several national programs within the U.S. Postal Service. He was instrumental in developing the Master Instructor Series training courses for supervisors, managers and Postmasters. As a result of his role in developing this program, Johnray was selected as the first master instructor in the Nation.

Madam Speaker, I am proud to honor Johnray Egelhoff. I commend his exceptional leadership and his distinguished service to the U.S. Postal Service. I thank him for his commitment to public service and I wish him the very best in his retirement.

SENATE—*Monday, March 19, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord, You have promised to work for the good of those who love You. Work in the lives of our lawmakers, strengthening them for every problem, trial, and temptation they face. Open their eyes to see Your hand at work even in adversity and keep them faithful to You.

Lord, may their lives become models of godly living as You empower them to live worthy of Your Name. Help them to be quick to hear, slow to speak, and slow to become angry. Be their refuge and strength, an ever present help in trouble. Empower them to maintain justice and to constantly do what is right. Teach them Your ways and give them Your peace.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 19, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FIRING OF U.S. ATTORNEYS

Mr. REID. Mr. President, in today's Congressional Weekly, a respected publication we get back there, there is a column on the last page by Craig Crawford which I think is quite illuminating. It is entitled "The Firing Squad Backfires."

> The fingerprints of the President's top advisers are all over the prosecutors' firing scandal, which means trouble for Bush.

Here is the first sentence:

> Of all the scandals that increasingly bedevil George W. Bush's Presidency, none has more direct ties to the President than the flap over firing Federal prosecutors.

I rise today to express my strong support of S. 214, Senator FEINSTEIN's legislation to strengthen the independence of U.S. attorneys. There is growing evidence that the Bush administration fired Federal prosecutors for improper partisan reasons. This legislation is needed to protect the integrity of the Federal criminal justice system and the autonomy of the chief Federal prosecutors across the country.

The U.S. attorney scandal is another example of the arrogance of power. As Lord Acton said, power tends to corrupt, and absolute power tends to corrupt absolutely. For too long, the Bush administration—shielded from oversight by a Republican-dominated Congress—enjoyed absolute power, and they abused it.

After all, this was a President who won two elections by the barest of margins, first by the Supreme Court. Yet after 9/11, instead of uniting the country, he has chosen to push the envelope of his authority. On everything from the runup to the war in Iraq, to the plan to destroy Social Security, to the use of warrantless wiretapping, this administration has governed without compromise.

The political purge of U.S. attorneys is only the latest example of this President's unhealthy disregard for checks and balances. Speedy passage of this bill is only the first step the Senate must take to deal with the administration's dangerous power grab.

We need to get to the bottom of this scandal to find out why these U.S. attorneys were fired. We need to find out whether the Attorney General and his deputies testified truthfully when they first explained the firings to Congress and the American people.

Federal prosecutors are enormously powerful individuals. They are the embodiment of Federal criminal law. They make life-and-death decisions about who to prosecute and who should receive leniency. Their discretion is largely unreviewable. They must be permitted to carry out their solemn duties without any political interference.

No one disputes the authority of the President to name U.S. attorneys at the beginning of his term, subject to the advice and consent of the Senate. But it is unprecedented that U.S. attorneys be terminated in the middle of a Presidential term without proper cause. It is unacceptable for U.S. attorneys to be replaced because they were perceived by the White House to be insufficiently partisan or too aggressive in prosecuting public corruption.

It appears that administration officials took advantage of a provision that they insisted be included in the PATRIOT Act reauthorization conference report last year. Now it is becoming clear why they stuck that provision in there. This was a plan they had for some time. That law reversed a longstanding procedure that allowed the chief Federal judge in the Federal district court to appoint a temporary replacement while the permanent nominee undergoes Senate confirmation. The Feinstein bill simply restores the pre-PATRIOT Act procedure.

Conflicting testimony and recently released e-mails strongly suggest the American people are not getting from the Bush administration the full story about this scandal.

In the State of Nevada, as an example, Daniel Bogden, a highly respected career prosecutor, was forced to step down. His chosen vocation in life was to be a Federal prosecutor. He worked as an assistant U.S. attorney for a significant period of time before chosen to be the U.S. attorney by a Republican, JOHN ENSIGN, and by the President, who sent his name to us. We were initially told that Bogden and others were fired for "performance-related reasons." But that explanation proved to be totally bogus. In fact, Dan Bogden's personnel review was glowing. We still don't know why Dan Bogden was fired. What we do know is under the new PATRIOT Act provision, Mr. Bogden could be replaced by someone with no ties to Nevada, and with no input from the Senate. The damage done to Bogden personally is irreparable. He can't work now as assistant U.S. attorney. That is part of the process. That is too bad. He is a fine man whose reputation has been besmirched.

Meanwhile, we learned of a scheme hatched in the White House to replace all U.S. attorneys. At least one U.S. attorney has stated he was forced to resign because he refused to bend to political pressure regarding ongoing investigations. Others were fired under

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circumstances that raise the same question. In the State of Arkansas, the U.S. attorney was fired and replaced by one of Karl Rove's underlings.

The Attorney General and his deputies told Congress these firings were not politically motivated. But according to newly released e-mails, White House political operatives such as Mr. Rove were involved in the decisionmaking. Kyl Sampson, who eventually became Chief of Staff to Attorney General Gonzales, wrote an e-mail that distinguished between those U.S. attorneys who were "loyal Bushies" and those who were not. Dan Bogden and other U.S. attorneys who were fired last December were not "loyal Bushies."

What I am worried about—and it hasn't come out yet—is what about those who were loyal Bushies? Were these people prosecuting people because of the political involvement of the White House? Perhaps so.

The real question is whether being a "loyal Bushie" meant letting partisan consideration poison law enforcement decisions. Do prosecutors who are "loyal Bushies" go easy on Republican corruption? Do they bring cases against Democrats without legal justification? The actions of the Bush administration call into question every decision by Federal prosecutors in corruption cases across the country.

I applaud the efforts of Senator FEINSTEIN, who wrote this legislation and spoke about it early on. I also applaud the efforts of Senators SCHUMER and LEAHY, as well as colleagues on the other side of the aisle who are committed to getting the truth in this matter. I strongly urge the Senate to pass this piece of legislation. Simply put, we need to begin to keep politics out of the Federal criminal justice system, which is the way it has always been.

SCHEDULE

Mr. REID. Mr. President, today, following the remarks of the leaders, the Senate will immediately proceed to S. 214, the U.S. attorneys legislation. Last week, we were able to agree to a unanimous consent that will govern consideration of this bill.

There will be no rollcall votes today. We will, however, have three votes beginning at 11:30 a.m. tomorrow morning. These votes will be with respect to amendments to the U.S. attorneys bill and then passage of the bill.

Following the recess for the party conferences on Tuesday, the Senate will begin to consider the concurrent budget resolution, which was reported by the Budget Committee to the Senate floor last Thursday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 214.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 214) to amend chapter 35 of title 28, United States Code, to preserve the independence of the United States Attorneys.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving United States Attorney Independence Act of 2007".

SEC. 2. VACANCIES.

[Section 546 of title 28, United States Code, is amended to read as follows:

"§ 546. Vacancies

"The United States district court for a district in which the office of the United States attorney is vacant may appoint a United States attorney to serve until that vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".**]**

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

The ACTING PRESIDENT pro tempore. Under the previous order, the committee-reported amendment is agreed to and the motion to reconsider is laid upon the table.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of S. 214, the bill the leader just referred to. This is a bill that simply reinstates the Senate's role in the confirmation process of U.S. attorneys. It is a bill I introduced with Senator LEAHY on January 9, 2007, days after I first learned in early December that officials from main Justice called a handful of U.S. attorneys from around the country and forced them to resign their positions without cause.

At that time, I had very little information and was unaware of exactly what had occurred and why. As I looked into it, I learned that in March of 2006, the PATRIOT Act was reauthorized and a change was made in the law. It was made in conference without Democratic Senators present. To the best of my knowledge, it was made without the knowledge of any Senator, Republican or Democrat. It is my understanding this was a request from the Justice Department that was presented by Will Moschella to the staff of the Judiciary Committee and, without the knowledge of Senators, was put into the bill. It then gave the President the authority essentially to appoint a U.S. attorney without confirmation for the remainder of his term.

The bill, S. 214, that is before the Senate today simply returns the law the way it was before this action took place in March of 2006.

Today, just a little more than 2 months after I first learned about this situation, additional information has come to light. But rather than alleviating the concerns and answering questions, we are now faced with new and more serious allegations. In fact, the big question looming over this debate is whether the Attorney General and others in the Bush administration have misled the Congress and the public. If true, this is very serious.

There are also allegations that the firings were done because the Department of Justice and the White House were both unhappy with some of the U.S. attorneys' handling of public corruption cases. If true this, too, is very serious.

We now know that at least eight U.S. attorneys were forced from office, and that despite shifting rationales for why, it has become clear that politics has, in fact, played some role.

Last week, we learned that the White House was involved in this process and that discussions took place with such prominent figures as Presidential adviser Karl Rove and former White House Counsel Harriet Miers. We also learned last week that these discussions began well over 2 years ago, almost immediately following the 2004 election, and it appears from recently released e-mails that Attorney General Gonzales was personally consulted, even while he was still serving as White House Counsel.

This information also shed new light on who was being targeted for firing and why. It is this last point—why some were targeted—that has served to raise more questions and more significant concerns. We have learned that as many as six of the eight U.S. attorneys who were involved with public corruption cases. While we don't know what role this played in their selection, it is an unavoidable fact that raises serious questions.

Today, as the Senate begins the debate on the Preserving United States Attorney Independence Act, I would like to discuss some of what we have learned in greater detail and some of the reasons this bill is so necessary.

I believe it is important to look at how interim U.S. attorneys have been appointed over the years. There appears to be an assumption by the Bush administration that the Attorney General should have an exclusive authority to appoint interim U.S. attorneys. But, in fact, history paints a much different picture.

When first looking into this issue, I found that the statutes had given the courts the authority to appoint an interim U.S. attorney and that this dated back as far as the Civil War. Specifically, the authority was first vested with the circuit courts in March of 1863. Then, in 1898, a House of Representatives report explained that while Congress believed it was important to have the courts appoint an interim U.S. attorney, there was a problem relying on circuit courts "since the circuit justice is not always to be found in the circuit and time is wasted in ascertaining his whereabouts." Therefore, at that time, the interim appointment authority was switched to the district courts; that is, in 1898 it was switched to the district courts. Thus, for almost 100 years, the district courts were in charge of appointing interim U.S. attorneys, and they did so with virtually no problems.

This structure was left undisturbed until 1986 when the statute was changed during the Reagan administration. In a bill that was introduced by Senator Strom Thurmond, the statute was changed to give the appointment authority to the Attorney General, but even then it was restricted and the Attorney General had a 120-day time limit. After that time, if a nominee was not confirmed, the district courts would appoint an interim U.S. attorney. The adoption of this language was part of a larger package that was billed as technical amendments to criminal law, and thus there was no recorded debate in either the House or the Senate and both Chambers passed the bill by voice vote.

Then, 20 years later, in March 2006—again without much debate and again as a part of a larger package—a statutory change was inserted into the PATRIOT Act reauthorization. This time, the Executive's power was expanded even further, giving the Attorney General the authority to appoint an interim replacement indefinitely and without Senate confirmation.

Unfortunately, not 1 year after securing this new authority, abuses have come to light. Almost immediately after I first spoke about what I had learned in January, the Attorney General called me to tell me that I had my facts wrong. However, he also sent up his staff to confirm that "less than 10" U.S. attorneys had been asked to resign on December 7, 2006.

Despite this, the Attorney General adamantly denied politics had any role in the process. In fact, in an interview with an Associated Press reporter on January 16, 2007, the Attorney General was asked about the charges of political motivation, and he responded:

> Nothing could be further from the truth.

He further stated in response to your comment, Mr. President, that the Department tried to avoid Senate confirmation to reward political allies:

> We in no way politicized these decisions.

Two days later, the Attorney General reiterated this position when he came before the Senate Judiciary Committee on January 18 of this year and said:

> I would never, ever make a change in the United States attorney position for political reasons.

That is a categorical and definitive monosyllabic statement. However, the Department had to backtrack when it became evident that the former U.S. attorney from your State, Mr. President, Arkansas, Bud Cummins, was simply replaced in order to make room for Tim Griffin, who had served as Karl Rove's special assistant and had been in charge of opposition research against Democratic candidates for the Republican National Committee.

Less than a month later, the Deputy Attorney General confirmed this fact when he testified before the Senate Judiciary Committee on February 7, 2007. At that time, he said:

> The fact is there was a change made [in Arkansas] that was not connected, as we said, to the performance of the incumbent, but more related to the opportunity to provide a fresh start with a new person in that position.

Deputy Attorney General McNulty, however, went on to say that all the others who were fired were fired for "performance-related reasons." But this, too, was not the final explanation. The Department next tried to justify the firings by arguing that the U.S. attorneys were let go because there were "policy disagreements." Then the Attorney General said that these U.S. attorneys had "lost [his] confidence." So there are three different reasons so far. Now, most recently, the explanation has been that the Department thought it "could do better"—the fourth explanation.

These explanations are as slippery as they are misleading. Rather, what documents and e-mails demonstrate is that none of these reasons was the deciding factor that led some U.S. attorneys to be targeted for firing. Instead, it appears these individuals lost their jobs because a number of Department of Justice officials and possibly—we don't know but possibly—White House officials did not judge them to be sufficiently loyal or did not like the cases they were prosecuting or simply wanted to put in new, politically connected, young lawyers. It appears this way because contained in the documents that were released last week is an outline of the Department of Justice's plan for how to determine who should be let go and who should stay.

The first step of that plan was to create a new rating system to evaluate all 93 U.S. attorneys. This was to be separate from the independent performance reports, called EARS reports. Those reports routinely occurred and objectively examined each U.S. Attorney's Office by evaluating their prosecution caseloads, their management, their willingness to follow Department priorities, and their ability to work cooperatively with the FBI, with the DEA, and with other client agencies.

This rating system was developed back in February of 2005, and one of the primary factors to be considered was loyalty to the administration.

One e-mail describing the ratings stated:

> Recommended retaining strong U.S. attorneys who have produced, managed well, and exhibited loyalty to the President and Attorney General. Recommended removing weak U.S. attorneys who have been ineffectual managers and prosecutors, chafe against administration initiatives.

Under this system, two of the eight fired U.S. attorneys received strong evaluations and recommended retaining while three received recommended removing.

One of the U.S. attorneys who received a recommended removing rating was Carol Lam from the Southern District of California. She received this low rating despite her many accomplishments and despite her positive performance evaluations. I am familiar with Carol Lam's career because she served in San Diego. In that position, she has taken on some of the biggest cases and really made a positive impact on the community she has served. But that is not just my opinion. Leaders throughout San Diego have sung her praises. Let me give a few examples.

Dan Dzwilewski, head of the FBI office in San Diego:

> Carol has an excellent reputation and has done an excellent job given her limited resources.

Then, when asked whether she had given proper attention to gun cases, he said:

> What do you expect her to do? Let corruption exist?

Adele Fasano, the San Diego Director of Field Operations, U.S. Customs and Border Protection, said:

> [We have] enjoyed a strong, collaborative relationship with the U.S. Attorney's Office to combat smuggling activity through the ports of entry.

City attorney for San Diego, Michael Aguirre, said:

> [Carol Lam] has been by far the most outstanding U.S. Attorney we've ever had . . . she's won a national reputation as one of the top prosecutors in the country.

This is the city attorney.

Michael Unzueta, Special Agent in Charge, Immigration and Customs Enforcement:

> Carol Lam is truly an example of a dedicated public servant and a law enforcement professional. We will miss her leadership.

John Cooper, Special Agent in Charge, Naval Criminal Investigative Service:

> The departure of Ms. Lam will be a great loss . . . Ms. Lam is the consummate law enforcement executive who leads by example.

And Alan Poleszak, Acting Special Agent in Charge, Drug Enforcement Agency:

> The on-going prosecution of [the] Javier Arellano Felix drug trafficking organization is both historic and noteworthy . . . [Ms. Lam's] commitment to Federal law enforcement in this judicial district, county, and city, will be missed.

We should take note of the fact that the Arellano Felix organization is one of the largest and most dangerous Mexican drug cartels known. They operate out of Tijuana. They have killed hundreds of people. They have murdered Mexican DAs, they have murdered Mexican judges, and they are a blight. This U.S. attorney took them on. I will tell my colleagues more about that in a moment. The reason Carol Lam was well respected is because she worked hard and she took on the tough fights. She has had success after success. Let me give some examples.

In September of 2005, the president of the San Diego chapter of Hell's Angels pled guilty to conspiracy to commit racketeering. Guy Russell Castiglione admitted he conspired to kill members of a rival motorcycle gang, the Mongols, to sell methamphetamine. In December 2005, Daymond Buchanan, member of Hell's Angels, was sentenced to 92 months in Federal prison for participating in a pattern of racketeering as well as inflicting serious bodily injury upon one victim. At that time, Ms. Lam announced:

> With the president, sergeant at arms, secretary, treasurer, and six other members of the Hell's Angels convicted of racketeering charges and facing long prison sentences, the San Diego chapter of the Hell's Angels has been effectively shut down for the foreseeable future.

If that isn't enough, in September of 2006, Jose Ernesto Beltran-Quinonez, a Mexican national, pled guilty to making false statements about weapons of mass destruction. Mr. Quinonez was sentenced to 3 years in Federal prison for making up a story about Chinese terrorists sneaking into the United States with a nuclear warhead. The hoax prompted a massive investigation, Federal warnings, discussions at one of President Bush's security briefings, and a nationwide hunt for the group of Chinese supposedly plotting the attack.

In December 2006 Mel Kay, of Golden State Fence Company, and Michael McLaughlin pled guilty to felony charges of hiring illegal immigrants and agreed to pay fines of $200,000 and $100,000 respectively. The company, which built much of the fence near Otay Mesa, agreed separately to pay $5 million on a misdemeanor count, one of the largest fines ever imposed on a company for an immigration violation.

Was Carol Lam praised for this work? No, she was sent packing without an explanation. Those were not her only cases.

She gained a national reputation for her work on public corruption cases. I think it is important to note that public corruption is the FBI's second highest priority after terrorism-related investigations. Now, I didn't know this, but the Judiciary Committee had an oversight hearing of the FBI on December 6, 2006, where the Director, Bob Mueller, came before us and he mentioned what their priorities were, and he said: Terrorism first, and then public corruption second, and crime was way down on the list.

As a matter of fact, I found it rather startling, and I questioned him about that. He said, with some emphasis, those are our priorities, and we believe if we don't do public corruption, nobody else will. So the FBI has as its second highest priority public corruption. The FBI is going to be out there putting together cases. Who prosecutes these cases? U.S. attorneys. The FBI's second highest priority, and Carol Lam rose to this challenge.

In March of 2004, her office convicted Steven Mark Lash, the former chief financial officer of FPA Medical Management, for his role in defrauding shareholders and lenders of FPA. The collapse of the company left more than 1,600 doctors being owed more than $60 million and patients reporting they were unable to obtain medical care because this company had ceased paying providers.

In January of 2005, Mark Anthony Kolowich, owner of World Express Rx, pled guilty to conspiracy to sell counterfeit pharmaceuticals, conspiracy to commit mail fraud and smuggle pharmaceuticals, and conspiracy to launder money. Mr. Kolowich had run an Internet pharmacy Web site where customers could order prescription drugs without a valid prescription. The judge called him the kingpin and architect of an illicit pharmaceutical ring that recruited many others to smuggle drugs across the United States-Mexico border at San Ysidro.

Another case. In July 2005, Mrs. Lam brought a case against San Diego councilman Ralph Inzunza and Las Vegas lobbyist Lance Malone. They were convicted on multiple counts of extortion, wire fraud conspiracy and wire fraud and were accused of trading money for efforts to repeal a law.

Then, in her most well-known case, in November of 2005, Ms. Lam secured a guilty plea from former Representative Randy "Duke" Cunningham for taking more than $2 million in bribes in a criminal conspiracy case involving at least three defense contractors after he accepted cash and gifts and then tried to influence the Defense Department on behalf of donors. He also pled guilty to a separate tax evasion violation for failing to disclose income in 2004.

Now, here is where it gets interesting. Finally, 2 days before she left office, that would be around February 13, Carol Lam announced indictments of Kyle "Dusty" Foggo, a former top officer of the Central Intelligence Agency, and Brent Wilkes, a defense contractor accused of bribing Duke Cunningham and the prime benefactor of secret CIA contracts. It is this latest incident, involving the ongoing investigations stemming from the Cunningham case, that has raised the most significant concerns about Carol Lam's removal.

When I first came to the floor in January, I mentioned rumors were circulating around California that Carol Lam was pushed out because of her efforts in the Duke Cunningham case and subsequent investigations. I have tried to be very careful about talking about these allegations because they are so serious and because, at the time, they were based on mere speculation.

Despite recent materials coming to light, I want to continue to be very careful in talking about these allegations. At the same time, I must say that today there are even more questions to be answered regarding what role public corruption cases played in the administration's decisions about which U.S. attorneys to fire. We have now learned that six of the eight fired U.S. attorneys were involved in public corruption cases.

The Washington Post noted this, I think, very well, as I will point out here on this chart.

David Iglesias, New Mexico—oversaw probes of State Democrats and alleges two Republican lawmakers pressured him about the case. He was respected by the Judiciary agencies and staff, complied with Department priorities.

Daniel Bogden, Nevada—overall evaluation was very positive. Notable cases, opened a probe related to Nevada Governor Jim Gibbons, former Member of Congress.

Paul Charlton, Arizona—opened preliminary probes of Representatives Jim Kolbe and Rick Renzi before November election. Well respected, established goals that were appropriate to meet the priorities of the Department.

These are quotes from the official performance reports. I am not making them up, and I am not taking them from any individual. These are 27 people who go into an office and evaluate the performance of a U.S. attorney. What did they say about notable cases?

Bud Cummins, Eastern Arkansas—Cummins was very competent, highly regarded.

That was his performance review. He conducted a probe related to Missouri Governor Roy Blunt, which he later closed without charges.

There is Carol Lam, Southern California, whom I have already mentioned.

John McKay, Western Washington—here is the job performance: effective, well regarded, capable leader, established strategic goals that were appropriate. Here is the case: Declined to intervene in disputed gubernatorial election, angry GOP.

Those are the six. In Carol Lam's case, these allegations have become even more troubling.

Following the conviction of Duke Cunningham, in April 2006, Federal prosecutors in Carol Lam's office began investigating whether Brent Wilkes, a defense contractor, and Kyle "Dusty" Foggo, the third highest ranking official at the CIA, and others were involved in bribery and corruption. Throughout the first week of May 2006, information began to surface in the press regarding this ongoing investigation. Then, on May 10, 2006, Carol Lam quietly sent an urgent notice to officials at Main Justice to inform the Deputy Attorney General and the Attorney General she was about to execute search warrants on May 12—that is 2 days later—to search the home and CIA office of Dusty Foggo. The very next day, after she sent this internal notice, Department of Justice staff sent an e-mail to the White House that said this:

> Please call me to discuss the following: . . . The real problem we have right now with Carol Lam that leads me to conclude that we should have somebody ready to be nominated on 11/18, the day her 4-year term expires.

The real problem we have right now with Carol Lam. And that is the day after she notified Main Justice that she was executing two search warrants.

Mr. President, I ask unanimous consent that the complete e-mail be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Sampson, Kyle.
Sent: Thursday, May 11, 2006 11:36 AM.
To: 'William_K._Kelley@who.eop.gov'.
Subject: FW: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired.
Sensitivity: Confidential.

Per-your inquiry yesterday after JSC, this is the e-mail I sent to Dabney last month at Harriet's request. Please call me at your convenience to discuss the following:

———

Tim Griffin for E.D. Ark. and

The real problem we have right now with Carol Lam that leads me to conclude that we should have someone ready to be nominated on 11/18, the day her 4-year term expires.

From: Sampson, Kyle.
Sent: Friday, April 14, 2006 9:31 AM.
To: 'Dabney_Friedrich@who.eop.gov'.
Subject: RE: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired.
Sensitivity: Confidential.

Also, I would note that two others on my original list already have left office. They are:

———and———

From: Sampson, Kyle.
Sent: Friday, April 14, 2006 9:30 AM.
To: 'Dabney_Friedrich@who.eop.gov'.
Subject: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired.
Sensitivity: Confidential.

Dabney, DOJ recommends that the White House consider removing and replacing the following U.S. Attorneys upon the expiration of their 4-year terms:

Margaret M. Chiara, W.D. Mich., term expired 11/2/2005;

Harry E. "Bud" Cummins III, E.D. Ark., term expired 1/9/2006; and

Carol C. Lam, S.D. Cal., term expires 11/18/2006.

We also should similarly seek to remove and replace:

———

Call me if you have any questions. If you pushed me, I'd have 3–5 additional names that the White House might want to consider.

Mrs. FEINSTEIN. Mr. President, there could be a straightforward explanation for this e-mail that has nothing to do with public corruption cases Carol Lam was pursuing. However, the timing looks really suspicious and it raises serious questions, questions that need to be answered. Because if any U.S. attorney were removed because of a public corruption investigation or prosecution, this could very well comprise obstruction of justice.

I believe that irrespective of the intent behind the decision to fire Carol Lam and the other U.S. attorneys working on public corruption cases, such a removal sends a message to all other Federal prosecutors, whether intended or not, that creates a chilling effect. Because of this, there should have been very careful consideration given to what steps should have been taken to ensure it was clear there was good reason to remove the prosecutor, that the office itself had a comprehensive plan in place to ensure no cases or investigations would be harmed or slowed in any way and that ongoing public corruption cases had absolutely nothing to do with the removal of the U.S. attorney.

However, in the case of Carol Lam and in the case of five other U.S. attorneys, the administration failed to meet even these bare minimum standards. I strongly believe that removal of a United States attorney who is involved in an ongoing public corruption case should occur only—only if there is a very good reason, and not simply "we could do better."

Because of the public corruption cases and allegations that individuals were removed to put in politically connected young lawyers, another issue that must be examined is the appearance of politics impacting how U.S. attorneys are treated and what that means for the prosecution of justice.

As was reported in the McClatchy newspapers, former Federal prosecutors and defense lawyers have said:

> Allegations of political interference could undermine the reputation of U.S. attorneys as impartial enforcers of the law.

And, yes, I really agree with that.

One former Federal prosecutor said:

> One of the things the Department has stood for was being apolitical. Sure, politics does get involved in the appointment process, but this is just nuts.

He is right. Yes, appointees are selected and nominated by the party in power. But once an individual U.S. attorney takes that oath of office, he or she must be independent, objective, and must be free to pursue justice wherever the facts lead.

Bruce Fein, the former Associate Deputy Attorney General for the Reagan administration, said in an interview last week:

> [W]e expect the rule of law to be administered evenhandedly. That's what ties our country together and gives legitimacy to decisions by the court and to the government itself. When it's obvious that the prosecution function is being manipulated for political purposes, that undermines the entire rule of law.

In defending its actions, administration officials and others have tried to argue that both Presidents Reagan and Clinton fired all 93 U.S. attorneys when they came into office, and that is no different than what occurred in December. Right?

Wrong. The implication of this argument has been that it is not unheard of to fire U.S. attorneys in this manner, and that, at some level, it is commonplace. Right?

Wrong, it is not commonplace. In fact, the Department of Justice and the White House knew that this was not commonplace and that comparing its actions to Reagan and Clinton was an inaccurate analogy. A memo, written by Kyl Sampson on January 1, 2006, to the Counsel to the President, clearly stated:

> During the Reagan and Clinton Administrations, President Reagan and Clinton did not seek to remove and replace U.S. Attorneys they had appointed, whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

That is a memo from the Attorney General's Chief of Staff, Kyle Sampson, again, on January 1, 2006.

So they knew. They knew that just to say President Reagan and President Clinton each formed a new team when they became President couldn't be used as precedent because it was not an accurate precedent.

Despite this, the administration and its defenders have continued to argue that firing U.S. attorneys was "entirely appropriate" and that it was justified because executive branch appointees "serve at the pleasure of the President." In fact, this had never been done before. In fact, as far as we have been able to find out so far, and they are still researching it—but the Congressional Research Service has told us that in the past 25 years, only two U.S. attorneys who served less than a full term have been fired.

Interestingly, this talking point about "serving at the pleasure of the President" is repeated throughout the documents that have been released as to what the administration should say when asked about the firing of U.S. attorneys. Specifically, it was listed in several versions of a memo that outlined the steps to be taken to execute the plan. This, again, is a memo from the Chief of Staff to the Attorney General:

> "Step 3: Prepare to withstand political upheaval." We should expect that there will be "direct and indirect appeals of the Administration's determination to seek these resignations. . . . Recipients of such 'appeals' must respond identically . . . U.S. attorneys serve at the pleasure of the President."

So those to whom somebody appeals must reinforce this argument: U.S. attorneys serve at the pleasure of the President. That little statement is meant to cover, I am sorry to say, a multitude of sins.

Of course, in the most literal sense, it is true: executive branch employees serve at the pleasure of the President. However, blind adherence and single-minded pursuit of this principle ignores that it is equally true that our Nation's prosecutors must be independent, they must be objective, and they must pursue justice wherever the facts lead.

And it ignores that our country is based on the principle of checks and balances. Of course, in this instance this means that we must return Senate confirmation as a certainty to the law, and this is exactly what we do in S. 214—we simply return the law to what it was before that unknown addition was added to the PATRIOT Act reauthorization without the knowledge of Senators.

Since January when this issue was first raised, the Department of Justice has repeatedly stated publicly that it did not intend to avoid Senate confirmation. For example, before the Judiciary Committee on January 18, 2007, the Attorney General testified that DOJ was "fully committed to try and find presidentially appointed, Senate confirmed U.S. Attorneys for every position."

However, in e-mails and memos written by his staff, a strategy was outlined that does not show a commitment to Senate confirmation. For example, on September 13, 2006, 3 months before the firing call on December 7, the Attorney General's Chief of Staff sent an e-mail to Monica Goodling, liaison between the Department of Justice and the White House, suggesting that the Department use the new authority slipped into the PATRIOT Act reauthorization to facilitate firing U.S. attorneys and replacing them with new ones. The e-mail said:

> I strongly recommend that as a matter of administration, we utilize the new statutory provisions that authorize the AG to make [U.S. attorney] appointments.

Then, the inference is, by avoiding Senate confirmation, the e-mail goes on:

> [W]e can give far less deference to home State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently at less political costs to the White House.

This is only one example of discussions among White House and DOJ officials about the benefits of avoiding the Senate, especially when the home State Senators are Democrats.

In another example there is an e-mail chain from December 2006 between the Department of Justice and the White House which discusses how to deal with the opposition of Arkansas' Democratic Senators to the interim appointment of Tim Griffin. I quote:

> "I think we should gum this to death." . . . The longer we can forestall [the Senators saying they will never support Griffin] the better. We should run out the clock . . . "all of this should be done in 'good faith,' of course."

The e-mail went on to say:

> Our guy is in there so the status quo is good for us . . . pledge to desire a Senate-confirmed U.S. Attorney; and otherwise hunker down.

That is an e-mail that deserves a lot of questions. In addition, in a November 15, 2006, memo regarding the plan to replace U.S. attorneys, "Step 2: Senator calls," outlines that for my State of California and for Michigan and Washington, the strategy was to have Bill Kelly from the White House call "the home State 'Bush political lead,'" since there was no Republican home State Senators.

So while the Justice Department has said: We consulted with home State Senators—that is true only if they were Republican. If they were Democratic home State Senators they were not, in fact, called.

I believe all of this adds up to a very complex and very serious situation that now has even more questions that need to be asked and answered under oath. For example, we need to know who from the White House was involved in these decisions? Was the plan orchestrated by the White House? Who made these determinations about who to fire and who was involved in the loyalty evaluation? What other U.S. attorneys were targeted for dismissal?

We know there were several but their names have been redacted from the documents we have received. We need to know who are they, why were they on the list, and why did they come off the list?

What were the real reasons used to determine who would be fired, since the evaluations don't line up with the EARS reports? What role, if any, did open public corruption cases play in determining who would be fired? What was the Attorney General's role in the process? What did he know and when did he know it? How can he say he didn't know what was going on with the firing of the U.S. attorneys, even though the White House did, and even though there are e-mails showing that he was consulted?

Was the change to the law in March of 2006 done in order to facilitate the wholesale replacement of all or a large number of U.S. attorneys without Senate confirmation? We know that somebody suggested all 93 U.S. attorneys should be replaced, at one point. My question is, was this done to facilitate that?

These are just some of the questions I hope our committee will delve into as the investigation continues.

Finally, in an e-mail that discussed avoiding the Senate confirmation process, the Attorney General's Chief of Staff wrote:

> There is some risk that we'll lose the authority [to appoint interim U.S. attorneys indefinitely], but if we don't ever exercise it then what's the point of having it?

Think about that: There is some risk that we will lose the authority to appoint U.S. attorneys indefinitely, but if we don't ever exercise it, then what is the point of having it?

I believe the time has come for the administration to lose that authority. All these unanswered questions and allegations have demonstrated at the very least one real thing: the law must be returned to what it was prior to the reauthorization of the PATRIOT Act, and the bipartisan bill before the Senate would do just that. Through negotiations with Senator SPECTER we are now considering legislation that would give the Attorney General authority to appoint an interim U.S. attorney but only for 120 days. If after that time the President has not sent up a nominee to the Senate and had that nominee confirmed, then the authority to appoint an interim U.S. attorney will fall to the district court.

Given all we have learned in the past few months, I believe this is the least we can do to restore the public's faith in an independent system of justice. This bill will also help prevent any future abuse or appearance of politicization of U.S. attorney positions.

The legislation also makes it clear that the 120-day limitation applies to all the interim U.S. attorneys who are currently in place, including those who are the result of the Department's actions in December. These changes are in line with the way the law used to be and would simply be restoring the proper checks and balances that are needed in our system of government.

I urge my colleagues to oppose all amendments and pass a clean bill.

I have noted the distinguished ranking member of the committee is on the Senate floor. Before I yield, I ask unanimous consent that the committee amendments be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join with the Senator from California in urging the adoption of the present legislation.

I am a cosponsor of the legislation. I immediately agreed to join Senator FEINSTEIN on this matter when she called to my attention the situation in the Southern District of California in San Diego, which had resulted from the provision which was added in the PATRIOT Act re-authorization. That provision had been added in the PATRIOT Act conference report and had been available for inspection from December 8, 2005, when the conference report was filed in the House, and March 2, 2006, when the report was adopted in the Senate. Though that conference report was available for some 85 days, it was not noted until we saw its application. Then, when the Senator from California called it to my attention, I immediately said there is a problem here and we ought to correct it, and she introduced the bill. I immediately cosponsored it.

There is no doubt there are major problems which we have to confront on the requested resignations of eight U.S. attorneys.

The President has traditionally had the authority to replace U.S. attorneys. That has generally been interpreted, to me, that the President may replace U.S. attorneys without giving any reason. But I think implicit in the application of replacement of attorneys is you cannot replace them for a bad reason, you cannot replace because they are seeking to ferret out corrupt politicians, or if they are refusing to yield, or not bringing a case the administration thinks ought to be brought. So those are the parameters. When President Clinton took office in 1993, the President replaced some 93 U.S. attorneys, as a matter of fact—of course, without giving any specific reason—and no one drew any objection to that.

We have a situation with respect to the eight U.S. attorneys who have been asked to resign and caused the current issues as to whether they are being replaced for bad reasons.

The situation with the U.S. attorney for the Southern District of California, Ms. Carol Lam, raised some issues as to whether she was being asked to resign because she was pursuing corruption charges which resulted in the conviction of former Congressman Duke Cunningham and an 8-year jail sentence.

It has been reported, for example, that U.S. Attorney Lam sent a notice to the Department of Justice saying that there would be two search warrants and a criminal investigation of a defense contractor who was linked to former Congressman Duke Cunningham.

It was further reported that on the very next day, D. Kyle Sampson, the Chief of Staff to Attorney General Gonzales, sent an e-mail message to William Kelley in the White House Counsel's Office saying Ms. Lam should be removed as quickly as possible. Now the communique from Mr. Sampson further reportedly asked Mr. Kelley to call Mr. Sampson to discuss:

> The real problem we have right now with [U.S. attorney] Carol Lam, that leads me to conclude we should have someone ready to be nominated on 11/18, the day her 4-year term expires.

Well, the sequence of events raises a question as to whether Ms. Lam was asked to resign because she was hot on the trail of criminal conduct relating to the Cunningham case. We do not know. But that is a question which ought to be inquired into.

It is my view, as I review all of these matters, that there are disputed questions as to whether the eight U.S. attorneys who were asked to resign were doing their job or whether they were not.

There was a very lengthy article in the New York Times yesterday—starts on the first page and continues in the interior of the paper for a substantial part of another page—where there are issues raised as to whether New Mexico's U.S. Attorney, David C. Iglesias was doing his job properly. There were reports that he was not pursuing prosecutions as he should. Those were relayed to officials in Washington. Those officials, in turn, then relayed them to the Department of Justice. I think it appropriate that if there are complaints, they be relayed to the Department of Justice so an evaluation can be made as to whether they are justified or are not justified. But the person who relays those complaints is acting in the normal course of business and I suggest is doing what ought to be done.

The Judiciary Committee is capable of ferreting out all of the conflicting factors, is capable of getting at the facts and making an evaluation. We have a number of members of the Judiciary Committee who are experienced attorneys, and enough have specific experience as former prosecutors to be able to make an expert evaluation, so to speak, as to whether the U.S. attorneys were doing their job properly. That is what we ought to undertake at the present time.

That, of course, can proceed in due course without affecting the legislation which is pending here today.

I think there is no doubt we ought to change the provision of the PATRIOT Act which gave the Attorney General the authority to appoint an interim U.S. attorney until the President had submitted another nominee and they are confirmed by the Senate, to go back to the old system where the Attorney General could appoint for 120 days, on an interim basis, and then after that period of time the replacement U.S. attorney would be appointed by the district court.

What has occurred here raises broader questions as to whether there ought to be some standards set by Congress on circumstances which would warrant terminating a U.S. attorney either by firing or by asking the U.S. attorney to resign. I certainly think there would be general agreement that you should not be able to remove a U.S. attorney either by way of firing or asking to resign if that U.S. attorney is pursuing corruption cases or if the U.S. attorney was appropriately not initiating a prosecution. That is a discretionary judgment.

A prosecuting attorney vested with broad discretion can abuse that discretion, and there is case law to that effect. A prosecuting attorney's discretion is not unlimited. There is comment published in Volume 64 of the Yale Law Journal which goes into that issue in some detail.

The question on my mind is whether we ought to use the occasion of this legislation and the attendant controversy about the replacement or asking for the resignation of U.S. attorneys to legislate. Congress has the authority to circumscribe, to some extent, the President's authority to remove prosecuting attorneys. The independent counsel statute, for example, provides that the Congress has provided that the independent counsel may be removed by the Attorney General for cause. That is a legitimate exercise of Congress's constitutional authority under article I and does not impinge upon the President's constitutional authority under article II.

With respect to independent commissions, such as the Federal Trade Commission, the Commissioners may be removed, but it has to have a higher level of showing of impropriety—something in the nature of malfeasance or its equivalent. In taking a look at what might be done, there could be a provision that U.S. attorneys may be removed or asked to resign only for cause. But that would impinge upon the President's traditional authority to remove for no reason at all. I have doubts as to whether we ought to go that far, but I believe there is a strong case to be made for limiting the authority of the President to remove for a reason which is a bad reason, such as the ones I have mentioned.

That kind of legislation would call for a listing of a variety of situations which would justify removal: for example, the U.S. attorney could not be removed for pursuing a corruption investigation; the U.S. attorney could not be removed for declining to prosecute in a situation where that was within the justifiable discretion of the U.S. attorney.

This issue has percolated now for some time, and the deeper we get into this issue, the more we think about various aspects which so far have not been examined. My staff and I are looking at the present time at such an amendment. I was informed today that a unanimous consent agreement was entered into on Thursday which will preclude further amendments. On this state of the record, any such amendment would be out of order. But we intend to pursue it to see if we can structure an amendment which would make sense. If we do, there is always the option of asking for unanimous consent that an additional amendment be permitted on this bill under a limited time agreement.

I know the majority leader is anxious to move through this legislation and move ahead to other items on the docket. I mention that possibility because it is a work in process, and we may find it structurally possible to provide such an amendment which would address some of the underlying problems confronting us in the present situation.

Mr. President, I ask unanimous consent that a sequence of events relating to the interim appointment of U.S. attorneys in the PATRIOT Act reauthorization be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEQUENCE OF EVENTS RELATING TO THE INTERIM APPOINTMENT OF U.S. ATTORNEYS IN THE PATRIOT ACT REAUTHORIZATION

The interim US Attorney provision was first raised with staff on November 9, 2005. The provision was discussed at a staff level and was included in the draft PATRIOT Conference report as a separate section and under the title of "Interim Appointment of US Attorneys" and was in each of the draft Conference reports circulated by the House Judiciary Committee, which chaired the PATRIOT Conference.

The House filed the Conference Report, H. Rept. 109–333 on December 8, 2005. The Conference Report was agreed to on December 14, 2005 in the House (House Roll no. 627). The Conference Report contained Sec. 502, which was clearly visible in the table of contents of the Report and titled as "Interim Appointment of US Attorneys"; it was not hidden, but was in plain view for all Members to consider.

Floor Statements on the Conference Report began in the Senate on November 17, 2005 and ran through the Cloture Motion's initial defeat on December 16, 2005 (Senate vote 358) until December 20, 2005. No mention was made of the Interim U.S. Attorney provision in any floor statement during the 24 days the Senate debated the Conference Report in the First Session of the 109th.

The Conference Report was raised in floor speeches in the Senate again starting on January 31, 2006. Debate ran until March 2, 2006 when the Senate adopted the Conference Report (Senate vote 29). No mention was made of the Interim U.S. Attorney provision in any floor statement during the 21 days the Senate debated the Conference Report in the Second Session of the 109th.

In all, the Senate discussed the PATRIOT Conference Report in some form on the Floor for a total of 45 days. No mention was made of the Interim U.S. Attorney provision even though it was not snuck into a managers' package or included as a technical fix, but was instead clearly labeled and provided its own separate section.

Between December 8, 2005, when the Conference Report was filed in the House, and March 2, 2006 when the Report was adopted in the Senate, the Conference Report was open to review for 85 days. During that entire time, the provision was available for all to see.

My staff searched the CONGRESSIONAL RECORD for the 85 day period in which the Conference Report was under consideration. There was no objection made to Section 502 or the Interim U.S. Attorney provision in either the House or the Senate during that period. The provision was in no way "slipped" into the PATRIOT Act Reauthorization.

Indeed, subsequent to the adoption of the PATRIOT Conference Report, the Congress adopted a legislative package to make additional modifications to the PATRIOT Act. No one requested any modification or elimination of the interim US Attorney provision from the Conference Report in that legislation.

Mr. SPECTER. Mr. President, I note the presence of my distinguished colleague, Senator LEAHY, and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank my friend from Pennsylvania.

First, I thank the Senators who began this debate. I have been told a number of family matters changed the ability of some to be here.

Over the last several months, the Judiciary Committee has used hearings, investigation, and oversight to uncover an abuse of power that threatens the independence of U.S. Attorney's Offices around the country and the trust of all Americans in the independence of our Federal law enforcement officials. We have probed the mass firings of U.S. attorneys. We are trying to get to the truth in order to prevent these kinds of abuses from happening again.

So today, the Senate finally begins debate on S. 214; that is, the Preserving United States Attorney Independence Act of 2007. The bill was initially introduced by Senator FEINSTEIN and me on January 9. On January 18 during a hearing on oversight of the Department of Justice, we asked the Attorney General about these firings. We then followed up with two hearings devoted to the matter on February 6 and March 6. I placed the bill on the agenda for the Judiciary Committee's first business meeting on January 25 but action on the measure was delayed until our meeting on February 8. At the time we debated the bill, considered and rejected amendments, and the committee on a bipartisan basis voted 13 to 6 to report favorably the Feinstein-Specter-Leahy substitute.

We have sought Senate consideration of this bill for more than a month now, but Republican objections have prevented that debate and vote. But through the majority leader's persistence, he was ultimately able to obtain consent to proceed to this measure today. I thank all Senators for finally allowing it to go forward.

My friend from California, Senator FEINSTEIN, gave our bill a straightforward title: "The Preserving United States Attorney Independence Act of 2007." We need to close the loophole exploited by the Department of Justice and the White House that facilitated this abuse.

The bill we have before us was initially fought by the Department of Justice when it was in committee. It appears that even after these scandals, there are people there who want to continue to have this loophole that has been so badly misused. But likely because of the public outcry against the administration's attempt to maintain that loophole and the ability to do what no one intended them to do, we had a meeting in my office on March 8 in which the Attorney General finally said the administration would no longer oppose this bill. So I trust that tomorrow when the Senate votes on this legislation, we will pass it and take a step toward restoring the independence of Federal law enforcement in this country.

Even if we pass the bill, the Judiciary Committee will continue to investigate the firings. We will summon whoever is needed to learn the truth. What we have already learned from the few documents we have seen from the Department of Justice appear to confirm the Attorney General, officials at the Department of Justice, and officials at the White House had previously misled Congress and the American people about the mass firings and the reasons behind them.

The most fundamental problem is that this administration has apparently insisted on corrupting Federal law enforcement by injecting crassly partisan objectives into the selection and evaluation and firing and replacement of top Federal law enforcement officers around our country—our U.S. attorneys.

When you corrupt it at that level, at the prosecutor level, you affect everybody—all the police, all the investigators, all the agents who report to the U.S. Attorney's Office—because if they think the investigations they carry out have to reflect certain partisan politics, then they cannot do their job. Ultimately, it hurts not just the people in law enforcement, it hurts every man and woman in the United States of America.

We have heard the Attorney General and even the President use what William Schneider has called the "past exonerative" tense in conceding "mistakes were made." The "past exonerative" tense. I remember conjugating my verbs in grade school. We learned about verbs, adjectives, adverbs, everything else. I guess it took this administration to bring up the "past exonerative" tense. Sister Mary Gonzaga probably would have wondered what I was saying had I come up with that when I was in school.

Now let's take a look at their use of this "past exonerative" tense. Attorney General Gonzales has yet to specify what mistakes he made. So what mistakes were made? Was it a mistake to allow the White House, through the President's top political operative and his White House counsel, to force the firing of a number of high-performing, Bush-appointed U.S. attorneys? Or when he says "mistakes were made," did he mean it was a mistake for the President and his top political operatives to tell the Attorney General and others in the Department about concerns that U.S. attorneys are not pushing fast enough or hard enough to indict Democrats but were pushing too hard and too fast in indicting corrupt Republicans? Was that the past mistake the President and the Attorney General meant? Or when the Attorney General and the President say "past mistakes were made," did they mean it was a mistake to generate, with White House political operatives, a hit list for firing hard-working U.S. attorneys and to ensure that what they call—and these were their words—"loyal Bushies" are retained? Or when they say "mistakes were made," did they mean it was a mistake to name more "loyal Bushies" to replace those U.S. attorneys who have shown the kind of independence they are supposed to show in exercising their law enforcement authority and who have acted without fear or favor based on political party?

Because when a crime is committed, you do not ask whether the victim was a Republican or a Democrat. You ask if a crime was committed. If a crime was committed, you expect the prosecutor to prosecute. You do not expect them to be fired if they step on the toes of either political party.

This is an administration that seeks to justify its unilateralism by an expansive application of what it calls a "unitary executive theory"—everything comes from the President on down. But do you know what. With all that authority and all that control, when they get caught with their hand in the cookie jar all of a sudden no one knows anything, no one can remember anything, no one did anything, and no one told the President. "Oh, my goodness gracious, we didn't know this happened until we picked up the papers." Obviously, they did not know it happened when they were testifying up here under oath the first time around to tell us what happened.

Instead, "mistakes were made." Is the only "mistake" they are now willing to concede their failure to cover up the White House influence over the Justice Department? Is the only "mistake" they will admit that they got caught in a series of misleading statements to Congress, the media, and the American people? I still wonder if those in the administration or the Attorney General understand the seriousness of this problem.

Of course, mistakes were made. That is why we are here. It is our oversight duty to discover who made those mistakes and how and why they made them. I have said many times, the Members of the Senate and the Members of the other body should never be rubberstamps. We are elected independently. We respond to the American people. We are supposed to ask questions when something happens.

What we have seen so far corrupts the Federal law enforcement function. It has cast a cloud over all U.S. attorneys. Now every U.S. attorney is under that cloud. People are asking: If they were not fired, if they were kept on, is that because they are "loyal Bushies"? Does that mean they will only go after crime if it hurts Democrats but not if it hurts Republicans? What an awful signal to send to law enforcement. This is a crippling signal to send to law enforcement.

Those fired have had their reputations rehabilitated to some degree by coming forward as we have publicly examined the facts of their firings. But those circumstances raise questions with respect to those retained and what they had to do to please the White House political operatives in order to keep their jobs. The mass firings have thus served to undermine the confidence of the American people in the Department of Justice and their local U.S. attorneys.

A recent study of Federal investigations of elected officials and candidates shows a political slant in the Bush Justice Department in public corruption cases. The study found that between 2001 and 2006, 79 percent of the elected officials and candidates who have faced a Federal investigation were Democrats and only 18 percent Republicans. It seems their track record is wanting, and they have been caught again with their hand in the cookie jar.

Of course the President has the power to appoint U.S. attorneys. Nobody questions that. What is raising concerns is the apparent abuse of that authority by removing U.S. attorneys for improper reasons. In the same way any employer has the power to hire, we know people cannot be fired because they are Catholic or because of their race or because they are whistleblowers.

The power of employment is not without limit. It can be abused. When it is abused in connection with political influence over Federal law enforcement, the American people and those of us who are entrusted with the power to represent them have a right to be concerned. We need the facts. We do not need more spin. We do not need another cover story. We do not need another "We will come up to the Hill. We will brief you on this. Let's have a quiet little briefing. We will tell you what is going on." And then we pick up the paper 2 days later and find out what they left out.

Oh, I want a briefing, all right. I want a briefing where they stand before us and raise their right hand and swear to tell the truth, the whole truth, and nothing but the truth, so help them God. Then we will ask them questions; both Democrats and Republicans will. And the American people will be able to determine who is telling the truth.

I made no secret during our confirmation proceedings of my concern whether Mr. Gonzales could serve as an independent Attorney General on behalf of the American people and leave behind his role as counselor to President Bush.

As the Nation's chief Federal law enforcement officer, he must carry out his responsibilities and exercise his awesome authority on behalf of the

American people. He has to enforce the law. He has to honor the rule of law. He must act with the independence necessary to investigate and prosecute wrongdoing without fear or favor.

The political interests of the President cannot be his guiding light. When he said as recently as January 18 at our hearing that the President is his "principal," when he says in an interview he wears two hats—as a member of the President's staff and as head of the Justice Department—then he has forgotten what the Attorney General is.

The President has a lawyer. The President has counsel. It is not the Attorney General. This is not the Attorney General of the President. This is the Attorney General of the United States of America. His clients are the American people and his principles must be devoid of partisan politics. He is not there as the President's loyal counsel. He is there as the Attorney General of the United States of America, for every single one of us. His mission is not to provide legalistic excuses or defenses for unlawful actions of the administration, such as the warrantless wiretapping of Americans or the use of torture and the issuing of signing statements to excuse following the law. He is not the one who should be excusing this kind of outrageous conduct. He should enforce the law. He should ensure that Federal law enforcement is above politics. What kind of signal do we send to our Federal law enforcement agencies if we suggest to them they cannot do their job without checking the political credentials of the people they are investigating?

The President can pick anybody he wants to serve on his White House staff—and he does. But when it comes to the U.S. Department of Justice and to the U.S. attorneys in our home States, Senators have a say and a stake in ensuring fairness and independence to prevent the Federal law enforcement function from untoward political influence. That is why the law and the practice has always been these appointments require Senate confirmation. The advice and consent check on the appointment power is a critical function of the Senate. That is what this administration insisted be eliminated. They wanted to do away with that check and balance. They wanted to do away with the confirmation process. So they had inserted in the reauthorization of the PATRIOT Act a provision to remove limits on the ability of the Attorney General to name an interim U.S. attorney. That is what our bill intends to restore.

We have seen again the effects of letting politics infiltrate the Department and undermine its independence and the independence of its law enforcement function. As we have learned more about these events over the last few months, I was reminded of a dark time some 30 years ago when President Nixon forced the firing of the Watergate prosecutor Archibald Cox. Not since what came to be known as the "Saturday Night Massacre" have we witnessed anything of that magnitude. The calls to the U.S. attorneys across the country last December, by which they were forced to resign, were extraordinary.

Unlike during the Watergate scandal, there is no Elliot Richardson or William Ruckelshaus seeking to defend the independence of the Federal prosecutors. Instead, we have a cabal of the Attorney General, the Deputy Attorney General, the Executive Office of U.S. Attorneys in the White House, all apparently collaborating in efforts to sack a number of outstanding U.S. attorneys. Then when it becomes public and when the first time in 6 years the House and Senate actually dare ask questions about what is going on, the administration, amazed they have been questioned about their actions, starts a series of shifting explanations and excuses. Lack of accountability or acknowledgment of the seriousness of this matter makes it all the more troubling.

The Attorney General's initial response at our January 18 hearing when we asked about these matters was to brush aside any suggestion that politics and the appearance of ongoing corruption investigations were factors in the mass firings. But now we know that contrary to what he told us then, these factors did play a role in this troubling project.

Today and tomorrow we can take a step forward by fixing the statutory excess that opened the door to these untoward actions. I commend Senator FEINSTEIN for leading this effort. I commend Senator SPECTER for joining her. We have all cosponsored the substitute to restore the statutory checks that have existed for the last 20 years. It is time to take that first step toward restoring independence by rolling back a change in law that has contributed to this abuse.

There have been no good answers to our questions about why the administration removed U.S. attorneys without having anybody lined up to replace them or why home State Democratic Senators were not consulted in advance. There is no explanation for why there are now 22 out of the 93 districts with acting or interim U.S. attorneys instead of Senate-confirmed U.S. attorneys.

I look at this in light of my own experience. I am very proud of the fact I was a prosecutor. The only thing in my personal office that has my name on it is a plaque from my prosecutor's office presented to me by the police when I left office, and it also has my shield, my badge as a prosecutor. I used to instill in the police and those prosecutors who worked for me: You don't take sides. Nobody is a Democrat or a Republican when crimes are committed. We don't take sides. If you keep emphasizing this and proving it by the way you carry out your office, then police work better, investigators work better, courts work better, the grand juries work better, because they know you are not playing politics. The American public, whoever is within the area the prosecutor represents, feels safer because they know you are not playing favorites. I lived my life that way as a prosecutor and I know many Republicans and Democratic Senators in this Chamber who are former prosecutors did the same.

I am worried that even successfully restoring the law is not going to undo the damage done to the American people's confidence in Federal law enforcement. For that, we need to get to the truth and real accountability. But then I think all of us in both parties now, and no matter who holds the White House 2 years from now, must renew a commitment to insulate Federal law enforcement officers from the corrupting influence of partisan politics and the corrosive influence of White House intrusion into law enforcement activities.

Mr. President, I will have more to say on this later. I see my friend from Arizona who has been waiting patiently, and I yield the floor.

Mr. KYL. Mr. President, I ask unanimous consent that at the conclusion of my remarks a letter I wrote to all of my colleagues in the Senate, dated March 19, regarding interviewing U.S. attorneys be added to my statement as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, there has been a lot of discussion over the course of the last couple of hours about the firing of seven U.S. attorneys and a lot of speculation about why that occurred. I suggest it is important to find out the facts and then we can quit speculating and we will know what those facts were.

I wish to change the subject a little bit to what we are going to do about it. Actually, the Judiciary Committee passed a bill which is on the floor and will be amended tomorrow, I hope, and then we will vote on that bill tomorrow. It relates to what was conceived to be at least part of the problem here. The problem was that in the PATRIOT Act, a provision of law relating to appointment of U.S. attorneys was amended to allow the Attorney General to put into office what is called an interim U.S. attorney who would never have to come before the Senate for confirmation. Early on, there was speculation that the reason these seven U.S. attorneys were asked to resign was so the administration could put someone else in their place without going through the regular confirmation process of a nominee by the President. Except for the U.S. attorney in Arkansas, however, there appears to be no evidence that was the case.

In the case of Arizona, for example, it is clear it was not the case. There was no one ready to be appointed as interim U.S. attorney. In fact, Senator MCCAIN and I have recommended an individual to the President for his consideration to be nominated to fill the vacancy that now exists. Nonetheless, there was concern this statute shouldn't remain on the books, that it shouldn't be that the Attorney General can appoint an interim U.S. attorney who never has to come to the Senate for confirmation.

I think there is a general consensus that that statute should be changed and that the President should nominate people and the Senate should have an opportunity to act on the nomination.

An interesting thing has occurred, however. The legislation which has been proposed doesn't achieve the objective. It doesn't even begin to achieve the objective. So I drafted an amendment which I will be offering tomorrow that actually achieves the objectives. It says: The President has to nominate to fill the vacancy and the Congress has to act on the nomination, and it provides a very strong incentive for the President to comply with the law because if he doesn't, then Congress's requirement to act on any of his U.S. attorney nominations for the entire remainder of his term is vitiated. So if he wants strong and quick action by Congress on his nominees, he has to do his part and actually nominate somebody within the 120 days required by my amendment.

Now, that achieves both objectives we are trying to achieve here: that the President will actually nominate and the Congress will have a chance to act on the nomination. The underlying bill, unfortunately, does not achieve that objective. It reverts to the old law which doesn't require the President to nominate, and if he doesn't, it has U.S. district court judges nominating U.S. attorneys, something they don't want to do and they haven't been very good at, and, in any event, confuses their article 3 responsibilities with the article 2 responsibilities of U.S. attorneys. It is not a good idea, and it doesn't solve the problem that people perceive existed.

My amendment also eliminates the current statute relating to interim nominees so the President could no longer appoint these interim nominees who would have to be confirmed by the Senate, or at least acted upon by the Senate. So I believe my amendment goes directly to the concern that our Democratic colleagues have had regarding this issue. I would hope politics wouldn't play a part in the consideration of my amendment. This issue generally has been so politicized—everybody has chosen up teams. I would hope that conversation would not be confused with the practical solution to the problem everybody has agreed exists, and that Members on both sides, in a very clear-eyed way, could consider which of the solutions represents the best option of solving the problem.

My colleague Senator SESSIONS has a proposed solution which, in the event my amendment were not adopted, I would support as well, because it at least improves somewhat on the underlying bill. But the reality is we shouldn't have Federal district judges making these nominations, and if our goal is to have the President make the nomination and enable the Senate to act on the nomination, the only amendment that does that is my amendment.

I ask my colleagues on both sides of the aisle to remember we are not always going to have a Republican President and a Democratic Senate. We are going to have a Democratic President some day and a Democratic Senate or a Republican Senate or a Republican President and a Republican Senate. All the permutations will exist and politics should play no role in it. We should want the President to nominate to fill the vacancy and we should want the Congress to have a chance to act on that nomination. That is what my amendment provides.

The committee-passed bill, the number is S. 214, restores the interim U.S. attorney appointment statute that existed between 1986 and 2006. As I said, that system, which delegates to Federal judges the authority to appoint interim attorneys, has several flaws. First, as I said, S. 214 does not ensure the President will nominate a U.S. attorney. Whoever serves in a district should be someone who is nominated by the President, not a district judge. It is the President, not the district court, who is charged by the Constitution with ensuring that the laws are faithfully executed. It is the President's job to enforce the law. To do that effectively, he needs to have in place U.S. attorneys who are accountable to him. If he is not bringing important prosecutions or enforcing particular statutes, he and his superiors need to be held accountable. But if that U.S. attorney were appointed by a district judge, there is no one to complain to. Judges, after all, have lifetime tenure. It is only by ensuring that U.S. attorneys are appointed by the President that we can ensure there is ultimate accountability in the system.

This is, after all, the way in which the Constitution envisioned that accountability for enforcing the laws would be charged—by charging the President with the duty to enforce the law.

The second flaw in the underlying bill is that the Senate has no say in the selection of U.S. attorneys appointed by a district judge. One of the major complaints about the administration's handling of the interim U.S. attorney appointment authority is that it did not consult with home State Senators; that, in fact, some individuals sought to use the authority to avoid consulting with Senators.

It is right that the Senate take action in an effort to protect its prerogatives, but letting judges pick U.S. attorneys does not protect the Senate's rights. Senators have absolutely no say in the selection of a U.S. attorney who is picked by a judge. There is no confirmation of the judge's selection as there is when the President nominates someone. This system, which S. 214 puts back in place, is a solution that doesn't solve the problem that we have set out to address.

There is a third problem with this underlying bill. The judges don't want the authority. In the past, when district judges have had the authority to appoint interim U.S. attorneys, some have simply refused to do so. Incidentally, the statutory language is "may," not "shall." If they don't appoint judges, then the very concern that the Democratic Senators have had that an interim U.S. attorney is appointed and serves is exactly what happens. So judges don't want the authority, and there have been at least three such occasions during the current Bush administration when a district judge has refused to appoint an interim U.S. attorney and, in fact, they have had good reason. It is at least a potential conflict of interest for the district judge, who presides over criminal cases, to also select a U.S. attorney who prosecutes those cases. It is for this reason that some judges have refused to intervene in this area and select U.S. attorneys.

Yet with the committee-reported bill, we once again foist this authority on the judges. Why are we doing this—restoring power to the district judges that those judges don't want and have refused to use in the first place? Why are we forcing them to take actions that judges themselves, for good reason, see as a potential conflict of interest?

There is a fourth reason why this is not a good idea. Unfortunately, some district judges have not acquitted themselves very well when they have exercised the power to appoint U.S. attorneys. A Federal district judge may have the measure of the legal abilities of the lawyers who practice in his district, but he has no way to gauge their managerial skills, which is an important quality in a successful U.S. attorney. A district judge doesn't even have access to a candidate's personnel file and would not know of potentially disqualifying information or conflicts of interest in that file.

Allow me to describe two cases under the old system where the appointment of a U.S. attorney by a district judge led to a situation that can only be described as a fiasco:

In the Southern District of West Virginia, in 1987, the U.S. attorney for the District of West Virginia was confirmed to be a Federal judge. When the term of the interim U.S. attorney expired, the chief district judge appointed another individual as U.S. attorney. This individual was not a Justice Department employee and had not undergone an FBI background investigation. The court's appointee came into office and started asking about ongoing public integrity investigations, including investigations involving the mayor of Charleston and the State's Governor. Not only were this mayor and Governor under investigation by the U.S. Attorney's Office at the time, both were later indicted and convicted of various Federal crimes.

The first assistant U.S. attorney, who knew that the district court's U.S. attorney had not undergone a background investigation, believed that these inquiries about pending investigations of local politicians were inappropriate and reported them to the Executive Office for United States Attorneys in Washington, DC. The Justice Department eventually had to remove the investigative files involving the Governor from that U.S. Attorney's Office for safekeeping. The Justice Department also had to direct the court's appointee to recuse herself from some criminal matters until a background check could be completed. This situation wasn't resolved until another U.S. attorney was confirmed by the Senate.

Mr. President, at the very time that some Democrats are suggesting that it just might be—there is no evidence, but it just might be that one or more of these U.S. attorneys was removed because they were hot on the trail of some Republican officeholder, they were involved in a political investigation or an investigation of a political person, and that was the reason they were removed—again, there is no evidence, but that is the suggestion—why would you want to substitute for that situation a statute that goes back to the way it used to be, which allowed the same thing to occur as in the case in West Virginia that I just cited? Why not change the situation so that the President must nominate, and the Senate explicitly has a right to act on that nominee by either confirming or rejecting the nominee?

That is the check and balance we need, rather than going back to the way it used to be, where the judge can appoint and we end up with problems like this involving investigations of political corruption.

Another case occurred in the District of South Dakota. In 2005, when the term of an interim U.S. attorney was about to expire, the chief district judge told the Justice Department he wanted to appoint an individual who didn't have any Federal prosecutorial experience, had not undergone a background check, and did not have the necessary security clearances. The Justice Department strenuously objected. Once the Justice Department believed the matter had been resolved, the Attorney General appointed another candidate. A Federal judge executed the oath of office for this appointee and copies of the Attorney General's order were sent to the district court.

Ten days later, the Justice Department received a fax indicating that the chief district judge had changed his mind and "appointed" the earlier, unacceptable candidate as U.S. attorney.

This created a situation where two different people claimed to be the U.S. attorney for the District of South Dakota. Defense lawyers representing criminal defendants in the district indicated that they would challenge ongoing investigations and cases on the basis that they could not know who was in charge. The chief judge then refused to negotiate a resolution to the situation. Eventually, in order to protect ongoing criminal cases, the President was forced to resolve the situation by firing the district judge's U.S. attorney. The matter was not completely resolved until another U.S. attorney was confirmed by the Senate the next year.

Don't we want to avoid this situation in the future? We are going to be asking for this kind of problem if we pass S. 214, the bill pending before us now. Far better it would be to adopt the amendment that I will offer that precludes this from occurring.

Let me point out another very serious problem that I don't think the authors of the legislation have even thought of or they clearly would have tried to fix it. S. 214 does not prevent the Attorney General from making multiple consecutive appointments of the same interim U.S. attorney. In other words, the very thing they are afraid of—that the President got rid of these people so the Attorney General could put his own person in office—is precisely what would be permitted under the bill pending before the Senate because it reinstates the exact language that existed before the statute was amended in 2006: the Attorney General could make consecutive 120-day appointments of interim U.S. attorneys.

Has this ever been done? There is at least one case where the Attorney General appointed a U.S. attorney to four consecutive 120-day interim terms. Well, that is a year and a half, by my reckoning. This incident occurred in the Eastern District of Oklahoma during the years 2000 and 2001. As a result, that district had an interim U.S. attorney who had been appointed by the Attorney General for over a year. Similarly, in Florida, in 2005, an interim U.S. attorney was appointed by the Attorney General. After the 120-day term ran out, the Attorney General appointed that individual to another interim term. After that term ran out, the Attorney General appointed him to a third interim term.

This practice is what the language of the 1986 law allowed. It is the same language that is in the bill that is before us now. It is obvious that much of the impetus for the present legislation is a desire to rein in the Attorney General's authority to appoint interim U.S. attorneys without Senate confirmation. Yet I submit that such power hasn't exactly been "reined in," and the Senate's prerogatives are not protected, by a system that allows the Attorney General to make consecutive appointments of non-Senate-confirmed U.S. attorneys, which is precisely what the bill before us would allow. That system clearly falls short of ensuring that U.S. attorneys are subject to U.S. Senate confirmation, which is one of our two goals.

Finally, I note that S. 214's system of judge-made interim appointments is duplicative of the designation of acting U.S. attorneys under the Vacancies Act. We are effectively creating two different and redundant systems for appointing "temporary" U.S. attorneys. That makes no sense and creates obvious potential problems. For example, this system would make it possible for an individual to be consecutively designated as an acting U.S. attorney and serve in that post for 210 days and then be appointed as interim U.S. attorney and serve another 120 days. So he can be reappointed and reappointed again, if the Attorney General wanted to do so. This is nearly a whole year that someone could serve as U.S. attorney without ever being confirmed or acted upon by the Senate, without the nomination ever being sent to us.

Mr. President, we can all agree there is a problem. The solution, which was very quickly devised, is not a solution at all, as I have demonstrated. We can do better. There is nothing partisan about what I suggest. It would work equally for Republican and Democratic Presidents and Republican and Democratic Senates. To that end, I will offer an amendment on Tuesday that will achieve these goals of ensuring that U.S. attorneys are promptly nominated by the President and that the Senate has an opportunity to act on the nomination.

My amendment, again, requires that the President nominate a U.S. attorney candidate within 120 days of vacancy. It then requires that the Senate consider the nomination within 120 days after it is submitted. In order to encourage the President to abide by these time limits, the amendment provides that if the President fails to nominate an attorney candidate in any district within the time limit, then the 120-day limit on Senate consideration is vitiated for all U.S. attorney nominations for the remainder of the President's term in office. In effect, in order to enjoy the substantial benefits of prompt Senate consideration of his nominees, the President would be required to, himself, nominate promptly.

My amendment makes one other important change. It completely repeals the interim U.S. attorney statute, as I said, which is what people have gotten all concerned about in the first instance but seem to have forgotten. The interim authority is unnecessary in light of the Vacancies Act and has caused a host of problems. By repealing this authority, my amendment would effectively bar the President or a judge from appointing any long-term U.S. attorney without Senate confirmation. Any temporary gap in the office of U.S. attorney would be addressed by the Vacancies Act, which applies to all Senate-confirmed executive appointments and allows another employee or officer—presumptively the first assistant—to carry out the function and duties of the office subject to various time limits and other requirements.

Mr. President, especially those who are upset about recent events should support a complete repeal of the interim authority. It is only a complete repeal that will ensure that U.S. attorneys are appointed by the President by and with the advice and consent of the Senate. It is only a complete repeal that will prevent consecutive appointments of U.S. attorneys by the Attorney General. It is only a complete repeal that will prevent the stacking of the interim and acting terms as U.S. attorney. Only a complete repeal ensures that Senators will always have a say in who serves for the long term as the U.S. attorney in their State.

The interim appointment authority has lately become a contentious and very politicized issue. It need not be. It is particularly in times such as these that the Senate must do what was designated by the Framers to do: cool the passions and look to the long term. I hope my colleagues will do this when I present my amendment tomorrow. I hope we will lay partisanship aside and that my amendment will be supported.

EXHIBIT 1

U.S. SENATE
Washington, DC, March 19, 2007.

Re Interim U.S. Attorneys.

Dear Colleague: There is a consensus that the changes made to the interim U.S. attorney statute, 28 U.S.C. §546, by the Patriot Improvement and Reauthorization Act, Pub. L. 109–177, were a mistake. It is my hope that we will not compound that mistake with another—namely, involving Federal district judges in the appointment of U.S. attorneys.

During Monday's debate and Tuesday's vote, I urge you to consider that in the future both Democrats and Republicans will control the Senate, and both a Democrat and a Republican will serve as President. The solution that we adopt should be one that we are ready to live with under all combinations of these circumstances. It should be a solution that ensures that the President timely nominates U.S. attorneys, and that those U.S. attorneys are subject to confirmation by the Senate.

S. 214, the committee-reported U.S. attorneys bill, does not meet these goals. My proposed amendment does. S. 214 restores the interim U.S. attorney appointment statute that existed between 1986 and 2006. That statute, which delegates to Federal judges the authority to appoint interim U.S. attorneys, has several flaws. First, it does not ensure that the President will nominate a U.S. attorney. Second, the Senate has no say in the selection of a U.S. attorney who is appointed by a district judge.

Moreover, judges do not want this authority. Some have simply refused to appoint interim U.S. attorneys, finding it a potential conflict of interest for the district judge who presides over criminal cases to also select the U.S. attorney who would prosecute those cases. And finally, some district judges have not acquitted themselves well when they have exercised the power to appoint U.S. attorneys. A Federal district judge may have the measure of the legal abilities of the lawyers who practice in his district, but he is in no position to gauge an individual's management skill—an important quality in a successful U.S. attorney. A district judge does not even have access to a candidate's personnel file and would not know of disqualifying information in that file or of potential conflicts of interest.

An additional problem, which may be of concern to those who are eager to respond to recent events, is that the permissive language of the pre-2006 statute—the same language that S. 214 restores—was understood to allow the Attorney General to make consecutive 120-day appointments of interim U.S. attorneys. In at least one case, the Attorney General appointed a U.S. attorney to four consecutive 120-day "interim" terms. Such a system falls short of ensuring that U.S. attorneys are subject to Senate confirmation. And finally, S. 214's approach is duplicative of the designation of Acting U.S. attorneys under the Vacancies Act, 5 U.S.C. §3345 et seq., and potentially allows an individual to be consecutively designated as an Acting U.S. attorney, and then as an interim U.S. attorney—again avoiding Senate confirmation for a substantial period of time.

I believe that we can do better. To that end, I will offer an amendment on Tuesday that will achieve our goals of ensuring that U.S. attorneys are promptly nominated by the President and that the Senate has an opportunity to act on those nominations. My amendment: (1) Would require the President to nominate a U.S. attorney candidate within 120 days of a vacancy. It then would require the Senate to consider the nomination within 120 days after it is submitted. In order to encourage the President to abide by these time limits, the amendment also would provide that if the President fails to nominate a U.S. attorney candidate in any district within the time limit, the 120-day limit on Senate consideration is vitiated for all U.S. attorney nominations for the remainder of that President's term in office. In effect, in order to enjoy the substantial benefits of prompt Senate consideration of his nominees, the President would be required to nominate promptly.

Finally, my amendment: (2) Would completely repeal the interim U.S. attorney statute, 28 U.S.C. §546. The interim authority is unnecessary in light of the Vacancies Act and has caused a host of problems. By repealing this authority, my amendment would effectively bar the President (or a judge) from appointing any long-term U.S. attorney without Senate confirmation. Any temporary gap in the office of U.S. attorney would be addressed by the Vacancies Act, which applies to all Senate-confirmed executive appointments and allows another employee or officer (presumptively the First Assistant) to carry out the functions and duties of the office subject to various time limits and other requirements.

The interim appointment authority has lately become a contentious and very politicized issue. It need not be. It is particularly in times like these that the Senate must do what it was designed by the Framers to do: To cool the passions and look to the long term. I hope that you will do so—and that you will support my amendment.

Sincerely,

JON KYL.

AMENDMENT NO. 459

Mr. KYL. Mr. President, I call up my amendment which, I understand, is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 459.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that United States attorneys are promptly nominated by the President, and are appointed by and with the advice and consent of the Senate)

On page 2, strike line 10 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

"(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

"(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.".

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator KYL for his work and thoughtfulness on this subject. A situation that has always caused enemies is when judges—the judicial branch—appoint officials of the executive branch.

In particular, a judge is supposed to be a neutral arbiter for the contest going on before him. If he appoints the coach or the quarterback of one of the teams it seems as though he may not be facilitating a fair trial. It creates a perception that I believe is not healthy. Some judges have actually refused to appoint a U.S. attorney. They didn't think they should be taking sides in lawsuits that would come before them or stating to the world that they were, in effect, choosing and validating the integrity and their support for one of the advocates who appears before them.

That is pretty basic to our system. But we have had a different procedure for appointing interim attorneys for many years. It has been discussed over time as being unwise, but nothing ever happened until the PATRIOT Act reauthorization. Then, when we finally changed the procedure for interim appointments, I think we didn't do it well. We fixed the problem but left a big loophole that does need to be worked on. On balance, the Kyl amendment is preferable to going back to the old system, and I support it.

I also note there has been a lot of talk about politics and the Department of Justice. I served as a U.S. attorney for 12 years. I served as an assistant U.S. attorney for 2½ years. I came to know and love and respect that office. It is a very great and important office. To be able to go into a court of the United States of America and to stand before that jury and that judge and all the parties who are there and the court says: Is the United States ready? And you say: The United States is ready, Your Honor—to speak for the United States of America, to represent the United States of America in court is a high honor and a tremendous responsibility.

My impression, my entire experience was that when faced with difficult choices, if I called the people in Washington and sought their advice or help or insight into how to handle a difficult matter, they were very respectful of my decisionmaking process. They would provide support and advice, and they usually deferred to the decision of the prosecutor.

They have strict regulations that require cases to be reviewed at various levels in the Department before an indictment can be returned because the U.S. attorney is not a free agent. They are not entitled to indict anyone they choose without any review within the Department of Justice, any oversight at all. A lot of us thought sometimes there was too much of that, but it was mainly a bureaucratic headache you had to go through with some cases.

The U.S. attorney is appointed by the President. Presidents who take office routinely replace U.S. attorneys who were there and appoint people they believe are able and who will execute their approaches, their policies of law enforcement and litigation. That is what a Presidential election entails.

When we elect a President, we understand they are going to appoint U.S. attorneys who will be responsible for their effort, and if they refuse to prosecute immigration cases, for whatever reason they might decide, and the United States public knows about this, what recourse do they have? They can vote against the President if he appoints somebody who won't enforce the law, gun prosecutions, or any other kind of prosecutions. That is an accountability of sorts. But to have a judge who has a lifetime appointment make these appointments and who has no accountability to the public is not healthy. I believe it undermines accountability.

I guess I had the occasion to be fired. They have been talking about a lot of people being fired. When President Bush took over from President Reagan—I had been appointed a U.S. attorney by President Reagan—even though I had been a Republican and was supported by a Republican President, he wanted everybody to resign so he could replace all the U.S. attorneys. This was a perfectly logical decision for him to have made.

As a matter of fact, I remember it being discussed, although not acted on, at the midterm of President Reagan's Administration whether U.S. attorneys should be asked to resign after 4 years and bring in new blood. They chose not to do that.

When President Bush took office, many U.S. attorneys did not stay on. Over a period of weeks and months, they submitted their resignations, and he appointed new U.S. attorneys, many excellent U.S. attorneys. I asked that I be allowed to stay on, and after some time, they said: You can stay on. So I stayed for 12 years. There were a handful of U.S. attorneys who stayed during that period—I mean literally half a dozen or fewer who stayed 12 years.

I say that to say these appointments are appointments of the President. The U.S. attorneys have to be responsible, if Presidential elections mean anything at all, in executing the policies the President sets forth with regard to criminal cases or civil cases, for that matter. That is what he does.

We have this sense in which an appointment of a U.S. attorney is both political and nonpolitical. Let me tell my colleagues how it works. This is very important. Most U.S. attorneys are recommended to the President or known to the President to have certain abilities. People make recommendations. If it is a Republican President, they tend to appoint Republican U.S. attorneys. If it is a Democratic President, they tend to appoint Democratic U.S. attorneys. Local Congressmen and Senators—particularly Senators, since we are in the confirmation process—make these recommendations to the President. He listens to them and gives great weight to the recommendations.

So most of the people who are appointed have some sort of political heritage or background, but when you take that oath, when a person becomes a U.S. attorney and they are asked to evaluate the merits of an existing case before them as to whether a person should be charged, as to what kind of plea bargain should be entered into in the course of a prosecution, they should follow the law, they should follow their personal integrity and do the right thing regardless of any politics, regardless of whether that defendant or the person involved in a civil lawsuit is a Republican, a Democrat, rich or poor, whatever. They have taken an oath to enforce the laws fairly against everyone. I took it seriously. It was an important oath to me. I don't think I have ever done anything of which I am more proud than serving as a U.S. attorney. I believe I fulfilled that oath as God gave me the ability to do so, and I made some tough calls. I handled cases against people I knew—friends. I felt it was my duty, and I did my duty as best I could. I am convinced that most U.S. attorneys do the same.

The appointment process has a political component, as everyone in this body knows, because I submit to my colleagues and to anyone who is listening, there has not been a U.S. attorney appointed who doesn't have some sort of Senate recommendation to it. In fact, they have to get our approval to move the nomination through the Senate. That is a political process. So some of these e-mails which are being talked about I think are not so unusual at that level, where they are talking about appointments. Are we appointing people who are loyal to President Clinton or are we appointing people who are loyal to the administration of President Bush, who wants his administration to succeed and wants his priorities to succeed? That is how appointments are made. But once you take that position, nobody in the Department of Justice, for corrupt or ill intent, should ever try to influence a legitimate, proper decision of a grand jury or a U.S. attorney with any improper motive because of politics. That is a tradition which most of the public may not know but is deeply understood throughout the Department of Justice.

Years ago, assistant U.S. attorneys would resign when Presidents were not reelected. The whole office would resign. As a matter of fact, when I came on in 1980, several offices still had that tradition, and in several offices, when the new U.S. attorney walked in, there was nobody there. They thought that was the right thing to do—to turn it over and let the new President and new U.S. attorney hire whom he or she wanted to run the office.

That has ended, I think correctly. Now in every U.S. Attorney's Office, there is a deep cadre of experienced career prosecutors. The U.S. Attorney's Office is much larger today. They have grown in size, and they have a deep cadre of professional assistants, many of whom are appointed by different political parties of different Presidents, different Attorneys General, and selected by different U.S. attorneys.

Everybody, if they are doing their job correctly—and I am convinced that most do, overwhelmingly they do—they make decisions on cases based on the merits. If someone in the office tries to upset that or if some U.S. attorney tries to squash or cover up a case that should be prosecuted or a U.S. attorney tries to prosecute someone and there is not a legitimate basis for it, there are Federal agents involved in these prosecutions, assistant U.S. attorneys, people talk about these things, and it comes to the surface. Really, it is very difficult for anybody to not do what is right. I am not saying it can't be done, but I am just emphasizing that U.S. attorneys have a responsibility to do what is right. Their assistants are raised in that concept, they are trained in that concept, and if some political shenanigans are attempted, those assistants will usually push back and can appeal to the Department of Justice in Washington or state their claims. That is just the way it is.

What about this deal of President Bush firing 8 of U.S. attorneys? Let me say it this way: The President was in midterm. He had been reelected. Apparently, there was a discussion as to whether U.S. attorneys should be kept or replaced. Somebody said: Why don't we replace them all? He said: No, that is not a good idea. We ought to evaluate them and see which ones we want to keep and which ones we want to replace. There is nothing wrong with that. In fact, in my view, Presidents and Attorneys General have a greater responsibility than they have exercised to ensure that U.S. attorneys are carrying out aggressively the policies they set forth. It is mainly a question of policy.

They made that decision. They battled it down and came out with eight U.S. attorneys whom they wanted to replace out of 93 U.S. attorneys. That is not a holocaust of U.S. attorneys.

When I was U.S. attorney and President Clinton was elected President, he sent out a notice that everybody would resign almost immediately. In the past, President Carter, President Reagan, and President Bush gave people 6 months or more notice to get their affairs in order and trundle on off in a nice fashion, give you an opportunity to find another job. But President Clinton sent out a notice immediately: You are out of there. It caused an uproar, and then they backed off and said: OK, take your time; we respect you more than that. We will let you take some time before you are out of here, but you are out of here. I have seen that twice. I saw it when President Bush took over from President Reagan and when President Clinton took over from President Bush.

I wish to talk about this question of how you fill a vacancy in the U.S. Department of Justice, a U.S. attorney position. I always thought it odd that the court makes that appointment under certain circumstances. Deputy Attorney General Paul McNulty, in a Judiciary Committee hearing on February 6, said:

> Allowing the district court to appoint U.S. attorneys would deprive the Attorney General of the authority to appoint his chief law enforcement officials in the field when a vacancy occurs, assigning it instead to another branch of Government. The President is elected to do this. He is the chief law enforcement officer. He sets the prosecutorial policy, not the courts.

McNulty further testified:

> Some district courts recognize the conflicts inherent in the appointment of an interim United States attorney who would then have matters before that court—not to mention the oddity of one branch of government appointing the officers of another branch of government—and they have simply refused to exercise the appointment authority.

Some judges felt so strongly that this is an unhealthy way of doing business, that they should appoint the prosecutor who is going to be appearing before them trying to convict somebody, yet they are supposed to be a neutral arbiter of the facts and the law, that they wouldn't make the appointment.

McNulty pointed out:

> Other district courts ignored the inherent conflict and sought to appoint as interim United States attorneys wholly unacceptable candidates who lacked the required clearances or appropriate qualifications.

You have to have a secret clearance to be a U.S. attorney. This is very serious business, who gets appointed U.S. attorney in these matters. Let's say there was a U.S. attorney who had a meeting with the judge—and I have had these judges who like to tell you what the policy should be. They like to tell you, you are prosecuting too many drug cases; you are prosecuting too many gun cases. We are the judges; we think you, prosecutor, you work for us, basically you are prosecuting too many immigration cases. You need to do other kinds of things more fitting for the Federal Court, Mr. Prosecutor.

Well, who is the prosecutor working for? Is he working for that judge or is he working, in effect, to set forth the policy of the person duly elected President of the United States and thereby empowered to appoint him and thereby to set those policies? So you have to tell the judge, you know, I like you, Judge, and I appreciate all that. I know you, but that is not our policy. We believe we should prosecute gun cases. We think there is too much violence in America, and drugs and gangs are out there killing people and doing all these things, and our policy is to prosecute drug cases.

What about immigration cases? Nobody else will prosecute an immigration case. One U.S. attorney had a lax record because she did not prosecute those cases to the level of other similar districts and was criticized for it by a lot of people. Let's say there was a vacancy, and under S. 214 the Senate majority now refused to confirm a Bush appointment to that district and the judge appoints somebody who agrees with him who wouldn't prosecute immigration cases or gun cases or drug cases, and they could be in there permanently.

This idea that the Executive Branch, or President, can abuse the system is as true and possible as the idea that a judge can abuse the system. If the President does it, at least we in this Congress have a vote, and the American people have a right to vote on a President. So there is accountability at least in this system that is not in the Judicial branch of government.

Paul McNulty, the Deputy Attorney General, said this:

> The Department of Justice is aware of no other agency where Federal judges, members of a separate branch of government, appoint the interim staff of an agency.

I would ask my colleagues here to name one where the Federal judges fill a vacancy somewhere in the Government. In addition to the constitutional separation of powers that is of concern with this approach, McNulty says:

> At a minimum, it gives rise to an appearance of potential conflict that undermines the performance or perceived performance of both the executive and judicial branches.

Tough cases come up before courts and they are litigated before judges with great intensity. There is a lawyer for the defendant and there is a lawyer for the Government, the prosecutor, and imagine now that the judge has appointed the prosecutor. It creates some unease, I submit, and it is not a little bitty matter.

I am talking about a matter that will linger for 100 years. I am not talking about the immediate media flack we are having now, that we are digging into and seeing whether everybody can figure out exactly what happened, and get a complete story of how the eight U.S. attorneys were asked to move on. We will get into that. That will all happen. I don't know exactly what happened there, but I am saying that, as a matter of policy, the appointments of executive branch officers should be maintained, so far as possible, by the executive branch.

I will say one more thing. I do support the Kyl amendment. I think that is a principled approach. I think the PATRIOT Act language we passed was not carefully thought through and did leave a loophole that could allow the President to avoid confirmation process, and I think that is not healthy. I believe the Kyl amendment, consistent with the separation of powers, will confront and deal with that problem. I will say this, regardless of how my colleagues might vote on that, I do believe we ought to consider an amendment I have offered.

AMENDMENT NO. 460

Mr. SESSIONS. Mr. President, I call up my amendment at this time.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 460.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to require appropriate qualifications for interim United States attorneys)

On page 2, line 23, strike the quotation marks and the second period and insert the following:

"(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

"(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

"(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

"(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.".

Mr. SESSIONS. Mr. President, if the Kyl amendment is not approved, my amendment would require interim U.S. attorney appointments made by a district court have appropriate and proper background checks. That is, whoever the judge appoints would have background checks and security clearances in order to maintain efficient operation of the office during this transition period.

The Feinstein bill that reverts to the previous process does not allow for that to happen, and we do know that in the past judges have nominated candidates who have serious difficulties. In 1987, an interim U.S. attorney for the Southern District of West Virginia, who was not a Department of Justice employee, did not have a background investigation, and was appointed by a district judge, started demanding to find out everything that was going on in the files related to a prosecution of prominent public officials. The First Assistant U.S. attorney there, a career person, was taken aback by this. The judge appointed interim U.S. Attorney didn't have security clearance to see the files, yet he had been appointed by the judge. So they had to remove the files from the office. Not everybody can go in and see an investigatory file or see grand jury transcripts. Those are, by law, available only to law enforcement officers who meet certain security clearances.

There was another example where the chief district judge in South Dakota told the Department of Justice he wanted to appoint an individual who did not have any Federal prosecutorial experience, had not undergone a background check, and did not have the necessary security clearances. The Department of Justice strongly objected. It goes against the policy of the Department of Justice and the efficiency and effectiveness of the nominee. The Department of Justice appointed a different candidate, under an existing law, and the Federal judge executed the oath of office for this appointee and copies of the Attorney General's order were sent out to the district court. Ten days later, the Department of Justice received a fax indicating that the chief district judge had decided to appoint the earlier unacceptable candidate as U.S. attorney. They had two of them appointed. So I think we can fix that problem. That turned out to be an unpleasant mess, if you want to know the truth, and we can do better about that.

I see Senator KENNEDY is here, so I won't go on at length about this, except to say if we go back to the previous system that had been in effect for many years, it has been effective but we will face the same serious problems I just mentioned. Also, as a matter of principle, it is inconsistent with the responsibilities we give to the President of the United States to appoint these officers and to give it to a separate branch of Government that is not given the constitutional authority to make those appointments. But I think we can fix it. We can do better. We can fix this.

I think the Kyl amendment represents the appropriate principled approach to it. However, if the Kyl amendment does not succeed, I would suggest my amendment, which makes for a limited modification to Senator FEINSTEIN's amendment by ensuring that only qualified people be named, people who meet the requirements, people who have a security clearance as part of the executive branch of the Government, who may be picked by a judge, whoever they choose, but they at least would be qualified through security clearances and professional background to be a U.S. attorney. Maybe that would be a compromise that would help eliminate some of the practical difficulties, even if it does not eliminate the philosophical difficulties of having appointments made by a different branch of Government.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I strongly support S. 214 as an urgently needed step in our effort to restore our constitutional system of checks and balances and to protect the rule of law.

In recent weeks, Congress has finally begun to investigate the damaging politicization of the administration of justice by the White House and the Department of Justice. The problem did not begin with the recently disclosed firings of eight U.S. attorneys. It was well underway in 2002 when Attorney General Ashcroft abolished the process for hiring new career attorneys for the Department of Justice.

That process had been established by the Eisenhower administration half a century ago to eliminate partisanship and cronyism in the Department's hiring. Under Attorney General Ashcroft, however, the process was placed entirely in the hands of political appointees who set out to remake the ranks of career attorneys by hiring new attorneys based on partisan and ideological qualifications. Predictably, the result has been partisan and ideological law enforcement.

The civil rights division virtually stopped enforcing the Voting Rights Act on behalf of African Americans. It even sued African-American officials in Mississippi for discriminating against White voters. Contrary to the recommendations of career attorneys, the new regime also approved the Texas redistricting law that was later struck down by the Supreme Court. It also approved a Georgia photo identification law for voting that was subsequently struck down by a Federal Court as a poll tax. Approval of the Georgia photo identification law was driven by the same partisan motivation that produced the current U.S. attorney scandal.

Georgia's Republican-dominated State legislature said it was enacting the law to respond to allegations of voter fraud. But evidence of fraud to justify the law did not exist. The ID law was passed anyway, with full awareness that it would disproportionately prevent minorities from voting.

When the law was submitted to the Civil Rights Division for approval under the Voting Rights Act, the career staff of attorneys and analysts recommended an objection by the Department, which would have prevented the law from going into effect, but the recommendation was rejected by the political appointees.

The Federal Court struck down the law as the equivalent of a poll tax, because the State offered to sell ID's for $20 to prospective voters who did not have them. Tellingly, the State did not establish offices selling ID's in many of the State's most heavily minority districts.

After the law was blocked, the State reenacted it without the $20 fee, in a blatant effort to gain partisan advantage by manipulating the law. Once again, the political appointees in the Civil Rights Division approved it. Fortunately, a court struck down the new law, finding that it placed an undue burden on the voting rights of minority and elderly voters.

The story does not end there. Shortly after political officials rejected the career attorneys' recommendation to block the law, they transferred Robert Berman—the leader of the career team that reviewed the Georgia law and a 28-year veteran of the Civil Rights Division—out of his job as a Deputy Chief of the Voting Section and into a dead-end training job.

When the Attorney General testified before the Judiciary Committee last July, I asked whether this transfer was retaliation for the career attorney's role in recommending that the Department object to the Georgia photo ID law. I still haven't received an answer. When Wan Kim, the head of the Civil Rights Division, testified before the Committee in November, I asked him if Mr. Berman was transferred in retaliation for the Georgia matter. I still haven't received an answer.

As the problems in the Civil Rights Division make clear, the real danger with this administration's politicization of Justice Department's hiring is the corruption of the rule of law. U.S. Attorneys and other Department of Justice officials are selected by the President, but they are the people's lawyers. Their first duty is to enforce the rule of law—not to push a partisan agenda. This administration has forgotten that basic truth, and the rule of law has suffered.

The conclusion is inescapable that the Department of Justice ended Mr. Berman's long and distinguished career as a voting section attorney because he applied the law faithfully and well, and refused to serve the partisan interests of his political superiors. His plight is one of many examples of loyal career public servants who have been pushed aside for their failure to toe the partisan line in the Department of Justice.

Incredibly, Bradley Schlozman, the inexperienced political appointee who oversaw approval of the Georgia ID law and the retaliation against the career staff, was rewarded with an appointment as interim U.S. attorney for the Western District of Missouri. He has served in that capacity for a year without Senate confirmation. Mr. Schlozman's appointment is symptomatic of the problem that the bill before us will solve—the appointment as U.S. attorneys of unqualified partisan operatives who would be unlikely to win Senate confirmation, but who can serve for extended periods of time anyway.

The continuing revelations about the 8 fired U.S. attorneys show how thoroughly partisanship has infected the administration of justice in the Bush administration. As explanation after explanation has unraveled, it has become increasingly clear that the purge of U.S. attorneys had its genesis in the White House and its roots in a desire to remove U.S. attorneys who were not sufficiently committed to the political agenda of the administration.

The initial explanation that 7 of the 8 were fired for poor performance was a smokescreen manufactured out of thin air. Their performance assessments were largely outstanding. Evidence is mounting that the administration was concerned that Carol Lam was too successful in her investigation and prosecution of Republicans in the Duke Cunningham scandal. John McKay was on the list because of his refusal to open an unwarranted investigation into voter fraud after a close 2004 election victory by a Democrat. David Iglesias was the subject of Republican complaints about his unwillingness to pursue voter fraud investigations of Democrats, and he was pressured by Republicans in Congress to indict Democrats before last November's election to help the Republican candidate in a tight congressional race.

Recently released e-mails show that part of this scheme was to use the little-noticed change in the law inserted in the reauthorization of the Patriot Act last year which permitted the Attorney General to appoint interim U.S. attorneys to serve indefinitely without Senate confirmation. The bill before us eliminates that provision and reinstates the 120-day limit on service by interim U.S. attorneys appointed by the Attorney General. This change will force the administration to send nominees to the Senate to fill vacant slots, or have them filled by a court instead.

This change in the law is an important first step we can take to remedy the problem, as we continue to investigate the political purge of U.S. attorneys. That investigation must continue. A full investigation is essential if we hope to restore confidence in Federal law enforcement. U.S. attorneys protect the Nation from violent crime, terrorism, violations of civil rights, organized crime and public corruption. They must be above partisan or ethical reproach, if the rule of law is to have any meaning in our modern society.

There are few greater threats to our democracy than such efforts to turn our system of Federal law enforcement into a partisan political tool. As Justice Robert Jackson said:

> The prosecutor has more control over life, liberty and reputation than any other person in America.

That awesome power must not be used in the service of partisan goals. U.S. attorneys are political appointees, but once they are appointed, they can no longer be part of the political process. Politics can shape policies and priorities but the decision whether or not to investigate or prosecute cannot be influenced by the slightest hint of partisanship. No U.S. attorneys should be subjected to partisan political pressure to make a particular decision in a prosecution, and no U.S. attorney should be retaliated against for making decisions that are politically unpopular in the eyes of his superiors.

The bill before us will help guard against such partisanship, by restoring the requirement for the administration to submit nominees for U.S. attorneys promptly to the Senate for confirmation, and I urge my colleagues to pass this bill without amendment.

IRAQ

Mr. President, as our Nation begins its fifth year of the war in Iraq it is abundantly clear to the American people that our current policy has failed, and that we need a new policy that will better serve both our national security and our service men and women.

President Bush continues to look for good news with a microscope. Despite his repeated claims that success is just around the corner, Iraq is falling deeper and deeper into the chaos of civil war. Our troops are in the untenable position of policing a nation at war with itself.

More than 3,200 American soldiers have made the ultimate sacrifice, and more than 24,000 have been wounded during the 4 years of his failed policy.

Tens of thousands of Iraqi civilians have been killed, and nearly 4 million have been displaced inside Iraq and across the region.

The insurgency is growing in strength, and its lethal explosives are growing in sophistication.

Attacks on American soldiers continue to increase.

Militias are increasing their power, and their ability to brutalize the Iraqi people is increasing as well.

No amount of American military might can end Iraq's civil war. Only a political settlement by Iraqi leaders and the Iraqi people can end the bloodshed and suffering.

Rather than fanning the flames of chaos by sending more U.S. troops into Iraq's civil war, it is time for the President to begin to redeploy our troops out of harm's way.

The war in Iraq has been a disastrous and deeply dangerous debacle in American foreign policy. It has made America more hated in the world than at any other time in our history. It has emboldened terrorists across the globe. It has stretched our military to the breaking point. As a result, our national security is increasingly at risk.

The President's policy of escalating the war will not make success any more likely. It will only result in more death and more tragedy for American soldiers, and it will undermine our national security even further.

The American people have been patient. But America has now been in Iraq longer than it took us to win

World War II. Instead of progress, we continue to see unacceptably high levels of violence, death, and destruction.

The American military and the American people deserve far better. The President seeks more funding for the war without strings and without delay.

Because the President stubbornly insists on escalating the same failed strategy, Congress must stand up to the President and stand up for our troops by requiring him to redeploy our combat forces out of Iraq as soon as possible. We have an opportunity to do so on the supplemental appropriations bill that will soon be before us, and it is an opportunity we cannot afford to miss.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am going to speak on two timely issues. I would like to first speak on the issue of S. 214, the bill pending before the Senate.

I would like to ask my colleagues in the Senate who followed this debate over the firing of eight U.S. attorneys to reflect a little bit about history. It was over a century ago that the U.S. Department of Justice undertook plans to fire certain Federal prosecutors in the U.S. Attorney's Office in Alabama for political reasons. It was August 9, 1904, when Republican President Theodore Roosevelt wrote a letter to his Attorney General, William H. Moody. In this letter, President Theodore Roosevelt opposed the political firing of Federal prosecutors. This is what he said:

> Of all of the officers of the Government, those of the Department of Justice should be kept most free from any suspicion of improper action on partisan or factional grounds . . . so that there will be gradually a growth, even though a slow growth, in the knowledge that the Federal courts and the representatives of the Federal Department of Justice insist on meting out even-handed justice to all.

Those words were spoken over 100 years ago. They ring true today. Our democracy is based on the rule of law. It is based on meting out evenhanded justice, as President Theodore Roosevelt said.

The forced firing of eight U.S. attorneys, nearly all of whom had been judged qualified and favorably reviewed, calls into question the credibility and integrity of Federal prosecutors. It calls into question our Nation's commitment to even-handed justice.

I have heard my colleagues on the floor today and in committee say: This is much ado about nothing because whenever a new President comes along, they replace all of the U.S. attorneys; that is clearly political. They are replacing those serving as U.S. attorneys with people of their own choosing after they have replaced the Attorney General. There is truth to that.

The fact is, with the new Attorney General, a new team is in place. We have 93 U.S. attorneys. As President George W. Bush took office a little over 6 years ago, he replaced all of those U.S. attorneys appointed by President Clinton with his own. No one called for an investigation. No one screamed "scandal." It is a tradition. It is one we accept. A new President has that chance. But we know those U.S. attorneys serve at the President's discretion and can be removed at any time for any reason.

We have an unusual circumstance we face right now. Never before in history has a President and an Attorney General fired a group of U.S. attorneys en masse, in a group, other than the expected turnover, as I mentioned, with the change of administration.

We asked the Congressional Research Service if they could undertake an analysis of U.S. attorney firings that occurred other than the changeover of a Presidency. This is what they found: Only 2 U.S. attorneys out of 486 confirmed by the Senate over the past 25 years have been fired in the middle of a Presidential term for reasons unrelated to misconduct—2 out of 486. So for some to argue that this is routine, to fire those attorneys, the facts say otherwise. Only 2 out of 486 have been fired in the midst of their term.

Why is that the case? Why have U.S. attorneys been insulated from Presidential politics? Because Federal prosecutors are supposed to be independent. They are nominated by the President and confirmed by the Senate, but, unlike other Federal public servants, they have a measure of independence.

Former Supreme Court Justice and Attorney General Robert Jackson once said: The prosecutor has more control over life, liberty, and reputation than any other person in America.

Discussing Justice Jackson's words, a scholar of the Justice Department named Lincoln Caplan has written:

> The power of law enforcement to tarnish reputations, end people's liberty and ruin lives, in other words, is so great that it has to be exercised judiciously and, above all, nonpolitically. That's one basic element of the rule of law.

That is what is at stake here. Eight U.S. attorneys who did not play ball with the political agenda of this White House were dropped from the team. Members of Congress have a responsibility to ask: What was that political agenda? Why were they dismissed? Does this scandal rest at the feet of the Attorney General, Mr. Gonzales; Harriet Miers, the former counsel to the President; Karl Rove, the President's political adviser; or does it reach the President's office itself?

Over the next several weeks, we are going to look into this. Passage of S. 214, the bill we will vote on at the end of this debate, will not end the inquiry. We have a lot more work to do. We need to learn whether Attorney General Gonzales and his deputies told Congress the truth when they testified just a few weeks ago. We need to have Karl Rove, Harriet Miers, and other top administration officials testify under oath about their role in these firings. I hope they will come voluntarily. If they do not, the Senate Judiciary Committee should subpoena each and every one of them. I am a member of that committee. We plan to vote on these subpoenas this Thursday.

The White House is reluctant to have senior officials testify. That is understandable. But when the shoe was on the other foot—a Democratic President and a Republican Congress—administration officials testified all the time. Under President Clinton, 47 White House officials testified before congressional committees during their service. We need to hear the truth—all of it and nothing but the truth—about the firing of the eight U.S. attorneys.

There is a second question we have to ask which is equally important: How many other U.S. attorneys were approached by the White House and asked to play ball and did play ball? Of the Nation's 93 U.S. attorneys, how many of them kept their jobs as a result of political cooperation?

We gained some insight into this question from a new study by two professors, John Cragan of Illinois State University and Donald Shields at the University of Missouri. They compiled a database of Federal indictments and investigations undertaken by U.S. attorneys against elected officials and political candidates since President Bush took office in 2001. Here is what their study found: U.S. attorneys across the Nation have investigated 298 Democrats and just 67 Republicans—nearly 5 times as many Democratic officials as Republicans. These statistics are troubling, and we have to look into them. The firings of the U.S. attorneys and documents that have been turned over to Congress really call into question the legitimacy of all prosecutions brought by the U.S. attorney in cases involving partisan interests.

This is regrettable. There is no place for politics when it comes to prosecution, especially when it comes to public corruption and voting rights cases. If there is belief that people in the White House in either party are pushing for prosecutions to seek a political advantage, we have seriously undermined the integrity and credibility of our system of justice.

As President Teddy Roosevelt warned: Even the appearance of political interference in the process of justice is damaging to public faith in Government. Last night, as I left a Chicago restaurant, a young man and his wife were sitting at a table. He asked me to come over. He introduced himself and said he was an assistant U.S. attorney in Chicago. That is a hard job to get. It is not a political job at all. In fact, you have to be really talented to be qualified to serve in the U.S. Attorney's Office for the Northern District of Illinois.

He said to me: Senator, I would like to ask you to do your best to get to the bottom of this. We think we are doing a professional job. This suggestion that some U.S. attorneys were fired for political reasons really casts a shadow over all of us who are trying to represent the people of the United States effectively through our Department of Justice.

We owe it to him. We owe it to the U.S. attorneys across this country who have been independent in their judgment and all of the assistants who work with them to get to the bottom of this and ask the important questions. I hope the Senate Judiciary Committee will be able to move this week, perhaps next week, to get to the bottom of this and call these witnesses before us.

Mr. President, today marks a somber milestone. It was 4 years ago today that President Bush ordered our military to launch a preemptive invasion of Iraq. I can recall the vote on the Senate floor—I have spoken of it many times—which led to that decision by the President. We cast thousands of votes as Members of the Senate, the House, and most of them are hard to remember. One can never forget a vote cast about war. You know people will die as a result of that decision. We focus on eliminating the enemy—as we do in our war in Afghanistan—but we know good American soldiers will give their lives as well, and innocent people will die.

I can remember well that decision. It was a tough one, a very difficult one. But now we face 4 years of this war having been completed. As of today, we start the fifth year of this war, a war that has lasted longer than World War II.

Yesterday, on the ABC News program "This Week," Stephen Hadley, the President's National Security Adviser, was asked: If the President had known 5 years ago how much this war would cost—in dollars and in lives—would he have still ordered this invasion of Iraq?

Mr. Hadley replied:

> I think he would. The point is, this war has made the U.S. safer.

Those were the words of Stephen Hadley. Unfortunately, they are wrong.

A National Intelligence Estimate released last spring warns that the war in Iraq has helped create a whole new generation of terrorists around this world.

The latest report from the Defense Department confirms our troops are now trapped in a civil war. For the longest time, we danced around using the words "civil war." But even that term does not adequately express the complexity of the deadly situation we find ourselves in today.

Before our military was diverted to fight this war of choice in Iraq, they had driven the Taliban from power in Afghanistan and splintered the leadership of al-Qaida. We were in the hunt for Osama bin Laden. We knew who was responsible for 9/11, and we were determined to get him and those who worked for him. We were on track to demolish the terrorists who brought such grief to our Nation on 9/11.

What is the story today? According to Mr. Hadley in his comments yesterday on television, the war has made us "safer." The fact is, today al-Qaida is regrouping and the Taliban is still fiercely fighting for control of Afghanistan.

Our military—especially the Army—is stretched to the breaking point. There is not one Active or Reserve Army combat unit outside of Iraq and Afghanistan today that is rated "combat ready"—not one. If we were called on to respond to another military emergency in the world with our great military, they would be hard pressed to respond because they have been depleted in terms of personnel and resources and training and equipment by this war in Iraq.

National Guard units in Illinois and across the Nation have about one-third of the equipment they need to respond to a domestic crisis or to train for an overseas mission. A recent audit by the Department of Defense inspector general found the Pentagon has failed to properly equip the soldiers it already has in Iraq and Afghanistan. Many soldiers have found themselves short on guns and ammunition, body armor, communications equipment, armored vehicles, and electronic jammers to disable IEDs.

Two hours ago, I was at Walter Reed Hospital. I make visits there and try to meet with soldiers and talk to them about how they are doing. I go to the rehab unit where amputees are trying to learn to walk. Some have lost one leg, some two. Some have lost an arm. They are struggling to get their lives back together. These are real heroes for America, and they are profiles in courage, as they struggle every single day to try to put their lives back together again.

I sat down with a group of these soldiers, all of whom had lost a leg, in this rehab room. I went around, and I said: What happened to you? Each one of them said the same thing: Well, it was an IED that hit my humvee. It was an IED that hit my humvee. It was an IED that hit my humvee.

I thought to myself: When this war started, in my first visit to Walter Reed, I met a member of the Ohio National Guard who lost his left leg. He could not wait to get back to his unit. I doubted if he ever would. I asked him what happened? He said: Well, this homemade bomb, this IED, hit my humvee. That was 4 years ago, and we still have soldiers coming into our hospitals with similar injuries without the protection they need.

The President's response to this terrible situation is to order 30,000 more troops into battle.

We will pay for this war for the rest of our lives. But the people who have paid the highest price, by far, are the men and women of the military and their families. Many soldiers and marines, sailors and airmen in Iraq are on their second, even their third or fourth tour of duty. We are pushing them to the absolute limit. They have endured great danger. Their families have endured great hardships.

As of this morning, it is sad but must be reported that 3,210 American soldiers, including 123 from my home State of Illinois, have given everything. They have given their lives in Iraq.

This is a hallowed rollcall. These are the names of every Illinois servicemember killed in Iraq since the start of this war. As we begin the fifth year of this war, I ask unanimous consent to honor these great men and women by having printed immediately after my remarks in the CONGRESSIONAL RECORD this list of those Illinois brave soldiers and marines, airmen and sailors who have given their lives in Iraq.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURBIN. In addition to these fallen heroes, thousands of our troops have come home with serious injuries, disabilities—blindness, amputations, and the signature injury of this war, traumatic brain injury. We have been outraged in recent weeks to read about the shabby way some of these wounded veterans have been treated.

I went out today and I asked to finally see this infamous Building 18, which is about a block away from Walter Reed Hospital. It is a rundown, old motel that our military took over. Under Secretary Rumsfeld, they had this passion to privatize—taking the men and women who were responsible for maintaining this building and removing them and bringing in a private contractor. That is when the worst happened. The men and women who were involved in the private contract clearly did not do the job.

As a result, the Washington Post ran this well-publicized series about mold and mice droppings and evidence of bugs and the general rundown condition of Building 18—an outpatient facility for our soldiers at Walter Reed Hospital.

Every day, we learn—as I have learned back in Illinois—of wounded soldiers who have been denied proper medical care, housed in substandard and even deplorable living conditions, and forced to fight a massive bureaucracy and endure long waits for decisions about disability compensation. Meanwhile, their families suffer and many of the wounded soldiers go without medical care.

Sadly, these problems are not unique to Walter Reed, nor are they new to many of the top Pentagon officials.

Mark Benjamin is a reporter who has written some of the groundbreaking stories on the veterans health care crisis. He wrote an article in 2003, 4 years ago, about wounded National Guard soldiers being housed in sweltering cinder-block buildings at Fort Stewart in Georgia.

The Pentagon pledged then, in 2003, that no wounded soldier would be subjected to that shabby treatment again. That was 4 years ago. Yet 2 years later, in 2005, Jeff Romig, a physician's assistant from Danville, IL, and a captain in the Army National Guard, found himself living in similar conditions at a military base in Indiana after he ruptured his Achilles tendon during training.

Captain Romig had a cast on up to his hip following surgery, but he had to walk a half a mile on crutches every day to eat lunch. When it rained, mud washed into the cinder-block barracks and coated the cement floors where he was asked to live. His foot became infected. He has had five surgeries on it. He still has a hole in the back of his foot and his foot drops. He needs a brace to walk properly.

When he was released from active duty, the Army told Captain Romig the VA would pay for the brace. But then the Veterans' Administration refused. They told Captain Romig he was not entitled to VA health care until he received a disability rating, which takes 2 years. In the meantime, he would have to pay the bills himself or go without the brace and any other VA health care.

Now, who is Captain Romig? He happens to be a soldier who has served 23 years in the military—12 in the regular Army and 11 in the National Guard. He was one of the lucky ones, though. Through his employer he had private health coverage. They paid for the brace and his medical care when the VA and our Government failed him.

He worries about other wounded veterans. In an e-mail he sent me recently, he said:

> Who is going to help pay the bills for a soldier's family if he or she is disabled? The mortgage companies won't wait two years to receive their payment and the VA made it perfectly clear to me that if I didn't pay my bill, they would send me to [a collection agency]; they don't want to wait two years for payment, either. So why should a soldier be expected to wait two years for care and financial assistance?

There is another story I would like to share. It is about SGT Garrett Anderson of Champaign, IL. He and his wife Sam share a similar worry. He is 30 years old. She is 29. They have a 6-month-old daughter. On Wednesday, they will celebrate their second wedding anniversary.

Three months after they were married, he went to Iraq with the Illinois National Guard. Four months after that, an IED exploded next to his armored humvee in Baghdad.

The blast tore off Sergeant Anderson's right arm below the elbow, shattered his jaw, severed part of his tongue, took away much of his hearing, and punctured his body with shrapnel.

He spent 7 months at Walter Reed, and he praises the care that was given him there recently in Ward 57. He said the amputee ward could not have treated him better. I have heard the same thing. There are many outstanding individuals at Walter Reed who should not be lumped into the critical articles about Building 18. These are men and women, medical professionals, who are literally working miracles every day on these soldiers. So criticizing the situation at Walter Reed should not bring them in as well. Many of them are extraordinary and receive the highest praise from men and women who are treated there.

But after the treatment at Walter Reed for Sergeant Anderson, the months of outpatient care that followed were filled with "massive paperwork and red tape." After 3 years in the Army and 4 in the National Guard, Garrett Anderson finally retired from the military last June.

Last week, 9 months later, he received his disability rating from the VA. You will recall the injuries I told you he sustained. His disability rating, after waiting, 90 percent. His wife Sam said the VA ruled that some of her husbands's shrapnel wounds were not service related because Walter Reed had not taken the time to document each and every one of them.

The Andersons are appealing the rating. They are hoping for a 100-percent disability rating, which would make Sergeant Anderson eligible for better health coverage and other benefits. Do you know how long that appeal will take? Two years—2 more years for Sergeant Anderson to wait to determine whether the VA is going to rate him as 100 percent disabled.

In the meantime, he is looking for a civilian doctor with experience treating amputees, and doing without the speech therapy and PTSD counseling he needs.

He is also going to college. His wife is trying to finish law school. They are both speaking out to try to change the system. Here is what his wife Sam says:

> Each obstacle renews our desire to fix the system so that future soldiers can serve proudly and take comfort knowing that their country will take care of them just as they took care of their country.

I applaud Defense Secretary Gates for the decisive steps he has taken to fix the problems at Walter Reed and to determine how widespread they are. But firing a few people—even a few generals—is not enough. The stories about wounded soldiers being mistreated raise serious questions about our planning for this war, about the capacity of the Pentagon and the VA to deal with the long-term health needs of our soldiers—post-traumatic stress disorder, traumatic brain injury, amputations. Ten years ago, the VA could never have anticipated all these challenges. Today they face them.

Every year since the war in Iraq began, the President has failed to request adequate funding for the VA. The President's proposed budget for next year would enable the VA to serve 54,000 Iraq and Afghanistan veterans—54,000. It sounds like a large number. It is. But it is 50,000 patients short of the VA's expected demand.

The President's budget provides for half of what is needed. Unbelievably, it would cut funding for defense health facilities such as Walter Reed by 13 percent. I think about that $12 billion in cash—$12 billion in U.S. taxpayer dollars—that was flown into Iraq and cannot be accounted for, sent to Mr. Bremer and his Coalition Provisional Authority. How far would that money go to help the VA?

Here is another great statistic. In late January, the Army Times reported that in the last few years, the number of soldiers approved for permanent disability retirement decreased by more than two-thirds—from 642 in 2001, to 209 in 2005. Think about that: a two-thirds drop in permanent disability ratings in the midst of a war? It does not make sense.

With the horrific wounds our troops are suffering—and thanks to the outstanding care they receive in the field—surviving, how can permanent disability rates be declining? Declining disability rates are part of the pattern of failing to plan properly for this war.

I know Dr. David Chu, who is an economist and mathematician by training, and he holds one of the top positions at the Pentagon. He is the Under Secretary for Defense for Personnel and Readiness. He is one of the two top Pentagon officials responsible for making sure that returning vets receive prompt outpatient care and fair compensation.

In January 2005, Dr. Chu told the Wall Street Journal that America was spending too much on benefits for soldiers and veterans. He said:

> The amounts have gotten to the point where they are hurtful. They are taking away from the Nation's ability to defend itself.

The truth is, health care and disability benefits for wounded soldiers are not threats to our national security; they are an essential part of the cost of war and part of our national security. Somehow the Pentagon has to come to realize this.

I want to tell my colleagues one more story and then turn the floor over to my colleague from Arkansas. This is about an Illinois soldier, Army 1LT Terry Peterson of Warrenville, IL. I first met Lieutenant Peterson in January 2006 when he was recuperating at Walter Reed. I invited him to come to the President's State of the Union Address last year as my guest. He was 23 years old. He is a graduate of the Citadel. From the time he was a little boy, he wanted to be a soldier.

On December 8, 2005, 3 weeks after he arrived in Iraq, an IED ripped apart a humvee in which he was riding in Baghdad. The blast killed one soldier in the humvee and nearly killed Lieutenant Peterson. It shattered his right foot, ripped three knuckles off his right hand, and severed an artery in his left arm. He has had 20 surgeries so far. If he is lucky, he will only need two more surgeries. He has five screws in his foot, and he deals with pain all the time. He can't stand for more than 30 minutes, and it will take a miracle for him to ever be able to run again.

Lieutenant Peterson received outpatient care at Walter Reed for 9 months. Someone from home was always with him—usually his mother, his girlfriend, or his sister—trying to cut through the redtape, trying to make sure he received the very best care. His mom spent $8,000 flying back and forth between Illinois and Washington to be with her son. Lieutenant Peterson spent $10,000 out of pocket to rent hotel rooms near Walter Reed for 6 months because there was no room for him in the infamous Building 18. He has yet to be reimbursed for that expenditure. The Army says he still needs to turn in more paperwork.

Terry Peterson suffers from PTSD. He didn't see a psychiatrist until months after his injury, and then only because his father insisted. When he went back for a follow-up appointment a month later, they told him his records had been lost.

Today Lieutenant Peterson is back at Fort Stewart in Georgia waiting to finish his surgeries and get his disability rating to leave the Army. He says:

> It took me a long time to stop making excuses for the system.

Some days he says he feels like he was abandoned by the Army. But he is determined to try to fix this system so other soldiers won't go through the same thing.

Before the State of the Union Address, some 15 months ago, Terry and I met with some reporters. Terry said: I don't know if I ought to say this, but I am a conservative and a Republican. He said:

> What I'm really looking forward to is just hearing that the President is behind us.

He said he didn't want the sacrifices that he and other soldiers had made to be for nothing.

As we enter the fifth year of this war, America needs to demonstrate to all our troops and families that we are behind them, and that takes more than words. It requires that we stand with our soldiers on the battlefield and when they come home wounded, for as long as they need our help.

I yield the floor.

EXHIBIT 1

OPERATION IRAQI FREEDOM CASUALTIES LISTED IN CHRONOLOGICAL ORDER

Marine Corporal Brian Kennedy, 25, of Glenview, IL.

Marine Captain Ryan Anthony Beaupre, 30, of St. Anne, IL.

Marine Private Jonathan L. Gifford, 30, of Decatur, IL.

Marine Corporal Evan James, 20, La Harpe, IL.

Army Specialist Brandon Rowe, 20, of Roscoe, IL.

Army Reserve Specialist Rachael Lacy, 22, of Lynwood, IL.

Marine First Sergeant Edward Smith, 38, of Chicago, IL.

Army Staff Sergeant Lincoln Hollinsaid, 27, of Malden, IL.

Marine Lance Corporal Jakub Henryk Kowalik, 21, of Schaumburg, IL.

Marine Lance Corporal Nicholas Brian Kleiboeker, 19, of Iuka, IL.

Marine 1st Lieutenant Timothy Louis Ryan, 30, of North Aurora, IL.

Army Staff Sergeant Andrew R. Pokorny, 30, of Naperville, IL.

Army Private First Class Shawn Pahnke, 25, of Manhattan, IL.

Army Specialist Cory A. Hubbell, 20, of Urbana, IL.

Army Private Matthew Bush, 20, East Alton, IL.

Illinois Army National Guard Specialist Brandon Ramsey, 21, Calumet City, IL.

Army Pfc. Christopher A. Sisson, 20, of Oak Park, IL.

Army Spc. Ryan G. Carlock, 25, of Macomb, IL.

Illinois Army National Guard 1st Lt. Brian Silavenas, 30, of Genoa, IL.

Army Spc. John R. Sullivan, 26, of Countryside, IL.

Army Spc. William D. Dusenbery, 30, of Fairview Heights, IL.

Army Pvt. Scott M. Tyrrell, 21, of Sterling, IL.

Army Spc. Uday Singh, 21, of Lake Forest, IL.

Michigan Army National Guard Staff Sgt. Michael Sutter, 28, of Tinley Park, IL.

Marine Corps Captain Adam Miller, 29, of Midlothian, IL.

Army Sergeant First Class James Hoffman, 41, of Palatine, IL.

Illinois Army National Guard Sgt. Ivory L. Phipps, 44, of Chicago, IL.

Marine Pfc. Geoffrey S. Morris, 19, of Gurnee, IL.

Army Cpl. Forest J. Jostes, 22, of Albion, IL.

Marine Lance Cpl. Phillip E. Frank, 20, of Elk Grove, IL.

Army Reserve Spc. Gregory R. Goodrich, 37, of Bartonville, IL.

Marine Lance Cpl. Torrey L. Stoffel-Gray, 19, of Patoka, IL.

Army Pfc. Shawn C. Edwards, 20, of Bensenville, IL.

Army National Guard Sgt. Landis W. Garrison, 23, of Rapids City, IL.

Army Staff Sgt. Oscar D. Vargas-Medina, 32, of Chicago, IL.

Army Capt. John E. Tipton, 32, of Collinsville, IL.

Army National Guard Sgt. 1st Class William D. Chaney, 59, of Schaumberg, IL.

Army National Guard Spc. Jeremy L. Ridlen, 23, of Paris, IL.

Pfc. Jeffrey R. Wallace, 20, of Hoopeston, IL.

Army Maj. Paul R. Syverson III, 32, of Lake Zurich, IL.

Army 1st Sgt. Ernest E. Utt, 38, of Hammond, IL.

Army Sgt. Christopher A. Wagener, 24, of Fairview Heights, IL.

Army Pfc. Collier E. Barcus, 21, of McHenry, IL.

Army Pfc. Torry D. Harris, 21, of Chicago, IL.

Army Corporal Demetrius Rice, 24, of Chicago, IL.

Marine Lance Cpl. Jonathan W. Collins, 19, of Crystal Lake, IL.

Marine Cpl. Christopher Belchik, 30, of Jersey, IL.

Army Spc. Charles L. Neeley, 19, of Mattoon, IL.

Army National Guard Sgt. Shawna Morrison, 26, of Paris, IL.

Army National Guard Spc. Charles Lamb, 23, of Casey, IL.

Marine Lance Cpl. Drew M. Uhles, 20, of DuQuoin, IL.

Marine Sgt. Benjamin K. Smith, 24, of Carterville, IL.

Marine 2nd Lieutenant Ryan Leduc, 28, of Pana, IL.

Army Sgt. Jack T. Hennessy, 21, of Naperville, IL.

Army Spc. Jessica L. Cawvey, 21, of Mahomet, IL.

Army Spc. Jaime Moreno, 28, of Round Lake Beach, IL.

Marine Lance Cpl. Branden P. Ramey, 22, of Boone, IL.

Marine Cpl. Joshua D. Palmer, 24, of Blandinsville, IL.

Marine Sgt. David M. Caruso, 25, of Naperville, IL.

Marine Lance Cpl. Nicholas D. Larson, 19, of Wheaton, IL.

Marine Lance Cpl. Aaron C. Pickering, 20, of Marion, IL.

Marine Cpl. Peter J. Giannopoulos, 22, of Inverness, IL.

Marine Cpl. Matthew A. Wyatt, 21, of Millstadt, IL.

Army Sgt. Donald B. Farmer, 33, of Zion, IL.

Marine Lance Cpl. Neil D. Petsche, 21, of Lena, IL.

Marine Lance Cpl. Hector Ramos, 20, of Aurora, IL.

Marine Cpl. Nathaniel K. Moore, 22, of Champaign, IL.

Marine Cpl. Jonathan S. Beatty, 22, of Streator, IL.

Cpl. Christopher E. Zimny, 27, of Cook, IL.

Lance Cpl. Sean P. Maher, 19, of Grays Lake, IL.

Sgt. Jessica M. Housby, 23, of Rock Island, IL.

Marine Cpl. Kevin M. Clarke, 21, of Tinley Park, IL.

Marine Cpl. John T. Olson, 21, of Elk Grove Village, IL.

Army Staff Sgt. Daniel G. Gresham, 23, of Lincoln, IL.

Army Spc. Jacob C. Palmatier, 29, of Springfield, IL.

Army 2nd Lt. Richard B. Gienau, 29, of Peoria, IL.

Army Spc. Adriana N. Salem, 21, of Elk Grove Village, IL.

Army Sgt. Kenneth L. Ridgley, 30, of Olney, IL.
Army Pfc. Wyatt D. Eisenhauer, 26, of Pinckneyville, IL.
Army Spc. Brian M. Romines, 20, of Simpson, IL.
Navy Petty Officer 1st Class Thomas C. Hull, 41, of Princeton, IL.
Marine Gunnery Sgt. Terry W. Ball Jr., 36, of East Peoria, IL.
Army Spc. Miguel Carrasquillo, 25, of River Grove, IL.
Army 1st Lt. David L. Giaimo, 24, of Waukegan, IL.
Army Spc. Jeffrey A. Williams, 20, of Warrenville, IL.
Army Staff Sgt. Gary R. Harper Jr., 29, of Virden, IL.
Army Spc. James T. Grijalva, 26, of Burbank, IL.
Army 1st Lt. Debra A. Banaszak, 35, of Bloomington, IL.
Army Staff Sgt. Kyle B. Wehrly, 28, of Galesburg, IL.
Army Sgt. Joshua A. Terando, 27, of Morris, IL.
Pvt. Christopher M. Alcozer, 21, of DeKalb, IL.
Sgt. 1st Class Eric P. Pearrow, 40, of Peoria, IL.
Sgt. Grzegorz Jakoniuk, 25, of Schiller Park, IL.
Lance Cpl. Adam W. Kaiser, 19, of Naperville, IL.
Lance Cpl. Andrew G. Patten, 19, of Byron, IL.
Spc. Brian A. Wright, 19, of Keensburg, IL.
Sgt. 1st Class Shawn C. Dostie, 32, of Granite City, IL.
Lance Cpl. Jonathan K. Price, 19, of Woodlawn, IL.
Pfc. Sean T. Cardelli, 20, of Downers Grove, IL.
Lance Cpl. Philip J. Martini, 24, of Lansing, IL.
Sgt. Edward G. Davis III, 31, of Antioch, IL.
Spc. Ronald W. Gebur, 23, of Delavan, IL.
Pfc. Caleb A. Lufkin, 24, of Knoxville, IL.
Cpl. Ryan J. Cummings, 22, of Streamwood, IL.
Petty Officer 1st Class Gary T. Rovinski, 44, of Roseville, IL.
Sgt. Sirlou C. Cuaresma, 25, of Chicago, IL.
Staff Sgt. Mario J. Bievre, 34, of Constantinople, IL.
Cpl. Ryan J. Buckley, 21, of Nokomis, IL.
Sgt. Terry M. Lisk, 26, of Fox Lake, IL.
Sgt. Bradley H. Beste, 22, of Naperville, IL.
Sgt. Steven P. Mennemeyer, 26, of Granite City, IL.
Army Spc. Kristofer C. Walker, 20, of Creve Coeur, IL.
Spc. George R. Obourn Jr., 20, of Creve Coeur, IL.
Pvt. Edwardo J. Lopez, 21, of Aurora, IL.
Sgt. Thomas M. Gilbert, 24, of Downers Grove, IL.
Sgt. Kraig D. Foyteck, 26, of Skokie, IL.
Pfc. William R. Newgard, 20, of Arlington Heights, IL.
Senior Airman Daniel B. Miller Jr., 24, Galesburg, IL.
Petty Officer 1st Class Jennifer A. Valdivia, 27, of Cambridge, IL.
Capt. Kevin C. Landeck, 26, of Wheaton, IL.
Sgt. Pedro J. Colon, 25, of Cicero, IL.
SSG Paul M. Latourney, 28, of Roselle, IL.
Marine Lance Cpl. Raymond J. Holzhauer, of Dwight, IL.

Total OIF Casualties: 123 Soldiers

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I come to the floor to voice my strong support of S. 214, Preserving U.S. Attorneys Independence Act.

We all know the story by now. In the dead of night, the Justice Department slipped into the PATRIOT Act, which was under consideration in the House—it was in the conference, apparently, when this happened. They slipped in a provision to allow itself carte blanche authority to strategically handpick judges and bypass Senate confirmation, which I believe was done to carry out a political scheme to fire and replace U.S. attorneys. I don't say this lightly. We have seen the e-mails now. Most of my colleagues in the Senate and, in fact, most people around the country have seen all or some or bits and pieces of these e-mails. They are damning.

The Department of Justice has taken deliberate steps to mislead Senators and abuse its misbegotten authority. Put quite simply, we can't trust this administration to use its authority in a fair and constructive manner. They have proven that to us. It is time we restore justice at the Justice Department. We can begin that process with two steps: First, we can move this legislation to which I referred a moment ago very swiftly and restore the confirmation process that our Founding Fathers envisioned. Allowing interim U.S. attorneys to serve for a limited 120 days is a reasonable solution and will put an end to the slippery tactics of this administration and, might I say, future administrations.

By the way, I think one of the reasons we all should support this legislation is not because this administration—I think they have abused the law they have—but there is always that tendency for the President to try to bully something through the Senate. The easiest way of all is to get around the Senate completely and circumvent the Senate's authority which, by the language of the PATRIOT Act, as I mentioned, was slipped in. I think most Senators inadvertently allowed that to happen.

The second of these two steps I refer to is—I said this on the Senate floor the other day, and I still believe it—the Attorney General should resign. In an e-mail dated August 18, 2006, to the Attorney General's Chief of Staff, it says that we have a "Senator problem" in Arkansas. Well, guess who the Senator problem is. You are looking at him.

I was by that time making calls, checking around. I had heard these rumors that the Justice Department was going to fire Bud Cummins and was going to replace him with Tim Griffin, and we will get to that specific case in a moment. But the bottom line is that—I know I was the problem, but the bottom line is that today the Attorney General, Attorney General Gonzales, has a bigger problem than the junior Senator from Arkansas. He has a credibility problem. He has a trust problem. He has a growing national scandal problem. I think it is best for the Justice Department, for the administration, probably for all the U.S. attorneys and all the things that Justice does all around the country and, quite frankly, it is probably best for him as a person to go ahead and step down and move on.

The Attorney General is different from any other Cabinet-level officer. He is mentioned in the Constitution. This is a role that our Founding Fathers envisioned, I believe, to be about the pursuit of justice. The Attorney General should always be held to a higher standard. We should look to him—and we understand that the Attorney General is by nature a political appointment. That is the way the Founding Fathers set it up. But we also look to him to have integrity for that department and to not play politics with the office. He is a political appointee but not to play politics with that office.

One of the things that concerns me the most is some of the things I have been reading in these e-mails that have come out in the last several days between the White House and the Justice Department. Again, many of us have read these e-mails or read parts of them. They talk about the "Bushies." They actually use that term in an e-mail. They talk about loyalty to the Bush administration and how that criteria is paramount in deciding whether to keep or to let go these U.S. attorneys.

Well, I would say this: that is exactly the wrong standard. There is no question in my mind that is the wrong standard. Again, being a U.S. attorney should not be about being loyal to the administration or being political; it should be the exact opposite. It should be about being nonpolitical and about being loyal to the Constitution and the law of the land; to be loyal to the duty you were sworn to uphold. I think this administration has it backwards.

I think U.S. attorneys on the local level have demonstrated over the last couple of centuries that they have been very good at trying to stay above politics and stay out of the political fray. Let me tell my colleagues, I have seen U.S. attorneys all over the country during my lifetime who have taken on very dicey, very difficult cases, and more often than not they do an outstanding job and are very professional in their pursuit of justice.

Things have changed with this administration. From the very top, they want the U.S. attorneys out in the districts, out in the 93 districts around the country to play politics. This is not a hypothetical situation. One would think hypothetically we would want to change this law we are talking about today to make sure those U.S. attorneys would qualify, to make sure they wouldn't play politics with their office, and one would think hypothetically it could be that at some point in the future, maybe some of these U.S. attorneys might decide to go after and prosecute and investigate people who are in the other party but not prosecute and investigate and go after people in their own party. That would be absurd. Apparently, according to these e-mails, that is exactly what was happening in at least some cases.

Let me speak for a moment—I know there are other Senators waiting to speak and, certainly, I want to give them plenty of time. But let me talk about the situation in Arkansas just for a few moments because it was the first one that I became aware of. In fact, it was the first one that any Senator became aware of.

I mentioned to the Judiciary Committee and very briefly to PAT LEAHY in the summer and in the early fall about some of the things I was hearing in Arkansas and that I had concerns because, by all accounts, from everything I understood, Bud Cummins, the then-U.S. attorney in the Eastern District of Arkansas, in Little Rock, had done a good job. Everybody I talked to in the legal community—the judges, people who are familiar with what that office does—thought Bud Cummins had been very professional and thought he had done his job. They thought he had done exactly what he was supposed to do.

I began hearing rumors over the summer that they were going to replace Bud Cummins with Tim Griffin. At that moment in time, I didn't know Tim Griffin. I am not sure I had ever met him. I don't think I had ever met him. I barely even knew who he was. I probably heard some people from Congressman Bozeman's office mention him, but I really had almost no knowledge or no recollection of who he was at all. That is all beside the point. I had never met him. I had been the attorney general in my State. I had been a practicing lawyer in Little Rock for a decade or more before I was attorney general, and I had never run across this guy in the legal community. It turns out nobody else had either because he really hadn't been in Arkansas but maybe about 1 year for his whole professional life; 1 out of maybe 15 years or something like that.

So the bottom line is he didn't have any stature in the legal community. People didn't know who he was. They didn't know anything about him. So that was my concern. I didn't know who he was. I knew he had a very political background. The first question I would have had is, can he check that at the door? And that is something I would want to talk to him about and I think the Senate Judiciary Committee would want to talk to him about. But the bottom line is from the very beginning, what I wanted—the President can nominate whomever he wants to nominate. That is his business. I think it would be smart to check with Senators before he makes a nomination, but it is his business. He can nominate whomever he wants.

From the very beginning, what I was asking for is that they nominate Tim Griffin and send him through the normal confirmation process. I think the people of the Eastern District of Arkansas are owed that. I think we owe it to them to do our best and to have the very best U.S. attorney there. He may be very qualified, but again, because he was an unknown and because he had no real presence in the Arkansas legal community, I thought certainly he was the type of guy who should go through the confirmation process.

So that is really what I have been saying from the very beginning, and this bill, S. 214, does that. It restores the traditional balance. I think that is a healthy balance. I think that is a good balance. I think it is something we need to go back to immediately.

Now, I mentioned Bud Cummins and Tim Griffin. Listen. In my mind this issue is much larger than those two people, and it is much larger than Democrats and Republicans. This issue is really fundamental to the Constitution; that is, should the Senate have the ability to confirm, give the advice and consent, on U.S. attorneys. I say the answer to that is, yes. I think that is something we as Senators should fight for. I think we need to do this to the best of our ability. We need to be fair. We need to move them through the process.

By and large, when one looks at the history of U.S. attorneys being confirmed, we haven't had big knockdown, drag-outs over U.S. attorneys. But given the fact that U.S. attorneys go through Senate confirmation, it keeps the administration honest on whom they nominate. I think that is a very important point.

Here again, with S. 214, we are trying to restore that balance that had worked so well before.

One last thing. In the e-mails you see, in my view, a real abuse of power. Over and over you see e-mails between the Justice Department and the White House, and among themselves, where they say they need to do this, and they need to have this appointment power, and if they don't use it, why in the world should they have it. There again, I think that approach to Government is dangerous. It is shortsighted, and it seems to me someone who would make that type of statement is more interested in the power of the office rather than doing what is right. If there is one agency in the Federal Government about doing what is right, it ought to be the Department of Justice.

With all that said, I urge my colleagues to please support S. 214. It is good legislation. It restores the natural balance of what has worked so well for a long time around here. Once we can restore that natural balance, I think the people all over this country will feel better about their local U.S. attorney.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas, Mrs. LINCOLN, is recognized.

Mrs. LINCOLN. Madam President, I come to the floor this evening as a cosponsor of Senator FEINSTEIN's legislation, S. 214, regarding the interim appointment of U.S. attorneys. I am here this evening to vigorously restate my support for this bill and urge my colleagues to support its passage. I signed on to this legislation in January following the interim appointment of Tim Griffin as U.S. Attorney for the Eastern District of Arkansas, who replaced former U.S. Attorney Bud Cummins.

I take this opportunity to compliment Senator PRYOR, who has done a tremendous job in working with Senator FEINSTEIN and others on this legislation. His background as attorney general in our State, along with his real ability within the Senate to work through these issues to bring a calm and respectful response to the concerns that exist here has been a tremendous asset to this body in being able to bring the bill forward. I thank him and compliment him so much for his service. I am very proud to serve alongside him here in the Senate.

When the Congress reauthorized the PATRIOT Act last year, we granted the administration the authority to appoint U.S. attorney vacancies on an interim basis. Remember, this was for emergency circumstances. The administration asked for this authority based upon the idea that if a national security issue arose requiring a new U.S. attorney, the Attorney General could step up and provide a replacement in a time of crisis without the delay of the confirmation process. For those of us who come from places such as Arkansas, close to Oklahoma, the Oklahoma City bombing comes to mind where a Federal building may be destroyed, and all of a sudden you need to make sure the proper authorities in public service are in place to be able to continue to serve the public there. So we have certainly references of where emergencies might occur. But in these instances we have seen reviewed, I don't think anybody else could substantiate a real emergency circumstance.

One of the first questions I asked the Justice Department, when they asked to do an interim appointment so quickly, was: Was there an emergency in this situation? I had not heard about one.

In a January Senate Judiciary hearing, Attorney General Gonzales stated this emergency provision would not be used for political purposes or to circumvent the nomination process. Yet how else could it be explained?

Furthermore, the Attorney General pledged he would work with home State Senators to provide replacement U.S. attorneys. I listened to the Attorney General's comments, but we now know the actions of his Justice Department in recent months do not match the rhetoric he delivered.

Specific information revealed last week shows the Justice Department deliberately and deftly planned to circumvent the rules for appointing U.S. attorneys by politicizing the emergency provision we authorized.

In one e-mail exchange between White House staff and officials at the Department of Justice, the administration specifically plotted to "gum this to death" and otherwise to "run out the clock" in an effort to avoid the confirmation process to replace former U.S. Attorney Bud Cummins in Arkansas.

These actions are a disservice to the Justice Department, to this administration, and to all Americans. They demonstrate a willful lack of transparency and respect for the system of checks and balances our forefathers instituted. They foresaw the need to make sure the three coequal branches of Government would remain separate, that there would be a balance and a check to make sure these different branches of our Government were operating as they should.

I recognize the U.S. attorneys serve at the pleasure of the President and they are political appointees. Lord, we have heard that ad nauseam in this debate, that these U.S. attorneys serve at the pleasure of the President. But that does not mean they can politicize the law. It does not mean they serve the President and they serve in these positions for political purposes. They serve in these positions as stewards of the law of this land. They serve in these positions as public servants to defend the rule of law in this country. However, they have a duty and a responsibility, as well, to implement the laws of our Nation without political favor or bias.

That is why the confirmation process is so very important, to ensure that nominees are qualified and are committed to the rule of law. We know they are going to be nominees of the President and that perhaps they certainly are acquaintances or those whom the President or administration would know, but they still have to be qualified and they still have to be able to implement the rule of law. It is an important check and balance that has served our Nation well, and any attempt to undermine it represents a breakdown in our system.

The e-mails released last week show either a blatant attempt to deceive the Senate or, at the very least, serious mismanagement under the Attorney General. This controversy has caused a serious breach between the Justice Department, Congress and, most importantly, the American people—a breach I am not sure can be repaired if Mr. Gonzales remains Attorney General.

That is why I am here this evening to preserve the Senate's role in the confirmation process and to restore our system to the way our forefathers envisioned it.

I compliment Senators FEINSTEIN, LEAHY, and SPECTER for their leadership on this issue. This bill represents a compromise on this issue, and the bipartisan leadership they have shown should serve as an example to this entire body.

I also thank the numerous U.S. attorneys and their staffs all across this great Nation for the critical work they do to protect our communities by enforcing the laws of our Nation. Far too often, they do not receive the credit they deserve.

It is unfortunate the Senate is having to set aside time to debate this legislation because we have so many pressing priorities that must be addressed as this year progresses. Yet we have had to step aside and look at what has gone wrong and how we can prevent it from happening again.

How has this breach of trust affected our overall system? Most importantly, we have to look at what it has done to the sentiments of the American people—those who want desperately to trust us, to trust those of us in the legislative branch, to trust those in the executive branch, and to trust those in the judicial branch to do our jobs, to be there for them as part of the American democracy and what it is we stand for in this country, so they can trust that the laws we create will be implemented without political bias, and that we would work together as branches of Government.

When we look at, unfortunately, what has happened, the mismanagement that has occurred time and time again, from this administration particularly—whether it was the civilian mismanagement we saw early on in Iraq, or the mismanagement of FEMA in Katrina, and the response the Government has to the people of the gulf region, we look at these areas where the mismanagement that occurred has eroded the faith of the American people in this incredible democracy we are all so proud of.

Our democracy relies on independent and unbiased law enforcement. It is our duty to ensure that these problems are corrected. I encourage my colleagues to support Senator FEINSTEIN's bill, S. 214.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, first, I thank the Senator from Iowa for his courtesy in allowing me to proceed.

I rise to commend Chairman LEAHY of our Judiciary Committee, and Senators CHUCK SCHUMER and DIANNE FEINSTEIN, my senior Senators on that committee, for their very deep concern about the politicization of the Department of Justice by the Bush administration.

As you know, I am new to this body, but having served as Rhode Island's U.S. attorney for 4 years, I want to share some thoughts based on that experience.

First, I want to point out that even if everything the administration has said about their firing of these U.S. attorneys were true—and we certainly have cause to doubt that—there is still a very real concern here that merits the attention of this body over the independence of the U.S. attorneys.

My experience convinces me—and it convinces me firmly—that Main Justice and the U.S. attorneys in the field check and balance each other in a way that is very healthy for the administration of justice in this country. Even if the mass firings—the purge of U.S. attorneys—had been done to punish policy differences with the Department of Justice, the firings would still defeat that healthy check and balance.

Bear in mind that nothing has been shown that suggests the exercise of graduated discipline one would expect in any kind of a well-managed setting. For instance, Carol Lam was ostensibly fired for not prosecuting enough low-level immigration cases. But when she was here testifying before us, she testified she was not told that when she was fired; nor, evidently, was she ever told beforehand this issue was a serious problem for her or that it might cost her job.

Even enemy ships usually get a warning shot. So the message of these firings to the U.S. attorneys from the Bush administration is this: You serve at our whim. You displease us at your peril. A sudden firing awaits you if you cross us.

That is a very bad message to send in the context of this traditional balance. Intimidation by purge is a tactic far better suited for a Soviet ministry of justice than for the U.S. Department of Justice—that is, if everything they have said is true, which brings us now to the question of the Department of Justice telling the truth.

Let me start by saying, as I have said to the Attorney General directly, unless you are first a department of truth, you will never be a Department of Justice. Without truth, there can be no justice. We know already—because they have admitted it—the Department of Justice came before the Senate days ago and told us things that were not true. We also know they have said things that are inconsistent. They have not yet told us which statement is true and which statement is not true, but they have said things that cannot both be true. At least one must inevitably be false. We also know they have said things that boggle the imagination. Perhaps they are true, but it seems mighty unlikely.

The big question within this shameful cloud of admitted falsehood, inevitable falsehood, and probable falsehood is this: What truth hides behind the bodyguard of lies? Is it this: U.S. attorneys who prosecuted public corruption cases against Republicans or those who did not bring public corruption cases against Democrats were terminated with extreme political prejudice? Is that what made them fail the Department of Justice test that they be "loyal Bushies"? Is that what made Carol Lam a "real problem" for the Department of Justice on the day Republican corruption indictments were announced?

Like dead flesh that must be excised before a wound can heal, like rotten wood that must be scraped away before rebuilding can begin, the cloud of falsehood that now wraps around the Department of Justice must be dispelled. It must first, again, become a department of truth or else it can never again be our American Department of Justice. We cannot tolerate a Department of Justice or an Attorney General who will not give the complete truth and face the consequences.

I think at least three questions must be pursued by the Judiciary Committee or, if and when necessary, the entire Senate.

One, let's review authoritatively the historic relationship between U.S. attorneys and the Department of Justice, if necessary with expert assistance from historians and input from U.S. attorneys who served in past administrations.

The President of the United States has said this selective mass firing of U.S. attorneys is—this is his quote—"customary practice." As a former U.S. attorney myself, I believe that statement by the President of the United States to be false. His own Department of Justice officials seem to have conceded in their e-mail traffic that it is false. But let's take a thorough look because—I should not have to state the obvious—our President should not be saying things that are not true and also because that historic balance between independent U.S. attorneys serving in the field, in their districts, before their judges, and knowing their communities, against the group here in Washington that runs Main Justice, that historic balance has value which should not be destroyed.

Two, let's get the full, exact, unvarnished truth of what happened, and let's fix accountability for things that were said that were false. Falsehood has no place within the halls of the Department of Justice. Whatever needs to be done to dispel the clouds of falsehood, we must do.

Three, if, indeed, the worst is to be feared and this Department has infected its pursuit of political corruption with partisan bias, let's find that out. Let's start by looking at the cold, hard, numerical statistics on public corruption matters under this administration, again with expert help, if necessary, and certainly with full regard for the confidentiality of such investigations, and let's see what the factual record is and what it suggests. We can then proceed as necessary.

God forbid this should be so, but the air is thick with reasonable suspicion which must be laid to rest, and if the worst should prove true, God forbid the Senate fail in its duty to preserve, protect, and defend the integrity of our Government where its integrity should least be questioned—in the U.S. Department of Justice.

I look forward to working with my learned colleagues on the Judiciary Committee to do whatever is necessary to restore the honor and credibility of a once-proud department and the tradition of its able and independent U.S. attorney corps. In the meantime, I hope we will all support Senator FEINSTEIN's commendable legislation, S. 214, to close the PATRIOT Act loophole that may have invigorated the Bush administration in its unprecedented assault on the U.S. attorney corps.

I thank the Chair.

The PRESIDING OFFICER (Mr. SANDERS). The distinguished Senator from Iowa.

THE SMITHSONIAN INSTITUTION: CANCEL THE CHAMPAGNE

Mr. GRASSLEY. Mr. President, every year hundreds of thousands of Americans come to our Nation's Capital for what will be for many a once-in-a-lifetime vacation. A highlight of that visit for most families is seeing the Smithsonian museums.

The Smithsonian, as everybody knows, is home to many of our Nation's treasures, from Lincoln's top hat to the Hope Diamond. I have a picture of the Hope Diamond here. The Smithsonian receives over 70 percent of its support from the Federal taxpayers, over $700 million a year of taxpayers' money just in the last year. In addition, the Smithsonian receives over $200 million in donations each year. These donations are tax deductible, so the taxpayers also subsidize these charitable gifts as well. Thus, Federal taxpayers either pay for or subsidize almost the entire Smithsonian budget. Given that money is fungible, when taxpayers' dollars are paying for one thing at the Smithsonian, that frees up other money for the Smithsonian to spend elsewhere.

Despite the strong support the Smithsonian receives, the Government Accountability Office recently found in a record that there was significant damage to Smithsonian buildings and some exhibits because of water leakage. In fact, one of the Smithsonian buildings on the Mall, the Arts and Industry Building, has been closed to the public because of damage to the roof.

The Smithsonian seems, on one hand, to have recognized the need to tell their employees they need to pinch pennies. The Washington Post, in a story in this morning's paper, cites a Smithsonian memo sent to employees urging them to save energy by turning off decorative and accent lighting.

Unfortunately, while the rank-and-file at the Smithsonian and the strength of this great institution were told to count the pennies and turn off the lights, the Secretary of the Smithsonian, Mr. Lawrence Small, was throwing hundreds of thousands of dollars out the window. Money was thrown at his house, his office, and first-class travel for Mr. Small and his wife.

One of the great treasures in the Smithsonian is Dorothy's ruby slippers from "The Wizard of Oz," as shown in this picture. What Dorothy learned in that classic movie is that "there is no place like home."

Just like for Dorothy, for Mr. Small, there is no place like home. The Secretary of the Smithsonian has taken that sentiment to heart, spending hundreds of thousands of dollars on paintings, repairs, house cleaning, lawn service, even his cable, and presenting the bill to the Smithsonian for payment.

The Smithsonian Board of Regents wants to justify the million-dollar-plus in expenses paid for at Mr. Small's house, which he owns, because the Board of Regents claims he does official Smithsonian entertainment at his home.

What are some of the expenditures at Mr. Small's house? Perhaps most incredible is that the Smithsonian has paid for roof repairs for the Small's house at a time when the Smithsonian can't find the money to fix the roof at the Smithsonian museum. But along with the roof, let me list some other items we are paying for: a chandelier cleaning for $2,535; a pool heater for $4,225.77; three new French doors for $14,525.

Having the taxpayers and the Smithsonian donors pay for what I describe as a champagne lifestyle? Priceless.

Let me turn now to Mr. Small's office at the Smithsonian castle because he has turned that castle into a palace. Again, the Smithsonian tells its hardworking employees that they need to save every cent possible by turning down the lights but wasted every dollar possible on Mr. Small's office suite.

We have just one example here. These chairs reported in the Washington Post this morning are "probably some of the best quality chairs you can buy." Those are the words of the Washington Post. These chairs are $2,000 each. There is a conference table for $13,000, thousands of dollars on carpeting and upholstery, and even finding the money to spend $1,502 on a wall sconce. I don't know if they turn that off, as he has told the employees to turn off lights.

In addition, Mr. Small has decorated his office suite with enough paintings and artifacts from the Smithsonian collection that it would be the envy of many museums. Making one's personal office a museum annex goes against the best practices of museum directors. The Smithsonian's collection is for the people's enjoyment, not for private enjoyment.

It is a sad statement of the Secretary and the board's priorities when one of the newest rooms at the Smithsonian is the Secretary's office—this at a time when the Smithsonian is struggling to keep the buildings open.

In addition to spending on his house and office, what hasn't been reported yet are the enormous amounts of funds spent on top-of-the-line travel by both Mr. and Mrs. Small. The accountant hired by the inspector general found example after example of Mr. Small and his wife traveling with expenses that far exceeded what Federal employees are allowed to spend. I will highlight just two trips for my colleagues, but I want you to know there are many more about which I could speak.

Mr. Small and his wife decided to take a trip to Las Vegas in 2002. The reason ostensibly was to attend the opening of a portrait and a press conference. That, of course, meant a $3,464.50 first-class airline ticket for each. They then stayed at one of the best hotels in Las Vegas, the Venetian, at nearly $500 a night, and enjoyed a $170.79 dinner for two at the Belaggio.

They say what happens in Vegas stays in Vegas, but I am going to make an exception. I posted on the Finance Committee Web site these travel vouchers.

While the Vegas getaway is bad enough, I think the trip to California in 2001 shows a real window into the problems at the Smithsonian. Mr. Small spent over $2,800 in chauffeured limousine service in 4 days, including a whopping $1,319 in 1 day. I want everybody to know I have a car I would be glad to sell to the Smithsonian for what they paid for that car service.

What is even worse, if that is possible, is the excuse given for this out-of-control spending.

In a memo justifying the car service in California, the claim is made that there would be "a safety risk for [Small] to carry as much cash as would have been needed to pay for a taxi. . . ." Even children who claim dogs ate the homework are embarrassed by that excuse. These are very serious problems, and I would say the more we look, the worse it gets in regard to the leadership at the Smithsonian.

I am pleased that the Smithsonian Board of Regents is announcing today the creation of two boards: one a group of outsiders to review the work of the board, and a second group, comprised I understand mostly of Board of Regents members to look at board governance at the Smithsonian.

I am pleased that the Board of Regents is taking these needed steps. I may not agree with the members of the board and how they have handled things, but let me say that I have looked at the governance setup, established over 100 years ago for the Board of Regents, and I feel that architecture is one of the biggest dinosaurs in the Smithsonian. We have to look at that architecture of that governance. The board structures and duties have clearly not kept up with the times in terms of the best governance practices in the nonprofit sector.

In addition, the board's actions of blessing, after the fact, of Mr. Small's expenditures and actions is extremely troubling. In my State of Iowa, we call this the legislature passing a "legalization act," and it raises very real concerns in my mind of whether the board is running the Smithsonian and its secretary or whether the Secretary is running the board.

The actions of the Smithsonian Board of Regents calls to mind my work with some problems with the American Red Cross. This is another organization on which I have conducted oversight. I am pleased that the Senate recently passed legislation that I sponsored that reforms the governance of the American Red Cross. The Red Cross is a great American institution that also needed to modernize its governance, and I worked closely and successfully with the Red Cross leadership and was pleased that they recognized the need for fundamental change. I hope the Smithsonian Institution will look at the Red Cross's experience for guidance.

While the board has much to account for, that does not excuse where the responsibility lies—with the Secretary of the Smithsonian, Mr. Small. While the board should have been more vigilant in its work and overseeing its public trust, make no mistake, it is Mr. Small who ordered the champagne and handed the bill to the Smithsonian.

So let's put to rest this argument that I have heard from some that Mr. Small should not be held accountable for his actions because the board allowed it to happen. I think that excuse is way beyond the pale. We have a right to expect the Secretary of the Smithsonian to have the common sense to know if he wants Dom Perignon, he needs to pay for it out of his own pocket.

The other argument I hear is that Mr. Small should be excused of his taxpayer-supported lifestyle because he has raised money. First, let's remember that 70 percent of the dollars come from the Federal Government. Secondly, I think it is insulting that Mr. Small's supporters are trying to give him credit for every dollar raised at the Smithsonian. There are dozens of people being paid top dollar at the Smithsonian, including the museum directors, to help raise money as well. They are all helping to pull that very big weight.

Finally, Mr. Small's supporters act as if no one raised a dime before he showed up. The Smithsonian is our Nation's great museum. Many patriotic Americans want to show their support and give to this institution regardless of who is in charge, if they have the confidence that the money is going to be spent wisely. For example, the Smithsonian received $123 million in donations in 1999, and that was more than double the amount the year before in 1998. This included, by the way, $60 million from Steven Udvar-Hazy to build the new Air and Space Museum near the Dulles Airport, as well as $10 million from Ralph Lauren to preserve the Star-Spangled Banner. All of this fundraising was done before Mr. Small's arrival.

Thanks to the growing economy and new tax laws that I have helped champion that encourage greater charitable giving, it should be expected that charitable giving will be up at the Smithsonian. In fact, charitable giving is up across the country.

The supporters of Mr. Small who want to point to fundraising to wash away the thousands of dollars spent painting Mr. Small's own house reminds me of the rooster who crows and thinks he caused the Sun to rise.

The Smithsonian is the people's museum, and it contains America's treasures. The American people have a right to have someone as a Secretary of the Smithsonian who enjoys their confidence. I believe the Secretary of the Smithsonian has lost the confidence of the American people with his actions, actions that have been contrary to the public trust that he has been given. It is proper and needed for the Board of Regents to take a hard look at itself and the actions from the board. More immediately, however, I would suggest the Board of Regents needs to consider whether the Secretary of the Smithsonian should continue in his position, a position that he should continue in only if he has the trust and confidence of the American people and their representatives.

I think the board itself has learned a lot recently, and if the Board of Regents looks closely at the facts and listens to what the people are saying, it will have to consider very hard whether the time has come to turn off the lights in the Office of the Secretary of the Smithsonian.

Mr. President, I yield the floor.

Mrs. McCASKILL. Mr. President, first, I have had the opportunity to listen to my colleague from the great State of Iowa, and I want to tell Senator GRASSLEY that I couldn't agree with him more in the speech he just gave concerning the leadership of the Smithsonian museum. I find it is not dissimilar to some of the problems we found from time to time with college presidents of public universities, that somehow we get off the beaten path in terms of taxpayer funding. I certainly commend him for the work he is doing in that area.

I rise this afternoon, however, to talk a little bit about something that is so close to the heart of our democracy, and that is the rule of law. As a very young lawyer out of law school, I was very blessed to have the opportunity to begin my legal career as an assistant prosecuting attorney in the courtrooms of Jackson County, in Kansas City, MO. I learned so much in those first few years that I toiled as an assistant prosecutor. I had a felony docket, and I was learning from great prosecutors. It is inspiring when I think back on the quality of legal work that was going on in those courtrooms on behalf of the public by the prosecuting attorneys who worked there for very little money.

I was mentored on the rules of evidence and on courtroom strategy, but, most importantly, I was mentored on the rules as they relate to the ethics of a prosecutor. Where is that line and how do you draw it? How does a prosecutor make the decision as to whether this is justice in terms of a sentence or this is not justice, and it must be put in the hands of a jury when you are trying to decide plea bargains. Charging decisions: how do you decide when someone is charged with a felony or whether you let it go with a misdemeanor, or perhaps not charge at all?

Those lessons were so fundamental to the work that was done. It was from that experience that I began to revere—revere the rule of law in the United States of America. It is fundamental to our democracy. It is the engine that runs our democracy. It is the envy of the rest of the world.

As I have traveled from time to time in other countries, I have seen this firsthand. I will never forget a time when I was in a foreign country and we got pulled over by a police officer. We asked the native who was helping us around the country that day: What is this? He said we have to pay him. I remember thinking to myself how fortunate we are in America that there isn't an ingrained system of bribery on the streets of our cities because we have this rule of law.

What is the heart of the rule of law? At its very essence, if you strip away everything else, what is core and central to the rule of law? It is the independent prosecutor. It doesn't matter if you become a prosecutor by election or selection. Once you take that oath, once you raise your hand and swear to the job that you are about to take, you must become blindfolded to any political considerations. You must see all lawbreakers as equal whether the lawbreaker is a Congressman, a police officer, or a high school dropout who is unemployed.

What is so offensive about the e-mail traffic that has been discovered at the Department of Justice surrounding the firing of eight prosecutors in the Federal criminal justice system has been their reference to loyalty—"loyal Bushies"—loyalty to the President and, by implication, to his party.

Prosecutors I have known, and I am lucky that I have known hundreds, have loyalty to only one thing, and that is to the law. Good American prosecutors are slaves to the facts of the case and loyal only to the law of this great country. They have great power, prosecutors in our country. The decisions they make, as they apply those facts to our law, can achieve justice. Those same decisions can also ruin lives.

What is happening right now in the United States as it relates to these eight U.S. attorneys, frankly, isn't that important in the grand scheme of things to those eight U.S. attorneys, or those eight prosecutors. Am I sorry that they have been caught up in what appears to be a political scandal as it relates to their firing? Am I sorry that they have been maligned, and it was said that they were underperforming when, in reality, this was about being a "loyal Bushie"?

By the way, I am quoting the e-mail when I say "loyal Bushie." That is the only reason I would use that term on the floor of the Senate, quoting that document.

What really is happening is very important to all the other prosecutors across the United States of America, particularly those prosecutors in the Federal system because, frankly, what the Justice Department is implying is if you still have your job as U.S. attorney, you are loyal to the President of the United States and that is why you kept your job; not that you were loyal to the law. The Attorney General's action implies they kept their jobs because they were loyal to the President.

It is not OK to judge a prosecutor through a prism of political loyalty. The facts show that these decisions included discussions of the prosecutor's loyalty to the President, and because of that fact, and that fact alone, the Attorney General owes them and the rest of America much more than an apology. He owes them his resignation.

TRIBUTE TO FORMER SENATOR TOM EAGLETON

Also, as a young prosecutor, I was very fortunate to have a man who was a mentor to me and continued to be a mentor until, very sadly, the end of his life just a few days ago. He was a great politician, and there is no place he would prefer to be called that than on the floor of the Senate.

There is a hole in the heart of Missouri with the death of Senator Tom Eagleton. He was a giant among leaders and leaves a legacy that should guide public servants and Senators for generations to come.

Beginning in 1956, at the age of 27, he also became a prosecutor. He was elected the prosecutor of St. Louis city, a circuit attorney. In a brief 12-year span, he became elected prosecutor of St. Louis, went on to be elected to the attorney general's position and then on to Lieutenant Governor and on to U.S. Senate—a whirling dervish of energy, intellect, and ambition.

In 1968, when Missourians sent our "boy wonder" to Washington, we knew he would achieve greatness, and he certainly didn't disappoint us. Within his first term, he had already begun to turn the tide on the environmental damage that had ensued within the half century after the industrial revolution by helping craft the Clean Air Act of 1970 and the Clean Water Act of 1972. He was a strong advocate for children with disabilities and created the National Institute on Aging.

While much of what Senator Eagleton did in the Senate made a true impact on America and the world, no action may have been as great as his handwritten amendment that stopped the bombing in Cambodia. This courageous act changed the course of history by subsequently ending the Vietnam war. His complete grasp of the complexities of foreign policy continued until his death.

As he talked to me in February of 2005 and tried to convince me to run for the Senate, he said to me: Claire, this war in Iraq is a disaster and, believe me, it is going to get much worse before it gets better.

Even in the later years of his life, he was a virtual fountain of information about foreign policy across the world. Despite the fact that Senator Eagleton was a scholar at Amherst College in Massachusetts and Oxford and a cum laude graduate from Harvard Law School and prominent attorney and politician, he could relate to anybody. "Just call me Tom," he would always say, with a warm grin and a firm handshake. That was his style—plainspoken, genuine, and usually the funniest man in the room.

His ability to be the voice of everyday Americans was the reason he was elected to three terms in the U.S. Senate and the same reason it was so hard for him to leave public service in 1986. But, characteristically, he left office with very modest words. He said:

> There is no sadness in leaving public life while you still have something worthwhile to do and the time and motivation to do it.

And that he certainly did. In the famous style and personality that was Tom Eagleton, he went from public office but not from public life. A university lecturer, political commentator, writer, philanthropic fundraiser, community advocate, sports enthusiast, Tom continued to pursue dreams of a different kind.

While Tom shied away from claiming due credit, his good friend and colleague from the other side of the aisle, Senator John Danforth, summed up his amazing political career by saying:

> What has set Tom Eagleton apart from the rest of us is not his intellect and his energy, as impressive as they are. It is his moral passion, his capacity for outrage, his insistence that justice be done, that wrongs be made right.

More than what Americans gained from his victories, achievements, degrees, and accolades is the lessons we find in his words that we can take into the future:

> Be civil and modest. Act with courage and integrity. Pursue your dreams and do right by your neighbors. And most of all, don't take yourself too seriously.

His memorial service was a wonderful tribute to Tom Eagleton. We all laughed and we cried. Some giants from the Senate were in attendance, and some Democratic ward workers from a nearby political ward who had been working the phones and putting up yard signs for 30, 40 years—all sat together and listened to great stories about a great man.

We all appreciated the fact that Senator Tom Eagleton wanted the last word. So, a year before his death, he wrote a letter—I would like to make it part of the RECORD today—that everyone who attended the memorial service was lucky enough to receive. It talks about his life, it talks about his service in the Senate, it talks about the things that were important to him, and about his family—which was most important to him. But you got the sense of the man even from his farewell address, and I will close today by using the last line he used in the letter he wrote that he wanted distributed at his memorial service:

> So go forth in love and peace—be kind to dogs—and vote Democratic.

I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From STLtoday.com, Mar. 11, 2007]

THOMAS F. EAGLETON FAREWELL ADDRESS

Senator Tom Eagleton wrote the following words of farewell in May, 2006, with instructions that they be shared with his family and friends at Saturday's memorial service.

Barbara, Terence, Christy, Michael, grandchildren Barbara, James and Greg, and friends all:

This is my last audience and, thus, I think I am entitled to the last word.

Using Lou Gehrig's famous quote, "I consider myself the luckiest man on the face of the earth."

I have had a wonderful, understanding wife. She has endured all of my foibles and I love her for it. I have been an absentee father. Politics is an all-absorbing, all-consuming profession. It takes a total, exclusive grip on one's life. So I apologize to Terence and Christy and express how much I love them.

I most fondly remember my mother. I was her favorite. I am reluctant to use Nixon phraseology, but my mother was a saint. She was a gentle woman and had the strength to put up with such determined personalities as my father, my brother and me.

From early days, I wanted to be a senator. My father would have made a great one. He was a magnificent trial lawyer. He was, in my mind, as great a speaker as FDR. He did not do so well in politics because he insisted on making every campaign decision by himself. I think, in a subliminal sense, I oozed into politics because I knew I could not be as great a lawyer as him and maybe I could prove to be a good politician.

My father was one of my three idols along with FDR and Eugene Hecker, my English teacher at Country Day School. Mr. Hecker thought every American should be able to read, write and speak the English language—including his students.

My dad did not think in insular or parochial terms. He thought a youngster should be exposed to all sorts of views. Once he took me to the old Coronado Hotel to hear Norman Thomas, the frequent Socialist candidate for president. Another time he took me to see a Gerald L.K. Smith protest at Kiel Auditorium. Smith was a racist "preacher" in the style of Bob Jones of Bob Jones University.

Until 1944, dad was a Teddy Roosevelt Republican. He took me to the 1940 Republican convention in Philadelphia where Wendell Willkie was nominated. Dad thought Willkie was the "second coming" of Teddy Roosevelt.

In 1938, dad drove me by a German Bund (pro Nazi) meeting at Grand and Lafayette and explained the dangers of Hitler and anti-Semitism.

He did not take me, but he arranged to have someone else take me to Winston Churchill's "Iron Curtain" speech at Westminster College in Fulton, Missouri. I wrote up the speech for the Country Day News, but left out the "Iron Curtain" part as being lesser importance than other portions of his speech.

Let me make it clear that my father did not push me into politics. His advice to me was to first get established as a lawyer and then consider politics. When I ran for Circuit Attorney at age 26 he said, "You are making a mistake. Wait a few years."

In the Senate, I tried my best to express and vote my conscience. I confess to several "hold your nose" votes, like support for the dreadful price support program for cotton which, at one time, was the crop of choice in the Bootheel of Missouri. I think Senator Phil Hart, Senator Mike Mansfield, my wonderful friend Gaylord Nelson and Jack Danforth were amongst senators who voted their true conscience on every vote.

You may wonder why I mention Jack Danforth. There is a possibility that God is a Republican, and at this point I feel it best to cover all my bases.

I am most proud that the "Eagleton Amendment" was the legislative act that finally ended U.S. participation in the dreadful Vietnam War. I am proud of the original version of the War Powers Act which, had it been enacted as the bill left the Senate, would have re-established the shared powers of the President and the Congress when our nation went to war. This is what our Founding Father envisioned.

I am proud that, when Senator Muskie ran for President in 1972, he directed me to take over our Environmental Subcommittee and we passed the first major Clean Air and Clean Water Acts. By Muskie's anointment, I was the first Vice Chairman for a standing committee in the Senate.

After leaving the Senate, I never missed being there—except for the debate on the nomination of Bork and the horrible, disastrous Iraq War. That war will go down in American history as one of our greatest blunders. It will be remembered, in part, as a curse to our Constitution when Attorney General John Ashcroft attempted to put a democratic face on torture. Vice President Richard Cheney and Secretary of Defense Donald Rumsfeld also will go down in history for their total lack of planning for post-war Iraq.

I think, frankly, people stay too long in Congress. The world changes so rapidly that I think there should be a consistent and continuing infusion of new blood and fresh brain power into the legislative process. Eighteen years for me was enough.

I set forth my own critique of my Senate service. I could and should have done more. I had the energy. I had the desire. In analyzing myself, I blame it on my quickly moving attention span. Ted Kennedy has spent 30 plus years on National Health Insurance. I could not do that. I was too impatient. I wanted quick action and if I didn't get it in a few years, I would move on. That is a major fault for any legislator.

Finally, a word about the Catholic Church. This may seem to be a strange topic to be raised by me, but we are here in church and this is my final word. I do not pretend to be the world's greatest Catholic. Nevertheless, I think the Catholic Church is a vital part of American life, conscience and thought. Just as our Constitution is a remarkable, living code of governance and made relevant to the time in which we live, so too the doctrine of the Catholic Church is a living code of moral behavior and belief which must be relevant to the time in which we live. Its timeliness relies upon its capacity to adapt.

I am a Pope John XXIII and an Archbishop John L. May Catholic, believing in what they said and what I believe they would have said had they lived longer.

The outreach of the Catholic Church from Pope Pius IX to Pope Pius XII was not the outreach of Pope John XXIII. It is John XXIII who made the Catholic Church relevant to the 20th Century and future popes must make it relevant to the 21st Century. It was Archbishop May who made the Catholic Church relevant to the 20th Century in St. Louis. In the era of a Christian right, we seem to have merged God's power into political power.

I am an optimist about death and believe there is a there there. Somehow, in some manner, I will be meeting my parents, my brother and my friends. Somehow, Bob Koster will be waiting for me to tell me where I can buy everything 10% off.

So go forth in love and peace—be kind to dogs—and vote Democratic.

Tom E.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NISEI LINGUISTS

Mr. AKAKA. Mr. President, as we mark our fourth anniversary of our involvement in Iraq, I wish to highlight an important chapter in our military history. With foresight that proved to be a significant factor in America's victory in World War II, the U.S. Army established a Japanese language school a few months before the attack on Pearl Harbor, and recruited students, second-generation Americans of Japanese ancestry, or Nisei, who would become interpreters and translators in the Military Intelligence Service. Their ability to infiltrate the psyche of our enemy through their knowledge of Japanese culture and language is credited with bringing the war in the Pacific to a quicker conclusion and later, helping turn bitter foes into strong allies.

In 1994, I was among a number of Members of Congress, including my colleague and fellow World War II veteran, the senior Senator from Hawaii, DAN INOUYE, who asked the Secretary of the Army to publish an official history of the Military Intelligence Service. Today, I am honored to announce the publication of Nisei Linguists, Japanese Americans in the Military Intelligence Service During World War II, by Dr. James McNaughton, Command Historian, U.S. European Command. Nisei Linguists chronicles the history of the Japanese in America, the events leading to the War, the creation of the MIS, and the Nisei involvement in the War.

For the soldiers of the Military Intelligence Service, and their brethren in the 100th Infantry Battalion and the 442nd Regimental Combat Team, their service was much more than an obligation to the land of their birth; it was an opportunity to prove themselves as loyal American citizens. As many friends, neighbors, and relatives were transported to concentration camps in various locations around the United States, Nisei soldiers enlisted and served with great distinction.

According to Chief of Military History Dr. Jeffrey Clarke, Nisei Linguists also reminds us that:

> the entire experience provides valuable lessons to U.S. Army officers both present and future. In fact, the Global War on Terrorism underlines the need for similar capabilities and programs as the Army girds itself for the sustained struggle ahead.

As chairman of the Committee on Veterans' Affairs, I am privileged to co-host an event marking the publication of Nisei Linguists on Tuesday, March 20th. Among those in attendance will be Dr. McNaughton, Dr. Clarke, and a number of World War II Nisei veterans, including those who served in the MIS.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AGENTS RAMON NEVAREZ, JR., AND DAVID TOURSCHER

• Mr. DOMENICI. Mr. President, I rise today to remind the Senate that not only are brave men and women serving their countries overseas, but they are serving here at home, too. That service can end in tragedy, even on our own soil.

Such an incident occurred last Thursday, March 15, 2007, near Cotton City, NM. I am sad to report that on that day, two Border Patrol agents assigned to the Lordsburg, NM, border patrol station were killed in the line of duty in a vehicular accident. I extend my heartfelt condolences to the families of Agent Ramon Nevarez, Jr., and Agent David Tourscher for their loss.

Agent Nevarez is survived by his wife, Bonnie, his mother Juana, his sister Viridiana, and his brother Ryan. Agent Tourscher is survived by his father Gary and his mother Jeanne.

Border security is one of our first lines of defense in the United States. An important part of that security is the men and women who are willing to serve on the front lines of our borders as Border Patrol agents. Agent Nevarez and Agent Tourscher were two such brave men, and I know the Senate joins me in thanking their families for the service of those two men.•

BURLINGTON COMMUNITY HEALTH CENTER

• Mr. HARKIN. Mr. President, this spring, the new community health center in Burlington, IA, officially opened for business. Having secured funding for the center and attended the groundbreaking ceremony last June, I know how important this health care facility is to Burlington and the surrounding communities. At long last, Des Moines County has a permanent, unified medical and dental clinic something that has been sorely needed for many years.

This is a truly unique community health center. It is housed on the grounds of Southeastern Community College. And there is an agreement between the CHC board and the community college to allow nursing and health aide students to do some of their training in the center. This gives the center an edge in recruiting staff, and it gives students hands-on training opportunities right there on campus. Clearly, this is a win-win-win arrangement for the center, for the community college, and for the entire Burlington community.

I salute Ron Kemp and others who had the vision to create this new community health center, and the persistence to transform their vision into bricks and mortar. The facility is welcoming, modern, and well equipped. And the staff members are truly an inspiration. They have a special passion for their work, and take pride in the fact that they are providing first-rate health care to underserved communities.

Dr. Martin Luther King, Jr., used to say that "Life's most persistent and urgent question is: What are you doing for others?" The staff members at the community health centers of southeast Iowa have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with professionalism and excellence.

As chair of the Health and Human Services Appropriations Subcommittee, I am 100 percent committed to securing appropriate funding for community health centers all across America. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Burlington is a dollar spent wisely and frugally. It never ceases to amaze me how their staff members are able to do so much—and to serve so many people—with such limited resources.

I dare say that nobody in the health care profession faces greater challenges than those who choose to work in community health centers challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: Community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Ron Kemp, to Dr. Beverly Simone, the president of Southeastern Community College, to the center's dedicated board members, to Ted Boesen, executive director of the Iowa/Nebraska Primary Care Association, and to all the other people who made this new facility possible. They work their hearts out to provide the very best health care to some of our most needy citizens. I deeply appreciate their passion, their compassion, and their dedication to public service.•

RETIREMENT OF BOB ROTHENBERG

• Mr. HARKIN. Mr. President, today we recognize a distinguished executive at the Social Security Administration, Bob Rothenberg. Bob is an Associate Commissioner and Director of the Social Security Budget Office. He is a dedicated public servant who has served his country at the Social Security Administration for nearly 37 years.

A native of New York, Bob began his career in the local Social Security Office in Brooklyn. In 1973 he moved to the Budget Office at Social Security Headquarters in Baltimore. Bob's intellect and resolve were quickly recognized and he rose to the position of Budget Director—a position he has held for nearly 20 years. During Bob's long and distinguished career with the agency he has received many awards, of special note, the Presidential Rank and Meritorious Executive Awards.

For many years I have had the privilege of relying on Bob's outstanding work on the Social Security Administration's budget. He has always been resourceful, insightful, and forthcoming.

Bob will retire from the Social Security Administration on March 31, 2007. He will be sorely missed by his fellow colleagues and his congressional contacts on the Hill. He will leave behind the numerous individuals he has mentored and encouraged over the years and who, because of his guidance, are now prepared to carry on his work.

It is important that we in Congress recognize the many men and women who devote their working lives to improve the lives of others. Career civil servants often do their work in quiet anonymity behind the scenes providing vital service to the American people. They are rarely recognized for their important contribution. Bob Rothenberg is one of those people. His record of leadership at the Social Security Administration and his commitment to providing the American people with effective and compassionate service is a record of which he can be justly proud.

I wish Bob all the best in his retirement from Federal service and thank him for his many years of dedicated service.•

HONORING JESSE L. BROWN

• Mr. McCAIN. Mr. President, today I pay tribute to the life and service of Ensign Jesse LeRoy Brown, U.S. Navy. Ensign Brown was born in Hattiesburg, MS, on October 13, 1926. He enlisted in the Naval Reserve in 1946 and was appointed a midshipman, U.S. Navy, the following year. After attending Navy preflight indoctrination and flight training, he was designated a naval aviator in October 1948, the first African American to achieve this status. Midshipman Brown was then assigned to Fighter Squadron 32. He received his commission as an Ensign in April 1949.

During the Korean war, he operated from USS *Leyte*, flying F4U–4 Corsair fighter aircraft in support of United Nations forces. On December 4, 1950, while on a close air support mission near the Chosin Reservoir, Ensign Brown's plane was hit by enemy fire and crashed. Despite heroic efforts by other aviators, he could not be rescued and died in his aircraft. Ensign Jesse L. Brown was awarded the Distinguished Flying Cross for his Korean war combat service.

In honor of his service, the Secretary of the Navy named the 38th ship in the Knox-class of frigates the USS *Jesse L. Brown*.

I know my colleagues will join me in honoring Jesse's memory and celebrating, along with his friends, family, and fellow naval aviators, the addition of a plaque in his memory to the Naval Aviation Monument Park in Virginia Beach to be presented May 5, 2007. Ensign Brown was both a pioneer and a model of service to country, who gave his life that we might enjoy our freedom. Mr. President.•

HONORING TIMOTHY WILLIAMS

• Mrs. MURRAY. Mr. President, today I wish to recognize Timothy Williams for his 35 years of service at the Department of Veterans Affairs. This month, he is retiring as director of the VA Puget Sound Healthcare System. I want to thank him for his many years of hard work and leadership.

Our country makes a solemn promise to our servicemembers and their families, and every day dedicated VA employees help keep that promise. Director Williams faced many challenges in providing care in the Puget Sound, from increasing caseloads to difficult budgets. Through it all, he approached those challenges with unparalleled respect, understanding, and compassion for our veterans.

Throughout the country, the VA is recognized as providing some of the best health care in the Nation. The VA has led the way in pioneering electronic medical records and critical health research, much of which has been done in Seattle and Tacoma under the direction of Director Williams. On behalf of the constituents I represent, I want to thank Director Williams and all of the dedicated VA employees who have worked so hard to reach those milestones.

Director Williams has been a tireless champion for veterans. Working closely with Veterans Service Organizations, individual veterans, and the congressional delegation, he was always willing to work with people, to listen to their needs, and to sit down and discuss what is possible.

From hosting the VA's Wheelchair Games in 1995, to establishing one of the Nation's best spinal cord injury centers, to renovating the cancer clinic and bringing a Fisher House to the Seattle campus of the VA Puget Sound, Director Williams leaves behind a great legacy of championing the needs of veterans.

Circumstances were never easy for the VA's Puget Sound health care system. Tight budgets forced Tim and his entire staff to do more and more with less and less. As demand for care increased, Director Williams expanded the ability for the VA to treat more veterans. In fact, he oversaw the doubling of the patient care area to meet the demands.

Tim and his staff worked to expand the VA's efforts to treat veterans from Iraq and Afghanistan through the Deployment Health Clinic. The clinic focuses on the care of veterans who are experiencing health concerns related to a specific deployment. At the clinic, veterans receive a comprehensive evaluation, benefits counseling, and assistance with compensation and pension claims. Deployment Health Clinic staff will continue to provide veterans with their primary medical care as well as their mental health follow-up.

Today, the VA is facing tremendous challenges. A whole new generation of veterans is entering the system, and many will need care and support for a lifetime. As the VA takes on these new challenges, I know Director Williams will be missed. I hope his legacy lives on throughout the VA's Puget Sound health care system and throughout the VA.

I have said many times that VA staff members are truly our unsung heroes. Director Williams is one of those heroes. Whether attending veterans' gatherings in Port Angeles about efforts to expand VA care on the Peninsula, or working with the difficult issues facing the Walla Walla VA Medical Center, Tim approached his job with integrity, honesty and a dedication to America's veterans.

Director Williams, I wish you all the best in the future, and thank you for your distinguished service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–992. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Aviation Into-Plane Reimbursement Card" (DFARS Case 2006–D017) received on March 15, 2007; to the Committee on Armed Services.

EC–993. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Security-Guard Services Contracts" (DFARS Case 2006–D011) received on March 15, 2007; to the Committee on Armed Services.

EC–994. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Protests, Disputes, and Appeals" (DFARS Case 2003–D010) received on March 15, 2007; to the Committee on Armed Services.

EC–995. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Exceptions—Acquisition of Perishable Food, and Fish, Shellfish, or Seafood" (DFARS Case 2006–D005) received on March 15, 2007; to the Committee on Armed Services.

EC–996. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Free Trade Agreement—El Salvador, Honduras, and Nicaragua" (DFARS Case 2006–D019) received on March 15, 2007; to the Committee on Armed Services.

EC–997. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Radio Frequency Identification" (DFARS Case 2006–D002) received on March 15, 2007; to the Committee on Armed Services.

EC–998. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–999. A communication from the Attorney, Office of General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel Transportation Program; Replacement Fuel Goal Modification" (RIN1094–AB67) received on March 15, 2007; to the Committee on Energy and Natural Resources.

EC–1000. A communication from the Assistant Secretary of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to energy conservation standards; to the Committee on Energy and Natural Resources.

EC–1001. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Assessment of Potential Impact of Concentrating Solar Power for Electricity Generation"; to the Committee on Energy and Natural Resources.

EC–1002. A communication from the Under Secretary for Science, Department of Energy, transmitting, pursuant to law, a report relative to a study conducted to assess management practices in the Department; to the Committee on Energy and Natural Resources.

EC–1003. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the implementation of the Quincy Library Group's forest management proposal; to the Committee on Energy and Natural Resources.

EC–1004. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Update of New and Reaffirmed Documents Incorporated by Reference" (RIN1010–AD24) received on March 14, 2007; to the Committee on Energy and Natural Resources.

EC–1005. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Cook Composites and Polymers Company" (FRL No. 8285–3) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1006. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL No. 8114–4) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1007. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thifensulfuron Methyl; Pesticide Tolerance" (FRL No. 8117–1) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1008. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tribenuron Methyl; Pesticide Tolerance" (FRL No. 8117–2) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1009. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vermont: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8287–8) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1010. A communication from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 9" (RIN3150–AI03) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1011. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, the report of several documents recently issued by the Agency that are related to its regulatory programs; to the Committee on Environment and Public Works.

EC–1012. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Surface Transportation Project Delivery Pilot Program" (RIN2125–AF13) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1013. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Statewide Transportation Planning; Metropolitan Transportation Planning" ((RIN2125–AF09) (RIN2132–AA82)) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1014. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Size and Weight Enforcement Regulations" (RIN2125–AF17) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1015. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Construction and Maintenance" (RIN2125–AF18) received on March 15, 2007; to the Committee on Environment and Public Works.

EC–1016. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts for fiscal year 2006; to the Committee on Environment and Public Works.

EC–1017. A communication from the Chair, Good Neighbor Environmental Board, transmitting, pursuant to law, the Board's annual report relative to environmental protection activities and homeland security activities along the U.S. border with Mexico; to the Committee on Environment and Public Works.

EC–1018. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Assessing Alternatives to the Sustainable Growth Rate System"; to the Committee on Finance.

EC–1019. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Medicare Payment Policy"; to the Committee on Finance.

EC–1020. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the report of a rule entitled "Deaths and Estates" (RIN1400–AC24) received on March 15, 2007; to the Committee on Foreign Relations.

EC–1021. A communication from the Assistant Secretary, Office Of Legislative Affairs, Department of State, transmitting, pursuant to law, (5) reports relative to vacancy announcements within the Department, received on March 13, 2007; to the Committee on Foreign Relations.

EC–1022. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary for Public Affairs, received on March 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1023. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Deputy Secretary of Labor, received on March 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1024. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Magnet Schools Assistance Program—Notice of Final Priority" (FR Doc. E7–4272) received on March 14, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1025. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects and Rehabilitation Engineering Research Centers" (FR Doc. E7–2349) received on March 14, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1026. A communication from the Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Magnet Schools Assistance Program—Final Regulations" (FR Doc. E7–4270) received on March 14, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1027. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices; Classification of Cord Blood Processing Systems and Storage Container" (Docket No. 2007N–0024) received on March 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1028. A communication from the Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1029. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's Strategic Plan for fiscal years 2007–2012; to the Committee on Homeland Security and Governmental Affairs.

EC–1030. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Practice of Merit: A Symposium"; to the Committee on Homeland Security and Governmental Affairs.

EC–1031. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the approved mileage reimbursement rate per mile for Federal employees; to the Committee on Homeland Security and Governmental Affairs.

EC–1032. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the progress made according to section 5 of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

EC–1033. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "5 CPF Part 211: Veteran Preference" (RIN3206–AL00) received on March 14, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1034. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Long Term Care Insurance Program: Miscellaneous Changes, Corrections, and Clarifications" (RIN3206–AK99) received on March 14, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1035. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Employment in the Senior Executive Service, Restoration to Duty from Uniformed Service or Compensable Injury, Prevailing Rate Systems, Pay Administration (General), and Pay Administration Under the Fair Labor Standards Act; Miscellaneous Changes to Pay and Leave Rules" (RIN3206–AL21) received on March 14, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1036. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of General Counsel, received on March 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1037. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States"; to the Committee on the Judiciary.

EC–1038. A communication from the Assistant Secretary of the Navy (Installations and Environment), Department of Defense, transmitting, pursuant to law, the report of a planned streamlined competition of military personnel performing air and surface training support functions at the Fleet Composite Squadron Six in Norfolk, VA; to the Committee on Armed Services.

EC–1039. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, an annual report relative to the status of female members of the Armed Forces; to the Committee on Armed Services.

EC–1040. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1041. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" (72 FR 5197) received on March 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1042. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((72 FR 5630) (FEMA–7961)) received on March 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1043. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Entities to the Entity List" (RIN0694–AD91) received on March 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1044. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Money Penalty Amounts" (RIN2501–AD30) received on March 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1045. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the financial statements of the Deposit Insurance Fund and the FSLIC Resolution Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC–1046. A communication from the Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the apportionment of membership on the regional fishery management councils; to the Committee on Commerce, Science, and Transportation.

EC–1047. A communication from the Vice President, Government Affairs and Communications, National Railroad Passenger Corporation, transmitting, pursuant to law, a report relative to the financial performance of train routes; to the Committee on Commerce, Science, and Transportation.

EC–1048. A communication from the Assistant General Counsel for Aviation Enforcement and Proceedings, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Domestic Baggage Liability" (RIN2105–AD62) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1049. A communication from the Secretary, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Maintenance Repair Reimbursement Pilot Program" (RIN2133–AB68) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1050. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Periodic Update, Various Categories" (RIN2135–AA24) received on March 15, 2007; to the Committee on Commerce , Science, and Transportation.

EC–1051. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135–AA25) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1052. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model AB139 Helicopters" ((RIN2120–AA64)(Docket No. 2006–SW–20)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1053. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–029)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1054. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Columbia Aircraft Manufacturing Models LC41–550FG and LC42–550FG Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–71)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1055. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–176)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1056. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–1A11, CL–600–2A12, and CL–600–2B16 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–201)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1057. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–007)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1058. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B300, and B300C Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–34)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1059. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–089)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1060. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Model Arrius 2B1, 2B1A, and 2B2 Turboshaft · Engines" ((RIN2120–AA64)(Docket No. 2006–NE–38)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1061. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–059)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1062. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–67)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1063. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines AG V2522–A5, V2524–A5, V2527–A5, V2526E–A5, V2527M–A5, V2530–A5, and V2533–A5 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2003–NE–21)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1064. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT–501, AT–502, AT–502A, AT–502B, and AT–503A Airplanes" ((RIN2120–AA64)(Docket No. 2004–CE–48)) received on March 15 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–1065. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146–RJ Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–133)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1066. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–47)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1067. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PZL–Bielsko Model SZD–50–3 'Puchacz' Gliders" ((RIN2120–AA64)(Docket No . 2006–CE–49)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1068. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 707–100 Long Body, –100B Long Body, –100B Short Body, –E3F, –300, –300B, and –300C Series Airplanes; Model 727–100 and –200 Series Airplanes; Model 737–200, –200C, –300, –400, and –500 Series Airplanes; Model 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747SR, and 747SP Series Airplanes; Model 757–200 and 757–200 PF Series Airplanes; and Model 767–200 and –300 Series Airplanes; Equipped with Observer or Attendant Seats" ((RIN2120–AA64)(Docket No. 2005–NM–030)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1069. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61L, N, R, and NM Helicopters" ((RIN2120–AA64)(Docket No. 2004–SW–23)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1070. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10–VT Gliders" ((RIN2120–AA64)(Docket No. 2006–CE–84)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1071. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–027)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1072. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–0091)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1073. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Withdrawal; Establishment of Class E Airspace; Mineral Point, WI" ((RIN2120–AA66)(Docket No. 06–AGL–02)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1074. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Creston, IA" ((RIN2120–AA66)(Docket No. 06–ACE–11)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1075. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Williamsburg, KY" ((RIN2120–AA66)(Docket No. 06–ASO–13)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1076. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (21); Amdt. No. 466" ((RIN2120–AA63)(Docket No. 30538)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1077. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (20); Amdt. No. 3200" ((RIN2120–AA65)(Docket No. 30530)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1078. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (8); Amdt. No. 3201" ((RIN2120–AA65)(Docket No. 30531)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1079. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (3); Amdt. No. 3203" ((RIN2120–AA65)(Docket No. 30533)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1080. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (17); Amdt. No. 3207" ((RIN2120–AA65)(Docket No. 30537)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1081. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (10); Amdt. No. 3205" ((RIN2120–AA65)(Docket No. 30535)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1082. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–44)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1083. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes Equipped with Rolls-Royce Engines" ((RIN2120–AA64)(Docket No. 2006–NM–203)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1084. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited, Model R2160 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–77)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1085. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW535A Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–35)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1086. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145XR Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–058)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1087. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Stemme GmbH and Co. KG Model S10, S10–V, and S10–VT Gliders" ((RIN2120–AA64)(Docket No. 2006–CE–85)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1088. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–236)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1089. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo Discus T Gliders" ((RIN2120–AA64)(Docket No. 2006–CE–73)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1090. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Correction: Rolls-Royce plc RB211–524 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2004–NE–19)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1091. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–37)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1092. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicma Aero Seat; Third Occupant Seat Assemblies, 133 Series ((RIN2120–AA64)(Docket No. 2005–NE–40)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1093. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation AE 2100D3 Turboprop Engines" ((RIN2120–AA64)(Docket No. 2006–NE–42)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–135)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model F2000EX Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–264)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, B, L, L–1, L–3, and L–4 Helicopters" ((RIN2120–AA64)(Docket No. 2005–SW–22)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–195)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–44)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes Equipped with General Electric CF6–45 or –50 Series Engines, or Equipped with Pratt and Whitney JT9D–3 and –7 Series Engines" ((RIN2120–AA64) (Docket No. 2006–NM–262)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 700 Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 2004–NE–03)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1101. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA—Groupe Aerospatiale TB 20 and TB 21 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–66)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1102. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co. KG Dart 528, 529, 532, 535, 542, and 555 Series Turboprop Engines" ((RIN2120–AA64) (Docket No. 2006–NE–17)) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1103. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (ID No. 021407D) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1104. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" (ID No. 021407C) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1105. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (ID No. 021407B) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1106. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Decrease the Commercial Trip Limit for Atlantic Group Spanish Mackerel in the Southern Zone" (ID No. 013107B) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1107. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 013107A) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1108. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program" (ID No. 021207I) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1109. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 021607K) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1110. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear" (ID No. 021207C) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1111. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notification of 2007 No-Harvest Guideline for the Northwestern Hawaiian Islands Crustaceans Fishery" (ID No. 021207A) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1112. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 022007A) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1113. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (ID No. 021607B) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1114. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area" (ID No. 020507D) received on March 15 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–1115. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 020207C) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1116. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (ID No. 020107F) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of March 15, 2007, the following reports of committees were submitted on March 16, 2007:

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Con. Res. 21. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

John Wood, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Mr. COLEMAN):

S. 911. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, and Mr. KERRY):

S. 912. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. GRASSLEY:

S. 913. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. MCCONNELL, Mr. ALEXANDER, Mr. BOND, Mr. BURR, and Mr. SMITH):

S. 914. A bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes; to the Committee on Finance.

By Mrs. DOLE (for herself and Mr. NELSON of Nebraska):

S. 915. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself, Ms. CANTWELL, Mr. CRAPO, and Mrs. MURRAY):

S. 916. A bill to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 917. A bill to clarify the authority of the Secretary of the Interior with regard to management of elk in Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. SMITH) (by request):

S. 918. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2008 through 2011, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FEINGOLD, Mr. LEVIN, Mr. SANDERS, Mr. SPECTER, Mr. WYDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KOHL, and Mr. MENENDEZ):

S. Res. 111. A resolution expressing the sense of the Senate that the Citizen's Stamp Advisory Committee should recommend to the Postmaster General that a commemorative stamp be issued honoring the life of Oskar Schindler; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 57

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 67

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 117

At the request of Mr. OBAMA, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 169

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 169, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 321

At the request of Mr. THUNE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 321, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 445

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 445, a bill to establish the position of Trade Enforcement Officer and a Trade Enforcement Division in the Office of the United States Trade Representative, to require identification of trade enforcement priorities, and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 502

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 593

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 593, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 600

At the request of Mr. SMITH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 602

At the request of Mr. PRYOR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 623

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 623, a bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 627

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 671

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 692

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 692, a bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Veterans Affairs hospitals.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 721

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 735

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 735, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 858

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 869

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 869, a bill to reform certain provisions of section 404 of the Sarbanes-Oxley Act of 2002, to make compliance with that section more efficient, with the goal of maintaining United States capital market global competitiveness.

S. 882

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 882, a bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes.

S. 890

At the request of Mr. INOUYE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 890, a bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

S. 893

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 893, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 902

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. CON. RES. 14

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. COLEMAN):

S. 911. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to join my colleague, Senator Coleman, in introducing the Conquer Childhood Cancer Act.

This bipartisan legislation seeks to achieve several important goals in our battle against childhood cancer. Specifically, it will expand support for pediatric cancer research, foster the career development of more pediatric oncologists, establish a population-based national childhood database, and provide essential information and support to help families dealing with this devastating disease. Childhood cancer impacts thousands of children and their families each year. While we have made great strides in treating cancer, we have made relatively little progress in advancing our understanding of the most common forms of pediatric cancer. This legislation will provide the focus and resources to hopefully one day find a cure.

Each year, more than 12,500 children are diagnosed with cancer, and more than 2,300 of them lose their courageous battle with the disease. Pediatric cancer not only takes a toll on the child, it affects the entire family—the parents, siblings, friends, and extended family all suffer when a child has cancer. I have had the honor of meeting one such family from Warwick, RI who has taken the pain and devastation of losing their nine year old son to neuroblastoma, a very aggressive childhood cancer, and turned their tragedy into a message of hope. The Haight family is committed, in memory of their son Ben, to providing education, advocacy, and support to other families going through a similar struggle with pediatric cancer. I never had a chance to meet Ben Haight but his mother Nancy has told me of his passion for life and his tremendous sense of strength and courage. Ben fought every day during his four and a half year battle with this disease and his tragic story highlights the importance of this legislation.

It is my hope that the bill we are introducing today will help to step up our efforts with regard to childhood cancer so that one day Ben's story, and thousands of other children like him, will be one of survival. In Rhode Island alone, about eight children each year succumb to various forms of childhood cancer. Each of these children had hopes, dreams, and desires that will never be fulfilled and one cannot quantify the impact each of these children could have had on their communities and on society as a whole. We need to be doing more to give these children a chance to grow up and reach their full potential. It is expected that by 2010 one out of 350 adults will be a survivor of childhood cancer.

The Conquer Childhood Cancer Act will build the foundation necessary to enhance federal efforts in the fight against childhood cancer and will also complement the incredible work of the network of organizations around the country dedicated to the prevention and cure of pediatric cancer.

I look forward to working with my colleagues toward swift passage of this important legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conquer Childhood Cancer Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cancer kills more children than any other disease.

(2) Each year cancer kills more children between 1 and 20 years of age than asthma, diabetes, cystic fibrosis, and AIDS, combined.

(3) Every year, over 12,500 young people are diagnosed with cancer.

(4) Each year about 2,300 children and teenagers die from cancer.

(5) One in every 330 Americans develops cancer before age 20.

(6) Some forms of childhood cancer have proven to be so resistant that even in spite of the great research strides made, most of those children die. Up to 75 percent of the children with cancer can now be cured.

(7) The causes of most childhood cancers are not yet known.

(8) Childhood cancers are mostly those of the white blood cells (leukemias), brain, bone, the lymphatic system, and tumors of the muscles, kidneys, and nervous system. Each of these behaves differently, but all are characterized by an uncontrolled proliferation of abnormal cells.

(9) Eighty percent of the children who are diagnosed with cancer have disease which has already spread to distant sites in the body.

(10) Ninety percent of children with a form of pediatric cancer are treated at one of the more than 200 Children's Oncology Group member institutions throughout the United States.

SEC. 3. PURPOSES.

It is the purpose of this Act to authorize appropriations to—

(1) encourage and expand the support for biomedical research programs of the existing National Cancer Institute-designated multicenter national infrastructure for pediatric cancer research;

(2) establish a population-based national childhood cancer database (the Children's Cancer Research Network) to evaluate incidence trends of childhood cancers and to enable the investigations of genetic epidemiology in order to identify causes to aid in development of prevention strategies;

(3) provide informational services to patients and families affected by childhood cancer;

(4) support the development, construction, and operation of a comprehensive online public information system on childhood cancers and services available to families; and

(5) establish a fellowship program in pediatric cancer research to foster clinical and translational research career development in pediatric oncologists in the early stages of their career.

SEC. 4. PEDIATRIC CANCER RESEARCH AND AWARENESS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417E. PEDIATRIC CANCER RESEARCH AND AWARENESS.

"(a) PEDIATRIC CANCER RESEARCH.—

"(1) SPECIAL PROGRAMS OF RESEARCH EXCELLENCE IN PEDIATRIC CANCERS.—The Director of NIH, acting through the National Cancer Institute, shall establish special programs of research excellence in the area of pediatric cancers. Such programs shall demonstrate a balanced approach to research cause, prognosis, prevention, diagnosis, and treatment of pediatric cancers that foster translation of basic research findings into innovative interventions applied to patients.

"(2) FELLOWSHIP OF EXCELLENCE IN PEDIATRIC CANCER RESEARCH.—The Secretary shall develop a grant mechanism for the establishment, in cooperation with the National Cancer Institute-supported pediatric cancer clinical trial groups, of Research Fellowships in Pediatric Cancer to support adequate numbers of pediatric focused clinical and translational investigators thereby facilitating continuous momentum of research excellence.

"(b) NATIONAL CHILDHOOD CANCER REGISTRY.—The Director of NIH shall award a grant for the operation of a population-based national childhood cancer database, the Childhood Cancer Research Network (CCRN), of the Children's Oncology Group, in cooperation with the National Cancer Institute.

"(c) PUBLIC AWARENESS OF PEDIATRIC CANCERS AND AVAILABLE TREATMENTS AND RESEARCH.—The Secretary shall award grants to recognized childhood cancer professional and advocacy organizations for the expansion and widespread implementation of activities to raise public awareness of currently available information, treatment, and research with the intent to ensure access to best available therapies for pediatric cancers.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for each of fiscal years 2008 through 2012. Funds appropriated under this section shall remain available until expended.".

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, and Mr. KERRY):

S. 912. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am reintroducing America's Better Classroom Act, an essential initiative to respond to the overwhelming needs for school construction and renovations. I welcome the support of my colleagues, Senator HARKIN, and Senator KERRY, who have been strong leaders on school construction and education policy. This bill is a wise investment in education and economic development; it creates jobs while we build and renovate our schools.

The Department of Education reports that the average public school building is 42 years old. In 1995, GAO estimated that we needed $112 billion for school construction and renovations of the three-quarters of our schools that need funding to bring the buildings into good overall condition. A more recent survey in 2001 in the Journal of Education Finance indicates that the need is increasing, and the unmet need for school infrastructure over the next decade is over $200 billion. My State of West Virginia will need as much as $2 billion for school construction and renovations.

Combine these statistics with the fact that there is a proven relation between the condition of school buildings and the performance of students, and it is not difficult to see that the state of our schools is entirely unacceptable. It is our responsibility to do all we can to remedy this situation.

America's Better Classroom Act provides the financial tools to do this. It will continue the Qualified Zone Academy Bonding (QZAB) Program, which, in recent years, has provided $4.2 million for support of school construction and renovations in disadvantaged communities. This provision would provide $2.8 billion to continue and expand the successful QZAB Program. Effective programs deserve continued support.

But the truth is that many school districts need help with school construction and renovations, but cannot qualify for the QZAB program. This is why the America's Better Classroom Act creates a $22 billion Qualified School Bonding Program. Funding will be allocated to the States based on the Title 1 formula so it is targeted, but the States will have flexibility in allocating support among school districts.

When I visit schools in West Virginia, I am often stunned by the aging buildings and compelling needs. In our fast-growing Eastern Panhandle, new schools must be built or renovated to accommodate rapid population growth. In other parts of the State, older school buildings need renovations to be safe learning environments for our students. As technology plays an increasingly important role in education, classrooms need to be updated.

States and communities need the America's Better Classroom Act so that we can make needed investments. School construction can play a positive role in helping to stimulate our economy and create needed jobs and is also an important investment in our children's education.

By Mr. CRAIG (for himself, Ms. CANTWELL, Mr. CRAPO, and Mrs. MURRAY):

S. 916. A bill to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today with the support of my colleague Senator CANTWELL to introduce the Minidoka National Historic Site Act of 2007. This act will modify the boundary of the Minidoka Internment National Monument to establish the Minidoka National Historic Site.

Adjacent to the Minidoka Internment National Monument is Herrmann farm. Herrmann farm plays a historically significant role to the people of Idaho and the United States. During World War II, the Herrmann farm area was part of the Minidoka Relocation Center, one of the 10 city-like camps where Americans of Japanese descent were interned.

Herrmann farm is also an excellent example of how relocation center land was transformed after the war into small family farms suitable for irrigation and farming. Many of these farms were allotted to World War II veterans. These veteran settlers put forth the same stubborn American spirit and ingenuity with which they helped to win the war, to promote the farm area into a fruitful and prosperous agricultural section.

Herrmann farm became one of a few Farm-In-A-Day sites within the United States, where members of a community joined together in the creation of a farm site within one day.

The Minidoka Internment National Monument area is also a notable educational tool for residents of Idaho and the United States. Herrmann farm is an excellent location to inform the public about the post-camp homesteading era and agriculture in south-central Idaho as buildings, features, and artifacts from both the relocation center and the Farm-In-A-Day are present at the Minidoka site.

In addition to the historical and educational importance of Herrmann farm, the Minidoka Internment National Site honors the hardships and sacrifices of those Japanese Americans imprisoned during World War II. Many of the Japanese American's who lived at this site are reaching considerable age and want to see this area preserved for future generations.

The site will incorporate the Nidoto Nai Yoni, "Let it not happen again", memorial that commemorates those courageous Japanese Americans of Bainbridge Island, WA, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II.

I ask the Senate to move swiftly on this bill, so the remaining few Japanese Americans who are still alive today can revisit this site that holds such meaningful memories. It is with pleasure and the support of the Senator from Washington, that I introduce this act which preserves areas of historical and educational importance for the people of Idaho, Washington and the United States.

SUBMITTED RESOLUTIONS—DURING ADJOURNMENT MARCH 16, 2007

SENATE CONCURRENT RESOLUTION 21—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2007 AND 2009 THROUGH 2012

Mr. CONRAD from the Committee on the Budget, submitted the following concurrent resolution, which was placed on the calendar:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2008 and that the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the Budget for Fiscal Year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGET PROCESS

Sec. 201. Pay-as-you-go point of order in the Senate.
Sec. 202. Point of order against reconciliation legislation that would increase the deficit or reduce a surplus.
Sec. 203. Point of order against legislation increasing long-term deficits.
Sec. 204. Emergency legislation.
Sec. 205. Extension of enforcement of budgetary points of order.
Sec. 206. Point of order against advance appropriations.
Sec. 207. Discretionary spending limits.
Sec. 208. Application of previous allocations in Senate.
Sec. 209. Point of order to Save Social Security First.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for care of wounded service members.
Sec. 303. Deficit-neutral reserve fund for tax relief.
Sec. 304. Deficit-neutral reserve fund for comparative effectiveness research.
Sec. 305. Deficit-neutral reserve fund for higher education.
Sec. 306. Deficit-neutral reserve fund for the Farm Bill.
Sec. 307. Deficit-neutral reserve fund for energy legislation.
Sec. 308. Deficit-neutral reserve fund for Medicare.
Sec. 309. Deficit-neutral reserve fund for small business health insurance.

Sec. 310. Deficit-neutral reserve fund for county payments for Secure Rural Schools and Community Self-Determination Act of 2000 reauthorization.
Sec. 311. Deficit-neutral reserve fund for terrorism risk insurance reauthorization.
Sec. 312. Deficit-neutral reserve fund for affordable housing.
Sec. 313. Deficit-neutral reserve fund for receipts from Bonneville Power Administration.
Sec. 314. Deficit-neutral reserve fund for Indian claims settlement.
Sec. 315. Deficit-neutral reserve fund for Food and Drug Administration.
Sec. 316. Deficit-neutral reserve fund for health care reform.
Sec. 317. Deficit-neutral reserve fund for enhancement of veterans' benefits.
Sec. 318. Deficit-neutral reserve fund for long-term care.
Sec. 319. Deficit-neutral reserve fund for health information technology.
Sec. 320. Deficit-neutral reserve fund for child care.
Sec. 321. Deficit-neutral reserve fund for comprehensive immigration reform.
Sec. 322. Deficit-neutral reserve fund for mental health parity.
Sec. 323. Application and effect of changes in allocations and aggregates.
Sec. 324. Adjustments to reflect changes in concepts and definitions.
Sec. 325. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:
Fiscal year 2007: $1,900,706,000,000.
Fiscal year 2008: $2,009,096,000,000.
Fiscal year 2009: $2,123,326,000,000.
Fiscal year 2010: $2,221,621,000,000.
Fiscal year 2011: $2,410,150,000,000.
Fiscal year 2012: $2,552,896,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:
Fiscal year 2007: -$4,000,000,000.
Fiscal year 2008: -$41,700,000,000.
Fiscal year 2009: $16,400,000,000.
Fiscal year 2010: $57,900,000,000.
Fiscal year 2011: $15,600,000,000.
Fiscal year 2012: -$44,200,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:
Fiscal year 2007: $2,364,566,000,000.
Fiscal year 2008: $2,490,185,000,000.
Fiscal year 2009: $2,506,314,000,000.
Fiscal year 2010: $2,550,622,000,000.
Fiscal year 2011: $2,664,262,000,000.
Fiscal year 2012: $2,691,285,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:
Fiscal year 2007: $2,298,846,000,000.
Fiscal year 2008: $2,460,251,000,000.
Fiscal year 2009: $2,555,575,000,000.
Fiscal year 2010: $2,582,172,000,000.
Fiscal year 2011: $2,670,131,000,000.
Fiscal year 2012: $2,677,372,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:
Fiscal year 2007: $398,140,000,000.
Fiscal year 2008: $451,155,000,000.
Fiscal year 2009: $432,249,000,000.
Fiscal year 2010: $360,551,000,000.
Fiscal year 2011: $259,981,000,000.
Fiscal year 2012: $124,476,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
Fiscal year 2007: $8,960,830,000,000.
Fiscal year 2008: $9,529,690,000,000.
Fiscal year 2009: $10,078,585,000,000.
Fiscal year 2010: $10,556,677,000,000.
Fiscal year 2011: $10,929,998,000,000.
Fiscal year 2012: $11,180,704,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:
Fiscal year 2007: $5,045,226,000,000.
Fiscal year 2008: $5,308,092,000,000.
Fiscal year 2009: $5,536,784,000,000.
Fiscal year 2010: $5,680,183,000,000.
Fiscal year 2011: $5,705,908,000,000.
Fiscal year 2012: $5,584,520,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:
Fiscal year 2007: $637,586,000,000.
Fiscal year 2008: $668,998,000,000.
Fiscal year 2009: $702,851,000,000.
Fiscal year 2010: $737,589,000,000.
Fiscal year 2011: $772,605,000,000.
Fiscal year 2012: $807,928,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:
Fiscal year 2007: $441,676,000,000.
Fiscal year 2008: $460,224,000,000.
Fiscal year 2009: $478,578,000,000.
Fiscal year 2010: $499,655,000,000.
Fiscal year 2011: $520,743,000,000.
Fiscal year 2012: $546,082,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:
Fiscal year 2007:
(A) New budget authority, $4,692,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2008:
(A) New budget authority, $5,130,000,000.
(B) Outlays, $5,105,000,000.
Fiscal year 2009:
(A) New budget authority, $5,284,000,000.
(B) Outlays, $5,244,000,000.
Fiscal year 2010:
(A) New budget authority, $5,444,000,000.
(B) Outlays, $5,417,000,000.
Fiscal year 2011:
(A) New budget authority, $5,612,000,000.
(B) Outlays, $5,583,000,000.
Fiscal year 2012:
(A) New budget authority, $5,783,000,000.
(B) Outlays, $5,753,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):
Fiscal year 2007:
(A) New budget authority, $619,363,000,000.
(B) Outlays, $560,462,000,000.
Fiscal year 2008:
(A) New budget authority, $648,820,000,000.
(B) Outlays, $617,842,000,000.
Fiscal year 2009:
(A) New budget authority, $584,775,000,000.
(B) Outlays, $626,962,000,000.
Fiscal year 2010:
(A) New budget authority, $545,251,000,000.
(B) Outlays, $572,856,000,000.
Fiscal year 2011:
(A) New budget authority, $551,054,000,000.
(B) Outlays, $558,381,000,000.
Fiscal year 2012:
(A) New budget authority, $559,899,000,000.
(B) Outlays, $551,763,000,000.

(2) International Affairs (150):
Fiscal year 2007:
(A) New budget authority, $34,790,000,000.
(B) Outlays, $32,015,000,000.
Fiscal year 2008:
(A) New budget authority, $37,004,000,000.
(B) Outlays, $35,887,000,000.
Fiscal year 2009:
(A) New budget authority, $34,555,000,000.
(B) Outlays, $34,533,000,000.
Fiscal year 2010:
(A) New budget authority, $34,859,000,000.
(B) Outlays, $33,272,000,000.
Fiscal year 2011:
(A) New budget authority, $35,432,000,000.
(B) Outlays, $33,227,000,000.
Fiscal year 2012:
(A) New budget authority, $35,984,000,000.
(B) Outlays, $33,214,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $26,535,000,000.
(B) Outlays, $25,885,000,000.
Fiscal year 2009:
(A) New budget authority, $26,885,000,000.
(B) Outlays, $27,144,000,000.
Fiscal year 2010:
(A) New budget authority, $27,249,000,000.
(B) Outlays, $27,432,000,000.
Fiscal year 2011:
(A) New budget authority, $27,614,000,000.
(B) Outlays, $27,192,000,000.
Fiscal year 2012:
(A) New budget authority, $27,980,000,000.
(B) Outlays, $27,535,000,000.

(4) Energy (270):
Fiscal year 2007:
(A) New budget authority, $2,958,000,000.
(B) Outlays, $1,384,000,000.
Fiscal year 2008:
(A) New budget authority, $3,337,000,000.
(B) Outlays, $1,150,000,000.
Fiscal year 2009:
(A) New budget authority, $3,142,000,000.
(B) Outlays, $1,539,000,000.
Fiscal year 2010:
(A) New budget authority, $3,198,000,000.
(B) Outlays, $1,715,000,000.
Fiscal year 2011:
(A) New budget authority, $3,258,000,000.
(B) Outlays, $1,750,000,000.
Fiscal year 2012:
(A) New budget authority, $3,306,000,000.
(B) Outlays, $2,022,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2007:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $32,905,000,000.
Fiscal year 2008:
(A) New budget authority, $32,883,000,000.
(B) Outlays, $34,887,000,000.
Fiscal year 2009:
(A) New budget authority, $33,331,000,000.
(B) Outlays, $35,240,000,000.
Fiscal year 2010:

(A) New budget authority, $33,999,000,000.

(B) Outlays, $35,264,000,000.

Fiscal year 2011:

(A) New budget authority, $34,365,000,000.

(B) Outlays, $35,337,000,000.

Fiscal year 2012:

(A) New budget authority, $35,098,000,000.

(B) Outlays, $35,624,000,000.

(6) Agriculture (350):

Fiscal year 2007:

(A) New budget authority, $26,207,000,000.

(B) Outlays, $22,580,000,000.

Fiscal year 2008:

(A) New budget authority, $20,481,000,000.

(B) Outlays, $21,497,000,000.

Fiscal year 2009:

(A) New budget authority, $20,984,000,000.

(B) Outlays, $20,108,000,000.

Fiscal year 2010:

(A) New budget authority, $21,137,000,000.

(B) Outlays, $20,118,000,000.

Fiscal year 2011:

(A) New budget authority, $21,099,000,000.

(B) Outlays, $20,390,000,000.

Fiscal year 2012:

(A) New budget authority, $21,288,000,000.

(B) Outlays, $20,763,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2007:

(A) New budget authority, $5,515,000,000.

(B) Outlays, –$3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $8,797,000,000.

(B) Outlays, $1,790,000,000.

Fiscal year 2009:

(A) New budget authority, $8,602,000,000.

(B) Outlays, $139,000,000.

Fiscal year 2010:

(A) New budget authority, $8,566,000,000.

(B) Outlays, $173,000,000.

Fiscal year 2011:

(A) New budget authority, $8,591,000,000.

(B) Outlays, –$28,000,000.

Fiscal year 2012:

(A) New budget authority, $8,772,000,000.

(B) Outlays, $507,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $83,709,000,000.

(B) Outlays, $81,220,000,000.

Fiscal year 2009:

(A) New budget authority, $75,700,000,000.

(B) Outlays, $84,032,000,000.

Fiscal year 2010:

(A) New budget authority, $76,253,000,000.

(B) Outlays, $85,893,000,000.

Fiscal year 2011:

(A) New budget authority, $76,887,000,000.

(B) Outlays, $86,307,000,000.

Fiscal year 2012:

(A) New budget authority, $77,476,000,000.

(B) Outlays, $87,721,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $19,117,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $14,634,000,000.

(B) Outlays, $22,298,000,000.

Fiscal year 2009:

(A) New budget authority, $13,511,000,000.

(B) Outlays, $21,017,000,000.

Fiscal year 2010:

(A) New budget authority, $13,692,000,000.

(B) Outlays, $19,848,000,000.

Fiscal year 2011:

(A) New budget authority, $13,871,000,000.

(B) Outlays, $17,903,000,000.

Fiscal year 2012:

(A) New budget authority, $14,048,000,000.

(B) Outlays, $15,006,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $93,789,000,000.

(B) Outlays, $90,397,000,000.

Fiscal year 2009:

(A) New budget authority, $97,592,000,000.

(B) Outlays, $93,890,000,000.

Fiscal year 2010:

(A) New budget authority, $99,366,000,000.

(B) Outlays, $96,866,000,000.

Fiscal year 2011:

(A) New budget authority, $99,650,000,000.

(B) Outlays, $98,463,000,000.

Fiscal year 2012:

(A) New budget authority, $100,104,000,000.

(B) Outlays, $98,307,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $268,340,000,000.

(B) Outlays, $268,645,000,000.

Fiscal year 2008:

(A) New budget authority, $288,836,000,000.

(B) Outlays, $287,893,000,000.

Fiscal year 2009:

(A) New budget authority, $310,058,000,000.

(B) Outlays, $308,255,000,000.

Fiscal year 2010:

(A) New budget authority, $328,209,000,000.

(B) Outlays, $328,322,000,000.

Fiscal year 2011:

(A) New budget authority, $351,047,000,000.

(B) Outlays, $350,346,000,000.

Fiscal year 2012:

(A) New budget authority, $374,804,000,000.

(B) Outlays, $374,141,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,969,000,000.

(B) Outlays, $390,035,000,000.

Fiscal year 2009:

(A) New budget authority, $414,779,000,000.

(B) Outlays, $414,440,000,000.

Fiscal year 2010:

(A) New budget authority, $439,862,000,000.

(B) Outlays, $440,092,000,000.

Fiscal year 2011:

(A) New budget authority, $484,792,000,000.

(B) Outlays, $484,811,000,000.

Fiscal year 2012:

(A) New budget authority, $481,008,000,000.

(B) Outlays, $480,632,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $379,046,000,000.

(B) Outlays, $383,072,000,000.

Fiscal year 2009:

(A) New budget authority, $390,791,000,000.

(B) Outlays, $392,946,000,000.

Fiscal year 2010:

(A) New budget authority, $400,703,000,000.

(B) Outlays, $401,757,000,000.

Fiscal year 2011:

(A) New budget authority, $415,851,000,000.

(B) Outlays, $415,874,000,000.

Fiscal year 2012:

(A) New budget authority, $401,275,000,000.

(B) Outlays, $400,684,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,192,000,000.

(B) Outlays, $84,362,000,000.

Fiscal year 2009:

(A) New budget authority, $87,372,000,000.

(B) Outlays, $87,935,000,000.

Fiscal year 2010:

(A) New budget authority, $89,559,000,000.

(B) Outlays, $89,210,000,000.

Fiscal year 2011:

(A) New budget authority, $94,707,000,000.

(B) Outlays, $94,314,000,000.

Fiscal year 2012:

(A) New budget authority, $91,513,000,000.

(B) Outlays, $90,957,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,559,000,000.

(B) Outlays, $44,709,000,000.

Fiscal year 2008:

(A) New budget authority, $47,180,000,000.

(B) Outlays, $46,514,000,000.

Fiscal year 2009:

(A) New budget authority, $47,333,000,000.

(B) Outlays, $48,234,000,000.

Fiscal year 2010:

(A) New budget authority, $48,106,000,000.

(B) Outlays, $48,397,000,000.

Fiscal year 2011:

(A) New budget authority, $48,895,000,000.

(B) Outlays, $48,766,000,000.

Fiscal year 2012:

(A) New budget authority, $49,686,000,000.

(B) Outlays, $49,414,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,196,000,000.

(B) Outlays, $18,577,000,000.

Fiscal year 2008:

(A) New budget authority, $18,745,000,000.

(B) Outlays, $19,107,000,000.

Fiscal year 2009:

(A) New budget authority, $19,208,000,000.

(B) Outlays, $19,306,000,000.

Fiscal year 2010:

(A) New budget authority, $19,649,000,000.

(B) Outlays, $19,564,000,000.

Fiscal year 2011:

(A) New budget authority, $20,214,000,000.

(B) Outlays, $19,979,000,000.

Fiscal year 2012:

(A) New budget authority, $20,721,000,000.

(B) Outlays, $20,602,000,000.

(18) Net Interest (900):

Fiscal year 2007:

(A) New budget authority, $344,475,000,000.

(B) Outlays, $344,475,000,000.

Fiscal year 2008:

(A) New budget authority, $370,425,000,000.

(B) Outlays, $370,425,000,000.

Fiscal year 2009:

(A) New budget authority, $390,393,000,000.

(B) Outlays, $390,393,000,000.

Fiscal year 2010:

(A) New budget authority, $412,001,000,000.

(B) Outlays, $412,001,000,000.

Fiscal year 2011:

(A) New budget authority, $427,474,000,000.
(B) Outlays, $427,474,000,000.
Fiscal year 2012:
(A) New budget authority, $438,452,000,000.
(B) Outlays, $438,452,000,000.
(19) Allowances (920):
Fiscal year 2007:
(A) New budget authority, $785,000,000.
(B) Outlays, $755,000,000.
Fiscal year 2008:
(A) New budget authority, -$7,087,000,000.
(B) Outlays, -$1,901,000,000.
Fiscal year 2009:
(A) New budget authority, -$7,180,000,000.
(B) Outlays, -$5,010,000,000.
Fiscal year 2010:
(A) New budget authority, -$7,279,000,000.
(B) Outlays, -$6,851,000,000.
Fiscal year 2011:
(A) New budget authority, -$7,373,000,000.
(B) Outlays, -$7,171,000,000.
Fiscal year 2012:
(A) New budget authority, -$7,470,000,000.
(B) Outlays, -$7,311,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2007:
(A) New budget authority, -$69,714,000,000.
(B) Outlays, -$69,714,000,000.
Fiscal year 2008:
(A) New budget authority, -$71,754,000,000.
(B) Outlays, -$71,754,000,000.
Fiscal year 2009:
(A) New budget authority, -$67,035,000,000.
(B) Outlays, -$67,044,000,000.
Fiscal year 2010:
(A) New budget authority, -$67,458,000,000.
(B) Outlays, -$67,458,000,000.
Fiscal year 2011:
(A) New budget authority, -$70,175,000,000.
(B) Outlays, -$70,195,000,000.
Fiscal year 2012:
(A) New budget authority, -$72,557,000,000.
(B) Outlays, -$72,560,000,000.

TITLE II—BUDGET PROCESS

SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 4 following periods:

(A) The current fiscal year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current fiscal year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 505 of H. Con. Res. 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, shall no longer apply.

SEC. 202. POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT WOULD INCREASE THE DEFICIT OR REDUCE A SURPLUS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any reconciliation bill, resolution, amendment, amendment between Houses, motion, or conference report pursuant to section 310 of the Congressional Budget Act of 1974 that would cause or increase a deficit or reduce a surplus in the current fiscal year, the budget year, the period of the first 5 fiscal years following the current fiscal year, or the period of the second 5 fiscal years following the current fiscal year.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 203. POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in fiscal year 2018 through fiscal year 2057.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in 2018 through 2057.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) REPEAL.—In the Senate, section 407 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(f) SUNSET.—This section shall expire on September 30, 2017.

SEC. 204. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and sections 201 and 207 of this resolution (relating to pay-as-you-go in the Senate and discretionary spending limits).

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (1) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) REPEAL.—In the Senate, section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 205. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER.

Notwithstanding any provision of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress) shall remain in effect for purposes of Senate enforcement through September 30, 2017.

SEC. 206. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2009, that first becomes available for any fiscal year after 2009.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,158,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(f) REPEAL.—In the Senate, section 401 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 207. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2007, $951,140,000,000 in new budget authority and $1,029,456,000,000 in outlays; and

(2) for fiscal year 2008, $942,312,000,000 in new budget authority and $1,021,407,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $213,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $406,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $406,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $383,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of up to $40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) WILDLAND FIRE SUPPRESSION.—

(i) DEFINITION.—For this subparagraph, the term "base amount" refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(ii) ADJUSTMENTS FOR FISCAL YEAR 2008.—If the amount appropriated for Wildland Fire Suppression in fiscal year 2008 is not less than the base amount, then the chairman of the Senate Committee on the Budget may adjust the appropriate allocations, aggregates, discretionary spending limits, and other budgetary levels in this resolution for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, by the amounts provided in such legislation for such purpose, but not to exceed the following amounts in budget authority and the outlays flowing therefrom:

(I) for the Forest Service, for fiscal year 2008, $400,000,000 ; and

(II) for the Department of the Interior, for fiscal year 2008, $100,000,000.

(F) COSTS OF GLOBAL WAR ON TERROR.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 or 2009 in excess of the levels assumed in this resolution for expenses related to the global war on terror, but not to exceed the following amounts:

(i) For fiscal year 2008, $145,162,000,000 in budget authority and the outlays flowing therefrom.

(ii) For fiscal year 2009, $50,000,000,000 in budget authority and the outlays flowing therefrom.

(G) ADJUSTMENT FOR UNITED STATES FORCES IN THE GLOBAL WAR ON TERRORISM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $5,000,000,000 in budgetary authority and outlays flowing therefrom, to—

(i) address training, equipment, force protection, logistics, or other matters necessary for the protection of United States forces; or

(ii) address deficiencies at Walter Reed Army Medical Center and other facilities within the military medical system providing treatment to service members injured while performing their duties in the Global War on Terrorism.

SEC. 208. APPLICATION OF PREVIOUS ALLOCATIONS IN SENATE.

Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

SEC. 209. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 for reauthorization of the State Children's Health Insurance Program (SCHIP), if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to reach uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, and supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes up to $35,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR CARE OF WOUNDED SERVICE MEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report which improves the medical care of or disability benefits for wounded or disabled military personnel or improves the disability evaluations of military personnel or veterans to expedite the claims process, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR COMPARATIVE EFFECTIVENESS RESEARCH.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that establishes a new federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report, including tax legislation, that would make higher education more accessible and more affordable, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) reauthorizes the Food Security and Rural Investment Act of 2002;

(2) strengthens our agriculture and rural economies and critical nutrition programs;

(3) provides agriculture-related tax relief;

(4) improves our environment by reducing our Nation's dependence on foreign sources of energy through expanded production and use of alternative fuels; or

(5) combines any of the purposes provided in paragraphs (1) through (4);

by the amounts provided in that legislation for those purposes up to $15,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would reduce our Nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE.

(a) PRESCRIPTION DRUGS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that repeals the prohibition in section 1860D–11(i)(1) of the Social Security Act (42 U.S.C. 1395w–111(i)(1)) while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012 and provided further that any savings from the measure are to be used either to improve the Medicare Part D benefit or for deficit reduction.

(b) PHYSICIAN PAYMENTS.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(c) IMPROVEMENTS TO MEDICARE PART D.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the prescription drug benefit under Medicare Part D, by the amounts provided in such legislation for that purpose up to $5,000,000,000, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR SMALL BUSINESS HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that makes health insurance coverage more affordable or available to small businesses and their employees without weakening rating rules or reducing covered benefits, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 REAUTHORIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), by the amounts provided by that legislation for that purpose, but not to exceed $440,000,000 in new budget authority for fiscal year 2008 and the outlays flowing from that budget authority and $2,240,000,000 in new budget authority for the period of fiscal years 2008 through 2012 and the outlays flowing from that budget authority, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR TERRORISM RISK INSURANCE REAUTHORIZATION.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that provides for a continued Federal role in ensuring the availability of terrorism insurance after the expiration of the Terrorism Risk Insurance Extension Act, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish an affordable housing fund financed by the housing government-sponsored enterprises, by the amounts provided in such legislation for that purpose, provided that the legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may adjust the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury, by the amounts provided by that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR INDIAN CLAIMS SETTLEMENT.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) creates an Indian claims settlement fund for trust accounting and management deficiencies related to Individual Indian Moneys and assets; and

(2) extinguishes all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement of assets, or interest owed in connection with Individual Indian Moneys accounts;

by the amounts provided in such legislation for those purposes up to $8,000,000,000, provided that such legislation does not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD AND DRUG ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate tobacco products and assess user fees on tobacco manufacturers and importers to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

If an SCHIP reauthorization bill is enacted, then the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report to improve health care, and provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR ENHANCEMENT OF VETERANS' BENEFITS.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would enhance benefits for veterans, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR LONG-TERM CARE.

The Chairman of the Senate Budget Committee may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and non-institutional care, promote quality care, and provide for the cost-effective use of public resources, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

(a) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(b) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for payments that are based on adherence to accepted clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $5,000,000,000 for the child care entitlement to States, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE IMMIGRATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for comprehensive immigration reform;

(2) provides for increased interior enforcement, through an effective electronic employment verification system which accurately establishes the employment authorization of individuals; and

(3) provides for increased border security and enhanced information technology systems;

provided that such legislation would not increase the deficit for the fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR MENTAL HEALTH PARITY.

If the Senate Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 111—EXPRESSING THE SENSE OF THE SENATE THAT THE CITIZEN'S STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT A COMMEMORATIVE STAMP BE ISSUED HONORING THE LIFE OF OSKAR SCHINDLER

Mr. COLEMAN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FEINGOLD, Mr. LEVIN, Mr. SANDERS, Mr. SPECTER, Mr. WYDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KOHL, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 111

Whereas Oskar Schindler acted as a hero during the Nazi occupation of Poland and selflessly rescued 1,200 Jewish men, women, and children by employing them in his factory, at risk to his own life and that of his wife;

Whereas Oskar Schindler also rescued approximately 100 Jewish men and women from the Goleszow concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Runlets;

Whereas Oskar Schindler embodied ideals of the United States, such as the pursuit of freedom, liberty, and opposition to tyranny, and many of the Jewish people who fled the Nazi occupation made the United States their home;

Whereas millions of people in the United States have been made aware of the story of Oskar Schindler's bravery;

Whereas, on July 18, 1967, Yad Vashem decided to recognize Oskar Schindler as one of the Righteous Among the Nations, or "righteous Gentiles", an honor awarded by Israel to non-Jews who saved Jews during the Holocaust at great personal risk;

Whereas the 100th anniversary of Oskar Schindler's birth is April 28, 2008; and

Whereas Oskar Schindler is a true humanitarian, deserving of honor by the United States Government: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative stamp be issued honoring the life of Oskar Schindler.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 28, 2007, at 10 a.m., to conduct a markup of S. 223, the Senate Campaign Disclosure Parity Act.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

PRIVILEGES OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Seth Poldberg of Senator GRASSLEY's office be granted floor privileges during today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: calendar Nos. 45 and 46; that the nominations be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Timothy J. Keating, 8508

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsiblity under title 10, U.S.C., section 601:

To be general

Lt. Gen. Victor E. Renuart, Jr., 0278

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

VITIATION OF ACTION

Mr. REID. Mr. President, I ask unanimous consent that Senate action of the amendment to the preamble to H. Con. Res. 20 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN POSTHUMOUSLY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 78, S.J. Res. 5.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 5) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

There being objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read a third time and passed; that the preamble be agreed to; the motion to reconsider be laid upon the table; and that any statements relating to the joint resolution be printed in the RECORD, without intervening action or debate.

The joint resolution (S.J. Res. 5) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 5

Whereas Casimir Pulaski was a Polish military officer who fought on the side of the American colonists against the British in the American Revolutionary War;

Whereas Benjamin Franklin recommended that General George Washington accept Casimir Pulaski as a volunteer in the American Cavalry and said that Pulaski was "renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom";

Whereas after arriving in America, Casimir Pulaski wrote to General Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it.";

Whereas the first military engagement of Casimir Pulaski with the British was on September 11, 1777, at the Battle of Brandywine, and his courageous charge in this engagement averted a disastrous defeat of the American Cavalry and saved the life of George Washington;

Whereas on September 15, 1777, George Washington elevated Casimir Pulaski to the rank of Brigadier General of the American Cavalry;

Whereas Casimir Pulaski formed the Pulaski Cavalry Legion, and in February 1779, this legion ejected the British occupiers from Charleston, South Carolina;

Whereas in October 1779, Casimir Pulaski mounted an assault against British forces in Savannah, Georgia;

Whereas on the morning of October 9, 1779, Casimir Pulaski was mortally wounded and was taken aboard the American ship USS Wasp, where he died at sea on October 11, 1779;

Whereas before the end of 1779, the Continental Congress resolved that a monument should be erected in honor of Casimir Pulaski;

Whereas in 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia; and

Whereas in 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Casimir Pulaski is proclaimed to be an honorary citizen of the United States posthumously.

COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 79, S. Con. Res. 14.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 14) commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 14) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 14

Whereas the American Hellenic Educational Progressive Association (AHEPA) was founded on July 26, 1922, in Atlanta, Georgia, by 8 visionary Greek immigrants to help unify, organize, and protect against the bigotry, discrimination, and defamation faced by people of all ethnic, racial, and religious backgrounds perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas, since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made by Greece to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster patriotism in the United States;

Whereas members of AHEPA have served in the Armed Forces to protect the freedom of the United States and to preserve the democratic ideals that are part of the Hellenic legacy;

Whereas, in World War II, members of AHEPA were parachuted behind enemy lines in Nazi-occupied Greece to help liberate the country;

Whereas AHEPA raised more than $253,000,000 for United States war bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the Department of Treasury, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA donated $612,000 for the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas the AHEPA National Housing Program was awarded $500,000,000 by the Department of Housing and Urban Development for its Section 202 Program, which has yielded 4,370 units in 80 properties across 21 States and 49 cities and has provided dignified, affordable housing to senior citizens;

Whereas AHEPA was recognized by the Department of State as an organization that has engaged in "Track Two Diplomacy" to foster reconciliation and rapprochement in the Eastern Mediterranean, which is in the best interest of the United States;

Whereas members of AHEPA raised $110,000 for the George C. Marshall Statue to be erected on the grounds of the United States Embassy in Athens, Greece, in celebration of the historic relationship between the United States and Greece, and in tribute to an outstanding statesman and Philhellene, General Marshall;

Whereas AHEPA financially supports scholarships, educational chairs, medical research, and countless other charitable and philanthropic causes by contributing more than $2,000,000 annually from its national, district, and local levels collectively;

Whereas, in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the Tribute to Olympism Sculpture, the fanlike structure of which helped to save lives during the bombing at Centennial Olympic Park;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators and Representatives, and United States Ambassadors, and have served honorably as elected officials at the local and State levels throughout the United States; and

Whereas President George H.W. Bush cited AHEPA as one of the "thousand points of light": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the significant contributions of United States citizens of Hellenic heritage to the United States;

(2) commemorates the 85th anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), applauds its mission, and commends the many charitable contributions of its members to communities around the world; and

(3) encourages the people of the United States to observe the 85th anniversary of the founding of AHEPA and celebrate its many accomplishments.

ORDERS FOR TUESDAY, MARCH 20, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 20; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 214, as provided for under a previous order; I also ask unanimous consent that following the vote on passage of S. 214, the Senate then stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, it was my intent to ask consent to proceed to the budget resolution at 2:15. I am informed that a vote may be required to proceed to the measure. I will not ask for consent tonight. Members are alerted it might be necessary to have a rollcall vote on the motion to proceed to the budget resolution at 2:15 tomorrow afternoon.

Today, we have had good debate on the pending U.S. attorneys bill. We will continue that debate tomorrow morning and then vote with respect to the two amendments and passage of the bill. The first vote will occur at about 11:30 tomorrow morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business at this time, and if the distinguished Republican leader has nothing further, I ask unanimous consent that following the remarks of Senator SPECTER, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, if I may, obviously I am not going to object. Let me say to all our colleagues on this side of the aisle, this will be a challenging week. Budget week always is, with numerous votes. Obviously, it would be to the advantage of the body to have a number of those votes before the so-called vote-arama, which occurs as the time expires late in the week.

So I encourage Republican Senators who have amendments to come on over, beginning tomorrow, lay them down, and let's try to proceed early in the week in order to minimize the inconvenience to everyone at the end of the week.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would only add—and I appreciate very much the Senator's remarks—we have to finish the budget resolution this week. Next week we have to get to the supplemental. We have been told by the Secretary of Defense that all the work on the supplemental must be completed by the end of April. Even though there is a week or so that other arrangements can be made, we have found Secretary Gates to be extremely upfront, and so we have to get to the supplemental next week so we can complete it by the first of May.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, if I may alert the majority leader, apparently Senator SPECTER is not coming to the floor tonight, so there is no impediment to the Senate going ahead and adjourning.

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Tuesday, March 20, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 19, 2007:

THE JUDICIARY

RAYMOND M. KETHLEDGE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE SUSAN BIEKE NEILSON, DECEASED.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE GORDON J. QUIST, RETIRED.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE RICHARD ALAN ENSLEN, RETIRED.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE DAVID W. MCKEAGUE, ELEVATED.

SHARION AYCOCK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI, VICE GLEN H. DAVIDSON, RETIRING.

DAVID R. DUGAS, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE FRANK J. POLOZOLA, RETIRED.

JAMES RANDAL HALL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA, VICE B. AVANT EDENFIELD, RETIRED.

RICHARD H. HONAKER, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE CLARENCE A. BRIMMER, JR., RETIRED.

RICHARD A. JONES, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE JOHN C. COUGHENOUR, RETIRED.

JANIS LYNN SAMMARTINO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JUDITH NELSEN KEEP, DECEASED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. THADDEUS J. MARTIN, 2444

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM C. KIRKLAND, 4541

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GREGORY E. COUCH, 8914

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD S. KRAMLICH, 9829

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) GREGORY A. TIMBERLAKE, 6473

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ALBERT GARCIA III, 3459

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANTHONY L. WINNS, 7593

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JEFFREY L. FOWLER, 7245

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SAMUEL J. LOCKLEAR III, 1250

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD, 1564

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. GARY ROUGHEAD, 6126

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be major

CHERYL A. UDENSI, 9460

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KEITH A. DARLINGTON, 9704
RICHARD B. DUNN, 8528
JERRY D. LEWIS, 2484
STEVEN J. MERRILL, 0088
CONRADO E. NAVARRO, 3904
BRETT C. OXMAN, 9010
CLIFTON PERRY, 6505
FRANK A. YERKES, JR., 0141

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KENNETH A. ARNOLD, 4368
RENEE T. BENNETT, 2864
GUILLERMO R. CARRANZA, 0548
DAVID S. CASTRO, 4475
LOUIS J. CHERRY, 0245
DOUGLAS P. CORDOVA, 5661
THOMAS J. COUTURE, 1187
DAVID S. DALES, 2242
STEVEN J. EHLENBECK, 8862
THOMAS J. HELGET, 5498
GARY M. JACKSON, 8185
JOSEPH D. JACOBSON, 8847
CHARLIE M. JOHNSON, 1631
DAVID A. G. KENDRICK, 7457
PETER R. MARKSTEINER, 4006
CRAIG G. MILLER, 2881
JAY W. MOUNKES, 0902
JEFFREY S. PALMER, 6423
PERRY J. PELOQUIN, 1370
JEFFREY P. RUDE, 4720
JEFFREY J. SLAGLE, 7587
MARK S. TESKEY, 7079
KENNETH M. THEURER, 6207
DONNA M. VERCHIO, 1437
THOMAS F. ZIMMERMAN, 5747

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARIA M. ALSINA, 2204
CATHERINE M. FAHLING, 3801
ANDREW C. FOLTZ, 2206
MATTHEW R. GRANT, 4846
DAWN D. HANKINS, 7764
SCOTT E. HARDING, 4495
DANIEL J. HIGGINS, 4655
CYNTHIA A. HOLT, 6697
KEVIN J. HUYSER, 8881
PAUL E. JETER, 2592
DEIRDRE A. KOKORA, 3133
GRANT L. KRATZ, 2139
CHRISTOPHER F. LEAVEY, 1491
WON K. LEE, 1171
HEATHER E. LOBUE, 9064
LANCE E. MATHEWS, 0142
RICHARD J. MCDERMOTT, 7349
CHARLES L. PLUMMER, 1440
JONATHAN P. PORIER, 9351
TERRI A. SAUNDERS, 8449
WENDY L. SHERMAN, 6135

KENNETH R. SIBLEY, 6051
JENNIFER L. SMITH, 4172
MARK D. STOUP, 1756
MICHELLE P. TILFORD, 9507
DAVID A. WHITEFORD, 3176
LE THI ZIMMERMAN, 9864

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS M. ANGELO, 0901
JAMES L. BAILEY, 9616
GARY J. BERTSCH, 7310
TIMOTHY A. BUTLER, 4769
KENNETH E. HARP, 5814
DONALD J. HOFFMAN, 6650
FREDERICK MCFARLAND, 6031
DWAYNE R. PEOPLES, 7320
DAVID M. TERRINONI, 9407
LISA H. TICE, 1520
FREDERICK H. VICCELLIO, 5006
DANIEL S. ZULLI, 3635

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

GLENN M. FREDERICK, 2932
DANIEL J. JUDGE, 1126

To be major

RAFAEL BURGOS, 6694
DANNY M. COLTON, 5711
ALAN FLOWER, 9340
NIRAJ GOVIL, 2583
JOHN T. JANOUSAK, 3997
MARLA R. MELENDEZ, 4174
JULIE L. STEELE, 1345

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

PIO VAZQUEZDIAZ, 3561
JOHN ZIELINSKI, 5533

To be major

ANTONIO DELGADO, 3721
RODNEY C. JOHNS, 6362
SAMUEL T. OLATUNBOSUN, 4260
DREW D. SCHNYDER, 1173

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

KAREN D. DOHERTY, 7693
BILLY PRUETT, 5291
ALAN E. SHACKELFORD, 6882

To be major

IKRAMULLAH AHMADANI, 6989
PHIL M. AKE, 6553
FRANCES A. CARNEY, 7134
AURA M. CISNEROS, 2267
MEGAN GORDON, 1757
JACK A. HEMELSTRAND, 1540
LARRY C. JACKSON, 8074
GLORIA KING, 4223
ROBERT P. LOUIS, 2718
GINGER L. MANOS, 5876
GEORGE MATEWERE, 4544
THOMAS A. MORRIS, 6891
CAROL A. NORIEGA, 2532
EMMANUEL C. TANGLAO, 4113
MAUREEN G. TOOMEY, 6846

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER R. ABRAMSON, 8302
JAMES R. ACKERMAN III, 5454
ORLANDO A. ACOSTA, 1662
ANDREW J. ADAMS, 7167
DAVID E. ADAMS, 9598
DENNIS P. ADAMS, 9300
SHAWN J. ADKINS, 5368
LATHEEF N. AHMED, 2579
MARK J. AHRENS, 3299
RICKY L. AINSWORTH, 1795
SUSAN M. AIROLASKULLY, 8536
ANTHONY J. AJELLO, JR., 3160
PATRICK L. ALDERMAN, 9705
JOSE M. ALEMAN, 8287
JENNIFER C. ALEXANDER, 7921
LEWIS E. ALFORD III, 7224
RONALD GENE ALLEN, JR., 7513
THADDEUS P. ALLEN, 0150
WALTER C. ALLEN II, 2117
NATHAN A. ALLERHEILIGEN, 1678
JOHN B. ALLISON, 9584
JOSEPH R. ALTHOFF III, 0780
CLIFFORD G. ALTIZER, 3019
RAYMOND ALVES II, 3574
MARK C. ANARUMO, 0675
DAVID J. ANASON, 8176
LEIGHTON T. ANDERSON, JR., 1733
MICHAEL A. ANDERSON, 2119
MONTE D. ANDERSON, 3076
ROBERT E. ANDERSON, JR., 2313
STEVEN E. ANDERSON, 2260
JOSE Z. L. ANDIN, 0254
MICHAEL S. ANGLE, 1122
CHRISTOPHER T. ANTHONY, 5134
HAROLD A. ARB, 2706
DANIEL F. ARCH, 2152
JOHN E. ARD, 5377
JOHN H. ARMSTRONG, JR., 2244
JONATHAN D. ARNETT, 8296
CHARLES F. ARNOLD, JR., 5205
JOSEPH E. ARTHUR, 8028
REGINALD E. G. ASH III, 8035
SCOTT J. BABBITT, 0710
LESLIE P. BABICH, 3076
MARK E. BAER, 6866
FRED P. BAIER, 5558
CHARLES P. BAILEY, JR., 4381
JAMES B. BAILEY, JR., 2679
RICHARD J. BAILEY, JR., 2223
WILLIAM C. BAILEY, 4613
BRANDON E. BAKER, 7302
GILBERT W. BAKER, 3250
JESSICA BAKER, 0632
JOHN P. BAKER, 3559
JONATHAN P. BAKONYI, 9239
RUSSELL L. BALL, 1547
THOMAS C. BALLARD, 3073
DAVID BALLEW, 8776
ANTHONY E. BAMSEY, 4199
ALEXANDER J. BARELKA, 1792
MATTHEW A. BARKER, 6864
GEOFFREY C. BARNES, 0391
BRADLEY W. BARNHART, 4737
MARK A. BARONI, 8321
FRANKLIN D. BARROW, 5892
STEPHEN P. BARROWS, 2051
DEREK S. BARTHOLOMEW, 0909
ROBERT A. BASKETTE, 4826
SAMUEL D. BASS, 7221
LOREN E. BATTELS, JR., 0124
ROBERT G. BATTEMA, 9497
JOSEPH T. BATTLE, JR., 4166
KURT P. BAUER II, 8438
JONATHAN M. BAUGHMAN, 9655
STEPHEN J. BAUMGARTE, 4092
JOSEPH G. BEAHM, JR., 9288
DAVID L. BEAVER, 6392
MATTHEW R. BECKLEY, 7636
JOHN D. BEDINGFIELD, 1281
ROBERT L. BEHNKEN, 8086
DEAN C. BELLAMY, 2046
KELLY S. BELLAMY, 8356
ALFRED P. BELLO III, 2691
KYLE G. BELLUE, 9810
ROBERT J. BEMENT, 9446
MICHAEL R. BENHAM, 2507
JAMES S. BENOIT, 7204
LYNN BENTLEY III, 1067
RICHARD F. BENZ, 2369
DANIELLE E. BERNARD, 8081
JERRY W. BISHOP, JR., 0126
FREDERICK C. BIVETTO, 9907
EDWARD P. BLACK, 4849
SHAWN L. BLACK, 6094
DOUGLAS F. BLACKLEDGE, 2784
PETER D. BLAKE, 4547
CHRISTOPHER J. BLANEY, 9525
THOMAS R. BLAZEK, 0665
JENNIFER A. BLOCK, 4350
THEODORE B. BLOOMER, 1980
GREGORY D. BLOUNT, 6986
TRACY A. BOBO, 2166
RON W. BODINE, 5079
LELAND B. BOHANNON, 2090
PETER J. BOLLINGER, 1068
ROBERT P. BONGIOVI, 6760
NICOLE A. BONTRAGER, 8473
BRENT M. BOOKER, 9806
EUGENE A. BOOTH, JR., 1312
DONALD J. BORCHELT, 9279
JAMES B. BORDERS, 8660
BRETT J. BORGHETTI, 5743
JOHN H. BORN, 3058
OLEG BORUKHIN, 6838
WILLIAM K. BOSCH, 6193
JAMES D. BOTTOMLEE, 5532
SCOTT L. BOUSHELL, 0504
DONNA M. BOYCE, 4746
LORENZO C. BRADLEY, 5169
ERIC D. BRADSHAW, 7413
DANIEL E. BRANT, 3082
JAMES A. BRAUNSCHNEIDER, 0949
PAUL D. BRAWLEY, JR., 4863
STEVEN J. BREEZE, 5684
JASON M. BRENNEMAN, 2901
JOSEPH D. BREWER, 9612
JOHN A. BREWSTER, 0698
YUSEF D. BRIDGES, 5225
LARA C. BRINSON, 6129
RICHARD S. BRISCOE, 1518
KERRY D. BRITT, 0982
JEFFREY S. BRITTIG, 3803
KEVIN W. BROOKS, 0975
CHARLES E. BROWN, JR., 5358
ERIC D. BROWN, 6304
HAL D. BROWN, 8449
JASON M. BROWN, 6862
NICOLE R. BROWN, 5102
ROBERT G. BROWN, 8912
SCOTT M. BROWN, 1502
DAVID F. BROWNING, 6342
DENISE M. BRUCE, 8774
NEAL W. BRUEGGER, 0325
MICHAEL A. BRUZZINI, 6077
JOHN N. BRYAN, 2562
ALBERT D. BRYSON, 3218
BRIAN G. BUCK, 9765
JOHN S. BULLDIS, 3762
RICHARD K. BULLOCK, 3759
JEFFREY S. BURDETT, 5521
CHRISTOPHER W. BURELLI, 9019
JOSHUA C. BURGESS, 3040
MICHAEL D. BURK, 6272
TIMOTHY J. BURKE, 6005
JOSEPH K. BURNHAM, 3840
ALVIN F. BURSE, 9011
ANGELA J. BURTH, 3970
THOMAS F. BURTSCHI, 4354
FREDERICK E. BUSH III, 9362
RICHARD D. BUTLER, 4774
STEVEN M. BUZON, 3271
CHRISTINE M. BYERS, 7762
CHRISTOPHER L. BYROM, 2064
DENNIS O. BYTHEWOOD, 5904
STEVEN R. CABOSKY, 8755
WILLIAM M. CAHILL, 7470
PAUL D. CAIRNEY, 9640
PHILIP M. CALI, 8642
KENNETH D. CALLAHAN, 3466
MICHAEL G. CANCELLIER, 7605
JIMMY R. CANLAS, 4467
BRYAN H. CANNADY, 0146
MONTE R. CANNON, 3520
CHRISTOPHER E. CANTRELL, 4313
HOUSTON R. CANTWELL, 9253
ANTHONY B. CAPOBIANCO II, 2238
MICHAEL R. CARDOZA, 5612
SCOTT H. CARDOZO, 1966
JOEL L. CAREY, 1142
LANCE A. CARMACK, 5870
STEVEN C. CARMICAL, 6274
DENNIS F. CARON, 6059
BRIAN L. CARR, 2135
STEPHEN T. CARSON, 6344
ALAN M. CARVER, 7013
KENNETH R. CARYER, 3757
GREGORY T. CATARRA, 9974
EUGENE M. CAUGHEY, 9598
TOBIN W. CAVALLARI, 4737
JOSEPH R. CDEBACA, 7873
BRYAN K. CESSNA, 2514
TIMOTHY P. CHAMERNIK, 0785
ROBERT L. CHARLESWORTH, 1085
ROBERT M. CHAVEZ, 9302
SAMUEL J. CHESNUT IV, 2364
JASON J. E. CHILDS, 7384
VINCENT J. CHIOMA, 2540
DAVID B. CHISENHALL, JR., 9301
SEAN M. CHOQUETTE, 7670
DAVID P. CHRISMAN, 0814
KEVIN L. CHRIST, 4875
CHAD L. CHRISTOPHERSON, 4663
MATTHEW C. CICCARELLO, 2918
ROBERT O. CIOPPA, 7236
ANNE L. CLARK, 5975
MICHAEL J. CLARK, 6011
JONATHAN B. CLAUNCH, 7149
CHRISTINA M. CLAUSNITZER, 9402
HERBERT L. CLAYTON, 6655
JOHN D. CLAYTON, 1665
JASON E. CLEMENTS, 7866
PHILIP A. CLINTON, 0419
NILES M. COCANOUR, 6142
STEPHEN B. COCKS, 6187
JED S. COHEN, 3960
PETER J. COHEN, 0210
MICHAEL D. COLBURN, 0324
BARRY W. COLE, 8496
DARREN R. COLE, 6528
HERMAN A. COLE III, 2608
JAMES E. COLEBANK, 4913
ANTHONY E. COLEMAN, 4007
BRIAN D. COLLINS, 0925
HEATH A. COLLINS, 6661
TODD A. COLLINS, 0168
JASON R. COMBS, 3982
KEITH A. C. COMPTON, JR., 5215
VERNON W. CONAWAY IV, 0495
CHAD L. CONERLY, 8557
WILLIAM J. CONLEY, 9657
JOHN P. CONMY, 3699
SIDNEY S. CONNER, 6647
MICHAEL A. CONNOLLY, 4739
DEREK T. CONTRERAS, 3484
JOEL O. COOK, 6740
ROBERT J. COOK, 3089
WANDA D. COOK, 6650
BERT COOL, 1722
BRYAN S. COON, 1968
CHARLES J. COOPER, 2238
THOMAS M. COOPER, 4050
JAMES A. COPHER, 7914
THOMAS COPPERSMITH, 3362
GREGORY B. CORKERN, 9131
SIMON D. CORLEY, 7943
DYLAN R. CORNWELL, 3591
ALEXANDER COS, 0007
DONALD J. COTHERN, 2879

JON E. COUNSELL, 1298
TERRY G. COURTNEY, 3933
STEVEN M. COX, 5650
ROBERT D. COXWELL, 0352
ANGERNETTE E. COY, 5991
CHRISTOPHER P. COZZI, 2898
ADRIANE B. CRAIG, 9692
TODD A. CRAIGIE, 1137
BRENT R. CRIDER, 8589
BRADLEY M. CRITES, 8574
ALBERTO E. CRUZ, 6871
BERNARD A. CRUZ, 1028
ENRIQUE A. CRUZ, 4985
WILLIAM C. CULVER, 2071
MICHAEL W. CUMMINGS, 2841
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ROGER C. CUTSHAW, 9254
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PATRICK W. DABROWSKI, 8790
MICHAEL P. DAHLSTROM, 5947
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ARTHUR D. DAVIS, 1522
DONALD J. DAVIS, 1287
ERIC S. DAVIS, 3746
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PATRICK W. DAVIS, 3173
MICHAEL J. DEAN, 4288
BRIAN J. DELAMATER, 9181
CHARLES J. DELAPP II, 5666
JAMES W. DELOACH, 0919
JAMES M. DELONG, 6617
SCOTT A. DELORENZI, 3260
CHRISTOPHER DELOSSANTOS, 1765
ELIZABETH A. DEMMONS, 1196
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JEFFREY G. DEMUTH, 7337
GARY D. DENNEY, 6118
CHAD P. DERANGER, 0570
ABNER DEVALLON, JR., 3219
STEVEN N. DICKERSON, 0572
BRIAN C. DICKINSON, 7948
MICHAEL A. DICKINSON, 0639
TOR F. DIETRICHS, 9508
STEVE A. DINZART, 0557
JAMES E. DITTUS, 1860
BRANDON K. DOAN, 2145
FRANCIS T. DOIRON, 6585
MICHAEL P. DOMBROWSKI, 5318
MICHAEL R. DOMBROWSKI, 7056
THOMAS R. DORL, 2248
JOHN L. DORRIAN, 5562
PETER W. DOTY, 2467
ANNA M. DOUGLAS, 9792
CHARLES W. DOUGLASS, 0520
ROBERT A. DOWNEY, 7275
JAMES F. DOWNS, 2214
JEFFREY T. DOYLE, 2035
NORMAN A. DOZIER, 0301
ERIK A. DRAKE, 9912
KERRY A. DRAKE, 7030
THOMAS G. DRAPE, 1310
PAUL T. DRIESSEN, 1042
PERCY E. DUNAGIN III, 5908
DAVID E. DUTCHER, 7409
DAVID W. DYE, 1511
CHRISTOPHER A. EAGAN, 8576
DARREN A. EASTON, 1259
LEIF E. ECKHOLM, 0568
GILBERT B. EDDY, 2221
BRIAN J. EDE, 4797
EDIE L. EDMONDSON, 3893
CAREY D. EFFERSON, 2179
EDWARD J. EFSIC III, 6498
LEO J. EISBACH, 5456
RICHARD D. ELMORE, 3308
JOHN J. ELSHAW, 0660
MICHAEL B. ELTZ, 6396
MARK R. ELY, 0378
TODD M. EMMONS, 1747
BYRL R. ENGEL, 6608
CHRISTOPHER B. ERICKSON, 9895
JOHN W. ERICKSON, 0481
JOHN B. ESCH, 5120
ERIC A. ESPINO, 6580
EDWARD E. ESTERON, 8887
BRIAN L. EVANS, 5121
DAVID F. EVANS, JR., 1375
MARCIA D. EVANS, 8187
DARREN E. EWING, 6551
STACY P. EXUM, 0704
JOHN M. FAIR, 9992
JEFFREY K. FALLESEN, 3803
THOMAS G. FALZARANO, 1208
BLAKE C. FARLEY, 8185
RICHARD S. FARNSWORTH II, 6857
BRIAN M. FARRAR, 9636
MATTHEW O. FEASTER, 2651
ERIK S. FEGENBUSH, 6933
MICHAEL A. FELICE, 5917
ROSS O. FELKER, 0040
RICHARD A. FICKEN, 1269
MATTHEW C. FINNEGAN, 0311
THOMAS J. FINNERAN, 7531
PAUL R. FIORENZA, 4613
JON R. FISHER, 9669
ARMANDO E. FITERRE, 1815
RICHARD R. FLAKE, 0244
ROBERT L. FLETCHER, 8029
FRANK A. FLORES, 6554
MICHAEL R. FLORIO, 4659
DANIEL E. FLYNN, 3527
TODD A. FOGLE, 4124
MATTHEW J. FOLEY, 3193
CHARLES L. FORD, JR., 0561
MARK A. FORMICA, 1268
KYLE C. FORRER, 7612
ERIC N. FORSYTH, 3383
JOHN C. FRANKLIN, 6873
RONALD K. FRANTZ, 1789
ANTHONY L. FRANZ, 8998
DANIEL W. FRANZEN, 3524
JOHN H. FRASER, 8918
BRADLEY D. FRAZIER, 9566
ANDREW B. FREEBORN, 5037
CHRISTOPHER A. FREEMAN, 6564
KARL L. FRERKING, 7162
CHARLES B. FROEMKE, JR., 5239
JASON S. FROMM, 1280
RICHARD M. FULTON, 9049
SCOTT A. GAAB, 3652
GARY A. GABRIEL, JR., 6142
JUAN C. GACHARNA, 7092
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ALEXANDER G. GAINES, 6238
JOHN J. GALIK, 0791
MICHELANGELO GALLUCCI, 9042
ROBERT A. GALLUP, 9945
DANIEL D. GARBER, 2155
MIGUEL E. GARCIA, 1531
WILLIAM C. GARRE III, 8421
JEFFREY B. GARTMAN, 4622
JOHN M. GARVER, 2650
BRYAN T. GATES, 5239
JEFFRY E. GATES, 1690
MICHAEL J. GAYER, JR., 3498
MICHAEL A. GEER, 6915
GLEN M. GENOVE, 4114
HOWARD A. GENTRY, 2099
DAVID P. GERHARDT, 5058
KEVIN A. GIBBONS, 1664
KEITH P. GIBSON, 4386
ROBIN L. GIBSON, 6742
TODD G. GIEFER, 3339
JAMES M. GIFFORD, JR., 8873
JOHN W. GILES, JR., 8781
ROBERT J. GILL, 3419
BRENT M. GILLESPIE, 3506
BRYAN M. GILLESPIE, 5767
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CARMELO J. GIOVENCO, JR., 8782
TIMOTHY F. GIRAS, 6347
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ALEJANDRO GOMEZ, JR., 5806
JAIME GOMEZ, JR., 5143
HECTOR L. GONZALEZ, 0626
LONGINOS GONZALEZ, JR., 4990
PEDRO I. GONZALEZ, 8246
ROBERT A. GONZALEZ, 2633
KRISTIN E. GOODWIN, 2065
KEVIN J. GORDON, 5201
GLEN L. GOSS, 3528
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DARREN P. GRAY, 9760
JAMES E. GRAY, 5186
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RONALD M. GRAY, 7260
TREVOR E. GRAY II, 0496
GREGORY S. GREEN, 3084
JUSTIN W. GREEN, 9405
MICHELE A. GREEN, 6419
JAMES C. GREENE, 7497
KEVIN D. GREENE, 4156
MICHAELA A. GREENE, 9424
PAUL D. GREENLEE, 7701
BRIAN S. GREENROAD, 6319
STEVEN C. GREGG, 9433
MANUEL G. GRIEGO, 8882
ETHAN C. GRIFFIN, 5681
BRIAN D. GRIFFITH, 5340
ROBERT L. GRIFFITH, 1725
MICHAEL W. GRISMER, JR., 7516
MICHAEL A. GROGAN, 3706
DONALD B. GROVE, 9477
MICHAEL C. GRUB, 7888
KYLE E. GRUNDEN, 8752
LUIS M. GRUNEIRO, 8955
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THEODORE G. GUETIG, 9998
RYAN E. GUIBERSON, 1934
SCOTT D. GUNDLACH, 2104
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WILLIAM J. HAAG, 4081
ARLIE V. HADDIX, 7418
MICHAEL D. HADDOCK, 3587
KEVIN R. HAFF, 7701
DIANA L. HAJEK, 6686
CHARLES T. HALEY III, 8237
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WILLIAM D. HALL, 8073
ERIC K. HALVERSON, 6041
ANDREW K. HAMANN, 4221
STEPHEN F. HAMLIN, 4252
FRANCISCO G. HAMM, 0999
STEWART A. HAMMONS, 6722
DEBORAH G. HAMRICK, 3733
TERRY J. HAMRICK, JR., 2900
TODD L. HANNING, 0265
CRAIG A. HANSEN, 0566
DAVID S. HANSON, 6347
WILLIAM B. HARE III, 0753
SHAWN L. HARING, 9366
FREDERICK G. HARMON, 1746
STEPHEN J. HARMON, 3595
STEPHEN R. HARMON, 8471
MATTHEW W. HARPER, 7956
MICHAEL S. HARPER, 1291
SEAN A. HARRINGTON, 4616
BRENDAN M. HARRIS, 1267
CHARLES W. HARRIS III, 6604
SUSANNA L. HARRIS, 3017
THOMAS M. HARRIS, 2962
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CARL R. HARTSFIELD, 4482
STEVEN C. M. HASSTEDT, 0327
JANET J. HAUG, 3260
JEAN E. HAVENS, 6058
JAMES A. HAWKINS, JR., 0762
RUSSELL A. HAYES, 8958
CHRISTOPHER J. HAYS, 1427
ARTHUR J. HEAPHY III, 0671
DAVID HEDGER, 1138
TIMREK C. HEISLER, 1240
DARWIN L. HEMEYER, 7610
CHARLES R. HENDERSON, 6065
LANDON L. HENDERSON, 9074
PAUL E. HENDERSON, 1369
JEFFEREY T. HENNES, 2670
JOHN S. HENRY, 8919
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ROBERT E. HERNDON, JR., 0250
MARK A. HERSANT, 1835
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LAWRENCE C. HICKS, 6546
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GEORGE K. HOBSON, 6176
STEPHEN G. HOFFMAN, 9745
MICHAEL L. A. HOLLAND, 6758
MICHELLE A. HOLLAND, 9430
MATTHEW H. HOLM, 1552
RONALD P. HOLST, JR., 4565
MICHAEL K. HONMA, 5305
SEAN M. HOYER, 3322
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THOMAS C. HUDNALL, 4057
ANDREW D. HUGG, 1332
RANDALL S. HUISS, 5452
JIMMY C. HUMPHREY, 6776
JEFFREY W. HUMPHRIES, 1478
ROMAN L. HUND, 9925
JAMES R. HUNTER, 1653
DERON L. HURST, 8470
BARRY A. HUTCHISON, 2630
GARY G. HUTFLES, 8220
JOHN P. HUTTON, 1022
KARL D. INGEMAN, 6098
COLLIN T. IRETON, 8070
GEORGE W. IRVING IV, 7470
LYNN M. IRWIN, 9924
SIMON A. IZAGUIRRE, JR., 9337
GARY L. JACKSON, 2638
JOHN W. JACKSON, 8182
RICHARD S. JACOBS, 6629
MICHAEL S. JANSEN, 7998
MICHAEL JASON, 4513
GARY D. JENKINS II, 9327
PETER J. JENNESS, 8533
JONATHAN A. JENSEN, 4780
LARS D. JENSEN, 2441
WALTER A. JIMENEZ, 2923
MICHAEL W. JIRU, JR., 0917
MICHAEL W. JOHANEK, 4435
CLARENCE A. JOHNSON, JR., 1300
CRAIG P. JOHNSON, 8520
DELBERT L. JOHNSON, 9689
DIRK J. JOHNSON, 2889
GEORGE C. JOHNSON, 8815
JESSE L. JOHNSON, JR., 2225
LAURA M. JOHNSON, 6581
PAUL M. JOHNSON, 8453
JAY P. JONES, JR., 3363
JOEL A. JONES, 2231
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SCOTT H. JONES, 4481
TERRI A. JONES, 2120
WILLIAM R. JONES, 8974
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DARRELL F. JUDY, 4754
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JAY L. JUNKINS, 3631
DAVID M. JURK, 2138
DAVID A. KACMARYNSKI, 8579
JEFFREY P. KACZMARCZYK, 5772
ROBERT S. KAFKA, 5399
MICHAEL A. KANEMOTO, 9477

PAUL A. KANNING, 0825
MACE R. KANT, 0152
PATRICK J. KARG, 6107
CHRISTINE A. KARPEL, 1367
PHILIP J. KASE, 9664
AMANDA G. KATO, 5364
MICHELLE L. KAUFMANN, 0712
TONNEY T. KAWUH, 5486
BRYAN A. KEELING, 5543
REGAN T. KEENER, 5067
CHRISTOPHER J. KEETON, 3063
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DAVID D. KELLEY, 8518
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DEBORAH L. KENT, 6055
GREG A. KENT, 3013
KARL A. KENT, 1310
JOE D. KERR, 0894
KELLY C. KIMSEY, 1084
DAVID N. KINCAID, JR., 5484
MICHAEL O. KINSLOW, 5152
KELLY M. KIRBY, 5957
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JEFFREY S. KLEIN, 4223
JOHN M. KLEIN, JR., 8441
DOUGLAS W. KLINE, 0013
PATRICK L. KLINGLER, 1335
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THOMAS E. KOCHENDOERFER, 4194
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THOMAS A. KONICKI, 3668
KURT D. KONOPATZKE, 5746
KEN W. KOPP, 5762
JAMES K. KOSSLER, 4081
VAN A. KRAILO, 3131
DANIEL J. KRALL, 0294
MARK T. KRAMIS, 4527
STEPHEN M. KRAVITSKY, 5740
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DAVID T. KREMPASKY, 4152
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MOHAN S. KRISHNA, 6881
ERIC A. KRYSTKOWIAK, 2719
TANYA R. KUBINEC, 1544
DOUGLAS O. KUGLER, 3458
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JERRY J. KUNG, 0489
JOSEPH D. KUNKEL, 2628
THOMAS E. KUNKEL, 3121
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MICHAEL F. LAMB, 9464
DAWN C. LANCASTER, 5602
PAUL J. LANDER, 2647
JOHN F. LANDOLT III, 6060
JARA N. LANG, 0255
DONALD L. LANGLEY II, 9516
ALLEN L. LARKINS, 9252
DANIEL T. LASICA, 6962
ROBERT N. LAWRENCE, 9979
ERICK J. LAWSON, 6507
MICHAEL D. LAY, 8059
DOUGLAS J. LEE, 3568
JEFFREY A. LEE, 6220
JEFFREY P. LEEDER, 3942
JAMES S. LEFFEL, 5094
JEFFREY A. LEISCHNER, 0797
CHAD E. LEMAIRE, 5727
AARON H. K. LEONG, 6011
SEAN P. LEROY, 5355
JONATHAN M. LETSINGER, 4178
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GREGORY J. LEWIS, 3304
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DOUGLAS R. LINDSAY, 3878
RICHARD J. LINEHAN III, 0920
MICHAEL J. LINGOR, 6521
GARY L. LIVINGSTON, 3535
CHRISTINE A. LOCKE, 4519
DARRELL LOCKHART, 5409
KEITH M. LOGEMAN, 6599
CHARLES E. LOMINAC II, 4354
SEAN F. LONDRIGAN, 3579
JILL A. LONG, 6809
PERRY M. LONG III, 3896
TODD E. LONG, 4283
THOMAS M. LOPRESTI, 2817
JAMES A. LOUTHAIN, 1348
STEPHEN A. LOVE, 2413
WALTER F. LOVINGS, 0369
JAMES C. LOWE, 3728
THOMAS J. LUCKRITZ, 8952
MATTHEW J. LUPONE, 5971
LOUISE J. LYLE, 5285
MARC A. LYNCH, 7842
JOHN W. LYONS, 2413
JOSEPH E. MACCAFFREY, 8122
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ROBERT S. MACKENZIE, 7539
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MARK W. MADAUS, 4120
THOMAS M. MADDOCK, 1320
STEPHEN W. MAGNAN, 9758
MATTHEW T. MAGNESS, 6445
DOUGLAS L. MAGOFFIN, 7310
ANTHONY MAISONET, 8557
JOHN A. MAJEWSKI, JR., 5135
PAUL G. MALACHOWSKI, 3511
JASON MANTARO, 7821
RYAN D. MANTZ, 5372
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PAUL K. MARKS, 9262
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CLAYTON R. MARSHALL, 9551
DANIEL N. MARTICELLO, JR., 3286
JOHN D. MARTIN, 1271
STEVEN L. MARTINEZ, 6237
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ANTHONY J. MASTALIR, 3175
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JOHN W. MATUS, 9849
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SEAN M. MCCARTHY, 0032
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RICHARD W. MCCLEARY, 3488
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PATRICK S. MCCULLOUGH, 2253
THOMAS M. MCCURLEY, 6438
GAYLORD E. MCFALLS, 9849
TIMOTHY D. MCGAVERN, 3074
WILLIAM A. MCGUFFEY, 2416
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JOHN K. MCNULTY, 7729
THOMAS C. M. MCNURLIN, 5791
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BRADY V. MERRILL, 6991
JACK W. MESSER, 0526
KIRSTEN R. MESSER, 4759
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DAVID O. METEYER, 8506
MICHAEL J. MEYER, 3086
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KATHERINE K. MILLER, 9703
MATTHEW P. MILLER, 4551
MICHAEL A. MILLER, 2275
MICHAEL T. MILLER, 1871
RONALD M. MILLER, JR., 6143
TODD A. MILLER, 3991
WESLEY P. MILLER IV, 2548
WILLIAM P. MILLER, JR., 8966
DAVID A. MINEAU, 0863
STEVEN J. MINKIN, 2251
MICHAEL R. MITCHELL, 8591
ERIC N. MOLTZAU, 5982
VICTOR W. MONCRIEFFE II, 9456
JACQUELINE M. MONGEON, 9181
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DOUGLAS C. MONROE, 7844
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SCOTT P. MOORE, 5178
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HENRY L. MOTON, 5635
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JOHN F. MURATORE, 2811
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SEAN M. MURPHY, 2207
DANIEL P. MURRAY, 1260
PAUL J. MURRAY, 8296
JOSEPH W. MURRIETTA, 2280
LEILANI L. MUTH, 1636
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KARA K. J. NEUSE, 6840
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HARVEY F. NEWTON, 4650
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WILLIAM J. NORTON, 0538
PAUL C. NOSEK, 6826
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JEREMY J. NOVAK, 7232
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SHAN B. NUCKOLS, 3317
NEIL P. OAKDEN, 2988
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RUSSELL G. OCHS, 4019
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JOHN P. OCONNOR, 4083
MICHAEL A. OCONNOR, 5209
BRIAN D. OELRICH, 0509
KENNETH W. OHLSON, 5918
PETER P. OHOTNICKY, 8399
RALPH T. OKUBO, JR., 4457
JON M. OLEKSZYK, 2054
DEREK M. OLIVER, 7155
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RONNI M. OREZZOLI, 2176
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CHARLES D. ORMSBY, 4799
JAMES D. OSTERHOUT, 7266
MITCHEL T. OSTROW, 7172
BRIAN A. PAETH, 7676
AMMON H. PALMER, 3517
DONALD D. PALMER, 4557
JEFFERY M. PARKS, 6387
TAMARA L. PARSONS, 9044
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CHAD A. PATTON, 0196
TRACY G. PATTON, 7459
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JEFFREY P. PEARSON, 7742
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TROY D. PEARSON, 3583
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LEON J. PERKOWSKI, 1732
KRISTOPHER E. PERRY, 1757
MARSHALL C. PERRY, 9329
BRIAN C. PETERS, 1051
KENDALL D. PETERS, 8315
CHRISTOPHER R. PETERSEN, 8404
SCOTT T. PETERSEN, 2708
TY W. PETERSON, 0058
JAMES D. PETRICK, 5968
MICHAEL S. PETROCCO, 0690
MICHAEL R. PETTIT, 2022
EVAN L. PETTUS, 6179
GEORGE E. PETTY, 4638
THOMAS E. PHILIPP, 0377
RICHARD J. PIAZZA, 9809
JAMES W. PIEL, 1846
STEPHEN M. PIEPER, 6278
SAMMY T. PIERCE, 0222
RONALD L. PIERI, 0516
DAVID A. PIFFARERIO, 1739
DONNA M. G. PIKE, 2848
LEONARD C. PILHOFER, 1871
JOSE A. PINEDO, 2766
CHAD E. A. PITOG, 3726
ROBERT N. PITTMAN, 0238
GARY T. PLASTER, 7347
RAYMOND M. PLATT, 4173
WILLIAM C. PLEASANTS, 3768
WILLIAM H. POE, 6521
STEPHEN A. POLOMSKY, 2669
JAMES S. POMPANO, 8949
BRIAN H. PORTER, 9499
GLORIA L. PORTER, 7650
TERI L. POULTONCONSOLDANE, 5950
DAVID M. POWELL, 7530
MATTHEW J. POWELL, 4177
ROBERT R. POWELL, 0997
DANIEL T. POWERS, 7860
MELANIE Y. PREISSER, 1978
CHRISTOPHER T. PREJEAN, 9360
SKIP C. J. PRIBYL, 3991
MICHAEL J. PRICE, 1547
ARTHUR W. PRIMAS, JR., 3853
DENNIS L. PRIMOLI II, 6461
MATTHEW S. PRUITT, 3917
SHAWN C. PURVIS, 4349
RICHARD D. QUARBERG, 2372
ROBERT J. QUIGG IV, 5127
MICHAEL R. QUINTINI, JR., 7444
ALESIA A. QUITON, 3777
CHAD D. RADUEGE, 6844
KEVIN L. RAINEY, 0279
CHRISTIAN E. RANDELL, 0596
CLINT L. RASIC, 6580
DAVID W. RAWLINS, 5759
MICHAEL T. RAWLS, 3720
BRIAN J. RAY, 0461
THOMAS P. REARDON, 3366

KEITH W. REEVES, 8228
BRAXTON D. REHM, 7999
RHONDA K. REICHEL, 8450
CHRISTOPHER S. REIFEL, 2972
MICHAEL C. REINERS, 6125
SCOTT W. REINHARD, 7980
STEPHEN L. RENNER, 7244
MICHAEL A. RESCHKE, 6918
OMAR REYESLATTOUF, 6367
JONATHAN C. RICE IV, 1708
JUSTIN M. RICE, 4627
JOSEPH P. RICHARDS, 4777
CHRIS A. RICHARDSON, 1442
THOMAS E. RICHARDSON, 8175
ROBERT A. RICKER, 6377
GEORGE J. RIEDEL, 0329
ROBERT T. RIEDELL, 9100
DARREN S. ROACH, 4163
ROBERT L. ROANE, 0371
BILLY G. ROBERSON, JR., 1811
CHRISTIAN D. ROBERT, 6858
ALLEN R. ROBERTS, 2239
GARREN B. ROBERTS, 6292
GLEN A. ROBERTS, 6715
GLEN F. ROBERTS, 1066
AMY R. ROBINSON, 0750
DWAYNE M. ROBISON, 6242
MICHELLE R. ROCCO, 2417
SCOTTLAND L. RODDY, 0437
SHELLEY A. RODRIGUEZ, 4097
CHRISTOPHER J. ROGERS, 2312
CHRISTOPHER T. ROGERS, 1723
RICHARD D. ROGERS, 2453
RYAN C. ROGERS, 5677
CHRISTOPHER S. ROGOWSKI, JR., 8572
MICHAEL K. ROKAW, 3195
RICHARD B. ROLLER, 4789
SCOTT A. ROMBERGER, 2767
ROBERT T. ROMER, 3269
MARGARET M. ROMERO, 7397
LARRY D. ROOF, 2013
RICHARD M. ROSA, 6312
DOUGLAS W. ROTH, 5942
KRISTINA L. ROTH, 3858
TARA K. ROUTSIS, 6111
ROBERT J. ROWELL, 3263
WILLIAM J. ROWELL, 1513
LEERNEST M. B. RUFFIN, 7101
JAMES R. RUFFING, 7883
FRANK G. RUGGERI, 2152
BRYAN T. RUNKLE, 8689
CHAD W. RUSSELL, 9278
STEPHEN M. RUSSELL, 5848
MARK A. RUSSO, 8120
SUNCHLAR M. RUST, 8295
ALLEN C. RUTH, 5637
ANDREW J. RYAN, 4278
PATRICK S. RYDER, 9401
JOHN D. RYE, 7658
MATTHEW B. RYTTING, 5901
MANUEL F. SAENZ, 1661
CHRISTOPHER S. SAGE, 9488
FRANK D. SAMUELSON, 8904
TROY L. SANDERS, 4540
BRIAN S. SANDLIN, 1407
DORAL E. SANDLIN, 9764
TIMOTHY A. SANDS, 8962
MATTHEW D. SANFORD, 7606
MICHAEL G. SANJUME, 1589
JOE H. SANTOS, 2730
JOSEPH C. SANTUCCI, 8661
REX E. SAUKKONEN, 4047
TODD A. SAULS, 0115
MICHAEL E. SAYLOR, 2644
DAVID R. SCANLON, 2433
JERRY B. SCARBOROUGH, 8779
JEFFREY S. SCARBROUGH, 3549
DAVID C. SCHARF, 3652
JAY F. SCHATZ, 0725
JEFFREY A. SCHAVLAND, 9967
ANTHONY W. SCHENK, 3315
SCOTT J. SCHENO, 5192
KEVIN E. SCHILLER, 3220
HERMAN D. SCHIRG, 2105
STEVEN P. SCHLONSKI, 3128
BRIAN K. SCHOOLEY, 2198
FRANK D. SCHORZMAN, 4171
BRYAN J. SCHRASS, 4524
SCOTT M. SCHROFF, 7073
ADRIAN C. SCHUETTKE, 6857
THERESE A. SCHULER, 2659
TIMOTHY M. SCHULTEIS, 2214
SARAH J. SCHULTZ, 8300
DEREK M. SCOTT, 4822
PAUL J. SCOTT, 3947
DAVID A. SEARLE, 4095
PATRICIA K. SEINWILL, 1955
DAVID J. SELNICK, 3516
TRISHA M. SEXTON, 0022
THOMAS B. SHANK, 3696
CHRISTOPHER M. SHEARER, 3552
ROBERT K. SHEEHAN, 2161
MARC A. SHEIE, 3300
JAMES R. SHELL II, 5213
SCOTT A. SHEPARD, 9766
RYAN C. SHERWOOD, 7458
JOHN W. SHIRLEY, 3473
JOHN F. SHIRTZ, 6158
LISA C. SHOEMAKER, 8369
KENNETH A. SHUGART, JR., 6615
DAVID K. SIEVE, 0845
GUILLERMO E. SILVA, 9813
CHARLES T. SIMMONS, 9779
ERIK L. SIMONSEN, 3282
ANTHONY G. SIMPSON, 9583
RAY L. SIMPSON, 6869
DAVID S. SINGER, 4582
RODNEY SINGLETON, 2915
TERRY C. SISSON, 9537
BEVERLY S. SLOAN, 2452
CHRISTOPHER M. SMITH, 8204
DAVID C. SMITH, 4524
KENNETH A. SMITH, 2920
KEVIN D. SMITH, 7022
MARK D. SMITH, 6215
MATTHEW D. SMITH, 0507
MICHAEL R. SMITH, 8842
RANDALL E. SMITH, 9466
RICHARD L. SMITH, 7641
STEPHEN F. SMITH, JR., 5296
WILLIAM G. SMITH, 9960
DAVID B. SMUCK, 8054
ROBERT D. SNODGRASS, 1403
LISA M. SNOW, 2614
MATTHEW O. SNYDER, 6936
JULIE M. SOLBERG, 3252
FREDRICK L. SONNEFELD, 2280
STEPHEN T. SORENSEN, 8196
SEAN K. SORENSON, 8264
JEFFREY A. SORRELL, 7143
GREGORY J. SOUKUP, 3566
JENNIFER P. SOVADA, 7671
ADRIAN L. SPAIN, 4451
JEFFERY B. SPANN, 4888
ALAN N. SPARKS, 4201
KENNETH S. SPEIDEL, 6760
KIMBERLY C. ST JOHN KEYS, 2112
AARON W. STEFFENS, 5201
RONALD D. STENGER, 8839
MARK A. STEPHENS, 1711
MICHAEL J. STETINA, 0564
TODD A. STEVENS, 1280
LISA Y. STEVENSON, 3576
EARL W. STOLZ II, 2377
TIMOTHY M. STONG, 5606
STEVEN J. STORCH, 3166
WILLIAM M. STOWE III, 6722
MARK E. STRATTON, 7242
SUZANNE M. STREETER, 8164
CHRISTOPHER R. STRICKLIN, 1928
BRIAN R. STUART, 5031
GENA R. STUCHBERY, 3000
STEVE S. SUGIYAMA, 4881
CHERRYL B. SULLIVAN, 7987
CHRISTOPHER P. SULLIVAN, 0689
SHANE T. SULLIVAN, 9189
TIMOTHY J. SUNDVALL, 7870
DAVID K. SUTTON, 1797
JASON K. SUTTON, 2920
RICHARD C. SUTTON, 2139
THOMAS T. SWAIM, 2232
DAVID J. SWANKE, 2097
DOUGLAS H. SWIFT, 4230
RANDALL A. TABOR, 4416
DAVID A. TAYLOR, 3721
JAMES M. TAYLOR, 6228
JOHN D. TAYLOR, 1074
ROBERT M. TAYLOR II, 6499
MARK A. TEDROW, 7373
ERNEST J. TEICHERT III, 9311
RAYMUND M. TEMBREULL, 0487
MICHAEL P. TERNUS, 9309
RONALD J. TEWKSBURY II, 2729
CRAIG G. THEISEN, 1826
ALLAN P. THILMANY, 3232
ANTHONY L. THOMAS, 9169
JOHN J. THOMAS, 0724
SPENCER S. THOMAS, 3986
PHILLIP J. THOMPSON, 9823
DANIEL M. THORN, 2664
DENNIS R. THORNE, 5717
BRIAN C. TICHENOR, 2824
MICHAEL E. TIEDE, 1245
KENT J. TIFFANY, 3528
DARREN W. TILLMAN, 1032
JASON A. TIMM, 7140
ROBERT M. TOBLER, 9357
JOHN T. TODD, 9103
PAUL A. TOMBARGE, 5323
JEFFREY L. TOMLINSON, 5172
STEPHON J. TONKO, 4478
THOMAS D. TORKELSON, 3294
BRIAN E. TOTH, 6272
KELVIN J. TOWNSEND, 9946
EDWARD D. V. TREANOR, 6607
JOSEPH M. TRECHTER, 9117
ROBERT B. TREPTON, 3757
ROBERT W. TRIPLETT, 4957
GEORGE E. TROMBA, 6569
ROBERT B. TRSEK, 0923
DAVID C. TRUCKSA, 4890
PETER A. TSCHOHL, 1270
DONNA L. TURNER, 8877
ERIC S. TURNER, 4927
JEFFERSON E. TURNER, 5035
JOHN N. TURNIPSEED, 9809
JAMES R. TWIFORD, 9431
MICHAEL D. TYYNISMAA, 8720
AARON L. ULLMAN, 9499
SHAWN C. UNDERWOOD, 9655
DAVID A. VALENTINE, 3051
ANTHONY E. VALERIO, 7163
JAMES P. VALLEY, 2494
JEFFREY VANSANFORD, 4828
CARLOS A. VECINO, 5341
ROBERT A. VICKERS, 2050
MARK W. VISCONI, 7836
JEFFREY A. VISH, 4414
RUSSELL S. VOCE, 1130
JOHN C. VOORHEES, 0931
ROGER R. VROOMAN, 5582
WILLIAM E. WADE, JR., 3539
MICHAEL V. WAGGLE, 9343
SAMUEL D. WAGNER, 4879
RALPH J. WAITE IV, 0898
TODD S. WALDVOGEL, 2391
ALEXANDER W. WALFORD, 8797
BRIAN P. WALKER, 0797
CHARLES J. WALLACE II, 7783
MARK M. WALLACE, 7398
MATTHEW V. WALLACE, 0477
HOWARD T. WALLER, 6878
KARL C. WALLI, 2511
JOERG D. WALTER, 2469
ROBERT W. WANNER, 9175
DAVID J. WAPELHORST, 0892
BRADLEY J. WARD, 9257
SCOTT C. WARD, 6721
SCOTT L. WARD, 0005
JEFFREY S. WARDELL, 5454
JEFFREY E. WARMKA, 9314
AARON C. WATSON, 9358
ERIK D. WEAVER, 3938
GAIL M. WEAVER, 7281
TERI J. WEAVER, 3064
MICHAEL D. WEBB, 2192
BRYAN A. WEEKS, 9307
CHRISTOPHER M. WEGNER, 2295
THEODORE G. WEIBEL, 9800
TROY B. WEINGART, 5138
GEOFFREY F. WEISS, 0853
MICHAEL T. WEISS, 3218
MICHAEL R. WELBORN, 0270
KEITH A. WELCH, 8637
BRADLEY R. WENSEL, 6490
DAVID S. WERLING, 5665
EDWARD J. WERNER, 6560
KEVIN G. WESTBURG, 3438
DANIEL J. WHANNELL, 3023
MICHAEL D. WHEELER, 4581
TERENCE D. WHEELER, 7938
VICTOR B. WHEELER, 6986
WESLEY L. WHITAKER, 3643
GARY L. WHITE, 1389
SAMUEL G. WHITE III, 9080
SHELDON G. WHITE, 5561
STEVEN D. WHITE, 4007
TED N. WHITE, 7042
TODD A. WHITE, 1501
JAMES T. WICKTOM, 7815
SCOTT D. WIERZBANOWSKI, 9204
MARA C. WIGHT, 6345
LANCE R. WIKOFF, 9180
DAVID P. WILDER, 3622
VICTOR D. WILEY, 3409
RICHARD WILGOS, 0507
SHANE C. WILKERSON, 8530
BRETT D. WILKINSON, 3861
JON C. WILKINSON, 1718
CHRISTOPHER S. WILKOWSKI, 4563
CHARLES L. WILLIAMS, 3555
KENT A. WILLIAMS, 6825
PAUL N. WILLIAMS, 6185
DANIEL L. WILSON, 2513
JACQUELINE R. WILSON, 8382
JOEL B. WILSON, 4066
KEVIN A. WILSON, 1731
SHAWN A. WILSON, 7269
STANLEY G. WILSON III, 7977
WILLIAM V. WINANS, 4806
RANDOLPH L. WINGE, 2531
LYNN H. WINWARD, 3185
MARK D. WITZEL, 9140
JASON D. WOLF, 3412
PATRICK F. WOLFE, 0259
TIMOTHY A. WOLIVER, 6094
ANN WONGJIRU, 6299
CAROLYN L. WOOD, 5521
MARK A. WOODARD, 0374
BOBBY C. WOODS, JR., 9194
JAMES J. WOODS, JR., 6363
DALE W. WRIGHT, 3270
TINA M. WYANT, 5672
HERBERT D. WYMS, 6628
DIANA J. WYRTKI, 8359
SCOTT D. YANCY, 6035
CULLA L. YARBOROUGH, 8087
WALTER K. YAZZIE, 0036
MATTHEW H. YETISHEFSKY, 0956
YOUNGKUN S. YU, 2622
KENNETH J. YUNEVICH, 9137
TIMOTHY A. ZACHARIAS, 2198
DENNIS K. ZAHN, 9337
SCOTTIE L. ZAMZOW, 1155
JAMES C. ZEGEL, 9363
MATTHEW S. ZICKAFOOSE, 4229
DUSTIN P. ZIEGLER, 1595
MATTHEW E. ZUBER, 0755
PAUL M. ZULUAGA, 4651
ANNAMARIE ZURLINDEN, 2429

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JENNIFER S. AARON, 9201

LANCE A. AIUMOPAS, 2812
WILLIAM J. ANNEXSTAD, 8720
OMAR S. ASHMAWY, 0572
ANTHONY W. BELL, 8815
RON M. BLAZE, 5929
DANIEL J. BREEN, 5415
ALLAN S. BROCK, 5998
ADRIAN L. BROWN, 0014
ANTHONY C. CAMILLI, 0863
KRISTIN M. CASTIGLIA, 4295
DAVID H. CAZIER, 1085
BRADLEY A. CLEVELAND, 6922
KHARMA S. CLIFFORDALLMON, 5806
SHAWN M. CLINE, 5545
THOMAS F. COLLICK, 6790
PAUL A. DAWSON, 9013
VERONIQUE N. DEROUSELLE, 2020
MICHAEL P. DILLINGER, 3046
JOSHUA P. FALK, 6086
CHRISTOPHER L. FERRETTI, 9728
EVELYN R. FRASURE, 6447
JOHN S. FREDLAND, 5827
LORI M. GILL, 2273
MELINDA L. GREENE, 6764
TOBIN C. GRIFFETH, 8979
ANTHONY S. GUNN, 7598
MICHAEL A. HATTON, 6213
CRYSTAL D. HAYNES, 6853
FRANCIS D. HOLLIFIELD III, 8885
CANDACE L. HUNSTIGER, 9878
KEVIN C. INGRAM, 0081
ROBERT W. JARMAN, 9436
CHAD M. JESPERSEN, 0841
JENNY L. JOHNSON, 2063
AMY M. JORDAN, 1619
ANDREW KALAVANOS, 1501
AARON G. LAKE, 5110
SEAN P. LARDNER, 0150
HEATHER A. LENGEL, 3411
KYLE W. LITTLE, 3937
MARK B. MCKIERNAN, 7584
TYLER E. MERKEL, 8281
JOHN E. OWEN, 9071
CHRISTOPHER S. PEIFER, 6267
JOY L. PRIMOLI, 0295
LARRY E. PRUITT, 4638
TARA L. SHAMHART, 7186
TAMMIE L. SLEDGE, 7170
GLENN A. SPENCER, 4433
ANTHONY SPRATLEY, 8696
JON B. STANLEY, 2536
MICHAEL J. TABER, 3145
BRIAN M. THOMPSON, 3984
BRENDON K. TUKEY, 2136
JEFFERSON H. WEST, 7014
JOHN C. WIGGLESWORTH, 5152
DANIELLE M. WILKERSON, 5500
JOSHUA D. YANOV, 5182
FRANK YOON, 2916
ROBERT S. ZAUNER, 0982

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KATHLEEN S. LOPER, 3463

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL A. WHITE, 6264

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ANTHONY T. ROPER, 0533

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERIC A. HANSEN, 6384
PASCAL O. UDEKWU, 5766
PETER J. VARLJEN, 3838

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

STEVEN S. GELBERT, 1980

To be major

PATRICK R. MCBREARTY, 0964

CONFIRMATIONS

Executive nominations confirmed by the Senate March 19, 2007:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be Admiral

ADM. TIMOTHY J. KEATING, 8508

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be General

LT. GEN. VICTOR E. RENUART, JR., 0278

HOUSE OF REPRESENTATIVES—*Monday, March 19, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. CORRINE BROWN of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 19, 2007.

I hereby appoint the Honorable CORRINE BROWN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Maryland, the majority leader, Mr. STENY HOYER.

AFTER FOUR YEARS, NO MORE BLANK CHECKS

Mr. HOYER. Madam Speaker, 4 years ago tonight, our Commander in Chief, President Bush, gave the orders that instigated Operation Iraqi Freedom. Whether they supported the President's decision or not, all, and I emphasize "all" patriotic Americans prayed for our success as well as the safe return of our brave service men and women. And 4 years later, we still do. However, today our success in Iraq is as elusive as it ever was and has ever been over the past 1,460 days. More than 3,200 American soldiers have given the ultimate measure of sacrifice, and more than 24,000 have been injured. The American taxpayers have spent more than $400 billion on this war, and the President asked for an additional $245 billion, including a $100 billion wartime supplemental spending bill that will be considered on the floor later this week. And thousands of Iraqis have been killed, while literally millions have fled to neighboring countries, triggering a refugee crisis.

Yet despite the sacrifice and hardship, how much progress has been made? Just last week, the Department of Defense reported record levels of violence and hardening sectarian violence in the fourth quarter of 2006, stating, "Some elements of the situation in Iraq are properly descriptive of a civil war."

Administration officials themselves admitted last week that political goals that were to have been met by the Iraqi government this month will take significantly longer to achieve, said the administration. The National Intelligence Estimate tells us the war has increased the global terror threat rather than reduce it. And General Schoomaker, the Army Chief of Staff, has issued strong warnings about the effect of this war on America's overall military readiness and our ability to respond to emerging strategic threats. Indeed, IKE SKELTON of Missouri, the chairman of the Armed Services Committee, said that the situation with respect to America's readiness of its Armed Forces is grave and troubling. Meanwhile, the American people have wearied of administration claims that are divorced from reality. "Mission accomplished" and "the insurgency is in its last throes" are just two of the assertions that have proved, sadly, very badly mistaken.

From the outset, the administration refused to commit a force commensurate with the threat it articulated, and now it asks for patience while a fourth troop escalation seeks to accomplish what three others could not. It profoundly miscalculated the cost of this war. It went to war without a plan for postwar stabilization and security. And perhaps most egregiously, the administration sent our troops into battle without proper equipment.

Madam Speaker, given the repeated miscalculations by the administration over the last 4 years, and given the situation on the ground in Iraq, today it is past time, way past time for the United States Congress, the people's representatives, to insist on accountability and a new direction in Iraq.

As one who supported the authority of the President of the United States to remove Saddam Hussein, and in listening to the President's State of the Union when he said not one of us who voted voted for failure, that was accurate. I certainly did not vote for failure. And I want success and seek success, but the administration's policies have not garnered success. Therefore, more blank checks and questioning obeisance by this Congress would constitute, in my opinion, a dereliction of our responsibility and our constitutional duty. Thus, this Congress, for the first time in 4 years, will have the opportunity this week to change America's course in Iraq and to insist that the Iraqis take control of their own destiny.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act offers the best way forward in Iraq. I urge Members of both sides of the aisle to support it. And I would call the attention to many of our Members to a vote in June of 1997, where so many Members on the Republican side of the aisle voted to set a timetable, set a date certain for withdrawal or exit strategy in amendments sponsored by Mr. BUYER of Indiana in which all the present leaders of the Republican Party who were in the Congress at that time voted for.

In short, the legislation that will come before us is saying much the same, but after 4 years of a lack of success, why do I say a lack of success? Secretary Gates in his confirmation hearing said that we are not winning in Iraq. That was just a few months ago, and he was right. Again, I would reiterate in my opinion because we have never, not at the outset, not over the last 4 years has this administration deployed assets sufficient to meet the challenge. This legislation is designed to protect our troops, requiring troop deployment to adhere to the Defense Department's current standards for training, not new standards, not new timelines, not new requirements, but the Department of Defense currently articulated standards to keep our troops safe, trained and well equipped, standards for equipment and armor, with the President required to certify if he believes the Nation's security requires DoD standards be waived. None of us want to stand in the way if a crisis is imminent and deployment must be accomplished. However, all of us want to see our troops safe, equipped and trained.

The bill also holds the Iraqi government accountable, measuring its performance by the benchmarks President Bush outlined in his January 10 speech, again, the President's benchmarks, not those imposed by Congress, but the administration's own benchmarks for the Iraqis.

In addition, the legislation provides a responsible strategy for a phased redeployment of U.S. forces, provides greater protections for our troops and veterans, and refocuses our efforts on fighting al Qaeda and the Taliban in Afghanistan.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

There are those of course who will claim that this legislation attempts to micromanage the war. They are wrong. There is nothing in this legislation that will be considered this week that micromanages this war. Neither General Petraeus nor any of his commanders on the ground or at CENTCOM will in any way be constrained from the tactics or the strategies that they deem best to employ on the ground in Iraq. The only strings attached are those benchmarks and standards endorsed by the President himself, our Commander in Chief. And let me add, is there anyone who believes that Congress would be strongly asserting itself today if the President's policy was succeeding. The answer, I think, is clear.

This legislation is the justified response of the people's representatives to a policy that is failing and a President who insists that we must continue to stay the course. There is not a new policy here. As I said before, we have increased troops on three different occasions. Unfortunately, lamentably, it did not bring the stability and security that it was planned to bring.

There are others who will argue that this bill will compromise our position in the war on terror. To them I say that this legislation goes above and beyond the President's funding request, supporting our troops deployed at the tip of the spear, and reaffirming our commitment to fighting and defeating al Qaeda. And there certainly are those who will argue that this bill doesn't go far enough, that even one more day of fighting is one too many. To them I say respectfully that this legislation for the first time sets a date for the responsible redeployment of American troops from Iraq. It is not tomorrow, it is not the day after, but it is a date, a date that provides the Iraqis with the time they need to ready themselves for the responsibility they must assume.

Madam Speaker, the Iraq war is already longer than our participation in World War I, World War II and the Korean War. The specter of 5½ years in Iraq, if our troops remain deployed until August 31, 2008, can hardly be called a precipitous cut and run.

As we enter the fifth year of this war, let us insist on a policy designed to achieve success. As we enter the fifth year of this war, let us respond to the plea of the American people for a new direction in Iraq. And as we enter the fifth year of this war, let us demonstrate to the world that American strength and American wisdom are not set in opposition. I urge my colleagues, vote for a new direction in Iraq, support the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

Mr. President, I did not vote for failure. I pray for the safety of our troops and for their success, but I also strongly believe that the legislation we will bring to this floor on Thursday is a reasoned, thoughtful way forward, a way forward that was initially suggested by the Iraq Study Group, five Republicans and five Democrats, headed up by former Secretary of State and adviser to this administration and previous administrations, James Baker. It is time that the Congress of the United States does not simply rubber-stamp the President's request, but on behalf of the American people exercises its best judgment to make policy for a change, to make policy for success, and make policy to ensure victory against those who would terrorize Americans, terrorize our Nation, and terrorize the rest of the world through the employment of their terrorist acts.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WATSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of goodness and harbinger of peace, be with the Congress of the United States this week. Guide decisions that will resist evil, establish good order, and strengthen relationships between people of good will. May the impulse toward reconciliation empower Members that they may lead this Nation to transform unjust structures and restore respect for the dignity of all men and women created in Your likeness.

Lord, through rational argument, may our government and others across the globe reawaken the spiritual energy in people that is needed to become true promoters of peace and justice throughout the world. We pray, calling upon Your Holy Name, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HEAR YOUR GENERALS, MR. PRESIDENT, AND END THE WAR IN IRAQ

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. We are at the anniversary of the beginning of the war in Iraq. Things are not going well. Our troops are strained. Our generals are speaking to the President of the United States, who does not seem to be listening. I would like to read this to the President of the United States on this day.

General Peter Pace, chairman of the Joint Chiefs of Staff, was asked last month by a House panel whether he was comfortable with the preparedness of Army units in the United States, he stated simply: "No, I am not comfortable." Mr. President, that is one of your generals. General Peter Schoomaker, Army Chief of Staff, testified before the Senate Armed Services Committee on Thursday: "We have a strategy right now that is outstripping the means to execute it." Mr. President, that is one of your generals.

The Army Vice Chief of Staff, General Richard Cody, described as "stark" the level of readiness of Army units in the United States which would be called on if another war breaks out. The readiness continues to decline of our next-to-deploy forces, Cody told the House Armed Services Committee Readiness Panel last week.

Mr. President, hear your generals and end this war now.

IN SUPPORT OF VICTORY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, as we stand here today, the Iraqi people enjoy a freedom and sense of self-government they were not afforded 4 years ago. Since the United States originally liberated the Iraqis, they have established a democracy, ratified a constitution, and elected a representative government. Such rights were denied under the totalitarian regime of Saddam Hussein.

General David Petraeus, the new commander of coalition forces in Iraq, is an expert in fighting insurgencies by murderers who defy laws of war. Our military officials have made necessary adjustments, and we are seeing signs of progress. Cutting funding, limiting reinforcements and setting artificial timetables only serve to undermine this end. Together, as Democrats and Republicans, we must achieve victory in Iraq to achieve victory in the global war on terrorism to protect American families. We must face the terrorists overseas, or we will face them again in the streets of America.

In conclusion, God bless our troops, and we will never forget September 11.

COMMUNICATION FROM STAFF MEMBER OF HON. RICK LARSEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Luke Loeffler, Community Representative, Office of the Honorable Rick Larsen, Member of Congress:

OFFICE OF RICK LARSEN,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Municipal Court of the City of Bellingham, Whatcom County, Washington, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
LUKE LOEFFLER,
Community Representative.

COMMUNICATION FROM HON. RICK LARSEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable Rick Larsen, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued in the Municipal Court of the City of Bellingham, Whatcom County, Washington, for testimony in a criminal cases.

I do not appear to have any relevant or material testimony to offer. Accordingly, after consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is inconsistent with the precedents and privileges of the House.

Sincerely,
RICK LARSEN,
Member of Congress.

COMMUNICATION FROM THE OFFICE OF THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from Don Kellaher, Assistant Sergeant at Arms, Office of the Sergeant at Arms, U.S. House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 2007.
Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena for testimony issued by the Office of Compliance of the U.S. House of Representatives.

After consulting with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,
DON KELLAHER,
Assistant Sergeant at Arms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON ITS 175TH ANNIVERSARY

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 138) recognizing the importance of Hot Springs National Park on its 175th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 138

Whereas the concept in the United States of setting aside a nationally significant place for the future enjoyment of its citizens was first implemented 175 years ago in Hot Springs, Arkansas, with the creation of the Hot Springs Reservation, which protected 47 area hot springs;

Whereas the Act that created the Hot Springs Reservation, entitled "An Act authorizing the governor of the territory of Arkansas to lease the salt springs, in said territory, and for other purposes", approved April 20, 1832 (4 Stat. 505), required that "the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever";

Whereas the Hot Springs Reservation was the first protected area in the Nation;

Whereas the Act creating the Hot Springs Reservation preceded both the establishment of the Department of the Interior in 1849 and the establishment of Yellowstone National Park as the first national park in 1872;

Whereas the Hot Springs Reservation was renamed Hot Springs National Park in 1921 and became America's 18th national park; and

Whereas the tradition of preservation and conservation that developed into the National Park System, which now includes 390 units, began with the Act that created the Hot Springs Reservation: Now, therefore, be it

Resolved, That on this 175th anniversary of the Act of Congress that created the Hot Springs Reservation, the House of Representatives recognizes the important contribution of the Hot Springs Reservation and Hot Springs National Park to the history of conservation in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. House Resolution 138, introduced by my colleague, the gentleman from Arkansas, Representative MIKE ROSS, would express a recognition by the House of Representatives of the importance of the Hot Springs National Park on its 175th anniversary.

Most people know that Yellowstone is our first national park, but more than 40 years before Yellowstone was established as a park, Congress set aside 2,529 acres in the Ouachita Mountains of Arkansas to preserve 47 hot springs located there.

The law was enacted at the request of the General Assembly of the Territory of Arkansas and signed by President Andrew Jackson on April 20, 1832. That made the Hot Springs Reservation the first nationally protected parkland.

The reservation was turned over to the Department of the Interior when that Department was established in 1849. However, it took another quarter of a century, a ruling from the U.S. Supreme Court, and the protection of Federal troops to settle the bogus land claims and chase off overeager entrepreneurs seeking to make profit from the springs. Notably, the 1916 Organic Act which established the National Park Service mentioned only the Hot Springs Reservation by name, even though by that time several other national parks and monuments had been designated by Congress. The Organic Act placed all these units under the supervision, management, and control of the new agency.

On March 4, 1921, Congress elevated Hot Springs to a national park status, apparently with the personal interest of the first director of the National Park Service, Stephen Mather.

Bathhouse Row, the Hot Springs street lined with opulent bathhouses and hotels, was added to the National Register of Historic Places on November 13, 1974. The most elegant of these bathhouses, the Fordyce, has since been adapted to use as a visitor center and museum.

The park currently totals 5,550 acres and attracts over 1 million visitors a year. The park plans a 175th anniversary celebration on Friday, April 20; and this resolution will be a fitting commemoration of the role Hot Springs played in National Park history.

Madam Speaker, I want to commend and congratulate my colleague, Representative ROSS, for his commitment and leadership on this matter. We strongly support the passage of House Resolution 138 and urge its adoption by the House.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

House Resolution 138 was adequately explained by the majority, and we support this resolution and we urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, at this time I would like to yield as much time as he may consume to my colleague from Arkansas (Mr. ROSS).

Mr. ROSS. Thank you, Chairman GRIJALVA.

Madam Speaker, I rise today in support of House Resolution 138, a resolution honoring and recognizing the importance of Hot Springs National Park on its 175th anniversary. I am pleased that the entire Arkansas congressional delegation is supporting and cosponsoring this bipartisan bill.

April 20, 2007, will mark the 175th anniversary of Hot Springs National Park in Hot Springs, Arkansas. This resolution will write into history the important role that Hot Springs National Park has played in the formation of the Department of the Interior and the National Park System.

The very idea of setting aside special places in the United States for the future enjoyment of its citizens originated in Hot Springs, Arkansas, when on April 20, 1832, President Andrew Jackson and the United States Congress established Hot Springs Reservation to protect the 47 hot springs in Garland County, Arkansas. That year, Hot Springs Reservation became the first protected area in the Nation and was the only Federal area mentioned by name in the act that established the National Park System.

The Hot Springs Reservation was then officially renamed Hot Springs National Park on March 4, 1921, becoming America's 18th national park, joining many other national landmarks.

For more than 200 years, Hot Springs National Park has remained an area of exceptional beauty and magnificence. People have used the hot spring water and therapeutic baths to treat a variety of ailments, and the reservation eventually developed into a well-known resort nicknamed "the American Spa." Well, today Hot Springs National Park protects eight historic bathhouses, and the Bathhouse Row area in Hot Springs National Park is a national historic landmark district that contains the largest collection of bathhouses of its kind in North America. It provides visitors from around the country and the world with leisure activities such as hiking, picnicking, and scenic drives and remains a national treasure to be enjoyed by generations of Americans.

□ 1415

Hot Springs National Park has played a crucial role in the formation of the United States National Park System. I am proud to sponsor a resolution commemorating its 175th anniversary, and I urge my colleagues to vote in favor of House Resolution 138 today.

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 138.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MORE WATER AND MORE ENERGY ACT OF 2007

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 902) to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "More Water and More Energy Act of 2007".

(b) FINDINGS.—The Congress finds the following:

(1) Development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources.

(2) Some of this produced water is used for irrigation or other purposes, but most of it is returned to the subsurface.

(3) Reducing the amount of produced water returned to the subsurface, and increasing the amount that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of such water; and

(C) in some instances could increase the efficiency of energy development activities.

(4) It is in the national interest to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(c) PURPOSE.—The purpose of this Act is to facilitate the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment, and to demonstrate ways to accomplish that result.

SEC. 2. DEFINITIONS.

In this Act:

(1) PRODUCED WATER.—The term "produced water" means water from an underground source, that is brought to the surface as part of the process of exploration for or development of oil, natural gas, coalbed methane, or any other substance to be used as an energy source.

(2) SECRETARY.—The term "the Secretary" means the Secretary of the Interior.

(3) UPPER BASIN STATES.—The term "Upper Basin States" means the States of Colorado, New Mexico, Utah, and Wyoming.

(4) LOWER BASIN STATES.—The term "Lower Basin States" means the States of Arizona, California, and Nevada.

SEC. 3. IDENTIFICATION OF PROBLEMS AND SOLUTIONS.

(a) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, shall conduct a study to identify—

(1) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) the legislative, administrative, and other actions that could reduce or eliminate such obstacles.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate regarding the results of the study required by this section.

SEC. 4. IMPLEMENTATION.

(a) GRANTS.—Within existing authorities and subject to the availability of funds appropriated for the purpose, the Secretary shall provide financial assistance for the development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produced water may be recovered and made suitable for use for irrigation, municipal or industrial uses, or other purposes without adversely affecting water quality or the environment.

(b) LIMITATIONS.—Assistance under this section—

(1) shall be provided for—

(A) at least one project in one of the Upper Basin States other than New Mexico;

(B) at least one project in either New Mexico or one of the Lower Basin States other than California;

(C) at least one project in California; and

(D) at least one project in Texas;

(2) shall not exceed $1,000,000 for any project;

(3) shall be used to pay not more than 50 percent of the total cost of a project;

(4) shall not be used for operation or maintenance of any facility; and

(5) may be in addition to assistance provided by the United States pursuant to other provisions of law.

SEC. 5. CONSULTATION, ADVICE, AND COMMENTS.

In implementing this Act, including preparation of the report required by section 3 and the establishment of criteria to be used in connection with award of financial assistance pursuant to section 4, the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to section 999 of Public Law 109–58, and to the extent the Secretary considers advisable include such information in the report required by section 3;

(3) seek the advice of individuals with relevant professional or academic expertise and of companies or individuals with industrial experience, particularly experience related to production of oil, natural gas, or other energy resources, including geothermal resources; and

(4) solicit comments and suggestions from the public.

SEC. 6. RELATION TO OTHER LAWS.

Nothing in this Act shall be construed as superseding, modifying, abrogating, or limiting—

(1) the effect of any State law or any interstate authority or compact with regard to any use of water or the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law or regulation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $1,000,000 to implement section 3; and

(2) $5,000,000 to implement section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to commend our colleague, Representative MARK UDALL, for his hard work on this issue.

As many of us know, clean water is one of the most precious commodities in the West. The bill before us, H.R. 902, has a promise of providing more clean water to western communities.

In oil and gas fields with thousands of producing wells, millions of gallons of so-called produced water will be brought to the surface along with oil or gas. To those who operate oil and gas wells, produced water is a waste product. In some cases, the produced water can be injected into the wells to force more oil to the surface. If the water quality is good enough, a well operator might be allowed to discharge the water down the nearest stream, but there may also be opportunities to treat the water and make it useful for irrigation or even domestic purposes. H.R. 902 authorizes a study of the opportunities and the obstacles to beneficial and environmentally safe use of this produced water.

I again commend Mr. UDALL for his hard work on this legislation. In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation. This legislation was subsequently passed by the House. I urge my colleagues to join me in supporting this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PEARCE. Madam Speaker, I yield myself such time as I may consume.

I am here to support H.R. 902 introduced by the gentleman from Colorado (Mr. UDALL). I have cosponsored legislation authorizing the Department of the Interior to study the potential use of extracted water from oil and gas production for irrigation and other purposes.

It will not surprise anyone in this Chamber that water is the most important resource in the West. Water is the lifeblood of the American West and the foundation of its economy. Yet it is also the scarcest resource in some of the fastest-growing areas of the country. But we can go beyond that and declare that water is the most strategic asset in the entire world. It may surprise some in this Chamber that the potential source of good-quality water lies just beneath the surface and is being wasted every day.

During the process of oil and gas development, approximately 924 billion gallons of water is extracted throughout the year, with most of that water being pumped back underground. Some significant share of that water is already being used for irrigation and livestock watering, but converting just 1 percent more of that total to additional beneficial use would yield over 75 billion gallons of more usable water for irrigation, ranching, fish and wildlife enhancement, stream augmentation or drinking water. The produced water that contains the lowest concentration of total dissolved solids, or TDS, less than 10,000 parts per million, is found in the western United States where water is a critical resource.

Often the largest hurdle to beneficial use of water produced from oil and gas production is finding the technology to accomplish water treatment in a cost-effective manner. Water treatment must compete with the lower-cost option of deep well injection. And while deep well injection is the most environmentally sound method of disposal, it forgoes the opportunity to use millions of gallons as a resource.

Beneficial use of this water in these arid environments will be a win-win situation for the energy industry, water consumers, and oil and gas consumers. This legislation will facilitate the potential use of this abundant water for irrigation uses and other beneficial purposes. It could potentially help us find new water from what is now a virtually untapped water resource.

I thank the gentleman from Colorado for introducing this legislation, and urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Speaker, let me begin by first thanking the gentleman from Arizona (Mr. GRIJALVA) for his excellent explanation of what is in this bill. I will not repeat all of the details of this bill, but the bottom line of this legislation is that America needs energy, America needs clean energy, and America needs clean water.

My district in central and north Texas basically is in the heart of one of the largest natural gas fields in American history, the Barnett Shale, and we are blessed to be in that situation where we are producing natural gas for not only Texas citizens, but families and businesses throughout the country.

Natural gas is one of the cleanest forms of energy for this country to run our factories and to heat our homes. Because it is priced on a regional basis rather than on a world basis, every extra thousand cubic feet of natural gas we can produce is going to make America more competitive in the world market by bringing those prices down.

This legislation is going to help us continue utilizing great natural resources such as the Barnett Shale by establishing pilot projects whereby we can learn how to more efficiently recycle the massive amounts of water that are used to, in effect, crack the shale, divide the shale where this Barnett Shale field exists.

It is estimated that one well alone can require 3½ to 5 million gallons of water to basically break up that shale so we can bring the natural gas to the surface and utilize it in our homes and businesses. Right now much of that water is either being injected back down into the earth or literally carted away at great expense to be disposed of at other sites.

What a great benefit to the natural gas industry and families and businesses and communities all across America if we can recycle that water in an environmentally friendly way for the benefit of our farmers and ranchers, for the benefit of local communities that could use that water.

Seldom do we see in this House and on this floor a bill that businesses, the oil and gas industry, and environmentalists can be behind. I commend the gentleman and his coauthor, the gentleman from Colorado (Mr. UDALL), for having developed this legislation. It is nice to see bipartisanship on the floor of the House.

This is good for America. It does what its title says, More Water, More Energy. That is what this bill is all about. That is why I enthusiastically support it.

I want to thank the gentleman from Colorado for agreeing to my request to add Texas to the possible list of pilot sites for this project. Again, the home of the Barnett Shale in Texas is, I think, the largest producing gas field today. I think it is appropriate that Texas be included in this list of potential pilot projects. This is good legislation not just for Texans, it is good for America.

I thank the gentleman and all of those involved who put this legislation together.

Mr. PEARCE. Madam Speaker, many times people have asked exactly how does this work on the ground. For instance, in my home county of Lea County, New Mexico, we have the Ogallala Aquifer. We are right at the very edge of it. And in the 50 years we have been pumping out of the aquifer, we have used about 50 percent of the water that is available to us. There is no surface water available, only that aquifer water is available. We have used 50 percent of it, and it would take 1,900 years to recharge what has been used, and so we understand that we are on the downward slide for having water available to us.

In Lea County, New Mexico, we produce over 150,000 barrels of water yearly, and that water is reinjected. If that water were available to be cleaned up, that water would be available for development, industry and jobs. It is a very important thing.

The county right next is Eddy County. Water is produced there that is fresher than water in the Pecos River, and yet law and regulation requires the disposal of that water back down into salt zones. Everyone in the West understands that at some point we are going to go back and repump that water to the surface, this time for use as water. Right now it is free at the surface. It is a by-product of the oil and gas exploration, and yet we are required to put that water back down into wells, into the salt zones, where it is going to be very much harder to clean up the next time we use it.

So this bill represents a great opportunity for us to take a step forward to benefit the industry in the West, to benefit the residents of the West, and to help lower the cost of production of oil and gas. It seems to be a win-win situation every way that we look at it.

I compliment the gentleman from Texas and the gentleman from Colorado for introducing this legislation.

Mr. UDALL of Colorado, Madam Speaker, I rise in support of my bill, H.R. 902, the "More Water and More Energy Act, and to express my thanks to Chairman RAHALL and Ranking Member DON YOUNG of the Natural Resources Committee for making it possible for the House to consider it today.

The bill's purpose is to facilitate the use of water produced in connection with development of energy resources for irrigation and other uses in ways that will not adversely affect water quality or the environment.

It is similar to a bill I introduced in the 109th Congress that passed the House last year but on which the Senate did not complete legislative action. It is cosponsored by Representative PEARCE of New Mexico, who is the ranking Republican member on the Natural Resources Committee's Subcommittee on Energy and Mineral Resources and also by Representative EDWARDS of Texas. I greatly appreciate their support.

I think the bill may help change an energy-industry problem into an opportunity, not just for oil and gas producers but for everyone else who would benefit from increased supplies of useable water.

Especially in the arid west, that covers everyone—not least our hard-pressed ranchers and farmers.

The focus of the bill is the underground water extracted in connection with development of energy sources like oil, natural gas or coalbed methane. It would do two things:

First, it would direct the Bureau of Reclamation and the USGS to identify the obstacles to greater use of produced water and the how those obstacles could be reduced or eliminated without adversely affecting water quality or the environment.

Second, it would provide for Federal help in building 3 pilot plants to demonstrate ways to treat produced water to make it suitable for irrigation or other uses, again without adversely affecting water quality or the environment.

At least one of these pilot plants would be in Colorado, Utah, or Wyoming. At least one would be in New Mexico, Arizona or Nevada. And there would be at least one each in California and Texas. This is to assure that, together, the plants would demonstrate techniques applicable to a variety of geologic and other conditions.

Under the bill, the federal government could pay up to half the cost of building each plant, but no more than $1 million for any one plant. No federal funds could be used for operating the plants.

The bill's goal is reflected in its title—the "More Water and More Energy Act of 2006."

The extent of its potential benefits was shown by the testimony of Mr. David Templet at a hearing on the similar bill of mine the House considered last year.

Mr. Templet testified in support of that bill on behalf of the Domestic Petroleum Council and several other groups, including the Colorado Oil & Gas Association. He noted that produced water is the most abundant byproduct associated with the production of oil and gas, with about 18 billion barrels being generated by onshore wells in 1995.

And he pointed out that if only an additional 1 percent of that total could be put to beneficial use, the result would be to make over 75 billion gallons annually available for use for irrigation or other agriculture, municipal purposes, or to benefit fish and wildlife.

Now, remember that in the west we usually measure water by the acre-foot—the amount that would cover an acre to the depth of one foot—and an acre-foot is about 32,8560 gallons, so an additional 75 billion gallons is more than 230,000 acre feet—more water, indeed.

And at the same time making produced water available for surface uses, instead of just reinjecting it into the subsurface, can help increase the production of oil and gas.

At last year's hearing, this was illustrated by the testimony of Dr. David Stewart, a registered professional engineer from Colorado. He cited the example of an oil field in California from which an estimated additional 150 million barrels of oil could be recovered if water were removed from the subsurface reservoir. And he pointed out that where oil recovery is thermally enhanced, a reduced amount of underground water means less steam—and so less cost—is needed to recover the oil.

The potential for having both more water and more energy is also illustrated by the example of a project near Wellington, Colorado, that treats produced water as a new water resource. I had the opportunity to visit it just last week, and found it very interesting.

An oil company is embarking on the project to increase oil production while a separate company will purchase the produced water to supplement existing supplies, eventually allowing the town of Wellington and other water users in the area to have increased water for drinking and other purposes.

In view of its potential for leading to both "more water" and "more energy" I was pleased but not surprised that last year the Administration, through the Interior Department, testified that it "agrees that the goals of the bill are commendable and the needs that could be addressed are real" and that the roles the bill would assign to the Bureau of Reclamation and the USGS are consistent with the missions and expertise of those agencies.

In view of all this, Madam Speaker, I submit that this bill—and its promise of helping provide our country with both more water and more energy—deserves the support of the House, and I urge its approval.

Mr. PEARCE. Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 902.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TAUNTON, MASSACHUSETTS, SPECIAL RESOURCES STUDY ACT

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1021) to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taunton, Massachusetts Special Resources Study Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The city of Taunton, Massachusetts, is home to 9 distinct historic districts, with more than 600 properties on the National Register of Historic Places. Included among these districts are the Church Green Historic District, the Courthouse Historic District, the Taunton Green Historic District, and the Reed and Barton Historic District.

(2) All of these districts include buildings and building facades of great historical, cultural, and architectural value.

(3) Taunton Green is the site where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark a popular movement, culminating in the American Revolution, and Taunton citizens have been among the first to volunteer for America's subsequent wars.

(4) Robert Treat Paine, a citizen of Taunton, and the first Attorney General of Massachusetts, was a signer of the Declaration of Independence.

(5) Taunton was a leading community in the Industrial Revolution, and its industrial area has been the site of many innovations in such industries as silver manufacture, paper manufacture, and ship building.

(6) The landscaping of the Courthouse Green was designed by Frederick Law Olmsted, who also left landscaping ideas and plans for other areas in the city which have great value and interest as historical archives and objects of future study.

(7) Main Street, which connects many of the historic districts, is home to the Taunton City Hall and the Leonard Block building, 2 outstanding examples of early 19th Century American architecture, as well as many other historically and architecturally significant structures.

(8) The city and people of Taunton have preserved many artifacts, gravesites, and important documents dating back to 1638 when Taunton was founded.

(9) Taunton was and continues to be an important destination for immigrants from Europe and other parts of the world who have helped to give Southeastern Massachusetts its unique ethnic character.

SEC. 3. STUDY.

The Secretary, in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under section 3.

SEC. 5. PRIVATE PROPERTY.

The recommendations in the report submitted pursuant to section 4 shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this Act as a unit of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1021 directs the Secretary of the Interior to conduct a special resources study to determine if certain historic buildings and areas in Taunton, Massachusetts, are suitable and feasible for designation as a unit of the National Park System. The bill was introduced by the gentleman from Massachusetts, Mr. BARNEY FRANK.

Taunton is a city rich in cultural and historic resources. The city is home to nine historic districts, with more than 600 properties on the National Registry of Historic Places. A comprehensive study of these resources will help to determine if inclusion within the National Park System is appropriate. This study will be completed in consultation with the State historic preservation officer, State Historical Society, and the city of Taunton and other appropriate organizations.

Madam Speaker, I want to congratulate Representative FRANK for his efforts on behalf of this legislation and this community. I would note that identical legislation was approved by the House in the last Congress, and we urge our colleagues to support the measure today.

Madam Speaker, I reserve the balance of my time.

□ 1430

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

H.R. 1021 has been adequately explained by the majority, and we have no objection to this legislation. We also have no other speakers.

Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1021.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATURAL RESOURCE PROTECTION COOPERATIVE AGREEMENT ACT

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 658) to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resource Protection Cooperative Agreement Act".

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) FUNDING.—Funds available to carry out the provisions of this Act shall be limited to programs and amounts specified in the statute for such use in the annual appropriation Act for the National Park Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

H.R. 658 is an administration proposal introduced by Representative JON PORTER of Nevada. The bill would authorize the National Park Service to enter into cooperative agreements to spend Park Service funds outside of existing Park boundaries.

According to a report from the Government Accountability Office, the National Park Service is the only Federal land management agency that does not currently have that authority.

While there are several areas in which such cooperative agreements would be useful, the ability to participate in coordinated plans to eradicate invasive species in and around national parks is the primary reason that the National Park Service is seeking this authority.

Under the terms of this legislation, the National Park Service could enter into such agreements with State, local or tribal governments, with other public entities, educational institutions, private nonprofit organizations, or participating private landowners. The legislation requires that any such cooperative agreements provide clear benefits to park resources.

Madam Speaker, I would note this legislation does not authorize any new funding.

I thank my colleague from Nevada for his effort, and we support passage of H.R. 658 by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 658, and I yield myself such time as I may consume.

H.R. 658 was introduced by the very effective Congressman from Nevada, JON PORTER, and would authorize the National Park Service to enter into a cooperative agreement with willing partners to protect park natural resources through collaborative efforts on land inside and outside of units of the National Park System. This was recommended by the Government Accountability Office, as the Park Service is still the only land management agency without this particular authority. So we expect this will help control the spread of invasive species and increase the protection of parks and wildlife.

At this point, Madam Speaker, I would like to engage the majority bill manager, Mr. GRIJALVA, in a colloquy to clarify an issue related to this bill, if he would.

I understand that the International Association of Fish and Wildlife Agencies has brought to the committee's attention their concern that H.R. 658 not be interpreted to give the National Park Service authority to manage fish and wildlife outside park boundaries.

Management authority for fish and wildlife resources within State boundaries has customarily been held in trust by the respective States. Congress has repeatedly affirmed this. This trust responsibility has been implemented primarily through State fish and wildlife agencies. In general, these principles are expressed in relevant fish and wildlife policies of the Department of the Interior found in volume 43 of the Code of Federal Regulations, part 24.

Can the chairman of the subcommittee please clarify that the States' existing authority to manage fish and wildlife is not affected by H.R. 658?

Mr. GRIJALVA. Madam Speaker, will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from Arizona.

Mr. GRIJALVA. I thank the gentleman, and I agree with the gentleman from Utah on his description of Federal and State authorities to manage fish and wildlife resources.

I also agree that we should promote better coordination and cooperation between the Federal Government and the States to enhance our fish and wildlife resources for future generations, especially for the control of invasive species. I assure my colleague that nothing in H.R. 658 diminishes or enlarges the authority of the Federal Government or any State for the conservation and management of fish and wildlife.

Mr. BISHOP of Utah. Reclaiming my time, I thank the gentleman for his assurances, and with that, I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Nevada (Mr. PORTER), the author of this very good piece of legislation.

Mr. PORTER. Madam Speaker, invasive animal and plant species know no boundaries. That is why I introduced H.R. 658, the Natural Resource Protection Cooperative Agreement Act.

The passage of this legislation today has significance to my district, given the recent infestation at Lake Mead of quagga mussels. These are a species capable of causing massive destruction and billions of dollars in damages. The quagga mussel is a resilient species that multiplies at exponential rates and can cause enormous ecological, recreational, and economic damage. In recent years, the mussel has caused an estimated $5 billion in damages to the Great Lakes region.

As the law currently exists, the National Park Service does not have the legal authority to enter into cooperative agreements with neighboring States and local governments or private entities. Rather, the Park Service must wait until invasive species cross into their lands and waterways before they can be dealt with.

Part of responsible stewardship of our local environment is being proactive and not merely responsive to new ecological challenges. H.R. 658 enables the National Park Service to take preventative measures in order to preserve our lands and natural resources.

By entering into cooperative agreements with State and local experts, we will be able to eradicate invasive species before they encroach onto Federal lands. We have an obligation to our children and to our community to be responsible stewards of our local environment.

I thank my colleagues on both sides of the aisle for working in a bipartisan manner on this very important issue.

I also want to thank my constituent Ann Schreiber in Nevada who has worked so hard to eradicate invasive plant life in my district and recognizes the importance of meeting these challenges head-on.

I urge my colleagues to support this legislation.

Mr. BISHOP of Utah. Madam Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 658.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 838) to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.

(a) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(b) DEED RESTRICTION.—The conveyance of the lands under subsection (a) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(c) CONSIDERATION.—In consideration for the transfer of the land under subsection (a), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

SEC. 2. SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.

(a) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(b) METHOD OF SALE.—The sale of the land under subsection (a) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

SEC. 3. DISPOSITION OF LAND SALES PROCEEDS.

(a) IN GENERAL.—All proceeds derived from the sale of the lands described in this Act shall be deposited in a special account in the treasury of the United States and shall be available without further appropriation to the Secretary of the Interior until expended for—

(1) the reimbursement of costs incurred by the Bureau of Land Management in implementing the provisions of this Act, including surveys, appraisals, and compliance with applicable Federal laws; and

(2) environmental restoration projects on Bureau of Land Management administered public lands within the Salt Lake City Field Office of the Bureau of Land Management.

(b) INVESTMENT OF SPECIAL ACCOUNT.—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

H.R. 838, sponsored by the ranking member of the National Parks, Forests and Public Lands Subcommittee, Representative Rob Bishop, is intended to preserve existing open space in Park City, Utah. The bill would transfer two parcels of land owned by the Bureau of Land Management to Park City, with a deed restriction that the land be maintained as open space. Park City will pay fair-market value for the land.

Two other parcels in the area owned by the BLM are encumbered with unpatented mining claims. The bill directs that these parcels, which the BLM had previously identified for disposal, be sold at auction, subject to any valid existing rights, to resolve these outstanding issues. Park City is expected to bid for these properties at the auction.

It is our understanding that Park City has undertaken an aggressive campaign to maintain open space and that the citizens of Park City have proven their commitment by approving a local bond initiative to fund this project.

We applaud Park City's efforts and congratulate Representative BISHOP for working hard to bring this legislation to the floor.

Madam Speaker, identical legislation was approved by the House in the 109th Congress. We support passage of H.R.

838 and urge its adoption by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 838 and yield myself such time as I may consume.

H.R. 838 conveys to Park City about 110 acres of Bureau of Land Management land that was previously marked for disposal. This land would be used by Park City as recreational open space. The residents of Park City have placed a premium on preserving this space for the character of their resort town; and as the chairman accurately said, they have approved a $20 million bond to purchase this environmentally sensitive land. The conveyance of this is consistent with Park City's long-range plan to protect its sensitive landscape.

Park City hosted many of the events of the 2002 Olympics, and visitors from around the world visit there to ski and partake of the scenic vistas, which will be enhanced by this bill. As was stated, this bill, as passed by the 109th session of Congress and as considered today, enjoys the support of both Republicans and Democrats and does have a companion bill that has been introduced in the United States Senate.

I ask for your support of this particular bill.

Madam Speaker, I actually have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, we have no additional speakers, and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 838.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ARTHUR V. WATKINS DAM ENLARGEMENT ACT

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 839) to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arthur V. Watkins Dam Enlargement Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

SEC. 3. AUTHORIZATION OF FEASIBILITY STUDY.

The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

SEC. 4. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study authorized in section 3 shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this section shall be counted as part of the non-Federal cost share for the study.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in section 3.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

H.R. 839, introduced by our colleague, Representative ROB BISHOP of Utah, would authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam. The dam is one of the main features of the Bureau of Reclamation's Weber Basin Project located along the shore of the Great Salt Lake near Ogden, Utah.

□ 1445

Recent drought and a growing population in Utah have highlighted water supply needs in the area. The feasibility study authorized by this legislation will help local water agencies and the Bureau of Reclamation to decide whether we should consider raising the dam to improve water storage capacity.

In the 109th Congress, the Subcommittee on Water and Power held hearings on similar legislation. That legislation was subsequently reported by the committee and passed by the House.

We have no objection to this legislation and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 839. The Bureau of Reclamation's Weber Basin Project, which is located in northern Utah only a short distance from the historic Brigham City, stores and delivers water from the Weber River into its tributaries.

The Arthur V. Watkins Dam, which is part of the Weber Basin Project, is part of an off-stream reservoir on the northeastern edge of the Great Salt Lake. It is formed by a roughly rectangular perimeter dam that is about 14.5 miles long. Water from the Weber River near its outlet to the Great Salt Lake is diverted into the reservoir by the Willard Canal and pumped from the reservoir by that same canal for multiple purposes. In addition to providing water supply, the reservoir is a popular recreation facility.

Recent drought and a growing population of Utah have highlighted the need for additional water storage. As a result, the Weber Basin Water Conservancy District, a water user which manages the Arthur V. Watkins Dam and Reservoir, desires the Bureau of Reclamation's assistance in determining the feasibility of adding water storage capacity to the reservoir.

H.R. 839 authorizes such assistance. This bill passed in the 109th Congress by voice vote. I again ask for your support.

Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 839.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

MARINE MAMMAL RESCUE ASSISTANCE AMENDMENTS OF 2007

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1006) to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Amendments of 2007".

SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.

(a) Collection and Updating of Information.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting "or entangled" after "stranded".

(b) Entanglement Response Agreements.—

(1) In general.—Section 403 of such Act (16 U.S.C. 1421b) is amended—

(A) by amending the section heading to read as follows:

"SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.";

and

(B) in subsection (a) by inserting "or entanglement" before the period.

(2) Clerical amendment.—The table of contents at the end of the first section is amended by striking the item relating to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements.".

(c) Liability.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting "or entanglement" after "stranding".

(d) Entanglement Defined.—

(1) In general.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) in order as paragraphs (2) through (7); and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

"(A) on a beach or shore of the United States; or

"(B) in waters under the jurisdiction of the United States.".

(2) Conforming amendment.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f-1(a)(2)(B)(i)) is amended by striking "section 410(6)" and inserting "section 410(7)".

(e) John H. Prescott Marine Mammal Rescue Assistance Grant Program.—

(1) Authorization of appropriations for grant program.—Section 408(h) of such Act (16 U.S.C. 1421f-1(h)) is amended—

(A) by striking "$5,000,000 for each of fiscal years 2001 through 2003" and inserting "$7,000,000 for each of fiscal years 2007 through 2010"; and

(B) in paragraph (1) by striking "$4,000,000" and inserting "$6,000,000".

(2) Administrative costs and expenses.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended—

(A) by adding at the end of subsection (a)(1) the following: "All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f)."; and

(B) by amending subsection (f) to read as follows:

"(f) Administrative Costs and Expenses.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the grant program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided as grants under subsection (a).".

(3) Emergency assistance.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended—

(A) in subsection (a) by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) Subject to the availability of appropriations, the Secretary may also enter into cooperative agreements, contracts, or such other agreements or arrangements as the Secretary considers appropriate to address stranding events requiring emergency assistance.";

(B) in subsection (d) by inserting "(1)" before the text, and by adding at the end the following:

"(2) Funding for emergency stranding projects shall not be subject to the funding limit established in paragraph (1).";

(C) in subsection (e)—

(i) in paragraph (1) by striking "The non-Federal" and inserting "Except as provided in paragraph (2), the non-Federal";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) Emergency assistance.—No non-Federal contribution shall be required for funding for a response to an emergency stranding event."; and

(D) in subsection (g) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2) Emergency assistance.—The term 'emergency assistance' means assistance provided for a stranding event that—

"(A) is not an unusual mortality event as defined in section 409(6);

"(B) leads to an immediate increase in required costs for stranding response, recovery, or rehabilitation in excess of regularly scheduled costs;

"(C) may be cyclical or endemic; and

"(D) may involve out-of-habitat animals.".

(4) Contributions.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended by adding at the end the following:

"(i) Contributions.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests.".

(f) Authorization of Appropriations for Marine Mammal Unusual Mortality Event Fund.—Section 409(3) of such Act (16 U.S.C. 1421g(3)) is amended by striking "fiscal year 1993" and inserting "each of fiscal years 2007 through 2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. Grijalva) and the gentleman from Utah (Mr. Bishop) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself such time as I may consume.

I commend the ranking Republican on the Committee on Natural Resources, Congressman Don Young, for introducing H.R. 1006, the Marine Mammal Rescue Assistance Amendments of 2007. The bill would extend through fiscal year 2010 the authorization of appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Fund and the Marine Mammal Unusual Mortality Event Fund.

H.R. 1006 would direct the relevant Secretary to collect and update procedures for rescuing and rehabilitating marine mammals entangled in fishing gear, rope, line, net or other material. The bill also authorizes the Secretary to enter into agreements for marine mammal stranding events requiring emergency assistance.

In the 109th Congress, the House passed a similar provision in H.R. 4075, by voice vote, on July 17, 2006. We support this bill and commend Congressman Don Young for his leadership on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in strong support of H.R. 1006, the Marine Mammal Rescue Assistance Act amendments.

This legislation, introduced by the distinguished Ranking Republican on the Natural Resources Committee, Don Young, and the ranking Republican on the Fisheries, Wildlife and Oceans Subcommittee, Henry Brown, will extend the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

The Prescott Grant program was first authorized in 2000 to assist the National Marine Fisheries Service with recovery and rehabilitation of stranded marine mammals. The Prescott Grant program has been very successful in supporting facilities around the Nation which volunteer space and staff time to rehabilitate these sea creatures and return many of them to the wild.

The National Marine Fisheries Service has received $4 million in appropriations each year for the Prescott Marine Mammal Rescue Assistance Grants. In 2006, the Service issued 42 grants to facilities in coastal States. While the Prescott Grant program has been successful in these areas, there are still areas of the country that do not have appropriate coverage; the Alaska region and the Southeast region are two examples.

This legislation will increase funding for the Department of Commerce to address this lack of coverage and will also increase the number of grants that can be issued each year. The legislation will also cap administrative costs and roll over any unused funds into the grant program. The administration will have the authority to enter into cooperative agreements with trained personnel to allow for removal of floating debris from marine mammals to prevent the stranding and/or the death of those animals.

This legislation also authorizes emergency assistance funding. In addition, it will reauthorize funding for the Marine Mammal Unusual Mortality Event Fund, which allows the agency to respond to mass stranding events and reimburse facilities that have assisted in the response activity.

This is an important conservation bill. I urge an "aye" vote on H.R. 1006.

Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1006.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BOB HOPE MEMORIAL LIBRARY

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 759) to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the "Bob Hope Memorial Library".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in section 1 shall be deemed to be a reference to the "Bob Hope Memorial Library".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Madam Speaker, H.R. 759, introduced by my colleague from New York (Mr. ENGEL) redesignates the Ellis Island Library on the third floor of the Ellis Island Immigration Museum as the Bob Hope Memorial Library.

Bob Hope immigrated to the United States with his family in 1907. Like millions of other immigrants, he entered the United States through Ellis Island in New York Harbor. Bob Hope went on to have an illustrious career as a comedic entertainer and is remembered by many for his work over nearly six decades traveling the globe to entertain American servicemen and women.

Madam Speaker, I would like to commend my colleague from New York, Representative ENGEL, for his work on this legislation. I would note that identical legislation passed the House in the 109th Congress. We support the passage of H.R. 759 and urge its adoption today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 759, which has been well explained by the subcommittee chairman. We support the designation of the Bob Hope Memorial Library. We urge the adoption of this particular bill.

In 1940, Bob Hope starred, with Paulette Goddard and Richard Carlson, in a remake of the movie "The Ghost Breakers." In that picture, as they are talking about zombies that would be attacking the house that is owned by Paulette Goddard, she said, "Zombies! That's horrible." Richard Carlson said, "It's worse than horrible because a zombie has no will of his own. You see them sometimes walking around blindly with dead eyes, following orders, not knowing what they do, not caring." At which time Bob Hope said, "Oh, you mean like Democrats."

I am very grateful that the other side of the aisle has taken this opportunity to recognize and reward both the wit and the wisdom of Bob Hope with this piece of legislation. I firmly support it.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, at this point I extend as much time as he may consume to my colleague from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank my friend from Arizona in whose district my son Jonathan is enjoying himself as a sophomore at the University of Arizona. I would like to thank all concerned for the opportunity to speak about my bill, H.R. 759, a bill which will name the third floor library at Ellis Island in New York Harbor the Bob Hope Memorial Library.

I would also like to thank Representative GALLEGLY for his assistance with this bill, and I would like to thank the chairman and the ranking member of the committee for their help in bringing this bill expeditiously to the floor.

Most Americans remember Bob Hope for his work in the entertainment business as a comedian, actor, dancer and singer, as well as his work with the American troops abroad. Perhaps his work with American troops abroad is the thing that he is most remembered for. But what few know is that Bob Hope was actually an immigrant from England, came here when he was very, very young. He is sometimes even referred to as America's most famous immigrant, whose life epitomizes the American Dream. Bob Hope embodies the American Dream, and the Ellis Island Restoration Commission even called naming the library a fitting tribute.

After a long period of restoration, Ellis Island, where my grandparents, all four of them, came through about 100 years ago, Ellis Island was turned into a museum in 1990 with the purpose of allowing people to come and remember the 16 million immigrants who passed through Ellis Island from 1892 through 1954 to pursue the American Dream.

Like many of the other 16 million immigrants who passed through Ellis Island, Bob Hope arrived in America in 1907, which is actually the same year that my grandmother, my mother's mother, came to this country, and Bob Hope arrived in 1907 with little in the way of worldly possessions. Bob Hope described himself upon arrival as, and I quote him, "a 4 year-old boy in knickers who had no idea of the opportunities that lay ahead."

He went on to become a household name in the United States and around the world. After arriving in the United States, the Hope family moved to Ohio, and he later studied and started his career in radio.

He moved on to appear in numerous movies and even Broadway plays, and is perhaps best known, as I mentioned before, for his unwavering commitment to entertaining our Nation's troops abroad. For nearly six decades, often during holidays in World War II, through Vietnam and until the Gulf War, Bob Hope traveled the globe, bringing a little bit of America to U.S. troops during times of peace and war.

Troops abroad even took calling him "GI Bob." In 1997, Congress named him an honorary veteran. Bob Hope has been recognized in many ways for his work. He has been honored with over 1,500 awards, but this award or reward is perhaps the most fitting.

Some notable awards include several Academy Awards, a Congressional Gold Medal in 1962, an Emmy and a Golden Globe. Despite all the awards that Bob Hope received, he had a special place in his heart for Ellis Island. In 1990, when the Ellis Island Restoration Commission suggested naming the third floor library of the museum in his honor, he stated it would be, and I quote him, "one of the single most important high points of my career."

Sadly, Bob Hope passed away in 2003 at the age of 100 and did not see this project finished. But today I hope we would move, as the first step, in seeing this come to fruition.

The Bob Hope Memorial Library will serve as a daily reminder to Ellis Island's visitors of Bob Hope's great contributions to the American people, the American culture and the American Dream. After all, it is Bob Hope. It's Bob Hope.

Madam Speaker, I ask to insert into the RECORD two statements, a letter from Bob Hope back in 1990 expressing his support of the museum, as well as a letter from the Ellis Island Restoration Commission expressing their support for this project.

BOB HOPE,
October 24, 1990.

Mr. PHILIP LAX, President,
Mr. NORMAN LISS, Chairman of Development,
Ellis Island Restoration Commission,
New York, NY.

DEAR PHIL AND NORMAN, I was both thrilled and gratified to receive your letter announcing the establishment of "the Bob Hope Family Heritage Center" at Ellis Island. What a great honor for someone who just 83 years ago saw the first glimmer of this great nation of ours as a 4-year old boy in knickers and had no idea of the opportunities that lay ahead. Frankly, my only concern back then was running away as fast as my little legs would carry me from the doctor who came to innoculate me before landing at Ellis!

A great many wonderful things have happened to me since that day. However, I assure you that the honor bestowed on me by you and your commission is one of the single most important highpoints in my life and career. That it will be cherished by the Hope Family for generations to come is a true understatement.

With deep appreciation and warm personal regards to each and every member of your commission who made this honor possible. I just want to add that I admire and respect all you've been doing to restore this great symbol of the American dream.

Regards,

BOB HOPE.

ELLIS ISLAND RESTORATION COMMISSION,
New York, NY, Nov. 27, 2003.

Mr. WARD GRANT,
Burbank, CA.

DEAR MR. GRANT: The Ellis Island Restoration Commission, together with the National Park Service, are desirous of naming the third floor of the National Museum at Ellis Island in New York Harbor, the Bob Hope Memorial Library in honor of that great American legend.

The ship's manifest, which we have in our possession, reflects that Bob Hope emigrated to America through Ellis Island with his mother and siblings on March 28, 1908, at the age of four. He is probably the most famous immigrant to come through Ellis Island of the sixteen million who so emigrated. Forty percent of the current United States population has roots in Ellis Island.

The Museum is owned and administered by the National Park Service on behalf of the Department of Interior. Ellis Island and the Statue of Liberty, to which it is connected, are the most sought after destinations for tourists visiting New York. The Library contains, among other rooms, the Oral History Room, in which the stories of immigrants who arrived through Ellis Island are recorded and computerized, and the Ellis Island Archives.

As reflected in the letters we have enclosed, Mr. Hope in 1990 and 1991, showed great interest in the Island and reflected sincere appreciation for the honor of having the Library named after him. Unfortunately, at that time, bureaucratic complications did not permit the project to move ahead.

It would be our intention, if the family approves, to seek a bill passed by Congress and have it signed into law by the President. We would not be seeking any funds from the Bob Hope Foundation or any family members, but this would simply be in recognition of the great contributions to America's life, culture and entertainment by Bob Hope.

Ironically, we were in London at the time of Mr. Hope's passing and took the opportunity to visit his childhood home and the Bob Hope Theatre in Eltham.

We were provided your contact information by WOR's Joe Franklin and his producer, Richard Orenstein, in New York, both of whom enthusiastically encouraged this idea.

We look forward to hearing from you after you have communicated with the family and if the response is in the affirmative, make appropriate arrangements for a formal announcement by the Commission, Congressional representatives, National Park Service, as well as family members.

We eagerly await your response.

Sincerely yours,

PHIL LAX,
President.
NORMAN LISS,
Chairman of Development.

☐ 1500

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 759.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRALEY of Iowa) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 138, by the yeas and nays;

H.R. 658, by the yeas and nays;

H.R. 839, by the yeas and nays.

The vote on H.R. 759 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON ITS 175TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 138, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 138.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 157]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)

Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—34

Brady (PA)
Brady (TX)
Buchanan
Carson
Castor
Conaway
Cubin
Davis (IL)
Davis, Jo Ann
Fattah
Flake
Fossella
Gilchrest
Goode
Gutierrez
Johnson (IL)
Kanjorski
Kucinich
Lowey
Meehan
Meeks (NY)
Mitchell
Napolitano
Pence
Pryce (OH)
Rush
Sanchez, Loretta
Sensenbrenner
Sessions
Shadegg
Terry
Wamp
Weiner
Young (FL)

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FALLEN HEROES IN IRAQ WAR

(Mr. PATRICK J. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today because today marks the 4-year anniversary of the war in Iraq. I would like to offer a moment of silence for the 19 members of my unit that did not make it home from Iraq, and for the thousands of brave Americans that have fallen.

On this somber occasion, we must commit ourselves to honoring the memories of the fallen, and continue to do right by our troops still fighting.

The SPEAKER. Members will rise and the House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

NATURAL RESOURCE PROTECTION COOPERATIVE AGREEMENT ACT

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 658, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 658.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 10, not voting 33, as follows:

[Roll No. 158]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood

Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—10

Bartlett (MD)
Campbell (CA)
Cantor
Deal (GA)
Franks (AZ)
Gingrey
Kingston
Paul
Sali
Westmoreland

NOT VOTING—33

Brady (PA)
Brady (TX)
Buchanan
Carson
Castor
Cubin
Davis (IL)
Davis, Jo Ann
Fattah
Flake
Fossella
Gilchrest
Goode
Gutierrez
Johnson (IL)
Kanjorski
Kucinich
Lowey
Meehan
Meeks (NY)
Mitchell
Napolitano
Pence
Pryce (OH)
Rush
Sanchez, Loretta
Sensenbrenner
Sessions
Shadegg
Terry
Wamp
Weiner
Young (FL)

☐ 1911

Mr. CAMPBELL of California and Mr. GINGREY changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARTHUR V. WATKINS DAM ENLARGEMENT ACT

The SPEAKER pro tempore (Mr. BRALEY of Iowa). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 839, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 839.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 1, not voting 38, as follows:

[Roll No. 159]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—38

Brady (PA)
Brady (TX)
Buchanan
Carson
Castor
Cleaver
Cubin
Cuellar
Davis (IL)
Davis, Jo Ann
Duncan
Fattah
Flake
Fossella
Gilchrest
Gillmor
Goode
Gutierrez
Johnson (IL)
Kanjorski
Kucinich
Lowey
Meehan
Meeks (NY)
Mitchell
Napolitano
Pence
Pryce (OH)
Rush
Sanchez, Loretta
Sensenbrenner
Sessions
Shadegg
Terry
Towns
Wamp
Weiner
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1920

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 157, 158, and 159.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was regrettably absent from the Chamber on March 19 during rollcall votes 157, 158, and 159. Had I been present, I would have voted "yea" on rollcall 157, "nay" on rollcall 158, and "nay" on rollcall 159.

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. HODES. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 253) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Ms. Moore of Wisconsin.

Mr. HODES (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

Mr. MCHENRY. Mr. Speaker, I object. I ask the Clerk to read the resolution.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued reading the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMARKS ON FOURTH ANNIVERSARY OF IRAQ WAR

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, as the war in Iraq enters its fifth year, we take time to reflect on those who have made the greatest sacrifices because of this war, our troops. We all salute them because of their courage, their patriotism and the sacrifices they are willing to make. They have done everything asked of them, and we are forever in their debt.

That debt extends to their families, who have also made sacrifices. The missed family events, births of children, deaths of loved ones, graduations, anniversaries, birthdays are losses which cannot be replaced. We owe to these families a renewed commitment to support them in whatever way may be required and to make sure that our troops have everything they need to do their job and to come home safely and soon.

To those who have been wounded, our Nation has promised to care for you as you have protected us. This is a solemn promise, and it will be honored.

The debt which can never be repaid is to those whose lives have been lost in the war, and as a Nation we mourn them. Their absence is felt each day, each and every one of them; but on this day in particular, their sacrifice should be remembered in a special way. I therefore salute our colleague, Congressman PATRICK MURPHY, for leading us in a moment of silence in memory of his colleagues who were lost in the war and all others as well.

Mr. Speaker, 4 years ago today, our Nation launched a war of choice in Iraq. The war has claimed the lives of over 3,200 American troops and wounded tens of thousands more, some of them permanently.

Any U.S. military engagement has to be judged in three ways: does it make our country safer, our military stronger, and the region in which we are engaged in the conflict more stable. The war in Iraq has failed on all three counts.

In fact, the administration's policy in Iraq has diminished the safety of our country by reducing the strength of our military. The readiness has sunk now to levels lower than Vietnam, it has failed to hold the Iraqis accountable for the future of their own country, and it has dishonored our commitment to our veterans. It has cost billions of dollars and significantly damaged our reputation in the eyes of the world.

When our young men and women are placed in danger, we owe it to them to provide them with the best training and equipment possible and a strategy worthy of their sacrifice.

The generals have told us over and over again, across the board, generals on active duty, General Petraeus as recently as last week, and many retired generals: there is no military solution to the war in Iraq. It cannot be won solely militarily. Instead, we must leverage all of our political, economic, and diplomatic strengths.

Again and again Senator REID, the Democratic leader in the Senate, and I have urged President Bush to adopt a plan for Iraq that contains the following elements:

Change the mission. Transition the mission from combat to training. That will enable us to responsibly redeploy our troops.

Third, we must build consensus for political accommodation in Iraq. They must amend the constitution to be more inclusive to end the civil strife.

Fourth, we must encourage a robust diplomatic effort, primarily involving Iraq's neighbors. The first meeting of neighbors was held. That is a good step. It was at a low level, appropriately, and now it has to move to the ministerial level.

We then must reform and reinvigorate the reconstruction effort. $10 billion is unaccounted for. $10 billion in thin air of the reconstruction effort is unaccounted for. How do we answer to the American taxpayer, when this war is costing $2 billion a week on the military side, and on the reconstruction side we can't account for the money?

When we do this, when we transition, when we change the mission, redeploy the troops, build political consensus, engage in diplomatic efforts and reform and reinvigorate the reconstruction effort, then we can turn our attention to the real war on terror, in Afghanistan.

I hear the voice of the future in the Chamber. What a beautiful sound. What a beautiful sound.

Later this week, Mr. Speaker, we will debate a plan to bring the war to an end. The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act will rebuild our military, protect our troops, provide for our veterans and hold the Iraqi Government accountable.

The benchmarks for the Iraqi Government set forth in this bill are the benchmarks endorsed by President Bush on January 10. They are: improvement in the performance of the Iraqi security forces; a greater commitment by the Iraqi Government to national reconciliation; and reductions in the level of sectarian violence in Iraq.

After 4 years of war, it is reasonable to expect these benchmarks to be met this year. Four years. We are in this war longer than World War II. There is no end in sight. There is no end in sight. There is an unlimited commitment, with no strategy to match the sacrifice of our troops.

Democrats will be offering later in the week, and hopefully with Republican support, we will pass a supplemental that will, that will, place a time frame. And I am really pleased that so many retired generals have come out in support of a time certain that relates to the performance that the President himself established, that the Iraqi Government themselves agreed to.

This isn't anything we created. It is the President's benchmarks. The Iraqis agreed to it. We want to see progress. But if we don't, we will begin the redeployment of our troops out of Iraq in 6 months from that date. Then we will leave troops there for training, for protecting our diplomats, for fighting terrorism, for force protection, but only for those purposes.

I welcome the debate over this bill and the opportunity it provides for Members of Congress to express themselves in what I consider is the greatest ethical challenge to our country, how we send our young men and women into battle; how we send them without the training, without the equipment, without the rest time at home, and overextend them when they are there.

☐ 1930

How we send them into battle without plans to honor our commitment to them.

In the military they say: On the battlefield, we will leave no soldier behind. We say: And when they come home, we will leave no veteran behind.

Apparently our country, our great country, has to make a decision for greatness on how we are viewed in the world, on how we project our power and our ideals to make the world a more peaceful place, to honor our commitment to our troops, to honor our commitment to the future, and to honor the sacrifice and the vision of our Founding Fathers.

This is a very important decision for our caucus, for our Congress, for our country, and I hope that the debate will be in the spirit as it was a few weeks ago. It was a great commitment to our troops with knowledge of substance, based on values and respecting the patriotism of each and every person who serves in the Congress.

I know for certain as Speaker of the House that every single person who serves here is patriotic and wants to honor our veterans. I know for certain because I have seen every single person here take an oath of office to protect and defend our Constitution and our country. It is in that spirit that we offer this supplemental that makes America safer, that strengthens our military, and brings stability to the world.

OIG PROTESTS ITS INNOCENCE TOO MUCH

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, today 6 months after meeting with Members of Congress and with the staff of OIG of Homeland Security about Ramos and Compean, Richard Skinner of the Office of the Inspector General is now saying his staff did not lie to Members of Congress, but his staff was just mistaken about certain facts when it briefed us.

He also is saying the meeting was confidential. I am sure the OIG staff wishes it had been since the staff misled Congress on what occurred at the border.

Is Skinner saying it is okay to mislead Congress in a confidential meeting? Sounds like it to me. The meeting was only confidential in the fantasy world of OIG. And how would Skinner know; he wasn't even there.

His staff not only told Congress inaccurate things about the case, they said they have the documents to prove their assertions. Even after repeatedly asking for such documents, they were never produced. Why? Because they don't exist.

Now that the transcript of the trial is completed, we find out about the inaccurate statements of OIG to Congress. OIG would do well to simply tell the truth and get accurate information in public and private rather than use slick Madison Avenue press releases to justify their misstatements to Congress.

And that's just the way it is.

BRING OUR TROOPS HOME WITH DIGNITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, some semblance of security in Baghdad, but chlorine bombs in Anbar province and other parts of Iraq, the fourth-year anniversary of this country's offensive on the nation state of Iraq.

It is interesting that as we continue to watch our young people fall in battle, heroes that they are, and veterans come home, that the executive in this body, this Congress, this House and the other body cannot come to grips with a forward path for solving and reconciling the war in Iraq.

It is interesting that our Commander in Chief desires to tell us that we must stay the course, a refrain that we have heard over and over again.

My plea would be let us sit down at the table of reconciliation. Let us not suggest that people who stand for conscience are unpatriotic, and let us resolve to bring our troops home together in dignity and with success.

HONORING REV. RAYMOND MOSS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to recall the exceptional life of Reverend Raymond Moss of Marietta, Georgia. Reverend Moss passed away this month at the age of 79, leaving behind a long legacy as an advocate of social justice and civil rights.

Reverend Moss was a fixture in Cobb County. After a brief stint in Minor League Baseball and a job as draftsman at Lockheed Martin, Moss found his true calling, and in 1959 he started Back to the Bible Holiness Church, the first homegrown Black church in Cobb County.

He went on to build 14 more churches in Georgia and Alabama, and helped lead the Cobb community during the turbulent civil rights era.

Reverend Moss was a compassionate father not only to his own 14 children, but to any member of the Marietta community in need of a mentor.

In fact, I first came to know the Reverend 30 years ago while practicing medicine with one of his dear friends, Dr. Douglas Glover. Indeed, many of Reverend Moss' faithful came to my office for care, and all had been deeply touched by the Reverend's compassion.

I know these members of our community will carry on his dedication to compassionate service.

Mr. Speaker, I ask that you join me in honoring the life of Reverend Raymond Moss.

APPLAUDING TENNESSEE BASKETBALL

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, as a Tennessean, I am proud of the success of my three schools that have reached the Sweet Sixteen.

In America, there is nothing going on with greater import on the local scene than March Madness; and there is no place more happy about the madness than the State of Tennessee, the Volunteer State.

Three of our schools have teams in the Sweet Sixteen: Our land grant university, the University of Tennessee; and my two alma maters, Vanderbilt University and the University of Memphis.

On Thursday, the University of Tennessee and the University of Memphis will both be playing in the Sweet Sixteen in San Antonio, Texas. Everybody in Texas knows if it weren't for Tennessee, there wouldn't be a Texas. So we bring basketball to Texas, and we brought liberty and independence to Texas. We have a lot of pride in our basketball teams and our universities.

SUPPORTING COLEMAN CORRECTIONAL FACILITY

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise tonight to commend the men and women serving in the Federal Correction Complex in

Coleman, Florida, in my district. This Federal complex serves our Nation by housing prisoners in low-, medium- and high-security facilities. It has provided countless jobs in my district and helped our growing economy.

The people who fill those jobs truly are a testament to the array of wonderful people in my district. Even with the struggles in funding and thinly stretched staff, the officers at Coleman are cheerful, positive, and professional people. Staffing a prison complex is no easy job, and many of the officers there literally have scars to prove it. Yet they know their job is to keep our families safe.

I have had the opportunity to tour this facility several times and meet with the staff, and I am proud to serve alongside such honorable public servants. I want to take this opportunity to give them all my heartfelt thanks.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HEARING REQUESTED ON RAMOS AND COMPEAN PROSECUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today I had the pleasure of meeting with Congressman JOHN CONYERS, chairman of the Judiciary Committee. I shared with him information from myself and other Members of Congress who are requesting a hearing on the case of Border Patrol Agents Ramos and Compean.

Many of us in Congress are concerned about the Federal prosecutor in this case and his decision to bring criminal charges against these agents. Agents Ramos and Compean were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These agents never should have been sent to prison, yet today is their 62nd day behind bars. There are legitimate legal questions about how this prosecution was initiated, and how the U.S. Attorney's Office proceeded in this case. Members of Congress and the American people want to know why the Federal prosecutor is on the wrong side in this case.

To prosecute the agents, the U.S. Attorney's Office granted immunity to a known drug smuggler. He is not an American citizen, he is a criminal. Drug enforcement reports have confirmed that the Mexican drug smuggler brought a second load of marijuana, 752 pounds, into the United States after he was granted immunity to testify against our border agents, but this information was kept from the jury and the public.

Mr. Speaker, I am certain that Chairman CONYERS will review the information that I and other Members of Congress have brought to his attention concerning the prosecution of these two heroes.

Before closing, I ask the President to use his authority and pardon these two Hispanic Americans who were doing their job to protect the American people; and, more importantly, I call on the President to listen to the American people and to the thousands of citizens who have asked for a pardon for these two men.

IRAQ IN CIVIL WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I rise with deep concern that on this very day 4 years ago, our Nation inaugurated a conflict, an unnecessary war, a war of choice, not a necessity.

The most comprehensive intelligence we have, the National Intelligence Estimate and the latest Pentagon report, tells us that Iraq had descended into a state of civil war. Over 3,000 Americans have died, and hundreds of thousands, some even say up to 1 million citizens of Iraq, have lost their lives in this unnecessary conflict.

And while we are telling our veterans of this war, the elderly, the poor, and the sick that there is no room in the budget for them, the American people have spent over $400 billion on a failed policy. We cannot do more of the same. Mr. Speaker, violence begets violence. It does not lead to peace.

President John F. Kennedy once said, "Those who make peaceful revolution impossible will make violent revolution inevitable." My greatest fear is that the young people of Iraq and of the Middle East will never forget this war. My greatest fear is they will grow up hating our children and our children's children for what we have done. Mr. Speaker, the Bible is right. Even a great nation can reap what it sows.

Nothing troubles me more than to see the young faces of these soldiers who have been led to their death.

☐ 1945

Some are only 18, 19, 21, 22, 23. It is painful; it is so painful to watch. Sometimes I feel like crying and crying out loud at what we are doing as a Nation and what this administration is doing in our name. Our children do not deserve to die as pawns in a civil war.

They do not deserve to pay with their lives for the mistakes of this administration. They never had a chance.

When I was their age, when I was 23 years old, I was leading the Student Non-Violent Coordinating Committee, soon to speak in Washington on the steps of the Lincoln Memorial, but then we were involved in a nonviolent revolution to transform the soul of America, to create a beloved community.

Forty years ago, I was there in New York City in Riverside Church when Martin Luther King, Jr., gave one of the most powerful speeches he ever made against the war in Vietnam. If he could speak today, he would say this Nation needs a revolution of values that exposes the truth that war does not work. If he could speak today, he would say that war is obsolete as a tool of our foreign policy.

He would say there is nothing keeping us from changing our national priority so that the pursuit of peace can take precedence over the pursuit of war.

He would say we must remove the causes of chaos, injustice, poverty and insecurity that are breeding grounds for terrorism. This is the way towards peace.

As a Nation, can we hear the words of Gandhi, so simple, so true, that it is either nonviolence or nonexistence? Can we hear the words of Martin Luther King, Jr., saying that we must learn to live together as brothers and sisters or perish as fools?

Tonight I must make it plain and clear that as a human being, as a citizen of the world, as a citizen of America, as a Member of Congress, as an individual committed to a world at peace with itself, I will not and I cannot in good conscience vote for another dollar or another dime to support this war.

A FAILED STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, 4 years ago, Vice President CHENEY, on the looming war in Iraq, of which he was a principal architect, he and his staff are responsible for the manipulation and manufacturing of intelligence that misled people into believing there was a threat of weapons of mass destruction or there was some ties to 9/11. Neither of those things was true. Vice President CHENEY said we will, in fact, be greeted as liberators. I think it will go relatively quickly. Weeks, rather than months, said Vice President CHENEY, and he still does not believe that he was wrong.

He is still a principal architect of the surge, of an escalation of the war in Iraq, of continuing a war without end, a war that President Bush said last November it will be up to the next President to determine when U.S. troops might come home.

A failed strategy, a strategy that fails our troops. Our troops have done all that we have asked and more under difficult conditions. They started with inadequate equipment, and Congress had to push the administration to give them the equipment they needed. They have been put on brutal rotations, stop/loss orders, and they have done more than was asked.

But the leadership has failed. Donald Rumsfeld is gone. He should have gone a very long time ago. Vice President CHENEY is still there pulling the strings. We will be greeted as liberators, he said.

Then the President two months later said major combat operations have ended, 1st of May. Nearly 3,000 American troops have died since the President gave that speech. Over 12,000 have been seriously wounded, very seriously wounded; and yet their answer is more of the same, stay the course, to escalate the conflict. They will not engage in meaningful diplomacy, and they will not change direction in Iraq. Their strategy will not bring a successful end to this war.

They are now again trying to tie it to 9/11 and al Qaeda. Yet they are contradicted, in fact, by the Director of National Intelligence, a Bush appointee. When he was asked, Mike McConnell, if al Qaeda would establish itself in Iraq and they would launch attacks from there, I would not go so far as to say al Qaeda would necessarily believe that. They want to reestablish their base and their objective would be in Afghanistan.

Remember Afghanistan? Remember Osama bin Laden? Remember 9/11? Remember the Taliban? They are still out there. They are planning and plotting. Afghanistan is going in a bad direction because the President diverted our attention, our troops, our resources away from a battle that was supported by all the major nations in the world to eradicate those who had attacked us so grievously on 9/11 into a discretionary war in Iraq, and still, the President would put the emphasis on Iraq.

His National Security Adviser says this is a charade what they would do in the House of Representatives, a charade. If it is a charade, why are they fighting so hard? For the first time, Congress is going to exert its constitutional responsibility as a third and coequal branch to say enough failed leadership is enough and we want a new direction.

The Speaker came to the well earlier and laid that out in detail, what that new direction would be, and this bill that we will vote on later this week would move us in that new direction. That is not a charade. That is the first meaningful challenge to the failure of leadership by Vice President CHENEY and George Bush that have put that region at risk, that has put American troops in the middle of a civil war, which is now admitted by the Pentagon.

We did not go there to be referees in the middle of a 1,400-year-old sectarian conflict in a civil war. The Iraqis are going to have to resolve those issues themselves.

I wrote to the President 2 years ago February and said you need to set meaningful timelines to force the Iraqis to come together and begin to resolve their differences. They still do not want to do that.

Americans should not be the surrogates. We should not be in the middle. Our troops should not be in the middle.

This bill is extraordinarily important. Yes, the President might veto it, but we are going to challenge him again and again and again until we get a new direction that better serves our country, our troops, that region and the world.

AIR TRAFFIC CONTROLLERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, as you have heard our colleagues coming down to the well and talking passionately on the anniversary of the Iraq war and the debate that will go later on in this week and a vote that will come on to the floor of the House, I think that this is what certainly the American people want to see; but tonight, Mr. Speaker, I also want to talk about something else.

We in Congress must keep our eyes and ears open on all things that are happening around us; and today I want to talk about the tens of thousands of Federal Aviation Administration employees that are working without a contract.

Most of these workers are represented by the National Air Traffic Controllers Association, Professional Airways System Specialist, and the American Federation of State, County and Municipal Employees.

The FAA under the Bush administration has attacked the collective bargaining process. The FAA has not implemented a single negotiated and ratified contract with any of its contract unions. FAA employees need a fair collective bargaining process restored.

Just as this House gave collective bargaining rights to TSA employees in the 9/11 bill, which was the right thing to do, we must do no less for the employees of the FAA. Let me be very clear on this point. Our air traffic controllers do not have a contract with the FAA.

The FAA imposed work and pay rules on these individuals last September. There is no Federal law that recognizes imposed work and pay rules as a contract. Morale among FAA employees is extremely low. Retirements are far exceeding FAA's planning. Fatigue among those employees who remain is a major concern, and these are all direct effects of the unilaterally imposed work rules.

In 2003, there were over 15,000 air traffic controllers. At the end of 2006, there were barely 14,000. Of the 14,000 working today, almost 2,000 of them are trainees and not fully certified. At the same time, and by no means by coincidence, operational errors are on the rise at the FAA's busiest facilities, including Atlanta-Hartsfield and the Southern California TRAY-CON.

Current FAA projections are that by the year 2010, which is only a few years away, 40 percent of the air traffic control workforce will have 4 years or less on the job.

This House has a duty to these individuals to a fair process. That is all they are asking for, nothing more, nothing less.

Mr. Speaker, a lot of people do not understand the job that air traffic controllers have, yet they have the control of the thousands and thousand of lives on a daily basis. Every single day that people fly, it is the air traffic controllers that are basically controlling the skies to make us safe.

And being that we are talking about 9/11, think about what our air traffic controllers did on that day. They brought down thousands and thousands of planes without one incident. They saved so many lives, and yet here the administration is taking away the right for them to earn a decent pay.

The pressure that is up in those towers is unbelievable. I have spent time there just to see what that job was like. They are not asking for more or less. All they are asking for is a contract.

This House has a duty to make sure that those workers have what is due them.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1227, GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–53) on the resolution (H. Res. 254) providing for consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

The message also announced that the Senate has passed a joint resolution and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S.J. Res. 5. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. Con. Res. 14. Concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

LACK OF POLITICAL PROGRESS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week the New York Times reported that Iraq is falling well short of the political progress they were supposed to have made by now. Still no constitutional reform. Still no local elections. Still no final action on a law governing distribution of oil revenues. Still no reversal of the de-Baathification laws.

The Bush administration is now saying that their military escalation needs time to work and that these political goals will not be met until the end of the year.

I think it is clear what is going on here. What we have is another tactic by the White House in an attempt to run out the clock until January of 2009 when they can hand over the reins and make Iraq look like someone else's problem.

The President has said that the military commitment to Iraq is not open-ended; yet all evidence is to the contrary.

☐ 2000

The supporters of this war, a group whose numbers are dwindling by the day, tell us the next 6 months are critical. This really is the last chance for success. Time and time again, deadlines are established and not met, but there are no consequences, nor is there accountability. I am of the belief that the Iraqi Government won't get its act together until it is forced to govern on its own, until it is no longer propped up by the presence of more than 150,000 American soldiers.

As it is now, as long as we continue with this military occupation, Iraqis have absolutely no incentive to push for democratic reform. As the Times article indicated, the President has waved off these concerns, accusing those of us who want to apply deadlines, pressure of being part of a culture of instant results.

Instant results? I am sorry, the President has had 4 years and more than $400 billion to make this work. Besides, it is this administration that assured us we would be greeted as liberators, that democratizing Iraq would be a cinch, that there would be hardly any sacrifice at all. Now that they have turned out to be monumentally wrong, they are wanting to know why we are demanding answers 4 years later.

I, for one, am tired of being told to be patient, especially when this body is asked to write another enormous check for this war, especially when my country is becoming a global pariah, especially when we learn that our Iraq policy has increased the threat of terrorism, especially when Americans are dying by the thousands, and those lucky enough to make it home alive face a mountain of red tape, substandard care, rodent-infested living quarters at Walter Reed.

I believe we must move toward a fully funded military withdrawal now, not in August of 2008, not at some future date to be determined by the President. End the occupation and start bringing the troops home so that every last one of them can be out of Iraq and with their families in time for the holidays.

PUBLICATION OF THE RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Madam Speaker, pursuant to clause 2(a)(3) of Rule XI, by direction of the Committee on House Administration I submit the rules of the Committee for the 110th Congress for publication at an appropriate place in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION—ONE HUNDRED TENTH CONGRESS

RULE NO. 1

General provisions

(a) The Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a privileged motion in the Committee. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the chair and to its rules as far as applicable.

(b) The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and, subject to the adoption of expense resolutions as required by House Rule X, clause 6, to incur expenses (including travel expenses) in connection therewith.

(c) The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee, and to make such information available to the public. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from the appropriate House account.

(d) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the Chair of the Committee as she or he may deem necessary or at the request of a majority of the members of the Committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the Chair subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting may be dispensed with if, in the judgment of the Chair, there is no need for the meeting.

(b) If the Chair is not present at any meeting of the Committee, or at the discretion of the Chair, the Vice Chair of the Committee shall preside at the meeting. If the Chair and Vice Chair of the Committee are not present at any meeting of the Committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3

Open meetings

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation of the Committee shall be open to the public except when the Committee in open session and with a quorum present determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, that no person other than members of the Committee, and such congressional staff and such other persons as the Committee may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4

Records and rollcalls

(a)(1) A record vote shall be held if requested by any member of the Committee.

(2) The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b)(1) Subject to subparagraph (2), the Chair may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chair shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(c) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chair; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) House records of the Committee which are at the National Archives shall be made available pursuant to House Rule VII. The Chair shall notify the ranking minority member of any decision to withhold a record pursuant to the rule, and shall present the matter to the Committee upon written request of any Committee member.

(e) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE NO. 5

Proxies

No vote by any member in the Committee may be cast by proxy.

RULE NO. 6

Power to sit and act subpoena power

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee or any subcommittee thereof is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents and other materials as it deems necessary, including materials in electronic form. The Chair, or any member designated by the Chair, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the Chair pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(2) Compliance with any subpoena issued by the Committee or a subcommittee may be enforced only as authorized or directed by the House.

RULE NO. 7

Quorums

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the rules of the Committee, one-third of the members of the Committee shall constitute a quorum. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8

Amendments

Any amendment offered to any pending legislation before the Committee or a subcommittee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

Hearing procedures

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the Chair, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present, the Chair shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the Chair, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the Committee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the Committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall count for a quorum or offer any motion or amendment or vote on any matter before the subcommittee.

(e) Committee or subcommittee members may question witnesses only when they have been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in Committee or subcommittee hearings shall be initiated by the Chair, followed by the ranking minority member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The Chair may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings of the Committee or a subcommittee, as applicable:

(1) The Chair at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness as provided by clause 2(k)(2) of Rule XI.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chair may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(5) If the Committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the Chair shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

RULE NO. 10

Procedures for reporting measures or matters

(a)(1) It shall be the duty of the Chair to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chair notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) The report of the Committee on a measure or matter which has been approved by the Committee shall include the matters required by Clause 3(c) of Rule XIII of the Rules of the House.

(d) Each report of the Committee on each bill or joint resolution of a public character reported by the Committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time any measure or matter is ordered reported by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views, in the form submitted, by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraph (c)) are included as part of the report. This subparagraph does not preclude —

(A) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(3) shall, when appropriate, contain the documents required by Clause 3(e) of Rule XIII of the Rules of the House.

(f) The Chair, following consultation with the ranking minority member, is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House, relating to going to conference with the Senate, whenever the Chair considers it appropriate.

(g) If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(h) The Chair may designate any majority member of the Committee to act as "floor manager" of a bill or resolution during its consideration in the House.

RULE NO. 11

Committee oversight

The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and clause 4. Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12

Review of continuing programs; budget act provisions

(a) The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in Clause 4(e) of Rule X of House Rules.

(b) The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13

Broadcasting of committee hearings and meetings

Whenever any hearing or meeting conducted by the Committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with Clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

RULE NO. 14

Committee and subcommittee staff

The staff of the Committee on House Administration shall be appointed as follows:

A. The staff shall be appointed by the Chair or her or his designee except as provided in paragraph (B), and may be removed by the Chair and shall work under the general supervision and direction of the Chair;

B. All staff provided to the minority party members of the Committee shall be appointed by the ranking member or her or his designee, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member;

C. The Chair shall fix the compensation of all staff of the Committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the Committee.

RULE NO. 15

Travel of members and staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the Chair or her or his designee. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance at hearings conducted by the Committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chair in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each; and

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the Chair covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16

Number and jurisdiction of subcommittees

(a) There shall be two standing subcommittees, with party ratios of members as indicated. Subcommittees shall have jurisdictions as stated by these rules, may conduct oversight over such subject matter, and may consider such legislation as may be referred to them by the Chair. The names and jurisdiction of the subcommittees shall be:

(1) Subcommittee on Capitol Security—(2/1). Matters pertaining to operations and security of the Congress, and of the Capitol complex including the House wing of the Capitol, the House Office Buildings, the Library of Congress, and other policies and facilities supporting congressional operations; the U.S. Capitol Police.

(2) Subcommittee on Elections—(4/2). Matters pertaining to the Federal Election Campaign Act, the Federal Contested Elections Act, the Help America Vote Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Voting Assistance Program, the Bipartisan Campaign Reform Act, the Americans with Disabilities Act (accessibility for voters with disabilities), the Federal Elections Commission (FEC), the Elections Assistance Commission (EAC), and other election related issues.

(b) The Chair may establish and appoint members to serve on task forces of the Committee, to perform specific functions for limited periods of time, as she or he deems appropriate.

RULE NO. 17

Referral of legislation to subcommittees

The Chair may refer legislation or other matters to a subcommittee, or subcommittees, as she or he considers appropriate. The Chair may discharge any subcommittee of any matter referred to it.

RULE NO. 18

Powers and duties of subcommittees

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the full committee on all matters referred to it. No subcommittee shall meet during any Committee meeting.

RULE NO. 19

Other procedures and regulations

The Chair may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20

Designation of clerk of the committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the Committee shall act as the clerk of the Committee.

THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, today is the fourth anniversary of our invasion of Iraq. We still don't necessarily know why we went to war in Iraq; I certainly don't. This is my first year in Congress, and we have a very serious and important matter coming up this week which we have to vote on. I haven't decided exactly how I am going to vote. I know I want us out of Iraq. I want our troops to be safe, but be protected, and I want our veterans to be looked after.

There is a proposal to come up to suggest we should have a definite date, September 1 of 2008, to have our troops out of Iraq, and to have certain benchmarks which the Iraqi Government has to meet, and have our President certify they have met them at different times in the summer and next fall.

There are certain restrictions on the troops that says that the military can't send folks in if they haven't had a year off, they are not properly trained and don't have proper equipment, which is kind of hard for me to fathom, that after 4 years of war, we are only now getting around to saying our troops should have proper equipment, proper training and proper rest. It's hard for me to imagine what's gone on the last 4 years, what type of oversight or undersight has taken place in this Congress, and what type of concern that the administration has had for our troops, sending them into Iraq without proper training and without proper equipment.

It borders on malfeasance, and it makes me wonder, in voting for $100 billion in the supplemental budget, if it's not negligence, and Mr. Speaker knows as a lawyer it may be beyond that. It may be gross negligence of this administration, which has shown it doesn't know how to handle money, particularly in sending it to Iraq, where $10 billion is totally missing, other monies have just disappeared, to give them $100 billion and to give them the care and custody of American men and women, great patriots who have volunteered for military duty.

We have had 3,200 Americans die in Iraq, over 3,200 now, and casualties in the area of 20,000. For every day we stay there longer, there will be more and more casualties and more and more deaths.

I understand the proposal being put forth is an advancement, and it's more than the Senate will do, and it's more than the administration will permit, because they have said they will veto anything with a date, anything with conditions, anything that is reasonable, that reflects what the American people want to have, which is the same policy in Iraq to get our troops home and to find a way to end America's nightmare, which has, indeed, been a nightmare.

We were told the mission was accomplished. I don't know what has been accomplished. I have read newspapers today, and everybody, people in Iraq, have no medical care, they have very little electricity, they are living in squalor, and they say life was better with Saddam Hussein than it is now. We have not improved the lives of the Iraqi people. We have pretty much destroyed their country, and we claim we did it for freedom.

But one of the conditions upon which we will measure the benchmarks is if they give us their oil and give it to some of our multinational companies, which makes you wonder if they hate us because of our love for freedom, or if they hate us because we want to take their oil. Maybe that is what it was all about was oil, blood for oil.

It's hard for me not to support a progressive measure, which I know Speaker PELOSI and I know my party's leadership is going to advance, to try to bring some end to this nightmare. But at the same time it's difficult for me to give another dollar and another life to the care and custody of this administration. I do think it's gross negligence probably to do so when you look at what they have done over the last 4 years.

I read about death this weekend in Iraq, soldiers who died who were 20 years old, 19 years old, 21 years old, and I thought about how young they were. They are children basically, children with guns, going over to Iraq, and they are dying because they fall, they have an IED blow them up. It's not mano a mano, it is not being shot by Iraqis. It's IEDs. Every day we stay, there will be more and more American men and women being blown up, being sent to inadequate facilities such as Walter Reed because we haven't gotten out.

I don't know that the situation there will get any better. The President today called a press conference and spoke and said we need to keep going forward; we won't know in weeks, we won't know in months, we won't know until longer if this surge or escalation will work.

It's not going to work. You learn from history. If you don't learn from history, you are a fool. The fact is you look at the past, you can look at the Sunnis and the Shi'a and the situation over there and the insurgents, and our being there has not made a difference. It just means that American men and women have died, and the dollars that should have been spent in cities in America to help children with education and health care hasn't been spent.

I am conflicted. I hope the people in my district will let me know what they think. Should we spend another dollar and sacrifice another life, or should we get out as soon as possible?

PETRODOLLARS AND THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the Wall Street Journal reported last week what most Americans may not realize, that for the first time in history, our U.S. military is now guarding the major Iraqi oil pipeline that leads to its major refinery in Bayji. Yes, our brave soldiers from the 82nd Airborne are now maintaining around-the-clock presence at Iraq's largest oil pipeline and refinery to fight the corruption, smuggling and sabotage that characterize Iraq's oil industry, its premier industry.

The article talks about the flourishing market in stolen Iraqi oil. It says U.S. military officials estimate that as much as 70 percent of the fuel processed at the plant is lost to the black market, an amount valued at more than $2 billion. Iraq's oil reserves may be the largest in the world. Future access to them is now being determined by a group of people we generally don't see on the evening news.

Do you know them? It's important to figure out who those people are and who exactly is now involved in writing Iraq's hydrocarbon law. How transparent are these oil deliberations?

Indeed, it is amazing how little we hear about them, as trillions of dollars are at stake. Meanwhile, oil smuggling has earned lots of shady characters hundreds of millions of dollars since the beginning of the war. Why did we let this go on? Until now, we can catch Saddam Hussein in the spider hole, and yet somehow we could not figure out who is smuggling Iraqi oil?

Americans deserve answers to so many questions. Who has been earning the money from the oil smuggling? Which global oil companies will benefit once the U.S. leaves Iraq? What percent of oil resources in Iraq will be left for the Iraqi people?

Traveling to Iraq and Kuwait a few weeks ago, I had the chance to witness how technology and power systems transformed endless deserts into oil supply lines. It is an awesome sight. Yet I couldn't help but ask, what is America doing in these deserts? Who does our oil addiction benefit? How have we let ourselves become tied to oil dictatorships? Why do we pay nearly $400 billion a year to import petroleum rather than become energy-independent ourselves here at home?

Our able colleague, Congressman BILL DELAHUNT of Massachusetts, gave me a book last week, and I looked on page 96. This is called "The Price of Loyalty," by Ron Suskind. It explains how Donald Rumsfeld used our Defense Intelligence Agency to map Iraq's oil fields and lists companies that might be interested in leveraging the precious asset long before the Iraqi war was declared.

Judicial Watch obtained Mr. Rumsfeld's map through a Freedom of Information request because Mr. Rumsfeld and Paul Wolfowitz would not share it voluntarily. Imagine that. Our taxpayers footed the bill for this map to benefit private firms.

The book attests Rumsfeld and his cohorts in the Bush administration were not concerned with legitimate reasons to go to war; they only concerned themselves with how and how quickly to penetrate Iraq's oil fields. Mr. Wolfowitz had written as early as 1999 that the United States should be committed, should be prepared to commit ground forces to protect a sanctuary in southern Iraq where the opposition could safely mobilize. As we pay dearly for this violent war, and our soldiers die in Iraq, just coincidentally we have to remember the world's largest untapped oil reserves are in Iraq.

Most other nations in the Middle East have guarded their oil reserves as national treasures, but I will tell you what: Halliburton, ExxonMobil, ConocoPhillips, ChevronTexaco and foreign companies like Total, Royal Dutch Shell and British Petroleum have been identified by reporters like Antonia Juhasz, who said last week in the New York Times, these oil companies would not have to invest their earnings in the Iraqi economy, partner with Iraqi companies, hire Iraqi workers or share their new technologies. In fact, she says, only 13 of the 80 oil wells, oil fields in Iraq would be for the Iraqi people. The other ones are being bargained away as the hydrocarbon law is written. Why do we hear so little about this on our evening news?

John Perkins, in his book "Confessions of an Economic Hit Man," talks about how Saudi oil money through petrodollars has been reinvested in our economy, holding up so many of our equities and certainly our U.S. Treasury securities. Why can't America become energy-independent at home? Why do we have to be dependent to the 20th century view of dependency on foreign oil?

"Almost immediately after the [1973 oil] embargo ended," Perkins writes, "Washington began negotiating with the Saudis, offering them technical support, military hardware and training and an opportunity to bring their nation into the twentieth century, in exchange for petrodollars and, most importantly, assurances that there would never be another oil embargo." Congress did not negotiate this—the overall management and fiscal responsibility lay with the Department of the Treasury, and according to the book, the ensuing agreement, which was negotiated in intense secrecy, "fortif[ied] the concept of mutual interdependence." The very goal of this agreement was to "find ways that would assure that a large portion of petrodollars found their way back to the United States" so that "Saudi Arabia would be drawn in, its economy would become increasingly intertwined with and dependent upon ours" and, of course, we on them. It is a ridden economy.

Is this the America you want? Do you want U.S. soldiers risking their lives guarding Iraqi oil? I want an America free of counterproductive foreign entanglements. I want an America free of support for dictatorships, no matter how tempting their treasures. I want an America free of foreign oil. I want to invest our dollars here at home in energy independence—in solar, wind, hydrogen, clean coal, new turbine systems, fuel cells and so much more.

I think most Americans, if they understood the extent to which we are hurting ourselves, would want the same. Some global interests are getting so filthy rich year after year, that they would risk a free America for the sake of their bloodied oil profits. It's worth changing how we do business in order to regain our freedom.

[From the Wall Street Journal Europe, Mar. 15, 2007]

IRAQ'S OIL SMUGGLERS ARE TARGETED

(By Yochi J. Dreazen)

BAYJI, IRAQ—Adding another facet to Washington's new pacification plan for Iraq, U.S. and Iraqi forces have launched an aggressive campaign to curb the oil smuggling that is destabilizing the fragile Baghdad government and helping to fund insurgents.

In concert with stepped-up military and reconstruction initiatives across Iraq, U.S. troops for the first time are maintaining a round-the-clock presence at the sprawling oil refinery here, Iraq's largest. Soldiers from the Army's 82nd Airborne Division are cracking down on illegal gas stations, arresting refinery workers suspected of corruption and using sophisticated data-sifting methods to identify which senior Iraqi officials might have ties to black-market oil rings.

The Iraqi government, meanwhile, has begun what it calls Operation Honest Hands, which puts the entire refinery under Iraqi military control. Iraqi Army soldiers are physically monitoring each of the facility's pumps and entrances, assuming many of the responsibilities previously held by a paramilitary security force employed by the Oil Ministry that was widely considered corrupt and ineffectual. Iraqi troops are also escorting many convoys of fuel trucks from the refinery to destinations around the country.

The move represents another course change for the administration of U.S. President George W. Bush as it struggles to craft a new approach for stabilizing Iraq. U.S. and Iraqi officials have long been aware of the flourishing market in stolen Iraqi oil but largely turned a blind eye because Washington feared that stationing American soldiers in major refineries would spark a nationalist backlash and renew accusations that the U.S. invaded Iraq for its oil. The Iraqi government, meanwhile, felt its modest security resources were better used directly fighting insurgents.

But officials from both governments have concluded recently that oil smuggling had become too big a problem to ignore any longer. The loss of so much output to the black market is sharply reducing the Iraqi government's main source of revenue: About 94% of Iraq's $32 billion budget last year came from oil revenue. The stolen oil also gives Iraq's insurgent groups a ready source of income, helping to perpetuate the country's civil war.

"Disrupting the insurgent funding is our main job," said 30-year-old Capt. Kwenton Kuhlman, who is leading the antismuggling operation at the Bayji refinery. "I'm under no illusions—we can't stop it. It's too big. But we can try to disrupt it."

Iraq produces some 2 million barrels of oil a day, but U.S. and Iraqi officials believe the figure could rise as high as 5 million barrels a day with improved security and new infrastructure.

Former Iraqi President Saddam Hussein helped create the black market in oil in response to economic sanctions imposed in the wake of the 1990–91 Persian Gulf War. Mr. Hussein used smuggling, as well as kickbacks on oil sold legitimately through the United Nations' oil-for-food program, to generate cash for his regime and to reward allies at home and abroad.

The stepped-up fight against smuggling has no guarantee of success—and risks triggering more political and economic turmoil. Senior Iraqi officials regularly pressure the Americans to call off specific investigations or release individuals detained for suspected involvement in the black market, feeding Washington's suspicions that oil-related corruption extends deep into the government.

The enormity of the task facing the soldiers from the 82nd Airborne was evident on recent visits, and underscores the broader challenge Americans face in turning more security over to their Iraqi counterparts. Several tanker drivers said Iraqi soldiers at the plant had already begun asking for bribes. The drivers also said they don't want to be escorted by Iraqi troops for fear of attracting insurgent attacks. "I want coalition forces to guard this place, not the Iraqi Army," driver Suhaib Adil Kareem said. "The Iraqis don't care about the law."

Widespread oil smuggling siphons off as much as $5 billion per year. At the Bayji refinery—one of three in the country [U.S. military officials estimate that as much as 70% of the fuel processed at the plant is lost to the black market, an amount valued at more than $2 billion per year.]

Iraq's parliament will soon debate a landmark petroleum law that would clear the way for direct foreign investment in the battered oil sector and set out rough guidelines for distributing oil revenue among Iraq's 18 provinces. But U.S. and Iraqi officials warn the new law will have little substantive impact unless the smuggling is brought under control.

The endemic oil-sector corruption is a financial boon to insurgent operations. A classified U.S. government report in November estimated Iraqi militants earn $25 million to $100 million every year by stealing tankers full of fuel, smuggling oil to other countries, carrying out kidnappings for ransom, and charging protection money from truckers and gas station owners.

"The fuel that is stolen comes back as bombs, mortar shells and Katyusha rockets," said Hamad Hamoud al-Shakti, the governor of the Salahaddin province, home to the Bayji refinery.

The black market is fueled by three factors. Baghdad heavily subsidizes gasoline and other oil products, and the resulting low prices mean they can be resold at enormous profit in neighboring countries. The government also doesn't verify that gas-station owners—who are entitled to receive 100,000 liters of fuel per week—sell to retail customers instead of on the black market.

The biggest issue, though, is pervasive corruption. U.S. and Iraqi officials say refinery workers routinely allow tankers to pick up fuel without any paperwork, which makes it easy to sell off the books. Police officers demand bribes of as much as $1,000 to let tankers pass through checkpoints or for "protection" along routes, the officials say. And some government officials work directly with smugglers or secretly own gas stations and fuel trucks, giving them a share of money earned through illicit sales, U.S. officials say.

"You're talking about corruption at basically every level," says Maj. Curtis Buzzard, the Harvard-educated executive officer of the brigade conducting the interdiction push. "And it's deeply entrenched."

As part of the campaign, the U.S. in coming months will spend more than $12 million to install video cameras to monitor the refinery's pumps and new digital scales to weigh trucks, making it easier to see if truckers are carrying more fuel than they were meant to receive. The money will also be used to build parking lots designed to protect drivers from extortion and insurgent attack.

Over the past few months, U.S. and Iraqi forces already have quietly begun arresting officials suspected of playing central roles in black-market rings. As far back as September, Iraqi forces arrested Ibrahim Muslit, who ran the Bayji refinery's oil-distribution operation, after he allegedly allowed 33 tankers in a single day to receive fuel without any paperwork. In January, U.S. troops arrested Ahmed Ibrahim Hamad, a senior transportation official at the refinery, after he allegedly tried to help smuggle out seven tankers of heavy-fuel oil. Both men are in custody and unavailable for comment.

Now, U.S. commanders say they are conducting investigations of senior officials from the Bayji city council, the local police force and the provincial and national governments. The American officers say they have made about 40 arrests since the crackdown began in earnest in early February, when the Iraqis formally joined the campaign, and they hope to make additional arrests in coming weeks.

During a surprise inspection of the refinery's gasoline and diesel pumps one afternoon, Sgt. Stephen Truesdale noticed that the analog display on one of the machines showed it had pumped 4,000 liters more than the facility's handwritten records indicated.

"He helped steal 4,000 liters of gas," Sgt. Truesdale, a former North Carolina police officer, said of the heavy-set Iraqi man who had been manning the pump. "The pumps don't lie."

The refinery worker insisted he was innocent, but Capt. Kuhlman, the brigade leader, told his men they had enough evidence to arrest him.

On the way back to their base, the U.S. forces saw a large fuel truck parked on the side of the road, surrounded by pickup trucks carrying overflowing oil barrels. The 18 Iraqis at the site freely admitted they had purchased the fuel from a tanker driver who had left the refinery a short time earlier. The men said they made such purchases several times a week and resold the oil to factory owners and other small businesses in neighboring towns.

The American forces ordered the Iraqis to drive their pickups back to the refinery, where the men were searched, photographed and escorted onto a pair of open-backed military vehicles for transport to holding cells at the U.S. installation.

The following day, Capt. Kuhlman told a room full of refinery officials and trucking-company executives about the arrests. Shakir Hamid, a businessman who said his partner had been kidnapped from the refinery months earlier, shook his head.

"In Saddam's time, oil smugglers were hung," he said.

"And I release them after two days," Capt. Kuhlman replied, shrugging his shoulders. "But it's a start."

Beneath the surface was a battle O'Neill had seen brewing since the NSC meeting on January 30. It was Powell and his moderates at the State Department versus hard-liners like Rumsfeld, Cheney, and Wolfowitz, who were already planning the next war in Iraq and the shape of a post-Saddam country.

Documents were being prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and listing companies that might be interested in leveraging the precious asset.

One document, headed "Foreign Suitors for Iraqi Oilfield Contracts," lists companies from thirty countries—including France, Germany, Russia, and the United Kingdom—their specialties, bidding histories, and in some cases their particular areas of interest. An attached document maps Iraq with markings for "supergiant oilfield," and "other oilfield," and "earmarked for production sharing," while demarking the largely undeveloped southwest of the country into nine "blocks" to designate areas for future exploration. The desire to "dissuade" countries from engaging in "asymmetrical challenges" to the United States—as Rumsfeld said in his January articulation of the demonstrative value of a preemptive attack—matched with plans for how the world's second largest oil reserve might be divided among the world's contractors made for an irresistible combination, O'Neill later said.

Already by February, the talk was mostly about logistics. Not the why, but the how and how quickly. Rumsfeld, O'Neill recalled, was focused on how an incident might cause escalated tensions—like the shooting down of an American plane in the regular engagements between U.S. fighters and Iraqi anti-aircraft batteries—and what U.S. responses to such an occurrence might be. Wolfowitz was pushing for the arming of Iraqi opposition groups and sending in U.S. troops to support and defend their insurgency. He had written in Foreign Affairs magazine in 1999 that "the United States should be prepared to commit ground forces to protect a sanctuary in southern Iraq where the opposition could safely mobilize."

[From the New York Times, Mar. 13, 2007]

Whose Oil Is It, Anyway?

(By Antonia Judasz)

Today more than three-quarters of the world's oil is owned and controlled by governments. It wasn't always this way.

Until about 35 years ago, the world's oil was largely in the hands of seven corporations based in the United States and Europe. Those seven have since merged into four: ExxonMobil, Chevron, Shell and BP. They are among the world's largest and most powerful financial empires. But ever since they lost their exclusive control of the oil to the governments, the companies have been trying to get it back.

Iraq's oil reserves—thought to be the second largest in the world—have always been high on the corporate wish list. In 1998, Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, "Iraq possesses huge reserves of oil and gas—reserves I'd love Chevron to have access to."

A new oil law set to go before the Iraqi Parliament this month would, if passed, go a long way toward helping the oil companies achieve their goal. The Iraq hydrocarbon law would take the majority of Iraq's oil out of the exclusive hands of the Iraqi government and open it to international oil companies for a generation or more.

In March 2001, the National Energy Policy Development Group (better known as Vice President Dick Cheney's energy task force), which included executives of America's largest energy companies, recommended that the United States government support initiatives by Middle Eastern countries "to open up areas of their energy sectors to foreign investment." One invasion and a great deal of political engineering by the Bush administration later, this is exactly what the proposed Iraq oil law would achieve. It does so to the benefit of the companies, but to the great detriment of Iraq's economy, democracy and sovereignty.

Since the invasion of Iraq, the Bush administration has been aggressive in shepherding the oil law toward passage. It is one of the president's benchmarks for the government of Prime Minister Nuri Kamal al-Maliki, a fact that Mr. Bush, Secretary of State Condoleezza Rice, Gen. William Casey, Ambassador Zalmay Khalilzad and other administration officials are publicly emphasizing with increasing urgency.

The administration has highlighted the law's revenue sharing plan, under which the central government would distribute oil revenues throughout the nation on a per capita basis. But the benefits of this excellent proposal are radically undercut by the law's many other provisions—these allow much (if not most) of Iraq's oil revenues to flow out of the country and into the pockets of international oil companies.

The law would transform Iraq's oil industry from a nationalized model closed to American oil companies except for limited (although highly lucrative) marketing contracts, into a commercial industry, all-but-privatized, that is fully open to all international oil companies.

The Iraq National Oil Company would have exclusive control of just 17 of Iraq's 80 known oil fields, leaving two-thirds of known—and all of its as yet undiscovered—fields open to foreign control.

The foreign companies would not have to invest their earnings in the Iraqi economy, partner with Iraqi companies, hire Iraqi workers or share new technologies. They could even ride out Iraq's current "instability" by signing contracts now, while the Iraqi government is at its weakest, and then wait at least two years before even setting foot in the country. The vast majority of Iraq's oil would then be left underground for at least two years rather than being used for the country's economic development.

The international oil companies could also be offered some of the most corporate-friendly contracts in the world, including what are called production sharing agreements. These agreements are the oil industry's preferred model, but are roundly rejected by all the top oil producing countries in the Middle East because they grant long-term contracts (20 to 35 years in the case of Iraq's draft law) and greater control, ownership and profits to the companies than other models. In fact, they are used for only approximately 12 percent of the world's oil.

Iraq's neighbors Iran, Kuwait and Saudi Arabia maintain nationalized oil systems and have outlawed foreign control over oil development. They all hire international oil companies as contractors to provide specific services as needed, for a limited duration, and without giving the foreign company any direct interest in the oil produced.

Iraqis may very well choose to use the expertise and experience of international oil companies. They are most likely to do so in a manner that best serves their own needs if they are freed from the tremendous external pressure being exercised by the Bush administration, the oil corporations—and the presence of 140,000 members of the American military.

Iraq's five trade union federations, representing hundreds of thousands of workers, released a statement opposing the law and rejecting "the handing of control over oil to foreign companies, which would undermine the sovereignty of the state and the dignity of the Iraqi people." They ask for more time, less pressure and a chance at the democracy they have been promised.

VIEW FROM AN O'BRIEN COUNTY, IOWA, SOLDIER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, I come to the floor tonight to read into the RECORD an editorial that was published in the O'Brien County Newsletter, O'Brien County, Iowa. It is from Sean P. O'Brien, First Lieutenant, Field Artillery, United States Army and Purple Heart recipient.

It reads like this: "There are few things that a professional military officer can attribute to editorial statements. However, I would like to share some of the ideas that more than represent what our tour of duty in Afghanistan meant to me. This ethos is to help put these personal feelings, which all soldiers have, into a tangible rallying point.

"I am an American soldier. I am a warrior and a member of a team. I serve the people of the United States and live the Army values. I will always place the mission first, I will never accept defeat, I will never quit, I will never leave a fallen comrade.

☐ 2015

"I am a disciplined, physically and mentally tough trained and proficient warrior in my tasks and drills. I always maintain my arms, my equipment, and myself. I am an expert and I am a professional. I stand ready to deploy, engage, and destroy the enemies of the United States of America in close combat. I am a guardian of freedom and the American way of life. I am an American soldier.

"This is called the Warrior Ethos. Every soldier can recite it. It means everything. I cringe when I say this aloud. These words have such weight. As far as service, I understand now. When I shake hands with a veteran, there is a silent conversation that takes place that transcends all words. You can never understand this without experiencing it.

"I cannot deny the power of facing the enemies of truth with truth. The population was the center of gravity, and we systemically engaged in separating these bullies from the population, usually by simply not leaving. The stability created by our presence allowed civil leadership to stop focusing on being brutalized and start focusing on fostering a better way of life for the people, education, medical aid, and commerce. When the population realized that these ideas were worth having, they would generally take on the responsibility of denying safe havens for the bad guys.

"These people, the Afghans, are just like you and me. They want their children to have a safe place to grow. They are extremely thankful that we are making the sacrifice we are for their nation. It is very humbling to be told that by a common villager. These people have known war as a way of life for 2,000 years. That being said, it is important to know that in every town there is an elder that stated, 'The U.S. was just different. You are respectful and you want to help us.'

"If you have ever held the ideal of compassion for your neighbor, then it is easy to understand that Afghanistan and her people are well worth the sacrifice. I am thankful to have been a part of a stronger future for Afghanistan."

And here he says some complimentary things about me which I will leave from my presentation but leave in the printed RECORD and conclude with:

"As I said before, our efforts in this region are worth it. I encourage all to take a longer view. The compassion and the patience of the American servicemember make up a large part of their sense of duty. This is a fight between good and evil." Sean P. O'Brien, First Lieutenant, Field Artillery, United States Army, Purple Heart Recipient.

Mr. Speaker, I respectfully enter this into the RECORD.

For: O'Brien County Republican Newsletter, Iowa

There are few things that a professional military officer can attribute to editorial statements; however, I would like to share some of the ideas that more than represent what my tour of duty in Afghanistan meant to me. This "ethos" is to help put these personal feelings—which all soldiers have—into a tangible rallying point.

I am an American Soldier.

I am a Warrior and a member of a team. I serve the people of the United States and live the Army Values.

I will always place the mission first.

I will never accept defeat.

I will never quit.

I will never leave a fallen comrade.

I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills. I always maintain my arms, my equipment and myself.

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I cringe when I say this aloud. Those words have such weight. As far as service, I understand now. When I shake hands with a veteran, there is a silent conversation that takes place that transcends all words. You can never understand this without experiencing it.

I cannot deny the power of facing the enemies of truth with truth. The population was the center of gravity, and we systematically engaged in separating these bullies from the population; usually by simply not leaving.

The stability created by our presence allowed civil leadership to stop focusing on being brutalized and start focusing on fostering a better way of life for the people; education, medical aid, commerce. When the population realized that these ideas were worth having, they would generally take on the responsibility of denying safe-havens for the bad guys.

Those people (the Afghans) are just like you and me. They want their children to have a safe place to grow. They are extremely thankful that we are making the sacrifice we are for their nation. It is very humbling to be told that by a common villager.

These people have known war as a way of life for 2,000 years. That being said, it is important to know that in every town, there was an elder that stated:

"The U.S. was just different, you are respectful and you want to help us". If you have ever held the ideal of compassion for your neighbor, then it is easy to understand that Afghanistan and her people are well worth the sacrifice. I am thankful to have been a part of a stronger future for Afghanistan.

I was honored by the personal efforts of 5th District Congressman Steve King. He actively followed our efforts and through personal correspondence offered his support. I enjoy the fact that there is adequate moral "top cover" that actively engages in seeking the truth. Thank you Steve, you are as much a patriot as I ever hope to be.

As I said before, our efforts in this region are worth it. I encourage all to take a longer view. The compassion and the patience of the American Service Member make up a large part of their sense of Duty. This is a fight between good and evil.

Sean P. O'Brien, 1st Lieutenant, Field Artillery, U.S. Army, Purple Heart Recipient.

THE COUNTDOWN CREW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, for the past 2 months, myself and others have been coming to the floor to talk about the impending tax increase that we face in this country if the majority doesn't act in something just under 1,400 days, and we will see this huge tax increase and all the majority has to do is run out the clock. They have to do nothing to see this tax increase be put back in place when the tax cuts that we passed in early 2001, 2002, 2003 will expire.

But tonight we are coming to the floor, and we think it is fitting to talk about the fourth anniversary of Iraq and what is happening in Iraq and, most importantly, what is going to happen on this House floor we think this week but maybe not until next week.

It was fitting tonight that we had a moment of silence for our men and women in harm's way. It was very fitting. But it is also fitting that the United States Congress is very clear to the men and women in harm's way that we support them. And we don't just support them in standing up on the House floor talking about it, but we support them in a concrete way, and that is making sure that they are getting the funds that they need, making sure that the United States Congress is sending a message to our enemies around the world that we are behind them; that we are not going to shortchange them; that we are not going to pull the rug out from under them; that we are not going to put a time line in place that is going to allow our enemies to know when and what we are going to do, we let our enemies know that they just have to run out the clock.

And if they run out the clock, that we are going to be gone and they are going to be able to be back in Iraq, they are going to be back in other places around this world doing harm to many people, including Americans. So it is absolutely important that our men and women know, and this supplemental is going to be the key. It is going to be the key for our men and women to know that we are behind them. And what the majority party is putting forth, at least we think what the majority party is putting forward, has created a confusing and inflexible timetable for the Americans' withdrawal from Iraq.

From what they have said, and we only know in press accounts and I will read many of those press accounts, and I would encourage you to go to www.gop.gov and see last week's press conference with the leadership of the majority party, the Democratic leadership talk about their plan, and just watch it for about a minute and you will see just how confusing it was to not only the American people but to the leadership of the majority party.

As I said, they have put in place timetables for withdrawal, with forces leaving as early as July 1 and concluding their removal no later than August 2008. Now, we can talk and talk and talk, but our enemies see that, and they will just go back into the shadows and they will just wait until we are gone to be able to wreak havoc on Iraq and the Iraqi people.

An example of what is in the supplemental, at least that is what we have heard, we are not sure but this is what we have heard: that none of the funds appropriated or otherwise made available in this or any other act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and on Armed Services at least 15 days in advance of deployment that this unit is fully mission capable.

Now, if that is not micromanagement, I don't know what is. I think the lessons of Vietnam have been lost on the majority party. That is micromanaging the war. That is what caused us great detriment in Vietnam.

The next thing is: the President certifies in writing to the Committee on Appropriations and the Committee on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable, he is required to fill a report detailing the particular reason or reasons why that unit's deployment is necessary. If that is not micromanagement, I don't know what is.

We have one Commander in Chief, clearly stated in the Constitution, not 535 commanders looking to micromanage a war. This requirement ties the hands of the President in committing more troops to fighting required by red tape and lengthy explanations, cost of time, and the risk of lives. That is micromanaging the war. I think it is very, very clear. And, again, I would urge anybody that is interested to go to the Web site and see the Democratic House leadership's press conference last week, and you will see just how clearly they are confused.

So how can the American people not be confused? How can our men and women in harm's way not be confused about what this Congress, what this House is about to do?

Just a couple of press accounts talking about the supplemental. The Washington Post. The Washington Post described the Democrat plan as: an attempt to impose detailed management on a war without regard to the war itself. Micromanagement. The Los Angeles Times. The Los Angeles Times called for the bill to be vetoed. Imagine that. And I quote the Los Angeles Times saying this, not me: It is absurd for the House Speaker, NANCY PELOSI, Democrat, San Francisco, to try to micromanage the conflict and the evolution of Iraqi society with arbitrary timetables and benchmarks. The Los Angeles Times is saying that; it is not the Washington Times. If it were the Washington Times, my friends on the other side of the aisle would say that is a conservative paper. But it is the Los Angeles Times and The Washington Post saying this.

Now, my friends on the other side like to talk about the Iraqi Study Group, and the bipartisan Iraqi Study Group did not advocate, I repeat, did not advocate a firm timetable for withdrawal in its December 2006 report, because those folks knew that it was a bad idea to give our enemies a time certain as to when we would be out of Iraq.

The National Intelligence Estimate released in January warned of the perils of an early troop withdrawal. And it said: If Coalition forces were withdrawn rapidly during the term of this estimate, we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq. More death, more destruction.

Now, you can't have it both ways. You can't stand up and quote the Iraqi

Study Group and the National Intelligence Estimate and pick out bits and pieces of it. There are certainly things in there that they said that we all need to pay attention to, but these are extremely important statements that were made.

I am sure I can go on and on quoting newspapers around this country that say similar things that The Washington Post and the Los Angeles Times are saying. And, again, I want to remind people what the Los Angeles Times said: It is absurd for the House Speaker to try to micromanage the conflict and the evolution of Iraqi society with arbitrary timetables and benchmarks. It is absurd for us to give our enemies a timetable for them to know when to lay back so they can regroup and wait until we leave, so that they can go back into the country of Iraq, set up bases, and wreak havoc on the people of Iraq.

The other thing about this supplemental that is distasteful to me and I believe others on the other side is that they have loaded this supplemental with spending. They have used our troops as a bargaining chip to increase domestic spending. Now, our troops deserve better than that, not to be used as a bargaining chip. This is a supplemental. This is for emergency spending, this is for the war, this is for something that our troops need. And I hope that those on the other side that have talked on the this floor night after night about irresponsible domestic spending, that they won't stand for it to be put in a supplemental that is to be used for emergency spending on this war.

Republicans rejected last year $14 billion of domestic spending not related to the war. We had a clean supplemental. And I hope my friends on the other side will reassess what they are about to do and use this supplemental, use our men and women in harm's way as a bargain chip.

Mr. DAVIS of Kentucky. Would the gentleman yield for one second?

Mr. SHUSTER. I most certainly will.

Mr. DAVIS of Kentucky. I just want to share, those who are joining us tonight have joined the Countdown Crew. We meet the first night of votes each legislative week. We can be reached by e-mail at CountdownCrew@mail.house.gov.

And the one thing that I would like to share from my perspective, we hear a lot of statements about a desire to support the troops. And I have said for the last 2½ years that, if we say we support the troops, it is important that we listen to what they have to say. As a former member of the 82nd Airborne Division and other military units with comrades serving in all the major line Army units, commanding brigades, serving on the senior staffs, receiving e-mail reports on a weekly basis, even from a platoon leader who is in Sadr City right now, we get a somewhat different perspective on the politics and debates that are going on back here in the House Chamber. And I would say this from a perspective of looking at the fiscal implications of decisions.

When we talk about the supplemental spending, the vast majority of money, and the original clean bill before politics got involved was designed for one thing, it was designed for troop support, it was designed for equipment reset, it was designed to provide support for provincial reconstruction teams for the transition of Iraqi security forces to be effective in their mission on the ground.

Unfortunately, due to the Hatch Act, the troops themselves don't have a voice where they can come into this Chamber and debate, and so as we have seen on numerous occasions, opinion is often substituted for fact. And it is an honest opinion; it is an honest viewpoint. I think we have honest disagreements. I think one thing that both sides can agree on is that there were strategic mistakes that were made early in the campaign due to institutional infrastructure and process issues that are endemic in the United States Government and need to be reformed.

But the truth of the matter, at the moment, is we have people in harm's way that are deployed forward who actually watch C–SPAN, who watch these debates. Many of them are friends of mine that I have known for well over 30 years and we have served together, a number of us served together in the Middle East. And the perspective that I would bring is this when we talk about emergency supplemental spending, and it comes back to an aspect of fiscal responsibility, to the gentleman from Pennsylvania's point earlier: a supplemental spending bill is designed specifically to augment needs that were not covered in regularly budgeted, authorized, or appropriated lines.

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And to put this into context, there are many divisions in the Congress, particularly in the Democratic Caucus, regarding the war. We are all well aware of them. I have many friends on both sides of the aisle. There are honest disagreements and disputes. But the one thing, to quote my friend, HAL ROGERS from Kentucky, where he said, "Attention K-Mart shoppers," at the end of the appropriations hearing last week. "A variety of spending provisions have been placed in a military supplemental bill that have nothing to do with national security in order to encourage those to vote for it."

And I want to put this into context, that over $20 billion in nonmilitary, nonnational security spending has been included. They include $283 million in milk subsidies that are already funded in other programs. It includes $74 million for peanut storage.

Now, when I went to flight school at Fort Rucker, Alabama, at the U.S. Army Aviation Center, there were two great economic engines in the area. One was the United States Army Aviation Center that trained the pilots for the U.S. Army, the rotary wing force that provides our air assault and attack helicopter capability worldwide today, and also the peanut industry. The last time I checked, the peanut industry was not directly related to American national security.

Twenty-five million dollars are in payments to spinach producers on a national security supplemental bill. And this also rescinds $89 million in homeland security funding that allegedly would have lapsed in fiscal year 2006.

The reason that I bring these up, and the billions of dollars in spending, is not to highlight honest disagreements about policy issues which have a rightful place in this Chamber.

And my friends on the other side are certainly entitled to their views, the basis of their perception. I certainly have my views on the subject which are different from many in the administration and on my side of the aisle as well. But the one thing that I will share is let's translate these dollars into reality from a fiscal perspective.

When Secretary Gates came over to testify before the Armed Services Committee in his first hearing in January of 2007, the first major request, and I was very heartened by this, was a request to increase the end strength of the United States Army by 96,000 soldiers. Now, why that number is important, I have advocated for nearly 5 years for a 100,000 soldier increase to the end strength to deal with and augment the operations tempo that our troops have experienced since the draw-downs in the mid-1990s. The rate and the pace of that transition is very significant upon our soldiers. And as a matter of fiscal responsibility for the investment that we have made in them and the commitment that we have made to them, I think it is important that we see that increase. And I was very heartened to see an acceptance of that need in the civilian appointed leadership of the Defense Department.

But here is the fiscal issue. When we talk about $20 billion in nonmilitary spending that were put on that supplemental bill, here is what $1 billion means. Regardless of your views on national security, $1 billion roughly translates into 10,000 fully equipped light infantry soldiers and fully trained and accessed into the military.

The reason that that number is important to keep in mind, at the end of the day, as we talk about force structure and staffing, I would ask my friends, would it have not been a more prudent use of our national security dollars and emergency supplemental, rather than going for programs or peanuts and spinach and the milk program, which I think would be more appropriately addressed jurisdictionally in the farm bill, to use that money, if there was a need, to assess it for troop training, to augment the needs for the conflicts that we are going to be facing in the 21st century, which are going to be significant. And I think that those conflicts would have come regardless of our policies there.

But nonetheless, this approach, I believe, is a poor use of fiscal stewardship and begs the real question at the end of the day of what we actually have voted for from a policy change, a world view change when we changed Speakers in January. As I have shared with many when we get asked about how is this going to be paid for, every working family in America making between $30- and $50,000 will have a $2,098 tax increase if those tax cuts are not extended and made permanent by 2010.

And with that I will yield back to the gentleman, but I just wanted to clarify that point from a national security perspective. Understand that it would be helpful for, I think, the American people to understand there are many nongermane issues and spending lines that have been added on this bill that have nothing to do with our current national security situation.

Mr. SHUSTER. I appreciate the gentleman pointing that out. And with your background, you are most qualified to do that, point out some of the things you pointed out.

I would now like to yield my friend from Texas, Mr. CONAWAY.

Mr. CONAWAY. I thank the gentleman from Pennsylvania for hosting this hour tonight. It is particularly important, given it is the first of these hours for the week in which rumor has it that the war supplemental will be on the House floor this week up for debate. We don't even have really good rumors as to whether or not the other side will recognize the normal order of business with appropriations bills and bring it to the floor as an open rule, as has been the tradition certainly under the 12 years of Republican leadership. And so we are anxious to see the arrival of this first spending bill, if the other side brings it with a modified closed rule or a closed rule.

Mr. SHUSTER. May I interrupt the gentleman for a second? Did you say we are not going to have an open rule? Because I was under the impression that the Speaker and the leadership of the Democratic Party campaigned that they were going to have open rule after open rule, and they weren't going to put bills on the floor that didn't give the minority their rights. Are you telling me that it is not going to be an open rule on this supplemental?

Mr. CONAWAY. If the gentleman will yield back. We don't know for sure. I know that, during the debate last week, the chairman of the Appropriations Committee could not confirm his instructions from his leadership as to what he should be doing. In other words, were we going to have an open rule, as has been the tradition. Well beyond the 12 years' takeover that the Republican's experienced, it has just been a tradition on each floor that we bring an appropriations bill to the floor with open rules. And as late as last week, the chairman of the Appropriations Committee, a guy that you would think would be in the know, would be in the inner circle, in the inside skinny with respect to the Democrat leadership, even he didn't know what the Speaker had decided in this arena.

So the caveats placed in there, the restrictions on our ability to fight this fight, the instructions to the President, I want to speak at from a little different angle. You yourself talked about the advantages that gives our enemies if we have a date certain that we have to be out of Iraq. That is pretty obvious. It doesn't take a lot of common sense, it doesn't take a lot of warfighting experience to understand that if you give your enemy that kind of an advance notice, that that is a clear advantage to the enemy.

I want to look at it from the other side. I want to look at it from the side of our troops. How do we ask good men and women who defend this country with their lives to fight under those considerations?

One of the great lines that the other side has used to argue about the war is, well, if we would have just known in 2002 what we know today, we would have voted differently. Well, yeah. Right. Well, let me maybe take a bit of a twist on that. How do we face that mom and dad in March of 2008 whose son or daughter has been maimed or killed? How do we look them in the eye and say, yeah, you know, if we had known in March of 2007, when we were setting the arbitrary and artificial dates, that your son was going to get killed in March of 2008, gee, we would have set the date at March 28 or January 31.

And so what we are doing to our troops is that we are undermining their morale, their strength of purpose by asking them to do things that are just unbelievably untenable. Night after night after night we listen to these floor speeches and we hear people build a case that in their mind we need to get out. We have had a couple earlier tonight, in fact, Mr. Speaker, that went through a litany of information they have used, they have gleaned to make their decision that we have lost this fight and that we need to get out.

Well, this body, from time to time, like daily, has its integrity challenged. Each one of us has a challenge to our integrity all the time; whether it is from a campaign contribution that we got and they are trying to link it to some sort of official act, all those integrity issues play out in the media constantly, and we rarely get our day in court. We rarely have an opportunity to stand tall and vote our conscience. I am going to argue, Mr. Speaker, that the Out of Iraq Caucus and all those other Members who have come in here night after night after night saying we have got to get out of Iraq have got an opportunity to vote their conscience this week.

I will argue, Mr. Speaker, that there are only two legitimate positions with respect to what we are doing in Iraq. The first, that I agree with, is to fight this fight and win it. The other legitimate circumstance is to get out today. There is no half ground. There is no half-stepping it. There is no run up the white flag and retreat the way that this supplemental would argue. There are no other choices but to fight the fight or get out.

And so all of these colleagues of ours that have night after night after night preached about getting out of Iraq have got an opportunity to demonstrate their integrity to their convictions. We will see how they vote. Will they vote the party line, come down here, 233 of them strong, vote in favor of this supplemental with these restrictions on them that are unworkable in the extreme, but that put our men and women in harm, that make it very difficult for our combat leaders?

Our good colleague tonight is an experienced pilot in the Airborne. How do you ask a sergeant, how do you ask a first lieutenant to go do a dangerous mission in the last half of March of 2008, knowing that by the end of the month we are getting out of there? And how do you ask people to do that? You simply can't. You can't ask people to do that. You can't ask people to put their lives on the line under that kind of a restriction.

Mr. DAVIS of Kentucky. I think, to the gentleman's point, I received some correspondence from a colonel who came back from Iraq recently, and he shared this perspective. He shared that he had worked for General Abizaid, and he just made the comment, General Abizaid, the Central Command Commander, made the comment that dealing with Islamic radicalism is something that you want to do as an away game. And unlike different times in our history that, again, regardless of perceptions of the decisions that were made before you and I came here to be engaged in this conflict, there are second- and third-order effects that will be inherited by a precipitous withdrawal.

And when I go back, I listen to so many different voices with so many different perspectives, but the one unity of purpose that they say is that there would be profound consequences. In fact, one of the ones most recently was a friend who was in Task Force

Ranger in Mogadishu, which I believe President Clinton reinforced an operation in 1993 to capture a tribal leader, a warlord, Mohammed Farah Aideed. This friend and Task Force Ranger shared that at the end of the Blackhawk Down incident, where America, frankly, lost the information war despite completely removing this militia, he shared with me over coffee recently and said, you know, little did we know that there were al Qaeda technical advisers who had served in Afghanistan fighting the mujahedin and were sent by Osama bin Laden to assist these groups because they were dealing with Americans and the consequences of leaving, when, in fact, he said if we had simply been able to stay, it would have sent a very different message. We could have accomplished the mission of apprehending the foe.

And to your point, again, the troops, I think, oftentimes inadvertently are used as human shields in debate, but we don't get down to the issues of what they really see on the ground and the perspective that they bring to this discussion.

Mr. CONAWAY. I appreciate my colleague's comment. This war, this fight has been compared with Vietnam. I think it is a lousy comparison. I think it is flawed on every level. But if we look at what happened when America withdrew, under Democratic leadership, withdrew, Democratic House, withdrew from Vietnam, look what happened to the people of Vietnam, the boat people exodus, the death inside Vietnam, and then the spillover into Cambodia with Pol Pot, 2 million lives lost under that ripple effect.

But the one thing that our colleagues on the other side of the aisle have yet to answer, in addition to how do you face that mom and dad as a part of this artificial deadline, how do you manage the disaster in Iraq if we did pull out tonight, if we did get our guys out of there? The regional fight, the spillover into other countries, the humanitarian suffering on an incredible scale, how do, in fact, we manage that disaster if your answer is that we have to get out of Iraq tonight?

Mr. SHUSTER. And the gentleman, the point he just made is they try to compare Iraq to Vietnam, and it is not a good comparison at all. But, when the United States Congress is going to make an attempt to micromanage a war, that is going to be a comparison to Vietnam, and the same outcome is going to be not a good outcome. And like you said, the disaster that occurred, what happens after we leave and there is a disaster, human disaster of people, mass exodus from the country? So I just wanted to make that point.

Mr. CONAWAY. Let me finish off, and I will yield back for a little bit. We are talking about young men and women's lives who have volunteered to do a fight for us on our behalf, to fight an enemy that is really bad individuals, to stand between us and those bad individuals.

I even hesitate to bring this point up, but you look at this supplemental that has been proposed, an additional $21.8 billion added to it, and I would argue, and I am, on an individual basis, were it not in this bill, I would be for it. I think we have got some disaster relief and some other kinds of things that we could be for, but it appears to be an attempt to circumvent the PAYGO rules, that this, the other side beat our heads about, beat us about the head and shoulders with all during the campaign. In other words, if you declare the milk thing a disaster, then it doesn't have to be held up to PAYGO.

All of this emergency spending is outside the PAYGO rules under the Democrat leadership. So they have spoken with forked tongue, so to speak, that they would cling to the PAYGO rules, and yet on this first big appropriations bill, they come whistling in here with an additional $21.8 billion.

I would even question part of the $103 billion that the President proposed. I am not sure that Katrina is still an emergency. Yeah, we have issues in Katrina. Yeah, we have issues with what is going on in New Orleans, and we have a got a lot of money in the pipeline backed up. I think we ought to figure that out first before we throw additional moneys at it.

So the $99 billion that is for the war fight, for the reset, for the troops that are in harm's way, we would, I think most all of us would agree on. But beyond that we have got some real challenges from a spending standpoint. Those issues pale in comparison to putting a hard deadline on getting out of Iraq and the serious consequences that that leaves our military commanders on the ground.

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Mr. SHUSTER. I think it is absolutely right, and I think the gentleman is right to point out that is really going to be a defining moment for many Members of this body, especially our colleagues on the other side, who, as you quite eloquently pointed out, that the choice is either stay and fight and have a strategy work to help the people of Iraq or get out.

So I hope the folks that come down here, and there were some here tonight that have come down night after night and for the last several months have talked about the need, the desire to get out immediately, we are going to see. Are they going to stand up and be true to what they have been talking about to the Nation on this House floor for the past several months, or are they going to bend to the will of their leadership?

As well there are other Members on the other side of the aisle that have said they will not stand for micromanagement of the war, they will not stand for putting timelines in to give our enemy the ability to fight a different kind of war and hurt and kill our soldiers. So this is going to be a defining moment.

Mr. DAVIS of Kentucky. I think your point on that too, if I might interject, the Members of the other party, for whom I have great personal respect though I disagree in execution of the policy, are those that have been very staunch and very consistent in their opposition to the use of our troops in offensive operations overseas.

And the reason that I bring that up is that some of the statements that have been made, and I am not referring to provocative statements, simply positions that were taken, had been controversial in their own caucus as well as in the Congress in general. But the reason that I bring it up is that those convictions, I think, echo at one point where we have mutual agreement, and on a variety of issues. And the point I called for during the debate a few weeks ago on the resolution regarding whether one accepted the ability of the Commander in Chief to authorize the combatant commander to reinforce troops on the ground was this: that if we are going to have a real vote that affects real people in the field, then we need to use the power of the purse of the United States Congress to vote to cut or sequester funding related to that.

And I think that is a noble cause regardless of which side one is on in that from the standpoint of the Republic. I know where I am. I am with my former comrades who are in a country right now to make sure they have the resources they need. But one of my friends, one of our colleagues, made a comment last Thursday night that there was a bit of a fishing expedition going on for votes, and the irony wasn't lost on me when I actually saw the list of appropriations he was talking about: $120 million for the shrimp and Manhattan fishing industries, that would equip over 1,000 of our light infantry soldiers with what they need to do their job; $5 million for those engaged in the breeding, rearing, or transporting of live fish, think what $5 million can do from an operational standpoint.

We start going through this in detail, and we see $16 million for additional office space for the House of Representatives.

Mr. CONAWAY. Here, here. All under the emergency basis. We are totally out of office space and it is an emergency that we don't have that office space sooner.

Mr. SHUSTER. Mr. Speaker, reclaiming my time, I wanted to talk a little bit more about the politics of this. And, again, I want to read something that The Washington Post wrote on

March 13. I took bits and pieces out of there, but I think it is pretty consistent throughout the whole editorial. And again to remind my colleagues if they have forgotten, The Washington Post is no friend of the Bush administration, and it is no supporter of Republican causes. But I will give The Washington Post credit that it takes a position, thinks about it, and comes down many times on the different side of the issue, or at least they are thoughtful about it.

And this Washington Post editorial, "The Pelosi Plan for Iraq, it makes perfect sense if the goal is winning votes in the United States.

"The only constituency House Speaker NANCY PELOSI ignored in her plan for amending President Bush's supplemental war funding bill are the people of the country that the U.S. troops are fighting to stabilize. The Democratic proposal doesn't attempt to answer the question of why August 2008 is the right moment for the Iraqi Government to lose all support from U.S. combat units. It doesn't hint at what might happen if American forces were to leave at the end of this year, a development that would be triggered by the Iraqi Government's weakness. It doesn't explain how continued U.S. interests in Iraq, which holds the world's second largest oil reserves and a substantial cadre of al Qaeda militants, would be protected after 2008. In fact," The Washington Post says, "it may prohibit U.S. forces from returning once they leave.

"In short, the Democratic proposal . . . is an attempt to impose detailed management on a war without regard for the war itself.

"Will Iraq collapse into unrestrained civil conflict with 'massive civilian casualties,' as the U.S. intelligence community predicts in the event of a rapid withdrawal? Will al Qaeda establish a powerful new base for launching attacks on the United States and its allies? Will there be regional war that sucks in Iraq's neighbors such as Saudi Arabia and Turkey? The House legislation is indifferent. Whether or not any those events happened, U.S. forces would be gone.

"Ms. PELOSI's strategy leads not toward a responsible withdrawal from Iraq but to a constitutional power struggle with Mr. Bush, who has already said he will veto the legislation. Such a struggle would serve the interests of neither the Democrats nor the country."

And, again, that is coming from The Washington Post. So don't listen to a Republican Member of Congress from Pennsylvania, a conservative Republican from Pennsylvania. Listen to what The Washington Post has to say. And they are pointing it out over and over again: this is a bad plan; this is a bad war supplemental. And, again, I believe that it uses our men and women in harm's way as bargaining chips and it makes it more dangerous for those men and women in Iraq.

And it also is going to destroy their morale. If they find out they are going to be pulled out in 2 months or 6 months or 18 months or whatever the Democratic proposal is, which we are not quite sure, what is going to give a young marine or ranger the will to go kick in a door where the bad guys are when he sits back in his quarters and says, Well, I could be out of this place in 3 months or 6 months. I mean, it is going to destroy the morale of our men and women.

I yield to the gentleman.

Mr. CONAWAY. I would like to add one aspect that hasn't been discussed. We hate to engage in too much speculation, but let us assume that this thing passes and the President vetoes it or let us assume that cooler heads prevail and this thing fails this week on the floor. What next? What is this Congress going to do to actually continue to provide the funds needed, this $99 billion that is needed right now, this year, this fiscal year to fight this fight? What will be the next step? How will we, in effect, bring this about? What kind of a scramble will go on that is totally unnecessary?

Instead of dealing with the problem now in a rational, thoughtful manner, this Democratic majority sees fit to play a giant game of chicken, it seems like, to run at this thing in what I believe is an irresponsible manner with loading another $21.8 billion of funding on it, getting away from what the true nature of it is, trying to incite a veto by the President, trying to flex muscle and see who is the strongest as opposed to what do we need to do to deal with the troops' needs and then separate that from the broader discussion of where we should be.

So I think we are on a collision course that has the potential for being very disruptive and very harmful to the men and women who fight this fight on our behalf.

Mr. SHUSTER. Mr. Speaker, I would certainly like to welcome here tonight and yield to one of our newest Members of the House from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Speaker, I thank the gentleman for yielding and appreciate the chance to say a few words. I was over making phone calls in my office and clicked on C–SPAN and saw what you guys were talking about and thought I would come over and maybe just share a few things.

For those who are advocating that we just up and leave, that our military come home, that concept scares me to death because of the message. And I know you have talked about this some here on the floor this evening. The message that sends to the people who want to do us harm and want to do people harm all over the planet is a dangerous message and it scares me to death.

And I am reminded of, if folks will remember, shortly after the 9/11 attacks, that terrible day, where the President gave several speeches, where he talked about the fact that if you are a country that harbors terrorists, finances terrorists, trains terrorists, and are looking to produce weapons that are going to cause great harm to a great number of people, if you are doing those things, we, the United States of America, are putting you on notice that we are not going to tolerate that. And it was amazing that shortly after those speeches that Moamar Kadafi, a guy who hadn't necessarily been a great leader around the world and not necessarily a good guy, how quickly after those speeches Mr. Kadafi suddenly found the Lord and saw the light and said, wait a minute, I want to cooperate with the United States of America now in their fight against terrorism around the world. He saw the message. He got the message. Now, if we do what some are advocating in the Out of Iraq Caucus, some are advocating that we just up and leave and not win in Iraq, not succeed in our mission, for those who are advocating that, think about the message that sends to the Kadafis of the world and how dangerous that message is for the credibility of the greatest Nation in history, the United States of America.

That is what scares me to death about those on the other side and what they are pushing not only in this supplemental but what they have been talking about for several months now. That is a scary, scary message when it comes to our foreign policy and the success of our mission and the safety of our men and women in uniform who have been fighting the good fight, defending those principles and values that make this country great. That scares me to death.

And that is a simple point I want to make, but I think it never hurts to reinforce that point, which is so fundamental and why we are still engaged in this struggle and why I think it is so important that we win and we continue to do what the Commander in Chief and General Petraeus want us to do over there in Iraq today.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Ohio.

And I think you are right. I think it is important. I think that one of the things that we learn as citizens, we learn here in Congress, is your word. Your word is what matters, and if your word is good, then people trust you and people know they can count on you. And I think that is exactly your point. If we pull out in Iraq, our word to not only our enemy, our enemy knows that if we pull out that our word is no good to stay there and fight them, but our friends around the world are going to say you can't count on America. And I think that is an extremely important point, and that is maybe the core of this. We need to stay and make sure the Iraqi people have control of the security on the ground. And I think that while it is too early to tell if the new strategy in Iraq will succeed, there are tangible indications that it is working.

The joint U.S.-Iraqi security crackdown is fulfilling its primary objective to reduce violence in Baghdad. Bomb deaths have gone down 30 percent. Execution-style deaths have decreased by nearly half in the last month. Iraqis are taking on an increased role in security of their country. Nine of the Iraqis' 10 army divisions are taking the lead in areas of operation. And today almost 329,000 Iraq security force members are working to secure their country. And the political benchmarks are being met. Last month the Iraqi Government approved a budget, approved a national hydrocarbon law, and just last week they convened a regional conference of 13 nations to discuss these concerns. So things are moving forward. There was a poll out, the largest poll done in Iraq in the last couple of years, the London polling firm Opinion Research Business found that in a survey of over 5,000 Iraqis that by a 2–1 margin, Iraqis prefer living under the current system than they did under Saddam. So there are positive signs there.

I yield to the gentleman.

Mr. JORDAN of Ohio. I appreciate the gentleman's yielding. And the gentleman is exactly right. Of course we wish things had progressed quicker and faster. We wish all our men and women were home. But there is good news to talk about. And one fact that I think gets lost sometimes, every single life that is lost is a tragedy. We wish it didn't happen, whether it is our service men and women in uniform or whether it is an Iraqi civilian in that country, but the truth is there have been fewer American service men and women killed in 2006 than there were in 2005. There were fewer American service men and women killed in 2005 than there were in 2004. Of course, you would never know that fact if you just listened to the national news every night.

There are good things happening, as the gentleman pointed out. The other thing I would just say is this: to get the kind of country that we need there and the kind of things happening that we need to happen, it is going to take a little time. I am reminded that in 1776 we declared independence. We made our quest for liberty and freedom here in the United States. It took us 13 years to get a Constitution that works and is still serving us well today. And we came from a culture that appreciated liberty and appreciated freedom.

It is going to take some time for this nation, which has never really known freedom or liberty, to get to that point where they can value those principles that make our country so great. So good things are happening, and we should talk about those more in our quest to make this country work.

I thank the gentleman for yielding.

Mr. SHUSTER. I thank the gentleman for coming down.

I yield to the gentleman from Texas.

Mr. CONAWAY. I thank the gentleman from Pennsylvania.

I want to make sure, Mr. Speaker, that as we talk tonight about an incredibly serious matter that those listening don't have a sense that we have a callous disregard for the men and women who are fighting this fight. We stand up here night after night and talk about the sacrifices made and the dedication of this all-volunteer force, and the phrase kind of rolls off our tongue very easily.

□ 2100

I want to make sure that those listening understand that each one of those lives lost is incredibly precious.

When I am out and about in the district in Texas talking to folks, I typically ask the question, how many folks have someone they know serving in Iraq or Afghanistan, and a lot of times a lot of hands will go up.

I will then ask, no, I need to know how many people out here have somebody in harm's way that when they hear about a death in Iraq, their stomach gets in a knot until they know it is not their loved one, and most of the hands go down. So we are fighting a fight there that while it has a dramatic impact on an awful lot of lives, broadly across this country, day in and day out, most Americans aren't really affected by this sacrifice, by this magnificent fighting force that we have in place.

I typically challenge that audience to say, look, anytime you hear about sacrifice for this country, dying for this country, fighting for this country, make sure you think about it in the terms of some specific person. Not the global group, because that defuses the impact. That lessens the tugs at our hearts and helps us deal with it. I want you to think about some specific person that has given their life on behalf of this country.

For me, it is a high school buddy of mine that died in Vietnam, a Medal of Honor winner. I look at all that I have done since he and I graduated from high school. He gave up all of that so that we could live in freedom today.

We have got the exact kind of men and women fighting in Iraq today and in Afghanistan today and in other places around this world that we don't get to talk about that are laying their lives on the line, laying their futures on the line, laying their ability to walk a daughter down the aisle at her wedding, the ability to hold a grandchild, and all those kinds of things that those of us who make it into this stage of life have gotten to do. Yet our men and women volunteer to take on these responsibilities, take these risks, and put themselves between you and I and some really, really bad people.

So as we come to this Chamber night after night to talk about this fight, we need to make sure we understand exactly who it is we are talking about, who we are talking to.

We got an e-mail 2 weeks ago, 3 weeks ago, when we were debating that nonsense on the meaningless, toothless House resolution from a buck sergeant in Mosul who made the comment, he said, you know, the professional veneer we keep in place that says that debate, that conversation going on back in America, has no impact on our ability total fight, our moral, he said that veneer is very thin. Underneath, we are angry, we are mad. We think we are being sold out.

So the things that we say in this Chamber and in front of newspapers and televisions have a deep impact on the men and women who fight this fight. It is almost as if we taunt them when we talk about, well, we are going to support you, but we don't believe in what you do. We want to support you, but we think you are screwing things up. We want to support you, but we are not going to pay for it.

All of those kinds of things are a mixed message that has deep impact, and while I would defend my colleagues' rights to continue to say those things and have those opinions and debate those things, I would also challenge them to understand the deep impact they have as they make those statements, as they talk about their positions, as they put forth their ideas on what we should and should not be doing in Iraq. It comes with a great responsibility that each one of us brings to this Chamber when we talk.

Mr. SHUSTER. I think the gentleman makes an excellent point. This country, there are people in this country, the political discourse, we agree, we disagree, we debate, but the wonderful thing about it is we can do it, and people aren't tortured and drug off to prison and killed.

As a matter of fact, I was on the Mall last week in the morning with another colleague of ours, and we went up to the war protestors. They had their tents up and their signs up. It was really quite a magnificent picture of the war protestors, and behind it was the United States Capitol.

I started to talk. We were talking about why they were opposed to the war and why I wanted to continue to support our troops there. I said, you know, in some countries of the world, Iraq, Iran, many of those countries, almost all of those countries in the Middle East, you cannot be doing this. They wouldn't allow you to do this. In fact, they would kill you. They would take you off and kill you possibly. And you would be lucky if you were killed because most of the time they would torture you before they would kill you.

So this country is a great country, and what we are doing over there is we are trying to help a nation stabilize, trying to help a nation build a democracy, and that is not easy. That is difficult. As our colleague from Ohio pointed out, the Revolutionary War in 1776, it took 13 years for the Constitution.

A story I like to tell, because it happened in my district, during the first year of George Washington's second term, we had already got a Constitution, we elected a President, George Washington, not once, but the second time. In that first year, the Whiskey Rebellion occurred in western Pennsylvania. The farmers in western Pennsylvania didn't like the tax, so they revolted. So George Washington, it was the only time that a Commander in Chief mounted up on a horse and took the soldiers into the field, had to ride up into western Pennsylvania and put down that rebellion.

We as Americans sometimes forget that it took us a long time until we were able to establish democracy. So it is not easy. We need to remember our history, that it takes time. It takes time especially when you are a nation that has never known democracy; never known democracy, but certainly has that feeling, has that sense of wanting freedom.

I think that there is no doubt that the Iraqi people, as well as any person, any people in the world, or every people in the world, want freedom. They have a desire for freedom.

Mr. CONAWAY. If you look at our history, if you look at the year 1776 and you study George Washington that year, he got up every day thinking that was the last day of the revolution. His army in many cases was in tatters, it was unpaid, it was underequipped. He could not have made the certification that the Democrats are demanding that this President make in order to send a single unit into combat; Washington could not have made that certification and he would have had to give up.

He got up every day thinking, This is the last day of the deal. I am sure there were critics all over the place saying we are done, it is over, this grand experiment that turned into America, turned into 230 years of a beacon for liberty and democracy around the world, would have failed had he not stuck to this plan and stuck to the understanding that we could win this fight. And it was hard. Good men lost their lives every day, and it was hard.

We are there at the same place today in Iraq. It is hard and good men and women risk their lives and some lose their lives every single day. I mourn with the families and I cry with them, just as you do, when somebody from the district is killed or maimed or injured. This has serious consequences to what we do. But failure in Iraq, a disaster that would be an immediate pullout, is simply unacceptable on every level.

Let me switch gears for a minute, and then I will let my good colleague close, with some good news, totally unrelated to the supplemental except that it does have to do with this year's financial results.

As you know, I am a CPA and I like to look at numbers and all those kinds of things. If you look at the first 5 months of fiscal 2007, our revenue collections into this Federal Government are up $81 billion over the equivalent 5-month period in fiscal 2006. An additional $81 billion has been collected, not because we raised taxes, not because we had any changes to the Tax Code, because we haven't implemented any of those, but it is because this economy is ginning along. Expenses are also up almost $26 billion. So the net of those two is that we have got a deficit for the first 5 months of fiscal 2007 that is $55.5 billion less than the equivalent 5-month deficit for fiscal 2006.

I just wanted to inject a little great news into the conversation and get that into the record. These numbers come directly from the Treasury Department's monthly financial reports that are available on the Web for anybody to look at. I wanted to highlight those numbers tonight as we finish up this Countdown hour that we spent tonight talking about Iraq.

These are grave times, tough times, hard times, and I think our resolve is firm. We will see this week the integrity of our colleagues in this Chamber as to how they vote, how they have talked in this Chamber versus how they vote on this deal.

There are only two positions: stay and fight, win this thing and be successful; or get out, get our folks out now. There is no half step in between that you can orchestrate any kind of a justification that makes any sense. It will be interesting to watch our colleagues as they struggle with this vote this week, with their own integrity and their own ideas of what is right and wrong.

With that, to the gentleman from Pennsylvania, I will yield back. Thank you for having this Special Order tonight.

Mr. SHUSTER. I thank the gentleman for joining me and appreciate that report on the revenues to the government. Once again it proves that tax cuts do work. It increases the economic activity in this country, which generates more revenue not only for the government, but for the good people of America that are out there working hard every day. They are able to put more of that money into their pockets instead of sending it to the bureaucrats in Washington to spend it.

I think it is important on this fourth anniversary that we did speak about what is happening in Iraq, and most importantly what is going to happen on this House floor.

The American people, I was told by Colonel Walt Piatt in Afghanistan when I visited there a couple years ago, and I was talking to Colonel Piatt, who is from my district, and we were talking about the effort and the needs of the troops and the military equipment, and he said to me, you know, America's power is not its soldier, it is not its weaponry, it is not the bombs we create. The strength in America is the will of the American people, because if the soldiers know that the people are behind what they are doing, in support of what they are doing, they can accomplish anything.

I think what is going to be said here on this House floor, because the House, we are the people elected, we are the leaders elected from our districts, 435 districts, and what we say here is going to go a long way in whether we are going to be successful in helping the Iraqis building a democracy, in stabilizing that country and helping long term what is going to happen in the Middle East.

So it is going to be very critical what is said here on the floor in this war supplemental. Are we going to use it as a political ploy, use it as a bargaining chip, use our men and women as bargaining chips to get spending to things that don't belong in this war supplemental, or are we going to do the right thing, and that is you support our men and women with the funding that they need? Are we going to support them?

That is going to be a large step in proving to them that we are with them, that we are behind them and that we are not going to put in arbitrary deadlines that are going to give our adversaries and our enemies a leg up on us.

So this is going to be an absolutely critical week for America. It is going to be a critical week and a defining moment I believe for the majority party, because I don't believe, and I think it is pretty clear, the American people don't like conflict, don't like war, don't like death, don't like destruction. Nobody likes that. But the American people do not want to lose in Iraq. I think that is very clear. And this war supplemental, putting in these arbitrary timetables, is a prescription for that.

It is micromanaging this war by the politicians in Washington, just like many on the other side of the aisle say is what happened in Vietnam. That was wrong in Vietnam, and yet they are standing up on the House floor this week and the past couple weeks proposing that we do just that, micromanage this war. 435 Members of the House, 100 Senators, they are not the Commander in Chief.

The Constitution is clear. When you are fighting a war, you need one leader. When you are fighting a war, you leave it to the professionals, you leave it to the generals, you leave it to the colonels, you leave it to the men and women that are trained to do this, not bring it on the House floor. And as I said and as The Washington Post has said, trying to micromanage this war is the wrong thing to do for the Iraqi people, it is the wrong thing to do for the American people, and it is the wrong thing to do for the men and women that are in harm's way.

So I hope we are able to come together on this House floor and strip out many of those things that are in here that just make it unworkable and bad for the American people and the military.

MARKING THE END OF THE 4TH YEAR OF THE OCCUPATION OF IRAQ

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. HINCHEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. HINCHEY. Mr. Speaker, the purpose of my coming to the floor this evening, along with a number of my friends and colleagues on this side of the aisle, is to mark the fact that tomorrow will be the 4th year that our military forces instigated by the administration have attacked Iraq and engaged in what the administration has called a war in that country. Most people now have come to realize that we are not engaged in a war in Iraq, but we are engaged now in an occupation, the consequences of which are proving to be increasingly disastrous.

At 10:15 p.m. on March 19, 2003, in a televised address to the Nation, President Bush announced the start of what he refers to as "the war in Iraq."

□ 2115

The way in which the administration attempted to justify that attack has been a grave consequence for the United States, both internally and around the world. The President, of course, and others in his administration contended that there was a connection between Iraq and the attack that took place in New York and at the Pentagon on September 11, 2001, that Iraq was somehow involved in that attack, when all of the evidence and information indicated that that was not the case.

In spite of that, the administration continued to make that allegation. They then went on to say that it was important that the United States invade Iraq for the safety of our country and for the safety of others because Iraq was a country that possessed what they referred to as "weapons of mass destruction," alleging that there was substantial amounts of chemical and biological weapons in Iraq.

They then went on to assert that Iraq had a nuclear weapons program, and the President of the United States in a 2003 State of the Union Address to a joint session of Congress and to the Nation here in this House asserted that the British Government had learned that Iraq had imported enriched uranium from Niger. When he included that sentence in his State of the Union Address, he was very much aware that the intelligence agencies in our country had said that there was no proof that that was the case. In fact, they had examined the documents upon which those assertions were being made, and they found those documents which had been stolen from the Nigerian Embassy in Rome were, in fact, forged.

So what we have here is an unnecessary and unjustified and consequently illegal attack on another country and a subsequent disastrous occupation which has gone on now for 4 years, and we will be beginning the fifth year starting tomorrow.

As a result of this occupation, over 3,200 American servicemen and women have been killed in Iraq since our invasion over 4 years ago. Over 24,000 troops have been wounded in action in Iraq, and the number of Iraqis killed is unknown, but the estimates range as high as 200,000 Iraqi civilians, mostly women and children, who have been killed in that country as a result of the military action.

We are spending now about $275 million per day in Iraq. More than $8 billion every month is being spent in that country. And as the Speaker of the House noted earlier this evening in her speech on the floor, at least $10 billion of that money is completely unaccounted for, and much of the rest has been spent in ways that have not been productive, but have been extraordinarily wasteful.

The President in January called for what he referred to as a surge of nearly 30,000 additional soldiers into Iraq. So far that has amounted to 21,500 additional troops that have gone to Iraq in January, and 4,400 more just two weekends ago.

The circumstances there continue to deteriorate as a result of the corrupt and incompetent way in which this illegal invasion and subsequent occupation have been carried out by this administration.

Roughly half of all of the ground equipment that the U.S. Army owns is now located in Iraq and Afghanistan. Since the invasion, the Army has lost nearly 2,000 wheeled vehicles and more than 1,000 armed vehicles. To make matters worse, according to the GAO, the Army has not been keeping accurate track of what they have and what they need to reset the force, and they cannot provide sufficient detail for Congress to provide effective oversight.

Between 75,000 and 100,000 pieces of National Guard equipment worth nearly $2 billion are now located in Iraq and Afghanistan. This is equipment that is needed by the National Guard here in our country to carry out the obligations and responsibilities of the National Guard around the United States. And they are now increasingly being deprived of their ability to carry out their responsibilities and obligations because of the loss of their equipment.

The Regular Army has lost so much equipment which has not been replaced that they are now using the equipment of the National Guard to replace the equipment that they have lost and which this administration has failed to provide replacements for.

We have a situation that is confronting us now in Iraq which is increasingly damaging, dangerous, and on the verge of being disastrous for our country as well as for others in the Middle East.

We need this Congress to assert its obligations and responsibilities to oversee the activities of this administration, and that is clearly necessary because all through the 4 years during which this illegal invasion took place followed by this occupation, there has not been any significant oversight by this Congress, which, of course, was controlled by the Republican majority for all of that period of time.

Now that we have a Democratic majority in Congress, that oversight is beginning. Appropriate hearings are being conducted both in this House and in the Senate, and more and more information concerning the way in which this operation has been carried out is being made available to the American people, and as a result of that, more and more people across the country are realizing what a disaster this has been. More and more Americans are understanding how they were intentionally and purposefully misled and deceived by this administration in order to carry out this invasion which had absolutely nothing to do with the attack of September 11, and which cannot be justified in any way whatsoever.

This action is unlawful, and appropriate oversight and supervision based upon detailed and focused hearings by this Congress is now absolutely necessary.

We have with us this evening several of my colleagues who are interested in speaking about this issue, and I would now like to recognize my very good friend from Ohio, who will address the House at this time.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New York (Mr. HINCHEY) for his superb remarks and for his organizing this Special Order in order to express our opinions on behalf of our troops and for a course correction in Iraq and the Middle East in general.

When you think about it, we are being asked this week to vote an additional $100 billion in what is called a supplemental, mainly to escalate the war in Iraq, and the money we are voting on will be just for today until the end of September of this year. This $100 billion is put on top of what has already been appropriated to be spent on the war, and it is typical of this administration's mishandling the war and its accounting, always underestimating every year what it will really cost to carry out the activities.

If you look at the chart that shows what we are spending in Iraq, it is absolutely escalating every single year.

The best advice we were given on a recent trip to Iraq, Afghanistan and the region was from our generals, who said: What does victory mean? Victory means one-third military, two-thirds diplomacy and good governance. The two-thirds is missing. So, therefore, we are asking our soldiers to bear all of the burden of a flawed strategy for Iraq and the surrounding regions that is ripening terrorism in every single country, and we are losing respect. The coalition of the willing has dried up. The neighbors of Iraq have not been convened in a constructive way, and we watch other nations in the region border on destabilization because of what we are doing in Iraq.

My deep concern is that the violence could spill over into Jordan, Turkey, Bahrain, Kuwait, Pakistan, Lebanon, even Saudi Arabia. And so America has to face a strategic challenge much larger than Iraq, and the administration is not leading us there.

This evening I wanted to say a word about the theater in which Iraq is operating. She is not alone. So many of our soldiers, our patriotic brave soldiers, are in Iraq, and they are the finest military in the world, but they exist in a sea of discontent. And I would like to say that the face of terrorism that we see springs from a view, fair or not, that the United States allies with the rich but not the poor across the undemocratic Islamic world. And how can America stand for democracy in Iraq, but not in all of the oil kingdoms and theocracies to which our Nation has been tethered for most of the last century and now into this century?

Why would I say that? I would say that because recent polls in the region show exactly that. It shows that America is viewed as not on the side of rising popular expectations for a more democratic way of life. Rather, we are seen as tethered to an old power structure where the poor remain poor, and the rich, outlandishly rich, and becoming more so; and where religion has become the metaphor for political change of those excluded economically and politically.

Unfortunately, the Gallup poll shows how harshly the United States is viewed across the region. Right or not, the people there view us as a promiscuous culture in moral decay, and Abu Ghraib affirmed their views.

If we look at our closest ally, Turkey, a valued ally of ours for over 50 years in NATO, the disapproval rating of our country has risen from 48 percent in 2000, and we weren't doing so well back then, to 88 percent this year. So 88 percent of the citizens of Turkey disagree and disapprove of what we are doing.

The ruling secular party of Turkey has lost control of its Parliament, and now at the local level who is winning elections in Turkey? Parties that are tending more and more religious. And I am not saying that the religious parties of Turkey are like those of Pakistan or Saudi Arabia, but we have to recognize what is happening across the region as America falls into disrepute.

In Pakistan, home to tens of thousands of madrassas, schools funded by Wahabi donors from Saudi Arabia, young boys are being turned out by the thousands to revenge against America.

America's favorability ratings in Pakistan have fallen to 27 percent. When we were visiting Pakistan a few weeks ago, a female Parliamentarian was assassinated on the western side of the country, people who are trying to relate to the broader world outside of Pakistan.

In Egypt, which signed a peace treaty with Israel three decades ago, 70 percent of the public unfavorably views the United States. And more than 90 members of the anti-American Muslim Brotherhood were elected to Parliament recently, and that Parliament has about as many members as we do. So 90-plus members is a significant number in the Egyptian Parliament.

I could go down the list. King Abdullah of Jordan was here a couple of weeks ago. What did he ask us for? Peace now, time is short; peace now, time is short. The U.S. favorability rating in Jordan dropped to 15 percent. Are we paying attention to what is going on?

My dear colleague Mr. HINCHEY talked about Saudi Arabia, where the majority of 9/11 terrorists had come from. The United States is disliked by three-quarters of the people in Saudi Arabia. So we look at our troops inside of Iraq because the Commander in Chief of this country sent them there, but if we look at what is happening in the region, America is not winning.

One of my colleagues on the other side of the aisle just said, just measure the body count. Measure the American losses as a sign of how well we are doing.

It is taking us twice as much money every year just to keep the body count where it is now. Look at the casualties. Look at the Iraqi casualties that no one wants to talk about. Look at what is happening in the region. We are not being successful in the war on terrorism, as hard as our soldiers try, because they cannot do it alone.

□ 2130

Why are we asking the military to bear the full burden when the diplomatic channels of this government have crashed?

Can you believe that the neighbors of Iraq have not been assembled by our Secretary of State in any constructive way now going on 4 years? Unbelievable.

Can you believe that we have allowed nations with which we have been friends for 50 years just to fester at the end of a failed diplomatic pipeline?

The President's job is not just to be Commander in Chief. It is to be Diplomat in Chief for this country, and yet across that region we see ties that have been forged by this country for generations just ripped into shreds. What a tragedy.

I was thinking yesterday, I grew up in an era when John Kennedy talked about the Peace Corps and the great alliance for progress across Latin America. Look at the Latin Americans demonstrating against the United States.

We cannot ask our soldiers to fill a gap, a failed diplomacy and failed politics across the region. The world wants change. The world is begging us for change. The world is demonstrating for change. It just is not America that is demonstrating for change.

So this evening, Mr. Speaker, I would thank my colleague so very much for allowing me some time to talk about regaining America's standing in the world by correcting what has gone wrong in Iraq.

I just might end by saying today in USA Today there was a major story of Poland, people risking their lives going to Iraq, asking the Iraqi people what they think. What it shows is compared to 2005, just a couple years ago, when 71 percent of people in Iraq said their life was fairly good, today it has dropped to 39 percent.

In Baghdad, where so many of our soldiers are being sent, what percentage of the people rate their basic household needs as being served by the current regime? You know what the number is? Zero. Zero. Fallen in the last 2 years from 78 percent of their basic household needs. That is like food, water, down to zero.

Electricity, you know what percent of the people in Baghdad say their service is good? Zero. Zero, down from only half in 2005.

What about clean water? In 2005, 68 percent said they could get clean water. You know what the number is? Zero.

How can this be good? How can America win this? How can we ask our soldiers to fill a failed policy? Our soldiers will do anything we ask them to do. We have the best military in the world. We have the most committed generals, the most committed soldiers. We love every single one of them, but we do not want to give them a mission impossible in a sea of discontent where the Diplomat in Chief has abdicated his responsibility to them and to the kind of strategy that can win America friends again.

I thank the gentleman for yielding to me, and it is a real privilege to be able to participate in this Special Order this evening.

Mr. HINCHEY. Thank you very much. I very much appreciate the statement that was just made by our colleague from Ohio, MARCY KAPTUR, the respect that she has given to our military, appropriately so, and her examination of the consequences that we are confronting now in Iraq as a result of the incompetent way in which this administration has dealt with the political and economic circumstances there in that country.

I would like now to yield time to my friend and colleague from New York, JOHN HALL.

Mr. HALL of New York. Mr. Speaker, I thank very much Congressman HINCHEY and thank Congresswoman KAPTUR for her remarks.

Today marks the start of the 5th year of the war in Iraq; and as I begin my statement, I want to recognize the honorable service of the men and women who have served our country in Iraq. I want to honor the memories of the 3,188 servicemembers who have given their lives in Iraq, including five men from my district and over 50 officers of the United States Army who graduated from the United States Military Academy at West Point, which I am proud is in my district. While I believe the war in Iraq has been a mistake, I deeply respect the honor and integrity of those who have given their lives following the orders of their Commander in Chief.

In light of the sacrifices of so many of our men and women in uniform, it saddens me that I have to come to the floor of the House of Representatives and say I believe this war has been a strategic blunder in our efforts to fight terrorism.

On September 11, our Nation was attacked and many people from my district, including police and firefighters, died at the World Trade Center. The United States correctly responded by pursuing those responsible for 9/11 in Afghanistan. Unfortunately, this administration decided to change its focus and start a war of choice with Iraq, a country which had not attacked us and was not an imminent threat to the United States.

Now our military is trapped in the middle of a civil war instead of pursuing Osama bin Laden, Mullah Mohammed Omar, and other al Qaeda affiliates throughout the world responsible for 9/11 and other similar attacks and groups planning to attack the United States again.

Because we are focused in Iraq, the progress made in Afghanistan is slipping. The Karzai government does not control the territory outside its own capital. We see an increase in the drug trade that funds regional warlords. The Taliban emerges at night to terrorize the local population, and our military expects increasing attacks throughout this spring. However, because of our continuing overcommitment in Iraq, the United States has little ability to increase its troop numbers in Afghanistan and respond to that deteriorating situation.

While the administration and its allies say we are battling the terrorists in Iraq, the United States intelligence agencies say otherwise. The National Intelligence Estimate released in April 2006 stated: "The Iraq conflict has become a 'cause celebre' for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world and cultivating supporters for the global jihadist movement." Iraq is not the central front in the war on terror as the President likes to say. Instead, it is a rallying point, a recruiting poster that Osama bin Laden uses to recruit more terrorists.

The war in Iraq has seriously weakened our military. A recent report found that 90 percent of our National Guard youths are rated "not ready" to respond to a national disaster or terrorist attack in the United States. Further, in order to meet their recruitment goals, the military has lowered the minimum standards for being accepted into the service, and our military faces a crippling loss of mid-level officers as larger and larger numbers decide not to reenlist and face multiple deployments.

It is time for a new direction. Our intelligence agencies know it, our military commanders know it, and the American people demanded it last November. General Petraeus, commanding general in Iraq, stated on March 8: "There is no military solution to a problem like that in Iraq, to the insurgency of Iraq." And just last week, Pentagon analysts admitted that the war in Iraq is a civil war.

Unfortunately, our President refuses to face reality and the will of the American people. He wants to put more troops in the middle of a civil war. He wants an open-ended commitment to keep combat troops in Iraq indefinitely. He wants to leave the problem of Iraq to the next President. And, once again, he has returned to Congress and asked for another blank check to continue this misguided war. Unlike the President, this Congress will face reality and realize that we must change direction in Iraq.

Some of our colleagues speaking earlier from the other side of the floor criticized us for trying to, as they say, micromanage the war. There cannot be 435 or 535 Commanders in Chief. We would not need to take this kind of action to manage or, if you will, micromanage the war if the President and Commander in Chief were doing his job, if the leadership were coming from the top, as our structure of government ordinarily calls for it to come.

But because there is a vacuum in the top, because the President has continued to disregard or turn a blind eye to the reality of what is happening, not only around the world, as our Congresswoman just mentioned, in terms of the reputation of the United States, which ultimately in the long term is what will determine our security, our reputation, the approval of the United States and its policies by other peoples and other countries around the world will ultimately determine in the long run how secure we are, we do not have enough money to spend our way into security if we continue to make more enemies and lose our friends.

General Petraeus is correct. We need a political solution to the war in Iraq instead of a military escalation. It is time for a diplomatic surge. The United States must push the Iraqi Government to meet its commitments that it made to its partners in Iraq. It is time the United States reached out to our allies in the region and throughout the world.

By requiring the Iraqi Government to achieve a list of objectives and establishing a timetable for U.S. involvement in Iraq, we can end the culture of dependency developing in Iraq. We can make the Iraqi Government stand up and take control of its own fate. If they do that, we will stick by them. We will help them train police and military forces and rebuild their country. If they are unwilling or unable to take that responsibility, we will know that the United States does not have a serious partner in Iraq.

If we are to defeat the people who did attack our country on September 11, those who continue to seek to destroy us, we must pivot away from Iraq and back to Afghanistan and al Qaeda, the people who actually attacked us. We must draw down in Iraq and let our military redeploy, rebuild, and refocus.

The United States faces a gravely serious threat, and we must be prepared to defeat it. Our 4-year involvement in Iraq has seriously endangered our ability to do that. At home, our National Guard has been undermined. It is unprepared to respond to a terrorist attack or a natural disaster. Abroad, our military forces are stretched thin and unable to shift quickly.

If we really want to defeat Osama bin Laden, al Qaeda and the other terrorist groups that seek to kill us, we must return our attention to that war and leave the civil war we currently face in Iraq to the Iraqis. If we rebuild our forces and refocus on the threats in Afghanistan, Pakistan and throughout southeast Asia, we will be able to truly defeat our enemies and truly protect the United States of America.

Mr. HINCHEY. Mr. Speaker, I thank my colleague and friend JOHN HALL from New York for his strong presentation and for joining us this evening in this discussion about this critical issue.

I would now like to recognize my friend and colleague from California, BARBARA LEE.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for calling this Special Order tonight and for your leadership.

Today marks the fourth anniversary of the invasion and bombing of Iraq. It is a solemn occasion that reminds me with a very heavy heart of our brave troops who we want to protect and who we want to bring home.

As the occupation now enters its 5th year, it is really an appropriate time to review some of the history. It is also an appropriate time to recall that the case for this war was false.

All the talk about aluminum tubes and yellowcake, remember that? Right. Colin Powell's dramatic presentation to the United Nations? I still wonder why such a distinguished Secretary of State would do that.

The fact is there was no connection to al Qaeda. There were no weapons of mass destruction in Iraq, and there was no connection between the horrific events of 9/11 and Saddam Hussein in Iraq.

Some of us opposed the war from the beginning. In fact, if my amendment to the authorization to use force had been used 4 years ago, the United Nations inspectors would have had the opportunity to finish their job and confirm what we believed and some of us knew at that time, what the world now knows, namely, that Iraq had no weapons of mass destruction.

□ 2145

It is an appropriate time now to review the disaster that has taken place in Iraq, so that the administration does not rewrite this tragic history, and also to put the administration on notice and in check from starting a preemptive war against Iran, which many see as looming. It's appropriate tonight to review this history because the administration who brought us this debacle would now like us to accept an open-ended commitment to it.

Why is it appropriate for us to remind the country of all of this tonight? Because the same people, the same administration who brought us this disaster are now asking us to trust them again. They are saying that we should give the President another chance. They are saying, in effect, that our commitment to supporting their failed policies should be open-ended.

Think about that for a minute. The people in this administration who have been wrong about every single major decision about this war are now trying to make it seem unreasonable to suggest that we should not continue to write blank checks to support this debacle.

Well, it is not unreasonable. That is where the American people are on this issue. They know better. It is time for this unfortunate chapter of our history to close. It is time to end the occupation of Iraq and bring our troops home.

At various points the administration has told us that the mission has been accomplished, that we were turning the corner, or that the insurgency was in its last throes. As we now know, those pronouncements were all false.

The truth is that the administration's conduct of this war has been nothing short of shameful. We may never know how many of the roadside bombs that kill our troops every day are made from explosives looted from weapons depots that were left unguarded because the administration chose to ignore the advice of our military commanders on how many troops would be needed. Whatever the number is, it is too many.

It is an appropriate time tonight to review the cost of the administration's failed policy in Iraq. The human cost of this occupation has been terrible. More than 3,200 United States servicemen and women have died, and more than 32,000 have been wounded. That is an average of 67 deaths and 500 wounded every month, not to mention the death and injuries of countless Iraqis.

The financial cost is unsustainable. Already we have spent more than $400 billion on this invasion and occupation. We are averaging more than $8 billion per month. That is staggering.

The cost of our security has been devastating. The Bush administration's military and foreign policy doctrine of preemptive war, like you can start a war based on perceived future threats, this was supposed to solve the problem posed by the so-called axis of evil.

Four years after putting the doctrine to test in Iraq, the results are in, and it is a total failure. Iraq posed no imminent threat to our security, but today the vast majority of our security resources are bogged down in Iraq. North Korea has obtained nuclear weapons, something the doctrine was to prevent, and Iran is empowered and emboldened. The occupation is undermining our efforts to fight international terrorism.

According to the National Intelligence Estimate of April 2006, and this is in their words, they said the Iraq conflict has been the cause celebre for jihadists, breeding a deep resentment of the United States involvement in the Muslim world and cultivating supporters for the global jihadist movement. Now, this is what the National Intelligence Estimate said.

Furthermore, the toll that the occupation is taking on our Armed Forces is stretching the military beyond the breaking point. The Washington Post reported today that Army and Marine officials are referring to a readiness death spiral in which the ever more rapid pace of war zone rotations has consumed 40 percent of the total gear, wearied troops, and left no time to train to fight anything other than insurgents now at hand.

The administration likes to talk about the situation in Iraq in terms of winning and losing, because it is convenient to portray critics of their policies as opposed to victory or supportive of defeat. The fact is you cannot win an occupation, just as there is no way for the United States to win an Iraqi civil war.

The Bush administration understands this just as they understand that there are no pretty or clean options for bringing a responsible end to our policy there. They are content to mouth the words of victory while they try to run out the clock, playing a cynical game of political chicken, where whoever acts to bring a responsible end to their failed policy will be accused of having lost Iraq.

The trouble is, though, that an average of 67 troops die in Iraq each month, and 500 are wounded, and we can't forget that. As General Petraeus and the Iraq Study Group both pointed out, there is no military solution to this civil war and occupation. For me, the cost of going along with the President's escalation charade and risking our brave young men and women's lives is way too high. It's time to bring this war and occupation to an end. It's time for military measures to be replaced with diplomacy and engagement with Iraq's neighbors. It's time to take the target off our troops' back and to bring them home.

Thank you, Mr. HINCHEY, for this Special Order tonight, and let's hope the American people raise their voices loudly and clearly with regard to what is taking place with this war and bring it to an end very soon.

Mr. HINCHEY. I thank you for your very articulate expression of all of those facts, your leadership here and for joining us this evening.

Mr. Speaker, I would now like to recognize my friend from California (Ms. WOOLSEY).

Ms. WOOLSEY. First of all, I would like to thank the gentleman from New York for this Special Order and for including me and allowing me to speak once again on this House floor about this war and this occupation of Iraq.

On the evening of March 19, 2003, speaking from the Oval Office, the President of the United States started his address to the Nation with these very words, and I quote him.

"My fellow citizens, at this hour, American and coalition forces are in the early stages of military operations to disarm Iraq, to free its people and to defend the world from grave danger." Here we are, 4 years later, and it's fair to ask, indeed, it's incumbent upon us to ask, have we disarmed Iraq?

Well, first off, as we all know, there are no weapons of mass destruction to disarm, so that whole entire premise was flawed.

The question we have to ask is have we made Iraq safer? We may have deposed Saddam Hussein, but with insurgents, militias and vigilantes terrorizing Iraqi neighborhoods, some of them with the tacit support of the Iraqi Government, it's impossible to say we have disarmed Iraq or made its people and communities more secure.

Have we freed Iraq's people? Well, I can think of at least 60,000 Iraqis for starters who haven't been freed. That's the most conservative estimate of Iraqi civilian deaths over the last 4 years, at least 60,000 killed for the cause of their so-called liberation.

Many of those who have escaped death live in fear of it, afraid to go to the market or send their children to school, if there is still a school for them to attend. Too many Iraqis live in communities without electricity, without sewage or basic services. Have we freed them?

What about those who are so flush with freedom that they have chosen to flee their own country? I am talking about the 1.5 million-plus Iraqi refugees. Why don't we ask them if they feel free?

Have we defended the world from grave danger? Indeed not. One study by the Center for Security Studies at New York University Law School concludes that the rate of fatal Muslim terror attacks worldwide has increased by a factor of seven since the Iraq war began. I repeat, that is seven times as much terrorism since we started this occupation, more people call it a war, but it is really an occupation, because this occupation that they keep telling us is the central front in the war on terror is not getting rid of terror.

It's clear our Iraq policy has had a major impact in the war on terrorism. Unfortunately, it appears to be helping the wrong side.

So to go back to the President's statement of exactly 4 years ago, it would appear he has accomplished none of these three tasks, tasks he claimed to have begun that night 4 years ago. Iraq is not disarmed, its people are not free, and the world is more dangerous. It was never supposed to get to this point. You remember this was going to be quick, it was going to be painless. We are going to finish these guys off without breaking a sweat, remember.

On the very same day that President Bush spoke in front of the Mission Accomplished banner, prominent neoconservative Richard Perle actually published an op ed in a major national newspaper entitled "Relax, Celebrate Victory." The cost? Don't worry, they told us, Iraq oil revenues will cover the entire thing.

They fired the top White House economic adviser for daring to suggest that the war had cost as much as $200 billion. What would they have done to him if they had known he was underestimating it by a few hundred billion dollars?

We have to ask our colleagues who authorized the President to launch the preemptive strike on Iraq, is this what you voted for, to invade a country that had no weapons of mass destruction, no link to 9/11; to occupy that country for 4 years, helping foster a vicious insurgency and fan the flames of civil war?

If you had known these things, and if you had known that it would cost us over 3,200 lives to date, and upwards of $400 billion, uncounted civilian deaths, and between 35,000, as the Pentagon tells us, or over 200,000, as reported by the Veterans Administration, wounded, we have to ask, can you look the American people in the eye and say you would have done the same thing all over again knowing what you know now?

If your answer is no, if you believe the war has been a mistake, then it makes absolutely no sense to let it continue any longer, and it makes even less sense to hand the President an additional $100 billion with which to pursue the same disastrous policy.

Our troops have done their job. They and their families have sacrificed more than enough. They have been forced to dig for scrap metal in order to armor their vehicles. They have endured substandard care, bureaucratic delays and squalid conditions at Walter Reed Hospital. They have been betrayed by the grievous mistakes of their civilian supervisors and superiors.

Support our troops. Bring them home.

I have four grandchildren who weren't born 4 years ago. They have never lived in a world unclouded by this shameful, destructive and unnecessary occupation. I fear that if this Congress doesn't act, they will be living with these consequences well into their adult lives. It is for them, for the America they will inherit, that I want this war to end.

It's time to act boldly. Americans are crying out for leadership, for their elected representatives to hear their frustrations about Iraq and to move decisively in response.

This is a gut-check moment. Do you want it said about the 110th Congress that it failed the test of history, that it continued to send young Americans to kill and be killed on a mission that did nothing to enhance our national security or promote U.S. foreign interests? Do you want it said that we made a tragic mistake; even worse, that we blindly rubber-stamped a failed policy that has ignited a civil war and inspired a new generation of terrorists?

The Iraq policy of the last 4 years has proven ruinous and misguided at every turn by any objective measure. As a matter of humanitarian obligation and political accountability, it's time to change course.

In the name of national security, fiscal responsibility and basic human decency, we must get our troops out of Iraq and bring them home by the end of this year. Bring them home for the holidays.

I thank you again, Mr. HINCHEY.

Mr. HINCHEY. I thank you, Lynn Woolsey, for your leadership and the way you have directed your attention to this issue over and over again on the floor of this House so many times, and done it so well.

Mr. Speaker, now I would like to yield time to my dear friend and colleague from California (Ms. WATERS).

□ 2200

Ms. WATERS. I would like to thank my friend from New York for taking this time out this evening and sharing it with those of us who feel a real need to come to the floor of this fourth anniversary of the war in Iraq and share with the people of America how we really feel about what is going on.

First, I think it is important for the people of America to know that some of us are listening. We hear what they are telling us. We know what their expectations are. The polls today are very, very clear about the overwhelming number of Americans who want us out of Iraq.

This war has truly taken a toll on this country: over 3,200 dead; 24,000 injured. And I don't mean just minor injuries. Serious injuries. It has been documented what is happening at Walter Reed, brain injuries, eyes gouged out, limbs lost. Serious injuries. And the information that was just shared with us, about 20 percent of the returning troops with mental illness.

Not only is it taking a toll on these young men and women who are sacrificing in this war; it is taking a toll on our domestic agenda, over $400 billion spent on this war in Iraq and Afghanistan. The President now has a supplemental appropriation before this House asking for $100 billion more. The President recently came to us and told us he was going to increase the troops there by another 21,000, and a few days ago he added to that another 8,500. The requests keep coming: more troops, more money. And there is no end in sight.

The President has said we should listen to the generals on the ground. Whenever we try and share our feelings and give some advice, he rejects it out of hand. Well, he just got information from General Petraeus on the ground, and he said to the world there will be and can be no military solution. But this President continues to persist in increasing the military and misrepresenting to the American people what is going on.

With this request that he has made, the supplemental request, there are those who truly believe that we can ask him for progress reports and he will give us good information. I listened very carefully early this morning to what the President and all of those in his administration would say on this 4th-year anniversary. They simply are spinning the information about this war the way they have always spun the information about this war.

First of all, as it has been said over and over again, they told us we would be welcomed with open arms. They told us there were weapons of mass destruction. They told us we were making progress with the training of soldiers, Iraqi soldiers, and they were just around the corner, they would be prepared and willing to take over the security of that country.

Well, I listened as they did their spin this morning. In the middle of all of this carnage, in the middle of the fact that we wake up to more suicide bombings, more loss of American soldiers, and the expansion of the bombings in putting chlorine into the bombing and into the materials, they were spinning it again this morning saying we are making progress. And that is what I expect them to say if we give them the opportunity to tell us what progress is, come July, as it is indicated in the legislation that some would like to go forth from the floor.

We cannot depend on them to tell us the truth. We cannot depend on them to follow and honor benchmarks that a lot of people are alluding to. We cannot depend on this President to get out of Iraq as long as we are giving him the money. We said that we didn't support the surge, but there are those who could suggest that we turn around and support the surge, $90 billion to support the expansion of this war. Why should he get out as long as we are giving him the money?

What are we supposed to accomplish? What are we trying to do? The President would tell you that somehow we are supposed to provide the security and we are supposed to train so that the Iraqis will be able to provide security. We are supposed to make the Shiites get along with the Sunnis and the Sunnis get along with the Kurds. I don't think so. I think that we don't understand the history. And I don't think that we understand, no matter who we think we are, we cannot forge the kinds of relationships that somehow we are going to stay there until we make people love and like each other and work together.

Who wants us in Iraq? They call us the occupiers. As a matter of fact, we find that legislators that are supposedly in this new democratic government, one was revealed this morning to have all kinds of weapons found at his house. All kinds of weapons. And they found traces of chemicals in his four automobiles. This is one of the so-called elected members of the parliament. They do not want us there. The Shiites don't want us there, the Sunnis don't want us there, the Kurds don't want us there. And we have our young people at risk. They are at risk. They are being attacked by the militias, and they are being attacked by the very police forces that are supposed to be on the ground helping to provide security.

Well, in the final analysis, our only response must be to have an exit strategy. The Out of Iraq Caucus that was organized 1½ years ago did not say when we should get out; it did not tell the President exactly what the strategy should be. We simply created a platform for discussion and debate so that the Members of Congress would keep their eyes on the ball so that they would understand what was going on and not have information swept under the rug. We invited in speakers. We had generals to come in; we had writers to come in. We had many people come in and talk with us about what is going on there. But this President doesn't get it. He is intending to stay there until he does something called "win," with young people losing their lives, the children of families all over America, not just from inner cities but most of them now we are finding coming from rural America. They will continue to die.

In another year we are going to have thousands that will be dead. In another year there will be thousands that will be injured. And the shame of it all is that they won't find the kind of medical care. They had a big article today and information about the homeless veterans returning from Iraq. They are homeless, they are not being cared for, they are not getting the benefits. But we are going to continue this war. I would submit to you it is time for a change. Bring our soldiers home.

Mr. HINCHEY. Ms. WATERS, I thank you very much for your dynamic leadership and for joining us this evening and for those remarks.

I yield to my good friend and colleague from New Jersey (Mr. PAYNE).

Mr. PAYNE. Let me begin by thanking the gentleman from New York for this Special Order and bringing to the American people the very important issue that stands before us. And I would like to commend the Out of Iraq Caucus, but primarily the three women from California, Congresswoman WOOLSEY, Congresswoman LEE, and Congresswoman WATERS, who have kept this particular issue alive, have continued to work with us to shape a policy or keep the conscience of America focused on this situation, a situation that we gave preemptive strike authority to the President of United States, which all of us opposed, when they said there were weapons of mass destruction; and when none were found, said, well, it was regime change was the final one.

But today, we mark the fourth anniversary of the occupation in Iraq. Ironically, it was almost 4 years ago on May 1, 2003, that President Bush deemed the operation in Iraq as "mission accomplished," affirming an end to the major combat in Iraq. As you may recall, he flew in a military plane on an aircraft carrier with a big sign and a brilliant smile on his face, "Mission Accomplished."

By that time, approximately 175 Americans had lost their lives in combat. Too many, but 175. Yet 3,197 lives later, American lives later, the war continues; 3,197 more from the pronouncement of "mission accomplished." Included in this number are 50 fatalities from my home State of New Jersey.

This weekend, thousands of protesters took to the streets to demand an end to the war in Iraq. As an early and staunch opponent to this war, I have watched every single prediction made by this administration. They have boldly said what they predicted, and every time the prediction was wrong: from the duration of the war, wrong; the reception we would receive, wrong; the costs, wrong; the number of casualties, wrong; the existence of weapons of mass destruction, wrong. This administration has proven itself wrong, wrong, wrong. The countless number of Americans and Iraqis who have lost their lives is sad.

The administration should listen to the Baker-Hamilton Commission, which has offered a stinging assessment of virtually every aspect of the U.S. venture in Iraq and calls for a reshaping of the American presence and a new Middle East democracy initiative to prevent the country from slipping into anarchy.

There is a great sense of sadness among those of us who foresaw over 4 years ago the tragedy that is now unfolding in Iraq. The war that many assumed would be swift and certain now continues to rage, but I urge my fellow colleagues to take this day and all of the days forward to push for a change, beginning with an orderly withdrawal of American forces from Iraq. This approach will send a message to Iraqis that they must take more responsibility for their own security and would reduce the strain on our military forces. For that, we will not need a surge to the war to continue and continue surge after surge.

I thank you very much for the time.

Mr. HINCHEY. I thank my friend DONALD PAYNE from New Jersey for his leadership and for joining us this evening.

Mr. Speaker, the point that we have made here tonight is that perhaps at no time in the history of this country, except for perhaps our own Civil War, have we faced the kind of circumstances that we are presently being confronted with as a result of the way in which this administration incompetently and corruptly has led us into this illegal occupation in Iraq.

We need to correct these circumstances. It is the responsibility of this Congress to do so. We need to hold this administration accountable. It is the responsibility of this Congress to do so. We need to remove our military forces from Iraq in an appropriate and timely way. And it is the responsibility of this Congress to take that kind of leadership.

I thank my friends and colleagues for joining us here on this very important 4-year anniversary of the illegal attack and subsequent occupation of Iraq. We need now to change these circumstances.

OUR SOUTHERN BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I discuss a black mark on this administration. And while I realize this is the fourth anniversary, and I have enjoyed the comments of colleagues, comments with which I may have some disagreement, I would like to discuss another issue. Because no matter what we do in Iraq, one way or the other, whether we succeed there or not, if our southern borders are not secure, if the southern borders are open to an invasion of illegal immigrants and open to an invasion of our country by terrorists and others who would do us harm and drug dealers and drug cartels, America is in great jeopardy. So no matter what is happening overseas, and I would grant you that the President may have made some mistakes and he may well have been well motivated, but his motives in determining the policy of what is happening at our southern borders is not what is in question. It is his actions. And what we have today is a dangerous threat to the safety of our people, the security of our country at our southern border.

☐ 2215

Today I discuss a black mark on this administration in terms of the security of our country, a vile crime which has been committed against two law enforcement officers whose job it has been to protect our families and our communities by keeping control of America's borders. The sad episode started back on February 17, 2005, just another routine day for Border Patrol Agents Ignacio Ramos and Jose Compean. Both were Border Patrol veterans with unblemished service records. Agent Ramos, in fact, had been nominated for Border Patrol Agent of the Year.

As they made their rounds that day 2 years ago, they checked on a tripped sensor near the border. Agent Compean discovered footprints and drag marks, the usual indication of a drug load being smuggled across the river. He spotted a vehicle, then radioed in the description and followed the suspect. The suspect realized that he had been spotted and turned around to rush back towards Mexico. Agent Ramos then observed the van driving at a very high rate of speed, and, after the driver ignored commands to pull over, Ramos gave chase.

By the way, according to the prosecuting attorney, pursuing a fleeing suspect without a supervisor's permission is against the Border Patrol policy. Now, get this. We are being told that just pursuing someone who has come across the border in a vehicle, without permission of a supervisor, is an illegal act, is against the rules for our Border Patrol agents. Whoever made that rule up? I wonder if the drug smugglers and the terrorists know about that rule?

The drug smuggler, then, in this particular instance, abandoned his vehicle and fled towards Mexico on foot, but he was intercepted by one of the agents, Agent Compean. Once again, ignoring several commands by Agent Compean to stop, a physical altercation ensued, with Compean ending up in the ditch.

Seeing his opportunity, the smuggler ran toward the border. According to Agent Compean's sworn statement, while running, the suspect turned and pointed something shiny with his left hand. Believing that his life was in danger, Agent Compean opens fire. Now, how long do you have to determine whether that is a gun in the man's hand as he runs away and aims something at you?

Hearing the gunshots, Agent Ramos came to the aid of his fellow officer. He, too, shouted for the smuggler to stop, but instead of obeying his command, the illegal drug smuggler once again turned and ran and, as he was running, again turned and pointed something shiny at Ramos, who at that moment shot his weapon once.

After disappearing into the banks of the Rio Grande, the smuggler reappeared on the Mexican side where he jumped into a waiting van, which was waiting for him. Obviously, an organized situation.

Unbeknownst to Officers Ramos and Compean, a bullet hit the illegal drug smuggler in the left buttocks. Other agents, including two supervisors, were nearby and could not see what was going on, but we have every reason to understand they heard the shots because they were that close.

When the abandoned van was examined, 743 pounds of marijuana were found. The payload was seized, and one would think that congratulations were in order. After all, Ramos and Compean were heroes, weren't they? They had been responsible for taking off the street $1 million worth of drugs bound for our communities. Good job, fellas, right? No. Wrong. Agents Ramos and Compean, not the illegal drug smuggler, are at this moment languishing in Federal prison, serving 11- to 12-year sentences, and, in fact, they are in solitary confinement.

This is the worst miscarriage of justice that I have seen in my 25 years of public service. It is a nightmare for the two Border Patrol agents who willingly risked their lives protecting us for 5 and 10 years. For their families, this is a hellish and destructive nightmare. They are losing everything.

And just today the Compean family was sent a letter signed by Attorney General Johnny Sutton, who prosecuted their loved one, their husband, asking for them to pay court costs of $2,800 while their husband has been sent away to prison and their family is being condemned to destitution, losing their health insurance, and then they get a letter asking for them to pay the court costs. I would offer this up for the RECORD.

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY'S OFFICE,
San Antonio, TX, March 14, 2007.

Re $2,800.00 and penalties and costs; Court No. EP05CR856(2); Judgment Date: October 23, 2006, USAO #2007Z00182/001

JOSE ALONSO COMPEAN,
El Paso, TX.

DEAR MR. COMPEAN: On the date listed above, you were ordered to pay the Court. The Financial Litigation Unit of the United States Attorney's Office is in charge of collecting your criminal debt. With the following exceptions, the amount you owe is due now and will be delinquent after 30 days. Delinquency may result in certain penalties being added to the debt pursuant to 18 U.S.C. §3612. Your cashier's check or money order, payable to the Clerk, U.S. District Court, should be mailed to the United States Clerk's Office, U.S. Courthouse, 511 E. San Antonio St., Room 350, El Paso, Texas 79901. Please note that personal checks are not accepted.

The exceptions to immediate payment in full are as follows:

The terms of your judgment provide otherwise, or

You have made an agreement with the Court or your probation officer, or

You have entered into a satisfactory repayment agreement with this office, or

You are presently incarcerated.

If you are presently incarcerated, you may begin paying on your debt through the Inmate Financial Responsibility Program. Regardless of the foregoing exceptions to immediate payment in full, please be advised that the United States may enforce the judgment for the full amount as provided by law.

If you have paid the debt in full, then please disregard this notice and notify the United States Attorney's Office immediately by returning a copy of this letter with a copy of the receipt(s).

Sincerely,

JOHNNY SUTTON,
United States Attorney.

To add insult to injury, a letter from U.S. Attorney Johnny Sutton's office was sent on March 14 to the families, as I say, of both of these officers. And

I have it right here, and let me read that to you, which I have just submitted for the RECORD.

Final Litigation Unit of the United State's Attorney's Office is in charge of collecting your criminal debt. The amount you owe is due now and will be delinquent after 30 days. Delinquency may result in certain penalties being added. Please be advised that the United States may enforce the judgment for the full amount as provided by law.

This is to a family of a law enforcement officer now who is languishing away in solitary confinement, and the family is being destroyed. Talk about cruelty.

The Compean family has already lost their home, and they have no health insurance, and now they receive a letter like this from the U.S. attorney.

I hope the American people are understanding the horror story that we are putting these two Border Patrol agents through. And our President knows about this. His protege, the U.S. attorney, knows about this; and I will tell you that, yes, Attorney General Gonzales knows about this.

So how come the agents were prosecuted and not the drug smuggler? Why is it that the Border Patrol agents have been treated so ruthlessly and without mercy by the U.S. attorney and by the Justice Department, and, yes, by the President of the United States?

The whole rotten episode has turned justice on its head. The book was thrown at heroes who protect us, while the drug smuggler got immunity. According to U.S. Attorney Johnny Sutton, who was a longtime Bush appointee and protege, a friend of the President, Ramos and Compean are not heroes. In fact, he considers the two officers to be criminals, charging them with assault with serious bodily injury, assault with a deadly weapon, discharge of a firearm while committing a crime of violence, which carries a mandatory minimum sentence of 10 years, and a civil rights violation. Sutton claims he had no choice but to prosecute the two Border Patrol agents because, according to Sutton, they broke the law. And when they violated procedures for discharging their weapons, they discharged their weapons at a fleeing suspect. That was not permitted.

The procedures were not followed, and that is true. They didn't know absolutely for sure he didn't have a gun. They thought he did. But where do we have rules saying that a Border Patrol agent has to be shot and wounded before he can use his weapon?

Sutton could have granted immunity to law enforcement officers and thrown the book at the drug smuggler. That is what would have made sense. After all, these two law enforcement officers had a perfect, clean record. The drug smuggler was a drug smuggler.

But, instead, Johnny Sutton, our U.S. attorney, protege of the President, chose to side with the drug smuggler, and threw the book at the Border Patrol agents. This was totally discretionary on the part of Johnny Sutton, who continues to say he had no choice but to bring charges against the Border Patrol agents. No, he could have given the immunity for a lack of procedure to the Border Patrol agents and thrown the book at the drug dealer. This was an indefensible decision, and now Sutton lies to us with the suggestion that he didn't have a choice to prosecute.

So how does this incident then mushroom into this matter of the ultimate and utter destruction of the lives of these two Border Patrol agents and their families? After the incident, the drug smuggler, also known as Aldrete-Davila, contacted Rene Sanchez, a childhood friend, for advice. Why did he call Rene Sanchez? Because Sanchez is a current Border Patrol agent in Arizona. Now, instead of turning in this drug smuggler, even though he was a friend, an old, longtime friend, he didn't turn in the drug smuggler. He went to the authorities, and this law enforcement officer, who was sworn to uphold the laws of the United States, chose to intervene on the behalf of his childhood friend who was smuggling drugs, a mule for the drug cartel. He was also called as a character witness, this same man, on the drug smuggler's behalf during the trial in which he described how the drug smuggler actually was a very fine and decent man.

Well, Mr. Sanchez contacted the Department of Homeland Security, who, in turn, decided to open an investigation into the conduct of Ramos and Compean. What? A drug smuggler with 750 pounds of narcotics is thwarted from making his delivery and then complains he was shot at, and our government decides to investigate the law enforcement officers? Something is really wrong with this picture.

Mr. Sutton had every chance to focus his enormous prosecutorial powers on the drug dealer. He chose to target the enforcement officers because maybe they weren't following procedure. He chose to turn a possible procedural violation by the Border Patrol agents into a criminal act, rather than prosecuting a career drug smuggler.

As part of their investigation, the Department of Homeland Security Office of Inspector General sent Special Agent Christopher Sanchez, which is no relation to the other fellow, into Mexico, and this fellow offered the drug smuggler immunity, an immunity deal in exchange for his testimony against the Border Patrol agents. The smuggler was then brought back into the United States, given free medical care for his injuries, all at taxpayer expense.

One wonders at the outcome and what would have happened if Mr. Sutton would have spent one-tenth the effort trying to find this criminal and trying to demand his extradition and punishment for smuggling narcotics into our country, rather than focusing on our law enforcement officers who are there to protect us and trying to find a way to bring them down.

The drug smuggler was portrayed by this U.S. attorney as the victim. He was portrayed that to the jury and to the public as the victim because the drug smuggler swears he wasn't armed, and, of course, the U.S. attorney took the word of the drug smuggler rather than the law enforcement agents that he wasn't armed. Sure, a drug smuggler has $1 million worth of drugs and he is not armed.

The jury is told that Davila was just trying to raise money to buy medicine for his sick mother, and he had never smuggled drugs before. So the U.S. attorney made that claim to the jury and painted the worst possible picture of Ramos and Compean.

Then our government takes the word of this nefarious drug-dealing character over two law enforcement officers, again portraying that to the jury as what they believed to be the case.

In short, the initial decision to prosecute the two Border Patrol agents instead of the drug smuggler was indefensible. And then our U.S. attorney moved forward with a vigor to beat these two men down, perhaps just to protect a wrong decision.

Well, Mr. Sutton's only defense of this wrong decision is to cover up the horrendous decision. And how did he do that? He has to demonize the two Border Patrol agents and has to make sure they get the maximum penalty.

But this doesn't meet the smell test. Anyone who comes close to this case knows it stinks. According to the Department of Homeland Security Office of Inspector General's report, which includes Agent Compean's sworn statement that he repeatedly stated that he believed that the drug smuggler had a weapon, and that he felt threatened, the Border Patrol training allows for the use of deadly force when an agent fears imminent bodily injury or death. The two officers said that under oath. Both officers testified they saw Aldrete-Davila turn and point what they believed to be a weapon at them while he was running away.

The wound created by the bullet in this man corroborates the agents' version of events. During the trial, an Army doctor, a prosecution witness, I might add, testified that the drug smuggler's body was bladed away from the bullet that struck him. That is consistent with the motion of a left-handed person running while pointing backwards, causing the body to twist, once again corroborating Ramos' and Compean's belief that the smuggler had a weapon in his hand.

Later, the drug dealer's family, and this is really important; later the drug dealer's family verified to a news reporter that he always carried a gun and that he had been making deliveries of drugs for a long time.

□ 2230

That, of course, never made it into the trial or to the jury.

It is important to understand that only three individuals were eyewitnesses to the crucial events of that day: the two accused border agents and a self-admitted drug smuggler. The other Border Patrol agents who responded to the scene and perhaps heard some of the shots testified under immunity and contradicted themselves several times on the witness stand. And why did that happen? What was the problem there?

Most importantly, when we are looking at this, we know that their view of events was completely obscured. They did not see what was going on, these other agents, the supervisors, because there was a 12-foot-high berm on the edge of a levee right across from an access road where all this was happening. None of the other agents could have seen what transpired on the other side of this berm. Well, they heard the shots; yet these agents, these same agents, two of them at least who were the supervisors of Ramos and Compean, were threatened that if they didn't testify against Ramos and Compean, they would be prosecuted themselves. Is this intimidation?

The fact is these two supervisors didn't make a report on the incident. They didn't ask Ramos and Compean about the incident. It wasn't Ramos and Compean who falsified a report. They were never asked by their supervisors because no one wanted to fill out 5 hours' worth of paperwork. And then in comes the U.S. attorney making this a criminal offense.

Well, it begs the question of why the two supervisors needed immunity before they could testify. Why is it that they needed immunity? If they weren't involved in the incident, why were they offered immunity? Well, they were given immunity by Johnny Sutton because he was threatening them. He was threatening, you either do this, or you are the one who is going to be prosecuted for not filing a report on this shooting incident. This calls into question what effect this all had on the truthfulness of their testimony.

The U.S. attorney's version of what happened that day relies almost exclusively on the testimony of the drug smuggler. We are talking about what happened firsthand. The other people were across and didn't see it. They heard noises. According to the Department of Homeland Security investigation, the supervisors heard or knew about the shooting. That is in the report of the Department of Homeland Security investigation.

So the supervisors heard or knew about the shooting; yet they did not ask Ramos and Compean about it because why? Because they were trying to cover something up? No. Because they didn't want to do 5 hours' worth of paperwork on their own time. And Johnny Sutton, our U.S. attorney, turned that into a felony, attacking our law enforcement officers and letting the drug dealer go, focusing on our law enforcement officers, trying to find anything he can do to get them and bring them down and anything he can do to protect the drug dealer.

Well, it was their duty, meaning the supervisors who were threatened by Sutton, to change their testimony. It was their duty, not the field agents', to write a report about this incident. That is probably what he used to hang over their head: You were the ones who were supposed to write the report. If you didn't, they must have kept this information from you.

It was never brought up even though they were right there. As a matter of fact, the agents that we are talking about, Ramos and Compean, and all agents that are on the border there, are prohibited by Border Patrol policy from filing a written report on a shooting. INS firearms policy section 12(b), 1(g) states: "Ensure that supervisory personnel or investigative officers are aware that employees involved in a shooting incident shall not be required or allowed to submit a written statement of the circumstances surrounding the incident." So Ramos and Compean were not permitted to file a written report, and the supervisors didn't file it, and so Johnny Sutton went after the supervisors and threatened them in order to get them to testify against Ramos and Compean. After all, why then would he have to grant them immunity otherwise?

"All written statements regarding the incident," a shooting incident, "shall be prepared by the local investigating officers and shall be based upon an interview of the employees."

So here you have Ramos and Compean prohibited from writing their own report. Yet Johnny Sutton continues to claim that the officers filed a false report to cover up their crime; not to cover up that they were not following the right procedures, but to cover up a crime. The supervisors knew about the shooting. They didn't ask Ramos and Compean what had happened, because once they did, it would have required 5 hours of additional paperwork. And because the guy got away, they didn't know that he had been wounded. They just assumed that the incident was closed.

So now because people who were just trying not to have to do 5 hours' worth of paperwork, officers who risk their lives for us every day are being brought down and their lives destroyed because of that, and the drug dealers go free.

By no means did anyone's action raise to the level of criminality. What might be considered unauthorized discharge of a weapon, because, let us face it, Ramos and Compean, again, couldn't prove absolutely that they knew the drug dealer had a weapon, and, of course, if he did and they were wrong, they would be shot, and they would be dead, well, they can't prove it absolutely; so that has been turned into attempted murder by the U.S. attorney.

Again, the agents thought the drug smuggler was pointing something at them. Their story has never changed. They testified to this in court. The drug smuggler had just been in a physical altercation with one of the officers. Of course, the U.S. attorney believed the drug dealer, who swears that Compean just fell down. He believes the drug dealer when he said, "I didn't have a gun." You have to believe the drug dealer because he was the only one on the scene and he got away, although his family has told reporters that he always carried a gun. And it does make sense that someone who carries a million dollars' worth of drugs would be armed.

So even though the Department of Homeland Security Office of Investigation determined that all seven officers on the scene knew about or had heard about the shooting, the U.S. attorney granted those officers immunity, which, now, why did he have to do that if they were just going to tell the truth? To testify against Ramos and Compean. There must have been a threat there: If you don't testify this way, well, I am not going to grant you immunity, which means I can charge you with a crime. So, remember, it is the supervisors' job, not the agents', Ramos and Compean, to fill out the written report.

So this leads to the logical conclusion that these witnesses were intimidated into testifying. Our U.S. Attorney's Office intimidated witnesses. They were threatened and then given immunity if they went along. If this incident would have been kept in perspective, this whole shooting incident, and, yes, if the weapons were discharged without justification, and, still, when you think someone is aiming a gun at you, that is justification, but at the very worst, if all supervisors and agents were failing to report a shooting, that may or may not have been consistent with the regulations governing the discharge of weapons. Maybe that was a violation of procedure, that those supervisors, along with those two Border Patrol agents, should have worked those extra 5 hours and filed that report. And do you know what would have happened? They would have been disciplined, and that would have been the end of it. The penalty for not reporting a shooting is a 5-day suspension.

This was an issue of procedural violation maybe, not criminality, and there is a serious question about the viability of those mandated procedures that we are talking about that you have got to really keep your gun holstered even when you are going up against drug dealers and you are going up against terrorists.

Of course, we have an insane border policy which has resulted in an open border in which terrorists and drug dealers think they can just come across the border, and this was even before Ramos and Compean, and we have had an invasion of millions of illegal immigrants across the southern border, and that border policy now is destroying the lives of the only people who are there trying to defend us.

Over 90 Members of Congress have expressed concern, if not outrage, at the many troubling aspects of this case. Our repeated attempts for Presidential intervention have gone ignored or rebuffed. Our pleas to keep the officers out on bond pending appeal fell on deaf ears. Instead, the President dug in his heels and sent Tony Snow out to chastise our efforts to save Ramos and Compean by suggesting, in the President's words, take a closer look at the facts in the case since these men were convicted by a jury.

Johnny Sutton went on public airwaves and lied to the public to discredit the agents. How many times have we heard they shot an unarmed man in the back as he was running away? He wasn't shot in the back. He was shot in the side, in the buttocks, as he was aiming something at the officers. He wasn't just a man. He was a drug smuggler. He wasn't someone who happened across the border.

It has been discovered that the Homeland Security Department lied to Congress and then covered up their lies because this was all part of the effort by this administration to demonize the two law enforcement officers, to cover up their horrendous mistake and decision in prosecuting them in the first place, but, of course, also trying to keep the lid on the fact that there is a disaster happening in American security to our southern border. And this case, of course, brings attention to the failure of this administration to protect our national security and leaving us totally vulnerable at our southern border.

So even today the Department of Homeland Security released an official statement by IG Skinner, and this statement, which I will also add for the RECORD, is filled with misinformation and inaccuracies about the facts of this case.

STATEMENT OF RICHARD L. SKINNER, INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY REGARDING THE INVESTIGATION OF FORMER BORDER PATROL AGENTS IGNACIO RAMOS AND JOSE COMPEAN

Remarks by certain Members of Congress as reported in the media have stated that members of my staff lied to Congress. At a hearing before the House Oversight and Government Reform Committee on February 8, 2007, I stated, in part, the following:

The decision to prosecute former Border Patrol Agents Ignacio Ramos and Jose Compean was made by the Department of Justice, not by my Office. My Office conducted the investigation in coordination with the United States Attorneys' Office.

I stand by the work of my Office. Our investigators did an outstanding job and I fully support their work.

At no time did any member of my staff lie to Congress about the investigation of Mr. Ramos and Mr. Compean or any other matter. My staff has acted honestly and in good faith.

In a closed Members' briefing on September 26, 2006, my staff reported that Mr. Compean had said that he and Mr. Ramos had stated that they "wanted to shoot a Mexican." My staff reported this statement to me, and then reported it to Representative Michael McCaul and other Members and their staff during the closed briefing. Representative McCaul was then serving as Chair of the Subcommittee on Investigations of the House Homeland Security Committee. At the time my staff made that statement, they believed it to be true, although we later learned it was inaccurate. In fact, Mr. Compean had stated in a sworn statement that "my intent was to kill the alien. . .and I think Nacho [Ramos] was also trying to kill the alien." The alien Mr. Compean and Mr. Ramos attempted to kill, Mr. Olsvaldo Aldrete-Davila, had come from Mexico and escaped back into Mexico.

The statement that Mr. Ramos and Mr. Compean supposedly "wanted to shoot a Mexican" never was reported in any document by my office or by the Department of Justice, and was not introduced at the trial of Mr. Ramos and Mr. Compean, which had been completed on March 8, 2006, six months prior to the briefing. That statement also was not reported by my office to anyone other than then Chairman McCaul and the other Members and their staff in attendance at the closed briefing.

The briefing my office provided to then Chairman McCaul and the other Members was initiated at his request in his capacity as Chair of the Subcommittee on Investigations.

Mr. McCaul and the other Members understood that the information my office was providing was not public, and was not to be made public—it was For Official Use Only for the Committee's use in discharging its official business.

At the time my staff tried to accommodate then Chairman McCaul by providing an oral briefing, we did not have the benefit of a trial transcript or even a written report of investigation. Consequently, my staff made some misstatements during the briefing, but nothing that affected the investigation, the trial, the convictions or the sentencings of Mr. Ramos and Mr. Compean.

The only reason the statement that Mr. Ramos and Mr. Compean allegedly said they "wanted to shoot a Mexican" has become public is because the terms under which my office briefed the Members have not been honored. Others have publicized that inaccurate information and reported it to the media. That information was not used at trial nor in the sentencing of Mr. Compean or Mr. Ramos.

The evidence that was introduced at trial proved that Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back while he was unarmed and running away from them.

Evidence introduced at trial proved that when Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back, they did not know that he had been attempting to smuggle marijuana into this country.

Evidence introduced at trial proved that when Mr. Compean and Mr. Ramos attempted to shoot Mr. Aldrete-Davila in the back, they did not even know that he was in this country illegally.

At no time did Mr. Compean and Mr. Ramos warn their fellow Border Patrol Agents that they believed Mr. Aldrete-Davila might be armed. Consequently, other Border Patrol agents walked around in the open where they were exposed, rather than taking cover or other precautions.

After shooting Mr. Aldrete-Davila in the buttocks, Mr. Compean and Mr. Ramos made no attempt to arrest him, thus allowing him to escape back into Mexico. Rather than try to arrest Mr. Aldrete-Davila, Mr. Compean picked up the spent shell casings and threw them away and instructed another agent to do the same. Neither Mr. Compean nor Mr. Ramos reported the shooting incident to their supervisor, though required to do so.

In conclusion, I am deeply disturbed that these allegations have been made regarding the integrity of my staff I reiterate my staff acted honestly and in good faith at all times.

And let me note, despite the administration's repeated claims that Ramos and Compean were convicted by a jury of their peers, it is important to note that the jury didn't hear so many of the facts that were important for them to come to the truth in this issue.

Finally, after 11 months, the completed trial transcripts of their trial were made available. So for 11 months we haven't even been able to see the transcript of this trial. And here we have the Department of Homeland Security telling us that when they were giving a briefing to Members of Congress, one of the Members of Congress who is the chairman of an oversight subcommittee, that they had made misstatements, and then this document itself is filled with misstatements. One wonders about the sincerity and the professionalism of the people in this administration in this very volatile issue dealing with border control. Something is amiss. Something is causing the system to go askew.

Federal District Judge Kathleen Cordone, another Bush appointee, I might add, would not permit critically important aspects of this case to be introduced during the trial. She did this at the request of the prosecution. For example, she would not allow any reference to describing the dangerous conditions of the border. Essentially the jury was supposed to imagine that the shooting took place in a completely sterile environment where the likelihood of Border Patrol agents confronting armed drug smugglers was not a plausible scenario.

Well, that is absurd. And a recent headline in the Washington Times is a perfect example. It states: "Officers Outgunned on the Border." The reporter describes in great detail the unprecedented surge in violence along our borders fueled by heavily armed illegal gangs who patrol those areas in order to protect their criminal enterprises; yet this judge didn't think it was important for the jury to find out that these Border Patrol agents were working in extreme danger every day. And thus when they thought they saw him turning around and aiming something at them, would that be justified?

It might not be justified if you are in downtown USA in some very peaceful town someplace around the country, or at some school or church or maybe even in a courtroom, but when you are on the border, and you are off on your own, and you are confronting this type of challenge, yes, if someone is pointing something at you, and you realize he has just escaped, that he has been in an altercation with one of the officers, and then later, of course, we find out that he was a drug dealer, yes, there was every reason for them to be concerned that he might have a weapon and shoot them.

□ 2245

In fact, his family, again has told a reporter, he was armed many times when he went out, and he was someone who had done this many times before, drug smuggling, that is. So perhaps the most troubling omission from the trial, again, was about the drug smuggler himself.

Already under immunity for smuggling $1 million worth of drugs into the country on that day of the shooting, Davila was involved with a second drug smuggling incident in the months later after the first incidents. In October of 2005, he again was part of another drug smuggling incident. According to sensitive DEA documents obtained by my office, the government's star witness against Ramos and Campeon was ID'd as the driver of a van filled with another 750 pounds of marijuana seized during a joint DEA-Border Patrol operation on October 23, 2005. This was only 6 months after he had been intercepted by Ramos and Campeon.

So instead of doing the right thing and throwing the case out because their star witness has proven to be an awful, dreadful human being, a professional drug dealer, instead of throwing the case out, no, the U.S. Attorney chose to ignore this information; not only ignore it, but to pressure everyone in the trial to make sure that this information that their primary witness, the guy who they are portraying as a man who had never done this before, and was simply raising money for medicine for his mother, that the information he was involved in yet another drug operation was never disclosed. The U.S. Attorney did everything he could to make sure that was not disclosed to the jury or the public.

Johnny Sutton has lied to the American people about this. Every time he was asked questions about it, he would give an answer that sounded like he was saying no, there was no second incident. But if you examine the words, that is not what he was saying. He was, as unscrupulous lawyers often do, saying one thing, but making people think that he was saying something else. He was lying without actually having to be technically lying.

So, what happened? We have their prime witness now involved in another drug deal operation, and the U.S. Attorney pressures the judge to not permit anything about the second incident to become known to the jury. They said "Mr. Davila is not on trial." The prosecutor then insisted that the defense could not even question Davila about a second incident. Unfortunately, the judge went along with the prosecution in this case and then ruled that just because the star witness had been arrested again for drug dealing, that that was not relevant to this case. A gag order was placed on anyone involved in the case so no information open the second drug smuggling incident could ever reach the jury.

So the jury wasn't allowed to hear that the drug dealer's commission of a second offense while he was waiting for that trial had taken place. We are talking about the credibility of the primary witness against Ramos and Campeon.

His credibility is not relevant? The jury shouldn't know that this is not just a man who is raising money for the medicine for his mother, that that is not who he is. Who he really is is a professional drug cartel mule who did this often and was arrested again after he had been given immunity by our government, and a pass, I might add, to go in and out of our country?

The jury also never heard that Christopher Sanchez, the Department of Homeland Security investigator who took Davila, took him and the removed bullet fragment, which had been removed from him, this Department of Homeland Security investigator took him to his personal residence for a night after he was released from an American hospital which got this bullet fragment out and the bullet fragment was in his possession. So we have a negligent action that broke the chain of custody for this vital piece of evidence.

What we are talking about here is something that any lawyer can tell you is the type of sloppiness that taints evidence and disqualifies it from being used by the prosecution. That wasn't permitted to be told to the jury.

What is going on? Our Border Patrol agents make one possible procedural mistake in the field in an instantaneous reaction to a man who might be shooting at them, and the book is thrown at them. "You make any mistake and we are going to squash you like a bug." But when they make a mistake about breaking the chain of evidence and actually taking a witness putting them in a prosecutor's home, totally violating procedures and tainting the prosecutorial case, well, those mistakes in procedure are just ignored. They are just ignored.

Why is it that the two heroes who are protecting us with their bodies every day of their life have the book thrown at them, and if they can possibly turn a mistake into a felony, they are destroyed; but the U.S. Attorney's Office, if they make a mistake, or the Department of Homeland Security, which now admits that they made misstatements to a group of Congressmen investigating this issue, and then I might add for 4 months covered up the fact they had made those misstatements, why is it all forgotten and forgiven on one side, but yet our defenders have to have the book thrown at them? Why is the government bending over backwards to accommodate and protect a professional drug mule?

Our government went to Mexico, sought out the drug smuggler, granted him immunity, issued a border crossing card and provided him free healthcare, all at America's expense, and now the fellow thinks he is going to sue the U.S. Government for $5 million.

Perhaps most perplexing is the fact that three of the 12 jurors in the trial of Ramos and Campeon later submitted sworn affidavits alleging that they had been misled by the jury foreman into believing that if the majority of jurors voted for a conviction, they had to go along and vote guilty, even though they thought the defendants were innocent.

That is right. These are unsophisticated jurors, not very well educated people, but regular human beings; intelligent, but not educated in the ways of the law. They were told by the foreman of the jury that hung juries would not be allowed. The three jurors said, and they have signed written affidavits, that they felt pressured to vote guilty. One of them said, "Had we had the option of a hung jury, I truly believe the outcome may have been different."

Another juror said, "I think I might not have changed my vote to guilty had I known that a hung jury was an option. I did not think the defendants were guilty of the assaults or the civil rights violations."

The judge, again at the urging of the prosecutor, denied a request that the two agents that we are talking about, Ramos and Campeon, be permitted to remain free on bond until the appeal could be heard. Common criminals are permitted to stay out on bond until their appeal is heard, but not these two Border Patrol agents.

I stand before you, Mr. Speaker. Here we are, and right now as we are speaking Border Patrol agents Ignacio Ramos and Campeon are languishing in solitary confinement in Federal prisons as a direct result of the mean-spirited, ruthless prosecution that was brought upon them by our Justice Department and with the backing of the President of the United States.

Ramos and Campeon were ripped away from their families on January 17, 2007, and forced to begin serving their unjust 11 and 12 year prison sentences all because our own Federal Government chose to take the word of a drug smuggler and give him immunity and take his word over that of two law enforcement officers and throw the book at them, even though those two law enforcement officers had put their lives on the line to protect the borders of the United States, protect our families and our communities for 5 and 10 years, risking their lives for us.

I, along with a dozen other Members, signed on to a letter requesting that the Justice Department release the officers on bond pending their appeal. As I say, it is a courtesy often afforded common criminals.

And, yes, Ramos was severely beaten in prison, and thus we knew that their lives were in danger for them to be in this prison and there was a reason to let them be out on appeal. Yet the Justice Department chose to ignore the pleas of Members of Congress and the pleas for mercy of the families, and the agents were denied bond.

I might add that after a lengthy delay, I finally received a letter from the Justice Department claiming to have no choice but to deny bond. By the way, this was the Justice Department's letter to me. I received it just today telling me why they couldn't give these two, Ramos and Campeon, bond and let them out on bond while they are do going through their appeal.

They really have to be very specific and they have to follow all the rules. They have to be exactly right in what they are doing. Except, of course, they address the letter to "Congresswoman Rohrabacher." Congresswoman Rohrabacher. Well, if they can't get that right, why are they playing with the lives of Ramos and Campeon? If they can't get that right, why is it that if Ramos and Campeon make a little mistake in their procedure, that they get the book thrown at them?

Also let me note this "Congresswoman Rohrabacher" letter to me from the Justice Department is just another example of the contempt that this administration has demonstrated time and again for congressional oversight and congressional concerns.

This Attorney General, this President, has time and again, instead of treating the legislative branch as something that deserves the respect that we do deserve, as the presidency deserves, time and again we have been shown contempt. We have had people in communicating to us, we put questions in to the Attorney General and get calls back from people four or five layers down. Here we are getting an answer back from someone who doesn't even know that I am not a "Congresswoman Rohrabacher." Yes, that is contempt, and they will pay the price for that contempt.

Our pleas as Members of Congress were not unfounded. Members warned the administration that Ramos and Campeon faced imminent danger once they entered the respective Federal correctional facilities. Not only were they not properly protected, Agent Ramos was placed in a facility known to be infiltrated by illegal Mexican gang members, and within 8 days of his arrival, Agent Ramos was savagely beaten by five of those illegal Mexican gang members.

Instead of sending him to a minimum security prison or letting him be out on bond, the administration decided to make an example of him. They wouldn't even send him to a minimum security prison where he would be safe. Instead, the Justice Department chose to keep him at this dangerous facility where he had already been beaten. And Agent Ramos, even as we speak, has been in solitary confinement for 45 days and counting. Solitary confinement. Locked in a cell 23 hours a day, telephone privileges limited to one call of 15 minutes every 30 days, and no interaction with other inmates. Mr. Campeon is suffering the same fate.

The Bureau of Prisons uses the euphemism to describe their incarceration as "special housing for their own protection." Make no mistake about it, they are in solitary confinement, a unit designed as a punitive measure, not a protective measure. Ramos and Campeon, two brave Border Patrol agents, are suffering a fate not even bestowed upon murderers and drug dealers. This amounts to cruel and unusual punishment, intentional cruel and unusual punishment.

These two agents could have been sent to a minimum security prison where they would be safe. We actually asked the President, through back channels, personally, just go to the judge and support the effort to let them out on bond until the appeal is heard. The next day, it was announced that no, the administration officially opposes any letting them out on bond.

Well, basically, that was sending a message to everyone who patrols our borders. He sent the message to every Border Patrol agent when he said not only are you going to be prosecuted, but you will be destroyed, you will be obliterated, you will be smashed like a bug if you get in the way of what we want to happen down at the border.

President Bush has essentially dismantled our ability to control America's southern border. Any agent who gets in the way will be squashed, as I have said. So much for the President's compassion. So much for his talk about Christian charity. Ramos and Campeon are languishing in solitary confinement. They are being brutalized. There is cruel and unusual punishment being dealt out to them because they dared challenge the President.

□ 2300

I don't want to hear anything more about compassion from a man who lets that happen to our brave defenders, and then focuses us on a far-away war while letting terrorists and drug dealers penetrate our southern border.

Since January 17, when the propaganda machine and smear campaign against Compean and Ramos was fully unleashed by the President, by Tony Snow, and his protege, the U.S. Attorney Johnny Sutton, more questions than answers have arisen. Both Tony Snow and Johnny Sutton smugly lectured the American people and Members of Congress to "take a closer look at this case." And as the President said in his own words, "Take a sober look at this case."

Well, Mr. Speaker, I have closely examined this case, and maybe it would behoove the President to take some advice and to look at this case honestly.

U.S. Attorney Johnny Sutton, who is probably briefing the President, has his own personal life tied up in this. He is not an unbiased source of information about this case, just as Attorney General Gonzales is not. They have already advised the President in a horrendous way and started him down the road to the situation where he is at today.

John Sutton prosecuted the good guys and gave immunity to the bad guys. He could have done it the other way around, but he didn't. He chose to prosecute the good guys and give immunity to the bad guys. Sutton has continually engaged in a propaganda campaign aimed at creating a prejudicial public view against Agents Ramos and Compean. He has repeatedly stated that "these corrupt agents shot an unarmed man in the back." This is not true.

The prosecution's own witness, an Army surgeon, testified that the bullet hit Adrete-Davila in the buttocks, not in the back. And, of course, he was turned in a way that the bullet entered indicating he was aiming something backwards. And, of course, this was not just a man in the back. It was not a nun or some tourist who happened to stray across the border. It was a professional drug smuggler who works for a drug cartel, a mule, a deliveryman for drugs, bringing dangerous substances into our neighborhoods in order to threaten our schools and our children.

Remember, since the drug smuggler absconded into Mexico, there was no way to know whether he was armed or not, yet Sutton chose to believe the drug smuggler who said he was not armed, even those the smuggler's own family members say he has been smuggling drugs since he was 14 and was "always armed."

So there is no question that he was a member of a drug cartel, but Johnny Sutton takes the drug smuggler's word over the law enforcement agents', and he portrays the drug smuggler to the jury in a dishonest way and keeps from them information that would expose the drug dealer as a professional drug dealer and not as he was portrayed before the jury.

Johnny Sutton turned the drug dealer in front of the jury into a victim. He was just trying to raise money for medicine for his dear mother and had never done drugs before. Sutton turned reality on its head. He sided with the drug smuggler over two men who risk their lives every day to protect us.

So now they must be destroyed to protect the mistake that was made not only in prosecuting them, but the mistakes that are made in policy down at the border that are putting our country at risk. These two Border Patrol agents are being destroyed to protect Sutton's failure. They are being destroyed to protect Gonzales' job, and they are being destroyed to protect the President's legacy, because all of those are at stake if the people learn the truth about what is happening on our border, and what the Ramos-Compean prosecution is all about.

Sutton vilifies helpless Border Patrol agents like these guys who get in the way every chance he gets. Just ask David Sipe, Gary Brugman and Gilmer Hernandez, all law enforcement officers who have been prosecuted by Johnny Sutton.

What we are talking about with Ramos and Compean is not only a sin against these men, not only a message to all our Border Patrol agents, but part of a pattern that is going on in which this administration is trying to cower our protectors, our law enforcement officers, from enforcing the law at our border, leaving us totally exposed.

The lies are evident. For example, Johnny Sutton continually refers to Ramos and Compean as corrupt agents. Well, again, why is our U.S. attorney out speaking on radio calling them corrupt agents? There weren't any charges of corruption. In fact, I have looked through this, there has never been a charge of corruption against either of these men. Yet the U.S. attorney is out in the mass media saying they were corrupt Border Patrol agents. They have never been charged with corruption because they have a totally clean work record.

Yes, Ramos had some family problems years ago, not part of his job, and Mr. Sutton, of course, has chosen to bring that personal matter up in order to vilify Mr. Ramos. But in terms of that, everybody understands you can have family problems. This had nothing to do with his job. In fact, Ramos had been nominated for Border Patrol Agent of the Year, and there is no corruption, yet Johnny Sutton lies and says these corrupt Border Patrol agents.

Johnny Sutton, when asked whether there was a second incident, lies and says something that makes it sound like there wasn't a second incident. But in reality his words are just technically not a lie, but what he is presenting is an untruth. That is what unscrupulous lawyers do.

What is the real significance of this case? The U.S. Attorney's despicable prosecution of these Border Patrol agents has put Border Patrol agents on notice: Any use of force to protect America, to secure our borders, and you will go to prison, and your life will be destroyed.

The consequences for Ramos and Compean in this case extend far beyond the destruction of these two men and their families. Yes, it is horrible that these families are being driven into destitution, and now they add insult to injury, sending them a bill. The Compeans have lost their home. There are three kids in that family, and they do not have health insurance, and their lives are being shattered, and Johnny Sutton sends them a bill to rub their nose in the fact that their father is in prison in solitary confinement.

But what are the consequences of this to all of us? These families are being destroyed, but there are more American lives at risk. Our southern border is open not just to an invading army of illegal immigrants, but, yes, to drug dealers like the ones like Ramos and Compean confronted, and, yes, to terrorists.

What if it was found that that van that Davila was in turned out not to possess a million dollars' worth of drugs, but instead it was a dirty bomb in that van; and if that drug dealer wasn't a Mexican, but instead turned out to be an Arab terrorist on the way to a target in the United States? Well, these two men, instead of being in solitary confinement, they would be invited to the White House and be congratulated and be made heroes.

Now there is a bigger agenda here. There is a hidden agenda here at play with the Ramos and Compean prosecution. The American people have a right to know who gave the order to go ahead to prosecute Ramos and Compean in the first place. I am sure Gonzales was in on it, and we need to know that. We also need to know as this case progressed where the President and Mr. Gonzales played a role in making decisions as to where they would be imprisoned, and if they would get out on bail during the time of appeal.

How did an incident that could have easily been resolved through an administrative reprimand within the Border Patrol itself spiral into charging them with attempted murder and a civil rights violation? According to a memo dealing with a meeting between four members of the Texas delegation and representatives of the Department of Homeland Security investigating team, the Mexican Consulate contacted the U.S. Attorney's Office on March 4, 2005, the same day this investigation began.

It seems to fit a disturbing pattern with all of these other prosecutions that the administration has moved forward with.

In the Gilmer Hernandez case, the Mexican Consulate sent 17 letters to our government demanding prosecution. In the Gary Brugman case, the Mexican consul sat in the courtroom during the trial, and Johnny Sutton went so far as to thank him for his assistance in locating the illegals Sutton used to testify against Brugman.

This stinks. We need to get to the bottom of this and find out if a foreign government is having an undue influence on prosecutorial decisions of our own law enforcement agencies and members. This subject of whether there is some type of foreign involvement, meaning the Mexican Government, in prosecutorial decisions here of our own law enforcement officials, that is now going to be looked into by the International Organizations, Human Rights and Oversight Subcommittee of which I am the ranking member. Chairman DELAHUNT has stated that we will be holding hearings into this subject. There will be hearings of our oversight subcommittee to explore the pattern of questionable foreign influence on our government's decisions to prosecute law enforcement officers in the United States, especially those law enforcement officers who are trying to stop drug dealers who are coming in from Mexico, and stop the invasion of illegal immigrants who are pouring into our country from Mexico.

□ 2310

The Mexican government is having an undue influence on the decision of our government prosecutors in order to make concessions to the Mexican government. If our government is actually prosecuting people who do not deserve to be prosecuted, the American people have a right to know what political decisions are being made in coming forward with these indefensible prosecutions.

Did Ramos and Campean make mistakes? Maybe. Should they have been punished and reprimanded for them? Maybe. Should they have been charged with a crime? Absolutely not. By doing so, the Justice Department has demoralized our Nation's defenders on our southern border.

These are the facts. These are the facts that have engaged the public, causing Americans to wonder what in God's name is going on with our government, with our President. What is their President thinking? How could our President be as mean-spirited and arrogant as to not hear the pleas of so many citizens and to hear the pleas for mercy from the families of Ramos and Campean.

Yes, there is a hidden agenda here. Powerful economic interests want cheap labor. They want an open border. They want illegals who work cheap and who will depress the wages of working Americans, but the out-of-control flow of illegal immigrants is a nightmare at this moment for the American people.

This administration and past administrations and policy-makers and big corporate interests in Washington are so far out of touch and do not understand the reality of what is going on with this issue, and they do not care about the suffering of the American people. These elites, they do not care that illegal immigrants are pulling down the quality of our health care, shutting down emergency rooms. They do not care that they are undermining the quality of education by overcrowding our classrooms. They do not care that they are driving down the wages of middle class working people. They do not care if our criminal justice system is being stretched to the breaking point, that American citizens are now being victimized and murder and raped and robbed by criminal illegal aliens every day.

The only heroes in this entire system on which ordinary Americans depend are those in the thin green line of the border patrol. The elites have turned against our heroes, our defenders. They smashed two of them to warn the others what will happen to any patriot who actually is trying to protect our southern border and stop the criminal illegal aliens from entering our country.

This case shows why a guest worker program or amnesty program is not even remotely feasible until we can control our southern border. This is a country that cannot or refuses not to stop these illegal aliens that are pouring into our country. This country's policy has not stopped this invasion of our country, and if we do not do this and we do not support those who are protecting us in our southern border, there will be a price to pay.

On 9/11 we suffered a huge loss when people flew airplanes into buildings, but when it is fully understood, and I am sure the message has gone out not just to our border patrol agents but to the drug dealers and the terrorists throughout the world about what the situation is on our southern border, we could end up with a catastrophe in the making. We need to protect our southern border. We need to protect it because that is the protection that we can give to our communities, to our families.

Those border patrol agents, that thin green line of individuals who risk their lives for us, they are our first and last line of defense between chaos and mayhem and murder and the lives of our families.

I would ask that all of us make sure that we let everyone know, our elected officials and the executive branch, the President as well as Members of Congress, know how strongly we feel that Ramos and Campean should be pardoned and that we should protect our southern border and make sure the United States remains safe and secure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. KANJORSKI (at the request of Mr. HOYER) for the week of March 19.

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. McCARTHY of New York) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 20, 21, and 22.

Mr. DREIER, for 5 minutes, today and March 20, 21, 22, and 23.

Mr. BURTON of Indiana, for 5 minutes, today and March 20, 21, 22, and 23.

Mr. GARRETT of New Jersey, for 5 minutes, March 20.

Mr. KING of Iowa, for 5 minutes, today and March 20, 21, 22, and 23.

Mr. POE, for 5 minutes, today and March 20, 21, 22, and 23.

Mr. MORAN of Kansas, for 5 minutes, March 20.

Ms. FOXX, for 5 minutes, March 20.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. COHEN, for 5 minutes, today.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 5. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the judiciary.

S. Con. Res. 14. Concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States; to the Committee on Oversight and Government Reform.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 16, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 1129. To provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 20, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

884. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289; to the Committee on Foreign Affairs.

885. A letter from the Chief, Federal Duck Stamp Office, Department of the Interior, transmitting the Department's final rule — Revision of Migratory Bird Hunting and Conservation Stamp Contest Regulations (RIN: 1018-AU94) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

886. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No. 051104293 5344-02; I.D. 121806B] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

887. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery Quota Transfers [Docket No. 051104293 5344-02; I.D. 121806B] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

888. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder and Flathead Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 122006D] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

889. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 02010F] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

890. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category [Docket No. 010319075-1217-02; I.D. 121806C] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

891. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's First Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, pursuant to Public Law 109-702, section 3201; jointly to the Committees on Armed Services and Appropriations.

892. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting the FY 2006 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102-281, section 429(b) (106 Stat. 145); jointly to the Committees on Financial Services and Science and Technology.

893. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2008 budget; jointly to the Committees on Agriculture, Oversight and Government Reform, and Appropriations.

894. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill entitled, "Federal Railroad Safety Accountability and Improvement Act"; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, Energy and Commerce, and the Judiciary.

895. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill entitled, "The Next Generation Air Transportation System Financing Reform Act of 2007"; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, the Judiciary, Ways and Means, Science and Technology, and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on March 19, 2007]

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1433. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; with an amendment (Rept. 110-52 Pt. 1). Ordered to be printed.

Mr. WELCH: Committee on Rules. House Resolution 254. Resolution providing for consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina (Rept. 110-53). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CULBERSON (for himself, Mr. BARTLETT of Maryland, Mr. GARRETT of New Jersey, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina):

H.R. 1559. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 1560. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. MARKEY):

H.R. 1561. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. MCCRERY, and Mr. LEWIS of Georgia):

H.R. 1562. A bill to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to housing in the GO Zones; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 1563. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. HINCHEY, Mr. BAIRD, Mr. PAYNE, Ms. SHEA-PORTER, and Mr. COURTNEY):

H.R. 1564. A bill to amend the Federal Water Pollution Control Act to provide additional protection to estuaries of national significance; to the Committee on Transportation and Infrastructure.

By Mr. CAPUANO:

H.R. 1565. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the conversion of leadership PAC funds to personal use; to the Committee on House Administration.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. WATT, Mr. FATTAH, Mr. JOHNSON of Georgia, Mr. STUPAK, Mr. RUSH, Mr. RANGEL, Mr. KUCINICH, Mr. LEVIN, Ms. CARSON, Mr. ELLISON, Mr. AL GREEN of Texas, Ms. WATSON, Ms. WATERS, Mr. JEFFERSON, Mr. CLEAVER, Mr. TOWNS, Mr. MEEK of Florida, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. MORAN of Virginia, Mr. BERMAN, Ms. BERKLEY, Mr. MCCOTTER, and Mr. FRANK of Massachusetts):

H.R. 1566. A bill to award a Congressional Gold Medal to Stevie Wonder, in recognition of his ground-breaking musical achievements, activism, and contributions to the music industry; to the Committee on Financial Services.

By Mr. ENGEL (for himself, Mrs. WILSON of New Mexico, Mr. SMITH of Washington, and Mr. PAYNE):

H.R. 1567. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 1568. A bill to establish the Henry Ford Scholarship program to provide scholarships to high-achieving students to pursue undergraduate degrees in mathematics, science, engineering, and health-related fields; to the Committee on Education and Labor.

By Mr. MCHUGH:

H.R. 1569. A bill to amend the Internal Revenue Code of 1986 to suspend the excise tax on highway motor fuels when average United States retail gasoline prices exceed $2.75 per gallon; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 1570. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mr. TIM MURPHY of Pennsylvania (for himself and Mrs. NAPOLITANO):

H.R. 1571. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1572. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act"; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. INSLEE):

H.R. 1573. A bill to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 1574. A bill to amend the Homeland Security Act of 2002 to preserve State authority to ensure the security of chemical facilities; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mr. KILDEE):

H.R. 1575. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. CAMP of Michigan, Mr. KIND, Mr. MCDERMOTT, Mr. CANTOR, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. CHANDLER, Mr. SAXTON, Mr. GERLACH, Mr. MURPHY of Connecticut, Mr. FORTENBERRY, Mrs. TAUSCHER, Mr. ISSA, Mr. BARTLETT of Maryland, Mr. RADANOVICH, Mr. GILCHREST, Mr. KUHL of New York, Mr. PATRICK MURPHY of Pennsylvania, Mr. ISRAEL, Mr. CARDOZA, Mr. EHLERS, Mr. BISHOP of New York, and Mr. GARRETT of New Jersey):

H.R. 1576. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Ways and Means.

By Mr. HODES

H. Res. 253. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. TOWNS (for himself, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. BOYD of Florida, and Mr. AL GREEN of Texas):

H. Res. 255. A resolution congratulating the Florida A&M University "Marching 100" Band for all of its accomplishments, including its performance in the Super Bowl XLI halftime show; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SHULER, Mr. LARSON of Connecticut, Mr. ROGERS of Alabama, Mr. MCNERNEY, Ms. SCHAKOWSKY, and Mr. COURTNEY.

H.R. 39: Ms. WASSERMAN SCHULTZ and Mrs. LOWEY.

H.R. 82: Mr. HELLER, Mr. KAGEN, Mr. MARKEY, Mr. RUSH, and Mr. SPACE.

H.R. 140: Mr. DELAHUNT.

H.R. 146: Mr. ORTIZ.

H.R. 172: Ms. SCHAKOWSKY.

H.R. 196: Mrs. MUSGRAVE.

H.R. 197: Mrs. BOYDA of Kansas, Mrs. MUSGRAVE, Mr. SIMPSON, and Mr. OBERSTAR.

H.R. 201: Mr. PALLONE.

H.R. 255: Mr. ENGLISH of Pennsylvania.

H.R. 271: Ms. ROS-LEHTINEN.

H.R. 303: Mr. LINCOLN DAVIS of Tennessee and Mr. CALVERT.

H.R. 327: Mrs. CAPITO, Mrs. MCMORRIS RODGERS, Mr. WU, Mr. BOOZMAN, Mr. SPACE, Mr. MITCHELL, Mr. BUYER, Mr. STEARNS, Mr. MILLER of Florida, Mr. LAMBORN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. MCNERNEY, and Mr. TIM MURPHY of Pennsylvania.

H.R. 423: Ms. ROS-LEHTINEN.

H.R. 493: Mr. GONZALEZ, Mr. COOPER, and Mr. BUTTERFIELD.

H.R. 526: Mr. CLAY.

H.R. 545: Mrs. CUBIN.

H.R. 551: Mr. GALLEGLY.

H.R. 553: Mr. WILSON of Ohio.

H.R. 583: Mr. FARR, Mr. HINCHEY, and Ms. ZOE LOFGREN of California.

H.R. 592: Mr. MOORE of Kansas, Mr. SIRES, and Mr. NEAL of Massachusetts.

H.R. 606: Mr. GARRETT of New Jersey.

H.R. 612: Mr. HARE and Mr. MILLER of Florida.

H.R. 634: Mrs. JO ANN DAVIS of Virginia and Mr. MCCAUL of Texas.

H.R. 643: Mrs. NAPOLITANO.

H.R. 658: Mrs. MCMORRIS RODGERS, Mrs. CUBIN, Mr. KIRK, and Mr. HELLER.

H.R. 661: Mr. WAXMAN and Mr. LANTOS.

H.R. 695: Mr. MEEKS of New York.

H.R. 734: Mr. KIND and Mr. MOORE of Kansas.

H.R. 748: Mrs. CAPPS, Mr. ALTMIRE, and Ms. KAPTUR.

H.R. 760: Mr. WOLF and Mr. MCNERNEY.

H.R. 790: Mr. REHBERG.

H.R. 797: Ms. MOORE of Wisconsin, Mr. HARE, Mr. BUYER, Mr. STEARNS, Mr. LAMBORN, Mr. BUCHANAN, Mr. MCNERNEY, and Mr. ORTIZ.

H.R. 840: Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. HOLT, Mr. HINCHEY, Mr. HONDA, Ms. BERKLEY, and Mrs. JONES of Ohio.

H.R. 854: Mr. KLEIN of Florida.

H.R. 947: Mr. PAYNE.

H.R. 969: Mr. JOHNSON of Georgia, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BERMAN, Mr. WYNN, Mr. GILCHREST, Mr. EHLERS, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. SMITH of Washington, Mr. KIRK, Mr. ALLEN, and Mr. ROTHMAN.

H.R. 970: Mr. GORDON and Ms. ESHOO.

H.R. 971: Mr. HAYES, Mr. ABERCROMBIE, Mr. FARR, Mr. CONYERS, Mr. TOWNS, Mr. BARRETT of South Carolina, Mr. SPRATT, Ms. CASTOR, and Ms. HERSETH.

H.R. 1034: Ms. CARSON.

H.R. 1043: Mr. HINCHEY and Mrs. BOYDA of Kansas.

H.R. 1073: Mr. KENNEDY, Mr. MORAN of Virginia, Mr. LEWIS of Kentucky, Mr. BLUMENAUER, Mr. UDALL of Colorado, Mr. MCNERNEY, Mr. RANGEL, and Mrs. LOWEY.

H.R. 1076: Mr. WALZ of Minnesota and Mr. RAMSTAD.

H.R. 1091: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1108: Mr. UDALL of New Mexico.

H.R. 1119: Mr. MCCOTTER and Mr. ISRAEL.

H.R. 1125: Mr. CONYERS, Mr. RANGEL, Mr. MILLER of Florida, Mr. DEAL of Georgia, Mr. BRADY of Texas, and Mr. BARTLETT of Maryland.

H.R. 1134: Mr. BOUCHER.

H.R. 1144: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1147: Mr. ENGLISH of Pennsylvania.

H.R. 1148: Mr. MCGOVERN and Mr. CLAY.

H.R. 1153: Mr. SMITH of Texas.

H.R. 1222: Mr. ALLEN, Ms. BERKLEY, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. CUMMINGS, Mr. DAVID DAVIS of Tennessee, Mr. DEFAZIO, Mr. DELAHUNT, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of New York, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. LYNCH, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOORE of Kansas, Mr. OLVER, Mr. ORTIZ, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Ms. SUTTON, and Mr. TAYLOR.

H.R. 1223: Mr. ALLEN, Ms. BERKLEY, Ms. BORDALLO, Mr. BRADY of Pennsylyania, Ms. CARSON, Mr. CUMMINGS, Mr. DAVID DAVIS of Tennessee, Mr. DELAHUNT, Mr. FARR, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of New York, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. KIND, Mr. LAMPSON, Mr. LYNCH, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOORE of Kansas, Mr. OLVER, Mr. ORTIZ, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Ms. SUTTON, and Mr. TAYLOR.

H.R. 1225: Mr. DELAHUNT and Mr. ROTHMAN.

H.R. 1228: Mr. HIGGINS, Mr. EDWARDS, Mr. MITCHELL, Mr. MICHAUD, Mr. BLUNT, and Mr. SHAYS.

H.R. 1232: Mr. SOUDER and Ms. SCHAKOWSKY.

H.R. 1261: Mr. MCHENRY and Mr. ROYCE.

H.R. 1268: Mr. CARNAHAN, Mr. LANGEVIN, Mr. GRIJALVA, Mrs. EMERSON, Mr. CLEAVER, Mr. WALZ of Minnesota, Mr. BISHOP of New York, Mr. ENGEL, and Mr. DELAHUNT.

H.R. 1284: Mr. MCNERNEY, Ms. BERKLEY, Mr. WALZ of Minnesota, Mr. BUYER, Mr. STEARNS, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. SPACE, and Mr. ORTIZ.

H.R. 1303: Mr. LANTOS and Mr. ROSS.

H.R. 1304: Mr. MCNERNEY and Mr. LOBIONDO.

H.R. 1306: Mr. MEEK of Florida.

H.R. 1307: Mr. LOBIONDO.

H.R. 1314: Mr. SHULER.

H.R. 1322: Mr. ALLEN, Mr. LANGEVIN, and Mr. RUPPERSBERGER.

H.R. 1330: Mr. HINCHEY.

H.R. 1363: Mr. KIND.

H.R. 1384: Mr. FARR, Ms. HARMAN, Mr. LEWIS of California, and Mr. ROHRABACHER.

H.R. 1395: Mr. MCCAUL of Texas.

H.R. 1400: Mr. WEXLER, Mr. CROWLEY, Ms. MATSUI, Mr. FERGUSON, Ms. WASSERMAN SCHULTZ, Mr. MCCOTTER, Mr. DAVIS of Alabama, Mr. LOBIONDO, Mrs. MUSGRAVE, Mr. TOWNS, Mr. PALLONE, Mr. JEFFERSON, Mr. ROTHMAN, Mr. BOREN, Mr. ENGEL, Mr. PLATTS, Mr. HOLDEN, Mr. MCCAUL of Texas, Mr. HOLT, Mr. STEARNS, Mr. TIBERI, Mrs. GILLIBRAND, Mr. KNOLLENBERG, Mr. KLINE of Minnesota, Mr. BISHOP of New York, Mr. COHEN, Mr. KIRK, Mr. MCHUGH, Mr. LINDER, Mr. LEWIS of Georgia, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mr. MITCHELL, Mr. WELLER, Mr. PERLMUTTER, Mr. MCNULTY, Mr. BLUNT, Mr. GENE GREEN of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY of New York, Ms. SCHWARTZ, Mr. CARNEY, Mr. BONNER, Mr. MCINTYRE, Mr. DOYLE, Ms. SCHAKOWSKY, Mrs. DRAKE, Mr. KLEIN of Florida, Ms. HARMAN, Mr. CUELLAR, Mr. GORDON, Mr. GRAVES, and Mr. SAXTON.

H.R. 1413: Ms. CLARKE and Mr. MCCAUL of Texas.

H.R. 1430: Mr. MCCAUL of Texas, Mr. BURTON of Indiana, Mr. FORBES, and Mr. NEUGEBAUER.

H.R. 1433: Ms. WATERS, Mr. ROTHMAN, Mr. ANDREWS, and Mr. DELAHUNT.

H.R. 1439: Mr. BUCHANAN, Mr. PAUL, Mr. GONZALEZ, Mr. CONAWAY, Mrs. BLACKBURN, Mr. BOUCHER, Mr. FRANK of Massachusetts, and Mr. FARR.

H.R. 1441: Mr. CONAWAY, Mr. LAMBORN, Mr. GRIJALVA, and Mr. JONES of North Carolina.

H.R. 1448: Mr. CLEAVER and Mr. HASTINGS of Florida.

H.R. 1457: Mr. MCCOTTER.

H.R. 1465: Mr. MANZULLO and Mr. HASTINGS of Florida.

H.R. 1497: Mr. WAXMAN.

H.R. 1498: Mr. PETRI, Mr. DEFAZIO, Mr. BOSWELL, Mrs. JONES of Ohio, Mr. HOLT, Mr.

THOMPSON of California, Mr. RAMSTAD, Ms. HOOLEY, and Mr. CARNAHAN.

H.R. 1505: Mr. LATHAM and Mr. KING of Iowa.

H.R. 1532: Mr. ENGEL and Mr. HOLT.

H.R. 1538: Mrs. BOYDA of Kansas, Mr. REYES, Mr. JOHNSON of Georgia, Mr. UDALL of Colorado, Mr. ABERCROMBIE, Mr. SHUSTER, Mr. MCINTYRE, Mr. MILLER of Florida, Mrs. TAUSCHER, and Mr. ROGERS of Alabama.

H.R. 1542: Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. BACA, Mr. MORAN of Virginia, and Mr. NADLER.

H.R. 1551: Ms. ESHOO and Ms. BALDWIN.

H. Con. Res. 45: Mr. FORTUÑO.

H. Con. Res. 55: Mr. PAYNE.

H. Con. Res. 66: Mr. HASTINGS of Florida and Mr. WEXLER.

H. Con. Res. 71: Mr. FORBES, Mr. SHAYS, and Mr. PASCRELL.

H. Con. Res. 75: Ms. BORDALLO and Mr. GRIJALVA.

H. Con. Res. 84: Mr. BLUNT, Mr. RANGEL, Mr. JEFFERSON, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 87: Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. KENNEDY, Mr. GRIJALVA, Mr. FRANK of Massachusetts, and Mrs. MALONEY of New York.

H. Con. Res. 92: Ms. SCHAKOWSKY.

H. Res. 68: Mr. MCGOVERN.

H. Res. 118: Mr. BAKER and Mr. JONES of North Carolina.

H. Res. 158: Mr. MCCOTTER.

H. Res. 226: Ms. CARSON, Mr. PAYNE, Mr. MORAN of Virginia, Mr. COHEN, Mr. HONDA, and Ms. JACKSON-LEE of Texas.

H. Res. 227: Ms. SCHAKOWSKY and Mr. MCGOVERN.

H. Res. 233: Mr. HOLT and Mr. HINOJOSA.

H. Res. 240: Ms. SCHAKOWSKY, Mr. GARRETT of New Jersey, and Ms. JACKSON-LEE of Texas.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Ms. CORRINE BROWN of Florida, or a designee, to H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

TRIBUTE TO MARY K. PODESTA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to Mary K. Podesta, and those who loved her especially her sons John and Tony.

Known affectionately as "Mama Podesta" to friends, neighbors, and many of us here in Congress, Mary was a fixture in the Washington political scene for more than two decades.

Mary was born in Chicago to Greek immigrant parents. Upon marrying John Podesta Sr., she devoted herself to raising her two sons, John and Tony, and instilling in them a love of country and a commitment to public service which they both demonstrate today.

With the death of her husband nearly 30 years ago, she moved to Washington to be close to John and Tony. Her sons had a history of hosting prominent fundraisers and socials, but it was Mary who turned them into truly family affairs.

Raised Greek, and married to an Italian, Mary was a tremendous cook. Her meatball recipe was as delicious as it was secret. When I visited, she always made sure she had an order for me "to go."

Her astute political advice and encouragement provided even more nourishment than the food she prepared. And though she counted a President, and numerous congressional leaders among her close friends, it was her close relationships with her own family of which she was most proud.

As we pay tribute to Mary, we take comfort in our fond memories of her. I extend my deepest condolences to the many who loved Mary, especially her sons John and Tony, her sister Evelyn, and her three grandchildren and two great-grandchildren. I hope it is a comfort to them that so many people are praying for them and mourning their loss at this sad time.

IN RECOGNITION OF MARK R. BOHN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Mark R. Bohn for his dedication to his colleges and for his 32 years of federal service to his country.

Mark began his federal career back in 1974, where he served in the U.S. Air Force for 3 years. In 1978, he joined the Federal Aviation Administration as an Air Traffic Control Specialist. He worked in various facilities, including Cleveland Hopkins Air Traffic Control Tower, where he ably served for 15 years.

Mark has, throughout the years, shown a strong commitment to and care for his colleagues. He was a founding and charter member of the National Air Traffic Controllers Association, and has been elected the union facility representative at three different facilities. Additionally, Mark has offered his service on national, regional, and local committees for both the Federal Aviation Administration and the National Air Traffic Controllers Association.

Throughout his career, Mark has received numerous performance awards, letters of commendation, and incentive awards for his great work and effort.

Madam Speaker and colleagues, please join me in honoring Mark R. Bohn, whose 32 years of federal service for this country, as well as tremendous commitment to and care for his colleagues, is a shining example for all of us.

RECOGNIZING TRAVIS WEAVER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Travis Weaver, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America Troop 249 and in earning the most prestigious award of Eagle Scout.

Travis has been very active with his troop, participating in many Scout activities. Over the years Travis has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Travis's dedication to his school work at West Platte High School has been excellent. Travis has also contributed significantly to the community, through his planning and organization of a project for the Platte City Parks and Recreation department, which included the addition of a brand new picnic and playground area.

Madam Speaker, I proudly ask you to join me in commending Travis Weaver for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LIEUTENANT COLONEL KEVIN P. MASTIN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. REYNOLDS. Madam Speaker, with great pride and delight I rise today to honor a highly talented and dedicated airman who has entertained thousands with his skill and continues to serve his country with expertise, commitment, and leadership.

Lieutenant Colonel Kevin P. Mastin is a supremely skilled and decorated command pilot who has spent thousands of hours in the air, many of them twisting, turning and barrel rolling as a United States Air Force Thunderbird. Displaying absolute command over his aircraft, Colonel Mastin has flown several Thunderbird air shows as the Lead Solo, delighting countless onlookers with his precise maneuvers and daring routines. His peerless ability and perfect unison with his fellow Thunderbirds combine for one powerful, awe-inspiring show in the sky.

But Colonel Mastin is much more than a showman. Born in my district in Dansville, NY, Colonel Mastin has led a life of service and deep commitment to his country. After graduating from Dansville Central School in 1981, Colonel Mastin enlisted in the Air Force. He would eventually head off to the West Coast after being assigned to the 92nd Munitions Maintenance Squadron at Fairchild Air Force Base in Washington State. From there, Colonel Mastin attended Washington State University, entering the Air Force Reserve Officer Training Corps and graduating in 1988 as a commissioned officer. He received his wings a year later and, after more pilot training, left to fly over the skies of Texas at Laughlin Air Force Base as an Instructor Pilot and Flight Examiner.

After honing and developing his aircraft skills further, Colonel Mastin became an F–15C Flight Commander at Mountain Home Air Force Base in Idaho, flying 46 combat missions in Operations Provide Comfort and Southern Watch. Then following an assignment at Tyndall Air Force Base in Florida, Colonel Mastin began his run as a Thunderbird, flying in the 2000 and 2001 air show seasons. As a Thunderbird stationed at Nellis Air Force Base in Nevada, he flew as the Opposing Solo and then the Lead Solo, showcasing his supreme and expanding aircraft talents.

Moving on from his Thunderbird tour, Colonel Mastin became Director of Operations of the 557th Flying Squadron at the United States Air Force Academy in 2002. In July 2004, Colonel Mastin then assumed duties as Commander of the 479th Operations Support Squadron at Moody Air Force Base in Georgia. Two years later, Colonel Mastin would become Deputy Chief of Air Combat Command's

Flight Operations Division at Langley Air Force Base in Virginia, the position he holds today.

Devoted to his country, Colonel Mastin is also a devoted family man. Together with his wife Joni, Colonel Mastin has two beautiful children, daughter Ashley and son Travis.

Thus, Madam Speaker, in recognition of his tremendous military career, his more than 4,200 flying hours, his esteemed military decorations, his sense of family and his service to the United States of America, I ask that this Honorable Body join me in honoring Thunderbird Pilot and Dansville, New York native, Lieutenant Colonel Kevin P. Mastin.

IN REMEMBRANCE OF GEORGE BECKER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of George Becker, a man who was an activist, a respected union organizer and a tireless champion that protected worker's rights.

George Becker was the sixth international president of the United Steelworkers. For 7 years George provided a booming voice that expressed the frustrations and concerns of the steelworkers, while demanding that they be treated with dignity and decency. He sought to unite the workers by educating them, and launched a program aimed at involving the workers in addressing their interests to politicians.

When his brothers and sisters faced job insecurity, George courageously fought for their rights. The campaign by George and the union workers was victorious, and showed Americans that a union still had the ability to protect the rights of members. He believed that only a union could protect the working class, a sentiment he expressed after visiting the workers of many non-unionized corporations.

George's concern for the mental and physical well-being of union workers led to the proposal of Occupational Safety and Health Act (OSHA) safety standards for those exposed to lead and arsenic. Because of his endless work on implementing OSHA safety standards, workers whose health was affected by their job would not suffer loss of pay when taking time off.

George died February 3rd, 2007 after a long battle with cancer. He is survived by his loving wife, Jane; his wonderful sons, George, Greg and Matthew; his ten grandchildren; his great grandchildren and his sister Jacqueline Straus.

Madam Speaker and colleagues, please join me in honoring the memory of George Becker, a major proponent for worker's rights in the industrial workforce.

RECOGNIZING TYLER R. RUOFF FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Ruoff, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 60, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler R. Ruoff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO WILLIAM L. ROSS

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation and delight I rise today to honor a respected and dedicated legislator, educator and community member who for more than 50 years continues to serve his hometown of Wheatfield, New York.

Niagara County Legislator William L. Ross has led a life deeply connected and committed to Niagara; the place where he was born and raised, where he became an educator and a mentor, and where he is now a respected and effective leader.

Through his distinguished professional career, his athletic talent and his spirit to make his community a better place, Bill Ross has left a lasting mark since graduating from the Niagara Falls School System. After graduation, Mr. Ross took a football scholarship to Michigan State University where he went on to win a National Championship in 1952 and play in the esteemed Rose Bowl game in 1954.

After serving as an R.O.T.C. Officer after college, Bill would take his football prowess, military discipline and love of education back to Niagara County. In 1956, Bill began a career in education that would span 47 years and shape a countless number of young lives in Wheatfield. Bill became the first football coach at Niagara Wheatfield in 1958, and in 1977 became the Director of Physical Education, athletics and recreation of the Niagara Wheatfield School District. Both in the classroom and on the field, Bill was devoted to teaching and improving the youth of Niagara County, believing in the importance of a well-rounded education and the duty of schools to not only help produce good students, but good citizens.

That sense of dedication and service culminated when Bill Ross was elected to represent his Town of Wheatfield in the Niagara County Legislature. Twice elected Chairman, first in 1989 and again in 2004, Bill, through it all, has been an insightful and vital leader for Niagara County. In times of tremendous challenges for his town and his region, Bill has been strong and steady, making his home a better place. To this day, Bill serves his constituents and his neighbors with skill and tremendous care, earning respect as he has moved his community forward.

Thus, Madam Speaker, in recognition of his more than 50 years of serving the Niagara region, as an educator, an administrator, a legislator, a leader and a neighbor, I ask that this Honorable Body join me in honoring Mr. William L. Ross.

IN RECOGNITION OF THE OHIO ARMY NATIONAL GUARD'S 112TH ENGINEER BATTALION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Ohio Army National Guard's 112th Engineer Battalion, and to celebrate the commitment of this patriotic group of individuals that has defended our country valiantly.

The Ohio Army National Guard's 112th Engineer Battalion is one of the oldest regiments in the Nation. It is also the most decorated military organization in the State of Ohio. During the American Civil War, the Ohio National Guard played a crucial role in the watershed defeat of Morgan and his Confederate cavalry. During World War I and World War II the 112th Engineer Battalion was deployed overseas and was later regarded as being one of the "most well disciplined and highly competent" engineer units.

Ever humble about their job, the 112th, when deployed to support an Air Force unit, sent tokens of appreciation to those that offered assistance during the Battalion's deployment. The 112th Engineer Battalion unit exemplifies the honor that comes to mind when looking toward the past, present, and future of the Ohio Army National Guard.

The courage of the Ohio Army National Guard's 112th Engineer Battalion does not merely extend to matters abroad. When disaster shook the South, the 112th Engineer's Battalion swiftly acted to help the victims of Hurricane Rita. This unit was and is always ready to help when needed. When called to help their brothers and sisters fight the war on terrorism, the 112th Engineer Battalion exemplified the National Guard mantra to "Respond when called and be ready. " The never waning support and readiness to help has made the 112th Engineer Unit the pride of their community.

Madam Speaker and colleagues, please join me in honoring the Ohio National Guard's 112th Engineer Battalion.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. GEORGE MILLER of California. Madam Speaker, on Thursday, March 15, 2007, I was unable to attend votes due to illness.

Were I present, I would have voted in the following manner: (1) H. Res. 242—providing for the consideration of H.R. 1362, Accountability in Contracting Act—"yea"; (2) On motion to recommit H.R. 1362 with instructions—"nay"; (3) H.R. 1362—The Accountability in Contracting Act—"aye."

HONORING JUDGE ROBERT M. STEPTOE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mrs. CAPITO. Madam Speaker, I rise today to respectfully request that my colleagues here in the House of Representatives join me in congratulating Robert M. Steptoe for being named the 2007 Distinguished Citizen by the Shenandoah Area Council of the Boy Scouts of America.

Born on May 15, 1920 in Clarksburg, WV, Robert M. Steptoe has spent his entire life in service to his family, community, and country. He and his wife, Sarah, will soon celebrate 65 years of marriage and are the proud parents of 4 children, Robert, Philip, Sally, and James. They also have 9 grandchildren and 5 great-grandchildren with one on the way.

He served his country faithfully during World War II in the United States Navy in both Europe and the Pacific, attaining the rank of lieutenant commander. His long list of public service also includes a stint as assistant prosecuting attorney for Berkeley County, four terms in the West Virginia House of Delegates, and two terms in the West Virginia State Senate. The Honorable Judge Robert M. Steptoe also served on the West Virginia Court of Claims from 1989 to 2001. In addition, Mr. Steptoe served as chairman of the board for Peoples National Bank for several decades and has been an active member of Trinity Episcopal Church since 1949.

Throughout his life, Robert Steptoe has been an active supporter of the Boy Scouts of America. As a youngster, he was a Boy Scout and all four of his children followed in his footsteps as Scouts with his wife, Sarah, serving as den mother. His contribution to Scouting will always be appreciated and I am pleased to see that he is being recognized for his lifelong service to his community.

In closing, I want to thank my colleagues in the United States House of Representatives for joining me in recognizing Mr. Robert M. Steptoe as the 2007 Distinguished Citizen of the Shenandoah Area Council of the Boy Scouts of America.

IN REMEMBRANCE OF JAMES BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the lifelong achievements of the Godfather of Soul, James Joseph Brown, who changed American music forever. Over his more than five-decade-long career, Mr. Brown affected and evolved countless music genres while leaving his enduring signature style and grace for everyone to admire.

Born in rural South Carolina during the Great Depression, Mr. Brown learned very quickly the value of hard work and dedication, from picking cotton to shining shoes to washing dishes. A self-taught musician and performer, Mr. Brown arrived on the music scene in 1955 and soon started releasing hit records. Mr. Brown's influence was not isolated to merely music, but extended into local communities by sponsoring youth programs, investing in African American businesses, and speaking at high schools across the country. Throughout the 1960's, Mr. Brown was not only a frequent name atop the music charts by releasing singles like "Papa's Got a Brand New Bag" and "I Got You (I Feel Good)," but also an outspoken advocate for the Civil Rights movement.

Mr. Brown's trendsetting stage performances and groundbreaking musical innovations are just a few of the many legacies he has left behind. From his Rock and Roll Hall of Fame induction in 1968 to being a 2003 Kennedy Center Honoree, Mr. Brown not only has paved the way for numerous artists, but also has left a lasting impact on music that is still being felt today.

Madam Speaker and colleagues, please join me in honoring the Hardest Working Man in Show Business, James Brown, whose inspiration and genius will continue to touch the lives of generations to come.

IN RECOGNITION OF THE 100TH BIRTHDAY OF WINNIE DOSS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to pay tribute to a very special occasion today—Mrs. Winnie Martha Doss's 100th birthday. Mrs. Doss will gather with her friends and family to mark the occasion on March 17, 2007.

Mrs. Doss currently resides in the Jacksonville Health and Rehabilitation Center in Jacksonville, Alabama. Mrs. Doss spent 30 years working at Avondale Textile Mills. She has four children, 12 grandchildren, 29 great-grandchildren and 22 great-great-grandchildren. Mrs. Doss spends her time working on word search puzzles and crocheting. She enjoys receiving cards and uses them to decorate the walls of her room.

I salute this remarkable woman for her long life, and dedication to family.

MARKING WOMEN'S HISTORY MONTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Ms. KAPTUR. Madam Speaker, marking Women's History Month, I would like to commemorate the life of a woman in our district, Joyce Snow Feather Mahaney. Though she passed away last year, her memory and her spirit continue. She is truly a woman who made a difference, and whose efforts echo beyond her lifetime.

The great-great-granddaughter to Chief Kaishpa Gourneau, great-great-granddaughter to Chief Sasswain, Henry Poitra and great-great-great-great-granddaughter to Chief Gaytay Manomin (Old Wild Rice), a member of the Turtle Mountain Band of Chippewa Indians, Joyce Mahaney grew up on the Turtle Mount Reservation in Belcourt, North Dakota. Her Indian name Snow Feather (Koonea Meguen) was given to her by her great-grandmother, Cecelia Malaterre. A Naming Ceremony was done by her adopted father, Francis Eagle Heart Cree of Turtle Mountain, who is also the local spiritual leader and medicine man in the area.

She attended the Ojibwe Indian School, Turtle Mountain Community High School, and Minot State University where she received a degree in Education. She also attended the American Indian Training Institute in Albuquerque, New Mexico and the University of Toledo. She came to Ohio in the 1970s following her marriage to Toledo native, Russell Mahaney. They raised two children.

In 1988, Joyce Snow Feather Mahaney founded the Toledo-based American Indian Intertribal Association. The purpose of the organization is to preserve and showcase American Indian culture through community activities. Her incredible leadership has developed the Association as a premiere showcase of Native American culture, language, and spirit. Several hundred Native Americans participate in the organization's ongoing activities such as: The Toledo Pow Wow, cultural programs, and the annual summer solstice ceremony at the site of the Battle of Fallen Timbers of 1794.

An adult education teacher, she was also Executive Secretary at the Toledo Museum of Art, served as executive director of the Cleveland Drug and Alcohol Prevention Program, and director of the Eagle Wing Program in Toledo and other Native American programs in northern Ohio.

Although she spent the last three decades of her life in Ohio, Joyce Snow Feather Mahaney has maintained her deep roots in the Turtle Mountain area, visiting family and friends and offering presentations in the community which captured the spirit of the indigenous people, the sacred land of her ancestors and the rich cultural heritage of the Plains Ojibwe.

An award-winning poet, she has written and self-published poetry books, Prairie Winds and Spirit of Dakota. In fact, the threads of this Ojibwe Prayer were woven deep into the fabric of the life of Joyce Snow Feather Mahaney, and describe her legacy most eloquently.

OJIBWE PRAYER

Oh Great Spirit, whose voice I hear in the winds And whose breath gives life to everyone, Hear me.
I come to you as one of your many children; I am weak .... I am small... I need your wisdom and your strength.
Let me walk in beauty, and make my eyes ever behold the red and purple sunsets Make my hands respect the things you have made.
And make my ears sharp so I may hear your voice.
Make me wise, so that I may understand what you have taught my people and The lessons you have hidden in each leaf and each rock.
I ask for wisdom and strength Not to be superior to my brothers, but to be able to fight my greatest enemy, myself.
Make me ever ready to come before you with clean hands and a straight eye.
So as life fades away as a fading sunset.
My spirit may come to you without shame.

IN RECOGNITION OF SERBIAN NATIONAL UNIVERSITY "VUK STEFANOVIC KARADZICH"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to commemorate the 20th Anniversary of the Serbian National University "Vuk Stefanovic Karadzich", which is affiliated with the Saint Sava Serbian Orthodox Cathedral in Parma, Ohio. Founded in 1987, this prestigious university has dedicated itself to promoting and educating the public on Serbian culture and history.

Among its many achievements, Serbian National University established an endowment fund at The Ohio State University's Hilander Room, which provides an environment for students to advance the language, heritage, and traditions of the Serbian people. In addition, the University supports the Serbian Orthodox Church, Cleveland Institute of Music and similar schools in Serbia.

The Serbian National University is dedicated to and inspired by the works and achievements of Vuk Stefanovic Karadzich. During the 18th and 19th Century, Vuk Karadzich founded the modern Serbian language and developed the Serbian Cyrillic alphabet. Vuk Karadzich received a degree of Doctor of Philosophy from the University of Jena, Germany and was knighted by the country of Russia. One of the many legacies of Vuk Karadzich that the Serbian National University carries on today is the mission of bridging the gap between Serbian and American cultures.

Madam Speaker and colleagues, please join me in honoring the Serbian National University "Vuk Stefanovic Karadzich" for all the amazing contributions they have made to the advancement of Serbian and American culture. May the good work that they have done endure into the future.

TRIBUTE TO MERV GRIFFIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. BERMAN. Madam Speaker, I rise to pay tribute to a truly outstanding gentleman, Merv Griffin. Merv is a distinguished entertainer and business entrepreneur, as well as a man who is deeply committed to helping others.

Merv is a special friend of the Louis Warschaw Prostate Cancer Center and gives generously of his time and energy to fight this disease. As a prostate cancer survivor, he is deeply aware of the importance of medical research being done by the Center which was established by the Warschaw Family at Cedar Sinai Medical Center in memory of Louis, their beloved husband and father.

Merv is one of the world's great performers. He began his distinguished career as a singer at 19, and shortly thereafter formed his own record label, Panda Records. His self-released album "Songs by Merv Griffin" was the first American album recorded on magnetic tape. Freddy Martin, impressed with Merv's talent, asked him to tour with his orchestra. Four years later, Merv started as a solo performer, scoring a number one hit with "I've Got a Lovely Bunch of Coconuts."

In 1958 Merv launched his brilliant television career as host of the game shows "Play your Hunch" and "Keep Talking." In 1963, he hosted and produced "Word for Word." The following year, he produced the incredibly successful "Jeopardy" and followed that with "Wheel of Fortune." These two shows established Merv as a television legend.

Merv was also much admired and respected as a television talk show host. Among his most interesting and controversial guests were journalists Adele Rogers St. John, futurist Buckminster Fuller, writer Norman Mailer, and philosopher Bertrand Russell.

In addition to his show business success, Merv is a real estate magnate with prestigious properties in Beverly Hills, Palm Springs, Atlantic City and Scottsdale. He raises thoroughbred racehorses on his ranch in Carmel, CA and owns St. Clerans Manor, an 18th century estate, near Galway, Ireland.

In 2001, Merv returned to singing with the release of the album "It's Like a Dream," and this year his production company began preproduction on a new syndicated game show, "Let's Play Crossword," which is expected to air in September.

I am proud to ask my colleagues to join me in saluting Merv Griffin for his lifetime of extraordinary accomplishments, and in expressing our appreciation for his support of the Louis Warschaw Prostate Cancer Center.

HONORING MICHAEL HOWE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary career of Michael Howe. Mike served as the president of the East Bay Community Foundation (EBCF) in Oakland from 1993 until 2006. Throughout his career, Mike has been known for his tireless work on behalf of the East Bay community. This year Mike, who currently serves as the EBCF president emeritus, celebrates his retirement after more than a decade of unparalleled service to that organization, and many more to the 9th Congressional District.

Mike holds a B.A. in sociology from the University of San Francisco, as well as an M.A. and an ABD in sociology from the University of California, Davis. Before joining the EBCF, Mike was the senior planning and evaluation officer for the Marin Community Foundation from 1986 until 1993. Prior to that, he was a professor of Sociology and founding dean of the College of Professional Studies at the University of San Francisco, where he was also tenured as an associate professor.

Mike came to the East Bay Community Foundation in 1993. Under his leadership, the EBCF evolved from a small grant-making organization into one of the top 50 community foundations in the country. Mike's work was central to the EBCF's transformation into an organization that is known for leading change-making initiatives that successfully solve community problems. Working with government agencies, non-profit organizations, business leaders an civic groups, Mike has sought to improve after-school programs for youth; prevent street crime and violence; provide arts education; enhance land-use planning to incorporate features for sustainable communities; and expand community philanthropy. Mike has attracted new expertise and funding to the EBCF, which now makes grants to more than 1,000 non-profit organizations, primarily in the East Bay. His efforts have made the EBCF a world-class institution for community leadership and social change, and have touched countless lives here in the 9th congressional District and beyond.

In addition to his stellar work leading the EBCF, Mike has been and continues to be heavily involved in a number of other boards and organizations here in the Bay Area. He serves on the boards of organizations such as the Institute for Community Peace; Northern California Grantmakers; the John Gardener Center at Stanford University, the Coalition of Community Foundations for Youth; and the Richmond Children's Foundation.

Today the friends, family and colleagues of Mike Howe have come together to celebrate not only his retirement, but also his legacy of service, and his permanent and positive impact on our community. On this very special day, I join all of them in thanking and saluting Mike for his profound contributions to California's 9th Congressional district, our country and our world.

IN HONOR OF THE ARC OF WARREN COUNTY'S NEWEST SERVICE TO NORTHWEST NEW JERSEY'S DISABLED COMMUNITY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the Arc of Warren County, New Jersey will break ground on their newest group home at Camp Warren. The Arc has long presented a wide array of services to individuals with developmental disabilities throughout this corner of Northwest New Jersey. They are now expanding into residential services with this barrier-free home for six adults, which they hope to have open by the end of the year.

The Arc of Warren County was founded more than 50 years ago by parents, educators, and others who wanted to meet the needs of children with developmental disabilities in a comprehensive way. It is part of a national network that serves more than 3 million people across the country every year. The more than 1,000 people that the Warren County chapter serves each year receive quality services ranging from residential to recreation to advocacy.

Arc staff and volunteers not only help the disabled individuals, but also their families. And, in the process, they provide a great service to the community at large. The Arc helps these individuals live more self-sufficiently and blend seamlessly into the community around them. And, the tremendous support they get from people of all walks of life throughout Warren County speaks volumes as to their success.

CONGRATULATIONS TO THE UNIVERSITY OF NORTH TEXAS MEN'S BASKETBALL TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize the outstanding achievement of the University of North Texas basketball team on defeating Arkansas State University, by a score of 83–75, to win the school's first ever Sunbelt Conference title.

The Mean Green's 23 wins this season are the most in team history. Furthermore, this most recent win clinched North Texas a spot in the prestigious NCAA Tournament for the first time since the 1987–88 season.

Senior Calvin Watson, who had 24 points and six 3-pointers, was named the Sunbelt Conference Tournament's Most Outstanding Player. Guard Ben Bell was also named to the all-tournament team.

This victory was a combined effort and would not have been possible if it was not for the incredible work ethic demonstrated by these athletes and coaches. I extend my sincere congratulations to Head Coach Johnny Jones, University of North Texas President Gretchen M. Bataille, as well as the members of the UNT Men's Basketball Team.

I am proud of these young men—their victory in Sunbelt Conference and their efforts during the NCAA tournament. Not only am I honored to serve as their U.S. Representative, but I am proud to be a University of North Texas alumnus.

THE UNFORTUNATE TWO-YEAR ANNIVERSARY OF CHINA'S ANTI-SECESSION LAW

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. SESSIONS. Madam Speaker, two years ago, China passed its anti-secession law, codifying its use of force against Taiwan. Despite Taiwan's pleas for friendship and worldwide condemnation of the legislation, China has continued its military buildup along the coast of Taiwan and heightened its rhetoric against the people of Taiwan. The 23 million people of Taiwan feel insecure and worry about present or future military confrontations in the Taiwan Strait.

Even more ominously, China recently successfully tested an anti-satellite missile, threatening the surveillance satellites of India, Japan, South Korea, Taiwan, the United States, Europe and Russia. China's development of space-based technology will seriously threaten U.S. military operations and world peace. This action, when combined with other actions by the PRC, should raise serious concerns among my colleagues about future moves that China may conduct.

For the sake of world peace, I urge my colleagues to continue to speak out against the Chinese military buildup. China's military intimidations against Taiwan pose a serious threat to the well-being of the peaceful 23 million people that reside in Democratic Taiwan. It is in our best interests for people on both sides of the Taiwan Strait to live in peace and any military action against Taiwan will lead to chaos and destruction for many countries in the region. As a start to maintaining this critical peace on both sides of the Taiwan Strait, China should rescind its anti-secession legislation now. This legislation should have never been adopted by the Chinese, and therefore I ask for its immediate repeal.

INTRODUCTION OF THE DISTRICT OF COLUMBIA HATCH ACT REFORM ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Ms. NORTON. Madam Speaker, today, I introduce the District of Columbia Hatch Act Reform Act of 2007 to eliminate discriminatory treatment of the District of Columbia which still falls under the federal Hatch Act, as it did before the Congress made the District an independent jurisdiction that today enacts its own local laws. This bill would retain federal Hatch Act authority concerning prohibited partisan and political activity that applies to every state upon receipt of federal funds or functions, and importantly, would require the District to enact its own local version of the Hatch Act barring similar local violations, to become effective. This bill, of course, would automatically be held over for congressional review as required by the Home Rule Act. In any case, local Hatch Act violations in the District are rare, but the District needs its own Hatch Act to fully account and be responsible for local violations, with which only a local, objective body would be most familiar.

This bill will leave in place the federal Hatch Act restrictions that apply to other jurisdictions on the use of official authority, specifically as it relates to elections; the solicitation, acceptance, or receiving of political campaign contributions; the prohibitions on running for public office in partisan elections; and the use of on-duty time and resources to engage in partisan campaign activity where federal funds or responsibilities are involved. My bill would remove only the federal Hatch Act jurisdiction that applies solely to the District of Columbia and would require the District to have its own local Hatch Act, like every other jurisdiction, instead of requiring the Office of Personnel Management (OPM) and its Special Counsel to devote staff time and other resources on investigation, fact-finding and judgment of unfamiliar local matters.

Indeed, the OPM has asked for the federal guidance my bill offers. In recent cases, OPM cited an ANC commissioner (Advisory Neighborhood Commissioner) for violations of the Hatch Act when he ran for higher office, even though ANC commissioners are "elected officials" under local laws. The application of the Hatch Act to ANC commissioners has been selectively enforced by OPM. For example, recently OPM filed cases charging Hatch Act violations against an ANC commissioner running for the D.C. Council but did not file when several members of the current City Council ran for the Council from positions as ANC commissioners. The present law results in possible violation of the federal Hatch Act while leaving OPM with local responsibility that does not implicate its federal jurisdiction.

The House recognized that the present federal Hatch Act jurisdiction over the District was inappropriate and obsolete by removing this federal responsibility several years ago, but the Senate failed to act. The District should bear this local responsibility. My bill will eliminate the double indignity of placing a local burden on the federal government and depriving the District of a responsibility, which only local jurisdictions familiar with local laws can be expected to handle responsibly.

The Hatch Reform Act is the third in the "Free and Equal D.C." series of bills that I have introduced to eliminate anti-Home Rule or redundant bills that deprive the city of equal treatment and recognition as an independent self-governing jurisdiction.

HONORING BRONZE STAR RECIPIENT PAUL BAKER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to Mr. Paul Baker, recipient of the prestigious Bronze Star Medal with Combat Distinguishing Device in recognition of his actions on February 19, 1945 at Iwo Jima.

The Battle of Iwo Jima was a crucial victory in World War II against the Japanese. On the morning of February 19th, 1945, the first of 70,000 Marines and Sailors, including Pharmacist's Mate First Class Paul Baker, U.S. Navy, landed on Iwo Jima. By the end of the battle 35 days later, the Allies were victorious, but suffered over 25,000 casualties, including over 5,000 deaths.

On that initial morning of the invasion, Petty Officer Paul Baker, was among the first infantry troops to land on the island. Baker was rendered unconscious by a Japanese artillery shell that struck his ship. Upon regaining consciousness, despite his injuries and without regard for his own safety, Baker began treating multiple injured Marines, refusing medical treatment for his own injuries to save the lives of his fallen comrades. Only after all of the wounded Marines had been transferred to the medical personnel on the USS *Sanborn*, did Petty Officer Baker allow himself to be treated.

Petty Officer Baker displayed the highest level of dedication and selflessness by his courageous actions that day. He is a shining example of the heroism and valor that was displayed by so many of our troops during World War II. On Friday, March 23rd Secretary of the Navy Donald Winter will personally present Mr. Baker with this Bronze Star with Combat "V" at a ceremony in Irondequoit, New York. I am proud to use this opportunity to publicly recognize Mr. Baker and to congratulate him and his family on this long overdue recognition.

A TRIBUTE TO LILIAN KAWARATANI

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Lilian Kawaratani, of Monterey Park, California. Each year in March, in recognition of Women's History Month, we pay special tribute to the contributions and sacrifices made by our nation's women.

Lilian was born in Honolulu, Hawaii where she was raised. She enrolled at the University of Hawaii. After completing the Fifth Year Program for Teachers, Lilian left Hawaii for New York where she attended Columbia University Teachers College and received her M.A. in Education. In 1980, Mrs. Kawaratani received her Adult Education Designated Subjects Credential from the University of California State College.

Mrs. Kawaratani began her career teaching at Barber's Point Elementary School in Hawaii. Upon graduation from Columbia Teacher's College, Lilian moved to Monterey Park and began teaching at Euclid Ave. Elementary School in East Los Angeles. After taking time off to raise her children, Lilian returned to teaching for the Alhambra School District's Adult Education ESL program until she retired in 1999.

Lilian has demonstrated a strong commitment to community service. Lilian was a Board Member and Coordinator for the United Methodist Pre-School's Mother Helpers Program. She has held various positions for the PTA, served on the GATE Advisory Board, and volunteered as a Brownie and Girl Scout Leader. Mrs. Kawaratani has also held various offices at the California Council of Adult Education, where in 1988 she was awarded the CALCO Award for Excellence in Teaching. Lilian also serves as the Membership Chair for the Friends of Monterey Park Library Board.

Most notably, Lilian is admired for her volunteer work with the Monterey Park Library's LAMP (Literacy for All of Monterey Park) Citizenship Classes. Following her retirement, Lilian was invited to help teach Citizenship Classes for the library for two hours per week. Lilian's passion for teaching was made apparent as she spent up to eight hours a day at the library and often met one-on-one with adult learners to further prepare them for their citizenship tests and interviews. Her efforts have directly helped 50 to 100 students annually become proud new American citizens. As Lilian enters her eighth year of teaching for LAMP, she has seen over 700 students attain U.S. Citizenship and has devoted thousands of hours of service.

In addition to her many professional and personal accomplishments, Mrs. Kawaratani is a wife and mother of four children and enjoys spending time with her grandchildren.

Mrs. Kawaratani's devotion to her career and her long-time commitment to the prosperity of our community serves as a true inspiration to us all. I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Lilian Kawaratani.

TRIBUTE TO JOHN CHACON, SR.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. BACA. Madam Speaker, I stand here today to honor and remember a great community activist, role model, loving father, husband, and grandfather, John Chacon, Sr.

John was born in El Paso, Texas, on July 6, 1935, but he called California home, as he resided in Ventura County for over 63 years.

John graduated from Oxnard High School in 1955. In 1957, John married the love of his life, Frances "Pancha" Castro, with whom he shared 50 years of happy marriage.

Professionally, John worked over 25 years for W.B. Post and Nick Wargo Construction Companies. He was a lead paving foreman for 19 of those 25 years. At the age of 52 John retired, but he remained active in the community, particularly with his labor union. He was an active member of Laborers Local 585 for 46 years.

John's accomplishments in the community are too many to list here, but some of his most notable include: membership in Los Compadres del Rio, membership in the Rio Mesa High School Boosters Club, and a founding, charter membership in the Mexican-American Golf Association.

John's passions included golfing, gardening, camping at Lake Cachuma, backyard barbecues with family and friends, and listening to mariachi music.

John was well-known throughout the community for cooking his famous "tripas" and his secret salsa recipe. He made friends everywhere he went, and could never go anywhere in the community without someone recognizing him.

On March 4, 2007, John passed away from a sudden illness. He will be greatly missed by his wife, Frances; son, John Jr.; daughters, Rosemary and Barbara; grandchildren, Jennifer, Vincent, Francesca and Analisa; and his four sisters.

Let us pay tribute to John for the man he was and the example he set for all of us to follow. His dedication to family and friends, and his love for his community was evidenced in all that he did.

Although he is no longer with us, John's legacy and spirit will continue to live on through the lives of everyone he has touched.

Madam Speaker, let us pay our respects to John Chacon, Sr. He will always have a place in our hearts for everything he gave to his loved ones and community.

HONORING THE OUTSTANDING COMMUNITY SERVICE OF WENDY MILLER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Wendy Miller of Jamison, Pennsylvania for her dedication to our soldiers overseas. Her efforts have brought hope to many soldiers serving in Afghanistan and Iraq, as well as here at home.

For the past three years, Ms. Miller, working through the program Anysoldier, has collected various supplies, clothes, and treats from family, friends, and neighbors. Each year she collects a thousand homemade valentines and hundreds of homemade cards and letters from area children. She then ships the packages to the units requesting supplies on anysoldier.com.

Ms. Miller has shipped 130 boxes already, and plans to ship another 100 in the next month. She has taken the initiative to organize volunteers in four other neighborhoods to help collect the donations. The project has been so successful that she plans to send at least 500 boxes by the end of the year.

Her hard work has not gone unappreciated. In fact, Madam Speaker, Ms. Miller has received letters from soldiers, thanking her for the supplies, for the hope each shipment gives them, and for the reminder that they are not forgotten. The generosity of the hundreds of residents who participate in this project is overwhelming, and the devotion of Ms. Miller is incredible.

One letter of thanks from a soldier serving in Afghanistan reads "Your care package got our soldiers smiling after a long day." Madam Speaker, as a veteran of the Iraq war, I rise today on behalf of American soldiers to thank Wendy Miller and her neighbors for their unending dedication and generosity.

IN THE GAME OF LIFE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. WILSON of South Carolina. Madam Speaker, in tribute of slain Marine Jimmy Regan, Albert Carey Caswell, United States Capitol Tour Guide, penned the following poem:

"In the game of life,
There's only what's wrong or right!
For there are only the very few, who shall so shine there so who . . . are so very bright!

"For only one thing so counts,
For only one score so adds up, that which so amounts . . .
For it's all about what we've so said and done, and what is really true . . . as so to be won!

"For there are no second chances!
In these our short minutes, upon this earth . . . as our time here so advances . . .
Our goal! All in what we've said and done, for whom we've so bled . . . to take our valiant stances!

"Whether, upon fields of green . . .
Or on oh so heroic battlefields of honor seen . . .
Jimmy, was always the one! A brave heart! As a leader of men, time and time again!

"A Marine's Marine,
A brave heart who once so lived, who so gallantly chose to give . . .
Facing death, with only his magnificent courage left . . . his heart of a lion seen could not be checked!

"Fast breaking in the game of life, writing his book of sacrifice . . .
To this our world he so gave, but never took . . . no mistaking around him the earth so shook!
Strength in Honor . . . was his great life's measure, in each and every step he ever took!

"For so few of us shall ever be such a treasure,
For so few of us such magnificence, as a hero to their Country shall be so measured!
Such Splendid Splendor, was Jimmy . . . who to our Lord's heart brought such pleasure!

"For in the minutes and the hours,
Of our lives upon this earth we give now, upon all others which so shower!
Are our gifts of Freedom and Peace, in our Lord's eye's hold such power!

"To Make a Difference With It All,
To be a champion in life! As what Jimmy so lived for and died, as for what he saw!
Could we, would we . . . ever such the strength so find, to stand as tall as him in time?

"In the game of life,
Every moment is important, and so sacred until our final nights!
For such valor and sacrifice . . . our Lord God, Jimmy you up to Heaven has called!

"For life is not a game,
As each day and night, are so precious the moments we're alive to claim.
And Freedom is not free, only bought and paid for by America's greatest of all names!"

In honor of a Real American Hero, Jimmy Regan . . . God Bless you, my Son, and may your family find peace!

INTRODUCING THE STOP TUBERCULOSIS NOW ACT OF 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. ENGEL. Madam Speaker, I rise today to announce the introduction of the Stop Tuberculosis Now Act of 2007.

As a member of the House Foreign Affairs Committee, I know all too well how necessary comprehensive international tuberculosis control is. It is remarkable in this day and age, with treatment available, that TB is the biggest infectious killer of young women in the world. In fact, TB kills more women than all causes of maternal mortality. As you know, TB is also the leading killer of people with AIDS. TB accounts for more than one quarter of all preventable adult deaths in developing countries.

I strongly believe that the global community, with the United States in the lead, must do more to adequately address this disease by investing in quality TB control programs, using the groundbreaking Global Plan to Stop TB as a guide. It is for that reason that I am introducing the Stop TB Now Act which will make the appropriate investments towards achieving the goals of the Global Plan. My bill calls for a U.S. investment of $400 million for international TB control in FY08 and $550 million in FY09.

I believe that if we don't make bold—and wise—investments in international TB control, not only will we fail to save millions of lives and miss out on the many accompanying benefits of controlling this killer, but also that this disease will become far more difficult and costly to treat.

Extremely Drug Resistant TB highlights this danger. It has been found on six continents, is a growing epidemic in southern Africa, and is already reported to be here in the United States. Regular (non drug-resistant) TB is curable with drugs that cost just $16 in most developing countries. Cases of drug-resistant TB, however, can cost thousands of dollars to cure, with treatment that is far more difficult for patients and practitioners. Drug-resistant TB is a manmade problem and is caused by poor TB treatment. We have the power to prevent drug-resistant TB and the power to treat and control regular TB, and yet we have not chosen to do so.

Madam Speaker, the adoption of the Stop TB Now Act of 2007 would have a profound effect on our efforts to improve global tuberculosis control. I ask my colleagues to cosponsor this bill today.

HONORING WAYNE HALE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. LAMPSON. Madam Speaker, it is my distinct honor to recognize Mr. Wayne Hale, Manager of the Space Shuttle Program at the NASA Johnson Space Center in Texas's 22nd Congressional District, for winning the 2007 National Air and Space Museum Trophy for Current Achievement. Wayne was honored on March 7, 2007 for the Shuttle's STS–121 mission, which along with subsequent Shuttle flights got the Shuttle program back on track after the tragic *Columbia* loss.

For decades, America's space program has represented our greatest advances in science and technological innovation. Individuals like Wayne Hale are why NASA remains the global leader in expanding space exploration. Such ambitions are essential to growing our economy. They are essential to the technology used in all facets of everyday life. They are essential to inspiring our Nation's youth to go into math and science fields. And they are essential to fulfill the American spirit that our forbears passed on to us, to seek out and explore new frontiers.

The National Air and Space Museum trophy recognizes such achievements involving the management or execution of a scientific or technological project, a distinguished career of service in air and space technology, or a significant contribution in chronicling the history of air and space technology. Wayne Hale certainly fits this bill and brings great distinction to this award.

My congratulations to Wayne and his fine team of colleagues and professionals at NASA. Wayne's dedication to furthering our reach and exploration into space inspires our best and brightest to continue the most exciting endeavors in human history.

HONORING THE UNIVERSITY OF PENNSYLVANIA COLLEGE DEMOCRATS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate the University of Pennsylvania Democrats for being named the "2006 Chapter of the Year" by the Pennsylvania Federation of College Democrats.

For those who say all young people are apathetic, I say, look at the Penn Democrats. They are inspiring proof to the contrary. Their hard work and dedication make them admirable examples—models not just to their fellow students or to other Democrats, but to all of us who seek to improve our communities through civic engagement and public service.

The Penn Democrats are to be commended for their continued outward focus. Not content to exist merely as a self-contained committee of like-minded people, they maintain an active presence on the University of Pennsylvania campus and work to encourage other students to become politically active. When voter turnout on campus grew by 280 percent between the 2000 and 2004 elections, the increase was due in large part to the efforts of the Penn Democrats, who ran a nonpartisan voter registration drive and successfully lobbied the City of Philadelphia to create six additional polling places convenient to the Penn campus. They ran a strong Get-Out-The-Vote effort in 2006 as well, and election day turnout among Penn students more than tripled that of the previous midterm elections, in 2002.

Their involvement in the larger community beyond the University is as laudable as their on-campus involvement, and is perhaps more extraordinary among college organizations. The Penn Democrats have worked hard to place students in local political offices. Through the organization's efforts in 2005, nine Penn students joined Philadelphia's 27th Ward Democratic Committee, and 20 more served as Inspectors or Judges of Elections.

The passion, energy, and focus of these students have made the Penn Democrats a respected institution on campus, in the local community, and in state and national politics. Politicians and candidates value invitations to speak at their events, not because they simply want good "photo ops," but because they know that the Penn Democrats play a meaningful role in politics and in the community.

I applaud the University of Pennsylvania College Democrats for their well-deserved recognition as Chapter of the Year.

IN OUR SEARCH FOR THE TRUTH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. WILSON of South Carolina. Madam Speaker, in tribute of slain reporter David Bloom, Albert Carey Caswell, United States Tour Guide, penned the following poem:

"In our search for the truth, in a reporters quest
Running on that edge, which so separates the greats . . . which so leads us to the best
With precious life on the line, all within these their most heroic moments there in time . . . while, courageously facing death
"For in these their greatest gifts they give
Here within these, our shortest of all lifetimes we live
As shall so here upon this earth, shall so surely show our worth . . . as shall so surely carry on, and forever with us live
"David Bloom
A man for so whom, within this his short lifetime . . . in our hearts, now so largely looms
As a true and great lesson to us all, of when greatness comes to call . . . of when, within these our short lives a heart so blooms
"Such a man of class, such a man of style
Such a man as a friend, you'd but wished you'd known all the while . . . as why, within our hearts we now carry him the while
'Ah . . . and through that camera's eye, as we could so see . . . his wonderful warmth, his great humanity . . . that he carried with him the miles
"For he was such a man of integrity, one of such splendid grace
A man for all seasons, who but within his short lifetime . . . so surely made our world a far better place
And these are but the reasons why, we shall never forget his beautiful smile . . . his debonair, and 'oh so very handsome face
"For so surely, he was headed down that very same path
In all those magnificent footsteps, that which Edward R. Murrow once so left . . . in his aftermath
For few have so traveled, such this hallowed path . . . as why to heaven this day, we pray to our Lord to so bless David we ask
"A reporter's reporter, a real fine man's man
And yet, this man for all seasons greatest assets . . . were his great warmth, and his oh so caring hand
As you could feel it, radiating through your TV set . . . as you so watched this superstar your heart he would catch, time and time again
"Oh what an innovator, oh what a truly marvelous communicator
While, in his magnificent Bloom mobile . . . we so watched his genius, courageously communicating
As he brought the light of day, and the truth into our world . . . as he so brought the proof of a heroes courage, in the darkness of a war unfurled
"But, just so too
As all of our those fine heroes too, who so gave their fine lives for us true . . . as he so did for you
Just, as each brave soldier . . . he so too . . . so heroically went into battle . . . as into hell was so sent, to bring back the truth . . . for all to view
"Yet, for all of his accomplishments
His greatest gifts, his fondest wish . . . his everything . . . was his magnificent wife & beautiful daughters to him from heaven sent
For on the day that he died, in Washington . . . The cherry blossoms bloomed high . . . as they too cried . . . knowing what his fine life had meant
"For here within our short lives, when such greatness so arrives . . . and brightly blooms
As one so surely finds, as one so surely assumes . . . is but where the greatest of all heart's so looms
For to this our world, these their most sacred gifts of which they've unfurled . . . that so ever bless our world, as we live when blossom's bloom
"For in this, Our Search For The Truth
In this a reporter's quest, To Be The Best . . . Do we dare and never second guess? And go forth with hearts full of youth
For in putting it all on the line, for in risking our most precious of all moments with our loved ones therein time . . . we so find, where lies the proof."

To David's lovely wife Melanie and his beautiful daughters Christine, Ava, and Nicole, in memory of your magnificent husband and wonderful father.

And to all reporters who have lived and died for the truth, men like Daniel Pearl.

HONORING JACOBO AND MARY KAPILIVSKY ON THEIR 50TH WEDDING ANNIVERSARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. ENGEL. Madam Speaker, I rise today to honor Jacobo and Mary Kapilivsky on their 50th wedding anniversary. Jacobo and Mary will celebrate this wonderful milestone on April 14th, 2007, after spending half a century in love with the shared experiences of family life.

The life of Jacobo and Mary is a wonderful example of the American Dream.

The son of poor Jewish immigrants, Jacobo Kapilivsky was born on June 25th, 1932 in Trujillo, Peru. Despite his humble beginnings, Jacobo graduated from medical school in his native country before marrying Mary Rosco, herself a daughter of Jewish immigrants.

Jacobo and Mary started the adventure of their life together by immigrating to the U.S., where Jacobo completed his medical residency in Johnson City, NY and later in the Bronx. Over the years, Jacobo became a surgeon as well as a medical entrepreneur both in the U.S. and in Peru, where he has founded and led several private hospitals and medical centers. Currently, they live in McAllen, Texas.

The Kapilivskys are parents to Allan and his wife Lillian, Sam and his wife Noemi, and Sara and her husband Mark. They are proud grandparents to seven grandchildren including their newest addition and first granddaughter, Leora Paz Vogel. Their children and grandchildren live in McAllen, Texas, Rochester, New York, and South Florida.

Madam Speaker, I ask my colleagues to join me today in honoring Jacobo and Mary Kapilivsky on their 50 golden years of love and dedication to each other.

HONORING THE WEBSTER FIRE DEPARTMENT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. LAMPSON. Madam Speaker, a golden anniversary is indeed a special milestone, and today I am proud to recognize the Webster Fire Department's 50th Anniversary. This exemplary and dedicated group of firefighters continues a proud, 50-year long tradition of excellence.

As the first response team for the City of Webster, Texas, the Webster Fire Department exudes professionalism and dedication by all its firefighters in providing fire and emergency services for the community. The Webster Fire Department is responsible for fire prevention, fire suppression, and emergency medical services to the City of Webster. The Department also offers such special services as a Smoke Detector Program, Fire Extinguisher Training, and Fire Safety Training. The Webster Fire Department operates three engines, one ladder, and one rescue from two fire stations. They also operate special units such as a Wild Land Firefighting Booster Truck, a High Water Rescue 6x6, and a Water Rescue Boat.

Chief Jamie Galloway and his department will be celebrating the November anniversary all year long. In honor of the occasion, a special patch has been designed to be featured on the firefighter's uniforms and on all department vehicles.

I am honored to represent the City of Webster and its outstanding Fire Department. Their hard work and commitment brings pride to their entire community. It is truly a privilege to stand here today in observation of the golden anniversary of the Webster Fire Department.

HONORING MARGARET "PEGGY" DATOR

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Margaret Dator for her leadership and guidance as Executive Director of the Free Clinic of Doylestown. Margaret—known to everyone as Peggy—is a tremendous community leader. This year, in recognition of her years of volunteer service, she will be honored with the Bucks County Women's History Month Award.

Peggy has worked with young people in Girl Scouts, her church, schools, and Doylestown Hospital. It is through her efforts with these organizations that she was prepared to serve on the board of A Woman's Place, the Bucks County Children and Youth Advisory Board and the Foundations Behavioral Health Board. Peggy has also worked with the League of Women Voters in the production of a series of videos for local cable television programs addressing problems such as teen alcohol use, pregnancy and health care. She continues to serve as a consultant for the League of Women Voters on health and children's services.

Madam Speaker, there are countless stories that show Peggy's limitless spirit for helping those in need. One time, when faced with a request for equipment for a dental mission in Kenya, Peggy—as always—went above and beyond, joining the mission as a volunteer to provide a needs assessment for the community and work as a dental assistant. She is now financing an education for a Kenyan orphan.

While involved with the Warminster Collaborative, Peggy seized the opportunity to use a community gardening project to bring nutritional food to low-income homes. She has fulfilled a Spanish immersion course in order to improve bilingual assistance at the Free Clinic, and has recruited bilingual volunteers. Through her efforts, the clinic now also provides treatment for dental and mental health issues, and she has reinvigorated the help provided by A Woman's Place.

Madam Speaker, Peggy is admired for her unfailing generosity, strong leadership and advocacy for women, children, and vulnerable members of society. Peggy's efforts have improved many organizations and even more lives. Along the way, she has never failed to lose her vision of equality and justice. Her work, both in the community and around the world, is inspiring, and I am honored to recognize her for her many accomplishments.

HONORING THE MEMORY OF JACK SMITH FRIEND OF THE FIRST DISTRICT

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Jack Smith, a friend of the First Congressional District of Tennessee, who passed away March 15, 2007.

Jack Smith lived a life of service, entrepreneurship, and was known by all for his compassion to all those around him.

He was married to Jewell "Judy" Garland for 56 years, who preceded him in death in 2003. They had one son, two daughters, and six grand children.

Jack graduated from the U.S. Naval Academy in 1942, with a degree in electrical engineering. He served this great nation for seven years of active duty in the U.S. Navy.

In 1954, Jack Smith started his first "Piggly Wiggly" grocery store, which would grow into a modern-day grocery store empire of 95 "Food City" stores throughout Southwest Virginia, Tennessee and Kentucky. He served as Chief Executive Officer until passing the torch to his son, Steven C. Smith, in 2001.

He received numerous community involvement awards through his prestigious career. Jack Smith received: 1996 Grocer of the Year, Junior Achievement Tri-Cities TN/VA Business Hall of Fame Laureate in 1999 and "The 2002 Clarence G. Adamy "Great America" Award.

The "Food City" Stores engage in community enhancing programs like "Apples for the Students", which provides much needed resources to schools throughout across the First District and beyond.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Jack Smith. He was a dedicated family man, a true friend of the First District, and entrepreneur.

His service is greatly treasured, and he will be deeply missed.

HONORING GAIL RIDENHOUR

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in recognizing Ms. Gail Ridenhour for her public service to the Germantown community.

Ms. Ridenhour has been very involved in community arts programs. Serving as president of the nonprofit Germantown Fine Arts Foundation for two years and holding other officer positions, she has been indispensable to the efforts of the Foundation to build financial support for arts programs in the local school system.

Ms. Ridenhour has been a leader in her church community as well. As a member of Kingsway Christian Church, she directed, organized, and launched a preschool program. Begun in 1987, the program continues to thrive and grow today.

In addition to her community efforts, Gail Ridenhour has been recognized by the Germantown Lions Club as their Citizen of the Year for 2006. Her experience and leadership make her an invaluable member of the Germantown community.

Madam Speaker, please join me in honoring Gail Ridenhour and congratulating her for this well-deserved award.

TRIBUTE TO BOY SCOUT TROOP 4

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Boy Scout Troop 4, which celebrated its 90th anniversary this past Saturday, March 17, 2007.

Troop 4 was formed on March 17, 1917 at the Methodist Episcopal Church, now known as First United Methodist Church, in Ann Arbor, MI. This first group of scouts consisted of nine scouts, three Assistant Scout Masters and was led briefly by the direction of Scoutmaster Don Perkins, who was called in to service with U.S. involvement in WWI shortly after Troop 4's founding, and leadership of the troop then passed to Edward F. Metz. Starting with this small group, Troop 4 would go on to include over 1,700 members in its history, including 111 scouts to date, who have gone on to attain the rank of Eagle Scout. This 6.5 percent rate of Eagle Scout rank achievement is three times the national average.

Troop 4 serves as a wonderful testimonial to the leadership of the Ann Arbor community. This troop has shown tremendous community involvement in the Ann Arbor area and throughout the state of Michigan. These efforts have not been overlooked, as Troop 4 has been awarded several "Take Pride in America" awards; multiple "Keep Michigan Beautiful" awards; and was named one of President George H.W. Bush's "1000 Points of Light," for its record of volunteer community service.

Community service has long played a critical role in Troop 4's activities. As part of its community service, Troop 4 makes a monthly visit to Glacier Hills Nursing Home during the school year and Chelsea United Methodist Nursing Home during the summer. During these visits troop members play bingo and visit with residents. Each year Troop 4 participates in the "Scouting for Food" program that collects food that is then donated to local food banks. Troop 4 is a community troop with its members coming from all over the Ann Arbor area and from all religious and ethnic backgrounds; a troop where new scouts are always welcome.

Troop 4, "The Lighthouse Troop," is known throughout Michigan for its volunteer activities in the restoration of the St. Helena Island Lighthouse. For over 19 years Troop 4 members have traveled each summer to St. Helena Island where they spend a week restoring the lighthouse while camping on the island. In 2006, Grand Rapids television channel 14 highlighted their St. Helena Island service in a documentary entitled "Great Lakes Treasures." In 1991 a documentary titled "Keepers of the Light" displayed the troop's efforts to restore the lighthouse and was shown on PBS stations in Michigan. The History Channel has also broadcast their story nationally. Additionally, "Scouting" and "Boy's Life" magazines among others have also featured the troop's efforts at the lighthouse.

I grew up a Boy Scout, became a Scoutmaster, and watched proudly as both my sons became Scouts. The Boy Scouts are an American institution and one of America's most patriotic organizations; they are a shining example to the world of what is good about America. I am proud to pay tribute to Troop 4 for their service, dedication and commitment to the Ann Arbor community and the state of Michigan.

THE FOURTH ANNIVERSARY OF THE INVASION OF IRAQ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. CONYERS. Madam Speaker, on November 7, 2006, the American people sent a clear message to Congress and the President: we must end the war in Iraq. In response, the administration announced it would escalate the conflict. Today we mark the fourth anniversary of President Bush's war of choice, and later this week, the House of Representatives will have to make a choice of its own: either endorse the President's open-ended commitment to the Iraq war or demand accountability and set a timeline for the phased redeployment of our troops. I am hopeful that Congress will pass a supplemental appropriations bill that will chart a new direction toward de-escalation, with a definitive date for disengagement.

The occasion of this anniversary is an appropriate time to examine the impact of these last four years of war. As we begin the fifth year of the war, the price we have paid is high—with more than 3,000 U.S. troops dead, more than 20,000 U.S. troops wounded, and more than $400 billion of taxpayer dollars appropriated. The Iraq war is already longer than U.S. participation in World War II, World War I, the Korean War, or the Civil War.

What do we have to show for these sacrifices? Contrary to the rosy scenario depicted by the administration, this war has not made us safer; on the contrary, it has made us more vulnerable than ever. A sizeable majority of foreign policy and military experts agree that the world is a more dangerous place for Americans now than it was before we invaded Iraq. The war has become the number one recruiting tool of terrorists, and our continuing occupation of Iraq has provided them with the best training camp they could ever hope to have—a place where they can practice and refine their methods while taking American lives. The war increasingly strains our military—now creating a genuine crisis in U.S. troop readiness and our ability to respond to new threats. Should disaster strike here at home or elsewhere in the world, we will be left virtually defenseless while our troops and equipment are bogged down in a bloody quagmire that threatens to drag on for many more years.

House Democrats are bringing forward a plan that provides for a change in course on Iraq. Our plan will protect our troops on the battlefield and at home, require accountability from the Bush Administration and the Iraqi government, and set a responsible timeline for a phased redeployment of U.S. troops—with a date certain, by August 2008 at the latest, for U.S. combat troops to be redeployed from Iraq. While I would have preferred a plan that brought the troops home even sooner, I believe that this compromise proposal is the best approach Congress can take at this time.

Adoption of the Democrats' plan would begin to answer the pleas of the American people—to turn away from the President's open-ended commitment to U.S. participation in this Iraqi civil war and instead provide a responsible, phased plan for requiring the Iraqis to take responsibility for their own future. Redeploying our armed forces does not mean "cutting and running." On the contrary, we suggest continued and extensive involvement in the region through renewed diplomacy and reconstruction that is free from fraud and abuse. This sensible path is the only one that can truly lead us to victory.

TRIBUTE TO WEBER STATE UNIVERSITY THEATRE ARTS

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. BISHOP of Utah. Madam Speaker, the Weber State University theatre arts program in the Department of Performing Arts is known regionally and nationally for providing exceptionally high quality theatre productions. Faculty and students are serious, committed to theatre, and devoted to making theatre accessible to a diverse audience. Weber State Theatre Arts area produces a full season of plays in the remodeled and state-of-the-art Val A. Browning Center for the Performing Arts.

In recognition of Weber State University's consistently outstanding theatre program, it was invited to participate in "Shakespeare in Washington," a festival featuring a vast array of events including: theatre, music and dance, as well as films and art exhibits hosted by the John F. Kennedy Center for the Performing Arts from January to June 2007.

Weber State's production of "Macbeth" was performed on March 14 and 15 in the Family Theatre at the Kennedy Center. "Macbeth" is one of the world's most well known tragedies and has been interpreted in many styles and cultures. Macbeth and his wife conspire to murder their way to the throne of Scotland, but their success is spoiled by guilt, paranoia and madness.

Because of the unique presentation, the production was edited to run close to an hour in length, requiring the director, Tracy Callahan, to spend a great deal of time editing the script without losing any of its high-voltage substance. Many know the story, but thanks to the skills of the playwright, director, cast, designers and crew, nothing is lost in the abbreviated retelling.

Madam Speaker, it is my pleasure to honor Theatre Arts at Weber State University, those who had a part in this stellar production, those who have traveled far to support Weber State University as well as the Weber State University Alumni in the Washington, D.C. area.

THE AUSTIN FAMILY—AMERICANS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. POE. Madam Speaker, each year, people enter the United States to pursue the American dream. The members of the Austin family were determined to live here and become citizens of our great Nation. On March 21, 2007, the community of Kingwood, Texas, will celebrate the fact that the Austin family—Tony, Cheryl, Ryan, and Laura—are now officially citizens of the United States of America.

Cheryl was born in Luanshya, a copper mining town in Zambia in 1951. Tony moved to Luanshya with his parents in 1953. The two met in 1968 at a Lions Club Gala Dance and were married in March 1970.

In 1973, they had two children, Ryan and Lauren. Tony had the opportunity to move his family to the United States because of the company he worked for in South Africa.

Tony was interested in coming to the United States because he often traveled to Houston for business and had the opportunity to spend time in the suburbs. Tony was awestruck by the freedom that American families enjoy as opposed to the situation his family encountered in South Africa with the deteriorating security system. Although they had a great house in a good area, they were imprisoned by the fear of robbery either at home or out on the streets.

The family arrived in Houston in January 1998. They all settled in and again it became clearer how much Ryan and Lauren had been affected by the security situation of South Africa. They were amazed at the freedom they had here.

The family obtained legal permanent resident status in May 2001, by which time they had decided that this was to be their permanent home. They then applied for citizenship in August 2006.

The Austin family is active in the community and each member is a valuable asset to our country. Cheryl has been with Continental Airlines since October 2000 and is now a Senior Recruiter. Tony is a Regional Sales Director with a national training software company. Ryan has his own business, GameForce, in Kingwood Town Center, and Lauren is a junior at the University of Houston Business School.

Although the family has had to make some adjustments, they know it is worth it because of everything they have gained by becoming U.S. citizens. Not only are they model citizens, they are incredibly patriotic and cherish the United States.

I commend the Austin family on their great achievement, congratulate them on being citizens of the great United States, and wish them the best of luck in all their future endeavors.

And that's just the way it is.

PERSONAL EXPLANATION

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. McCOTTER. Madam Speaker, on March 14, 2007, I would have voted "yea" on Rollcall No. 153, the Whistleblower Protection Enhancement Act of 2007 (H.R. 985).

IN MEMORY OF STAFF SERGEANT JUSTIN M. ESTES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. ROSS. Madam Speaker, I rise today to honor Staff Sergeant Justin M. Estes of Sims, Arkansas; who died on March 5, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. Staff Sergeant Justin Estes was 25 years old when he selflessly gave his life for his country during combat operations.

After graduating from Oden High School where he played basketball and baseball, Staff Sergeant Estes joined the Army where he would serve in South Korea, Germany, Iraq and Macedonia. Staff Sergeant Estes was a member of the 82nd Airborne Division at Fort Bragg, N.C., where he was assigned to C Company, 2nd Battalion, 505th Parachute Infantry Regiment. He was serving his second tour of duty in Iraq.

Staff Sergeant Justin Estes gave his life to serve our country and will forever be remembered as a hero, a son and a friend. My deepest condolences go out to his mother and stepfather, Diane and John Salyers of Sims; his father and stepmother, Don and Cathy Estes of Harrodsburg, Kentucky; his two sisters, Norma and Kelli Estes; his grandparents, John and Clazina Visser and Joe Barry; and to his aunts, uncles and cousins. He will be missed by his family, his community and all those who knew him and called him a friend. I will continue to keep Staff Sergeant Justin Estes and his family in my deepest thoughts and prayers.

TRIBUTE TO PATRICK NEELY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Mr. COHEN. Madam Speaker, I rise today to honor Patrick Neely. Mr. Neely, of Neely's Bar-B-Que, located in both Memphis and in Nashville, was recently named Restauranteur of the Year by the Memphis Restaurant Association. Mr. Neely and his brothers Gaelin, Tony, and Mark have turned what was once a fledgling downtown Memphis operation into one of the most successful restaurants in the entire American South. After first opening its doors in 1988, Neely's Bar-B-Que has opened doors in two new locations and been featured nationwide in magazines and on nationally televised news and cable programs.

The Neelys have continually worked hard to ensure quality in both their food and their people, and have not forgotten about their community. Giving time, money and support to a host of charitable and not-for-profit organizations, Neely's Bar-B-Que has turned itself into a profitable, charitable, and local source of pride. It is for the hard-work, determination, and ultimate successes of Mr. Neely and his entire family that I rise, Madam Speaker, to honor Neely's Bar-B-Que. Approaching 20 years of excellence, may Neely's continue to thrive and prosper along with the City of Memphis.

HONORING THE LIFE OF GREGORY DUENAS FEJERAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2007

Ms. BORDALLO. Madam Speaker, I rise with great sorrow today to mourn the death of Guam Army National Guardsman Specialist Gregory Duenas Fejeran with the community in Guam. Greg was a 28-year-old father of two who was killed serving with a National Guard deployment in support of the Combined Joint Task Force in the Horn of Africa on March 5, 2007.

Greg Fejeran was the son of the late Gregorio P. Fejeran and Rosa D. Cruz Fejeran of the "Golo" and "Cupa" clans. He was a devoted and loving husband to Deborah Ann Cepeda Fejeran, and a protective and nurturing father of Shira and Keleko Fejeran, who knew most intimately how much he loved being in the military and who understood his duty as a serviceman. They supported him as faithfully as he supported Deborah's endeavors, Shira's dancing activities, and Keleko's sports activities.

Greg was the brother of Elizabeth T., Elizabeth U., Gregorio Jr., Barbara, Pauline, Richard, Rosalind, and Agnes. He was a son-in-law, a brother-in-law, a godson, a nephew, an uncle, a cousin; in short, Madam Speaker, he was a member of a large, extended family that deeply mourns his passing today.

According to his family, Greg loved working on cars, and enjoyed a variety of sports, with baseball being his favorite.

Madam Speaker, Sergeant Fejeran died in the service of his country and his island, and was posthumously promoted from Specialist to Sergeant for his patriotism. Servicemen and women from Guam have always been willing and ready to answer the call to arms to defend this great Nation, and we—their families, friends and neighbors—have always supported them, knowing the risk. As people of a small island community, the ties among us are very deep.

Gregory Duenas Fejeran lost his life in the noble effort to rebuild a nation in freedom so that others might some day know the joys of liberty and justice. With heavy but proud hearts, I extend heartfelt condolences and profound sympathy to Greg's family on behalf of the People of Guam and a grateful Nation. Greg was a caring son, a loving brother and friend, a devoted father, and a proud American patriot.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 20, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

9 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine assessing the effectiveness of the current United States sanctions on Iran relating to minimizing potential threats from Iran.

SD–538

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the performance of the United States trade and food aid programs for the 2007 Farm Bill.

SR–328A

Homeland Security and Governmental Affairs

To hold hearings to examine an overview of the Government Accountability Office assistance to Congressional oversight, focusing on past work and future challenges and opportunities.

SD–342

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine a review of treatment, diagnosis, and monitoring efforts, focusing on the long-term health impacts from September 11.

SH–216

Judiciary

To hold hearings to examine the Inspector General's findings of the improper use of the National Security Letters by the Federal Bureau of Investigation relating to the misuse of the Patriot Act powers.

SD–226

10:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold an oversight hearing to examine the Consumer Product Safety Commission.

SR–253

Appropriations

Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2007 for the United States Air Force.

SD–192

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine nuclear and strategic policy options.

SR–222

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.

SD–138

2:30 p.m.

Environment and Public Works

To hold hearings to examine Vice President Al Gore's perspective on global warming.

SD–106

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft and solutions for an evolving problem.

SD–226

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the federal judiciary.

SD–192

5 p.m.

Foreign Relations

To receive a closed briefing relative to Gulf security.

S–407, Capitol

MARCH 22

9:30 a.m.

Armed Services

To hold hearings to examine the United States Southern command, Northern command, and Joint Forces command in review of the defense authorization request for fiscal year 2008 and the future years defense program.

SH–216

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the Federal Aviation Administration (FAA) modernization.

SR–253

9:45 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine causes and consequences relating to mortgage market turmoil.

SD–538

Finance

To receive testimony on "Keeping America's Promise" relating to health care and child welfare services for Native Americans.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine ensuring safe medicines and medical devices for children.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine deconstructing reconstruction, focusing on problems, challenges, and the way forward in Iraq and Afghanistan.

SD–342

Judiciary

Business meeting to consider S. 236, to require reports to Congress on Federal agency use of data mining, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) and to discuss the possibility of the issuance of certain subpoenas in the connection with investigation into the replacement of U.S. attorneys.

SD–226

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for military construction.

SD–124

10:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Ford M. Fraker, of Massachusetts, to be Ambassador to the Kingdom of Saudi Arabia.

SD–419

2 p.m.

Appropriations

Business meeting to markup the Supplemental Appropriations Bill for fiscal year 2007.

SD–106

Armed Services

To receive a closed briefing on the detention and judicial capacity in Iraq.

S–407, Capitol

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the "Future of Coal" report recently published by the Massachusetts Institute of Technology.

SD–366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of the Merit Systems Protection Board and the Office of the Special Counsel, focusing on the safeguarding of the merit systems principles in preparation for the consideration of the reauthorization of the two agencies.

SD–342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 26

2 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for policy.

SR–232A

Energy and Natural Resources

To hold hearings to examine the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

SD–G50

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for mind, brain and behavioral research at the National Institutes of Health.

SD–116

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of the Real ID Act of 2005 and the proposed regulations released by the Department of Homeland Security on March 1, 2006, implementing Act, focusing on efforts to secure drivers' licenses and identification cards.

SD–342

3 p.m.

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine the problem of human trafficking and the legal options to stop the problem.

SD–226

MARCH 27

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Claude M. Kicklighter, of Georgia, to be Inspector General, Department of Defense, James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence, and S. Ward Casscells, of Texas, to be an Assistant Secretary of Defense.

SH–216

Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SD–106

Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and consumer choice relating to exclusive sports programming.
SR–253

MARCH 28

9:45 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Labor.
SD–124

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the future of the Coast Guard Dive Program.
SR–253

Rules and Administration
Business meeting to consider S. 223, to require Senate candidates to file designations, statements, and reports in electronic form.
SR–301

2:30 p.m.
Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for United States Forest Service.
SD–124

Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:15 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian trust fund litigation.
SR–485

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, the Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.
SD–106

APRIL 10

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Trade Commission (FTC).
SR–253

APRIL 11

9:30 a.m.
Veterans' Affairs
To hold hearings to examine issues relative to Filipino veterans.
SR–418

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.
SD–538

APRIL 17

10 a.m.
Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD–106

APRIL 25

2 p.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

HOUSE OF REPRESENTATIVES—*Tuesday, March 20, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. MALONEY of New York).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 20, 2007.

I hereby appoint the Honorable CAROLYN B. MALONEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes

IRAN'S MANIPULATION IN IRAQ

Mr. STEARNS. Members of the House, Senate and the media should obviously be aware that Iran, a neighbor that shares decades of vibrant history with Iraq, is heavily involved in shaping the future of Iraq through illegal activities.

The president of the Strategic Policy Consulting company here in Washington, DC; Mr. Jafarrzadeh, recently stated, "Al-Quds Force of Iran's Islamic Revolutionary Guards is stepping up terrorism and encouraging sectarian violence in Iraq." Now this is a man to listen to when it comes to Iran. He is the Iranian dissident who first revealed the existence of the clandestine nuclear sites in Iran in August 2002. He says that Iran's goal is to create insecurity to compel coalition forces to leave in order to establish an Islamic theocracy in Iraq.

Iranian forces have been heavily involved in sending arms, ammunition, IED materials, training militia and sending its own intelligence agents into Iraq since 2003. My colleagues, it is a sad twist of irony; Al-Quds now coordinates insurgent attacks on our forces in Iraq from the national headquarters in Iran out of the old U.S. Embassy building, the same building where American diplomats were held for those horrific 444 days that began in the year 1979.

One of five Iranians arrested by U.S. forces in a raid on Iran's consulate in a city in northern Iraq on January 11 was an envoy of the former Iranian President. The man, Mr. Sharoudi, is wanted in Austria on charges that he took part in the assassination of an Iranian Kurdish leader and his aids in Vienna in 1989. This historic leader of Iranian Kurds was killed in an apartment in the outskirts of Vienna when he was scheduled to meet a delegation from Iran. According to the Austrian police, the killer escaped arrest by hiding in Iran's embassy in Vienna. Austrian sources claim that the Iranian president, Ahmadinejad, was the logistics head of the commando groups responsible for the Kurdish leader's death, and Sharoudi was one of the killers. It is curious, then, that this same man was recently found operating with four other Iranians in northern Iraq.

There is also an Al-Quds force in Iraq under the command of Mehdi Mohandes. According to a recent Washington Times article, it was Mohandes who was responsible for the attacks on the U.S. and the U.K. embassies in Kuwait in the eighties. Interpol placed Mohandes on a wanted list in 1984, and since then Mohandes has remained inside Iran's borders—until now. The new terror network which he commands in Iraq is curiously named Hezbollah, a deliberate linkage to Lebanon's own terror movement with which Mohandes has connections. The Iraqi network operates in Basra and Baghdad. Members are trained in military and terror tactics in Basra, and they receive armed shipments there that were smuggled across the border from Iran.

To maintain this network, obviously it is expensive, has a huge cost. According to the Washington Times article again, Brigadier General Abtahi of the Iranian Revolutionary Forces in southern Iran send millions and millions of dollars from a small border town in Iran into Iraq every month. My colleagues, we have little hope of success in Iraq if we neglect to address this growing interference by Iran.

In related news, the Iraqi President has changed his stance and has publically pledged to fight terror and insurgent groups within Iraq, whether they are Sunni or whether they are Shi'a, which includes the Sadr militia. In turn, this has motivated Sadr forces to end the boycott from the Iraqi government, a move towards greater participation in the political process there. My colleagues, it is a hopeful sign that perhaps with greater political participation, the popular support of the terrorists in the Shia community will decline.

We must maintain this diplomatic and military pressure against these terrorist groups and on the Iraqi government to fight them. There is no hope of success in Iraq as long as Iran is allowed free reign to interfere and despoil the Iraqi government's efforts.

I support the President's acknowledgement of this growing threat and urge him and my colleagues in Congress to work together to provide the material support to our service men and women on the ground they need to combat it.

NATION'S LOOMING FINANCIAL CRISIS NEEDS A BIPARTISAN SOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Madam Speaker, as a nation, we are moving closer and closer to the edge of the financial cliff. A few steps forward and we will start the free fall into a canyon of debt which is bad for our country.

The baby boomers start retiring at the end of this year, and that will bring unprecedented levels of entitlement and other program spending. If left unchanged, in just a few decades there will be little money left for transportation, education, health care, medical research, cancer research, veterans, the environment, and all the other important programs. We cannot continue to keep borrowing and mortgaging our future to countries like China that carry our debt.

Young people should be clamoring for Congress to act; they have the most to lose from our inaction. It is their future that is being mortgaged, and every day we don't act we increase the debt burden they must repay in the future.

I have a bill which offers an opportunity to change the current course. Senator VOINOVICH and I first introduced the SAFE Commission last summer, and we reintroduced it in January.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Our country is in trouble, and we cannot afford to wait much longer. The bipartisan SAFE Commission will put everything on the table, entitlements and other Federal spending and tax policies, as it comes up with recommendations. It will hold town hall meetings across the country to explain the financial crisis we face and discuss the issue with the American people. I believe the American people, given the hard facts from a bipartisan panel, will understand that solving this problem will take some sacrifice from everyone.

The commission's recommendations would then come to Congress and we would take an up or down vote on the proposals in their entirety, similar to the BRAC process. Mandating congressional action on the panel's recommendations is what makes this unique.

There is also an opportunity for Congress to put forward an alternative proposal to reach the same goals at the same time the SAFE Commission recommendations are voted on. Holding out some hope that Congress would act on its own, the legislation also has a provision that if Congress were to pass a measure making substantive changes in entitlement spending and taking other action to get our financial house in order, the commission would cease to exist. But if Congress doesn't act no later than 17 months from the organization of the commission, it would be required to vote up or down on the SAFE Commission.

I have written a number of Dear Colleagues and personally talked with a number of my House colleagues about joining this effort. While 20 Republicans have signed on, including minority leader JOHN BOEHNER, this effort has fallen on deaf ears on the other side of the aisle. I have personally sent a letter to each Blue Dog Coalition member appealing to them to step forward and join me in focusing national attention on this critical crisis. I have a history of working in a bipartisan way in this panel, and yet I hear absolutely no support or interest from the other side of the aisle.

I have also written to media and public opinions and leaders about this issue over the year. I certainly understand how the issue is competing with other national priorities, including the war in Iraq, but I fear that if we can't get Congress to move this year, there will not be another opportunity for a couple of years, with the 2008 presidential campaign heating up. This is a moral issue that this Congress is not addressing.

As a father of five children and a grandfather of 12, the fiscal challenges facing the Nation with the baby boomers retiring strike me as much more than a routine policy discussion. Without action, what kind of future are we leaving to our children and our grandchildren? In a word, "bleak." We owe a debt to previous generations, to our parents and our grandparents for the sacrifices that they made for our country to make our country so great. Likewise, our generation, those who serve in this Congress and serve in the administration, must find the resolve so that generations to come will have the same type of financial future that our parents and grandparents gave to us.

I ask Members of Congress to look at this and join in a bipartisan way to deal with this issue in this Congress. And I also urge the administration, which has been silent on this issue, to stop, to break the silence. And for Rob Portman and the Secretary of Treasury and others to come up here and support this so we can make sure that we give our children and our grandchildren the same opportunities that our mothers and fathers gave to us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, full of goodness and wisdom, guide this government, business executives and all Your people in their daily decisions, especially those which have to do with money.

Lord, before You does money have any meaning? Certainly money can never be the measure of a person's true worth. Before You, money cannot even be an index of a generous heart. Why, then, is money so important to Your people? And how will they be judged by You? Does money itself dull human perceptions and put an end to dependency on others? Are You not the Almighty? Then why do people think they can solve their problems themselves only with more money?

As people pray, do they imagine You can help them only by giving them money? Do they believe You do not care how or why they spend money? If water is the sign of life, and a crust of bread or a bowl of rice can symbolize human hunger, what is the meaning of money? Does money really talk? In the United States the dollar bill says "In God we trust." So be it now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. CHRISTENSEN. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VIRGIN ISLANDS NATIONAL GUARD

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, next month the Virgin Islands National Guard is scheduled to deploy another 100 soldiers to Iraq. Already over 400 have served several tours of duty; of that 100 to be deployed, 36 are women.

We in the Virgin Islands have lost a total of seven soldiers, five Virgin Islanders, and two whose families moved there. Having just lost two of our finest, the first VI National Guard to be killed in Iraq, that April deployment will be a very difficult one not just for the families, but for the entire community. I want to be able to go with a message of hope.

This week we will be debating the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. This bill sets a reasonable timeline for troop withdrawal, ensures funding needed to ensure that our troops are trained, protected and equipped while in Iraq and Afghanistan, and that they are properly cared for when they return.

Colleagues, this is an important bill; our country needs us to pass it. I want that when the April deployment ceremony comes about, I can meet my VI National Guard knowing that they will not be there for more than one tour, that they will have what they need to get the job done, that they will come home in a time certain, and that all the services they need will be there for them when they return. That is a message that will make all the difference in the world to them and their families.

IMPROVING NO CHILD LEFT BEHIND

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, common sense says the closer you are to the problem, the better you are able to address it. Unfortunately, No Child Left Behind seems to say the opposite. It says that if you are a bureaucrat in Washington, you understand the needs of public education across America better than anyone else does. Educators, however, know that that is not the case.

After meeting with dozens of teachers, principals and administrators in my district, I am convinced that it is time to give our States a choice. That is why I am supporting the A-PLUS Act introduced last week. The bill would allow States to opt out of the burdensome regulations attached to No Child Left Behind; it would let local leaders decide how best to spend their Federal education dollars; and it would allow the challenges we face in public education to be addressed by those who understand them best, local educators. I urge support for the A-PLUS Act

SUPPORTING OUR TROOPS WHEN THEY COME HOME

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. The verdict is in, my colleagues. Both the Defense Department's health services for returning troops and the Veterans Administration are strained to the limit; they are almost to the breaking point. For as much money that we give them, we have not prepared for the influx of the troops from Iraq and Afghanistan. The evidence is clear.

What was happening at Walter Reed that was outlined in the Washington Post has, in fact, educated the whole Nation. We have had cover stories in the news magazines on how veterans are falling through the cracks. There was an incredible documentary on ABC News by Bob Woodruff and how his brain injury was treated and how fellow vets had their brain injuries treated. And yesterday on CNN we had a story on how Iraqi troops returning were homeless already.

We simply have got to meet this test as a Nation. The Democrats are trying to do that. We put an additional $3.6 billion into the continuing resolution to fund this year to help our troops. And in the supplemental we have $3.5 billion for our Nation's troops. It is time to support our troops when they come home

FINISH IT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, there are a lot of clever words for quitting in Iraq: withdrawal, realignment, redeployment, the terms go on and on.

The cloud of defeatism grows larger and larger in Washington, D.C. Numerous pieces of legislation have been introduced in this House, from outright retreat and withdrawal to letting Congress become the generals of the war.

Taking money from the war effort leaves our troops there at risk. There seems to be three alternatives: retreat with defeat; stalemate, which seems to be the current situation of fighting not to lose; or, three, supply more troops to the ones that are there so they can finish the job and then come home. The third choice seems to be the wisest.

Congress tried to tie the pursestrings in the Vietnam War. Congress tried to prematurely bring the troops home in Vietnam, and we know the results in Vietnam. We fought that war as if not to lose it.

It is in the best interest of the United States to help our military finish their mission in Iraq and stabilize Iraq before we leave.

And that's just the way it is.

DEMOCRATS HOLD THE IRAQI GOVERNMENT ACCOUNTABLE FOR PROMISES THEY MADE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, over the past year, the Iraqi Government has made countless promises to the Bush administration, but they have yet to live up to them. Military generals and experts have already concluded that there is no military solution to the civil war, and that the only way to cut down on violence there is through political and diplomatic channels.

While President Bush addressed the Nation to announce his troop escalation plan, he promised America, and I quote, "America will hold the Iraqi Government to the benchmarks it has announced." A newly released Pentagon report concludes that the Iraqi Government is still not living up to the promises it made last year. The Iraqi Prime Minister vowed to reform his government, beginning with his cabinet and his ministers, but the Pentagon report says that not one of these steps has been taken.

It is time for Congress finally to hold the Iraqi Government accountable. If the Prime Minister is not committed to following through on his promises he made to our President, then it is only fair for us to reevaluate our commitment to them. The day of an open-ended war is over.

RECOGNIZING SUCCESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our new strategy in Iraq is working. Just last week, General David Petraeus, commander of the coalition forces in Iraq, gave his first briefing regarding the situation on the ground. Specifically, General Petraeus reported that the Iraqis are fulfilling their obligations, having sent 10 Army brigades and nine police brigades into Baghdad.

The Iraqi Government has unshackled U.S. forces, allowing them to target both Shiite and Sunni militias. Numerous weapons reserves have been uncovered, car bomb factories have been destroyed, and top al Qaeda members have been captured. Unfortunately, too many of my colleagues refuse to acknowledge these successes. Some have lost sight of the most important factor, achieving victory. Al Qaeda spokesman Zawahiri has declared Iraq and Afghanistan the central front in the global war on terrorism. As the parent of an Iraqi service veteran, I know we must win to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

☐ 1215

BALANCING BUDGET WITHOUT RAISING TAXES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of Ohio. Madam Speaker, this is the first year that the Democrats have controlled Congress in a long time, and we are dedicated to bringing a budget to the floor next week that balances the budget within the next 5 years without any new taxes.

Earlier this year, the President made the same pledge. Unfortunately, earlier this month the nonpartisan Congressional Budget Office released its analysis of the President's budget and says that it falls short by 2012. Since taking office, this has been a difficult proposed budget.

Not only does the President's budget remain in the red for the next 5 years, but he also proposes raising taxes on some of the middle-class families. The President's health care proposal would result in a tax increase of $500 billion over 10 years by increasing taxes on middle-class families who are fortunate to have employer-provided health insurance.

Madam Speaker, Democrats propose a budget that is balanced by 2012, and a budget that is balanced without raising taxes.

AMERICANS WANT A BALANCED BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Madam Speaker, this week the Budget Committee will mark up the budget for fiscal year 2008. The American people want a balanced budget that lowers spending, reforms unsustainable entitlement programs, and encourages economic growth without raising taxes.

My constituents are tired of the out-of-control spending that they see at the Federal level. That is why I stood with my colleagues in the fiscally responsible Republican Study Committee last week and announced the Taxpayer Bill of Rights. We believe that the taxpayers have a right to a Federal Government that does not grow beyond their ability to pay for it. They have the right to receive back each dollar that they entrust to the government for their retirement; a right to a simple, fair Tax Code they can understand; and they have a right to expect that the government balance its budget without having to raise taxes.

Madam Speaker, I look forward to working in a bipartisan way with my colleagues on the Budget Committee to ensure that the rights of the taxpayer are not ignored.

SUPPLEMENTAL PROVIDES CRITICAL FUNDING

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Madam Speaker, we were all outraged by stories of how wounded soldiers are being treated at hospitals all over our Nation and how many are forced to weave through bureaucratic hurdles to receive the benefits they were promised.

We cannot continue to neglect the needs of our veterans and our soldiers wounded in combat. That is why the Democratic emergency supplemental bill provides substantial funding increases for equipment that will better protect our troops in the field and the necessary assistance to meet our obligation to help those who were wounded.

The Democratic supplemental bill provides $313 million more for new vehicles called mine resistant ambush protection vehicles, which will resist improvised explosive devices. Our bill also provides critical funding for soldiers suffering from post-traumatic stress disorder and traumatic brain injuries.

Madam Speaker, the Democratic emergency spending bill shows a real commitment to both our soldiers still in the field and our troops wounded in combat. It deserves our support.

NO TO DEMOCRAT TAX INCREASE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, soon our colleagues on the other side of the aisle will be introducing their 2008 budget. What they will really be introducing is an unprecedented tax hike on the American people.

Under the economic policies of the last 6 years, the American people have led this economy to over 40 straight months of economic growth, over 7 million new jobs and an unemployment rate at a near-40-year low. This is proof that Americans respond best to having more of their money in their pockets.

Nevertheless, the majority party, true to form, is preparing to usher in the largest tax increase in history. That's right, the largest tax increase in history that would bring back the marriage penalty and discourage further investment and growth. This would be a huge step backwards for our economy and for our government. The American people deserve leadership that respects their hard work. Washington must stop trying to find ways to afford a larger government.

As we begin the debate on the budget for the upcoming year, we shouldn't begin with a plan to grow an even more massive bureaucracy on the backs of the American taxpayer.

MORE ACCOUNTABILITY IN ADMINISTRATION

(Mr. MURPHY Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Madam Speaker, last week this House, with strong bipartisan support, passed important bills that will demand more transparency and accountability here in Washington. And in the first few months of this Congress, the Oversight and Government Reform Committee, on which I have the opportunity to serve, has held several hearings on political influence in public policy.

Sadly, instead of following our lead, the Bush administration is being anything but open about its involvement in the political purging of eight U.S. Attorneys.

For weeks now, Attorney General Gonzales has asserted that the firings were not instigated by the White House, but e-mails between the White House and Gonzales's chief of staff show heavy involvement in the purging by political advisers.

The President admits mistakes were made, but he has no plans to hold his Attorney General accountable. The implications of this scandal on our legal system are grave. This administration has created a climate in which prosecutors are looking over their shoulders trying to do right by the political bosses instead of through the system of justice.

Madam Speaker, this White House should learn something from what we did in the House last week. It is past time that the President insist on more accountability in his administration.

FUND TROOPS IN HARM'S WAY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, you know, in Texas we have a phrase for folks who talk big game and fail to deliver. We call it "all sizzle and no steak."

That's sort of how I view the Members of Congress who claim they support our men and women in uniform, but fail to back permanent legislation that says Congress will fully fund our troops serving in harm's way.

Their actions don't match their words. If Members really support the brave men and women in our armed services, Members would make sure our men and women in combat have the bullets and tanks and helmets, whatever they need.

That is why today I am launching a discharge petition on my bill to fully fund all our troops in harm's way. The Democrats can't hide behind their slow-bleed strategy forever. We need a floor vote to make the entire Congress go on record for or against our troops.

IRAQIS MUST MEET BENCHMARKS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, American involvement in Iraq should not be an open-ended proposition, and we should not be sending more troops there to serve as referees in that nation's devastating civil war.

The status quo simply cannot continue. It is time this Congress seriously level with the Iraqi Government that it must meet the benchmarks the President himself outlined earlier this year. And if they cannot meet those benchmarks, it is time to start bringing our troops home.

It is time the Iraqi Government is held accountable for its actions. The Maliki government must realize that it has to meet political, economic and diplomatic benchmarks in the region, and that if serious improvements are not seen in the coming months, then we will begin the process of redeploying our troops out of Iraq.

This week, we will have an opportunity to exert pressure on the Iraqi Government to meet the President's own benchmarks. If the Iraqi Government continues to believe that our involvement there is indefinite, what kind of pressure are they going to have to make the necessary reforms? They are not, and that's why this change in direction is much needed at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HARMAN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

HONORING HEROIC SERVICE OF GLIDER PILOTS OF UNITED STATES ARMY AIR FORCES DURING WORLD WAR II

Mrs. BOYDA of Kansas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 42) honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 42

Whereas the use of gliders during World War II provided an innovative method of transporting troops and equipment behind enemy lines;

Whereas the United States Army Air Forces began training glider pilots in 1942, eventually training thousands of men;

Whereas glider pilots exhibited exceptional valor by landing behind enemy lines in unarmed gliders;

Whereas glider pilots participated in 8 successful missions;

Whereas in Operation Husky, which took place in Sicily on July 9, 1943, glider pilots carried British airborne troops, completing their mission despite heavy casualties resulting from landings at sea;

Whereas in Operation Broadway, which took place in Burma on March 5, 1944, glider pilots took the Japanese completely by surprise; carried troops, airborne engineers, and equipment by night; seized and prepared landing strips for forthcoming transport planes; and evacuated the wounded, accomplishing in 2 hours what would have taken 2 months by ambulance;

Whereas in Operation Overlord, on June 6, 1944, glider pilots took part in the Battle of Normandy, the largest combined airborne and seaborne invasion in history, carrying troopers of the 82nd and 101st Airborne Divisions and their equipment to landing areas behind enemy lines;

Whereas in Operation Dragoon, which took place in the coastal area of southern France on August 15, 1944, glider pilots delivered troops and cargo despite wooden poles erected in open fields to impede their landing;

Whereas in Operation Market-Garden, the largest glider operation of World War II, which took place in Holland on September 17, 1944, glider pilots carried their usual cargo of troops and heavy equipment, thereby providing cover for an attempt to clear a road to Berlin;

Whereas in Operation Repulse, which took place in Bastogne on December 27, 1944, as part of the Battle of the Bulge, glider pilots, although flying directly through enemy fire, were able to land every glider, delivering the badly needed ammunition, gasoline, and medical supplies that enabled defenders against the German offensive to persevere and secure the ultimate victory;

Whereas in Operation Varsity, which took place at the Rhine crossing in Wesel, Germany, on March 24, 1945, more than 1,300 glider pilots took part in their final European mission, delivering a fatal blow to Axis forces;

Whereas in Operation Gypsy Task Force-Appari Mission, which took place in the Philippine island of Luzon on June 23, 1945, glider pilots took part in their final, and only Pacific, mission, carrying members of the 11th Airborne Division; and

Whereas many glider pilots sacrificed their lives during the course of these missions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II; and

(2) urges the people of the United States to remember and teach future generations about the contributions and sacrifices that glider pilots, and all veterans, have made to and for the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Kansas (Mrs. BOYDA) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Kansas.

GENERAL LEAVE

Mrs. BOYDA of Kansas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. BOYDA of Kansas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 42, which honors the heroic service of glider pilots of the United States Army Air Forces during World War II. I would like to commend the gentlewoman from New York (Mrs. MCCARTHY) for bringing this measure forward.

The resolution recognizes the more than 20,000 individuals who volunteered and were trained to serve as glider pilots during World War II. These brave men served alongside airborne forces and participated in many of the major invasions: Sicily, Burma, the Battle of Normandy, France, Holland, Germany, the Philippines, and the Battle of the Bulge. These unarmed gliders landed behind enemy lines transporting vital troops and equipment to support the Allied Forces.

Major General Henry "Hap" Arnold, commanding general of the Army Air Corps, directed the development of a transport glider program, and the United States military glider program officially began on February 25, 1941. These gliders provided the Army Air Corps with a unique ability to transport soldiers and equipment that could not be reached by conventional ground units.

By the end of 1942, the Army Air Force had graduated a total of 9,802 glider pilots. Within just 3 years, the United States had 21,240 military glider pilots available, according to the Army Air Forces Statistical Digest of World War II. Less than 3 years after the first graduating class of glider pilots had finished their training, these fearless pilots flew numerous combat teams into France on D-Day. Gliders transported 12 to 15 fully equipped soldiers and four portable machine guns with 500 rounds of ammunition for each gun.

Unfortunately, the American military glider pilots are a vanishing breed. The Department of Defense ended the military glider program in 1952. Today, we are here to honor these daring and fearless World War II glider pilots for their services and sacrifices and to urge all Americans to remember the significant contribution that they made on behalf of our Nation.

Madam Speaker, I urge all my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge my colleagues to support House Concurrent Resolution 42, a bill to honor a group of servicemembers who are oftentimes forgotten, the glider pilots of the United States Army Air Forces.

The United States Army Air Force began training glider pilots in 1942. These exceptional men provided an innovative and silent method of transporting troops and equipment in unarmed gliders during World War II, built of fragile balsa wood.

As the son of a member of the Fourteenth Air Force during World War II who served with the Flying Tigers in China, I especially appreciate the courageous airmen.

The glider pilots, along with airborne forces, participated in eight successful missions, landing behind enemy lines in their unarmed gliders in Sicily, Normandy, southern France, Holland, Bastogne, Rhine Crossing, Luzon in the Philippines, and Burma.

□ 1230

During Operation Husky, which took place in Sicily on July 9, 1943, glider pilots carried British airborne troops, completing their mission despite heavy casualties resulting from landings at sea.

In Operation Broadway, which took place in Burma on March 5, 1944, glider pilots took the Japanese completely by surprise; carried troops, airborne engineers and equipment by night; seized and prepared landing strips for forthcoming transport planes; and evacuated the wounded, accomplishing in 2 hours what would have taken 2 months by ambulance.

Operation Overlord, D-Day, on June 6, 1944, glider pilots took part in the Battle of Normandy, the largest combined airborne and seaborne invasion in history, carrying troops of the 82nd and 101st Airborne Divisions and their equipment to landing areas behind enemy lines during the D-Day liberation.

Tragically, many heroic glider pilots were killed as the hedgerows of Normandy of D-Day were actually rock walls that instantly destroyed the gliders. A survivor of the glider invasion was the legendary major, J. Strom Thurmond of South Carolina, who was elected to the U.S. Senate, achieving the age of 100 while still in office.

During Operation Dragoon, which took place in the coastal area of southern France on August 15, 1944, glider pilots delivered troops and cargo despite wooden poles erected in open fields to impede their landings.

Operation Market-Garden, the largest glider operation of World War II, took place in Holland on September 17, 1944. Glider pilots carried their usual cargo of troops and heavy equipment, thereby providing cover for an attempt to clear a road to Berlin.

In Operation Repulse, which took place in Bastogne on December 27, 1944, as part of the Battle of the Bulge, glider pilots, although flying directly through enemy fire, were able to land every glider, delivering badly needed ammunition, gasoline and medical supplies that enabled defenders against the German offensive to persevere and secure the ultimate victory.

America did not redeploy in the Ardennes offensive, but it stood with resolve for victory.

Operation Varsity, which took place at the Rhine crossing in Wesel, Germany, on March 24, 1945, more than 1,300 glider pilots took part in their final European mission, delivering a fatal blow to the Axis forces.

The gliders' final, and only, Pacific mission took place in the Philippine island of Luzon, Philippines, on June 23, 1945. In Operation Gypsy Task Force-Appari mission, glider pilots carried members of the 11th Airborne Division.

In the words of one pilot, "Imagine flying a motorless, fabric-covered CG-4A glider, violently bouncing and jerking on a 11/16-inch nylon rope 350 feet back of the C-47 tow plane. You see the nervous glider infantrymen behind you, some vomiting, many in prayer, as you hedge-hop along at tree-top level instinctively jumping up in your seat every time you hear bullets and flak tearing through the glider. You try not to think about the explosives aboard. It's like flying a stick of dynamite through the gates of Hell."

Madam Speaker, we must not forget the sacrifices these pilots made for the betterment of our country and the world. Let us remember and honor the heroic service and the sacrifices made by the glider pilots. I urge my colleagues to support H. Con. Res. 42 and commend Congresswoman MCCARTHY for her leadership on this issue

Madam Speaker, I reserve the balance of my time.

Mrs. BOYDA of Kansas. Madam Speaker, I yield as much time as she may consume to my friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Madam Speaker, I thank the gentlewoman for yielding.

I would like to thank some of my colleagues who have been instrumental in getting this legislation to the floor today. Chairman SKELTON of the Armed Services has done a tremendous job. We were under a lot of pressure to try and have the bill on the floor today, and I appreciate everything that he has done. Also, my good friend Congresswoman NANCY BOYDA and Congressman JOE WILSON have been great friends to the glider pilots, and I thank you both for the issues that you have been fighting for.

We are here today to honor the glider pilots of the World War II. Glider planes were lightweight aircraft without engines that were used to drop supplies and reinforcement personnel for troops and surveillance. They were effective because they made no noise, and they could fly into enemy areas undetected.

The gliders would be towed by larger planes in order to take off, but then would fly and land on their own. The glider pilots flew dangerous missions and were constantly at risk of being shot down.

We have heard in the past that some of these pilots that volunteered to be glider pilots were suicidal. They were not. They wanted to fly, and they wanted to be part of protecting this Nation. So they became glider pilots because that was the only way they were going to get into the air at that particular time.

Glider pilots were instrumental in the invasion of Normandy on D-Day, despite the fact that pilots had to improvise where to land, since no appropriate landing strips were known to be behind enemy lines. Later in the war, Germans would plant wooden poles in open fields to prevent glider pilots from landing.

The U.S. Army Air Forces began training glider pilots in 1941. The program quickly grew during the war. Eventually, thousands of men were trained to be glider pilots.

Throughout World War II, the glider pilots flew many successful missions. The glider pilots' first mission occurred on July 19, 1943. Operation Husky, which it was called, called for glider pilots to carry British airborne troops into Sicily. Despite the heavy casualties from landing at sea, the glider pilots did complete their mission.

In March of 1944, the glider pilots completed Operation Broadway in Burma. The glider pilots took the Japanese completely by surprise, carrying troops, airborne engineers and equipment by night. They seized and prepared landing strips for forthcoming transport planes to evacuate the wounded.

When you think about World War II and you think about the equipment that these glider planes were carrying and how they were able to accomplish this feat as far as making roadways for wounded, they did it in 2 hours, in 2 hours. Completing a mission like that would have taken much, much longer. Usually a trip like that to the front lines to get the wounded back would have taken so much longer by ambulance.

Perhaps the most famous mission of the glider pilots was the Battle of Normandy. On D-Day, the glider pilots participated in the largest combined airborne and seaborne invasion in history. They carried troops of the 82nd and 101st Airborne Divisions and their equipment to landing areas behind enemy lines. Their work helped to secure victory in World War II.

Madam Speaker, each year we lose more and more of these courageous veterans. We are lucky enough to have a glider pilot in the gallery with us today. His name is Michael Samek, and he is the gentleman that asked me to do whatever I could to recognize the glider pilots. I believe Congress must recognize their accomplishments for future generations.

When you think about even the war today that we have, so many of our young men and women and many people are coming home, and they are veterans. From the beginning of time, we have honored our veterans, and I am sure that we are going to find many other veterans that we have not honored, and I hope the committees will honor each and every one of them as time goes on.

But that is why I have introduced House Concurrent Resolution 42. This bill recognizes the glider pilots and the many troops who put their lives on the line to defend the ideas and the freedoms of this country.

All of the glider missions were successful. Unfortunately, casualties were still suffered.

Earlier today, "Silent Wings," a DVD on these brave men, was released. Robert Childs, who was the director who became interested in glider pilots, started working on this project almost 11 years ago. I will be sponsoring the screening of the film tonight for all Members and staff. These events help to truly honor the sacrifices and bravery of the glider pilots.

I hope you will all join me in celebrating with these veterans. We must remember and teach future generations about the sacrifices that glider pilots and all our veterans made for our country.

I urge my colleagues to support the glider pilots and to vote for H. Con. Res. 42.

Again, I will say there is not enough that we can do for the men and women certainly of past generations and for this generation that support our country, fight for our country to give us our freedom, and for that, I truly am honored to be able to sponsor this resolution.

Mr. WILSON of South Carolina. Madam Speaker, again I want to congratulate Congresswoman MCCARTHY for her obvious appreciation of the veterans of World War II, her obvious sincerity for the veterans of World War II. We are so grateful that we have present today veterans who are the greatest generation. With my six visits to Iraq and twice to Afghanistan, I have seen the new greatest generation, and again, I want to congratulate Congresswoman MCCARTHY for her leadership and urge my colleagues to vote in favor of House Concurrent Resolution 42.

Madam Speaker, I have no further speakers, and I yield back my time.

Mrs. BOYDA of Kansas. Madam Speaker, we are very, very fortunate today to have one of these courageous glider pilots with us in the gallery, and I would like to take this opportunity to ask him to stand and to have us give him our recognition, please. Michael Samek is in the gallery, and we thank you so much for your courageous contributions to our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that it is not in order under the rules to draw attention to persons in the gallery.

Mrs. BOYDA of Kansas. Madam Speaker, I yield 5 minutes to my friend and colleague, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I want to thank the gentlewoman from Kansas and, of course, my colleague, the gentlewoman from New York, for introducing this resolution.

I was here on the floor doing 1-minutes, and then I started to listen to the debate, and I think it is very important that this resolution be introduced for a number of reasons, but I also wanted to relate it, if I could, to my family.

I think that many of the exploits of veterans during World War II, including Air Force veterans, and I know the Army Air Force, that is what they were called then, are kind of unsung. People are not aware of it. People are not necessarily aware of the different units and how they served, and including the Air Force.

I notice that in the resolution she particularly mentions that not only are we honoring the service and sacrifice of the glider pilots, but we are also urging the people of the United States to remember and teach future generations about the contributions and sacrifices that glider pilots and all veterans have made to and for the United States, and I have to relate a story with my own dad.

My father was in the Army Air Force during World War II. He served in the Pacific, and he was a tail gunner with the reconnaissance forces, the planes that came in and took the pictures before I guess the other missions with bombs and other things took place. And for a long time, he is 83 now, for a long time when I was growing up, he would never talk about it, and I could never really understand why. In fact, he would never even want to take an airplane. He apparently served in the Pacific, came back, and went across the country by train instead of using an airplane to get back.

One day, we were down in Washington, and we went to the Air and Space Museum with my son, who is now 11 years old, but then maybe he was 6 or 7 years old. My father all of the sudden started to tell the story about his time during World War II because he saw some of the planes in the Air and Space Museum that were involved in some of those combat operations. It was such a tremendous experience for my son to hear my father talk about his experience during the war with reconnaissance planes and also as a tail gunner. He never told about it in a heroic way; although everyone knows that was a very difficult position. Most of the tail gunners never came back. The majority actually were killed in action, even those that were involved in reconnaissance.

It was such a valuable experience for my son to hear his grandfather talk about that experience in the Army Air Force during World War II.

□ 1245

But I think a lot of the veterans simply don't tell the story. I don't really know why. I really think that when you draw attention to this, in this case the glider pilots, but there are others, when you draw attention to it and you make it a point that we need to follow up with our veterans and have them tell the story, it really is a very important thing, a lot more than I think a lot of people realize.

Mrs. MCCARTHY of New York. Will the gentleman yield?

Mr. PALLONE. Yes, I will certainly yield to the gentlewoman.

Mrs. MCCARTHY of New York. It is so important for those that are watching this when you have veterans out there. We have the oral history of our veterans that is going to the Library of Congress. I know projects that I have been doing back home, we have been working with an awful lot of veterans who were prisoners of war, because what you said earlier is so true.

Veterans need to be remembered for everything that they have done for this Nation, but certainly there are so many veterans out there that are not honored. I just wanted to say that with your words and talking about your father, and I know that our colleague here probably wants to talk about her dad, who was also in the war.

With that, I really appreciate your words, and I really think that all of us should be encouraging our veterans to talk about their experiences so the younger generation does know about it.

Mr. PALLONE. I appreciate your comments, and, I, again, appreciate the fact that you have introduced this resolution and that we are moving it today.

Mrs. BOYDA of Kansas. Madam Speaker, my father, again, and it's so good to hear us talk about the generation that has come before us, my father was actually in a submarine in the South Pacific during World War II. Like many of our fathers, mine only recently has begun to really tell us what went on and those experiences as he was fighting for our country back during World War II.

I am so appreciative of my colleague and friend, Mrs. MCCARTHY, for bringing this to our attention. I hope that at some point we can take the same opportunity to honor those who have served in those submarines, not only during World War II, but today. It is a dangerous service and clearly these men love their country and are willing to do what it takes to defend the rights and to keep our country free.

Again, I appreciate the gentlewoman from New York in bringing this bill forward and any support that we can bring to it.

Madam Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 42, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BOYDA of Kansas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1433, THE DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. WELCH of Vermont. Madam Speaker, the Rules Committee intends to meet this week to grant a rule which may structure the amendment process for floor consideration of H.R. 1433, the District of Columbia House Voting Rights Act of 2007.

Members who wish to offer an amendment to this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H-312 in the Capitol no later than 10 a.m. on Wednesday, March 21.

Amendments should be drafted to the bill as introduced. A copy of that bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

PROVIDING FOR CONSIDERATION OF H.R. 1227, GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended; to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1227 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, House Resolution 254 provides for the consideration of H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007, under a structured rule.

The rule provides 60 minutes of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services, and the rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted.

The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order to provisions of the bill, as amended.

The rule makes in order seven amendments printed in part B of the Rules Committee report. Each amendment may be offered only in the order printed in the report and by the Member designated in the report. The amendments are considered as read, are debatable for the time specified, are not subject to amendment and are not divisible. All points of order against the amendments except, again, those in clauses 9 and 10 of rule XXI are waived.

Finally, the rule does provide one motion to recommit with or without instructions.

Madam Speaker, I rise in support of the rule which makes in order nearly all of the amendments that were brought to the Rules Committee. Even though many on our side had concerns about the intent and effect of certain provisions in the amendments, the Rules Committee, with the recommendation of the Chair of the Financial Services Committee, voted to allow the House to debate the amendments and let the votes fall as they may.

Besides the manager's amendment, the rule makes in order more Republican amendments, actually, than Democratic ones, four Republican and three Democratic amendments. The few amendments that were not made in order by the rule were either withdrawn, determined to be nongermane, or had already been voted on earlier by the House.

The rule also provides extensive time for debate on each amendment so that the House can have a very vigorous discussion on each of them. Under this rule, each of the amendments is debatable for 20 minutes. Two of the amendments are debatable for an hour each.

Chairman FRANK came before our committee and testified that we should allow considerable time to debate each of these amendments on their merits and allow the views of all Members to be heard, even if that meant that we have to work late into the evening.

The Rules Committee agreed with the chairman, and I am pleased to bring forth this very even-handed rule.

Madam Speaker, as you know, Hurricane Katrina made landfall on August 25, 2005, followed by Hurricane Rita on September 24 and Hurricane Wilma on October 24, 2005, causing extraordinarily heavy loss of life and dislocation of thousands of families. Hurricane Katrina alone devastated 90,000 square miles, made 770,000 people homeless and had a death toll of 1,464 in Louisiana alone.

Just by comparison, in 1906 the earthquake and fire in San Francisco killed an estimated 500 to 3,000 people, resulted in about 250,000 people homeless. The Galveston Island flood of 1900 killed as many as 8,000 people, in the island and the city. The Chicago fire, the famous fire of 1871, burned an area of approximately 3 square miles and made 100,000 people homeless.

In the aftermath of the storms. Congress approved $16.7 billion for Community Development Block Grants, and that's the portion of Katrina aid that we are talking about here, to aid the affected areas with rebuilding efforts. Of that, roughly $1.2 billion has been spent. There has been a lot of bureaucratic mismanagement, frankly, in FEMA, resulting in the delay of aid approved to the people who need it.

Tragically, many residents continue to be displaced, and the pace of home repair and reconstruction is much slower than had been hoped for. And tens of thousands of federally assisted evacuees from these hurricanes face impending deadlines later this year for continued eligibility for rental assistance. A great number of residents are still scattered around the country, many hundreds of thousands of miles from their homes.

Madam Speaker, we are aware that FEMA didn't get its job done in the aftermath of the hurricane. We are here, in part, to try to put this back together and make certain that the aid people need is delivered. In part, this Congress now is responding to the needs of the folks in the gulf coast again.

I am very pleased to support this rule and support the underlying bill because it does provide some overdue housing relief to displaced gulf coast residents. H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007, was passed out of the Financial Services Committee on a strong bipartisan vote of 50–16. The bill is practical in speeding up the repair and rebuilding of homes and affordable rental housing to the displaced low-income victims to Hurricanes Katrina, Rita and Wilma.

□ 1300

Very specifically, the measure frees up for use $1.175 billion in funds that was previously made available to the State of Louisiana, but which has been held up by FEMA. Louisiana has proposed combining these funds with other Community Development Block Grant funds under its Road Home program for grants to homeowners, but FEMA won't approve use of the funds, thereby slowing down the program because of concerns about specific provisions of the Road Home program that provide incentives for homeowners to commit to return to the State of Louisiana and live.

This bill would transfer such funds to CDBG grants in order to expedite the availability of those funds. The bill also has a number of provisions designed to address the shortfall in affordable housing for low-income families. And, as we all know, it was low-income families who bore the brunt of suffering as a result of these hurricanes. This measure would prevent public housing units in New Orleans from being demolished until the Federal Government has a plan to replace them and grant displaced public housing tenants an absolute right of return to either their former neighborhood or one as close as possible.

Faced with a looming September deadline for the cutoff of some 12,000 families currently receiving Disaster Voucher Program assistance, H.R. 1227 extends this deadline through at least the end of the year and authorizes replacement vouchers to affected families when the program terminates, and that would continue as long as the family is eligible for voucher assistance.

Additionally, responding to numerous accounts of government waste in the gulf coast rebuilding process, H.R. 1227 includes a number of provisions to ensure effective oversight. Federal funds must be used efficiently, effectively, and legally. The bill requires the State of Louisiana to submit monthly reports on the progress of the Road Home program in making funds available to homeowners. The bill requires the Government Accountability Office to complete quarterly reports identifying any waste, fraud, and abuse in connection with the program. We have got to stay on top of this money. And the bill requires the GAO study to examine methods of improving the distribution of Federal housing funds to assist States with hurricane recovery efforts.

Finally, the bill authorizes reimbursement of communities and landlords for monies lost through providing assistance to displaced individuals. A number of communities and private sector landlords throughout the country did play a critical role in providing housing assistance to evacuees in the aftermath of the hurricanes. This was crucial at a time when housing was in short supply and hundreds of thousands of families needed that assistance. We want to encourage such actions in future disasters to restore people's faith that the government can be a friend and an ally at a time of extraordinary need.

Much of the gulf coast remains devastated. Residents continue to suffer from inadequate housing, health care, and other basic services. And, more than 1½ years after Hurricane Katrina struck, the situation in the gulf coast remains an emergency. We must act now to right some of the wrongs that have been done and not wait on the sidelines anymore. We urge that you support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank the distinguished gentleman from Vermont, my friend Mr. WELCH, for the time, and yield myself such time as I may consume.

On August 24, 1992, I remember Hurricane Andrew, category 5 storm, devastated my community, with wind gusts of over 200 miles per hour. That storm caused over $26 billion of damage to south Florida. Entire communities were destroyed. Hurricane Andrew caused 43 deaths, destroyed over 125,000 homes, left approximately 180,000 people homeless, and wiped out approximately 80 percent of the area's farms. Until Hurricane Katrina hit the gulf coast in 2005, Hurricane Andrew was the costliest natural disaster in the United States' history.

We in south Florida were very fortunate to receive generous assistance from fellow Americans in the wake of Hurricane Andrew. I know that assistance was essential for recovery, as it is for recovery in the gulf coast.

As someone who experienced Hurricane Andrew firsthand, I have an idea of the trials that confront those who live through horrific storms. The road to recovery is long and difficult. It doesn't come easy. But communities must come together and put all of their efforts into rebuilding and meeting the needs of the residents. We cannot walk away from our obligations to our fellow Americans. And, just as we did after Andrew, together we must build, together we must recover, together we must be better and stronger than before.

Immediately after Hurricane Katrina hit the gulf coast, the Republican majority in this Congress committed over $100 billion to help the area confront the immediate aftermath of the storm and to deal with the recovery effort. Included in that were $16.7 billion, almost $17 billion for the Community Development Block Grant programs. States applied for those funds through the Department of Housing and Urban Development. So far, HUD has approved under $11 billion of those funds to affected States.

Madam Speaker, we all agree that those who wish to return to New Orleans or other devastated areas should be able to do so. This is the position of Mr. Alphonso Jackson, the Housing and Urban Development Secretary, which he reiterated in August when he said during a visit to New Orleans, "Every family who wants to come home should have the opportunity to come back." We should all do what we can to make certain that we rebuild, that we see communities rebuild and become even more robust and safer communities.

The underlying legislation seeks to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina. There is some concern, Madam Speaker, that the legislation goes beyond the scope of the bill's stated intent. For example, the legislation seeks to turn what is currently a temporary disaster voucher program into a permanent voucher, and to require HUD to provide tenant replacement vouchers for all public housing units not brought back on line, including those slated for demolition prior to the storms.

The American people have demonstrated their resiliency before and will do so again. Obviously our prayers continue to go out to the victims and their families of these horrific natural disasters. The spirit of community, generosity, and goodwill across the country continues to give me confidence that Louisiana, Mississippi, Alabama, just as Florida did before, will recover from these tragedies stronger and better than before.

I would like to thank the distinguished chairman of the Financial Services Committee. He listened to the needs of Miami-Dade County with regard to how the distribution formula for HUD section 8, when it was changed in the CR that this Congress passed some weeks back. There was damage, damage cost, and the chairman is ameliorating and alleviating that damage, and we are grateful for that.

Now, Mrs. BIGGERT, our colleague from Illinois, went before the Rules Committee with an amendment to hold harmless all of the public housing agents from the damage done by the change in the formula in the CR, to hold harmless all the agencies through this calendar year. I am sorry, I truly am, that the majority in the Rules Committee refused to make in order Mrs. BIGGERT's amendment, and that is one of the reasons why we are opposing the rule today.

I think it is appropriate to point out that the majority is failing to live up to its commitment to run the House in an open and fair manner. The majority sent a notice to Members that they had until Monday at 10 a.m. to file amendments with the Rules Committee in order to be considered; however, the official committee report accompanying this bill was not filed until Friday, giving Members less than 1 business day to review the report and file amendments for consideration, not to mention the fact that most Members were already in their districts or traveling back home on Friday.

So I think it is fair to ask the question, how can the majority expect Members to review the actions of the Committee on Financial Services in a timely manner when they barely give them a chance to review the committee report?

The majority also promised to provide more open rules. Yes, they have provided several open rules on noncontroversial bills. I think it is important to ask, what about on bills where both sides do not necessarily agree on all aspects of the legislation? Will the majority continue to block amendments from the minority? What will they do on the supplemental appropriations bill? We shall soon find out.

I believe it is fair to say, if the majority is serious about their commitment to openness, they should allow for open rules on the underlying legislation and the supplemental appropriations bill which is coming forth soon. Members of the minority are concerned that this bill, as I stated before, turns a temporary disaster voucher program into a permanent one, and the concern that of the $110 billion appropriated by the 109th Congress, only a small portion has been distributed to those in need. In response to these concerns, they offered several thoughtful and germane amendments to the Rules Committee to address their concerns; however, the majority once again closed them out. I think that is unfortunate, and, again, that is why, Madam Speaker, we oppose this rule.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, as I mentioned earlier, just in response to the comments by my friend from Florida, this pretty much is an open rule. The ones that weren't allowed were nongermane. And then there was one amendment that was not allowed because it was an amendment that was earlier offered and rejected by this House, and that was at the recommendation of the Chair of the Financial Services Committee, who had a very open process in the Financial Services Committee considering numerous amendments and then has pretty much invited any Member who wanted to submit an amendment to have an opportunity on the floor to do so or for consideration before the Rules Committee.

At this time, Madam Speaker, I would yield 6½ minutes to the gentleman from Massachusetts, the chair of the Committee on Financial Services, Mr. FRANK.

Mr. FRANK of Massachusetts. I thank the gentleman.

Madam Speaker, no, it is not a fully open rule. It is a far more open rule than any that the majority allowed in the previous Congress on major legislation from the Financial Services Committee. I tell you that as a fact.

First, the argument was made that people didn't have enough time to file amendments. This bill was voted out of committee on March 7. It is true that the actual report was delayed. It was delayed partly because staff on both sides held up the actual writing on the language, and we had a CBO scoring issue, and we were waiting for CBO. But the text of the bill was put forward publicly on March 7.

In fact, there are a number of amendments offered here; most of them are from members of the committee, some are from nonmembers of the committee.

So the notion that people didn't know until Friday what to put in the amendments on Monday is false. The fact is that this bill on March 7 was voted out of committee. In fact, the text of the bill was set on March 6. What we did on March 7 was come back and complete roll call. But as of noon on March 7, people knew what would be in this bill. It was not a secret that we were marking it up; it was not a secret that it would be coming up today.

So anybody who waited until Friday, who made the mistake, they have themselves to blame. In fact, we made a couple of accommodations. The gentleman from Georgia had an amendment which he filed which was misfiled, and his amendment as filed went to a section different than he wanted to affect.

□ 1315

Whether you realize that, we urged the Rules committee to allow him, after the deadline, to make an appropriate substitution. That was done so that his appropriate amendment is in order. To the extent that there was that technical glitch, we said, that's not right; let's allow the gentleman from Georgia's amendment to go forward, the one substantive to the bill.

The gentleman from Louisiana (Mr. BAKER) had an important amendment that was adopted in committee. CBO raised issues with it. We then asked the Rules Committee, after the deadline, to accommodate a change for Mr. BAKER's amendment because we were accommodating the CBO scoring. So we did make two agreements after the deadline to accommodate these particular changes.

But I want to stress again, Members knew on March 7 what was going to be in this bill. So I don't know why anybody would have waited until Friday to do the amendments. It was a fairly public controversial process that we had. We had a number of rollcalls in the committee.

And I will say this: my view, I would have had a rule that was even more accommodating. But what this does is allow every amendment that the Parliamentarian's Office found to be germane to the bill and the substance of this program to be in order. There is some debate over one amendment from the gentleman from Georgia involving a kind of generic language about offsets. And that was not allowed. I would have voted to allow it; but it was not allowed. We considered it in committee. It was voted on, debated, defeated.

But every amendment that was offered and, again, the deadline for amendments was Monday. The bill had been voted out of committee on Wednesday, March 7. There was plenty of time for that bill to be looked at and for people to offer amendments. When I saw the amendments on Monday, I urged the Rules Committee to put in order everything that was germane. They have put in order a number of germane amendments with a lot of debate time.

Now, I understand that there are Members who would like it to have included a few more things. But every single one of them voted for rules far more restrictive. So this bill, you know, I have always thought the question is, Is this a good rule? I have always thought the fount of all wisdom that we should be guided by was expounded by a philosopher named Henny Youngman, whom you, Madam Speaker, along with I certainly remember. And the wisdom was, asked, How is your wife, the answer was, Compared to what? And is this a good rule? Compared to what? Compared to every rule that affected the Committee on Financial Services during Republican leadership, it is a rule of great openness. Compared to an ideal of complete openness, not quite.

So it is a far better rule than any Republicans ever brought forward with regard to openness. It is not as good as I would like, but it does allow into debate every amendment germane to the substance of this bill, particularly to this bill, in terms of these programs, a number of amendments that change it one way or the other: some that would expand it, some that would retract it. And I believe the House will have a chance to work its will on this issue.

The only other thing I would say is this when we are talking about time: For people who haven't been remembering exactly, I do want to remind people, despite what you might think, it is not November of 2005. We are now here in March of 2007. I say that because people who saw the devastation of Hurricanes Katrina and Rita in Mississippi and in Louisiana, to some extent in Texas, and who expected the Federal Government to respond, and looked at the things we are doing, which are called for by that dilemma that was created by the hurricanes, they would have assumed that their Federal Government would have done that within a couple of months after the hurricanes.

Unfortunately, about an 18-month freeze elapsed because the now-minority, then-majority, did not have the energy to deal with it. So we are doing a bill today that is 18 months overdue.

Mr. PRICE of Georgia. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I appreciate the gentleman for yielding, and I thank you for allowing or supporting the inclusion of one of my amendments. But you would agree, I hope, that the reason that the section was misidentified in the initial submission to the Rules Committee is because the text of the bill that we are considering today wasn't available until Friday afternoon, and that section numbers indeed changed; is that not correct?

Mr. FRANK of Massachusetts. Yes, I do agree, but it was changed as of Friday, and so people could have looked at that on Friday and gotten it right. And I appreciate that. So, yeah, the section changed and as somebody even picked it up as of Friday, in the case of the gentleman from Louisiana, it was a different thing. We didn't get the CBO's scoring until too late, and then we had to work it out. The scoring came in. Part of the problem was CBO is very busy, and we passed the bill on March 7 and we didn't get their scoring until that Friday, and that was one of the reasons for the delay.

I thank the gentleman from the Rules Committee.

The SPEAKER pro tempore. The Chair would note that there are 12½ minutes remaining for the gentleman from Vermont and 21 minutes remaining for the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume before yielding to my good friend from Georgia.

I think a fundamental part of the role of the opposition of the minority is to hold the majority accountable, not only to history, which our friend from Massachusetts is making reference to, but accountable with regard to the promises made by the majority.

And so it was the majority that reiterated that they would bring an open process. And, for example, we are already seeing not only, we have seen in bill after bill after bill, the minority closed out. But also, for example, rules passed by the majority, for example, requiring 3 days for people to view legislation before it comes to the floor, rules like that being waived.

So let's see, for example, what is done on the supplemental appropriations bill. Are they going to waive the rule passed by the majority requiring 3 days? Are they going to waive it with regard to that legislation as well?

And my friends on the other side of the aisle point out that, I think they said this is almost an open rule. It is not an open rule.

Mrs. BIGGERT, I mentioned before, had an amendment to hold harmless the public housing agencies from the effects of the change in the formula in the middle of the fiscal year with regard to section 8. And her amendment was not made in order.

So it is important to point that out. No, this is not an open rule nor an almost open rule nor a semi- or a pseudo-open rule. It is not an open rule.

Mr. FRANK of Massachusetts. Madam Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, first, the Parliamentarian ruled that the gentlewoman from Illinois' amendment which we debated in committee was not germane because it went far beyond the hurricane. So that was the reason for that.

The second thing is I want to concede one point to the gentleman. He has chided us because we have set ourselves too low a standard. We have set ourselves the standard of simply being better than they were last year. I acknowledge that is too low a bar. I think we have met it with ease, but I am inclined to do better. So I promise him, as far as I am concerned, I will try to have a higher standard.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I don't know exactly where the standard is in height. I will say that the promise was an open process, and that process does not exist, and that promise has not been kept. And in bill after bill after bill, the minority is closed out.

Now, it is true that some open rules have been permitted on legislation that we would bring forth under suspension. Madam Speaker, when bills are noncontroversial, many times they are brought forth under a process called suspension of the rules when there is mostly unanimity or often unanimity or almost unanimity in this House. Yes. So in bills like that we have seen some open rules where the minority has been able to have the amendments that it wishes to be considered.

But I just want to remind colleagues that may be listening to this debate, Madam Speaker, that when I point to Mrs. BIGGERT, it is not a theoretical, you know, height issue, whether so much height of a promise has been met. No. No. Mrs. BIGGERT is here and Mrs. BIGGERT is a colleague, and she went before the Rules Committee with an amendment that I thought was an important amendment and that she has worked hard on, and she was closed out.

As a matter of fact, I would like to recognize, at this point, another colleague, and then I will recognize Mrs. BIGGERT. I yield 4 minutes to my good friend, Dr. PRICE, who also had an amendment, a germane amendment, that he has worked on, that he has given thought and effort to and he brought to the Rules Committee so that we here could consider it today. And he was closed out.

So, again, not theory, not height, not almost closed, almost open. The gentleman from Georgia exists.

I yield 4 minutes to Dr. PRICE.

Mr. PRICE of Georgia. Madam Speaker, I thank my good friend from Florida for his passion for openness and honesty in our process, and I thank him for yielding me some time.

I rise to oppose this rule for two specific reasons. One is because it is not an open rule. It is not an open rule. It is a violation of the assurances that we have been provided by the majority party. It is not an open rule. Having a little bit of an open rule is like being a little bit pregnant. It ain't possible. This is not an open rule. And I stand here with an amendment that was turned down by the Rules Committee. I stand here also opposing this because this rule takes fiscal sanity and it moves it into a room somewhere, a very dark room, and then locks the door and it throws away the key.

I have in my hand, Madam Speaker, the report from the Rules Committee on what we are considering today. And it has the amendment that I had offered, commonly known as PAYGO, and it has the recorded vote. This is in the Rules Committee yesterday.

And my amendment would have been very simple. It said: "Would require any new spending authorized by this legislation to have a specific offset." Simple. And what happened on the vote? Mr. MCGOVERN voted "no." Mr. HASTINGS from Florida voted "no." Mr. WELCH voted "no." Mr. ARCURI voted "no." Ms. SLAUGHTER voted "no." Ms. MATSUI voted "no." They voted against even considering, even considering financial responsibility. So I rise to oppose this rule.

This new majority has promised a fair and open process; but, Madam Speaker, I am here to tell you that what we are living in now is the land of Orwellian democracy. Because they just say something, they think it is so. Once again, this majority has blocked a vote on applying pay-as-you-go principles to new spending.

We have wonderful comments from leadership on the other side. Speaker PELOSI has said, on a previous rule, when the Republicans were in charge, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule." And I support that sentiment. "Because this is a restrictive rule, I urge my colleagues to vote 'no.'"

Majority Leader STENY HOYER said on a rule that came before the House, "Mr. Speaker, once again this House majority is resorting to heavy-handed tactics that are designed to do one thing only, to achieve a pre-ordained result by shutting down a full and fair debate in this House." And that is precisely what the majority party is doing now.

The new Chair of the Rules Committee said, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills. An open process should be the norm, not the exception."

Democrat Caucus Chair RAHM EMANUEL said, "Let us have an up or down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table. Let us have a vote."

So I ask my friends on the majority side, what are you afraid of? The amendment said: "Which would require any new spending authorized by this legislation to have a specific offset."

What are you afraid of? What are you afraid of? That is real financial responsibility.

My good friend from Massachusetts said that they were waiting on a CBO scoring. Well, then the bill does require funding. In fact, what the CBO has said, that it has a price tag of nearly $1.3 billion. Maybe money well spent, but I would suggest, Madam Speaker, that it is money that we ought to find in our current budget.

So this hypocrisy of the majority party is stifling, absolutely stifling. They are not the most open and fair Congress in history; in fact, they are a far cry from it.

I would urge my colleagues to vote "no" on the rule based on fiscal responsibility and based on the hypocrisy of the majority party claiming to provide open rules, claiming to provide real and honest debate and running away from it once again.

Mr. WELCH of Vermont. Madam Speaker, in response to my friend from Georgia, I would say two things. First, there are seven amendments that have been allowed. One of them included an amendment by the gentleman from Georgia that was not timely, but was accommodated by the Rules Committee. The amendment that was rejected is an amendment that has been rejected before.

The second point that I think it is important to make is that we have a responsibility in this House to get work done.

□ 1330

And the rules are intended to help us do the work of the American people, not be a political wedge to make bogus arguments about process. And it is a disgrace, it is a disgrace, that going on 2 years after these hurricanes, there are people who are still homeless because we had a Federal Emergency Management Administration that was incompetent and reckless. It was headed by a person whose previous experience was as a judge of an Arabian horse contest, and that happened under the administration and the Congress that was led by Republicans.

That is not acceptable. It is not acceptable to this Congress. It is not acceptable to this party. It is not acceptable to this Congressman. It is not acceptable by a bipartisan vote of 52–16 of the Financial Services Committee.

We have business to do because there are people who are still in emergency situations well over a year after devastating hurricanes. This legislation is about doing something now that should have been done 1½ years ago.

Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman Mr. WELCH for his insightful leadership on this issue, and I thank the Financial Services Committee.

And I ask the question of my colleagues, how many of them have encountered Hurricane Katrina survivors, as I have every day in my congressional district, or been back to the scene of the crime, if you will, along the Mississippi gulf or the Louisiana gulf and asked the question, how long?

This legislation, which I believe the Rules Committee has been enormously fair in allowing amendments by both Republicans and Democrats, answers the immediacy of the concerns. One, being no housing. One of the amendments Mr. GREEN will be offering is raising the question of extending the benefits so that individuals who are trying to recoup themselves to get back home will have housing. How many have walked into apartments in Houston, Texas, and talked to Katrina survivors who held in their hand an eviction notice because their FEMA benefits were being cut off, while at the same time they were trying to access the Road Home Program, and they could not access those dollars?

So this is answering real questions for real Americans, and it answers the failures of this administration, which never seemed to get it together and concern themselves enough with breaking, if you will, the entanglement of bureaucracy to ensure that these individuals will receive benefits.

So one of the issues, Madam Speaker, as we both serve on the Homeland Security Committee, is to pre-prepare so we are in front of the natural disaster or man-made disaster. I look forward to legislation that establishes post disaster housing, not trailers, so that individuals can be evacuated to real housing that is there in place to be able to be of help.

This legislation moves the ball further down the road. It is long overdue. It is a good rule. It is a rule that I have not seen in my time here in the Congress under the other majority; so I am grateful that we are moving forward as we are.

Let us vote for the rule. Let us vote for the underlying legislation. Let us help those who need our help, and let us help them now.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time I yield 4 minutes to my distinguished friend from Illinois (Mrs. BIGGERT), who also had an amendment that was closed out, closed out by the majority in the Rules Committee.

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, while I am grateful that this rule made in order one of my amendments to H.R. 1227, I rise today in opposition to this modified closed rule because my other amendment, a very important amendment, was not made in order.

My second amendment would have struck section 302 of H.R. 1227 and inserted a new section at the end of the bill resetting the section 8 funding formula to its pre-continuing resolution state. The amendment would require HUD to distribute section 8 funds to public housing authorities for the remainder of the 2007 calendar year as they were distributed before the enactment of the continuing resolution just last month.

The section 8 funding formula change that was included in the CR was not well thought out. One doesn't need to look very far for evidence of this fact. Under the funding formula change that was included in the CR, all of the gulf coast PHAs lose funding, and the budget of the New Orleans PHA alone drops from $73 million to $3 million in 2007 and then permanently from there on.

The bill before us today fixes this problem for the gulf coast and New Orleans PHAs, but not for the rest of the country. I guess they realized that they had made a mistake in that area, but let's just leave the other PHAs in trouble. Half of the PHAs in the country, then, over 1,200 public housing authorities in 29 States, remain in trouble.

Because of the section 8 funding formula change in the CR, PHAs in half of our Nation's communities will not be able to serve many of our neediest citizens. Very soon HUD will issue a notice that informs PHAs that if they haven't spent their "unspent balances" by a date certain, they lose these funds. If a person is walking the streets with a voucher and hasn't found a place to rent, he or she loses the voucher because these "unspent funds" will be recaptured by HUD. It was wrong to change the funding formula midyear when PHAs had already set their budgets for this year.

My amendment would have corrected this problem by telling HUD to distribute section 8 funds to PHAs for the remainder of 2007 calendar year as they were distributed to PHAs before the enactment of the CR.

Unfortunately, my Democrat colleagues on the Rules Committee voted against making my amendment in order and against restoring much-needed funds to many of the Nation's PHAs. And they did so with full knowledge that PHAs in their own congressional districts would benefit from my amendment.

All three counties in my district lose funding under the formula change in this CR, but at least I attempted to do something about it and didn't consciously vote against fixing the problem.

We also will continue to try to fix the problem caused by the section 8 formula included in the CR. As ranking member on the Housing Subcommittee, I will continue to work with my Housing colleague Chairwoman Maxine Waters to craft a bipartisan section 8 reform bill in the Financial Services Committee, which is the appropriate place to address any changes to the funding formula, not in an appropriation bill such as the recently enacted CR.

I recognize that the minority party may not be able to stop this rule from going forward, Madam Speaker, but I urge my colleagues on the other side of the aisle to seriously consider voting against this rule. While the bill prevents PHAs in the Gulf Stream from being harmed by the formula in the CR, this rule does nothing to help PHAs nationwide that are in the same predicament.

Again, I urge my colleagues to oppose this rule.

Mr. WELCH of Vermont. Madam Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I rise to correct myself.

The gentleman from Georgia asked me to acknowledge that his amendment was originally misfiled because of a change in the section that occurred last Friday. I acknowledged that, but incorrectly. In fact, the change happened during the markup. The section was renumbered during the markup. And the gentleman, of course, being a member of the committee, could have done that.

I want to stress again no change was made in the text of that bill from March 7 until today; so anybody who wanted to offer amendments knew that on March 7.

Secondly, as to the gentlewoman from Illinois, as I said, I guess I am coming here, Madam Speaker, confessing all day. I mean, I confess that I have not reached as high enough a standard as I should in parliamentary terms because I have taken simply being better than the Republicans as my standard, and I pledge to do better.

Similarly, I guess I should be scolded for being lax on the rules. The gentlewoman from Illinois offered her amendment in committee. We did not raise a point of order against it in committee. Now, I do want to point out the parliamentarian for our committee is the parliamentarian that was the parliamentarian under my predecessor. That is one of the first things I did after the election was to call the parliamentarian, Mr. Duncan, a former member of the Parliamentarian's Office, who had been hired by my predecessor, the gentleman from Ohio (Mr. Oxley), and asked him to stay on. I believe it should be totally nonpartisan, and I believe it has been. It was the Parliamentarian's Office that told the Rules Committee that the gentlewoman from Illinois' amendment was not germane.

Now, I acknowledge my excessive tolerance. I have learned I am more tolerant of a lot of things than a lot of people here, and I accept that. I perhaps should have been more strict with regard to the committee. We had that debated, and the rule is generally that you do not take something that is narrowly applied and make it broader. There is language in this bill that applies to how vouchers are allocated where there was a hurricane. The gentlewoman wanted to change something that had been in the CR. She said it shouldn't have been in the CR. And I will say this: We will in our committee be revisiting that. We will have a voucher bill. That will come before our committee going forward. But I do want to make it clear in defense of the Rules Committee that where I allowed the amendment without getting a ruling on it, the Rules Committee, when they restricted the gentlewoman's amendment from being offered, were following the ruling of the parliamentarian that it was not germane.

I will yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Madam Speaker, I thank the gentleman for yielding.

When it was in committee, there was no point of order. And the amendment also contained New Orleans and the gulf coast.

Mr. FRANK of Massachusetts. I understand.

Mrs. BIGGERT. That was carved out by your side of the aisle, realizing that that was very important, leaving the other PHAs.

When I went to the Rules Committee, I spent over an hour there, and the germaneness never came up.

Mr. FRANK of Massachusetts. Madam Speaker, reclaiming my time, I acknowledge that I did not raise a point of order. I acknowledge that I was very tolerant and did not make a point of order that apparently would have been sustained by the parliamentarian. But it was the parliamentarian who said that.

I am sorry the woman spent over an hour in the Rules Committee. Sometimes that is fun; sometimes it is not, but that is part of the job. But the fact is that the decision to exclude her particular amendment was made on the ruling of the parliamentarian that it was not germane.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

We are grateful for the tolerance in the gentleman's committee with regard to the amendment presented by Mrs. BIGGERT. The Rules Committee could have been equally tolerant. Let us be clear.

In other words, the Rules Committee waives points of order, Madam Speaker, with regard to the whole bill; so, obviously, they could have waived a point of order with regard to the issue of germaneness for Mrs. BIGGERT. So the Rules Committee could have been amply tolerant. And that is one of the reasons, since the Rules Committee majority was not, with regard to our colleague who has put so much work into this issue to hold harmless the public housing agencies for the remainder of this year from the mistake made by the majority in the so-called continuing resolution, that we believe that she should have been able to make her point before all of the Members.

Madam Speaker, at this point I would like to yield 3 minutes to my distinguished friend from Alabama (Mr. BACHUS).

Mr. BACHUS. Madam Speaker, I have come down here this morning not to really speak about the process. It is to discuss with all my fellow Members something that I think we need to make a commitment to going forward.

Hurricane Katrina was a terrible tragedy for the gulf coast. It was a terrible tragedy for New Orleans. In fact, it was the greatest tragedy that we have had as far as a natural disaster in the history of our country. As far as loss of property and loss of life, it is somewhere between five and six times greater than anything we had ever experienced before. When you talk property loss, uninsured property loss, because a lot of the flooding was in New Orleans where there was not flood insurance, or along the coast where they had wind insurance but not for the surge, the storm surge, the losses are even greater.

But out of a tragedy, there ought to always be opportunities. And the opportunity that we have let slip by today, and, as I said, I am more concerned about the future, and I hope that the chairman of the full committee will work with me, is for us to go back and make sure that we do right by the people of New Orleans in public housing.

☐ 1345

The New Orleans public housing was a failure. It was dysfunctional, and it had been so for 40 or 50 years.

There is a philanthropist in Atlanta who has helped build a community in Atlanta called East Lake. It was the highest crime area in the State of Georgia. Today it is one of the safest precincts in the State of Georgia. He did it not by replacing one-on-one public housing units, as we are going to do in this bill. He did it by making a mixed community of renters, subsidized renters, owners and public housing units.

In the State of New York, almost half of the prisoners in the State penitentiary in New York State come from public housing projects in seven ZIP codes in New York.

We owe it to our citizens all over the United States, not just in New Orleans, to try to make a model, a vision in New Orleans, and correct what is a community of public housing where children actually hide in bathtubs and sleep in bathtubs at night because that is the only safe place to be. That ought not to be in America.

We can change this. We know how to do it. Some of these HOPE VI projects are amazing. We didn't do this in this bill. We owe it to the American people to do it going forward.

Mr. WELCH of Vermont. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I want to thank the gentleman and all who have participated in this debate for having done so. I think it has been a good debate.

I simply want to reiterate that on such an important issue, I am sorry that we do not have a truly open rule, one that obviously would satisfy any definition of the word. Under an open rule, for example, Mrs. BIGGERT could have had her hold-harmless amendment discussed and debated by the full House, as well as Dr. PRICE and others who wanted to have their amendments debated and discussed.

I would simply urge and request of my friends on the other side of the aisle that not only on noncontroversial bills should we have the ability for the minority to be heard, not only on noncontroversial bills or bills of consensus should there be open rules, but rather there should be open rules on other legislation, legislation where there will be genuine debate and even disagreement and discussion.

Madam Speaker, having said that, having no other speakers, and reiterating our opposition to the rule, and looking forward to the debate on the underlying legislation, I yield back the balance of my time.

Mr. WELCH of Vermont. I thank my good friend from Florida.

Once again, Madam Speaker, this is, we believe, a fair and open rule that provides consideration for a much-needed, bipartisan piece of legislation. The rule makes in order nearly every amendment brought to the Rules Committee, more Republican than Democratic amendments, and with considerable time to debate the merits of each amendment that will be presented.

The underlying bill will provide increased flexibility for already allocated funds, provide new oversight for existing programs. It preserves public housing, assists evacuees with rental housing and provides support for landlords in local communities who assisted evacuees with housing.

Don't forget the displaced victims of Hurricanes Katrina, Rita and Wilma. That is really what this is all about. The Federal Government's response to the storms has been a national embarrassment, and it is just not acceptable. We have an obligation, all of us, to get our act together so that they can move on with their lives and put them back together.

I urge a "yes" vote on the rule and the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 254 will be followed by 5-minute votes on suspending the rules and agreeing to House Concurrent Resolution 42; suspending the rules and passing H.R. 759; and agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 228, nays 190, not voting 15, as follows:

[Roll No. 160]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bachus
Brady (PA)
Cannon
Castor
Davis, Jo Ann
Gilchrest
Graves
Kanjorski
Kucinich
Larsen (WA)
Meehan
Paul
Pence
Sessions
Westmoreland

☐ 1415

Messrs. TERRY, SULLIVAN, JORDAN of Ohio and TOM DAVIS of Virginia changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE JACK METCALF

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Madam Speaker, I rise to inform my colleagues that last Thursday, one of our former colleagues, Jack Metcalf, who represented the Second District in Washington State, passed away.

So, Madam Speaker, I would ask if we could have a moment of silence in his remembrance.

The SPEAKER pro tempore. Members will rise and the House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HONORING HEROIC SERVICE OF GLIDER PILOTS OF UNITED STATES ARMY AIR FORCES DURING WORLD WAR II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 42, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 42, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 161]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry

McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Brady (PA)
Cannon
Castor
Davis, Jo Ann
Gilchrest
Graves
Kanjorski
Kucinich
Meehan
Pence
Schakowsky
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1426

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II".

A motion to reconsider was laid on the table.

BOB HOPE MEMORIAL LIBRARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 759, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 759.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 12, as follows:

[Roll No. 162]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Clarke

NOT VOTING—12

Brady (PA)
Cannon
Castor
Davis, Jo Ann
Gilchrest
Graves
Kanjorski
Kucinich
Meehan
Pence
Saxton
Sessions

☐ 1436

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the

Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 149, answered "present" 2, not voting 17, as follows:

[Roll No. 163]

YEAS—265

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baca
Baker
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wynn
Yarmuth
Young (AK)

NAYS—149

Akin
Altmire
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Goode
Hastert
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shuster
Smith (NE)
Smith (TX)
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Tiahrt
Tiberi
Udall (CO)
Udall (NM)
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (FL)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—17

Baldwin
Brady (PA)
Cannon
Castor
Chandler
Davis, Jo Ann
Dicks
Feeney
Gilchrest
Graves
Kanjorski
Kucinich
Meehan
Pence
Peterson (PA)
Sessions
Woolsey

□ 1447

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 214. An act to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

PREFERENTIAL TARIFF TREATMENT REGARDING HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–20)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (Division D, Title V of Public Law 109–432), amends the Caribbean Basin Economic Recovery Act (Title II of the Trade and Development Act of 2000, Public Law 106–200) (CBERA), to make certain products from Haiti eligible for preferential tariff treatment. In accordance with section 213A of CBERA, as amended, I have determined that Haiti meets the eligibility requirements under section 213A(d)(1) of CBERA, as amended, and that Haiti is meeting the conditions regarding enforcement of circumvention under section 213A(e)(1) of CBERA, as amended.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2007.*

SUPPLEMENTARY AGREEMENT ON SOCIAL SECURITY BETWEEN UNITED STATES AND SWEDEN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (42 U.S.C. 433(d)(1)), I transmit herewith the Supplementary Agreement on Social Security between the United States of America and the Kingdom of Sweden. The Supplementary Agreement was signed in Stockholm on June 22, 2004, and is intended to modify certain provisions of the original United States-Sweden Agreement, which was signed May 27, 1985, and that entered into force January 1, 1987.

The United States-Sweden Agreement, as revised by the Supplementary Agreement, remains similar in objective to the social security agreements that are also in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefits that can occur when workers divide their careers between two countries. The United States-Sweden Agreement, as revised by the Supplementary Agreement, contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Supplementary Agreement with a paragraph-by-paragraph explanation of the provisions of the Supplementary Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the Supplementary Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Supplementary Agreement and a composite text of the United States-Sweden Agreement showing the changes that will be made as a result of the Supplementary Agreement. The Department of State and the Social Security Administration have recommended the Supplementary Agreement and related documents to me.

I commend to the Congress the Supplementary Agreement to the United States-Sweden Social Security Agreement and related documents.

GEROGE W. BUSH.

THE WHITE HOUSE, *March 20, 2007.*

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 1227 and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1227.

□ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, with Mr. BAIRD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I begin by yielding myself 1 minute, and then yield to the main author of this bill, the gentlewoman from California.

This is a bill which comes to this House about 18 months late. It is in response to the problems of the hurricane in the gulf. It is the result of very diligent work.

One week after the committee was organized, the gentlewoman from California (Ms. WATERS), who is the Chair of the Housing Subcommittee, and I began to work on this. We had a very long all-day hearing in Washington.

During the February break, the gentlewoman from California took her subcommittee to Louisiana and Mississippi and had very extensive hearings. As a result of these very extensive hearings and consultations, we have brought forward a bill of which she is the primary author, which we believe does as much as can be done to respond to the needs of the people in that area that have sadly been, in some ways, neglected since the hurricane.

I am very pleased to be able to yield to the gentlewoman from California, who is the moving spirit behind this bill, as much time as she consumes as we describe our very belated, but still very necessary efforts to respond to these human needs.

Ms. WATERS. I thank the gentleman.

Mr. Chairman, first, let me thank the Chair of the Financial Services Committee, Mr. BARNEY FRANK, for all of the time and attention he has placed on making this our number one priority, dealing with the aftermath of Katrina. He said to me and to all of the Members of my subcommittee, "Move as quickly as you possibly can. Get the hearings going. Let's get a bill to the floor." And because of his interest and because of his support, we are here today on the floor indeed addressing many of those issues that should have been addressed a long time ago, and I thank Mr. FRANK so very much for that.

It has been exactly 2 weeks since the Committee on Financial Services considered H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007. By a vote of 50–16, the committee passed the bill. I want to thank again Chairman FRANK for supporting the bill through markup. I want to thank the members of our committee from both sides of the aisle who voted for this bill.

There are also many Members of Congress who have expressed major concerns about the rebuilding process in the gulf region post-Katrina and support this bill.

This bill addresses many of the obstacles to the rebuilding process in the gulf region. Prior to consideration of this bill, the Committee on Financial Services held hearings on post-Katrina housing issues, followed by 2 days of subcommittee field hearings in New Orleans, Louisiana, and Gulfport, Mississippi.

The bill before you today represents consensus on one major issue; that is, for the rebuilding process in the gulf region to ever begin, we need to address the affordable housing crisis in the gulf region by returning people to their homes. Whether it is a home in need of major repair, a public housing unit damaged by the storm, or a home totally destroyed, every person who desires to live in the gulf region must be given an opportunity to rebuild and to return home.

We learned through hours of testimony that the reasons for failure in the gulf region related to the rebuilding process were often bureaucratic, administrative, as well as a consequence of inadequate poststorm planning by the Federal Government.

The hurricanes hit the gulf region in August of 2005, leaving behind unparalleled devastation. Many have acknowledged their frustration with the speed and pace of the recovery. Others realize that the efforts of Congress to provide $110 billion to the gulf region have not necessarily resulted in money into the right people's hands, and I could not agree more.

However, this bill does not place blame on anyone, but rather recognizes the need to bring efficiency to the process, whether through administration of the Road Home program or the Federal Public Housing program, so that persons in need are assisted with the financial resources that we approved for them months ago.

I had one goal when I introduced this bill, and that was to see the gulf region rebuilt, while addressing the affordable housing crisis in the region. The hurricanes destroyed nearly 300,000 units of housing in the gulf region, affordable rental units, homes of low- and moderate-income families, and public housing. The hurricanes did not discriminate when it came to destroying the housing stock in the gulf region. No income group was spared. Whether the family lived in public housing, high-priced homes, or affordable rental housing in the gulf region, they were all affected alike. Many of the residents of the major affected areas like

New Orleans and elsewhere have not recovered from the storms, and thousands are still displaced and living in other parts of the country months after the storms rather than their formal communities. While all of these persons may not choose to return or even wish to return, we must provide those who do with an opportunity to return.

H.R. 1227 is about rebuilding communities to allow people to return to the gulf region. We should not have to rebuild communities one at a time in the gulf, and in some cases that is what it will take. What would be worse is not rebuilding any of the communities in the gulf region, and that is the path that we are currently on. Housing is the key to everything in the gulf region. No housing means zero communities. No communities will mean that rebuilding is impossible in the gulf region.

This bill will address a number of issues. The build resolves the HUD–FEMA dispute by allowing the Hazard Mitigation Fund to be combined with the Community Development Block Grant funds. In addition, the bill requires monthly reports by the State of Louisiana on number of households assisted through the programs funded with CDBG funds for the Road Home program.

By eliminating the prohibition against the match requirement, CDBG supplemental funds can be used in conjunction with other Federal programs, including those administered by FEMA. In addition, the bill also provides for reimbursements related to an entitlement community's use of the Community Development Block Grant funds to provide rental assistance to displaced residents.

Public housing because of the hurricanes. Many public housing residents are displaced with no reasonable housing option. Living in trailers and doubling up do not qualify as reasonable housing options. This bill would provide a means to return for the greater of 3,000 or those who respond to the survey who are former New Orleans public housing residents. It also establishes the one-for-one replacement principle by requiring a plan to be approved by HUD and the residents prior to any wholesale demolition or redevelopment efforts of public housing units.

Under the bill, HUD is required to complete a survey of displaced public housing residents to determine whether they want to return to public housing in New Orleans. In addition, the bill requires HUD to report on any proposed conversion of public housing units located in areas affected by the hurricane, as well as comply with the bill's other requirements related to public housing.

The bill addresses disaster vouchers and project-based rental assistance. It extends disaster vouchers for 3 months until January 2008. Project-based vouchers would be protected where a project was destroyed or is in need of substantial rehabilitation. The bill clarifies the voucher allocation formula by requiring HUD to make appropriate adjustments consistent with the funding year 2007 continuing resolution. In addition, the bill requires a number of proactive measures related to vouchers that will ensure that no one is left without access to housing as a result of hurricanes.

□ 1500

Further, title IV of the bill would provide for the reimbursement of landlords who suffered damages related to commitments made by FEMA in conjunction with providing rental units to displaced residents. Without their commitment to house displaced families, what can best be described as a tragedy would have become a 21st-century horror story.

I am pleased that the Members of the House are in the position to speed up the recovery and rebuilding process in the gulf region by supporting this bill. This bill is a small investment to make sure that the $110 billion we have spent thus far is not squandered. Unfortunately, renters and homeowners alike have suffered in the gulf region for too many months. I believe this bill will bring much needed relief to those persons who have suffered the most.

Again, I would like to thank Barney Frank, our chairman, for the tremendous work that he has done. I would like to thank all of the members of our subcommittee and of the entire committee, and I want to thank Mrs. BIGGERT, the ranking member on the opposite side of the aisle, for the cooperation. She went to New Orleans. She sat in those hearings, and she visited those public housing projects, and she has as much knowledge about this as anyone.

So I am thankful that we are at this point today, and I would ask for an "aye" vote on this legislation.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking Chairman FRANK for bringing this bill to the House floor today and for presiding over a constructive debate when the Financial Services Committee considered the legislation earlier this month.

I also want to thank Ranking Member BACHUS for his leadership on this issue and of course Chairman WATERS for all the work that she has done in the Subcommittee on Housing on this.

Let me just kind of return to where we started with the hurricane on August 29, 2005. Hurricane Katrina hits New Orleans. September 2, 2005, President Bush signs into law a $10.5 billion supplemental appropriations measure for the affected areas. It was passed by voice vote in the House. September 9, 2005, President Bush signs into law a second installment, this time for $51.8 billion, again passed the House. March 16, 2006, the House passes the third installment for the supplemental. May 30, 2006, HUD approves Governor of Louisiana Blanco's Road Home Program, and the Governor needed congressional approval for the $4.2 billion. Fifteen days later, the House agrees to the conference report of voting approval. June 15, 2006, President Bush signs into law a third installment for the amount of $19.3 billion. June 16, 2006, the Road Home Program is operational in Louisiana. March 5, 2007, the Road Home enters its ninth month of operation. 112,672 Road Home applications. How many have closed? 2,790 grants.

So we have entered a new era where it was very important for us to go down and see what was happening and to make sure that we could effectively have something happen there.

The hurricanes that struck the gulf coast in August of 2005 affected over 1 million Americans, destroying or damaging some 265,000 homes and apartments in Louisiana and Mississippi alone. Since the disaster, the Federal Government has committed more than $110 billion to help the gulf coast, including $16.7 billion for the CDBG program, which provides flexibility for housing and economically rebuilding the programs. Unfortunately, getting the money out the door is taking more time than it should. With respect to the CDBG funding, for example, only $1.2 billion of the $16.7 billion promised has been delivered.

With respect to the affordable housing stock, Hurricanes Katrina and Rita left 112,000 fewer rental units in the five-State gulf coast region than existed before the storms. As the region recovers, and as residents seek to return, there has been a spike in demand for nondamaged rental units from construction workers, displaced lower-income renters, and higher-income homeowners who are temporarily renting units in the area while their houses are repaired.

Since the disaster first struck, the Financial Services Committee has certainly played an active role passing much needed legislation last Congress that relieved regulatory burdens and shored up the government's flood insurance program. During this Congress, the full committee and the Housing Subcommittee, on which I serve, have held multiple hearings on the reconstruction and recovery area in the gulf. Indeed, over the President's Day recess, as Chairwoman WATERS mentioned, my colleague from Texas, Mr. NEUGEBAUER, and I participated in field hearings held by Chairman WATERS in New Orleans and Mississippi. There we heard from residents trying to rebuild their lives and communities in the face of considerable obstacles and often maddening bureaucratic delays.

The magnitude of the challenge facing the gulf coast residents requires us to rise above partisanship and political finger-pointing and develop sustainable solutions to the very serious problems that persist in New Orleans and other parts of the region.

While the committee Republicans share the majority's goal of providing displaced families with stability and ensuring there is access to safe, affordable housing, a number of provisions in H.R. 1227 are troubling. Accordingly, the Republicans will offer several amendments made in order by the Rules Committee that will seek to assist those in need while, at the same time, being mindful of the need for fiscal responsibility and for prioritizing among competing demands for tax dollars.

It is important that we act in a deliberative and thoughtful manner on this important piece of legislation. Rather than seeking to simply reconstitute a public housing system that was clearly broken long before Katrina made land fall, we owe it to the residents of the gulf coast to build something better. Our focus should be on helping those families who lived in the gulf before the hurricanes and wish to return home to rebuild their lives and communities.

Hurricane Katrina not only left physical devastation in its wake; it left behind a reservoir of anger, strong emotions and painful experiences. Our challenge is to channel these experiences and emotions into an appropriate response. Thousands of affected Americans depend on us not to get angry, but to do it right. So do the families who in the future may themselves experience a Katrina-like tragedy.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first for 1 minute I would like to recognize myself to acknowledge the spirit in which this happened. I think this bill is a very good blend of partisanship and bipartisanship, and they are equally important. Partisanship, there has never been a democracy in the history of the world where you did not have political parties. People who are on trying to govern themselves cannot do that as a kind of a random mass. And there are general philosophical differences. The key is not to allow those legitimate differences of ideology and partisanship to poison the ability to work together. I think this bill shows that.

And I am very grateful to the gentlewoman from Illinois, the gentleman from Texas, the gentleman from Alabama. We worked together on this. There were some strong disagreements. We had a number of rollcall votes. Some of them were close; some of them weren't. We have managed to reproduce through the rule most of those, not all I acknowledge, but most of those substantive disagreements about this bill, they are in here in the rule to the extent that people wanted to redebate them. And that is important.

But I acknowledge the fact that while we had some differences, that did not prevent us from coming together on some commonality. There was never in this bill any effort to delay or divert. We managed to talk seriously. And, yes, there are differences between the parties. There is on our side, I believe, a greater willingness to provide some funding for some of these things. Those will be legitimately debated.

Mr. Chairman, let me now yield to the gentleman from Minnesota (Mr. OBERSTAR), who is the chairman of the Transportation and Infrastructure Committee, who has been very helpful, because the lives of FEMA and HUD are deeply intertwined, and trying to legislate here requires treading this. And the gentleman from Minnesota is an example to others not to allow turf consciousness and jurisdictional hypersensitivity to get in the way of good public policy. So I thank the gentleman. I yield him such time as he will consume.

Mr. OBERSTAR. I thank the gentleman for yielding time rather than turf. And the gentleman is quite right. I greatly appreciate the participation that we had, the partnership between our two committees. And I want to compliment the gentleman from Massachusetts and the Chair of the subcommittee, the gentlewoman from California (Ms. WATERS), and the gentlewoman from Illinois (Mrs. BIGGERT), and the Republican members on our committee who have all worked together to see to it that this critical piece of legislation dealing with addressing the housing needs still outstanding, 18 months after Katrina and Rita devastated the gulf coast, to see that they can be carried through, that we can deliver the needs of the people in the entire gulf coast area.

We have worked out some concerns that we had on our side through the jurisdiction our committee has over FEMA to address the problems of people to ensure that we provide new assistance and speed up the help from the existing programs, make sure that that money flows more vigorously to the people and readily.

I have been engaged with FEMA since the mid-1980s when the then-Reagan administration proposed to revise funding under, what we now call FEMA was then Civil Defense, as to reduce to zero the Federal support for almost every disaster except a very few, and then there would be only 25 percent Federal support.

With the help of a Member of Congress from Pennsylvania, a Republican, and the ranking Republican on my Subcommittee on Investigations and Oversight, we exposed this failing to the public. We rallied support, created the framework which is today FEMA, and that Member of Congress from Pennsylvania then introduced a bill we developed in committee. We got it enacted. And many years later, he was selected by President Bush to be the first Secretary of Homeland Security, Tom Ridge. So bipartisanship on this issue goes back very deeply to the very beginning of this issue.

And one of the things I wanted to talk about that was initiated through our committee and with the Clinton administration was the Hazard Mitigation Grant Program, critical funds that help get homes and properties out of storms' way, saving properties, saving lives. Over $7 billion has been invested under FEMA in the mitigation program to over 1,000 federally declared disasters.

An independent study of the Institute for Business and Home Safety found: "Mitigation produces significant net benefits to society as a whole, to individuals, States and communities in reduced future losses and savings to the Federal Treasury in future reduced tax revenues and hazard-related expenditures. For every dollar spent on mitigation," the study found, "the society saves an average of $7."

After the 1993 Mississippi River floods, Hazard Mitigation Grant Program funds removed homes, removed entire communities from the flood zone. After tornadoes, Hazard Mitigation Grant Program funds created tornado-safe rooms in what is known as "Tornado Alley." We have used those funds to great benefit.

Unfortunately, the Bush administration, early on, proposed to terminate hazard mitigation funds. We restore that authority in this and previous legislation and will do so in subsequent legislation. But this is not the last bill in the House to deal with the devastation caused by Katrina, and I hope by the end of next week we will bring the Water Resources Development Act to the House floor from our committee, some nearly $14 billion in flood control, navigation, environmental restoration projects. Of long standing, over 6 years we have waited in our committee to bring this bill to the floor. We passed it three times. It has never gotten through the Senate; never gotten to conference over it and, again, a bipartisan bill. But it will begin reconstruction of the coastal Louisiana flood plain and of the Mississippi area flood plain. It will authorize construction of the Morganza Flood Control Project in central Louisiana to protect people from flood damage and from future hurricanes. It will close the Mississippi River gulf outlet that the gentleman from Louisiana (Mr. JEFFERSON) well understands caused salt water intrusion and destruction of the marsh land that was the buffering and protective entity against floods that came from Lake Borne in and overtopped St. Bernard Parish, washed homes away. We will close that off and rebuild it.

So I would cite those few things. This bill is critically important. It deals with very specific aspects. All of us have to continue working together to craft the needed protection, both by restoring wetlands and putting in place the structures of flood control and wind surge damage to the gulf area and particularly to the New Orleans area. I have been there many, many times; and I can say that it is disheartening to see how slow the progress is coming along in certain areas of that city, those that desperately need it.

This bill, and I take my hat off to the chairman of the Financial Services Committee and to the gentlewoman from California for leading the charge and making a powerful statement that we are going to address these needs, this bill will effectively do that.

□ 1515

Mrs. BIGGERT. Mr. Chairman, at this time I would like to yield 8 minutes to my very distinguished and esteemed colleague, the ranking member of the Financial Services Committee, Mr. BACHUS of Alabama.

Mr. BACHUS. Mr. Chairman, I thank the gentlewoman for yielding.

Hurricane Katrina was a terrible tragedy for people all along the gulf coast, for the people of New Orleans, but it was a greater tragedy for those who already were living with a sense of hopelessness and despair in the public housing projects of New Orleans. For them the tragedy did not start with Katrina. It preexisted Katrina. In those housing projects, children actually slept in bathtubs for their own protection. Elderly citizens, 10 and 15 years ago, were hiding in closets.

But out of what was this despair in the housing projects of New Orleans, and really in many housing projects throughout the United States, we can use New Orleans and other models throughout this country to do something better than we have done. We have a moral imperative to change the standard of public housing in New Orleans, and not only in New Orleans but throughout this country. We can do better than simply warehousing families in failed large housing projects in crime-ridden communities. Our vision should be vibrant mixed-use communities with good housing, safe streets, and strong schools.

Consider these facts about what happens when you concentrate and change the face and the environment of public housing: several years ago, the New York Times reported that 70 percent of the inmates in the New York prison system came from just seven ZIP codes with large concentrations of public housing. In other words, where you are born and the environment you are born into may put you, in all likelihood, on the road to the penitentiary. When you live in a neighborhood where poverty and hopelessness prevail, it becomes a breeding ground for crime, drug use, and all that goes with it.

It was the same not only in New Orleans but it was the same sense of hopelessness, despair, and high crime in the East Lake community in downtown Atlanta. The East Lake public housing project was considered so dangerous that police refused to go on patrol there. Then a visionary named Tom Cousins, an Atlanta developer, came up with an idea: Why not replace a failed project with a 21st-century approach to housing, very similar to what we have done with HOPE VI? The answer was to create a public-private partnership emphasizing mixed use. With the help of HUD, the Atlanta housing authority and Tom Cousins and others totally transformed East Lake. They tore down the old projects. Yes, they tore down the old projects. They had to demolish some of those units.

This bill restricts our ability to tear down old units. There are 2,000 units in New Orleans that were not habitable that we have said we are going to go in and instead of replacing them with something new, something modern, something that offers hope, we are simply going to replace what existed there.

They tore down the old projects. They built new housing, and they opened a new school. Now doctors and lawyers live next door to those whose housing is subsidized. In the old projects, there was only about a two-thirds' occupancy level. The occupancy level in New Orleans is very low because of the shoddy condition of the housing. Now 100 percent of the subsidized units are occupied, and the overall occupancy rate is 93.5 percent.

But something much greater than that, occupancy levels shouldn't be our main concern. It should be the condition of the people that are living there, their standard of living. Crime in the neighborhood has gone from the worst in Atlanta, 56 out of 56, the worst of 56 precincts, down to the 11th best precinct. Now, this is an area of mixed-use public housing which is actually one of the safest areas of Atlanta. The neighborhood has literally come back from the dead. But it wouldn't have happened if we had simply gone in like we propose to do in New Orleans and put it back exactly like it existed. In the end we are serving more low-income residents than we would if we had just replaced one on one.

But it isn't just happening in East Lake. Centennial Place in Atlanta is another success story, and the same transformation took place in Birmingham, and is taking place, with the Metropolitan Gardens development, a neighborhood that is now brightened by a new school, new housing, and a new YMCA.

It can be done. The Housing Authority of New Orleans has been dysfunctional for nearly 50 years. There is understandably a lot of anger and mistrust among the residents of New Orleans public housing after so many broken promises. But the anger, their anger and ours, should be channeled into moving forward in the direction of decent houses and safe communities.

HUD has a design for mixed-use communities similar to East Lake, Centennial, and Metropolitan Gardens. But that approach was rejected by the committee majority in favor of the one-to-one replacement of the old houses, in the same place, in the same location, in the same conditions. It is time to do better and we must.

This bill does not meet our imperative to the people of New Orleans public housing. If the concern is that some residents who want to return to New Orleans may not have a home to come back to, we can make provisions for that, but not into the old communities of high crime and hopelessness and despair. One-to-one is not the only way to bring people back, nor is it the best way or the more imaginative or innovative way. What will bring people back is a good place to live where crime and fear have been replaced by hope and opportunity.

Let me close simply by saying no matter what your party is, no matter what your political philosophy is, New Orleans can serve all of us as a model for improving our inner-city areas, those areas throughout America today, high-crime areas, widespread drug use, high unemployment. But more important than all those statistics, let us improve the standard of living for those people in those communities, not only in New Orleans but throughout this country. And our obligation should not end with this bill today. It ought to continue next week. We ought to continue to look at it until we do it right.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds.

We agree on all the things the gentleman from Alabama said we should do. Nothing in this bill stops them from doing it.

All we say is this: please don't tear down the houses that people now live in before you replace them. We are not in any way opposed to that; but if you don't think the housing the people live in now is great, and neither do I, understand that they are only there because they can't get anything better, and that is the only point of difference. We are saying do not displace them before that nice, new stuff is ready.

And as for one-for-one, we aren't saying it has to be one-for-one right onsite. If you get a one-for-one replacement that is in mixed housing, that will be fine; but just don't displace people.

Mr. Chairman, I now yield 4 minutes to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding.

I rise today in strong support of H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007. This bill is just another example of the commitment of this Congress to rebuild the city of New Orleans and the towns and cities surrounding it.

I thank Chairman FRANK and subcommittee Chair WATERS for their outstanding leadership on this legislation. I also thank my Republican colleagues who came down to New Orleans with our chairlady and who did an outstanding job for our people. And I thank them all for the urgency they attached to the housing issues in our region.

The affordable housing rental units lost in Katrina represented about 30 percent of the destroyed or severely damaged rental housing in a city that had 60 percent renters before the storm. The crisis of affordable housing in the gulf coast has prevented tens of thousands of families from returning, and that is addressed by this bill substantially. Additionally, more than 4,000 families that resided in public housing have not returned because their developments remain closed despite their having valid leases with their rent paid on time. Some have made their way back to the city only to discover their units boarded up and padlocked.

Two 60-year-old identical twins, Gloria Williams and Bobbie Jennings, came to Washington to explain what happened to them after Katrina. These women lived in adjacent apartments in the C.J. Peete public housing development for 24 years. After they were forced to evacuate for Katrina, they were relocated six times. For several months they were separated. They said it was the first time in their lives that they had ever been apart.

HUD officials said the development should be torn down, but the women said they have cleaned their units of modest storm damage and believe they are habitable again.

As Mr. FRANK has pointed out, nothing in this bill prevents mixed housing or prevents reform or redevelopment. What we are most concerned about is that people right now have a chance to return home today, tomorrow, as opposed to a building that is going to be built within the next 3 to 5 years. To do as HUD has proposed across all public housing units in New Orleans is tantamount to forced homelessness.

It has been 19 months since the people of New Orleans and surrounding parishes were forced out across 48 States through no fault of their own. It is now time for everyone who wants to come home to come home. Without passage of this bill, we are giving our implied consent to the permanent exile of residents who only wish to enjoy the same rights and privileges to a home that everyone else across the country would want to enjoy. This bill makes the road home smoother for our people and helps a great deal toward getting our people back home.

I urge passage of this bill.

Mrs. BIGGERT. Mr. Chairman, at this time I would like to yield 6 minutes to the gentleman from Texas, the deputy ranking member of the Financial Services Committee and who also traveled to New Orleans and Mississippi.

Mr. NEUGEBAUER. Mr. Chairman, I thank Ranking Member BIGGERT of the subcommittee for yielding.

And I also want to rise and thank Chairwoman WATERS, the subcommittee chairman of Housing, for having the hearings down in New Orleans and over in Mississippi. I see a number of Members in the Chamber that went on that trip. That was a very positive trip. But I think what we learned while we were down there is we share some common feelings about the recovery. And I think that was the frustration that we shared while we were down there where we saw very little progress in one area and a lot of progress in the other. In fact, I have said to my colleagues back home that this is a tale of two recoveries: the recovery or lack of recovery in New Orleans in Louisiana and the recovery that is going on in Mississippi.

I want to associate myself with some of the words the ranking member just made on the floor awhile ago about the model that needs to take place in New Orleans when we are talking about going back and building new housing. Some of the proposals that some of the people put forward while we were in New Orleans would not meet criteria for a new federally subsidized housing project today. We don't do that anymore. We don't create these huge pockets where we have impoverished people where we see high crime, and we now go to mixed projects that provide communities that give diversity to those.

□ 1530

New Orleans faced a great devastation from the fact that they had a catastrophic hurricane. But now they have a great opportunity to rebuild, really starting in many places with a clean piece of paper. Can this be done without some disruption? No, it cannot, because the disruption has already taken place. And there are people who do want to return to New Orleans and to Louisiana, and there are people who may not return.

But what we do owe the American people, and I appreciate the fact that Ranking Member BIGGERT laid out a very clear outline of what this Congress has done to step up to meet the needs of the people that were affected by this hurricane, and the list is long, and the money is great, what we owe the American people is to make sure that we take that money now that we have put in place for Katrina and make sure it gets spent appropriately and that it benefits the people for which it is intended.

One of the things that concerns me about this bill is that every time we stand up and get into a discussion about Katrina, we have to authorize more money. In fact, this bill authorizes $1.3 billion in new money. But money is really not the issue in Louisiana and New Orleans.

Now, I will admit and agree with the chairman, Chairman FRANK, that there are some things in this bill that clean up some administrative issues that probably need to take place. But let me tell you, the reason there is not recovery in New Orleans today is not because the United States Congress hasn't passed this bill. What they need in New Orleans and in Louisiana is probably leadership more than they need more money. But this bill does address some of that.

There are some amendments that were offered in our committee, in our markup, and I want to say this to Chairman FRANK, that we had a very good markup. He ran that meeting well and allowed a lot of amendments, and we had good debate and conversations about that, and I appreciate that. But there are amendments that are in this bill that make it more fiscally responsible and make it less micromanaging.

One of the things I get concerned about is we have got a Congress right now that wants to run the war in Iraq, and now we have a Congress that wants to run the recovery in New Orleans. What we do know is that we have to set out some parameters for that.

What the people need in New Orleans is to get started. Hopefully they will begin to do that. We saw some signs they were moving in that direction. But what I would say to my colleagues is that what we have to do is at some point in time say, you know, this is all of the money and resources that we are going to give to this cause until we see some tangible results. Unfortunately, when you look at what is going on in Louisiana right now, there are not tangible results. It would not be something that you would want to put more money into until you see some better stewardship of the dollars that have already been authorized. In fact, many of the dollars that we have already authorized have not been spent.

So what I want our colleagues to do today as they listen to this debate is make sure that we accomplish the goal of what was the original intent of H.R. 1227, and that was to fix some slight glitches in the process, but not to become more fiscally irresponsible.

In closing, I would just say there is an opportunity in New Orleans. But I will tell you, the American people that are watching this debate today, and I hear it when I go back home, they are saying, Congressman, how much more money are we going to have to put into this process until we begin to see some results?

As I was riding in with a cabdriver going to the hearing that the chairwoman had in New Orleans, I asked the cabdriver, what is going on in New Orleans? He said, nothing. I said, what is the problem? He said, we have no plan, we have no leadership.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to say I agree with the gentleman that we should not be spending a lot more money where it has been badly spent. Also, I did not think we were going to be talking about Iraq until later in the week.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I want to thank Chairman FRANK and Chairwoman WATERS for their hard work and dedication in helping the thousands of victims that have been left homeless by the hurricane on the gulf coast. Thank you for caring and wanting to take action.

I rise in support of the Gulf Coast Hurricane Housing Recovery Act, H.R. 1227. Eighteen months have passed since Katrina hit, yet thousands are still struggling to get back on their feet. This bill is about the thousands of people struggling to get back on their feet.

Last year, the TriCaucus Chairs, GRACE NAPOLITANO, MIKE HONDA and MEL WATT, met in Houston to cohost a townhall meeting on Katrina, where they listened to Katrina victims who had been displaced to Houston. Since then, we have learned that 99,000 families are still living in trailers, including 65,000 in Louisiana, 31,000 in Mississippi, and thousands more individuals are still living with relatives in States throughout the Nation.

Families, workers and businesses can't return to the gulf area until they have homes to return to. We need to rebuild. Their lives are being impacted, and it is affecting their ability to improve their quality of life. This is their home. This is their castle. We need to rebuild.

The administration's slow response has been a major factor in the pace of recovery. The President didn't even mention Katrina in his 2007 State of the Union Address. Billions of dollars are going to rebuild Iraq, while American families are waiting for assistance right here at home in America. Shame.

Enough is enough. We can't afford to leave these families behind. I urge my colleagues to support H.R. 1227.

Mrs. BIGGERT. Mr. Chairman, I yield 5 minutes to my friend and colleague, the gentleman from Louisiana (Mr. BAKER), who has probably seen much more of the devastation than we can ever imagine.

Mr. BAKER. Mr. Chairman, I thank the gentlelady for her courtesy.

I rise today to make observation that when a hurricane makes landfall, most people do not consider it a Republican or a Democratic event; that in the aftermath, when you have been devastated from life and property and someone comes to help, you don't ask, are you from local government, State government or Federal Government, and, by the way, are you a Republican or a Democrat?

The only thing I observed that hurricanes and government have in common at this point as a Louisianian is that either one you touch, you are going to come away confused, disoriented and possibly hopeless.

We can do better. I should be quick to add, however, lest these comments be misinterpreted, that it was President Bush's administration who came to this Congress and asked for the $100 billion of taxpayer money to begin the long, slow process of recovery. I also want to quickly add that it was Chairman FRANK who discussed with me the administrative problems of the resolution and incorporated into the bill now before us important expediting processes which will make a measurable and financial difference to the people of Louisiana.

I want to express my appreciation to Chairwoman WATERS and Ranking Member BIGGERT for their continued effort to understand and respond.

Not to dismiss that there are problems. In fact, a provision I was trying to include in the bill, which was made reference to during the debate on the rule, caused the CBO to express concern that we had a scoring problem. To make sure I say this the way I intend it, I learned that the CBO scoring process is mystical, algorithmic, nonsensical, opaque process intended to obstinately delegate common sense to irrelevance.

Short-circuiting all of that, let me say I appreciate Chairman FRANK's staff working diligently and the Rules Committee allowing that provision to be made in order and to be included in this legislation.

That problem is not the only one for taxpayers. Let me explain to you that when you send us a dollar, we don't get a dollar. At best, we get 80 cents, because FEMA has been keeping at least 20 percent of all the money intended to help people recover for their operational expenses. The American public needs to know that, that we are not wasting $100 billion. Certainly we can be more efficient in rolling out a response to a devastation that we have seen never before in this country, 90,000 square miles. I would say where we are today is not a hopeless mess, but indeed it is a mess.

My hope is that the small pilot program contained in this legislation, which will enable the collection of disparate tracts of property to be cleaned off and sold back into the private market, can be a way to kick-start a free-market recovery that to date has been impossible with government interference and obstinate regulation. There is a faster, better way, a more efficient way, to combat this scale of devastation and human suffering.

Maximizing taxpayer expenditures while minimizing benefits to those in need doesn't seem possible to the extent that we have seen in the current circumstance. If there is to be any long-term benefit to the resolution of this matter for all the affected taxpayers around this country, it is to construct a response mechanism that when the next devastating event occurs, we will be able to deploy resources, get people the help they need in an efficient manner, and get government the heck out of the way and let free markets function.

The bill before us today incorporates provisions that I believe will help get us closer to that goal. Are we there yet? Of course not.

Webster charges this House of Representatives with a very clear mission: Let us develop the resources of this land, call forth her powers, build up her institutions, promote all her great interests, and see whether we also in this, our day and generation, may perform something to be worthy of remembering.

Webster got it. We need to leave this place in a better condition than when we found it. We can do better than this. And before the next disaster strikes, we must.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to thank the gentleman for his work on this and to say that one of the things the gentleman talked about last year when I worked with him and we decided whoever would be in the majority, we need to straighten out going forward the FEMA-HUD relationship with regard to housing. Part of the problem is, in fairness to FEMA, they should not still be in the housing business. That was not their expertise.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Chairman, I would just observe the gentleman is absolutely correct. There is FEMA-ese and HUD-ese and they don't apparently have a translator.

Mr. FRANK of Massachusetts. Mr. Chairman, we will work that out.

Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding and for his important leadership on this bill.

I rise in strong support of the Gulf Coast Hurricane Housing Recovery

Act. This bill was marked up earlier this month in the Financial Services Committee and was passed by a strong bipartisan vote.

I not only thank the chairman and Ranking Member BACHUS, but Chairwoman WATERS and Ranking Member BIGGERT. Chairwoman WATERS led many hearings and meetings and conferences on this, going to New Orleans and Mississippi, meeting with the families, with the authorities, and working with really great devotion and determination to move this bill to the floor to help the people in the gulf region.

This bill is a victory for those people who have suffered so greatly not only through Hurricanes Katrina and Rita, but an awe-inspiring amount of bureaucratic red tape, trying to get the help and the assistance that they need.

This bill will finally provide comprehensive housing relief for the hurricane-impacted areas of the gulf coast, and it will expedite and move forward and cut through the red tape so that the money and the services get to the people they were intended for.

It provides increased flexibility and oversight, while preserving Federal housing assistance and providing assistance to landowners and communities who helped evacuees. It provides flexibility by freeing up $1.2 billion in funds for Louisiana's Road Home program for which FEMA is currently withholding use by transferring the funds to the Community Development Block Grant account, and it eliminates an unnecessary restriction imposed by the prior Congress against CDBG funds being used to meet matching requirements under other Federal programs.

It increases oversight by requiring the Louisiana Recovery Authority, the entity that administers the Road Home program, to report on their progress every 30 days on exactly what they are doing to help the people.

□ 1545

It preserves Federal housing assistance by including a number of provisions to rebuild the stock of affordable housing and to ensure that the administration will not shrink the level of housing assistance that supports that housing stock.

It provides assistance to communities that assisted evacuees by authorizing reimbursement for communities that used their own CDBG funds to provide rental assistance to evacuees after the storms hit, and it also provides such reimbursement to landowners who assisted the people.

This is a good bill. It cuts through the red tape. It provides assistance to the people, and I congratulate all who worked on it, particularly the Chair of the subcommittee, Ms. WATERS.

Mrs. BIGGERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say that going down there was quite an experience and something I never would have dreamed had happened. To see that firsthand, to go into the public housing and to see the interiors that had been sitting there for over 18 months that had been underwater for several days, particularly in New Orleans. In Mississippi, it was just a storm surge so the wall of water went in and then it went out, taking with it the homes.

But in New Orleans where the water sat, and to see the debris that was left inside, the clothes, the furniture, the food and cupboards and the mold will take an enormous amount of fixing.

When I was talking about it to someone, they asked, Are the cars still in the trees? I said, No, the cars have been removed from the trees, but the buildings are still standing just as they were untouched. So it is a big job.

As Ranking Member BACHUS said about finding mixed-use housing, to move public housing into the 21st century I think should be all of our goals, to be able to provide a place where those who need subsidized housing can live in what would be a larger unit. The units that we saw were tiny. Water heaters were in the kitchen next to the stove with all of the wires where little kids would be playing. So to have larger units for a family, to have open spaces, and to have the services.

Right now they are in a quandary because people want to come back, but there is no housing. People want workers in their community, and there is no place for the workers to live. So until we can break this cycle, and that is what takes leadership from those that are in the community, to break that cycle so there is housing, there are workers, and there are services.

At least seven hospitals were destroyed in New Orleans. They don't have the medical services or the groceries stores. So even if someone comes back, and they have restored some of the housing and some of the units, they may remain empty because they are living in a place that is almost empty and there are no services. You can't just go to the grocery store. We have to jump-start this, and I think this bill goes well on its way to get over the bureaucracy and to have the leadership, the grass-roots leadership, begin to do that.

In Mississippi we saw a different situation where the storm came in and out. All you see are slabs and concrete stairs from those slabs going to nowhere. About the only thing remaining were oak trees, beautiful, beautiful oak trees that did survive. All of the other foliage is gone.

There they have been able to rebuild. A lot has been done. Maybe it is because houses didn't sit in the water. The water came and went, and they were able to remove the debris. But there I think we had some of the leadership that is needed on the local level.

From the hearings, it gave us hope. After 18 months, they have the money. Congress has done their job and we will be able to get them back on a track and not set precedents that will be unwieldy if there are other such disasters.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the chairman of the full committee, the Chair of the housing subcommittee, as well as the ranking members.

I used to serve on both of these committees when I was on Financial Services, and my heart longs to address many of the same issues. From the Ways and Means Committee, I hope to try to do some of that.

I have traveled to the Hurricane Katrina area on three occasions. The first time I went, I went to visit some of the folks that were put out of their homes and they were staying in arenas across Houston and across Baton Rouge and across New Orleans.

The second time I went, I went with Leader PELOSI when a group of us had an opportunity to tour the areas about 9 months later. I sat down and talked with officials.

The third time I was there when the people of New Orleans were dying to have an opportunity to vote for the mayoral candidate of their choice.

Louisiana is important to me because a lot of my father's and mother's friends lived in Louisiana when they grew up in Alabama. But the thing I think we need to remember about Louisiana, Mississippi and Alabama, that is America. That is the United States of America, and the people of those communities deserve to be treated royally. They deserve to have the services and housing that they need. I think that this piece of legislation goes towards that effort.

More importantly, I have run into people from Louisiana who say, Congresswoman TUBBS JONES, I want to help rebuild New Orleans, but somehow I have to be gone. I want to come back and live, and people are coming from all over the world working in New Orleans rebuilding my hometown. I want to be there to have the opportunity to do that.

I believe this legislation gives us an opportunity to do that as well.

I have introduced a piece of legislation, H.R. 1043, which is called the Community Restoration and Revitalization Act of 2007. What that legislation does is allows us to use the historic preservation tax credit in conjunction with low-income housing tax credit so that when we rebuild the historic areas of New Orleans, we won't just rebuild for the people who are coming in with money who want to live in those areas, the gentrified areas; but there will be dollars to provide for people who stayed in the community and want to be there for a while and need to be able to afford to live in those areas.

This is an important day for us. Just as we rebuilt New York after 9/11 and everybody bought into the process, and I don't make a comparison between 9/11 and a hurricane, but what I will say to you is that the people of this area are Americans just like the rest of us, and they need a place to live, and they need to be able to bring their children back and restore that culture that is so rich a part of the United States of America.

I stand here today encouraging, urging, pleading with my colleagues to not let this opportunity pass. Don't let it be said that on March 20, 2007, when your children and grandchildren asked where were you and what did you do for the people of New Orleans, Mississippi and Alabama, and you say, I did nothing.

I am glad to stand here in support of the legislation. I celebrate my colleagues and thank you for an opportunity to be heard.

Mrs. CHRISTENSEN. Mr. Chairman, I rise to express my support for H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act and commend my colleague Congresswoman Waters and the Financial Services Committee for bringing this very important legislation to the House floor today.

The devastation of Hurricanes Katrina, Rita, and Wilma has required an unprecedented response from the Federal, state and local governments, as well as the private sector. While, there has been progress, there is still widespread dissatisfaction in the government's response to providing emergency and long-term recovery, especially housing. There are still tens of thousands of families that cannot return to their homes or any home because there is still a major crisis in the public housing sector. As their needs were not met in the immediate wake of the storm, many of the former residents of public housing units in the Gulf Coast have continued to find their needs severely neglected over the past 19 months.

The Gulf Coast Recovery Act addresses the concerns that were expressed by disaster victims at hearings held in the affected areas. This bill includes provisions that will address the crisis of affordable housing in the Gulf Coast, including freeing up $1.175 billion appropriated for the Louisiana Road Home program. Another important provision is the extension of the September deadline that would cutoff 12,000 families currently receiving Disaster Voucher Program assistance. This also helps the thousands of citizens who generously opened their homes to those in need, when our own government did not step up to the plate to assist.

Relief, recovery and reconstruction efforts for Hurricanes Katrina, Rita and Wilma are ongoing—and will continue until the Gulf Coast is completely up and running again and all displaced victims are once again living in a permanent home. H.R. 1227 helps us to achieve this goal. I urge passage of the Gulf Coast Hurricane Housing Recovery Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007. Among other things, this legislation includes provisions designed to speed up the repair and rebuilding of homes and affordable rental housing in areas affected by Hurricanes Katrina, Rita, and Wilma; ensures continued rental assistance for both families that have moved back to their home areas and for families displaced by such hurricanes, and provides reimbursements to communities and landlords that were generous in providing assistance to hurricane evacuees in the aftermath of the storms.

Mr. Chairman, Hurricanes Katrina and Rita hit landfall in 2005. In the immediate aftermath of the storms, Congress provided substantial sums through the Federal Emergency Management Administration, FEMA, to address emergency needs arising from the devastation that the storms created, and to provide a housing safety net for families who lost their homes or were otherwise displaced. Later in 2005 and in the summer of 2006, Congress approved two emergency spending bills providing more than $16 billion in CDBG funds for affected states, to provide assistance for home repairs and reconstruction and for repair and rebuilding of a depleted stock of affordable rental housing. Congress also appropriated $390 million for the Disaster Voucher Program, which provides voucher assistance to formerly HUD-assisted families that have been displaced by these hurricanes.

However, some 18 months after these storms, the pace of recovery of housing repair and reconstruction is not as robust in many areas as many had hoped. The pace of home repair, particularly in areas within Louisiana, has been slow. The repair or rebuilding of many damaged federally subsidized public and assisted housing units, affordable to lower income families, has still not taken place. And, tens of thousands of federally assisted evacuees from these hurricanes face impending deadlines later this year for continued eligibility for rental assistance.

The Financial Services Committee has held a number of hearings over the past year and a half, including two in September 2005, two in December 2005, two in January 2006, one in February 2006, and three in February 2007 to explore the pace of the housing recovery effort in the Gulf Coast. The hearings included representatives of Federal agencies, State and local government officials, housing developers, nonprofit organizations, and representatives of low income housing. Witnesses testified as to the current state of the housing recovery in various communities in the Gulf Coast and offered legislative suggestions for addressing housing problems in those areas. The bill ultimately reported out of the Financial Services Committees relies extensively on the hearing record and these suggestions.

FLEXIBILITY

H.R. 1227 includes a number of provisions designed to improve flexibility with respect to previously appropriated funds for hurricane recovery efforts on the Gulf Coast. The bill would free up for use $1.175 billion in funds previously made available for use to the State of Louisiana under the Hazard Mitigation Grant Program, but which has been held up by FEMA. Louisiana has proposed combining these funds with CDBG funds under its Road Home program for grants to homeowners, but FEMA will not approve use of the funds because of Road Home provisions that provide incentives for homeowners to commit to returning to the state to live. Under the program, homeowners would receive a 40 percent reduction in any Road Home grant money if they leave the state. However, this provision excepts homeowners over the age of 65. The bill would transfer such funds to CDBG, to expedite the availability of such funds.

The bill eliminates an unduly restrictive "duplication of benefits" provision that has resulted in homeowners in Louisiana receiving less than the funds they need to rebuild under the Road Home Program, while instating a prohibition against any person receiving a "windfall gain" from assistance under that program.

The bill eliminates a provision from a previous CDBG appropriations bill that prohibits CDBG funds from being used as a match for other Federal programs, a change that could help cash strapped communities without a tax base that are unable to meet these other match requirements.

The bill provides that $15 million in CDBG funds made available to the State of Louisiana shall be transferred to the New Orleans Redevelopment Agency, for a pilot program to leverage private capital to assemble, redevelop and resell parcels of land in New Orleans.

Finally, the bill expedites the handling of loss claims for lenders in the case of FHA insured 1- to 4-unit properties where there are problems with the conveyance of title.

PRESERVATION OF AFFORDABLE HOUSING

H.R. 1227 includes a number of provisions designed to preserve the supply of rental housing that is affordable for low income families. The bill requires HUD to give timely approval of all feasible requests to restore project-based rental assistance or transfer such assistance to another site, in the case of damaged or destroyed federally assisted housing developments. The bill authorizes 4,500 new housing vouchers for the purpose of project based assistance for supportive housing units for seniors, disabled persons, and the homeless. The bill requires HUD to provide replacement vouchers for every public housing and assisted housing unit that is not brought back on line.

Similarly, with respect to public housing, the bill provides resident protections and preserves the availability of public housing units in hurricane affected areas by preventing the transfer of such units without preserving long term affordability requirements. It also conditions demolition of public housing units on providing alternative housing units for residents of the units being demolished and on replacing such units either with other public housing or with comparable units providing comparable affordability for low income residents.

Specifically, with respect to the Housing Authority of New Orleans, the bill also requires the Authority to survey pre-Katrina residents to identify which residents want to return and when, and to provide public housing or comparable units to those residents that want to return, but in any case no less than 3,000 units by August 1st. Funding is also authorized for repair, rehabilitation, and development of HANO public housing units.

The bill also authorizes $5 million in each of the next two years for Fair Housing activities, to ensure that housing activities in areas affected by Hurricanes Katrina and Rita are carried out in a manner that furthers fair housing.

RENTAL HOUSING ASSISTANCE

Faced with a looming September deadline for the cutoff of some 12,000 families currently receiving Disaster Voucher Program (DVP) assistance, H.R. 1227 extends this deadline through at least the end of the year, and authorizes replacement vouchers to affected families when the program terminates, which will continue as long as the family is eligible for voucher assistance.

These vouchers are attached to each individual and family and will "disappear" when the individual or family is no longer eligible for the assistance. The bill also provides a clarification that HUD should make adjustments in the voucher formula funding allocation changes made in the Continuing Resolution, so that Gulf Coast housing agencies will not be adversely impacted by the hurricanes.

The Continuing Resolution provided such authority for HUD to make such adjustments, and this bill requires the adjustments be made. Finally, the bill requires HUD to make a good faith effort to identify families that are eligible for Disaster Voucher Assistance but are not receiving such assistance, and make such assistance available.

OVERSIGHT

H.R. 1227 includes a number of provisions to ensure that Federal funds are used efficiently, effectively, and legally. The bill requires the State of Louisiana to submit monthly reports on the progress of the Road Home program in making funds available to homeowners. The bill requires the General Accountability Office (GAO) to complete quarterly reports identifying any waste, fraud, and abuse in connection with the program. And, the bill requires a GAO study to examine methods of improving the distribution of Federal housing funds to assist states with hurricane recovery efforts.

Finally, the bill requires that any funds used under Title II with respect to public housing construction or repair must have verification that all workers have an immigration status that allows them to be legally employed.

REIMBURSEMENT FOR COMMUNITIES AND LANDLORDS THAT ASSISTED EVACUEES

A number of communities and private sector landlords throughout the country played a critical role in providing housing assistance to evacuees in the aftermath of Hurricanes Katrina and Rita. This assistance was critical at a time when housing was in short supply and hundreds of thousands of families were displaced. It is important to encourage such actions in future disasters.

Therefore, H.R. 1227 authorizes funding for reimbursement of localities that used their own CDBG funds to provide rental housing assistance to such evacuees. The bill also authorizes reimbursement to landlords who participated in the FEMA Section 403 program under which local communities co-signed private lease agreements—but who suffered financial losses arising from FEMA subsequently breaking their agreement to provide reimbursements under this program.

For all these reasons, I am proud to rise in strong support of H.R. 1227 and I urge all members to vote in favor of this important and much needed legislation.

Mr. CUMMINGS. Mr. Chairman, I rise today in support of H.R. 1227, the "Gulf Coast Hurricane Housing Recovery Act of 2007." This legislation institutes long overdue reforms in our response to the devastation that hurricanes have inflicted on the Gulf Coast region.

I have been an outspoken critic of the way this Administration has mismanaged Hurricanes Katrina, Rita and Wilma, and their resulting aftermath.

Anyone who has traveled to the Ninth Ward in New Orleans, as I have, can tell you about overwhelming devastation in that community. Entire city blocks were flattened, with their rooftops smashed and scattered on the ground.

The lives of millions were similarly fractured, when governmental systems that were already weak broke down under the pressure from the storm.

The entire Nation and the world watched with dismay as news reports chronicled the gross mismanagement and abuse thrust upon the people of New Orleans in the wake of Hurricane Katrina.

I told President Bush then that I did not think God would be pleased with our response to the disaster.

Sadly, I am not convinced that He would pleased with our current response.

One and a half years after the hurricane hit, thousands of Americans remain displaced, their lives and families torn apart first by the storm, and second by the resulting bureaucratic mismanagement.

We do not know for sure how many families remain displaced, but our most conservative estimates indicate that at least 150,000 are still affected.

Make no mistake: The people of the Gulf Coast region want to return home, but many of them cannot find affordable housing to which to return.

Public housing was decimated by the storm. Approximately 70 percent of the 300,000 homes that were severely damaged or destroyed by Hurricane Katrina belonged to low-income families.

Homeowners who want to return have been asked to do the impossible. We have appropriated the necessary funds to help rebuild the region, but the money has yet to trickle down to the people.

Today, we will take an important step in rectifying this situation by considering the "Gulf Coast Hurricane Housing Recovery Act of 2007."

The bill would institute much needed reforms, including: freeing up $1.2 billion in funds for Louisiana's Road Home Program, a program that compensates eligible displaced homeowners up to $150,000 for their losses; providing a stock of affordable housing by prohibiting the demolition of public housing until there is a plan in place to replace the current units; and most importantly, extending the Disaster Voucher Program, DVP, for former public housing and Section 8 voucher holders, until January 2008.

We have a moral obligation to restore a sense of normalcy to those whose lives have been affected by storms in the Gulf Coast region. They have already suffered for far too long.

For this reason, I support and will be voting in favor of H.R. 1227, the "Gulf Coast Hurricane Housing Recovery Act of 2007."

I would like to thank Chairwoman MAXINE WATERS and Chairman BARNEY FRANK for their leadership in introducing this vitally important legislation and I urge my colleagues to vote in favor of this bill.

Mr. DREIER. Mr. Chairman, I stand today in opposition to this rule and the underlying legislation, H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007. The stated goal of H.R. 1227—to facilitate the speedy recovery of renters and homeowners who are still displaced by Hurricane Katrina—is a worthy one. However, this legislation will not achieve this goal, and will in fact make matters worse.

The Disaster Voucher Program is currently a temporary program, but H.R. 1227 would extend it into a permanent voucher. Furthermore, it would require HUD to provide tenant replacement vouchers for all public housing units not brought back on line, including those slated for demolition prior to the storms. In other words, this bill mandates the reconstruction of a previously flawed public housing system in New Orleans, rather than addressing root problems and looking for new solutions.

In addition, Mr. Chairman, H.R. 1227 not only calls for the reconstruction of a failed system, but it does so in a very costly manner. The CBO estimates that H.R. 1227 would increase direct spending by $224 million in 2007 and by $469 million between 2007 and 2012.

H.R. 1227 simply ignores "pay-as-you-go" rules and provides new funding without finding a way to pay for it. Chairman FRANK, the distinguished Chair of the Committee on Financial Services, has stated that H.R. 1227 was symbolic of a commitment to helping the poor no matter what other priorities Congress has. Rather than offering those who face hardship a symbolic and irresponsible gesture, we should be looking at ways to encourage reform of New Orleans' public housing system and ensure a workable, sustainable program that actually meets the city's needs for quality housing.

In the 109th Congress, the Republican Majority put in place a system to do exactly that. We provided more than $110 billion to hurricane-devastated Gulf Coast, including $16.7 billion for the Community Development Block Grant program. However, rather than simply attempt to re-establish a failed system, we required that states develop a comprehensive plan for addressing their housing needs. We demanded accountability, so that Katrina victims would have quality housing to return to.

As HUD Secretary Jackson said last year, everyone who wants to return home to New Orleans should be allowed to do so. The Republican Majority offered the opportunity for a better home to return to. We should be focusing on how to implement a comprehensive, long-term plan to address this range of issues that challenge the Gulf Region. We can accomplish much of this with the funds that we already made available in the previous Congress. This bill, however, simply appropriates new funds to recreate old failures. It is not a solution; it is the perpetuation of problems.

Mr. Chairman, Members were given notice late Friday that their amendments to H.R.

1227 would be due by early Monday morning. Hardly enough time for Members to formulate substantive amendments. I requested last night during the Rules Committee hearing that we grant this bill a modified open rule—one that allows any Member the opportunity to submit their amendments for consideration by preprinting them in the CONGRESSIONAL RECORD the day before. Unfortunately, we were denied, amendments were shut out yet again, and I believe this bill could suffer for it.

Mr. Chairman, again, I oppose this restrictive rule and the underlying legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–53, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Hurricane Housing Recovery Act of 2007".

SEC. 2. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this Act may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 101. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME PROGRAM.

(a) PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may not prohibit or restrict the use, by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (3) based upon the existence or extent of any requirement or condition under such program that—

(A) limits or reduces the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation or reduction referred to in subparagraph (A) for homeowners who are elderly or senior citizens.

(2) SAVINGS PROVISION.—Except as provided in paragraph (1), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(3) COVERED AMOUNTS.—The amounts specified in this paragraph are any amounts provided for Hurricanes Katrina and Rita under the Hazard Mitigation Grant program of the Federal Emergency Management Agency to the State of Louisiana.

(b) REPORTS.—

(1) LOUISIANA ROAD HOME PROGRAM.—The State of Louisiana shall submit reports under this subsection regarding the Road Home Program of such State to the Committees identified in paragraph (5). Each such report under this subsection shall describe and analyze the implementation, status, and effectiveness of the Road Home Program and shall include the information described in paragraph (3) regarding such program, for the applicable reporting period and for the entire period of the program.

(2) OTHER STATES' HOUSEHOLD ASSISTANCE PROGRAMS FUNDED WITH CDBG DISASTER ASSISTANCE.—Each State that received amounts made available under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) shall submit reports under this subsection regarding each grant program of the State for assistance for individual households funded in whole or in part with such amounts to the Committees identified in paragraph (5). Each such report under this subsection shall describe and analyze the implementation, status, and effectiveness of each such grant program and shall include the information described in paragraph (3) regarding each such program, for the applicable reporting period and for the entire period of such program.

(3) CONTENTS.—The information described in this paragraph with respect to a program is the following information:

(A) The number of applications submitted for assistance under the program.

(B) The number of households for which assistance has been provided under the program.

(C) The average amount of assistance provided for each household under the program and the total amount of assistance provided under the program.

(D) The number of personnel involved in executing all aspects of the program.

(E) Actions taken to improve the program and recommendations for further such improvements.

(4) REPORTING PERIODS.—With respect to any program described in paragraph (1) or (2), the first report under this subsection shall be submitted not later than the expiration of the 30-day period that begins upon the date of the enactment of this Act. Reports shall be submitted, during the term of each such program, not later than the expiration of each successive (A) 30-day period thereafter, in the case of the program described in paragraph (1), and (B) calendar quarter thereafter, in the case of the programs described in paragraph (2).

(5) RECEIVING COMMITTEES.—The Committees specified in this paragraph are—

(A) the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives; and

(B) the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate.

(c) NEW ORLEANS REDEVELOPMENT AUTHORITY PILOT PROGRAM.—

(1) AVAILABILITY OF AMOUNTS.—The Secretary of Housing and Urban Development shall require the State of Louisiana to make available, from any amounts made available for such State under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109-234 (120 Stat. 472) and that remain unexpended, $15,000,000 to the New Orleans Redevelopment Authority (in this subsection referred to as the "Redevelopment Authority"), subject to paragraph (3), only for use to carry out the pilot program under this subsection.

(2) PURPOSE.—The pilot program under this subsection shall fund, through the combination of amounts provided under this subsection with public and private capital from other sources, the purchase or costs associated with the acquisition or disposition of individual parcels of land in New Orleans, Louisiana, by the Redevelopment Authority to be aggregated, assembled, and sold for the purpose of development by private entities only in accordance with, and subject to, the Orleans Parish Recovery Plan, developed and adopted by the City of New Orleans. The costs associated with acquisition or disposition of a parcel of land may include costs for activities described in paragraph (3)(C) with respect to such parcel and costs described in paragraph (3)(F).

(3) CERTIFICATIONS.—The Secretary of Housing and Urban Development may make amounts available pursuant to paragraph (1) to the Redevelopment Authority only upon the submission to the Secretary of certifications, sufficient in the determination of the Secretary to ensure that the Redevelopment Authority—

(A) has the authority to purchase land for resale for the purpose of development in accordance with the pilot program under this subsection;

(B) has bonding authority (either on its own or through a State bonding agency) or has credit enhancements sufficient to support public/private financing to acquire land for the purposes of the pilot program under this subsection;

(C) has the authority and capacity to ensure clean title to land sold under the pilot program and to reduce the risk attributable to and indemnify against environmental, flood, and other liabilities.

(D) will provide a first right to purchase any land acquired by the Redevelopment Authority to the seller who sold the land to the Redevelopment Authority;

(E) has in place sufficient internal controls to ensure that funds made available under this subsection may not be used to fund salaries or other administrative costs of the employees of the Redevelopment Authority; and

(F) will, in carrying out the pilot program under this subsection, consult with the Office of Recovery Management of the City of New Orleans regarding coordination of activities under the program with the Recovery Plan referred to in paragraph (2), reimbursement of such City for costs incurred in support of the program, and use of program income and other amounts generated through the program.

(4) DEVELOPMENT REQUIREMENTS.—In carrying out the pilot program under this subsection, the Redevelopment Authority shall—

(A) sell land acquired under the pilot program only as provided in paragraph (2);

(B) use any proceeds from the sale of such land to replenish funds available for use under the pilot program for the purpose of acquiring new parcels of land or to repay any private financing for such purchases;

(C) sell land only—

(i) to purchasers who agree to develop such sites for sale to the public; or

(ii) to purchasers pursuant to paragraph (3)(D); and

(D) in the case of a purchaser of land pursuant to paragraph (3)(D), ensure that the developer of any adjacent parcels sold by the Redevelopment Authority makes an offer to the purchaser to develop such land for a fee.

(5) INAPPLICABILITY OF STAFFORD ACT LIMITATIONS.—Any requirements or limitations under or pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to use of properties acquired with amounts made available under such Act for certain purposes, restricting development of such properties, or limiting subsequent alienation of such properties

shall not apply to amounts provided under this subsection or properties acquired under the pilot program with such amounts.

(6) GAO STUDY AND REPORT.—Upon the expiration of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the pilot program carried out under this subsection to determine the effectiveness and limitations of, and potential improvements for, such program. Not later than 90 days after the expiration of such period, the Comptroller General shall submit a report to the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate regarding the results of the study.

(d) ONGOING GAO REPORTS ON USE OF AMOUNTS.—

(1) QUARTERLY REPORTS.—During the period that amounts referred to in subsection (a)(3) are being expended under the Road Home Program of the Louisiana Recovery Authority, the Comptroller General of the United States shall submit reports on a quarterly basis to the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate. Such reports shall describe and account for the use of all such amounts expended during the applicable quarterly period and identify any waste, fraud, or abuse involved in the use of such amounts.

(2) MONITORING.—The Comptroller General shall monitor the total amount referred to in subsection (a)(3) that has been expended by such Authority and, pursuant to such monitoring—

(A) upon determining that at least two percent of such amount has been expended, shall include in the first quarterly report thereafter a written determination of such expenditure; and

(B) upon determining, at any time after the determination under subparagraph (A), that the portion of such total amount expended at such time that was subject to waste, fraud, or abuse exceeds 10 percent, shall include in the first quarterly report thereafter a certification to that effect.

(3) ACTIONS IN RESPONSE TO WASTE, FRAUD, AND ABUSE.—If at any time the Comptroller General submits a report under paragraph (1) that includes a certification under paragraph (2)(B)—

(A) the Committee on Financial Services of the House of Representatives and the Committee on Banking, Finance, and Urban Affairs of the Senate shall each hold hearings within 60 days to identify the reasons for such waste, fraud, and abuse; and

(B) the Comptroller General shall submit a report to the Committees referred to in paragraph (1) within 90 days recommending actions to be taken to prevent further waste fraud and abuse in expenditure of such amounts.

SEC. 102. TREATMENT OF BENEFITS FROM OTHER PROGRAMS UNDER ROAD HOME PROGRAM.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, to the extent that amounts made available under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779), under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472), and under section 101 of this title, are used by the State of Louisiana under the Road Home program, the procedures preventing duplication of benefits established pursuant to the penultimate proviso under such heading in Public Law 109–148 (119 Stat. 2781) and the 15th proviso under such heading in Public Law 109–234 (120 Stat. 473) shall not apply with respect to any benefits received from hazard insurance, flood insurance, or disaster payments from the Federal Emergency Management Agency, except to the extent that the inapplicability of such procedures would result in a windfall gain under the Road Home Program to any person.

(b) APPLICABILITY.—During the period consisting of fiscal years 2008 through 2012, the Secretary of Housing and Urban Development shall monitor the expenditure, under the Road Home Program, of amounts referred to in subsection (a) that were made available from Public Laws 109–148 and 109–234. If at any time during such period the cumulative outlays resulting from the inapplicability, pursuant to subsection (a), of the procedures referred to in such subsection preventing duplication of benefits exceed $1,250,000,000, the Secretary shall suspend the applicability of subsection (a) for the remainder of such period.

SEC. 103. ELIMINATION OF PROHIBITION OF USE FOR MATCH REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any amounts made available before the date of the enactment of this Act for activities under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the areas impacted or distressed by the consequences of Hurricane Katrina, Rita, or Wilma in States for which the President declared a major disaster, or made available before such date of enactment for such activities for such expenses in the areas impacted or distressed by the consequences of Hurricane Dennis, may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

(b) EFFICIENT ENVIRONMENTAL REVIEW.—Notwithstanding any other provision of law, when a State, unit of general local government, or Indian tribe, or Department of Hawaiian Home Lands uses amounts referred to in subsection (a), the release of which would otherwise be subject to environmental reviews under the procedures authorized under section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)), to match or supplement the federal assistance provided under sections 402, 403, 406, 407, or 502 of Robert T. Stafford Disaster Relief and Emergency Assistance Act, and the Director of the Federal Emergency Management Agency conducts an environmental review that encompasses all activities assisted by such matching funds, the Director's environmental review shall satisfy all of the environmental responsibilities that would otherwise be assumed by the State, unit of general local government, Indian tribe, or Department of Hawaiian Home Lands under such section 104(g), and the requirements and procedures of such provision, including assumption of environmental review responsibilities and submission and approval of a request for release of funds and certification, shall be inapplicable, if, prior to its commitment of any matching funds for such activities, the State, unit of general local government, Indian tribe, or Department of Hawaiian Home Lands notifies the Director and the Secretary of Housing and Urban Development that it elects to defer to the Director's environmental review responsibilities. If a deferral is elected under this subsection, the Director shall be the responsible party for any liability under the applicable law if the environmental review as described in the preceding sentence is deficient in any manner.

SEC. 104. REIMBURSEMENT OF CDBG AMOUNTS USED FOR RENTAL HOUSING ASSISTANCE.

There are authorized to be appropriated, from any amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to the consequences of Hurricane Katrina, Rita, or Wilma that remain unobligated, and from any amounts made available before such date of enactment under any provision of law to such Agency for such disaster relief relating to the consequences of Hurricane Dennis that remain unobligated, such sums as may be necessary, to be made available to the Director of the Federal Emergency Management Agency for transfer to the Secretary of Housing and Urban Development, for such Secretary to provide assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to metropolitan cities and urban counties that used amounts previously made available under such title to provide rental housing assistance for families residing in such city or county pursuant to evacuation from their previous residences because of such hurricanes in the amount necessary to provide each such city and county with an amount equal to the aggregate amount of previous assistance under such title so used.

TITLE II—PUBLIC HOUSING

SEC. 201. SURVEY OF PUBLIC HOUSING RESIDENTS.

(a) SURVEY.—The Secretary of Housing and Urban Development shall provide for the conducting of a survey, using appropriate scientific research methods, by an independent entity or organization, to determine, of the households who as of August 28, 2005, resided in public housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) operated or administered by the Housing Authority of New Orleans, in Louisiana—

(1) which and how many such households intend to return to residences in dwelling units described in section 202(d) of this Act, when presented with the options of—

(A) returning to residence in a repaired public housing or comparable dwelling unit in New Orleans; or

(B) continuing to receive rental housing assistance from the Federal Government; and

(2) when such households intend to return.

(b) PARTICIPATION OF RESIDENTS.—The Secretary shall solicit recommendations from resident councils and residents of public housing operated or administered by such Housing Authority in designing and conducting the survey under subsection (a).

(c) PROPOSED SURVEY DOCUMENT.—The Secretary shall submit the full research design of the proposed document to be used in conducting the survey to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 10 business days before the commencement of such survey.

(d) REPORT.—The Secretary shall submit a report the Committees referred to in subsection (c) detailing the results of the survey conducted under subsection (a) not later than 60 days after the date of the enactment of this Act.

SEC. 202. RIGHT OF RETURN FOR PREVIOUS RESIDENTS OF PUBLIC HOUSING.

(a) REQUIREMENT TO PROVIDE DWELLING UNITS.—Not later than August 1, 2007, the Housing Authority of New Orleans shall make available for occupancy, subject to subsection (b), a number of dwelling units (including those currently occupied) described in subsection (d) that is not less than the greater of—

(1) 3,000; or

(2) the number of households who have indicated, in the survey conducted pursuant to section 201, that they intend to return to residence in public housing operated or administered by such public housing agency.

(b) Right of Return.—

(1) In general.—Subject only to subsection (c), the Housing Authority of New Orleans shall make available, upon the request of any household who, as of August 28, 2005, was a tenant of public housing operated or administered by such public housing agency, occupancy for such household in a dwelling unit provided pursuant to subsection (a). As a condition of exercising a right under this paragraph to occupancy in such a dwelling unit, not later than August 1, 2007, a tenant shall provide notice to such Housing Authority of intent to exercise such right and shall identify a date that the tenant intends to occupy such a dwelling unit, which shall not be later than October 1, 2007.

(2) Preferences.—In making dwelling units available to households pursuant to paragraph (1), such Housing Authority shall provide preference to each such household for occupancy in a dwelling unit in the following locations, in the following order:

(A) A dwelling unit in the same public housing project occupied by the household as of August 28, 2005, if available.

(B) A dwelling unit in the same census tract in which was located the public housing dwelling unit occupied by the household as of August 28, 2005, if available.

(C) A dwelling unit in a census tract adjacent to the census tract in which was located the public housing dwelling unit occupied by the household as of August 28, 2005, if available.

(D) A dwelling unit in the neighborhood in which was located the public housing dwelling unit occupied by the household as of August 28, 2005, if available.

(c) Prohibition of Exclusion.—The Housing Authority of New Orleans, and any other manager of replacement dwelling units set forth in this section shall not, including through the application of any waiting list or eligibility, screening, occupancy, or other policy or practice, prevent any household referred to in subsection (b)(1) from occupying a replacement dwelling unit provided pursuant to subsection (a), except to the extent that any other provision of Federal law prohibits occupancy or tenancy of such household in the type of housing of the replacement dwelling unit provided for such household.

(d) Replacement Dwelling Units.—A dwelling unit described in this subsection is—

(1) a dwelling unit in public housing operated or administered by the Housing Authority of New Orleans; or

(2) a dwelling unit in other comparable housing for which the amount required to be contributed by the tenant for rent is comparable to the amount required to be contributed by the tenant for rental of a comparable public housing dwelling unit.

(e) Relocation Assistance.—The Housing Authority of New Orleans shall provide, to each household provided occupancy in a dwelling unit pursuant to subsection (b), assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (42 U.S.C. 4601 et seq.) for relocation to such dwelling unit.

SEC. 203. ONE-FOR-ONE REPLACEMENT OF ALL PUBLIC HOUSING DWELLING UNITS.

(a) Conditions on Demolition.—After the date of the enactment of this Act, the Housing Authority of New Orleans may not demolish or dispose of any dwelling unit of public housing operated or administered by such agency (including any uninhabitable unit and any unit previously approved for demolition) except pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to, subsection (b).

(b) Plan Requirements.—The Secretary may not approve a plan that provides for demolition or disposition of any dwelling unit of public housing referred to in subsection (a) unless—

(1) such plan is developed with the active participation of the resident councils of, and residents of public housing operated or administered by, such Housing Authority and with the City of New Orleans, at every phase of the planning and approval process, through a process that provides opportunity for comment on specific proposals for redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted a public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide an additional dwelling unit through—

(A) the acquisition or development of additional public housing dwelling units; or

(B) the acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units;

(4) such plan provides for the implementation of a right for households to occupancy housing in accordance with section 202;

(5) such plan provides priority in making units available under paragraph (3) to residents identified in section 201;

(6) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968; and

(7) to the extent that such plan provides for the provision of replacement or additional dwelling units, or redevelopment, in phases over time, such plan provides that the ratio of dwelling units described in subparagraphs (A) and (B) of paragraph (3) that are provided in any such single phase to the total number of dwelling units provided in such phase is not less than the ratio of the aggregate number of such dwelling units provided under the plan to the total number of dwelling units provided under the plan.

(c) Inapplicable Provisions.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers used to comply with the requirements of subsection (b)(3) of this section.

(d) Monitoring.—The Secretary of Housing and Urban Development shall provide for the appropriate field offices of the Department to monitor and supervise enforcement of this section and plans approved under this section and to consult, regarding such monitoring and enforcement, with resident councils of, and residents of public housing operated or administered by, the Housing Authority of New Orleans and with the City of New Orleans.

SEC. 204. PROTECTION FOR PUBLIC HOUSING RESIDENTS IN HURRICANE AREAS.

(a) Conditions on Transfer.—During the two year period beginning on the date of the enactment of this Act, a public housing agency may not transfer ownership of any public housing dwelling units described in subsection (h) unless the transferee enters into such binding commitments as the Secretary of Housing and Urban Development considers necessary to maintain, for the longest feasible period, the requirements regarding eligibility for occupancy in such dwelling units and tenant contribution toward rent for such dwelling units that are applicable to such units as public housing dwelling units.

(b) Conditions on Demolition.—After the date of the enactment of this Act, a public housing agency may not dispose or demolish any dwelling units described in subsection (h), except pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to, subsection (c).

(c) Plan Requirement.—The Secretary of Housing and Urban Development may not approve a plan that provides for demolition or disposition of any dwelling unit of public housing described in subsection (h) unless such plan complies with the requirements under paragraphs (1), (2), (3), (6), and (7) of section 203(b), except that such paragraphs shall be applied for purposes this subsection by substituting "the public housing agency" and "applicable unit of general local government" for "such Housing Authority" and "City of New Orleans", respectively.

(d) Relocation Assistance.—A public housing agency shall provide, to each household relocated pursuant to a plan under this section for demolition or disposition, assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 for relocation to their new residence.

(e) Right of Return.—A public housing agency administering or operating public housing dwelling units described in subsection (h) has the obligation—

(1) to use its best efforts to locate tenants displaced from such public housing as a result of Hurricane Katrina or Rita; and

(2) to provide such residents occupancy in public housing dwelling units of such agency that become available for occupancy, and to ensure such residents a means to exercise such right of return.

(f) Inapplicability of Certain Project-Based Voucher Limitations.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to any project-based vouchers used to comply with the requirements of a plan under subsection (c).

(g) Prohibition on Displacement From Habitable Units.—A public housing agency may not displace a tenant from any public housing dwelling unit described in subsection (h) that is administered or operated by such agency and is habitable (including during any period of rehabilitation), unless the agency provides a suitable and comparable dwelling unit for such tenant in the same local community as such public housing dwelling unit.

(h) Covered Public Housing Dwelling Units.—The public housing dwelling units described in this subsection are any such dwelling units located in any area for which major disaster or emergency was declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Katrina or Rita of 2005, except that such dwelling units shall not include any public housing dwelling units operated or administered by the Housing Authority of New Orleans.

SEC. 205. REPORTS ON PROPOSED CONVERSIONS OF PUBLIC HOUSING UNITS.

Not later than the expiration of the 15-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, *and Urban Affairs of the Senate a detailed report identifying all public housing projects located in areas impacted by Hurricane Katrina or Rita of 2005, for which plans exist to transfer ownership to other entities or agencies. Such report shall include the following information for each such project:*

(1) The name and location.

(2) The number of dwelling units.

(3) The proposed new owner.

(4) The existing income eligibility and rent provisions.

(5) Duration of existing affordability restrictions.

(6) The proposed date of transfer.

(7) Any other relevant information regarding the project.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS FOR REPAIR AND REHABILITATION.

There are authorized to be appropriated such sums as may be necessary to carry out activities eligible for funding under the Capital Fund under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) for the repair, rehabilitation, and development of public housing of the Housing Authority of New Orleans, and for community and supportive services for the residents of public housing operated or administered by the Housing Authority of New Orleans.

SEC. 207. COMPLIANCE OF EXISTING REQUESTS FOR PROPOSALS.

Each request for qualification or proposal issued before the date of the enactment of this Act with respect to any public housing operated or administered by the Housing Authority of New Orleans shall, notwithstanding any existing terms of such requests, be subject to and comply with all provisions of this title and, to the extent necessary to so comply, such Housing Authority shall reissue such requests.

SEC. 208. REPORTS ON COMPLIANCE.

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act and not later than the expiration of each calendar quarter thereafter, the Secretary of Housing and Urban Development shall submit a detailed report regarding compliance with the requirements of this title, including the resident participation requirement under section 203(b)(1), to the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the resident councils of, and residents of public housing operated or administered by, the Housing Authority of New Orleans, and the City of New Orleans.

SEC. 209. REQUIREMENTS REGARDING PUBLIC HOUSING CONSTRUCTION WORKERS.

Any entity that receives any Federal funds made available pursuant to this title for construction, development, rehabilitation, or repair of public housing shall verify that all workers employed by such entity and engaged in such activities—

(1) have an immigration status that allows them to legally be so employed; and

(2) have a valid form of identification or documentation indicating such immigration status.

TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

SEC. 301. EXTENSION OF DVP PROGRAM.

There are authorized to be appropriated such sums as may be necessary to provide assistance under the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109–148 (119 Stat. 2779) through January 1, 2008, and, to the extent that amounts for such purpose are made available, such program, and the authority of the Secretary of Housing and Urban Development to waive requirements under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in administering assistance under such program, shall be so extended.

SEC. 302. CLARIFICATION OF VOUCHER ALLOCATION FORMULA FOR FISCAL YEAR 2007.

In carrying out section 21033 of the Continuing Appropriations Resolution, 2007, to provide renewal funding for tenant-based rental housing assistance under section 8 of the United States Housing Act of 1937 for each public housing agency, the Secretary of Housing and Urban Development shall make, for any public housing agency impacted by Hurricane Katrina, Rita, or Wilma, such adjustments as are appropriate to provide adequate funding to adjust for reduced voucher leasing rates and increased housing costs arising from such hurricanes.

SEC. 303. PRESERVATION OF PROJECT-BASED HOUSING ASSISTANCE PAYMENTS CONTRACTS FOR DWELLING UNITS DAMAGED OR DESTROYED.

(a) TOLLING OF CONTRACT TERM.—Notwithstanding any other provision of law, a project-based housing assistance payments contract for a covered assisted multifamily housing project shall not expire or be terminated because of the damage or destruction of dwelling units in the project by Hurricane Katrina or Rita. The expiration date of the contract shall be deemed to be the later of the date specified in the contract or a date that is not less than three months after the dwelling units in the project or in a replacement project are first made habitable.

(b) OWNER PROPOSALS FOR REUSE OR RE-SITING.—The Secretary of Housing and Urban Development shall promptly review and shall approve all feasible proposals made by owners of covered assisted multifamily housing projects submitted to the Secretary, not later than October 1, 2007, that provide for the rehabilitation of the project and the resumption of use of the assistance under the contract for the project, or, alternatively, for the transfer, pursuant to subsection (c), of the contract or, in the case of a project with an interest reduction payments contract, of the remaining budget authority under the contact, to another multifamily housing project.

(c) TRANSFER OF CONTRACT.—In the case of any covered assisted multifamily housing project, the Secretary of Housing and Urban Development shall—

(1) in the case of a project with a project-based rental assistance payments contract described in subparagraph (A), (B), or (C) of subsection (d)(2), transfer the contract to another appropriate and habitable existing project or a project to be constructed (having the same or a different owner); and

(2) in the case of a project with an interest reduction payments contract pursuant to section 236 of the National Housing Act, use the remaining budget authority under the contract for interest reduction payments to reduce financing costs with respect to dwelling units in other habitable projects not currently so assisted, and such dwelling units shall be subject to the low-income affordability restrictions applicable to projects for which such payments are made under section 236 of the National Housing Act.

A project to which a project-based rental assistance payments contract is transferred may have a different number of units or bedroom configuration than the damaged or destroyed project if approximately the same number of individuals are expected to occupy the subsidized units in the replacement project as occupied the damaged or destroyed project.

(d) DEFINITIONS.—For purposes of this section:

(1) COVERED ASSISTED MULTIFAMILY HOUSING PROJECT.—The term "assisted multifamily housing project" means a multifamily housing project that—

(A) as of the date of the enactment of this Act, is subject to a project-based rental assistance payments contract (including pursuant to subsection (a) of this section); and

(B) that was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005.

(2) PROJECT-BASED RENTAL ASSISTANCE PAYMENTS CONTRACT.—The term "project-based rental assistance payments contract" includes—

(A) a contract entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) a contract for project rental assistance pursuant to section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2));

(C) a contract for project rental assistance pursuant to section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); and

(D) an interest reduction payments contract pursuant to section 236 of the National Housing Act (12 U.S.C. 1715z-1).

SEC. 304. TENANT REPLACEMENT VOUCHERS FOR ALL LOST UNITS.

There is authorized to be appropriated for fiscal year 2008 such sums as may be necessary to provide tenant replacement vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for the number of households that is equal to—

(1) the number of assisted dwelling units (whether occupied or unoccupied) located in covered assisted multifamily housing projects (as such term is defined in section 303(d) of this Act) that are not approved for reuse or re-siting by the Secretary; plus

(2) the number of public housing dwelling units that, as of August 28, 2005, were located in areas affected by Hurricane Katrina and were considered for purposes of allocating operating and capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; plus

(3) the number of public housing dwelling units that, as of September 24, 2005, were located in areas affected by Hurricane Rita and were considered for purposes of allocating operating and capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; minus

(4) the number of previously awarded enhanced vouchers for assisted dwelling units and tenant protection vouchers for public housing units covered under this section.

Any amounts made available pursuant to this section shall, upon the request of a public housing agency for such voucher assistance, be allocated to the public housing agency based on the number of dwelling units described in paragraph (1) or (2) that are located in the jurisdiction of the public housing agency.

SEC. 305. VOUCHER ASSISTANCE FOR SUPPORTIVE HOUSING.

There are authorized to be appropriated such sums as may be necessary to provide 4,500 vouchers for project-based rental assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) for use in areas impacted by Hurricanes Katrina and Rita for supportive housing dwelling units for elderly families, persons with disabilities, or homeless persons. The Secretary of Housing and Urban Development shall make available to the State of Louisiana or its designee or designees, upon request, 3,000 of such vouchers. Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this section.

SEC. 306. TRANSFER OF DVP VOUCHERS TO VOUCHER PROGRAM.

(a) TRANSFER TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each household that, as of the termination date of the Disaster Voucher Program referred to in section 301 of this Act, is assisted under such program, for the period that such household is eligible for such voucher assistance. Such voucher assistance shall be administered by the public housing agency having jurisdiction of the area in which such assisted family resides as of such termination date.

(b) TEMPORARY VOUCHERS.—If at any time a household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(1) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(2) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(3) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

SEC. 307. IDENTIFICATION AND NOTIFICATION OF DVP-ELIGIBLE HOUSEHOLDS NOT ASSISTED.

The Secretary of Housing and Urban Development shall make a good faith effort to identify all households who, as of the date of the enactment of this Act, are eligible for assistance under the Disaster Voucher Program referred to in section 301 but are not assisted under such program. Upon identification of each such household, the Secretary shall—

(1) notify such household of the rights of the household to return a public housing or other assisted dwelling unit; and

(2) to the extent that the family is eligible at such time of identification, offer the household assistance under the Disaster Voucher program.

SEC. 308. GAO STUDY OF WRONGFUL OR ERRONEOUS TERMINATION OF FEDERAL RENTAL HOUSING ASSISTANCE.

The Comptroller General of the United States shall conduct a study of households that received Federal assistance for rental housing in connection with Hurricanes Katrina and Rita to determine if the assistance for any such households was wrongfully or erroneously terminated. The Comptroller General shall submit a report to the Congress not later than June 1, 2007, setting forth the results of the study, which shall include an estimate of how many households were subject to such wrongful or erroneous termination and how many of those households have incomes eligible for the household to receive tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS TO REIMBURSE LANDLORDS FOR DAMAGES DUE TO FEMA MANAGEMENT OF LEASES ENTERED INTO UNDER SECTION 403 OF THE STAFFORD DISASTER RELIEF ACT.

There are authorized to be appropriated, from amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief Emergency Assistance Act, such sums as may be necessary for the Director of the Federal Emergency Management Agency to provide reimbursement to each landlord who entered into leases to provide emergency sheltering in response to Hurricane Katrina, Rita, or Wilma of 2005, pursuant to the program of the Federal Emergency Management Agency pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) in the amount of actual, documented damages incurred by such landlord as a result of abrogation by such Agency of commitments entered into under such program, but not including reimbursement for any such landlord to the extent that such landlord has previously received reimbursement for such damages under any other Federal or non-Federal program.

TITLE V—FHA SINGLE FAMILY HOUSING

SEC. 501. TREATMENT OF NON-CONVEYABLE PROPERTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of any property consisting of 1- to 4-family residence that is subject to a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) and was damaged or destroyed as a result of Hurricane Katrina or Rita of 2005, if there was no failure on the part of the mortgagee or servicer to provide hazard insurance for the property or to provide flood insurance coverage for the property to the extent such coverage is required under Federal law, the Secretary of Housing and Urban Development—

(1) may not deny conveyance of title to the property to the Secretary and payment of the benefits of such insurance on the basis of the condition of the property or any failure to repair the property;

(2) may not reduce the amount of such insurance benefits to take into consideration any costs of repairing the property; and

(3) with respect to a property that is destroyed, condemned, demolished, or otherwise not available for conveyance of title, may pay the full benefits of such insurance to the mortgagee notwithstanding that such title is not conveyed.

(b) BUDGET ACT COMPLIANCE.—Insurance claims may be paid in accordance with subsection (a) only to the extent or in such amounts as are or have been provided in advance in appropriations Acts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661(a)) of such claims.

TITLE VI—FAIR HOUSING ENFORCEMENT

SEC. 601. FAIR HOUSING INITIATIVES PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), in each of fiscal years 2008 and 2009, such sums as may be necessary, but not less than $5,000,000, for areas affected by Hurricanes Katrina and Rita, of which, in each such fiscal year—

(1) 60 percent shall be available only for private enforcement initiatives for qualified private enforcement fair housing organizations authorized under subsection (b) of such section, and, of the amount made available in accordance with this paragraph, the Secretary shall set aside an amount for multi-year grants to qualified fair housing enforcement organizations;

(2) 20 percent shall be available only for activities authorized under paragraphs (1) and (2) of subsection (c) of such section; and

(3) 20 percent shall be available only for education and outreach programs authorized under subsection (d) of such section.

(b) LOW FUNDING.—If the total amount appropriated to carry out the Fair Housing Initiatives Program for either fiscal year 2008 or 2009 is less than $50,000,000, not less than 5 percent of such total amount appropriated for such fiscal year shall be available for the areas described in subsection (a) for the activities described in paragraphs (1), (2), and (3) of such subsection.

(c) AVAILABILITY.—Any amounts appropriated under this section shall remain available until expended.

TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

SEC. 701. GAO STUDY OF IMPROVED DISTRIBUTION OF FEDERAL HOUSING FUNDS FOR HURRICANE RELIEF.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine methods of improving the distribution of Federal housing funds to assist States covered by this Act with recovery from hurricanes, which shall include identifying and analyzing—

(1) the Federal and State agencies used in the past to disburse such funds and the strengths and weakness of existing programs;

(2) the means by and extent to which critical information relating to hurricane recovery, such as property valuations, is shared among various State and Federal agencies;

(3) program requirements that create impediments to the distribution of such funds that can be eliminated or streamlined;

(4) housing laws and regulations that have caused programs to be developed in a manner that complies with statutory requirements but fails to meet the housing objectives or needs of the States or the Federal Government;

(5) laws relating to privacy and impediments raised by housing laws to the sharing, between the Federal Government and State governments, and private industry, of critical information relating to hurricane recovery;

(6) methods of streamlining applications for and underwriting of Federal housing grant or loan programs; and

(7) how to establish more equitable Federal housing laws regarding duplication of benefits.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the results of the study and any recommendations regarding the issues analyzed under the study.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS

SEC. 801. COMMENDING AMERICANS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) over 500,000 individuals in the United States have volunteered their time in helping rebuild the Gulf Coast region in the aftermath of Hurricane's Katrina and Rita;

(2) over $3,500,000,000 in cash and in-kind donations have been made for hurricane victims;

(3) 40,000,000 pounds of food have been distributed by Catholic Charities' Food Bank through hurricane relief efforts;

(4) almost 7,000,000 hot meals have been served by Salvation Army volunteers in hurricane relief efforts;

(5) over 10,000,000 college students have devoted their spring and fall breaks to hurricane relief efforts;

(6) almost 20,000 families displaced as a result of the hurricanes have been supported by Traveler's Aid volunteers;

(7) faith-based organizations, such as Jewish Family Services, Lutheran Disaster Response, the United Methodist Committee on Relief, Presbyterian Disaster Assistance, the National Baptist Convention of America, Inc., the Progressive National Baptist Convention, the Southern Baptist Convention, and the African Methodist Episcopal Church have contributed tens of thousands of man-hours for hurricane relief; and

(8) community-based organizations, such as the Boys and Girls Club of America, Junior League, Boy and Girl Scouts of America, and the YMCA, have had thousands of members volunteer with the cleanup in the Gulf States.

(b) COMMENDATION.—The Congress hereby commends the actions and efforts by the remarkable individuals and organizations who contributed to the hurricane relief effort and recognizes that the rebuilding of the Gulf Coast region rests on the selfless dedication of private individuals and community spirit.

The CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–53.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. CORRINE BROWN of Florida:

In section 202(d), strike paragraph (2) and insert the following new paragraph:

(2) a dwelling unit in other comparable housing located in the jurisdiction of the Housing Authority of New Orleans for which the sum of the amount required to be contributed by the tenant for rent and any separate utility costs for such unit borne by the tenant is comparable to the sum of the amount required to be contributed by the tenant for rental of a comparable public housing dwelling unit and any separate utility costs for such unit borne by the tenant.

The CHAIRMAN. Pursuant to House Resolution 254, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, before I begin, I want to thank Mr. BARNEY FRANK, chairman of the committee, and MAXINE WATERS and other members of the Committee on Financial Services for doing such a fine job in crafting this bill.

I rise in support of H.R. 1227, the Gulf Coast Housing Recovery Act. I truly believe this bill is a tremendous victory for the gulf coast that was affected by Hurricanes Katrina and Rita. I once again want to commend my colleagues.

Before I start talking about my amendment, let me talk about what happened during the hurricane because I saw something during Hurricane Katrina that I have never seen in the 25 years I have been an elected official and certainly the 15 years I have been a Member of Congress. I saw something in the government that I have never seen before. I saw a government that was not just incompetent, but I saw a government that did not care about its people. I thought I was in a third world, and I have got to take a moment to commend my community because we all watched it on television and were horrified. We came together.

I represent the Jacksonville area, and we came together as a community and we sent over 16 tractor-trailers full of goods and services to New Orleans. We came together as a community. It was the business community. It was Democrats; it was Republicans. It was students, and we filled those tractor-trailers and sent them in there until the government could kick in.

What we saw was a government that was not capable of responding. Well, when you look at the top 20 positions, and one police officer told me that you don't put people in positions over disasters that have public relations backgrounds. You make them ambassadors. But you put people in to head up disasters that are life and death to your communities that have the background and experience to do the job. That certainly was not the position of FEMA or Homeland Security. I want to put that on the table before I begin.

Now, this particular amendment would allow that residents returning would have the opportunity to include their utility bill into the payment for their rent. This is something that was taking place prior to, and this would be something that would be permitted under my amendment.

Many public housing residents are being forced into deeper debt because of utility bills. Public housing residents that lived in the areas of Rita and Katrina had their monthly rent included in their utilities. Currently, their vouchers do not include utilities, and many public housing residents are forced to make tough choices.

I have three such examples. Bobby Jennings lived in C.J. Peete for 34 years prior to Katrina. She paid income-based rent in the amount of $167 per month, which included utilities. Now she lives in another part and she pays $1,050 in rent which is not covered by her rent voucher, and she must pay $429 per month out of pocket. Well, her average income, she is a senior citizen on a fixed income, is $655 per month. So $300 per month she has to come up with.

And that is the same for Mrs. Gloria Williams who was paying $185 per month. Now she pays $1,128 per month and she must come up with $406 per month.

□ 1600

The last person is Mrs. Wright. She lived in public housing for over 20 years. She was paying the amount of $290 per month. She is in Houston, Texas. She now pays $625 a month, and she has to come up with an average of $250 a month for utilities. So utilities impose a disproportionate burden for the poor. And for the average American, utility bills only comprise 6 to 10 percent of household income. In this area it is 32 to 53 percent. Those receiving vouchers have already demonstrated their great need for assistance, and they are being shortchanged. We can't allow this to continue, and we must provide proper funding to those receiving this voucher.

This amendment would ensure that utilities are part of the housing voucher for residents returning to New Orleans. The Congressional Budget Office said that it would have no direct impact as far as spending is concerned.

I urge the adoption of this amendment to help people like Mrs. Jennings, Mrs. Williams and Mrs. Wright receive the assistance they greatly deserve.

I yield to the gentlewoman from California.

Ms. WATERS. I would like to thank the gentlewoman from Florida for all the work she has done to help the residents of New Orleans and the gulf coast. I know she was down there days after the hurricane hit, and I know of her passion. I am very appreciative for the help she has given us on this legislation, and I would like to assure her that those returning residents will have included in their rent the cost of the utility bills. So please do not worry about that. It will be done.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would join my colleague in supporting this particular amendment.

Ms. CORRINE BROWN of Florida. Thank you.

As you said, I have been to New Orleans and the region, really, some eight times. I tell them they've got a Member-at-large in me because I feel a great passion because you saw an example of a government that did not work, but I hate to say is not working and still is not working. Eighteen months later, we have a government, and you can say it's the local government, you can say it's the State government, but I am saying the Federal Government, shame on all of us because the people don't care why it's not working. The point is the government is not working for them.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to speak in opposition to the amendment, although I am not opposed to the amendment, but for clarification.

The CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 10 minutes.

Mrs. BIGGERT. It is my understanding, and I know that your Dear Colleague letter states that currently vouchers of the public housing residents and section 8 vouchers do not include utilities. It is my understanding that prior to Katrina and Rita, the public housing residents had vouchers that did include utilities

Ms. CORRINE BROWN of Florida. Will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. That is correct. Before the hurricane, the utilities were a part of their vouchers, yes, ma'am.

Mrs. BIGGERT. So this really is just a reclarification of how it was done in the past.

Ms. CORRINE BROWN of Florida. That is correct.

Mrs. BIGGERT. Mr. Chairman, I have no objection to the bill.

The other thing that worries me, though, is just that you said you saw a government that did not care about its people. And I think certainly we have seen people in the government here that care very much; $110 billion has been turned over to those States to use to rebuild. I just think that we all care about it, we as the government, we in the administration, and I think the State and the local government.

Ms. CORRINE BROWN of Florida. Let me clarify my statement.

Mrs. BIGGERT. I yield to the gentlelady.

Ms. CORRINE BROWN of Florida. Let me clarify my statement.

First of all, let me say that during the time of the hurricane, what I saw was a government that didn't care. It wasn't working. Everybody in the whole country, in fact, in the whole world saw that. It was a real serious indictment on the Bush administration that was in charge.

But I said since that time people have blamed the local government, the State government and the Federal Government. Yes, we have done our part, but perhaps we could have done a better job in spelling out how that money is to be used, because regardless of how much money we have appropriated, and we have appropriated and we have done a good job with that, the money has not gotten down to the people that we intended for it to get to.

Mrs. BIGGERT. Reclaiming my time, let's just say that we are moving forward. I think this bill is a way to move forward, and I would accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–53.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. CORRINE BROWN of Florida:

In section, 202(b)(1), before "provide notice" insert. "(A)":

Before the period at the end of section 202(b)(1) insert the following: ", or (B) shall provide notice to such Housing Authority that the tenant is requesting an extension of the period to exercise such right. If, not later than August 1, 2007, a tenant provides notice requesting such an extension, as a condition of exercising a right under this paragraph to occupancy in such a dwelling unit, not later than October 1, 2007, the tenant shall provide notice to such Housing Authority of intent to exercise such right and shall identify a date that the tenant intends to occupy such a dwelling unit, which shall not be later than December 1, 2007".

At the end of section 202, add the following new subsection:

(f) ASSISTANCE IN TERMINATING EXISTING LEASES.—The Housing Authority of New Orleans shall offer to each household who provides to such Authority notice of intent in accordance with subsection exercise a right under such subsection to occupancy in a dwelling unit, and shall provide, upon the request of any such household, assistance to such household in negotiating the termination of any lease on a dwelling unit in which the household resides at the time of the household is provided a occupancy in dwelling unit under this section.

The CHAIRMAN. Pursuant to House Resolution 254, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Thank you, Mr. Chairman.

Before I decide whether to withdraw my amendment, I have some questions for Ms. WATERS about the present status of the deadlines that are in the bill, and maybe she can clarify it for me. I have a concern that we have certain dates and deadlines in this bill. And, of course, this bill, when it passes the House, has to go to the Senate, and we have certain deadlines in that bill, and then the President has to sign it. I am concerned that when it is signed, that the residents won't have an adequate amount of time to respond.

As you well know, in the hearing that took place 18 months ago, HUD and Public Housing said of the residents that they had surveyed that they had only contacted about 25 percent. And so I want to make sure that those people are not disadvantaged and we are all on the same page. We all care about the same people.

Can you clarify for me the status of that situation?

Ms. WATERS. Will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentlewoman from California.

Ms. WATERS. I thank the gentlelady for yielding, and I know of her concern about making sure that all the residents have the opportunity to return.

In our bill we have notification for return by August 1, and they have until October to honor the August 1 notification.

Now, let me just say that we crafted this for several reasons. One is we did not want to be in the position of taking people out of where they are living now and forcing them to have to take their children out of school, but we wanted them to return in time to enroll the children in school for the semester starting in September. So we think that accomplishes that. And I know that you are concerned about all the people having adequate time.

Let me tell you something else that was taken into consideration. Mr. NEUGEBAUER, who was with us, has past experience as a developer-contractor type. He made it very clear that when you rehab a unit, that if it is not occupied by a certain length of time, then you are going to have to go back 6 months later and put the same amount of dollars in again to rehab that unit that has been sitting vacant: because of the moisture and everything in the area, that you just cannot maintain the properties without them being inhabited.

So for those two reasons, what we think makes good sense in terms of giving people an adequate period of time, and so that we don't have to spend additional money to rehab a unit the second time, we think that this would do well for those residents.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. In my experience the gentlewoman, someone who is not on the committee and not from the district, has really made herself an expert and an advocate. I would say this: If as this goes forward there are delays in the legislative process, yes, of course, it would be sensible to deal with the deadlines. That is, we should think of the deadlines almost conceptually as based on a certain timeline of legislation. If the basic decisions by the government slip, then the deadline should be adjusted accordingly.

Ms. CORRINE BROWN of Florida. Mr. FRANK, I have an additional question for you, then, before I withdraw this amendment, and that pertains to the Road Home program.

Are you prepared to answer questions about that program?

Mr. FRANK of Massachusetts. Some of it I am, and some of it I am not. I am not an expert on it, but go ahead.

Ms. CORRINE BROWN of Florida. My question, and it is from going down to New Orleans and talking to the residents, their concern is that, as someone said earlier, we have appropriated billions of dollars for that area. I want to know to this date how much money has been spent on the Road Home program; how much money has been expended for administrative costs; and then, what kind of fees have been attached?

Mr. FRANK of Massachusetts. Well, I would say this, if the gentlewoman would yield to me: It is our hope, and the gentleman from Louisiana (Mr. BAKER) was very active in this, and we listened to the others, the two gentlemen from Louisiana, Mr. MELANCON and Mr. JEFFERSON, we believe we have responded to some of the issues. There was, for instance, a debate between FEMA. FEMA didn't like some aspects of the Road Home regarding whether or not you got a penalty for not staying in the State and whether or not elderly people were done. That was pulled. We have in this bill said to FEMA, please, leave that one alone. So we hope we have sped it up. No one I know of thinks that the rate of spendout of the Road Home has been sufficient to date. We hope this bill makes it better, but I don't have all the details.

Ms. WATERS. In addition to that information, we have placed in this bill a requirement that the Road Home program must report to us every 30 days, because we are watching them very closely, we have let them know that we were not happy with the progress, and now we have information coming into us that will help us to see how fast they are moving, and we will take additional action if we have to.

Ms. CORRINE BROWN of Florida. I have one last question on this program before I withdraw my amendment.

My understanding is if a person lives in their house and is eligible for $50,000, that we can charge fees up to $30,000 if that person is not coming back to the New Orleans area.

Ms. WATERS. No, I am not aware of that, Congresswoman. What I do know is this: We have up to $150,000 in subsidy for homeowners to rebuild their homes. Some qualify for the entire amount, others qualify for different amounts based on whether or not they had insurance or whether or not there are other deductibles. My understanding is that if they decide not to come back, that they can sell their properties, and it is supposed to be at fair market value.

Ms. CORRINE BROWN of Florida. I am going to withdraw my amendment at this time, Mr. Chairman. I will be talking to both Chairs of the committee.

I want to let you know that I sincerely thank both of you for the leadership that you have shown in this area. And just remember, they do have a Member-at-large.

Ms. WATERS. If I may, if you will yield, I need to make one additional comment that I was just reminded of, that if they do not return to New Orleans, there is a penalty. That is designed to rebuild the neighborhoods and get people coming back. But there is a 30 percent penalty.

Ms. CORRINE BROWN of Florida. Thirty percent of money. In addition, my understanding is that, for example, if that person didn't have insurance, and even though the insurance told them that they were not in the area, and they have that in writing, they weren't in the flood area, they were penalized 30 percent. So that is $30,000. So then a person could end up with $20,000 for their home, and they cannot rebuild with that.

Mr. FRANK of Massachusetts. If the gentlewoman would yield, there is one other aspect that was resolved. In the committee we adopted an amendment offered by the gentleman from Louisiana (Mr. BAKER) which went in the other direction and nullified one set of offsets when the gentleman from Louisiana mentioned that we had a scoring problem with CBO. There was an offset procedure for certain tax things, and frankly we felt that was not only somewhat unfair, but it was also one thing that held up the speed because we tried to offset that on the other hand.

Ms. CORRINE BROWN of Florida. I want to thank both of you.

I rise in support of H.R. 1227, the Gulf Coast Housing Recovery Act. I truly believe this bill is a tremendous victory for the Gulf Coast and those affected by Hurricanes Katrina and Rita. I commend my colleague Congressman BARNEY FRANK, Congresswoman MAXINE WATERS and the other Members of the Committee on Financial Services for the fine job crafting this bill.

I also rise in support of my amendment that would give Katrina public housing residents more time to return home.

Eighteen months after Hurricane Katrina, more than 4,000 families have not returned to New Orleans because most public housing remains closed. Public housing residents want to return and rebuild their city and their lives. If Congress is serious about the slogan "Bring New Orleans Back," HUD and HANO must reopen public housing and make repairs, where necessary. Everyone should be permitted to return—not just the rich.

HUD and HANO have been doing everything they can to make sure public housing residents don't return. HUD planned to demolish 5,000 units with no clear plan or timeline for bringing back these families. These public housing developments are some of the most durable housing in New Orleans. Given the solid infrastructure of these buildings and the minor damage incurred, it is clear that renovation is more cost-effective than demolition. Instead of families moving back into their affordable housing units to get back to work, and help rebuild their lives, their communities, and their city, HUD contributes to the dearth of affordable housing in New Orleans, and keeps these families displaced and scattered across the country with no hope of returning.

HUD has dropped the ball on keeping contact with displaced families. At a February 22, 2007 field hearing in New Orleans for the House Committee on Financial Services, Subcommittee on Housing and Community Opportunity, Chairman C. Donald Babers of the Housing Authority of New Orleans (HANO) told the subcommittee that out of 978 residents they recently tried to contact, they only made contact with about 237 residents. Mr. Babers said that they were unable to reach about 740 residents. Given that HUD and HANO only one month ago could not reach over 75 percent of the displaced public housing residents, Congress must ensure that residents do not lose the opportunity to move back to their homes simply because HANO and HUD cannot find them in a timely manner.

Residents want to come home to be closer to their families and neighbors, to return to jobs or get new jobs in the reconstruction industry. HUD reported in October 2006 that an estimated 65–70 percent of families want to return to New Orleans. Congress must give these families every chance to come home.

My amendment provides two deadlines of August 1, 2007 and October 1, 2007 for residents to declare their intent to return. The reoccupancy deadlines are October 1, 2007 and December 1, 2007. It also extends assistance to those who ask for help with early termination of leases.

I urge my colleagues to adopt this amendment so that we can Bring New Orleans Back.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–53.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

At the end of title III, add the following new section:

SEC. 308. WORK REQUIREMENT.

(a) IN GENERAL.—Except as provided in paragraph (2), each individual who is 18 years of age or older and is a member of a household residing in a dwelling for which rental assistance is provided pursuant to an extension or authorization of rental assistance provided under this title shall, as a condition of the continued provision of such assistance on behalf of such household, perform not fewer than 20 hours of approved work activities (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d))) per week.

(b) EXEMPTION.—The Secretary of Housing and Urban Development shall provide an exemption from the applicability of paragraph (1) for any individual who—

(1) is 62 years of age or older;

(2) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c),

and who is unable to comply with this section, or is a primary caretaker of such individual;

(3) is engaged in a work activity (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), as in effect on and after July 1, 1997));

(4) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering rental assistance described in subsection (a) is located, including a State-administered welfare-to-work program;

(5) is in a family receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering such rental assistance is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program; or

(6) is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated inability (as determined by the State) to obtain needed child care, for one or more of the following reasons:

(A) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.

(B) Unavailability or unsuitability of informal child care by a relative or under other arrangements.

(C) Unavailability of appropriate and affordable formal child care arrangements.

(c) ADMINISTRATION.—A public housing agency providing rental assistance described in subsection (a) may administer the work activities requirement under this section directly, through a resident organization, or through a contractor having experience in administering work activities programs within the service area of the public housing agency. The Secretary may establish qualifications for such organizations and contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from any amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to the consequences of Hurricane Katrina, Rita, or Wilma that remain unobligated, such sums as may be necessary for the Secretary of Housing and Urban Development to carry out this section.

The CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

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Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I wish to associate myself with the comments of my colleague from Texas and complimenting our chairman, the gentleman from Massachusetts, in having a very fair and open hearing on this legislation. I often disagree with his philosophy, but I know that he is sincere in what he is trying to do, and I appreciate the fairness with which he has operated the committee and allowed these amendments come to the floor.

I also want to thank Ranking Member BACHUS for his contribution to this legislation in trying to ensure that we do the right thing in New Orleans, that things can actually be better, that we don't have to return to the way that things were.

Clearly, these hurricanes represented one of the great natural tragedies in the history of America, and so many of us had friends and family who were affected. My in-laws live in the New Orleans area. For several days, my wife didn't know if her father had survived the hurricane. It turns out he was at the convention center along with thousands of others in fairly deplorable conditions.

But my in-laws were among the lucky ones: they survived. Although their home was damaged, it has been rebuilt. But I know how this has impacted people. I have been to the gulf coast and seen the hurt, yet seen the hope as well, and hope is still alive.

But 18, 19 months later, we have to ask ourselves this question, How do we best help going forward? America has been very generous, very generous with both their public and private funds. People throughout the Fifth Congressional District of Texas opened up their arms, opened up their wallets, opened up their homes to victims of the hurricanes.

The Federal taxpayer has now contributed well over $100 billion to this effort. Nobody can say that the American people have not been generous.

But I think we have to ask ourselves, Mr. Chairman, how do we best help going forward? I do not believe that it is always an additional Federal check. We also have to make sure that a great physical tragedy of this century or this generation doesn't turn out to be a great fiscal tragedy for the next generation as well.

This amendment would try to take a modest step towards achieving those goals. It has everything to do with providing a work-related requirement that this Congress is already well acquainted with that helped revolutionize welfare reform 10 years ago, and apply it going forward to those who are recipients of the vouchers and the housing programs under this bill.

Over 10 years ago, when Congress passed Temporary Assistance for Needy Families, we began the process of ending welfare as we had known it. Instead, we replaced it in this program with a temporary assistance-based program that was based on work and self-sufficiency and responsibility and personal dignity.

Now, at the time there were countless naysayers who said this was cruel and unusual. I offered this amendment in committee. It was called un- American. They said it had no compassion. They said the program would never work, that young mothers would somehow be thrown out into the streets with starving children, that somehow they could not find a job, much less hold a job.

Mr. Chairman, the naysayers were wrong then, and the naysayers are wrong now. If you look at the record, you will see that after we passed this TANF welfare reform and created incentives for self-sufficiency, the number of families receiving cash welfare steadily declined from an all-time peak of 5.1 million families in March of 1994 to 1.9 million families in September of 2006. It represents the lowest number of people on cash public assistance rolls in over 35 years. This, I believe, is compassionate.

Child poverty has fallen and 1.6 million fewer children live in poverty today than in 1995 because of the work-related requirements that were in TANF. Child poverty has fallen dramatically, as I said. Employment of young, single mothers has doubled. Employing mothers who have never been married is up by more than 50 percent. Employment of single mothers who dropped out of high school is up by two-thirds, and we have seen unprecedented declines in poverty among children of single moms, from 50.3 percent a decade ago to 41.9 percent in 2004.

Again, the naysayers were wrong then, and the same naysayers are wrong yet again today.

Welfare reform worked 10 years ago because we cared enough to tell people, when they were facing challenges, that we were not going to allow them to give up trying. Now we have the same chance to extend this, to empower people who have been impacted by these terrible gulf coast hurricanes, some who have been stuck in public housing for 10, 15 or 20 years. We can show them that there is a better life, and it is within their reach; but the work is key to obtaining this.

So, again, my amendment is a simple one. It takes the list of approved work-related activities that have already been established over 10 years ago in welfare reform, as we know in TANF, and applies it to the recipients of this special public housing assistance that we are providing in this bill. Those recipients would be required to perform a minimum of 20 hours per week of work-related activities to help them get back on the road to self-sufficiency and move beyond public housing once and for all.

Now, the precedent for requiring recipients of public housing assistance to earn benefits is not new. In 1998, this body passed a law requiring able-bodied people living in public housing to perform 8 hours a month of community service with the notion that individuals ought to give back to their communities. My amendment would simply build on that notion and help put people back on the road to self-sufficiency.

Now, I know some people will say that individuals can't find work because there are simply no jobs to be found; therefore, this amendment will not work.

But that is a false charge on two counts. First, there are clearly entry-level jobs that are still available, for example, in New Orleans. Pick up the want ads. You will see plenty of entry-level positions that are there, and they are trying to rebuild a great city. Workers are still needed to help rebuild New Orleans. So it is false on one account.

Second of all, it is false because under the TANF requirement, no one is required to get a job if the jobs don't exist. Instead, there are 12 distinct categories of work-related activities to give individuals a broad spectrum of activities to satisfy this requirement. It includes attempting to find work, vocational education, community service and, in some instances, providing child care services to others. Again, these are all activities designed to help people begin on the road to self-sufficiency.

To ensure that only the able-bodied are affected by this requirement, my amendment exempts children, senior citizens, the disabled, those already exempt from TANF work requirements and those who cannot find appropriate or affordable child care.

Mr. Chairman, the lessons of welfare reform are very clear. By expecting more of people, you can help them expect more out of themselves. We have the opportunity to extend that, the great lessons and the great benefits of that today. We should not miss any opportunity to help break this cycle of dependency and help people change their lives for the better.

We need to help the people of the gulf coast, but we need to help the taxpayers as well. We need to ensure that the American people don't face a challenge like this going forward in the future.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentlelady from California is recognized for 10 minutes.

Ms. WATERS. Mr. Chairman, I yield myself 1 minute.

This bill is about stabilizing families who have been displaced because of a natural disaster. These are people who are trying to return home. The people that he is referring to are people who come from various walks of life. Some of them do work, even though they live in public housing. Some of them are on fixed income, some are elderly, some are disabled and some of them are in welfare programs already.

This amendment is not needed. It is not proper. It is not the time that should be utilized to try and do something that really has already been taken care of in welfare reform. We should be about the business of returning people to their homes.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, may I just inquire of the gentleman from Texas whether or not there is data available that would suggest the need for this amendment. I don't like to just oppose amendments just because. Is there data available that would suggest a need for this?

Mr. HENSARLING. Does the gentleman yield time?

Mr. CLEAVER. Yes.

Mr. HENSARLING. I am not sure what data you would be looking for. I believe it's a very important principle. The data that I have seen is the data that I have cited on the benefits of applying a work-related requirement to an income-based program.

Mr. CLEAVER. I am talking about New Orleans and Mississippi.

Mr. HENSARLING. Well, I would apply the statistics in the data that I have seen from the improvements in TANF to this program.

Mr. CLEAVER. Thank you. The problem with that, and I appreciate your interest in this issue, and I am sure you probably are not aware of the fact that in New Orleans there are 36,000 participants in TANF. All but 5,000 are children; all but 5,000 are children. This legislation is saying we want children to volunteer 20 hours a week in order to receive assistance.

In addition to that, we are spending about $5 billion a week in Iraq, and we are building housing, but we are not requiring Iraqis to volunteer in order to be the recipients of the largesse of the American taxpayers.

The assumption here is that the people don't need to work and so they somehow have to be coerced into working. As a former resident of public housing, there is a new issue arising, and that is that many of the people in public housing are elderly.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I want to commend the distinguished lady from California and our chairman, Mr. FRANK, for doing an excellent job in leading us.

This amendment represents the ugly side of this Nation. This amendment is cruel, it is cold, it is calculating, and it is pandering to the schizophrenic dichotomy that has plagued this Nation since they first brought Africans on these shores from Africa, and that is the issue of race and poverty.

Let me tell you something, gentleman. Where were you? Where was your amendment when the Twin Towers were hit and people of New York suffered that catastrophe? There was no cry before we give them help, they have got to go get a job. Everybody was there and poured in help, as they should, the American way.

Where was your amendment down in Florida when the hurricanes hit down there? Nobody said, make them work before we help them.

Where were you last month when the hurricanes hit in Arkansas and then south Georgia, when the President went down and declared a disaster area? We helped those people.

My friend, let me remind you of something. I am going to tell you this story. It's a story about some folks that went down the road to Jericho, and this gentleman fell among thieves. He had disaster. He was hurting, and he was pained. Somebody walked by him and said nothing and did nothing. Another person walked by him and did nothing.

Your amendment is worse. You want to kick them and say get up and get a job. But that third man had compassion on him, and in his hour of need, picked him up, put him on his horse, took him to an inn and paid him to take care of him and house him.

That is what this amendment is doing. It is a Good Samaritan amendment. Yours is the Ugly American amendment, and it needs to be defeated.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to address their remarks to the Chair.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

☐ 1630

Mr. AL GREEN of Texas. Mr. Chairman, I thank the Members who have spoken before me, and I am greatly concerned about the amendment. I am concerned because I, too, understand what happened with 9/11. It was one of the great disasters of our time, and yet I know of no amendments comparable to this one.

My friend from Texas and I in committee engaged in somewhat of a Q and A, so I believe it appropriate and fair that he and I do a similar thing at this time. So to my friend from Texas I ask, what amendment would you have imposed on the more than $15 billion that the families received after 9/11? Which, by the way, I think was appropriate.

I ask my friend to respond, and I yield him such time as he may need within my 2 minutes to do so.

Mr. HENSARLING. Well, to help answer the question of the gentleman from Georgia, I wasn't in Congress, so therefore I had no amendment to offer.

Mr. AL GREEN of Texas. Because my time is limited, let me just ask, if you would, what would you have done, is my question.

Mr. HENSARLING. Well, as typical, what I would try to do is offer offsets. And I believe that any income-based program of cash assistance or other welfare assistance ought to be tied to a self-sufficiency requirement.

Mr. AL GREEN of Texas. I have limited time. Would you have required work for the families of 9/11?

Mr. HENSARLING. Again, I believe that anybody who is receiving income-based assistance from the Federal Government ultimately ought to be on the road to self-sufficiency. As I understand it, some of that—

Mr. AL GREEN of Texas. I thank the gentleman.

Ms. WATERS. Mr. Chairman, may I inquire as to how much time we have left on this amendment.

The CHAIRMAN. The gentlewoman from California has 3 minutes remaining; the gentleman from Texas has 1 minute remaining.

Ms. WATERS. I would like to yield 1 additional minute to Representative CLEAVER.

Mr. CLEAVER. The point I was trying to make earlier was that, actually, the fact that this is not a welfare reform bill, this is about aiding people in a distressed area.

If we are talking about TANF recipients, it is important to understand that in the State of Louisiana, 5,000 TANF recipients are adults, and the bulk of them are children. In Mississippi, 8 percent of them are adults, and the rest of the 32,270 are children. And I think that we have gone awry converting a bill aimed at providing relief for people who are hurting down in the deepest parts of who they are and trying to impose a welfare rights bill on them when we have not done it in any other crisis in the history of this Republic. It is not the right thing to do to say to people that, in the midst of your struggle, in the midst of you trying to rebuild your home, rekindle your belief in the Nation, that we are going to now require that you volunteer.

Ms. WATERS. Mr. Chairman, in closing on this opposition, I would simply like to say, I think that my colleagues have made a wonderful case for why we should not support this amendment.

And let me just say that this amendment is not in the spirit of the work that has been done on this bill. We have had wonderful cooperation with Ranking Member BACHUS, Ranking Member of the subcommittee BIGGERT, and Mr. NEUGEBAUER, who all attended the hearing and participated in the tours. And I think that everybody is bending over backwards to do the right thing.

We are not trying to penalize people, we are not trying to accuse people of trying to get something for nothing, we are not trying to treat people differently than we treat others. And I think this has been demonstrated throughout our work.

So the case that has been made here and the comparisons that have been made are legitimate. And I think you can see very clearly that there is some very deep feelings about any attempt to treat people differently, to try and penalize them in any unfair way, to try and put another welfare reform bill on top of the welfare reform bill that we already have that people are involved in. And I think that my colleagues in this Congress, too, will understand that.

I suppose I could always say to the gentleman, in the interest of us working together, perhaps you should withdraw the amendment, but that is not mine to say. Mine simply is to say that I am opposed to the amendment. I think it is disruptive, I think that it is polarizing, and I think it is not the kind of amendment we would like to see on a bill where we have had such tremendous cooperation.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, again, this is a very, very simple amendment. I have no idea what is so cruel and unusual about people having the opportunity to become self-reliant, to earn paychecks instead of welfare checks.

The gentleman from Georgia, who spoke with great stridency, I don't question his sincerity; I do question a number of his policies. I have no doubt that the gentleman has voted against tax relief to help create 7½ million jobs turning welfare checks to paychecks.

So the gentleman has different ways of trying to help people. I look at the statistics. What has helped people? What has brought down child poverty rates? What has helped single mothers find self-sufficiency?

So I don't understand, after 18 months, after $100 billion of taxpayer money, why it is so bad to say people ought to be on the road to self-sufficiency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 4 OFFERED BY MRS. BIGGERT

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–53.

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BIGGERT:

In section 203(a), strike "(including any uninhabitable unit and any unit previously approved for demolition)" and insert "that was occupied as of August 25, 2005,".

The CHAIRMAN. Pursuant to House Resolution 254, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I rise to introduce an amendment that I think fixes a provision of the bill that mistakenly includes replacements for 2,000 units in New Orleans, even though these units were not occupied and, in fact, were condemned and scheduled for demolition prior to Katrina.

Let's just do the math. Before Katrina, there were 5,156 public housing units that were occupied in New Orleans. We don't know how many of those 5,156 residents will want to return. We have asked HUD to find them and conduct a survey to ask that question. In the meantime, this bill authorizes replacements not only for the 5,156 units that were occupied by Katrina, it throws in another 2,000 units that were unoccupied, condemned, and scheduled for demolition. I see no point to that.

We don't know how many of the residents will return. Why then would we want to replace not only the 5,156 units they occupied, but an additional 2,000 units that nobody lived in even both before Katrina?

My amendment will permit one-for-one replacement of the units that were occupied by public housing residents at the time of the 2005 storms.

According to CBO estimates, this amendment would reduce the spending authorized in this bill by $270 million, which is the cost of replacing the 2,000 public housing units that nobody lived in before the 2005 storms hit.

Mr. Chairman, I urge support of the amendment, and reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The CHAIRMAN. The gentlelady from California is recognized for 10 minutes.

Ms. WATERS. Mr. Chairman, I yield myself as much time as I may consume.

First let me thank Mrs. BIGGERT for all the work that she has done in helping us to get this bill to the floor, and the time that she has taken to pay attention to this issue. And I certainly respect her thinking on this issue and the fact that she was there, she went through the units, she saw them. But I must respectfully disagree.

I must disagree because not only did we have 18,000 individuals on the waiting lists, waiting for public housing units; yes, these units were boarded up, these units were boarded up, and there had been a promise that there would be redevelopment that had not taken place. Not only do you have 18,000 on the waiting list, do you realize that many of the people that have been displaced because of Hurricane Katrina and Hurricane Rita are folks who were working, who had jobs? They lost their homes, they lost their jobs. They are living in temporary situations. They are in Houston, they are in Atlanta, they are in cities in Florida. They are all over. They now may qualify for public housing based on the fact that they have lost on their jobs. They want to return, they want to come back, and they should have an opportunity to apply for and receive public housing units that should be available to them.

So let me just say that we should have one-for-one replacement because it is needed. People are standing in line. They were standing in line before Katrina; they will be standing in line after Katrina. And, Mrs. BIGGERT, if you remember, the mayor of the city of New Orleans said he would love to contract for 1,000 units to have places for people who want to come back to New Orleans to work.

We are unleashing the possibilities for infrastructure rebuilding, with some of the match requirements having been modified in the way that we have done them. They want to get started with the building, And people need places to live. So he would like to have units for people to come back and work in. When these units are replaced, we have enough people who want to live in them. And so it is not a fair way to determine how many units get replaced by simply saying only those that were occupied prior to Katrina, because that waiting list is a reminder to all of us of how badly those units are needed

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield such time as he may consume to my colleague from Texas.

Mr. NEUGEBAUER. I thank the gentlewoman very much.

Mr. Chairman, one of the things that we saw down there was we saw some housing units and some of the public housing that had been refurbished and was ready to rent. But what we did see in those housing projects was a lot of vacant units. So one of the things that is going on right now, the dynamics as we are talking about earlier about getting something going there, is a couple of organizations have come in, and they have some master—planned communities to go back and replace some of this housing.

You almost cannot describe on this House floor, we really need pictures to be able to articulate the condition of some of this housing. It is throwing good money after bad to go back and bring very many of these units back because, one, they have been sitting for 18 months just the way they were the night that the folks that left those units left them. They have been under water. They have been vandalized.

So one of the things that we need to do is we need to provide a certain amount of housing that meets the current demand, see how many people actually want to come back to New Orleans, come back to those neighborhoods. I would submit to you that if you want folks to come back, and I think that is the goal of the people of New Orleans, they want people to come back to the community, if you want them to come back, don't ask them to come back to those units that were in terrible condition before the hurricane and would cost a lot of money to restore. We should take those new dollars and provide a new opportunity for the people in New Orleans, and not mandate things that would cause the resources to be diverted to spending a lot of money.

And I would tell you, in some cases, as the gentlewoman Ms. WATERS mentioned, I have been a home builder and a land developer, I know what the cost of restoration is, and many times the cost of restoration of units exceeds the cost of creating those new units.

But putting those arguments aside, just going back and recreating what was already a bad thing, as Ranking Member BACHUS said before, in some of these where we had a high concentration of poor people is not good policy.

So the Biggert amendment makes sense. Let's let the demand drive it. As there is demand to fix up these units. If the new units are not ready, there are ways to meet those market demands.

□ 1645

But if you go back and ask them to come up with a number, and let's say that is two or 3,000 units or whatever that number is, and those units sit vacant because people don't want to go back to those neighborhoods, we have defeated the purpose and, unfortunately, not been good stewards of the American taxpayers' money. So I would urge Members to support the Biggert amendment.

Ms. WATERS. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. WATT) 3 minutes.

Mr. WATT. Mr. Chairman, I have been listening with some interest to the comments on this amendment, and I think there would be substantially more credibility for the people who are advancing it if there had actually been some units constructed or even started in the 17 or 18 months since Hurricane Katrina occurred.

It is somewhat amazing to me how we have fought for so many years to do community development, and all of a sudden HUD and our colleagues here want to do community development, but they want to do it in this distress atmosphere where there is no housing, even for people to move back into who would participate and do work on the units.

Here is what has happened. The hospitals that had damage to the first floors went back in and put patients on the second, third and fourth floors. The housing, the public housing that had damage to the first floors, the Public Housing Agency, which, by the way, is in receivership under HUD, not an independent local housing authority, but in receivership, being operated by HUD, took the position that it would be unsafe to put public housing tenants back in those units by restoring second, third, fourth floors of the housing units.

Now, I can't figure out how it is safe to put medical patients on the second, third and fourth floors of hospitals where you have gone in and basically done some remedial stuff on the first floors of the hospitals, and yet it is unsafe to put people who have no housing to return to on the second, third, fourth floors, and restore the first floors of the public housing.

This is not an argument against doing longer-term community revitalization. That needs to happen, and we are supportive of that. But in this distress situation, there needs to be, first, restoration of the housing that was there so that people can move back in and get back into their communities and stop being scattered all over the country. And that should be the highest priority that we are pursuing, and that is what the bill does.

Ms. WATERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman and Members, I would like to reiterate something that the gentleman from North Carolina just said, and that is the fact that we are not trying to stop development. As a matter of fact, what we are doing is restoring units so that people can have some place to return. Their lives are in a temporary state of existence. Our residents that we talked to said they would be happy to work with the housing authority and HUD to talk about the future development. So I just wanted to make that clear.

Mr. NEUGEBAUER. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Texas.

Mr. NEUGEBAUER. I just want to clarify about using the multi-stories. Most of the housing that we saw, and I am not going to say all of it, we didn't see all of the housing, but most of the housing is one- and two-story. There may have been some three-story. And some of those are walkups; in other words, the second story is a part of the first part of the unit; in other words, it is a two-story unit. So the argument that you are dealing with a high rise where there is floor 3 up to 10 is usable, in these particular housing units that we saw there was not multistory housing.

The CHAIRMAN. The gentlelady from Illinois has 5½ minutes remaining, and the gentlewoman from California has 3 minutes remaining.

Mrs. BIGGERT. Mr. Chairman, I am glad that Mr. NEUGEBAUER clarified that. The buildings, we went into those buildings and we climbed up to the second floor and it was just as bad as the first floor and there were no other floors.

One thing about New Orleans housing is at least it was not the high rises like we saw originally in Chicago, that a whole precinct would be public housing. And those have been done away with.

But let me just say that we want people to come back, and we want them to have the housing. And there are some of the units that have been fixed up. And what has happened is there is nobody there, and the police have to come because they are broken into and they are vandalized. And we need more people there.

But these units, we need to know how many people are going to come back originally. We have got to start the process someplace, and we don't seem to be able to do that. If we have 5,156 residents that were promised that they could come back, we should provide that. And it is a one-on-one. But for the 2,000, let's get those first people back and get them back by August so that they could have their kids go to school. The housing is not great, but let's get them back to do that. But to have 2,000 other units that are built that we really would rather get the first ones going, we have got the money for it. And I think now we are talking about 18,000 people that are on the waiting list.

First of all, let's just say that there are people that have moved to other States. They have jobs. They have a life. The survey goes out, and it is going to be completed by HUD and we will know. We don't know how many people are on the waiting list. Nobody has made an attempt to figure out if they are people that are waiting or they have gone someplace else.

So I would say that this is just to get it going. And to undertake 5,165 units is going to take awhile. Obviously, to build a whole multi-use facility is going to take a lot more time. But there are plans to do it. So we can do it both, but let's get it going.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentlewoman from California has the right to close.

Mr. FRANK of Massachusetts. Well, in that case, since I am our last speaker, I would ask the other side to use up their time.

Mrs. BIGGERT. Mr. Chairman, with that, again, before we make all these decisions, we really have to know how many people are going to return. If we have the 5,100-some units and all the people that have been living in those units don't return, then there will be a time that they can open up the section 8 housing and have people off the waiting list who qualify. If they still qualify, if they come back.

But what this bill is doing is a one-on-one replacement, and that is what it says in this bill, is to replace the one-on-one replacement for those units that we were talking about, whether it is 5,000 or it is 7,000. And I say let's use the dollars that we have to start with the people that were displaced from there. They have the public housing, they have the vouchers, and let's not wait any longer.

Mr. Chairman, I yield to Mr. BACHUS for the remaining time.

Mr. BACHUS. Mr. Chairman, in my earlier statement I said that the one-for-one replacement is not the best way to rebuild public housing in New Orleans. In fact, it is not only not the best way, it is the wrong way, because what we are doing here is we are saying before we replace these units, before we tear them down and build a community like Centennial, or East Lake, we are going to renovate the existing structures with taxpayers' money. What that does, oh, yes, it may get people back, but it gets them back into the same failed system.

They are out there. They have homes now. Let's continue to give them vouchers, let them stay, and then when we build a community that is safe, that they can be proud of, that is mixed-use, then we bring them back.

I mentioned East Lake. And East Lake was, as I said earlier, was the highest crime area in the entire State of Georgia. Today it is the 11th safest precinct out of 56.

One thing I didn't tell you about East Lake, the school in East Lake, prior to this development, only 31 percent of the children in that school were performing up to the State standardized testing. Today, two-thirds are, and they say within 2 years they will be at three-fourths. That is as good as any school in just about any school in Atlanta.

The director of the East Lake Community Foundation, Carol Naughton, said, while East Lake did not provide one-to-one replacement, it actually ends up serving more low-income families than are served under the previous arrangement. The occupancy rate at the old East Lake was 67 percent. Today it is 93 percent, and for subsidized homes it is 100 percent.

Ms. WATERS. Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts, Chairman FRANK.

Mr. FRANK of Massachusetts. Mr. Chairman, the amendment offered by the gentlewoman from Illinois is absolutely irrelevant to whether or not people ought to be occupying existing units. That is not what is involved here.

First of all, let me say the gentleman from Alabama and others said they have these plans to build these great new places. Who is stopping them? The hurricane was in September of 2005. It is now March of 2007. Have they started this? Have I stopped them? Have the tenants stopped them? Has the gentlewoman from California stopped them? Nobody has stopped them.

And the New Orleans Housing Authority, by the way, is HUD in drag. So nobody here has prevented them.

Here is what we are saying. What is amended is this: if you plan to tear down units that are now habitable, you cannot do that until you have met with the tenants, talked about this and replaced them.

This is an issue not about whether you live in the existing units. This isn't about rehabbing existing units. This is as to what is the obligation to replace the units.

The fact is that, according to HUD's own figures, more than half of the rental units in New Orleans were destroyed by the hurricane. People talk about job problems. That is because they have nowhere to live.

The gentlewoman's amendment would reduce by 2,000 the number of units they would be obligated to build before tearing down things that now exist. And you know, it is very nice. We have been doing this for years. We have promised the poor people all kinds of things, and those promises don't always materialize.

All we are saying is do whatever destruction you want after you have found places to live. And let me make it clear: we are talking about people who don't live here, who live in Texas and elsewhere and they want to come back. And it is not simply former residents of public housing. There were a lot of people who were displaced from New Orleans. We don't think we are in danger of running out of people who want to come back.

Mr. NEUGEBAUER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I just want to be clear that the reason the units haven't been replaced there is because, as the gentleman knows, there has been some historical preservation issues.

Mr. FRANK of Massachusetts. That is simply not the case. Here is the problem with the gentleman's view. They have this view that you can only build new units for poor people after you have torn down what they had. No one has enjoined them from building new units, except the budget that the people on the other side have voted for. We have got to get this clear. Nobody has prevented, there have been no plans by HUD, also known as the Housing Authority of New Orleans, to build new units. Nobody has stopped them except, yes, people have said you can't tear down what we have as the pre-condition for building. But if HUD had wanted to go forward and build, no one would have prevented that. The wonderful housing that the gentleman from Alabama talked about, the mixed-use housing, what has stopped them from building it? I will tell what you has stopped them from building it, the budgets that have been voted for by my friends on the other side that didn't have any money for new housing construction.

□ 1700

I will tell you what we are going to do. We are going to pass the GSE bill that is going to have the housing affordability fund so they can build these things.

So we are simply saying do not destruct before you replace and do the poor people the favor of tearing down the bad housing they live in so they have nothing left at all.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise to speak on the amendment offered by Mrs. BIGGERT. The region affected by Hurricane Katrina could use additional affordable housing units beyond those occupied at the time of the hurricane. However, this is a problem that exists for many communities across the country and should be addressed in a comprehensive manner by adequately funding the Department of Housing and Urban Development.

In the 4th Congressional District of Minnesota, the average wait time for public housing is over 5 years, and most waiting lists are closed. There is a deficit of 12,635 affordable housing units for very low-income families. It is a serious problem when too many families do not have safe, stable housing.

The Administration's response to this problem was to flat fund the Section 8 program, ensuring that our communities cannot address the waiting lists that currently exist, and to propose significant cuts to Community Development Block Grants.

We need a comprehensive solution to affordable housing needs—both in the Gulf Coast Region and across the country. I strongly support the Gulf Coast Hurricane Recovery Act, and will support efforts to increase access to safe affordable housing for all Americans.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIRMAN (Mr. BLUMENAUER). It is now in order to consider amendment No. 5 printed in part B of House Report 110-53.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. AL GREEN of Texas:

At the end of the bill, add the following new title:

TITLE IX—PROTECTION OF HOUSEHOLDS RECEIVING FEMA HOUSING ASSISTANCE

SEC. 901. EXTENSION OF FEMA HOUSING ASSISTANCE.

There are authorized to be appropriated such sums as may be necessary to provide until December 31, 2007, temporary housing assistance, including financial and direct assistance, under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) to individuals and households eligible to receive such assistance as a result of Hurricane Katrina, Rita, or Wilma, and to the extent that amounts for such purpose are made available, such assistance shall be so extended.

SEC. 902. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA RENTAL ASSISTANCE AND HOUSEHOLDS RESIDING IN FEMA TRAILERS.

(a) TRANSFER OF FEMA RENTAL ASSISTANCE TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that is eligible for such voucher assistance and received financial assistance for temporary housing under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as a result of Hurricane Katrina, Rita, or Wilma, for the period beginning upon termination of such temporary housing assistance and continuing through such period that such individual or household remains eligible for such voucher assistance. Such voucher assistance shall be administered by the public housing agency having jurisdiction of the area in which such assisted individual or household resides as of such termination date.

(b) VOUCHER ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.—

(1) OFFER.—The Secretary of Housing and Urban Development shall offer, to each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), a voucher for such rental assistance, subject to the availability of amounts for such assistance made available in advance in appropriation Acts.

(2) PROVISION OF ASSISTANCE.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that, pursuant to an offer of such assistance under paragraph (1) requests such assistance, for the period beginning upon occupancy of the individual or household in a dwelling unit acquired for rental with such assistance and continuing through such period that such individual or household remains eligible for such voucher assistance.

(c) TEMPORARY VOUCHERS.—If at any time an assisted family for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(1) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(2) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(3) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

SEC. 903. REQUIREMENT TO ACCEPT VOUCHERS.

No owner (as such term is defined in section 8(f) of the United States Housing Act of 1937 (42 U.S.C. 1437f(f)) of any dwelling unit for which, at any time, rental payments for the individual or household residing in the unit were made, in whole or in part, using financial assistance for temporary housing provided under section. 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as a result of Hurricane Katrina, Rita, or Wilma, may refuse to lease such dwelling unit to a family on whose behalf tenant-based rental assistance is made available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), a proximate cause of which is the status of such family as a holder of such voucher.

AMENDMENT NO. 5, AS MODIFIED, OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. Mr. Chairman, because I have a modified amendment at the desk, I ask unanimous consent that amendment No. 5 be modified.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 5 offered by Mr. AL GREEN of Texas:

The amendment, as modified, is as follows:

At the end of the bill, add the following new title:

TITLE IX—PROTECTION OF HOUSEHOLDS RECEIVING FEMA HOUSING ASSISTANCE

SEC. 901. EXTENSION OF FEMA HOUSING ASSISTANCE.

There are authorized to be appropriated such sums as may be necessary to provide until December 31, 2007, temporary housing assistance, including financial and direct assistance, under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) to individuals and households eligible to receive such assistance as a result of Hurricane Katrina, Rita, or Wilma, and to the extent that amounts for such purpose are made available, such assistance shall be so extended.

SEC. 902. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA RENTAL ASSISTANCE AND HOUSEHOLDS RESIDING IN FEMA TRAILERS.

(a) TRANSFER OF FEMA RENTAL ASSISTANCE TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that is eligible for such voucher assistance and received financial assistance for temporary housing under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as a result of Hurricane Katrina, Rita, or Wilma, for the period beginning upon termination of such temporary housing assistance and continuing through such period that such individual or household remains eligible for such voucher assistance. Such voucher assistance shall be administered by the public housing agency having jurisdiction of the area in which such assisted individual or household resides as of such termination date.

(b) VOUCHER ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.—

(1) OFFER.—The Secretary of Housing and Urban Development shall offer, to each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), a voucher for such rental assistance, subject to the availability of amounts for such assistance made available in advance in appropriation Acts.

(2) PROVISION OF ASSISTANCE.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that, pursuant to an offer of such assistance under paragraph (1) requests such assistance, for the period beginning upon occupancy of the individual or household in a dwelling unit acquired for rental with such assistance and continuing through such period that such individual or household remains eligible for such voucher assistance.

(c) TEMPORARY VOUCHERS.—If at any time an assisted family for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(1) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(2) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(3) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

Mr. AL GREEN of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the modified amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, please permit me to take just a moment to thank the chairperson of the Financial Services Committee, Mr. FRANK. I am so honored to have the opportunity to serve under his leadership. There are many persons who are great managers. Great managers are concerned about doing things right, but I want you to know that our leader is concerned about doing the right thing, and I am honored that he is the chairperson of our committee.

I also want to thank the subcommittee chairperson Chairwoman WATERS. She has gone to Louisiana on many occasions, and Mississippi. She has held one hearing there where she was Chair, and she attended another hearing wherein she was a ranking member. And in attending these hearings, she did more than sit in a physical location and listen to people talk. She actually went to the housing complexes. She actually talked to persons who were living in the apartments, the units, and in so doing, she gained a greater understanding of what is actually taking place in the lives of the people who have been displaced. So I thank her for all that she has done.

I also thank the Members of the minority who attended. I am greatly appreciative that they were there and showed great interest in what was happening to the people from Louisiana who have moved to other locations as well as those who are trying to move back.

And finally I thank the staff. The staff has done an outstanding job in helping us to put this legislation together. They are to be commended. We do a lot of things, but we do most of them because we have good staff, and I thank them.

Mr. Chairman, Hurricane Katrina, one of the greatest natural disasters of our time, has caused us to confront one of the greatest domestic issues of our time. And the question that we have to confront is how does the richest country in the world treat the poorest victims of one of the world's greatest disasters?

The richest country in the world, the country where 1 out of every 110 persons is a millionaire, how does it treat persons who are among the least, the last, and the lost who have suffered as a result of a natural disaster? With all due respect given to my chairman, I don't want to get into the war, but a country wherein $177 million is being spent not per year, not per month, not per week, but per day on the war, how does this country, the richest in the world, treat the least, the last, and the lost when they have suffered a natural disaster?

I am proud to say that our response to Hurricane Katrina has taught me that in times of disaster, Americans of goodwill want to see that no American, to borrow a cliche, is left behind. Communities across the length and breadth of this country opened their arms, their homes, their hearts to the Katrina survivors. From financial services institutions to nonprofits, from apartment owners to homeowners, we answered the clarion call for help, understanding in a sacred sense that but for the grace of God there go I.

However, I also understand and I have learned in a secular sense that HUD, not FEMA, is best suited to meet the mid- to long-term needs of disaster victims. In fact, a White House report from February of 2006, styled "Lessons Learned" indicates that HUD was mistakenly not engaged in the housing response until late in the effort. It also indicates that HUD has expertise in providing the long-term housing needs that these victims so desperately need. It further indicates and recommends that HUD be designated the lead Federal agency for providing temporary housing.

FEMA, the Federal Emergency Management Agency, by definition should not, should not manage long-term housing needs. Today, more than 18 months after Katrina, more than 120,000 households are still receiving FEMA assistance. More than 37,000 households are still receiving FEMA rental assistance. It is past time, Mr. Chairman, to get the Federal Emergency Management Agency out of the Katrina long-term housing crisis, and it is time that we put the Housing and Urban Development program in charge.

Why is there a long-term Katrina housing crisis? Because the vast majority of all families receiving FEMA rental assistance have extremely low incomes and are disabled and/or elderly.

Why is there a long-term Katrina rental housing crisis? Because of the Katrina survivors receiving rental assistance, 7 in 10 households have annual incomes below $15,000 per year, because more than half of the monthly incomes are $750 or less, because more than 44 percent have health care problems that will impact their abilities to work.

How has FEMA responded to this housing crisis? By moving real people with real problems from one deadline to another deadline. The section 403 rental program alone speaks volumes. The deadline for section 403 moved from March 1, 2006, to March 30, 2006, to May 31, 2006, to June 30, 2006, to July 31, 2006, to August 30, 2006.

It is time to end the deadlines and extend a lifeline to only those who are eligible for HUD assistance.

This amendment, I believe my friends on the other side should really love this amendment because it provides assistance to the people that don't have a place to return home to, and I think that is what my friends are indicating we should do. This amendment extends section 408 rental housing assistance until the end of this year. Further, it would help the families who are eligible for section 8 rental vouchers to get section 8 rental vouchers. And as soon as a family becomes ineligible for section 8 rental vouchers, then the family would cease to get the vouchers, and the vouchers would cease to exist.

This amendment also allows persons living in FEMA trailers who are eligible to receive section 8 vouchers to receive section 8 rental vouchers. Again, they must be eligible to receive the vouchers to, in fact, acquire the section 8 vouchers.

This amendment is supported by over 50 not-for-profits and other agencies. It has a zero direct impact on spending. It has a budget score of zero. And I think it is time for us to end the deadline, extend the timeline, and extend long-term rental assistance only to those persons who are eligible to receive it

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from Illinois is recognized for 30 minutes.

Mrs. BIGGERT. Mr. Chairman, this amendment would again extend FEMA temporary financial assistance through the end of December and then provide those section 8 vouchers to FEMA-assisted families when FEMA assistance expires, and that is exactly what the gentleman was talking about, but I think that the amendment is unnecessary.

The President currently has the authority to extend the length of this temporary assistance, as he has already done before. This assistance was supposed to expire at the end of 18 months, but the President extended it through August of 2007 to allow FEMA ample time, I think, to work with the families and help them secure permanent housing. This means that this assistance will have lasted a full 2 years since Katrina.

Since the hurricanes, FEMA has provided billions of dollars in assistance directly to individuals and households to support their recovery, including flood insurance payouts, direct payments for rental assistance, payments for home repairs and lost property. But FEMA assistance was supposed to be temporary to give families that were affected by the devastation time to get back on their feet. But today, as was said, 35,000 families are still living in FEMA trailers. Our efforts should be focused on moving these families to permanent housing, including homeownership, instead of keeping them in limbo.

It really concerns me that we move from FEMA and then turn it into section 8 housing. Deadlines such as the August 2007 deadline have encouraged families to make decisions about their future rather than continuing the expectation that the Federal Government will provide for them. In fact, every time FEMA has had a deadline and has enforced it, we have seen more people move further on the road to recovery and self-sufficiency. When FEMA moved people out of the hotels and motels, people said thousands would be homeless. In fact, nationwide less than 100 people were in the shelters as a result, and most of them for only 3 days. I understand the same held true for the cruise ships. When the cruise ships' assistance ended, nobody ended up in a shelter.

So we need to encourage the President to have the flexibility he needs to do this right, and that means leaving it to the administration to determine when and for how long to extend the housing aid through FEMA.

Mr. Chairman, I reserve the balance of my time.

□ 1715

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, apparently it is understood, I suppose, that moving is not a pleasant thing, and in contemplation of moving, many persons become distraught. I personally don't like moving, and I suspect that many of my friends on the other side do not.

My point is it creates a lot of stress in the lives of people to move from deadline to deadline. This amendment extends a lifeline and gives them the time to adjust their lives.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Texas.

Mr. Chairman, let me, first of all, thank the chairman of the full committee Mr. FRANK, and the chairwoman of the subcommittee Ms. WATERS, and then my colleague from Texas Mr. GREEN, who eloquently laid out for us the reason for this particular amendment.

Might I say, having not listened to all of his statement, I know that one of the elements of his offering of this amendment is firsthand personal experience, because I walked with him through the cots of the Reliance Center on a regular basis, over and over again. I was on the telephone as the buses started leaving the convention center and leaving the Superdome coming into Houston in the middle of the night.

We have seen the actual results of massive, long-term evacuation. It is well-known that FEMA and the Department of Homeland Security were not prepared for long-term evacuation.

This is an amendment that extends the deadline to December 31, 2007, for several reasons. First of all, might I say that it might have been the executive branch that extended it, but it really was the Director of FEMA being pounded upon, and I must say Director Paulison, the newer Director of FEMA, is very sensitive and concerned about this issue. He is putting his nose to the grindstone, along with, of course, the White House that has said to him you can do that. But each time these deadlines come, they are disruptive.

I went to a set of apartments, to my good friends on the other side of the aisle, in apartments where evacuees were holding eviction notices because they are coming up against each time a set of deadlines with nobody seeming to be able to respond. The reason why the thousands of people did not go out on the street is because the good citizens of Houston, Salt Lake City, Atlanta or Los Angeles, the nonprofits stood up to the case. In Houston today, we have people meeting every week, nonprofits, led by the United Way, trying to prepare for the inevitable, which is people out on the street.

This amendment gives several things an opportunity to happen. One, first of all, let me celebrate this bill because it gives section 8 vouchers over and beyond the ones that should be assigned to the city of Houston for Houstonians. That has been a conflict. "I need a section 8 voucher. I live in Houston. Why are you overlooking me?"

Now we have a pathway so that we recognize that we have failed in our long-term evacuation. My friends, accept it. You have done a horrible job. This is a long-term evacuation that we had no solutions to.

Particularly I want to thank the author of this amendment and this bill, because now you also give an opportunity for us to go back into public housing. Just using Houston as an example, the predominant number of those who came to Houston were out of the city center there, the civic center, and, of course, the Superdome. They were the people displaced out of the housing projects. Isn't it ridiculous that they want to go back to their city and that we are blocking them from getting into their housing projects?

So these section 8 vouchers that will come about in this bill will be helpful while they are trying to get home. This extension that Mr. GREEN is offering will help them while they are trying to get home.

You go to these individuals. Some of them have made a commitment to live in Houston. I guess they made a commitment to live in Atlanta, maybe in New York. But many of them you talk to say, I just want to get home. But they are being blocked by this administration in not being able to get in their public housing, and they are coming up against one deadline after another.

You can't get yourself together. We have the elderly and disabled. We don't know if they will ever be able to go back, but they certainly need these resources being offered by Mr. GREEN in this amendment.

I enthusiastically support this concept of an extension to December 31, 2007, Mr. Chairman, and I support the voucher projects of this bill. I ask my colleagues to vote for this bill.

When FEMA's temporary housing programs expire on August 31, 2007, over 120,000 families housed across the country through FEMA-funded trailers, mobile homes and rental assistance could be displaced a second time.

Housing assistance is critical for the many low-income, elderly, and disabled evacuees displaced by Hurricanes Katrina, Rita, and Wilma. An estimated 35,000 families currently receive Section 408 rental assistance from FEMA; the vast majority of these families reside in Houston. The average income of surviving families now in subsidized Houston apartments was less than $20,000 in Louisiana. While more than 60 percent of families were employed before Katrina, less than 20 percent are currently employed.

Families continue to face numerous challenges while rebuilding their lives in new communities, including finding affordable housing, health care, child care, and employment. The scarcity of housing in the Gulf Coast disproportionately hurts lower-income households, making it difficult for evacuees to find affordable housing and reducing the likelihood of their return home. Of the units destroyed or damaged by the hurricanes, 71 percent were affordable to low-income families and 30 percent were affordable to very low-income families.

This amendment would extend FEMA housing assistance until December 31, 2007, and then transfer income-eligible households to HUD's tenant-based rental assistance program when FEMA assistance ends, so that displaced families will have a place to stay while they wait for housing in the Gulf Coast to be rebuilt. Tenant-based vouchers would also be available to households currently living in FEMA trailers and mobile homes. This is important because conditions in many trailers are deteriorating and deadlines in many local communities for trailers and mobile homes are rapidly approaching. This amendment puts into law the deadline that I have worked on through negotiations and letters to FEMA.

The vouchers in this amendment would be "temporary" in the sense that they would only be available through the duration of the households' eligibility. Finally, this amendment would require property owners currently receiving rental assistance for displaced households to accept Section 8 vouchers for displaced households. HUD's role in meeting the longer-term housing needs of people displaced by disasters is supported by many members of Congress, housing advocates, and the Bush Administration. Nothing in this amendment would deny Houstonians their right to Section 8 vouchers.

I urge you to vote "yes" for the Green amendment so that we can provide displaced families with the assurance and stability they need to continue their recovery.

Mrs. BIGGERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I thank the gentlewoman.

Mr. Chairman, I think we are all working in the same direction here. We are all trying to figure out what is the best avenue to restore life for the people that were affected by this hurricane, and I think what we are bringing to this floor today in a meaningful debate is what is the best way to do that.

Some have talked about different methodologies about being able to restore these communities in the best way. But one of the things we have to have in our country in almost every life is structure.

April 15 is upon us, and that is the day our income tax is due. It is a deadline. What we have to say to the people that were affected by this is that the temporary disaster piece of this program is coming to an end. It is time now to make some permanent decisions, and we have been talking about what some of those permanent options are.

There is housing available in New Orleans, but there is housing available in some of the communities that these people are residing in. What we do is we keep pushing forward, keep pushing forward, families finally having to decide where do we go from here? It is time for many of those families to move on, and, unfortunately, we keep using Katrina as a way to increase programs that ought to be debated in other committees and at other times. More vouchers, more vouchers. What we need to do is set a date certain.

Now, as the ranking member of the Housing Subcommittee mentioned, the President of the United States has, in fact, extended these benefits. But what we also heard is in those circumstances where we didn't extend some of the programs, that there was life after that.

Sometimes the toughest love that you can do for someone to get them moving on, to help them to move on from a traumatic situation is actually force them to move on and go to the next step. What I think the gentleman's amendment does is it does not cause the process to have a stopping point for the temporary disaster and where we begin to talk about it more permanent.

I agree with the gentleman that FEMA is not the agency to do housing. HUD is set up to do housing. We have been talking about there are things in this bill that will help HUD, help the housing authority to get the permanent housing piece moving forward. But the longer we prolong this disaster and call it a temporary relief, I believe the longer we do the families that we are really trying to help a disservice.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself 30 seconds.

My response is that this is only for persons who are eligible to receive the relief. This means that persons must be eligible for the section 8 vouchers to receive the vouchers. This is not for people who just happen to be in need of someplace to stay and may be making $30,000, $40,000, $50,000 to $60,000 a year. They must qualify.

Mr. Chairman, I yield 4 minutes to the honorable gentleman from North Carolina (Mr. WATT), the former Chair of the CBC.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding.

I am struck because I was here about 15 or 20 minutes ago debating the last amendment. We operate in a structure that requires us to deal with one amendment at a time, and when you deal with one amendment at a time, you kind of get segmented into these little places that you are. But the thing that is astonishing here in this opposition to this amendment is that if you look at it in the context of the last amendment and this amendment, I don't know what it is you all would have these people do for housing.

In the last amendment, you said we don't want to build or renovate or restore any public housing in New Orleans because we want to do community development in New Orleans, and that is going to take a long time, and it is counterproductive to restore public housing in New Orleans while we are doing this community development.

Then in the next amendment you say, well, we don't want to give people vouchers so they can in the meantime stay in Houston, Texas, or Charlotte, North Carolina, or California or anywhere else.

Then my colleague gets up and starts his comments by saying, well, we are all working toward the same objective.

I keep wondering what that objective is. Our objective is to house these people temporarily and long term. Then in the last amendment you cut off the notion that you would house them long term because you don't want to renovate public housing. In this amendment you are cutting off the notion that you will house them short term because you don't want to give them vouchers to have housing immediately.

So when and where are you planning to house these people? Now, there is, my colleague reminded me, a NASA facility in Houston. Maybe you would like for us to put them on a spaceship and send them out.

My friends, these are not welfare recipients. Even if you have these stereotypes about these people feasting at the trough, these are people who were displaced by a hurricane. Regardless of these images that you may have about welfare recipients, these are people, these are our United States citizens who were displaced by a natural disaster, and all we are trying to do is provide housing for them, both on an immediate basis and on a long-term basis.

They have had three or four cutoffs now where one day they are sitting in a hotel and they are told, your assistance is being cut off. Imagine what that does for family values and for the notion of stability.

Have a heart and let's pass this amendment so that we can provide some housing to these people.

Mrs. BIGGERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Financial Services Committee.

Mr. BACHUS. Mr. Chairman, I would like to take this time during this amendment to publicly thank the chairman of the full committee, Mr. FRANK, for his graciousness during the markup and the hearings on this bill and for his willingness to give us real input into this bill.

There are 13 components of this legislation that we are not out here on the floor asking for an amendment to because the chairman consented to their inclusion. I believe that those matters which separate us are less than those that we agree on.

This was a major disaster. It is the largest natural disaster this country has faced by many times.

☐ 1730

That we are struggling on some consensus on what we do going forward is predictable, and I will say in the defense of my colleagues, we are simply saying that we don't want some of the units replaced on a one-on-one basis. We know of 2,000 units that were either vacant or slated for demolition at the time of the hurricane. It is particularly those units that Mrs. BIGGERT has said in her amendment do not need to be replaced.

There are many displaced New Orleans residents who may choose not to come back. Others like the flexibility of the section 8 voucher. We have also not said that we want folks that are displaced off these vouchers. We are simply saying it should not be a permanent situation.

The gentleman from North Carolina mentioned the word "housing." We do not see this as a housing issue. We see this as a quality-of-life issue. We do not want to recreate housing projects like the one in Atlanta where 70 percent——

Mr. AL GREEN of Texas. Mr. Chairman, will the gentleman yield, and I will yield the time back to you if necessary.

Mr. BACHUS. I am not opposing your amendment. I am not speaking in opposition to your amendment.

Mr. AL GREEN of Texas. I thank you.

Mr. BACHUS. What I am speaking about, and I think there is agreement on both sides of the aisle, that when you have a housing project where a large percentage, even a majority of the young men that grow up in that housing project end up in a State penitentiary, we need to do something different.

We don't need to delay. Whether it is by renovating a unit that 2 years from now is slated for demolition, we just don't think that is the wisest use of taxpayer money.

And I do see that to do that, we are going to have to have vouchers and continue people on section 8 if we are to do long-term solutions. I think the gentleman from North Carolina made a valid point when he said that. That is something that should not be rejected out of hand.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 6½ minutes to the gentleman from Massachusetts (Mr. FRANK), the chairman of the Committee on Financial Services.

Mr. FRANK of Massachusetts. I appreciate the kind remarks of the gentleman from Alabama. He is right, we accepted a number of amendments, and there is a great deal that joins us together. But there are some differences, and I think in the spirit of democracy, we should debate these differences.

In the amendment offered by the gentleman from Texas (Mr. HENSARLING) and this amendment as we debate it, there seems to be this view, as my friend from North Carolina said, that these are people who need to be jolted out of this welfare way of life. The gentleman from Texas wanted to subject these people to a 20-hour work requirement where no work needed to be done.

Here we are objecting to these people staying on section 8 because we want, as my other friend from Texas said, we are going to have some tough love.

Let's remember who we are talking about. These are people who were working overwhelmingly. They were working at lousy jobs for low pay. These were people who were doing work in the service industry. They were living in not great circumstances, and their homes and their jobs were washed away. They were driven out of their homes to strange places. Some of those places have been very welcoming, and I was pleased to see the Kennedy family give the mayor of Houston a Profile in Courage Award for the generosity that he has shown in welcoming people. But that is who we are talking about.

People had said, well, we want to improve the quality of their life. Do Members think, Mr. Chairman, that poor people are so dumb that they are voluntarily living in worse places than would otherwise be available to them? They are not living in great circumstances, but they are the best they can find and afford. When you displace them from what they have without providing them alternatives, you are likely to make them worse off.

Now, I understand there is a problem that some people might not fully deserve what they get, but overwhelmingly here is what we are talking about: people who had jobs and homes in New Orleans and maybe some other parts of Louisiana whose homes and jobs were washed away. And they are now living in emergency conditions provided by FEMA, and they haven't yet been able to fix it.

People ask, Why don't they go back to New Orleans? Well, we have a chicken-and-an-egg problem. We have a problem where there are no jobs because there is no place for the people to live.

In Mississippi along the gulf, the Oreck vacuum cleaner company opened up a plant after the hurricane and then closed it because they couldn't get workers because there wasn't housing. We are trying to build housing.

Vouchers in New Orleans is the problem. According to HUD's own figures, more than half of the rental housing units in New Orleans were destroyed by the storm. How do you expect these people to go back?

Now we have a bill that I am very proud of. The gentlewoman from California has worked very hard on this. We got organized on January 30. A week later we had our first hearing. A month later we had our markup. We are now on the floor. This has been a very high priority for us, to try to break this cycle of no job and no housing and no way to get back and no way to live and no decent life. And, yes, we are trying to build housing and we hope that the housing brings jobs.

Will there be some problems? Yes. But I have to say, if we are going to err, can we not err on the side of people who are poor in many cases to begin with and whose hard jobs, and in some cases meager homes were destroyed, and they were driven out of those homes by a force of nature and they are living in Texas and they are living in Atlanta, and they are being told tough love. We don't think the quality of your life is good enough.

We don't think you are trying hard enough. Is that what Members think?

These are among the toughest people around that they are still integrated and they are still with their families given what they have been through, the physical and emotional horrors of that hurricane and the lack of any action afterwards. Can we not resolve together to say to these people, look, we are going to work to try to help rebuild

New Orleans. Until then, we will assure you can live in these places.

These vouchers people will get are what we call disappearing vouchers. They are not permanent additions to the voucher stock. They are for the people who were displaced from New Orleans, and as the gentleman from Texas pointed out, as long as they are economically eligible.

I don't think they all want to stay there and live in these temporary quarters. As they do find alternative ways to live, the voucher will disappear. So that is what we are talking about: thousands of our fellow human beings who were subjected to physical terrors and emotional troubles far greater than most of us, fortunately for us, will ever have to go through. Their homes and their jobs were destroyed. Their children were uprooted from schools. They were driven away from where they used to live. And they have then been put under the tender mercies of FEMA. And as my friend from Texas said, every so often they were told, you know what, there hasn't been enough trauma in your life, the flood, the deaths, all that, that's not enough. Now we are going to threaten you with eviction. Now you won't know where you're going to live.

What we are saying is let's say to these remaining people, while we are trying to rebuild New Orleans, we give you assurance that you will be able to live in the circumstances in which you are now living as long as you meet the guidelines. I don't understand the opposition to that. I don't understand why that brings Members to say tough love, we are going to improve the quality of their life.

Let's let these people at least have what they now have: a home that was something they were able to put together after that great trauma. And the alternative is people say they shouldn't worry, the President will extend it.

What do you say to your 8-year-old and 12-year-old when they ask: Where am I going to school next year? Oh, don't worry, the President will extend it.

Frankly, there are a lot of people here who wouldn't feel a great comfort in that, let alone an 8-year-old.

We are dealing with totally innocent people, hardworking people whose lives were already tough, were destroyed by a hurricane and they were forced physically out of their homes. We are saying instead of them continuing to live under the fear that they may be evicted, that they may have no further support in terms of their basic living, that we as a compassionate Nation will continue to make sure that they at least have a place to live while everything else goes forward. I hope the House will accept the gentleman's amendment.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

What this really boils down to, I think, and the problems we are having in communication is what to do with the long-term disaster housing. We haven't faced something like this before.

We have the disaster vouchers. We have the section 8 vouchers, and how do we make this all work. I think we all care about what is happening to these families. It has been over 18 months. We are concerned. People need to get on with their lives.

I don't think we are really asking for anything different except that we think that this is unnecessary because the President has the flexibility now to do what we are talking about. I think we should leave it. We think we should leave it to the administration to determine when, whether, and for how long to extend the housing aid through FEMA.

I agree, most of the families and individuals in the FEMA-sponsored housing are living in travel trailers that are not suitable for long-term housing. Just think of a family living in a trailer for the long term. I think extending the assistance will prolong this unsuitable housing arrangement.

I think FEMA is working now to determine, with Federal and State partners, to address the potential for what is going to happen for long-term housing needs as a result of these hurricanes.

We are setting precedent here. Let's hope we never have something like this again. I think this is moving along.

It will increase the amount of this bill if these vouchers are made permanent, but maybe we need to sit down and really work out what are disaster vouchers, and we already are working on section 8 vouchers; and we have jumped ahead on some of these things. I know everybody is enthusiastic on this committee and wants to do everything right now, but we have a whole consideration of section 8 vouchers. And to extend FEMA and then turn them into permanent vouchers, section 8 vouchers, and I know they have to be eligible, but we really need to sit down and determine and debate what are really the long-term ramifications of what is going on.

I think some of these things can be worked out later. We don't have to do everything at once. I think this already is a costly bill, and I think we should wait to determine some of these things.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), the honorable subcommittee Chair.

Ms. WATERS. I would like to stand and give my strong support to this amendment, and I thank the gentleman from Texas for working on this amendment and strengthening this legislation.

I am tired of the headlines at the end of one of these periods of time when the temporary assistance has run out, the headlines that say all of those people out there who are living in temporary situations are going to have to get off, they will not be supported any more, that their assistance has run out, and then legislators go running to beat up on FEMA. And then FEMA, after a few days or so, will make another extension. Time out. It is time for us to help people get some kind of permanency to their existence. This amendment will do that.

This amendment will simply say for those people who are living in trailers and all of this temporary housing, some of it is really not fit to live in, in places where we are spending money with the temporary vouchers, will now be given the opportunity with the passage of this amendment and this legislation to begin to reorder their lives and to go ahead and come home and get jobs, jobs that are needed, not only by those families but the infrastructures that need to be rebuilt by those people who will be there to do these jobs. All of this can happen with this kind of permanent voucher.

I think it is important to note, it has been said here that these vouchers will be given only to those people who are eligible for them. When they are no longer eligible, they will cease to exist. I don't know how you can be any fairer than that.

So we are talking about moving from temporary status to permanent status. When you don't need it any more, it is gone.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON), who is also a part of the committee.

□ 1745

Mr. ELLISON. Mr. Chairman, let me throw my whole-hearted support behind this amendment. I think it is a clear expression of the generosity, the common sense and the decency of our country, and I want to thank the gentleman from Texas for offering this amendment.

The fact is that until we see the people of the gulf coast as our people, as opposed to those people, we will not be the kind of America we need to be. We will be less than we ought to be.

So I just want to say that extending housing to people who need it, victims of a disaster, not a human failing but a disaster, a natural disaster, is the just, right thing to do, and we should not allow what was a natural disaster to be a political disaster.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, many of the persons who will receive these vouchers are persons who will be working full time and living below the poverty line, persons who are what we call extremely low-income persons, making around $12,000 per year. Does someone argue that a person making $12,000 per year should not receive some assistance for housing? That is what we are talking about, persons working below the poverty line full time, family of two. You are making about $13,000 if you are going to reach poverty line, and these vouchers go away. They are not vouchers that are permanent. They are only there to help as needed, and once the need ceases to exist, the vouchers will cease to exist.

People are suffering. Moving from one deadline to another deadline causes a lot of stress in the lives of the persons who have these vouchers or who have these temporary living conditions, and their children are suffering. The children are in schools. At some point people want to know that they have stability, that their children can attend the same school all year long, that at Christmastime there is no threat that they will have to move from one place to another. At some point we have to give them the stability that they deserve.

Finally, people still cry. They have tears to well in their eyes when they talk about what happened to them. Why would we continue to compound what is already a distressful situation by adding additional stress to their lives by threatening them with eviction?

In closing, I mention only that we have the ability to do the right thing, or we can try to do something right. We can try to put a process in place. I say it is time for us to do the right thing, and in the process, I think we will be doing something the right way as well.

Mr. Chairman, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield myself the remaining time.

Again, I think we are talking about the same thing; it is just how we get there.

What we are saying is that right now FEMA has provided temporary assistance. When it has been needed to extend, it has been extended. If people finally have found housing, and they qualify for Section 8 vouchers, they will be able to get them, but let FEMA work to address the problem and the potential for long-term housing needs as a result of the hurricane.

I just do not think that this amendment is necessary because it has been taken care of by the administration.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN), as modified.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 4 by Mrs. BIGGERT of Illinois.

Amendment No. 5, as modified, by Mr. AL GREEN of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 266, not voting 10, as follows:

[Roll No. 164]

AYES—162

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak

Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Coble
Davis, Jo Ann
Faleomavaega
Kanjorski
Kucinich
Larson (CT)
Mack
Meehan
Pence
Sessions

□ 1817

Messrs. FILNER, AL GREEN of Texas, SCOTT of Virginia, SERRANO, GRIJALVA and Ms. SOLIS, Ms. GINNY BROWN-WAITE of Florida and Ms. WOOLSEY changed their vote from “aye” to “no.”

Messrs. HOLDEN, SMITH of Texas, FOSSELLA, PICKERING, SALI and CHABOT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. BIGGERT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 232, not voting 8, as follows:

[Roll No. 165]

AYES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Coble
Davis, Jo Ann
Faleomavaega
Kanjorski
Kucinich
Meehan
Pence
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5, AS MODIFIED, OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. AL GREEN), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 184, not voting 8, as follows:

[Roll No. 166]

AYES—246

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette

Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
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Serrano
Sestak
Shays
Shea-Porter
Sherman
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Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
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Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
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Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
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Akin
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Barrett (SC)
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Blunt
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Conaway
Crenshaw
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Davis (KY)
Davis, David
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Fossella
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Goode
Goodlatte
Granger
Graves
Hall (TX)
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Hayes
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Johnson, Sam
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LaHood
Lamborn
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LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
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McCarthy (CA)
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Price (GA)
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Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
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Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
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Weller
Westmoreland
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Faleomavaega
Kanjorski
Kucinich
Meehan
Pence
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1835

Mr. FERGUSON changed his vote from "aye" to "no." Mr. BURGESS changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SCOTT of Georgia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLEIN of Florida) having assumed the chair, Mr. BLUMENAUER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b-3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 4, 2007, the Chair announces the Speaker's and minority leader's joint appointment of the following individuals to the House of Representatives Page Board for a term of 1 year:

Ms. Lynn Silversmith Klein of Maryland

Mr. Adam Jones of Michigan

REPORT ON H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH AND IRAQ ACCOUNTABILITY ACT

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110-60) on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China, in addition to Mr. LEVIN of Michigan, Chairman, appointed on February 7, 2007:

Ms. KAPTUR, Ohio
Mr. HONDA, California
Mr. UDALL, New Mexico
Mr. WALZ, Minnesota
Mr. MANZULLO, Illinois
Mr. PITTS, Pennsylvania
Mr. ROYCE, California
Mr. SMITH, New Jersey

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE LEAST AMONG US

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it has been said that we will all be judged by how we treat the least among us. Nowhere is that more true than in Iraq.

Two international headlines tell us of the devastation that is now Iraq. The first: "Silent Victims: What Will Become of Iraq's Children?"

And the second: "World Ignoring Iraqi Refugees."

These headlines from CNN and the BBC, respectively, tell of the Iraqi victims of the occupation. While our brave men and women in uniform have done so much to try to improve the lives of average Iraqi families, the policies of the Bush administration have failed them and failed the Iraqi families in this regard.

A recently released report from the U.N. found that nearly two million people have been displaced by the occupation of Iraq. Many of these refugees are seeking homes within Jordan and Syria. The report estimates that a quarter of these refugees are children, children who lack education opportunities and a normal, safe childhood.

It seems like the so-called mission is far from being accomplished. Iraqis are begging to leave Iraq's violence and instability. Thousands upon thousands of applications for residency in the United States have been denied, even for those who served alongside our troops as translators and as guides.

Four years ago the President promised an Iraq flourishing under a stable democracy. When children are afraid to go to school and parents are fearful of even taking a trip to the local market, President Bush's promise adds up to a total failure.

One child, a fourth grader, who was profiled in the CNN piece said: "They killed me father and uncle in front of my eyes." He was unable to continue because he broke down and he sobbed. This is the legacy that we are leaving for Iraq's future generation.

It is clear that our presence in Iraq is bringing more violence and more instability. Our presence may have given rise to a strong and deadly terrorist movement within the Iraqi civil war. Let's be honest. It is well past time to bring our troops home and let the Iraqi people regain their sovereignty.

Let me be clear: we must not withdraw our support of the Iraqi people. We should be investing in the political, fiscal, and social infrastructure of Iraq. We must help to provide for the most basic needs, including education, electricity, drinkable water, sanitation, and security. In the now famous words: "Mr. President, you broke it, you buy it."

My colleagues, it is time to bring our troops home. It is time to restore hope for the Iraqi people. It is the very least that we can do.

□ 1845

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, since 1947 Congress has twice affirmed that the Marine Corps is a separate military service within the Department of the Navy. In 1947, the National Security Act stated that we have four separate military services: the Army, the Air Force, the Navy, and the Marine Corps.

In 1986, the Goldwater-Nichols Act formally acknowledged the roles of each service's commanding officer and stated that each branch's commander serves equally as a member of the Joint Chiefs of Staff.

For the past 5 years, this House has sent legislation to the Senate that would rename the Department of the Navy to be the Department of the Navy and Marine Corps. Not only has this change received support from the full House Armed Services Committee and the House itself, but by such notables as Secretary of the Navy Paul Nitz; Assistant Secretary of the Navy H. Lawrence Garrett, III; Acting Secretary of the Navy Daniel Howard; Secretary of the Navy John Dalton; General Carl Mundy, 30th Commandant of the Marine Corps; General Chuck Krulak, 31st Commandant of the Marine Corps; the Fleet Reserve Association; the Marine Corps League; the National Defense PAC; and the National Association of Uniformed Services.

Wade Sanders, the Deputy Assistant Secretary of the Navy for Reserve Affairs, 1993 to 1998, also declared his support for this change. He stated: "As a combat veteran and former naval officer, I understand the importance of the team dynamic and the importance of recognizing the contributions of team components. The Navy and Marine Corps team is just that: A dynamic partnership, and it is important to symbolically recognize the balance of the partnership."

Mr. Speaker, I would also like to share part of an editorial published last year in the Chicago Tribune, and I will submit the entire editorial for the RECORD.

[From the Chicago Tribune, Apr. 21, 2006]

STEP UP FOR THE MARINES

(Editorials)

No service branch shows more respect for tradition than the U.S. Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches.

The Continental Congress ordered "two Battalions of Marines" to be raised in 1775 as landing forces for the Navy. The Marines have remained within the Navy on government organization charts ever since, even though the corps functions through wartime and peacetime as a separate branch in every other way.

Like the Army, Navy and Air Force, the Marine Corps has its own command structure. Its commandant holds equal status with other members of the Joint Chiefs of Staff, which happens to be chaired for the first time by a Marine, Gen. Peter Pace.

Several Marine veterans and supporters have launched an online petition drive to support a bill proposed by Rep. Walter B. Jones. The North Carolina Republican, whose district includes Camp Lejeune, wants to fix the matter simply by changing the Department of the Navy to the "Department of the Navy and Marine Corps."

Jones has twice passed similar measures in the House with bipartisan support, but the Senate was cool to them. Senate Armed Services Committee Chairman John Warner, a Virginia Republican, veteran and former Navy secretary, has promised "fair consideration" for the legislation. That's Senate-speak for a reluctance to commit. His reluctance seems to be rooted in a sense of tradition. But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 to the Army Air Forces and in 1947 to the autonomous Air Force.

The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The corps only asks for recognition. Having served their nation proudly and courageously since colonial days, the leathernecks have earned a promotion.

Mr. Speaker, I quote the Chicago Tribune: "No service branch shows more respect for tradition than the United States Marine Corps . . . which makes it all the more ironic that tradition denies the Corps an important show of respect, equal billing with the other service branches . . . But sometimes it is good to break with tradition.

"The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The Corps only asks for recognition."

Mr. Speaker, I hope that my colleagues will join me in support of this change and cosponsor H.R. 346.

Mr. Speaker, I have before me a poster of a marine who gave his life for this country. He was killed in Iraq. His family received, after his death, the Silver Star. And what I have on this poster is from the Secretary of the Navy. It says: "The President of the United States takes pleasure in presenting the Silver Star to the family of Sergeant Michael Bitz. The sad part of this is, Mr. Speaker, he was a marine who died for this country. He was a team member with the United States Navy; yet the citation has nothing but the Secretary of the Navy and the Navy flag.

Mr. Speaker, I ask you to look at this as I show you what it could be if this bill becomes law. What it would be with the Secretary of the Navy and Marine Corps with the Navy flag and the Marine flag. That is what this bill would do.

And, Mr. Speaker, before I close, I say to my colleagues in the House I hope you will join me as cosponsor and maybe this year the Senate will accept the House position because, Mr. Speaker, this man left three children, twins he never saw, and when they look at this honor that his father received, wouldn't it be nice 20 years from now for his family to say, "My daddy was a marine who gave his life for this country," and it be recognized in the heading of this citation.

COMMEMORATING THE 186TH ANNIVERSARY OF GREEK INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise in observance of the 186th anniversary of Greek independence.

In 1821 when Greek patriots revolted against their Ottoman oppressors, they sounded a clarion call for liberty that was heard by freedom-loving men and women all over Europe and around the world.

On March 25 we celebrate a courageous struggle for independence that spanned 8 long and hard-fought years, creating a foundation for the modern Greek state.

Americans and Greeks have long shared a profound commitment to the principles of democracy, and both peoples have worked to create societies built upon these values. Throughout history each nation has taken inspiration from the other's experience.

In 1823 Greek patriot, intellectual, and physician Adamantios Koraes wrote one of many letters to his friend Thomas Jefferson seeking counsel on how to draw up a constitution for Greece to use upon its liberation. Jefferson wrote extensively in response, expounding the virtues and the fundamentals of the freedoms we cherish today: freedom of religion; freedom of person, habeas corpus; trial by jury; the exclusive right of legislation and taxation reserved to the representatives of the people; and freedom of the press. Greek Independence Day marks the moment the people of Greece realized these freedoms.

A shared commitment to liberty has been the hallmark of our collective histories. In the two world wars, Greece fought heroically in the allied campaign to maintain liberty and democracy. Similarly, during the Cold War, Greece fought against totalitarian aggression and emerged as a democratic nation with a vigorous economy, a strong partner in the United States, and a full member of both NATO and the European Union. Most recently, Greece's tremendous performance as host to the 2004 Olympic Games has shone a light on what this longstanding commitment to democratic values and institutions can yield.

Mr. Speaker, this occasion also offers us an opportunity to reflect on the enormous and distinctive contributions that Greek Americans have made to every aspect of life in our Nation, including the arts, business, science, public service, and scholarship. As Greek Americans have made this remarkable progress, they have also preserved important traditional values of hard work, education, and commitment to family and church, principles that strengthen and invigorate our communities.

In one of his letters to Koraes, Jefferson wrote this: "Possessing ourselves the combined blessings of liberty and order, we wish the same to other countries and to none more than yours, which, the first of civilizations, provided examples of what man should be."

In America and Greece we choose this day to celebrate the courage, the liberty, and democracy that is the foundation of every civilized society.

THE REAL REASON TO OPPOSE THE SUPPLEMENTAL APPROPRIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, a $124 billion supplemental appropriation is a good bill, to oppose. I am pleased that many of my colleagues will join me in voting against this measure.

If one is unhappy with our progress in Iraq after 4 years of war, voting to defund the war makes sense. If one is unhappy with the manner in which we went to war without a constitutional declaration, voting "no" makes equally good sense.

Voting "no" also makes the legitimate point that the Constitution does not authorize Congress to direct the management of any military operation. The President clearly enjoys this authority as Commander in Chief.

But Congress, just as clearly, is responsible for making policy, by debating and declaring war, raising and equipping armies, funding military operations, and ending conflicts that do not serve our national interests.

Congress failed to meet its responsibilities 4 years ago, unconstitutionally transferring its explicit war power to the executive branch. Even though the administration started the subsequent preemptive war in Iraq, Congress bears the greatest responsibility for its lack of courage in fulfilling its duties. Since then Congress has obediently provided the funds and troops required to pursue this illegitimate war.

We won't solve the problems in Iraq until we confront our failed policy of foreign interventionism. This latest appropriation does nothing to solve our dilemma. Micromanaging the war while continuing to fund it won't help our troops.

Here is a new approach: Congress should admit its mistake and repeal the authority wrongfully given to the executive branch in 2002. Repeal the congressional sanction and disavow Presidential discretion in starting wars. Then start bringing the troops home.

If anyone charges that this approach does not support the troops, take a poll. Find out how Reservists and Guardsman and their families, many on their second or third tours in Iraq, feel about it.

The constant refrain that bringing our troops home would demonstrate a lack of support for them must be one of the most amazing distortions ever foisted on the American public. We are so concerned about saving face, but whose face are we saving? A sensible policy would save American lives and follow the rules laid out for Congress in the Constitution, and avoid wars that have no purpose.

The claim that it is unpatriotic to oppose spending more money in Iraq must be laid to rest as fraudulent. We should pass a resolution that expresses congressional opposition to any more undeclared, unconstitutional, unnecessary, preemptive wars. We should be building a consensus for the future that makes it easier to end our current troubles in Iraq.

It is amazing to me that this Congress is more intimidated by political propagandists and special interests than the American electorate, who sent a loud, clear message about the war in November. The large majority of Americans now want us out of Iraq.

Our leaders cannot grasp the tragic consequences of our policies toward Iraq for the past 25 years. It is time we woke them up. We are still by far the greatest military power on Earth; but since we stubbornly refuse to understand the nature of our foes, we are literally defeating ourselves.

In 2004 bin Laden stated that al Qaeda's goal was to bankrupt the United States. His second in command, Zawahari, is quoted as saying that the 9/11 attacks would cause Americans to "come and fight the war personally on our sand where they are within rifle range."

Sadly, we are playing into their hands. This $124 billion appropriation is only part of the nearly $1 trillion in military spending for this year's budget alone. We should be concerned about the coming bankruptcy and the crisis facing the U.S. dollar.

We have totally failed to adapt to modern warfare. We are dealing with a small, nearly invisible enemy, an enemy without a country, a government, an army, a navy, an air force, or missiles. Yet our enemy is armed with suicidal determination and motivated by our meddling in their regional affairs to destroy us.

As we bleed financially, our men and women in Iraq die needlessly while the injured swell Walter Reed Hospital. Our government systematically undermines the Constitution and the liberties it is supposed to protect, for which it has claimed our soldiers are dying in faraway places.

Only with the complicity of Congress have we become a Nation of preemptive war, secret military tribunals, torture, rejection of habeas corpus, warrantless searches, undue government secrecy, extraordinary renditions, and uncontrollable spying on the American people.

The greatest danger we face is ourselves, what we are doing in the name of providing security for a people made fearful by distortions of facts. Fighting over there has nothing to do with preserving freedoms here at home. More likely, the opposite is true.

Surely we can do better than this supplemental authorization. I plan to vote "no."

SUPPORTING OUR TROOPS AND VETERANS HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, I rise this evening to talk about our supplemental, the bill that will be before us on this Thursday for a vote.

It is very important that the American people understand what it is we are doing. We have no choice in the matter. Yes, we are Democrats. We are in the leadership, and we must move an appropriations bill that will, in fact, first and foremost support our troops.

There is a lot that has been said on the other side of the aisle about the motivations about all that is here.

☐ 1900

But there is another factor to this, Mr. Speaker, and that is the American people. The American people went to the polls in November, and they put Democrats in charge. They are the bosses. The bosses made a change of leadership. It is incumbent upon us as Democrats to lead.

I want to make sure that the American people understand what is in this bill and why it is important. First of all, this bill fully supports our troops and especially our veterans in the need of health care. It ensures that U.S. forces in the field have all of the funds and resources they require. There is no cutting of funds in this bill.

It directs more resources to the war against al Qaeda and the Taliban in Afghanistan, where the terrorists are, where the person is hiding who attacked this country on 9/11.

I might add, Mr. Speaker, the people of Iraq did not attack us. The people who attacked us are on the border of Afghanistan and Pakistan. That is where this bill is putting more funds.

It improves the health care for returning service members and veterans that is woefully neglected and has been woefully neglected under this administration. There is no question about it. The news items come out daily. All we need to look at is the situation at Walter Reed. This legislation stops the closure of Walter Reed Hospital and pours $2.8 billion into veterans programs, more than has been done in recent times.

And, yes, it does what the majority of the American people want and begins to set a reasonable redeployment deadline schedule for us to come out of the civil war in Iraq so that we can better position ourselves to have a new Middle Eastern policy that reflects containment in that region and in a way that gets our young men and women out of the cross hairs of a civil war.

Let me just be specific, if I may, Mr. Speaker, on the health care. As I said, there is $2.8 billion for defense health care, which is $1.7 billion above what the President requested. It doesn't look like a cut to me.

Additional funds supporting new initiatives to enhance Medicaid services for Active Duty forces, to mobilized personnel and their family members, who have been woefully neglected.

This includes $450 million for post-traumatic stress disorder counseling. The psychiatrists have said on more than one occasion that there is a policy of sending our young men and women back into harm's way before they are mentally healed. There is a different way to determine whether you are mentally healed. It is more difficult than a physical wound that you can see.

Four hundred fifty million dollars for traumatic brain injury care and research.

Mr. Speaker, I just left Landstuhl Medical Center near Ramstein Air Base 4 weeks ago, and I saw firsthand the injuries to our soldiers. I was there. I talked with them. It was my third trip into that base. When you go to Landstuhl, you are seeing the injuries right as they come from downrange in Afghanistan and Iraq. So you are right there where it is, and I saw the need. That is why we put $730 million to prevent health care fee increases for our troops, $20 million to address the problems at Walter Reed, and $14 million in burn care.

Mr. Speaker, I know my time is up. I just want to make sure the American people know the Democrats are putting forward a plan that is truly responsive to our troops and to our veterans.

THE VALUE OF THE AMERICAN SERVICE ECONOMY

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, last week I spoke here in the well about our service economy. Accounting for nearly 80 percent of both our workforce and private sector gross domestic product, services actually form the backbone of our economy. These industries are thriving in the worldwide marketplace and are a major source of our global competitiveness. Our annual exports in services are approaching $400 billion, and we have long had a trade surplus in this sector of the economy.

Mr. Speaker, one such source is the motion picture and television production industry. This industry is a thriving economic engine, creating well-paying jobs and economic benefits to communities all across America, not just in my State of California. In fact, with filming in 44 States, the motion picture and television production industry generates more than 1.3 million American jobs, $30.24 billion in wages to American workers and $30.2 billion in revenue every year. It is very competitive internationally, with a $9.5 billion trade surplus. And it is the only industry, Mr. Speaker, it is our only industry in which we actually have a trade surplus with every single one of our trading partners.

Motion pictures and television production creates jobs in a wide range of fields, from the highly technical to the highly creative. But one thing they have in common is that they are largely based on the knowledge economy that provides the foundation for both our economic well-being and our comparative advantage in the global economy.

Another major services sector is the express delivery industry, Mr. Speaker. This is an industry that is not only thriving in the global economy, but it is actually making the global economy possible. In a world where just-in-time delivery is essential to doing business, where U.S. companies, large and small, can get raw materials from Chile, make products in Michigan and sell them in Korea, express delivery is obviously a very integral part of that economy.

Goods transported by air account for only 3 percent by weight of all goods traded globally, but 40 percent of value. That is 3 percent in weight, but 40 percent in value.

U.S. companies that ship worldwide are helping to grow our economy as they facilitate the interconnectedness of the world's producers and consumers. For example, Mr. Speaker, every time UPS adds 40 new international packages into its system, it creates a new job right here in the United States of America. Every day, in fact, UPS carries 8 percent of all U.S. gross domestic product and 3 percent of world global gross domestic product within its system. By tapping into the ever-growing need to ship worldwide, express delivery companies create new jobs here at home, facilitate economic growth around the globe and demonstrate that U.S. service companies are thriving in the worldwide marketplace.

Mr. Speaker, the telecommunications industry is yet another example of American businesses that are both tapping into and facilitating a shrinking world that brings a globe-full of benefits and opportunities right to our doorstep here in the United States. U.S. telecom companies are extremely competitive in the global economy, with international revenues rising more than 12 percent in just the last year. 2006 was the third year in a row with double-digit growth in international revenue. The global telecom market is projected to reach $4.3 trillion by 2010. That is $1.2 trillion in the United States, but $3 trillion internationally.

Clearly, the competitiveness of the U.S. industry depends upon worldwide economic global engagement. At the same time, these services are making the world more and more connected, enabling producers, consumers and investors to communicate quickly and easily with every corner of the globe. And, as we have seen, our service providers thrive on this increased connectiveness. As global leaders, they are constantly creating new opportunities, here at home and around the globe, as they grow our economy and make the worldwide marketplace more and more accessible for everyone. And they have done so at a time when worldwide economic liberalization in services has been very limited.

Mr. Speaker, I urge my colleagues on both sides of the aisle to continue on a path towards greater economic freedom so that our service industries, the backbone of our economy, can achieve greater and greater success in the global marketplace.

TRIBUTE TO LARRY CARROLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to recognize and congratulate Mr. Larry Carroll on 30 years of outstanding service with the Permian Basin Community Centers.

Mr. Carroll represents the model public citizen. He has served the Permian Basin Community Center as director of finance, deputy executive director, and now as the center's executive director. I served on and chaired the board of directors for the PBCC and know Mr. Carroll to be one of the finest, most capable executive directors in the community center system.

It is his commitment, dedication and wisdom that has helped develop the center into one of the most outstanding community organizations the Permian Basin has to offer. Mr. Carroll has made a personal commitment to helping others through his additional valued work with the Rotary Club and Leadership Odessa, and I am proud to represent my friend in Congress.

The 11th District of Texas congratulates and graciously thanks Mr. Carroll for this milestone and his exemplary service to the community.

A WALK THROUGH THE CONSTITUTION: THE PREAMBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, we are here today to announce a new series of weekly topics for the Congressional Constitution Caucus. I found that many Americans, including some of my fellow Members, are not as familiar with the Constitution as they might want to be.

Last Thursday this was demonstrated to us when three local schoolchildren, ages 8 to 12, came into the office. They were wearing these little "Liberty Day Kids" T-shirts and buttons, and they announced that they were going to door to door in the buildings asking congressional offices questions in honor of James Madison's birthday, questions such as what is necessary to override a Presidential veto, or where do all of the appropriations bills originate from.

Out of curiosity we asked them if most people had been answering the questions correctly, and the children emphatically shook their heads no. So tonight and each Tuesday after votes, we hope to help correct that problem by taking a walk through the Constitution, and I encourage other Members to join us as we educate each other and the Nation about our preeminent founding document.

So we begin by looking at the Preamble of the Constitution. It is perhaps one of most well-known sections, the Constitution's introductory sentence, which reads, "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

So this passage sums up in a condensed version what the Founders were intending in this document. So let's look at some of the phrases.

The first phrase, "We the People of the United States." Now, these words by themselves almost sound trite today, but they were groundbreaking pronouncements when they were written. You see, the previous document, the Articles of Confederation, was an agreement solely between the States, and other earlier documents, including the 1778 Treaty of Alliance with France and the 1783 Treaty of Paris did not even include the word "people."

In convincing Virginia to ratify the Constitution, the Governor explained to them why the word was appropriate. He said, "The government is for the people; and the misfortune was, that the people had no agency in the government before. If the government is to be binding on the people, are not the people the proper persons to examine its merits or defects?" The Constitution therefore binds America together.

The next phrase is "In order to form a more perfect Union." The Founders simply believed that the new government would be stronger than the one under the Articles of Confederation. You see, the loose confederation of States had led to bickering and ineffective government. But this new arrangement of States has allowed the States to retain their power, but also work together for the common good.

Thomas Jefferson wrote therefore, The union is the last anchor of our hope.

The third phrase is "to establish Justice."

□ 1915

This refers to a problem that had arisen in the State court systems. And so by creating a Supreme Court of the land, the Framers hoped to prevent egregious examples of trampled rights. But the Framers had a higher purpose in mind, too. In Federalist No. 51, James Madison wrote: "Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit."

The next section is to provide for the common defense. This phrase is perhaps the most evident today. See, the War for Independence had been fought for that very reason; and in the years following the war, our fledgling Nation had been unable to defend itself against the Barbary pirates and also from Spain and England threats. So the States realized they needed to unite to preserve the Union.

The next one is very important for today. The phrase "to promote the general welfare," this has been commonly interpreted to mean that the Federal Government can do almost anything as long as it accomplishes something beneficial. But you see, this definition ignores the Founders' real intent. See, they deliberately used qualifying words such as "general" because they meant to limit the powers rather than expand it. Think about it. Would it be proper and fair for the Federal Government to recognize certain groups over other ones, certain States over others? If the Founding Fathers didn't intend to create these special rights or special privileges or socioeconomic programs, there would not have been any reason to list the specific powers that are listed in the Constitution.

James Madison even stated that the "general welfare" clause was not intended to give Congress an open hand "to exercise every power which may be alleged to be necessary for the common defense or general welfare."

The final section reads "to secure the blessings of liberty to ourselves and our posterity." These words come from the previous phrase, for without law, it is impossible to achieve liberty for future generations.

I will close by saying we look forward each week to come to the floor on Tuesdays as we walk through the Constitution week after week to better understand this important document for this House and for this country.

RURAL VETERANS ACCESS TO CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, as many in this House of Representatives know, I represent one of the largest congressional districts in this country of over 53,000 square miles. The district is about the size of the State of Illinois. It is bigger than 25 of 26 States east of the Mississippi River. It has more hospitals than any other congressional district, but it has no Veterans Administration Hospital.

Some veterans in my rural district have experienced great difficulty in traveling to distant VA health facilities to access care. Though we have been successful in opening several VA outpatient clinics in the First Congressional District, access to care remains a real challenge for veterans living in rural Kansas.

I would like to share a couple of stories from Kansans who have written me recently. I received the following letter from the wife of a World War II veteran: "My husband and I have been residents of a long-term care facility for 2 years, and he is unable to travel 65 miles to take a physical at the Hays Kansas VA clinic, as is required by the VA to receive prescription benefits. They have stopped filling his prescription medicine. Veterans like Ralph gave several years of their lives for our country, and I feel it is a very ungrateful way to treat them."

The second case involves an elderly veteran from Hoxie, Kansas, who is in need of a pair of glasses. This veteran was told he must travel over 4 hours to the Wichita VA Hospital to get a new pair of glasses, a distance of about 260 miles, and it doesn't make sense to him because his community's optometrist is just across the street.

No, it doesn't make sense to any of us. Lack of access to VA care is a problem felt around the country by veterans living in rural America. Veterans who live in rural America are one in five of the veterans enrolled in the health care system. Rural veterans face unique challenges like long drives to VA facilities, bad weather, and lack of specialists. Limited access to VA care too often means rural veterans simply forgo the care and treatment they need. Studies have found that rural veterans are in poorer health than their urban counterparts. A policy change is needed. It isn't right to penalize some veterans because of where they live. It is time to provide these veterans the health care benefits they have earned and that have been promised to them.

I have introduced the Rural Veterans Access to Care Act with the goal of ending these disparities in access. This legislation requires the VA to contract with qualified outside health providers to give our most underserved veterans more options to receive care. Rather than traveling long distances to reach VA facilities or deciding not to make the trip at all, these veterans would be given the choice to receive care closer to home at their local hospital or their community clinic or their local physician's office. Additionally, the VA would be required to fill prescriptions written by outside doctors to eligible veterans.

To meet the needs of highly rural veterans, the VA would contract and partner with community physicians as well as local hospitals, community health centers, and rural health clinics. These providers already supply high-quality care to America's rural population, and yet their services are denied to America's veterans.

Since our Nation's founding, rural communities have always responded to the Nation's call. Today, 44 percent of our country's military recruits come from rural America. When these rural soldiers return home from war, our Nation must be prepared to care for them. Let's take advantage of the successes of existing rural health infrastructure in order to meet the unmet needs of America's rural veterans.

For our elderly World War II veterans, our young soldiers returning from Iraq and Afghanistan, and those who served in all of the conflicts in between, this is a commonsense and lifesaving approach that our Nation owes its rural veterans.

AMERICA CANNOT REPEAT MISTAKE OF 1938

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, in the year 1938 domestic needs were great in this country. The New Deal programs that FDR had actually failed, and the Depression had deepened during his second term to the point that the P–51 fighter plane was considered so insignificant and so costly it was not funded that year.

When World War II started, the bombing runs that we took as a country produced 20 percent casualties for us to the point that we suspended bombing runs until we could build enough P–51 fighters to accompany them. It was not until the winter of 1943 that we were able to have superiority over the sky in Europe.

The technology of today has made this world so much smaller and so much faster that we cannot afford to make the same mistake this country did in 1938. We cannot predict the type of future combat we will be called upon to participate in. We must be prepared for that future.

Decisions we make today, because basically it takes 8 years from design to construction of a plane, decisions we make today have the impact of what kind of options we have both in the military and diplomatic sphere 10 and 15 years from now.

This country has controlled the skies since the Korean War, and we take it for granted. We have forgotten that we have flown a military sortie every day of every year for the past 16 years, and we have done so with the oldest fleet in the history of this country. Our newest plane, the F–16, is 30 years old. It is older than the pilots who fly it. There are F–16s at this time that are restricted as to the speed and the distance in which they can fly. We have 63 C–130 cargo planes that cannot fly if they actually have any cargo. We have KC–135s that generals in the field will not accept because the age of the plane makes it impossible to protect.

Despite our best efforts at our depots to try and fix these planes and patch them up, we cannot ignore the reality and forget we are in a difficult situation with the capacity of our military equipment. It may take, indeed, a catastrophe, the wings falling off, until we recognize the situation we are in, or find ourselves shorthanded in a time of need.

The Air Force has asked for the ability of recapitalization, taking 1,000 planes they have determined to be excess and no longer funding those planes and instead putting that money into new technology. This Congress has failed to allow them to do so on many of those planes.

If we had sufficient F–22s, we could get rid of all of our F–117s and save this country over a billion dollars a year over a 5-year period of time.

While we have been playing around in America, our enemies, our allies, and maybe those who in the future will become our enemies have not been sitting still. The Chinese have added 10 percent to their military budget every year since 1990. That is a 200 percent increase over the past 17 years. Their navy is expanding. Their medium-range missiles are expanding. In January, they conducted a test to shoot down one of their own satellites which is the same type we depend upon for communications in the United States. And more significantly, their Jian-10 is a sleek new fighter aircraft designed to narrow the gap between the Chinese and the American Air Force to give them numerical compatibility and technical equality to the United States Air Force.

The Russians have a new Sukov fighter airplane that they have already fielded which is technologically equal to what we have.

We have even found a Third World country like the Indian Air Force has put so much money into their technology and training of their pilots that in many respects they are equal to the United States.

We cannot afford to wait for the future. This country needs to build the fifth generation of fighters, the F–22. We need all 183. Actually, we need 300, not just the 183 we have authorized. We need to put money directly into the new F–35s. That is the future: 1,500 planes for both the Navy, the Marines and the Air Force to be the next generation to give us technological superiority in the skies and maintain superiority in the skies into the next decade.

If we do not do that, we are desperately playing and gambling with our own future. We forget how long it took to ramp up to be producing the F–16s we fly today. This country should be producing 200 planes a year. Instead, in our budget for next year, we have scheduled to produce six, and two in the supplemental that were taken out. We are gambling with the future of this country because we have taken the past for granted.

In fact, as one general half jokingly said, if we are not willing to appropriate the money to let our Air Force build the new equipment and planes they need, maybe we should at least give them the opportunity to purchase the Russian planes so they can be flying something that is new.

Mr. Speaker, we cannot gamble with the future of this country. We cannot make the same mistakes we did in 1938. We need to put money into the building of the F–22 and the F–35 for the future of this Air Force.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I am glad to see you there in the Chair. Also, I am glad to be joined by Mr. MURPHY and also Mr. RYAN. We are pleased Mr. RYAN can be here at the top of the 30-Something Working Group hour.

We come to the floor every week, sometimes two or three times a week, to talk about the great things that are happening here in the House, talk about how we are getting better not only as to oversight but appropriations, and also budgeting, making sure that we budget so we no longer have to borrow money from foreign nations.

The discussion here tonight is important because we have the emergency war supplemental that is coming to the floor on Thursday. The Appropriations Committee dealt with that today. To have such an important Member like Mr. RYAN who is a member of the Appropriations Committee, they have been doing quite a bit of work. I know he has a lot to share with us making sure that we sling-shot the troops in for a win, and also the folks who have served our country, the men and women who have served our country in the past.

Mr. Speaker, I think it is important to note there is $1.7 billion in this bill for health care; it is $1.7 billion more than the President has asked for. Also as relates to veterans health care, there is $1.7 billion more than what the President requested.

We had a chart on the floor last week that talked about Democrats when we were in the minority putting forth proposals to make sure that our veterans had what they needed once they left Afghanistan and Iraq, and even for those still in the service.

We have also put additional dollars in as relates to readiness, and we will talk about that because we have some definitions we want to share with Members.

But since Mr. RYAN has been spending a lot of time in the Appropriations Committee working on these very issues, I thought I would yield to my good friend and allow him to elaborate on the very work they have been doing over the last couple of weeks. I said before you came in, Mr. RYAN, that we are so happy you are here at the top of the 30-Something Working Group hour because you are an appropriator and that is an important position.

□ 1930

Mr. RYAN of Ohio. Mr. Speaker, I appreciate it, and no more important than the Ways and Means Committee, of which you serve on, and all your hard work over the past 4 years in the United States Congress, previous to that in the Florida Senate, previous to that in the Florida House, following in your mom's footsteps, who was also an appropriator in the United States Congress. So it is an honor to follow in her footsteps.

I think there is a couple of very important points that we want to make in regards to this bill that we have before us on Thursday. It passed out of the Appropriations Committee last Thursday, and this, in essence, in fact, in reality, is the piece of legislation that will help change the course of our Iraq policy.

The President has had free rein for the past 5 years from a Republican Congress that just went along with everything that he wanted to do, and I found it funny this weekend, as we were watching some of the weekend shows, and I was watching Meet the Press and former Congressman Tom DeLay was on, Richard Perle, one of the top, President's top defense advisers was on, and they were arguing that if we pull out of Iraq, that somehow the sky's going to fall, okay, and that this whole thing, that Iraq is going to turn into a catastrophe, and it is going to fall apart; it is going to spin out of control.

I just could not help but to think that these people, Mr. Speaker, have absolutely no credibility to comment on what is going on in Iraq. They can talk and they can say what they need to say, but the bottom line is they have expressed their opinion over the past 5 years, and it is difficult to find any statements that they have made that have been either factual or predictions that they have made that came true.

I want to say a couple of things about this bill that we are going to pass.

Mr. MEEK of Florida. Please say it.

Mr. RYAN of Ohio. We are saying basically and General Petraeus is saying this. Now they are saying that we are going to need until summer to figure out whether or not the surge is working. In our bill that we are passing, that we are going to pass on Thursday, it says by July 1, which is the summer, that if by July 1 there is no progress being made, that we immediately begin to withdraw our troops down in 180 days; and if by October 1 the President does not certify that the benchmarks that he came up with are met, we begin to get out of there; and at the absolute latest, we start withdrawing March of next year and have everybody home by August of 2008.

Here is what I want to say, because here is the big argument that we had. We are saying that there are benchmarks that they need to meet, and if they do not meet them, they are deadlines, and we are coming home. What we are hearing from the other side is that you cannot have benchmarks, you cannot possibly have any benchmarks, you cannot tie the President's hands. Well, actually, it is funny.

Mr. MEEK of Florida. When did you pass this legislation? I mean, pass it out of Appropriations Committee, when did that happen?

Mr. RYAN of Ohio. Thursday it passed out of committee.

Mr. MEEK of Florida. That just happened. That just happened.

Mr. RYAN of Ohio. That is right.

Mr. MEEK of Florida. On Thursday?

Mr. RYAN of Ohio. That is right, and now all our friends on the other side are saying, you cannot possibly set a deadline, you cannot possibly tie the President's hands. Very interesting when you go back and do a little research.

In June of 1997, when our troops were on their way to Bosnia under President Clinton, House Republicans brought to the floor an amendment that would, guess what, set a timeline and a date certain for withdrawal from the U.S. peacekeeping mission in Bosnia, a mission that was only 18 months old. So all of the Republicans who say that we cannot possibly be for a timeline were for a timeline 10 years ago in Bosnia.

Now, our friend from Indiana Mr. BUYER, who we had a nice debate with over the resolution a few weeks ago, offered an amendment that by December 15, 1997, President Clinton was required to report to Congress on political and military conditions in Bosnia. By June 30 of 1998, all troops had to be withdrawn. That was an amendment that the now-ranking member of the Committee on Veterans' Affairs offered in 1997, and you will never guess all of the Republicans, members of leadership today, who voted for that amendment, and now all of the sudden they are saying, you cannot possibly be for a timeline or a date certain, and on and on and on.

We will continue to go through this debate. This will be the debate the next couple of weeks, but the Republicans in 1997, some of the top leaders in Congress today, supported a date certain that we would come out of Bosnia, withdraw the troops, and that was only 18 months into Bosnia and only $7 billion, and here we are today, 48 months, $379 billion, and over 3,200 American lives.

Mr. MEEK of Florida. We are within our fifth year now, our fifth year, and Mr. Speaker, I always say there is nothing like the CONGRESSIONAL RECORD. That is the reason why the 30-Something Working Group, we like third-party validators, and we love the CONGRESSIONAL RECORD because that is the reason why we meet. That is the reason why we make sure we have what we need to have to give good, accurate information to the Members.

But we have a very important Member that is on the floor that is a member of not only the Financial Services Committee, but also Government Oversight, that has their work cut out as it relates to making sure that this government is efficient, and that is Mr. MURPHY. I think that it is very important that we hear from him and some of the information that he has to share, because a lot of the information we have now is from Mr. MURPHY's committee.

Mr. MURPHY of Connecticut. Mr. Speaker, I understand the Appropriations Committee is a very important place, Ways and Means is very important.

Mr. RYAN of Ohio. We are all important.

Mr. MURPHY of Connecticut. We are all important in our own ways.

Government Oversight and Reform, though, that was a committee that was a little sleepy here for the last few years. I have not been here with you for the last few years, but I was a watcher. I think I could see what was happening down here in C–SPAN. You did not see many oversight hearings. You did not see a lot from the Armed Services Committee, the Government Oversight Committee exercising what used to be the constitutional prerogative of the coequal branch, which is the legislative branch.

Here is how things have changed. Let me put this where people can see it.

Mr. MEEK of Florida. Nothing like a good chart. ,

Mr. MURPHY of Connecticut. I want to display an important number here: 104. I will tell you why that number matters. That is the hearings on issues related to the Iraq War just this year; 104 different hearings have been held.

Mr. RYAN of Ohio. Those just happened.

Mr. MURPHY of Connecticut. That just happened.

Mr. MEEK of Florida. Another thing that is so very, very important, is his name David Broder, the conservative writer? I was home reading a hometown paper. Some folks in this town admit that they do not read the paper, but I do, and he wrote an article saying no blank checks out of this Congress, and it talked about oversight hearings and talked about what is happening in Justice, Mr. Speaker, and it talked about what is happening in some of the other Federal agencies. But he ended the article by saying it really does not change government. It does. This is where he is wrong. It does.

Half of the things that we know now about Walter Reed, most of the things that we know now about the Iraq war is that the Congress is now carrying out its constitutional responsibility, and that is to have oversight. So I just wanted to, just if we continue like Mr. RYAN was saying, listening to these voices of the past, saying let us stay in the same direction, oh, do not worry about having oversight hearings, where were these voices when folks were giving away millions of dollars in special interest tax cuts to the superwealthy and to the superconnected? So I think it is important we are on the right track.

Mr. MURPHY of Connecticut. It used to be that, you are right, it was 60 Minutes and New York Times and The New Yorker. That was the oversight branch in our Federal Government. It was the press. We are thankful that they actually brought some things to light.

But what we have learned just in the first 2 months, what we have brought out in these oversight hearings are really stunning to the American people. Nine billion dollars put out in cash on wooden pallets, thrown out of SUVs in sacks as they drove down the street, unaccounted for, do not know where it went, have no idea where it went.

We have got Blackwater, a contractor out there, keeping the diplomats and some American military personnel safe. Well, we find out that the government's role in overseeing Blackwater and a lot of these other contractors, you know what we did? We contracted that out, too. We contracted that out, too. Blackwater took its responsibility and contracted somebody else, and they contracted somebody else. Everybody made a dime along the way. These were things that you did not hear about in these halls until we got here.

So the bill that you outlined, it does the right thing for our troops. It does the right thing for our veterans. There are some other pieces that we can talk about, how it does the right thing for kids, the right things for farmers, but also does the right thing for taxpayers because it finally gives some accountability in how we spend these dollars. We would like to see an end to these dollars. But while we are spending money, at least finally we are going to have some accountability for those dollars.

Mr. RYAN of Ohio. The President has to deal with Congress now, and what is in this bill I think holds the President accountable. This bill does not just hold the Iraqis accountable, but it holds the President accountable.

The benchmarks that are in this supplement that we are going to pass are the President's benchmarks that he outlined in January that we need to hit. Now, if we do not hit them, then what do we do? The President says, do not tie my hands. We are saying, these are your benchmarks. We have been there for a long time, and if they do not step up, the Iraqi troops do not step up, it is time for us to go.

The bottom line is that there is no incentive for the Iraqis to step up because at this point they feel like we will stay there forever, and we are saying that we are not going to be there forever; get your act together.

Mr. MEEK of Florida. I think it is important, as we start to look at this, I cannot help but reflect on the fact that as of 10 a.m. today, and that is today, that we have lost 3,222 men and women in Iraq. I mean, that is not a small number when we look at the sacrifices that have been made. Also, we are looking at another 13,415 wounded that have returned to duty, and 10,722 wounded that cannot return to duty. Then we have folks that are whining about having some accountability in what we now call 5 years later emergency supplemental funding.

I think it is important, Mr. Speaker, for the Members to understand because we want to come to the floor, we do not want a Member going back to their district saying they did not understand what was in the bill because we know it is on the other side of the aisle.

Mr. RYAN pointed that out we have some folks that are just going to vote on principle; I am going to vote against this because it was not my idea. I am going to vote against it because I am a

Republican. Well, guess what? The American people voted last November for leadership, not saying that I am going to send a Democrat or Republican. We had Republicans that were tenured in this House, served 10-, 15-year terms unelected because they were following partisan politics. It is very, very important that we look at the bipartisanship in this.

I will yield because I was about to make a point on the readiness issue.

Mr. RYAN of Ohio. Because I have to take off a few minutes early, and I want to go through real quick, I want to talk about what these folks who say they are going to vote against this bill, what they are voting against from the veterans' standpoint, okay.

Now, these are folks who consistently say, Mr. Speaker, we support the troops, work for the troops. We have got to get the troops back. I think we all believe that, but there will be an opportunity on Thursday to really put your voting card where all the rhetoric is.

Defense health care, we add $1.7 billion of an increase to the President's request. Here is what you are voting against if you vote against the supplemental. You are voting against an additional $450 million for post-traumatic stress disorder and counseling.

You are going to vote against $450 million for traumatic brain injury care and research, and if you have been to Walter Reed, as we all have, you will see unbelievable brain injuries.

You will be voting against $730 million to prevent health care fee increases for our troops.

You are going to vote against $20 million to address the problem at Walter Reed, and you are going to vote against $14.8 million for burn care.

Now, that is just defense health care. Now veterans health care. Now, we have got to support these veterans coming back; an additional $1.7 billion above the President's request for veterans health care.

If you vote against this supplemental, here is what you are voting against.

□ 1945

You are voting against $550 million to address the backlog in maintaining VA health care facilities. You will vote against $250 million for medical administration to ensure there is sufficient personnel to support the growing number of Iraqi and Afghanistan troops coming back. That was the major problem at Walter Reed because of the contracting issue, because some people had to make some money on the deal; $229 million for treating the Iraq and Afghanistan veterans. It is a growing number, $100 million for contract mental health care and $62 million to help speed up the process.

Now, there are other things in here. We are going to talk about readiness. But if you vote against this, that is what you are voting against. I would hate to see the political commercials that may be run if you are on the other end of this thing.

I mean, that is just, I wouldn't want to be in that position, but that is what is in the bill. So rhetoric is rhetoric, action is action, and it is $1.7 billion more for defense health care, $1.7 billion more for veterans health care.

Mr. MURPHY of Connecticut. Before Mr. MEEK talks about readiness, let me just make one more point on top of that. It seemed that for years this Congress, the Republicans who set the policy for this war, didn't view the cost of the war as including taking care of the soldiers when they came back from Iraq and Afghanistan, that the cost of the war was just the money for the Humvees and the salaries and the missiles and the rifles. No, the cost of the war is all of what it takes to actually conduct that war on the battlefield, but it also is about putting forth every single dollar that is necessary to take care of those brave men and women when they come back to the United States.

Now, used to be in World War I, World War II, wars in the middle of the century that you would have about three injured soldiers for every soldier that was killed in action. Now, with improvements in technology in armor and medicine, we now have a 16–1 ratio. That is great news. That is great news, more people are coming back alive, but they are coming back with more difficult injuries, more complex medical issues. We haven't built into that war the cost of taking care of those veterans.

That is what this bill does. That is what this bill does. It is going to fund the withdrawal. It will fund the redeployment of our forces to fights that we still can win. It will also for the first time, for the first time, recognize that the cost of the war includes taking care of the veterans, not just average health care. In fact, we found out in many cases, in Walter Reed substandard health care, but with gold standard health care. Our veterans system should be the best health care available in this country.

With $1.7 billion in defense health care, $1.7 new dollars for veterans health care, we will finally live up to that commitment to our veterans and our soldiers when they get back here, like we should when they are over fighting for us.

Mr. MEEK of Florida. Mr. MURPHY, I think it is important for us to look at the following line. This bill puts also enforcement behind what is already out there. There is no policy risk here in this bill. We know that the Iraq Study Group says that we should have timelines. That is in this bill.

We know that the military, as it relates to readiness, and we know that there are four basic components to readiness, you have, for instance, we have 100 Striker brigades that are in our military right now. We know in every Striker vehicle you have to have a commander, a gunner and a driver. We need to make sure that we have all three of those components before we send a Striker force into Iraq or Afghanistan. That is in this bill, and that is what the military calls for.

I think it is important to also outline that there is not a National Guard unit that is right now in our National Guard force that is combat ready. Right now, I say that with great confidence. We don't have that right now. I am on the Armed Services Committee because I know this stuff. I mean, I know this stuff because we talk about it.

We talk about the fact that we are not ready to do the things that we need to do as it relates to equipment maintenance. In many parts of the theater we don't have what we need to keep heavy vehicles moving. We look at the reason why we don't have up-armored vehicles, in some instance, going out on patrol. If you ask some here in Washington DC, that is every time, but not all the time.

In Baghdad, this is very, very important, the training and making sure that everyone is trained and have what they need to have to carry out the task within a brigade is very, very important.

In this supplemental we are meeting the needs of the Army as it relates to what they need. I think it's 36,000 troops, additional troops. They need an Army, and we are also increasing the Marines by three brigades, if Members want to vote against this piece of legislation.

I think it's also good to outline in 2001, we were at 80 percent of readiness. When we say "readiness," everyone was trained and equipment was in place to be able to deal with it. We haven't been down at the numbers or the level we are now as it relates to readiness or a lack thereof since the end of the Vietnam War.

In this day and time when we have Iran and we have Syria and we have North Korea and we have other countries of interest to the United States as it relates to a threat, now more than ever we need to make sure that we are there not only for the troops but also for the American people.

I think it is also important to shed light on the fact that there are several other great things that are in this bill, $2.6 billion to deal with Homeland Security issues that were not dealt with, Hurricane Katrina relief, $2.9 billion, also as it relates to urgent State children's health care and insurance needs at $750 million, urgent needs for pandemic flu preparedness at $1 billion.

As we start to look at and uncover in these hearings, as some talk about, that are a waste of time, we start looking at the gaps of the lack of oversight and a lack of execution on behalf of programs and initiatives that will make our troops' lives better, those that are enlisted, those that are Reservists, to be able to secure our troops that are in theater at this time, many of whom are in the areas of great danger and constant fire, and also looking at the needs of the country, of the everyday American people.

Now, it is interesting because the minority side, the Republicans over there, when we start looking at some of them, when we start looking at some of these votes that have taken place, many of the Members of the leadership, if not all, have voted against commonsense legislation that we passed on a bipartisan basis.

I mean, we had a number of Republicans voting for bills that were brought up by this Democratic Congress. You look at implementing the 9/11 Commission recommendations, we had 299 votes. Democrats voted in the affirmative, we had 299 overall votes, 86 of those individuals were Republicans. Minimum wage, to be able to raise minimum wage, 315 with 82 Republicans joining us.

Also, you have funding enhancement for stem cell research, 253, and a majority of Members voted for that bill. Thirty-seven Republicans joined us making prescription drugs affordable for seniors. H.R. 4, 255, it passed with 24 Republicans joining us. Cutting the student loan interest rates in half, H.R. 5, 356, with 124 Republicans joining us.

Again, creating long-term energy initiatives, H.R. 6 passed, 264, with 36 Republicans joining us.

Now, I can tell you tomorrow or Thursday, there will be a number of individuals thinking about how they are going to vote. But I can tell you this, there are several things that we can say about this emergency supplemental that is really, really good for the country, and there are also eight or nine points that I can point out that are leadership calls. You have to be a leader to take a position on anything, and I think we have some Members on the minority side that don't want to take a position.

Let me go back to David Broder's article that he wrote, and the Members can get it at miamiherald.com; it was March 18. It should still be on, you can get it for free on the World Wide Web: "Congress won't sign any more blank checks," but it goes on down to paragraph 6 and talks about the fact that for 6 years the Bush administration and the aids that they are talking about earlier in the bill would have free rein on carrying out whatever political policy or assignment they wished, and also the President. Let's just say hypothetically, that the President wanted this done.

A Congress, under a firm Republican control, was solemn when it came down to oversight of the executive branch. No Republican committee chairman wanted to turn rocks over as it relates to the Republican administration.

I think it's important that we have the kind of forward lean that we have now, because that is what the American people have called for. They asked for accountability. They asked for oversight. They asked for Members of Congress to come here and be Members of Congress, not just say Mr. MURPHY is my friend, and we all get along and I see him in the hall, he wears nice ties, what have you, is a member of Financial Services and also Government Oversight.

They didn't send us here to have great relationships and to slap each other in the back. They sent us here to provide the kind of leadership that they deserve. The bottom line is, when that bill and this emergency supplemental bill comes up, war supplemental comes up on the floor, we will have to take a position. We have to answer for the fact that we have put benchmarks in this bill saying that the Iraqi Government, their feet have to be held to the fire, because, guess what, back in my district there are mayors and there are county commissioners and there are city commissioners and there are school board commissioners and there are constituents of mine that want health care, and their feet are being held to the fire. Mayors have to fill out more paperwork. I guarantee you the mayor of Baghdad has to fill them out too as it relates to Federal dollars.

You talked about in the early days of voting money on the back of a truck and passing out cash money to pay government workers in Iraq and to do other things that we know very little about now. We also know that weapons that we bought are unaccounted for at this time.

To say that we are the so-called board of the United States of America, and the President is the chief CEO, the chief executive officer, we are not carrying out our responsibilities, making sure that the President does exactly what he said he would do, making sure that Iraqi government does what they said they would do. We need to make sure that our men and women don't have to speak under their breath as it relates to readiness, as they board a plane to go to Kuwait to then be shipped to Iraq, that they don't have what they need in a Striker brigade, that they don't have what they need as it relates to the training or the equipment or the down time that they deserve, not a rotation based on some bureaucrat in Washington DC saying, well, we need three more brigades in Iraq.

Oh, well, I know they have only been home for 120 days, but we need them there to keep up our troop level there at over 147,000. I must add, where other countries have announced or have withdrawn, we have replaced them with American troops. Yes, this is a leadership vote, and, yes, some of us are going to have to go to the wizard and get some courage and come here and vote on behalf of the supplemental.

Now, I respect folks having different opinions, but this is a far better supplemental bill than Members in this Congress have voted on in the past. We have voted on at least two of them since I have been here. I can remember two of them, and they did not have benchmarks. They just had money in the bill saying trust the President and trust the Department of Defense, they know what they are doing.

Mr. MURPHY of Connecticut. Blank checks.

Mr. MEEK of Florida. Guess what, the American people have said, I don't like that. I don't want to do that any more.

So now we have the opportunity to put the language in the bill that would hopefully get us to the point where the Iraqi Government will say, wow, the U.S. Government is no longer playing around with us. The American people are no longer playing around with us. We will actually have to perform. We will actually have to turn out the troops and keep the retention as it relates to our security forces and to secure our own country. We are not going to be there forever. We are going to make sure of that.

For those that are saying we have to be there as long as we have to be there, I am saying that there has to be benchmarks. I am saying $500 billion has been spent in this war thus far and will continue to be spent unless someone stands up and takes the responsibility on.

I commend the Speaker, commend the leadership, commend every Member that has put their shoulder to the wheel and said this must be done now, not next year, not 3 years from now, not maybe we will think about it one day. The bottom line is there are folks here saying we don't want to let down Iraqi people but, guess what, I don't want to let down a U.S. taxpayer.

I don't want to let down that individual that is sitting in a veterans hospital now hoping and wishing they could get the kind of good care if the Congress was to stand behind them. It's not a gift issue as it relates to the majority here in this House. It is when we vote on this bill Thursday the they will be able to see the accountability they deserve. We have a process, get it through to the President.

This President can go on and on about how he will veto it, but I remember all of the tough talk. I have gone to the White House; I have spoken to the President. I don't have to talk in third party. I have done that. I don't have to have someone tell me what the President said.

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The President said, even in his speech as it relates to the escalation of troops, well, we know that the people know that, yes, they are passing a nonbinding resolution now. It is nonbinding, but there will be a binding resolution as it relates to the emergency supplemental. And I agree with the President; yes, it was nonbinding, and, yes, we had a vote. And I told the President that bill will pass overwhelmingly against your initiative and escalation of troops in Iraq. He said, yes, KENDRICK, I do know that will happen, but there will be a binding resolution. And this is the binding resolution. And if the President wants a blank check, he is just not going to get it. And he has to come through this House of Representatives, he has to go through the Senate. And it is something we have to hold this government's feet to the fire, the Iraqi Government's feet to the fire, or you might as well start going back home, Members, and sharing with your constituents, how old is your son? Oh, he's 12? Well, he is going to be going to Iraq one day, and he is going to do it because it is going to continue to go on and on and on if we keep following the Bush philosophy.

And there is nothing wrong with our volunteer force. We have some individuals that graduated from high school and want to go into the Army. I am all for that. I help recruit on behalf of armed services. But I think it is important that we do not give our men and women a fixed deck because we weren't man enough and woman enough and leader enough to vote on their behalf for their accountability measures so they will have what they need when they go into theater.

Mr. MURPHY of Connecticut. Mr. MEEK, I can't match your level of articulateness, but I think you are saying what people feel out there. I mean, this election had to mean something. I mean, people spoke, they went out there in numbers in parts of the country that we haven't seen in a long time. And they spoke with a pretty loud voice that they wanted a different course of direction in Iraq.

Now let me read something somebody said a few years ago in 1997. Mr. RYAN, when he was joining us here, talked about the fact that there is a little bit of double talk this week from folks on the other side of the aisle, this idea that Congress really needs to back off and let the President do his business. Well, that wasn't the line coming out of here in 1997, when Congress thought something very different about the oversight responsibility of this body when it came to the effort in Bosnia.

The chairman of the Armed Services Committee at that time was a gentleman named Floyd Spence from South Carolina. Here is what he said. This is his floor statement supporting the bill that was going to withdraw funding essentially from the President's intervention in Bosnia. He said, today's vote will call for the withdrawal of U.S. ground troops from a peacekeeping operation of growing expense and seeming unending duration. Mr. RYAN already told us that if that was unending duration, well, then you haven't seen unending duration compared to this effort. He went on to say, the time is long overdue for Congress to express its will on behalf of the American people. It is important that the Clinton administration be held accountable for the Nation's foreign policy and, in this case, for Bosnia policy. Let me say it again. It is long overdue for Congress to express its will on behalf of the American people.

You know what? I agree. That is what we are sent here to do. We are sent to invoke on this floor the will of the American people. That is why we get elected every 2 years instead of every 6 years, because we are the body here, the House of Representatives, and I have only been here for a couple of months, but I have studied enough history to understand that my responsibility when I came here was to speak on behalf of my constituents. And my constituents and the constituents of those that sent new Members here in droves from all over the country, from the Midwest to South, the Sun Belt, the West and the Northeast, said, set a new course. Stand up to the President. Redeploy our forces for fights that still matter. Protect us at home. That is the will of the American people. That is what we are going to be talking about this week.

Mr. MEEK, I think elections mean something. And I think what we are going to engage in on Thursday is an effort to put the will of the American people into practice here.

Now, it is not just the American people. We just saw a poll the other day that came out and asked specifically whether the American people would support Congress' plan to bring American forces back home and redeploy them to other fights across the globe that we can still win by the fall of 2008, the bill that we are about to vote on this week, and it wasn't even close. A margin of over 20 percent, 59 percent to 34 percent of Americans support that plan. The American people said what they wanted on election day. And when pollsters went to just double-check the temperature and make sure they still thought that, well, they still think that, in fact, probably in greater numbers than they did on election day, seeing that things have only gotten worse on the ground and the President's policy has only become more meandering.

But we don't just have to listen to the American people, because we can also listen to our foreign policy community. We put on that Iraq Study Group some of the brightest minds in American foreign policy. The folks that have set the direction for foreign policy coming out of Washington for years all got together, Republicans and Democrats, folks that probably hadn't agreed on much of anything if you were to poll them on other foreign conflicts. Well, they all came to an agreement, and they sent a report to us saying it is time to set a new direction, it is time to start redeploying forces in 2008.

We can also listen to our military leaders as well. And we have read a lot of quotes on this floor, so we won't belabor it, but just take one. The Deputy Commander of Multinational Forces in Iraq said it very simply: It's clear, you cannot solve this problem militarily. You have to do it with a combination of military, economic and diplomatic things that we have to do.

The American public, our foreign policy community, military leaders on the ground who see this on a day-to-day basis say the same thing: We have put our men and women in the middle of a civil war. We have done virtually nothing to address the underlying causes of that religious conflict. And to simply allow them to continue to be the referee in an increasingly bloody battle, that is not the right policy for our troops, it is not the right policy for this country, and it is time to start focusing on real security issues again.

Let me bring up one last thing, Mr. MEEK, before I yield back, what is included in this bill. This isn't just about, you hear this word withdrawal, this isn't about withdrawal. This is about focusing our efforts as a Nation on the fights that matter. We still have a real important conflict in Afghanistan. If we redirect some efforts there, we can still make a difference on the ground. Remember, that is where the people that attacked this country trained. That is where they base their operations. And if we are not careful, Afghanistan is going to fall right back into the hands of the folks who provided cover for so long to Osama bin Laden and his henchmen.

We also have to do a lot more here on the ground in our own country, Mr. MEEK. Now, you voted for efforts on the Democratic minority for years to try to bring light upon the fact that we have been spending billions of dollars over in Iraq. We haven't been spending money here at home to do the things we need to do to protect this Nation.

So this bill is going to put $2.6 billion into homeland security needs, make sure that you and me and our families and our friends are protected here; $2.6 billion, Mr. MEEK; $1.25 billion for aviation security, including 1 billion for a new explosive detection system, $90 million to deploy advanced checkpoint explosive detection equipment and screening techniques, $160 million to do better when we are screening air cargo, $1.25 billion for new port and transit and border security features, $150 million for nuclear security, including, at the President's request, $67 million to secure the nuclear material in the former Soviet Union.

Here is where the fight is; it is in places like Afghanistan, it is at our ports, it is on our borders. That is the fight that we are going to engage in. That is where we are going to refocus our efforts.

This vote that is coming up this week is about doing just what the Republicans told us we were supposed to do in 1997; that is, expressing the will of the American people on this floor. This vote is about putting our forces, putting our money where the fights matter most.

Mr. MEEK, I am going to be proud to be part of that this week when we finally get that chance to make the will of the American people the law of this country.

Mr. MEEK of Florida. You know, Mr. MURPHY, it is so refreshing to hear you speak about this legislation, especially being fresh off the campaign trail, especially being a new Member of Congress. And I can tell you that as long as you continue to keep that spirit, and Members of this House and the majority continue to keep the spirit of wanting to do everything that you said you would do on the night that you were elected.

You know, many of us gave these great speeches, Mr. Speaker, talking about when we get to Washington, this is what we will do, and that I am going to be there for you, and that I am going to make sure that you get the kind of accountability that you deserve. I am going to make sure that your tax dollars are being spent in an appropriate way. I am going to make sure that we take care of the troops. I am going to make sure that we hold this administration accountable. And then many times in the past, not this time fortunately, but many times in the past, a Member gets here to Washington, DC, starts walking around the Halls of Congress; a couple of folks call you Congressman or Congresswoman, you have a parking space downstairs. You know, folks, military folks, salute you when you get off a plane. You travel over into a foreign land, and in a motorcade going down the street, and then you forget about all those things. And I am so glad, Mr. MURPHY, that you have that spirit still in your heart. And there are a number of Members of Congress who still have that spirit.

And, Mr. Speaker, the reason why sometimes I get a little animated and a little excited about the fact that we have some Members here in the House who are willing to be followers when it is time for them to be leaders, and to take a position on anything, it doesn't matter what it may be; if it is changing, you know, the color of the paint in your office, it takes leadership to be able to do that because you have to stand behind that decision.

The decision saying that we want to make sure that the readiness level of our troops before they are put into harm's way is an important decision to be made and a decision that has been endorsed by the Defense Department. This is not new language, this is not a new idea, this is something that has to be placed into this supplemental to make sure the Defense Department does exactly what they said they would do in their own policy. We are not putting forth any new benchmarks for the Iraqi Government; this is what the President said. This is what he said, this is what came out of his mouth, that they have to meet these benchmarks, or we will no longer continue to do the things we have been doing. So that is the reason why it is in writing.

It is almost like when you talk to someone on the phone, and you have a health care crisis, and you call down to the hospital and you say, listen, I have a problem, I need you to help me out. You are talking to a person on the phone. First of all, you may say, can I have your name, please; who am I speaking with? Or another example: If I'm looking for financing for my house, and I am talking to someone on the phone, and they say, yes, sure, we can give you a very low interest rate, a 3.2 percent interest rate. Hey, can you give me that in writing?

What we are doing here in this emergency supplemental is we are giving the American people and our men and women in harm's way a supplemental in writing. It is not a speech. We are not talking to the Kiwanis Club, even though we have great Kiwanis Clubs out there, don't get me wrong. We are not at a Rotary luncheon giving those speeches back home saying, "I love the troops, I love the troops." We are putting it in writing. We are not saying we love the veterans, when the veterans come up here to look at this great Capitol and see the flags flying over the House Chamber and over the Senate and over the dome of the Capitol and over the office buildings and all, proud to be an American, proud that they had something to do with allowing us to salute one flag. It is not about a little speech I give out on the sidewalk thanking them for help. They want to see it in writing. They want to make sure we have their back.

This is a leadership call, you have to make a decision. And the bottom line is we have been elected and federalized by our constituents to make decisions. And I can guarantee you, Mr. MURPHY, there is not a Republican voter or a Democratic voter or any Independent voter who has a problem with accountability, and that is what this bill does.

Now, someone may have a problem with the fact that they didn't do what they needed to do when they were in the majority to do it. And now we have provided an opportunity, and I have pointed out all of the votes here earlier, and then some, of the opportunities that we have allowed Republicans to have a bill that they wanted to vote for all along to the floor, and they voted in the affirmative, even though their leadership voted the other way. Now, that is for their leadership to say that they are accountable to their constituents because they decided to vote against something good.

But when you look at this emergency supplemental, this emergency supplemental is the first time since this war has started, Mr. MURPHY, Members, Mr. Speaker, the first time that the President actually would have a document in writing that passed in the affirmative on this floor to say that the Iraqi Government will meet these benchmarks, or redeployment will stop; to say we will make sure that we invest in veterans health care and giving Homeland Security what they need to be able to carry out the duty and protection of the homeland.

It also says, Department of Defense, pulling a page out of your own regulations, and we are going to put it in the bill to make sure that you actually do it, not just some bureaucrat sitting over there at the Pentagon saying we have to find three more brigades from somewhere, if they are ready or not, we have to make sure that we have the numbers in Iraq. If that soldier has only been home for 120 days, and we call for 200-plus days of downtime with their families to be able to regroup from being in a battle zone, those are rights that our men and women have. So we are no longer leaving that decision up to some bureaucrat in the Pentagon to make on behalf of an American who goes off to fight on our behalf.

Now, is there language in there in case of emergencies; you know, if the President, within the national interest that we have to redeploy, we have to send these troops back into the theater? Of course there is.

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Are we hindering the President from him being Commander in Chief? No, we are not. But what we are saying is that there are rules, and you have to live by those rules. And it is going to be a majority vote here in this House, and the question, Mr. Speaker, how many Members are going to be with us when we make that majority vote here in the House to set forth the parameters of success on behalf of not only the men and women in uniform, but those that have worn the uniform and those that have been injured and cannot return back to battle, and even for those that are going to battle, that they have exactly what they need.

We know that we have the number one best military, most able military on the face of the Earth. But at the same time, we have to have respect for that military and making sure that the men and women have what they need and their families.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Mr. MEEK, this is about government. I mean, you talk about leadership, it takes leadership to govern.

You are right. I am as close as anybody to what is happening and what people are feeling out there because I spent the last 2 years spending every day and every night visiting the pasta suppers and the pancake breakfasts really, I think, being as in touch as anybody in this Chamber is with where the American people were. And, yes, they have specific irreconcilable grievances with this President about the war, about his approach to energy policy, about his lack of any understanding of health care dilemmas facing the American people.

But I think they also just have this sense that this place is broken down, that Congress couldn't govern any longer, that they couldn't maintain their relationship as a coequal branch of government with the President, that they couldn't even get anything done on meaningful issues like health care reform or immigration or oversight of this war.

So is this bill perfect? Absolutely not. Are there things that you would change in it, things that I would change? Would I move a date around here, some money around there? Absolutely. But you know what? This isn't a place where you just come and vote your preferences. I mean, we are not voting for the American Idol here. We are governing. We are putting votes together to make progress for the American people. And so there are going to be a lot of folks who are going to cast green votes for this, who are going to have problems with certain parts of it. But in order to live up to what the American people want us to do here, which is to set a new direction, we have all got to come together and find a way to govern. It is something that wasn't happening here for a very long time.

And so I am going to be proud to go back, once we get through this process, once we are able to put something through the House, through the Senate, we hope get the President's signature, I am going to be proud to go back and talk about it, talk about how we have fulfilled that commitment to redeploy our troops, to start spending our money in different places.

But I am going to be just as proud to tell them that Congress is working again; that there is leadership here that is willing to take some tough stands, that is willing to ask some people to cast some votes that might not be perfect for them; that we haven't allowed the perfect to be the enemy of the good, as a lot of people are talking about these days. I am going to be just as proud to talk about how this place is working again, Mr. MEEK.

Mr. MEEK of Florida. Well, I can tell you, Mr. MURPHY, it has definitely been a pleasure and a joy to be here on the floor with you tonight. And I know that I have some information that you want to share with the Members that may want to get in contact with us.

Mr. MURPHY of Connecticut. Mr. MEEK, the Speaker's 30-Something Working Group, and I have been blessed for the last 2 months to be able to join you here on the floor and to have Speaker PELOSI allow us the time. Anything that you want to talk to us about, you can e-mail at 30somethingdems@mail.house.gov, a lot of the information that we talk about here, as well as information about the 30-something Working Group, at www.speaker.gov/30something.

Mr. MEEK, we hope the people will get in touch with us there.

Mr. MEEK of Florida. Well, I know the good people of Connecticut have been well served. And we also want to thank, Mr. Speaker, Mr. RYAN for coming down at the top of the hour to spend about 20 minutes with us. That is pretty good for an appropriator.

Mr. MURPHY of Connecticut. They were quality 20 minutes.

Mr. MEEK of Florida. It was a good quality 20 minutes, I must add. And, Mr. Speaker, it is always an honor and a pleasure to address the House, and I mean the full House. I think it is important that we continue this discussion. As you know, we are going to be dealing with the emergency supplemental on Thursday, and next week we are going to get into the budget. These are real issues.

Timelines will be met. All the appropriations bills are moving through the process. They will be passed on time. We will no longer be in the business of continuing resolutions.

This is so, Mr. Speaker, I am proud to say, I used to say in the 109th Congress, I mean, it is kind of rough when you go in front of your hometown and you say, well, I am a Member of the 109th Congress. It is almost like kind of saying like you are a bad guy. But in the 110th Congress, I must say, and every Member of Congress, I am not talking about just some Members, I am talking about every Member because there were so many issues that were going on here in Washington, D.C.

But now we have the opportunity to work on behalf of the American people. We have the opportunity to do good things for veterans. We have the opportunity to do great things for children that are on military bases. We have an opportunity to make sure that our troops have what they need when they go into harm's way. And that is something we should all feel good about, on both sides of the aisle.

And I think that, come Thursday, Members will have a work product that they will be able to vote for and not think about. I mean, I feel sorry for the Members who have to walk around and say, goodness, I have to vote not to fund operations of troops that are in harm's way. They shouldn't walk around with that burden. They should be able to say that we cannot, I voted for the supplemental. I voted for it twice. They didn't have the parameters and the benchmarks that I wanted in it. But for the greater good, to make sure that our men and women have what they need, Mr. MURPHY, if they are in there doing what they were told to do, that they must have what they need.

So, Mr. Speaker, with that we will continue this debate, and we will also continue to do the good work up here in Washington, D.C.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I thank the Speaker so much for the opportunity to come and address the House once again.

Once again I want to thank the Republican leadership for the opportunity to bring another edition of the Official Truth Squad. The Official Truth Squad is a group of folks on the Republican side who got together and were interested in trying to bring about some correction to the disinformation and the misinformation that so often happens here in Washington.

Listening to my friends on the other side of the aisle for the past couple of minutes, I feel like I am in Alice in Wonderland. They have gone through the looking glass and it is difficult to tell what is real and what is not.

I will tell you, Mr. Speaker, that I believe we have entered a new phase of democracy in our Nation. And I call it Orwellian democracy. What it means is that the majority party, whatever the majority party says is accomplished, regardless of the actions that they take. And it is so true when you think about the issues that have been brought to the floor this evening. And I want to touch on a few of those before I talk about this incredibly important issue that we have as has been brought to the floor earlier in terms of discussion with the supplemental Iraq resolution to fund and make certain that our troops, our men and women who are defending our liberty, have the appropriate resources that they need.

But my friends on the other side of the aisle talked about the wonderful issues that they have brought and passed on this floor of the House so far this year. They didn't mention that virtually none of them have gotten through the Senate, which is another issue all together.

But they talk about these grand issues, and the statement was made that we "gave Republicans the vote they wanted all along," which is just terribly amusing, Mr. Speaker, as you well know, because what has come to the floor to be voted on in this House of Representatives this session so far have been bills that have had very little input, by and large, from the minority party, very little input, frankly, from the vast majority of the Members of the House.

And so the Official Truth Squad, the role of the Official Truth Squad is to bring light and truth to the issues that we are working with here in the United States Congress. And we have a number of quotes that we enjoy citing. One of my favorite comes from Senator Daniel Patrick Moynihan, who was a United States Senator from the State of New York, and a very brilliant man. And he had a saying that he would use from time to time, and it was that everyone is entitled to their opinion, but they are not entitled to their own facts. And I should say, Mr. Speaker, that that quote, the truthfulness of that quote was never more true than right here in the United States Congress because certainly everybody has their own opinion. But if they would look at the facts, if they would look at the facts on behalf of the American people, I tell you, Mr. Speaker, we all would be a whole lot better off.

I want to highlight a couple of bills that my friends brought and mentioned as being the wonderful panacea of this new majority, which is taking us in a new direction. That was their slogan over the past campaign. And, Mr. Speaker, they are absolutely right. They are taking us in a new direction. The problem is the direction is backwards.

And a couple of the issues that they cite, the 9/11 Commission, they talk about bringing all of the 9/11 Commission recommendations to the floor. In fact, that is not what they did. In fact, they didn't bring the ones that were most important to truly gain control from Congress's standpoint, from an accountability standpoint, over the ability for us to protect our Nation. They left those out. Now, they don't want to talk about those, but they left those out. Mr. Speaker, that is a fact, not an opinion. That is a fact.

They talk about the fixing of student loans that they did. And certainly student loans are important, and I have all sorts of young people in my district who are desirous of making certain that they can have the opportunity to gain student loans and have the opportunity to further their education. Extremely important issue.

And what the majority party did, at least they would have you believe, is to fix the challenge of providing student loans at a reasonable interest rate. In fact, what they did was bait and switch, for they decrease interest rates for a 6-month period of time, and then it shoots right back up to where it has been. So that is the truth. That is a fact, Mr. Speaker. That is not opinion. That is a fact. All you have got to do is read the bill.

And then my favorite bait and switch, my favorite Orwellian phrase, or example of Orwellian democracy that they have is the whole issue of prescription drugs for our seniors.

Mr. Speaker, in my previous life, before I came to Congress, I was a physician. I was an orthopedic surgeon, took care of patients for over 20 years. And I knew in my heart of hearts, as my patients knew, that when the Federal Government got involved in the delivery and the minutiae of medicine of taking care of people, it rarely, if ever worked.

And so my good friends on the other side of the aisle say that they have solved the problem of the Medicare part D. Well, the problem that they didn't see is that Medicare part D, which has offered our seniors much greater choice and covered the vast majority of seniors with an opportunity to receive the medications that they desire, the problem that they didn't see is that, or that they won't acknowledge is no problem at all, and that is that the program is working. Eighty to 90 percent of seniors in this Nation are pleased with the options and the choices that they have. But, no, that didn't fit their talking points. And so as a matter of fact, Mr. Speaker, what they did was pass a bill that would go a long way toward limiting the choices of American seniors to have medications that they so desperately need and deserve. And if you didn't believe me, if you didn't believe those were the facts from my standpoint, Mr. Speaker, all you have got to do is turn on your television, because now we have a number of groups who are advocacy groups and groups who look out for seniors who are now advertising to try to get the message to the majority party that, hey, don't do that. That program is working. Leave that program alone. Don't upset my prescription medication. That is a fact, Mr. Speaker. It is on the television. They are advertising that right now because they understand and appreciate that when government inserts itself into the practice of medicine that the people that lose are the patients.

And so I am pleased to be able to have the opportunity to come down here tonight and to work on setting the record straight, providing some facts.

I do want to utilize a couple of the quotes that my good friend said a little bit earlier, my good friend from Florida said, this is a "better emergency supplemental that is coming to the floor."

What is coming to the floor is a, I hope it is coming to the floor, is a bill that will hopefully provide for the appropriate resources, appropriate monies for our troops to defend our Nation and to continue the incredibly valiant work that they are doing in both Iraq and Afghanistan.

□ 2030

Now, the problem that some of our friends on the other side of the aisle have is that they are trying desperately, as valiantly as they can, to make their program make sense. And why, Mr. Speaker, you would ask, are they having trouble having it make sense? Well, the problem that they have is that they really don't believe that the troops and the mission of liberty ought to be supported to the degree that we believe it ought and that it must be in order to maintain our freedom. So they are left with a Nation that desires to support the men and women who are diligently and valiantly defending freedom around the world, left with a Nation that wants to support those individuals, and we are left with a majority party, many of whose Members, including many in the leadership, don't want to do so.

And I don't say that lightly, Mr. Speaker. I say that in all seriousness, and I say that because I know, and you know, that the policy that has been proposed by this majority party now as it relates to the incredibly difficult and brave work that is being done in the Middle East on behalf of all Americans by our troops, the program that the majority party is proposing is a program called "slow bleed." Slow bleed. It kind of gives you chills when you think about it, Mr. Speaker, when it is being used in reference to our Nation and our troops. Slow bleed.

What does it mean? Well, Mr. Speaker, it means that high-ranking members of the majority party, the Democrat Party, have decided that they are not interested in funding the troops. They are not interested in the mission of victory, of liberty over tyranny. They are not interested in that. What they are interested in is removing the funding.

So I quote, Mr. Speaker, a fact. I quote Representative JOHN MURTHA in an interview that he gave just 1 month ago when asked about this slow bleed program that they are trying to put in place. He said, "They won't be able to continue. They won't be able to do the deployment. They won't have the equipment."

Mr. Speaker, that is a little concerning. We have men and women who are putting their lives on the line, who are standing in front of enemies the likes of which we have never seen. And here in the United States House of Representatives, this majority party has a Member who is determining funding for the troops who says, "They won't be able to do the deployment. They won't have the equipment."

Well, Mr. Speaker, what equipment is he referring to? Well, he is referring to protective armor. He is referring to vehicles that have the appropriate protection from IEDs. He is referring to the kind of air superiority, the air power, that is necessary to protect our troops on the ground. As far as I can tell, he is referring to everything that would be used in the normal course and operation of a military activity.

And why do I say that? I say that because what they are trying to do, what they are attempting to do, is to truly remove from generals on the ground the ability to defend not only their troops, but to defend liberty and defend freedom.

It is a remarkable thing, Mr. Speaker. We are at an incredible crossroads in our country's history, and we have a leadership in place that has a difficult time matching their message with their action, because what they want to do doesn't match what the American people want done, and it is extremely difficult for them.

I quote again, Mr. Speaker, from Mr. MURTHA when asked, but why don't you just cut off the funding for the war? This was back on March 4. He was asked on a news program, why don't you just cut off funding for the war? That is the honest thing to do, Mr. Speaker. If they want to have the vote about whether or not we ought to continue our involvement, our protection of liberty, and our engagement in this war on terror, you ought to have that vote. Let us have that vote. Let us have that debate. But, Mr. Speaker, they won't do that. They won't do that.

Why won't they do that? That is what Mr. Russert asked on NBC's Meet the Press on March 4, 2007. He asked Mr. MURTHA, "But why not cut off funding for the war?"

And what did Mr. MURTHA say? "Well, you don't have the votes to do that. We don't have the votes to do that. You just can't go forth, and the public doesn't want—they don't want that to happen."

So, Mr. Speaker, the contortions that you see on behalf of the majority party on this issue are because their desire, their zeal to end support for our men and women who are defending liberty and fighting tyranny and fighting terror around the world don't mesh. They don't mesh.

There are some who get it right, though, throughout Congress, some members of the majority party who understand and appreciate what their leadership is trying to do. One of those is Senator JOSEPH LIEBERMAN from Connecticut. Speaker PELOSI was quoted as saying, "Democrats have proposed a different course of action. Over and over again we have suggested a different plan." And Senator LIEBERMAN was very sage when he said, "Any alternatives that I have heard ultimately don't work. They are all about failing. They are all about withdrawing, and I think allowing Iraq to collapse would be a disaster for the Iraqis, for the Middle East, and for us."

Slow bleed, Mr. Speaker. Slow bleed. That is a sad and dangerous time when we find our majority party here in the United States House of Representatives supporting a policy that would remove the ability for our troops to do what they must do to defend our liberty.

What is our principle on our side of the aisle? What is the Republican principle? Well, the principle is that our troops in combat deserve to be sent the resources and the reinforcements that they need to succeed in their mission in Iraq without strings and without delay. Without strings and without delay.

We have, as a matter of fact, a piece of legislation that would do just that. Representative SAM JOHNSON from Texas, a war hero, truly a war hero, an individual who spent years in a prisoner of war camp in Vietnam, an individual who knows of the challenges that troops face when involved with an enemy that is ferocious, but an individual who understands and appreciates that from this Chamber, from that Congress, you cannot micromanage a war. And when you attempt to do that as a Congress, when you attempt to have 435 Members of Congress who want to all be generals or 100 Members of the United States Senate who want to all be generals or Commanders in Chief, when you have that, it doesn't work. It can't work. It is impossible.

So if you want to have the vote, I tell my friends, I ask my friends, I challenge my friends in the majority party, if you want to have the vote on whether or not we ought to simply cut off the funding to support our troops in Iraq and Afghanistan, let us have that vote. Let us have that vote. I would be interested in the outcome of that. I doubt we would get 100 votes in support of that. And it wouldn't, because that is not what the American people want. The American people don't want failure, and that is the prescription that the Democrats, the majority party, are giving us.

We have a bill, House Resolution 511, introduced by Representative SAM JOHNSON, as I mentioned, and it is very simple. It states what the principle ought to be when American military forces are in harm's way. And that principle says, as this resolution says, "Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm's way in support of Operation Iraqi Freedom and Operation Enduring Freedom." That is it. That is it.

Mr. Speaker, the problem with that is that that doesn't fit the bumper-sticker politics of the majority party. That doesn't fit the Orwellian democracy of the majority party. That doesn't fit the hypocritical actions that are being taken by the majority party. And consequently this bill is languishing in committee.

There is a discharge petition, which, as you know, Mr. Speaker, is a petition that Members of the House of Representatives can sign to be able to bring legislation out of the committee when it is against the will of the leadership. That discharge petition was begun today. What it allows is Members of the House of Representatives, when there are a majority of them, and that takes 218 Members, when there is a majority of them who sign that, then that bill then comes to the floor of the House for a vote.

So I challenge my friends on both sides of the aisle, House Resolution 511, sign the discharge petition. This is principle. This is principle. This is truth. This is the kind of support that our men and women deserve. It is not feigned support. It is not Orwellian support. It doesn't say, yes, I support you, and then pull the rug out from under you. It is not hypocritical support. It doesn't say we want to support you so very, very much, but we are not going to do what it takes. This says it all. It says that we will not cut off or restrict funding for units or members that are deployed in harm's way. Why can't we have a vote on that, Mr. Speaker? What are they afraid of, Mr. Speaker? What are they afraid of?

I would suggest they are afraid of the fact that this would pass on the floor of the House of Representatives. This bill would pass. And because it doesn't fit their political agenda, their political agenda, then I doubt that we will see it unless we can get 218 Members of the House of Representatives to sign the discharge petition.

So what about this bill that they are going to bring to the floor? What about this supplemental bill that the majority party is planning to bring to the floor this week? Of course, we have been told it would be earlier than this; so they seem to be having some difficulty within their own ranks in garnering support. But what the bill does, as we understand it, is to put in place an inflexible timeline, an inflexible timeline that says that the troops must come home regardless of what is happening on the ground unless the mission is completely accomplished, in essence. Well, Mr. Speaker, as you know, in battle and in war, it is just not possible to have 535 Commanders in Chief. That is not the way our system works, not the way it ought to work, not the way our Founders envisioned it.

In fact, it is curious, Mr. Speaker, when the Articles of Confederation were written and our Nation was formed, some of the aspects of those articles didn't work very well; so the Founders of our great Nation got together in a Constitutional Convention, and they worked on issues to try to make certain that this Federalist system, this United States, could come together and work together. And one of the first things that they did was recognize that in the Articles of Confederation there were no provisions for a Commander in Chief. So one of the easiest things that they were able to do was to get consensus on the fact that the Commander in Chief ought to be one individual, and that that individual ought to be the President of the United States and the executive branch, and that that was the only way to work it because obviously you couldn't have countless Members of the House of Representatives or countless Members of the United States Senate who were functioning as Commanders in Chief. It doesn't work, and they recognized that.

So putting in place an inflexible timeline that culminates with a date certain for the withdrawal micromanages our commanders in the field, and it undermines the efforts of our troops on the ground. I believe that. I believe that putting in place the kind of artificial timelines and artificial constraints on our commanders, on our generals, on our troops would be a disaster. It doesn't make any sense. All it does is make political points. And that, Mr. Speaker, isn't fact. Isn't fact. It is just not Republicans who believe that that would be the wrong course. There is a remarkable orchestra of individuals and groups all around the Nation that are standing up now and speaking out against the foolishness of that kind of proposal.

□ 2045

I cite for you, Mr. Speaker, the Washington Post. Now, the Washington Post is a wonderful newspaper. It has been around for a long time. But nobody would contend that the Washington Post was a very conservative newspaper or a great friend of conservative thought. Nobody would contend that.

But what does the Washington Post say about this plan of the majority, about the Democrat plan? They say, "It is an attempt to impose detailed management on a war without regard for the war itself." That, Mr. Speaker, was written on March 13, just 1 week ago. "An attempt to impose detailed management on the war without regard for the war itself."

What volumes that speaks, when you think about where it is coming from. It is not coming from individuals who would have any political chip, no political reason to embarrass the majority party or to call them out on a policy that may not necessarily be very sound. What that does is demonstrate that they understand and appreciate the consequence of adopting what is supposed to come to this floor this week as the Iraq war supplemental would be devastating for the nation of Iraq, for the Middle East, for the United States, and, yes, for the world.

Mr. Speaker, we have heard a lot about the Iraq Study Group. The Iraq Study Group was the bipartisan group that got together, actually a group that began because Representative FRANK WOLF, a Republican in this House, added it to a piece of legislation that was passed almost a year ago. What it said is that we ought to have a bipartisan group get together and work in a non political way to make recommendations to the executive branch and to Congress about how to move forward in Iraq.

They came up with a number of recommendations. We hear it all the time from the other side that the Iraq Study Group didn't endorse this or didn't propose this or didn't support that; that they supported a withdrawal of the troops from Iraq; that they didn't support any escalation in the number.

In fact, Mr. Speaker, if you look on page 73 of the Iraq Study Group, Mr. Speaker, that is another fact, if you look on page 73 of the Iraq Study Group report, it, in fact, supports an escalation, a small escalation, of the number of troops in Iraq. What they also did was oppose a date certain for withdrawal.

Mr. Speaker, again a fact. I quote from one of the cochairman, former Secretary of State James Baker, who said in testifying before the United States Senate Committee on Foreign Relations, "The Study Group set no timetables and we set no deadlines. We believe that military commanders must have the flexibility to respond to events on the ground."

Mr. Speaker, I hope that my colleagues here in the House heard that. I hope that they are listening, because what they are saying, what the Iraq Study Group said is exactly what we are saying now, and that is that this supplemental bill that has artificial timetables and artificial deadlines that are capricious and politically motivated, clearly that that kind of action is not appropriate, it wasn't called for by the Iraq Study Group, and would not allow the military commanders to have the flexibility that they need to succeed.

How about the Los Angeles Times, Mr. Speaker, again, not a paper in our Nation that has tended to be terribly friendly to conservatives or Republicans. The Los Angeles Times, in an editorial on March 12, when it had reviewed what the majority party was proposing in this supplemental Iraq war resolution to fund the hard, incredibly diligently working men and women who are defending liberty, what did the Los Angeles Times say? Well, Mr. Speaker, the Los Angeles Times called for the bill to be vetoed. Vetoed, Mr. Speaker. Why would they do that?

Mr. Speaker, I appreciate our receiving a message from the Senate. The message from the Senate is that a Senate bill was passed, and we are pleased to see that. We look forward to the time when the Senate will take up some of the legislation that the House majority has passed, that they have been so terribly proud of, and look forward to working in concert on that legislation.

But I was talking, Mr. Speaker, about the supplemental war resolution that will come forward, the bill that will provide for appropriate funding of our troops in harm's way, defending liberty and defending us, and the proposal that is coming from the majority party is a proposal that would micromanage the operations of our troops. It is a proposal that has been described as "slow bleed," which is a proposal that means that you will defund, you will remove the funding from the men and women who are working so valiantly to defend us.

That is not just an opinion from our side of the aisle. That is an opinion from all over. Many people are recognizing that. The Washington Post, as I mentioned, had an editorial that criticized the majority party for coming forward with it. The Iraq Study Group supports, in fact, a minor, small escalation in the number of troops, and never said, Mr. Speaker, never said that they agreed with artificial timelines. The Los Angeles Times, again, Mr. Speaker, a paper that has not been noted for its friendliness to our side of the aisle, called for the bill to be vetoed. They called for the bill to be vetoed. Why did they do so? They said, "It is absurd for House Speaker NANCY PELOSI to try to micromanage the conflict and the evolution of Iraqi society with arbitrary timetables and benchmarks."

Mr. Speaker, that is a fact. March 12 of this year, the Los Angeles Times calls the war supplemental "absurd."

And what about the National Intelligence Estimate? The National Intelligence Estimate, which was released in January, warned of the dangers of early troop withdrawal. They said that if coalition forces were withdrawn rapidly during the term of this estimate, we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq.

Mr. Speaker, I think it is important to give credibility to the National Intelligence Estimate. Those are the folks that determine in an objective way, in a non political way, what are the consequences or prospective consequences of actions that this Nation takes.

This poster here talks about the consequences of failure. It is important that we talk about the consequences of failure, because many people, not just on our side of the aisle, but many people around this Nation, including the Washington Post, including the Los

Angeles Times, have concluded for themselves that the proposal that the majority party has put forward is a bill that will result in defeat or failure in Iraq. So it is important that we look, Mr. Speaker, at the consequences of failure for our Nation. What are the consequences of failure?

This is from the National Intelligence Estimate. What they say is that Iraqi security forces would be subject to sectarian control; that interference by neighboring countries would occur in an open conflict, that means Iran, Syria, other neighboring countries; that massive civilian casualties and population displacement would occur. Massive civilian casualties.

Mr. Speaker, I wonder if the majority party, the leadership in the majority party, has considered the consequences of that? What would happen? Al Qaeda in Iraq would plan increased attacks inside and outside of Iraq, and spiraling violence and political disarray, including Kurdish attempts at autonomy in Kirkuk.

Mr. Speaker, clearly, clearly, failure, failure will result in a much worse situation for the people in Iraq, the people in the Middle East; I would suggest much more danger in the Middle East and for our friends in Israel; and, Mr. Speaker, it would result in a much more dangerous situation, I believe, for the United States of America.

So, what are they doing? What is the other side doing to try to pass this piece of legislation, this hypocritical piece of legislation, this piece of legislation that they are having such difficulty doing, because, again, what the American people want and what they in their rhetoric, what the majority party in their rhetoric, say are two completely different things. So what are they having to do?

Well, they are having to use a lot of what has come to be known in this town, Mr. Speaker, as pork. The original estimate for the bill was about $100 billion. About $100 billion, Mr. Speaker. The other side has now added over $20 billion to the bill. And what are they doing, Mr. Speaker? They are buying votes. They are buying votes.

I would suggest, Mr. Speaker, that an emergency bill, this is an emergency bill to fund our troops, is not the appropriate vehicle for unrelated spending, either foreign or domestic. Our troops ought not be bargaining chips. Our troops ought not be bargaining chips. That is what the majority party is doing.

Quoted here in a publication here in Washington earlier this month, it says, "Democratic leaders see this emerging strategy as a way to encourage their liberal members to vote for the supplemental budget bill." This emerging strategy is buying votes, adding all sorts of items to the bill.

Curiously, this party, the majority party, ran in their campaign on this wonderful issue of fiscal responsibility, financial responsibility, making certain that everything that came through Congress was paid for. They call it PAYGO, pay-as-you-go; make certain that you have got the resources in place in order to pay for whatever proposal you are moving forward.

Well, they have virtually thrown that out the window. We have had a number of amendments on bills that would hold their feet to the fire and make certain that they were accountable on this PAYGO issue, and they have defeated everything that would make them accountable.

They are doing the same thing here. They willfully abandoned their pledge of fiscal responsibility. Not long ago they pledged to follow pay-as-you-go budget rules and spending restraints to curb the deficit, and this bill would not be subject to PAYGO.

Last year, it is important to appreciate, Mr. Speaker, that House Republicans rejected a $14 billion increase in nonemergency spending that the Senate tried to attach to an emergency troop funding bill; $14 billion was saved for the American taxpayer in a bill that came to the floor of the House from the Senate just last year. Under a different majority we saved $14 billion. The majority party now is going to spend, if they have their way with this bill, at least $21 billion more than has been requested.

That is important, Mr. Speaker, because this is an emergency bill, and as such it doesn't come under the normal budgetary rules. So if they are able to spend $21 billion in this piece of legislation, then what happens is that they don't need to spend that $21 billion in the normal course of activity, in the normal budgetary process, so it frees up another $21 billion, and, in fact, Mr. Speaker, what you get is $42 billion of more spending, extra spending.

But, Mr. Speaker, our troops deserve the resources that should be in this bill, the finite resources, the resources that the President and the generals and the commanders in the field have requested. They should be able to receive those resources now, not after, not after our friends on the other side of the aisle in the majority party carry out this incredible political charade of voting on a bill that will never become law in its current form because the Senate, the Senate, won't go along. They have, in essence, said so.

Mr. Speaker, there are some incredible quotes that I have regarding this issue of micromanaging the war and this issue of loading the bill up with pork. There is a Democratic claim earlier this year, just last week, as a matter of fact, from Majority Leader STENY HOYER, who said, "There is no micromanaging of the war, period."

Mr. Speaker, as you know, I already have outlined that individuals outside of the Republican Party and the Republican cause have reached the conclusion that, yes, in fact this is micromanagement: Again, the Los Angeles Times editorial where they said it is "absurd" that they try to micromanage the war. The Washington Post editorial said, in short, the Democratic proposal to be taken up this week is an attempt to impose detailed management on a war without regard for the war itself. Aggressive oversight is quite different from mandating military steps according to an inflexible timetable.

Even some of their own Members have reached the conclusion that this, indeed, is micromanaging the war. Representative DAN BOREN of Oklahoma said just 2 weeks ago, "It is still micromanaging of the war."

□ 2100

Mr. Speaker, this plan that our friends on the other side of the aisle have truly does a disservice to the discussion, does a disservice to the debate, makes it seem that all votes are for sale here in Washington to Members of the House. Really, it is a cynical ploy. Spending the kind of money they are proposing to spend is not helpful at all.

Where are they planning to put some of that money? It is important to look at that. We talk about the Iraq emergency war supplemental, an extra $21 billion. Where would some of that money go? Well, $1.8 billion in crop disaster assistance. It may be appropriate money to be spent, Mr. Speaker, but in an emergency war supplemental, it is absolutely the wrong place. If you will recall, if this House, if this majority party has its way and puts that money there, what it will allow them to do is increase somewhere else spending by $1.8 billion and follow their shadow PAYGO rules.

$60 million for salmon fisheries.

Mr. Speaker, it truly is a cynical ploy on the part of this majority party if they continue to march down this road of packing this legislation with all sorts of extraneous spending that nobody in their logical, correct, factual, truthful mind could conclude was related to the emergency war supplemental. $60 million for salmon fisheries; $25 million for spinach growers. Spinach growers may indeed need some emergency assistance, but in an emergency war supplemental? I think not.

Mr. Speaker, $50 million for asbestos abatement in the Capitol, and it goes on and on and on.

Mr. Speaker, as we know, there are very specific guidelines in this bill for our troops, very specific dates about when they must be at a certain place in the accomplishment, in the engagement, in the execution of the challenges that they have before them, very specific. In this bill there is very specific language about the amount of money that is available for the troops and when it would be cut off if in fact those arbitrary timelines and benchmarks were not met.

But, Mr. Speaker, I learned this afternoon something very, very interesting, and that is there is a significant amount of money for livestock, American livestock, in this bill. That is real pork, if you will. It may be upwards of billions of dollars, but I can't tell you exactly what it is because in the language of the bill it says that the amount of money that will be available for this livestock provision will be "such sums as may be necessary." Mr. Speaker, that is unlimited. And it struck me as truly ironic and sad that this majority party, this Democrat leadership, believes we ought to have an unlimited amount of funds for livestock in this Nation and a finite and limited amount of money for our troops in the field.

Mr. Speaker, that contrast just speaks volumes. It speaks volumes about the cynicism with which this House is being led, about the hypocrisy by which this bill is being brought to the floor. An unlimited amount of money for livestock in America and finite, limited amounts of money and arbitrary guidelines, arbitrary timelines for our troops in the field.

Mr. Speaker, it saddens me. It saddens me to serve in a body where the majority party has a leadership that is that cynical and brings the debate and the items that we discussed here on the floor of the House to a point that is so very, very trite really. So very, very trite.

Mr. Speaker, I have only a few minutes left, and I wanted to spend a few moments discussing the larger issue, the larger war on terror. I think it is important we do that because when the American people think about the issue in Iraq and whether or not we ought to be there, and the debate can be had about whether or not we ought to be there, and that is an appropriate debate to have. And I wish we could have an honest and open debate and an honest and open vote on whether or not we ought to be there, a single vote on that; but the majority party has seen not to bring that kind of open and honest debate to the floor of the House of Representatives.

But when Americans think about what is going on in the world, they understand and appreciate that however things have been executed or delivered in Iraq, the activity that has gone on on behalf of the American people in Iraq, although they may have problems with that, they understand and appreciate that the bigger picture, the larger war on terror, is a challenge that we must recognize in America and we all must face. It is a challenge and the facing of an enemy the likes of which we have never seen.

You don't have to go far to find examples of that, Mr. Speaker. In fact, the best examples I have found are those that come from the self-proclaimed enemies themselves. This is a quote, Mr. Speaker, from Abu Musab Al-Zarqawi, an individual with whom we had as far as I know no concerns before he decided that he wanted to become a mortal enemy of the free world. He acted upon that in a way that has been extremely treacherous. He said, "We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology."

Well, Mr. Speaker, that is a little chilling, but it is important that we recognize that is the nature of the enemy in this war on terror. The consequences of not engaging and not being certain that we prevail in this war on terror, the consequences of failure in that activity would deliver a death knell to our society. The issue is as large as that.

I try to visit schools in my district, the Sixth District of Georgia as often as possible, and I like to talk to young people and get their perspective on their life and what they see in the future. Most of them are very, very hopeful; and I share that hope and optimism for the future of our Nation. But oftentimes when we are talking about government and talking about politics and talking about the issues of the day, I will ask them, especially the middle school students and the high school students, I will ask them: Do you believe the United States will continue to survive forever? And it is an interesting question because it forces one to think, well, what allows us to survive right now? What has been put in place that allows us to survive right now?

Most young people when you ask them that question, they have not really ever thought about that. They have not thought about what has brought about the preservation of our Nation, the longest surviving democracy in the history of the world. It is a remarkable question to ask. Most of them have not ever thought about it; but when they do think about it, they understand the gravity of the question. They understand that there are challenges in this world. They understand there are people like Abu Musab Al-Zarqawi out there who want to see the end of our Nation as we know it. That is not our opinion; that is his stated fact. That is what he has said that he wants to do.

So, Mr. Speaker, the gravity of the challenge that we have facing us is real, and the magnitude of it is remarkable. And the ferocity of the enemy is unlike any we have ever faced.

When I get individuals to tell me, well, if you just think about this in the way we fought World War II or previous wars in which we prevailed, then you will appreciate we need to do X, Y and Z. But I would suggest that the enemy that we are up against is not like any enemy we have faced. If you don't believe me, all you have to do is think about the terrorist plot and the attacks that were foiled because of the wonderful intelligence work on the part of Great Britain and the United States and Pakistan last August. And that plot as you will remember was a plot to bring down at least 10 or more civilian airlines carrying enough people who were flying across the Atlantic Ocean to bring them down in a terrorist act so they could kill more people than were killed on 9/11. So they had to have 10 or a dozen planes that they would work in concert to bring down. That plot was foiled. That was a real plot. That was a real plan on the part of our enemy.

And that plan itself is chilling enough, Mr. Speaker; but when you realize and appreciate that two of the individuals who were apprehended and had participated in the planning of that and were intent on carrying out that act were a married couple, a mom and a dad with an 8-month-old child, and they were going to use that 8-month-old child's baby food in the airplane to be the vessel for carrying the bomb on board. They were going to kill themselves and their 8-month-old child and bring down a plane and kill as many innocent civilians as they could.

Mr. Speaker, that is an enemy whose ferocity we can't even comprehend. That is an enemy who says: We have declared a fierce war on this evil principle of democracy and those who follow this wrong ideology. That is an enemy the likes of which we have never seen, and that is an enemy that requires that we in the United States House of Representatives work in concert together, that understand and appreciate the gravity of our time, of this time and make certain that we do all that we can to follow the principles that have allowed us to become the longest-surviving democracy on the face of the Earth.

Part of those principles are embodied in the United States Constitution. Part of that United States Constitution that has allowed us to prevail and to have the greatest amount of success and provide the greatest amount of freedom for the greatest number of people ever in the history of mankind, part of those principles stipulate that there is one Commander in Chief, not 535.

So if the majority party wants to have a vote about whether or not we want to end the funding for the battle that our Commander in Chief believes we must be engaged in in order to make this next step in the larger war on terror, if the majority party wants to have that vote, then let's have that vote. But to do so as they are planning to do this week, in a cynical and hypocritical way, to load up the bill with so much extraneous spending, tens of billions of dollars in order to buy votes to pass this hypocritical and cynical bill that micromanages this incredibly important endeavor that we are engaged in right now is wrong. It does an injustice and a disservice to not just this body but our entire Nation.

I urge my colleagues to encourage leadership on both sides of the aisle to support that open and honest debate. I know on our side we are ready for that debate. We are ready for that debate. I would hope that the Speaker and the Democrat leadership would encourage and support that debate as well.

□ 2115

It is an incredible privilege to come to the floor of the House and share these words, Mr. Speaker. I thank my leadership for that opportunity.

It is very humbling to serve in the United States House of Representatives, a body in which 10,000 or 11,000 or so individuals have served in the history of our Nation. It is a great responsibility in serving in this body, but the primary responsibility is to make certain that we do all that we can to preserve and protect our Constitution and our Nation.

Mr. Speaker, I would suggest humbly that the bill that is being proposed by the majority leadership this week on the supplemental emergency war resolution is not a bill that does a service to our Nation and does credit to the work of this House of Representatives.

I urge my colleagues to bring forth the bill that will show that, in fact, we do indeed support the troops in harm's way.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4. An act to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The message also announced that pursuant to section 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the spring session, to be held in Madeira, Portugal, May 2007:

The Senator from Maryland (Mr. CARDIN).

The message also announced that pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individual to the United States-China Economic Security Review commission:

Mr. Mark Esper of Virginia, for a term expiring December 31, 2008.

HUMAN PAPILLOMA VIRUS

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY. Mr. Speaker, this looks like Georgia night in the great Chamber of the House of Representatives. My colleague, Representative PRICE, just talked about one of the most important debates that we have had in this body in a long time and will have in regard to the situation in Iraq and the Commander in Chief and the constitutional right for the Commander in Chief to make the decisions along with the combatant commanders.

These issues are hugely important. Things like the energy crisis that we faced 25 years ago, and we are facing again today, are hugely important issues. In fact, former Vice President Gore will be before the Science and Energy and Commerce Committees on Thursday talking about global warming and what we think we ought to do in regard to not only solving the energy crisis, but to keep from polluting the atmosphere. Hugely important issue.

Trying to solve the crisis that is looming in regard to the entitlement spending which is, that along with the interest on the debt, is probably approaching 65 percent of what we spend each year in a $2.7 trillion budget, hugely important issue.

Then, Mr. Speaker, every now and then along comes something that maybe does not get at first notice very much. There is not a lot of press. It is not one of the marquee issues of the day, but what I am speaking to my colleagues about tonight is also hugely important, and it, thank goodness, is beginning to get the attention that it deserves.

That is an issue that I, as a physician and OB/GYN specialist in particular, physician Member of this body, feel very, very strongly about. What I am referring to is the recent decision by one of the Governors of our 50 States to mandate that young girls in the public school system of that particular State would be required to receive a new vaccine, which I will describe in detail in just a minute.

They would be required before they could enter the sixth grade, the sixth grade, we all know sixth, seventh and eighth, and in some cases, considered the middle school years. So coming out of elementary or what I used to call grammar school, where there are many of these young girls, including my precious granddaughters, are still thinking about watching Little House on the Prairie as an example or playing with their dolls, would be required, just like they would be required to have their shots up to date in regard to measles and mumps and rubella and chickenpox, these highly contagious, infectious diseases that can be acquired just on casual contact; if you sneeze in the vicinity of a classmate, the disease is spread. This new vaccine, though, is not against one of these highly contagious communicable diseases, no, Mr. Speaker.

This vaccine, called Gardisil, is a vaccine against cervical cancer-causing viruses, referred to as human papilloma virus, or HPV. There are probably 100 strains of that virus in existence that have been identified, but four of them, virus number 6, number 11 and particularly number 16 and number 18, have been associated with the dreaded disease of cervical cancer about 70 percent of the time. About 70 percent of the cases that occur, the 9,000 new cases that occur in this country every year, are associated with that HPV virus. So there is certainly a suggestion, a strong suggestion, of cause and effect.

One of our great pharmaceutical companies in this country developed a vaccine that was approved a year ago, June of 2006, to prevent the contraction of this HPV virus, and it is a great vaccine. The studies, the phase III trials, while there, Mr. Speaker, may be some minor side effects, the safety seems to be there. The recommendation, of course, is that sexually active young women between the ages of, well, actually 9 and 16, I would hasten to add that there are not too many 9-year-olds that are sexually active, but the vaccine is approved for those in that age group.

It is thought that a series of three vaccines, given a month or two apart, at the cost of $360 just for the vaccine, probably up to $500 once you add the cost of going to a physician, going to a gynecologist and having these vaccines administered, the cost of an office visit, the administration of the vaccine, probably a $500 charge, but a good investment in this humble Member, physician Member, former gynecologist, in his opinion, probably a good choice for a young woman even at the age of 14 or 15, if she is sexually active or going to be sexually active, or maybe even a little bit younger if her parents are concerned about that possibility.

Then I think the vaccination that has been developed by this pharmaceutical company and the vaccine referred to earlier, Gardisil, I would highly recommend, and if I was still practicing medicine, Mr. Speaker, and a mom brought her daughter in and asked me about that and said that she heard about it and wondered if I would recommend it, I would absolutely recommend it.

But what was done in the last month or so, and this Member just happened to notice, and that is why I say this maybe seems like a small thing, but what it does is the mandate was issued that every single girl in that State at age 11, before going from elementary school, grammar school, to middle school, would have to have that vaccine, or she would not be able to continue in that public school system.

Mr. Speaker, that is just flat wrong, and my bill that I introduced the very next day in this body, H.R. 1153, the title of that bill is the Parental Right to Decide Protection Act, because this is all about the rights of a parent to decide what is best for their child. There is no State interest in this because, as I point out, you do not contract human papilloma virus by casual contact. No, it is by sexual activity, and to force every single 11-year-old child in this country to get that vaccination or they cannot go to the public school system, even though they have paid their property taxes, they live in that school district, they have been in that school district, they have supported that school district, and their parents teach their children, maybe they believe firmly in abstinence-based sexual education, but they have that right to decide. The State does not have that right.

That is why I say to my colleagues tonight that this is a hugely important issue. Cancer is a dreaded disease. We all probably would choose any other way to die than from a long, protracted case of any kind of cancer. Cervical cancer worldwide is probably the second leading cause of cancer death in women. That is not true in the United States. It may be the ninth or tenth or eleventh but it is too many. There are probably 9,700 new cases of cervical cancer in this country every year, and of those, approximately 3,700 die, and that is too many. We need to do everything that we can to prevent cervical cancer, and that is why I say the vaccine is a good thing.

That is why I say that I, as a compassionate physician Member of this body, would recommend that vaccine to someone who has either told their parents that their daughter and her boyfriend are sexually active or they plan to be sexually active, and that could be 14 years of age. I know we all would hope that it would not be, but our daughter or granddaughter, but it could, and in those cases the recommendation to voluntarily take this opportunity to get that immunization on board really before they become sexually active, certainly before they become sexually active with multiple partners, is a good thing, but it is not a good thing to mandate it and to require it.

We will talk about this throughout the hour, and I am very, very pleased to welcome one of my colleagues, a new Member, a very bright Member. He does not seem like a new Member because he is doing such a great job in these first 3 months of the 110th Congress. At this point I would like to yield to my good friend Mr. JORDAN for his comments.

Mr. JORDAN of Ohio. Mr. Speaker, I thank the gentleman for yielding and appreciate Dr. GINGREY's work on this legislation and other legislation. I think he is right on target with this Parental Right to Decide Protection Act.

Like the doctor, I, too, understand the importance of vaccines, but I also understand, as the Representative was talking about, the importance of parents having control and the ability to direct their children in the upbringing of their children.

My concern about this, what we are seeing being done in the States around the country is just what Mr. GINGREY talked about, this mandatory approach to this vaccine. In fact, we have legislation that has been introduced in my home State, Ohio, which would, if, in fact, it would pass, would require parents to opt out of the program; not take an affirmative step and opt in, but instead opt out, and instead puts the onus on parents to go in the other direction.

One of the things I believe in so strongly is that we policymakers should make decisions based on what is best for families. We should filter things through a fundamental question: Does it help families? If the answer to that question is yes, we should be for it.

My concern with what we have been talking about here this evening in this mandatory approach is that it undermines the importance of families, undermines the role that parents have to play in the upbringing of their children.

America is a great country. It is the greatest Nation in history for many reasons: the rights we have; the fact that we have the right to vote; the freedom of speech; the freedom of assembly; the freedom to go after our goals, our dreams; the rule of law; all those wonderful things in the Bill of Rights and our Constitution and our heritage and our history that make America special.

But one thing that makes this country special is this idea that parents are willing to sacrifice and do things so that their children can have life a little better than they did. Those youngsters in turn will do the same thing for their kids. It has been that concept and that approach and that phenomenon that has truly made America prosper and grow over the years.

Again, my concern is that this moves in the opposite direction and begins to undermine that.

□ 2130

You think about all the things that parents are willing to do to help their kids and make decisions in their best interests, and they should have that same prerogative here.

I was reminded of legislation that we dealt with, Doctor, in my time in the Ohio General Assembly. We dealt with a bill that actually required, a good bill, I voted for it, before a minor, and, again, we are talking, as I think you indicated in your opening remarks, we are talking about 6th graders here, young ladies. We dealt with the legislation in my time in the Ohio General Assembly which required parental consent before a minor could get a tattoo or any type of body piercing.

Yet here we have something this important, this serious, and it would require parents opting out, not opting in on the front end. I think it's important to keep those concepts in mind as we move forward.

Mr. GINGREY. I appreciate the comments of the gentleman from Ohio, and this point about opt in-opt out, on most of the bills that have been introduced, probably, in maybe 23 or 24 States, not a Governor issued a mandate, but where bills were actually introduced. The opt-out provision actually requires one of two things, either a doctor's excuse or the parent to sign that they want their child to not take the vaccines, but they have to have it notarized.

Just think about the burden that really puts on people to try to find a notary. I mean, it's just not that easy to do, and it's certainly not easy to get a doctor to write an opt-out provision.

Mr. JORDAN of Ohio. I appreciate the gentleman's comments there. You know, it's almost as if there is this underlying belief in the way many of these proposals are structured, that the State knows better than mom and dad. We all know that is not the case. Even though some parents sometimes may make poor decisions on behalf of their kids, on behalf of their children, in the vast majority of cases, parents make infinitely better decisions than the State, than the politicians, than the bureaucrats can ever dream of making.

Then this whole approach seems to undermine that concept which has, again, been fundamental, I believe, to the greatness of our country.

Mr. GINGREY. I thank my friend, the gentleman from Ohio, for being with me tonight as long as he can stay. I appreciate his input, his comments. He is right on target.

Statistics suggest, and this is actually from the center of the CDC in Atlanta, my home, the Centers for Disease Control and Prevention estimates that about 6.2 million Americans become infected with HPV each year. Over half, now listen to this, my colleagues, over half of all sexually active men and women become infected at some time in their lives, over half of all sexually active men and women become infected at some time in their lives with the HPV virus.

Now, if you do the math on that, and I think I am correct if my Georgia Tech math serves me well, that means that about 0.2 percent, 0.2, not 2 percent, but 0.2 percent of women who are actually infected with HPV virus, 16 or 18, the virus that this vaccine would prevent, even if they contract the virus, only 0.2 percent.

Well, I said at the outset of the discussion that accounts to, in this country about 9,700 new cases of cervical cancer each year and over 3,000 deaths. Even though it's a small, small number, it has significance, clearly. But you have to ask yourself if that would warrant vaccinating mandatorily every little 11-year-old girl in every public school system in all 50 States of this country.

I don't have the number, how many little girls that would be; but I will tell you one thing, it's far more than this number. Then there are some other things that we can discuss in regard to risk and adverse reactions, even though the FDA, and I don't disagree with the decision, the trials that show this vaccine is safe, but yet it has only been on the market for less than a year. All of a sudden, the big experimental model is going to be my granddaughters and your daughters all across this country. I think that is absolute insanity.

At this time, I want to yield to my good friend from New Jersey, my classmate, Representative SCOTT GARRETT, for his comments.

Mr. GARRETT of New Jersey. I just come to the floor tonight to commend you and to commend the work you have done on this area with your legislation, and also your efforts tonight to try to educate the Members of this House and also the American public as well. A couple of points come to mind, and you have touched on some of them, but they hit home for me, and that is the missed opportunities of resources, is one; the issue of parental rights is another; and the overall issue of the public being mindful of what they need to look out for when it comes to campaigns. I know you touched on each of those briefly.

I had the opportunity to meet today with different groups, as you know we do, all day when we are not on the floor and in committee rooms. The issue of education and the issue of raising our kids came up, and we were talking about other issues other than this one. But the bottom-line issue always came to this, who cares more about your kids than you do? Who cares more about my children than I do?

Other people may, the teachers in the school, the local school boards may care for them, the health officials or the county and the State in Trenton, my capital, may, the bureaucrats down here in Washington or someone else may have some concern, but no one is going to care as much as the parents. We know that loving interest that the parents have in their children is that they are going to be doing right by them. Secondly, the parents are going to know what is the best interest of that child more than anyone else.

Parents are going to know the difference between that child, who, as you described before, may be 11 years old and in many circumstances no way, shape or form is going to be sexually active; and parents know other children, 15, 16 years old have been, are starting to be sexually active, in which case this treatment, the shot or what have you, would be appropriate.

I think it's what the Founding Fathers intended for this country is to have control over our lives, at the local level most possible, and when it comes to children, the most local level is the home setting and the parents.

So the point is that those decisions that are touching the intimate aspect of our lives and our children are best left to the parents themselves and not some bureaucrat outside.

The second issue is resources. You were just touching upon one when I came in. You kindly yielded over to me. The issue is about the cost and how widespread this will be, how many kids, children, this could be used for across the entire country, if what is being done in Texas and elsewhere is going to be spread across the country.

We live, as you know here, with limited resources, certainly limited medical resources. We want to make sure that those limited resources go to the most areas necessary. I always say, in our budget meetings, you can spend a dollar once, but that is it. You can't spend it a second or a third time. Once it's spent, it's spent.

So when it comes to our health care dollars, we have to decide. I rely on health officials or health professionals such as you to help us to make those decisions where those limited dollars should go, and where there is not a need. When you are talking about 8, 9, 10, 11-year-old girls who are not sexually active and most likely will not be sexually active until their maturity, there is no medical necessity for that.

The third point I think is this: I think this whole discussion here should be an eye opener, a light bulb going off, something. As I say, an eye opener for parents and citizens across this country to see how things can move so quickly and touch upon your families without you even knowing about it.

One day you are sitting at home and your wife and kids in the kitchen are just going about your normal routine, getting ready to go off to school, or what have you. The next day, all of a sudden, you are getting an edict from the Governor someplace or some other bureaucrat telling us your child is going to have to be inoculated for an ailment that they are never going to get.

How does that happen? It happens in a way in this case as we saw with an instructive affirmative campaign in various places around this country, saying, you know, a push by certain factors, pushing out, saying this should be done.

Then what happened after that? Well, the media jumps on board, as they often do, and sells us, says this is a great thing, how can you say no to this. All of a sudden it has become politically incorrect for you to stand up and say, wait a minute, I may have a question about this. Wait a minute, these are my little kids you are talking about. Wait a minute, my personal physician or pediatrician says there is no need for this. All of a sudden you are backed into a corner.

This is a case where I think a light bulb should go off for all parents and citizens across the country just to see how quickly these things can come down. That is why I came to the floor tonight just to commend you for throwing the light of day on this very important topic and illuminating it for all of us and for the people watching this evening to realize this is happening now. There may be other things that they need to be paying attention to, again, with regard to the health care of their children.

Mr. GINGREY. I really appreciate my friend from New Jersey. As we all know, every Member in this body knows, he is a strong, strong fiscal conservative. He pointed out the fact that we have very limited dollars. Every day, each one of us, Representative JORDAN, his constituents come up here from Ohio, and Representative GARRETT's constituents from New Jersey, mine from Georgia, and each one of them has a request. Many of them are health-care related.

Today I was visited by a mom who has two autistic children. Maybe my colleagues had constituents advocating on behalf of more funding for autism, and it goes on and on and on. It is our job, with limited dollars, to try to decide how to apply them for the greater good.

I really appreciate the gentleman's comments in regard to putting the money where it's going to be most effective and not to waste it, not to waste those precious dollars. As he pointed out, you can only spend that dollar once.

Mr. JORDAN of Ohio. I just want to pick up on where Congressman GARRETT had kind of emphasized what he had talked about. It is almost as if some people are saying parents aren't smart enough. Parents are smart enough to figure out where their kids need to go to school. They are smart enough to help and save and invest and help their kids get a college education.

They are smart enough to forgo opportunities for themselves and make sacrifices so their kids can have a little better life than they did and further that American Dream and further the prosperity of this country. Yet somehow they are not smart enough in this area.

I think it is important we never undermine that basic fact that parents know best. We had sent a letter to the Governor of our State. We have had legislation introduced in Ohio. I said in that letter, I said, in addition to this bill, this concept is being introduced in Ohio making inappropriate suppositions about the promiscuity of 6th grade girls. I share the view of many that this will lead to further erosion of the rights of parents to instruct the upbringing of their children.

Again, that is why the sponsor of this bill has so appropriately named it, protecting parental rights. That is so important.

Again, I just wanted to, before I have to leave, I want to thank the gentleman from Georgia and the gentleman from New Jersey for his remarks this evening.

Mr. GINGREY. I thank the gentleman from Ohio for being with us tonight. I mentioned at the outset about the statistics with regard to cervical cancer worldwide being the second leading cause of cancer death in women, but maybe 9th or 10th in this country, and the difference is attributed to the fact that in this country, since the mid-1940s with the discovery of the pap smear, the value of the pap smear to screen for cervical cancer was discovered. Annual checkups were recommended for sexually active, certainly for sexually active adult women, and, again, that could start at age 14 in many instances. In some instances, it may be when a young girl is going off to college, or maybe on occasion it is not till someone is 22 or 23 years old.

But at that point in her life, the most important way to prevent cervical cancer or to be able to have early detection, when it can be cured, is by having that physical examination done on a timely basis.

□ 2145

For the most part, the recommendation is a yearly exam. And I think most women in this country get that examination on an annual or maybe every 2-year basis if they have gone several years with normal Pap smears. And it is very simple, almost painless, not something that they would rush to have done, but women know the importance of this for their protection.

Mr. Speaker, I have some concerns that unless we do a great job of educating the public in regard to this vaccine, that women might get the idea that, first of all, the vaccine protects them against sexually transmitted diseases. And it does protect them against HPV virus, that virus that causes genital warts in the 0.2 percent of cases that can actually lead to cervical cancer, but it offers no protection against things like herpes and syphilis and HIV/AIDS. And I could go on and on and on, Mr. Speaker. I don't want to do that and get overly descriptive. But it only protects against that one sexually transmitted disease that is associated with cervical cancer.

I want to give my colleague from New Jersey an opportunity in the time left to weigh in a bit.

Mr. GARRETT of New Jersey. I appreciate the gentleman for yielding.

You brought up another fact, which was good, and then you went on to the details of it more. But I think the point you raised was a good one and I would like to elaborate on for 30 seconds, and that is this: That young girls do go in this country to see their doctors, they do go to see their pediatricians. And the concern I had before, that I mentioned just about 5 minutes ago, that this current action is intervening and causing a wedge, is causing a wedge between the parent and the child.

The point that you are alluding to here as well is now we are actually having another wedge. I said before, the closest relation out there should be between the parent and the child, father and mother and the daughter. Maybe the next close relationship is between the doctor, the pediatrician and the child. And that is what we are talking about here when you are talking about a 9-, 10-, or 11-year-old girl is a child. So not only are we driving a wedge between the parent and the child now, the State is now also driving this wedge between the doctor, the pediatrician and the child as well.

The American College of Pediatrics and the Association of American Physicians and Surgeons are opposed in these circumstances to legislation which would require HPV vaccinations for school attendance, because they know that they are already having that correct and proper relationship. They are already seeing that little girl once a year usually for examination. They are making the examination, and I presume that they would be able to make that determination if that child is becoming sexually active and what have you. And so they would be, just as the parents are, in a better position than a bureaucrat in a State capital someplace or a bureaucrat here in Washington to determine what sort of treatment or what sort of inoculations are needed.

So I just want to draw out that point you raised, that two wedges now of very close familial contact have been created by this new proposal to require this for young children. So I appreciate your bringing that point out.

Mr. GINGREY. I thank the gentleman from New Jersey.

As I was pointing out in regard to this annual checkup, it is not just for the Pap smear and for screening for cervical cancer, but also for a complete wellness examination in women to detect very early breast cancer, a small lump that maybe the patient cannot detect or that is not picked up on a mammogram. But the opportunity is so invaluable to screen for not only cervical cancer, but for colon cancer and breast cancer.

So the bottom line, Mr. Speaker, there is nothing more important than that periodic checkup for adult women to have every 1 or 2 years to make sure that if they do come in contact with something like HPV or any other sexually transmitted disease, you are going to be able to treat that and treat it successfully.

Cervical cancer is not something that a person is exposed to or the causative agent like human papilloma virus, it is not an exposure 1 month and cervical cancer the next month or 6 months later or 1 year later, or maybe in many instances not even 5 years later. It goes through, thank goodness, a very slow progression, and there is great opportunity to treat at various stages and to treat successfully. But clearly, the earliest detection when there is just a slight abnormality is the best opportunity to treat.

And, of course, with this introduction of this vaccine, which I highly recommend, but not on a mandatory basis and not be forced upon our 11-year-old, as I pointed out, daughters and granddaughters, not my granddaughters, this is wrong. It is the government interfering between the doctor, the parents, and the patient. And it seems to me that it is such common sense that when I introduced this bill; and I want to make sure, Mr. Speaker, that all of my colleagues on both sides of the aisle, and I am soliciting cosponsors, and that list is growing every day.

I want my colleagues to understand that what this bill does is simply state this: If you force your youngsters, your 11-year-olds in whatever State we might be talking about, maybe my own State of Georgia, hopefully they wouldn't do that, but if legislation is passed, and the Governor approves of it, then my bill says the Federal Government will not participate in the cost of those vaccines that are forced on our young children either through the Medicaid program or the SCHIP program, the childhood vaccination program, the Federal program.

All these are wonderful programs, these safety net programs. I am a very strong advocate of that, of continuing things like SCHIP, to even strengthen it. And, parenthetically, Mr. Speaker, my State of Georgia with their Peach Care program, that is what SCHIP is referred to in Georgia, they have done such a wonderful job of seeking out those children that don't have insurance and covering them, and I commend my colleagues in the Georgia General Assembly, I commend my Governor, Governor Sonny Perdue, for doing such a great job. But I think they would agree with me and they would agree with my friend from New Jersey and my friend from Ohio, Mr. GARRETT, Mr. JORDAN, that it is inappropriate expenditure of dollars to take a shotgun approach and force children who have a right to a public education, indeed they are paying for it through their property taxes in most States in this country, and then to say to them you can't enroll in the fifth or sixth grade in middle school because you haven't had this vaccine. It is totally inappropriate. And that is not just this Member's opinion, it is the opinion of all those cosponsors who have signed on to H.R. 1153.

Mr. Speaker, I have got a few charts that I wanted to show. This first one, the American College of Pediatricians and the Association of American Physicians and Surgeons are both opposed to any legislation which would require HPV vaccination for school attendance. We have already talked about the vaccine being approved last June and the studies that were done, and it is approved for females age 9 to 26.

But what they don't know yet, and I have talked to the company that manufactured Gardasil, they say that they really don't know how long the vaccine will last and how much immunity will be given. They think about 5 years, but they are not sure. Maybe it will last longer. Maybe when they do blood studies 5 years later, they will find that the antibody level against this type 16 and 18 HPV virus is high enough that the person doesn't need a booster. But like tetanus shots, of course we know that very typically, the same thing with hepatitis, sometimes these vaccines, the immunity will subside, and the patient is once again at risk, and they will have to get another shot.

So if the vaccine gives immunity for 5 years, and you give it to every single 11-year-old, I would say 99.99 percent of whom are not sexually active, and you spend $500 either through their own insurance program or out of Mom and Dad's pocket or subsidized through the Federal Government, Medicare, Medicaid; you give them that shot and it lasts 5 years, and let's just assume it wears off by the time they are 16, just about the time that they are falling in love and become sexually active with their boyfriend, and that is the very time that they need the protection, and the vaccine has worn off, and we have no guidance. At this point we have no guidance.

So, Mr. Speaker, it is clearly the wrong thing to do, and my bill would say that in any situation where this is a voluntary program, an opt-in program, not an opt-out, we don't make parents jump through hoops and go get a notarized signature, or take a half day off work and go to their doctor and maybe have to have paid for a doctor appointment just so they can get a letter signed so their child doesn't have to get this vaccine. That is insanity.

We need to do a good job. We physicians, those of my colleagues who are still practicing, especially my good OB/GYN friends across this country and primary care doctors everywhere, pediatricians need to talk to their parents, talk to their patients and explain that this great vaccine is available, and it has a potential for great good. And I am sure that many, many doses of those vaccines will be sold.

And I hear my colleagues in this body many times bashing the pharmaceutical companies and Big Pharma, and I heard that so much as we were passing the great Medicare prescription drug part D program for our needy seniors back in November of 2003, really beat up on the pharmaceutical industry. But this is a good company, and this should be a profitable product for them. And when they first came out with the vaccine, Mr. Speaker, it was their recommendation, and they worked with State legislators, particularly female State legislators, across the country and said maybe this would be a good idea to have it mandatory in the schools.

But to their credit, after this Governor made it mandatory, not by legislation, but just by rules and regulations in his decision, there was so much public outcry against that that the company now understands that that is not the right way to go, and that is to their great credit. They understand that they have got a great product, but it is not something that should be mandatory. It should be available. It should be available, though, for those who need it most.

Mr. Speaker, I am a real strong advocate for a public education. Now, I have a background of going to a Catholic school when I was growing up, but I also have a background of being on a school board in the city of Marietta, Georgia, in Cobb County, my first venture into public service, and I love that public school system. And all my children, adults now, all four, and thank God I am soon to be the father of my seventh grandchild by those four children, went to that public school system, and we loved it. We had friends that either home-schooled their children or went to private school for various and sundry reasons, and I don't argue with that at all. In fact, given the same circumstances, I would maybe have made the same choices. But I want to see our public schools in this country, in my State of Georgia, in every State, I want to see them thrive and do well. And I firmly believe in the principles of No Child Left Behind, that each and every youngster, no matter where they started in life, that they have that equal opportunity at the brass ring in our public system schools across this country.

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But when you start doing things like this, and that is why at the start of the hour, when I said, you know, this might not be a marquis issue like what is going on in the Middle East or global warming or the economy, this is hugely important, because if you force this, if you mandate this in the public school system, you are going to see, you talk about a flight without vouchers to home schooling and to private schooling, and we don't want to see that. I don't want to see that. I want what is best for the youngsters. And I think that we need to keep a hands-off in regard to this.

I have got a few letters here, Mr. Speaker, that I could share. I have got one from a Phyllis Schlafly with the Eagle Forum who is supporting us on this issue.

I have a letter here from the Concerned Women of America. I will just read the first paragraph. And this is what they say: "Dear friends, CWA, Concerned Women for America, gives kudos to Representative PHIL GINGREY, Republican from Georgia, a former obstetrician gynecologist, on a bill that he plans to introduce. Congressman GINGREY's bill will prohibit Federal funds from being used to implement a mandatory, let me emphasize, a mandatory vaccine program for human papilloma virus, a sexually transmitted disease and a cause of cervical cancer. CWA urges you to call your Member of Congress and ask them not only to cosponsor this bill, but to take whatever action they can to pass it."

I appreciate that, and it is not for kudos or thanks that I am up here tonight. Mr. Speaker, as we do these Special Orders on both sides of the aisle, people do this because they have a commitment to a cause. And I have a commitment to a cause, and that is the cause of our young people that we make sure that we don't take away the parental right to decide. That is sacrosanct in my mind, and that is why I am here tonight spending this time with my colleagues to try to urge you to sign on to H.R. 1153, and let's do this right.

Once again, as I move to closing, Mr. Speaker, I want to make sure that everybody listening in this Chamber and anybody that can hear my voice far and near understands that this bill simply says, if you force it upon our public school children, whatever State we are referring to, then we are not going to pay for that for those children who otherwise can't afford it. But absolutely, if it is appropriately done, and it is a voluntary program, an opt-in program, and I think parents are smart enough, and certainly young girls, when they get to high school, are smart enough to know that if this is available, they are going to take advantage of it; and to understand that if they don't have insurance, and they can't afford it, that we have these programs, these Federal-State programs like Medicaid and like the SCHIP program, and the Federal childhood vaccination program, so that this opportunity will not be denied to those who need it, as Representative GARRETT pointed out, but we won't be wasting money on those who don't need it and don't want it.

With that, Mr. Speaker, I will close. And I want to thank my colleagues. I want to thank you for your attention. I want to thank the gentleman from Ohio, our new Member, Mr. JORDAN, and I want to thank my classmate, Member SCOTT GARRETT from New Jersey, for being with us tonight.

TRIBUTE TO JAMES MADISON

The SPEAKER pro tempore (Mr. KAGEN). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to the longevity and the genius of our Nation's Constitution and to one of the principal framers of this incredible document, James Madison.

As a member of the Constitutional Caucus, I want to do my part in sharing with people each week here items about the Constitution that we think, in the caucus, are very important.

Madison understood the almost insurmountable task that drafting a Constitution presented to the Constitutional Convention. After the Constitution was completed, Madison looked back at the ideals that were contained in it and marveled that that body as diverse as the Constitutional Convention could have produced a document that did so much to preserve liberty and provide for a form of government that would stand the test of time.

He wrote in Federalist Paper No. 37 that "among the difficulties encountered by the Convention, a very important one must have lain, in combining the requisite stability and energy in government with the inviolable attention due to liberty and to the republican form. Without substantially this part of their undertaking they would have very imperfectly fulfilled the object of their appointment or the expectation of the public."

This founding member of our government knew that there would be a tension between granting maximum liberty to the people and ensuring that the government was given the capacity to execute its critical duties. The greatness of the preamble to the Constitution rests in part in how eloquently and succinctly it enumerates these duties to "establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

Madison wrote: "The genius of republican liberty seems to demand, on one side, not only that all powers should be derived from the people, but that those entrusted with it should be kept in dependence by the people by a short duration of their appointments; and that even during this short period the trust should be placed not in a few but in a number of hands. Stability, on the contrary, requires that the hands in which the power is lodged shall continue for a length of time the same. A frequent change of men will result from a frequent return of electors, and the frequent change of measures from a frequent change of men. Whilst energy in government requires not only a certain duration of power, but the execution of it by a single hand."

He knew what we take for granted today, one, that liberty is an essential ingredient for stability and prosperity; and, two, that if government does not see its foremost task is to preserve liberty for the people it serves, then it will soon fail.

In discussing the preamble we should pause to take note of the fact that our Constitution was the result, not of monarchial fiat or one man's scheme to craft a new government, but of a Constitutional Convention, a body overflowing with competing philosophies and conflicting viewpoints. But these founders found common ground in our Constitution. Madison was in awe of this reality. "The real wonder," he wrote, "is that so many difficulties should have been surmounted and surmounted with a unanimity almost as unprecedented as it must have been unexpected. It is impossible for any man of candor to reflect on this circumstance without partaking of the astonishment. It is impossible for the man of pious reflection not to perceive in it a finger of that almighty hand which had been so frequently and signally extended to our relief in the critical stages of the revolution."

Madison notes that the Convention's end product, our Nation's Constitution, would not have been possible under the normal conditions that prevail in most political bodies. It makes me wonder if such an achievement could ever be possible in today's fractious climate. But Madison chalks this achievement up to two dynamics. He writes: "The first is that the Convention must have enjoyed in a very singular degree an exemption from the pestilential influence of party animosities, the diseases most incident to deliberative bodies and most apt to contaminate their proceedings. The second conclusion is that all the deputations composing the conventions were either satisfactorily accommodated by the final act or were induced to accede to it by deep conviction of the necessity of sacrificing private opinions and partial interest to the public good and by despair of seeing this necessity diminished by delays or by new experiments."

His observations on the crafting of this great document which establishes our framework for government and secures the blessings of liberties to ourselves and our posterity should serve to remind us of how careful we must be to adhere to the boundaries it creates for the Federal Government. His insight into the process behind the framing of our Constitution might also remind the Members of this body of our duty to serve the people and to maintain, as Madison said, "a deep conviction of the necessity of sacrificing private opinions and partial interests to the public good."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PENCE (at the request of Mr. BOEHNER) for March 19 through March 21 on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, today and March 21 and 22.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCOTT of Georgia, for 5 minutes, today.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 21, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

896. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's initial report on the threat posed by improvised explosive devices, as required by Section 1402 of the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State and the U.S. Representative to the IAEA, a report detailing assistance to Iran from the International Atomic Energy Agency during calendar year 2006, pursuant to 22 U.S.C. 2021 note Public Law 107-228 section 1344(a); to the Committee on Foreign Affairs.

898. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Technical Corrections to the Export Administration Regulations and to the Defense Priorities and Allocations System (DPAS) Regulation [Docket No. 061212330-6330-01] (RIN: 0694-AD88) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

899. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — North Korea: Imposition of New Foreign Policy Controls [Docket No. 070111012-7017-01] (RIN: 0694-AD97) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-13, Waiving Prohibition on United States Military Assistance with Respect to Chad; to the Committee on Foreign Affairs.

901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulations: Policy with respect to Libya and Venezuela — received February 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to Public Law 103-160, section 1203(d) of Title XII Public Law 102-511, section 502; to the Committee on Foreign Affairs.

903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30523 Amdt. No. 3194] received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

904. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30522 ; Amdt. No. 3193] received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Societe de Motorisations Aeronautiques (SMA) SR305-230 and SR305-230-1 Reciprocating Engines [Docket No. FAA-2006-26102; Directorate Identifier 2006-NE-36-AD; Amendment 39-14820; AD 2006-23-08] (RIN: 2120-AA64) received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

906. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 Airplanes [Docket No. FAA-2006-26165; Directorate Identifier 2006-CE-57-AD; Amendment 39-14816; AD 2006-23-04] (RIN: 2120-AA64) received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

907. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers R321/4-82-F/8; R324/4-82-F/9; R333/4-82-F/12; and R334/4-82-F/13 Propellers [Docket No. FAA-2006-26220; Directorate Identifier 2006-NE-40-AD; Amendment 39-14822; AD 2006-23-10] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

908. A communication from the President of the United States, transmitting Notification of the determination that Haiti meets the eligibility requirements under section 213A(d)(1) of the Caribbean Basin Economic Recovery Act and that Haiti is meeting the conditions regarding enforcement of circumvention under section 213A(e)(1); (H. Doc. No. —20); to the Committee on Ways and Means and ordered to be printed.

909. A communication from the President of the United States, transmitting an Supplementary Agreement between the United States of America and Sweden on Social Security signed in Stockholm on June 24, 2004, pursuant to 42 U.S.C. 433(d)(1); (H. Doc. No. —21); to the Committee on Ways and Means and ordered to be printed.

910. A letter from the Secretary, Department of Agriculture, transmitting the Department's Status Report on the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project for Fiscal Year 2005, pursuant to Public Law 108-7; jointly to the Committees on Natural Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1433. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes (Rept. 110–52 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 802. A bill to amend the Act to Prevent Pollution from ships to implement MARPOL Annex VI; with amendments (Rept. 110–54). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 327. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; with amendments (Rept. 110–55). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1284. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. 110–56). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 797. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes; with amendments (Rept. 110–57). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 580. A bill to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes; with an amendment (Rept. 110–58). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1130. A bill to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes (Rept. 110–59). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. H.R. 1591. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–60). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 110–61). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of March 16, 2007]

Pursuant to clause 2 of rule XII, the Committees on Transportation and Infrastructure discharged from further consideration. H.R. 1227 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAYS (for himself, Mr. BUCHANAN, and Mr. BILIRAKIS):

H.R. 1577. A bill to create a Department of Defense-wide program of patient navigators for wounded members of the Armed Forces; to the Committee on Armed Services.

By Mr. SHAYS (for himself, Mr. TOM DAVIS of Virginia, Mr. BUCHANAN, and Mr. BILIRAKIS):

H.R. 1578. A bill to establish and monitor medical holdover performance standards; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. BILIRAKIS, and Mr. SHAYS):

H.R. 1579. A bill to create a standard solider patient tracking system; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mr. BUCHANAN, and Mr. SHAYS):

H.R. 1580. A bill to create a Department of Defense-wide Ombudsman Office; to the Committee on Armed Services.

By Mr. LANTOS:

H.R. 1581. A bill to improve coordination, implementation, and oversight of United States economic reconstruction assistance for Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mrs. BONO):

H.R. 1582. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

H.R. 1583. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through fiscal year 2012 at the 45 percent payment rate, to establish a minimum price for Class I milk under Federal milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself, Mr. CAMP of Michigan, Mr. MORAN of Kansas, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Mr. GOODE, and Mrs. BOYDA of Kansas):

H.R. 1584. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Ways and Means.

By Mr. SKELTON (for himself and Mr. HUNTER) (both by request):

H.R. 1585. A bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

By Mr. THORNBERRY:

H.R. 1586. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mrs. SCHMIDT:

H.R. 1587. A bill to direct the Secretary of the Army to carry out programs and activities to enhance the safety of levees in the United States; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN (for herself, Mr. GORDON, Mr. ROTHMAN, and Mr. GILLMOR):

H.R. 1588. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself and Mr. TOM DAVIS of Virginia):

H.R. 1589. A bill to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation, to repeal the optional annuity authority for the dependent children of a member when there is an eligible surviving spouse, and for other purposes; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Mr. ALLEN, Mr. LOBIONDO, Ms. MATSUI, Mr. WEXLER, Mr. HINCHEY, Mr. PALLONE, Mr. BERMAN, Ms. SHEA-PORTER, Mr. CHANDLER, Mr. MEEHAN, Ms. MCCOLLUM of Minnesota, Mr. NADLER, Ms. LEE, Mr. BLUMENAUER, Mr. INSLEE, Mr. SCHIFF, Mrs. TAUSCHER, Mrs. MALONEY of New York, Mr. SHAYS, Mr. MORAN of Virginia, Mr. ELLISON, Mr. GUTIERREZ, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. CLAY, Mr. HONDA, Ms. WOOLSEY, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. COHEN, Mr. CLEAVER, Mr. CARNAHAN, Mr. PAYNE, Mr. MCNULTY, Mr. STARK, Mr. SESTAK, Mr. WELCH of Vermont, Mr. CUMMINGS, Ms. SCHWARTZ, Mr. DOGGETT, Ms. WATSON, Mr. SMITH of Washington, Mr. LYNCH, Mr. MARKEY, Mr. SHERMAN, Mr. MCGOVERN, Mr. MICHAUD, Ms. BALDWIN, Mr. OLVER, Mr. WEINER, Mr. JEFFERSON, Mr. HODES, Mr. LANTOS, Mr. SIRES, Mr. YARMUTH, Mr. ABERCROMBIE, Mr. ROTHMAN, Ms. WATERS, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mrs. CAPPS, Mr. DELAHUNT, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Mr. DAVIS of Illinois, Mr. WYNN, Mr. FATTAH, Ms. SOLIS, Mr. SARBANES, Mr. MURPHY of Connecticut, Mr. ACKERMAN, Mrs. LOWEY, Ms. DELAURO, Mr. DICKS, Mr. TOWNS, Ms. DEGETTE, Ms. BERKLEY, Mr. KIND, Mr. BISHOP of New York, Mr. ISRAEL, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. JACKSON of Illinois, Ms. ROYBAL-ALLARD, Ms. CASTOR, Ms. HIRONO, Mr. EMANUEL, Mr. MCNERNEY, Mr. THOMPSON of Mississippi, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. DEFAZIO, Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Ms. CARSON, Mr. BECERRA, Ms. ESHOO, Mr. HALL of New York, Mr. CAPUANO, Mr. CROWLEY, Mr. TIERNEY, Mr. ENGEL, and Mr. WU):

H.R. 1590. A bill to reduce greenhouse gas emissions and protect the climate; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. KIRK, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. BALDWIN, Ms. ROS-LEHTINEN, Mr. NADLER, Mrs. BONO, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BECERA, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CARSON, Mr. CASTLE, Mr. COHEN, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GERLACH, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnestoa, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 1592. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. CANNON, Mr. CONYERS, Mr. COBLE, Mr. SCOTT of Virginia, Mr. SMITH of Texas, Mrs. JONES of Ohio, Mr. FORBES, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr.

JOHNSON of Georgia, and Ms. CLARKE):

H.R. 1593. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. ALTMIRE, Mr. BRADY of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. MURTHA, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS):

H.R. 1594. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Ms. BORDALLO (for herself, Mr. HOYER, Mr. RAHALL, Mrs. CHRISTENSEN, Mr. FORTUÑO, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. HONDA, and Mr. GRIJALVA):

H.R. 1595. A bill to implement the recommendations of the Guam War Claims Review Commission; to the Committee on Natural Resources.

By Mr. FERGUSON (for himself, Mr. KUHL of New York, Mr. REICHERT, Mr. BURTON of Indiana, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 1596. A bill to amend the Internal Revenue Code of 1986 to provide and extend tax incentives for renewable energy and conservation; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. DEAL of Georgia, Ms. BALDWIN, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BOUCHER, and Mr. GILLMOR):

H.R. 1597. A bill to require the FCC to issue a final order regarding television white spaces; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself and Mr. DAVIS of Kentucky):

H.R. 1598. A bill to amend the Servicemembers Civil Relief Act to protect the credit of servicemembers deployed to an overseas combat zone and to facilitate awareness of a servicemember's rights under such Act, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1599. A bill to ensure an adequate supply of public health professionals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. PUTNAM, Mr. SALAZAR, Mr. LARSEN of Washington, Mr. MCCARTHY of California, Mr. KUHL of New York, Mr. HALL of New York, Mr. WALSH of New York, Mr. HIGGINS, Mr. FARR, Mr. MAHONEY of Florida, Mr. HOEKSTRA, Mr. ALLEN, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. FILNER, Mr. CUMMINGS, Mr. WELCH of Vermont, Mr. CARNAHAN, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. HASTINGS of Washington, Mr. MCNERNEY, Mr. NUNES, Mr. RUSH, Mrs. TAUSCHER, Mr. RADANOVICH, Mrs. MCMORRIS RODGERS, Ms. WOOLSEY, Ms. HOOLEY, Mr. MCHUGH, Mr. COSTA, Mr. BROWN of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. PERLMUTTER, Mr. SHULER, Ms. LORETTA SANCHEZ of California, Ms. MATSUI, Mr. CUELLAR, Mrs. CAPPS, Ms. KAPTUR, Mr. WU, Mrs. BONO, Mr. MCINTYRE, Mr. BARTLETT of Maryland, Mr. BOYD of Florida, Mrs. DRAKE, Ms. ZOE LOFGREN of California, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. WALDEN of Oregon, Mr. GILCHREST, Mr. DELAHUNT, Mr. ARCURI, Mr. REYNOLDS, Mr. THOMPSON of California, Mr. HINCHEY, Mr. COURTNEY, Mr. SIMPSON, Mr. PLATTS, Ms. ROS-LEHTINEN, Mr. SHAYS, Ms. HIRONO, Mr. BARROW, and Mr. CALVERT):

H.R. 1600. A bill to continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts, and other specialty crops for American consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1601. A bill to facilitate the provision of telehealth services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1602. A bill to ensure environmental justice in the areas affected by Hurricanes Katrina and Rita; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1603. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to certain individuals affected by an incident of national significance, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. PAYNE, Mr. WEXLER, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. POE, Ms. WATSON, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. HALL of Texas, Mr. SESSIONS, Mr. EDWARDS, Mr. DOGGETT, Mr. REYES, and Mr. CUELLAR):

H.R. 1604. A bill to designate the headquarters building of the Embassy of the United States in Addis Ababa, Ethiopia, as the "Mickey Leland United States Embassy Building"; to the Committee on Foreign Affairs.

By Mr. LATOURETTE (for himself, Mr. YOUNG of Alaska, and Mr. LOBIONDO):

H.R. 1605. A bill to amend title 46, United States Code, to repeal requirements that applicants for merchant seamen licenses and certificates and merchant mariner's documents must take oaths, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI:

H.R. 1606. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 1607. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain individuals born in Korea, Vietnam, Laos, Kampuchea, or Thailand; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. EMANUEL, Mr. HINOJOSA, Mr. TIERNEY, Mr. BISHOP of New York, Mr. SESTAK, Mr. YARMUTH, Mr. RYAN of Ohio, Mr. ARCURI, Mrs. BOYDA of Kansas, Mr. DELAHUNT, Mr. HALL of New York, Mr. PERLMUTTER, Ms. SUTTON, and Ms. WATSON):

H.R. 1608. A bill to expand college opportunities by significantly simplifying the Federal student aid application process; to the Committee on Education and Labor.

By Mr. PASCRELL (for himself, Mr. RENZI, Mrs. MALONEY of New York, Mr. BILIRAKIS, Mr. SPACE, and Mr. MICA):

H.R. 1609. A bill to award posthumously a Congressional Gold Medal to Constantino Brumidi; to the Committee on Financial Services.

By Mr. POMEROY (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 1610. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 1611. A bill to amend the Small Business Act to improve the 8(a) program; to the Committee on Small Business.

By Mr. SIMPSON (for himself and Mr. INSLEE):

H.R. 1612. A bill to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. TIAHRT (for himself, Mr. LINDER, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. RYAN of Wisconsin, and Mr. GARRETT of New Jersey):

H.R. 1613. A bill to amend the Revised Statutes of the United States to provide for legal protection against frivolous lawsuits directed at statutes prohibiting picketing at military and other funerals, and for other purposes; to the Committee on the Judiciary.

By Mr. TIERNEY (for himself, Mr. GRIJALVA, and Mr. PLATTS):

H.R. 1614. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO:

H. Con. Res. 94. Concurrent resolution encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in commercial fishing fleets worldwide and that lead to the overfishing of global fish stocks; to the Committee on Natural Resources.

By Ms. WOOLSEY:

H. Con. Res. 95. Concurrent resolution honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award; to the Committee on Science and Technology.

By Mr. JACKSON of Illinois:

H. Res. 256. A resolution congratulating Sauk Village, Illinois, on its 50th anniversary; to the Committee on Oversight and Government Reform.

By Mr. PLATTS (for himself and Mr. CUMMINGS):

H. Res. 257. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

11. The SPEAKER presented a memorial of the Senate of the State of Iowa, relative to Senate Resolution No. 15 opposing the commitment of additional American troops to the war in Iraq; jointly to the Committees on Armed Services and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. SCHAKOWSKY.

H.R. 19: Mr. BILBRAY and Ms. GINNY BROWN-WAITE of Florida.

H.R. 39: Mr. HASTINGS of Florida, Mr. YARMUTH, and Mr. RYAN of Ohio.

H.R. 140: Mr. WEXLER.

H.R. 180: Mr. ALTMIRE and Mr. WOLF.

H.R. 210: Mr. TOWNS.

H.R. 245: Mrs. CAPITO.

H.R. 255: Mr. POE.

H.R. 281: Ms. ESHOO.

H.R. 327: Mr. SOUDER.

H.R. 329: Mr. MCDERMOTT and Ms. CLARKE.

H.R. 354: Mr. GRIJALVA.

H.R. 406: Mr. GONZALEZ.

H.R. 410: Mr. BURTON of Indiana.

H.R. 440: Mr. GRIJALVA.

H.R. 450: Mr. REHBERG.

H.R. 458: Mr. RUPPERSBERGER.

H.R. 460: Mr. KUCINICH and Ms. CLARKE.

H.R. 500: Mr. GOODE.

H.R. 511: Mr. TURNER.

H.R. 563: Mr. BUCHANAN, and Mr. WALBERG.

H.R. 567: Mr. JEFFERSON and Mr. REICHERT.

H.R. 579: Mr. VAN HOLLEN, Mr. PAUL, Mr. SHULER, Mr. MCNERNEY, and Mr. BOUSTANY.

H.R. 589: Mr. ALLEN.

H.R. 623: Ms. CLARKE.

H.R. 624: Mr. KIND, Ms. WATERS, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. COHEN, and Mrs. MALONEY of New York.

H.R. 628: Mr. BACHUS, and Mr. WALBERG.

H.R. 634: Mr. ADERHOLT, Mrs. BACHMANN, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. CARTER, Mr. DENT, Mr. DUNCAN, Mr. FORTENBERRY, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. LAMBORN, Mr. LOBIONDO, Mr. DANIEL E. LUNGREN of California, Mr. REGULA, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. UPTON, Mr. WELLER, and Mr. WILSON of South Carolina.

H.R. 654: Mr. ELLISON, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. HONDA, Mr. COHEN, Mrs. LOWEY, Mr. JACKSON of Illinois, and Mrs. MALONEY of New York.

H.R. 661: Mr. KLEIN of Florida.

H.R. 677: Mr. MCNERNEY.

H.R. 681: Mr. FRANKS of Arizona and Mr. DAVIS of Kentucky.

H.R. 686: Mr. GOHMERT, Mrs. GILLIBRAND, and Mr. MCGOVERN.

H.R. 691: Mr. ALLEN, Mr. ISRAEL, Mr. CONYERS, Mr. MICHAUD, and Mr. CARNEY.

H.R. 698: Mr. SHERMAN, Mr. DELAHUNT, Mr. MURTHA, Ms. WASSERMAN SCHULTZ, Mr. POMEROY, Mrs. BOYDA of Kansas, Mrs. MYRICK, Mr. BARRETT of South Carolina, Ms. WOOLSEY, Mr. TURNER, and Mr. MARSHALL.

H.R. 719: Mr. WILSON of Ohio, Mr. MCCOTTER, Mr. MCHUGH, Mr. GRAVES, Mr. GERLACH, Mr. MURTHA, Mr. JINDAL, Mr. BUCHANAN, Ms. WASSERMAN SCHULTZ, and Mr. WOLF.

H.R. 728: Ms. KILPATRICK.

H.R. 731: Mr. GOHMERT.

H.R. 752: Mr. KENNEDY, Mr. COHEN, Mr. JONES of North Carolina, and Mrs. LOWEY.

H.R. 769: Mr. MARCHANT.

H.R. 782: Mr. VISCLOSKY and Mr. PAYNE.

H.R. 790: Mr. HERGER.

H.R. 811: Mr. RODRIGUEZ and Mr. ROSS.

H.R. 887: Ms. CORRINE BROWN of Florida.

H.R. 894: Mr. HALL of New York.

H.R. 896: Ms. BALDWIN.

H.R. 901: Ms. WATSON.

H.R. 926: Mr. MCCAUL of Texas.

H.R. 988: Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. STARK, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mrs. CAPPS, Ms. WATERS, and Ms. LORETTA SANCHEZ of California.

H.R. 989: Mr. KLINE of Minnesota.

H.R. 997: Mr. KANJORSKI, Mr. SULLIVAN, Mr. JONES of North Carolina, Mr. LUCAS, Mr. FORBES, and Mr. ROGERS of Alabama.

H.R. 1038: Mr. PASTOR.

H.R. 1061: Mr. EHLERS.

H.R. 1064: Mr. SIRES and Mr. BUTTERFIELD.

H.R. 1072: Ms. ESHOO.

H.R. 1076: Mr. HINCHEY and Mr. SHIMKUS.

H.R. 1093: Mr. YOUNG of Florida and Mr. CRENSHAW.

H.R. 1097: Mr. GRIJALVA.

H.R. 1102: Mr. STEARNS, Mr. MOORE of Kansas, and Mr. PASTOR.

H.R. 1108: Mr. DOYLE.

H.R. 1115: Mrs. JO ANN DAVIS of Virginia.

H.R. 1122: Mr. BROWN of South Carolina.

H.R. 1135: Mr. BROWN of South Carolina.

H.R. 1153: Mr. LINDER, Mr. WAMP, Mr. SHADEGG, Mr. MCHENRY, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. DEAL of Georgia, Mr. WALBERG, and Mr. CULBERSON.

H.R. 1199: Mr. HERGER.

H.R. 1216: Mr. TIAHRT.

H.R. 1228: Mr. DUNCAN and Mr. BLUMENAUER.

H.R. 1236: Ms. NORTON, Mr. MARSHALL, Ms. WATSON, and Mr. MCNULTY.

H.R. 1240: Ms. BORDALLO.

H.R. 1283: Mr. GRIJALVA, Mr. FORBES, Mr. FERGUSON, Mr. WALZ of Minnesota, Mr. GILCHREST, Ms. BERKLEY, and Mr. CLAY.

H.R. 1286: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1293: Mr. CROWLEY, Mr. MCCOTTER, Ms. LORETTA SANCHEZ of California, Mrs. DRAKE, and Mr. GERLACH.

H.R. 1314: Mr. KLINE of Minnesota, Ms. FOXX, Mr. AKIN, Mr. HALL of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. BISHOP of Utah, Ms. GRANGER, Mr. MCCAUL of Texas, Mr. WALBERG, Mr. BOOZMAN, Mr. MANZULLO, Mrs. CUBIN, Mr. HERGER, Mr. BARTON of Texas, and Mr. SULLIVAN.

H.R. 1324: Mrs. MYRICK.

H.R. 1330: Mr. GRIJALVA.

H.R. 1344: Ms. SCHAKOWSKY and Mr. KILDEE.

H.R. 1347: Mr. GRIJALVA.

H.R. 1350: Mr. ENGLISH of Pennsylvania.

H.R. 1353: Mrs. MCCARTHY of New York.

H.R. 1361: Mr. JINDAL and Ms. MILLENDER-MCDONALD.

H.R. 1379: Ms. Linda T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, and Mr. HOLT.

H.R. 1382: Mr. PLATTS.

H.R. 1399: Mr. BUCHANAN, Mr. HELLER, Mr. POE, Mr. HENSARLING, Mr. CONAWAY, Mr. SHUSTER, Mr. ELLSWORTH, Mr. SIMPSON, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. MATHESON, Mr. HOLDEN, Mr. DINGELL, Mr. RAHALL, Mr. ISSA, Mr. SALI, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. BILBRAY, Mr. SKELTON, Mr. PUTNAM, Mr. CANNON, Mr. HUNTER, Mr. MILLER of Florida, Mr. CANTOR, Mr. MACK, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. JOHNSON of Illinois, Mr. DOOLITTLE, Mr. WAMP, Mr. BARTON of Texas, Ms. PRYCE of Ohio, Mr. BURGESS, Mrs. BLACKBURN, Mr. CULBERSON, and Mr. JORDAN.

H.R. 1414: Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. DELAHUNT, and Mr. HALL of New York.

H.R. 1415: Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. GEORGE MILLER of California.

H.R. 1416: Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. GEORGE MILLER of California.

H.R. 1419: Ms. MCCOLLUM of Minnesota, Mr. EMANUEL, Mr. TERRY, and Mr. KIND.

H.R. 1420: Ms. CORRINE BROWN of Florida, Ms. HIRONO, and Ms. ESHOO.

H.R. 1426: Mr. MCCAUL of Texas.

H.R. 1427: Mrs. MALONEY of New York.

H.R. 1428: Mr. LAHOOD.

H.R. 1431: Mr. DAVID DAVIS of Tennessee.

H.R. 1433: Mr. ENGLISH of Pennsylvania.

H.R. 1441: Mr. CARNEY, Mr. POE, Mr. SOUDER, Mrs. MYRICK, Mr. CROWLEY, Mr. PETERSON of Minnesota, and Mrs. BOYDA of Kansas.

H.R. 1465, Mr. CROWLEY and Ms. SCHAKOWSKY.

H.R. 1474: Mr. MURTHA, Mrs. BOYDA of Kansas, Mr. ROGERS of Alabama, and Mr. ABERCROMBIE.

H.R. 1533: Mr. WALSH of New York and Mr. MCHUGH.

H.R. 1538: Mr. SAXTON and Mrs. DAVIS of California.

H.R. 1551: Mr. HODES and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 13: Mr. GILLMOR.

H. Con. Res. 24: Mr. KUCINICH and Ms. CLARKE.

H. Con. Res. 27: Mr. HARE and Ms. CLARKE.

H. Con. Res. 71: Ms. ZOE LOFGREN of California and Mr. ANDREWS.

H. Con. Res. 80: Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. BERMAN, Mr. RANGEL, Mr. RUSH, Mrs. CHRISTENSEN, and Ms. KILPATRICK.

H. Con. Res. 88: Mr. LARSEN of Washington, Mr. PETERSON of Minnesota, Ms. HOOLEY, Ms. ESHOO, Mr. SHULER, Mr. CUELLAR, Mr. DANIEL E. LUNGREN of California, Mr. TANNER, Mr. LEWIS of California, Mr. GORDON, Mr. ETHERIDGE, Mr. GOODLATTE, Mrs. BONO, Mr. GALLEGLY, Mr. HERGER, and Mr. KUHL of New York.

H. Con. Res. 92: Mr. FILNER.

H. Res. 53: Mrs. BOYDA of Kansas, Ms. CLARKE, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, and Mr. LYNCH.

H. Res. 121: Mr. ISRAEL, Mr. RANGEL, Mr. PITTS, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Ms. MCCOLLUM of Minnesota, and Ms. WOOLSEY.

H. Res. 137: Ms. WATSON.

H. Res. 179: Mr. GRIJALVA, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. LANGEVIN, Mr. KILDEE, Ms. BORDALLO, Mr. SKELTON, Ms. BEAN, Mr. BERMAN, Mr. POMEROY, Ms. HOOLEY, Ms. FALLIN, Mr. GOHMERT, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Mr. CLEAVER, and Ms. HIRONO.

H. Res. 197: Mrs. LOWEY.

H. Res. 221: Ms. DEGETTE and Mr. RANGEL.

H. Res. 224: Mrs. MYRICK and Mr. CONAWAY.

H. Res. 237: Mr. GRIJALVA.

SENATE—*Tuesday, March 20, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

O God, who loves us throughout the seasons of our years, set our Senators today on a path where they will grow in wisdom and in kindness. Make them wise enough to remember the poor and needy in our land and kind enough to find creative ways of touching hurting lives.

Help them to be wise enough to forgive others as You have forgiven them and kind enough to find ways to bless those who despitefully use them.

Lord, empower them to be wise enough to seek Your solutions to their complex problems and kind enough to express gratitude to You, the giver of every good and perfect gift.

Give them wisdom to find ways to bring peace out of conflict, light out of darkness, and hope out of despair. Then infuse them with a kindness that will motivate them to seek to serve others to the glory of Your Name.

In all their strivings, enable them to live as wise and kind ambassadors of Your purposes.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 20, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will immediately resume consideration of the U.S. attorneys legislation, S. 214, and conclude the final 90 minutes of debate on this issue.

At approximately 11:30, there will be three rollcall votes to complete action on the bill: Votes on two amendments and then passage of the bill.

At the conclusion of ordering passage on the bill, the Senate will recess for our weekly work conferences.

Following the caucus lunch, we will begin consideration of the budget resolution. Yesterday, I was going to ask unanimous consent to begin at 2:15, but I was informed there might be a request for a rollcall vote on the motion to proceed. That is a nondebatable motion, so we will vote immediately at 2:15 on that matter.

As far as the Democrats' time on this matter, relating to U.S. attorneys, the allocation of time on this side will be Senator SCHUMER, 5 minutes; Senator MURRAY, 5 minutes; Senator CARDIN, 5 minutes; Senator KLOBUCHAR, 5 minutes: Senator FEINSTEIN, 5 minutes; and the balance of the time will be under the control of Senator LEAHY.

Mr. President, I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THE BUDGET

Mr. McCONNELL. Mr. President, let me say to my good friend, the majority leader, that I will be checking at noon to see if we can avoid the motion to proceed to the budget, but I have not been able to get that cleared yet. I hope that I will be able to.

I would also remind everyone, as the majority leader and I indicated yesterday, budget week is always challenging, with lots of votes and evening sessions. So I would encourage Members on our side, if they have amendments, to offer them early in the week to avoid having them caught up in the vote-arama which will occur, regretfully, at the end of the process.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I would finally say the two managers of this bill, Senator CONRAD and Senator GREGG, have done this bill many times. They are friends, and they will do everything they can to cooperate with each other. I hope Members will cooperate with them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 214, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 214) to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

Pending:

> Kyl amendment No. 459, to ensure that United States attorneys are promptly nominated by the President, and are appointed by and with the advice and consent of the Senate.
>
> Sessions amendment No. 460, to require appropriate qualifications for interim United States attorneys.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes of debate, equally divided between the two leaders or their designees.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise, first of all, to support Senator FEINSTEIN's bill, which I proudly have been a cosponsor of, and I urge all my colleagues to do the same. I wish to thank Senator FEINSTEIN for being the first to discover this provision and for asking the right questions, which then set us on this journey about the U.S. attorneys.

Second, I wish to thank Senator LEAHY, our leader in the Judiciary Committee on this issue, who has been stalwart in making sure we get to the truth.

Some have been content to casually dismiss the administration's actions relating to the firing of the eight U.S. attorneys as a comedy of errors at the

Justice Department. Make no mistake about it, this is no comedy, this is a tragedy. It is a tragedy for eight public servants whose reputations have been wrongly trashed. It is a tragedy for the reputation of the Justice Department, as a whole, and for the Attorney General, in particular. Most importantly, however, it is a tragedy for public confidence in our system of justice.

How can people have faith when the documents show that in this Justice Department allegiance to party is apparently valued over loyalty to the rule of law? How can citizens not be cynical when it is clear the PATRIOT Act was cynically manipulated to bypass checks and balances?

We all know politics plays a role in the Justice Department, but it should be second to rule of law. On too many issues in this Justice Department, politics came first and rule of law came second.

Weeks ago, we suspected the provision we are correcting today was no more than a mechanism to allow end runs around the Senate and the people. The e-mails have proven our worst fears. This provision was apparently added to the PATRIOT Act not for efficiency or national security but to make it easier to install political loyalists. This is how Kyle Sampson, the former Chief of Staff to the Attorney General, described how the slipped-in PATRIOT Act should be manipulated:

> By using these provisions we can give far less deference to home State senators and thereby get (1) our preferred court person appointed, and (2) do it far faster and more efficiently at less political cost to the White House.

That is a memo to Harriet Miers.

That scheme was, of course, followed to install Karl Rove's former deputy in the Eastern District of Arkansas.

Here is another e-mail from Mr. Sampson:

> My thoughts: 1. I think we should gum this to death: Ask the Senators to give Tim a chance, meet with them, give him some time in office to see how he performs. If they ultimately say "no, never,"—and the longer we can forestall that the better—then we can tell them we will look for other candidates, ask them for recommendations, evaluate the recommendations, interview their candidates, and otherwise run out the clock. All of this should be done in "good faith," of course.

That is an astonishing breach of trust. That shows that, at least according to Mr. Sampson, this provision could be used to keep political appointees in office for a long time.

So there is no doubt we must pass this legislation, which provides—and has always provided—for checks and balances on a runaway Justice Department. If there is proof that it was ever needed, it is the actions of the Justice Department in the last several months. I am especially amazed, given the proof that this secret midnight provision was willfully abused at the highest levels of the Justice Department, how anybody could not vote for Senator FEINSTEIN's legislation. This is the latest example of an executive branch run amuck, the most recent evidence of a Justice Department almost drunk with its own power and with little regard for checks and balances.

That is why our work will not be done when we pass this bill in a few hours. It is not enough to reform the law, we must repair the Justice Department.

Finally, last night we received 3,000 pages of documents. Some in the administration have started to spin this: See, they were fired for cause. But if you look at these documents, that is not the case. They read like an "Alice in Wonderland" tale. There are thousands of pages of stock documents, and we still have no real idea why many of these fine men and women were fired.

Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, the documents leave us scratching our heads in wonderment as to why they were fired. One e-mail shows that days before the purge, the Deputy Attorney General was uncertain about the reasons why Nevada U.S. attorney Daniel Bogden was fired: "I'm still a little skittish about Bogden."

The documents show that far from exhibiting performance problems, New Mexico U.S. attorney David Iglesias is highly praised by officials in Washington and even considered for promotion. Similarly, Washington U.S. attorney John McKay is also praised 3 months before he was fired. San Diego U.S. attorney Carol Lam was strongly defended by the Department on her pursuit of immigration cases months before she was fired. Finally, another U.S. attorney, Patrick Fitzgerald, widely considered to be one of the finest and most apolitical prosecutors in the country, was ranked in the middle tier and described as "undistinguished." Meanwhile, two of the fired prosecutors were only a short time ago ranked in the top tier.

The more we dig, the deeper the hole it seems the Justice Department is in, with still no clear explanation as to why these fine prosecutors were fired. Make no mistake about it, we will get to the bottom of this.

This legislation is an early step, but we cannot rest until we have reformed the Department's ways and restored confidence, so that when people enter Justice Department buildings and see the eagle perched with arrows in her claws, it means justice and the rule of law, without fear or favor.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, every American needs to have confidence in our system of justice, but in the last few weeks that confidence has, frankly, been deeply shaken. Each day, we get new evidence that the Bush administration injected partisan politics into a process that requires independence, and each day we get more proof this administration has not been telling the truth.

I am here today on this floor to support the bill to restore the Senate's constitutional advise and consent in confirming nominees to serve as U.S. attorneys. I am deeply troubled by the many ways the Bush administration has politicized the administration of justice because it threatens all Americans.

Recently, we learned that the administration's political meddling reached into my own home State of Washington, and it led to the firing of a U.S. attorney who had received an excellent job performance review only months, months before he was fired. When I asked for answers, the Justice Department told me things that were not true. Deputy Attorney General Paul McNulty assured me the firing of John McKay was performance related. I didn't believe it at the time, and, unfortunately, the past few weeks have only confirmed my suspicions.

As the facts come out, the administration's untruths are coming to light. First we were told the White House had no role in the firing. Now we learn this whole scheme originated in the White House. At first we were told the firings were performance related. Now documents have disclosed that the Justice Department was evaluating U.S. attorneys based on their loyalty to the administration. We were also told a significant change in the PATRIOT Act was needed for national security and would not be abused. That also was not true. Every day, this story gets worse and worse and climbs higher up the political ladder. Now we have learned that senior officials in the White House, including the President's former counsel, Harriet Miers, and his top political adviser, Karl Rove, were key players in these firings.

Why should folks at home care if the White House and Justice Department are politicizing the Office of the U.S. Attorney? It matters, and it matters for two reasons.

First, any American can become the subject of a civil or criminal investigation by a U.S. attorney, an investigation that could upend their life or ruin their reputation, destroy their business, and ultimately cause the Government to take their life or their liberty. That is a tremendous amount of power, and we need to make sure the people who wield that power are launching investigations based on the facts and based on the law—not based on political pressure.

Second, after all the ways the Bush administration has undermined the rights and liberties of our citizens, we need to vigorously stand up and fight back whenever new abuses come to light.

I believe we could have gotten the facts sooner if we had gotten straight answers from the Attorney General from the start. Unfortunately, Mr. Gonzales can't seem to get his stories straight. At a press conference last week, he said he didn't know about it, but he is responsible for it. He said mistakes were made, but the firings were appropriate. He said he believes the U.S. attorneys should be independent, but they can be fired for any reason.

Two years ago, I voted against confirming Alberto Gonzales as the Nation's top law enforcement officer. As I said in February of 2005, he "lacks the independence and honesty to be Attorney General." I also said his troubling record would not assure public confidence in the fair administration of justice. I take no joy in saying that my fears have been borne out.

How did we get here? Last year, when Congress updated the PATRIOT Act, a change was inserted at the request of the White House. This change was not debated. It was made without the knowledge of many of us here in the Senate. Today, we know that change to the PATRIOT Act played an important role in this entire scheme. It significantly lowered the difficulty of removing any U.S. attorney and replacing him or her without consulting anybody.

We need to end these abuses. I support the bill that is before the Senate today because it will restore the Senate's role in confirming U.S. attorneys, and it will also restore a critical check on the administration's power.

Traditionally, when there has been a vacancy for a U.S. attorney, the White House has sent a nomination over here to the Senate. Last year, the White House changed that procedure.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. MURRAY. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Last year, the White House changed that procedure by slipping a change into the PATRIOT Act reauthorization. With that change, the White House was then able to install interim U.S. attorneys indefinitely without going through the normal Senate approval process.

This bill which is before us now restores the role of the Senate in confirming interim nominees. This legislation will force the White House to work with the Senate and home State Senators. This bill is an important step to protecting the U.S. Attorney's Office from the politicization it has suffered.

I urge my colleagues to take a step forward for justice and pass this critical reform today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask to proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is granted that right.

Ms. KLOBUCHAR. Mr. President, as a former prosecutor, I am here to speak in behalf of S. 214. I would first like to thank the members of the Judiciary Committee for introducing and reporting out this important bill, and I am proud to be a cosponsor.

I returned from Iraq yesterday, and I look forward to reflecting on lessons learned from that trip later on this week. But I will say that my Senate colleagues and I had extensive discussions with Iraqi political leaders as well as the American military about the need to restore the rule of law in Iraq. I have always been proud that our judicial process has been the gold standard for the rest of the world. It is ironic, then, that even as I spoke with Iraqi leaders about their challenges, we Americans were learning a very public lesson about how the rule of law can be undermined in even the most advanced democracies.

We have learned this past month that our Nation's chief law enforcement officer, our leading guardian of the rule of law in this country, has allowed politics to creep too close to the core of our legal system. This administration has determined that Washington politicians, not prosecutors out in the field—and perhaps, in some cases, not even the facts—will dictate how prosecutions should proceed. The consequences are unacceptable.

Good prosecutors, by all accounts doing their jobs, upholding their oaths, following the principles of their profession, basing their decisions on the facts before them, were pressured and/or fired and/or unfairly slandered by this administration. All of this, it would seem, was motivated by rank politics. That is simply not how we do things in this country. That is why, last week, I called for the Attorney General to resign.

Before I came to the Senate, I was a prosecutor. I managed an office of nearly 400 people, and we always said in our office: If you do the right thing, if you do your job without fear or favor, at the end of the day, you have no regrets. It may not be easy; whatever your decision is, it may not make everyone happy, you may have to explain it, but if you do your job without fear or favor, you have no regrets. That was true, even though I was elected through the political process. I checked politics at the door when I came to my job.

I remember when I first came to my office there were two prosecutors in the office who supported my opponent. I went and met with them the day after I was elected, and I said: I heard nothing but good things about you two, I heard you are great prosecutors, and I would like to know what are the jobs you want in the office. One of them wanted to be head of the drug team, the other wanted to be head of the gang team, and I put them in those jobs and never regretted it. They did incredible jobs, got along well with the police, and they worked well with the community. That is because we knew, when it came to prosecutions, there were boundaries. Those boundaries, this month in Washington, we found out were crossed.

Another case I will always remember is a case where we prosecuted a judge who had stolen $400,000 from a mentally disabled woman he was supposed to protect. This young woman lived in a world of stuffed animals and dolls. She needed people to take care of her. He was the person who was in charge of her money in her accounts, and he systematically stole all $400,000 in those accounts. He was a politically connected judge. He was a Democrat. When that case came into our office, I got so many calls, dozens of calls, from people in the community, political people, saying: You know, he messed up, but he is a good guy. He should not go to jail.

He went to jail. We asked for a 4-year sentence, and we got that sentence. I still remember that courtroom packed with all of his friends, all of his pals, but we did the right thing, and at the end of the day we had no regrets.

This is a tradition in our country, a simple and deeply rooted tradition that our party affiliation should not get in the middle of decisions about whom we prosecute and how we enforce the law. That tradition is as true—perhaps even more true—in our Federal prosecutor's office as it is in the local DA's office. This tradition emerged because our justice system is ultimately built on a foundation of trust. Without that trust, the system does not work.

When our leaders play politics with the judicial process, we lose that trust. When people get fired for political reasons, we lose that trust. When good prosecutors are removed to make room for political cronies, we lose that trust. In losing that trust, the very lifeblood of our justice system comes under threat.

The legislation we are considering will not undo the damage this administration and this Attorney General have caused, but it will prevent this Attorney General and future Attorneys General from ever doing something like this again.

It is time once again to allow Federal prosecutors to do their jobs without fear or favor. It is time to place much needed limits on an administration that has far too often and far too flagrantly exceeded its authority and abused the public trust. Today, by passing this bill, we seek to curb that abuse and to give trust back to those who gave it to us—the people of this country.

Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to rise in support of S. 214, Preserving United States Attorney Independence Act of 2007. This legislation would restore the appointment of our interim U.S. attorneys to how it was prior to the passage of the PATRIOT Act.

The PATRIOT Act included a provision many of us did not know was in that legislation. It was a provision that affected the appointment of interim U.S. attorneys.

Prior to the passage of that provision, the Department of Justice had the ability to appoint interim U.S. attorneys for up to 120 days, without the confirmation of this body. This legislation will restore that provision, which will establish the right balance between the executive and legislative branches of Government. It will encourage the Department of Justice to work with this body so that interim U.S. attorneys and permanent appointments can be considered timely and the confirmation process can move forward. Most importantly, this legislation is necessary because of the recent actions of the Department of Justice in removing several U.S. attorneys, which is currently under investigation by the Judiciary Committee.

I serve on the Judiciary Committee. On March 6, we had a hearing that I think was remarkable. It was unfortunate because we had former U.S. attorneys who appeared before our committee and talked about being intimidated and pressured by the Department of Justice and by the White House. They were fired despite the fact that they had received excellent performance evaluations by the Department of Justice. In several of these cases, the office was involved in high-profile political investigations, some of which the administration was not happy about.

The U.S. attorney is the chief Federal law enforcement officer in our States. The U.S. attorneys must work independently. The Attorney General must carry out his responsibility for the entire country. He is not the attorney for the President. The Department of Justice must maintain that independence. A U.S. attorney has enormous power to determine who should be investigated, who should be prosecuted, and what type of punishment should be recommended. It is a tremendous amount of power which must be exercised with total independence.

The manner in which these eight U.S. attorneys were removed from office raised many concerns that all of us should be concerned about. This raises concerns about the independence of the U.S. attorney and whether these investigations will be conducted with the public interest in mind or to further a political agenda. It raises concerns as to whether the Department of Justice or the White House was trying to influence the independent judgments of the U.S. attorney in a specific investigation. It raises concerns as to how Congress was kept informed as to how these removals were being handled. Information that was made available to us was inconsistent and certainly raises questions as to whether Congress itself was being misled by the Department of Justice. This raises concerns about the morale within the U.S. Attorney's Offices throughout the country and whether they will be able to attract the best possible people in order to prosecute these activities and get the best people in the U.S. Attorney's Office.

The work of this body is continuing as it relates to the U.S. attorneys. The Judiciary Committee is continuing its work. I must tell you that I know there were a lot of documents made available last night to the Judiciary Committee, but what we need to have is the personal appearance of those who were directly involved—Ms. Miers, Mr. Rove, Mr. Sampson. Those testimonies need to take place in the Judiciary Committee, open testimony, so we can get the information as to what exactly happened in regard to the dismissal of these U.S. attorneys and whether it was improper activity, trying to influence the judgment of our U.S. attorneys.

It starts with the passage of S. 214. It starts with our restoring the proper balance between the executive and legislative branches of Government as it relates to the use of interim U.S. attorneys and the confirmation process by this body.

I urge my colleagues to support S. 214 and to support the work of the Judiciary Committee as we continue our investigation as to the dismissal of U.S. attorneys.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I have listened with interest to all of my colleagues who have made a case for changing the law, but I have yet to hear any of them discuss the specific proposal they presumably intend to support. The disconnect is that it does not solve the problem they have identified. It doesn't even begin to solve the problem.

I urge my colleagues, before simply voting on a partisan basis for a bill which is allegedly designed to solve a problem, that they at least ask the question whether it solves the problem they have identified. It does not.

That is why I proposed an amendment that does solve the problem. I urge my colleagues, before they vote in 45 minutes, to read the underlying bill—it is only 2½ pages—to read my amendment—it is about the same length—and perhaps to listen to 5 minutes of what I have to say.

This is not partisan. We are going to have Republicans and Democrats as President and a Republican- and Democratic-controlled Senate. We want the U.S. attorneys to be nominated by the President, and we want the Senate to be able to act on the nominees. The underlying bill does not guarantee that. In fact, it does not even provide for it. My amendment ensures that happens.

So I urge my colleagues, you have stated the case for a change. Please listen to what I have to say because I think you will see that the bill, the underlying bill, was drafted in great haste; it does not solve the problem. My amendment does. I made several arguments yesterday on behalf of this amendment. I argued that it corrects the flaws in the underlying bill that all of us should want to correct.

Briefly, yesterday, I noted that the committee-reported bill does not ensure the President will nominate a U.S. attorney. That is the first thing we want to happen. Secondly, as a result, therefore, it certainly does not solve this problem my colleagues have been trying to identify here this morning about being accountable for Federal criminal prosecutions.

Secondly, the Senate would have no say in the selection of a U.S. attorney who is appointed by a Federal judge, which the committee-reported bill allows to happen.

Third, I noted that even the district judges themselves do not want to be placed in the position of selecting the U.S. attorneys. They have found this to be a conflict of interest, and they have refused in some cases to appoint a U.S. attorney.

Fourth, I have argued that the district judges are ill-equipped in selecting U.S. attorneys. By the way, to my knowledge, no one has sought to dispute what I have been saying here.

Fifth—I think this would be of interest to my Democratic colleagues—the committee-reported bill does not even end the practice of allowing an individual to serve as a U.S. attorney without Senate confirmation and without a nomination even being sent to the Senate. The committee-reported bill restores the 1986 to 2006 statutory language, and that language allowed consecutive appointments of interim U.S.

attorneys by the Attorney General—the exact practice my Democratic colleagues are criticizing here today. So they permit the continuation of exactly what they object to. It would allow an administration to stack the terms of acting U.S. attorneys and interim U.S. attorneys, which would allow an individual to serve as U.S. attorney for nearly a year without confirmation ever being submitted to the Senate, and perhaps beyond that.

I made these same arguments in a "Dear Colleague" I circulated Monday morning. I am going to try to have that letter distributed to the desks of all Senators, so when they arrive, they can at least take a look at it and evaluate what I am saying.

Yesterday, I had expected that opponents of my amendment would come to the floor and respond as to why they disagreed with my amendment. A significant number of Democratic Senators did come to the floor yesterday and today to speak to the bill. All of them urged passage of the bill. Not one of them even mentioned my amendment, an amendment the Senate will be voting on in about 45 minutes.

My staff ran a computer search this morning to see if someone at least had the decency to submit a statement for the record explaining why they opposed my amendment. No such statement exists. I listened carefully to the speeches this morning. All made a case for a change. Not one referred to the underlying bill or showed how it solves the problem, because it does not, and not one referred to my amendment, which, as I said, does solve the problem they have identified.

I understand this issue has become very political. I understand there is great pressure within the Democratic caucus to vote down any amendments to preserve an undiluted victory over the administration. But this has nothing to do with the political issue that is raging out there; it has to do with solving a specific problem we have all agreed exists with the existing law, a problem not solved by the underlying bill.

I would urge my colleagues to think before they jump over this cliff. We are all elected to a 6-year term for a reason: We are given this much time so we can stop and think about things and not be rushed into decisions that in retrospect do not appear to be a very good idea. That is how the legislation got into the PATRIOT Act that everybody is complaining about today. We are going to be compounding one mistake, I expect, with another.

Allow me, therefore, to make one final pitch to my colleagues on the Democratic side who presumably simply will follow the leader and vote against my amendment without having read it or the underlying bill. If you think about the long term, I think you will agree that my proposal is the one that makes sense. But let us think about the short term and compare how the committee-reported bill and my amendment would operate over the remaining 2 years of this administration. Let's see how they work.

Under the committee-reported bill, which presumably would be signed into law maybe in April, all interim U.S. attorneys would continue to serve for another 120 days until sometime in July. What would happen then, after that 120 days? One of three things could happen.

A district judge could pick a U.S. attorney. Well, the Senate has no say in that. Most judges who do so are very likely to reappoint the current interim U.S. attorney. If the judge does so, that interim U.S. attorney could serve through the remainder of this administration without a nomination ever having been sent to the Senate.

The second alternative is that if the district judge does not choose to appoint an interim U.S. attorney, the Attorney General could then reappoint the current one to one or more consecutive terms—the very thing all of my colleagues on the Democratic side have objected to here, that the Attorney General could appoint an interim U.S. attorney. That judicial district would have a U.S. attorney, likely for the remainder of the administration, who was not submitted to or confirmed by the Senate.

The third possibility under the committee-reported bill is that after the 120 days are up, sometime in July, the administration could simply designate the interim U.S. attorney as the acting U.S. attorney—a designation that could last until March of 2008 without a nomination having ever been submitted the Senate. By March of 2008, it is likely that no nomination would ever be submitted to the Senate and that the acting or interim U.S. attorney would simply be recess-appointed for the remainder of the President's term.

In all three scenarios, no Presidential nomination, no Senate confirmation or consideration of the nominee—the very thing the Democrats here are objecting to would continue to exist under the bill so many of them have spoken in support of.

The bottom line is, if the Senate blindly votes down my amendment and passes the committee-reported bill without fixing any of its flaws, the judicial districts that have no Senate-confirmed U.S. attorney today will stand an excellent change of having no Senate-confirmed U.S. attorney for the remainder of this administration.

Compare this to the result that would happen if my amendment were adopted. Under my amendment, the interim authority is repealed in its entirety. In other words, the main thing my Democratic colleagues have complained about—that Attorney General Gonzales can make an interim U.S. attorney appointment—would be gone. He would not be able to do that anymore. Not so under the bill.

Under my amendment the President would be required to nominate a U.S. attorney candidate within 120 days; obviously, by the middle of summer. Under my amendment, even if the President doesn't comply with this deadline because acting authority expires after 210 days if no nomination is submitted, the President would be forced to nominate a U.S. attorney before the end of the year. The bottom line is, if my amendment is adopted, all judicial districts in the country will have a Senate-confirmed U.S. attorney or at least a nomination pending in the Senate for most of the remainder of the administration.

Just in case my colleagues think I am kidding, lets look at the underlying bill. This is all there is to it. There is not a whole lot here. Let's read what it says. First, it says:

> The Act may be cited as the "Preserving United States Attorney Independence Act of 2007."

That is a misnomer if I ever heard one. Why? The code is amended by striking the provision above and inserting the following:

> A person appointed as United States Attorney under this section may serve until the earlier of—
>
> (1) the qualification of a United States attorney appointed by the President—

That is the normal process—

or

> (2) the expiration of 120 days after appointment by the Attorney General under this section.

Wait. I thought the object was not to have the Attorney General appoint U.S. attorneys. Let's read this again:

> Or . . . the expiration of 120 days after appointment by the Attorney General under this section.

So under the underlying bill, the Attorney General still gets to appoint interim U.S. attorneys. Not so under my amendment. That section is repealed. Or, third:

> If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney until the vacancy is filled.

The district court, for all the reasons we have discussed, is not the best entity to be appointing a U.S. attorney. All of us would agree it would be preferable not to have the district court do that. In any event, if the object is to preserve the Senate's ability to evaluate a nominee and to act on that nomination and reject it or confirm the individual, we have no such authority if the district judge appoints the U.S. attorney.

So there are three possibilities. That the President would nominate is one; but if he does not, there is no penalty. For those who argue that the President is trying to get by with something by having his Attorney General appoint interim U.S. attorneys who never have to be confirmed by the Senate, under this first point the President can simply do nothing, and then his Attorney General can appoint an interim U.S. attorney. I thought that was what we were trying to avoid. If the Attorney General doesn't do it, then a Federal court judge can do it. In none of those cases does the Senate have anything to say about it.

Clearly, the bill doesn't solve the problem that everybody has identified. My amendment, on the other hand, does. It does so in three specific ways. This is all of one page and three lines. It is not hard to read. What we say is that under the new law, if my amendment is adopted, section 546 of title 28 is repealed. That is the interim appointment authority of the Attorney General, the thing that everybody is objecting to: Alberto Gonzales is going to appoint an interim, and the Senate will never have a chance to act on that nominee. My amendment eliminates his ability to do that or any subsequent Attorney General, unlike the underlying bill.

So how would we fill the vacancy?

> Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

My amendment, unlike the underlying bill, requires the President to make a nomination within 120 days. Why? A, the President should be making these nominations—as we all agree—B, the Senate would then have the ability to act on that nomination. How do we know? Because we also say that 120 days after the date of submission of an appointment under paragraph 1, "the Senate shall vote on that appointment." So we have ensured that the President will make a nomination and that the Senate will act on that nominee.

People have said: But you can't sue the President for not actually nominating someone. So we have a final provision that creates a very strong incentive for the President to nominate to fill the vacancy:

> If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of U.S. Attorney during the remainder of the term of that President.

What that means is that the President has a very strong incentive to nominate people to fill the vacancy so that the Senate can act on that nomination because, if he fails to do so, the requirement that the Senate act on his nominations for U.S. attorney is vitiated for the remainder of his term. He no longer has any assurance that his nominees will be acted upon by the Senate.

This is about as simple—it is all on one page—a way of solving the problem that I can imagine. Let me summarize. The problem my colleagues have suggested is that in the PATRIOT Act we put a provision that allows the Attorney General to fill vacancies with an interim U.S. attorney, and the Senate has no say-so. Under the bill, that exact process continues. It is not changed. We haven't solved a thing in that regard.

What we have said is, if he doesn't do that, a district judge could fill the vacancy. That is a great solution. Actually, it is not great. District judges don't want the authority. They haven't exercised it well in the past. They are not the best people; in fact, they have an inherent conflict of interest to be appointing prosecutors who are going to appear before them. In any event, the Senate has no ability to act on the nominee. It is not even a nominee, it is an appointment. The Attorney General can appoint or a Federal district judge can appoint. In neither case does the Senate get an opportunity to confirm or reject the nominee.

The underlying bill does not solve the problem that everybody is talking about. Only my amendment solves the problem which says, first, the ability of the U.S. Attorney General to fill these vacancies with an interim U.S. attorney is now gone. He cannot do that anymore. The very thing we don't like can't happen under my amendment.

Secondly, instead of having a Federal district judge appoint a prosecutor with no Senate confirmation, we require the President to make his nomination, that the Senate will act within 120 days of receiving that nomination, and if the President fails to do so, the Senate no longer has to act on any of his U.S. attorney nominations for the remainder of his Presidency.

Those who have argued that there is a problem have an obligation to explain how their proposed solution solves the problem. I issue this challenge to any of my Democratic colleagues who plan to vote for the underlying legislation, S. 214.

Please come to the floor within the next 40 minutes and explain to me what it is in these two pages that solves the problem. Can they point to where the Attorney General can no longer appoint a U.S. attorney? No, they cannot. It says right here that the Attorney General can appoint an interim U.S. attorney, and the Senate can't do anything about it.

Can they show how the Senate would be able to act on the appointment by a Federal district judge? No. It says that a Federal district judge may appoint the U.S. attorney. Not nominate, appoint. Again, the Senate has nothing to say about it.

I challenge my Democratic colleagues—they have done a great job of saying we have a problem—to show me how their bill solves the problem. Have enough humility to come to the Senate floor and say: We made the case for a change. We are willing to acknowledge that actually your solution is a better solution than ours, and we are willing to say we will support your solution.

That would solve the problem. For the future we would all be happy. We wouldn't have politics dictate the solution that in the end doesn't work to anybody's satisfaction.

I urge colleagues, vote yea on the Kyl amendment to solve the problem that has been presented.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. KYL. Absolutely.

Mr. SESSIONS. We have people pointing out a flaw in the current bill that we did pass, that the Senator acknowledges is there, and I acknowledge is there. People cite potential abuses from the system. But as the Senator was speaking yesterday on his amendment, a hypothetical came to mind. He has been in the Senate a long time. He is one of the great lawyers in the Senate. He has been on the Judiciary Committee for many years.

Let's assume this hypothetical: A President of the United States believes strongly that the Federal gun laws should be enforced, that the Federal immigration laws should be enforced, that the Federal death penalty should be enforced. He or she nominates a person who shares those general philosophies to be U.S. attorney. Under the Feinstein amendment, if this Senate were a liberal Democratic Senate that didn't share those views and did not confirm that U.S. attorney within 120 days, it would then fall to a district judge in some district to make that appointment. Would the Senator agree with that?

Mr. KYL. Mr. President, there are two alternatives in that situation. Either the President's Attorney General could appoint an interim U.S. attorney with no Senate confirmation or a district judge could appoint that U.S. attorney with no Senate confirmation.

Mr. SESSIONS. The Feinstein legislation would have the judge make that appointment.

Mr. KYL. Actually, there are two alternatives. Let me read them. I am reading from the bill. I urge my colleagues to read the bill. It really helps.

There are two options if the President does not submit a nomination. This is No. 2, if the President hasn't nominated someone, "the expiration of 120 days after appointment by the Attorney General under this section."

The first option is that the President could try to submit another nomination. But if he chose not to do so, his Attorney General could appoint the U.S. attorney. Or the third possibility is, if an appointment expires under this section, the district court for such district may appoint a U.S. attorney. So there are two options if the President doesn't nominate another candidate.

His Attorney General can appoint the U.S. attorney, with no Senate confirmation, or a Federal district judge can appoint the U.S. attorney with no Senate confirmation.

Mr. SESSIONS. Federal judges I have practiced before had philosophical views. Some of them have been pretty activist Federal judges. Some of them think there are too many gun prosecutions in Federal court, too many drug prosecutions, maybe too many immigration prosecutions. They could, under that power, appoint someone who would not follow the policies of the President who was elected to set prosecutorial policy; is that not correct?

Mr. KYL. Mr. President, that is exactly correct. Let's go to the other side of the coin. The President's own Attorney General could appoint someone who very aggressively followed his policies, and the Senate would have nothing to say about it.

Mr. SESSIONS. That is correct also. I suggest this is an odd thing we are doing. This is an executive branch appointment. That is what has been contemplated since the founding of the Republic, and that is what we have done since the founding of the Republic.

I was a U.S. Attorney for 12 years. It was always considered an oddity, if some vacancy occurred and the confirmation did not occur within the required time, that a Federal judge would be involved in appointing an executive branch appointment. But that is what the statute was. It worked to some degree, and we went on with it over the years.

But it was never a thoughtful, principled approach to how the executive branch of the Government should be operated because I am not aware of any other appointment in the executive branch of Government for which if it is not filled in a timely basis, the Senate—a coequal branch—can up and fill that appointment, nominate and fill it; nor am I aware of any other office in the entire Government where a Federal judge would fill it if the Senate did not act properly or the President did not nominate and follow through properly.

I want to say I think Senator KYL's solution to this problem is thoughtful. The more I considered it, the more I believed he was on the right track. Truthfully, if our colleagues who are concerned about the difficulty in the statute would pay attention to what he has said, you would want to support the Kyl amendment because it goes beyond President Bush. He has less than 2 years left in his term. There will be another President, and this law could be in effect for hundreds of years.

So what is the right, principled approach to the appointment of U.S. attorneys? The right approach is that it should be done by the executive branch because it is an executive branch function. I was the attorney general of Alabama. The court did not appoint me. I was elected by the people in a political race. Most attorneys general are elected in political races around the country.

Prosecutors are accountable to policies. They are responsible for effectively utilizing limited resources to effect appropriate and just policies of the United States. Presidents and the people of States who elect them elect them to execute certain policies. They usually understand that and make commitments to that as a political candidate, or the President asks if they will support his policies before he appoints them.

Now, I want to say this very clearly. Every U.S. attorney who is worth 2 cents understands they did get their office through some sort of political process. Confirmation in the Senate is a political process. A lot of the talk we have had about U.S. attorneys has been more politics than substance in the last few days. It is a political process.

But what is absolutely critical is that U.S. attorneys remember the oath they took. That oath is to faithfully enforce the law, whether it involves a Republican, a Democrat, a rich person, or a poor person; that no matter what their station in life, they treat everyone fairly and objectively. They must comply with that. They have been given the chance to do the job, like any attorney general is who runs and gets elected. But their oath, their responsibility, their duty is to do it correctly.

You get pressure all the time. They say: Well, somebody tried to pressure a U.S. attorney. It should not happen from Congress, in my view. I do not believe that. I would not call a prosecutor to suggest that I know more than they know about a case that is before them. But sometimes newspapers write editorials: You are not prosecuting this case. Sometimes local mayors and politicians say: You should not be investigating this case. You are under pressure all the time. If a person is not strong and is not committed to integrity and the right principles and doing the right thing, they are going to be a sorry U.S. attorney. That is the bottom line. It is not a job for the cringing or the weak, I will tell you. I had to make some tough calls. In one case where I prosecuted against two judges, I remember one of the legal aid lawyers who testified on my behalf—his client did—he told me during the trial: Jeff, if these guys are acquitted, both of us are going to have to go to Alaska. It is tough business. You have to do what you think is right and proceed with the case.

Now, if Senator KYL's amendment is not accepted, I have an amendment I think would help. I hope Senator FEINSTEIN would not be maybe even opposed to it, although I am not sure she is comfortable with it at this point. But I would point out to my colleagues and ask them to consider this amendment as an appropriate step.

My amendment would make a very limited modification to the underlying Feinstein bill, if it moves forward without the Kyl amendment, to ensure that only qualified candidates will be appointed by judges to serve as interim U.S. attorneys. The amendment allows district judges, under this statute, if it becomes law, to appoint only those individuals who are qualified and have proper background checks and security clearances.

Under my amendment, a district court can only appoint an interim attorney if they are a current DOJ, Department of Justice, employee or a Federal law enforcement officer, employee, who is already authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law.

This effectively places the same limitations in effect to which the Department of Justice adheres when making interim appointments on district judges. According to the Department of Justice, in addition to the full field investigation, background check conducted by the Federal Bureau of Investigation—when you are appointed to be U.S. attorney, they conduct a full field investigation by the FBI to see if you have any skeletons in your closet, to see if you are worthy of the office and if you can be trusted. That is done for every interim U.S. attorney, too.

Further, the Department of Justice reviews matters under the jurisdiction of the Department's Office of the Inspector General, Office of Professional Responsibility, and the General Counsel's Office at the Executive Office for United States Attorneys to see if this Department of Justice employee has problems, to see if there are complaints, deficiencies, ethical complaints about the person. That can also keep them from being appointed.

So even if the candidate is a qualified DOJ employee or Federal law enforcement officer, a district court would not be allowed to appoint them if the court learns they are under investigation or have been disciplined by the DOJ or other Federal agencies such as the inspector general or the Office of Professional Responsibility.

Finally, the amendment requires a district judge to confidentially inform the Department of Justice, the Attorney General, of the identity of the person they expect to name 7 days before the appointment so these checks can be made.

I think this has two saving graces. It will eliminate some examples we have had of judges appointing people who should not have been appointed, who were not qualified to examine the cases in the office because those cases required security clearances, as all grand jury testimony does, for that matter. They did not have those security clearances. That is important. Also, since the prosecution of criminal cases is an executive branch function, the appointment being from the Department of Justice would at least be making it an appointment from the executive branch of the United States.

Both of those, I think, are healthy policies. I join with Senator KYL in saying, let's do this thing right, if we are going to do it. It is going to be there maybe for 100 or more years. Let's set a policy that would be principled and consistent with the separation of powers that has served us so well and we can be proud of, and not focusing on this specific set of events that led us to these ideas.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the use of calculators be permitted on the floor of the Senate during consideration of the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see the Senator from California on the floor, and I am about to yield to her. Could I ask, Mr. President, how much time is available to the Senator from Vermont or his designees?

The ACTING PRESIDENT pro tempore. Eight minutes.

The Senator from California has 5 minutes.

Mr. LEAHY. Mr. President, the Senator from Vermont has 8 minutes; the Senator from California has 5?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LEAHY. Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you. And I thank the chairman of the committee as well.

Mr. President, I rise today to speak in support of S. 214. As we all know, that is a bill to reinstate the Senate's role in the confirmation process of U.S. attorneys. I thank both Senators LEAHY and SPECTER for supporting this bill. I wish to say right upfront I believe we should pass a clean bill today. I have had the privilege of working with both Senators KYL and SESSIONS. I understand their amendments, but essentially what I have been trying to do is put the law back to the way it was before the PATRIOT Act reauthorization.

Now, at that time—March of last year—unbeknownst to Democratic and Republican Senators a provision was included in the PATRIOT Act reauthorization that essentially allows the Attorney General to appoint an interim U.S. attorney for an indefinite period of time without Senate confirmation.

Surprisingly, less than 1 year after receiving this new authority, serious allegations and abuse of the process have come to light. We now know that at least eight U.S. attorneys were forced from office, and that despite shifting rationales for why, it has become clear that politics has played a considerable role.

We know that six of the U.S. attorneys who were fired were involved with public corruption cases. Unfortunately, it is now clear that the bigger issue is what we do not know. Despite last night's production of some 3,000 pages related to the firing process, we are now faced with a growing list of unanswered questions, including:

What was the White House's role in these decisions?

In one e-mail produced last night, there is a conversation about involving the President in the process, and asking who decides what his level of involvement should be. But there are no subsequent documents showing the answers. Obviously, the question is: Who did decide and what was his role?

Who made these determinations about who to fire, and who was involved in the loyalty evaluation? Again, the documents produced last night do not answer this question, and we are still faced with several lists of targeted U.S. attorneys that beg the question: Who else was a target and what happened?

We also need to know what role, if any, did open public corruption cases play in determining who would be fired? What was the Attorney General's role in the process? Was the change to the law in March of 2006 done in order to facilitate the wholesale replacement of all or a large number of U.S. attorneys without Senate confirmation?

While I believe the Senate and the House will exercise our due diligence investigating these questions, we have an opportunity right now to ensure this politicization of U.S. attorneys does not happen again.

The bill before the Senate would return the law to what it was before the change that was made in March of 2006. It would still give the Attorney General the authority to appoint interim U.S. attorneys, but it would limit that authority to 120 days. If after that time, the President had not nominated a new U.S. attorney or the Senate had not confirmed a nominee, then the district courts would appoint an interim U.S. attorney. This is the process that was developed under the Reagan administration and it worked from 1986 to 2006. That is 20 years. It worked with virtually no problems for 20 years.

I think it is important we reinstate these important checks and balances and ensure that Senate confirmation is required. So I urge my colleagues to support the bill and to vote against all amendments.

I think it is necessary we pass this bill today, and I hope it is by a very substantial margin. I am so distressed at the politicization of the Department of Justice. I am so distressed that there is not an arm's length between politics and the law today in this country. I believe it is a very serious situation. I believe strongly that once the U.S. attorney takes that oath of office, they must be independent, objective, and follow facts wherever they lead them in the pursuit of justice. I believe that is what both political parties want and I believe that is what the American people want. There is only one way we are going to get back there with U.S. attorneys, and that is by simply returning the law to what it was before.

I also wish to point out the administration's interest in saying this is a political appointment has a limit, and I have expressed what that limit is. The only way we are going to effect the necessary changes is to pass this law this morning, and I very much hope it will be passed and passed without amendment.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Senator from California for her statement and her leadership. She has been so forthright in her comments right from the beginning of this scandal, and I appreciate it. I will have more to say about her efforts at the end of my statement.

In a few minutes, the Senate will have an opportunity to begin restoring accountability and checks and balances to what is our Government, the Government that belongs to all Americans. We should pass the Preserving U.S. Attorneys Independence Act. We have to close a loophole that has been exploited by the Department of Justice and the White House—a loophole that led to the mass firings of U.S. attorneys.

When we roll back this excessive authority given the Attorney General by the PATRIOT Act reauthorization, we can restore—or at least take a step toward restoring—the independence of our Federal law enforcement system. We will be acting to reverse one more incident of overstepping by an earlier "rubberstamp" Congress, which was all too often willing to dance to the tune of a power-hungry White House.

The Attorney General—and I will agree with the Attorney General on this—he is right that mistakes were made. Mistakes were made, all right. It was a mistake to conduct the mass firings to send the message to our U.S. attorneys that they had better act like "loyal Bushies"—their words, the Administration's words—rather than act as objective law enforcement officers. Mistakes were made, absolutely.

It was a mistake to malign the reputations of these officials by contending that the firings were prompted by their badly performing their law enforcement responsibilities.

It was a mistake to mislead the Senate Judiciary Committee in hearings and Senators during phone calls and in meetings about the firings.

It was a mistake to give the Attorney General the unlimited authority to fill these critical posts with his selections or the selections of the White House without the advice and consent of the U.S. Senate.

But most of all, it was a mistake to inject crassly partisan objectives into the selection, evaluation, firing, and replacement of the top Federal law enforcement officers in our country.

I still have no sense that the administration or the Attorney General understand the seriousness of this matter. The apparent effort to corrupt the Federal law enforcement function for partisan political purposes has cast a cloud over all U.S. attorneys. Now every U.S. attorney is under a cloud. People are asking about those who were retained as "loyal Bushies." People are wondering what prosecutorial judgments were affected. These mass firings have served to undermine the confidence of the American people in the Department of Justice and the local U.S. attorneys.

In the same way that any employer has the power to hire, we understand that people cannot be fired because they are Catholic or because of their race or because they are a whistleblower. The power of employment is not without limit. It can be abused. When it is abused in connection with political influence over Federal law enforcement the American people and their representatives in Congress have a right to be concerned. We need to get to the bottom of this situation. We need the facts, not more spin, not another concocted cover story.

The U.S. Department of Justice must be above politics. The Attorney General of the United States has to ensure the independence of Federal law enforcement from political influence. The Department of Justice should serve the American people by making sure the law is enforced without fear or favor. It should not be a political arm of the White House.

The Attorney General is not the President's lawyer. The President has a lawyer. The Attorney General is the Attorney General for the people of the United States of America—all of us—Republicans, Democrats and Independents.

The advice and consent check on the appointment power is a critical function of the Senate. That is what this administration insisted be eliminated by the provision it had inserted in the reauthorization of the PATRIOT Act. That measure struck the time limit on the ability of the Attorney General to name a so-called interim U.S. attorney. And that is what this bill, the Preserving United States Attorney Independence Act of 2007, is intended to restore. It is vital that those holding these critical positions be free from any inappropriate influence.

We are finding out more and more abuses by this administration. We learned for the first time earlier this month in testimony by a Congressional Research Service attorney before the House Judiciary Committee about another loophole this administration has tried to create and exploit. In 2003, the Department's Office of Legal Counsel issued a secret legal opinion to try to create an end run around the Senate's role. This administration is the first I am aware that is employing the Vacancies Act in addition to the interim U.S. attorney appointment authority sequentially. The horror that Senator KYL speaks about is one that this administration created and has apparently been employing. That is not what Congress intended.

With the passage of S. 214 today we should put an end to that untoward practice, too. As one of the authors of S. 214 and chairman of the Judiciary Committee, I say it is not our intent to allow such an abuse by having the Vacancies Act provisions and those of S. 214 used in sequence. We do not intend for the Attorney General to use such a misguided approach and seek to install a choice for 330 days without the advice and consent of the Senate. Nor do we intend for the Attorney General to make Senator KYL's other suggestion a reality by seeking to use the 120-day appointment authority more than once. It is not designed or intended to be used repeatedly for the same vacancy. These double dipping approaches run afoul of congressional intent, the law and our bill. Our bill should put a stop to that, too. Instead, the President should fulfill his responsibilities, work with home State Senators and nominate qualified people to serve as U.S. attorneys so that they can be considered by the Senate and confirmed. If he does not the district court will be restored the stopgap authority they previously had.

I was pleased that Senator FEINSTEIN worked so hard with Senator SPECTER to craft the consensus measure we consider today to reinstate vital limits on the Attorney General's authority and bring back incentives for the administration to fill vacancies with Senate-confirmed nominees. We reported out this measure with bipartisan support 13–6 after debating and voting down several amendments, including amendments similar to those offered today by Senators KYL and SESSIONS. We should again vote down these amendments and pass the bipartisan bill without delay.

Senator SESSIONS' amendment would attach certain conditions to a district court's authority to appoint an interim U.S. attorney after 120 days, but none to the Attorney General's interim appointment authority. Our bill is meant to roll back a change in law that allowed an abuse of power by the administration and the Department of Justice. There is no record of problems with the appointment of interim appointments by the district court. In fact, for almost a hundred years until the law was changed in 1986 during the Reagan administration, district courts were the sole means of appointing interim U.S. attorneys. There are many criteria that we want U.S. attorneys to possess—chief among them the ability to enforce the laws independently without fear or favor. But both the prerogatives of the administration in putting in place the people it wants and the home State Senators in ensuring fairness and independence in their States are protected when the President nominates and the Senate considers and confirms U.S. attorneys.

Senator KYL's amendment provides unjustified limitations on the Senate's role in confirming U.S. attorneys that could short-circuit the Senate's ability to undertake a thorough consideration of a nominee's qualifications and wholly disregards the role of the home State Senators.

It is true that this President has been slow in nominating U.S. attorneys. There are currently 22 vacancies and only three nominees. Building incentives for this President to fulfill his responsibilities and work with home State Senators would be a good thing. That is not what Senator KYL's amendment does. Instead, in the guise of setting a time limit on the Senate, what it actually does is override the traditional deference paid to home State Senators and the Judiciary Committee itself. In fact, no time limit is needed to require the committee or the Senate to act on qualified nominees.

During this President's term, U.S. attorneys have been confirmed quickly, taking an average of 68 days from nomination to confirmation. Only three people nominated to be U.S. attorneys have not been confirmed and two of those withdrawn by the President. In fact, when I first chaired the Judiciary Committee during President Bush's first term, we confirmed 84 of President Bush's U.S. attorney nominations in a little more than a year.

Some critics of the district court's role in filling vacancies beyond 120 days claim it to be inconsistent with sound separation of powers principles. That is contrary to the Constitution, our history, our practices, and recent court rulings. In 2000, in United States v. Hilario, the First Circuit upheld the constitutionality of the prior law on interim appointments, including the district court's role. In fact, the practice of judicial officers appointing officers of the court is well established in our history and from the earliest days.

Morrison v. Olson should have laid to rest the so-called separation of powers concern now being trumpeted to justify these political maneuvers within the Justice Department. Certainly no Republicans now defending this administration voiced concern when a panel of judges appointed Ken Starr to spend millions in taxpayer dollars going after President Clinton as a court-appointed prosecutor.

During committee consideration we heard from some who had not read what the Constitution says. The Constitution provides congressional power to direct the appointment power. In article II, the part of the Constitution that this administration reads as if it says that all power resides with the President, the President's appointment power is limited by the power of Congress. Indeed, between its provisions calling for appointments with the advice and consent of the Senate and for the President's limited power to make recess appointments, the Constitution provides:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the Heads of Departments.

Just last week, the Eastern District of Arkansas joined at least two other courts addressing the interim appointment of U.S. attorneys, the First Circuit in Hilario, and the Ninth Circuit in United States v. Gantt, in concluding that U.S attorneys are "inferior officers." Thus, the Constitution contemplates exactly what our statutes and practices had previously provided and what our bill will restore. Congress is well within its authority when it vests in the courts a share of the appointment power for those who appear before them.

One of the finest Attorneys General of the United States ever to serve was Robert H. Jackson. He also served as one of our most admired Justices on the U.S. Supreme Court. He was a principal prosecutor at the International Military Tribunal for German war criminals in Nuremberg after World War II.

The day after I was born, on April 1, 1940, as a new Attorney General, he spoke to the U.S. attorneys from across the country. They were assembled in the Great Hall at the Department of Justice in Washington. He told them about the responsibilities of being a Federal prosecutor. I think it is appropriate today to recall his guidance. His words serve to show the Senate and the American people how wrong this Administration's practices are and how far off the mark.

This is what then-Attorney General Jackson said and they are words that serve today. He said:

> The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst.
>
> Because of this immense power to strike at citizens, not with mere individual strength, but with all of the force of government itself, the post of Federal District Attorney from the very beginning has been safeguarded by presidential appointment, requiring confirmation of the Senate of the United States.
>
> Your responsibility in your several districts for law enforcement and for its methods cannot be wholly surrendered to Washington.

Robert H. Jackson continued:

> If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: That he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted.
>
> It is in this realm in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.
>
> In times of fear or hysteria political, racial, religious, social, and economic groups, often for the best of motives, cry for the scalps of individuals or groups because they do not like their views. Those who are in office or apt to regard as "subversive" the activities of any of those who would bring about a change of administration.

Mr. President, I ask unanimous consent that a copy of Attorney General Jackson's full statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I have said many times on this floor that one of the greatest opportunities I have ever had in my public life was to serve for 8 years as a prosecutor. Prosecutors have to be independent. Prosecutors have to prosecute without fear of favor. Prosecutors can never not prosecute someone because they are a Republican or Democrat; they have to do it because they have to uphold the law.

Let us restore the situation where our Federal prosecutors, whether we have a Democratic President or a Republican President, serve the law and not a political purpose. That is what prosecutors have to do. Many of us in this Chamber have served as prosecutors and know that is what we meant when we took our oath of office. Let's not have a system that at the outset subverts that oath of office.

I wish to commend Senator FEINSTEIN for leading this effort and Senator SPECTER, the ranking Republican on our committee, for joining her. We have all cosponsored the substitute to restore the statutory checks that existed. I commend the many Senators who contributed to this debate, including the majority leader, Senator KENNEDY, Senator DURBIN, both Senators from Arkansas, Senator WHITEHOUSE, Senator MCCASKILL, Senator SCHUMER, Senator MURRAY, Senator CARDIN, and Senator KLOBUCHAR.

Many speak from their own experiences as former prosecutors.

Let's pass this bill without amendments. We have a piece of legislation to protect the integrity of prosecutors and law enforcement. Let's pass it without amendment, pass it as it is, and strike a blow for the integrity of our Federal prosecutors and strike a blow for law enforcement. Because if you politicize a prosecutor, you politicize everybody in the whole chain of law enforcement. We should never do that. Let's pass this bill and restore integrity to Federal law enforcement.

Mr. President, I yield the floor.

EXHIBIT 1

THE FEDERAL PROSECUTOR

(By Robert H. Jackson, Attorney General of the United States, April 1, 1940)

It would probably be within the range of that exaggeration permitted in Washington to say that assembled in this room is one of the most powerful peace-time forces known to our country. The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations. Or the prosecutor may choose a more subtle course and simply have a citizen's friends interviewed. The prosecutor can order arrests, present cases to the grand jury in secret session, and on the basis of his one-sided presentation of the facts, can cause the citizen to be indicted and held for trial. He may dismiss the case before trial, in which case the defense never has a chance to be heard. Or he may go on with a public trial. If he obtains a conviction, the prosecutor can still make recommendations as to sentence, as to whether the prisoner should get probation or a suspended sentence, and after he is put away, as to whether he is a fit subject for parole. While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst.

These powers have been granted to our law enforcement agencies because it seems necessary that such a power to prosecute be lodged somewhere. This authority has been granted by people who really wanted the right thing done—wanted crime eliminated—but also wanted the best in our American traditions preserved.

Because of this immense power to strike at citizens, not with mere individual strength, but with all the force of government itself, the post of Federal District Attorney from the very beginning has been safeguarded by presidential appointment, requiring confirmation of the Senate of the United States. You are thus required to win an expression of confidence in your character by both the legislative and the executive branches of the government before assuming the responsibilities of a federal prosecutor.

Your responsibility in your several districts for law enforcement and for its methods cannot be wholly surrendered to Washington, and ought not to be assumed by a centralized Department of Justice. It is an unusual and rare instance in which the local District Attorney should be superseded in the handling of litigation, except where he requests help of Washington. It is also clear that with his knowledge of local sentiment and opinion, his contact with and intimate knowledge of the views of the court, and his acquaintance with the feelings of the group from which jurors are drawn, it is an unusual case in which his judgment should be overruled.

Experience, however, has demonstrated that some measure of centralized control is necessary. In the absence of it different district attorneys were striving for different interpretations or applications of an Act, or were pursuing different conceptions of policy. Also, to put it mildly, there were differences in the degree of diligence and zeal in different districts. To promote uniformity of policy and action, to establish some standards of performance, and to make available specialized help, some degree of centralized administration was found necessary.

Our problem, of course, is to balance these opposing considerations. I desire to avoid any lessening of the prestige and influence of the district attorneys in their districts. At the same time we must proceed in all districts with that uniformity of policy which is necessary to the prestige of federal law.

Nothing better can come out of this meeting of law enforcement officers than a rededication to the spirit of fair play and decency that should animate the federal prosecutor. Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done. The lawyer in public office is justified in seeking to leave behind him a good record. But he must remember that his most alert and severe, but just, judges will be the members of his own profession, and that lawyers rest their good opinion of each other not merely on results accomplished but on the quality of the performance. Reputation has been called "the shadow cast by one's daily life." Any prosecutor who risks his day-to-day professional name for fair dealing to build up statistics of success has a perverted sense of practical values, as well as defects of character. Whether one seeks promotion to a judgeship, as many prosecutors rightly do, or whether he returns to private practice, he can have no better asset than to have his profession recognize that his attitude toward those who feel his power has been dispassionate, reasonable and just.

The federal prosecutor has now been prohibited from engaging in political activities. I am convinced that a good-faith acceptance of the spirit and letter of that doctrine will relieve many district attorneys from the embarrassment of what have heretofore been regarded as legitimate expectations of political service. There can also be no doubt that to be closely identified with the intrigue, the money raising, and the machinery of a particular party or faction may present a prosecuting officer with embarrassing alignments and associations. I think the Hatch Act should be utilized by federal prosecutors as a protection against demands on their time and their prestige to participate in the operation of the machinery of practical politics.

There is a most important reason why the prosecutor should have, as nearly as possible, a detached and impartial view of all groups in his community. Law enforcement is not automatic. It isn't blind. One of the greatest difficulties of the position of prosecutor is that he must pick his cases, because no prosecutor can even investigate all of the cases in which he receives complaints. If the Department of Justice were to make even a pretense of reaching every probable violation of federal law, ten times its present staff would be inadequate. We know that no local police force can strictly enforce the traffic laws, or it would arrest half the driving population on any given morning. What every prosecutor is practically required to do it to select the cases for prosecution and to select those in which the offense is the most flagrant, the public harm the greatest, and the proof the most certain.

If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.

In times of fear or hysteria political, racial, religious, social, and economic groups, often from the best of motives, cry for the scalps of individuals or groups because they do not like their views. Particularly do we need to be dispassionate and courageous in those cases which deal with so-called "subversive activities." They are dangerous to civil liberty because the prosecutor has no definite standards to determine what constitutes a "subversive activity," such as we have for murder or larceny. Activities which seem benevolent and helpful to wage earners, persons on relief, or those who are disadvantaged in the struggle for existence may be regarded as "subversive" by those whose property interests might be burdened or affected thereby. Those who are in office are apt to regard as "subversive" the activities of any of those who would bring about a change of administration. Some of our soundest constitutional doctrines were once punished as subversive. We must not forget that it was not so long ago that both the term "Republican" and the term "Democrat" were epithets with sinister meaning to denote persons of radical tendencies that were "subversive" of the order of things then dominant.

In the enforcement of laws which protect our national integrity and existence, we should prosecute any and every act of violation, but only overt acts, not the expression of opinion, or activities such as the holding of meetings, petitioning of Congress, or dissemination of news or opinions. Only by extreme care can we protect the spirit as well as the letter of our civil liberties, and to do so is a responsibility of the federal prosecutor.

Another delicate task is to distinguish between the federal and the local in law enforcement activities. We must bear in mind that we are concerned only with the prosecution of acts which the Congress has made federal offenses. Those acts we should prosecute regardless of local sentiment, regardless of whether it exposes lax local enforcement, regardless of whether it makes or breaks local politicians.

But outside of federal law each locality has the right under our system of government to fix its own standards of law enforcement and of morals. And the moral climate of the United States is as varied as its physical climate. For example, some states legalize and permit gambling, some states prohibit it legislatively and protect it administratively, and some try to prohibit it entirely.

The same variation of attitudes towards other law-enforcement problems exists. The federal government could not enforce one kind of law in one place and another kind elsewhere. It could hardly adopt strict standards for loose states or loose standards for strict states without doing violence to local sentiment. In spite of the temptation to divert our power to local conditions where they have become offensive to our sense of decency, the only long-term policy that will save federal justice from being discredited by entanglements with local politics is that it confine itself to strict and impartial enforcement of federal law, letting the chips fall in the community where they may. Just as there should be no permitting of local considerations to stop federal enforcement, so there should be no striving to enlarge our power over local affairs and no use of federal prosecutions to exert an indirect influence that would be unlawful if exerted directly.

The qualities of a good prosecutor are as elusive and as impossible to define as those which mark a gentleman. And those who need to be told would not understand it anyway. A sensitiveness to fair play and sportsmanship is perhaps the best protection against the abuse of power, and the citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.

Mr. LEAHY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that between the votes there be 2 minutes equally divided in the usual fashion.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the first vote will be on the amendment which I have offered which solves the problem that has been described here, unlike the underlying bill which does not solve the problem.

The problem is that the U.S. Attorney General can appoint interim attorneys and the Senate doesn't have a chance to confirm them. My amendment repeals that section of the law; the underlying bill does not. So it is still possible in the future, under the underlying bill, for the Attorney General to appoint interim U.S. attorneys without Senate confirmation. If he doesn't do that, then a Federal district judge makes the appointment, again without the Senate having the ability to act on the nomination. Again, my amendment solves that problem by requiring the President to nominate a candidate for U.S. attorney and requiring the Senate to act on that nomination. Should the President not fulfill his responsibility, the requirements for the Senate to act are vitiated. So there is a powerful incentive for the President to nominate.

The underlying bill reinstates the old law. The Senator from California has said the old system, which is the basis for her legislation, has worked well for 20 years. It hasn't worked well. The Senate has no ability to act on a nominee when there is no nominee. Under the existing law, the district court judge appoints the U.S. attorney. We have no ability to say yes or no to that individual. So I would argue that, from the Senate's prerogative and point of view, it has not worked well.

Secondly, yesterday, I noted two situations, one in the district for West Virginia in 1987, where the system of having a Federal judge appoint the U.S. attorney did not work well at all. It is a case that perhaps the Presiding Officer is aware of. Eventually, the Justice Department had to remove the investigative files from the U.S. Attorney's Office and had to direct the nominee to recuse herself from some criminal matters until a background check could be effectuated. The situation was not resolved until another U.S. attorney was approved by the Senate.

We had the odd situation 2 years ago in South Dakota where we ended up having two U.S. attorneys serving at the same time because of the appointment by a district judge. The point is, the old system did not work well. In any event, the Senate has no say in the matter when a district judge appoints the U.S. attorney.

Conclusion: We have all recognized a problem exists. The problem is a U.S. attorney can be appointed without the Senate ever having a say in it, either by the Attorney General, as an interim, or by a district judge. The underlying bill permits both of those practices to continue. My amendment precludes both of those practices. It eliminates the Attorney General's ability to appoint an interim U.S. attorney and it eliminates the district court's ability to do so. It puts the responsibility where it belongs, on the shoulders of the President and the Senate.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. McCAIN).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—40

Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—56

Akaka
Alexander
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Coburn
Johnson
McCain

The amendment (No. 459) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, it is so ordered.

AMENDMENT NO. 460

Under the previous order, there will now be 2 minutes of debate, equally divided, on the amendment offered by the Senator from Alabama, Mr. SESSIONS.

Mr. SESSIONS. Mr. President, am I recognized under the agreement for 1 minute?

The PRESIDENT pro tempore. The Senator is recognized.

Mr. SESSIONS. Mr. President, this is a friendly amendment to the Feinstein amendment. It would simply eliminate the difficulty that has occurred over the years when Federal judges, given the power of appointment, have appointed individuals who do not have security clearances and aren't able to function in the office, aren't able to participate in sensitive cases.

I would note that in recent years, U.S. attorneys have been given substantial responsibility against terrorism.

In every U.S. Attorney's Office today, there are the most highly secure telephones. They are wired into the most serious terrorism situations that might occur, and they become a coordinating officer in many instances. This would eliminate the danger of a judge appointing someone not qualified to participate as an effective member of that team because they lack the security clearance. It would require appointing someone with law enforcement experience and security clearance. This is a technical amendment. I ask my colleagues to support it.

The PRESIDENT pro tempore. There will be order in the Senate.

The Senator may proceed.

Mr. SESSIONS. This is a technical but important amendment that guarantees that any appointee to the office of U.S. attorney, a critical component in our law enforcement and terrorism matters, will have the required security clearance.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, we are trying to put the law back to the way it was before this little amendment was slipped into the PATRIOT Act. We should oppose the amendment of the Senator from Alabama. It would not put it back the way it was. Actually, under this amendment, the Senator from Alabama could not have been appointed U.S. attorney, and former Attorney General Thornburg and former Deputy Attorney General Larry Thompson could not have been.

The President should move quickly to appoint the U.S. attorney if there is a vacancy, but in the meantime, the judges are in the best position to appoint somebody. I hope a district court never has to make an appointment. But let's assume you have a case where there is widespread corruption. The judge has to be able to put in someone independent. It worked well for 100 years. It was changed by something slipped into the PATRIOT Act. Let's go back to the way we were, Mr. President.

I oppose this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The amendment (No. 460) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I have come to the floor today to speak in support of S. 214, Senator FEINSTEIN's legislation to restore the independence of our U.S. attorneys. Like many in this body, I have watched in dismay as more and more details of this administration's efforts to fire Federal prosecutors and replace them with loyal partisans have become public. There has been a great deal of discussion of these facts on the floor of this Senate—the fact that those U.S. attorneys who were fired were criticized in one e-mail for not being "loyal Bushies," and the fact that many of these U.S. attorneys had received glowing personnel reviews in the time leading up to their firings.

But one of the facts that I think we are losing sight of in this debate is the critical role that U.S. attorneys play in this country. These are incredibly important jobs, and the people that hold them are responsible for overseeing the most complex and serious prosecutions of the most treacherous crimes. U.S. attorneys around the country are responsible for overseeing major conspiracy cases including organized crime, large-scale drug trafficking by organized gangs, terrorism, and political corruption.

While these are political appointments, in the past, mere political loyalty was not generally sufficient to get you the job. In the past, under both Republican and Democratic administrations, you also needed to have the support of the legal community in the district and to have demonstrated solid legal skills. Ensuring that people who were known in the community and had the necessary judgment, skills, and independence to fulfill the demands of these positions is the reason that home State Senators are consulted.

It is because the importance of these positions has long been recognized on a bipartisan basis that it is simply astonishing that this administration gave real consideration to summarily dismissing all 94 U.S. attorneys. Even more appalling is that the Attorney General, the man who earlier this year told the Judiciary Committee that he would "never ever make a change in the United States attorney position for political reasons," was involved in those discussions.

As difficult as it is to believe that the administration seriously considered wholesale replacement of the U.S. attorneys, it is even more troubling that they proceeded to summarily dismiss eight prosecutors for very murky reasons and then tried to justify their actions as performance based. Given that each of the prosecutors underwent a detailed favorable review, it has become very clear that this is simply not true.

More troubling still is that at least three of the fired prosecutors were involved in political corruption probes that were not proceeding in a way that the administration viewed as politically favorable, and in at least two of these cases lawmakers and their staff personally intervened with the prosecutors.

As if a large-scale effort to fire lead Federal prosecutors for political reasons wasn't sufficient, the Department of Justice clearly intended to replace sitting prosecutors with highly political White House and other administration staffers on an "interim" basis without sending them to the Senate for confirmation. That is what this bill before us today addresses. It revokes the ability of the Attorney General to appoint an interim U.S. attorney for an indefinite period of time and thus avoid the Senate confirmation process. This is just one of the problematic provisions slipped into the PATRIOT Act and I commend Senator FEINSTEIN for her efforts to bring this issue to light and to restore the balance to the process of appointing U.S. attorneys.

While the Deputy Attorney General has insisted that it wasn't the intent of the Department of Justice to avoid Senate confirmation, this has been flatly contradicted by the documents. In discussing the appointment of Karl Rove's Deputy Tim Griffin as the "interim" U.S. attorney in Arkansas, the former Chief of Staff to Attorney General Gonzales, Kyle Sampson, wrote in December 2006: "I think we should gum this to death . . . Ask the senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say 'no never' (and the longer we can forestall that the better), then we can tell them we'll look for other candidates, ask them for recommendations, interview their candidates, and otherwise run out the clock. All this should be done in 'good faith' of course."

The decision to fire the U.S. attorneys was finalized after the elections and the knowledge that Democrats would be taking control of the Senate. But even so, it raises the question of why the White House would feel it necessary to avoid Senate confirmation. After all, many of the current U.S. attorneys were confirmed smoothly under Democratic control in 2001 and 2002. Again, Kyle Sampson has the answer for us. In an early email, he laid out the benefits of avoiding the Senate stating: "we can give far less deference to home-state senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

This bill before us today restores the status quo prior to the renewal of the PATRIOT Act last fall by repealing the ability of the Administration to appoint "interim" U.S. attorneys for indefinite periods of time. I am glad the administration has dropped its opposition to this bill, and I look forward to seeing the President sign this bill in to law. But this exercise has been an eye-opener for those of us in the Senate, and I hope for the American people, about the contempt this administration has for the Congress and the willingness of the administration to politicize any and every office. It has also, once again, underscored the value of oversight into our system of government. For the past 6 years, this administration has operated without any independent check on its power. But those days are over. By passing this legislation and beginning the necessary work to restore the integrity of our Nation's U.S. attorneys, we can begin to restore Americans faith in our system of justice.

Mrs. BOXER. Mr. President, I wish to express my support for S. 214, which would serve to protect the independence of our U.S. attorneys.

The administration's attack on sitting U.S. attorneys is an unprecedented abuse of power. The White House and the Attorney General injected politics into the process and chose to fire eight U.S. attorneys, including our U.S. attorney in San Diego, Carol Lam. These attorneys were not fired because of poor job performance, as the Attorney General initially claimed, but because in one way or another they did not carry out the political agenda of the White House.

Despite the administration's efforts to downplay and spin these events to Congress, we now know that this plan was orchestrated at the highest levels of the White House. For example, Karl Rove misled the public when he asserted that the Justice Department's action was comparable to President Clinton's actions. This is untrue. No administration has ever lashed out and fired a group of their own U.S. attorneys in the middle of a term.

There is an immediate need for legislation to ensure that the administration can no longer appoint new U.S. attorneys without Senate confirmation. I thank my colleague, Senator FEINSTEIN, for her superb leadership on this issue.

Mr. LEVIN. Mr. President, time and time again we have seen this administration's inability to divorce politics from policy in areas that politics should have no place. The recent firing of eight U.S. attorneys lends yet another example to that failure. It is clear that some of these firings were politically motivated. I support S. 214 and have cosponsored this legislation because it will restore the 120-day limit for interim appointments made by the Attorney General and restore the district court's role in making any subsequent interim appointments to deter the kind of Department of Justice actions we have seen recently.

Until 1986, interim U.S. attorneys were appointed by their respective district courts and were allowed to serve until the vacancy was filled by a U.S. attorney nominated by the President and confirmed by the Senate. In 1986, the law was changed to allow the Attorney General to make an interim appointment for 120 days, provided the appointee was not a person for whom the Senate had refused to give advice and consent. If a successor was not named at the end of the 120-day period, then the district court would appoint a U.S. attorney to serve until the vacancy was filled. This process remained unchanged for 20 years, until last year.

During the PATRIOT Act Reauthorization last year, the process was altered to eliminate appointments by the district court and to allow the Attorney General to appoint an interim U.S. attorney indefinitely, or until the vacancy is filled by a U.S. attorney nominated by the President and confirmed by the Senate.

The legislation before us today is simple: it would repeal those changes, which were made without debate, and would require an interim appointment made by the Attorney General to expire after 120 days or when a successor is nominated by the President and confirmed by the Senate, whichever comes first. If at the end of the 120-day period no successor has been confirmed, the relevant district court would be authorized to appoint an interim U.S. attorney to serve until the vacancy is filled. The legislation would also terminate existing interim appointments 120 days from enactment or upon confirmation of a successor, whichever comes first.

We all know that U.S. attorneys serve at the pleasure of the President. However, U.S. attorneys are supposed to be loyal to the Constitution, not the President and Attorney General. When they are sworn in, U.S. attorneys swear to "support and defend the Constitution of the United States against all enemies, foreign and domestic." There is no requirement that U.S. attorneys "exhibit loyalty to the President and Attorney General," as was said to be a goal in an e-mail from Kyle Sampson, former chief of staff to Attorney General Gonzales, recommending the retention of those attorneys.

One of the U.S. attorneys who was asked to resign was Margaret Chiara, U.S. attorney for the Western District of Michigan. In an e-mail dated March 2, 2005, Kyle Sampson wrote to then White House Counsel Harriet Miers, designating Ms. Chiara as one of the U.S. attorneys who was recommended for removal because she was one of the "weak U.S. attorneys who have been ineffectual managers and prosecutors, chafed against Administration initiatives, etc." That assessment ran contrary to the Department of Justice's evaluation of Ms. Chiara, which found her to be well regarded, hard working and a capable leader who had the respect and confidence of the judiciary, agencies, and U.S. Attorney's Office personnel. Further, during Ms. Chiara's tenure as the U.S. attorney from the Western District of Michigan, she achieved an overall increase of more than 15 percent in felony prosecutions and convictions (the Northern Division alone experienced an increase of 84 percent in the number of criminal cases prosecuted during the 2-year period of 2003–2005). The Department of Justice invited Ms. Chiara to serve on several key subcommittees of the Attorney General's Advisory Committee. Ms. Chiara developed an attorney training and mentoring program for the Western District of Michigan that now serves as a national model that was acknowledged as a "best practice" by the Department of Justice. Ms. Chiara was awarded the "Building Bridges Award" by the Arab-American Anti-Discrimination Committee, and "Lifetime Achievement Recognition" by the Women's Historical Center and Michigan Women's Hall of Fame.

On December 7, 2006, Mr. Sampson e-mailed William Mercer, then acting Associate Attorney General, stating that "All Senators have been notified and are fine/no objections." Apparently Republican Senators were contacted, but Democrats were not contacted. This Senator was not notified. In fact, the "Plan for Replacing Certain United States Attorneys" drafted by Mr. Sampson, states that, on December 7, "where there is no Republican home-state Senator, the home-state 'Bush political lead[s]' are contacted." Obviously, it was more important to contact the "political lead" than the home-state Senators of these U.S. attorneys, which is further evidence that these firings had political motivations.

I am pleased that we will pass this important legislation today, to restore integrity and political confidence to the process of filling the vacancies of U.S. attorneys. I am also pleased that the Judiciary Committee will continue their investigation into this matter by issuing subpoenas, if necessary.

Mrs. CLINTON. Mr. President, as part of the PATRIOT Act's reauthorization in 2006, Congress bestowed upon the Attorney General new authority to appoint interim U.S. attorneys indefinitely, without any independent oversight. The Department of Justice proceeded to abuse this provision to orchestrate a series of firings of U.S. attorneys. An ever-growing body of evidence reveals that the firings were little more than a political purge. To defend its conduct, the Department of Justice gave Congress misleading testimony about these politically motivated firings, tarnishing the professional reputations of these U.S. attorneys in the process. Sadly, this is only the latest in a long series of episodes that call into question the independence and the leadership of an Attorney General more concerned with advancing a partisan agenda than impartially enforcing the law. It is unacceptable that the Attorney General has allowed his loyalty to the President to politicize the Department of Justice and corrupt the administration of justice. Because his conduct is unbecoming an Attorney General, I have called on Attorney General Alberto Gonzales to resign his post.

For these same reasons I support and am a cosponsor of Senator FEINSTEIN's Preserving United States Attorney Independence Act of 2007, which would reinstate the process for the appointment of interim U.S. attorneys that existed for 20 years prior to 2006. Senator FEINSTEIN's legislation would authorize the Attorney General to make an interim appointment for 120 days. If a successor is not named and confirmed by the Senate at the end of the 120-day period, then the relevant district court must appoint a U.S. attorney to serve until the vacancy is filled. The legislation's provisions are also retroactive, meaning it would also terminate existing interim appointments 120 days from its enactment, or upon confirmation of a successor, whichever comes first. The legislation is an important measure that will make great strides toward restoring the historic independence of the U.S. attorneys.

But even with the passage of this legislation, there is still a lot of explaining to be done by the Attorney General and the Bush administration. Numerous questions remain about who called for the U.S. attorney firings, what specific reasons were cited to justify the firings, and to what extent the White House participated in the decision to achieve political ends. The Attorney General and the President and their respective staffs need to be forthcoming with explanations and documents that answer these and other questions and end the current practice of providing misleading, inconsistent, and unclear responses.

Some have attempted to defend the Attorney General's inexcusable behavior by positing arguments that divert attention away from what really occurred. First, much has been made of the fact that these fired U.S. attorneys served at the pleasure of the President and thus were subject to dismissal at any time. The administration's desire to have U.S. attorneys engage in politically motivated investigations in direct violation of their obligation to impartially enforce the law cannot serve as proper grounds for dismissal. Terminating these Federal prosecutors because they refused to serve as partisan henchmen cannot be the source of the President's displeasure.

Further, the assertion that the Clinton administration engaged in similar misdeeds is also baseless. Holdover U.S. attorneys appointed by a previous administration are routinely replaced by the new incoming President. Even Stuart M. Gerson, Assistant Attorney General in the administration of President George H.W. Bush, observed, "It is customary for a President to replace U.S. attorneys at the beginning of a term." This practice allows the new President to appoint new Federal prosecutors who share his or her priorities and strategy for fighting crime. You will find similar turnover when President Bush replaced President Clinton in 2001 and when President Reagan replaced President Carter in 1981.

The firings we are seeing today are nothing like what happened in 1981, 1993, or 2001. The essential question here is why were these U.S. attorneys—President Bush's own appointees—fired in the middle of his second term. There is substantial evidence that the Bush administration fired them for political reasons: for pursuing corruption charges against Republicans too aggressively, for failing to prosecute Democrats aggressively enough, or for not pursuing what one U.S. attorney described as "bogus" election claims against Democrats and public interest groups in the months leading up to the 2006 elections. This incursion on the independence of U.S. attorneys is unacceptable conduct, and the Attorney General and administration must be honest with the American people about what happened.

The Attorney General took an oath to uphold our Constitution and respect the rule of law. But time and time again, he has demonstrated that his loyalties lie with the President and his political agenda, not the American people or the evenhanded and impartial enforcement of our laws. In executing the White House's political directives by firing U.S. attorneys who would not carry out the administration's partisan witch hunts, the Attorney General undermined the objectives of the Department of Justice, putting politics ahead of the just enforcement of the law. The Department of Justice should not serve as a political arm of any party, and U.S. attorneys should not double as political operatives. The administration's insistence to the contrary and the Attorney General's complicity are a betrayal of the highest order to the fundamental mission of the Department of Justice to ensure fair and impartial administration of justice for all Americans.

Attorney General Gonzales acknowledges that "mistakes" were made in the dismissal of these U.S. attorneys and maintains that responsibility for these unjustified firings lies with him. I agree. Because he has betrayed his obligations and the trust of the American people, Attorney General Gonzales should resign his post as head of the Department of Justice.

Mr. FEINGOLD. Mr. President, last week the Senate Judiciary Committee held its second hearing on the unprecedented dismissal of eight U.S. attorneys in December. In the past few days, increasingly disturbing information has come to light that suggests that Congress was intentionally misled with regard to why these U.S. attorneys were fired and who was involved in making the decision to fire them. Under the leadership of Chairman LEAHY and Senator SCHUMER, the Judiciary Committee will continue to investigate these matters in the coming weeks.

But today, we will vote on legislation to repeal a change in the law that apparently helped to bring about these unfortunate events. I will vote in favor of S. 214 and against both amendments that have been offered.

In many ways, U.S. attorneys are the face of the Federal Government and of Federal law in our local jurisdictions. They make crucial decisions on how federal law will be enforced. To faithfully execute the law, they must be able to exercise that essential prosecutorial discretion that distinguishes our criminal justice system from a mere draconian rule book that is applied without regard for the circumstances of each individual case. Who fills these positions in our system is a matter of great consequence. That is why they are subject to confirmation by the Senate.

In Wisconsin, we take the nomination process for our two U.S. attorneys, and the participation of the Senate in that process, very seriously. In 1979, Senators William Proxmire and Gaylord Nelson created the Wisconsin Federal Nominating Commission to advise them on judicial and U.S. attorney nominations. The Commission process has been used for over a quarter century, by both Republican and Democratic senators from our State under both Republican and Democratic Presidents.

The Commission operates whenever a vacancy occurs for a Federal judge or U.S. attorney position in Wisconsin. The Commission reviews applications and then makes recommendations to the Senators. The two Wisconsin Senators, now Senator KOHL and myself, choose from those recommended by the Commission in making our recommendations to the President. This bipartisan Commission helps ensure that dedicated and qualified individuals fill the positions. It gives our citizens additional assurance that these important nominations are made based on merit, not politics. I believe commissions like this are a particularly reliable and transparent form of filling these vacancies.

That is one reason that I feel so strongly that the change made during the PATRIOT Act reauthorization process to the process for appointing interim U.S. attorneys was a mistake: It allows the Justice Department to sidestep the confirmation process for U.S. attorneys altogether. There is simply no good reason why the Attorney General needs the power to make indefinite interim appointments. When it exercises that power, the administration cuts Congress, and in the case of my state, the people of Wisconsin, out of that process.

As some of the recently released emails from the Attorney General's chief of staff reveal, this change in law allowing the Attorney General to make indefinite interim appointments was going to be used to circumvent congressional involvement and instead install preselected "interim" replacements for the fired U.S. attorneys with no intention to seek Senate confirmation. Worse yet, the emails indicate that the Department of Justice was actively planning to pretend it was following a traditional confirmation process "in good faith." Such blatant disregard for Congress's legitimate role in this process—and for the integrity of a three branch system of government in general—is simply unacceptable.

S. 214 will repeal the provision that prompted this plan to circumvent the confirmation process. Enacting this bill is an important start in preventing further abuses.

I want to note that the concerns expressed by some of my colleagues about the involvement of the district courts in making interim appointments just don't ring true. Beginning in the late 1800s, and continuing until the fiasco of this past year, district courts were involved in the interim appointment process. In the time that the district courts were involved, either exclusively—until 1986—or as a fail-safe after the Attorney General exercised a temporary appointment power—from 1986-2006—the interim appointment process went smoothly. Never before have we seen an administration hatch a plan to replace a large number of U.S. attorneys in the middle of a term for what appear to be political reasons. The reason, of course, is that until this year, individuals appointed on an interim basis could only serve for 120 days without Senate confirmation.

By repealing this clearly ill-advised change to interim appointment power and returning to the law used for the previous 20 years, S. 214 allows for the needed flexibility to accommodate short-term interim appointments made by the Attorney General while also ensuring that the Senate confirmation process remains in place for permanent appointments. And the Senate confirmation process allows states like mine to encourage a transparent and accountable selection process for these important positions.

These are grave matters, for it is absolutely vital that our citizens be able to rely on the integrity of the justice system. It is equally important that they have confidence that individuals who represent the Federal Government in the justice system are above reproach, and are acting in the interest of justice—and not politics—at all times. Even an appearance of impropriety can harm our judicial system and, in turn, harm the rule of law by undermining citizens' confidence in its integrity.

Whatever role political motivations played in the dismissals of these U.S. attorneys—and each day more evidence surfaces to suggest that politics did, in fact, play quite a large role—I think it is clear that the administration has not acted in a manner that upholds the best interests of law enforcement and the reputation of our criminal justice system. We have a duty to remedy this problem, and passing S. 214 is an important step towards doing so.

We must ensure that there is, once again, some accountability in how U.S. attorneys are selected to serve. It is the very least that we can do to help restore the public's confidence that our criminal justice system is above partisan interference.

Mr. BYRD. Mr. President, Robert Browning, a brilliant British poet, once wrote a stirring poem about an unpleasant subject, namely: Rats.

A key section of the poem reads as follows:

Out of the houses the rats came tumbling.
Great rats, small rats, lean rats, brawny rats,
Brown rats, black rats, gray rats, tawny rats.
Grave old plodders, gay young friskers,
Fathers, mothers, uncles, cousins,
Cocking tails and pricking whiskers,
Families by tens and dozens,
Brothers, sisters, husbands, wives—
Followed the Piper for their lives.

Mr. President, it is gotten so that, every morning when I open the paper and see another story describing the administration's incompetence or wrongdoing, Robert Browning's vision of administration wrongdoers tumbling out of the house comes into my mind. "Brothers, sisters, husbands, and wives," who followed the misled Piper—in this case, the President, "for their lives." And they may pay dearly, as a result. Just as the entire country is now paying dearly for the arrogant, reckless and misguided policies of this Administration.

We see more clearly, every day, that the executive branch of our Government is in dire need of a thorough housecleaning, to rid itself of the conniving agents lodged in its bureaus, who apparently will stop at nothing to grab power for the Executive at the expense of the Congress and the People who send us here to represent them.

Last year, in one of several bills reauthorizing the PATRIOT Act—all of which I voted against—a small provision was added by the then-Republican majority. It enabled administration officials to fire any U.S. attorney whose politics they did not like and replace them with what in Las Vegas are called "shills." The word shill is defined by Webster's Dictionary to mean, "one who acts as a pitchman"—in this case, for the administration.

The provision, which was tucked into the PATRIOT Act reauthorization, permits the administration to fire and appoint new U.S. attorneys, whose term in office can be indefinite and never subject to Senate confirmation. What an abomination!

I was one of only ten U.S. Senators who voted against the legislation that made this possible, and, in retrospect, I am feeling quite proud of that vote.

A U.S. attorney is supposed to be the chief Federal law enforcement officer in his or her state. It is critical that U.S. attorneys be able to enforce the law and perform their duties, free of political pressure to achieve a partisan end. Federal law is to be applied fairly and objectively; not to fuel a political witch hunt or to feather the nest of a political contributor.

This White House has made it crystal clear that it has no respect for the separation of powers; no respect for our constitutional system of checks and balances; and no respect for even the rule of law, going so far as to pervert the appointment of U.S. attorneys for its own partisan purposes.

Well, key officials in this administration may be in for a rude awakening. The rule of law remains alive and well in the hearts of most Americans. If our laws apply to the American people, must they not also apply to the Justice Department? And to the White House? Imagine how baffled the American public must be to hear that the nation's chief law enforcement officer, U.S. Attorney General Alberto Gonzales, defends the administration's actions as follows: in the March 14 Washington Post, Attorney General Gonzales stated that he knew nothing of the scandal surrounding this issue, because he "was not involved in seeing any memos, was not involved in any discussions about what was going on," and, he said, "that's basically what I knew as the attorney general."

Is that possible? Isn't that preposterous? Are we really to believe that, as head of the Justice Department, the chief law enforcement officer of the nation knew nothing about efforts to replace a plethora of U.S. attorneys nationwide? Which is worse: that he knew nothing that his Deputy was doing, or, instead, that he did know there was a scheme in place, hatched by the White House, to evade congressional oversight?

The administration's appointment of these U.S. attorneys constitutes a serious breach of the public trust. Americans don't want law enforcement officials appointed based on their good looks, family connections, or because the Republican National Committee wants to groom them to run for Congress some day. U.S. attorneys should be nominated and confirmed by the Senate based on merit. Only the Constitution affords the people the powers and the prerogatives that keep us a free nation. The constitutional doctrines of checks and balances and separation of powers are the foundations of our government, so brilliantly formulated by the Founders in 1787. My long study of constitutional history and a lifetime of public service have made me keenly aware of why so many Americans have given their lives to protect these basic principles. This is why we must continue to fight to ensure that our constitutional rights and privileges are never undermined or trampled by an ambitious, overly zealous executive branch like the one now in the White House. That is why we must enact S. 214—to restore the Senate's role in the confirmation of U.S. attorneys. The Founders granted the Senate the power of confirmation, precisely so that we could prevent a corrupt White House from undertaking exactly the indefensible actions that this White House has embraced with respect to the appointment of U.S. attorneys. Let us put a stop to those actions right here and right now.

Let us begin today to clean the house and rid our ship of state of the pests that gnaw away at our constitutional protections.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I believe there are 2 minutes equally divided. I simply ask all Senators, send a very strong signal. We want to correct the mistake made in the PATRIOT Act, a mistake that has been utilized the wrong way. We want to go back to the appointment of U.S. attorneys the way they should be appointed. We want to have the advice and consent of the Senate. I urge all Senators to vote for the legislation Senator FEINSTEIN and I and Senator SPECTER and others have introduced.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Ms. MIKULSKI) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—2

Bond
Hagel

NOT VOTING—4

Biden
Johnson
McCain
Mikulski

The bill (S. 214), as amended, was passed, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving United States Attorney Independence Act of 2007".

SEC. 2. VACANCIES.

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.".

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

Mr. SALAZAR. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. SALAZAR. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to the consideration of calendar No. 82, S. Con. Res. 21, the concurrent budget resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT

Mr. SALAZAR. Mr. President, I am very proud to have supported the Preserving United States Attorney Independence Act we just passed in the Senate. This bill will go a long way toward restoring the independence of Federal prosecutors—an independence which has, unfortunately, been chipped away at in recent months and years.

I have been disappointed to watch the drama unfolding over the past few weeks regarding the politicization of our justice system. Every day, as the Judiciary Committee continues its investigation, we see more revelations of how the Department of Justice may have allowed portions of the U.S. attorney corps to become a vehicle for political patronage—this despite the fact that U.S. attorneys are among the most powerful public officials in our country, making virtually unreviewable decisions about life and death, about punishment and leniency. They make these kinds of decisions every single day all across this country.

The U.S. attorneys must be individuals who have integrity. They must be above reproach. They must be free from any kind of partisan political interference.

I am disappointed the Department of Justice may have blurred the line between the representation of President Bush as a client and the representation of the people of the United States. I understand that distinction very well, having served both as chief counsel to the Governor of my State as well as attorney general for the State of Colorado. Those are two very different positions. One requires—in the case of chief counsel to the Governor or chief counsel to the President—a lawyer-client relationship. The other—Attorney General—requires the representation of the people whom you represent. In the case of a State attorney general, you are the representative of the people of that State. In the case of the U.S. Attorney General, you are the representative of the people of the United States of America.

If Attorney General Gonzales has, indeed, crossed this line, then in my view he has forfeited his right to lead the Department of Justice.

On January 28, 2005, I received a letter from Attorney General Gonzales as part of his confirmation process in this U.S. Senate. In that letter he reflected upon his understanding of the independence of the Office of the Attorney General. I quote in part from that letter where he says the following:

> If confirmed, I will lead the Department of Justice and act on behalf of agencies and officials of the United States. Nevertheless, my highest and most solemn obligation will be to represent the interests of the People. I know that you understand this solemn duty well from your prior service as Chief Counsel to the Governor and as Colorado Attorney General.

I would hope as the Senate Judiciary Committee moves forward in examining the facts related to the allegations that have been raised, the Judiciary Committee makes sure those facts are evaluated against the standard of independence which is at the core of the Department of Justice and the U.S. Attorney General. If, in fact, this standard has been violated, then it is my view that Attorney General Gonzales should, in fact, resign.

In the meantime, the Senate has a responsibility to ensure that Federal prosecutors are indeed independent of partisan politics, and the bill we passed today is a good first step. But I believe we must do more. Later this week, I will introduce a bill which I believe will take us another important step toward restoring the independence of Federal prosecutors. I am hopeful it will be legislation that will have broad bipartisan support. My bill would simply make it a crime to coerce or to pressure or to attempt to influence a U.S. attorney's decision whether to commence the investigation or prosecution of a person based on that person's race, religion, sex, national origin, political activity, or political beliefs.

The U.S. Attorneys Manual itself, which is given to every U.S. attorney as they come into office, already prohibits any Federal prosecutor from taking action against a person for any of those reasons. My bill would make sure that standard of the United States Attorneys Manual is included in the law of the United States. It would also extend the prohibitions that are set forth in that manual to individuals who try to influence or manipulate Federal prosecutors.

Some may ask, why is this bill necessary? In my view, the bill is necessary because over the past few weeks we have seen evidence that the White House has politicized the appointment and termination of U.S. attorneys. We have also had concerns raised that individuals have tried to inject politics into the administration of justice.

I do not need to rehash the particulars of this controversy right now, but suffice it to say many Senators on both sides of the aisle are concerned that the independence of our Federal prosecutors has, in fact, been threatened. Fixing the process for appointment of interim prosecutors is an important first step, no doubt. But that alone will not prevent individuals—whether from the Department of Justice or anywhere else—from attempting to influence the decisionmaking process of U.S. attorneys in an inappropriate manner. That is what my bill is designed to prevent.

In 1938, almost 70 years ago, the U.S. Supreme Court set forth, in what I believe is seminal language, a standard of conduct that should govern the actions and decisions of U.S. attorneys. In that decision, the U.S. Supreme Court said the following:

> The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty

"but of a sovereignty"—

> whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.

"guilt shall not escape or innocence suffer."

> He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

I believe these words the U.S. Supreme Court said in 1938 are equally as applicable today; that is, we are a nation of laws and we must understand that no person is above or below the law. If we are going to be a nation of laws, we must make sure those individuals in whom we repose the authority to prosecute and to enforce the laws of the United States do so in an appropriate way that meets the standards that were set forth by the U.S. Supreme Court in 1938, and also which meets the standards that are set forth in the manual that governs the conduct of the U.S. attorneys. For many of us who have watched what has happened in Iraq and other places around the world, what we see is a failure of nations to develop a rule of law. That is what sets America apart from many of these other countries that so struggle to create a safe and secure society: they do not have the rule of law which is so important to us in this country. Therefore, I believe the legislation I will be introducing will make sure that the Department of Justice and the U.S. attorneys within the Department of Justice are always in a position to uphold the rule of law for our Nation and make sure that their ability and their decisions are not compromised by any political influence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until 2:15 p.m.

RECESS

There being no objection, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 21.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that during further consideration of the concurrent budget resolution today, the first 3 hours be for debate only, the time equally divided and controlled by the chairman and the ranking minority member of the Budget Committee, and that at the end of that time, the majority leader then be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, is the majority leader being recognized for purpose of an amendment?

Mr. CONRAD. That is correct, Mr. President.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I repeat the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CONRAD. Mr. President, let me begin, if I may, by thanking the ranking member, Senator GREGG, for the way in which he has conducted the work of the committee on the minority side and the fairness with which he has conducted it when he was in the majority. I wish to say to him that we will endeavor to approach this in the same way with him. There will not be surprises. We will try to organize this in a way that gives each side a fair opportunity to make their points and to offer their amendments. I wish to again thank Senator GREGG for his courtesy and professionalism throughout both the times when he has been in the majority and the times he has been in the minority.

Mr. President, the budget resolution that has now passed the committee has these key elements:

It restores fiscal responsibility by balancing the budget by 2012, it reduces spending as a share of gross domestic product, it reduces debt as a share of gross domestic product after 2009, and it adopts new disciplines, spending caps, and restores a strong pay-go rule. At the same time, it meets the Nation's priorities by rejecting the President's cuts in key areas and provides increases for children's health care, for education, and for our Nation's veterans.

It also seeks to keep taxes low by protecting middle-class taxpayers with 2 years of alternative minimum tax relief, the old millionaire's tax that has rapidly become a middle-class tax trap. It also includes a deficit-neutral reserve fund for new tax relief and extensions of expiring tax provisions.

Our goal is to be fiscally responsible but to do it in a way that keeps tax rates low and addresses some of the other things we have seen that have been brought before the committee, things that are serious problems. We find abusive tax situations that have grown up around the country. We see the use of tax havens. We also see the tax gap growing geometrically—the difference between what is owed and what is paid—and that is not fair to the vast majority of American taxpayers who pay what they owe.

So we try to keep taxes low, and we include no assumption of a tax increase.

We also try to prepare for the long term by including a comparative effectiveness fund to address rising health care costs, looking at those procedures and those disciplines and those technologies that work to hold down health care costs in one part of the country and to adopt them in other parts of the country. We also adopt a new budget point of order against long-term deficit increases.

The budget resolution that came out of the committee and which we bring to the floor today starts with a $249 billion deficit and reduces it each and every year. In fact, we almost balance in 2011 under this proposal. We do achieve balance in 2012 with $132 billion to the plus side. One might say this is a surplus. I always hesitate to use that term because the only reason it is in surplus is because of Social Security. Nonetheless, in terms of the way deficits are calculated and reported by the press, there is a $132 billion positive balance in 2012.

One of the most important things we have to stop is the growth of the debt. All the economists tell us the most important thing we have to do is to reverse the debt growing faster than the size of the economy. I am proud to report this budget does so. This shows the debt, gross debt of the United States, as a share of gross domestic product. You can see that after 2009, each and every year we are bringing down the debt in relationship to the size of our economy. That is, by all accounts, the single most important thing we can do in terms of returning fiscal responsibility.

In terms of a spending comparison, the green line is the spending in the budget resolution, the red line is the President's spending. You can see there is a very close fit. We do spend more money than is in the President's budget, but when you put it on a comparison basis and you look at 5 years in which the United States will be spending just over $15 trillion, the difference between our spending and the President's is almost indecipherable.

As a share of gross domestic product, our spending is going down. In 2008, we will be at 20.5 percent of GDP. Each and every year, spending as a share of GDP will be going down, so that by 2012 we have spending at 18.8 percent of gross domestic product.

The budget resolution has lower spending as a percentage of gross domestic product than the average during the period of Republican control. From 2003 to 2007, the average spending in Republican budget resolutions was 20.1 percent. Under our 5-year budget plan, the average will be 19.7 percent, four-tenths of 1 percentage point below what the Republican spending was in the years in which they controlled.

On the question of defense spending and war spending, we have matched the President dollar for dollar. The President has total defense spending, and we are spending $2.9 trillion during this period. We match that amount. We have the same amount for defense and the same amount for the war.

But there are other areas in which we do better. Perhaps the signature proposal of this budget is to fully fund children's health câre, to say to every child in America: You are valued, and we want you to have health insurance. We believe this is substantively right, that this is a good investment. Our children are the least expensive to cover, and you have the biggest payoff because you have an entire lifetime of return if you are able to safeguard a child's health. So we have made a major commitment—up to $50 billion over the 5 years—to provide the opportunity to provide America's children with health coverage. The President only had $2 billion for this purpose. He couldn't even cover those who have existing coverage. If there is one thing that unites our caucus, it is a vision of being able to extend health care coverage to every child in America. Our budget resolution will help make that prospect a reality—if it is adopted.

This is from the Akron Beacon Journal in Ohio. Earlier this month, they wrote:

> The State Child Health Insurance Program arguably is the best thing going for children in families with annual incomes too high to be eligible for Medicaid but not high enough for them to afford private health insurance . . . Statehouses across the country consider the SCHIP a winner. . . . At issue is President Bush's budget plan changing aspects of the funding and direction of the program, forcing States to scale back or scratch up more funds to keep their programs at current levels. Why scramble something that is working well?

We have asked that question. Why is the President turning his back, in his budget, on millions of American children? Why is the President saying we won't even provide coverage to those who already have it? Why isn't coverage being extended to the millions of young people in this country who have no health care coverage at all?

Another major area of priority in this budget is for education. The President provides in his budget, for just the fiscal year 2008—and I wish to emphasize that the previous numbers I have talked about were 5-year numbers. I am now talking about just the year 2008. The President's budget for education is $56.2 billion. We are proposing $62.3 billion. Why? Because we believe education is an absolute priority. Education is our future. Education is what allows us to maintain a competitive edge in this world. Education is what gives children in America the chance to make the most of their God-given talent.

This is a year in which we reauthorize the Higher Education Act. This is a year in which we reauthorize No Child Left Behind. This is the year in which we have to put the funds up to keep the promises that have been previously made and, unfortunately, all too often were broken. Our funding level meets those needs in education and gives an opportunity to improve things such as the Perkins loan program, things such as title I, No Child Left Behind, and the other education programs that are critical to America's role and position in the world.

A third area of priority after children's health care and education is our Nation's veterans. We have all read the stories about what has gone on at Walter Reed. I do not think there is a Member on either side of the aisle who was not outraged to see what was happening to veterans. I think we all know there are problems in our VA system as well. We have increased the President's proposal for veterans health care from the $39.6 billion he provided to $43.1 billion.

I am especially proud of this because we have matched the independent budget in every area but one. In fact, we have either matched the independent budget, which is the budget put together by our veterans organizations themselves—this is what they have told us is necessary, and we have either matched them or exceeded them in every category but one. The only category in which we didn't match or exceed them was in an area in which the Veterans' Committee tells us they couldn't spend the money in 2008 if we gave it to them.

In medical care, the independent budget called for $36.3 billion. We have provided $36.9 billion. I might add, that is at the recommendation of the Veterans' Committee.

The independent budget called for $1.3 billion for information technology. We have provided $1.6 billion—again at the recommendation of the Veterans' Committee—because they have analyzed the information technology systems in the VA and determined there would be a significant advantage by this additional expenditure. As you know, the VA system is now developing a world-class system, one that provides information in real time on each patient's condition. This makes a profound difference in the medical treatment to our Nation's veterans.

On medical and prosthetic research, the independent budget called for $480 million. We have provided $481 million.

On operating expenses, the independent budget called for $2.23 billion. We have matched that amount.

On construction—this is the only area in which we did not match the independent budget. They called for $2.14 billion. We provided $960 million, the amount the Veterans' Committee tells us could actually be efficiently spent this year. If we were to provide them more money, the Veterans' Committee tells us that money could not be effectively or efficiently deployed. I don't think any of us want to waste money or to spend money that cannot be efficiently or effectively employed.

Other priorities in the budget resolution include restoring the cuts to the COPS Program. The President proposed cutting the COPS Program, which puts police on the street, by 94 percent. What sense does it make to eliminate police on the street at a time when crime is rising, at a time when we face a continuing terrorist threat? It makes no sense to this Senator, and I don't think it makes sense to most Senators. I held a hearing on this in Fargo, ND. I had the police chief there and I had the sheriff of Cass County there. They told me how important this has been to my State. Over 250 police officers have been added to the streets of North Dakota because of the COPS Program. We should not be cutting it, as the President proposed, by 94 percent. So we have restored that cut.

On heating assistance, the President cuts the Low-Income Home Energy Assistance Program by almost 20 percent. We have restored that cut.

Community Development, CDBG—I think we all know how important community development block grant funds are to this Nation's mayors. If there is one thing we have heard loud and clear, it is that the President's cut there makes no sense.

Finally, with respect to transportation and Amtrak, we have funded this at $1.78 billion that the committee requested. The President had a deep cut there, threatening transportation service not only in the Northeast corridor but all across the country, including my own State.

With respect to revenues in the resolution, I wanted to emphasize the following points:

The budget resolution protects middle-class taxpayers with 2 years of alternative minimum tax relief, and that is fully offset, it is paid for. What is the alternative minimum tax? Remember, years ago they found out that some very wealthy people were paying no taxes. It was a handful of people—as I recall, in the hundreds—very-high-income people who were paying no taxes. So they put in place something called the alternative minimum tax. It is an alternative tax structure to try to make certain that very wealthy individuals, high-income individuals, pay something in terms of taxes.

Unfortunately, it was not appropriately adjusted for inflation. The result is more and more people are being caught up in it. Last year, some 3.5 million people were affected by the alternative minimum tax. If we fail to act, there will be over 20 million people caught up in the alternative minimum tax this year. We have prevented that from occurring, and we have prevented it from occurring again the next year.

We also provide a deficit-neutral reserve fund for tax relief, including extension of expiring provisions, a deficit-neutral reserve fund that says you can extend current tax cuts if you pay for them.

Next, we provide for new measures to close the tax gap, shut tax shelters, and address the burgeoning growth of offshore tax havens. I will have more to say about those in just a minute.

We also called for fundamental tax simplification and reform. We had tax reform a number of years ago. Since that time, we just keep adding complexity, we just keep adding regulations, and we just keep adding new and more provisions that make the Tax Code more and more complex.

I am a former tax commissioner. I used to be the elected tax commissioner of my own State. I couldn't do my own taxes today. I happen to have a very good accounting firm back in my hometown of Bismarck, ND, prepare my taxes. Unfortunately, I think that is true of most of us. That should not be. Certainly, the vast majority of people should be able to do their own taxes. It should be far more simple than we have allowed it to become, so we think it is important to call for tax simplification reform.

We also have no assumption—I wish to emphasize this—no assumption of a tax increase. We do not believe a tax increase is necessary to achieve the revenue levels we have outlined in this resolution.

Let me show why we believe that is the case. The red line is the President's revenue line. The green line is our revenue line. There is a 3-percent difference. In other words, on the same scoring basis, same projections by the Congressional Budget Office, who are the ones who evaluate these things, our revenue line would produce 3 percent more revenue over the 5 years than the President's plan. Our plan would produce some $15 trillion of revenue over the 5 years; the President's, 3 percent less.

Seeing it another way, here is what the President called for in his initial budget. In his beneficial budget proposal, the President said his plan would raise $14.8 trillion over the 5 years. Our plan, as I have indicated, raises $15 trillion. That is a difference of 1.2 percent. So our budget contains revenue over and above what the President proposed of 1.2 percent.

I know my colleague will jump up and say: But that is OMB scoring, the Office of Management and Budget scoring for the President, and you are using CBO scoring. That is true. But what is also true is the President controls the Office of Management and Budget. That is his office. It is his office that said he was going to raise $14.8 trillion over the 5 years. I am constrained to use Congressional Budget Office scoring. The Congressional Budget Office said our proposal would raise $15 trillion. So that is a difference of 1.2 percent. We think that can be achieved by going after the tax gap, by going after these tax havens, by going after these egregious tax abuses I will get into in a minute.

AMT relief. I indicated that over 3 million people were affected in 2006. In 2007, there will be over 20 million—in fact, it is 23.2 million.

In 2008 it would be 25.7 million if we failed to act. This budget resolution will prevent that explosion of people being subject to the alternative minimum tax, the middle-class tax trap.

This is what the head of the General Accounting Office said. General Walker said in August of 2006: If we are looking into the future and face the facts, we will see that our problem is not just on the spending side and entitlements, it is also on the revenue side.

General Walker is telling the truth. Here is what happens if we extend all of the President's tax cuts without paying for them. If we extend all of the President's tax cuts without paying for them, debt as a share of the economy will reach over 200 percent. Debt as measured by the gross domestic product of the economy will reach over 200 percent in coming years.

The red part of this bar is the additional debt if tax cuts are extended without offsets, without paying for them. The green part of this bar is what happens to the debt if tax cuts expire or are offset, are paid for. That is an important fact to keep in mind. We simply cannot extend all of the tax cuts without paying for them, without pushing this country right over the cliff into massive debt.

I want to talk a minute about the tax gap because I have indicated we believe we could get this additional revenue—remember our revenue is 1.2 percent more than what the President said his budget would raise. How do we get it? Well, one of the first places we ought to look is the tax gap. The tax gap is the difference between what is owed and what is paid.

The Internal Revenue Service tells us for 2001 the tax gap was $345 billion for that 1 year alone. That is based on an estimate of the tax gap back in 2001. Surely the tax gap has grown significantly since that time.

I believe this was a conservative estimate to begin with in terms of what the tax gap was in 2001, $345 billion for that year alone. Again, this is the amount of money that is owed under the current Tax Code but not paid. If we could eliminate this tax gap, we would eliminate the budget deficit. The budget deficit would be gone.

All of us know we cannot collect it all. All of us know we cannot collect it all. But over this 5-year period, the tax gap is probably in the range of $2 to $2½ trillion. If we just collected 15 percent of it—15 percent—that would be over $300 billion. That alone would come close to meeting the revenue needs under our budget resolution.

But we don't just look to the tax gap, even though that is important, and even though the National Taxpayer Advocate finds the tax gap is adding more than $2,000 to the average household's tax bill in this country.

This is what the Taxpayer Advocate said this year: Compliant taxpayers pay a great deal of money each year to subsidize noncompliance by others. Each household was effectively assessed an average tax of about $2,680 to subsidize noncompliance in 2001.

That is not a burden we should expect our Nation's taxpayers to bear. What an outrage. What an outrage. The vast majority of us who pay what we owe are getting stuck with the bill from those who do not. Those individuals, those corporations that do not pay what they legitimately owe under the current Tax Code, an amount back in 2001 that was $345 billion in 1 year alone, that has now grown substantially—I am certain—since then.

Some are saying, well, we cannot collect most of it. Why not? I used to be a tax commissioner. We went after it aggressively, and we collected tens of millions of dollars on that tax gap in the little State of North Dakota. We can do it. If we could do it there, we certainly can do it here in the Nation's Capital. If we can go after big corporations in North Dakota, from the capital in Bismark, ND, with the power of the Federal Government, we can go after these companies and these individuals who are abusing and avoiding what they legitimately owe. I don't buy that we can't. I don't buy it.

It is not just the tax gap, the difference between what is owed and what is paid, it is also the explosion of tax havens. This is a building in the Cayman Islands, a five-story building that is the home to 12,748 companies. Let me repeat that. This modest building in the Cayman Islands, a five-story building, is the legal home of 12,748 companies. They say they are doing business out of that building. Really? They are doing business out of that building?

They are not doing business out of that building. They are doing monkey business out of that building. What they are doing is avoiding taxes in the United States and other jurisdictions. That is what they are doing.

When I was tax commissioner, I went after a company doing business in North Dakota. I found them engaged in one of these tax dodges in one of those tax haven countries. They wound up sending us big chunks of money because they were hiding their profits in these tax haven countries. We should go after them.

We went on the Internet to find out what we could find there. We punched in "offshore tax planning." Offshore tax planning, that is the euphemism used by these tax haven countries. You know how many hits you will get on the Internet? You will get 1,260,000 hits on the Internet, 1,260,000. What do they talk about? They talk about offshore tax planning, basic techniques of international tax planning.

International tax planning. What they are really talking about, what you find when you go to the individual Web pages—because tax planning, that is the euphemism. What they are really engaged in is tax avoidance, tax evasion. That is what is really going on.

Here is my favorite: Live tax free and worldwide on a luxury yacht. Moving offshore and living tax free just got easier. You bet it got easier. You transfer your money to one of these offshore tax haven accounts, and they say very clearly: Do not worry about paying taxes any time in the future. We will shield you from it because we do not have taxes that apply to earnings in these offshore accounts, and we will not report back to your home country that you have stuck your money here and are earning big chunks of change on it and owe taxes on it. We will help you shield that from your Government.

It says in one of these: Your money belongs to you, and that means it belongs offshore. That means it belongs offshore because you put it offshore, and it will be tax free.

That is not fair to all of the rest of us who pay the taxes we owe. This is from USA Today, a story from September of last year: "Offshore Tax Havens Aggressively Targeting U.S. Taxpayers."

This is the quote from the UofMoney.com:

> "I am going to show you how to protect your money and all you own so nobody, not even the Government, can get at it," says University of Money dot-com.

Well it does not end there. This is, again, from USA Today, that same story, "Offshore Tax Havens Aggressively Targeting U.S. Taxpayers."

> "Once your assets have been transferred to the offshore entity they are safe," says website Carib-offshore.com. "You cannot be taxed on them."

Now, what could be more clear? This is a giant tax dodge. It is growing. It is a cancer on the vast majority of people and companies that pay what they owe.

How big is this? Well, this is from the State Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations. That is a committee of ours. That is a committee of the Congress of the United States from February of this year: Experts have estimated that the total loss to the Treasury from offshore tax evasion alone—this is not the tax gap, this is tax evasion—approaches $100 billion a year, including $40 to $70 billion from individuals, another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

If we got a chunk of this money and a chunk of the tax gap money, the two of those, if we got 15 percent of those, we would meet the revenue requirement in the budget resolution before the body.

Now, some will say, well, that is impossible to do. I do not believe it. I do not believe that is impossible to do. I was a tax commissioner. I know what can be done if we put the effort into it, if we put the resources into it. We can make enormous progress. Will we ever get it all? No. Obviously, no. We are not going to get it all. But can we get some fraction of it? Goodness knows, this country, if it puts its mind to it, can make significant progress.

One hundred billion dollars a year in these offshore tax havens—this is according to the Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations. They say tens of billions more in abusive tax shelters. What kind of tax shelters are they talking about?

Here is the kind of tax shelter they are talking about. Here is the Dortmund, Germany, subway system. What has that got to do with U.S. taxes? Well, as it turns out, it has got a lot to do with U.S. taxes because wealthy U.S. investors bought the Dortmund subway system from Dortmund, Germany. They went out and bought it. You know what they did? They depreciated it on their books for U.S. tax purposes to lower their U.S. taxes, then they leased it back to Dortmund, Germany, to continue to run their own subway system.

Now, that is a ripoff, I think. What are we doing? We are allowing people to depreciate and reduce their U.S. taxes by buying the Dortmund subway system over in Germany, a system that was paid for by German taxpayers, and then to lease it back to Dortmund, Germany, to run. Are we really going to let this kind of thing go on?

It does not stop there. Here is the city hall in Gelsenkirchen. Wealthy investors in the United States bought that, too, depreciated that on their books in the United States for tax purposes, then leased it back to Gelsenkirchen for their city hall.

Shame on us for allowing this kind of thing to go on. It does not end here. Here is a European sewer system. This is my favorite rate of all. European sewer system, wealthy investors in the United States bought it and depreciated that on their books to reduce their U.S. taxes and leased the sewer system back to the European city that built it in the first place. Come on. Come on. How are we allowing this to go on?

And we cannot get 1 percent more revenue than the President does in his budget? I don't believe it. Close down this tax gap, tax havens, these offshore tax havens. Go after these kinds of scams.

It does not end there. Closing loopholes and abusive tax shelters are not tax increases. Some are going to come out here and say, well, you have got more revenue, it is a tax increase. Is it a tax increase to close these loopholes, to close these abusive tax shelters? I do not think so. I am not alone in that. The former chairman, Republican chairman of the Senate Finance Committee, said this last year: Just in the period of time since 2001, our committee has raised $200 billion in revenues by shutting down tax shelters, by closing inversions and other abusive tax schemes.

Now, in the year 2004 alone, the Finance Committee fully offset a $137 billion tax bill at no expense to the American taxpayers—$137 billion in 1 year.

Hallelujah. If we do that each of the 5 years of our budget, we would more than meet the revenue called for with no tax increase.

The budget resolution also addresses some of our long-term fiscal challenges. We provide $15 billion in Medicare savings. We have program integrity initiatives to crack down on waste, fraud, and abuse. I will talk more about that in a minute.

We have new mandatory spending and tax cuts that must be paid for under pay-go. We have a long-term deficit increase point of order. We save Social Security first with an amendment that was adopted in committee.

We have a health information technology reserve fund the RAND Corporation says could save hundreds of billions of dollars a year if implemented, and we have a comparative effectiveness reserve fund to look at those changes we could make in health care to dramatically improve the cost effectiveness of our system.

We all know what is driving our budget challenges. Right at the heart of it is health care. Rising health care costs are driving Medicare cost growth. If we look to the years ahead, the red part of this chart is what health costs are doing to raise the cost of Medicare. The green is the effect of demographics. The green is the change of the numbers of people in the baby boom generation. The red is the increase in projected health cost. That is where we have to focus like a laser. That is what this budget resolution does. We have this comparative effectiveness reserve fund that will jumpstart an effort to bring down health care costs. It provides a new initiative to provide research on effectiveness of different treatments, medical devices, and of drugs so we can identify those things that work where we make an investment and it is paying off.

The Secretary of Health and Human Services, Secretary Leavitt, said this in February of this year in testimony he provided:

> It's evident that there is substantial fraud going on in the Medicare program and we need to be able to have the resources to root it out, to prosecute it, to make certain that it stops. . . . [I]t's a desperate need, we have to have more resources for enforcement.

This budget resolution gives the Secretary the resources he has asked for to go after fraud in Medicare and Medicaid. This chart shows what he is talking about. Because this is part of an ongoing investigation, I can't reveal on the Senate floor where this site is. It is an office building. All these areas blotted out in white are businesses in a building with front operations, scam operations. They are operations that are billing Medicare on average about $1.5 million a year, but they are not providing any services. This is the kind of thing that is going on all across the country. Unfortunately, there are certain parts of the country where it is more prevalent.

The Secretary told the committee there are hundreds of these operations in one State alone, billing Medicare typically $1.5 million a year. He would go to the doors of each of these operations in the middle of a workday, and nothing is going on. Nobody is there. Yet they are billing, billing, billing, billing Medicare for fraudulent devices. This is the kind of scam we have to shut down.

In this budget resolution, we provide important budget enforcement tools as well: discretionary caps for 2007 and 2008; we restore a strong pay-go rule. Pay-go simply says if you want new tax cuts, you have to pay for them. If you want new mandatory spending, you have to pay for it. We also have a point of order against long-term deficit increases, and we allow reconciliation for deficit reduction only. Reconciliation is a big word, a fancy word for special procedures around here that go outside the normal way business is done. It is a fast-track procedure. The only reason it was provided for is to reduce deficits. In recent years it has been hijacked and used to increase deficits. That stands the whole process on its head. We now return reconciliation for the purpose it was intended, to be used to reduce deficits only.

That is a brief summation. Maybe not so brief. I took my colleague's breath away with that "brief" reference. That is a relatively brief summation of what is in this budget resolution.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New Hampshire.

Mr. GREGG. Madam President, I appreciate the Senator's brief explanation of his budget. I look forward to the longer version. We always appreciate his charts, which are well done. I congratulate staff.

Let me start by thanking him and his staff for their courtesy. It has been professional, cordial, and very enjoyable to work with him and his staff on trying to pull this together in a way that is fair, honest, and everybody gets their 2 cents in. Obviously, there are philosophical differences here, but I greatly admire the chairman's commitment to governing fairly and making sure that everybody has a good chance of getting their points across. I admire his ability and his effectiveness as chairman of the committee. I enjoy working with him.

There is a lot to talk about. It is hard to know where to start. I may not be as brief as my colleague, in fact, because there is so much to talk about, although I usually try to be terse and concise.

Let's begin with where we are which is we are now functioning under economic policies put in place by President Bush and the Republican Congress that have produced extraordinary results for the American people. We came out of the 20th century, unfortunately, with the biggest bubble in the history of the world bursting, the Internet bubble of the late 1990s, followed by the attack of 9/11 which threw our economy into a tailspin. Those two events combined should have thrown us into a severe recession or depression. We did have a recession, but it was nowhere nearly as severe as it might have been. Obviously, we didn't have a depression.

The reason primarily was because in the early 2000 period, President Bush, with the support of this Republican Congress, put in place policies which created an atmosphere for economic recovery even in the face of those two devastating events, the bursting of the largest bubble in our history, the Internet bubble—bigger than the tulip bubble, the South Seas bubble—followed, of course, by 9/11, which was an extraordinarily devastating event for all of us. As a result of the policies put in place, the economy has now expanded for 21 straight months. Employment is up 7.6 million jobs. That is people with real jobs, which, of course, is the essence of economic recovery and quality of life. A good job is the essence of a good quality of life. The unemployment rate is lower than it has historically been in most recoveries, which is positive news.

The economic growth has propelled dramatic increases in revenues. I will return to this in more depth in a few minutes.

We have seen in the last 3 years the most significant increase in Federal revenues in the history of the country over a 3-year period. We now have revenues above their historic norm. Historically, they have been about 18.2 percent of gross national product. Now they are about 18.5 percent. During this recovery, real wages have jumped as compared with President Clinton's period, which was a good time economically, and we have had real wage growth that has been more significant than during that period.

To get back to the revenue issue, as a result of the tax cuts put in place by this administration and the Congress, we have seen a dramatic increase in revenues. That is because we have come to a point in our society economically where we put in place a tax law that is fair. We are saying to the American people: Go out and be an entrepreneur. Take a risk, be a marketplace-oriented person, create jobs. If you are willing to do that, we are going to tax you at a fair return on your investment. We have, as a result, dramatically increased revenues so that they are above the historic norm. We have seen the single most significant jump in revenues in our history over the last 3 years, and this chart shows that. So we have as a government actually seen a huge inflow of revenues.

What is the effect of that? The effect is the deficit has dropped dramatically. It was estimated to be about $500 billion about a year and a half, 2 years ago. It is now going to be below $250 billion, and it is headed down. In fact, over the next 5 years, using a CBO baseline, the deficit will continue to go down until we are into surplus and, as a practical matter, under the CBO baseline we reach surplus in late 2011, early 2012. I have said on a number of occasions, it is even humpty-dumpty in the next 5 years to reach surplus. Given what is happening with the revenues of the Federal Government, we are simply in a good time for revenues. Why? Because we are in a good time economically from the standpoint of an expanding economy, creation of jobs and, as a result, the creation of revenue.

It is important to remember that if you have a tax law that says to the American people, go out and invest and take a risk, they will do it. That is the exciting part about our economy. Americans are entrepreneurial by nature. They love to take risks, if they know they can get a return on that risk, because that is the nature of the American people. They will create jobs as a result. When we put in place a dividends rate and a capital gains rate which essentially said: If you want to expand, you want to take a risk, we are going to give you a chance to do it, and you get a reasonable return on your dollars, they have done it. Human nature has produced these huge revenue explosions.

It is also human nature to say to someone: We are going to tax you at such a rate that you are not going to have much incentive to go out and invest because the Government is going to take too much money out of your pocket, so why should you go out and put your sweat equity into trying to build a little business, a restaurant or maybe a small software company or something such as that? Why should you do that if the Government is going to take so much of your income that it doesn't make any sense? So you don't make that type of an adjustment in your lifestyle.

We have created an economy and a tax atmosphere where people know they are going to be taxed fairly—not undertaxed, taxed fairly. As a result, we have seen huge increases in revenue. In fact, because we have created such a fair tax climate, today the top 20 percent of American income tax payers pay a higher percentage of American taxes to the Federal Government than they did during the Clinton years.

Let me explain this another way. During the Clinton years, if you were in the top 20 percent of the income brackets, you paid less in taxes as a percent of the total Federal burden than you do today, if you are in that top 20 percent. So basically high-income people are today paying 85 percent in Federal income tax. At the same time the bottom 40 percent of Americans who have income tax obligations actually don't pay a lot of income tax. They actually get money back through something called the earned income tax credit. They are getting back twice as much, almost twice as much under the system today as they got back under the Clinton period.

So we have the highest income people—those top 20 percent of the American people paying income taxes—paying 85 percent. We have the lowest income people—the bottom 40 percent—getting about twice as much back as they did under the Clinton years.

What does that mean? We actually have—under this new tax law that was put in place which is generating all this revenue, 21 months of economic expansion, 7.5 million jobs, and all sorts of revenue for the Federal Government—we actually have a more progressive tax system than during the Clinton years. In other words, high-income people are paying more, low-income people are paying less and getting more back. That is progressivity, and that is the way it ought to be.

So in light of this situation, where we have seen a dramatic expansion in the economy, a dramatic expansion in Federal revenues, a big increase in jobs for Americans, and a situation where we have a more progressive tax system, what does the Democratic budget suggest?

Well, it suggests putting in place a set of policies which goes in exactly the opposite direction of the policies that got us to this point. The Democratic budget, as proposed, will increase taxes, or revenues, by approximately $916 billion, it will increase nondefense discretionary spending by approximately $140 billion, it will increase the debt by $2.2 trillion, and it does nothing in the area of mandatory savings. I will talk about all four of these areas individually.

I also will mention some of the things it leaves out. It has left out long-term entitlement reform. It has left out long-term AMT relief. Funding for the ongoing costs of the war beyond 2009 is left out. It has left out fixing the physicians payment and unexpected emergency funding, and its spending and taxes in 24 different reserve funds. We will get into more specifics on this issue.

On the spending side of the ledger, this budget increases nondefense discretionary spending by $146 billion, approximately—$18 billion next year. Remember, that is not in a vacuum. That is on top of the budget the President sent up here that would increase spending by almost $50 billion next year. So you are seeing a dramatic expansion in spending.

At the same time, there is virtually no reduction in the amount of spending which is occurring in nondefense entitlement spending, in entitlement spending, or in nondefense discretionary spending. The chairman of the committee said: We need to be tough on spending. But in his budget, there are no spending cuts—none. He said we would need more revenues, so in his budget he put in $900 billion more of revenue.

What you have is a budget that dramatically expands revenue but does not do anything to constrain spending. As a result, what you are going to get is a very significant increase in the debt of the Federal Government. It is going to be up by $2.2 trillion after this Democratic budget has gone forward.

The wall of debt, which we have seen many times on this floor from the chairman of the Budget Committee, is going to grow and get higher and be more difficult for our children to bear and get over.

In addition, the budget, as proposed by the Democratic membership, will significantly use Social Security funds for the operation of the Government. Over $1 trillion of Social Security funds will be used to operate the Federal Government. Now, that is not unusual. I admit to that. Historically, Social Security funds have been used to operate the Federal Government. But in the past we have heard from the other side of the aisle it is not right to do that. Well, if it was not right for us to do that when we were in the majority, why is it right for the Democratic side of the aisle to do that when they are in the majority, which is what they do.

In addition to building the wall of debt, they are also building the wall of spending. There are all sorts of expansions of programs in this budget. In fact, as I listened to the chairman's opening remarks, what I heard most—maybe because my ears are attuned to it; but I also think the majority of the time was spent on two things—one was new spending programs. He listed them—one after another after another after another. We have to spend more money here, more money on agriculture, more money on SCHIP, more money on LIHEAP, more money on CDBG, more money on transportation, and more money on the COPS Program.

My goodness gracious, the COPS Program was put forward by President Clinton back in, I think, 1995. He said it was going to be a 3-year program. At the end of 3 years it was going to go away, if we funded 100,000 cops on the street. That was the program. Well, we funded 100,000 cops. Then we funded 10,000 more. So we ended up funding 110,000 cops.

Three years went by and the program did not go away. It is still there. It is like every other Federal program. They do not go away. They stay on, as has this one, even though that program was specifically designed to go away. But we see it as a high priority for new spending in this budget. So it is spending upon spending upon spending—$146 billion in new spending in nondefense discretionary spending. That is a big number. It compounds. It is not as though it is not a big number to begin with. But when you get out past 5 years, that number becomes the base that everything grows off of, and it gets bigger and bigger and bigger. It is not as though it is a one-time event.

The COPS Program is a good example. It was supposed to go away. It stayed around. It is compounding—got to add to it, got to add to it, got to add to it. In the end, who pays? Well, it goes back to that wall of debt. The $2.2 trillion of new debt that is being put into this system by this bill goes to our children. That is a bill directly to our children. We need to address the fact that this budget, as proposed by our colleagues on the other side of the aisle, is going to do nothing to give our children the opportunity to have a decent lifestyle, to have the lifestyle our generation has had. In fact, it is going to aggravate their ability to afford the Government they are going to be handed because it is going to give them all this new spending, and then it is going to hit them with mandatory spending.

We know if we do not address the mandatory spending accounts in this Government, we are going to bankrupt this country. We are going to send this country into a fiscal spiral, and our children are essentially going to be handed a country which they cannot afford. We know that. Why do we know that? Well, because the chairman has been good enough and, appropriately, has held probably 10 or 15 hearings on this specific point. Every major witness we have had—all the leaders, from the Chairman of the Fed, to the Comptroller General—all of the major witnesses have said the same thing: We are headed toward a fiscal meltdown as a nation because of a demographic tidal wave that is headed toward us. The baby boom generation is going to retire. It is going to double the number of recipients who will get Medicare, Medicaid, and Social Security. As a result, our children are going to be overwhelmed.

This chart shows it so appropriately, the three programs: Medicare, Social Security, and Medicaid. The spending on those programs is going to exceed what has been spent by the Federal Government historically, which is about 20 percent of gross national product. That is shown by the black line on the chart. It is going to exceed that number by about the year 2025, 2028. Then, it keeps going up. So as a very practical matter, in about a decade and a half from now, it is going to be impossible for the Federal Government to function because three programs will be absorbing all the money the Federal Government traditionally spends. The practical effect of that will be our children will basically have to be taxed into obscurity in order to support this. That, unfortunately, is what is going to happen unless we address this issue.

The total unfunded liability of our Federal Government is about $67 trillion over the next 75 years. Mr. President, $67 trillion—try to put that number into concept. I do not know what $1 trillion is. Try to think of what that means: $67 trillion.

Well, to try to put it into some context—it is still unconscionable; it is such a huge number—if you take all the taxes paid in the United States since the beginning of our Government, we have paid in about $42 trillion. So the unfunded liability—most of which is due to Medicare, some of which is due to Social Security—exceeds the total taxes paid to the Federal Government since the beginning of our country.

To put it another way: If you take all of the net worth of America—everybody's car, everybody's house, all your stocks, all your businesses—and roll it into a ball, that adds up to about $56 trillion. We actually have on the books today a liability that we do not know how we are going to pay for, which exceeds—exceeds—the total worth of America. Yet this budget, which we are presented today, does nothing about that. Even though we had hearing after hearing to talk about the need to address entitlements and the spending on entitlements, it does nothing about it.

It is not as though nothing can be done. We will hear from the other side of the aisle, well, we need to do a global settlement—and I have joined with the Senator from North Dakota to try to accomplish that—that we cannot do anything until we do a global settlement. That is a good idea, and that is the way it should be done, but we have to get started, folks. We have to get started. This budget was the opportunity to start.

In fact, the President sent us up an idea—two ideas, basically, which would have accomplished very significant savings in the entitlement area. His proposals would have saved $8 trillion of the $24 trillion now unfunded in the Medicare fund or essentially 25 percent of the Medicare fund. Twenty-five to thirty percent of the Medicare fund insolvency would have been addressed. How did he do it? He did not affect beneficiaries with his proposals. They were very reasonable proposals.

Essentially, the way he did it was to set up two proposals. One would have calculated correctly the reimbursement cost to provider groups, not counting doctors. The other would have required that very high-income seniors, people making over $160,000 on their joint returns, would have to pay a higher percentage of the cost of their Part D premium and their Part B premium. So 95 percent of the seniors would not have been affected at all by the proposals he sent up here. Remember, these proposals would have reduced the insolvency of the Medicare trust fund by $8 trillion or by about 30 percent.

This type of proposal should have been taken up. It should have been agreed to. There should not be any debate about it. Why, for example, should a person—a mother, maybe a single mother working at a restaurant, who has to pay taxes—why should she be supporting the premium which is being used to support the drug benefit for a retired senior who has an income of over $160,000 filing a joint return?

Let's take, for example, a retired Senator. Why should somebody who is working on a production line or in a restaurant or in a gas station—why should their general taxes have to be used to support a retired Senator's Part D premium for drugs? Because the retired Senator is probably going to be making more than $160,000 jointly or $80,000 individually. It makes no sense.

Just by effecting this one change, you could have dramatically reduced the liability of the trust fund and made our Government more affordable to our children so our children would be able to send their kids to school and not have this huge tax burden. This is another example of that.

But, essentially, this budget, as presented, totally ignores the entitlement storm that is coming—the Medicare storm, the Social Security storm, and the Medicaid storm. It is a failure in policy and a failure in leadership. It is especially unfortunate because when you put it in the context of the fact that this budget significantly increases taxes, taking—we will get into that in a few minutes—the tax burden of the American people from 18.5 percent of gross national product up to 20 percent of gross national product, instead of using those revenues for the purposes of maybe trying to resolve this long-term crisis which is so significant that it truly will cause an economic meltdown—instead of doing that, these tax increases are frittered away. They are frittered away. They are spent. They are used to adjust this program or that program, whereas, they should have been used, if they were going to be done at all—which they should not be at this time—to at least address the liability of the Medicare trust fund. But they didn't. It didn't occur.

So when the Democratic chairman says: "I have said I am prepared to get savings out of long-term entitlement programs," I wish he had done that. Instead of that happening in this budget, there is absolutely no savings that would improve the trust fund situation. There is a $15 billion savings, but that is used to pay for a $50 billion expansion of the SCHIP program, so it is actually a net loser to the tune of $35 billion.

The practical implications of this budget—the practical situation, to clarify, because it is fairly complex, is that by increasing spending by $146 billion and then increasing revenues by $900 billion and then increasing the debt by $2.2 trillion and doing nothing on the entitlement side of the ledger, this budget essentially creates almost what you could call a perfect storm of tax and spend. It is overwhelming, the practical implications of where this is going to go, because of the four priorities as they are set out and the way they have been dealt with. Missed opportunities on the entitlement side, dramatic expansion of revenues on the revenue side, nondefense discretionary spending increases to $146 billion. On the revenue side—on the big red chart—this bill essentially says the revenues increase is going to be about $900 billion.

To put this fairly, if you were to look at the President's budget and compare it to this, the President's budget would be about $400 billion or $450 billion. That basically involves the AMT. So what essentially is being proposed is a $450 billion to $500 billion increase in taxes over what the President might have suggested, or did suggest, which is a half trillion dollars.

The chairman likes to call this 3 percent. We are just 3 percent above the President. He has these two graphs that go together. You remember when you were in junior high school and you did graphs. If you compress the numbers enough, you make everything go together. It is all mushed together. That is what he has done.

Three percent is real money, folks. Even though the graphs go like this, they are all crushed together on his chart. Three percent is a half trillion dollars. A half trillion dollars, that is a lot of money in new taxes. In fact, that represents the single largest tax increase in the history of the country. This budget reflects that. We don't know where it is coming from because we have this representation from the majority leader that it is not going to come from increasing the rates. Well, that is hard to understand because he has claimed he is going to get it from the tax gap, and then he has claimed he is going to get it from closing loopholes.

We had testimony before the committee from the head of the IRS. The Commissioner of the IRS said he might get another $30 billion to $40 billion at most over 5 years—and I am giving him the benefit of the doubt—out of the tax gap. He was close to $20 billion, actually. Regarding closing the loopholes, we have had a lot of people around here chasing loopholes for a long time. Everybody has loopholes they chase all around this place. It is sort of like one of those games when you take your kids to Chuck E. Cheese's and they have those things with the big heads that pop up and you hit them with the club. Everybody is chasing loopholes all over this place, but they don't appear to get them very often. When they do get them, they don't generate a half trillion dollars. It might generate $5 billion or $4 billion. That is a lot of money, but it is not a half trillion dollars.

A half trillion dollars is real money. Where do you get it? You raise rates. This budget is a stocking horse for rate increases. There is no question about it. In fact, all you have to do is read the fine print. In the fine print, there are four—not one, not two, not three, but four new—because I count their pay-go proposal as new—four new—and tax-go proposal—four new points of order against tax rates increasing over their present—tax rates being allowed to stay at their present rate.

Let me restate that because I obviously mixed up the sentence. There are four new points of order against the ability to keep tax rates where they are today.

My colleagues, remember when we started this discussion, we talked about all the good news we were getting as a result of having a tax system that was finally fair and where people were willing to go out and take a risk and invest and create jobs: 7.4 million new jobs, 21 months of expansion, best revenues we have ever had in the history of this country. That is going to go by the board because you are going to have to jump the first hurdle, the second hurdle, the third hurdle, and then the fourth hurdle with very aggressive points of order which will require 60 votes before we are going to be able to maintain those tax rates.

This budget, which increases taxes by $900 billion, which, as a result, has to be focused on driving those tax rates up because there is no place else you can get the money, is a clear attack on things like the capital gains rate, the dividends rate, the death tax rate, and rates in general, plus all the other extensions, whether they are helping kids or not. The practical effect of this is what you have to worry about.

We are on a path under this budget to become France. That is where we are headed, a tax level which is essentially a French tax level. The American people aren't going to want to work very hard. Well, the French people don't want to work very hard. I shouldn't say that. Maybe they do, they just don't act like they do.

As a result, we are going to find that our Nation's productivity drops precipitously because we are raising our taxes. Under this proposal taxes will go up to 20 percent of gross national product.

Remember that chart I showed you. You probably don't remember it, but I will remind you of it. Historically, the tax rate has been about 18.2 percent of gross national product. Today we are at 18.5 percent of gross national product, so we are actually bringing in a lot more than the historical level. This budget assumes—assumes that we are going to go to 20 percent of gross national product in taxes. That is a dramatic expansion in the size of the government.

What do we get? Well, we get more asparagus growing. We get more COPS Programs, more CDBG, more ag payoff. We are not getting something substantive that is going to, in the long term, straighten out our biggest issue, which is entitlement reform for this dramatic expansion in revenues. What we are getting is more government, more government. It doesn't make a whole lot of sense.

In fact, not only do we have a wall of debt, which the chairman has often mentioned to us, we now have a wall of taxes. You can see how, under the chairman's budget, the tax wall goes up and up and up. The problem with this wall is that when people try to climb over it, they run out of energy after a while and they stop climbing. Productivity drops, people who are willing to take risks stop, jobs dry up, and people come to the conclusion that maybe it is not worth working all this hard because they are going to send all the money to the Government in Washington, and they are not all that confident the Government in Washington spends their money all that well.

Now, the chairman—and I just have to respond to this one because the chairman keeps holding up this chart that says—first, he had the 3 percent chart which mushed the lines, but then he has the chart which says, well, our taxes are about the same as the President's taxes.

What he fails to mention is—well, he did mention it actually, but what he fails to point out is that he uses one scoring mechanism and the President uses another scoring mechanism. He uses apples and the President uses oranges. So that chart is a little misleading.

So I decided to do it apples to apples and oranges to oranges. When you compare the scoring mechanisms equally, you end up with the fact that, my goodness, $934 billion in new taxes under the Democratic proposal, apples to apples, that is CBO. That is the number that I think even the chairman of the committee will acknowledge is how much new revenue he is raising, and under the OMB scoring it would be $600 billion of new taxes. Dramatic increases. Dramatic increases in tax revenues, with the implications, of course, with all of these new budget points of order and all—and the failure to be able to—even out of this building in—where is it—the Cayman Islands or Panama or someplace, this one little building, no matter how he squeezes that building down and crushes it into dust, he cannot get $439 billion out of it. He might get $30 billion out of it, but that still leaves him $400 billion to go, or depending on the other scoring, $570 billion. The only place you can go with this type of money is the American taxpayer. We are not talking about the rich. We are talking about Americans trying to make a living, small businesspeople running a small business.

Most people who live off dividends actually are senior citizens. Senior citizens will be hit heavily by this tax increase. Capital gains—that is where people take risks, and they are not going to change their asset mix anymore and, as a result, it will dry up. This is a huge tax increase budget.

So to summarize, although I hate to do that because I haven't taken nearly enough time, the Democratic budget raises taxes by $900 billion, raises spending on the nondefense discretionary side by $146 billion, and most acutely, in my opinion, although the tax number is obviously daunting, the most acute failure of this budget is that it passes all this debt on to our children and then further burdens them by not doing anything of any significance to address the coming tsunami, which is the entitlement costs which the baby boom generation is going to force on to our kids, making our Government unaffordable for our children.

So I have reservations about this budget. As we go forward, I imagine there will be amendments to reflect those reservations.

At this time, I would like to yield to our leader for 10 minutes, if that is all right with the chairman.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I would like to respond, and then I will be happy to yield to the leader.

The Senator has used one of the most entertaining presentations I have seen in a long time. I want to give special praise to his staff for his wonderful new charts. I assume that the creative genius behind these charts was the Senator himself.

Mr. GREGG. No, you cannot assume that.

Mr. CONRAD. Let me say I have enjoyed this. It has tremendous entertainment value. There is not a whole lot of factual value but a lot of entertainment value.

Let me say this. The hard reality is regarding the Senator's chart comparing apples and oranges. The problem with that chart is it is not to scale. It is not to scale. If you do a scale of what the President called for in revenue and what I have called for in revenue, here is what it is to scale. The President said his budget would produce $14.8 trillion of revenue; mine, $15 trillion. That is a difference of 1.2 percent. I don't think civilization is going to cease to exist because we get 1 percent more revenue than the President called for.

How do we say we should get it? We say we should go out and close down the tax gap. That is over $300 billion a year—a year—going after the tax havens, these outrageous scams that are going on that another committee of Congress says is costing $100 billion a year. Then these other egregious tax loopholes where companies and wealthy individuals are buying sewer systems from Europe and using them to reduce their taxes in the United States and then leasing them back to the Europeans.

Now, on this whole question of tax increases, the Senator, to his credit, was square with people about this because when he says I have a $900 billion tax increase, the fact is, the President, in a similar analysis, has a $484 billion tax increase because the President has $328 billion of AMT increase, $104 billion of tax extenders, and $52 billion in this health tax proposal. So the difference between us—both have revenue increases. Both do. The difference in revenue is $439 billion.

As I have indicated, the President called for $14.8 trillion in his budget, and we have $15 trillion in mine, a difference of 1 percent.

The Senator also talked about debt, and he talked about our wall of debt. He didn't mention anything about the President's wall of debt, and he left that out because the President's budget—by the way, our colleague here on the other side has no budget. The only budget from the other side is the President's budget, and the President's budget has $250 billion more debt than our proposal. So when my colleague criticizes our proposal on building debt, you didn't hear him mention a word about the proposal from the President. The only budget we have from the other side has $250 billion more debt than in our proposal.

Here is the wall of debt, not only looking forward but looking to the previous years that their side has built up. The reason, for example, that we still have Social Security funds being used is because our friends on the other side have dug a mighty deep hole. We are on a ladder scrambling to get out, but we are still stuck in a hole they dug, and here is the hole they dug. When they came in, at the end of the President's first year, there was $5.8 trillion in debt. At the end of this year, there is going to be $9 trillion in debt. This is the hole they dug. They controlled the Senate and the House and the White House, yet they put us in this deep chasm of debt. Under the President's proposal, as I have indicated, they would add even more debt—even more debt—taking us to over $12 trillion by 2012.

One of the results of this, because increasingly this debt is being financed from abroad, is that it took 42 Presidents 224 years to run up $1 trillion of our debt held abroad. This President has more than doubled that amount in 6 years. One President, in 6 years, has more than doubled foreign holdings of our debt, a debt which took 42 Presidents 224 years to run up.

On the question of Social Security and who is taking Social Security money, the President's budget is the only budget from their side of the aisle, because our colleagues have no budget. They have presented no budget. They have presented no alternative. The only alternative budget we have from their side is the President's budget. So if we want to talk about Social Security money, their budget uses $1.16 trillion of Social Security money, which is $130 million more than does ours.

So I would ask my colleagues: Where is your budget? Where is your budget? You think we should use less. Where is your budget? The only budget you have is the budget of the President, and it uses more Social Security money, it runs up more debt, and also has massive, or at least large, capped increases associated with it.

So I am a little concerned that the other side hasn't produced any budget other than the President's budget.

When our colleague talks about this big spending increase, there is no big spending increase. It is indecipherable, the difference. It is indecipherable, the difference. On a $15 trillion base, yes, we spend $150 billion more over 5 years. Where does it go? Where does it go? It goes to education, it goes to children's health, and it goes to our Nation's veterans and their health care.

It has been a failure of the other side of the aisle to take care of our Nation's veterans' health care. It has created the scandal that is now here in this town, the Walter Reed scandal. It was a failure on their watch. It was a failure to care for our veterans. We are not going to accept that. We are not going to allow it. So, yes, it requires more money; and, yes, it requires more money for education; and, yes, it requires more money if we are going to provide health insurance for the children of this country.

The Senator also said that under the President's watch, the tax cuts have been very progressive. No, they have not. They have not been progressive. The top 1 percent have income of more than $418,000 a year. They have gotten 71 percent of the benefits of the tax cuts passed by this administration. That is progressive? This is how confused our colleagues have become on the other side, that they think it is progressive when those earning over $400,000 a year get 71 percent of the benefit.

Here is what the average tax cut for a millionaire is in 2006. Those earning over $1 million a year, under their tax plan, got a $118,000 tax cut, on average. They received a $118,000 tax cut, and those earning less than $100,000 got $692. They say that is more progressive? I mean, that is true denial. That is true denial. Those earning over $1 million a year got an average of $118,000 in tax cuts under their plan, and those earning less than $100,000 got $692, and they say that is more progressive. That stands logic and truth on its head.

The drop in the tax rate is the largest for the high-income taxpayers. Those who are in the top 1 percent got a drop of 3½ percentage points in their rates. Those in the bottom 20 percent got three-tenths of 1 percent. That is progressive? I don't think so. That is not the definition of "progressive" I learned in school.

Now, he talked about job creation under the Bush administration and he talked about 4.9 million jobs being created. Yes, that is true. In the first 73 months, 4.9 million jobs were created. Let me compare that to the Clinton administration. In the first 73 months of the Clinton administration, 18 million jobs were created. That is over three times as many.

The Senator also held up a chart talking about job creation. Let me make this point. We have gone back to the nine recoveries since World War II, nine major recoveries, and compared this one to those. Here is what we find. This recovery is running 6.7 million private sector jobs short of the average of all of the other recoveries since World War II. This is a success? I don't think so.

It is not just on jobs, it is also on business investment. In business investment, this recovery compared to the nine previous recoveries since World War II, business investment is lagging in this recovery by 68 percent.

What about the median household income under this administration? It has declined. From 2000 to 2005, real median income in constant dollars declined by almost $1,300. Maybe that is why people are working more and earning less. Maybe that is why in the latest Newsweek poll two-thirds of the American people say the economy is not doing well. Two-thirds of the American people say the economy is not doing well.

If we look at the question of recoveries, the Senator held up another chart talking about how well recoveries have done and revenues have done in this recovery. Well, again, if we compare it to previous recoveries, in this recovery we are running $127 billion short of the average of the nine previous recoveries since World War II. Something is very wrong.

On the Senator's revenue chart, he didn't show you the first 4 years of this administration. He only showed you the most recent years. Why didn't he show you all the years? Why did he just show you some of the years? Well, I think here is the reason. It gives a very different conclusion than the one he drew.

When you show all the years, what you see is we have not gotten back to the revenue base we had back in 2000 until 2006. It has taken us 6 years to get back to the revenue base we had back in 2000. He didn't want to show you that. He doesn't want to show you that, after the big tax cuts in 2001, the revenue base went down. It went down again the next year and stayed down the next year and the next year. Only in 2006 did we get back to the revenue base we had 6 years ago.

Maybe that is the reason the debt has exploded under their watch. The deficits grew dramatically under their watch. Increasingly, we are in hock to foreign governments and foreign entities and foreign investors, and our budget says we have to stop it. We have to balance the budget and, yes, we have to look to the longer term.

My own belief is, and I think virtually everyone in this town knows this, the only way we are going to deal with the nagging long-term fiscal shortfalls is with bipartisan agreement, one between Republicans and Democrats, one in which both of us come to the table and compromise. That is what Senator GREGG and I have proposed, a working group, eight Democrats, eight Republicans, with the responsibility to come up with a plan to deal with these long-term fiscal imbalances. My own belief is that is the only way that will happen.

I thank the Chair, and I yield the floor.

Mr. MCCONNELL. Madam President, I always look forward to budget week every year because this debate illustrates the differences between the two parties like no other debate we have in the course of the year. Our budget debate is led by one of our most, if not our most skillful debater and budget expert, Senator GREGG, and I know he will want to respond once again to the observations of our good friend from North Dakota, the chairman of the committee.

Republicans got their first look at the Democratic budget last week. We have been pouring over the details for the last few days, and at this point I can safely say this: If anyone is searching for a political document that reflects the triumph of rhetoric over reality, look no further.

For years, Republicans have politely stood by and listened as Democrats lectured us about the rich—the richest 1 percent is the favorite phrase—while casting themselves as the party of the working class. We have heard from brave Democratic candidates and newly elected Members who tell us we favor the country club set and the CEOs. Many would like to paint us into a modern day Thomas Nast cartoon, chomping cigars and taking care of businessmen at the working man's expense. It is a caricature that has always been wrong and that has persisted so long it has certainly been a nuisance.

Americans usually know better. They look at their paychecks and they ask themselves that simple question: Am I better off now than I was 4 years ago? The answer, for most Americans, is clear: Republican economic policies have lifted tens of millions of working families into the middle class over the last two decades and sparked a general wave of prosperity that few of us could ever have imagined. Americans know it, and so do our colleagues on the other side of the aisle, which is why the budget they are proposing is so disturbing.

Rhetorically, our colleagues on the other side of the aisle have been careful to embrace an appealing script: Keep taxes low, reform entitlements, and control spending. But the rhetoric always meets reality right here in the budget, and this time the collision between the two is straight out of the movie "300," playing right now.

Let's start with the rhetoric. A few months ago, in November, the senior Senator from Delaware was asked whether Democrats planned to raise taxes. Here is what he said: "Well, the answer is that they will not do that—they won't raise taxes on working and middle class [Americans]."

That was the senior Senator from Delaware on November 5. His Democratic colleagues have stuck to the same script. In early November, voters in Missouri asked the now junior Senator from that State whether Republicans were right to say that she and other Democrats would raise taxes if they took back the majority. "There's nothing to that allegation," she said. "We're going to cut taxes for the middle class."

Then there was the now junior Senator from Virginia, who recently laid out a case against Republican economic policies in a Jacksonian-tinged response to the President's State of the Union Address. Talking to the Roanoke Times on November 6, he too denied the Democrats would raise taxes on the middle class. He said he would not "raise taxes for wage-earning people." He would put more burdens on corporations instead, he said.

Well, someone on the Budget Committee isn't conferring with the new Members because the budget the Democrats handed down last week not only contradicts the stated intentions of these new Senators, its passage would represent, as Senator GREGG has pointed out, the greatest tax hike in U.S. history by far, four times greater, in fact, than any previous tax hike. Four times greater.

The last time we saw a tax hike even remotely this big was in the Democratic-controlled Congress back in 1993, and we know what happened the following year. Voter anger over those hikes put Republicans in charge of both Chambers for the first time since 1954. President Clinton himself would lay those electoral losses squarely at the feet of the 1993 tax hike. Speaking later to a group of donors, President Clinton said, "I'll tell you the whole story about that tax hike. Probably there are people in this room who are still mad at me at that budget because you think I raised your taxes too much. It might surprise you to know that I think I raised them too much too."

That was President Clinton speaking about his tax hike in 1993.

If President Clinton thought that tax hike was too much, he would choke on this one. The tax hike the new majority party sent down last week is four times bigger than one that he said was too big for Americans—and, ultimately, him—to stomach.

How can the Democrats possibly think the American people will stomach this one?

Do they think Americans are ready to see all the economic gains of the last 5 years washed away by a budget that reinstates every tax we have lowered or repealed over that period?

If this budget passes, those cuts are gone. Extinct. Dead.

And their reimposition would cost working men and women and retirees dearly—nearly $1 trillion over the next 5 years, by our count.

Everyone will take a hit. Despite the Democratic refrain that the tax cuts we enacted in 2001, 2003, and 2005 favor the richest 1 percent, the truth is, the wealthiest Americans continue to pay the lion's share of taxes.

Under the Democrat budget, they would see their share increase even more—disincentivizing the kind of corporate and individual investment that has driven the economic boom of the last several years.

But the wealthiest taxpayers can absorb a hit. They are not the ones this budget hurts the most. That is what is most astonishing about this budget: Working families will take it on the chin.

How? Let me count the ways.

Under the Democrat's budget, 45 million working families with two children will see their taxes increase by nearly $3,000 annually.

The child tax credit is cut in half—to $500, piling one more worry onto the shoulders of parents, not to mention parents-to-be. We should be encouraging and supporting young, growing families in this country, not penalizing them.

Newlyweds are robbed of a measure of their happiness, with the budget cutting the standard deduction for married couples by $1,700.

Far from shifting the burden onto the wealthy, the Democrat's budget would drive up the taxes of an average family of four by more than 130 percent—more than doubling their taxes.

Single parent households would take a hit too. By letting the 2001 and 2003 tax cuts expire in 2010, single-parent families would see their taxes rise by nearly 70 percent.

Senior citizens get hit big.

Again: Despite Democratic grumbling that only the richest 1 percent of Americans benefit from the tax cuts we passed in 2001 and 2003, seniors were a major beneficiary of the capital gains and dividend tax relief. More than half of all seniors today claim income from dividends, and one-third claim income from capital gains.

That's right, this proposed hike will hit more than half of all seniors.

The expansion of the market over the last 2 decades hasn't just benefited the few. It has helped millions of hard-working Americans retire earlier than they could have dreamed of a generation earlier. Democrats see the wealth that more than 15 million American seniors accumulated over that period, and they want a piece of it.

In a sort of perverse politics of inclusion, business owners and executives, middle-class families of four, struggling single-parent households, and millions of seniors—everyone gets slammed by this budget.

Call it fair but cruel.

This budget represents a tax hike four times greater than the previous record, and Republicans cannot support it. We said at the beginning of the session we would not support tax hikes. We certainly will not support what amounts to the biggest one in American history.

Worse still, the Democrats don't even plan to put their $916 billion in new revenue to good use. They don't take back working Americans' tax relief to pay down the debt or lower the deficit—they want it so they can continue to raise spending to unprecedented levels.

Let's take a look at some of the numbers.

This budget increases annual spending on federal programs over the President's 2008–2012 requests by nearly $150 billion.

It spends more than $1 trillion of the Social Security surplus, increases gross debt by more than $2 trillion between 2008–2011, increases the deficit by $440 billion, and it completely ignores the urgent need to address entitlement reform—this, despite the fact that the new Democratic chairman of the budget committee stated flat out on national television just 2 weeks ago, and I quote, that "We need to reform the entitlement programs."

Add it all up and you've got the classic stereotype of the Party of Tax and Spend. Only, this time, it is on a level the likes of which we have never seen before. It is hyperbole, really.

Republicans made a pledge to fight tax increases and to rein in spending, and we intend to stick by it. With this budget, the Democrats have guaranteed quite a fight.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me indicate we do not want to let people's imaginations run wild here. Let me just make this flatout statement: We have no proposed tax increase in this budget resolution.

The Senator from Michigan is to be recognized for 20 minutes?

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I thank the distinguished chairman of the Budget Committee for his outstanding work and his commitment day in and day out to putting together a new direction for the country in this budget and meeting our fiscal responsibilities, and thanks to his staff for their hard work as well. Also, to our ranking member, the former chairman, we disagree in approach, but I have great respect for him and his staff and the way in which they conduct business and their professionalism.

Before talking about why this is a good budget resolution, let me start out by, in fact, disagreeing with the distinguished Senator from New Hampshire. He says everything is going great all across the country, everything is going great. But just last week, in the newspaper here, the Washington Post, we had a story about a national survey showing a soaring number of homeowners failed to make their mortgage payments. The number of foreclosures of all homes jumped to its highest level in nearly four decades, according to the survey by the Mortgage Bankers Association. The highest level in nearly four decades? Is that because people just don't want to pay their mortgage? Of course it is not. It is because the average people—middle-class families, people working hard every single day—are not feeling the benefits of what the distinguished Senator was talking about.

It is true that you can show numbers—stock market up 58 percent, real GDP up 32 percent, real corporate profits up 36 percent. But the median household income—the majority of Americans working hard every single day, who care about their families and are trying to make a better life for themselves, have seen their incomes go down—in fact, $1,253 over a 5-year period, from 2000 to 2005.

Why? First of all, we have lost 3 million manufacturing jobs in America under this President and during the previous Congress—3 million manufacturing jobs. What does that mean? Good-paying jobs, good wages, pensions, health care benefits, a chance at the future, the hope of sending your children to college—good-paying jobs, 3 million of them lost. I have a list here of just some of those in manufacturing: computer and electronics manufacturing, 543,900 jobs, good-paying jobs, people who have a very different view than what was presented earlier about how great it is right now economically in America. Vehicle parts, machinery, fabricated metal products and primary metals, and right on down, transportation equipment, furniture products, textile mills—43 percent drop in textiles—leather products, right on down through chemicals.

The reality is too many people in this country, the majority of people in this country, have not benefited from the rosy picture we have heard about and we are going to continue to hear about on this floor. Why? Because they have not been the priority under this administration and the previous Congress. They have not been the priority.

The good news about this budget is that in this budget, they are the priority. We are in a new direction through this budget. We are, in fact, returning to fiscal discipline. Yes, we value paying the bills. No more borrow and spend, borrow and spend, over and over again, borrowing, adding up mounds of debt. We are putting us back on the road to fiscal discipline, and we are putting middle-class families first. That is the value base for this budget. That is what we are looking at in the big picture.

In fact, the budget is our value statement. It is about our values and our priorities. It reflects who we are as a country and allows us to shape who we want to be in the decades ahead. This budget is about making sure everybody has a chance to make it. Folks working hard every single day want to know that they are going to see their lives improve, not just some numbers for some people.

Last November, the American people sent a clear signal that they were unhappy with the way this Government was doing business. They chose new leadership for America. They wanted a new direction, a direction that builds on our common values and places a premium on putting our middle-class families first.

We have already made great strides in delivering on those promises and the potential of last year's election. The Senate has passed an increase in the minimum wage for folks working hard every day, working not one but maybe two or three jobs, probably without health insurance, trying to make ends meet for their families. We finally engaged in an open, important, a critical debate on the war in Iraq, and we have taken concrete steps to implement the recommendations of the 9/11 Commission to make our families and our communities safer.

But in many ways, this budget debate, the budget in front of us, is our first big test about who we are and what are our priorities. We are faced with a very simple question: Will we bend to business as usual and deliver a budget that fails, again, to live up to the mandate the country has asked of us or will we do what the American people have charged us to do—deliver a budget that reflects middle-class values and works for American businesses, farmers, workers, and families? That is what our budget resolution does.

It will not be easy. We have inherited a fiscal mess, quite honestly. We have tough choices to make. I love seeing that the wall of debt, the wall that was actually created by the distinguished Budget chairman talking about where we have come from in the last 6 years—I remember in the Budget Committee when we had the largest surplus in the history of the country, over $5.6 trillion. We at that time, the Democrats, indicated in the Budget Committee that we wanted to see a third of that go to tax cuts, a third of it to investments and opportunity and science and the future—education and health care—and a third to prefund the liability on Social Security. We wouldn't be where we are in the Social Security debate if we had done that back in 2001. But that is not what happened. Virtually all of it was put into supply-side economics, tax cuts for the wealthiest Americans, and then we went into a war that has not been paid for, et cetera. So we are in a hole. We are in a huge hole.

One of the things we always talk about is: If you are in a hole and you want to get out, the first thing is to stop digging. This budget stops digging the hole and puts us on a path of fiscal responsibility. Just like every family in America, the Government has the responsibility to balance its checkbook, and we are committed to putting us in that direction and getting that job done.

We are committed to a return to fiscal discipline and putting a stop to the bad habits of the last 6 years of writing checks the Government cannot cash. Under our budget resolution, we begin to chip away at the problem immediately with the target of 2012, 5 years from now, for completely erasing the Federal deficit.

We know we can do that. It is simply a matter of prioritizing and not spending money we do not have. I was proud to be part of a Congress that balanced the budget in 1997, working across party lines, to keep spending in check.

It was not easy. But we understood the long-term health of the American economy and the long-term well being of our middle-class families and our businesses were dependent on making tough choices.

The irresponsible fiscal policies of this administration have gutted our record surpluses and driven us into record deficits. Thank goodness we are beginning now to come out. But it has hurt our families, it has hurt our businesses, and it has put our way of life at risk. We are committed to stopping that.

Second, as we put our fiscal house in order, we need to focus on the priorities that matter to American families, and that is what this budget does. I should mention in talking about that, when we hear about all this spending being talked about, only 17 percent of all the so-called domestic discretionary spending, the money we have the ability to make decisions about, in terms of science and health care and education and environment, public safety, and so on, that the discretionary part of the budget is 17 percent of the whole budget—17 percent. It is invested in the quality of life and the future for the families of this country. Those are critical investments.

What are we suggesting? Well this budget, in fact, focuses on what matters to middle-class families the most. First, people want to know we are going to be investing in education and opportunity in the future for themselves and their children. We commit to health care for every child. We commit to making sure every child who does not have health insurance is able to get health insurance, so that families who go to bed tonight don't worry about what is going to happen—and pray to God, please do not let the kids get sick tonight—they will know there is health care available to them. Frankly, it needs to be step one to make health care available to every American.

Third, we keep our promises to our veterans. This ought to be a given. This budget resolution guarantees that. We provide middle-class tax cuts. We are all for tax cuts; it is about time the middle class got some. That is what this budget resolution does. We restore key investments in law enforcement, health care, technology, protecting our environment. Key investments the President has tried to cut, we have put back and restored those.

Let me speak for a moment about education. Everyone understands the world economy is changing. Our increased reliance on technology and the growing competition in the global marketplace means that today, more than ever, we need to be investing in the best education system possible for our children. We all say that. We all talk about education.

We had a wonderful hearing this morning in the Finance Committee on education. This budget actually does more than talk about it; it takes critical investments and places them as a top priority for us because we know this is the only way we are going to be able to have our businesses competitive and create real financial opportunities for working-class America.

In real-world terms, that means investing more in education and focusing more on innovation. Education policy is economic policy. We understand that. Creating opportunity for everyone who works hard to make it is what America is all about. It is one of the pillars, the foundations of our economy and a huge focus for our families and a huge focus in this budget.

Unfortunately, what did the President do when it came to education last year? Well, he and the Republican Congress, back in Christmas of 2005, cut $12 billion out of student loans. Then the President came back in 2006 with the largest proposed cut in the history of education. Our children deserve better. This budget resolution reflects our commitment to education. Under our budget proposal, we invest $6.1 billion more in education funding than the President's proposal for 2008.

Let me speak for a moment about health care. This is a major priority in this budget. I believe health care should be a right, not a privilege, in this country. We need to be about the job of changing the way we finance it in total and getting it off the back of business. Your ability to remain healthy should not be tied to your employment status or depending upon where you were born or what kind of family you were born into.

In America, we can do better than we are doing, and this budget moves us in the right direction. We spend more on health care, per capita, than any other Western Nation. Yet we have nearly 50 million people with no health insurance. There is something wrong with this picture. We intend to fix it. Americans who do not have regular access to health care also put a strain on our system economically, produce less for society, while at the same time saddling business with the skyrocketing cost of employee health care is making it more and more difficult for our manufacturers and our other businesses to compete globally.

This is an economic issue as well as a quality of life issue. Our budget proposal, this budget resolution, begins to tackle this issue where common sense dictates we should start—America's children. Our children have no choice when it comes to access to health care. They also represent the segment of our population that will reap the most long-term benefits in the introduction of regular, reliable, affordable access to health care.

Programs that exist, namely SCHIP for children, already exist, and it covers millions of American children who do not have insurance otherwise. But this needs to be expanded, and we need to create a priority to say that every child without insurance should have access to this program.

The President's budget designated only $2 billion for children's health care, for SCHIP, $2 billion. To say that this will not get the job done is an understatement. That is why our budget has designated $50 billion, 25 times more than that over 5 years, to fully fund health care for children in America.

Now I might say as an aside because that is a lot of money, we are talking about $10 billion a year to make sure every child in America has access to health care, $10 billion. That is about what we are spending in 1 month in Iraq—1 month in Iraq. We can take 1 month in Iraq for American children. That is what the budget does. It is time to get beyond talking about how children are our future. It is time to walk the walk.

That is what this budget does. Americans also want us to keep our promises to our veterans. The revelation about conditions at Walter Reed Army Hospital over the past few weeks have brought into focus the concerns that many of us in this Chamber have been voicing about the treatment of America's veterans over the past few years. No group of individuals, no group, deserve our respect, support and admiration as Americans more than those who selflessly and voluntarily choose to wear the Nation's uniform.

They put their lives on the line for us every day, and all they ask in return is that when they come home from the battlefield, their Nation, our country, keeps its promises to them, including providing the health care they need and deserve. It is not enough to make statements on Veterans Day or remove military leadership when problems arise. It does not get any simpler than this: If the money is not in the budget then our veterans do not get what they need and deserve.

Now we are not talking about the type of issues that have reared their ugly head at Walter Reed, we are also talking about systematic issues that touch America's veterans in all our 50 States. Inadequate access to doctors and the facilities, extremely long drive times for care, which frequently happens in my State of Michigan, patient backlogs that would make you cringe, our budget addresses what we believe are the shortfalls in the President's plan when it comes to our veterans and their health care.

We have set aside an additional $3.5 billion for veterans health care in 2008 alone. What is most important is that, for the first time, this Senate has a budget resolution that reflects the recommendations of the independent budget, which is the budget of all the veterans organizations about what they believe is needed to adequately fund veterans health care and other critical needs.

Finally, let me say a few words about tax cuts. My friends on the other side of the aisle will try to paint Democrats in this budget as being antitax cut. Nothing could be further from the truth. You know we are going to hear all of this; it does not matter what the document looks like. We also know in advance what the mantra is going to be because it has been that way for years. It has been that way for years. But the reality is very different. I have to say that the—

The PRESIDING OFFICER. The 20 minutes yielded to the Senator from Michigan has expired.

Ms. STABENOW. I would ask for an additional 3 minutes.

Mr. CONRAD. If I can give her an additional minute because we are now down to 9 minutes, and they have got 43 minutes.

Ms. STABENOW. Mr. President, I will take 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Ms. STABENOW. We support this budgeting through tax cuts that make sense for middle-class families. That is who needs the tax cuts. We talk a lot about these tax cuts being given. You ask the average family if they feel like they have gotten a tax cut. They tell me: No. Because they did not get it. People are smart enough to know they did not get it.

Well, we have put in place tax cuts for the middle class. We have started with the alternative minimum tax, which is about ready to hit a whole new group of middle-class taxpayers. We make sure that our Tax Code gives middle-class families a leg up and does not punish them for working hard and being successful.

Finally, we go on to make sure we reinstitute, as I said in the beginning, law enforcement, transportation, community development, protecting our environment, which is a very small part of the budget but critical for our families.

The bottom line is this budget works for people. This is about middle-class families, the values of the majority of Americans, and doing it in a responsible way. I urge the adoption of the budget resolution.

The PRESIDING OFFICER (Mrs. McCaskill). The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that an additional 30 minutes of debate time be added to the original 3 hours, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield 40 minutes to the Senator from Iowa.

Mr. GRASSLEY. Madam President, a few minutes before the last speaker, you heard the chairman of the Senate Budget Committee say there is no tax increase in the budget that is before us.

Well, technically that is correct, if you consider allowing existing tax law to sunset on December 31, 2010. If you do that, we are going to have the biggest tax increase in the history of the country without a vote of Congress, without a vote of any of us, the biggest tax increase in the history of the country, January 1, 2011. This budget covers that period of time. I don't know how you can say there is no tax increase in this budget, if we are going to have the biggest tax increase in the history of the Congress without a vote of the people, if you have an opportunity to do something about it and keep taxes where they presently are. That is what is in this budget. There is not going to be an attempt to keep taxes where they are so the existing tax laws sunset and we have the biggest tax increase in the history of the country, January 1, 2011.

We have a budget by the majority party, the Democratic Party, before us because the people spoke in November. For the first time in 12 years, the Democrats are in the majority and, consequently, control the congressional budget process. As ranking Republican on the tax-writing Finance Committee, I was not consulted, nor did I expect to be, by the chairman of this year's budget resolution. Unfortunately, after reviewing this resolution, which was presented 5 days ago, it is abundantly clear it does not realistically address the possibilities of the Finance Committee carrying out what are its supposed responsibilities under this budget resolution.

Despite claims to the contrary, this budget does not provide for even 1 year of alternative minimum tax relief, let alone 2 years, or even a 1-year extension of provisions of various tax laws that expire from time to time and that we normally reinstitute. It does not provide for that as well. So this budget puts the burden on the Finance Committee to come up with the offsets to pay for the alternative minimum tax relief and for what we refer to as extenders, things that are normally extended by the Congress because they are things the economy demands be extended.

Press reports have largely echoed the defenders of this resolution on the needs of the Finance Committee. I strongly suggest the media folks take a very careful look at the claims of the Democratic leadership and see how they stack up against the cold, hard fiscal numbers and the operating history of the Finance Committee in these policy areas. They would find it does not square with the reality of what is possible for the Finance Committee.

I back up that statement with these numbers. Over the 5-year budget window going out to the year 2012, keeping existing policies in place will have a revenue effect of about $916 billion. This includes alternative minimum tax relief, extension of bipartisan 2001 and 2003 tax relief, and extending other broadly supported expiring provisions. In the aggregate, this budget provides no resources for extending these policies over the 5-year window. In so doing, we end up with the biggest tax increase in the history of the country without Congress voting for it. Yet somehow the chairman of the Senate Budget Committee can say there are no tax increases in this budget.

I go back to the grassroots. As a family farmer, which I am, I like to think we country folk can teach city folk a lesson or two by referring to the country's sayings and metaphors. Although I am going to be using numbers, you will recognize some rural touchstones in the chart I am using, which is this chart of a well where you get water. The first chart involves the method a lot of us farmers use to get our water, through the well on our family farm. You will see the well in this chart.

Here is the top of the well. My colleagues can see it is a long well and a very deep well. There is some water way down at the very bottom, but most of this well in between is very dry. At the top of the well we see the number that represents the rough—and it is probably a bit on the low side—amount of the revenue raisers in this budget, and it assumes we on the Finance Committee will be able to find $916 billion. That is revenue we would have to find offsets for over a 5-year period to pay for extending existing tax policies that expire during this period. If we don't do it, that is where I continue to make the point we are going to have the biggest tax increase in the history of the country.

Of course, this is talking about existing tax policy. It doesn't even include any new starters such as tax relief to encourage renewable energy which most Members of this body are talking about, or tax relief to help education which a lot of Members of this body, including this Senator, have talked about, and a lot of new starters such as providing tax benefits to help the health care problem. A lot of us in this body talk about that. It doesn't include renewable energy, education, and health care. So this budget assumes the well of revenue raisers is full to the brim. We can see it is not.

As a farmer, I know something about the predictability of wells. You hope you will get a lot of rain and it will give you a decent level of water. As former chairman and now, because we Republicans are in the minority, ranking member of the Finance Committee, I think I know something about revenue raisers and how difficult or how easy it might be to raise a certain amount of revenue. I have been there. I have done that. When I was chairman of the Finance Committee, I aggressively led efforts to identify and enact sensible revenue raisers and at closing the tax gap and shutting down tax shelters. As ranking member, I continue to look for ways to shut off unintended tax benefits. I consider myself to be a credible authority on what is realistic when it comes to revenue raisers.

This budget is not realistic. From 2001 through 2006, Congress enacted over 100 offsets with combined revenue scores of $1.7 billion over 1 year, $51.5 billion over 5 years, and $157.9 billion over 10 years. That figure is reflected on this chart. That would be the figure of $51 billion enacted over a 5-year timeframe.

To show I am not making this up, I ask unanimous consent to print in the RECORD a table that shows the track record on enacted offsets. These numbers are conservatively high because they include repeal of the FSC/ETI to comply with the ruling of the World Trade Organization which could not have been done without also providing tax relief with the manufacturing deduction.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVENUE RAISERS ENACTED SINCE 2001

(Amounts in millions of dollars)

	# of provisions	1-yr	5-yr	10-yr
Military Family Tax Relief Act of 2003				
Extensions of Customs User Fees	2	619	1,305	1,305
American Jobs Creation Act of 2004				
Repeal of FSC/ETI (to comply with WTO ruling)	1	354	16,411	49,199
Provisions to Reduce Tax Avoidance Through Individual and Corporate Expatriation	6	139	526	1,343
Provisions Relating to Tax Shelters (including SILOs)	21	1,182	10,328	33,236
Reduction of Fuel Tax Evasion	21	625	4,380	9,138
Other Revenue Provisions	30	(1,335)	13,601	38,249
Total	79	965	45,246	131,165
Energy Tax Incentives Act of 2005				
Revenue Raising Provisions	4	2	1,491	3,028
Highway Reauthorization and Excise Tax Simplification (2005)				
Provisions to Combat Fuel Fraud	7	(10)	297	607
Gulf Opportunity Zone Act of 2005				
Interest Suspension Modification	1	50	50	50
Tax Increase Prevention and Reconciliation Act of 2005 (2006)				
Revenue Offset Provisions	14	104	3,086	21,787
Grand Total	107	1,730	51,475	157,942

Source: Finance Committee Staff summary of revenue tables prepared by the Joint Committee on Taxation

Mr. GRASSLEY. The legislation that contains these provisions spans years so they don't correspond on a year-by-year basis. The point here is to look at what Congress was able to accomplish over a 6-year period as evidence of what it might be able to accomplish over the 5-year window of the budget resolution. Some might say it is comparing apples and oranges, because the House was under Republican control during that period. But as we are seeing, Democratic control does not seem to have changed the allergic reaction of the House of Representatives to revenue raisers. Because during the markup, while the chairman of the Budget Committee was holding up his chart, as he did today, with a picture of a German sewer system that U.S. companies are claiming phony depreciation deductions on through abusive leasing transactions, the chairman of the Ways and Means Committee in the other body was holding a hearing and somehow sympathizing with lobbyists about how it is bad tax policy to shut off these tax benefits.

The most significant package of revenue raisers over this period was in the American Jobs Creation Act of 2004. I took a lot of heat on those revenue raisers, as shown in the Congressional Daily article entitled "Balance of Payments, A Closer Look at Tax Bill Losers." This article refers to the revenue raisers in the Senate passed JOBS bill as "the most significant rollback of tax loopholes since 1986."

I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALANCE OF PAYMENTS—A CLOSER LOOK AT TAX BILL LOSERS

By now we're well aware of the winners in the Senate's just-passed, $170 billion-plus, corporate tax cut package—they include NASCAR racetrack operators, Oldsmobile dealers and Learjet makers, as well as large manufacturers and multinational companies more generally.

But one almost-overlooked aspect of the bill—and perhaps the one that packs the most significant impact over the long term—is the number of losers the bill would create.

The insistence by Senate Democrats and a few dissenting Republicans that all tax cuts be balanced out by offsetting "revenue raisers" has given birth to a peculiar form of alchemy on the Finance Committee. The new tax breaks are offset by provisions shutting down tax shelters and closing a vast array of perceived "loopholes," which will raise upwards of $60 billion for the Treasury over 10 years.

Finance Chairman Grassley said the revenue offsets in his bill are designed to punish tax cheats and corporate criminals. The revenue-raising provisions, if they eventually become law, will be the most significant rollback of tax loopholes since the 1986 law that changed the passive loss rules, observers said. They include new, stiff penalties for failure to disclose tax shelter activities, codification of the economic substance doctrine and an end to abuses brought to light by the Enron scandal.

But skeptics in the House and on K Street believe some offsets are a product of panning in the revenue stream of the U.S. government for tax cut gold. The rocketing cost of Senate bill and the parallel drive to create money-saving offsets have led the Finance Committee to over-reach, they claim.

House Ways and Means Chairman Thomas criticized the Senate approach in a Q&A with reporters last week, saying that the Senate has the tendency to turn striving for revenue neutrality "into a mechanical exercise." He said this led to some situations in which "the revenue you are reaching for is not the same as the policy you are trying to cover."

The most significant piece in terms of the money it raises—$42 billion over 10 years—is provisions to curb abusive leasing transactions, under which taxpayer dollars have literally been used to help finance dozens of foreign and domestic infrastructure projects, including sewer systems and subways, while the large financial institutions that structured the deals raked in billions.

Almost no one in Washington argues that no legislation is needed to stop the abusive leasing transactions, but the way the Senate went about it has raised a few eyebrows. By moving back effective dates and other adjustments, GRASSLEY gradually expanded the scope of the provision to squeeze a greater number of transactions as tax cuts were added to the bill, making it more costly.

Particularly galling to some Republicans in the House and Senate was making the new curbs applicable to transactions entered after Nov. 19, 2003, which they argued makes the provision retroactive. But Senate aides said that was done to thwart a "rush-to-market" of promoters of the leasing transactions seeking to close deals under the wire.

"The fact that it was moved back continually to pay for various items might suggest that revenue had some kind of relevance," said Kenneth Kies of Clark Consulting, who lobbies on behalf of a coalition that wants the leasing benefits preserved.

Hill sources said THOMAS and other Republicans, including some from the Senate, would insist in an eventual conference committee that the Senate language making the leasing provisions retroactive to last year be removed.

Also stirring some controversy are new limits on the amount individuals could deduct for donating automobiles to charity. (Full disclosure: My 1991 Buick was worth a $950 deduction to me on my 2003 return. I went with the book value for "good" condition and wished the American Lung Association best of luck getting that much for it. Under the new rules in the Senate bill, I would have been able to deduct only what the charity reported to me was the actual resale price of the car.)

Most donated used cars are sold at auction, and charities for which car donations are an important part of their fundraising are arguing to lawmakers that it is unfair to limit taxpayer deductions to the liquidation price when many could fetch more for cast-off autos if they found a private buyer themselves.

Charities—including the National Kidney Foundation, the American Cancer Society and the American Lung Association—are shopping alternative language to House tax writers for inclusion in the House FSC/ETI bill.

Business sources say a provision tightening rules on deferral for income derived from contract manufacturing overseas is an example of where the Finance Committee reached for a revenue raiser without fully understanding the policy consequences. The provision was struck from the bill in the hours before final Senate passage.

"The folks that were advocating that as a possible revenue raiser—at a time when people were looking for revenue raisers—didn't appreciate the extent to which most of contract manufacturing is a completely legitimate, appropriate business strategy," said Dan Kostenbauder, vice president of transaction taxes for Hewlett-Packard. "This is not like someone found a fancy tax dodge."

Mr. GRASSLEY. Looking then at the 5-year numbers, Congress has enacted $51 billion of revenue raisers since 2001. That happens to be only about 6 percent of the amount that is needed to make the budget we are debating now work, without regard to any new relief which will also have to be paid for.

What other revenue raisers have been identified and scored? Because we are always looking for them, because we are always getting scores for them, there is always going to be some need for them. The President's budget, for instance, contained a package of 16 tax gap measures that the Joint Committee on Taxation scores as raising $5.7 billion over 5 years. We can see that figure reflected on this chart. The Democrats have identified raisers that amount to $35.6 billion. So we have $42 billion of identified and scored revenue raisers. Let's look at how that figure compares to the budget before us. That is only about 5 percent of the amount that is needed to make this budget work. Based on these facts, the likelihood that the Finance Committee, the tax-writing committee of the Senate, will be able to come up with revenue raisers of this magnitude is remote at best.

If that is the case, what will then happen? The revenue side of the budget will be ignored, but the spending side will be followed. The net effect will be a massive tax increase, a bigger deficit, or both. I am letting my colleagues know the revenue-raising well is about 5 to 6 percent full, not 100 percent full, as it would take to do it. If we look at the Finance Committee tax staff's aggressive record on revenue raising as a guide, we might be able to fill the revenue of this well a little bit more, but there is no way we can get to where this budget purports to go.

In conclusion, this budget represents a dramatic step backward for the American taxpayer. For the first time in 6 years, this budget is a barrier, not a path, for bipartisan tax relief for virtually every American taxpayer.

I have another chart that uses a farm analogy. We farmers are frequently visited by Canadian geese as they fly south down the Mississippi "fly-away" for the winter, and as they come north for the spring. Geese are not like chickens in that they do not hang around to lay eggs. Here is a chart with a goose on it. This chart shows that the budget guarantees a goose egg for tax relief.

City folks know the term "goose egg" means zero. For the first time in 6 years, that is what the American public is getting in guaranteed tax relief—a goose egg. That is what they are getting—zero, zip, nothing. So take a look at our track record. Take a look at the revenue offsets Senate Democrats have identified and scored. What you will see is a minimal amount, as the well chart showed. This budget, then, puts an unrealistic demand on the revenue offsets that are possible. The well of offsets cannot be filled to the level the budget assumes. It is so unrealistic as, in my judgment, to be fictitious. It means virtually every taxpayer gets a goose egg.

Now, for 6 years, we have heard the primary reason for partisan opposition to popular bipartisan tax relief is fiscal responsibility. Where is the fiscal responsibility on the spending side of the ledger in this budget? If you take a look, you will see that goose egg again.

So after 6 years of fiscal responsibility arguments, you would think if the American taxpayer was going to get a goose egg in tax relief, the party in power would show us more than a goose egg on the spending restraint side. Not so. As a matter of fact, spending goes up several hundred billion dollars.

As ranking member of the Finance Committee, I am sorry to say this budget does not even attempt to mesh the demands of the Finance Committee with the numbers in this budget. From my Finance Committee perspective, we might as well demand we have 60-vote bills. That is the only way you can ignore the budget resolution. There is no way for offsets of the size that is demanded here that are possible.

I hope deficit hawks on both sides of the aisle pay close attention. The only thing certain is new spending is going to occur. That is the only thing that is going to happen. The deficit impact of not realistically dealing with the tax, trade, and health policy priorities of the Finance Committee disguises the deficit built into this budget.

I am going to have more to say on this disconnect between the Finance Committee policies and this budget as we continue this debate in coming days. Today, I merely wished to show the Senate how the numbers on the revenue side do not work. As we take up amendments, I am hopeful we can make this budget mesh with what is possible for the Finance Committee to do and the policy demands before that committee.

I also wish to discuss another thing that is going to be heavily discussed, in fact to some extent has already been discussed with this budget; that is, the sources of revenue the chairman of the Budget Committee claims will help offset the 5-year $916 billion cost of extending existing tax policy. That happens to be something I like to talk about because I like to do things in this area—shutting down offshore tax havens.

I have been aggressive in combating abusive tax shelters offshore and otherwise. As chairman of the Finance Committee, I worked hard to shut down offshore tax evaders. I already referred in my remarks today to the 2004 JOBS bill, shutting down the tax benefits for companies that enter into corporate inversion transactions and abusive domestic and cross-border leasing transactions.

Mr. GREGG. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. GREGG. On the issue of loopholes, the Senator is a leading expert in this Chamber. Mr. CONRAD, the Senator from North Dakota, the chairman of the committee, has, on a number of occasions, said as to offshore tax planning, when you go on Google and put in "offshore tax planning," you get 1.2 million hits on Google for sites you would go to to find out how to game the tax system.

I was wondering if the Senator was aware, when you put "Democratic tax increases" into Google, you get 1.5 million hits.

Mr. GRASSLEY. Well, I could imagine so because they are a party that enjoys increasing taxes. So I can understand that.

Mr. GREGG. I thank the Senator for answering the question.

Mr. CONRAD. Will the Senator yield for a question on this issue?

I was going to ask the Senator, was this on the Republican National Committee Web site?

Mr. GRASSLEY. Of course not. It is on the real Web site.

Well, I referred to this 2004 JOBS bill before in my remarks, shutting down the tax benefits for companies that enter into corporate inversion transactions and abusive domestic and cross-border leasing transactions.

The JOBS bill also contains a package of 21 antitax shelter provisions. That has been law since 2004.

As ranking member of the Finance Committee, I saw to it that the minimum wage and small business tax relief package also contained antitax loophole provisions—and that stuff is still before the Senate—including shutting off tax benefits for corporations that inverted after Senator BAUCUS and I issued a public warning that legislation would stop these deals, shutting off tax benefits from abusive foreign leasing transactions that were not caught by the JOBS bill, and doubling penalties and interest for offshore financial arrangements.

But again, I refer to the Democratic chairman of the tax-writing committee in the other body, the Ways and Means Committee, who does not appear to be supportive of these provisions based upon a hearing he had last week, even though—even though—the same Member of the other body voted for many of them in the public JOBS conference in 2004.

So having studied these issues and having legislated in this area, I consider my views on tax policy directed at tax shelters and tax havens to be credible. From what I can tell, the distinguished chairman of the Budget Committee in the Senate views the problem of offshore tax havens in two categories: One, the ability of U.S. multinationals to shift income to these tax havens; and, two, tax evasion by U.S. individuals who hide assets and income in tax havens.

We have seen Democratic Senators, including the chairman of the Budget Committee, hold up a picture of the Ugland House, a law firm's office building in the Cayman Islands, as home to 12,748 corporations. I would like to give Senators some background on where that picture comes from and at what issue it is aimed.

That picture comes from an article published in Bloomberg Markets in August 2004, and it is titled "The $150 Billion Shell Game." The article focused on the ability of U.S. multinationals to shift income to low-tax jurisdictions through transfer pricing. Transfer pricing is a term for how affiliated corporations set the prices for transactions between them. Transfer pricing is important because it determines how much profit is subject to tax in different jurisdictions involved in related party transactions.

The $150 billion figure is an academic estimate of the annual amount of profit that corporations shift outside the United States with improper transfer pricing. That is what the $150 billion figure is. Let me make that clear. It is an estimate of the annual amount of profit that corporations shift outside the United States with improper transfer pricing.

So this article is aimed at U.S. corporations that artificially shift their income to low-tax jurisdictions through improper transfer pricing practices. To illustrate this point, I have produced a few quotes from that article. The first one says:

> Under U.S. law, U.S. companies can use Cayman subsidiaries and transfer pricing rules to shift sales and profits from other countries, thus reducing their overall tax burden.

Another quote:

> A practice called transfer pricing may be the key to how U.S. corporations avoid taxes in the U.S. and other countries.

That last quote is from my colleague, the Senator from North Dakota, Mr. DORGAN.

One of the Democrats' revenue raisers, then, that is still on the shelf purports to target this transfer pricing problem. But you would not know it by looking at the language of the proposal because it does not make any changes to our transfer pricing rules. Instead, the proposal would eliminate deferral for income of any U.S. multinational's foreign subsidiaries incorporated in certain black-listed jurisdictions. It is called the tax haven controlled foreign corporate proposal. I am going to call it CFC for short.

Part of our Tax Code since 1918, "deferral" means that U.S. multinationals do not pay tax on active income of their foreign subsidiaries until that income is repatriated to the United States. Passive income is subject to tax on a current basis. Deferral only applies to active income.

I agree with the premise of this proposal that U.S. multinationals should pay their fair share of U.S. taxes. U.S. multinationals that use improper transfer pricing do so to obtain the benefits of deferral on profits that, economically, should be subject to tax in the United States on a current basis. Here is my quote from the Bloomberg article:

> We have to get on top of corporate accounting and manipulation of corporate books for the sole purpose of reducing taxes.

Nobody is going to disagree with that.

So my view is that stronger transfer pricing rules and stronger enforcement of those rules is the right way to target this problem in our current international tax system. The Internal Revenue Service is taking steps to tighten our transfer pricing rules.

In 2005, that agency proposed regulations that would overhaul the rules for so-called cost-sharing arrangements. These are arrangements by which U.S. multinationals are able to transfer intangible property to subsidiaries in low-tax jurisdictions. Based on the volume of complaining I have seen lobbyists level at the Treasury and the IRS, the proposed IRS regulations would go a long way to prevent artificial income shifting. I hope to see these regulations finalized very soon.

Others have different views. They would eliminate deferrals altogether. So another quote in the Bloomberg article succinctly states this view. This is a quote from Jason Furman, a former aide to Senator KERRY of Massachusetts. It says:

> American companies should pay taxes on their profits in the same way whether they earn them in Bangalore or Buffalo.

Now, that might sound simple enough, but that is where these proposals to eliminate or curtail deferrals on a piecemeal basis are headed—headed in a way that is going to be harmful, to completely eliminate deferral for U.S. multinationals. Without a significant corporate tax rate reduction—and I would be in favor of doing that—eliminating deferrals would have the effect of exporting our high tax rates and putting U.S. multinationals at a competitive disadvantage in the global marketplace. When I said I would be in favor of reducing our corporate tax rates, that is because other countries are doing it and if we don't soon do something along that line, we are going to lose a lot of business and particularly a lot of manufacturing here in the United States.

The Senate is on record as wanting to protect the competitiveness of U.S. businesses in the global marketplace. That is what the American Jobs Creation Act of 2004—an act I referred to several times today which contains several international simplification provisions, and with a vote of 69 Senators, including 24 Democrats, we passed that bill. The Senate version of the JOBS bill passed with a more bipartisan majority—92 Senators, including 44 Democrats.

There has been a longstanding debate about whether our international tax system should be fundamentally changed. Some advocate taxing all foreign income on a current basis; others argue for completely exempting active foreign income under a territorial system, as many of our trading partners do. If we want to have that debate, that is a very fair debate to have, but piecemeal cutbacks on deferral for active foreign income would do nothing but complicate the Tax Code and create opportunities for tax planning around those cutbacks.

The other offshore issue identified by the chairman of the Budget Committee is U.S. tax evasion by individual taxpayers who hide their assets and income in foreign bank accounts and foreign corporations. Since 1913, our Tax Code has subjected U.S. citizens to taxes on their worldwide income. No matter what the Internet purveyors of tax evasion say, this principle cannot be avoided by putting passive assets and income into a foreign corporation. The Tax Code has rules to prevent this. Taxpayers who do that willingly violate these rules and, of course, are guilty of tax fraud and, in some instances, may even be guilty of criminal fraud.

So the problem of offshore tax evasion isn't that our laws permit it; the problem is there are some taxpayers who are intent on cheating, intent on hiding their income from the Internal Revenue Service. The Service has been successful in catching many of these, but more can be done, and I will help do it.

The Service has difficulty detecting tax evasion and obtaining the information necessary to enforce our laws. One important tool for the IRS is information exchange with other jurisdictions. Our double tax treaties contain an article on information exchange designed to help the IRS obtain quality information to enforce our tax laws. In addition, administrations past and present have entered into over 20 tax information exchange agreements with jurisdictions that are often referred to as tax havens. Sensible solutions to this problem should aim to improve on our tax information exchange network and not put it at risk.

Underreported income is the largest piece of the tax gap. We should keep in mind that hiding assets and income from the IRS isn't just an offshore tax haven problem; it may also be an onshore problem. A recent article in USA Today noted that there is:

> A thriving mini-industry that has capitalized on real or perceived gaps in domestic incorporation laws and virtually nonexistent government oversight to promote some U.S. States as secrecy rivals of offshore havens.

The picture of the Ugland House in the Cayman Islands makes for good grandstanding, yes, but there are also office buildings in some States that are listed as addresses for thousands of companies which are incorporated in those States for similar reasons as corporations may be incorporated in the Cayman Islands; that is, secrecy of ownership and a permissive regulatory environment.

Whatever additional solutions the Finance Committee comes up with to shine sunlight on tax evaders will need to consider both offshore as well as onshore evasion.

To conclude, I wish to emphasize that I am all for shutting off inappropriate tax benefits from offshore arenas. The chairman has said he thinks we could get $100 billion a year from this source. I haven't seen any proposals scored by the Joint Committee on Taxation that come even close to bringing in that kind of money. The last score I have seen for the tax havens CFC proposal is $7.7 billion over 5 years. Senators LEVIN, COLEMAN, and OBAMA have recently introduced a bill which contains several proposals aimed at offshore tax havens, but I haven't seen a Joint Committee on Taxation score on it yet.

So once again, it will be the Finance Committee's responsibility to come up with real, sensible, effective proposals to combat offshore and onshore tax havens, and I am glad to do it, as I have over the last several years. But the likelihood that they will be scored by the Joint Committee on Taxation to bring in the kind of money assumed in this budget resolution is remote at best, and it borders on, I believe, blue smoke.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, first of all, I have previously commended publicly the former chairman of the Finance Committee for the work he has done in this area, and I wish to commend him again because I consider him an ally in this effort and somebody who has been serious about going after tax havens and somebody who has been serious about going after abusive tax shelters. In fact, I have even quoted him, and let me quote him again. Here is what he said last year at this time on the Senate floor:

> Just in the period of time since 2001, our committee has raised around $200 billion in new revenues by shutting down tax shelters, by closing inversions, and other abusive tax schemes.

I believe that is the case.

Continuing:

> Now, just in the year 2004 alone, the Finance Committee fully offset a $137 billion tax bill at no expense to the American taxpayers.

Mr. GRASSLEY. Those are 10-year figures.

Mr. CONRAD. I understand, 10-year numbers. But we are talking about 5-year numbers of $439 billion. Let me say, if they can do that, these extraordinary numbers, and we combine not only tax gap with tax havens and with abusive tax shelters, I believe we could easily get that $439 billion. Again, the President said his budget would produce $14.8 trillion in revenue. We are saying $15 trillion. That is a 1.2-percent difference.

Finally, this is from the Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year.

I rest my case.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I know the Senator from Massachusetts is waiting patiently, and I just have a couple of quick questions I wanted to ask the recent chairman, now ranking member, of the Finance Committee, who I think is regarded as an expert in the area of how we get at these people who are avoiding our tax system. He has obviously studied this issue.

Could the Senator from Iowa give us his thoughts as to how much you could raise relative to loophole closing that is legitimate—I mean versus a stated number, which can always be fairly high? But what is the real number one could actually generate over the next 5 years, in the Senator's experience and as a result of his studying this issue?

Mr. GRASSLEY. I am glad to answer that question because I think, if you look at what this budget assumes, raising this much money—

Mr. GREGG. Madam President, $434 billion minimum; $900 billion, actually.

Mr. GRASSLEY. I think it is about like this, maybe $30 billion, $35 billion at best.

Mr. GREGG. That would be a 5-year number?

Mr. GRASSLEY. Five-year number, yes.

Let me say, if I could raise the amount of money which is assumed to be raised here, I would have done away with the alternative minimum tax a long time ago because you need that kind of offset to get that job done over the long haul.

Mr. GREGG. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the Senator from Iowa is much too modest. I have much greater confidence in his abilities and the abilities of the other members of the Finance Committee—a committee, by the way, on which I serve—to do far better.

Look, we are talking about a tax gap over this period alone of $2 trillion. Fifteen percent of that would be $300 billion. I don't know if we can get that amount, but I would say to the Senator, when we put it all together, when we put together the tax gap, tax havens, tax scams, abusive tax shelters, there is a ton of money there. Just in this offshore area alone, another committee of Congress, the Investigations Subcommittee, says $100 billion a year is being lost.

There is a lot of money here, without any tax increase to anybody, just collecting—let me just give one other example—this is very interesting—on compliance. If we were able to increase our compliance from 86 percent to 89 percent, we would raise the total amount of revenue that is in the budget I have proposed. Again, the President said his budget would raise $14.8 trillion. Here is what he said. He said his budget would raise $14.8 trillion. My budget raises $15 trillion. That is a 1.2-percent difference.

Civilization is not going to end if we do a better job of collecting the revenue that is due. Civilization is not going to end if we successfully go after these abusive tax shelters. We can do this. We need a lot more confidence in ourselves. We need to be a little optimistic. You know what. America can do this. We can do this.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I am sorry to delay the Senator from Massachusetts, but it is only because the Senator from North Dakota has delayed him.

It is important to note that the IRS Commissioner testified before the Budget Committee. He said the most we could probably recover over the next 5 years over and above what they have already recovered—because they believe they have done a good job of expanding their actions in this area for owed but uncollected taxes—the most in the last year would be $20 billion, and the most over the entire period would be somewhere between $30 billion and $40 billion. That is the tax gap. There is no $400 billion sitting there.

The Senator from Iowa, who is the expert in the area of these offshore activities, how you get to them, how you can structure better ways to get to them, has said—and I think in a very commonsense way, common sense being one of the things he is most respected for around here—if these type of dollars were available, he would have gone after them in order to take care of some other issues that are very important, such as the AMT.

So I have referred to this budget as the budget from the Land of Oz because somewhere behind the curtain, somebody is supposed to develop all this money. Regrettably, there is probably no curtain and nobody behind it, even though the Senator from Iowa would probably be as close as you could get around here to somebody who has that sort of wizardry. He cannot produce and his committee cannot produce the type of dollars that are being proposed here unless you raise rates.

I would ask the Senator from Iowa if he does not agree with that assessment and if he has any further comment on this issue.

Mr. GRASSLEY. I agree, yes. I emphasize that we are told by the chairman of the Budget Committee time after time that there is no tax increase in this budget. But if you do nothing—and doing nothing is not an excuse to have the biggest tax increase in the history of this country go in without even a vote of Congress. If you are going to raise taxes, you ought to at least vote them up, it seems to me, so you can be held responsible. It seems to me to be very irresponsible to say that you can have the biggest tax increase in the history of the country and not think you can do economic harm and strike a blow against economic freedom for individuals.

Mr. CONRAD. Madam President, when they make this Wizard of Oz reference, I do remember words from the Wizard of Oz: brains, courage, and heart. That is what we need here. I believe we have the brains in this country to go after a tax gap that is well over $400 billion a year now. That is $2 trillion over 5 years, and it should return substantial money to the Treasury of the United States. I believe we can go after these tax havens that another committee of Congress has said are running a revenue loss to this country of $100 billion a year. I believe we can shut down these abusive tax shelters that have the spectacle of wealthy investors in this country buying European sewer systems and depreciating them on their books so they hold down their U.S. taxes and then lease them back to these foreign enemies.

Come on. We can't capture 15 percent—15 percent—of the tax gap and the tax haven abuses and the tax shelter scams? We can't do that? Well, if we can't, they ought to get a new bunch in here. They ought to get a bunch of new Members of the Senate and the Congress of the United States. If we can't increase the compliance rate from 86 to 89 percent, they ought to get some new Senators in here. They ought to get some new Congressmen in here to get the job done, because that is a job the American people deserve to have accomplished.

Mr. GREGG. Madam President, I appreciate the enthusiasm of the Senator from North Dakota for his theory that you can get $434 billion from behind the curtain, but we have to at least acknowledge the fact that experts in this area, including the Commissioner of the IRS, the former chairman of the Finance Committee, the present ranking member of the Finance Committee, have all said you can recover some dollars here, but that type of pot of gold is not there.

The yellow brick road the Senator wishes to follow, and which his bill is basically forcing us to follow, will increase taxes by $900 billion, and we know where it is going to come from. It is going to come from raising rates, raising rates on American workers and Americans generally. There is no other place to get it.

If that were not the case, then we wouldn't have structured within this budget, or he would not, or the Democratic Party would not have structured within this budget all these mechanisms to absolutely guarantee that rates have to be raised. Point of order after point of order after point of order makes it virtually impossible to maintain rates where they are.

You can throw up the smokescreen of, well, we are going to get it from here and there, but we are not going to get it from the place that is obvious. Well, if it looks like a duck and walks like a duck, it must be a duck, and the duck here is that tax rates are going up.

Mr. CONRAD. Madam President, look, this isn't that hard. The President said in his budget he was going to raise $14.8 trillion. In my budget, I say $15 trillion. That is a 1.2 percent difference. I don't believe for a minute that we can't raise that difference by going after these abusive tax shelters, these offshore tax havens, this looming tax gap. The tax gap alone is going to be well over $2 trillion over these 5 years—$2 trillion.

It seems to me it is very clear. I used to be a tax commissioner. I have audited the books—Senator DORGAN and I are perhaps the only ones here who have audited the books and records of companies operating on an international basis. I went to my legislature and told them I would produce this kind of additional revenue if they would increase my budget. They did, and I did.

I know this can be done. This isn't an imagining to me. I have done it. Senator DORGAN has done it. We have actually checked the books and records of companies. We have found extraordinary sums of money for the little State of North Dakota. My goodness, if it can be done for North Dakota, it can certainly be done for the United States.

Mr. DORGAN. Madam President, will the Senator yield for a question?

Mr. CONRAD. I will yield.

Mr. DORGAN. I have listened with interest for the last little bit while my colleague from Iowa was on the floor. It appeared to me he was defending some of these tax breaks. I couldn't quite figure that all out, but I will ask the Senator, who is the chairman of the committee, is it true you are having trouble convincing people, or are we having trouble convincing people that having Wachovia Bank buy a sewer system in Germany for the purpose of reducing their U.S. income tax burden is a bad idea?

If the Senator from New Hampshire wants to talk about where we would get some additional revenues, maybe we could start now a dollar at a time. Let's take at least the first dollar and decide that U.S. companies that buy and immediately lease back sewer systems, streetcars, or city halls in foreign countries, or in this country for that matter, for the purpose of depreciating an asset that otherwise wouldn't be depreciable, for the purpose of reducing their U.S. income taxes and agree that is a bad idea. Let's shut it down. Let's decide today, on Tuesday, that is over. Can we at least agree on that piece? If so, my colleague Senator CONRAD has us on the road to at least beginning piece by piece to putting the system together to get the revenue we need. This is not about raising taxes, it is about asking those who ought to be paying taxes to start paying them.

I have been on the floor talking a lot. In fact, the chart my colleague is putting up now—and David Evans, who is a very enterprising reporter from Bloomberg put this story together—states that 12,748 companies exist in that one five-story building on a quiet little street called Church Street in the Cayman Islands. They are not in that building, of course. It is a legal fiction to allow them to reduce their U.S. tax burden.

I ask my colleague Senator CONRAD, are we having a hard time convincing our colleagues of these simple baby steps we ought to be taking to get the revenue people ought to be paying without allowing them to depreciate foreign sewer systems, for gosh sakes?

Mr. CONRAD. Madam President, I will tell my colleague that I have a picture of a foreign sewer system that was handled in precisely that way. U.S. investors bought a foreign sewer system and depreciated that on their books in the United States for the purpose of reducing their taxes in the United States, and then they leased it back to the foreign government that built it in the first place. Look, here is the building in the Cayman Islands, home to the 12,748 companies.

Here is the work of another committee of the Congress that points out we are losing $100 billion a year in that kind of scam. Our country is losing $100 billion a year. Our friends on the other side of the aisle will say, oh, there is nothing we can do about it. Sure, there is something we can do about it, if we have the brains, the heart, and the courage. That is Wizard of Oz.

Mr. DORGAN. Madam President, if the Senator will yield for one additional question.

What I want to do is come tomorrow to the floor and spend a little time responding to what was offered today by the Senator from Iowa on deferral, transfer pricing, and a whole range of things on those tax issues. If I can arrange with my colleague to do that tomorrow, I also have a picture of several sewers, actually.

Mr. CONRAD. How is this one?

Mr. DORGAN. I don't have that picture, but I have several pictures of several sewers owned by American corporations, not because they are in the sewer business, not because they like sewers, not because they have some sort of attachment to sewers, but because they do not want to pay U.S. taxes, so they buy a sewer system and depreciate it. I also have pictures of streetcars and rail cars and a picture of a city's 9/11 emergency response system sold by the city to a private investor in order that the private investor could depreciate it and, therefore, reduce their taxes.

Now, whether it is the 9/11 emergency response system, sewer systems, or city hall—and I have pictures of city halls I will show tomorrow as well, that have been purchased and leased back—all of these are scams, and they ought to stop. No, they ought not stop gradually. That is not the way you stop this addiction. You shut it down, right now.

I understand there will be people coming to the floor of the Senate saying: You can't do that. You have to be competitive. That is such a load of nonsense. You don't have to be competitive in these kinds of escapes from the reality of having to pay taxes you rightfully owe on your income.

I say to my colleague Senator CONRAD that I wish to come tomorrow at a time we can conveniently arrange and talk about these issues of deferral, transfer pricing, and SILOs and LILOs and so on.

Mr. CONRAD. Maybe we need to spend the whole day tomorrow.

Mr. DORGAN. That would be fine, because I have a lot to say. If we can't take the first baby step in shutting down this sort of perversity, there is nothing more pernicious in the Tax Code, and nothing more perverse to common sense than this sort of nonsense. So I wish to come talk about it tomorrow. Perhaps we could get a majority in this Chamber to say, yes, you know what, people ought to pay their taxes, corporations ought to pay their taxes, and they ought not own foreign sewers in order to avoid paying U.S. taxes. It is very simple.

If someone on the other side would call that a tax increase, I would say it is actually increasing the tax paid by those who should have paid more, but that is a different kind of circumstance, isn't it? So I want to talk about that tomorrow, and I thank my colleague, Senator CONRAD. He is steeped in experience in these areas, and he is right. I think it is a wonderful opportunity, finally, because we don't have quite enough opportunity in some of the committees, to finally on the floor of the Senate begin exposing this.

This exposure is very important so the American people understand who is paying the taxes and who isn't. One of our primary responsibilities is to say to those who aren't, you apparently want all the benefits of being an American except the responsibility of paying your fair share of taxes to this country. Senator CONRAD says it should stop, and so do I, and I look forward to being back on the floor.

Mr. GREGG. Madam President, I am uncertain if he is the junior or senior Senator from North Dakota, but will he yield for a question?

Mr. DORGAN. Senator CONRAD has the time.

Mr. GREGG. Will the Senator from North Dakota allow me to ask a question of the Senator from North Dakota who just made a passionate statement?

Mr. CONRAD. I will be happy to yield for a question.

Mr. GREGG. Madam President, I wish to ask the Senator from North Dakota whether he supports an extension of the tax rates relative to capital gains, No. 1; relative to dividends, No. 2; relative to highest rate, No. 3; and relative to the rates regarding the death tax, or some modification of the death tax in years 2011 and 2012, No. 4.

Mr. DORGAN. Madam President, I say I don't do four-part questions. I will be glad to answer the first, however.

I happen to believe a tax code ought not penalize work and reward investment. I happen to believe those in this Chamber who have perverted the Tax Code that says if you work, you get penalized, because you pay taxes, but, by the way, if you don't work and get to clip coupons, if your income comes exclusively in dividends and capital gains, guess what, you are in luck because this Chamber thinks you don't have to pay taxes.

So, do I believe at some point we ought to recognize working people in this country and recognize they ought to be paying taxes in a fair way? Yes, I believe that strongly.

I observe, however, that the Senator from New Hampshire changed the subject. The subject, of course, was sewer systems, foreign streetcars, foreign city halls, and the sale of 9/11 emergency systems of an American city for the purpose of avoiding taxes by corporations that want to purchase them. That is a subject about which I wish to visit.

Mr. GREGG. Madam President, not only did I not change the subject, I went to the essence of the issue. I have heard the Senator from North Dakota many times on this floor rail against the tax cuts that were put in place that generated this economic recovery. He has railed against capital gains, dividends, and the highest rates. This budget, as it is presently structured, can only accomplish its goal of raising the largest tax increase in history if it significantly raises rates.

The representation was made here that the Senator from Iowa was somehow supportive of people who are inappropriately gaming the system. It is the opposite. His statement was all about how you address that, and how he has addressed that, and how he intends to continue addressing that. But he also was concise in his conclusion in saying that the most you can get from addressing that in a realistic sense is somewhere around $30 billion or $40 billion.

The head of the IRS, whom we also want to have all the resources he needs—in fact, in the budget last year we gave him all the resources he felt he needed in order to expand recovery from people who owed taxes and were not paying them—has said the most he is going to be able to get in a 5-year period is probably $30 billion.

So there is a huge issue of credibility here when there is a tax increase in revenues of $450 billion to $500 billion, half a trillion dollars over the President's number, and the only items that can be pointed to that you are going to cover that with are less than $70 billion, probably, or $80 billion. So you have $400 billion or $350 billion of new revenues that have to be generated somewhere. Ironically, that happens to be almost exactly the amount of increasing the rates to the levels that the Senator from North Dakota seems to want on income taxes, dividends, capital gains.

It does not pass the commonsense test of, when a party ran for reelection, got reelected—obviously, international affairs had a lot to do with it, but a lot of that campaign was based on the desire to repeal the tax cuts the President put in place, especially on income—and then comes to the floor of the Senate with a budget that raises taxes by an amount which is essentially equal to the raising of the income tax rates, it does not make sense to deny that the income tax rates are going to be the source for most of those revenues. Sure, we will get some money from the tax gap. Sure, we will get some money from a more aggressive approach on loopholes—which everyone wants to do but nowhere near the dollars needed in order to cover the obligations of this budget which assume the biggest tax increase in history, which clearly is going to come from raising rates.

I just find it unfortunate that people are not willing to say what is going on here. Why is the Senator from North Dakota—the junior Senator or senior Senator, I am not sure—Senator DORGAN, why isn't he willing to simply say: I am for raising these rates, and admit to it?

Mr. DORGAN. If the Senator will yield for a question?

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. GREGG. I am willing to yield for a question.

Mr. CONRAD. Is this on the time of Senator GREGG?

The PRESIDING OFFICER. No.

Mr. CONRAD. Would the Senator answer this question on your time?

Mr. GREGG. I certainly would, as long as the question is brief and concise.

Mr. DORGAN. Very brief. Senator KENNEDY is waiting. I would point out, given all this revenue consternation, I know where there is $104 billion. That would have been the tax paid on that amount that was repatriated that my colleague and some of the others offered a 5.25 percent income tax rate to recently. They said to the biggest enterprises in the country: If you have done business overseas, you bring that money back, and we will give you a 5.25 income tax rate. No other American gets to pay that low a tax rate. But the result was about a $104 billion giveaway.

So I know where there is some revenue perhaps. I wish we had been quite as concerned about revenue back then when it was given to the largest companies in the country.

Mr. GREGG. I reclaim my time because that obviously was not a question. It was a rhetorical question at best, probably not even that.

Senator KENNEDY has been very patient. I hope the Senator from Massachusetts would note that I was the only one who, on a number of times, prefaced my remarks saying I wished to hear from the Senator from Massachusetts and did not just take his time willy-nilly. I think we should turn to the Senator from Massachusetts.

Mr. CONRAD. How much time does the Senator from Massachusetts need?

Mr. KENNEDY. Fifteen minutes?

Mr. CONRAD. I only have 4 minutes left on our time.

Mr. GREGG. How much time do we have left on our side?

The PRESIDING OFFICER. The Senator from New Hampshire has 14½ minutes and the Senator from North Dakota has 2½ minutes.

Mr. CONRAD. I ask unanimous consent to extend for 15 minutes on each side, so 30 minutes total, and 15 minutes given to the Senator from Massachusetts, who has been extraordinarily patient.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I thank the two leaders for their kindness and their consideration, permitting me to speak on the budget. I welcome the opportunity to participate in the opening discussion of this debate, particularly as it centers around national priorities. I do think, quite frankly, we rarely see the contrast so clearly as in the recent debate and discussion on the Senate floor between those who want additional tax reductions for wealthy and powerful groups and those who are really interested in the agenda and the priorities of working families and middle- income families who are primarily concerned about the future of their children, health care for their children, and education for their children.

Certainly they are concerned about veterans; all of us are. I commend those who have spoken very eloquently this afternoon about how this budget reflects our priority to address the needs of our veterans.

I would like to take a few moments—and will the Chair let me know when I have 5 minutes left, please, Madam President—to talk about the priorities that have been included in this budget that Senator CONRAD has mentioned, and why it really ought to gain the support of the majority of the American people. This really represents the people's agenda and the people's priorities.

There is a very important commitment in this budget to the children of this Nation, in terms of their education and in terms of their health. I will speak this evening on those two issues. There are other matters of the budget which are important, and perhaps I will speak about those at another time.

I take pride that an ancestor of our State, John Adams, was the one who identified the importance of education for this Nation. He did so in 1780, which was the year the Massachusetts Constitution was passed. It was passed 7 years prior to the Federal Constitution. In that document is the most elaborate commitment of any constitution in this country. But just about every other State has, basically, copied language similar to the language in the Massachusetts Constitution—that commits the people in that State and in this country to quality education for young people.

We have seen the progress that has been made since that time. In 1837, Horace Mann campaigned relentlessly for the support and improvement of public schools. He reminded us that a free and public education was vital to our future. At the turn of the last century, we expanded from the early grades and founded public high schools to enable the nation to move forward. We have seen the extraordinary progress that was made with the creation of the land grant colleges. In the height of the Civil War, Abraham Lincoln signed the legislation into law and made a commitment on behalf of this Nation to the education of the children of our country. Time and again, when America was faced with challenges, we responded by strengthening education.

We did it once again when the Russians sparked the Space Age with the Sputnik launch. We came together as a nation and doubled the education budget.

There are those on the other side who say: You can throw money at an issue, and it doesn't solve all the problems—and that is true. But a clear indication of national priorities is whether we are going to invest in education. There are many reasons to do it. Obviously "for the benefit of the child" is the best reason. Obviously "so we will have a well-educated, democratic society" is important. Obviously, "so we can have well-educated individuals to compete in a global economy." And, obviously, "because we need well-trained, intelligent individuals to serve in the Armed Forces of our country." For all those reasons and more we need strong investment in education.

We are facing a global challenge around the world. It is fair to ask: What has this budget done with regard to education?

All you have to do is to look at the contrast between this budget and what has happened over the period of recent years under Republican control. This column on the left of this chart is the 5-year cumulative increase in funding for K–12 programs, specifically for No Child Left Behind and the Individuals with Disabilities Education Act, from 2003 to 2007—the five-year increase is $4.7 billion.

Over here, we see this year's Democratic budget—a $3.8 billion increase in one year alone. This is a commitment to education, and it is extremely important. It is essential.

We hear a great deal about the commitment we made to our children in the No Child Left Behind Act. But the Administration and Republican Leadership in Congress have failed to keep their promises about funding the law, and today we are leaving 3.7 million children behind.

I have said many times that when we passed Social Security, we enrolled everyone who was eligible in the Social Security system. In Medicare, we said we wanted to cover all the elderly, and today, everyone who is eligible is included in Medicare. So when we said No Child Left Behind, I thought we meant that no child was going to be left out and left behind. But the reality is that 3.7 million children are being left behind today. The challenges that schools are facing are real, and the idea that we are leaving these children behind is completely unacceptable.

There is a simple comparison. If this had been our approach when President Kennedy said we were going to go to the Moon, we would have spent the money to get our rockets together and we would have sent people to the Moon. They would have landed on the Moon and gotten halfway back, and then we would have pulled the funding. Today, 3.7 million children are not receiving the resources we promised.

If you look at other indicators like what's happened with rising college costs and stagnant student aid, you see the same picture. If you look at the gap between the increased cost of attendance at a four-year public college and the maximum Pell grant, you see that the gap has gone up and up and up as the Pell Grant has remained effectively flat. Every middle-income family understands the explosion of the costs of college and the 5.3 million children who depend on the Pell grant have been faced with this crisis. But earlier this year, under the joint funding resolution, Democrats increased the Pell grant for the first time since 2003. With this budget, we're going to build on that, and for the first time in the last 5 years, we are going to extend a helping hand to children who are talented, who have been accepted into schools and colleges of this country. Each year, 400,000 college ready students do not go on to a four-year college. Families and students need this kind of help and assistance to make college a reality.

This budget is about children. It is about education. It is about national security. It is about our economy, and it is about our ability to compete in a global economy.

This budget will allow us to increase the maximum Pell grant to at least $4,600. It will also help us do even more for struggling students and families. We are going to continue our work to cut the student loan interest rates. We are going to cap student loan payments at 15 percent of discretionary income. And we are going to have a loan forgiveness program for individuals in public sector jobs. We want the middle class and working families to know: If you are concerned about the costs of your children's education, this budget is going to provide help and assistance to you. Make no mistake about it.

On another issue, health care, we have also made enormous progress through the years. Probably the most dramatic, I believe, was the progress made under President Lincoln at the time that he made that magnificent speech, saying we cannot lose sight of our responsibilities to the widows and the orphans of the Civil War.

And we began the process.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. KENNEDY. So we started the process toward taking care of those who have served in our country. Then we saw the need that we had after the Second World War. We said we are not going to have a whole generation that brought us out of the Depression and fought in the war live, effectively, without any kind of health care coverage. We had passed Social Security in the 1930s. Then we passed the Medicare program in the 1960s.

In 1965, we started the community health care centers program. Today there are more than 16 million Americans who get their health care through that extraordinary program. In 1997, this body, in a bipartisan way, passed the CHIP program. We have seen the remarkable growth, in terms of covering children. This is about children of working families.

If you go up to 300 percent of poverty, you are talking with a family of three, about $49,800 a year. That is not an enormous income. For families with even one or two children, the cost of health insurance is virtually out of sight. In Massachusetts the children of these families would be covered by the CHIP program.

This program has been a remarkable success—some 6 million children have been included, but we know there are 9 million who are not.

Under the President's budget, these red States on the map are the States that would effectively have to drop children in 2007. Down here in Georgia, even my State of Massachusetts and the State of Maine.

If we continue like that in 2008, look at the growth of the number of States that would be dropping hundreds of thousands of children. If you continue with the Republican budget, you virtually emaciate that program in terms of covering children.

But under this budget that is different. We are committed to making sure that the children of this country who don't have health coverage will be able to benefit. In this budget, $50 billion over 5 years is committed to making sure that all of the children of working families are going to be able to get the health care coverage they need. This means they are going to listen and learn when they go to school because they will have had the health care that they need.

This means they are going to grow up strong and healthy. This is our commitment to the children of this Nation. It is our commitment to the children of working families. We say this is a priority in this budget. We say children are a priority, and we are committed to making sure that the young children of this Nation are going to grow up strong and healthy, and we commit to them that they are going to have the educational opportunity they need to be successful.

That is the priority.

Anybody who watched this debate this afternoon would say one side has been talking about tax loopholes, talking about how this budget is going to increase their taxes. We are talking about a responsible budget that is going to have children as its priority. I hope when the time comes that it will have the kind of broad support that it deserves.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, before I yield to the Senator from Colorado, I wanted to talk about the education funding because it is important for us to understand that this President increased the funding for education more than any other in history as a percentage and in total numbers: a dramatic increase in funding for education; IDEA is up dramatically; No Child Left Behind funding, which was originally title I funds prior to our passing No Child Left Behind, up dramatically in the budget he sent up.

He increased those accounts one more time by $1 billion for No Child Left Behind. Granted, we cannot and do not intend, and do not think it is good, to outbid Senator KENNEDY on issues of spending. We are not even going to try. But the fact is, we have made a very substantial commitment to education funding under this Presidency and a substantial commitment to education generally.

I want to talk about Pell grants because that is another area where we have done dramatic work. Senator KENNEDY says Pell grants have held steady. Well, actually they have gone up. In fact, because the President put in place a program last year, which we paid for, we now have Pell grants, if you qualify for the Smart Program, which deals with math and science education, and you pursue those courses that we think are important to our culture and we do not have enough people pursuing, you can get Pell grants literally jumping up to $8,000 a year, a significant expansion of the Pell Grant Program.

We have heard in the press that we cut funds—

Mr. KENNEDY. Will the Senator yield on this point?

Mr. GREGG. I probably do not have the time. Is it a quick question?

Mr. KENNEDY. Two quick questions, but I will settle for one. Is it not a fact that those who are eligible under that program are less than 10 percent of all of the Pell recipients?

Mr. GREGG. That is correct.

Mr. KENNEDY. I thank the Senator.

Mr. GREGG. The point being, if people pursue courses which we think are important in this country, we basically double the amount of the Pell grant they will get, which is a fairly significant commitment to those individuals.

We have increased the Pell Grant Programs generally also. But it started to make sense to focus dramatic increases in Pell grants on people and on disciplines that we think are important to our culture.

The second point is that we have heard in the press and we have heard from the other side this idea that we cut education funding by $12 billion in the reconciliation bill 2 years ago. That is a total misstatement. That is an outright—well, it is so incredible, it rises to the "L" word. It truly is dishonest to make that statement.

What we did was we reduced lenders' benefits under the student loan program by almost $20 billion, and then we took a big chunk of that money and put it back into student aid. So we actually increased student aid by approximately $9 billion in that reconciliation proposal. It was a significant shift of funds from lenders to kids who are going to school.

When I read in newspapers such as the Wall Street Journal today, a reporter represented, which is basically the dialogue, the line of the Democratic National Committee that we cut student lending by $12 billion, it makes me angry. I oversaw that. I was not chairman of the committee. Senator ENZI was totally committed to student loans and oversaw this exercise.

What we did was the opposite. So the dishonesty of the Democratic National Committee in putting out that type of information, and then the incompetence of the Wall Street Journal reporter for picking it up and saying that we cut student loans by $12 billion is absurd on its face. They wrote whatever the Democratic National Committee handed them as a cheat sheet.

We cut lenders' subsidies by $20 billion, put $9 billion into student loans.

I yield 15 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I have been listening to this debate from my office. I tell you, I have to agree with the chairman of the Budget Committee. I joined him in voting against this budget. But generally this is what this budget does: we are back to the old spend-and-tax ways and increases in the debt.

This budget has an increase, over a $900 billion tax increase. We have a nondefense increase in spending of $146 billion. The President has already come in with his budget with a 50-percent increase in spending. Now on top of this, this budget provides $146 billion.

Then we look at the debt figures. We see that the debt is increasing by $2.2 trillion. This is unimaginable. If the tax increase goes into place—and that happens because there is no provision in here to make the tax cuts that were passed in the Republican Congress in 2001 and 2003 to make them permanent—by default these taxes are going to increase over $900 billion. That is going to be the largest tax increase in the history of this country.

I want to look at the $146 billion. I think we need to pull up a spendometer and talk a little bit about how much spending there is, if you are already starting at $146 billion—because you are $146 billion above what the President's budget proposal is—based on a $50 billion increase.

So in addition to that, we are seeing a tremendous growth in the deficit, increasing by $440 billion. We see mandatory spending growing unchecked by $411 billion, fiscal years 2008–2012. We spend more than $1 trillion of the Social Security surplus. Ultimately, what we end up with is a growth in the debt of over $2.2 trillion.

Now, we have heard those who are supporting this budget and justify it because they are going to tax the rich. I think we ought to take a look at who pays taxes in this country. You know the top 1 percent of the wealthy pay 37 percent of the taxes. The top 5 percent pay 57 percent of the taxes. So if you are going to raise taxes, the only place you can go is there.

If we look to the top 10 percent, there is another 10 on top of that. You have got 31 percent plus 37. We have 68 percent of the taxes that are paid by the top 11 percent of the taxpayers of this country. So we have a very progressive tax system.

The tax cuts that we put in place in 2003 really stimulated this economy. As a result of those tax cuts, there is more money available for local governments to help pay for their programs. There is more money available for the Federal Government. That is why it was so easy for the majority party to put together this budget—because of the large amount of revenues coming into the Federal Government.

I attribute that to the fact that we cut taxes for the working men and women of this country, primarily those who own their small business, by the way, who put in more than 40 hours a week. Many times they work 7 days a week to keep those small businesses operating, supporting their communities. That is where we really generate the revenue.

We are going to start talking about how we are going to tax them now so that they do not keep as much in their own pocket. The reality of that is going to be that we are going to depress our economic growth. We are talking about increasing taxes on corporations that do business all over the world. Well, they are in a competitive environment. They have to compete with other countries. We cannot constrict our economy to strictly American borders. We have to extend beyond that. If we really want to get our economy going, we are going to have to talk about trade. We are going to have to talk about doing business all over the world.

We cannot expect it to grow and constrict it to the borders of this country. That is what we are doing, in the tax policy that we have heard from the other side of the aisle.

The question always comes back to all the spending that we have in this bill, some $146 billion above the $50 billion increase that the President already put in place. Where are we going to get the money to do that? The only way that happens is when we do not act on putting those tax cuts in place that have served us so well to grow this economy. They talk about closing the tax gap.

We had testimony in committee, and they thought that the reasonable amount was $35 billion in collections as a reasonable expectation over 5 years. Yet on the other side, they insist it is going to be much more, regardless of what the IRS—the ones who would know—said in our Budget Committee hearings.

I think this is a budget that is going to create problems for us down the line. It is going to begin to create problems as soon as it is passed. It is going to create spending problems. It is going to create tax increases by default. We are going to see the debt continue to increase by $2.2 trillion.

Let's look and see how individuals are going to be impacted by this tax increase that will happen in this budget by default because we do not do anything to keep them from expiring in the outyears of this budget.

A family of four, earning $40,000 a year—that is if the husband and wife are both working and making $20,000 each—will face a tax increase of $2,052. And we have 113 million taxpayers who will see their taxes go up an average of $2,216.

Now, when we look at this a little further, we see that over 5 million individuals and families who have seen their income tax liabilities completely eliminated will now have to pay taxes. That is the new tax bracket that we have created to provide tax relief for many of those working families. So that is going to expire. When that expires, that is going to impact 5 million individuals and families who will again have to pay taxes that they were allowed to get by without paying so they could pay for their educational costs for their kids, so they could pay for health care, and so they could pay for the needs of the family—food and shelter.

We are not talking about individuals who are making a lot of money in this case. Forty-five million families with children will face an average increased tax of $2,864; that is the marriage penalty. Fifteen million elderly individuals will pay an average tax increase of $2,934. These are the people who are on retirement. Twenty-seven million small business owners will pay an average tax increase higher than any of the groups that I mentioned of $4,712. That is where our economic growth is generated.

If you want to see your economy grow like we did, you target the small business sector. Well, that is true in Colorado; that is true nationally. I think one of the things that stimulated growth of the small business economy more than anything else was the expense provisions that we put in place so that small business owners could write off over $100,000 a year, expense them out in one year. They took that money and they invested it. They invested it in equipment they needed. If they were a contractor, they went and bought a Bobcat and a pickup and got to work. If they were a farmer, they bought a new harvester and got to work. If they were a physician, they got an x ray and had more work to do. If they were a veterinarian, maybe they bought some lab equipment and had more work to do. So by targeting the small business sector, we generated all these jobs. It churned the economy.

I had an opportunity to visit with Dr. Greenspan, former chairman of the Fed. I said: One of the things that has not been talked about much is how the small businesses generated this economy. I think the expensing provisions we put in there had a lot to do with that. He said: I agree with you. I don't think that people really appreciate what has happened because of the tax cuts that were directed toward small business.

There are many important items that are not to be found in this particular legislation. There is no long-term entitlement reform. There is no permanent AMT relief, no permanent tax relief at all with the tax cuts that were put in place to stimulate the economy. There is no funding for ongoing war costs between 2009, no proposals on reducing mandatory spending or the debt.

People of Colorado have asked me: How is this likely to affect me? Let me talk a little bit about how this could affect taxpayers of the State of Colorado. In Colorado, the impact of repealing the Republican tax relief would be felt widely. For example, more than 1.6 million taxpayers Statewide who are benefiting from a new lower 10-percent bracket would now see their tax rates go up; 590,000 married couples would face higher tax rates because of an increase in the marriage penalty; 432,000 families with children would pay more taxes because the child tax credit would expire; 310,000 investors, including seniors, would pay more because of an increase in the tax rate on capital gains and dividends. Remember, seniors who have retired have a lot at stake when we talk about capital gains taxes and dividends because they have put their money many times in the stock market. They have put it in investments. As retired individuals, they are finding that they are beginning to pull that out. The consequences are that without that tax break, they would not have been able to save as much money toward their retirement.

To wrap this up, I wish to remind people I will be keeping a spending barometer here. We are at $146 billion already over what the President proposed. We are not off to a very good start on this budget. We are going to see it increase considerably before this week is over.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield the Senator such time as I may still have remaining.

The PRESIDING OFFICER. The Senator is recognized for up to 12 minutes.

Mr. SESSIONS. Mr. President, budgets are defining things. They tell the country what direction we would like to go, where we intend to take the country, what kind of policies on taxing and spending we have. There are not many ways to hide it. There are ways to attempt to hide it, but when one looks at budgets carefully and studies them, they can begin to see what the priorities are of the majority party, the party that has an obligation to present a budget, as the Republicans did for a number of years and now the Democrats do. It reveals something about their priorities, their direction, where they want to go.

I believe this Nation is a nation conceived in liberty. We believe in entrepreneurship. We believe in freedom. We believe in a smaller government and a more vibrant private sector. That is not like many of our European allies. They are high-tax, high-regulation, high-welfare states. We have many of those qualities and characteristics but not nearly so much as they. We made a conscious decision. That is not our heritage. That is not the way we go. I am proud to say our Nation has had a far greater growth rate consistently over the years than the Europeans. Our unemployment rate is well below the Europeans. They continue to struggle. They have government unions striking all the time. They are trying to make the government fix everything for them.

When the government does everything, then everything that is important is decided by a bunch of politicians. We are not capable of running this economy. We are not capable of running an automobile business, running a farm or any other kind of business. That is not what we are capable of doing. We let the private sector do those things and let them compete and let them see who can produce the best widget at the lowest price with the least defects. That is our heritage. I resist the idea that we can continue to increase regulations, increase taxes, increase spending and make the Government bigger and bigger and bigger and the individual smaller and smaller and smaller. Because when we take from one to give to the Government for the benefit of another, we diminish the freedom of the first. We strengthen the Government, and we diminish the moral autonomy of the person who received the benefit. This is a matter of deep importance philosophically for us. We ought to think it through at the beginning.

Where are we today? When President Bush took office—there is no need to rehash everything—the Nasdaq stock bubble had already burst. When he took office, the Nasdaq had lost half its value. When he took office, the last month of the calendar year, this country had negative growth in GDP. The first quarter President Bush inherited a negative growth GDP. He inherited from his predecessor an economy in serious trouble. There is no doubt about that. On top of that, we had 9/11, 9 months later. So the entire Nation was in a state of shock. He had to make some major decisions. Was he going to start a tax-and-spend jobs program to try to jump start the economy?

He made a commitment consistent with our American heritage to reduce taxes and to allow the private sector to recapture itself, restabilize itself and grow. It has worked to an extraordinary degree. It is something of which we should be proud. We have cut taxes and now revenue is beginning to surge.

We had the 2003 tax cuts, the 2001 tax cuts. In 2004, when the economy began to hit its stride, we had an increase in revenue to the Treasury of 5.5 percent. That is a pretty good number. But the next year, 2005, it hit a 14.6-percent increase in revenue. Then the next year it was almost 12 percent, 11.6. This year they are projecting, based on the first few months of the year, a 9.3-percent increase in revenue. What I am talking about is not statistics. It is not some survey. I am talking about actual dollars going into the Federal till.

Is anybody paying taxes if they are not making money? Are they voluntarily sending more money to Washington than they ought to send? No, they are not doing that. The economy is doing well. People are making money. They are working more. They are getting higher wages. They are doing more overtime. Corporations are making profits instead of having losses. They are paying taxes. When someone sells stock or an item, it has appreciated in value, and he pays capital gains on it. Those are the things that are working because we have the economy moving.

I believe President Bush made a historic, tough decision. We passed that first tax cut in this body by a tie vote. We had to bring in the Vice President to break the tie. That side over there that now has the majority opposed it with every strength in their being. The same was true with the next one in 2003.

I will offer a critical amendment on taxes as this debate goes along. I wish to continue the general trend of my remarks and the dangers that I fear are exhibited here. When we pass a budget, we pretend to pass a 5-year budget. We pass one every year. So what does that mean? If you pass a budget every year and every year you pass a new 5-year budget, it means the only budget year that counts is the one you pass that year. Our colleagues think that spending as a percentage of the gross domestic product might go down in future years. I hope it would. It should, based on the strength of our economy. What about the budget that counts? What about the budget that counts, the one that we are enacting as a part of this process for 2008?

I will show my colleagues what this budget does in terms of spending. In terms of spending, it is going up, actual spending over the last decade. This budget for 2008 before us today, and which we are being asked to ratify, has the highest percentage of GDP being captured by the Federal Government, by the Federal tax gendarmes of anything we have had in a decade. This budget, the one we are passing, the one that counts, ups it. There is no doubt about it. We can talk about future years, and we hope they will be better.

How much time remains?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. SESSIONS. I will close with one more point. A number of years ago, I understood this when the Republicans did what I considered a budget gimmick of several billion dollars. I began to count up how that added up. This year this budget has about $18 billion in spending over the President's budget, 2 billion of which is a gimmick. I believe it is going to amount to advance funding and will be spent. I believe, without dispute, it is $18 billion over the President's budget. Somebody might say: This is a large economy. What is $18 billion? That is what I used to hear. I made up a chart that I call "Every Billion Counts." A billion here, a billion there, pretty soon it is real money. Look at this chart.

They say: Well, we only jumped the President by $18 billion. This is in the discretionary accounts. This is the discretionary budget. They jump it just $18 billion in 2008. But what happens to that $18 billion? It goes into the baseline of our Government spending.

It goes into the baseline of our Government spending. So next year, if you try to remove that $18 billion, you know what they will say. They will descend on us in the halls, they will descend on us in this body and say: You are slashing the budget. You are cutting the budget. You can never cut the budget. So it goes into the baseline.

Let's say we just continue at that rate. Let's say next year, they just do another $18 billion. It is not $18 billion going to the debt to our children and grandchildren for them to carry throughout their lifetime; it is $36 billion because you have already got an $18 billion increase from the previous year and then have $18 billion on top of that. The next year, it is $36 billion plus $18 billion, which is $54 billion. The next year, it is $54 billion plus $18 billion, which is $72 billion. If you carry it out 10 years, it is $180 billion extra that year. Then, if you add all that up, what do you come up with? An increase in spending, on that pattern alone, of $986 billion. That, I would say to my colleagues, is the kind of indifference to a billion here and a billion there that gets us surging in our spending.

Finally, in our Budget Committee hearing, I asked the committee staff what the Consumer Price Index is, what the inflation rate is. They told us it is a little over 2 percent. Well, what do we know? We know this budget is going to increase spending in the nondefense discretionary account over 6 percent—three times the cost of living.

They say: Well, a big part of this surge in spending is the war. But we have had a war for the last 4 years, and spending has not gone up a whole lot this year as compared to the last couple years in terms of the war. But what we do know is the non-defense discretionary spending in a time of war ought to be at least contained somewhat. Shouldn't we at least try to keep it to the cost of living? Yet we are going to come in with a budget about three times that amount, maybe more than three times the cost of living in terms of a percentage increase in nondefense spending.

So those are some concerns I have. I believe we are on the road to taxing and spending. I think this budget demonstrates where our colleagues are heading in the Senate. I am going to resist it because we are moving to a point where we will not be able to—Mr. President, I ask unanimous consent to speak 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will talk more later, but perhaps the most important thing about this budget—with the points of order that are set in it and the fact that it is increasing spending rather than reducing spending—it is going to block the extension of extremely popular tax reductions that have been in place for a number of years. Then the taxes will go up on families. It will go up for children. For children, the tax credit will go down from $1,000 to $500. The capital gains rate—which actually raises revenues when it is cut—will go up. Other taxes will go back up, such as for dividend income.

That is not the right direction for America. This is not our heritage. We need to contain the growth of spending and not go back to higher taxes.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 5 minutes to speak as in morning business and that the time to be charged on our side.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRING OF U.S. ATTORNEYS

Mr. SCHUMER. Mr. President, I rise to respond to the President's remarks he made about a half hour ago about the problems we are facing with the firing of eight U.S. attorneys.

The President had a press conference, basically, where he said he wanted to cooperate and he wanted the information to come out. That is good news because that is what we all want. This is such a serious issue. The integrity of the U.S. attorneys, the integrity of the Justice Department has been hurt, and we must restore it.

It is good to see the President understands we have to do something, we must restore integrity to what is the foundation of this country, the rule of law, without fear or favor. So when the President began to speak, I felt quite good. But when we learned of what he has proposed, it can only be called very disappointing because while he has made an offer that appears to be cooperative, when you look at it closely—you do not even have to look at it that closely—the cooperation is minimal.

Let me show you why. The President has said we could interview—his words, we could interview—some of his high-level staff. However, the interview will be held in private, not in public. There will be no oath or sworn testimony. There will not even be a transcript.

The interview will be as if it occurred in a darkened room, and then there is no record of what happened. If at these interviews the statement of, say, Karl Rove or Harriet Miers contradicts statements given before, there is nothing that can be done about it. We cannot get to the bottom, we cannot get to the truth. What is the objection to having a transcript if there is nothing to hide, nothing wrong with the transcript? What is the objection to an oath? If there is nothing to hide and everyone is telling the truth, there should be no objection to an oath. What is the objection to having this discussion in public? Because if we want to restore the integrity of the U.S. Attorney's Office and the Justice Department, that cannot be done by someone whispering to someone else in a back and darkened room. It must be done in public.

Any lawyer will tell you that the offer made by the President is not going to get the truth. No transcript, no oath, no public testimony—what are we hiding? The bottom line is, if the President wants the truth to come out, then he would have testimony given in a far more full and open way. It seems as if the President wants to appear to be cooperative but not really cooperate. So we will have to go back and come up with a better plan because this plan does not work.

The President has said he will give us memos, but the only memos we will get are memos we have already received, with only a few exceptions because the President has said any memos within the White House are off limits. If Aide A sends an e-mail to Counsel B, and it says, "Let's fire U.S. Attorney C because they are doing an investigation we don't like, but find another justification, another reason," and then the counsel writes to the Justice Department, "We are firing that U.S. attorney because they are not working hard enough on," say, "immigration cases," we will have no way to get at the first memo, and the truth will not come out.

So, Mr. President, give us all the memos, not just some. Give us all the memos related to this issue, not just the ones that won't help us with the case.

Mr. President, I ask unanimous consent for another 3 minutes, charged against our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. If we really want to get to the bottom of this issue, there is a much better way to do it—one without politics, one without partisanship, but one that gets at the truth—in public, under oath, with a transcript, and with all the memos being made public.

I think the President has an obligation to tell the American people why he is against a transcript, why he is against an oath, why he is against testimony in public. If our mutual goal is to get at the truth, there is no good justification to not allow those things.

There is precedent. It is not unusual for Presidential advisers to testify under oath in public before congressional committees or subcommittees. Take President Bush's immediate predecessor, President Clinton. Advisers who held the very same positions that are now held by Karl Rove and Harriet Miers in their time, and their deputies, testified. Harold Ickes testified. Bruce Lindsey testified. John Podesta testified. Beth Nolan testified. Those are people who had the exact same positions as Karl Rove, Harriet Miers, and their aides. They testified under oath, in public, with a transcript. If it was good enough for President Clinton and previous Presidents and their aides, why isn't it good enough for this President? Why do we have to have a narrow, constricted standard that seems almost designed not to bring out the truth?

So the Judiciary Committee, under the leadership of Senator LEAHY, will follow this investigation where it leads. We have an obligation far above party, far above partisanship to our country and its system of justice to get to the bottom of this situation. We will not be deterred. We will continue to focus. And the truth will come out. We owe it to the U.S. attorneys who were dismissed for reasons that still have not adequately been explained, with their careers and reputations damaged. We owe it to all the other U.S. attorneys who are now under a cloud because of what has been done. We owe it to our system of justice.

Mr. President, please let us have a full, complete investigation, not a limited one almost designed so the truth does not come out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 8 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I guess, listening to the comments of my distinguished colleague from New York, we know this is about an effort to find the truth and follow the facts wherever they may lead, and I guess we should all be satisfied that this has nothing to do with politics, nothing to do with the Democratic Senatorial Campaign Committee that he chairs, because he wants us to believe this is about getting the facts—although the President today offered to produce his former White House Counsel and his adviser, Ms. Miers and Mr. Rove, for an interview to provide information to the investigators, to the Senate Judiciary Committee. But we have just been told now that is unsatisfactory, that we will not be able to get to the truth.

Well, I am as interested as anyone is, as a member of the Senate Judiciary Committee, as to what the facts are. But let me tell you, while I have some question as to all the information this investigation might turn up, I am not in doubt about this: President Clinton fired 93 U.S. attorneys appointed by his predecessor, a Republican President, and that was not about politics. This President has replaced eight U.S. attorneys whom he himself appointed, and that, for some reason, is supposed to be all about politics, all about dirty pool. Well, it just does not stack up. The fact is, this President, just like President Clinton, could replace U.S. attorneys for no cause.

I think the real problem here—and I do agree it has been mishandled—is the suggestion that we somehow ought to be demanding in the public domain whether there are performance-related reasons why these particular U.S. attorneys were replaced that caused them to feel the necessity to defend their reputation in the public arena. Frankly, I do not think they should have to be put to that sort of debate. These distinguished lawyers ought to be able to move on in their careers with their reputations intact. But because of my colleague, the chairman of the Democratic Senatorial Campaign Committee, who is leading the charge in this effort, it, I believe, undermines what should be a legitimate inquiry into the facts.

So I don't think anybody should be under any illusion of what the goal is here. It is not to get the facts or else the Senator from New York would have accepted the offer and said: Sure, we would be glad to talk to the witnesses who have been subpoenaed and who will appear from the Department of Justice. We will be glad to hear what Mr. Rove and Ms. Miers have to say. We will be glad to look at the 3,000 pages of documents produced by the Department of Justice yesterday, and we would be glad to look at the other documents that are being proffered by the White House. Instead, he has already reached a verdict. He has already concluded there is foul play regardless of the facts and regardless of what this information will yield. I think we shouldn't be under any illusion that this is about politics. It is not about a search for the truth.

Frankly, I think this Congress and the Senate deserve better than that. We deserve the ability to conduct an inquiry to find out where the facts may lead without this conflict of interest the Senator from New York has. Senator SPECTER, the ranking member of the Senate Judiciary Committee, has pointed out that this calls into legitimate question the whole basis for this purported investigation, and while he didn't call on him to recuse himself, he did suggest—and I think he is exactly right—that it undermines the legitimacy of what should be an inquiry into the facts.

I think it is appropriate to point out to our colleagues that this sort of campaign by the chairman of the Democratic Senatorial Campaign Committee, who is using this incident to raise money on the Web site of the Democratic Senatorial Campaign Committee, of ethics complaints filed against colleagues is inappropriate and unworthy of this institution.

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to take this opportunity to discuss the matter I alluded to earlier that is a very real concern of mine, which is that the budget that is before us sets us on a direction we should not go. It is a major policy document. It states to the whole Nation how our Democratic colleagues, who now have the majority in the body and who passed this budget out of committee by a single vote majority or a party-line vote, as budgets have been over the last several years—that is not particularly unusual because there is a very real difference in how we approach taxing and spending in America between the parties that are represented in this body. It has been great to see Senator CONRAD and Senator GREGG work on these issues. They have done a great job of representing their principal points of view and they have shared their own ideas and battled it out with respect and collegiality. They are very capable leaders of our Budget Committee.

AMENDMENT NO. 466

I wish to talk about this subject, and I call up an amendment to S. Con. Res. 21 at this time, and I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. DEMINT, Mr. GRAHAM, Mr. ENZI, and Mr. CRAPO, proposes an amendment numbered 466.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude the extension of tax relief provided in 2001 and 2003 from points of order provided in the resolution and other budget points of order)

At the end of title II, insert the following:

SEC. . EXCLUSION OF TAX RELIEF FROM POINTS OF ORDER.

Sections 201, 202, 203, and 209 of this resolution and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to a bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the tax relief provided in the Economic Growth and Tax Relief Reconciliation Act of 2001, the Jobs and Growth Tax Relief Reconciliation Act of 2003, and sections 101 and 102 of the Tax Increase Prevention and Reconciliation Act of 2005.

Mr. SESSIONS. Mr. President, our colleagues tell us this budget does not raise taxes, and in a sense that is a legitimate position for them to take, but in reality, I suggest it is not. I would note the budget we have before us now assumes—assumes, see—$916 billion in additional revenue over the next 5 years. Where do you get $916 billion? It is about a half a trillion more than the President assumed. What could generate $916 billion in additional revenue except a tax increase?

The revenue levels in this budget mirror those numbers prepared by the Congressional Budget Office as part of its budget baseline. The Congressional Budget Office's baseline assumes that President Bush's tax cuts will expire as scheduled under current law, resulting in $916 billion in tax increases. Why does CBO assume they will expire and will not be extended as we have for nearly a decade? Well, that is what accountants do. There is nothing in the law that requires them to be extended, so CBO makes an accounting decision that they assume they will not be extended. The lower rates will not be extended. That means the rates will immediately jump up in a series of important taxes that affect the middle class in America.

But Members of the Senate don't have to assume that. In fact, we ought to assume they are extended, because they are working. They are producing more revenue, economic growth, low unemployment. Alabama's unemployment, my home State, hit 3.3 percent last fall. Isn't that fabulous? We had the lowest drop in unemployment rate on a percentage basis of any State in the Nation in the last several years.

Simply put, the Democratic budget is raising taxes by $916 billion by deciding not to extend the existing tax cuts. Tax rates will then go up and they will receive more money. The $916 billion in tax increases would become the largest tax increase ever, dwarfing President Clinton's record $241 billion tax increase in 1993. But our colleagues don't want to admit that today. They didn't want to admit that in committee when we voted on it last week. They want to have it both ways, if you want to know the truth. They want to spend and not take credit for raising taxes. So now the Democrats say their budget includes a reserve fund that would somehow allow for extensions of existing tax credits without increases in taxes. But this reserve fund is a mere vapor. It is without any substance. It has no funding in it that would allow for tax cuts—it does not allow for the extension of these tax cuts that are in place now and have been in place for years. They would not be acceptable under this reserve fund because they would increase the deficit, of course. That is what CBO will say.

It does not contain any money to pay for the extension. In fact, the Joint Committee on Taxation scores all tax legislation statically, which I disagree with, but that is what they do. It nearly always overestimates the amount of lost revenue whenever you cut taxes, rather than scoring the cost to the Treasury dynamically, which would recognize that many tax cuts actually increase growth and taxable activity, and thus increase Federal revenue. Good tax reductions will seldom fully pay for the full cost they incur in the short run, but usually they do help the economy do better than otherwise would be the case, and bring in more revenues. So it is not a full dollar-for-dollar cost like CBO scores. Thus, spending would have to be reduced substantially to allow under some pay-go idea any tax relief, including even extending the existing tax rates.

Let me ask: When did our colleagues ever execute any spending reductions? They have talked about it. They attacked President Bush mercilessly for spending, spending, spending, they said. President Bush was a reckless spender. He caused all this great deficit. He inherited an economy sinking into recession. He inherited a war and a 9/11 attack. He had to work from those facts and work out of those facts. So they have attacked him mercilessly for his tax reduction policies, which I noted a little earlier increased revenues significantly in recent years.

But I will say this: Under the plan of this budget, under the points of order, one cannot continue those tax reductions without reducing spending the amount that CBO says they cost the Treasury. Now, how are we going to do that? In fact, I will ask, when have our Democratic colleagues ever proposed reducing spending? Look at this budget that is presented this year. It contains virtually no spending cuts, $18 billion in discretionary spending increases, and not one dime saved in the entitlement program. No reform whatsoever in the massive entitlements which now make up over 60 percent of spending in this Government.

Our colleagues are not facing up to that. Thus, I would say to my colleagues with confidence that the plan is clear, their tactics are chosen, and they will say they are not for raising taxes today by this budget. They say this budget does not raise taxes. But I say clearly that is only half true; not much true at all. Because this budget assumes—"assumes" $916 billion in new revenue, new tax revenue. It assumes we are going to receive $916 billion in new revenue, and where can we figure that? Well, those are the numbers that come from CBO's estimate, that is the Congressional Budget Office which estimates these things—that is what CBO estimates will occur if the existing tax rates are not extended, but allowed to jump back up again to a higher rate.

Second, they have created four new budget points of order against extending the current tax rates. This means that extending low tax rates will require not 50 votes but 60 votes, a supermajority to do that. As I noted when we passed these tax cuts in 2001 and 2003, the votes were razor thin. Now that we have a Democratic majority—not only that, now they have changed the vote total necessary to extend these tax cuts to 60. How are we going to get 60 votes? Well, under these tactics and under the budget points of order fine print contained in the budget, these lower tax rates that are in existence today cannot be extended without "paying for" them. How do you pay for them? By cutting spending by the amount CBO scores the loss in revenue. This means reducing spending. The thought that our Democratic majority plans to reduce spending, even though they talked about it this fall in the campaign like they had an intention to do so, the thought that they would have plans to actually contain waste and fraud and reduce spending is really to step through the looking glass, I have to tell you.

How can I say that? Oh, you are just being critical, SESSIONS. You are just being critical. Let's look at the budget to see what it says. The budget completely ignores President Bush's request to terminate or reduce funding for 141 programs that would save $12 billion in 2008 alone. It doesn't touch any of those programs.

Here is the Chief Executive of the Government of the United States. He recognizes that some of the programs simply don't work well. Out of the 1,000 in existence, he recommended a modest 141 be substantially reduced or terminated. It would save $12 billion in 1 year. Over 5 years, that is $60 billion. What do we see in this budget? Nothing. Zero.

What about the entitlement programs? We are now at $1.5 trillion, $1.6 trillion in entitlements, which is about $900-some-odd billion in discretionary spending. The biggest amount of the budget now is in entitlement, or mandatory spending. We all know that. Did our colleagues propose any steps to contain the growth at over 6 percent a year automatically of mandatory entitlement spending? No. Zero. No cuts in that. No reductions.

Well, there was a little reduction, but they used that to go around and spend it on some other entitlement program. So the net was no reduction in the growth of entitlements, not one step toward making the entitlement programs more solid.

What else? We have to keep this between us all. It is a little bit of a secret. But let me tell you what the budget does. It doesn't cut spending. This budget increases spending by $18 billion in the discretionary account above what President Bush asked for, the man who was being accused by Democratic candidates last year of being a reckless spender. It increases spending.

So you tell me, colleagues, what we are dealing with. I would suggest that elections have consequences; that despite protestations of frugality and criticisms of Bush spending, our Democratic friends have produced a budget that will result in a $916 billion tax increase and $986 billion spending increase, just as I pointed out, with the $18 billion spending increase over President Bush's proposals, as I mentioned earlier. It adds up over a period of time, goes into the baseline, and surges spending. That is why you have to have restraint and show toughness and responsibility. I will just say that the leopard has not changed its spots.

When we look at it, as a budget, what does it do to our sustained effort to keep our economy vibrant, keep our taxes low, and the growth going and reducing unemployment? I submit that what we have done in the budget is that we have loosed forces that inevitably will put us at a point in time down the road, 1, 2, 3 years, when these tax extensions can't even be carried out. When they can't be extended anymore, these lower tax rates are going to have to go up because we are not going to have a cut in spending. My colleagues are not going to cut spending. They are going to increase spending. They are not going to cut spending.

How are we going to pay for these tax cuts? How can we pay to extend the existing rates? They are going to continue spending. What is going to happen is the tax man is going to get deeper and deeper into the pockets of working American citizens. It includes the marriage penalty, it includes the dividend tax, the capital gains tax, and the child tax credit, and others. So that is the big deal we are dealing with.

I started thinking about this, and I decided what this is, in my own little mind. The way I figure it out, here is the Budget Committee, our Democratic Budget Committee. They passed a budget. The budget, in my mind, amounts to a torpedo heading toward our vibrant, free economy. Our Democratic colleagues say: We haven't sunk the ship. We haven't hit the ship. But the torpedo has already been loosed. It is going to hit the ship because that is what the budget does.

Anyway, I just tell you that the mechanism is at work, and I don't know how we can stop it if we pass this budget. I do have a solution to it, however, and I will talk about that in just a minute.

This is not an academic debate. We are talking about real dollars for real Americans if these tax cuts expire, the lower rates that we have today, and they go back up. The lowest income families in America who pay taxes, those earning less than $15,000 per year, whose tax rates are covered by this temporary extension, will see their tax rates increase 33 percent. I think the $1,000 current per-child tax credit is one of the best things this Congress ever did, and I campaigned on it in 1994. The $500-per-child credit worked so good and was so popular that we added another $500 per child as part of the budget reconciliation process. That is coming to an end. It needs to be extended. So it is going to drop from $1,000 to $500.

The standard deduction for married couples will be cut by $1,700 per year. That is $140 a month for a family. 45 million working families with two children, if those tax reductions are not extended, will pay $3,000 more in taxes per year, which is equivalent to a 5-percent pay cut. And 15 million seniors will see their taxes increase. This is reality, and I am not going to go quietly on it. We need to fight this with all the strength that we have.

The four new points of order that are in this budget make it almost impossible to extend the existing tax cuts, and they are the trouble here. We need to confront those. I have offered an amendment that will deal with it, and I called it up on the floor just a minute ago, but let me mention the four points of order that are included in this budget that make it dead certain, if we continue with those points of order, that we are not going to be able to maintain the current tax rates and that we will see a substantial tax increase on all Americans.

The so-called pay-go rule, which states in part that the Senate cannot consider any revenue legislation that would increase the on-budget deficit in the current fiscal or budget year, the five fiscal years following the current fiscal year, or the 5 years after that—that is the pay-go rule. Basically, it means you either have to raise taxes to pay for tax extensions or you have to cut spending, and we are not likely to do the latter.

No. 2, a point of order against any legislation that increases long-term deficits.

Well, Joint Tax has already scored these tax reductions as costing the Treasury money. Even though money to the Treasury is going up after we reduce taxes, they scored it as costing the Treasury. Therefore, that point of order would be sustained.

What does a point of order mean? It means that you can object to extending one of these tax cuts, and it would not take a 50-vote majority to extend the tax cut, or 51. It would take 60, a supermajority, because we create a point of order that allows for a larger vote to be required.

No. 3, there is the so-called save-Social-Security-first point of order. This point of order prevents any new tax relief or extension of existing tax relief that would worsen the budget deficit until the President has submitted and the Congress has enacted a bill that would ensure the long-term solvency of Social Security.

The President tried to do that a couple of years ago. He received not a single vote of support in this body. They wouldn't even discuss it. They said it was dead on arrival. Senator GREGG asked that we have in this budget some plans to begin to reform our entitlement programs, including Social Security. What did our colleagues do in the budget? Zero. Now they are going to say: You can't extend your tax cuts, you can't extend the current lower rates of taxes until you fix Social Security. Not only that, it says until the President has submitted, and the Congress has enacted, a bill to fix Social Security.

I certainly think we should do that, but I have to tell you, in my view, I think that is unlikely to occur no matter who is President, no matter how this Congress is made up. We need to do it, and I support it, and I am disappointed we haven't taken any steps whatsoever in this budget to get there.

Finally, there is a point of order against any reconciliation action that would increase the deficit. Reconciliation has been the mechanism that Republicans have used to provide tax relief to the American people. That is how we got it through, by a 50-vote majority, as part of the budget reconciliation process. These were narrow votes. We barely got 51 votes. Under this proposal, under this budget, it is going to require 60 votes.

So if this budget goes through, the four points of order will practically guarantee that all of President Bush's tax cuts will expire. Out the window will go the marriage penalty relief, this penalty that we impose on people who marry—how dumb is that, to tax marriage? That is not a smart thing for the Nation to do. We eliminated most of that, but that will go out the window if we can't extend that tax reduction, along with the $1,000-per-child tax credit, the adoption tax credit, and the estate tax repeal, along with the capital gains reduction.

When we cut capital gains taxes, we didn't lose $5 billion in revenue as CBO said; revenues went up $133 billion.

It also will eliminate the dividend tax deduction. So the 10-percent tax bracket will disappear and marginal rates will increase.

So each of these points of order require 60 votes, and it means that we are facing a problem of a serious nature. We will be drifting more toward the social European model of higher taxes, higher spending, and higher regulation. I do not believe that is what the American people want.

I know there is an idea that through better enforcement against tax fraud we can make up some of this money and that we will increase tax revenue by $100 billion. I wish that could be done. I will support reasonable steps and fair steps to enhance enforcement of our tax laws. But I have to tell you, I met last week with a group of county commissioners from my State, and their No. 1 complaint was that there is some sort of Federal law that has been passed to make them withhold taxes when they pay anybody they deal with so we can close some loophole. And they contend, I don't know how correctly, but they contend it costs more to effectuate the Government's plan than it saves the Government in taxes.

The IRS Commissioner, however, testified before Congress that only $35 billion could be expected to be saved through enhanced enforcement over 5 years.

I am a former Federal prosecutor, a U.S. attorney. I prosecuted a number of tax fraud cases. I try to pay my taxes. I do the best I can, and I tell you, I think most Americans do. When somebody cheats, they need to be chased down and they need to be prosecuted. It is not right for a rich person to cheat on his taxes while the average Joe is working hard and paying his taxes. So I support that. I am just telling you, there is not a pot of gold out there, as much as we would like to believe there is.

Our colleagues, in writing their budget, just assumed we would get it. They made their budget balance by assuming that we would bring in $100 billion out of tax enforcement. It begins to look like smoke and mirrors, really. The Commissioner says $35 billion is the most we can get. Senator GRASSLEY, former chairman of the Finance Committee, says we can't get that much money. It is not as easy as people say.

To prevent the largest tax increase in history from occurring, just from not having our existing tax rates extended, I am offering an amendment today that would not only exclude any extension of the expiring tax relief from those four new budget points of order but any budget point of order that would threaten that. If my amendment is agreed to, it would therefore take 50 votes to extend the President's current tax breaks that we have passed here in the body and not 60. If we do not do that, the tax collector is going to be jumping back into your pocket. He is going to be taking a lot bigger chunk out of what you make every week. We have to look at the realities of it.

I would say once again, the way this budget is constructed, based on the increased spending our Democratic colleagues propose, we have through this budget loosed a torpedo. How long it takes to hit the ship I don't know—1, 2, 3 years—but it is on the way and it is going to get there and it is inevitable. The bullet has already been launched.

I thank my colleagues on the Budget Committee who worked hard—Senator CONRAD and Senator JUDD GREGG. They are both extremely capable. These arguments I am making deal a great deal with philosophy and direction, how we see our Government, how big we want it to be, how much we want it to take from the private sector and the wealth that great private sector generates—how much of it we want it to take. I am very troubled that we are headed down the wrong road, that we are going to increase taxes on middle America, on corporate America, and the net result will be this surging economy may be damaged and, in the long run, we may not receive any tax revenue at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Alabama. Senator SESSIONS is a constructive member of the Budget Committee. He and I have many disagreements. We have spirited debates. But I have high regard for the Senator and have enjoyed his service on the Budget Committee. He has been, as I said, a very constructive member there.

Let me say I disagree with some of the conclusions he has reached. I wish to say to the Senator, I believe that the revenue objectives we have set in this budget resolution are entirely achievable with no tax increase. I would say to the Senator, the President, when he put out his budget, said it would raise $14.8 trillion. My budget says $15 trillion. That is a difference of 1.2 percent, and I believe that can be accomplished by going after tax havens, tax gaps, tax scams that are occurring. I do not think it is that difficult to do.

With that said, I very strongly resist the amendment of the Senator from Alabama to remove points of order against additional spending or additional tax cuts. In this part of it, the Senator is talking about additional tax cuts. That guts pay-go. A central part of the new budget discipline being proposed in this budget resolution is to reassert pay-go. Pay-go says simply this: New mandatory spending and tax cuts must be offset or get 60 votes.

Mr. SESSIONS. Will the Senator yield briefly for a question?

Mr. CONRAD. Yes, I am always happy to yield to the Senator.

Mr. SESSIONS. I don't think I made it clear, and I think maybe the Senator misspoke because I may have earlier. This eliminating the point of order would only be eliminating points of order that are related—that could be raised against existing tax relief. Not any new tax cuts. These points of order—I did not seek to change it in that regard.

Mr. CONRAD. I appreciate that. My argument still holds because the way pay-go works, because the existing tax cuts are sunset under current law, to extend them, costs money. It has to come from somewhere. Pay-go says you have to pay for it. That is what we are seeking to do. The amendment of the Senator would gut that attempt.

What we are saying is to extend the current tax cuts, you have to pay for it. If you want new mandatory spending, you have to pay for it. Let me indicate very quickly, under the current GOP pay-go rule, the Republican pay-go rule, it exempts all tax cuts and mandatory increases that are assumed in any budget resolution, no matter how much they increase the deficits.

Our pay-go rule says all mandatory spending and tax cuts that increase deficits must be paid for or require 60 votes.

That is a budget discipline that worked very well in the 1990s and we need to restore it. One of the reasons we have this, when we had strong pay-go in effect, here is what happened to the deficits. Each and every year they were reduced until we actually went into surplus and even, for 2 years, we stopped using Social Security money to pay bills around here. Then the weakened pay-go rule went into effect right here and look what happened: Right back in the deficit ditch big time, record deficits, record increases in debt. That is what we are trying to avoid with these points of order, to make it more difficult around here to spend money on new mandatory programs, to have more tax cuts, new tax cuts. The amendment of the Senator would gut it.

Senator GREGG said this, in 2002:

> As a practical matter you can get 60 votes on the floor of the Senate fairly quickly for most things that make sense.

Senator GREGG was absolutely right back in 2002. But he had other things to say as well. Back in 2002 he said this:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

He went on to say this:

> If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues but especially impacts Social Security.

Senator GREGG was absolutely right about that. That is why I think adopting the amendment of the Senator from Alabama would be a serious mistake. Does the Senator from Michigan request time to respond?

Ms. STABENOW. Yes.

Mr. CONRAD. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, the comment I have, when we look at what the Senator from Alabama is talking about, he is basically saying that the tax cuts that were passed, first of all, were a good idea for most Americans and that he wants to make it as difficult as possible to change that. So when we look at what happened this last year, if you have more than $1 million that you earned in some way—unearned income or earned income—more than $1 million, you received $118,477 from the President's tax cuts last year. So what this amendment would do is say basically that they like this ratio. The less you made last year, the less you got. In fact, less than $100,000 in income, a family making less than $100,000 got $692. If you were willing to run that out even further, you had a lot of folks who maybe got $30, $40, $50 from this tax cut. So this locks in this kind of a tax cut.

We don't think this is fair. This budget resolution changes the way we look at tax cuts going forward and basically says we want tax cuts going to middle-class Americans. We want tax cuts going to the majority of Americans who are working hard every day, worried about their kids, who want to be able to send them to college, want to be able to have health care for them, and want a job, a good-paying job in America. These are the folks we are focusing on in this budget.

There is no question about it. This budget resolution is a new direction. It is a new day. It is a new set of values and priorities. The idea of saying, as this amendment does, that we should make it harder to change this, harder to rearrange things here or to maybe move some of those dollars over into making sure kids can go to college or making sure they have health care or their folks have health care or making sure we keep our promises to our veterans—those are the priorities in our budget.

Essentially, this amendment would say, if we need to address our veterans through adding dollars to make sure they have the health care they need, if we need to do more as we investigate and see what is unfolding with Walter Reed and other parts of the VA system and so on, that it would take more votes, it would take 60 votes to do something that would help our veterans but it would only take 50 votes to be able to continue this kind of a tax cut, this kind of a structure.

We reject that. We reject that set of values and priorities. They have been in place for 6 years, and I believe the American people have rejected those priorities with the changes in majority and the change in leadership that was made and that has begun as of January. What we have is a different approach.

First of all, as our distinguished budget chairman has said, we do want to say for new spending—whether it is tax cuts or other kinds of spending—we do want, overall, to make it a little tougher by having a 60-vote requirement because we want to make sure we are paying attention to lowering the deficit and moving in the other direction, to stop this spending using Social Security that has been going on for years and years.

But also in our budget, within that context, we have changed the priorities on the spending. We have said let's be fiscally responsible on any new mandatory spending, any new tax cuts, and require that people come together in a bipartisan way. It is a conscious choice, a supermajority vote. But we have also said we are going to increase the budget in education.

Earlier we heard from colleagues talking about all the new money that has been put into education under this President. The fact is that if you include this President's budget for next year, the Leave No Child Behind legislation is underfunded by over $70 billion. We put more dollars into education because we know it is about opportunity for our kids, it is about economic competitiveness, it is about creating opportunity—to dream big dreams and go as far as you can in the greatest country in the world—and that we have to focus on education.

Our budget does that. Our budget also says that part of what we need to do is invest in children's health care. For working families, those folks whose minimum wage we raised who do not have health insurance with their job, who are working one job, two jobs, three jobs, to try to make ends meet, we think they ought not have to go to bed worried about whether their kids are going to get sick; with a prayer at night saying: Please, God, don't let my kids get sick.

The SCHIP program is about making sure we support those working families, and we made a commitment in this budget to say we want every child from that working family—every child who does not have insurance to be able to receive insurance. This budget keeps its commitment to its veterans. This budget provides real middle-class tax cuts.

Not what is on this chart. I am not interested in adding. Can you imagine, $118,000-plus is the tax cut for last year? That is more than the average person in Michigan or anywhere in this country makes in a year. That is more than they make in a year.

We say we need a different kind of tax cut. For the folks who are making less than $118,000 a year, for the folks who are working hard every day, we want to change this picture. This amendment would basically say: The current tax cuts that are in place are great, we want to make it harder to change them. They keep in place something that frankly has been so unfair to middle-class Americans.

All over Michigan, when you talk to folks about tax cuts, most people say to me: What tax cuts? What are you talking about? I did not get a tax cut. You mean that tax cut that went into place in 2001?

You don't remember getting that big tax cut? Most people never saw that tax cut. That is why if you earned more than half a million dollars last year, you saw it, $21,000 worth. If you earned more than $1 million last year, you got over $118,000 in tax cuts.

We need a new direction. That is what this budget resolution is about, a new direction for the country that says: It is about everybody. It is about everybody who works hard every day, who gets up in the morning, does their best knowing they are going to be able to share in tax cuts.

But they are also going to be able to share in a community, in an educational system that works for the kids, being able to send them to college; that they are going to be able to share in the great health care we have in this country. We have got the greatest health care in the world. We have got 50 million people with no health insurance.

We spend twice as much money as any other country in the Western Hemisphere on our health care coverage. We are saying: We can do this better. We can do this differently so that American families reap the benefit of working hard and know that the future of this country is available to them for the great things about this country, the health care system, access to college, good schools are available to them.

Then we go further and we say: We want to make sure you have enough police officers on the streets and firefighters and that local communities can take care of water and sewer needs and other issues and protect the environment; in Michigan, it is the Great Lakes and our air, to be able to breathe the air, and on and on.

There is a set of things that we are committed to doing. The good thing is all that domestic spending we have talked about, that $18 billion in increased spending, 17 percent of the entire budget, only 17 percent of the entire budget, our investments that we are talking about for the people of this country.

Let me also say again, when we talk about differences and where dollars go, $10 billion, $10 billion a year is needed to make sure every kid in this country has health care. That is what we are spending in 1 month in Iraq—1 month in Iraq worth of funding to fund every child in America with health care coverage.

We believe we need to be doing that. In fact, the entire increase in investments in the future for this country's health care, science, education, protecting the environment, law enforcement, all of it adds up to less than 2 months' spending in Iraq.

What this amendment would say is we are going to make it very hard to do any other kind of investments for the American people, American families, but we are going to make it easy to extend this kind of tax cut for people earning over $1 million a year.

I hope we will say no. I hope we will say yes to the budget resolution. We are bringing back fiscal responsibility and stopping digging so the hole does not get any bigger and we can get out of it. We are redirecting the priorities of this country to reflect what the majority of Americans want to see happen for the future of this country and for the future of kids.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand now that Senator CORNYN is going to offer an amendment. We have a unanimous consent agreement which would put him in order. So I yield to Senator CORNYN for the purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 477

Mr. CORNYN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. GREGG, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. ALLARD, Mr. CRAPO, and Mr. DEMINT, proposes an amendment numbered 477.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a budget point of order against legislation that increases income taxes on taxpayers, including hardworking middle-income families, entrepreneurs, and college students)

At the end of title II, insert the following:

SEC. ____. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my amendment creates a 60-vote point of order against any legislation that raises income taxes on taxpayers. Now, I have served on the Budget Committee, and we have had discussions during the course of marking up this budget resolution in the committee.

The chairman tells me it is not his intention for this budget to reflect a tax rate increase. I say good for him and good for us if that, in fact, is true. The problem is that this budget, over the next 5 years, contemplates a $146 billion increase in discretionary spending. That money has to come from somewhere.

Unfortunately, during the committee's debate on this budget, I offered this amendment, but it was opposed. I am told the chairman may have some different views today after additional clarification and explanation. We will see.

But let me make sure it is clear that this amendment will not hinder our efforts to shut down and close illegal tax shelters or perceived loopholes in the IRS Code. This amendment deals with the tax tables contained in the 1040 form that the IRS annually sends to every taxpayer. It will not—let me be clear—it will not hinder efforts to reform or overhaul the Tax Code. Any tax simplification effort will need bipartisan support in the Senate, and if it is revenue neutral, I am confident it will be forthcoming.

Rather, this point of order is an insurance policy when Congress decides to look at the pocketbook of taxpayers for even more revenue instead of looking for ways to eliminate Government waste, fraud, and abuse. The former Chief Justice, John Marshall, said:

> The power to tax is the power to destroy.

The power to tax is the most powerful tool Congress has at its disposal, and my amendment puts it in a place where it will be a safeguard that will protect the pocketbooks of middle-class families, college students, and entrepreneurs. Some of my colleagues on the other side of the aisle are advocating that we pull the rug out from our economy and roll back the President's tax relief or simply let it expire on its own. That is the last thing we should do to protect growth policies of this Government that have helped this economy perform well.

Similar to millions of Americans out there, I am very optimistic about where we are headed. Frankly, I am surprised that our numbers, the good numbers that are reported almost weekly and monthly have not made more headlines because we have one of the strongest economies of any industrialized country in the world despite the present-day challenges we experience.

The economy's performance speaks to its resiliency and its strength. We can and we should take pride in this economy's performance and look for optimism toward the future. Earlier this month, the Labor Department reported that almost 100,000 new payroll jobs were created in February and that the unemployment rate remains at a historic low, about 4½ percent.

The progrowth policies we have been working and living under have given rise to 21 straight quarters of growth and 7.6 million new jobs over the past 42 consecutive months—a tremendous accomplishment and a trend we must work to continue as we face significant fiscal challenges ahead. As we move forward, the last thing we need to consider is reversing the policies that have helped bring about this well-performing economy. We need to continue to generate more revenue, not by raising tax rates but by allowing this economy to create those revenues which are unprecedented in our Nation's history, as we allow more Americans to keep more of their hard-earned money.

In fact, I think we should go a step further and make the President's progrowth tax relief permanent, because if we don't, we will not only jeopardize future economic growth but also the financial well-being of millions of Americans—families, small business owners, seniors, all will face higher tax bills beginning in 2011.

Not making this tax relief permanent will result in an increase in taxes to every American taxpayer. For example, a family of four with two children making $50,000 in annual income would see an increase of $2,092 in its tax bills or a 132-percent hike.

The chairman of the Budget Committee argues that his budget does not raise rates to the American taxpayer, and I am hopeful that is the case. Frankly, there is no way the chairman can guarantee this policy assumption will remain, short of my amendment. I see this amendment as an insurance policy when Congress decides to look at the pocketbooks of the American taxpayers for more revenue, which would contemplate applying the brakes on the economy instead of eliminating Government waste, fraud, and abuse.

I have had conversations with the distinguished chairman of the Budget Committee. He has indicated to me that perhaps there are some questions he has about the import or the impact of this amendment. I would be glad to respond to any questions he may have.

Mr. CONRAD. I thank the Senator from Texas very much. Senator CORNYN is another member of the Budget Committee whom I always look forward to working with and hearing his views; sometimes we agree, sometimes we do not.

But with Senator CORNYN, it is always done in a collegial and professional manner, and I appreciate the attitude he brings to the committee.

I have three questions I wish to ask Senator CORNYN with respect to this amendment. First, would it be the Senator's intent, in any way, that this amendment would preclude a corporation or an individual from paying more if we were to close down certain offshore tax havens?

Mr. CORNYN. Mr. President, I would answer the Senator's question by saying it would not. The import and the effect of this amendment would be to prevent an increase in the rate of taxes but not to close loopholes on those who are not paying taxes or not their fair share of taxes.

Mr. CONRAD. I have one question related to tax havens, one to tax loopholes, and one to tax gap. So my understanding, from the answer to the first question—which went to the question of tax havens—is that offshore tax havens that certain companies and individuals have been setting up in order to avoid the U.S. taxes, you have no intent in this amendment to preclude us from collecting more revenue from those who were engaged in those practices?

Mr. CORNYN. Mr. President, that is correct.

Mr. CONRAD. The second question would be with respect to the tax gap. Obviously, we have some who are not paying what they legitimately owe under the current Code. I assume it would be the Senator's position that his amendment would not preclude us from collecting more revenue from companies or individuals who are not now paying what they legitimately owe under the current law.

Mr. CORNYN. Mr. President, the Senator is also correct. This would not affect collecting taxes from what people are not paying that they do legitimately owe now.

Mr. CONRAD. Final question goes to this more nuanced question of basically tax scams, circumstances such as the one I have described earlier today in which U.S. companies and investors are buying foreign assets—for example, sewer systems or public facilities such as commuter rail or other foreign assets—depreciating them on the books here for tax purposes, and then engaging in lease back of those assets to the communities that paid for them in the first place. Would it be correct to assume there is nothing in this amendment that would preclude us from shutting down those abusive tax shelters?

Mr. CORNYN. Mr. President, I say to the distinguished chairman of the Budget Committee, there is nothing in this amendment that would preclude the action he described.

Mr. CONRAD. I say to the Senator, based on his answers to me, I would be willing to accept the Senator's amendment. Would the Senator be willing to accept a voice vote on the amendment?

Mr. CORNYN. Mr. President, I say to the distinguished chairman of the Budget Committee, my concern is that amendments that are accepted or taken by voice vote are sometimes looked upon by the conferees as having less dignity and likely not to make it out of the conference committee as compared to amendments on which there is actually a rollcall vote. It would be my preference to ask for the yeas and nays and to have a rollcall vote. We can stack it along with other votes we will be having. I don't think it will delay the work of the chairman or the ranking member. That is my preference.

Mr. CONRAD. Let me say, the Senator has that right. I don't think we need to belabor this point. I have received answers to the questions I had. The Senator has been very forthcoming with respect to his answers.

Mr. CORNYN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CORNYN. I thank the Chair and the distinguished chairman and ranking member of the Budget Committee for their courtesy.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I apologize to both Senators. I wanted to say that tomorrow night, unless there is something changed, we will be in session until 1 a.m. Thursday morning. Unless we work something out on the time on this by yielding back time, the next night—that is, Thursday night—we will be in all night. That is the only way the time can be used up. If that happens, our time will be gone at 1:30, approximately, on Friday morning. That is when the vote-arama would start. We have no two men who are more experienced than these two managers. This is a difficult bill. Hopefully, we can work something out to yield back part of the time. If we can't, we have to do that because we have to have final passage or a final vote on this matter sometime Friday. That is where we are. The vote-arama could take us into Saturday. But to get to Friday at 1:30 is going to take all night tomorrow night, all night Thursday night, until 1 o'clock Friday morning.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that no other amendments be in order today; that on Wednesday, when the Senate resumes the budget resolution, there be 42 hours remaining equally divided; that on Wednesday, the first amendment be offered by a Republican Senator, and the intention is that be Senator ENSIGN, and that the next amendment be one offered by the majority leader or his designee; further, that no rollcall votes occur prior to 5 p.m. Wednesday and that the first vote in the sequence be the amendment offered by the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, for the information of the Senate, I would like to announce that during the vote sequence, if Republicans have an alternative to the first Democratic amendment, then it would be voted after the Democratic amendment, and we expect that other amendments will be offered and debated Wednesday prior to 5 p.m. So there are expected to be a series of votes at that time. We expect that they will be voted in an alternating fashion; that is, going back and forth between the two parties.

Mr. GREGG. This has been worked out. This is an appropriate way to proceed, and it makes significant progress. I would hope that tomorrow evening when we start this vote, we will have more than these amendments lined up. In fact, I hope we have five or six other ones to vote on so we would have quite a series of votes at 5 o'clock tomorrow night. That will get us on course.

Mr. CONRAD. It is entirely appropriate to say to our colleagues, to put them on notice, that we intend to have a series of votes after 5 o'clock, not limited to these. The other amendments we are going to try to get through as quickly and as fairly as we can tomorrow so that we reduce what is left over for vote-arama.

Mr. GREGG. If I may add, reserving the right to object, tonight, if people wish to come down and speak on the resolution, this is a good time to do it.

Mr. CONRAD. This is an excellent time to speak on the resolution, but there will be no further amendments in order, nor votes.

The PRESIDING OFFICER. The consent had been granted.

Mr. CONRAD. We appreciate that. I appreciate very much the cooperation of Senator GREGG in setting up this series of votes tomorrow tonight.

We have the Senator from Ohio. How much time would the Senator like?

Mr. BROWN. No more than 5 minutes.

Mr. CONRAD. I yield 5 minutes to the Senator from Ohio. We are delighted he is here to talk about the budget.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, for too long policies set in Washington have failed to represent the values of families throughout our Nation. The last 6 years, the President has used his State of the Union Address to assert his administration's commitment to economic development, to quality education, to enhanced national security, and to other worthwhile goals. For the last 6 years, he has presented a budget that cuts funding, that cripples communities, that devastates families. His administration talks about the importance of economic development, then they propose cuts to small business and to manufacturing programs. His administration talks about the importance of education, then year after year they dramatically underfund No Child Left Behind. The administration talks about the importance of homeland security, then they cut critical first responder funding, all the while continuing to push for more tax breaks for billionaires.

Budgets, as we know, are moral documents, for a business, for a family, and for a government. Budgets reveal what is important and what is not. They reveal priorities. Over the last 6 years, the Federal budget has strayed further and further away from the priorities of the people we represent. This budget is an opportunity to reverse course.

Members of Congress serve at the pleasure of those who elected us to office. We are supposed to serve on their behalf. Families across Ohio, families across the Nation made their priorities well known last November. They want a budget that helps to educate our children, invests in our communities, and secures our Nation. They want a budget that supports our military overseas and our first responders at home and our veterans and our soldiers and sailors when they return. They want a budget that values our Nation's veterans, bolsters the public health, and makes a meaningful, not a token, investment in alternative energy.

Congress has hard work to do in the months and years ahead. Six years ago, we had a budget surplus. Now we have deficits as far as the eye can see. We must realign our budget priorities and our policymaking to reflect the priorities of working families. This budget takes us in a new direction, guided by our constituents' priorities.

Say no to the Sessions amendment. Say yes to the budget resolution. It is a new direction. It is the right one.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered. Does the Senator from North Dakota yield time?

Mr. CONRAD. I am always happy to yield time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I know our budget leaders are working diligently as they put together what will be happening on amendments. I thought I would take a moment to summarize again what it is that we are proposing in this budget resolution. Let me again commend our leader, Senator CONRAD, the very distinguished Senator from North Dakota, for his incredible job of putting together a very complicated budget with many pieces. He has worked very hard. His staff has worked very hard. I thank them for that, as well as the distinguished former chairman, current ranking member, the Senator from New Hampshire, who is also a real pleasure to work with. Even though we disagree on many philosophical points, it is a pleasure working with him. I appreciate all of his hard work and the hard work of his staff.

What we are looking at for the next year and for basically the 5 years of the budget resolution is a return to fiscal responsibility; in other words, we think it is time that we stop digging the hole and start filling in so we can climb out of it. In other words, we think it is time to start paying the bills and not spending more than we have, which is what every family in America has to wrestle with every day. They expect us to make the tough choices to do the same things. This budget does that.

This budget also puts middle-class families first. We start by addressing all that we know families are concerned about. It is a new direction for America. It is a new time.

We have seen in the last 6 years an effort to put the privileged few first—whether that was tax cuts, whether that was other kinds of investments, or a lack of fiscal responsibility, a real borrow-and-spend mentality.

We now are saying it is time for a new direction. I think the people of America said in November it is time for a new direction. They elected a new majority, and it is our job, it is our responsibility now to fulfill that.

That is what this budget resolution does. It reflects a very different set of values and priorities. We do return to fiscal discipline. In fact, by year 5—by year 5—we are back in the black, which is extraordinary given the fact that in the Clinton years, in the 1990s, we did all the hard work of getting it into balance. I remember being in the House with the distinguished Presiding Officer, the Senator from Ohio. We were in the House together. It was a very tough time to make tough decisions to balance the budget. The first year I was in the House, we did that in 1997. Then we began to see surpluses. We did that with a very balanced approach. We did that with tax cuts to stimulate the economy, but it was for middle-class families and small businesses and those who were creating jobs in America. We did it by strategic investments. We did it by strategic investments in education, innovation, science, technology development, and investing in health care.

That is when the first children's health care program was developed, to provide health care for children of working families who do not have health insurance connected to their job. We did it by making some very tough decisions that put Social Security first and stopped using that trust fund as a way to fund other things. As a result of some tough decisions and some smart investments, by 2001, when I had the privilege of coming to the Senate representing Michigan and sitting on the Senate Budget Committee, we had the largest budget surplus in the history of the country—$5.7 trillion. I could live on that—$5.7 trillion.

We had, then, choices. What do you do with that? After all that hard work, what do you do with that?

I remember the now distinguished chairman of the Budget Committee, the Senator from North Dakota, suggesting what I believed was a very wise plan at the time. He said: We need to be balanced, as we have been, as we were in the 1990s, in getting us to this point. We need to do strategic tax cuts, again to stimulate the economy. Those kinds of tax cuts create jobs in America, innovation. Then we need to have strategic investments in our people, in science, in health care, in education, having the opportunity for people to be able to afford to go to college.

Let's make sure our communities are safe by having enough police officers on the streets. Let's do those things that protect our air and our water and our land and invest in the quality of life of America. So let's do that for one-third; tax cuts for one-third. And then we know we baby boomers are coming. We know the concern about Social Security. So let's take a third of all that surplus and put it aside, put it into prefunding the gap we know is coming.

That was the current chairman's plan. I thought that was a good plan. I supported it. We were in the minority, and we were not successful in passing that plan. I believe if we had, we would not be debating the gap in Social Security as we are now, and we would not be talking about digging ourselves out of a hole that has been created, because instead of that balanced approach that every family would take trying to balance out multiple needs—and how do we make sure we are smart, how do we be strategic, how do we create opportunities, and so on—instead of doing that, virtually all of it was put into a tax cut that resulted last year in people who earn over $1 million—just in 2006—getting an over $118,000 tax cut, which was more than most people in Michigan make in a year.

So that was done. Then it left us no rainy day fund, no ability to respond to emergencies. Then the war happened. We essentially put it on a credit card. Other things were passed that were essentially put on a credit card. We racked up—I should not say "we;" I did not support those things—the largest deficit in the history of the country.

Now there is a new majority, and we have inherited all of the things that happened before. I heard tonight colleagues on the other side of the aisle talking about all these problems in the budget. Boy, do we agree. Unfortunately, we did not create those problems. We have inherited those problems over the last 6 years. But we know it is our responsibility to do something about it. That is what this budget does. This budget is an effort to be responsible, to do what every American wants us to do to get our arms around this deficit, to do those things that will require tough choices, the right choices.

We say if there are going to be further tax cuts or mandatory spending in the future, you should have to think long and hard, and we should have to get 60 votes or a supermajority to do that because we want to make it a fiscally responsible budget.

But we also understand part of being responsible is responding to what is happening to every—almost every—American family across this country. Earlier today, I heard the distinguished ranking member on the Budget Committee talk about how great things are, how great things are going. Well, they are not going great for a majority of Americans in this country who have seen their real wages, their earning power go down since 2000, not up. For others it may be going up. Corporate profits are going up. The S&P 500 is going up. But for everybody working hard every day, trying to make ends meet for their family, their wages on average are going down.

This budget addresses that issue. This budget focuses on middle-income families and those working very hard to get into the middle class who are saying: What about me? When is somebody going to stop what is going on and focus on the majority of Americans and what we need to grow the economy, our quality of life, and to make sure our families have what they need, who are working hard every day? That is what this budget addresses, those people who are, in fact, the majority of the people.

So we do it in a number of ways. We do it by investing in education. When you look at the President's budget for this year, and you add up past years, there is over a $70 billion shortfall in Leave No Child Behind. We are leaving a lot of kids behind. There was a commitment made to raise standards, and at the same time to give resources to schools, and it is $70 billion short as of this date with this President's budget.

We put more money into education. We do not think that is good enough. I was at an education hearing today, and some very good points were made. In fact, our chairman, the distinguished Senator from Montana, told a story at the beginning of the hearing about Rip Van Winkle waking up and seeing all these changes in the world, but he finally could feel comfort because the school looked the same.

My kids graduated from college not long ago, but not too long ago high school. One of the things that consistently has caused me great concern is that the schools they went to look dangerously like the schools I went to. Yet we carry around personal computers. Every single one of us operates with computers. We have computers right here in the Senate Chamber. Yet we do not have one on the desk for every child in America. So we are leaving kids behind in a lot of different ways. We say in our budget resolution, that is not OK. We want to turn that around. So we put dollars back. We stopped the cuts the President has, and we invest more dollars in education and innovation.

Then we say if you are working hard and you are trying to make ends meet, and you are working in a job that does not have health insurance for your family, you ought to be able to know that when you go to bed at night your kids have health care and you can do something about it if they get sick. That is what we do by making a commitment to fully fund what is called SCHIP, the Children's Health Insurance Program. This is something that is available to working families. Low-income families are able to receive Medicaid. These are families who are working hard, families whose minimum wage we raised not long ago. So maybe they only have to work two jobs now instead of three to make ends meet, but they still do not have health insurance. We make a commitment to provide that health insurance for every child of a working family.

That is a very important value. It is a very important principle. I hope we are going to come together with strong bipartisan support to be able to do that.

We also then keep our promise to our veterans. We all know what has happened at Walter Reed. We know also there are other very serious system problems. In my State of Michigan, people wait too long to see a doctor. They drive too far to get basic kinds of tests, blood drawn, or x rays. We need to do a better job for our veterans. We need, frankly, to get them out of the yearly budget process and put them into a situation where they know their funding is assured.

Our budget, for the first time ever, I assume—certainly for the first time since I have been here; and I have asked others, and I think it is the first time ever—we have in the budget the amount recommended by the independent budget which is organized by all the veterans groups. The veterans groups have come together. They analyze the VA health system and other needs and recommend to us what is needed.

For the first time, our budget for veterans health care and other critical needs matches what they are recommending. This is very important. We are making veterans—our men and women who are coming home from wars, who put on a veteran's cap, who may have tremendous hardships, physical challenges, mental challenges, financial challenges from being extended more than once—and with serious issues for families—we make veterans a top priority and say we are going to keep our promise to our veterans. That is an integral part of our budget resolution.

Then we go back to what we have always been about. The other side will say: Well, we are for tax increases. No. No. We just want to see the folks who are working hard, who are the majority of Americans, get the tax cut. I am not interested in another tax cut for somebody who makes over $1 million a year, who got $118,000 back in a tax cut last year. I want somebody making $118,000 a year to get a tax cut. We start by saying the alternative minimum tax, which is creeping up and hitting middle-income people, should be changed so it does not become the alternative middle class tax. We are very focused on making sure the other parts of the Tax Code that are important to families remain in place and that we, in fact, are giving middle-class tax cuts.

Then we take a look at all of the efforts to deinvest, to defund that the President recommended in education, cutting the COPS Program again, firefighter grants, various kinds of technology programs, environmental programs in Michigan, and I know in Ohio as well. The manufacturing extension partnership is important for small and medium-sized businesses to be able to help them receive technical assistance, to be able to compete in the global economy, to be able to hire more people. We have restored the funding for that. We address other technology programs. So we also reject the President's efforts to move away from critical areas of priority and need of the American people.

So there are a lot of other pieces in this budget, but these basically, overall, are the important priorities that we have placed in the budget that say to the American people: We care about you. We want to put you and your family first. We know that you are squeezed on all sides. If you are from Michigan and losing your job or being asked to take less in your job or pay more for your health care or lose your pension, it is time to fix that. It is time to make you a priority.

That is what this budget does. It makes the people who work hard every day, who make this country run—the middle class, the people working hard every day to get into that middle class, who keep the economic engine of this country going—it makes them the priority. That is what this is all about. It is about whose interests are going to be represented in this budget.

I am very proud of the fact we are representing the interests of the majority of Americans, the folks who are working hard and seeing the gas prices go up along with the oil company profits, who are seeing their health care costs go up, maybe losing their pension, seeing the cost of college go up for their kids. Everything is going up and up and up and up. Those are the folks whose pockets we want to put money back into. That is where we want the tax cuts to go. That is where we want the tax cuts to go. That is where we want the investments in the future to go. That is what this budget resolution does.

I am very proud of the fact that we return fiscal discipline and we put middle-class families first. It is about time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF GENERAL JOHN ABIZAID

Mr. REID. Mr. President, last Friday GEN John Abizaid handed over the job of Commander of the U.S. Central Command to ADM William J. Fallon and officially entered retired life, a civilian citizen for the first time in more than 30 years.

General Abizaid entered the U.S. Army as a second lieutenant after graduating from West Point in 1973. General Abizaid is among the elite of the Army's infantry commanders—an Airborne Ranger. Over his time in the military, he led paratroopers in several key units of the 82nd Airborne Division, including the 504th Parachute Infantry Regiment and the 325th Airborne. In command of a Ranger Rifle Company, he was one of the first commanders on the ground during the invasion of Grenada. He deployed to Kurdistan during the first gulf crisis, was Commandant of West Point, Division Commander of the Big Red One, Deputy Commander of Central Command during Operation Iraqi Freedom, and took over as Commander of Central Command in 2003.

What most has distinguished General Abizaid is his combined ability as both a warrior and as one of our Nation's great strategic thinkers regarding the Middle East. He knows and understands the Middle East and its strategic implications for American security. As a young officer, John Abizaid learned fluent Arabic, served as an Olmsted Scholar in Jordan, served with the United Nations Observer Group Lebanon, and conducted strategic research at Harvard and Stanford Universities. In his generation, there were few officers with this combined set of skills and experiences, and he served as a role model to those who now protect America's interests and fight for security in the Middle East. In the next generation of officers in the years to come, we will need hundreds, if not thousands, more like him.

I am especially pleased that General Abizaid has chosen to return to near where he grew up by making his new civilian residence in my great State of Nevada. General Abizaid has said that after retirement he would like to continue to examine how best to reform the national security apparatus of our Government to better address the "long war" that he believes we are fighting against violent extremism, to empower moderates in the region, and to rebuild the power, influence and security of the United States. He has said he may even write a book on these subjects, and I would hope he would do so. He has served the Nation ably and honorably over the last several decades, and while I wish him his fair share of peace, quiet, rest and relaxation not far from the shores of Lake Tahoe, I believe he has years of additional service to the Nation ahead of him. We owe General Abizaid our thanks and our deep gratitude, and I look forward to working with him in his new chapter.

BOB FERRARO RETIREMENT

Mr. REID. Mr. President, I rise today to pay tribute to the longest serving current elected official in southern Nevada, Boulder City, NV—Mayor Robert Stanley "Bob" Ferraro. Later this spring, Bob will retire after 31 years of dedicated public service.

For three decades, Bob has been a civic leader, kind neighbor, and level-headed voice in the politically active and dynamic community he has called home since 1970. For 17 years, Bob served on the Boulder City Council. Later, he was elevated to serve the city as its mayor. In 1999, he became the first mayor directly elected by the people of Boulder City. During each campaign, he proudly knocked on every door in town—a feat he accomplished seven times.

During his time in public service, Bob has presided over Boulder City in an era of unprecedented growth, expanding from 7,800 residents in 1976 to more than 15,000 today. The community Bob calls home is one of those unique places in America that has managed to maintain its distinctive identity in the face of massive change. Throughout the last three decades of unparalleled growth in southern Nevada, Bob Ferraro has stood alongside Boulder City residents to fiercely defend limited growth policies that have preserved this special place.

Located just 20 miles from Las Vegas, Boulder City was built by the Bureau of Reclamation during the Great Depression as a housing complex for workers building nearby Hoover Dam. While the original residents flocked to Boulder City seeking opportunity, modern times have seen generations of families choosing to reside in this city on the shore of Lake Mead for its superb quality of life, access to outdoor recreation, and sense of community.

This sense of community can be attributed, in part, to Bob's hard work. As mayor, Bob encouraged the development of parks and recreation areas throughout Boulder City. These parks affect the lives of all residents, young and old. From youth sports leagues to adult recreational programs, Boulder City's park system has allowed all residents to continue to enjoy the smalltown feel that makes this city unique.

Throughout his time serving the Boulder City community, Bob never forgot that he was a part of the community. He is a past President of the Boulder City Rotary Club and was named the 1980 Rotarian of the Year. He also served as president of the Nevada League of Cities in 1985 and was named Nevada Public Official of the Year in 1986.

His leadership, sincerity, and poise will be missed. I am honored to pay tribute to Bob Ferraro as he prepares to complete his distinguished service to Boulder City and Nevada. I wish him and his wife Connie, his three children, and eight grandchildren much happiness for the future. Southern Nevada is truly a better place because of Bob.

NORTHEAST PENNSYLVANIA MEDICARE WAGE INDEX

Mr. SPECTER. Mr. President, for a considerable period of time, there have been a number of counties in Pennsylvania that have been suffering from low Medicare reimbursements, which has caused them great disadvantage in comparison to surrounding areas. I refer specifically to Luzerne, Lackawanna, Wyoming, Lycoming, and Columbia in northeastern Pennsylvania, and there are open disadvantaged counties elsewhere in Pennsylvania. Those counties are surrounded by MSAs, metropolitan statistical areas, with higher Medicare reimbursements in Newark, and New York, to the east; in Allentown to the southeast; and in Harrisburg to the southwest. As a result, a flight of very necessary medical personnel has occurred as northeast Pennsylvania hospitals are not able to provide employees with adequate competitive wages.

Further complicating this issue are the exceptions to the Medicare wage index regulations. Since 1987, exceptions have been created to the wage index program for rural facilities, new facilities, and others. In fact, in 1999, Congress passed legislative reclassifications for specific hospitals to allow selected facilities to move to a new MSA and receive greater Medicare reimbursement. While these reclassifications have improved funding for those hospitals, hospitals that did not receive improved funding are being further disadvantaged.

It has also come to my attention that inpatient rehabilitation facilities are not provided an opportunity to obtain equitable Medicare reimbursement. Inpatient rehabilitation facilities receive adjustments in their Medicare reimbursement due to geographic disadvantages within the Medicare inpatient prospective payment system. This is based on information gathered from other acute care facilities in the MSA, not from their own wage information. Thus, inpatient rehabilitation facilities cannot apply for reclassification to another MSA that reflects their actual labor costs. As such, the facilities are prevented from being eligible for increased funding to assist with wages like acute care facilities, while being forced to compete for employees with those facilities that have had access to increased funding.

I have worked to find a solution to the Medicare wage index disparity in reimbursement for a number of years. During the conference for the fiscal year 2002 Labor, Health and Human Services, and Education Appropriations bill, the conferees agreed that there should be relief for these areas in Pennsylvania that were surrounded by areas with higher MSA ratings. However, at the last minute, there was an objection to including language in the conference report.

To correct this problem I, along with Representatives Sherwood and ENGLISH, brought the matter forward in the fiscal year 2002 supplemental appropriations bill. The language was included in the House version of the bill, and I filed an amendment to Senate bill. During conference negotiations my amendment was defeated and the provisions were not included.

As part of the fiscal year 2004 Labor, Health and Human Services, and Education appropriations bill, $7 million was provided for hospitals in northeast Pennsylvania that continued to be disadvantaged by the Medicare area wage index reclassification. The funding was provided as temporary assistance for those facilities.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Committee chairman, CHARLES GRASSLEY, and ranking member MAX BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. Thereafter, section 508 was included in the bill, which provides $300 million per year for 3 years to increase funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates. The temporary program, which began in April 2004 and was scheduled to expire March 31, 2007, has and will provide Pennsylvania hospitals $69 million over that time, or $23 million per year.

On September 29, 2006, I introduced the Hospital Payment Improvement and Equity Act to extend the section 508 Medicare wage index program for 3 more years until March 31, 2010. This legislation would have also expanded the eligibility of the program to include inpatient rehabilitation facilities and facilities that qualified for the program but did not receive assistance due to inadequate funding.

As part of the Tax Relief and Health Care Act, which was signed into law on December 20, 2006, an extension of the section 508 Medicare wage index program was included. This will provide 14 Pennsylvania hospitals an additional $18.4 million for 6 more months until September 30, 2007.

On February 21, 2007, I visited Moses Taylor Hospital in Scranton, PA, and met with representatives of northeast Pennsylvania hospitals affected by this issue. I went over with them the situation that had occurred and asked that they submit memoranda or letters outlining their hospitals' extreme plight, which I could then share with my colleagues in the Senate and have printed in the CONGRESSIONAL RECORD for everyone to see.

A letter prepared by Harold Anderson, president & CEO of Moses Taylor Hospital, Scranton, PA, pointed out the following:

> Health care facilities in our area are especially disadvantaged in that we must compete for specialized, skilled health care labor in a geographic market that includes easy access to Philadelphia, Allentown, and Stroudsburg, three geographic areas in which the Wage Index reimbursement for acute care hospitals is higher than that found in NEPA [Northeast Pennsylvania].

He goes on to write:

> Considering the relative scarcity and high demand for a highly skilled work force, such as nurses, pharmacists, imaging technologists, etc., the out-migration to the adjacent MSAs is further exacerbated in that NEPA hospitals are forced to pay higher salary and wage rates, which are not fully compensated by the Medicare reimbursements. As just one example, the starting salary for Registered Nurses has increased by more than 18% over the past three years.

Regis Cabonor, president & CEO of Bloomsburg Hospital, Bloomsburg, PA, wrote on February 26 as follows:

The significant volume of services provided to Medicare beneficiaries renders the Hospital largely dependant upon Medicare reimbursement to cover the cost of direct patient care . . .

He also states:

Without the additional reimbursement provided by this [508 wage index] reclassification, our hospital would not be able to attract and retain qualified clinical staff, forcing staff and our patients to travel to the next closest facility for work and care.

Similar concerns were expressed in a memorandum from Jim May, president & CEO of Mercy Health Partners, Scranton, PA, pointing out that:

The 508 reclass funding has enhanced our ability to compete with our adjacent CBSA's [Core-Based Statistical Area] for registered nurses, technicians, and other medical professionals. Over a three year span we have reduced our registered nurse vacancy rate from 12.2% to 4.5%. Significantly, we have cut our spending for contract agency nurses in half. We believe that reducing those expenses has contributed toward improved care management and quality for our patients.

Mary Theresa Vautrinot, President & CEO of Marian Community Hospital, Carbondale, PA, noted that Marian Community Hospital is the largest employer in the Carbondale area. The hospital serves a large Medicare population who would have difficulty accessing health care if not for the hospital, which struggles to find physicians to staff the facility. She notes that, without the 508 wage index funding, the hospital may not be financially viable.

Similar concerns were noted by the Community Medical Center Healthcare System of Scranton, PA. John Nillson, interim president and CEO, stated in his letter that:

The dramatic differential in Medicare payments between our MSA and the surrounding MSA's will continue to have a negative impact . . .

Further:

. . . the nursing shortage has intensified and when combined with other skilled labor shortages, has resulted in a highly competitive environment for these skilled caregivers. As a result, it remains difficult to recruit and retain healthcare professionals.

John Wiercinski, chief administrative officer, Geisinger South Wilkes-Barre, Wilkes-Barre, PA, and Lissa Bryan-Smith, chief administrative office, Geisinger Wyoming Valley, Wilkes-Barre, PA, noted that:

Due in large part to the Section 508 legislation, nurse vacancy rates have decreased significantly at both hospitals.

James Edwards, president & CEO, of the Greater Hazelton Health Alliance, which is made up by Hazelton General Hospital and Hazelton—St. Joseph Medical Center, Hazelton, PA, submitted a memorandum that similarly states:

The monies received through the Section 508 reclassification played a major part in the successful turnaround of our health care system, assuring our community that quality health care services will be available to meet their health needs.

The Wyoming Valley Health Care System, in a letter from president and CEO, Dr. William Host, points out the problems in retaining registered nurses:

Prior to [the Section 508 wage index program], the discrepancy between our reimbursement by Medicare and that of surrounding MSA's was having disastrous effects. Nurses, technologists of all sorts, nurse anesthetists and pharmacists were abandoning northeastern Pennsylvania in droves. Vacancies in these areas were running 14% to 20% and this created a serious threat to quality of care and access.

Raoul Walsh, president & CEO, Tyler Memorial Hospital in Tunkhannock, PA, sent a memorandum that shared this concern:

If the Section 508 was removed or reduced, the hospital would be forced to eliminate or reduce clinical services . . .

James Brady, president of Allied Services, of Clarks Summit, PA, an inpatient rehabilitation facility which did not qualify under the section 508 wage index program, shared that as a result of not receiving funding they have been forced to employ international nurses to fill 13 of the 30 open nursing positions.

Neal Bisno, secretary treasurer, Service Employees International Union, district 1199P, which has a number of northeast Pennsylvania hospital employees as members, addressed the issue from the workforce perspective, stating:

A permanent solution is needed [to the Medicare wage index program problems] in order to maintain a stable, well-trained health care work force in area hospitals and guarantee continued access to quality health care services in Wilkes Barre/Scranton region.

Denise Cesare, president & CEO, Blue Cross of Northeastern Pennsylvania, in a memorandum dated February 26, 2007, notes:

Due to their current Medicare Wage Index classification, hospitals in the northeast and north central regions receive disproportionately lower reimbursements when compared to similar hospitals that compete with them for services and staff. This reimbursement imbalance drains trained clinical staff, primarily nurses, from the local delivery systems. Our system continues to suffer and decline as medical professionals move to hospitals in neighboring locales because higher Medicare Wage Indexes allow these regions to pay higher salaries.

On February 24, 2007, the Scranton Times-Tribune published an editorial regarding this issue in northeast Pennsylvania. The editorial posited that northeast Pennsylvania hospitals are in critical need of reform to the Medicare wage index system to end this cycle and cogently captures the issue:

Wage rates at regional hospitals are lower than those for large metropolitan areas, resulting in lower Medicare reimbursements, resulting in the inability of many hospitals to significantly increase wages, resulting in lower reimbursements . . . and on it goes.

Congressional action is needed to reform the Mediare wage index system and provide a fair reimbursement for hospitals. MedPAC, the Medicare Payment Advisory Commission, is scheduled to release a report in late June, 2007 that will offer recommendations on reforming the wage index system. I encourage Finance Chairman BAUCUS and Ranking Member GRASSLEY to examine these recommendations and move forward with improvements to this system in an expedited fashion. Northeast Pennsylvania hospitals are in great financial distress. They deserve fair treatment.

Mr. President, I ask unanimous consent that these memoranda, letters, and editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOSES TAYLOR HOSPITAL,
Scranton, PA, February 22, 2007.

Senator ARLEN SPECTER,
310 Spruce Street, Suite 201,
Scranton, PA.

DEAR SENATOR SPECTER: The Section 508 funding which Moses Taylor Hospital currently receives amounts to $3.3M in Medicare revenues each year. Given the fact that this funding is scheduled to expire on September 30th, 2007, the loss of the appropriated funds would be devastating not only to Moses Taylor Hospital, but to all of the similarly situated, acute care facilities in Northeastern Pennsylvania. Health care facilities in our area are especially disadvantaged in that we must compete for specialized, skilled health care labor in a geographic market that includes easy access to Philadelphia, Allentown, and Stroudsburg, three geographic areas in which the Wage Index reimbursement for acute care hospitals is higher than that found in NEPA.

The original Medicare Wage Index mechanism assumed that highly skilled health care workers would somehow remain in the geographic area most closely located to the acute care facility in which they would work. However, intensive media advertising campaigns, targeted personnel recruitment initiatives, and an excellent interstate highway and turnpike system make it much easier for personnel to travel to the adjacent MSAs in which acute care hospitals receive higher Medicare Wage Index payments and can, therefore, afford to pay higher salaries and wages. [Considering the relative scarcity and high demand for a highly skilled work force, such as nurses, pharmacists, imaging technologists, etc., the out-migration to the adjacent MSAs is further exacerbated in that NEPA hospitals are forced to pay higher salary and wage rates, which are not fully compensated by the Medicare reimbursements. As just one example, the starting salary for Registered Nurses has increased by more than 18% over the past three years.]

The lower Medicare reimbursements ultimately impact hospital capital expenditures since the facilities are unable to generate appropriate capital reserves to acquire advanced medical technology and upgrade physical plants. This inability to invest in buildings and equipment has the additional, unfortunate consequence of causing area residents to seek care in adjacent MSAs, often at great expense and logistical difficulties to patients and their families.

We certainly hope that the Federal Government will devise a means to address the inadequate wage component of Medicare reimbursements in the long term; however, we urge the extension of the Section 508 adjustments beyond the end of September 2007. Thank you for your continued effort and support regarding this important issue.

Sincerely,

HAROLD E. ANDERSON,
President & CEO.

BLOOMSBURG HOSPITAL,
Bloomsburg, PA, February 26, 2007.

The Bloomsburg Hospital (the "Hospital") is a 52-bed acute care and 20-bed psychiatric care hospital located in Columbia County, Pennsylvania. The Hospital provides healthcare services primarily to patients in Columbia and Montour counties and surrounding communities. The Hospital registers approximately 85,000 patients annually for medical care.

The geographic region served by the Hospital has had an average population over 65 years of age of approximately 16% since 1996, as reported by the Pennsylvania State Department of Health. This population is slightly higher than the statewide average of 15.2%. The over 65 population is treated by the Hospital primarily as Medicare beneficiaries.

Currently, Medicare beneficiaries account for 25% of total Hospital volumes and 31% of total payments for services. The Medicare population is the single largest payor population of the Hospital.

The significant volume of services provided to Medicare beneficiaries renders the Hospital largely dependent upon Medicare reimbursement to cover the cost of direct patient care as well as to defray the ever increasing costs of utilities, professional liability, information technology, facility upgrades and other technology expenditures. All of these expenditures are necessary to continue to provide adequate patient care in a rapidly advancing industry.

During fiscal year ended June 30, 2006, the Bloomsburg Hospital received approximately $663,000 in additional payments from the Medicare program as a result of the temporary reclassification of Wilkes-Barre/Scranton Area hospitals MSA. Should the reclassification not be extended or made permanent, the Hospital would lose this reimbursement.

It is important to note that the largest competitor to our hospital is located only 12 miles from our facility. That hospital is located in Montour County and is therefore included in the Harrisburg MSA (whose reimbursement rates from the Medicare program are consistent with the current rates paid to our hospital since the reclassification). The temporary reclassification of our hospital allowed us to compensate our clinical employees commensurate with our competitor.

Without the additional reimbursement provided by this reclassification, our hospital would not be able to attract and retain qualified clinical staff, forcing staff and our patients to travel to the next closest facility for work and care. While this is easily commutable for clinical workers seeking higher wages for comparable work, the same commute is not as manageable for elderly or sickly patients.

Without adequate qualified staff to provide medical care at our community hospital, we will be forcing patients to travel further for their care.

Sincerely,

REGIS P. CABONOR,
President and CEO.

MERCY HEALTH PARTNERS,
February 26, 2007.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you for recognizing the severe economic situation that healthcare providers face in Northeastern Pennsylvania and for your tireless efforts in securing the original 508 reclassification and our most current six month extension. I also wanted to offer high praise to your staff, including John Myers and Andy Wallace, for their willingness to work on behalf of the region's hospitals and the thousands of patients they serve.

During last week's meeting, you requested specific information about the impact of our reclass. Mercy Hospital in Scranton would lose approximately $6.2 million in the next fiscal year without the ability to maintain our reclass to the Allentown-Bethlehem-Easton, PA-NJ Core-Based Statistical Area (CBSA). In short, the reclass funding has moved us from losing money to breaking even. Prior to the original 508 reclass, we experienced negative operating margins every year from fiscal year 2000 through 2003. Since 2004, our average operating margin is 0.42%. The loss 508 funding would result in an overall CY2006 operating loss of −5.14 percent.

The 508 reclass funding has enhanced our ability to compete with our adjacent CBSA's for registered nurses, technicians, and other medical professionals. Over a three year span we have reduced our registered nurse vacancy rate from 12.2% to 4.5%. Significantly, we have cut our spending for contract agency nurses in half. We believe that reducing those expenses has contributed toward improved care management and quality for our patients.

We are very proud that since the 508 reclass we have consistently placed in the top 10 percent of hospitals nationwide for the twenty-one quality measures set by the United States Department of Health and Human Services. We performed at the 96th percentile on the nationally recognized HHS quality measures in 2006.

In addition, we are one of 27 hospitals nationally recognized by Solucient as a top 100 hospitals for cardiovascular care in the past three consecutive years. Furthermore, Mercy is one of 3 Pennsylvania hospitals certified in both cardiovascular and pulmonary rehabilitation by the American Association of Cardiovascular and Pulmonary Rehabilitation.

We believe that you agree that our mission demands delivering world-class care to our community. Elimination of the 508 funding would force us to consider staff and service reductions to cope with the substantial loss of revenue.

On behalf of our patients, our community, our employees and our physicians, Mercy implores the honorable members of the United States Congress to move towards fair and permanent reforms of the Medicare wage index and extend the 508 reclassification until these reforms take effect. Please contact me at (570) 348–7012 if I can provide further information or be of service.

Sincerely,

JAMES E. MAY,
President and Chief Executive Officer.

FEBRUARY 26, 2007.

Senator ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: Thank you and your staff, including John Myers and Andy Wallace, for your continued support of the Section 508 Wage Index reclassification for the hospitals in Northeastern Pennsylvania. This issue is paramount to the survival of Marian Community Hospital and the Maxis Health System.

Marian Community Hospital is a 104-bed acute care hospital located in Carbondale, Lackawanna County, Pennsylvania. The Hospital is the largest component of the Maxis Health System. With its 470 employees, Marian Community is the largest employer in the Greater Carbondale Area, contributing $15,000,000 annually to the local economy. Our hospital serves a predominantly Medicare and Medical Assistance population who would have considerable difficulty accessing healthcare if this hospital were not here. Because of Carbondale's proximity to Scranton (we are located 20 miles north of Scranton) and its three large hospitals, we continually encountered significant difficulty recruiting key health care professionals such as nurses and technologists. Because of our relatively small size, and location, we also struggle to attract physicians to practice here.

The Section 508 reclass has added approximately $1 million to Marian Community Hospital's annual Medicare reimbursement. These funds have allowed us to compete with the other larger hospitals to attract critical staff because we are able to offer more competitive salaries than would be possible absent the 508 reclassification. In addition, we have been able to recruit much needed physicians to the area. While $1 million does not appear to be a significant amount of money to many hospitals, it represents 3% of our annual net revenue from all sources and 8% of our total annual Medicare payments.

In 2006, Marian Community Hospital initiated an aggressive restructuring plan to return the organization to profitability. Although this is a difficult task, we are making progress. If we lose the funds provided through the Section 508 reclassification, it would be necessary for the hospital to take drastic steps to remain financially viable, such as cutting services or significantly reducing our staff. The results of losing the 508 classification would have a detrimental impact on the patients we serve and the community in which we operate.

Your efforts to extend the Section 508 reclassification and to find an equitable solution to the wage index issue are greatly appreciated.

Sincerely,

MARY THERESA VAUTRINOT,
President and Chief Executive Officer,
Maxis Health System.

COMMUNITY MEDICAL CENTER
HEALTHCARE SYSTEM,
Scranton, PA, February 23, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to you today relative to the Wage Index. I strongly support your initiative to maintain the Medicare Wage Index reclassification of the hospitals located in Lackawanna County to the Newburgh, NY-PA MSA for the purposes of calculating reimbursement. As Interim President and CEO of Community Medical Center Healthcare System, this critical issue still remains at the forefront of Healthcare in Northeastern Pennsylvania, and I encourage you to continue your efforts of working to find a permanent solution.

The dramatic differential in Medicare payments between our MSA and the surrounding

MSA's will continue to have a negative impact on our healthcare infrastructure if this temporary fix is not extended. The financial impact for CMC is projected to be $5.6 million for Fiscal Year 2008. As you are aware, the nursing shortage has intensified and when combined with other skilled labor shortages, has resulted in a highly competitive environment for these skilled caregivers. As a result, it remains difficult to recruit and retain healthcare professionals.

Since healthcare represents a major capital asset, the failure to maintain the temporary fix would have a significantly adverse effect on every member of our community. Recognizing this potential crisis and continuing the wage index would go a long way toward assuring that northeastern Pennsylvania will have healthcare resources available.

Thank you for your consideration. I ask for your continuing support and attention to this matter.

Sincerely,

JOHN NILSSON,
Interim President and CEO.

MEMO

Date: February 27, 2007.
To: Senator ARLEN SPECTER.
From: John Wiercinski and Lissa Bryan-Smith.
Re Medicare Wage Index/Section 508.

Sen. SPECTER—Thank you very much for your recent visit to Northeastern Pennsylvania and your continued interest in and support of the Medicare Wage Index/Section 508 legislation.

The continuation of this important legislation—and a permanent fix to the Medicare Wage Index for Northeastern Pennsylvania hospitals—is imperative not only to Geisinger South Wilkes-Barre Hospital and Geisinger Wyoming Valley Medical Center, but also to the people we serve.

The positive financial impact to both Geisinger hospitals in the Wilkes-Barre area is approximately $8 million. Above all, these dollars allow Geisinger to continue to invest in our workforce so we can effectively recruit and retain the best and the brightest healthcare professionals and keep them here in our community caring for patients. Due in large part to the Section 508 legislation, nurse vacancy rates have decreased significantly at both hospitals.

The Section 508 funding also helps to ensure that our employees at Geisinger South Wilkes-Barre and Geisinger Wyoming Valley are able to utilize the latest technological advances; for example, 64 Slice CT Scanning, Stereotactic Linear Accelerators and Computer Assisted Surgical Equipment.

As major employers, hospitals have a significant impact on the local economy. Studies have shown that every dollar of expenditures by hospitals results in approximately two dollars of additional spending to local businesses. This positive economic impact is important for everyone in our area.

Thank you, again, Senator Specter, for your support.

GREATER HAZLETON HEALTH ALLIANCE, HAZLETON GENERAL HOSPITAL, HAZLETON-SAINT JOSEPH MEDICAL CENTER.

In March 2004, the Greater Hazleton Health Alliance (GHHA) and its affiliated hospitals (Hazleton General Hospital and Hazleton-Saint Joseph Medical Center) were notified of their three-year temporary reclassification into the Lancaster MSA. This reclassification could not have come at a better time, bringing in approximately $3 million per year between April 2004 and March 2007, and having a major impact on health care in Hazleton, Pennsylvania, and the surrounding communities. Without this reclassification, GHHA hospitals were headed to possible bankruptcy or sale.

The monies received through the Section 508 reclassification played a major part in the successful turnaround of our health care system, assuring our community that quality health care services will be available to meet their health needs.

As background, in 1996, Hazleton's two hospitals, Hazleton General Hospital (HGH) and Hazleton-Saint Joseph Medical Center (HSJ), reached a management agreement that formed the Greater Hazleton Health Alliance, an effort to expand the offerings of area health care as well as to carefully steward community healthcare resources.

Some initial savings were created through the formation of the Alliance and local decision-making became far more coordinated. However, with downward pressure on reimbursement and intensified competitive pressure locally, as well as from neighboring regions, GHHA began facing significant strain in 2003. As such:

Financial performance of both hospitals had deteriorated significantly eroding cash reserves. On a combined basis, operating losses were approximately $3.3 million in 2002; $6.2 million in 2003; and $2.3 million in 2004.

Important capital investments in facilities, equipment and information technology had not been made in nearly a decade.

Physician relationships were badly suffering. A loss of confidence and trust in leadership, as well as a growing perception that the quality of hospital care was deteriorating, were causing the local medical community to begin withdrawing public support and patient referrals.

Negative public perceptions of GHHA were increasing in Hazleton and the surrounding region.

Staff were accepting positions in surrounding communities, in other MSAs with higher wage indices. HGH is only two miles away from an MSA with significantly higher wage indices.

Employee morale was at an all-time low and union negotiations had become contentious.

In fall 2003, the Board of GHHA made a tough decision to seek the help of outside experts to assist with stabilization and turnaround and to advise the organization on long-term strategic positioning. A three-year Financial Recovery and Turnaround Plan was developed. Had it not been for the additional monies received as a result of the MSA reclassification, GHHA may not have been able to successfully effect a financial turnaround.

Below are just some of the GHHA's accomplishments since 2004.

Implementation of a new business model that resulted in a financial turnaround allowing us to be profitable for the last two years.

Adjustments of pay scales to market rates making GHHA hospitals competitive in recruitment and retention of highly qualified staff with surrounding communities in other MSAs.

Made strategic capital investments in equipment and physical plant approximating $18,000,000 including: expansion of HGH's physical plant to include an annex building to house non-clinical services allowing for expansion of the hospital's first floor; renovation of most of the first floor including expansion of the surgical suite/recovery unit and doubling the size of the emergency department; development of a brand new short procedure unit and a new step-down unit; renovation to the endoscopy unit and patient floors.

Investment in new state-of-the-art equipment and technology. A $3–$4 million project is currently underway to replace our entire information system, preparing us for the electronic medical record.

Consolidation of inpatient beds and Emergency Services at HGH to reduce duplicative operating and capital costs.

Surrender of the HSJ acute care license.

Commitment to deliver outstanding customer service and expansion of our quality improvement program. Patient safety and clinical care initiatives were implemented, a high-quality professional radiology group was retained, and a relationship was formed with Lehigh Valley Medical Center, a tertiary center in Allentown, Pennsylvania, to staff our Emergency Department with quality, emergency credentialed physicians.

Increased volumes by enhancing quality and expanding community outreach, initiating a staffing productivity program, and holding the line on expenses.

The hard work and collaboration of the GHHA management team brought about a renewed energy and positive momentum that continue today. The financial picture of the organization has changed dramatically, thanks in large part to the temporary reclassification to the Lancaster MSA. However, should GHHA have to revert back to the Wilkes-Barre/Scranton MSA as is now set for October 2007, the resulting financial loss of $3 million per year would, without question, hamper our ability to recruit and retain quality health professionals and continue in our quality improvement and turnaround processes. The real losers would be the communities we serve.

JAMES D. EDWARDS,
President/CEO.

WYOMING VALLEY
HEALTH CARE SYSTEM,
February 28, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Your unrelenting attention to the Medicare Wage index issue confronting northeastern Pennsylvania is deeply appreciated by the Wyoming Valley Healthcare System, its 3200 associates and the disproportionately blue collar Medicare population we serve. Due in great measure to your efforts, Section 508 of the Medicare D legislation temporarily re-classified our MSA to the Lehigh Valley. Prior to that event, the discrepancy between our reimbursement by Medicare and that of surrounding MSA's was having disastrous effects. Nurses, technologists of all sorts, nurse anesthetists and pharmacists were abandoning northeastern Pennsylvania in droves. Vacancies in these areas were running 14% to 20% and this created a serious threat to quality of care and access. The negative impact on the regional economy was another serious matter.

After the temporary repair, changes were dramatic. All the institutions spent the money as intended—90% to improve employee wages and benefits and 10% for capital equipment they need to do their work with quality and efficiency. Vacancies are now down to 1–2%. Morale is greatly improved while quality of care and access are preserved.

We are now faced with a deadline of September 30, 2007 to achieve either another extension or a permanent repair. Failure to do so will mean a loss of $8.5 million to WVHCS, a serious decrease in our ability sustain access, a threat to quality of care, a serious departure from our 135 year history of bringing the best in personnel and technology to bear on the health of citizens in our region, and all the associated adverse effects on our economy.

Thank you, Senator, for all your past and current efforts. If there is anything we can do to enhance your prospects of success in this matter, please do not hesitate to communicate that to us.

Sincerely and respectfully,

WILLIAM R. HOST,
President and CEO.

TYLER MEMORIAL HOSPITAL,
Tunkhannock, PA, February 28, 2007.

To: Senator ARLEN SPECTER.
Re Section 508.

DEAR SENATOR: Thank you for providing Tyler Memorial Hospital the opportunity to comment on losing Section 508 reimbursement.

Tyler is a rural hospital that necessitates every Medicare reimbursement to fulfill its community mission. The Hospital consists largely of a Medicare and Medicaid population supporting the infrastructure. The hospital would lose approximately $400,000 on a hospital budget of nearly $26,000,000. If the Medicare Section 508 was removed or reduced, the hospital would be forced to eliminate or reduce clinical services, forego salary increases for a period, or some combination thereof to create a solution.

Please note that Tyler is 28 miles from Scranton and Wilkes-Barre with less than ideal driving arrangements. Elderly patients don't like to travel great distances for routine care and they may have to if this comes to pass.

Sincerely,

RAOUL M. WALSH,
President/CEO.

ALLIED SERVICES,
Clarks Summit, PA, February 26, 2007.

Senator ARLEN SPECTER,
Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: per your request, the following is the effect on Allied Services who did not get its wage index adjusted. I thought we would be a good resource for what could have happened to all the acute care hospitals if they did not get the wage index adjustment. Perhaps our data will be useful in demonstrating how important the adjustment is to our health care region.

These numbers are the totals for the approximate 3½ year period.

Additional Wage Index Revenue Not Received—$16 million.

Over and beyond expenses normally needed for recruitment and filling vacancies: Contract Labor—$3.5 million; Recruitment—$1 million; Advertising—$1.5 million; Sign-on Bonus—$1 million; Overtime—$1.5 million.

Total additional expenses—$8.5 million.

Total effect of not getting wage index adjustment on Allied was $24.5 million.

The wage index affects all employees but this is our nursing staff data. Allied Services had 23 position openings 3½ years ago. Today we have 17 openings but would have 30 if we did not recruit 13 nurses from the Republic of the Philippines.

I hope this data helps to support the need for the wage index adjustment.

Sincerely,

JAMES L. BRADY,
President.

SERVICE EMPLOYEES INTERNATIONAL UNION, PENNSYLVANIA'S HEALTH CARE UNION,
March 2, 2007.

Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your willingness to work on behalf of the region's hospitals, hospital employees and the thousands of area patients. We appreciate your efforts in securing the original 508 reclassification and our most current six-month extension.

In our region and across the country, at a time when more patients are struggling to access the health care they need, nurses—the central providers of that care—are leaving the bedside in large numbers as a result of poor working conditions and low wages. However, a recent study published by the Institute for Women's Policy Research, "Solving the Nursing Shortage through Higher Wages" found that increasing pay for nurses is a direct way to draw both currently qualified and aspiring nurses to hospital employment. Hospitals that offer higher wages are able to attract more nurses, leading to more adequate staffing and improved patient care.

As you know, our area hospitals operate with restricted budgets, low operating margin and financial instability. Our hospitals in the Wilkes-Barre/Scranton area are heavily dependent on Medicare. Yet, we have found that the temporary reclassification, access to more appropriate Medicare reimbursements, has had direct impact on region's health care workforce. Area nurses and hospital workers have shared in the benefits of increased Medicare funding. For example, in their most recent contract settled in late 2005, SEIU 1199P RNs at Geisinger South Wilkes-Barre (formerly Mercy Hospital Wilkes-Barre) increased wages an average of 13% in the first year of the contract and 31% by 2010. SEIU 1199P RNs at Geisinger Wyoming Valley Medical Center in Wilkes-Barre negotiated comparable wage rates in their negotiations in January 2006. We directly attribute these advances to two factors: the improve Medicare reimbursement and high union density in the Wilkes-Barre market. Area nurses used their collective bargaining strength to hold hospitals accountable to investing the additional reimbursements into increasing nurse wages. These increased wages not only significantly enhancing nurse retention and recruitment but also improve the quality of care at area hospitals.

While section 508 was tremendously helpful to our area hospitals, currently this assistance is temporary. Section 508 reclassified our hospitals for only three years. Without congressional action to extend section 508, these reclassifications will expire in March 2007. A permanent solution is needed in order to maintain a stable, well-trained health care workforce in area hospitals and guarantee continued access to quality health care services in Wilkes Barre/Scranton region. Retaining and strengthening the ranks of a qualified, dedicated professional health care workforce is essential to strengthening our region's health care system.

On behalf of our members, our families and the patients we serve, SEIU District 1199P urges the United States Congress to move toward fair and permanent reforms of the Medicare wage index and extend the 508 reclassification until these reforms take effect. Please contact me at (717) 238-3030, ext. 1020 if I can provide further information or be of service.

Sincerely,

NEAL BISNO,
Secretary Treasurer.

BLUECROSS OF NORTHEASTERN PENNSYLVANIA,
Wilkes-Barre, PA, February 26, 2007.

HON. ARLEN SPECTER: The following is submitted on behalf of Blue Cross of Northeastern Pennsylvania (BCNEPA) in support of our hospital partners throughout the northeast and north central regions as we collectively strive to address the impacts of Medicare Wage Index funding shortfalls.

Across Pennsylvania, hospitals have been struggling to achieve positive results for many years. Although we have seen some positive changes in our region in recent years in terms of financial results, the situation remains critical as evidenced by the following:

Only 9 of the 22 hospitals in our region had a positive 3 Year Average Total Margin.

Of the 9, only 4 hospitals had a 3 Year Average Total Margin of 4 percent or greater, which is commonly accepted as an industry benchmark for acceptable performance.

In Lackawanna and Luzerne Counties, only 1 hospital had a positive 3 Year Average Total Margin and that margin was less than 4 percent.

Hospitals in our region are heavily dependent on Medicare. In aggregate, approximately 44 percent of our regional hospitals' revenue comes from Medicare. In Lackawanna and Luzerne Counties, 48 percent of the hospitals' revenue comes from Medicare. The hospitals' next closest payer to Medicare is the Blues at 23 percent. As the second largest payer in our region, BCNEPA—and unfortunately our ratepayers—will continue to be negatively affected as Medicare reimbursement falls short.

The overall financial struggle for hospitals in our region, coupled with the high rate of Medicare dependency, make the current Medicare Wage Index situation a critical one for our facilities. Due to their current Medicare Wage Index classification, hospitals in the northeast and north central regions receive disproportionately lower reimbursements when compared to similar hospitals that compete with them for services and staff. This reimbursement imbalance drains trained clinical staff, primarily nurses, from the local delivery systems. Our system continues to suffer and decline as medical professionals move to hospitals in neighboring locales because higher Medicare Wage Indexes allow these regions to pay higher salaries.

Our region has been fortunate, through the leadership of Senator Arlen Specter and others, to have benefited from temporary Section 508 funding adjustments over the past several years. These adjustments have been a temporary yet critical funding source for our area hospitals. The loss of these funds will represent at least a $35 million financial loss for area facilities, a loss that cannot be absorbed by commercial insurers and their customers.

We are therefore asking for consideration of a more permanent solution to the current calculation of Medicare Wage Index reimbursement for facilities in the northeast and north central regions of Pennsylvania.

DENISE S. CESARE,
President and CEO.

[From the Scranton Times Tribune, Feb. 24, 2007]

RESOLVE FUNDING FOR QUALITY CARE

Hospitals in Northeastern Pennsylvania face the same economic pressures as hospitals everywhere else—and then some. Here, hospitals also face a vicious cycle involving Medicare funding that threatens the financial well-being of regional hospitals and, therefore, access to quality health care for hundreds of thousands of regional residents.

Wage rates at regional hospitals are lower than those for larger metropolitan areas, resulting in lower Medicare reimbursements, resulting in the inability of many hospitals to significantly increase wages, resulting in lower reimbursements . . . and on it goes. The low reimbursement issue is particularly difficult for hospitals in this region because the relatively high average age here means that regional hospitals have a higher percentage of Medicare patients than do hospitals in other parts of the country. Thus, they treat more Medicare patients for less money.

Since 2004, the hospitals have done somewhat better because of a temporary fix authorized by Congress, under which indexes from nearby metropolitan areas have been applied to the regional hospitals. That measure is due to expire in June and, without an extension, 13 regional hospitals will return to the standard reimbursement formula and lose $35 million a year.

According to several local hospital administrators who met with Sen. Arlen Specter on the issue this week, they have been able to reduce nursing shortages through better pay and otherwise shore up their operations since Congress' action in 2004.

Nationwide, about 80 hospitals are in the same position as those in Northeastern Pennsylvania. Mr. Specter and Sen. Bob Casey, along with Reps. Paul Kanjorski and Chris Carney, should work with their colleagues from the other regions with unrealistic reimbursement rates, in order to permanently set fair rates that ensure access to quality care.

HONORING OUR ARMED FORCES

STAFF SERGEANT DUSTIN GOULD

Mr. SALAZAR. Mr. President, I wish to take a moment of the Senate's time to remember a Coloradan who was lost to us in Iraq last week. Marine Corps SSgt Dustin Michael Gould—7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force—was in his fourth tour in Iraq when he was taken from this life, at the age of 28.

Sergeant Gould was a unique man, with a unique job in Iraq: he was an explosives ordnance demolition technician—a marine who disarmed bombs. In a country whose fabric is strained almost daily with bomb attacks, Sergeant Gould was there to help prevent them, literally working to defuse violence that threatened his fellow marines and Iraqis alike.

Dustin Gould grew up in several towns in Colorado and attended Berthoud High School in Longmont, which he graduated in 1997. He chose to serve his Nation in the Marine Corps because of their elite status.

During his service to this Nation, the Marine Corps estimates that Staff Sergeant Gould neutralized more than a million pounds of explosives, explosives that could have killed untold numbers of marines. Every time Dustin Gould went to work, he saved lives. That, truly, is the definition of heroism.

With all of this talk of military service, we should not lose sight of the man. Dustin Gould loved the outdoors and spent his spare time as a young man there with his father. He was respectful and thoughtful, a natural leader who never hesitated to lend a hand to a friend in need.

GEN Douglas MacArthur once said, "The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war." Dustin's father David said that Dustin did not relish conflict but was serving his Nation because a higher calling, protecting our freedom and way of life, compelled him to act. He did not seek praise or recognition but instead accomplished his job with humility and courage and in doing so helped others do the same.

In the midst of America's Civil War, President Abraham Lincoln wrote to the mother of a Union soldier, "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of Freedom." We pray now for Dustin, for his wife Elizabeth, and for his whole family. The wounds they suffer from the loss of Dustin are deep and painful, and we as a Nation honor their and Dustin's humbling sacrifice by never forgetting this fine young man.

SPECIALIST BLAKE HARRIS

Mr. President, I ask the Senate to turn its attention to the loss of a Coloradan in Iraq, Army SPC Blake Harris, of Pueblo, CO. SPC Harris was in the Army's 1st Squadron, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division. He was only 22 years old, and will be laid to rest later this week.

Pueblo, CO, is known as the "Home of Heroes." Pueblo hosts National Medal of Honor Day and has had as many as four living Medal of Honor recipients living in the community. In 1953, President Eisenhower joked to recipient Raymond G. "Jerry" Murphy, "What is it . . . Something in the water out there in Pueblo? All you guys turn out to be heroes."

President Eisenhower was not far off. There is something special in Pueblo—the brave sons and daughters, like Blake Harris, that have answered the call to service for this Nation and those that have given up their lives for the cause of freedom. They are heroes.

Unfortunately, we cannot bring back the heroes like Blake Harris. And, like so many of our Nation's soldiers that have made this ultimate sacrifice, Blake Harris was man of great courage and character who had his entire life ahead of him.

Blake met his wife Joanna at South High School, and while Blake was in Iraq they kept in contact every day. He graduated from South High in 2002 after spending 3 years in ROTC , and he followed in his father's footsteps by enlisting in the Army. He was in his second tour in Iraq and was stationed in Baghdad. Specialist Harris loved his job and was looking to become a career soldier, a man who dedicated his life to the service of his country.

After the assassination of American civil rights pioneer the Reverend Dr. Martin Luther King, Jr., Senator Robert Kennedy reflected upon the words of the Greek poet Aeschylus: "Even in our sleep, pain which cannot forget falls drop by drop upon the heart, until, in our own despair, against our will, comes wisdom through the awful grace of God."

To his wife Joanna and their son Jonah and Blake's parents John and Deborah, the prayers of our entire Nation are with you, today and always. Each and every American is humbled by the sacrifice made by Blake. He served with honor and distinction, and I hope that the pride in his service and memories you carry with you will help ease the grief you feel at his loss.

HEALTHY FAMILIES ACT

Mr. KERRY. Mr. President, on Thursday, March 15, 2007, I proudly joined Senator KENNEDY as a cosponsor of the Healthy Families Act. This legislation will provide full-time employees with up to 7 paid sick days a year so that they can take care of their own medical needs or the medical needs of family members. Part-time employees would receive a pro-rata amount of paid sick leave. All employers—public and private—with at least 15 employees would be covered by the Healthy Families Act.

Today, 57 million workers in the United States do not have paid sick days. Thus, when faced with either a personal or family medical issue, they are forced to choose between caring for themselves or their loved ones and going to work to keep food on the table and a paycheck in the mail. This is not acceptable. People get sick every day. They should have the right to get medical treatment without jeopardizing their jobs or harming the people around them. The Healthy Families Act would guarantee them that right.

According to Harvard University's Global Working Families Project, 139 nations provide some sort of paid sick days; 177 of those nations guarantee at least a week of annual sick pay. The United States, however, has no such guarantee—the federal Family and Medical Leave Act provides only unpaid sick leave for serious personal or family illnesses. This lack of paid sick leave puts our Nation's workforce, both present and future, at risk.

As ranking member of the Committee on Small Business and Entrepreneurship, I am extremely conscious of the regulatory burden that our businesses face—particularly our small businesses. I believe that government should avoid weighing down small businesses with unnecessary regulations. However, the more I have examined this issue, the more obvious it becomes that this legislation benefits both employees and employers.

It does not take a rocket scientist to figure out that healthy employees are the key to a productive and vibrant economy. Healthy employees are more productive and often more efficient. But, without paid sick days, many employees will go to work rather than take time off to get regular preventative medical checkups or to recover from an attacking illness or to care for a sick child. Thus, they will get sick more often, and their illnesses will spread. Employees who opt to come to work when sick can make their condition worse or even spread their illness to coworkers. For a business, it is far more costly to cope with a depleted staff or to search for a replacement when an employee is suffering from an extended illness than it is to provide just 7 sick days. Providing employees with a small number of paid sick days is a simple and commonsense fix that will save businesses time and money.

In addition, I have heard that small businesses often complain that they want to offer this benefit but are unable to and need a level playing field. This legislation would offer them just that.

Mr. President, I hope my colleagues will take a look at the Healthy Families Act and will join me in cosponsoring it.

ASSAULT WEAPONS

Mr. LEVIN. Mr. President, the National Rifle Association leadership has stated repeatedly that a ban on assault weapons is ineffective and unnecessary. They assert that guns labeled as assault weapons are rarely used in violent crimes and that most people use them for hunting. However, despite these repeated assertions, the list of people speaking out against assault weapons continues to grow.

Jim Zumbo, an outdoors entrepreneur who lives in a log cabin near Yellowstone National Park, has spent much of his life writing for prominent outdoor magazines, delivering lectures across the country and who starred in a highly rated TV show about big-game hunting. Jim has been an NRA member for 40 years, and, according to his Web site, has appeared with NRA officials in 70 cities across the country. This relationship changed drastically when Jim expressed his commonsense opinion on assault weapons.

Last month, after learning that some hunters were using assault weapons to hunt prairie dogs, Jim expressed his thoughts in his personal blog on the Outdoor Life magazine website. He wrote:

> Maybe I'm a traditionalist, but I see no place for these weapons among our hunting fraternity. I'll go so far as to call them "terrorist rifles."

He continued by stating that in his:

> . . . humble opinion, these things have no place in hunting. We don't need to be lumped into the group of people who terrorize the world with them, which is an obvious concern. I've always been comfortable with the statement that hunters don't use assault rifles. We've always been proud of our "sporting firearms."

The reaction from NRA officials was swift and callous. They immediately severed all ties with Mr. Zumbo. His TV program on the Outdoor Channel was canceled, and his longtime career with Outdoor Life magazine ended. In addition, many of his corporate ties to the biggest names in gun making, such as Remington Arms Co., were terminated.

Jim Zumbo has worked for years to improve the image of outdoorsmen. As he put it:

> As hunters, we don't need the image of walking around the woods carrying one of these weapons. To most of the public, an assault rifle is a terrifying thing. Let's divorce ourselves from them. I say game departments should ban them from the prairies and woods.

We all owe Jim Zumbo a debt of gratitude for his forthrightness, his honesty and his courage. We must put the safety of our communities first by taking up and passing sensible gun legislation that includes renewing the assault weapons ban.

ADDITIONAL STATEMENTS

CONGRATULATING GLENN MEANS III AND REBECCA SCHWAGER

• Mr. BUNNING. Mr. President, I would like to congratulate and honor two young Kentucky students who have achieved national recognition for exemplary volunteer service in their communities. Glenn Means III of Mount Sterling and Rebecca Schwager of Louisville have just been named the top two honorees in Kentucky by the 2007 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia. This award was created by Prudential Financial in partnership with the National Association of Secondary Principals.

Mr. Means, a senior at Montgomery County High School, is being recognized for starting "Helping Older People Smile, HOPS." This youth-senior friendship club is a program that pairs young volunteers with nursing home patients for weekly visits. Mr. Means has paired more than 120 residents with middle and high school students since its founding.

Miss Schwager, an eighth-grader at St. Francis of Assisi Catholic School, is being recognized for helping to raise thousands of dollars to benefit genocide victims in Darfur, Sudan as the co-chair of her school's Committee on Conscience. She also volunteers as a tutor and mentor for immigrant and refugee children at Arcadia Community Center.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution these young citizens have made. Young volunteers like Mr. Means and Miss Schwager are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

Mr. Means and Miss Schwager should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Means and Miss Schwager for their initiative in seeking to make their communities a better place to live, and for the positive impact they have had on the lives of others.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. They serve as an example to the Commonwealth and show the best of community service that Kentucky has to offer.•

IN HONOR OF DOUGLAS K. O'CONNELL

• Mr. LIEBERMAN. Mr. President, today I honor Douglas K. O'Connell, a recipient of the 2007 Rotary Paul Harris Award. The world's first service club, The Rotary Club of Chicago, IL, was formed in 1905 by Paul P. Harris, an attorney who wished to recapture in a professional club the same friendly spirit he had felt in the small towns of his youth. As Rotary grew, its mission expanded to help serve communities in need around the world. Today, 1.2 million Rotarians belong to some 32,000 Rotary clubs in more than 200 countries. Local Rotarians constantly pool their resources and contribute their talents to help serve their local communities and address such pressing issues as illiteracy, environmental degradation, world hunger, and children at risk.

For over 20 years, Mr. O'Connell has donated countless hours of community service to the northwest corner of Connecticut. Through his work with the Winsted Chapter of Rotary, United Way, the YMCA, as a volunteer basketball coach, and a dedicated member of the Torrington Board of Education, Mr. O'Connell has made a longlasting impact on his community.

Mr. O'Connell embodies Rotary's principal motto: "Service Above Self." Mr. O'Connell, a talented attorney himself, is receiving the Paul Harris Award in appreciation of his tangible and significant assistance given for the furtherance of a better understanding and friendly relations between the peoples of the world in the true spirit of Rotary.●

MESSAGES FROM THE PRESIDENT

The following messages from the President of the United States were transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO HAITI MEETING THE CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION UNDER SECTION 213A(e)(1) OF THE CARIBBEAN BASIN ECONOMY RECOVERY ACT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (Division D, Title V of Public Law 109-432), amends the Caribbean Basin Economic Recovery Act (Title II of the Trade and Development Act of 2000, Public Law 106-200) (CBERA), to make certain products from Haiti eligible for preferential tariff treatment. In accordance with section 213A of CBERA, as amended, I have determined that Haiti meets the eligibility requirements under section 213A(d)(1) of CBERA, as amended, and that Haiti is meeting the conditions regarding enforcement of circumvention under section 213A(e)(1) of CBERA, as amended.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 19, 2007.*

REPORT RELATIVE TO THE SUPPLEMENTARY AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES AND SWEDEN—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (42 U.S.C. 433(d)(1)), I transmit herewith the Supplementary Agreement on Social Security between the United States of America and the Kingdom of Sweden. The Supplementary Agreement was signed in Stockholm on June 22, 2004, and is intended to modify certain provisions of the original United States-Sweden Agreement, which was signed May 27, 1985, and that entered into force January 1, 1987.

The United States-Sweden Agreement, as revised by the Supplementary Agreement, remains similar in objective to the social security agreements that are also in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefits that can occur when workers divide their careers between two countries. The United States-Sweden Agreement, as revised by the Supplementary Agreement, contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Supplementary Agreement with a paragraph-by-paragraph explanation of the provisions of the Supplementary Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the Supplementary Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Supplementary Agreement and a composite text of the United States-Sweden Agreement showing the changes that will be made as a result of the Supplementary Agreement. The Department of State and the Social Security Administration have recommended the Supplementary Agreement and related documents to me.

I commend to the Congress the Supplementary Agreement to the United States-Sweden Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 20, 2007.*

MESSAGE FROM THE HOUSE

At 3:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 658. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes.

H.R. 838. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

H.R. 839. An act to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized.

H.R. 902. An act to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

H.R. 1006. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

H.R. 1021. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 658. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 838. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 839. An act to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Energy and Natural Resources.

H.R. 902. An act to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; to the Committee on Energy and Natural Resources.

H.R. 1006. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1021. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1117. A communication from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Rail Fuel Surcharges" (STB Ex Parte No. 661) received on March 15, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1118. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the benefits of economic dispatch of generating facilities; to the Committee on Energy and Natural Resources.

EC–1119. A communication from the Office Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design Basis Threat" (RIN3150–AH60) received on March 19, 2007; to the Committee on Environment and Public Works.

EC–1120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments and Interim Guidance Regarding Allocation of Costs Under the Simplified Methods of Accounting Under section 263A" (Notice 2007–29) received on March 15, 2007; to the Committee on Finance.

EC–1121. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2007–27) received on March 15, 2007; to the Committee on Finance.

EC–1122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2007" (Notice 2007–18) received on March 15, 2007; to the Committee on Finance.

EC–1123. A communication from the Secretary of Health and Human Services, transmitting, the report of a draft bill entitled "Prescription Drug User Fee Amendments of 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC–1124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the status of the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1125. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Administrative Law Judge Program—Examining System and Programs for Specific Positions and Examinations (Miscellaneous)" (RIN3206–AK86) received on March 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1126. A communication from the Director, Bureau of Indian Education, Department of the Interior, transmitting, pursuant to law, a report relative to the Personnel System Demonstration Projects; to the Committee on Indian Affairs.

EC–1127. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Snake River Valley Viticultural Area" (RIN1513–AB22) received on March 16, 2007; to the Committee on the Judiciary.

EC–1128. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC–1129. A communication from the Deputy Secretary of Veterans Affairs and Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the activities and accomplishments of the Joint Executive Committee of the Departments; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–25. A concurrent resolution adopted by the Legislature of the State of Kansas relative to supporting the National Bio and Agrodefense Facility; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5009

Whereas, Homeland Security Presidential Directive 9 has tasked the Secretary of the Department of Homeland Security to coordinate "countermeasure research and development of new methods for detection, prevention technologies, agent characterization, and dose relationships for high-consequence agents;" and

Whereas, at present there are no facilities in the United States that have adequate containment, security, equipment and infrastructure to meet the requirements identified in Presidential Directive 9; and

Whereas, to meet this need, the Department of Homeland Security and its federal partners initiated plans for a National Bio and Agrodefense Facility (NBAF); and

Whereas, the NBAF will enhance protection from both natural and intentional threats by modernizing and integrating high-biosecurity facilities, thus enhancing our nation's capacity to assess potential threats to humans and animals alike; and

Whereas, the Department of Homeland Security is seeking a location to build the $451 million, 500,000 square foot, NBAF facility; and

Whereas, the State of Kansas pledges its support for the funding and construction of the NBAF to address the needs of Kansas and the nation to protect human and animal health from both naturally occurring and intentionally introduced disease threats; and

Whereas, Kansas is the ideal location for the NBAF. Kansas is a world leader in bioscience, especially in the areas of animal health and vaccines, infectious diseases and food safety, and has an exceptionally well qualified workforce; and

Whereas, two sites in Kansas, one in Manhattan and one in Leavenworth, are actively under consideration by the Department of Homeland Security to site the NBAF facility; and

Whereas, the State of Kansas has already demonstrated its strong support for the siting of the NBAF in Kansas, as Governor Kathleen Sebelius and the Kansas Bioscience Authority have taken the initiative to create a task force of prominent industry leaders, public officials, including the entire Kansas Congressional Delegation, representatives from the Kansas Legislature, producer groups and leaders of prominent academic institutions to lead Kansas' bids for the NBAF; and

Whereas, the State of Kansas has a longstanding commitment of supporting biosecurity research in partnership with the federal government. Most recently, Kansas and the federal government invested $54 million in the nation's most modern biosecurity laboratory, the Biosecurity Research Institute at Kansas State University: Now, therefore, Be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas Legislature pledges its support for Kansas State University, the City of Manhattan and the City of Leavenworth in their bids to site the U.S. Department of Homeland Security's National Bio and Agrodefense Facility, and that the Legislature commits to do everything in its power and ability to provide any support necessary in or for the NBAF to be constructed in Kansas; and be it further

Resolved, That the Kansas Legislature strongly encourages the U.S. Department of Homeland Security to consider Kansas' existing building and security infrastructure, and the human resources already in place that make Kansas a natural fit for the location of this new federal laboratory; and be it further

Resolved, That the Secretary of State be directed to send enrolled copies of this resolution to President Bush, Vice President Cheney, Secretary Chertoff of the U.S. Department of Homeland Security, Secretary Johanns of the U.S. Department of Agriculture, Secretary Leavitt of the U.S. Department of Health and Human Services, each member of the Kansas Congressional Delegation and Governor Kathleen Sebelius.

POM–26. A joint resolution adopted by the Legislature of the State of Idaho relative to forest land management; to the Committee on Energy and Natural Resources.

Whereas, the United States Forest Service administers the management of 39% of the land base in the state of Idaho, and an additional 22% is administered by the United States Bureau of Land Management; and

Whereas, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that "no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens"; and

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

Whereas, in 1908 Congress created the Twenty-five Percent Fund Act to pay states and counties 25 percent of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

Whereas, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in 1916 with the creation of the Oregon and

California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

Whereas, the forest resources were intended to be managed in such an environmentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

WHEREAS, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106-393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

Whereas, the reauthorization of public law 106-393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

Whereas, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

Whereas, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

Whereas, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

Whereas, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and

Whereas, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

Whereas, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

Whereas, lands for which management responsibility is transferred to the state of Idaho could administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United States. Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

Whereas, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans. Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration; and be it further

Resolved, That Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds, and be it further

Resolved, That Congress is urged to provide that fees or revenues collected under state management be allocated 75%, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25%, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500; and be it further

Resolved, That Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and be it further

Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-27. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Idaho relative to the authorization of a study of the decline in receipts on national forest system lands; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 26

Be It Resolved by the Legislature of the State of Idaho:

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public, roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools. Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties, with the goal of the interim committee's recommendations being to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the agencies manage. The Legislative Council shall determine the membership from each house appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as is practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The interim committee is also authorized to retain the services of consultants, within appropriated moneys, who are familiar with forest receipts, and who can provide necessary economic and other research to assist the interim committee and the Legislature in making an informed decision on this most important topic. Now, therefore, be it further

Resolved, That the Idaho legislative interim committee on forest receipts will address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act. Now, therefore be it further

Resolved, That nonlegislative members of the interim committee may be appointed by the cochairs of the interim committee who are appointed by the Legislative Council. Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the interim committee's recommendations or proposed legislation. Now, therefore, be it further

Resolved, That the interim committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

POM–28. A resolution adopted by the Senate of the State of Arizona urging Congress to enact legislation repealing the privacy violations contained in the REAL ID Act of 2005; to the Committee on the Judiciary.

SENATE MEMORIAL 1003

Whereas, in May 2005, the United States Congress enacted the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (Public Law 109–13), which was signed by President Bush on May 11, 2005 and which becomes fully effective May 11, 2008; and

Whereas, some of the requirements of the REAL ID Act are that states must issue driver licenses and state identification cards in a uniform format as prescribed by the Department of Homeland Security; must verify the issuance, validity and completeness of all primary documents used to issue a driver license, and provide for their secure storage; must provide fraudulent document recognition training to persons who issue driver licenses or state identification cards; and must issue a driver license or state identification card in a prescribed format if it does not meet the criteria provided for a federally approved license or identification card; and

Whereas, use of the federal minimum standards for state driver licenses and identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed; and

Whereas, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States and agencies of other states may actually make it more likely that a federally required driver license or state identification card or the information about the bearer on which the license or card is based will be stolen, sold or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

Whereas, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy of thousands of residents of Arizona; and

Whereas, the American Association of Motor Vehicle Administrators, the National Governors' Association and the National Conference of State Legislatures have estimated that the cost to the states to implement the REAL ID Act will be more than $11 billion over five years; and

Whereas, the mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is effectively a national identification card appears to be an attempt to commandeer the political machinery of the states and to require them to be agents of the federal government, in violation of the principles of federalism contained in the tenth amendment to the United States Constitution; and

Whereas, some states have enacted legislation that opposes the implementation of the REAL ID Act.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States take immediate action to enact legislation to correct the unfunded mandate on the states resulting from the passage of the REAL ID Act of 2005, as outlined in this Memorial.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–29. A request by the Board of County Supervisors of the County of Prince William of the State of Virginia for Congress to reimburse the County for the costs of serving illegal immigrants; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mrs. BOXER, Mr. KERRY, Mr. CARDIN, and Mr. LAUTENBERG):

S. 919. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 920. A bill to provide wage parity for certain prevailing rate employees in Rhode Island; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mrs. LINCOLN):

S. 921. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. JOHNSON, Mr. SPECTER, and Mr. CASEY):

S. 922. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 923. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 924. A bill to strengthen the United States Coast Guard's Integrated Deepwater Program; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU:

S. 925. A bill to provide for funding assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) to a State or local government for the acquisition of real property for the purpose of the replacement of certain public facilities based on reasonable reliance of cost estimates provided by the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 927. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 928. A bill to establish a program to provide more protection at lower cost through a national backstop for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, to better assist in the financial recovery from such catastrophes, and to develop a rigorous process of continuous improvement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 929. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mrs. DOLE, and Ms. LANDRIEU):

S. 931. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. MENENDEZ, Mr. ENSIGN, Mr. HARKIN, Mr. BURR, and Mr. GRAHAM):

S. 932. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 933. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 934. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. BINGAMAN, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. VITTER, Mr. DOMENICI, Mr. KERRY, Mr. MARTINEZ, Mr. SALAZAR, Ms. SNOWE, Mr. BROWN, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. CLINTON):

S. 935. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 936. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. ALLARD):

S. 937. A bill to improve support and services for individuals with autism and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. SANDERS):

S. 938. A bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, and Mr. SANDERS):

S. 939. A bill to amend the Higher Education Act of 1965 to simplify and improve the process of applying for student assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. CRAPO):

S. 940. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Finance.

By Mr. SANDERS (for himself and Ms. MURKOWSKI):

S. 941. A bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 942. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 943. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

By Mr. THUNE:

S. 944. A bill to require that an independent review of the efficiency and effectiveness of all headquarters offices of the Farm Service Agency of the Department of Agriculture be carried out prior to the closure of any county offices; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 945. A bill to ensure that college textbooks and supplemental materials are available and affordable; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. Res. 112. A resolution designating April 6, 2007, as "National Missing Persons Day"; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. PRYOR, Ms. COLLINS, and Mr. DORGAN):

S. Res. 113. A resolution commending the achievements and recognizing the importance of the Alliance to Save Energy on the 30th anniversary of the incorporation of the Alliance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 284

At the request of Mr. CONRAD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 284, a bill to provide emergency agricultural disaster assistance.

S. 292

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 292, a bill to establish a bipartisan commission on insurance reform.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 336

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 336, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 358

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 358, supra.

S. 359

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 359, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. 388

At the request of Mr. THUNE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 411

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 474

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 519

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 558

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 656

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 664

At the request of Ms. LANDRIEU, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 664, a bill to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 721

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 778

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 778, a bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes.

S. 787

At the request of Mr. MARTINEZ, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 787, a bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program.

S. 791

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 793

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 819

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 907

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 907, a bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. CON. RES. 9

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution celebrating the contributions of the architectural profession during "National Architecture Week".

S. RES. 106

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 110

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 110, a resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself, Mrs. BOXER, Mr. KERRY, Mr. CARDIN, and Mr. LAUTENBERG):

S. 919. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. MENENDEZ. Mr. President, I rise today along with several of my colleagues to introduce the Healthy Farms, Foods, and Fuels Act of 2007. I am also proud to be joined in this effort by my friend and former colleague, Representative RON KIND of Wisconsin, who is introducing this legislation today in the House of Representatives.

This legislation is crucial because we have a tremendous opportunity this year to set a healthier course for American agriculture. To allow our farmers, ranchers, and foresters to thrive while giving them the tools they need to meet our environmental and energy challenges; to open up new markets and opportunities for our small farmers; and to provide consumers and schoolchildren with more fresh fruits and vegetables, and make it easier for low-income Americans and the elderly to have access to healthier foods.

Like all legislation, a Farm Bill is a statement of priorities and of values. And the Healthy Farms, Foods, and Fuels Act embodies many of the priorities and values that I believe we as a nation should be focused on.

Although many people are not aware of New Jersey's thriving agricultural sector, the fact is that we are the Garden State, and a healthy agricultural sector nationwide—one that addresses the needs of all of our farmers, whether they grow corn in the Midwest or blueberries in the Mid-Atlantic—is essential for New Jersey to remain the Garden State.

However, New Jersey's farmers are under a tremendous amount of pressure. They operate in a very high-cost environment and see development encroaching on their farms from all sides. Conservation programs are crucial to the survival of agriculture in the Garden State, as well as for the protection of sensitive wetlands and animal habitats, which is why the Healthy Farms bill increases funding and expands eligibility for the Environment Quality Incentives Program, Conservation Reserve Program, Conservation Security Program, Farmland and Ranchland Protection Program, Wetlands Reserve Program, and Wildlife Habitat Incentive Program.

New Jersey's farmers are also among the most prolific in the country in growing fruits and vegetables, yet they are often just a few miles from distressed communities where children struggle for access to nutritious food. That's why the Healthy Farms bill expands the Fresh Fruit and Vegetable Program to schools in all states, giving more children access to healthy snacks. The bill also expands the Farmers Market Promotion Program, and provides additional funding for programs that allow seniors and low-income families to obtain food at farmers markets. Not only do these programs help people eat healthier, they provide an additional market for local farmers.

This bill is, of course, just the start of this conversation. As we move forward this year, we must work together on issues of farm profitability, entrepreneurship and innovation, toward a Farm Bill that emphasizes flexibility, efficiency and equitable distribution of government programs. This will help to ensure success for our farm family enterprises and the wider community of Farm Bill beneficiaries, both large and small, near urbanized areas and in more rural settings, throughout all regions of the country.

Ideally, an emphasis on the diversity of agricultural and related businesses, their interaction with the citizens who are their ultimate customers, and the role these enterprises play in addressing issues of nutrition, hunger and economic growth throughout our nation will join with conservation and environmental issues to form a comprehensive Farm Bill that will serve the nation well for the next five years and beyond.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 920. A bill to provide wage parity for certain prevailing rate employees in Rhode Island; to the Committee on Homeland Security and Governmental Affairs.

Mr. REED. Mr. President, today I address an issue of critical importance to Rhode Island's Federal Wage System employees.

Federal Wage System (FWS) employees are the Federal Government's blue-collar employees. In Rhode Island, these workers include janitors, mechanics, machine tool operators, munitions and explosive operators, electricians, and engineers. The majority of FWS employees in the United States work in the Department of Defense or the Department of Veterans Affairs. Indeed, Naval Station Newport employs the most FWS workers in the Narragansett Bay area. These workers are essential to the government's daily operation, and the work that they perform is important to our national security.

Regrettably, in the Narragansett Bay wage area, Federal blue-collar workers are faced with one of the lowest FWS pay scales, while residing in an area with one of the highest costs of living. The significant disparities between wages in the Narragansett Bay wage area and the proximate Boston and Hartford wage areas raise serious questions about the fairness and equity of these pay scales. In Rhode Island, an average wage grade worker earns $18.47 per hour, whereas the same worker in Boston earns $20.77 per hour and an employee in Hartford earns $19.99 per hour. Competitive compensation is the best way to ensure the retention of qualified and effective workers. Rhode Island should not suffer the loss of experienced Federal employees to the same jobs, at the same grade levels, just miles away because of better pay.

The chair of the Federal Prevailing Rate Advisory Committee (FPRAC), which advises the Office of Personnel Management on decisions dealing with the FWS pay scales, has been left vacant, leaving the FPRAC unable to make needed decisions regarding these wage areas.

Due to the lack of a chair and any action by FPRAC or OPM, which I have long urged to resolve this matter, I am reintroducing the Rhode Island Federal Worker Fairness Act, and I am pleased that Senator WHITEHOUSE is joining me as a cosponsor. This bill will merge the Narragansett Bay wage area with the Boston, MA, wage area to provide regional pay equity to Rhode Island Federal blue-collar workers. Merging these two wage areas will keep Federal workers in Rhode Island from abandoning their government jobs for higher paying positions elsewhere in southern New England, and help the approximately 500 wage rate workers in Rhode Island better provide for their families. I urge that this long pending inequality be addressed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhode Island Federal Worker Fairness Act of 2007".

SEC. 2. WAGE PARITY FOR CERTAIN PREVAILING RATE EMPLOYEES IN RHODE ISLAND.

The wage schedules and rates applicable to prevailing rate employees (as defined in section 5342 of title 5, United States Code) in the Narragansett Bay, Rhode Island, wage area shall be the same as the wage schedules and rates applicable to prevailing rate employees in the Boston, Massachusetts, wage area.

SEC. 3. EFFECTIVE DATE.

Section 2 shall take effect beginning with the first pay period beginning on or after the date of enactment of this Act.

By Mr. THOMAS (for himself and Mrs. LINCOLN):

S. 921. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the "Seniors Mental Health Access Improvement Act of 2007" with my distinguished colleague from Arkansas, Mrs. LINCOLN. Specifically, the "Seniors Mental Health Access Improvement Act of 2007" permits mental health counselors and marriage and family therapists to bill Medicare for services provided to seniors. This will result in an increased choice of mental health providers for seniors and enhance their ability to access mental health services in their communities.

This legislation is especially crucial to rural seniors who are often forced to travel long distances to utilize the services of mental health providers currently recognized by the Medicare program. Rural communities have difficulty recruiting and retaining providers, especially mental health providers. In many small towns, a mental health counselor or a marriage and family therapist is the only mental health care provider in the area. Medicare law—as it exists today—compounds the situation because only psychiatrists, clinical psychologists, clinical social workers and clinical nurse specialists are able to bill Medicare for their services.

It is time the Medicare program recognized the qualifications of mental health counselors and marriage and family therapists as well as the critical role they play in the mental health care infrastructure. These providers go through rigorous training, similar to the curriculum of masters level social workers, and yet are excluded from the Medicare program.

Particularly troubling to me is the fact that seniors have disproportionally higher rates of depression and suicide than other populations. Additionally, 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas and one-fifth of all rural counties have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent do not have a psychiatrist, 68 percent do not have a psychologist and 78 percent do not have a social worker. It is quite obvious we have an enormous task ahead of us to reduce these staggering statistics. Providing mental health counselors and marriage and family therapists the ability to bill Medicare for their services is a key part of the solution.

Virtually all of Wyoming is designated a mental health professional shortage area and will greatly benefit from this legislation. Wyoming has 174 psychologists, 37 psychiatrists and 263 clinical social workers for a total of 474 Medicare eligible mental health providers. Enactment of the "Seniors Mental Health Access Improvement Act of 2007" will more than double the number of mental health providers available to seniors in my State with the addition of 528 mental health counselors and 61 marriage and family therapists currently licensed in the State.

I believe this legislation is critically important to the health and well-being of our Nation's seniors and I strongly urge all my colleagues to become a cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Seniors Mental Health Access Improvement Act of 2007".

SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (Z), by striking "and" after the semicolon at the end;

(B) in subparagraph (AA), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) marriage and family therapist services (as defined in subsection (ccc)(1)) and mental health counselor services (as defined in subsection (ccc)(3));".

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

"(ccc)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

"(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.".

(3) PROVISION FOR PAYMENT UNDER PART b.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services (as defined in section 1861(ccc)(1)) and mental health counselor services (as defined in section 1861(ccc)(3));".

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)) is amended—

(A) by striking "and (V)" and inserting "(V)"; and

(B) by inserting before the semicolon at the end the following: ", and (W) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(ccc)(1)), mental health counselor services (as defined in section 1861(ccc)(3))," after "qualified psychologist services,".

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).

"(viii) A mental health counselor (as defined in section 1861(ccc)(4)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))" and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ccc)(2)), or by a mental health counselor (as defined in subsection (ccc)(4))".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting "or one marriage and family therapist (as defined in subsection (ccc)(2))" after "social worker".

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS TO DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting "marriage and family therapist (as defined in subsection (ccc)(2))," after "social worker,".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2008.

By Mr. THUNE (for himself, Mr. JOHNSON, Mr. SPECTER, and Mr. CASEY):

S. 922. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. Mr. President, I rise today to introduce a bill that will sustain important air service—in South Dakota and other rural States across the country. The Airline Deregulation Act of 1978 allowed airlines to provide air service to domestic markets as they saw fit. But Congress had the foresight to create the Essential Air Service (EAS) Program to ensure a minimal level of scheduled air service in small communities. Without the EAS program, these small communities might have otherwise seen the airlines pull up stakes and only focus on larger, more profitable markets.

Essential Air Service is especially important to rural States like my home State of South Dakota. We have four communities that participate in the EAS program: Brookings, Huron, Pierre, and Watertown. Ensuring air passengers have access in and out of these smaller communities makes our entire commercial airline network more valuable.

The bill I am introducing today is very simple. It extends a provision, Section 409, passed by Congress and signed into law by the President in the 2002 Federal Aviation Administration Reauthorization, commonly referred to as Vision 100. This provision ensures that certain mileage calculations that determine EAS program eligibility are not simply measured by some bureaucrat in Washington, but are in fact certified by States' Governors. There are, of course, budgetary strains on the EAS program. Congress and the Administration should focus on strengthening the program and examine the air service it is supporting to make sure it is truly essential, but we should not allow bureaucrats behind a desk in Washington to surreptitiously use mileage determinations to cut the costs of the program and reduce air service in the process.

Brookings is a community in my home State that would have more than likely lost its commercial air service if this provision was not in place five years ago. We should keep it in place for the next five years to make sure Brookings and other communities like it do not end up the cutting room floor of the EAS program.

I look forward to working with my colleagues on the Commerce Committee to begin the process of reauthorizing FAA programs again this year. Aviation is a crucial element of our economy. I hope that this legislation, or at least the concept behind it, is considered during the reauthorization debate.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 924. A bill to strengthen the United States Coast Guard's Integrated Deepwater Program; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I think we all agree that the United States Coast Guard plays a critical role in keeping our oceans, coasts, and waterways safe, secure, and free from environmental harm. Following the events of September 11 and, more recently, Hurricane Katrina the Coast Guard has served as a source of strength for this Nation. And, in the face of increasing marine traffic, security threats at our Nation's ports, and climate change increasing the odds of another Katrina, the responsibilities of the Coast Guard continue to increase.

The Coast Guard is struggling right now to replace their rapidly aging fleet of ships, aircraft, and facilities. At a cost of $24 billion, the Deepwater program is the largest and most complex acquisition program in the history of the Coast Guard. We have a responsibility to ensure there is transparency and oversight so this program is as efficient and effective as possible.

The Deepwater program utilizes a private sector lead systems integrator, LSI, know as Integrated Coast Guard Systems, ICGS, to oversee acquisition of a "system of systems." When the Deepwater contract was originally awarded in 2002, the Coast Guard did not have the personnel within their acquisition department to manage such a large contract. We were told that outsourcing that role to industry would save the Coast Guard time and money over the long run.

The approach, which may have seemed innovative at the time, has not produced the promised results. Instead of cost and time savings, we've seen less competition, inadequate technical oversight and a lack of transparency. Over the last year, these problems have caused major blunders in the Deepwater program.

The Department of Homeland Security Inspector General, IG, has released three recent reports detailing some of the problems with Deepwater.

In an August 11, 2006 report titled Major Improvements Needed in the U.S. Coast Guard's Implementation of Deepwater Information Technology System, the IG described problems with Deepwater's C4ISR electronics equipment, which is to be the integrating technology linking Deepwater's aircraft and ships.

On January 29, 2007, the IG released a scathing report on Deepwater's flagship National Security Cutter, NSC, documenting crucial design flaws and cost overruns created by a faulty contract structure and lack of Coast Guard oversight.

Finally, on February 9, 2007, the IG released another report, this one detailing serious issues with Deepwater's 123-foot cutter conversion project.

These reports, along with others by the Government Accountability Office about problems with the stalled Fast Response Cutter, FRC, program and the Deepwater contract structure, have prompted a resounding cry for Deepwater reform, transparency, and oversight.

On February 14, 2007, I chaired a hearing in the Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard to better understand these issues and seek solutions. From that hearing it was clear that the Coast Guard was working hard to make internal reforms. It was also clear that we needed to do more to protect the American taxpayer.

Today, I'm pleased to introduce, along with Senator SNOWE, the Integrated Deepwater Program Reform Act, a comprehensive bill which makes fundamental changes to the Coast Guard's Deepwater acquisition program.

My bill requires the Coast Guard to move away from the industry-led Lead Systems Integrator and have full and open competition for future Deepwater assets.

It requires a completely new "analysis of alternatives" of all future Deepwater assets to ensure that the Coast Guard is getting the assets best-suited for their needs.

It requires the Commandant of the Coast Guard to certify to Congress that specific assets to be procured are mature and cost-effective technologies, a requirement already applied to Department of Defense contracts.

And, it gives the Coast Guard the tools they need to manage this contract and future contracts effectively, including requiring the Coast Guard to make internal management changes to ensure open competition, increase technical oversight and improve reporting to Congress.

I'm pleased to say that I have worked closely with Senator SNOWE and the Coast Guard in crafting this bill and I'm confident that this will fix many of the problems that have plagued the Deepwater program.

This legislation takes a big step towards getting the Coast Guard the assets they need to meet the pressing needs of our Nation and ensuring responsible management of taxpayer dollars. I look forward to working with my colleagues to enact the changes we propose today so we can get this program back on track.

I ask unanimous consent that a summary of the bill and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF INTEGRATED DEEPWATER PROGRAM REFORM ACT

USE OF A LEAD SYSTEMS INTEGRATOR

Would direct the Coast Guard to stop using a Lead Systems Integrator (LSI) on future Deepwater acquisitions.

Would allow the Coast Guard to use the LSI to complete any specific work for which a contract or order had already been issued.

Would allow the Coast Guard to use the LSI to complete the C130-J modifications, the C4ISR program, and also to complete procurements of the National Security Cutters (NSCs) and Maritime Patrol Aircraft (MPA) already under contract for construction. However, the LSI must have no financial interest in subcontracts or have competed the subcontracts.

Would allow the Coast Guard to use the LSI to complete all of the remaining NSCs and MPAs only after an analysis of alternatives has been conducted and, if the Coast Guard concludes that these procurements and use of an LSI are in the best interests of the federal government, that justifications for not competing assets under the Federal Acquisition Regulations are met, and that the LSI has no financial interest in subcontracts or has competed the subcontracts.

All other Deepwater assets would be done as a traditional procurement.

COMPETITION

Would require that the Coast Guard have a full and open competition of all Deepwater assets that have not yet gone under contract, other than those that the LSI can complete.

Would require that the LSI have no financial interest in subcontracts for assets managed by the LSI, or that subcontracts be fully competed. A similar provision was included in the 2006 Defense Authorization Act.

ANALYSIS OF ALTERNATIVES

Would require an analysis of alternatives of all of the proposed Deepwater assets not currently under contract and whether other alternatives are preferable. Such review would be conducted by an independent third party entity with expertise in major acquisitions, and no financial conflict of interest.

Would require the Coast Guard to provide a plan to Congress for how to move forward with Deepwater procurements based on this review.

Would require a similar review for any major changes to the agreed plan in the future.

CERTIFICATION

Would require the Commandant to certify to Congress, prior to issuing new contracts for specific proposed acquisitions, that the proposed asset meets objective criteria for feasibility, maturity of design, and costs. A similar requirement applies to Department of Defense contracts.

CONTRACT CHANGES

Would require improvements to any contract entered into by the Coast Guard for Deepwater assets, including changes to award term and award fee criteria as recommended by the Government Accountability Office (GAO).

Would end the practice of allowing the private contractor to self-certify the design and performance of assets being delivered. This will ensure adherence to accepted industry-wide standards and procedures.

INTERNAL COAST GUARD MANAGEMENT

Would require improvements to Coast Guard's management of Deepwater, including implementation of the Coast Guard's Blueprint for Acquisition Reform as well as recommendations for improved management included in a February 5, 2007 Defense Acquisition University (DAU) report and by GAO.

Would ensure better technical oversight by the Coast Guard's engineering staff.

Would allow the Coast Guard to shift personnel to support acquisitions projects.

REPORTING TO CONGRESS

Would require Coast Guard to provide significant additional information to Congress regarding the status of the Deepwater program, similar to what the Department of Defense provides.

GAO REVIEW

Would require GAO to monitor closely the Coast Guard's implementation of improvements to its management of the Deepwater program.

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Integrated Deepwater Program Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Analysis of alternatives.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Procurement and report requirements.
Sec. 8. GAO review and recommendations.
Sec. 9. Definitions.

SEC. 2. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the United States Coast Guard may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The United States Coast Guard shall utilize full and open competition for any other procurement for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) COMPLETION OF PROCUREMENT BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Coast Guard may use a private sector entity as a lead systems integrator—

(A) to complete, without modification, any delivery order or task order that was issued to the lead systems integrator on or before the date of enactment of this Act;

(B) for procurements of—

(i) the HC-130J and the C4ISR, and

(ii) National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date of enactment of this Act,

if the requirements of subsection (c) are met with respect to such procurements; and

(C) for the procurement of additional National Security Cutters or Maritime Patrol Aircraft if the Commandant determines, after conducting the analysis of alternatives required by section 3, that—

(i) the justifications of FAR 6.3 are met;

(ii) the procurement and the use of a private sector entity as a lead systems integrator for the procurement is in the best interest of the Federal government; and

(iii) the requirements of subsection (c) are met with respect to such procurement.

(2) Report on Decision-Making Process.—If the Coast Guard determines under paragraph (1) that it will use a private sector lead systems integrator for a procurement, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure notifying the Committees of its determination and explaining the rationale for the determination.

(c) Limitation on Lead Systems Integrators.—Neither an entity performing lead systems integrator functions for a procurement under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any procurement described in subparagraph (B) or (C) of subsection (b)(1) may have a financial interest below the tier 1 subcontractor level unless—

(1) the entity was selected by the Coast Guard through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition; or

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control.

SEC. 3. ANALYSIS OF ALTERNATIVES.

(a) In General.—Except with respect to a procurement described in subparagraph (A) or (B) of section 2(b)(1) of this Act, no procurement may be awarded under the Integrated Deepwater Program until an analysis of alternatives has been conducted under this section.

(b) Independent Analysis.—Within 30 days after the date of enactment of this Act, the Commandant shall execute a contract for an analysis of alternatives with a Federally Funded Research and Development Center, an appropriate entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise for independent analysis of all of the proposed procurements under, or in support of, the Integrated Deepwater Program, including procurements described in section 2(b)(1)(B), and for any future major changes of such procurements. The Commandant may not contract under this subsection for such an analysis with any entity that has a substantial financial interest in any part of the Integrated Deepwater Program as of the date of enactment of this Act or in any alternative being considered.

(c) Analysis.—The analysis of alternatives provided pursuant to the contract under subsection (b) shall include—

(1) a discussion of capability, interoperability, and other advantages and disadvantages of the proposed procurements;

(2) an examination of feasible alternatives;

(3) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(4) an assessment of technology risk and maturity; and

(5) a calculation of costs, including lifecycle costs.

(d) Report to Congress.—As soon as possible after an analysis of alternatives has been completed, the Commandant shall develop a plan for the procurements addressed in the analysis and shall transmit a report describing the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. CERTIFICATION.

(a) In General.—A contract, delivery order, or task order for procurement under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Commandant certifies that—

(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(2) the technology has been demonstrated in a relevant environment;

(3) the technology demonstrates a high likelihood of accomplishing its intended mission;

(4) the technology is affordable when considering the per unit cost and the total procurement cost in the context of the total resources available during the period covered by the Integrated Deepwater Program;

(5) the technology is affordable when considering the ability of the Coast Guard to accomplish its missions using alternatives, based on demonstrated technology, design, and knowledge;

(6) reasonable cost and schedule estimates have been developed to execute the product development and production plan for the technology;

(7) funding is available to execute the product development and production plan for the technology; and

(8) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(b) Report to Congress.—The Commandant shall transmit a copy of each certification required under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after the completion of the certification.

SEC. 5. CONTRACT REQUIREMENTS.

The Commandant shall ensure that any contract, delivery order, or task order for procurement under, or in support of, the Integrated Deepwater Program executed by the Coast Guard—

(1) incorporates provisions that address the recommendations related to award fee determination and award term evaluation made by the Government Accountability Office in its March, 2004, report entitled *Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight*, GAO-04-380, and any subsequent Government Accountability Office recommendations relevant to the contract terms issued before the date of enactment of this Act, including that any award or incentive fee is tied to program outcomes;

(2) provides that certification of any Integrated Deepwater Program procurement for performance, safety, and any other relevant factor will be conducted by an independent third party;

(3) does not include—

(A) for any contract extending the existing Integrated Deepwater Program contract term, minimum requirements for the purchase of a given or determinable number of specific assets;

(B) provisions that commit the Coast Guard without express written approval by the Coast Guard;

(C) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations; and

(4) for any contract extending the existing Integrated Deepwater Program contract term, is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University.

SEC. 6. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Commandant shall take action to ensure that—

(1) the measures contained in the Coast Guard's report entitled *Coast Guard: Blue Print for Acquisition Reform* are implemented fully;

(2) any additional measures for improved management recommended by the Defense Acquisition University in its *Quick Look Study of the United States Coast Guard Deepwater Program*, dated February 5, 2007, are implemented;

(3) integrated product teams, and all higher-level teams that oversee integrated product teams, are chaired by Coast Guard personnel; and

(4) the Assistant Commandant for Engineering and Logistics is designated as the Technical Authority for all design, engineering, and technical decisions for the Integrated Deepwater Program.

(b) Transfer.—

(1) In general.—Section 93(a) of title 14, United States Code, is amended—

(A) by striking "and" after the semicolon in paragraph (23);

(B) by striking "appropriate." in paragraph (24) and inserting "appropriate; and"; and

(C) by adding at the end thereof the following:

"(25) notwithstanding any other provision of law, in any fiscal year transfer funds made available for personnel, compensation, and benefits from the appropriation account 'Acquisition, Construction, and Improvement' to the appropriation account 'Operating Expenses' for personnel compensation and benefits and related costs necessary to execute new or existing procurements of the Coast Guard.".

(2) Notification.—Within 30 days after making a transfer under section 93(a)(25) of title 14, United States Code, the Commandant shall notify the Senate Committee on Commerce, Science, Transportation and Infrastructure, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the House Committee on Appropriations.

SEC. 7. PROCUREMENT AND REPORT REQUIREMENTS.

(a) Selected Acquisition Reports.—The Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure reports on the Integrated Deepwater Program that contain the same type of information with respect to that Program, to the greatest extent practicable, as the Secretary of Defense is required to provide to the Congress under section 2432 of title 10, United States Code, with respect to major defense procurement programs.

(b) UNIT COST REPORTS.—Each Coast Guard program manager under the Coast Guard's Integrated Deepwater Program shall provide to the Commandant, or the Commandant's designee, reports on the unit cost of assets acquired or modified that are under the management or control of the Coast Guard program manager on the same basis and containing the same information, to the greatest extent practicable, as is required to be included in the reports a program manager is required to provide to the service procurement executive designated by the Secretary of Defense under section 2433 of title 10, United States Code, with respect to a major defense procurement program.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—Within 30 days after the Commandant becomes aware of a likely cost overrun or scheduled delay, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes—

(1) a description of the known or anticipated cost overrun;

(2) a detailed explanation for such overruns;

(3) a detailed description of the Coast Guard's plans for responding to such overrun and preventing additional overruns; and

(4) a description of any significant delays in procurement schedules.

SEC. 8. GAO REVIEW AND RECOMMENDATIONS.

(a) AWARD FEE AND AWARD TERM CRITERIA.—The Coast Guard may not execute a new contract, delivery order, or task order, nor agree to extend the term of an existing contract, with a prime contractor for procurement under, or in support of, the Integrated Deepwater Program until the Commandant has consulted with the Comptroller General to ensure that the Government Accountability Office's recommendations, in its March, 2004, report entitled *Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight*, GAO-04-380, and any subsequent Government Accountability Office recommendations issued before the date of enactment of this Act, with respect to award fee and award term criteria have been fully addressed.

(b) OTHER RECOMMENDATIONS.—The Commandant shall ensure that all other recommendations in that report, and any subsequent recommendations issued before the date of enactment of this Act, are implemented to the maximum extent practicable by the Coast Guard within 1 year after the date of enactment of this Act. The Commandant shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing such recommendations.

(c) GAO REPORTS ON IMPLEMENTATION.—Beginning 6 months after the date of enactment of this Act, the Comptroller General shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing the Government Accountability Office's recommendations, in its March, 2004, report entitled *Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight*, GAO-04-380, and any subsequent Government Accountability Office recommendations issued before the date of enactment of this Act, in carrying out this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(2) INTEGRATED DEEPWATER PROGRAM.—The term "Integrated Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program.

(3) PROCUREMENT.—The term "procurement" includes development, production, sustainment, modification, conversion, and missionization.

Ms. SNOWE. Mr. President, today I rise to support introduction of the Integrated Deepwater Reform Act.

Since 1790, the United States Coast Guard has served as the guardian of our shores. It began its service to the Nation as a lifesaving organization, protecting our mariners from the perils of the sea. Over time, its missions have come to encompass additional responsibilities including performing drug and migrant interdiction, enforcing fisheries regulations, and maintaining our Nation's waterways and aids to navigation. Following the tragic events of September 11th, 2001, the Coast Guard expanded its role in homeland security operations, becoming the agency charged with protecting our Nation from maritime threats.

Though we have expanded the role of this valiant service, we have not upgraded its equipment to the degree necessary to carry out the tasks it has been assigned. Current Coast Guard vessels comprise the third oldest naval fleet in the world. Some of its cutters still in service are over sixty years old. Recognizing the looming obsolescence of its legacy fleet, in the mid 1990s the Coast Guard embarked on an effort to create a wholly integrated system of ships, aircraft, sensors, and communications systems and called the effort Deepwater. Recapitalizing the Coast Guard remains one of this Nation's most important National Security initiatives.

However, recent events have made it clear that additional Congressional oversight is warranted for this major acquisitions program. Failure of the 123-foot patrol boat conversion program, and questions about the fatigue life of the hull of the National Security Cutter under the purview of Integrated Coast Guard Systems have called into question the value of this "lead systems integrator." The contract as written has given the contractor too much autonomy and not enough focus on actual performance.

By placing restrictions on the structure of any agreements between the Coast Guard and its contractors, this bill will ensure that future Deepwater contracts protect the American taxpayer while allowing the Coast Guard to acquire the assets necessary to carry out its critical responsibilities. We cannot change the simple fact that in order to protect our Nation, the Coast Guard must be able to upgrade its existing assets. The safety of the brave men and women who serve in the Coast Guard, and the security of every American depends on the success of this program.

I remain convinced that the Integrated Deepwater Program is the appropriate vehicle for the Coast Guard's modernization. However, in order for the Coast Guard to receive the best assets at the best value for the American taxpayer, Congress must ensure that the service and the contractors recognizes their joint commitment to both excellence and fiscal responsibility. By limiting the use of a lead systems integrator, increasing requirements for open competition, requiring additional internal Coast Guard management, and increasing reporting requirements to Congress, this bill provides that assurance.

I am proud to add this bill to my record of Coast Guard oversight. I also would like to take this opportunity to thank Senator CANTWELL for all her hard work on this legislation.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds By property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 927. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 928. A bill to establish a program to provide more protection at lower cost through a national backstop for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, to better assist in the financial recovery from such catastrophes, and to develop a rigorous process of continuous improvement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida):

S. 929. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mrs. DOLE, and Ms. LANDRIEU):

S. 931. bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleague Senator MEL MARTINEZ as we introduce a package of bills aimed at providing a comprehensive solution to strengthen our Nation's property and casualty insurance market. Without serious reform, the Federal Government will be forced to continue to spend billions of dollars of taxpayer money to cover the costs of natural disasters in the United States. Worse, without Federal action, property insurance soon will become more expensive and hard to find, preventing some consumers from insuring their homes and businesses.

As we know all too well, the last few years have brought a devastating cycle of natural catastrophes in the United States. In 2004 and 2005, we witnessed a series of powerful hurricanes that caused unthinkable human tragedy and property loss. Hurricanes Katrina and Rita alone caused over $200 billion in total economic losses, including insured and uninsured losses.

In my own home State of Florida, eight catastrophic storms in fifteen months caused more than $31 billion in insured damages. Now Florida is witnessing skyrocketing insurance rates, insurance companies are canceling hundreds of thousands of policies, and Florida's State catastrophe fund is depleted.

In short, the inability of our private markets to fully handle the fallout from natural disasters has made our Nation's property and casualty insurance marketplace unstable. This market instability repeatedly has forced the Federal Government to absorb billions of dollars in uninsured losses. This is a waste of taxpayer money, especially when we know there are ways to design the system to anticipate and plan for the financial impacts of catastrophes.

As insurance companies struggle to maintain their businesses, costs are passed on to homeowners and small businesses in Florida and in other States. In essence, the people who can least afford it are being forced to bear the disproportionate share of the billions of dollars of losses caused by natural catastrophes.

Many Floridians have seen their insurance bills double in the last few years. As I travel around Florida, I hear repeatedly from my constituents that they may soon be unable to afford property and casualty insurance. That is a frightening proposition for people living in a State where increasingly vicious hurricane seasons are predicted. I am sure we all agree—consumers never should be put in the untenable position of having to choose between purchasing insurance and purchasing other necessities.

While our Nation's property and casualty insurance system is not yet broken, it's clear that Congress needs to act now to shore up the system. Private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, but most experts believe that there will be significant insurance and reinsurance shortages. These shortages could result in future dramatic rate increases for consumers and businesses and the unavailability of catastrophe insurance.

Let me be clear: these issues will not just affect Florida or the coastal States. Natural catastrophes can strike anywhere in the country. For example, a major earthquake fault line runs through several of our Midwestern States. We also saw firsthand the devastating effects of a volcano eruption at Mount Saint Helens in Washington State.

In the past few decades, major disasters have been declared in almost every State. As I mentioned earlier, the Federal Government has provided and will continue to provide billions of dollars and resources to pay for these catastrophic losses, at huge costs to all American taxpayers.

Congress has struggled with these issues for decades. Although we have talked about these issues time and time again, nothing much has gotten accomplished. The most notable step Congress did take was to create a National Flood Insurance Program. But Congress needs to do much more. It's time for a comprehensive approach to solving our Nation's property and casualty insurance issues.

These matters are usually within the purview of the States, and I cannot understate the importance of State-based solutions to these insurance issues. Nonetheless, the Federal Government also has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes.

For example, mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. Moreover, the public health, safety, and welfare demand that structures damaged or destroyed in catastrophes be reconstructed as soon as possible.

In order to help protect consumers and small businesses, today I join Senator MARTINEZ to introduce this package of bills as part of a comprehensive approach to fixing our troubled insurance system. Let me summarize each of the bills and tell you how this integrated approach makes good policy sense.

The first piece of legislation Senator MARTINEZ and I are introducing today is the Homeowners Protection Act of 2007. This bill is a companion bill to legislation introduced by Florida Representatives BROWN-WAITE, BUCHANAN, and others.

This bill would establish a Fund within the U.S. Department of Treasury, which would sell Federal catastrophe insurance to State catastrophe funds; like the fund I helped to set up in Florida. State catastrophe funds essentially act as reinsurance mechanisms for insurance companies who lack resources to compensate homeowners for their losses.

Under this bill, State catastrophe funds would be eligible to purchase reinsurance from the Federal fund at sound rates. However, a State catastrophe fund would be prohibited from gaining access to the Federal fund until private insurance companies and the State catastrophe fund met their financial obligations.

Why is this good for homeowners? Because this back-up mechanism will improve the solvency and capacity of homeowners' insurance markets, which will reduce the chance that consumers will lose their insurance coverage or be hit by huge premium increases.

Importantly, the Homeowners Protection Act of 2007 also recognizes that part of the problem with our broken property and casualty insurance system lies with outdated building codes and mitigation techniques. Noted insurance experts and consumer groups have been pointing out this problem for many years. So, under the bill, the Secretary of the Treasury would establish an expert commission to assist States in developing mitigation, prevention, recovery, and rebuilding programs that would reduce the types of enormous damage we have seen caused by past hurricanes.

I note that this bill covers not just hurricanes, but catastrophes such as tornados, earthquakes, cyclones, catastrophic winter storms, and volcanic eruptions. These are disasters that can—and do—occur in many different States. Again, every State and every taxpayer is affected by this problem, not just Florida.

This bill has widespread support from a broad range of stakeholders, including ProtectingAmerica.org, a national coalition of first responders, businesses, and emergency managers. This organization is co-chaired by former FEMA director James Lee Witt, one of the most respected names in disaster prevention and preparedness.

The second bill that Senator MARTINEZ and I are introducing today is the Catastrophic Savings Accounts Act of 2007. This bill proposes changing the Federal tax code to allow homeowners to put money aside—on a tax-free basis—to grow over time. If and when a catastrophe hits, a homeowner could take the accumulated savings out of the account to cover uninsured losses, deductible expenses, and building upgrades to mitigate damage that could be caused in future disasters. Homeowners could even reduce their insurance premiums because their tax-free savings would allow them to choose higher deductibles.

The benefits of this approach are pretty straightforward and very consumer friendly. Homeowners would be encouraged to plan in advance for future disasters, and they wouldn't be taxed to do it. Moreover, homeowners wouldn't be as dependent on insurance companies to help them out immediately after a disaster. As one expert has noted, why should a consumer continue to give insurance companies thousands of dollars each year when the consumer could deposit the same amount of money annually in a tax-free, interest-bearing savings account controlled by the consumer?

The third bill that Senator MARTINEZ and I are introducing today is the Policyholder Disaster Protection Act of 2007. Under this bill, insurance companies would be permitted to accumulate tax-deferred catastrophic reserves, much like the way that homeowners would be permitted under the bill I just discussed. Depending on their size, insurance companies could save up to a certain capped amount, which would grow over time.

Our current Federal tax code actually provides a disincentive for insurance companies to accumulate reserve funds for catastrophes. Under the current system, insurance companies can only reserve against losses that have already occurred, instead of future losses. The United States is the only industrialized nation that actually taxes reserves in this way. It's time for reform, so that consumers are better protected.

Make no mistake, though—this bill is not a give-away to the insurance companies. Instead, the Policyholder Disaster Protection Act of 2007 would strictly regulate when and how insurance companies could access their reserves, to make sure the money is used only for its intended purposes.

If implemented correctly, this bill could result in approximately $15 billion worth of reserves being saved up by insurance companies, which later could be spent to pay for policyholder claims and to keep insurance policies available and affordable. Consumers could feel more protected knowing that their insurance company would have the money saved to help them out after a major disaster. Moreover, this approach should help make the insurance market more stable and less prone to insurers going bankrupt.

The fourth bill that Senator MARTINEZ and I are introducing is the Hurricane and Tornado Mitigation Investment Act of 2007. A similar bill was introduced in the House of Representatives by GUS BILIRAKIS and has eight cosponsors.

We have learned through experience that steps taken to fortify and strengthen homes and businesses can prevent damage in the event of a catastrophe. This bill would allow a tax credit of 25 percent not to exceed $5,000 for the costs of building upgrades to mitigate damage caused by hurricanes or tornados.

Updates and improvements to roofs, exterior doors and garages would be covered under this bill. To ensure that these measures are adequately constructed, a state-certified inspector must examine the home or business. The benefits of this approach are straightforward—home and business owners would be encouraged to plan in advance for future disasters and take steps to mitigate damage caused by catastrophic events.

The fifth bill that Senator MARTINEZ and I are introducing is the Nonadmitted and Reinsurance Reform Act of 2007. Last year, a similar bill, introduced by GINNY BROWN-WAITE passed unanimously in the House of Representatives.

Currently, a small percentage of consumers may be unable to find insurance from a licensed insurer, and may be able to purchase insurance from non-licensed insurers, called nonadmitted or surplus lines insurers. These surplus lines insurers often function as a "safety valve" for the insurance market. Florida has more individuals in the surplus lines market than any other State.

Virtually every sector—insurers, producers, consumers—has voiced concern with the inefficient patchwork of different laws and regulations that characterize the surplus lines regulatory system. This bill aims to streamline regulations in the surplus lines marketplace through a mix of national standards with State enforcement and uniformity achieved through both incentives and preemption of certain State laws. This bill would create a more efficient and streamlined regulatory system and promote competition in the nonadmitted marketplace.

The sixth bill that Senator MARTINEZ and I are introducing is the National Hurricane Research Initiative Act of 2007. From the storms of 2004 and 2005 we learned the importance of accurate hurricane tracking and prediction. Accurate prediction provides residents of coastal communities more time to find safe and sound shelter.

The objective of this bill is to enhance and improve knowledge of hurricanes by harnessing the expertise of the Federal Government's science professionals to better understand hurricane prediction, intensity, and mitigation on coastal populations and infrastructure.

Let me emphasize again what we need to accomplish to reform our current insurance system and to effectively plan for catastrophic losses.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. We need a property and casualty insurance system that is not forced to spread valuable taxpayer dollars after a catastrophe strikes. We need a system that protects consumers and small businesses from losing their insurance policies or being forced to pay exorbitant insurance rates. We need ways to encourage responsible construction and mitigation techniques. And we need a system that helps insurance companies use their resources in cost-effective ways so that they will not go insolvent after major disasters.

Our American economy depends on a health property and casualty insurance system. By enacting meaningful reforms, we can ensure that our economy remains protected and remains the most resilient economy in the world. I know this complicated process won't be easy for us—but let's roll up our shirtsleeves and get it done.

I request that the text of the Homeowners Protection Act of 2007, the Catastrophe Savings Accounts Act and the Policyholder Disaster Protection Act of 2007 be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Policyholder Disaster Protection Act of 2007".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Rising costs resulting from natural disasters are placing an increasing strain on the ability of property and casualty insurance companies to assure payment of homeowners' claims and other insurance claims arising from major natural disasters now and in the future.

(2) Present tax laws do not provide adequate incentives to assure that natural disaster insurance is provided or, where such insurance is provided, that funds are available for payment of insurance claims in the event of future catastrophic losses from major natural disasters, as present law requires an insurer wishing to accumulate surplus assets for this purpose to do so entirely from its after-tax retained earnings.

(3) Revising the tax laws applicable to the property and casualty insurance industry to

permit carefully controlled accumulation of pretax dollars in separate reserve funds devoted solely to the payment of claims arising from future major natural disasters will provide incentives for property and casualty insurers to make natural disaster insurance available, will give greater protection to the Nation's homeowners, small businesses, and other insurance consumers, and will help assure the future financial health of the Nation's insurance system as a whole.

(4) Implementing these changes will reduce the possibility that a significant portion of the private insurance system would fail in the wake of a major natural disaster and that governmental entities would be required to step in to provide relief at taxpayer expense.

SEC. 3. CREATION OF POLICYHOLDER DISASTER PROTECTION FUNDS; CONTRIBUTIONS TO AND DISTRIBUTIONS FROM FUNDS; OTHER RULES.

(a) Contributions to Policyholder Disaster Protection Funds.—Subsection (c) of section 832 of the Internal Revenue Code of 1986 (relating to the taxable income of insurance companies other than life insurance companies) is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by adding at the end the following new paragraph:

"(14) the qualified contributions to a policyholder disaster protection fund during the taxable year.".

(b) Distributions From Policyholder Disaster Protection Funds.—Paragraph (1) of section 832(b) of such Code is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) the amount of any distributions from a policyholder disaster protection fund during the taxable year, except that a distribution made to return to the qualified insurance company any contribution which is not a qualified contribution (as defined in subsection (h)) for a taxable year shall not be included in gross income if such distribution is made prior to the filing of the tax return for such taxable year.".

(c) Definitions and Other Rules Relating to Policyholder Disaster Protection Funds.—Section 832 of such Code (relating to insurance company taxable income) is amended by adding at the end the following new subsection:

"(h) Definitions and Other Rules Relating to Policyholder Disaster Protection Funds.—For purposes of this section—

"(1) Policyholder disaster protection fund.—The term 'policyholder disaster protection fund' (hereafter in this subsection referred to as the 'fund') means any custodial account, trust, or any other arrangement or account—

"(A) which is established to hold assets that are set aside solely for the payment of qualified losses, and

"(B) under the terms of which—

"(i) the assets in the fund are required to be invested in a manner consistent with the investment requirements applicable to the qualified insurance company under the laws of its jurisdiction of domicile,

"(ii) the net income for the taxable year derived from the assets in the fund is required to be distributed no less frequently than annually,

"(iii) an excess balance drawdown amount is required to be distributed to the qualified insurance company no later than the close of the taxable year following the taxable year for which such amount is determined,

"(iv) a catastrophe drawdown amount may be distributed to the qualified insurance company if distributed prior to the close of the taxable year following the year for which such amount is determined,

"(v) a State required drawdown amount may be distributed, and

"(vi) no distributions from the fund are required or permitted other than the distributions described in clauses (ii) through (v) and the return to the qualified insurance company of contributions that are not qualified contributions.

"(2) Qualified insurance company.—The term 'qualified insurance company' means any insurance company subject to tax under section 831(a).

"(3) Qualified contribution.—The term 'qualified contribution' means a contribution to a fund for a taxable year to the extent that the amount of such contribution, when added to the previous contributions to the fund for such taxable year, does not exceed the excess of—

"(A) the fund cap for the taxable year, over

"(B) the fund balance determined as of the close of the preceding taxable year.

"(4) Excess balance drawdown amounts.—The term 'excess balance drawdown amount' means the excess (if any) of—

"(A) the fund balance as of the close of the taxable year, over

"(B) the fund cap for the following taxable year.

"(5) Catastrophe drawdown amount.—

"(A) In general.—The term 'catastrophe drawdown amount' means an amount that does not exceed the lesser of the amount determined under subparagraph (B) or (C).

"(B) Net losses from qualifying events.—The amount determined under this subparagraph shall be equal to the qualified losses for the taxable year determined without regard to clause (ii) of paragraph (8)(A).

"(C) Gross losses in excess of threshold.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

"(i) the qualified losses for the taxable year, over

"(ii) the lesser of—

"(I) the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

"(II) 30 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

"(D) Special drawdown amount following a recent catastrophe loss year.—If for any taxable year included in the reference period the qualified losses exceed the amount determined under subparagraph (C)(ii), the 'catastrophe drawdown amount' shall be an amount that does not exceed the lesser of the amount determined under subparagraph (B) or the amount determined under this subparagraph. The amount determined under this subparagraph shall be an amount equal to the excess (if any) of—

"(i) the qualified losses for the taxable year, over

"(ii) the lesser of—

"(I) ⅓ of the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

"(II) 10 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

"(E) Reference period.—For purposes of subparagraph (D), the reference period shall be determined under the following table:

"For a taxable year beginning in—	The reference period shall be—
2010 and later	The 3 preceding taxable years.
2009	The 2 preceding taxable years.
2008	The preceding taxable year.
2007 or before	No reference period applies.

"(6) State required drawdown amount.—The term 'State required drawdown amount' means any amount that the department of insurance for the qualified insurance company's jurisdiction of domicile requires to be distributed from the fund, to the extent such amount is not otherwise described in paragraph (4) or (5).

"(7) Fund balance.—The term 'fund balance' means—

"(A) the sum of all qualified contributions to the fund,

"(B) less any net investment loss of the fund for any taxable year or years, and

"(C) less the sum of all distributions under clauses (iii) through (v) of paragraph (1)(B).

"(8) Qualified losses.—

"(A) In general.—The term 'qualified losses' means, with respect to a taxable year—

"(i) the amount of losses and loss adjustment expenses incurred in the qualified lines of business specified in paragraph (9), net of reinsurance, as reported in the qualified insurance company's annual statement for the taxable year, that are attributable to one or more qualifying events (regardless of when such qualifying events occurred),

"(ii) the amount by which such losses and loss adjustment expenses attributable to such qualifying events have been reduced for reinsurance received and recoverable, plus

"(iii) any nonrecoverable assessments, surcharges, or other liabilities that are borne by the qualified insurance company and are attributable to such qualifying events.

"(B) Qualifying event.—For purposes of subparagraph (A), the term 'qualifying event' means any event that satisfies clauses (i) and (ii).

"(i) Event.—An event satisfies this clause if the event is 1 or more of the following:

"(I) Windstorm (hurricane, cyclone, or tornado).

"(II) Earthquake (including any fire following).

"(III) Winter catastrophe (snow, ice, or freezing).

"(IV) Fire.

"(V) Tsunami.

"(VI) Flood.

"(VII) Volcanic eruption.

"(VIII) Hail.

"(ii) Catastrophe designation.—An event satisfies this clause if the event—

"(I) is designated a catastrophe by Property Claim Services or its successor organization,

"(II) is declared by the President to be an emergency or disaster, or

"(III) is declared to be an emergency or disaster in a similar declaration by the chief executive official of a State, possession, or territory of the United States, or the District of Columbia.

"(9) Fund cap.—

"(A) In general.—The term 'fund cap' for a taxable year is the sum of the separate lines of business caps for each of the qualified lines of business specified in the table contained in subparagraph (C) (as modified under subparagraphs (D) and (E)).

"(B) SEPARATE LINES OF BUSINESS CAP.—For purposes of subparagraph (A), the separate lines of business cap, with respect to a qualified line of business specified in the table contained in subparagraph (C), is the product of—

"(i) net written premiums reported in the annual statement for the calendar year preceding the taxable year in such line of business, multiplied by

"(ii) the fund cap multiplier applicable to such qualified line of business.

"(C) QUALIFIED LINES OF BUSINESS AND THEIR RESPECTIVE FUND CAP MULTIPLIERS.—For purposes of this paragraph, the qualified lines of business and fund cap multipliers specified in this subparagraph are those specified in the following table:

"Line of Business on Annual Statement Blank:	Fund Cap Multiplier:
Fire	0.25
Allied	1.25
Farmowners Multiple Peril	0.25
Homeowners Multiple Peril	0.75
Commercial Multi Peril (non-liability portion)	0.50
Earthquake	13.00
Inland Marine	0.25

"(D) SUBSEQUENT MODIFICATIONS OF THE ANNUAL STATEMENT BLANK.—If, with respect to any taxable year beginning after the effective date of this subsection, the annual statement blank required to be filed is amended to replace, combine, or otherwise modify any of the qualified lines of business specified in subparagraph (C), then for such taxable year subparagraph (C) shall be applied in a manner such that the fund cap shall be the same amount as if such reporting modification had not been made.

"(E) 20-YEAR PHASE-IN.—Notwithstanding subparagraph (C), the fund cap for a taxable year shall be the amount determined under subparagraph (C), as adjusted pursuant to subparagraph (D) (if applicable), multiplied by the phase-in percentage indicated in the following table:

Taxable year beginning in:	Phase-in percentage to be applied to fund cap computed under subparagraphs (A) and (B):
2007	5 percent
2008	10 percent
2009	15 percent
2010	20 percent
2011	25 percent
2012	30 percent
2013	35 percent
2014	40 percent
2015	45 percent
2016	50 percent
2017	55 percent
2018	60 percent
2019	65 percent
2020	70 percent
2021	75 percent
2022	80 percent
2023	85 percent
2024	90 percent
2025	95 percent
2026 and later	100 percent

"(10) TREATMENT OF INVESTMENT INCOME AND GAIN OR LOSS.—

"(A) CONTRIBUTIONS IN KIND.—A transfer of property other than money to a fund shall be treated as a sale or exchange of such property for an amount equal to its fair market value as of the date of transfer, and appropriate adjustment shall be made to the basis of such property. Section 267 shall apply to any loss realized upon such a transfer.

"(B) DISTRIBUTIONS IN KIND.—A transfer of property other than money by a fund to the qualified insurance company shall not be treated as a sale or exchange or other disposition of such property. The basis of such property immediately after such transfer shall be the greater of the basis of such property immediately before such transfer or the fair market value of such property on the date of such transfer.

"(C) INCOME WITH RESPECT TO FUND ASSETS.—Items of income of the type described in paragraphs (1)(B), (1)(C), and (2) of subsection (b) that are derived from the assets held in a fund, as well as losses from the sale or other disposition of such assets, shall be considered items of income, gain, or loss of the qualified insurance company. Notwithstanding paragraph (1)(F) of subsection (b), distributions of net income to the qualified insurance company pursuant to paragraph (1)(B)(ii) of this subsection shall not cause such income to be taken into account a second time.

"(11) NET INCOME; NET INVESTMENT LOSS.—For purposes of paragraph (1)(B)(ii), the net income derived from the assets in the fund for the taxable year shall be the items of income and gain for the taxable year, less the items of loss for the taxable year, derived from such assets, as described in paragraph (10)(C). For purposes of paragraph (7), there is a net investment loss for the taxable year to the extent that the items of loss described in the preceding sentence exceed the items of income and gain described in the preceding sentence.

"(12) ANNUAL STATEMENT.—For purposes of this subsection, the term 'annual statement' shall have the meaning set forth in section 846(f)(3).

"(13) EXCLUSION OF PREMIUMS AND LOSSES ON CERTAIN PUERTO RICAN RISKS.—Notwithstanding any other provision of this subsection, premiums and losses with respect to risks covered by a catastrophe reserve established under the laws or regulations of the Commonwealth of Puerto Rico shall not be taken into account under this subsection in determining the amount of the fund cap or the amount of qualified losses.

"(14) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations—

"(A) which govern the application of this subsection to a qualified insurance company having a taxable year other than the calendar year or a taxable year less than 12 months,

"(B) which govern a fund maintained by a qualified insurance company that ceases to be subject to this part, and

"(C) which govern the application of paragraph (9)(D).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catastrophe Savings Accounts Act of 2007".

SEC. 2. CATASTROPHE SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of Chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

"PART IX—CATASTROPHE SAVINGS ACCOUNTS

"SEC. 530A. CATASTROPHE SAVINGS ACCOUNTS.

"(a) GENERAL RULE.—A Catastrophe Savings Account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

"(b) CATASTROPHE SAVINGS ACCOUNT.—For purposes of this section, the term 'Catastrophe Savings Account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Catastrophe Savings Account, but only if the written governing instrument creating the trust meets the following requirements:

"(1) Except in the case of a qualified rollover contribution—

"(A) no contribution will be accepted unless it is in cash, and

"(B) contributions will not be accepted in excess of the account balance limit specified in subsection (c).

"(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(3) The interest of an individual in the balance of his account is nonforfeitable.

"(4) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

"(c) ACCOUNT BALANCE LIMIT.—The aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual (including qualified rollover contributions) shall not exceed—

"(1) in the case of an individual whose qualified deductible is not more than $1,000, $2,000, and

"(2) in the case of an individual whose qualified deductible is more than $1,000, the amount equal to the lesser of—

"(A) $15,000, or

"(B) twice the amount of the individual's qualified deductible.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CATASTROPHE EXPENSES.—The term 'qualified catastrophe expenses' means expenses paid or incurred by reason of a major disaster that has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) QUALIFIED DEDUCTIBLE.—With respect to an individual, the term 'qualified deductible' means the annual deductible for the individual's homeowners' insurance policy.

"(3) QUALIFIED ROLLOVER CONTRIBUTION.—The term 'qualified rollover contribution' means a contribution to a Catastrophe Savings Account—

"(A) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

"(B) from a Catastrophe Savings Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

"(e) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Any distribution from a Catastrophe Savings Account shall be includible in the gross income of the distributee in the manner as provided in section 72.

"(2) DISTRIBUTIONS FOR QUALIFIED CATASTROPHE EXPENSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income under paragraph (1) if the qualified catastrophe expenses of the distributee during the taxable year are not less than the aggregate distributions during the taxable year.

"(B) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under paragraph (1) shall be reduced by the amount which bears the same ratio to the amount which would be includible in gross income under paragraph (1) (without regard to this subparagraph) as the qualified catastrophe expenses bear to such aggregate distributions.

"(3) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR QUALIFIED CATASTROPHE EXPENSES.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Catastrophe Savings Account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

"(4) RETIREMENT DISTRIBUTIONS.—No amount shall be includible in gross income under paragraph (1) (or subject to an additional tax under paragraph (3)) if the payment or distribution is made on or after the date on which the distributee attains age 62.

"(f) TAX TREATMENT OF ACCOUNTS.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to any Catastrophe Savings Account.".

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (4), by inserting "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) a Catastrophe Savings Account (as defined in section 530A),".

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

"(h) EXCESS CONTRIBUTIONS TO CATASTROPHE SAVINGS ACCOUNTS.—For purposes of this section, in the case of Catastrophe Savings Accounts (within the meaning of section 530A), the term 'excess contributions' means the amount by which the aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual exceeds the account balance limit defined in section 530A(c)(1).".

(c) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART IX. CATASTROPHE SAVINGS ACCOUNTS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

S. 928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeowners Protection Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. National Commission on Catastrophe Preparation and Protection.
Sec. 4. Program authority.
Sec. 5. Qualified lines of coverage.
Sec. 6. Covered perils.
Sec. 7. Contracts for reinsurance coverage for eligible State programs.
Sec. 8. Minimum level of retained losses and maximum Federal liability.
Sec. 9. Consumer Hurricane, Earthquake, Loss Protection (HELP) Fund.
Sec. 10. Regulations.
Sec. 11. Termination.
Sec. 12. Annual study concerning benefits of the Act.
Sec. 13. GAO study of the National Flood Insurance Program and hurricane-related flooding.
Sec. 14. Definitions.

SEC. 2. FINDINGS.

Congress finds that—

(1) America needs to take steps to be better prepared for and better protected from catastrophes;

(2) the hurricane seasons of 2004 and 2005 are startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause;

(3) if a repeat of the deadly 1900 Galveston hurricane occurred again it could cause thousands of deaths and over $36,000,000,000 in loss;

(4) if the 1906 San Francisco earthquake occurred again it could cause thousands of deaths, displace millions of residents, destroy thousands of businesses, and cause over $400,000,000,000 in loss;

(5) if a Category 5 hurricane were to hit Miami it could cause thousands of deaths and over $50,000,000,000 in loss and devastate the local and national economy;

(6) if a repeat of the 1938 "Long Island Express" were to occur again it could cause thousands of deaths and over $30,000,000,000 in damage, and if a hurricane that strong were to directly hit Manhattan it could cause over $150,000,000,000 in damage and cause irreparable harm to our Nation's economy;

(7) a more comprehensive and integrated approach to dealing with catastrophes is needed;

(8) using history as a guide, natural catastrophes will inevitably place a tremendous strain on homeowners' insurance markets in many areas, will raise costs for consumers, and will jeopardize the ability of many consumers to adequately insure their homes and possessions;

(9) the lack of sufficient insurance capacity and the inability of private insurers to build enough capital, in a short amount of time, threatens to increase the number of uninsured homeowners, which, in turn, increases the risk of mortgage defaults and the strain on the Nation's banking system;

(10) some States have exercised leadership through reasonable action to ensure the continued availability and affordability of homeowners' insurance for all residents;

(11) it is appropriate that efforts to improve insurance availability be designed and implemented at the State level;

(12) while State insurance programs may be adequate to cover losses from most natural disasters, a small percentage of events is likely to exceed the financial capacity of these programs and the local insurance markets;

(13) a limited national insurance backstop will improve the effectiveness of State insurance programs and private insurance markets and will increase the likelihood that homeowners' insurance claims will be fully paid in the event of a large natural catastrophe and that routine claims that occur after a mega-catastrophe will also continue to be paid;

(14) it is necessary to provide a national insurance backstop program that will provide more protection at an overall lower cost and that will promote stability in the homeowners' insurance market;

(15) it is the proper role of the Federal Government to prepare for and protect its citizens from catastrophes and to facilitate consumer protection, victim assistance, and recovery, including financial recovery; and

(16) any Federal reinsurance program must be founded upon sound actuarial principles and priced in a manner that encourages the creation of State funds and maximizes the buying potential of these State funds and encourages and promotes prevention and mitigation, recovery and rebuilding, and consumer education, and emphasizes continuous analysis and improvement.

SEC. 3. NATIONAL COMMISSION ON CATASTROPHE PREPARATION AND PROTECTION.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a commission to be known as the National Commission on Catastrophe Preparation and Protection.

(b) DUTIES.—The Commission shall meet for the purpose of advising the Secretary regarding the estimated loss costs associated with the contracts for reinsurance coverage available under this Act and carrying out the functions specified in this Act, including—

(1) the development and implementation of public education concerning the risks posed by natural catastrophes;

(2) the development and implementation of prevention, mitigation, recovery, and rebuilding standards that better prepare and protect the United States from catastrophes; and

(3) conducting continuous analysis of the effectiveness of this Act and recommending improvements to the Congress so that—

(A) the costs of providing catastrophe protection are decreased; and

(B) the United States is better prepared.

(c) MEMBERS.—

(1) APPOINTMENT AND QUALIFICATION.—The Commission shall consist of 9 members, as follows:

(A) HOMELAND SECURITY MEMBER.—The Secretary of Homeland Security or the Secretary's designee.

(B) APPOINTED MEMBERS.—8 members appointed by the Secretary, who shall consist of—

(i) 1 individual who is an actuary;

(ii) 1 individual who is employed in engineering;

(iii) 1 individual representing the scientific community;

(iv) 1 individual representing property and casualty insurers;

(v) 1 individual representing reinsurers;

(vi) 1 individual who is a member or former member of the National Association of Insurance Commissioners; and

(vii) 2 individuals who are consumers.

(2) PREVENTION OF CONFLICTS OF INTEREST.—Members shall have no personal or financial interest at stake in the deliberations of the Commission.

(d) TREATMENT OF NON-FEDERAL MEMBERS.—Each member of the Commission who is not otherwise employed by the Federal Government shall be considered a special

Government employee for purposes of sections 202 and 208 of title 18, United States Code.

(e) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Commission may procure temporary and intermittent services from individuals or groups recognized as experts in the fields of meteorology, seismology, vulcanlogy, geology, structural engineering, wind engineering, and hydrology, and other fields, under section 3109(b) of title 5, United States Code, but at a rate not in excess of the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule, for each day during which the individual procured is performing such services for the Commission.

(2) OTHER EXPERTS.—The Commission may also procure, and the Congress encourages the Commission to procure, experts from universities, research centers, foundations, and other appropriate organizations who could study, research, and develop methods and mechanisms that could be utilized to strengthen structures to better withstand the perils covered by this Act.

(f) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate of basic pay payable for level V of the Executive Schedule, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(g) OBTAINING DATA.—

(1) IN GENERAL.—The Commission and the Secretary may solicit loss exposure data and such other information as either the Commission or the Secretary deems necessary to carry out its responsibilities from governmental agencies and bodies and organizations that act as statistical agents for the insurance industry.

(2) OBLIGATION TO KEEP CONFIDENTIAL.—The Commission and the Secretary shall take such actions as are necessary to ensure that information that either deems confidential or proprietary is disclosed only to authorized individuals working for the Commission or the Secretary.

(3) FAILURE TO COMPLY.—No State insurance or reinsurance program may participate if any governmental agency within that State has refused to provide information requested by the Commission or the Secretary.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(A) $10,000,000 for fiscal year 2008 for the—

(i) initial expenses in establishing the Commission; and

(ii) initial activities of the Commission that cannot timely be covered by amounts obtained pursuant to section 7(b)(6)(B)(iii), as determined by the Secretary;

(B) such additional sums as may be necessary to carry out subsequent activities of the Commission;

(C) $10,000,000 for fiscal year 2008 for the initial expenses of the Secretary in carrying out the program authorized under section 4; and

(D) such additional sums as may be necessary to carry out subsequent activities of the Secretary under this Act.

(2) OFFSET.—

(A) OBTAINED FROM PURCHASERS.—The Secretary shall provide, to the maximum extent practicable, that an amount equal to any amount appropriated under paragraph (1) is obtained from purchasers of reinsurance coverage under this Act and deposited in the Fund established under section 9.

(B) INCLUSION IN PRICING CONTRACTS.—Any offset obtained under subparagraph (A) shall be obtained by inclusion of a provision for the Secretary's and the Commission's expenses incorporated into the pricing of the contracts for such reinsurance coverage, pursuant to section 7(b)(6)(B)(iii).

(i) TERMINATION.—The Commission shall terminate upon the effective date of the repeal under section 11(c).

SEC. 4. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security, shall carry out a program under this Act to make homeowners protection coverage available through contracts for reinsurance coverage under section 7, which shall be made available for purchase only by eligible State programs.

(b) PURPOSE.—The program shall be designed to make reinsurance coverage under this Act available—

(1) to improve the availability and affordability of homeowners' insurance for the purpose of facilitating the pooling, and spreading the risk, of catastrophic financial losses from natural catastrophes;

(2) to improve the solvency and capacity of homeowners' insurance markets;

(3) to encourage the development and implementation of mitigation, prevention, recovery, and rebuilding standards; and

(4) to recommend methods to continuously improve the way the United States reacts and responds to catastrophes, including improvements to the HELP Fund established under section 9.

(c) CONTRACT PRINCIPLES.—Under the program established under this Act, the Secretary shall offer reinsurance coverage through contracts with covered purchasers, which contracts shall—

(1) minimize the administrative costs of the Federal Government; and

(2) provide coverage based solely on insured losses within a State for the eligible State program purchasing the contract.

SEC. 5. QUALIFIED LINES OF COVERAGE.

Each contract for reinsurance coverage made available under this Act shall provide insurance coverage against residential property losses to—

(1) homes (including dwellings owned under condominium and cooperative ownership arrangements); and

(2) the contents of apartment buildings.

SEC. 6. COVERED PERILS.

(a) IN GENERAL.—Each contract for reinsurance coverage made available under this Act shall cover losses insured or reinsured by an eligible State program purchasing the contract that are proximately caused by—

(1) earthquakes;

(2) perils ensuing from earthquakes, including fire and tsunamis;

(3) tropical cyclones having maximum sustained winds of at least 74 miles per hour, including hurricanes and typhoons;

(4) tornadoes;

(5) volcanic eruptions;

(6) catastrophic winter storms; and

(7) any other natural catastrophe peril (not including any flood) insured or reinsured under the eligible State program for which reinsurance coverage under section 7 is provided.

(b) RULEMAKING.—The Secretary shall, by regulation, define the natural catastrophe perils described in subsection (a)(7).

SEC. 7. CONTRACTS FOR REINSURANCE COVERAGE FOR ELIGIBLE STATE PROGRAMS.

(a) ELIGIBLE STATE PROGRAMS.—A program shall be eligible to purchase a contract under this section for reinsurance coverage under this Act only if the State entity authorized to make such determinations certifies to the Secretary that the program complies with the following requirements:

(1) PROGRAM DESIGN.—The program shall be a State-operated—

(A) insurance program that—

(i) offers coverage for—

(I) homes (which may include dwellings owned under condominium and cooperative ownership arrangements); and

(II) the contents of apartments to State residents; and

(ii) is authorized by State law; or

(B) reinsurance program that is designed to improve private insurance markets that offer coverage for—

(i) homes (which may include dwellings owned under condominium and cooperative ownership arrangements); and

(ii) the contents of apartments.

(2) OPERATION.—

(A) IN GENERAL.—The program shall meet the following requirements:

(i) A majority of the members of the governing body of the program shall be public officials.

(ii) The State shall have a financial interest in the program, which shall not include a program authorized by State law or regulation that requires insurers to pool resources to provide property insurance coverage for covered perils.

(iii) The State shall not be eligible for Consumer HELP Fund assistance under section 9 if a State has appropriated money from the State fund and not paid it back to the State fund, with interest.

(iv) Upon receipt of assistance from the Consumer HELP Fund, each reimbursement contract sold by a State shall provide for reimbursements at 100 percent of eligible losses.

(v) A State shall be required to utilize either—

(I) an open rating system that permits insurers to set homeowners' insurance rates without prior approval of the State; or

(II) a rate approval process that requires actuarially sound, risk-based, self-sufficient homeowners' insurance rates.

(B) CERTIFICATION.—A State shall not be eligible for Consumer HELP Fund assistance unless the Secretary can certify that such State is in compliance with the requirement described in clause (v).

(3) TAX STATUS.—The program shall be structured and carried out in a manner so that the program is exempt from all Federal taxation.

(4) COVERAGE.—The program shall cover perils enumerated in section 6.

(5) EARNINGS.—The program may not provide for, nor shall have ever made, any redistribution of any part of any net profits of the program to any insurer that participates in the program.

(6) PREVENTION AND MITIGATION.—

(A) IN GENERAL.—The program shall include prevention and mitigation provisions that require that not less $10,000,000 and not more than 35 percent of the net investment income of the State insurance or reinsurance program be used for programs to mitigate losses from natural catastrophes for which the State insurance or reinsurance program was established.

(B) RULE OF CONSTRUCTION.—For purposes of this paragraph, prevention and mitigation shall include methods to reduce losses of life and property, including appropriate measures to adequately reflect—

(i) encouragement of awareness about the risk factors and what can be done to eliminate or reduce them;

(ii) location of the risk, by giving careful consideration of the natural risks for the location of the property before allowing building and considerations if structures are allowed; and

(iii) construction relative to the risk and hazards, which act upon—

(I) State mandated building codes appropriate for the risk;

(II) adequate enforcement of the risk-appropriate building codes;

(III) building materials that prevent or significantly lessen potential damage from the natural catastrophes;

(IV) building methods that prevent or significantly lessen potential damage from the natural catastrophes; and

(V) a focus on prevention and mitigation for any substantially damaged structure, with an emphasis on how structures can be retrofitted so as to make them building code compliant.

(7) REQUIREMENTS REGARDING COVERAGE.—

(A) IN GENERAL.—The program—

(i) may not, except for charges or assessments related to post-event financing or bonding, involve cross-subsidization between any separate property and casualty lines covered under the program unless the elimination of such activity in an existing program would negatively impact the eligibility of the program to purchase a contract for reinsurance coverage under this Act pursuant to paragraph (3);

(ii) shall include provisions that authorize the State insurance commissioner or other State entity authorized to make such a determination to terminate the program if the insurance commissioner or other such entity determines that the program is no longer necessary to ensure the availability of homeowners' insurance for all residents of the State; and

(iii) shall provide that, for any insurance coverage for homes (which may include dwellings owned under condominium and cooperative ownership arrangements) and the contents of apartments that is made available under the State insurance program and for any reinsurance coverage for such insurance coverage made available under the State reinsurance program, the premium rates charged shall be amounts that, at a minimum, are sufficient to cover the full actuarial costs of such coverage, based on consideration of the risks involved and accepted actuarial and rate making principles, anticipated administrative expenses, and loss and loss-adjustment expenses.

(B) APPLICABILITY.—This paragraph shall apply—

(i) before the expiration of the 2-year period beginning on the date of the enactment of this Act, only to State programs which, after January 1, 2008, commence offering insurance or reinsurance coverage described in subparagraph (A) or (B), respectively, of paragraph (1); and

(ii) after the expiration of such period, to all State programs.

(8) OTHER QUALIFICATIONS.—

(A) REGULATIONS.—

(i) COMPLIANCE.—The State program shall (for the year for which the coverage is in effect) comply with regulations that shall be issued under this paragraph by the Secretary, in consultation with the National Commission on Catastrophe Preparation and Protection established under section 3.

(ii) CRITERIA.—The regulations issued under clause (i) shall establish criteria for State programs to qualify to purchase reinsurance under this section, which are in addition to the requirements under the other paragraphs of this subsection.

(B) CONTENTS.—The regulations issued under subparagraph (A)(i) shall include requirements that—

(i) the State program shall have public members on its board of directors or have an advisory board with public members;

(ii) the State program provide adequate insurance or reinsurance protection, as applicable, for the peril covered, which shall include a range of deductibles and premium costs that reflect the applicable risk to eligible properties;

(iii) insurance or reinsurance coverage, as applicable, provided by the State program is made available on a nondiscriminatory basis to all qualifying residents;

(iv) any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;

(v) the State, or appropriate local governments within the State, have in effect and enforce nationally recognized model building, fire, and safety codes and consensus-based standards that offer risk responsive resistance that is substantially equivalent or greater than the resistance to earthquakes or high winds;

(vi) the State has taken actions to establish an insurance rate structure that takes into account measures to mitigate insurance losses;

(vii) there are in effect, in such State, laws or regulations sufficient to prohibit price gouging, during the term of reinsurance coverage under this Act for the State program in any disaster area located within the State; and

(viii) the State program complies with such other requirements that the Secretary considers necessary to carry out the purposes of this Act.

(b) TERMS OF CONTRACTS.—Each contract under this section for reinsurance coverage under this Act shall be subject to the following terms and conditions:

(1) MATURITY.—The term of the contract shall not exceed 1 year or such longer term as the Secretary may determine.

(2) PAYMENT CONDITION.—The contract shall authorize claims payments for eligible losses only to the eligible State program purchasing the coverage.

(3) RETAINED LOSSES REQUIREMENT.—For each event of a covered peril, the contract shall make a payment for the event only if the total amount of insurance claims for losses, which are covered by qualified lines, occur to properties located within the State covered by the contract, and that result from events, exceeds the amount of retained losses provided under the contract (pursuant to section 8(a)) purchased by the eligible State program.

(4) MULTIPLE EVENTS.—The contract shall—

(A) cover any eligible losses from 1 or more covered events that may occur during the term of the contract; and

(B) provide that if multiple events occur, the retained losses requirement under paragraph (3) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(5) TIMING OF ELIGIBLE LOSSES.—Eligible losses under the contract shall include only insurance claims for property covered by qualified lines that are reported to the eligible State program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(6) PRICING.—

(A) DETERMINATION.—The price of reinsurance coverage under the contract shall be an amount established by the Secretary as follows:

(i) RECOMMENDATIONS.—The Secretary shall take into consideration the recommendations of the Commission in establishing the price, but the price may not be less than the amount recommended by the Commission.

(ii) FAIRNESS TO TAXPAYERS.—The price shall be established at a level that—

(I) is designed to reflect the risks and costs being borne under each reinsurance contract issued under this Act; and

(II) takes into consideration empirical models of natural disasters and the capacity of private markets to absorb insured losses from natural disasters.

(iii) SELF-SUFFICIENCY.—The rates for reinsurance coverage shall be established at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered under this section.

(B) COMPONENTS.—The price shall consist of the following components:

(i) RISK-BASED PRICE.—A risk-based price, which shall reflect the anticipated annualized payout of the contract according to the actuarial analysis and recommendations of the Commission.

(ii) ADMINISTRATIVE COSTS.—A sum sufficient to provide for the operation of the Commission and the administrative expenses incurred by the Secretary in carrying out this Act.

(7) INFORMATION.—The contract shall contain a condition providing that the Commission may require a State program that is covered under the contract to submit to the Commission all information on the State program relevant to the duties of the Commission, as determined by the Secretary.

(8) ADDITIONAL CONTRACT OPTION.—

(A) IN GENERAL.—The contract shall provide that the purchaser of the contract may, during a term of such original contract, purchase additional contracts from among those offered by the Secretary at the beginning of the term, subject to the limitations under section 8, at the prices at which such contracts were offered at the beginning of the term, prorated based upon the remaining term as determined by the Secretary.

(B) TIMING.—An additional contract purchased under subparagraph (A) shall provide coverage beginning on a date 15 days after the date of purchase but shall not provide coverage for losses for an event that has already occurred.

(9) OTHERS.—The contract shall contain such other terms as the Secretary considers necessary—

(A) to carry out this Act; and

(B) to ensure the long-term financial integrity of the program under this Act.

(c) PARTICIPATION BY MULTI-STATE CATASTROPHE FUND PROGRAMS.—

(1) IN GENERAL.—Nothing in this Act shall prohibit, and this Act shall be construed to facilitate and encourage, the creation of multi-State catastrophe insurance or reinsurance programs, or the participation by such programs in the program established pursuant to section 4.

(2) REGULATIONS.—The Secretary shall, by regulation, apply the provisions of this Act

to multi-State catastrophe insurance and reinsurance programs.

SEC. 8. MINIMUM LEVEL OF RETAINED LOSSES AND MAXIMUM FEDERAL LIABILITY.

(a) AVAILABLE LEVELS OF RETAINED LOSSES.—In making reinsurance coverage available under this Act, the Secretary shall make available for purchase contracts for such coverage that require the sustainment of retained losses from covered perils (as required under section 7(b)(3) for payment of eligible losses) in various amounts, as the Secretary, in consultation with the Commission, determines appropriate and subject to the requirements under subsection (b).

(b) MINIMUM LEVEL OF RETAINED LOSSES.—

(1) CONTRACTS FOR STATE PROGRAMS.—Subject to paragraphs (3) and (4) and notwithstanding any other provision of this Act, a contract for reinsurance coverage under section 7 for an eligible State program that offers insurance or reinsurance coverage described in subparagraph (A) or (B), respectively, of section 7(a)(1), may not be made available or sold unless the contract requires retained losses from covered perils in the following amount:

(A) IN GENERAL.—The State program shall sustain an amount of retained losses of not less than—

(i) the claims-paying capacity of the eligible State program, as determined by the Secretary; and

(ii) an amount, determined by the Secretary in consultation with the Commission, that is the amount equal to the eligible losses projected to be incurred at least once every 50 years on an annual basis from covered perils.

(B) TRANSITION RULE FOR EXISTING PROGRAMS.—

(i) CLAIMS-PAYING CAPACITY.—Subject to clause (ii), in the case of any eligible State program that was offering insurance or reinsurance coverage on the date of the enactment of this Act and the claims-paying capacity of which is greater than the amount determined under subparagraph (A)(i) but less than an amount determined for the program under subparagraph (A)(ii), the minimum level of retained losses applicable under this paragraph shall be the claims-paying capacity of such State program.

(ii) AGREEMENT.—

(I) IN GENERAL.—Clause (i) shall apply to a State program only if the program enters into a written agreement with the Secretary providing a schedule for increasing the claims-paying capacity of the program to the amount determined for the program under subparagraph (A)(ii) over a period not to exceed 5 years.

(II) EXTENSION.—The Secretary may extend the 5-year period under subclause (I) for not more than 5 additional 1-year periods if the Secretary determines that losses incurred by the State program as a result of covered perils create excessive hardship on the State program.

(III) CONSULTATION.—The Secretary shall consult with the appropriate officials of the State program regarding the required schedule and any potential 1-year extensions.

(C) TRANSITION RULE FOR NEW PROGRAMS.—

(i) 50-YEAR EVENT.—The Secretary may provide that, in the case of an eligible State program that, after January 1, 2008, commences offering insurance or reinsurance coverage, during the 7-year period beginning on the date that reinsurance coverage under section 7 is first made available, the minimum level of retained losses applicable under this paragraph shall be the amount determined for the State under subparagraph (A)(i), except that such minimum level shall be adjusted annually as provided in clause (ii) of this subparagraph.

(ii) ANNUAL ADJUSTMENT.—Each annual adjustment under this clause shall increase the minimum level of retained losses applicable under this subparagraph to an eligible State program described in clause (i) in a manner such that—

(I) during the course of such 7-year period, the applicable minimum level of retained losses approaches the minimum level that, under subparagraph (A)(ii), will apply to the eligible State program upon the expiration of such period; and

(II) each such annual increase is a substantially similar amount, to the extent practicable.

(D) REDUCTION BECAUSE OF REDUCED CLAIMS-PAYING CAPACITY.—

(i) AUTHORITY.—Notwithstanding subparagraphs (A), (B), and (C) or the terms contained in a contract for reinsurance pursuant to such subparagraphs, if the Secretary determines that the claims-paying capacity of an eligible State program has been reduced because of payment for losses due to an event, the Secretary may reduce the minimum level of retained losses.

(ii) TERM OF REDUCTION.—

(I) EXTENSION.—The Secretary may extend the 5-year period for not more than 5 additional 1-year periods if the Secretary determines that losses incurred by the State program as a result of covered perils create excessive hardship on the State program.

(II) CONSULTATION.—The Secretary shall consult with the appropriate officials of the State program regarding the required schedule and any potential 1-year extensions.

(E) CLAIMS-PAYING CAPACITY.—For purposes of this paragraph, the claims-paying capacity of a State-operated insurance or reinsurance program under section 7(a)(1) shall be determined by the Secretary, in consultation with the Commission, taking into consideration the claims-paying capacity as determined by the State program, retained losses to private insurers in the State in an amount assigned by the State insurance commissioner, the cash surplus of the program, and the lines of credit, reinsurance, and other financing mechanisms of the program established by law.

(c) MAXIMUM FEDERAL LIABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may sell only contracts for reinsurance coverage under this Act in various amounts that comply with the following requirements:

(A) ESTIMATE OF AGGREGATE LIABILITY.—The aggregate liability for payment of claims under all such contracts in any single year is unlikely to exceed $200,000,000,000 (as such amount is adjusted under paragraph (2)).

(B) ELIGIBLE LOSS COVERAGE SOLD.—Eligible losses covered by all contracts sold within a State during a 12-month period do not exceed the difference between the following amounts (each of which shall be determined by the Secretary in consultation with the Commission):

(i) The amount equal to the eligible loss projected to be incurred once every 500 years from a single event in the State.

(ii) The amount equal to the eligible loss projected to be incurred once every 50 years from a single event in the State.

(2) ANNUAL ADJUSTMENTS.—The Secretary shall annually adjust the amount under paragraph (1)(A) (as it may have been previously adjusted) to provide for inflation in accordance with an inflation index that the Secretary determines to be appropriate.

(d) LIMITATION ON PERCENTAGE OF RISK IN EXCESS OF RETAINED LOSSES.—

(1) IN GENERAL.—The Secretary may not make available for purchase contracts for reinsurance coverage under this Act that would pay out more than 100 percent of eligible losses in excess of retained losses in the case of a contract under section 7 for an eligible State program, for such State.

(2) PAYOUT.—For purposes of this subsection, the amount of payout from a reinsurance contract shall be the amount of eligible losses in excess of retained losses multiplied by the percentage under paragraph (1).

SEC. 9. CONSUMER HURRICANE, EARTHQUAKE, LOSS PROTECTION (HELP) FUND.

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Consumer HELP Fund (in this section referred to as the "Fund").

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this Act;

(2) any amounts borrowed under subsection (d);

(3) any amounts earned on investments of the Fund pursuant to subsection (e); and

(4) such other amounts as may be credited to the Fund.

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to covered purchasers under contracts for reinsurance coverage for eligible losses under such contracts.

(2) COMMISSION COSTS.—To pay for the operating costs of the Commission.

(3) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this Act.

(4) TERMINATION.—Upon termination under section 11, as provided in such section.

(d) BORROWING.—

(1) AUTHORITY.—To the extent that the amounts in the Fund are insufficient to pay claims and expenses under subsection (c), the Secretary—

(A) may issue such obligations of the Fund as may be necessary to cover the insufficiency; and

(B) shall purchase any such obligations issued.

(2) PUBLIC DEBT TRANSACTION.—For the purpose of purchasing any such obligations under paragraph (1)—

(A) the Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code; and

(B) the purposes for which such securities are issued under such chapter are hereby extended to include any purchase by the Secretary of such obligations under this subsection.

(3) CHARACTERISTICS OF OBLIGATIONS.—Obligations issued under this subsection shall be in such forms and denominations, bear such maturities, bear interest at such rate, and be subject to such other terms and conditions, as the Secretary shall determine.

(4) TREATMENT.—All redemptions, purchases, and sales by the Secretary of obligations under this subsection shall be treated as public debt transactions of the United States.

(5) REPAYMENT.—Any obligations issued under this subsection shall be—

(A) repaid including interest, from the Fund; and

(B) recouped from premiums charged for reinsurance coverage provided under this Act.

(e) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

(f) PROHIBITION OF FEDERAL FUNDS.—Except for amounts made available pursuant to subsection (d) and section 3(h), no further Federal funds shall be authorized or appropriated for the Fund or for carrying out the reinsurance program under this Act.

SEC. 10. REGULATIONS.

The Secretary, in consultation with the Secretary of the Department of Homeland Security, shall issue any regulations necessary to carry out the program for reinsurance coverage under this Act.

SEC. 11. TERMINATION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not provide any reinsurance coverage under this Act covering any period after the expiration of the 20-year period beginning on the date of the enactment of this Act.

(b) EXTENSION.—If upon the expiration of the period under subsection (a) the Secretary, in consultation with the Commission, determines that continuation of the program for reinsurance coverage under this Act is necessary or appropriate to carry out the purpose of this Act under section 4(b) because of insufficient growth of capacity in the private homeowners' insurance market, the Secretary shall continue to provide reinsurance coverage under this Act until the expiration of the 5-year period beginning upon the expiration of the period under subsection (a).

(c) REPEAL.—Effective upon the date that reinsurance coverage under this Act is no longer available or in force pursuant to subsection (a) or (b), this Act (except for this section) is repealed.

(d) DEFICIT REDUCTION.—The Secretary shall cover into the General Fund of the Treasury any amounts remaining in the Fund under section 9 upon the repeal of this Act.

SEC. 12. ANNUAL STUDY CONCERNING BENEFITS OF THE ACT.

(a) IN GENERAL.—The Secretary shall, on an annual basis, conduct a study and submit to the Congress a report that—

(1) analyzes the cost and availability of homeowners' insurance for losses resulting from catastrophic natural disasters covered by the reinsurance program under this Act;

(2) describes the efforts of the participating States in—

(A) enacting preparedness, prevention, mitigation, recovery, and rebuilding standards; and

(B) educating the public on the risks associated with natural catastrophe; and

(3) makes recommendations regarding ways to improve the program under this Act and its administration.

(b) CONTENTS.—Each annual study under this section shall also determine and identify, on an aggregate basis—

(1) for each State or region, the capacity of the private homeowners' insurance market with respect to coverage for losses from catastrophic natural disasters;

(2) for each State or region, the percentage of homeowners who have such coverage, the catastrophes covered, and the average cost of such coverage; and

(3) for each State or region, the effects this Act is having on the availability and affordability of such insurance.

(c) TIMING.—Each annual report under this section shall be submitted not later than March 30 of the year after the year for which the study was conducted.

(d) COMMENCEMENT OF REPORTING REQUIREMENT.—The Secretary shall first submit an annual report under this section not later than 2 years after the date of the enactment of this Act.

SEC. 13. GAO STUDY OF THE NATIONAL FLOOD INSURANCE PROGRAM AND HURRICANE-RELATED FLOODING.

(a) IN GENERAL.—In light of the flooding associated with Hurricane Katrina, the Comptroller General of the United States shall conduct a study of the availability and adequacy of flood insurance coverage for losses to residences and other properties caused by hurricane-related flooding.

(b) CONTENTS.—The study under this section shall determine and analyze—

(1) the frequency and severity of hurricane-related flooding during the last 20 years in comparison with flooding that is not hurricane-related;

(2) the differences between the risks of flood-related losses to properties located within the 100-year floodplain and those located outside of such floodplain;

(3) the extent to which insurance coverage referred to in subsection (a) is available for properties not located within the 100-year floodplain;

(4) the advantages and disadvantages of making such coverage for such properties available under the national flood insurance program;

(5) appropriate methods for establishing premiums for insurance coverage under such program for such properties that, based on accepted actuarial and rate making principles, cover the full costs of providing such coverage;

(6) appropriate eligibility criteria for making flood insurance coverage under such program available for properties that are not located within the 100-year floodplain or within a community participating in the national flood insurance program;

(7) the appropriateness of the existing deductibles for all properties eligible for insurance coverage under the national flood insurance program, including the standard and variable deductibles for pre-FIRM and post-FIRM properties, and whether a broader range of deductibles should be established;

(8) income levels of policyholders of insurance made available under the national flood insurance program whose properties are pre-FIRM subsidized properties;

(9) how the national flood program is marketed, if changes can be made so that more people are aware of flood coverage, and how take-up rates may be improved;

(10) the number of homes that are not primary residences that are insured under the national flood insurance program and are pre-FIRM subsidized properties; and

(11) suggestions and means on how the program under this Act can better meet its stated goals as well as the feasibility of expanding the national flood insurance program to cover the perils covered by this Act.

(c) CONSULTATION WITH FEMA.—In conducting the study under this section, the Comptroller General shall consult with the Administrator of the Federal Emergency Management Agency.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Congress regarding the findings of the study not later than 5 months after the date of the enactment of this Act.

SEC. 14. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Catastrophe Preparation and Protection established under section 3.

(2) COVERED PERILS.—The term "covered perils" means the natural disaster perils under section 6.

(3) COVERED PURCHASER.—The term "covered purchaser" means an eligible State-operated insurance or reinsurance program that purchases reinsurance coverage made available under a contract under section 7.

(4) DISASTER AREA.—The term "disaster area" means a geographical area, with respect to which—

(A) a covered peril specified in section 6 has occurred; and

(B) a declaration that a major disaster exists, as a result of the occurrence of such peril—

(i) has been made by the President of the United States; and

(ii) is in effect.

(5) ELIGIBLE LOSSES.—The term "eligible losses" means losses in excess of the sustained and retained losses, as defined by the Secretary after consultation with the Commission.

(6) ELIGIBLE STATE PROGRAM.—The term "eligible State program" means—

(A) a State program that, pursuant to section 7(a), is eligible to purchase reinsurance coverage made available through contracts under section 7; or

(B) a multi-State program that is eligible to purchase such coverage pursuant to section 7(c).

(7) PRICE GOUGING.—The term "price gouging" means the providing of any consumer good or service by a supplier related to repair or restoration of property damaged from a catastrophe for a price that the supplier knows or has reason to know is greater, by at least the percentage set forth in a State law or regulation prohibiting such act (notwithstanding any real cost increase due to any attendant business risk and other reasonable expenses that result from the major catastrophe involved), than the price charged by the supplier for such consumer good or service immediately before the disaster.

(8) QUALIFIED LINES.—The term "qualified lines" means lines of insurance coverage for which losses are covered under section 5 by reinsurance coverage under this Act.

(9) REINSURANCE COVERAGE.—The term "reinsurance coverage under this Act" means coverage under contracts made available under section 7.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(11) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

By Mrs. FEINSTEIN:

S. 933. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Joseph Gabra and his wife, Sharon Kamel, Egyptian nationals currently living with their children in Camarillo, CA.

Joseph Gabra and Sharon Kamel entered the United States legally on November 1, 1998, on tourist visas. They immediately filed for political asylum based on religious persecution.

The couple fled Egypt because they had been targeted for their active involvement in the Coptic Christian Church in Egypt. Mr. Gabra was repeatedly jailed by Egyptian authorities because of his work for the church. In addition, Ms. Kamel's cousin was murdered and her brother's business was fire-bombed.

When Ms. Kamel became pregnant with their first child, the family was warned by a member of the Muslim brotherhood that if they did not raise their child as a Muslim, the child would be kidnapped and taken from them.

Frightened by these threats, the young family sought refuge in the United States. Unfortunately, when they sought asylum here, Mr. Gabra, who has a speech impediment, had difficulty communicating his fear of persecution to the immigration judge.

The judge denied their petition, telling the family that he did not see why they could not just move to another city in Egypt to avoid the abuse they were suffering. Since the time that they were denied asylum, Ms. Kamel's brother, who lived in the same town and suffered similar abuse, was granted asylum.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure immense and unfair hardship.

First, in the nine years that Mr. Gabra and Ms. Kamel have lived here, they have worked to adjust their status through the appropriate legal channels. They came to the United States on a lawful visa and immediately notified authorities of their intent to seek asylum here. They have played by the rules and followed our laws.

In addition, during those nine years, the couple has had four U.S. citizen children who do not speak Arabic and are unfamiliar with Egyptian culture. If the family is deported, the children would have to acclimate to a different culture, language and way of life.

Jessica, 8, is the Gabra's oldest child, and in the Gifted and Talented Education program in Ventura County. Rebecca, age 7, and Rafael, age 6, are old enough to understand that they would be leaving their schools, their teachers, their friends and their home. Veronica, the Gabra's youngest child, is just 18 months old.

More troubling is the very real possibility that if sent to Egypt, these four American children would suffer discrimination and persecution because of their religion, just as the rest of their family reports.

Mr. Gabra and Ms. Kamel have made a positive life for themselves and their family in the United States. Both have earned college degrees in Egypt and once in the United States, Mr. Gabra passed the Certified Public Accountant Examination on August 4, 2003. Since arriving here, Mr. Gabra has consistently worked to support his family.

The positive impact they have made on their community is highlighted by the fact that I received a letter of support on their behalf signed by 160 members of their church and community. From everything I have learned about the family, we can expect that they will continue to contribute to their community in productive ways.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

In addition, I ask unanimous consent that the text of the private relief bill and the numerous letters of support my office has received from members of the Camarillo community be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of Joseph Gabra and Sharon Kamel's birth under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

FEBRUARY 14, 2007.

DEAR MRS. FEINSTEIN: I am writing you today to beg you for help. A friend and fellow parent is scheduled for deportation on Monday 2/19 at 10:00 a.m. Her name is Sharon Malak Kamel Hendy (alien # A75–647–452). I was horrified to hear this information. Sharon is a wonderful person and mother. She has 4 children: Jessica (8) who is in my son's class, Rebecca. (7), Rafael (6) who is in Kindergarten with my daughter and Veronica (18 months). All of the children are American citizens.

Sharon and her husband, Joseph Ayad Gabra Youssef (alien # A75–647–253) came to the United States in 1998. They fled their country of Egypt from terrorist threats on their lives and the life of their unborn child (Jessica) due to the fact that they are Christians. They have pursued all legal avenues, to become citizens. Due to time lines being moved up, both have been notified that deportation will occur. Sharon is the first to receive the notice.

I am mortified that the United States would deport hard working people that try to stay the legal way. To top that off, they parents of 4 beautiful American citizen children.

Please help Sharon and Joseph with extensions and a way for them to obtain green cards.

Thank you for your time and consideration and May God bless you.

Sincerely,

SHARON D. VOPAT-MITCHELL.

FEBRUARY 14, 2007.

DEAR SENATOR FEINSTEIN: I am on staff at Camarillo Community Church as director of Adult Education and Family Ministry and am a licensed minister. I am also a California resident and a navy veteran. I am writing on behalf of the Gabra family who has been a member of this congregation for many years.

Joseph and Sharon Gabra fled Egypt seeking asylum because of the growing persecution of people who identify themselves with Jesus Christ (Christians). This persecution historically included job and housing discrimination but now is becoming more detrimental to the health and safety of Christians. Kidnapping, rape and murder are common responses against Christians by radical, extremists Muslims in Egypt.

Sharon Malak Kamel Hendy (Gabra) has received deportation orders and is scheduled to leave Monday, February 19, 2007. She would leave behind four children, all American citizens. Should she take them to Egypt it would be very likely they would be kidnapped or outright murdered. Joseph's case is still pending but the same logic used to send Sharon back would still be expected in his case.

I see, on a daily basis, the devastating consequences of raising children without a mother or father in the home. I ask you to intervene on behalf of this family, particularly the American raised children. Please use your influence as a Senator and a spokesperson for the people of California to keep Sharon in the United States and eventually giving the Gabra family permanent status.

Thank you for your consideration.

Very respectfully,

WILLIAM J. MOYER.

Re political asylum applications of Joseph Ayad Gabra Youssef and Sharon Malak Kamel Hendy.

CAMARILLO, CA.
February 14, 2007.

Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am asking your immediate attention to a bureaucratic problem which may put one fine Christian family in terrorist hands. Time is of the essence as one family member (the mother of their 4 children—ages 8, 7, 6 and 18 mos.), who is scheduled for deportation on 2–19–2007. They only received the notice on 2–6–2007; our church family became aware of this problem on 2–11–2007. For your information other family members have already been granted political asylum in the United

States. They have complied with all of the laws. Again, this is a problem of bureaucratic overload and we need real human intervention from your office to prevent unnecessary family separation, let alone possible death due to their religion convictions.

I plead with your office to grant an extension as they have been working since November 1, 1998 on this goal to become citizens of the United States; from my perspective, their arrival occurred three years before 9-11-2001 and they knew their danger. I already call them citizens of America from my heart as they have shown by their actions and commitment to be such with pride and honor.

Thank you for your immediate attention on behalf of this beautiful family as your action would show the real intent of the Lady of Liberty in New York Harbor as our country is a land of laws and integrity.

Most sincerely,

TONI WEBSTER.

CAMARILLO COMMUNITY CHURCH,
February 12, 2007.

TO WHOM IT MAY CONCERN: Please review this deportation possibility and if possible please help us with a reprieve.

Sharon Malak Kamel Hendy (A75 647 452) has four small children all born in America and is being asked to leave our country back to Egypt. This seems so unreasonable to send a mother of four children to a country that is unfriendly to her religious preference. To separate her from her husband and children seems so un-American.

Attached is a Summary of the political asylum for you to review. She has a deportation date of the 19th of February.

Thank you for any help you can give this family. They have become a part of our church family at Camarillo Community Church, 1322 Las Posas Road, Camarillo, CA 93010.

DARYL LUNDBERG,
Pastor of Membership Care.

KEITH JAMES,
Camarillo, CA, February 15, 2007.

Re Joseph & Sharon Gabra.
Senator DIANE FEINSTEIN,
U.S. Senate,
San Francisco, CA.

DEAR MS. FEINSTEIN, I'm writing to you on behalf of Joseph and Sharon Gabra, who are good friends of mine and fellow members of Camarillo Community Church. The Gabras are Egyptian nationals who fled Egypt in 1998 due to religious persecution. As Christians in a Muslim society, they experienced terrible persecution; they were threatened by government officials to recant their beliefs and embrace Islam, or suffer the consequences, which meant their child would be taken from them and placed in a home where the child would be raised in Islam. They came to the United States to raise their family and begin a new life. Sharon was pregnant with their first child when they arrived here on a visitor's permit.

Since coming to our country they have had four children, one of whom is a good friend of my daughter, McKenna. The Gabras are very involved in our church community, always willing to lend a hand in the children's ministries. Joseph is a college-educated accountant and one of the hardest working men I know, and Sharon has a degree in social work. Both are very well regarded by the people of our church.

For several years the Gabras have worked diligently to become U.S. citizens, and have done so in all the right ways, but it appears they are finally out of options. Sharon received a notice last week that she will be deported on February 19, at which time she will be forced to leave her family behind. This means four children under the age of eight, including an 18-month-old, will be left in the care of their father, who must continue to work full-time to support his family.

With less than a week before Sharon's deportation, I'm writing to ask that you please stand for this family, that you would intercede on behalf of Sharon Gabra give her family a real chance at achieving their dream of a home in the United States. They are the kind of people we hope will become American citizens—good, honest, moral, and hardworking. Thank you for your consideration.

Best regards,

KEITH JAMES.

CAMARILLO COMMUNITY CHURCH,
Camarillo, CA.

TO THE HON. SENATOR DIANNE FEINSTEIN: I am writing in regard to Joseph Ayad Gabra Youssef (A 75 647 253) and his wife Sharon Malak Kamel Hendy (A 75 647 452). This Christian couple has applied for asylum in the United States because their lives were threatened by Moslem terrorists in their home country of Egypt. They fled Egypt in 1998 when Sharon was pregnant with their first child, hoping to find a safe place to raise their children. They have been seeking asylum here in the U.S, but the process has been slow and difficult. They now have four children and the children are all citizens of the United States, having been born here. This is a wonderful young family that has become a valued part of our church and community, but they are now being threatened with immediate deportation. Our entire church congregation is very concerned for the welfare of this family and fearful of the consequence of their return to Egypt. Please, we earnestly request your help in assisting this family.

Sincerely,

RALPH RITTENHOUSE,
Senior Pastor.

CAMARILLO COMMUNITY CHURCH,
February 14, 2007.

SENATOR BARBARA FEINSTEIN: I faxed a note to you yesterday and apparently the bottom portion of the note was cut off in the fax so I am resending the fax with this, a more detailed letter. Yesterday's note was written in a hurry because of the urgent nature of this request.

I am a Licensed Minister, Pastor of Children's Ministries at Camarillo Community Church in Camarillo, California. I have held this position for two years and prior to that I was the director of a Preschool and After School Program at Trinity Presbyterian Church in Camarillo, California. I have a true love and desire to see young children grow to become confident, successful adults and know that it is only in building up the child that we avoid the difficult task of rebuilding the broken man. The issue I am bringing to your attention deals with the brokenness of man which is now impacting the lives of four children and their parents who have become very precious to me and the community of Camarillo.

It is hard for me, as an American, to truly grasp the dangers Christians face in the Muslim world; however, the threats that caused Sharon Malak Kamel Hendy (A 75 647 253) and Joseph Ayad Gabra Youssef (A 75 647 452) to flee Egypt were real and continue to be present for them should they be forced to leave our country. The evil caused by children who have been raised in hatred, towards Americans and/or non Muslims, who have now become adults in leadership—terrorists—is REAL. Until we can break the cycle of hatred and replace it with love and respect one for another regardless of birth place or faith we will continue to struggle with adults filled with evil. In the meantime we must do all we can to protect those in our area from the evils of terrorism.

Although the Gabra family has been active within our church, it was not until Sunday, February 11, 2007 that we became aware of the gravity of their situation. They have been trying to handle the issue on their own so as not to be a burden to anyone. They came to America for Safety rather than financial gain and do not wish to be a burden on our society. I do not understand the legal hoops that have to be jumped to keep Sharon from deportation on February 19, 2007—but I do know that the family has been attempting to meet the requirements and jump through the hoops ever since their arrival in 1999. It seems that they have, up to this point, received less than appropriate or fair treatment in our court system.

The children, Jessica, age 8, Rebecca, age 7, Raphael, age 6 and Veronica, 18 months are all American born, English speaking children. They fit the profile of typical American children, attending public school, active in our children's ministries programs on Sundays and weekdays for AWANA and other children's events. Without knowledge of their parent's birthplace, one would never know there was a difference between them and their American born peers. They are a family who treasures one another and desires to be a blessing to those around them in a safe society. The deportation of their mother to Egypt—a place where her, her husband's, and the life of their unborn first child were threatened unless they turn from Christianity and return to Islam—would be devastating.

It is my hope that you will be able to use your legal authority to stop the deportation scheduled for February 19, 2007. Know that there are many in Camarillo depending on your leadership to help in this matter. We commit to follow the laws of our country in order to bring this family to safety. We are asking for the time to help them fulfill the requirements.

Sincerely,

ELAINE FRANCISCO,
Pastor of Children's Ministries.

FEBRUARY 12, 2007.

DEAR SENATOR FEINSTEIN: I hope that you will please take the time to read this letter for immediate help to the Gabra family. The mother of this family is scheduled to be deported on 2/19/2007 and the father fears the same. The big problem is that the family has four children between the ages of 8 years and 18 months and are all American Citizens. This family fled Egypt in 1998 because they were pregnant with their first child and were threatened to have their child taken from them because of their Christian beliefs. They came on a visitor's visa and did all the required steps to become legal. After 9/11/2001 they thought they would have a better chance, but by then they were allowing only one Judge to review the cases instead of 3 which shortened the time for accomplishing the same number of cases. By the law they became illegal and were subject to deportation.

Only the Mother, Sharon Malak Kamel Hendy (Alien Number: A 75-647-452) received notice of deportation. She is to be deported 2/19/2007. This would leave her husband Joseph Ayad Gabra Youssef (Alien Number: A 75-647-253) here to work and care for 4 children from age 8 yrs. to 18 months. His deportation notice will probably come next and this will lead to danger for the children. If this happens, the children would suffer the most in Egypt from the Terrorists because they only speak English.

I have taught Sunday school to 3 of their children and they are a lovely, hard working, honest family and want to become citizens. If they are deported their lives are in danger. Also, as Christians, they will not be able to find employment. The children are as follows: Jessica Gabra—8 years; Rebecca Gabra—7 years; Rafael Gabra—6 years; Veronica Gabra—18 months.

Please help us to get an extension for Sharon and a way for them to get green cards. They are the kind of people our country would be proud to have as citizens.

I'm pleading with you to help us. I know the time is short, but they just received the deportation notice 6 days ago. We would be forever in your debt if you can help the Gabra Family. This family is fearing for their lives and safety right now.

Sincerely,

LINDA DAVIS.

JOHN F. LAUBACHER,
CERTIFIED PUBLIC ACCOUNTANT,
Camarillo, CA, Feb. 11, 2007.

SENATOR DIANNE FEINSTEIN.

DEAR SENATOR FEINSTEIN: I am writing this on behalf of my friend and fellow CPA Joseph Gabra and his family. His wife has been ordered to appear on Feb. 19th for deportation. I have known the Gabra family for a number of years and am writing in hopes that you will intervenue on his wife's behalf and either: a. Seek a stay of execution of the order to deport Mrs. Gabra; or b. Help them to arrange a green card to allow her to remain in the U.S.

Mr. Gabra is a great asset to our community. He is employed by a client of mine as an accountant and I have seen firsthand the tremendous integrity and thoroughness that he brings to his job each day. He is a wonderful example to his co-workers and the general public.

Joseph was not always working as an accountant here even though he is a CPA in his native country. Finding work as an accountant was difficult due to a speech impediment. But he has always been a hard worker, taking manual labor jobs to stay off any public assistance. He has now been working in his field and my client is thrilled with the job he is doing. In addition, he travels to Cal State Northridge to get help with his speech problem.

Mrs. Gabra is a homemaker and takes care of their four children that range from 8 years old to 18 months: She is involved at our church as well in a number of programs. The family has been a great addition to my church and the Camarillo community in general.

But if Mrs. Gabra is deported, the damage will not just be to the community. There is danger that faces the family if they are returned to Egypt. Mr. Gabra will not be able to find work there because he is a Christian. The family will face incredible persecution. The kids are U.S. citizens who will suffer if they are sent to Egypt because they do not speake the language and they are Christians, not Muslim. They could be forced to convert to Islam or be killed. The girls face a barbaric ritual of female circumcision. They are dedicated to each other as a family. So, while Mrs. Gabra is the only one being forced to leave at this time, splitting up the family into two countries is simply not an option.

Senator, Mr. Gabra is a man of faith. He is confident that God will provide a resolution to this problem. I, too, am a man of faith. But I believe that perhaps God will use you to provide the miracle that the Gabra family needs now in order to stay together. I am asking you to intercede on their behalf.

Thank you and your staff for taking the time to read this and consider my request. He's a good man. They are a good family. And they deserve better than the death sentence the U.S. Government is giving them. His letter follows along with the order from the Dept. of Homeland Security. Please help.

Very truly yours,

JOHN F. LAUBACHER, CPA.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 934. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that helps the U.S. Forest Service to protect sensitive and precious forest by selling developed land in Leon County, FL, in order to purchase at-risk land in the heart of our national forests.

Specifically, this bill allows for the sale of tract W-1979, which is 114 acres in Tallahassee, the proceeds of which are specifically designated to purchase private inholdings in the Apalachicola National Forest. The Forest Service believes that W-1979 has lost its national forest character and is unmanageable; the land will be sold to Leon County, where it will help the continued advancement of Blueprint 2000, a series of community initiatives to improve Tallahassee and Leon County. By selling this land on the outskirt of the Apalachicola National Forest, the Forest Service can acquire precious land in the heart of the forest that could be lost to development.

This legislation also gives the U.S. Forest Service in Florida the same flexibility to manage lands and capital that many other states have. Previously, whenever National Forest land was sold, the funds could only be used to purchase more land, while many important infrastructure projects went undone. With passage of this bill, proceeds only from the sale of "non-green" lands can go towards capitol improvements, such as administrative facilities that help the Forest Service manage the Ocala, Apalachicola, and Osceola National Forests. These non-green lands have already been developed with urban improvements, and no longer align with the goals of the U.S. Forest Service.

Congressman CRENSHAW and BOYD have introduced similar legislation in the House of Representatives. I hope that we can quickly pass these bills and help Leon County and the Forest Service.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCES UNDER FLORIDA NATIONAL FOREST LAND MANAGEMENT ACT OF 2003.

(a) ADDITIONAL CONVEYANCE AUTHORIZED.—Subsection (b) of section 3 of the Florida National Forest Land Management Act of 2003 (Public Law 108-152; 117 Stat. 1919) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19);

(3) by inserting after paragraph (17) the following new paragraph:

"(18) tract W-1979, located in Leon County consisting of approximately 114 acres, within T. 1 S., R. 1 W., sec. 25; and"; and

(4) in paragraph (19) (as redesignated by paragraph (2)), by striking "(17)" and inserting "(18)".

(b) ADDITIONAL USE OF PROCEEDS.—Paragraph (2) of subsection (i) of such section (117 Stat. 1921) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) acquisition, construction, or maintenance of administrative improvements for units of the National Forest System in the State.".

(c) LIMITATIONS ON USE OF PROCEEDS.—Subsection (i) of such section is further amended by adding at the end the following new paragraphs:

"(3) GEOGRAPHICAL AND USE RESTRICTION FOR CERTAIN CONVEYANCE.—Notwithstanding paragraph (2), proceeds from the sale or exchange of the tract described in subsection (b)(18) shall be used exclusively for the purchase of inholdings in the Apalachicola National Forest.

"(4) RESTRICTION ON USE OF PROCEEDS FOR ADMINISTRATIVE IMPROVEMENTS.—Proceeds from any sale or exchange of land under this Act may be used for administrative improvements, as authorized by paragraph (2)(C), only if the land generating the proceeds was improved with infrastructure.".

By Mr. NELSON of Florida (for himself, Mr. HAGEL, Mr. BINGAMAN, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. VITTER, Mr. DOMENICI, Mr. KERRY, Mr. MARTINEZ, Mr. SALAZAR, Ms. SNOWE, Mr. BROWN, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. CLINTON):

S. 935. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, on behalf of myself and Senators

HAGEL, BINGAMAN, KERRY, MIKULSKI, LINCOLN, BIDEN, VITTER, DOMENICI, MARTINEZ, SALAZAR, SNOWE, BROWN, FEINSTEIN, MURRAY, and CLINTON, I am honored to introduce legislation today that we are convinced is necessary to fix a long-standing problem in our military survivors benefits system.

President Lincoln's words are as relevant and moving today as they were during the Civil War: "as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan."

Our Nation continues to be engaged in a violent struggle against brutal and vicious enemies around the world. Sadly, Americans are lost every day. We must never forget that the families left behind by our courageous men and women in uniform bear the greatest pain. Their survivors face a life forever altered, and a future left unclear. They suffer the greatest cost of the ultimate sacrifice, and the nation that asked for that sacrifice must honor it.

Back in 1972, Congress established the military survivors' benefits plan—or SBP—to provide retirees' survivors an annuity to protect their income. This benefit plan is a voluntary program purchased by the retiree or issued automatically in the case of servicemembers who die while on active duty. Retired servicemembers pay for this benefit from their retired pay. Upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity.

For over five years, I've been talking about the unfair and painful offset between SBP and the Department of Veterans Affairs' Dependency and Indemnity Compensation, or DIC, which is received by the surviving spouse of an active duty or retired military member who dies from a service-connected cause. Under current law, even if the surviving spouse of such a servicemember is eligible for SBP, that purchased annuity is reduced by the amount of DIC received. Another inequity in the current system is the delayed effective date for "paid-up status" under SBP. We should act to correct these injustices this year.

We have made progress, but even with the important changes made over the last few years, the offset still fails to take care of our military widows and surviving children the way it should. We have considered and adopted increased death gratuity benefits for the survivors of our troops lost in this war, and we have changed the law to enable these survivors to automatically enroll in SBP. However, now we see the pain caused when at the same moment a widow is enrolled in SBP she is hit with the DIC offset.

The SBP offset is no less painful for the survivors of our 100 percent disabled military retirees. SBP is a purchased annuity plan. Before coming to the U.S. Senate, I served as Insurance Commissioner for the State of Florida, and I know of no other purchased annuity program that can then turn around and refuse to pay you the benefits you purchased on the grounds that you are getting a different benefit from somewhere else.

Our Federal civil servants receive both their purchased survivor income protection annuity and any disability compensation for which they may be entitled—without offset. Why on earth would we treat our 100 percent disabled military retirees any differently, especially after they have given the best years of their lives and their health in service to the Nation?

Let me be clear about this: survivors of servicemembers are entitled in law to automatic enrollment in SBP; 100 percent disabled military retirees purchase SBP. Survivors stand to lose most or even all of the benefits under SBP only because they are also entitled to DIC.

This legislation also accelerates an improvement we made earlier to the SBP program. We have already agreed that military retirees who have reached the age of 70 and paid their SBP premiums for thirty years should stop paying a premium, but we delayed the effective date for this relief until 2008. We should not delay their relief any further.

The United States owes its very existence to generations of soldiers, sailors, airmen, and marines who have sacrificed throughout our history to keep us free. The sacrifices of today are no less important to American liberty or tragic when a life is lost in the defense of liberty everywhere.

We owe them and their surviving family members a great debt.

Unfortunately, it is too often that we fall short on this care. We must meet this obligation with the same sense of honor as was the service they and their families have rendered.

We will continue to work to do right by those who have given this Nation their all, and especially for the loved ones they may leave to our care.

I appreciate the co-sponsorship of my colleagues—Senators HAGEL, BINGAMAN, KERRY, MIKULSKI, LINCOLN, BIDEN, VITTER, DOMENICI, MARTINEZ, SALAZAR, SNOWE, BROWN, FEINSTEIN, MURRAY, and CLINTON—and look forward to working with my colleagues in the days ahead.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking "DEPENDENT CHILDREN.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),"; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 2. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2007".

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking "October 1, 2008" and inserting "October 1, 2007".

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 936. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Elections Now Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of fair elections financing of Senate election campaigns.

"TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

"Sec. 501. Definitions.
"Sec. 502. Senate Fair Elections Fund.
"Sec. 503. Eligibility for allocations from the Fund.
"Sec. 504. Seed money contribution requirement.
"Sec. 505. Qualifying contribution requirement.
"Sec. 506. Contribution and expenditure requirements.
"Sec. 507. Debate requirement.
"Sec. 508. Certification by Commission.
"Sec. 509. Benefits for participating candidates.
"Sec. 510. Allocations from the Fund.
"Sec. 511. Payment of fair fight funds.
"Sec. 512. Administration of the Senate fair elections system.
"Sec. 513. Violations and penalties.

Sec. 103. Reporting requirements for nonparticipating candidates.
Sec. 104. Modification of electioneering communication reporting requirements.
Sec. 105. Limitation on coordinated expenditures by political party committees with participating candidates.
Sec. 106. Audits.

Subtitle B—Senate Fair Elections Fund Revenues

Sec. 111. Deposit of proceeds from recovered spectrum auctions.
Sec. 112. Tax credit for voluntary donations to Senate Fair Elections Fund.

Subtitle C—Fair Elections Review Commission

Sec. 121. Establishment of Commission.
Sec. 122. Structure and membership of the commission.
Sec. 123. Powers of the Commission.
Sec. 124. Administration.
Sec. 125. Authorization of appropriations.
Sec. 126. Expedited consideration of Commission recommendations.

TITLE II—VOTER INFORMATION

Sec. 201. Broadcasts relating to candidates.
Sec. 202. Political advertisement vouchers for participating candidates.
Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.
Sec. 204. Limit on Congressional use of the franking privilege.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.
Sec. 302. Filing by Senate candidates with Commission.
Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.
Sec. 402. Review of constitutional issues.
Sec. 403. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a conflict of interest, perceived or real, by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or giving the appearance of diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) violating the democratic principle of "one person, one vote" and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal wealth or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to donate their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE SENATE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of private campaign contributions with allocations from the Senate Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) eliminating the potentially inherent conflict of interest created by the private financing of the election campaigns of public officials, thus restoring public confidence in the integrity and fairness of the electoral and legislative processes;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them;

(3) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of "one person, one vote";

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating a more level playing field for incumbents and challengers by creating genuine opportunities for all Americans to run for the Senate and by encouraging more competitive elections; and

(6) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Senate Fair Elections Fund to a participating candidate pursuant to sections 510 and 511.

"(2) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'fair elections qualifying period' means, with respect to any candidate for Senator, the period—

"(A) beginning on the date on which the candidate files a statement of intent under section 503(a)(1); and

"(B) ending on the date that is 30 days before—

"(i) the date of the primary election; or

"(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

"(3) FAIR ELECTIONS START DATE.—The term 'fair elections start date' means, with respect to any candidate, the date that is 180 days before—

"(A) the date of the primary election; or

"(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

"(4) FUND.—The term 'Fund' means the Senate Fair Elections Fund established by section 502.

"(5) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

"(A) the candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(6) INDEPENDENT CANDIDATE.—The term 'independent candidate' means a candidate for Senator who is—

"(A) not affiliated with any political party; or

"(B) affiliated with a political party that—

"(i) in the case of a candidate in a State that holds a primary election for Senator, does not hold a primary election for Senator; or

"(ii) in the case of a candidate in a State that does not hold primary election for Senator, does not have ballot status in such State.

"(7) MAJOR PARTY CANDIDATE.—

"(A) IN GENERAL.—The term 'major party candidate' means a candidate for Senator who is affiliated with a major political party.

"(B) MAJOR POLITICAL PARTY.—The term 'major political party' means, with respect to any State, a political party of which a candidate for the office of Senator, President, or Governor in the preceding 5 years, received, as a candidate of that party in such State, 25 percent or more of the total number of popular votes cast for such office in such State.

"(8) MINOR PARTY CANDIDATE.—The term 'minor party candidate' means a candidate for Senator who is affiliated with a political party that—

"(A) holds a primary for Senate nominations; and

"(B) is not a major political party.

"(9) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

"(10) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 508 as being eligible to receive an allocation from the Fund.

"(11) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

"(A) is in the amount of $5 exactly;

"(B) is made by an individual who—

"(i) is a resident of the State with respect to which the candidate is seeking election; and

"(ii) is not prohibited from making a contribution under this Act;

"(C) is made during the fair elections qualifying period; and

"(D) meets the requirements of section 505(c).

"(12) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution or contributions by any 1 individual—

"(A) aggregating not more than $100; and

"(B) made to a candidate after the date of the most recent previous election for the office which the candidate is seeking and before the date the candidate has been certified as a participating candidate under section 508(a).

"SEC. 502. SENATE FAIR ELECTIONS FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Fair Elections Fund'.

"(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

"(1) PROCEEDS FROM RECOVERED SPECTRUM.—Proceeds deposited into the Fund under section 309(j)(8)(E)(ii)(II) of the Communications Act of 1934.

"(2) EXCESS SPECTRUM USER FEES.—Amounts deposited in the Fund under section 315A(f)(2)(B)(ii) of the Communications Act of 1934.

"(3) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the fund.

"(4) QUALIFYING CONTRIBUTIONS, PENALTIES, AND OTHER DEPOSITS.—Amounts deposited into the Fund under—

"(A) section 504(2) (relating to limitation on amount of seed money);

"(B) section 505(d) (relating to deposit of qualifying contributions);

"(C) section 506(c) (relating to exceptions to contribution requirements);

"(D) section 509(c) (relating to remittance of allocations from the Fund);

"(E) section 513 (relating to violations); and

"(F) any other section of this Act.

"(5) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

"(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

"(d) USE OF FUND.—

"(1) IN GENERAL.—The sums in the Senate Fair Elections Fund shall be used to make allocations to participating candidates in accordance with sections 510 and 511.

"(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

"SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE FUND.

"(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

"(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the fair elections start date and ending on the last day of the fair elections qualifying period.

"(2) The candidate has complied with the seed money contribution requirements of section 504.

"(3) The candidate meets the qualifying contribution requirements of section 505.

"(4) Not later than the last day of the fair elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

"(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 506;

"(B) if certified, will comply with the debate requirements of section 507;

"(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

"(D) has either qualified or will take steps to qualify under State law to be on the ballot.

"(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general run off election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

"SEC. 504. SEED MONEY CONTRIBUTION REQUIREMENT.

"A candidate for Senator meets the seed money contribution requirements of this section if the candidate meets the following requirements:

"(1) SEPARATE ACCOUNTING.—The candidate maintains seed money contributions in a separate account.

"(2) LIMITATION ON AMOUNT.—The candidate deposits into the Senate Fair Elections Fund or returns to donors an amount equal to the amount of any seed money contributions which, in the aggregate, exceed the sum of—

"(A) in the case of an independent candidate, the amount which the candidate would be entitled to under section 510(c)(3); and

"(B) in the case of any other candidate, the amount which the candidate would be entitled to under section 510(c)(1).

"(3) USE OF SEED MONEY.—The candidate makes expenditures from seed money contributions only for campaign-related costs.

"(4) RECORDS.—The candidate maintains a record of the name and street address of any contributor of a seed money contribution and the amount of any such contribution.

"(5) REPORT.—Unless a seed money contribution or an expenditure made with a seed money contribution has been reported previously under section 304, the candidate files with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after receiving notification of the determination with respect to the certification of the candidate under section 508.

"SEC. 505. QUALIFYING CONTRIBUTION REQUIREMENT.

"(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to the sum of—

"(1) 2,000; plus

"(2) 500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

"(b) SPECIAL RULE FOR CERTAIN CANDIDATES.—

"(1) IN GENERAL.—Notwithstanding subsection (a), in the case of a candidate described in paragraph (2), the requirement of this section is met if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to 150 percent of the number of qualifying contributions that such candidate would be required to obtain without regard to this subsection.

"(2) CANDIDATE DESCRIBED.—A candidate is described in this paragraph if—

"(A) the candidate is a minor party candidate or an independent candidate; and

"(B) in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office, the candidate and all candidates of the same political party as such candidate received less than 5 percent of the total number of votes cast for each such office.

"(c) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

"(1) may be made by means of a personal check, money order, debit card, or credit card;

"(2) shall be payable to the Senate Fair Elections Fund;

"(3) shall be accompanied by a signed statement containing—

"(A) the contributor's name and home address;

"(B) an oath declaring that the contributor—

"(i) is a resident of the State in which the candidate with respect to whom the contribution is made is running for election;

"(ii) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for public financing;

"(iii) is making the contribution in his or her own name and from his or her own funds;

“(iv) has made the contribution willingly; and

“(v) has not received any thing of value in return for the contribution; and

“(4) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

“(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS.—

“(1) IN GENERAL.—Not later than 21 days after obtaining a qualifying contribution, a candidate shall—

“(A) deposit such contribution into the Senate Fair Elections Fund, and

“(B) remit to the Commission a copy of the receipt for such contribution.

“(2) DEPOSIT OF CONTRIBUTIONS AFTER CERTIFICATION.—Notwithstanding paragraph (1), all qualifying contributions obtained by a candidate shall be deposited into the Senate Fair Elections Fund and all copies of receipts for such contributions shall be remitted to the Commission not later than—

“(A) in the case of a candidate who is denied certification under section 508, 3 days after receiving a notice of denial of certification under section 508(a)(2); and

“(B) in any other case, not later than the last day of the fair elections qualifying period.

“(e) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section. Such procedures may provide for verification through the means of a postcard or other method, as determined by the Commission.

“SEC. 506. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

“(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

“(1) except as provided in subsection (b), accepts no contributions other than—

“(A) seed money contributions;

“(B) qualifying contributions made payable to the Senate Fair Elections Fund;

“(C) allocations from the Senate Fair Elections Fund under sections 510 and 511; and

“(D) vouchers provided to the candidate under section 315A of the Communications Act of 1934;

“(2) makes no expenditures from any amounts other than from—

“(A) amounts received from seed money contributions;

“(B) amounts received from the Senate Fair Elections Fund; and

“(C) vouchers provided to the candidate under section 315A of the Communications Act of 1934; and

“(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through seed money contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

“(1) the aggregate contributions from such person for any for a calendar year do not exceed $100; and

“(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

“(c) EXCEPTION.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date the candidate files a statement of intent under section 503(a)(1) are not expended and are—

“(A) returned to the contributor; or

“(B) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

“(2) SPECIAL RULE FOR SEED MONEY CONTRIBUTIONS AND CONTRIBUTIONS FOR LEADERSHIP PACS.—For purposes of paragraph (1), a candidate shall not be required to return, donate, or submit any portion of the aggregate amount of contributions from any person which is $100 or less to the extent that such contribution—

“(A) otherwise qualifies as a seed money contribution; or

“(B) otherwise meets the requirements of subsection (b).

“(3) SPECIAL RULE FOR CONTRIBUTIONS BEFORE THE DATE OF ENACTMENT OF THIS TITLE.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date of the enactment of this title are not expended and are—

“(A) returned to the contributor;

“(B) donated to an organization described in section 170(c) of the Internal Revenue Code of 1986;

“(C) donated to a political party;

“(D) used to retire campaign debt; or

“(E) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

“SEC. 507. DEBATE REQUIREMENT.

“A candidate for Senator meets the requirements of this section if the candidate participates in at least—

“(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

“(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

“SEC. 508. CERTIFICATION BY COMMISSION.

“(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 503(a)(4), the Commission shall—

“(1) certify whether or not the candidate is a participating candidate; and

“(2) notify the candidate of the Commission's determination.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

“(B) a candidate otherwise fails to comply with the requirements of this title.

“(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay—

“(A) to the Senate Fair Elections Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received; and

“(B) to Federal Communications Commission an amount equal to the amount of the dollar value of vouchers which were received from the Federal Communications Commission under section 315A of the Communications Act of 1934 and used by the candidate.

“SEC. 509. BENEFITS FOR PARTICIPATING CANDIDATES.

“(a) IN GENERAL.—A participating candidate shall be entitled to—

“(1) for each election with respect to which a candidate is certified as a participating candidate—

“(A) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 510;

“(B) fair fight funds, as provided in section 511; and

“(2) for the general election, vouchers for broadcasts of political advertisements, as provided in section 315A of the Communications Act of 1934 (47 U.S.C. 315A).

“(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 510 and 511 may only be used for campaign-related costs.

“(c) REMITTING ALLOCATIONS FROM THE FUND.—Not later than the date that is 45 days after the date of the election, a participating candidate shall remit to the Commission for deposit in the Senate Fair Elections Fund any unspent amounts paid to such candidate under this title for such election.

“SEC. 510. ALLOCATIONS FROM THE FUND.

“(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 509(a)(1)(A) to a participating candidate—

“(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 508;

“(2) in the case of a general election, not later than 48 hours after—

“(A) the date the certification of the results of the primary election or the primary runoff election; or

“(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

“(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

“(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

“(c) AMOUNTS.—

“(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

“(B) INDEPENDENT CANDIDATES.—In the case of a participating candidate who is an independent candidate, the Commission shall make an initial allocation from the Fund in an amount equal to 25 percent of the base amount with respect to such candidate.

“(C) REDUCTION FOR EXCESS SEED MONEY.—An allocation from the Fund for any candidate under this paragraph shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

“(i) $75,000; plus

“(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

“(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

“(3) GENERAL ELECTION ALLOCATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

“(B) UNCONTESTED ELECTIONS.—

“(i) IN GENERAL.—The Commission shall make an allocation from the Fund to a participating candidate for a general election that is uncontested in an amount equal to 25 percent of the base amount with respect to such candidate.

“(ii) UNCONTESTED ELECTIONS.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has received contributions (including payments from the Senate Fair Elections Fund) in an amount equal to or greater than the lesser of—

“(I) the amount in effect for a candidate in such election under paragraph (1)(C), or

“(II) an amount equal to 50 percent of the base amount with respect to such candidate.

“(C) REDUCTION FOR EXCESS SEED MONEY.—The allocation from the Fund for the general election for any participating candidate in a State that does not hold a primary election shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

“(i) $75,000; plus

“(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

“(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

“(d) BASE AMOUNT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the sum of—

“(A) $750,000; plus

“(B) $150,000 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

“(2) MINOR PARTY AND INDEPENDENT CANDIDATES.—

“(A) REDUCED AMOUNT FOR CERTAIN CANDIDATES.—

“(i) IN GENERAL.—In the case of a minor party candidate or independent candidate described clause (ii), the base amount is an amount equal to the product of—

“(I) a fraction the numerator of which is the highest percentage of the vote received by the candidate or a candidate of the same political party as such candidate in the election described in clause (ii) and the denominator of which is 25 percent; and

“(II) the amount that would (but for this paragraph) be the base amount for the candidate under paragraph (1).

“(ii) CANDIDATE DESCRIBED.—A candidate is described in this clause if, in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office—

“(I) such candidate, or any candidate of the same political party as such candidate, received 5 percent or more of the total number of votes cast for any such office; and

“(II) such candidate and all candidates of the same political party as such candidate received less than 25 percent of the total number of votes cast for each such office.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any candidate if such candidate receives a number of qualifying contributions which is greater than 150 percent of the number of qualifying contributions such candidate is required to receive in order to meet the requirements of section 505(a).

“(3) INDEXING.—In each odd-numbered year after 2010—

“(A) each dollar amount under paragraph (1) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2008;

“(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

“(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

“(4) ADJUSTMENT BY MEDIA MARKET.—

“(A) IN GENERAL.—The Commission, in consultation with the Federal Communications Commission, shall establish an index reflecting the costs of the media markets in each State.

“(B) ADJUSTMENT.—At the beginning of each year, the Commission shall increase the amount under paragraph (1) (after application of paragraph (3)) based on the index established under subparagraph (A).

“SEC. 511. PAYMENT OF FAIR FIGHT FUNDS.

“(a) DETERMINATION OF RIGHT TO PAYMENT.—

“(1) IN GENERAL.—The Commission shall, on a regular basis, make a determination on—

“(A) the amount of opposing funds with respect to each participating candidate, and

“(B) the applicable amount with respect to each participating candidate.

“(2) BASIS OF DETERMINATIONS.—The Commission shall make determinations under paragraph (1) based on—

“(A) reports filed by the relevant opposing candidate under section 304(a) with respect to amounts described in subsection (c)(1)(A)(i)(I); and

“(B) reports filed by political committees under section 304(a) and by other persons under section 304(c) with respect to—

“(i) opposing funds described in clauses (ii)(I) and (iii)(I) of subsection (c)(1)(A); and

“(ii) applicable amounts described in subparagraphs (B)(i) and (C)(i) of subsection (b)(2).

“(3) REQUESTS FOR DETERMINATION RELATING TO CERTAIN ELECTIONEERING COMMUNICATIONS.—

“(A) IN GENERAL.—A participating candidate may request to the Commission to make a determination under paragraph (1) with respect to any relevant opposing candidate with respect to—

“(i) opposing funds described in clauses (ii)(II) and (iii)(II) of subsection (c)(1)(A); and

“(ii) applicable amounts described in subparagraphs (B)(ii) and (C)(ii) of subsection (b)(2).

“(B) TIME FOR MAKING DETERMINATION.—In the case of any such request, the Commission shall make such determination and notify the participating candidate of such determination not later than—

“(i) 24 hours after receiving such request during the 3-week period ending on the date of the election, and

“(ii) 48 hours after receiving such request at any other time.

“(b) PAYMENTS.—

“(1) IN GENERAL.—The Commission shall make available to the participating candidate fair fight funds in an amount equal to the amount of opposing funds that is in excess of the applicable amount—

“(A) immediately after making any determination under subsection (a) with respect to any participating candidate during the 3-week period ending on the date of the election, and

“(B) not later than 24 hours after making such determination at any other time.

“(2) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount is an amount equal to the sum of—

“(A) the sum of—

“(i) the amount of seed money contribution received by the participating candidate;

“(ii) in the case of a general election, the value of any vouchers received by the candidate under section 315A of the Communications Act of 1934; plus

“(iii)(I) in the case of a participating candidate who is a minor party candidate running in a general election or an independent candidate, the allocation from the Fund which would have been provided to such candidate for such election if such candidate were a major party candidate; or

“(II) in the case of any other participating candidate, an amount equal to the allocation from the Fund to such candidate for such election under section 510(c);

“(B) the sum of—

“(i) the amount of independent expenditures made advocating the election of the participating candidate; plus

“(ii) the amount of disbursements for electioneering communications which promote or support such participating candidate;

“(C) the sum of—

“(i) the amount of independent expenditures made advocating the defeat of the relevant opposing candidate; plus

“(ii) the amount of disbursements for electioneering communications which attack or oppose the relevant opposing candidate; plus

“(D) the amount of fair fight funds previously provided to the participating candidate under this subsection for the election.

“(3) LIMITS ON AMOUNT OF PAYMENT.—The aggregate of fair fight funds that a participating candidate receives under this subsection for any election shall not exceed 200 percent of the allocation from the Fund that the participating candidate receives for such election under section 510(c).

“(c) DEFINITIONS.—For purposes of this section—

“(1) OPPOSING FUNDS.—

“(A) IN GENERAL.—The term ‘opposing funds’ means, with respect to any participating candidate for any election, the sum of—

“(i)(I) the greater of the total contributions received by the relevant opposing candidate or the total expenditures made by such relevant opposing candidate; or

“(II) in the case of a relevant opposing candidate who is a participating candidate, an amount equal to the sum of the amount of seed money contributions received by the relevant opposing candidate, the value of any vouchers received by the relevant opposing candidate for the general election under section 315A of the Communications Act of 1934, and the allocation from the Fund under section 510(c) for the relevant opposing candidate for such election;

"(ii) the sum of—

"(I) the amount of independent expenditures made advocating the election of such relevant opposing candidate; plus

"(II) the amount of disbursements for electioneering communications which promote or support such relevant opposing candidate; plus

"(iii) the sum of—

"(I) the amount of independent expenditures made advocating the defeat of such participating candidate; plus

"(II) the amount of disbursements for electioneering communications which attack or oppose such participating candidate.

"(2) RELEVANT OPPOSING CANDIDATE.—The term 'relevant opposing candidate' means, with respect to any participating candidate, the opposing candidate of such participating candidate with respect to whom the amount under paragraph (1) is the greatest.

"(3) ELECTIONEERING COMMUNICATION.—The term 'electioneering communication' has the meaning given such term under section 304(f)(3), except that subparagraph (A)(i)(II)(aa) thereof shall be applied by substituting '30' for '60'.

"SEC. 512. ADMINISTRATION OF THE SENATE FAIR ELECTIONS SYSTEM.

"(a) REGULATIONS.—The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

"(1) to establish procedures for—

"(A) verifying the amount of valid qualifying contributions with respect to a candidate;

"(B) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

"(C) the expedited payment of fair fight funds during the 3-week period ending on the date of the election;

"(D) monitoring the use of allocations from the Fund under this title through audits or other mechanisms; and

"(E) returning unspent disbursements and disposing of assets purchased with allocations from the Fund;

"(2) providing for the administration of the provisions of this title with respect to special elections;

"(3) pertaining to the replacement of candidates;

"(4) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections; and

"(5) for attributing expenditures to specific elections for the purposes of calculating opposing funds.

"(b) OPERATION OF COMMISSION.—The Commission shall maintain normal business hours during the weekend immediately before any general election for the purposes of administering the provisions of this title, including the distribution of fair fight funds under section 511.

"(c) REPORTS.—Not later than April 1, 2009, and every 2 years thereafter, the Commission shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

"SEC. 513. VIOLATIONS AND PENALTIES.

"(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 508(a) accepts a contribution or makes an expenditure that is prohibited under section 506, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Senate Fair Elections Fund.

"(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

"(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Senate Fair Elections Fund an amount equal to—

"(A) the amount of benefits so used or not remitted, as appropriate, and

"(B) interest on any such amounts (at a rate determined by the Commission).

"(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.".

SEC. 103. REPORTING REQUIREMENTS FOR NONPARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(i) NONPARTICIPATING CANDIDATES.—

"(1) INITIAL REPORT.—

"(A) IN GENERAL.—Each nonparticipating candidate who is opposed to a participating candidate and who receives contributions or makes expenditures aggregating more than the threshold amount shall, within 48 hours of the date such aggregate contributions or expenditures exceed the threshold amount, file with the Commission a report stating the total amount of contributions received and expenditures made or obligated by such candidate.

"(B) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means 75 percent of the allocation from the Fund that a participating candidate would be entitled to receive in such election under section 510 if the participating candidate were a major party candidate.

"(2) PERIODIC REPORTS.—

"(A) IN GENERAL.—In addition to any reports required under subsection (a), each nonparticipating candidate who is required to make a report under paragraph (1) shall make the following reports:

"(i) A report which shall be filed not later than 5 P.M. on the forty-second day before the date on which the election involving such candidate is held and which shall be complete through the forty-fourth day before such date.

"(ii) A report which shall be filed not later than 5 P.M. on the twenty-first day before the date on which the election involving such candidate is held and which shall be complete through the twenty-third day before such date.

"(iii) A report which shall be filed not later than 5 P.M. on the twelfth day before the date on which the election involving such candidate is held and which shall be complete through the fourteenth day before such date.

"(B) ADDITIONAL REPORTING WITHIN 2 WEEKS OF ELECTION.—Each nonparticipating candidate who is required to make a report under paragraph (1) and who receives contributions or makes expenditures aggregating more than $1,000 at any time after the fourteenth day before the date of the election involving such candidate shall make a report to the Commission not later than 24 hours after such contributions are received or such expenditures are made.

"(C) CONTENTS OF REPORT.—Each report required under this paragraph shall state the total amount of contributions received and expenditures made or obligated to be made during the period covered by the report.

"(3) DEFINITIONS.—For purposes of this subsection and section 309(a)(13), the terms 'nonparticipating candidate', 'participating candidate', and 'allocation from the Fund' have the respective meanings given to such terms under section 501.".

(b) INCREASED PENALTY FOR FAILURE TO FILE.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(g)) is amended by adding at the end the following new paragraph:

"(13) INCREASED CIVIL PENALTIES WITH RESPECT TO REPORTING BY NONPARTICIPATING CANDIDATES.—For purposes of paragraphs (5) and (6), any civil penalty with respect to a violation of section 304(i) shall not exceed the greater of—

"(A) the amount otherwise applicable without regard to this paragraph; or

"(B) for each day of the violation, 3 times the amount of the fair fight funds under section 511 that otherwise would have been allocated to the participating candidate but for such violation.".

SEC. 104. MODIFICATION OF ELECTIONEERING COMMUNICATION REPORTING REQUIREMENTS.

Paragraph (2) of section 304(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(2)) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of a communication referring to any candidate in an election involving a participating candidate (as defined under section 501(9)), a transcript of the electioneering communication.".

SEC. 105. LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph:

"(A) in the case of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), the lesser of—

"(i) 10 percent of the allocation from the Senate Elections Fund that the participating candidate is eligible to receive for the general election under section 510(c)(3); or

"(ii) the amount which would (but for this subparagraph) apply with respect to such candidate under subparagraph (B);".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 315(d)(3) of such Act, as redesignated by subsection (a), is amended by inserting "who is not a participating candidate (as so defined)" after "office of Senator".

SEC. 106. AUDITS.

Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) AUDITS OF PARTICIPATING CANDIDATES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission shall conduct random audits and investigations of not less than 30 percent of the authorized committees of candidates who are participating candidates (as defined in section 501).

"(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.".

Subtitle B—Senate Fair Elections Fund Revenues

SEC. 111. DEPOSIT OF PROCEEDS FROM RECOVERED SPECTRUM AUCTIONS.

Section 309(j)(8)(E)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)(ii)) is amended—

(1) by striking "deposited in" and inserting the following: "deposited as follows:

"(I) 90 percent of such proceeds deposited in"; and

(2) by adding at the end the following:

"(II) 10 percent of such proceeds deposited in the Senate Fair Elections Fund established under section 502 of the Federal Election Campaign Act of 1972.".

SEC. 112. TAX CREDIT FOR VOLUNTARY DONATIONS TO SENATE FAIR ELECTIONS FUND.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. CREDIT FOR CONTRIBUTIONS TO SENATE FAIR ELECTIONS FUND.

"(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) the amount contributed to the Senate Fair Elections Fund by the taxpayer during such taxable year, or

"(2) $500.

"(b) LIMITATIONS.—

"(1) NO CREDIT FOR QUALIFYING CONTRIBUTIONS.—No credit shall be allowed under subsection (a) for any contribution which is a qualifying contribution (as defined under section 501(11) of the Federal Election Campaign Act of 1971).

"(2) NO CREDIT FOR DESIGNATIONS UNDER SECTION 6097.—No credit shall be allowed with respect to any amount designated under section 6097.

"(3) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

"(B) the tentative minimum tax for the taxable year.

"(c) SENATE FAIR ELECTIONS FUND.—For purposes of this section, the term 'Senate Fair Elections Fund' means the fund established under section 502 of the Federal Election Campaign Act of 1971.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount for which a credit is allowed under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of section for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Credit for contributions to Senate Fair Elections Fund.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—Fair Elections Review Commission

SEC. 121. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Fair Elections Review Commission" (hereafter in this subtitle referred to as the "Commission").

(b) DUTIES.—

(1) REVIEW OF FAIR ELECTIONS FINANCING.—

(A) IN GENERAL.—After each general election for Federal office, the Commission shall conduct a comprehensive review of the Senate fair elections financing program under title V of the Federal Election Campaign Act of 1974, including—

(i) the number and value of qualifying contributions a candidate is required to obtain under section 505 of such Act to qualify for allocations from the Fund;

(ii) the amount of allocations from the Senate Fair Elections Fund that candidates may receive under sections 510 and 511 of such Act;

(iii) the overall satisfaction of participating candidates with the program; and

(iv) such other matters relating to financing of Senate campaigns as the Commission determines are appropriate.

(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Commission shall consider the following:

(i) REVIEW OF QUALIFYING CONTRIBUTION REQUIREMENTS.—The Commission shall consider whether the number and value of qualifying contributions required strikes a balance between the importance of voter choice and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Commission determines is appropriate.

(ii) REVIEW OF PROGRAM ALLOCATIONS.—The Commission shall consider whether allocations from the Senate Elections Fund under sections 510 ad 511 of the Federal Election Campaign Act of 1974 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Commission determines is appropriate.

(2) REPORT, RECOMMENDATIONS, AND PROPOSED LEGISLATIVE LANGUAGE.—

(A) REPORT.—Not later than March 30 following any general election for Federal office, the Commission shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Commission based on such review, and shall contain any proposed legislative language (as required under subparagraph (C)) of the Commission.

(B) FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—A finding, conclusion, or recommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 3 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—The report under subparagraph (A) shall include legislative language with respect to any recommendation involving—

(I) an increase in the number or value of qualifying contributions; or

(II) an increase in the amount of allocations from the Senate Elections Fund.

(ii) FORM.—The legislative language shall be in the form of a proposed bill for introduction in Congress and shall not include any recommendation not related to matter described subclause (I) or (II) of clause (i)

SEC. 122. STRUCTURE AND MEMBERSHIP OF THE COMMISSION.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 5 members, of whom—

(A) 1 shall be appointed by the President pro tempore of the Senate;

(B) 1 shall be appointed by the Minority Leader of the Senate; and

(C) 3 shall be appointed jointly by the members appointed under subparagraphs (A) and (B).

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Commission.

(B) PROHIBITION.—No member of the Commission may be—

(i) a member of Congress;

(ii) an employee of the Federal government;

(iii) a registered lobbyist; or

(iv) an officer or employee of a political party or political campaign.

(3) DATE.—Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(4) TERMS.—A member of the Commission shall be appointed for a term of 5 years.

(b) VACANCIES.—A vacancy on the Commission shall be filled not later than 30 calendar days after the date on which the Commission is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(c) CHAIRPERSON.—The Commission shall designate a Chairperson from among the members of the Commission.

SEC. 123. POWERS OF THE COMMISSION.

(a) MEETINGS AND HEARINGS.—

(1) MEETINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) QUORUM.—Four members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 124. ADMINISTRATION.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(b) PERSONNEL.—

(1) DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Commission determines to be appropriate.

(3) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

SEC. 126. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—Not later than 60 days after the Commission files a report under section 121(b), the Majority Leader of the Senate, or the Majority Leader's designee, shall introduce any proposed legislative language submitted by the Commission under section 121(b)(2)(C) in the Senate (hereafter in this section referred to as a "Commission bill").

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced in the Senate shall be referred to the Committee on Rules and Administration of the Senate.

(B) REPORTING.—Not later than 60 calendar days after the introduction of the Commission bill, the Committee on Rules and Administration shall hold a hearing on the bill and report the bill to the Senate. No amendment shall be in order to the bill in the Committee.

(C) DISCHARGE OF COMMITTEE.—If the Committee on Rules and Administration has not reported a Commission bill at the end of 60 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the Commission bill and it shall be placed on the appropriate calendar.

(b) EXPEDITED PROCEDURE.—

(1) FLOOR CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—Not later than 60 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the Majority Leader of the Senate, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate to move to proceed to the consideration of the bill at any time after the conclusion of such 60-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the Senate. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the Senate until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the Senate, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the Senate of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the Senate or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the Senate of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the Senate to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the Senate to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) FLOOR CONSIDERATION IN THE HOUSE.—

(A) IN GENERAL.—If a Commission bill is agreed to in the Senate, the Majority Leader of the House of Representatives, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill not later than 30 days after the date the House or Representatives receives notice of such agreement. It shall also be in order for any member of the House of Representatives to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the House of Representatives. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the House of Representatives until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the House of Representatives, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the House of Representatives of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the House of Representatives or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the House of Representatives of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the House of Representatives to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the House of Representatives to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(c) RULES OF SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules, and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of

that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE II—VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO CANDIDATES.

(a) Lowest Unit Charge; National Committees.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "to such office" in paragraph (1) and inserting "to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,"; and

(2) by inserting "for pre-emptible use thereof" after "station" in subparagraph (A) of paragraph (1).

(b) Broadcast Rates.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) Participating candidates.—In the case of a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971), the charges made for the use any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

"(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

"(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

"(4) Rate cards.—A licensee shall provide to a candidate for Senate a rate card that discloses—

"(A) the rate charged under this subsection; and

"(B) the method that the licensee uses to determine the rate charged under this subsection.".

(c) Preemption; Audits.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

"(d) Preemption.—

"(1) In general.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

"(2) Circumstances beyond control of licensee.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

"(e) Audits.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.".

(d) Revocation of License for Failure to Permit Access.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee".

(e) Stylistic Amendments.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking "the" in subsection (f)(1), as redesignated by subsection (b)(1), and inserting "Broadcasting station.—";

(2) by striking "the" in subsection (f)(2), as redesignated by subsection (b)(1), and inserting "Licensee; station licensee.—"; and

(3) by inserting "Regulations.—" in subsection (g), as redesignated by subsection (b)(1), before "The Commission".

SEC. 202. POLITICAL ADVERTISEMENT VOUCHERS FOR PARTICIPATING CANDIDATES.

(a) In General.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following:

"SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PROGRAM.

"(a) In General.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

"(b) Candidates.—The Commission shall only disburse vouchers under the program established under subsection (a) to individuals who meet the following requirements:

"(1) Qualification.—The individual is certified by the Federal Election Commission as a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971) with respect to a general election for Federal office under section 508 of the Federal Election Campaign Act of 1971.

"(2) Agreement.—The individual has agreed in writing—

"(A) to keep and furnish to the Federal Election Commission such records, books, and other information as it may require; and

"(B) to repay to the Federal Communications Commission, if the Federal Election Commission revokes the certification of the individual as a participating candidate (as so defined), an amount equal to the dollar value of vouchers which were received from the Commission and used by the candidate.

"(c) Amounts.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office.

"(d) Use.—

"(1) Exclusive use.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

"(A) a candidate may exchange vouchers with a political party under paragraph (2); and

"(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising, to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(d)).

"(2) Exchange with political party committee.—

"(A) In general.—An individual who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

"(B) Continuation of candidate obligations.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b)(2) or otherwise modify that agreement or its application to that candidate.

"(C) Party committee obligations.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

"(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

"(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

"(D) Voucher as a contribution under FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

"(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432 and 434);

"(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

"(iii) the amount, if identified as a 'voucher exchange' shall not be considered a contribution for the purposes of sections 315 or 506 of that Act.

"(e) Value; Acceptance; Redemption.—

"(1) Voucher.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(2) Acceptance.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(3) Redemption.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under subsection (f) to redeem vouchers presented under this subsection.

"(4) Expiration.—

"(A) Candidates.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the

Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

"(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

"(5) VOUCHER AS EXPENDITURE UNDER FECA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), the use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

"(B) PARTICIPATING CANDIDATES.—The use of a voucher to purchase broadcast airtime by a participating candidate shall not constitute an expenditure for purposes of section 506 of such Act.

"(f) POLITICAL ADVERTISING VOUCHER ACCOUNT.—

"(1) IN GENERAL.—The Commission shall establish an account to be known as the Political Advertising Voucher Account, which shall be credited with commercial television and radio spectrum use fees assessed under this subsection, together with any amounts repaid or otherwise reimbursed under this section or section 508(b)(2)(B) of the Federal Election Campaign Act of 1971.

"(2) SPECTRUM USE FEE.—

"(A) IN GENERAL.—The Commission shall assess, and collect annually, from each broadcast station, a spectrum use fee in an amount equal to 2 percent of each broadcasting station's gross advertising revenues for such year.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Any amount assessed and collected under this paragraph shall be used by the Commission as an offsetting collection for the purposes of making disbursements under this section, except that—

"(I) the salaries and expenses account of the Commission shall be credited with such sums as are necessary from those amounts for the costs of developing and implementing the program established by this section; and

"(II) the Commission may reimburse the Federal Election Commission for any expenses incurred by the Commission under this section.

"(ii) DEPOSIT OF EXCESS FEES INTO SENATE FAIR ELECTIONS FUND.—If the amount assessed and collected under this paragraph for years in any election period exceeds the amount necessary for making disbursements under this section for such election period, the Commission shall deposit such excess in the Senate Fair Elections Fund.

"(C) FEE DOES NOT APPLY TO PUBLIC BROADCASTING STATIONS.—Subparagraph (A) does not apply to a public telecommunications entity (as defined in section 397(12) of this Act).

"(3) ADMINISTRATIVE PROVISIONS.—Except as otherwise provided in this subsection, section 9 of this Act applies to the assessment and collection of fees under this subsection to the same extent as if those fees were regulatory fees imposed under section 9.

"(g) DEFINITIONS.—In this section:

"(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of this Act.

"(2) FEDERAL ELECTION.—The term 'Federal election' means any regularly-scheduled, primary, runoff, or special election held to nominate or elect a candidate to Federal office.

"(3) FEDERAL OFFICE.—The term 'Federal office' has the meaning given that term by section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

"(4) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

"(5) OTHER TERMS.—Except as otherwise provided in this section, any term used in this section that is defined in section 301 or 501 of the Federal Election Campaign of 1971 (2 U.S.C. 431) has the meaning given that term by either such section of that Act.

"(h) REGULATIONS.—The Commission shall prescribe such regulations as may be necessary to carry out the provisions of this section. In developing the regulations, the Commission shall consult with the Federal Election Commission.".

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

SEC. 204. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A)(i) Except as provided in clause (ii), Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member shall not mail any mass mailing as franked mail during the period which begins 90 days before date of the primary election and ends on the date of the general election with respect to any Federal office which such Member holds, unless the Member has made a public announcement that the Member will not be a candidate for reelection to such office in that year.

"(ii) A Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member may mail a mass mailing as franked mail if—

"(I) the purpose of the mailing is to communicate information about a public meeting; and

"(II) the content of the mailed matter includes only the name of the Member, Committee, or Subcommittee, as appropriate, and the date, time, and place of the public meeting.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (B) and by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

(2) Section 3210(a)(6)(E) of title 39, United States Code, as redesignated by paragraph (1), is amended by striking "subparagraphs (A) and (C)" and inserting "subparagraphs (A) and (B)".

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal".

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.".

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking "under this Act—" and all that follows and inserting "under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.";

(2) in subparagraph (B), by striking "48 hours" and all that follows through "filed electronically)" and inserting "24 hours"; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2008.

By Mrs. CLINTON (for herself and Mr. ALLARD):

S. 937. A bill to improve support and services for individuals with autism and their families; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I, along with my colleague Senator ALLARD, am proud to introduce the Expanding the Promise for Individuals with Autism Act (EPIAA.) This legislation will help to increase the availability of treatments, services, and interventions for both children and adults with autism.

Last year, I worked with my colleagues on the HELP Committee to pass the Combating Autism Act into law. This important bill will increase the amount and type of research we are doing to understand the origins of this disease, and help us develop new treatments—and eventually—a cure. It will also help to increase the ability of our health professionals to screen and diagnose autism as early as possible in children, so as to improve our ability to treat this disease.

But while we are carrying out the research that will lead us to gain a better understanding of this disorder, we cannot forget those who are and who have been living with this disease today—the families who are desperate for assistance and help with a disorder that so often shuts off individuals from the world around them.

The need for this legislation is evident—we continue to see an increasing number of individuals with autism. Last month, the Centers for Disease Control and Prevention released numbers that estimate that one in every 150 children are living with an autism spectrum disorder, numbers that are higher than those released even just a few short years ago. And our service delivery system for individuals with autism is being overwhelmed by this increase. The care involved in treating these symptoms often requires hours of intensive therapy every week—regimens that are often inaccessible to many families.

While we do not know what causes autism, we do know that with early intervention and concentrated treatment, the symptoms of autism spectrum disorder can be mitigated, enabling individuals with autism and their families to live less isolated lives. Our legislation will provide additional treatment and support resources, increasing access to effective therapies and essential support services for people with autism.

This legislation will do the following: Establish a Demonstration Grant Program to Assist States with Service Provision. While the Interagency Autism Coordinating Committee (IACC) is developing a long-term strategy for providing autism care and treatment services, there is currently no effort to plan for improved access to services in the immediate future. The EPIAA would establish a Treatment, Interventions and Services Evaluation Task Force to evaluate evidence-based services that could be implemented by States in the years immediately following enactment. The Secretary would then provide grants to states to help provide the services identified by the Task Force to individuals with autism.

Develop a Demonstration Grant Program for Adult Autism Services. While early diagnosis and treatment are critical for children with autism, the need for intervention and services continues across the lifespan. In order to help address the needs of adults living with autism, the EPIAA would establish a grant program for states to provide appropriate interventions and services, such as housing or vocational training, to adults with autism.

Increase Access to Services Following Diagnosis. After receiving a diagnosis of autism, many children and families must wait months before gaining access to appropriate treatment. In order to improve the ability to access a minimum level of services during this post-diagnosis period, the EPIAA would mandate that the Secretary develop guidance and provide funding to eliminate delays in access to supplementary health care, behavioral support services, and individual and family-support services.

Increase Support for Developmental Disabilities Centers of Excellence. Many families report difficulties in accessing services because of the limited number of health and education professionals who are trained to provide autism-specific services. In order to increase the number of individuals across sectors that can provide adequate care and treatment services for individuals living with autism, the EPIAA would increase the capacity of University Centers for Excellence in Developmental Disabilities Education, Research and Service (UCEDDS) to train professionals in meeting the treatment, interventions and service needs of both children and adults living with autism.

Improve Protection and Advocacy Services. Early statistics from 2006 indicate that a quarter of individuals served under already-existing protection and advocacy programs are individuals with autism, a 6 percent increase from the previous year, yet thousands of individuals with autism are unable to access these services due to a lack of resources. The EPIAA will create a program to expand currently existing protection and advocacy services to assist individuals with autism and other emerging populations of individuals with disabilities.

Improves Technical Assistance and Evaluation. The EPIAA would establish a National Technical Assistance Center for Autism Treatments, Interventions and Services to act as a clearinghouse for information about evidence-based treatments, interventions and services, and analyze the grant programs under this Act.

The organizations supporting this legislation include Autism Speaks, the Autism Society of America, Easter Seals, the Association of University Centers for Disability, the Disability Policy Collaboration, and the National Disability Rights Network, and I have included their letters of support to be printed in the RECORD.

I look forward to working with Senator ALLARD and all of our colleagues to pass this legislation and help people with autism get the services they need.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUTISM SPEAKS,
New York, NY, March 19, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senator,
Washington, DC.

DEAR SENATOR CLINTON: I write to offer the enthusiastic endorsement of Autism Speaks for your proposed legislation, "The Expanding the Promise for Individuals with Autism Act of 2007" ("EPIAA") and to thank you for your ongoing leadership in providing an appropriate and necessary federal response to the urgent national public health issue of autism.

Your bill is the logical next step for Congress to take in creating a national battle plan against autism, following the passage last year, with your significant support, of the Combating Autism Act.

The CAA deals primarily with biomedical research and with systems for the early identification of children with autism. The EPIAA will expand and intensify the federal commitment to the provision of services to persons with autism, from the immediate period following their diagnosis, throughout their lifespan.

In addition to the authorization of critical new resources for important initiatives related to treatments, interventions and services for both children and adults with autism, Autism Speaks applauds the Congressional finding you have drafted into the EPIAA that—"Individuals living with autism have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to fully participate in and contribute to their communities . . ."

The range of grant programs authorized by the EPIAA will demonstrate mechanisms to fill large gaps in the present system for the delivery of autism treatments, interventions and services. The task force to be created by your legislation—including vital input from the autism community—will facilitate consensus on the state of evidence-based treatments and services. And the GAO study, which your legislation requires, will provide the basis for dramatically improved service provision and financing.

Once again, please accept the support and gratitude of Autism Speaks for the EPIAA. We look forward to working with you and your fine staff to enact these essential policies into law.

Sincerely,

ROBERT C. WRIGHT.

AUTISM SOCIETY OF AMERICA,
Bethesda, MD, March 20, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.
Hon. WAYNE ALLARD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON AND SENATOR ALLARD: On behalf of the 1.5 million Americans with autism and their families, we at the Autism Society of America (ASA) write in strong support of the Expanding the Promise for Individuals with Autism Act of 2007.

Autism is a complex developmental disability that affects the normal functioning of the brain, impacting development in the areas of social interaction and communication skills. Both children and adults with autism typically show difficulties in verbal and non-verbal communication, social interactions, and sensory processing. Research has demonstrated that with early diagnosis, treatment, and intervention, however, individuals with autism can experience positive change in the language, social, or cognitive outcomes. Unfortunately, as the Centers for Disease Control and Prevention's autism prevalence study of 2007 showed, far too many children with autism are not accessing the early interventions, treatments, and services that they need.

Just as critical, our current system for providing community based services does not meet the complex needs of adults with autism. Frequently, staff is not trained and experienced in autism and is often at a loss when trying to handle the unusual language, cognitive, behavioral and social deficits of autism. As a result, adults with autism are not able to access employment, health care, housing, and community support services.

The Expanding the Promise for Individuals with Autism Act addresses these problems in many ways. This critical legislation provides approximately $350 million to improve access to comprehensive treatments, interventions, and services for individuals with autism and their families. The Expanding the Promise for Individuals with Autism Act comes at a time when autism prevalence is increasing to more than 1 in 150 children in America today. As our Nation faces the epidemic of autism, we must take steps now to strengthen our services infrastructure to meet the needs of individuals with autism and their families so that they too can lead happy and productive lives throughout their lives.

ASA strongly supports the Expanding the Promise for Individuals With Autism Act of 2007, and applauds you for your leadership on this important issue. We urge all Senators to join you in cosponsoring this important legislation.

Thank you, again, for your support of people with autism and their families.

Sincerely,

LEE GROSSMAN,
President and CEO.

DISABILITY POLICY COLLABORATION,
Washington, DC, March 20, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Disability Policy Collaboration (DPC), a partnership of The Arc of the United States and United Cerebral Palsy, appreciates your leadership on behalf of children and adults with autism spectrum disorders and related developmental disabilities. The DPC is pleased to support the "Expanding the Promise for Individuals with Autism Act of 2007" and its emphasis on developing and providing effective interventions, supports and services to individuals with autism spectrum disorders and their families.

Most individuals with autism spectrum disorder and related developmental disabilities need major assistance in the areas of early intervention, education, employment, transportation, housing and health. Expanding the capacity of the service delivery system to meet these needs and providing better coordination of services will enable the individuals and families to access appropriate assistance to 'live independently and fully participate in their communities.

The Disability Policy Collaboration applauds your commitment to individuals with autism spectrum disorders and related developmental disabilities and their families and looks forward to working with you on speedy passage of this bill in the 110th Congress.

Sincerely,

PAUL MARCHAND,
Staff Director.

ASSOCIATION OF UNIVERSITY
CENTERS ON DISABILITIES,
Silver Spring, MD, March 19, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Association of University Centers on Disabilities (AUCD), this letter is to thank you for your outstanding work and leadership on behalf of children and adults with autism spectrum disorders and related developmental disabilities. AUCD is in strong support of your legislation to develop and provide effective treatments, interventions, supports and services to individuals with autism spectrum disorders and their families.

The prevalence of autism appears to be growing. According to a recent report by the Centers for Disease Control and Prevention, the prevalence of autism has reached epidemic proportions, now affecting one in every 150 children. Clearly from the information we get from our Centers and families, our current service system is unprepared to meet the growing needs of individuals with autism and their families. There are pressing needs for trained professionals and providers to better serve children and adults with autism with the latest evidence based information and effective practices. Furthermore, while early detection and treatment are essential, families of children with autism often face numerous obstacles for obtaining high quality services for their children. Similarly, adults with autism face long waiting lists and many barriers in obtaining appropriate community-based supports and services to enable them to participate fully in society. The Expanding the Promise to Individuals with Autism Act that you have developed greatly helps to address these issues by providing demonstration grants to states to provide immediate assistance to individuals and their families.

The membership of AUCD includes a network of 67 University Centers for Excellence in Developmental Disabilities located in every U.S. state and territory. These University Centers provide research, education, and service to further independence, productivity, and quality of life for individuals with developmental disabilities, including autism. University Centers collaborate with stakeholders in states to identify and address training needs in creative and effective ways. As the prevalence of autism has risen, University Centers have initiated many activities to help meet the growing need for children, adults, and families. This bill builds upon these efforts by expanding the capacity of University Centers to focus on interdisciplinary training of professionals and providers in the area of autism, provide technical assistance, and disseminate information on effective community-based treatment, interventions and services.

AUCD applauds your commitment to individuals with autism and their families and looks forward to working with you on speedy passage of this bill in the 110th Congress.

Sincerely,

ROYAL WALKER,
Board President & Associate Director, Institute for Disability Studies, University of Southern Mississippi.

GEORGE JESIEN,
Executive Director, AUCD.

EASTER SEALS,
Washington, DC, March 20, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: Easter Seals is pleased to support the Expanding the Promise for Individuals with Autism Act of 2007. This legislation will go a long way to help children and adults with autism spectrum disorders and other developmental disabilities live, learn, work and play in their communities.

The Expanding the Promise for Individuals with Autism Act of 2007 (EPIAA) is necessary legislation that must become law. Research has demonstrated that children who are diagnosed by age 2 and who receive appropriate services can live with greater independence. Yet, too many children are not diagnosed until age 5. The EPIAA will allow us to do better for these children. Parents and young adults with autism across the country report that too many youth exit the school system, needing housing and job training opportunities that are in short supply. The EPIAA will allow us to do better. Finally, parents, schools, and communities are struggling to find the answers of how to provide appropriate services and supports to individuals with autism. The EPIAA will allow us to do better in this area as well.

Over the last 20 years, Easter Seals has seen a dramatic increase in the number of people we serve who live with autism. More than a generation ago, Easter Seals was front and center during the polio epidemic, working tirelessly to help children and adults with polio gain the skills they need to live independently. Today, we are the country's leading provider of services for people with autism.

Thank you for sponsoring this important legislation. We look forward to working with you on the enactment of the Expanding the Promise for Individuals with Autism Act of 2007.

Sincerely,

KATHERINE BEH NEAS,
Director, Congressional Affairs.

NATIONAL DISABILITY
RIGHTS NETWORK,
Washington, DC, March 20, 2007.
Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.
Hon. WAYNE ALLARD,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATORS CLINTON AND ALLARD: The National Disability Rights Network (NDRN) is pleased with your introduction of the Expanding the Promise for Individuals with Autism Act of 2007. NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP). The P&A/CAP network operates in every state and territory in the United States. Collectively, the P&A/CAP network is the largest provider of legally based advocacy services to people with disabilities in the United States.

Currently, the P&A network is on the front-line of work with individuals with autism and their families. Early statistics from FY 2006 indicate that 25 percent of the people served by the Protection and Advocacy for Developmental Disabilities program (PADD) were individuals with autism. This is an increase of 6 percent from the previous year. Unfortunately, due to the high demand for P&A services from children and adults with all types of disabilities and their families—and the concomitant inadequate funding for the P&A programs—thousands of individuals with autism were unable to access critical P&A services.

Key components of the P&A network's legally based advocacy include investigating abuse and neglect; seeking systemic change to prevent harm to children and adults with disabilities; advocating for basic human and civil rights; and ensuring accountability in education, employment, housing, public services, transportation, and health care. Each of these components is critical to ensuring that individuals with autism—no matter their age—get access to the supports and services they need to live as successfully and as safely as possible in the community.

Parents of children with autism—both young children and adult children—know the important role that P&A services can play in their lives. They have advocated for the inclusion of a P&A component in this legislation in order to increase the ability to serve this vulnerable population. These families know that once this program is authorized and funded, the P&A in their state will be mandated to make autism a priority for services, providing individuals and their families with the help needed to live full and successful lives.

NDRN is pleased to work with you on the passage of this legislation, and to ensure that critical services and supports are available to both children and adults with autism. For more information, please contact Kathy McGinley, Deputy Executive Director for Public Policy.

Sincerely,

CURT DECKER,
Executive Director.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, and Mr. SANDERS):

S. 938. A bill to amend the Higher Education Act of 1965 to expand college access and increase college persistence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Mrs. MURRAY, and Mr. SANDERS):

S. 939. A bill to amend the Higher Education Act of 1965 to simplify and improve the process of applying for student assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce two bipartisan bills to expand access to college for students and their families.

We are slated to reauthorize the Higher Education Act this Congress for the first time since 1998. The key to this reauthorization will be ensuring that we make a substantial Federal investment in need-based grant aid. I am pleased we took a significant first step down this path last month by increasing the maximum Pell Grant, the Federal Government's primary source of need-based financial aid, for the first time in four years. However, we are still far from the robust lift Congress provided students and their families in the mid-1970s, when the maximum Pell Grant covered 84 percent of costs at a public 4-year institution. Today, it covers only 32 percent.

There has also been a concurrent increase in college costs. According to a recent report by the College Board, for the 2006–07 school year, tuition rose 6.3 percent at 4-year public colleges and 5.9 percent for 4-year private institutions. The combination of declining Federal investments in need-based aid and sharp increases in college costs has priced more and more qualified individuals out of college.

This is particularly troubling, given the strong correlation between educational attainment, employment, and wages. A college education has now increasingly become a necessary requirement for upward income mobility. College graduates, on average, earn 62 percent more than high school graduates. Over a lifetime, the gap in earnings between those with a high school diploma and a bachelor's or higher degree exceeds $1 million.

To help increase the amount of need-based grant aid to low-income students and fulfill their unmet financial aid need, today I introduce the ACCESS, Accessing College through Comprehensive Early Outreach and State Partnerships, Act, cosponsored by Senators COLLINS, KENNEDY, MURRAY, DODD, and SANDERS. This legislation improves the Leveraging Educational Assistance Partnership or LEAP program by forging a new Federal incentive for States to form partnerships with businesses, colleges, and private or philanthropic organizations to provide low-income students with increased need-based grant aid, early information and assurance of aid eligibility (beginning in middle school), and early intervention, mentoring, and outreach services. Research has shown that college access programs that combine these elements are successful in making the dream of higher education a reality. Students participating in such programs are more financially and academically prepared, and thus, more likely to enroll in college and persist to degree completion.

Since 1972, the Federal-State partnership embodied by LEAP, with modest Federal support, has helped leverage State grant aid to low-and moderate-income students. Without this important Federal incentive, many States would never have established need-based financial aid programs, and many States would not continue to maintain such programs. Last year, States matched approximately $65 million in Federal LEAP funds with over $840 million in supplemental need-based aid. By way of example, in my home State of Rhode Island, the Federal investment of approximately $350,000 in LEAP funds spurred the State to expend over $13 million in need-based aid.

The second bill I introduce today, the FAFSA Financial Aid Form Simplification and Access Act, cosponsored by Senators COLLINS, KENNEDY, MURRAY, and SANDERS, has several key components to make the college financial aid application process both simple and certain. First, our legislation would allow more students to qualify for an automatic-zero expected family contribution, or auto-zero, and align the auto-zero eligibility levels, income of $30,000 or less, with the standards of other Federal means-tested programs like school lunch, SSI, and food stamps. Second, the FAFSA Act would establish a short paper FAFSA or EZ-FAFSA for students who qualify for the auto-zero. Third, the bill phases out the long form, using the savings to utilize "smart" technology to create a tailored web-based application form and ensure that students answer only the questions needed to determine financial aid eligibility in the state in which they reside. For those students who do not have access to the Internet, we propose creating a free telefile system for filing by phone.

The FAFSA Act would also emphasize providing students with the opportunity to complete financial applications earlier in order to receive early estimates of aid eligibility. This legislation would create a pilot program to test an early application system under which dependent students would apply for an aid estimate in their junior year, using the student's prior/prior year income (PPY). The pilot program also includes a requirement that the Secretary study the feasibility, benefits, and adverse effects of utilizing information from the IRS in order to simplify the financial aid process.

I was pleased to work with the Advisory Committee on Student Financial Assistance and a host of other higher education organizations and charitable foundations on these bills. I am also pleased that both bills are supported by a range of higher education and student groups, including the American Association of Community Colleges, the American Council on Education, the Association of American Universities, the Association of Jesuit Colleges and Universities, the Center for

Law and Social Policy, the National Association of College Admission Counseling, the National Association of Independent Colleges and Universities, the National Association of State Student Grant and Aid Programs, the National Association of Student Financial Aid Administrators, the United States Student Association, and the College Parents of America. The FAFSA Act is supported by the Council of Graduate Schools as well.

We must act on these bills and continue to push for increased Federal investment in need-based aid to middle- and low-income students and their families. All too often successful students give up on a college education because they think there is no way they can ever afford it. We must ensure that every student who works hard and plays by the rules gets the opportunity to live the American Dream.

I urge my colleagues to cosponsor these bills and work for their inclusion in the upcoming reauthorization of the Higher Education Act.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accessing College through Comprehensive Early Outreach and State Partnerships Act".

SEC. 2. GRANTS FOR ACCESS AND PERSISTENCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.".

(b) APPLICATIONS FOR LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)) is amended—

(1) in paragraph (2), by striking "$5,000" and inserting "$12,500";

(2) in paragraph (9), by striking "and" after the semicolon;

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) provides notification to eligible students that such grants are—

"(A) Leveraging Educational Assistance Partnership Grants; and

"(B) funded by the Federal Government and the State.".

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a) is amended to read as follows:

"SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

"(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

"(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties to carry out activities under this section and to provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend college;

"(2) provide need-based access and persistence grants to eligible low-income students;

"(3) provide early notification to low-income students of their eligibility for financial aid; and

"(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share of the cost of carrying out the activities under subsection (d).

"(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

"(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in its application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

"(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements under paragraph (2)(B)(ii).

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

"(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

"(i) If a State applies for an allotment under this section in partnership with any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and philanthropic organizations that are located in, or that provide funding in, the State or private corporations that are located in, or that do business in, the State, then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

"(ii) If a State applies for an allotment under this section in partnership with any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, philanthropic organizations that are located in, or that provide funding in, the State, and private corporations that are located in, or that do business in, the State, then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 66.66 percent.

"(C) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.

"(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in kind contribution is a non-cash contribution that—

"(I) has monetary value, such as the provision of—

"(aa) room and board; or

"(bb) transportation passes; and

"(II) helps a student meet the cost of attendance at an institution of higher education.

"(iii) EFFECT ON NEEDS ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.

"(c) APPLICATION FOR ALLOTMENT.—

"(1) IN GENERAL.—

"(A) SUBMISSION.—A State that desires to receive an allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's plan for using the allotted funds.

"(ii) Assurances that the State will provide matching funds, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). Matching funds from philanthropic organizations used to provide early information and intervention, mentoring, or outreach programs may be in cash or in kind. The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's matching obligation under this clause.

"(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

"(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d).

"(v) A description of the steps the State will take to ensure students who receive grants under this section persist to degree completion.

"(vi) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.

"(vii) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

"(I) Leveraging Educational Assistance Partnership Grants; and

"(II) funded by the Federal Government and the State.

"(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

“(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

“(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State;

“(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

“(C) not less than 1—

“(i) philanthropic organization located in, or that provides funding in, the State; or

“(ii) private corporation located in, or that does business in, the State.

“(4) ROLES OF PARTNERS.—

“(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) serve as the primary administrative unit for the partnership;

“(II) provide or coordinate matching funds, and coordinate activities among partners;

“(III) encourage each institution of higher education in the State to participate in the partnership;

“(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

“(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

“(ii) may provide early information and intervention, mentoring, or outreach programs.

“(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

“(II) provide support services to students who receive an access and persistence grant under this section and are enrolled at such institution; and

“(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

“(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

“(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

“(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

“(B) AMOUNT.—

“(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

“(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the partnership.

“(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student).

“(ii) PARTNERSHIP WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(ii), the amount of an access and persistence grant awarded by such State shall be not less than the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the partnership.

“(2) EARLY NOTIFICATION.—

“(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), in grade 7 through grade 12 in the State of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.

“(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

“(i) shall include—

“(I) information about early information and intervention, mentoring, or outreach programs available to the student;

“(II) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early information and intervention, mentoring, or outreach program;

“(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for an access and persistence grant and other student aid programs;

“(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of an access and persistence grant and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

“(V) an explanation that in order to be eligible for an access and persistence grant, at a minimum, a student shall meet the requirement under paragraph (3), graduate from secondary school, and enroll at an institution of higher education that is a partner in the partnership;

“(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of an access and persistence grant under this section; and

“(VII) instructions on how to apply for an access and persistence grant and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

“(ii) may include a disclaimer that access and persistence grant awards are contingent upon—

“(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership;

“(II) annual Federal and State appropriations; and

“(III) other aid received by the student at the time of the student's enrollment at an institution of higher education that is a partner in the partnership.

“(3) ELIGIBILITY.—In determining which students are eligible to receive access and persistence grants, the State shall ensure that each such student meets not less than 1 of the following:

“(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

“(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

“(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

“(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

“(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

“(B) Is receiving, or has received, an access and persistence grant under this section, in accordance with paragraph (5).

“(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

“(A) issue the student a preliminary access and persistence grant award certificate with tentative award amounts; and

“(B) inform the student that payment of the access and persistence grant award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

"(5) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to baccalaureate degree completion.

"(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than 3.5 percent of the funds made available annually through the allotment for State administrative functions required to carry out this section.

"(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

"(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

"(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

"(j) REPORTS.—Not later than 3 years after the date of enactment of the Accessing College through Comprehensive Early Outreach and State Partnerships Act, and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.".

(d) CONTINUATION AND TRANSITION.—During the 2-year period commencing on the date of enactment of this Act, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a), as such section existed on the day before the date of enactment of this Act, to States that choose to apply for grants under such predecessor section.

(e) IMPLEMENTATION AND EVALUATION.—Section 491(j) of the Higher Education Act of 1965 (20 U.S.C. 1098(j)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) (as amended by paragraph (1)) the following:

"(5) not later than 6 months after the date of enactment of the Accessing College through Comprehensive Early Outreach and State Partnerships Act, advise the Secretary on means to implement the activities under section 415E, and the Advisory Committee shall continue to monitor, evaluate, and make recommendations on the progress of partnerships that receive allotments under such section; and".

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Aid Form Simplification and Access Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Simplified needs test and automatic zero improvements.
Sec. 3. Improving paper and electronic forms.
Sec. 4. Support for working students.
Sec. 5. Simplification for students with special circumstances.
Sec. 6. Definitions.
Sec. 7. Advisory Committee on Student Financial Assistance.

SEC. 2. SIMPLIFIED NEEDS TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) SIMPLIFIED NEEDS TEST.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii), by striking "12-month" and inserting "24-month"; and

(B) in subparagraph (B)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii), by striking "12-month" and inserting "24-month";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) 1 of whom is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "20,000" and inserting "$30,000"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "$20,000" and inserting "$30,000"; and

(C) in the flush matter following paragraph (2)(B), by adding at the end the following: "The Secretary shall annually adjust the income level necessary to qualify an applicant for the zero expected family contribution. The income level shall be adjusted according to increases in the Consumer Price Index, as defined in section 478(f)."; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by striking "(d) DEFINITION" and all that follows through "the term" and inserting the following:

"(d) DEFINITIONS.—In this section:

"(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

"(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term".

(b) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) is amended in the third sentence by inserting "a family member who is a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))," after "recent unemployment of a family member,".

(c) REPORTING REQUIREMENTS.—

(1) ELIGIBILITY GUIDELINES.—The Secretary of Education shall regularly evaluate the impact of the eligibility guidelines in subsections (b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A)).

(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The Secretary shall evaluate every 3 years the impact of including whether a student or parent received benefits under a means-tested Federal benefit program (as defined in section 479(d) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(d)) as a factor in determining eligibility under subsections (b) and (c) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b) and (c)).

SEC. 3. IMPROVING PAPER AND ELECTRONIC FORMS.

(a) SIMPLIFIED NEEDS TEST.—Section 479(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(a)) is amended by adding at the end the following:

"(3) SIMPLIFIED FORMS.—The Secretary shall make special efforts to notify families meeting the requirements of subsection (c) that such families may use the EZ FAFSA described in section 483(a)(2)(B) and notify families meeting the requirements of subsection (b) that such families may use the simplified electronic application form described in section 483(a)(3)(B).".

(b) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (8), (9), (10), and (11), respectively;

(C) by inserting before paragraph (8), as redesignated by subparagraph (B), the following:

"(1) IN GENERAL.—

"(A) COMMON FINANCIAL REPORTING FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to (except as otherwise provided in this subsection) as the 'Free Application for Federal Student Aid' or 'FAFSA'.

"(B) EARLY ANALYSIS.—The Secretary shall permit an applicant to complete a form described in this subsection prior to enrollment in order to obtain an estimate from the Secretary of the applicant's expected family contribution. Such applicant shall be permitted to update the information contained on a form submitted pursuant to the preceding sentence, using the process described in paragraph (4), for purposes of applying for assistance under this title for the first academic year for which the applicant applies for financial assistance under this title.

"(2) PAPER FORMAT.—

"(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of section 479(c).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements of section 479(c).

"(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

"(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA space for information that is required of an applicant to be eligible for State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (6) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (8).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

"(C) PHASING OUT THE PAPER FORM FOR STUDENTS WHO DO NOT MEET THE REQUIREMENTS OF THE AUTOMATIC ZERO EXPECTED FAMILY CONTRIBUTION.—

"(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (3).

"(ii) PHASEOUT OF FULL PAPER FAFSA.—Not later than 5 years after the date of enactment of the Financial Aid Form Simplification and Access Act, to the extent practicable, the Secretary shall phaseout the printing of the full paper Free Application for Federal Student Aid described in subparagraph (A) and used by applicants who do not meet the requirements of the EZ FAFSA described in subparagraph (B).

"(iii) AVAILABILITY OF FULL PAPER FAFSA.—

"(I) IN GENERAL.—Prior to and after the phaseout described in clause (ii), the Secretary shall maintain an online printable version of the paper forms described in subparagraphs (A) and (B).

"(II) ACCESSIBILITY.—The online printable version described in subclause (I) shall be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (3).

"(III) SUBMISSION OF FORMS.—The Secretary shall enable, to the extent practicable, students to submit a form described in this clause that is downloaded and printed in order to meet the filing requirements of this section and to receive aid from programs established under this title.

"(iv) USE OF SAVINGS TO ADDRESS THE DIGITAL DIVIDE.—

"(I) IN GENERAL.—The Secretary shall utilize savings accrued by phasing out the full paper Free Application for Federal Student Aid and moving more applicants to the electronic forms, to improve access to the electronic forms for applicants meeting the requirements of section 479(c).

"(II) REPORT.—The Secretary shall report annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on steps taken to eliminate the digital divide and on the phaseout of the full paper Free Application for Federal Student Aid described in subparagraph (A). The report shall specifically address the impact of the digital divide on independent students, adults, and dependent students, including students completing applications described in this paragraph and paragraphs (3) and (4).

"(3) ELECTRONIC FORMAT.—

"(A) IN GENERAL.—

"(i) ESTABLISHMENT.—The Secretary shall produce, distribute, and process common financial reporting forms in electronic format (such as through a website called 'FAFSA on the Web') to meet the requirements of paragraph (1). The Secretary shall include an electronic version of the EZ FAFSA form for applicants who meet the requirements of section 479(c) and develop common electronic forms for applicants who meet the requirements of section 479(b) and common electronic forms for applicants who do not meet the requirements of section 479(b).

"(ii) STATE DATA.—The Secretary shall include on the common electronic forms described in clause (i) space for information that is required of an applicant to be eligible for State financial assistance, as provided under paragraph (5). The Secretary may not require an applicant to complete data required by any State other than the applicant's State of residence.

"(iii) STREAMLINED FORMAT.—The Secretary shall use, to the fullest extent practicable, all available technology to ensure that a student answers only the minimum number of questions necessary.

"(B) SIMPLIFIED APPLICATION.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under section 479(b).

"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application form shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(b).

"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application form space for information that is required of an applicant to be eligible for State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the simplified electronic application form.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (6) shall apply to the simplified electronic application form, and the data collected by means of the simplified electronic application form shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (8).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the form developed under this subparagraph.

"(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the use of the form developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium of such entities, or such other entities as the Secretary may designate.

"(D) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form. Data collected by such electronic version of the form shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the form shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(E) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form to be submitted without a signature, if a signature is subsequently submitted by the applicant.

"(F) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to applicants personal identification numbers—

"(i) to enable the applicants to use such numbers in lieu of a signature for purposes of completing a form under this paragraph; and

"(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

"(G) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT ASSESSMENT AND REPORT.—

"(i) ASSESSMENT.—The Secretary shall conduct an assessment of the feasibility of minimizing, and of eliminating, the time required for applicants to obtain a Personal Identification Number when applying for aid under this title through an electronic format (such as through a website called 'FAFSA on the Web') including an examination of the feasibility of implementing a real-time data match between the Social Security Administration and the Department.

"(ii) REPORT.—The Secretary shall report the findings of the assessment described in clause (i) to Congress not later than 6 months after the date of enactment of the Financial Aid Form Simplification and Access Act, including the next steps that may be taken to minimize the time required for applicants to obtain a Personal Identification Number when applying for aid under this title through an electronic format.

"(4) REAPPLICATION.—

"(A) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to the year in which such applicant first applied for financial assistance under this title.

"(B) UPDATED.—The Secretary shall determine, in cooperation with States, institutions of higher education, and agencies and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

"(C) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

"(5) STATE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with States to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless States notify the Secretary that they no longer require those data items for the distribution of State need-based aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award need-based State aid and other application requirements that the States may impose.

"(C) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring each State agency to inform the Secretary—

"(i) if the agency is unable to permit applicants to utilize the forms described in paragraphs (2)(B) and (3)(B); and

"(ii) of the State-specific data that the agency requires for delivery of State need-based financial aid.

"(D) STATE NOTIFICATION TO THE SECRETARY.—

"(i) IN GENERAL.—Each State shall notify the Secretary—

"(I) whether the State permits an applicant to file a form described in paragraph (2)(B) or (3)(B) for purposes of determining eligibility for State need-based grant aid; and

"(II) of the State-specific data that the State requires for delivery of State need-based financial aid.

"(ii) NO PERMISSION.—In the event that a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(B) for purposes of determining eligibility for State need-based grant aid—

"(I) the State shall notify the Secretary if it is not permitted to do so because of State law or because of agency policy; and

"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete the forms described in paragraphs (2)(B) and (3)(B).

"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

"(I) permit residents of that State to complete the forms described in paragraphs (2)(B) and (3)(B); and

"(II) not require any resident of that State to complete any data previously required by that State.

"(E) RESTRICTION.—The Secretary shall not require applicants to complete any nonfinancial data or financial data that are not required by the applicant's State agency, except as may be required for applicants who use the paper forms described in subparagraphs (A) and (B) of paragraph (2).

"(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The common financial reporting forms prescribed by the Secretary under this subsection shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee by the Secretary, a contractor, a third party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may only be determined by using a form developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E (other than under subpart 4 of part A), except by use of a form developed by the Secretary pursuant to this subsection. No data collected on a paper or electronic form or other document, which the Secretary determines was created to replace a form prescribed under this subsection and therefore violates the integrity of a simplified and free financial aid application process, for which a fee is charged shall be used to complete the form prescribed under this subsection. No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's Personal Identification Number for purposes of submitting an application on an applicant's behalf, other than a State agency, an eligible institution, or a program under this title that the Secretary permits to so request, obtain, or utilize an applicant's Personal Identification Number in order to streamline the application.

"(7) APPLICATION PROCESSING CYCLE.—The Secretary shall, prior to January 1 of a student's planned year of enrollment to the extent practicable—

"(A) enable the student to submit a form described under this subsection in order to meet the filing requirements of this section and receive aid from programs under this title; and

"(B) initiate the processing of a form under this subsection submitted by the student."; and

(D) by adding at the end the following:

"(12) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Financial Aid Form Simplification and Access Act, the Secretary shall implement an early application demonstration program enabling dependent students to—

"(i) complete applications under this subsection in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education (as early as the Secretary determines practicable after January 1st of such junior year or academic year, respectively);

"(ii) receive an estimate of such students' final financial aid awards in such junior year or academic year, respectively;

"(iii) update, in the year prior to such students' planned year of enrollment (before January 1st of the planned year of enrollment to the extent practicable), the information contained in an application submitted under clause (i), using the process described in paragraph (4) to determine such students' final financial aid awards; and

"(iv) receive final financial aid awards based on updated information described in clause (iii).

"(B) PURPOSE.—The purpose of the demonstration program under this paragraph is to measure the benefits, in terms of student aspirations and plans to attend college, and the adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing an early application system for all dependent students that allows dependent students to apply for financial aid using information from the year prior to the year prior to enrollment at an institution of higher education. Additional objectives associated with implementation of the demonstration program are the following:

"(i) Measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using information from the year prior to the year prior to enrollment, by completing any of the application forms under this subsection.

"(ii) Determine the feasibility, benefits, and adverse effects of utilizing information from the Internal Revenue Service in order to simplify the Federal student aid application process.

"(iii) Identify whether receiving estimates of final financial aid awards not later than a student's junior year, or the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, positively impacts the college aspirations and plans of such student.

"(iv) Measure the impact of using income information from the year prior to the year prior to enrollment on—

"(I) eligibility for financial aid under this title and for other institutional aid; and

"(II) the cost of financial aid programs under this title.

"(v) Effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of aid.

"(C) PARTICIPANTS.—The Secretary shall select, in consultation with States and institutions of higher education, States and institutions of higher education within the States interested in participating in the demonstration program under this paragraph. The States and institutions of higher education shall participate in programs under this title and be willing to make estimates of final financial aid awards to students based on such students' application information from the year prior to the year prior to enrollment. The Secretary shall also select as participants in the demonstration program secondary schools that are located in the participating States and dependent students who reside in the participating States.

"(D) APPLICATION PROCESS.—The Secretary shall ensure that the following provisions are included in the demonstration program:

"(i) Participating States and institutions of higher education shall—

"(I) encourage participating students to apply for estimates of final financial aid awards as provided under this title in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using information from the year prior to the year prior to enrollment;

"(II) provide estimates of final financial aid awards to participating students based on the students' application information from the year prior to the year of enrollment; and

"(III) make final financial aid awards to participating students based on the updated information contained on a form submitted using the process described in paragraph (4).

"(ii) Financial aid administrators at participating institutions of higher education shall be allowed to use such administrators' discretion in awarding financial aid to participating students, as outlined under section 479A.

"(E) FEASIBILITY STUDY.—The Secretary shall include in the demonstration program a study of the feasibility of utilizing data from the Internal Revenue Service in order to—

"(i) pre-populate electronic application forms for financial aid under this title (such as through a website called 'FAFSA on the Web') with applicant information from the Internal Revenue Service;

"(ii) verify data provided by students participating in the demonstration program, including the feasibility of a data match; and

"(iii) award and deliver financial aid under this title.

"(F) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program in order to measure the program's benefits and adverse effects as the benefits and affects relate to the purpose and objectives described in subparagraph (B).

"(G) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States of the demonstration program. Upon determination of which States will be participating in the demonstration program, the Secretary shall continue to make efforts to notify institutions of higher education and dependent students within such participating States of the opportunity to participate in the demonstration program and of the participation requirements.

"(H) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance, established under section 491, on the design and implementation of the demonstration program and on the evaluation described in paragraph (F).";

(2) by striking subsection (b) and inserting the following:

"(b) EARLY AWARENESS OF AID ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary shall make every effort to provide students with early information about potential financial aid eligibility.

"(2) AVAILABILITY OF MEANS TO DETERMINE ELIGIBILITY.—

"(A) IN GENERAL.—The Secretary shall provide, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, through a widely disseminated printed form and through the Internet or other electronic means, a system for individuals to determine easily, by entering relevant data, approximately the amount of grant, work-study, and loan assistance for which an individual would be eligible under this title upon completion and verification of a form under subsection (a).

"(B) DETERMINATION OF WHETHER TO USE SIMPLIFIED APPLICATION.—The system established under this paragraph shall also permit an individual to determine whether or not the individual may apply for aid using an EZ FAFSA described in subsection (a)(2)(B) or a simplified electronic application form described in subsection (a)(3)(B).

"(3) AVAILABILITY OF MEANS TO COMMUNICATE ELIGIBILITY.—

"(A) LOWER-INCOME STUDENTS.—The Secretary shall—

"(i) make special efforts to notify students who qualify for a free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), or benefits under such programs as the Secretary shall determine, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

"(ii) disseminate informational materials regarding the linkage between eligibility for means-tested Federal benefit programs and eligibility for a Federal Pell Grant, as determined necessary by the Secretary.

"(B) MIDDLE SCHOOL STUDENTS.—The Secretary shall, in cooperation with States, middle schools, programs under this title that serve middle school students, and other cooperating independent outreach programs, make special efforts to notify middle school students of the availability of financial assistance under this title and of the approximate amounts of grant, work-study, and loan assistance an individual would be eligible for under this title.

"(C) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, secondary schools, programs under this title that serve secondary school students, and cooperating independent outreach programs, shall make special efforts to notify students in their junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, of the approximate amounts of grant, work-study, and loan assistance an individual would be eligible for under this title upon completion and verification of an application form under subsection (a).";

(3) in subsection (c)—

(A) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(B) by striking "the Workforce" and inserting "Labor"; and

(4) by striking subsections (d) and (e), and inserting the following:

"(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

"(1) PREPARATION AUTHORIZED.—Nothing in this Act shall be construed to limit an applicant from using a preparer for consultative or preparation services for the completion of the common financial reporting forms described in subsection (a).

"(2) PREPARER IDENTIFICATION.—Any common financial reporting form required to be made under this title shall include the name, signature, address or employer's address, social security number or employer identification number; and organizational affiliation of the preparer of such common financial reporting form.

"(3) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of common financial reporting forms required to be made under this title from collecting source information, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.

"(4) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

"(A) clearly inform individuals upon initial contact (including advertising in clear and conspicuous language on the website of the preparer, including by providing a link directly to the website described in subsection (a)(3), if the preparer provides such services through a website) that the common financial reporting forms that are required to determine eligibility for financial assistance under parts A through E (other than subpart 4 of part A) may be completed for free via paper or electronic forms provided by the Secretary;

"(B) refrain from producing or disseminating any form other than the forms produced by the Secretary under subsection (a); and

"(C) not charge any fee to any individual seeking such services who meets the requirements under subsection (b) or (c) of section 479.".

(c) TOLL-FREE APPLICATION AND INFORMATION.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss), as amended by subsection (b)(4), is further amended by adding at the end the following:

"(e) TOLL-FREE APPLICATION AND INFORMATION.—The Secretary shall contract for, or establish, and publicize a toll-free telephone service to provide an application mechanism and timely and accurate information to the general public. The information provided shall include specific instructions on completing the application form for assistance under this title. Such service shall also include a service accessible by telecommunications devices for the deaf (TDD's) and shall, in addition to the services provided for in the previous sentence, refer such students to the national clearinghouse on postsecondary education or another appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 663 of the Individuals with Disabilities Education Act (20 U.S.C. 1463). Not later than 2 years after the date of enactment of the Financial Aid Form Simplification and Access Act, the Secretary shall test and implement, to the extent practicable, a toll-free telephone-based application system to permit applicants who are eligible to utilize the EZ FAFSA described in section 483(a) over such system.".

(d) MASTER CALENDAR.—Section 482(a)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1089(a)(1)(B)) is amended to read as follows:

"(B) by March 1: proposed modifications and updates pursuant to sections 478, 479(c), and 483(a)(5) published in the Federal Register;".

(e) SIMPLIFYING THE VERIFICATION PROCESS.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following:

"(s) VERIFICATION OF STUDENT ELIGIBILITY.—

"(1) REGULATORY REVIEW.—The Secretary shall review all regulations of the Department related to verifying the information provided on a student's financial aid application in order to simplify the verification process for students and institutions.

"(2) REPORT.—Not later than 2 years after the date of enactment of the Financial Aid Form Simplification and Access Act, the Secretary shall prepare and submit a final report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on steps taken, to the extent practicable, to simplify the verification process. The report shall specifically address steps taken to—

"(A) reduce the burden of verification on students who are selected for verification at multiple institutions;

"(B) reduce the number of data elements that are required to be verified for applicants meeting the requirements of subsection (b) or (c) of section 479, so that only those data elements required to determine eligibility under subsection (b) or (c) of section 479 are subject to verification;

"(C) reduce the burden and costs associated with verification for institutions that are eligible to participate in Federal student aid programs under this title; and

"(D) increase the use of technology in the verification process.".

SEC. 4. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Section 475(g)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

"(D) $9,000;".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

"(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

"(I) $10,000 for single or separated students;

"(II) $10,000 for married students where both are enrolled pursuant to subsection (a)(2); and

"(III) $13,000 for married students where 1 is enrolled pursuant to subsection (a)(2);".

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(b)(4)) is amended to read as follows:

"(4) INCOME PROTECTION ALLOWANCE.—The income protection allowance is determined by the following table (or a successor table prescribed by the Secretary under section 478):

"Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	$17,580	$15,230			
3	20,940	17,610	$16,260		
4	24,950	22,600	20,270	$17,930	
5	28,740	26,390	24,060	21,720	$19,390
6	32,950	30,610	28,280	25,940	23,610

NOTE: For each additional family member, add $3,280. For each additional college student, subtract $2,330.".

SEC. 5. SIMPLIFICATION FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.

(a) INDEPENDENT STUDENT.—Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended to read as follows:

"(d) INDEPENDENT STUDENT.—

"(1) DEFINITION.—The term 'independent', when used with respect to a student, means any individual who—

"(A) is 24 years of age or older by December 31 of the award year;

"(B) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;

"(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

"(D) is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1)) or is currently serving on active duty in the Armed Forces;

"(E) is a graduate or professional student;

"(F) is a married individual;

"(G) has legal dependents other than a spouse; or

"(H) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

"(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—Nothing in this section shall be construed to prohibit a financial aid administrator from making a determination of independence, as described in paragraph (1)(H), based upon a determination of independence previously made by another financial aid administrator in the same application year.".

(b) TAILORING ELECTRONIC APPLICATIONS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section 483(a) of the Higher Education Act of 1965 (20 U.S.C. 1090(a)), as amended by section 3(b)(1)(D), is further amended by adding at the end the following:

"(13) APPLICATIONS FOR STUDENTS SEEKING A DOCUMENTED DETERMINATION OF INDEPENDENCE.—In the case of a dependent student seeking a documented determination of independence by a financial aid administrator, as described in section 480(d), nothing in this section shall prohibit the Secretary from—

"(A) allowing such student to—

"(i) indicate the student's request for a documented determination of independence on an electronic form developed pursuant to this subsection; and

"(ii) submit such form for preliminary processing that only contains those data elements required of independent students, as defined in section 480(d);

"(B) collecting and processing on a preliminary basis data provided by such a student using the electronic forms developed pursuant to this subsection; and

"(C) distributing such data to institutions of higher education, guaranty agencies, and States for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards on a preliminary basis, pending a documented determination of independence by a financial aid administrator.".

SEC. 6. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a)(2) of the Higher Education Act of (20 U.S.C. 1087vv(a)(2)) is amended—

(1) by striking "and no portion" and inserting "no portion"; and

(2) by inserting "and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax," after "1986,".

(b) ASSETS.—Section 480(f) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(f)) is amended—

(1) in paragraph (3), by striking "shall not be considered an asset of a student for purposes of section 475" and inserting "shall be considered an asset of the parent for purposes of section 475";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) A qualified education benefit shall be considered an asset of the student for purposes of section 476 and 477.".

(c) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)(2)) is amended by inserting ", or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code," after "1986".

SEC. 7. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 of the Higher Education Act of 1965 (20 U.S.C. 1098) is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) to provide knowledge and understanding of early intervention programs and make recommendations that will result in early awareness by low- and moderate-income students and families of their eligibility for assistance under this title, and, to the extent practicable, their eligibility for other forms of State and institutional need-based student assistance; and

"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions, and private entities to increase the awareness and total amount of need-based student assistance available to low- and moderate-income students.";

(2) in subsection (d)—

(A) in paragraph (6), by striking ", but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses";

(B) in paragraph (8), by striking "and" after the semicolon;

(C) by redesignating paragraph (9) as paragraph (10); and

(D) by inserting after paragraph (8) the following:

"(9) monitor the adequacy of total need-based aid available to low- and moderate-income students from all sources, assess the implications for access and persistence, and report those implications annually to Congress and the Secretary; and";

(3) in subsection (j)—

(A) in paragraph (4), by striking "and" after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) monitor and assess implementation of improvements called for under this title, make recommendations to the Secretary that ensure the timely design, testing, and implementation of the improvements, and report annually to Congress and the Secretary on progress made toward simplifying overall delivery, reducing data elements and questions, incorporating the latest technology, aligning Federal, State, and institutional eligibility, enhancing partnerships, and improving early awareness of total student aid eligibility for low- and moderate-income students and families."; and

(4) in subsection (k), by striking "2004" and inserting "2011".

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. CRAPO):

S. 940. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my friends and Colleagues, Senator HATCH and Senator CRAPO in introducing legislation to make permanent the tax treatment in Subpart F for active financial services income earned abroad.

The legislation that we are introducing today is identical to a bill we introduced in the 109th Congress. Since then, this exemption has been temporarily extended. But that extension will expire at the end of next year. This exemption ensures that the active financial services income earned abroad by American financial services companies, or American manufacturing firms with a financial services operation, is not subject to U.S. tax until that income is brought home to the U.S. parent company.

By making this provision permanent, our legislation will put the American financial services industry on an equal footing with its foreign-based competitors. Those competitors do not face current home country taxation on active financial services income.

This bill is about jobs in Montana. And it is about jobs in each of our States. One of these competitive American financial services companies employs hundreds of Montanans in Great Falls alone. So the health of that company is critically important to my State.

American financial services companies successfully compete in world financial markets. We need to make sure, however, that the U.S. tax rules do not change that situation and make them less competitive in the world arena. This legislation will extend a provision that I believe preserves the international competitiveness of American-based financial services companies, including finance and credit companies, commercial banks, securities firms, and insurance companies. This provision also contains appropriate safeguards to ensure that only truly active businesses benefit.

The active financial services provision is critically important in today's global economy. America's financial services industry is a global leader. It plays a pivotal role in maintaining confidence in the international marketplace. This is a fiercely competitive business. And American-based companies would surely be disadvantaged with an additional tax burden if we allow this exemption to lapse. Through our network of trade agreements, we have made tremendous progress in gaining access to new foreign markets for this industry in recent years. Our tax laws should complement, and not undermine, this effort.

The temporary nature of the active financial services provision, like other expiring provisions, denies American companies the stability enjoyed by their foreign competitors. It is time to make permanent this subpart F active financial services provision. We need to allow American companies to make business decisions on a long-term basis.

I invite my Colleagues to join us in supporting this legislation to provide consistent, equitable, and stable tax treatment for the U.S. financial services industry.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 942. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 943. A bill to amend the Internal Revenue Code of 1986 to extend the period for which the designation of an area as an empowerment zone is in effect; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today with Senator COLLINS to introduce two pieces of legislation to help reverse the devastating population decline and economic distress that have plagued individuals and businesses in Aroostook County, the northernmost county in Maine, as well as in other parts of the country. What the first bill does is simple, it will bring all of Aroostook County under the Empowerment Zone (EZ) program. The legislation is identical to a bill that we introduced in the 108th Congress and was included in the FY 2004 Agriculture Appropriations bill in 2003 as passed by the Senate. The second piece of legislation would enable those economically depressed communities, already taking advantage of these incentives, to secure the full 15 years of targeted growth originally granted to the areas first designated as Empowerment Zones.

To fully grasp the importance of the former legislation, it is necessary to understand the unique situation facing the residents of Aroostook County. "The County," as it is called by Mainers, is a vast and remote region of Maine. It shares more of its border with Canada than its neighboring Maine counties. It has the distinction of being the largest county east of the Mississippi River. Its geographic isolation is even more acute when considering that the county's relatively small population of 73,000 people are scattered throughout 6,672 square miles of rural countryside. Aroostook County is home to 71 organized townships, as well as 125 unorganized townships much of which is forest land and wilderness.

As profoundly remote as this geographic isolation may seem, it is the economic isolation and the recent outmigration that has had the most devastating effect on the region. The economy of northern Maine has a historical dependence upon its natural resources, particularly forestry and agriculture. While these industries served the region well in previous decades, and continue to form the underpinnings of the local economy, many of these sectors have experienced decline and can no longer provide the number of quality jobs that residents require and deserve.

While officials in the region have put forward a herculean effort to redevelop the region, with nearly 1,000 new jobs at the Loring Commerce Center alone, Aroostook County is still experiencing a significant "job deficit", and as a result continues to lose population at an alarming rate. Since its peak in 1960, northern Maine's population has declined by 30 percent. Unfortunately, the Maine State Planning Office predicts that Aroostook County will continue losing population as more workers leave the area to seek opportunities and higher wages in southern Maine and the rest of New England.

In January 2002, a portion of Aroostook County was one of two regions that received Empowerment Zone status from the USDA for out-migration. The entire county experienced an out-migration of 15 percent from 86,936 in 1990 to 73,938 in 2000. Moreover, a staggering 40 percent of 15- to 29-year-olds left during the last decade.

The current zone boundaries were chosen based on the criteria that Empowerment Zones be no larger than 1,000 square miles, and have a maximum population of 30,000 for rural areas. The lines drawn for the Aroostook County Empowerment Zone were considered to be the most inclusive and reasonable given the constraints of the program. It should be noted as well that the boundaries were drawn based on the 1990 census, making the data significantly outdated at the start, and included the former Loring Air Force Base and its population of nearly 8,000 people, which had closed nearly 8 years before the designation, taking its military and much of its civilian workforces with it. The Maine State Planning Office estimated that the base closure resulted in the loss of 3,494 jobs directly related to the base and another 1,751 in associated industry sectors for a total loss of $106.9 million annual payroll dollars.

Some of the most distressed communities that have lost substantial population are not in the Empowerment Zone, and other communities, such as Houlton, literally are divided simply by a road, having one business on one side of the street with no Empowerment Zone designation across from a neighboring business on the other side of the street with full Empowerment Zone benefits. The economic factors for these communities and for these neighbors are the same as those areas within the Empowerment Zone. This designation is not meant to cause divisiveness within communities, it is created to augment a partnership for growth and to level the playing field for all Aroostook County communities who have equally suffered through continuing out-migration whether it be in Madawaska or Island Falls.

The legislation I am introducing would provide economic development opportunities to all reaches of Aroostook County by extending Empowerment Zone status to the entire county. This inclusive approach recognizes that the economic hardship and population out-migration are issues that the entire region must confront, and, as evidenced by their successful Round III EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving the communities and business in northern Maine, and I urge my colleagues to support this bill.

With regards to the latter bill that I am offering today, I believe all Empowerment Zone communities need 15 years to reverse years of downward spiraling that originally effected their economies. I have long supported Empowerment Zone incentives and I believe that these targeted tax incentives provide struggling communities the best chance for sustained, long lasting economic renewal.

In 1994, Congress designated the first Empowerment Zones setting 2009, a 15-year time frame, as the date that these tax incentives would expire. The 2009 expiration date of Empowerment Zone status was held firm for Round II communities designated in 1997, and the Round III communities designated in 2002. As a result of the expiration date some communities such as Aroostook County, which was designated in 2002, are granted as few as 7 years to use tax incentives to overturn decades of decline and economic neglect.

Unfortunately, Aroostook's economic problems will not be fixed within the 7 short years this area qualifies for Empowerment Zone tax incentives. Instead a long-term and lasting commitment of at least 15 years is necessary to help Aroostook communities work their way to stronger economic prosperity. Many communities, such as Aroostook County, that were unable to qualify for Empowerment Zone status until 2002, are in dire need of the long-term 15-year window in which to address their stubborn causes of poverty.

Businesses operating within Empowerment Zones receive a 20 percent wage credit for the first $15,000 they pay in wages to local residents. Other tax incentives encourage businesses and industries to further commit to these communities. Companies with businesses in Empowerment Zones are eligible for an additional $35,000 worth of 179 business expensing—making these long-term business obligations more attractive, affordable and likely. Empowerment Zones are also eligible for expanded tax exempt financing for building the infrastructure communities need to attract long-term developers and business partners.

To qualify for Empowerment Zone status, communities develop comprehensive strategic plans that depend on these tax incentives to help them transform their economies. Each community's plan focuses on establishing long-term partnerships among private businesses, non profits, state, local, and federal government agencies to help develop the local economy. Together these parties use the community's strategic blue print to implement interconnected projects that address the factors creating the area's economic sickness. These types of projects concentrate on building much-needed business and industrial infrastructure, developing an educated workforce, and diversifying local economies away from a reliance on one employer or industry.

Through the Aroostook Partnership for Progress, and the businesses working in the Empowerment Zone, the County is making significant progress—the factors causing poverty in this rural part of Maine cannot be eradicated quickly. Aroostook County's strategic plan will take time to implement as infrastructure, industry and other initiatives produce greater economic capabilities and diversification. Though Aroostook County is working valiantly to overcome the factors causing their economic plight, they will need more than seven years to overcome 40 years of difficulties. I know that there are many other struggling Round II and Round III Empowerment Zone communities, such as Aroostook, who need the maximum, in order to reverse the poverty and underdevelopment also plaguing those areas.

I urge my colleagues to recognize the urgency of making a long-term pledge to communities using Empowerment Zone incentives to work its way out of long-term poverty. I hope that each Senator will support the communities in their states, currently undertaking the painful process of economic transformation, by supporting passage of this economic development bill.

I ask unanimous consent that the text of each bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BOUNDARY OF AROOSTOOK COUNTY EMPOWERMENT ZONE.

(a) IN GENERAL.—The Aroostook County empowerment zone shall include, in addition to the area designated as of the date of the enactment of this Act, the remaining area of the county not included in such designation, notwithstanding the size requirement of section 1392(a)(3)(A) of the Internal Revenue Code of 1986 and the population requirements of section 1392(a)(1)(B) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as of the effective date of the designation of the Aroostook County empowerment zone by the Secretary of Agriculture.

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ROUND II AND ROUND III EMPOWERMENT ZONES.

(a) IN GENERAL.—Clause (i) of section 1391(d)(1)(A) of the Internal Revenue Code of 1986 (relating to period for which designation is in effect) is amended by inserting "(December 31, 2016, in the case of any empowerment zone designated under subsection (g) or (h))" after "2009".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 1391(h) of the Internal Revenue Code of 1986 (relating to additional designations permitted) is amended by striking "2009" and inserting "2016".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will expand the borders of the Aroostook County Empowerment Zone to include the entire County so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture's Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one place to another. The Empowerment Zone program represents a long-term partnership between the federal government and rural communities so that communities have enough time to implement projects to build the capacity to sustain their development beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to federal grants for social services and community redevelopment as well as tax incentives to encourage economic growth.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the County has fallen on hard times. The 2000 Census indicated a 15 percent loss in population since 1990. Loring Air Force Base, which was closed in 1994, also caused an immediate out-migration of 8,500 people and a further out-migration of families and businesses that depended on Loring for their customer base.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook have joined forces to stabilize, diversify, and grow the area's economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a continued successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone will help build its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook's small rural communities from benefitting from this program. Aroostook covers some 6,672 square miles but has a population of only 74,000. Including all of the County in the Empowerment Zone will guarantee that parts of the County will not be left behind in the quest for economic prosperity. It does little good to have a company move from one community to another within the County simply to take advantage of Empowerment Zone benefits.

Senator SNOWE and I introduced this legislation in both the 108th and 109th Congresses. In fact, we were successful in getting this legislation passed in the Senate by attaching it to the fiscal year 2004 Agriculture Appropriations bill. Unfortunately, this language was removed during conference negotiations with the House. Senator SNOWE and I remain committed to bringing the benefits of the Empowerment Zone designation to all of Aroostook County's residents and will work to pass this legislation in both chambers during this Congress.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 945. A bill to ensure that college textbooks and supplemental materials are available and affordable; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, when we talk about college affordability, the discussion typically focuses on tuition costs, Pell grants and student loans. But we cannot talk about college affordability without also including college textbook costs in the same conversation.

Picture a bright, hard-working college student at the beginning of a new term. The student, who comes from a family of modest means, has managed to pay for tuition through a combination of grants, scholarships, student loans and part-time work. The student goes to her college bookstore to buy her textbooks. She walks out of the bookstore with her textbooks and wonders how she will be able to pay the $500 charge she just put on her credit card to buy the required books for her classes.

According to GAO, college textbook prices have risen an average of six percent each year since 1987 and at twice the rate of annual inflation over the last two decades. Textbook prices have been following increases in tuition and fees. Since December of 1986, textbook prices have increased by 186 percent and tuition and fees grew by 240 percent. GAO found that the primary contributing factor is the investment publishers have made to develop and produce supplemental materials such as CDs and Web-based tutorials.

The cost of textbooks and supplies as a percentage of tuition and fees depends on the type of institution the student is attending. GAO determined that the average estimated cost of books and supplies for full-time freshman students at four-year public schools was $898 in 2003, or about 26 percent of the cost of tuition and fees. At two-year public institutions, where the average student is more likely to be low-income, the average estimated cost was even higher due to lower tuition and fees at these schools. A first-year student at a two-year school spent a comparable amount—$886 on average, but that is nearly three-quarters of the cost of tuition and fees. Students at public two-year schools are trying to find an economical way to pursue higher education, but could easily be sidelined by high textbook costs.

What can be done to keep textbooks affordable for college students? Publishers, schools and bookstores can take any number of steps to help keep the cost of textbooks down. Schools, and in particular, professors, have tremendous power to help cut down the overall cost of textbooks. I was shocked to learn that many professors do not know the retail price of the textbook they are choosing for their class. The earlier a bookstore receives textbook information from a professor, the greater the ability of the bookstore to obtain cheaper used versions of the required text.

There are other actions that publishers and professors can take to help keep down the cost of textbooks, and that is why I am introducing the bipartisan College Textbook Affordability Act, cosponsored by Senator COLEMAN.

First, the bill requires transparency. Publishers must provide the price of a textbook in writing whenever a publisher's representative provides information on a textbook to a professor. The professor must also be provided the history of revisions for a textbook or supplemental material and whether the textbook or supplement is available in an alternative format, such as paperback, one- or two-colored editions, and loose-leaf editions. Publishers insist that access to such information is readily available to professors. If this is truly the case, then this bill will simply codify what publishers claim is already their industry's normal practice and would not be an undue burden placed on the industry.

Under the bill, textbooks and supplemental materials that are sold as a bundle must also be sold separately. The GAO report found that instructors are often unaware that the course materials they have chosen will be sold as a bundle.

The legislation also requires schools to do their part in managing textbook costs for students. Schools are required to include the international standard book number, or ISBN number and the retail price of all required and optional materials in the course schedule for the upcoming term. This requirement would help ensure that bookstores receive book orders in time to stock up on any available used books and would provide students with plenty of time to search for lower-priced textbooks via alternative sources such as online booksellers or other students.

When asked, schools must also provide bookstores with access to the course schedule, ISBN numbers for required and optional course material, the maximum student enrollment for a course and the current enrollment numbers. Access to this information would allow bookstores to better estimate the amount of inventory they should maintain for each course. A school in my home state, Illinois State University, recognized the importance of giving students and bookstores early access to such information. ISU's online course schedule provides students with ISBN numbers, and bookstores are given access to course enrollment numbers as well as required and optional course materials.

Combined, these actions can help drive down the cost of textbooks and help make college more affordable for students. The college affordability conversation cannot focus only on raising federal grants and lowering student loan interest rates. There is no question that federal aid has not kept up with rising college costs. However, we must also look at why college costs, including textbook costs, continue to increase year after year.

I have heard stories of students, especially community college students, who decide to drop a semester or a year because they simply cannot afford the textbooks. This is just unacceptable. Textbook costs are a part, and in some cases a large part of college costs, and we must do what is within our power to ensure that students do not put their education on hold just because they cannot afford to buy the textbooks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Textbook Affordability Act of 2007".

SEC. 2. PURPOSE AND INTENT.

The purpose of this Act is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, and publishers on all aspects of the selection, purchase, sale, and use of the course materials. It is the intent of this Act to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to provide high quality course materials for students.

SEC. 3. DEFINITIONS.

In this Act:

(1) COLLEGE TEXTBOOK.—The term "college textbook" means a textbook, or a set of textbooks, used for a course in postsecondary education at an institution of higher education.

(2) COURSE SCHEDULE.—The term "course schedule" means a listing of the courses or classes offered by an institution of higher education for an academic period.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) PUBLISHER.—The term "publisher" means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

(5) SUPPLEMENTAL MATERIAL.—The term "supplemental material" means educational material published or produced to accompany a college textbook.

SEC. 4. PUBLISHER REQUIREMENTS.

(a) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member of an institution of higher education with information regarding a college textbook or supplemental material available in the subject area in which the faculty member teaches, the publisher shall include, with any such information and in writing, the following:

(1) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(2) Any history of revisions for the college textbook or supplemental material.

(3) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

(b) UNBUNDLING OF SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundled item shall also sell the college textbook and each supplemental material as separate and unbundled items.

SEC. 5. PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.

(a) INTERNET COURSE SCHEDULES.—Each institution of higher education that receives Federal assistance and that publishes the institution's course schedule for the subsequent academic period on the Internet shall—

(1) include, in the course schedule, the International Standard Book Number (ISBN) and the retail price for each college textbook or supplemental material required or recommended for a course or class listed on the course schedule that has been assigned such a number; and

(2) update the information required under paragraph (1) as necessary.

(b) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that receives Federal assistance and that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under subsection (a)(1) in any printed version of the institution's course schedule and shall provide students with updates to such information as necessary.

SEC. 6. AVAILABILITY OF INFORMATION FOR COLLEGE TEXTBOOK SELLERS.

An institution of higher education that receives Federal assistance shall make available, as soon as is practicable, upon the request of any seller of college textbooks (other than a publisher) that meets the requirements established by the institution, the most accurate information available regarding—

(1) the institution's course schedule for the subsequent academic period; and

(2) for each course or class offered by the institution for the subsequent academic period—

(A) the International Standard Book Number (ISBN) for each college textbook or supplemental material required or recommended for such course or class that has been assigned such a number;

(B) the number of students enrolled in such course or class; and

(C) the maximum student enrollment for such course or class.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 112—DESIGNATING APRIL 6, 2007, AS "NATIONAL MISSING PERSONS DAY"

Mr. SCHUMER (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 112

Whereas each year tens of thousands of people go missing in the United States;

Whereas, on any given day, there are as many as 100,000 active missing persons cases in the United States;

Whereas the Missing Persons File of the National Crime Information Center (NCIC) was implemented in 1975;

Whereas, in 2005, 109,531 persons were reported missing to law enforcement agencies nationwide, of whom 11,868 were between the ages of 18 and 20;

Whereas section 204 of the PROTECT Act, known as Suzanne's Law and passed by Congress on April 10, 2003, modifies section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)), so that agencies must enter records into the NCIC database for all missing persons under the age of 21;

Whereas Kristen's Act (42 U.S.C. 14665), passed in 1999, has established grants for organizations to, among other things, track missing persons and provide informational services to families and the public;

Whereas, according to the NCIC, 48,639 missing persons were located in 2005, an improvement of 4.2 percent from the previous year;

Whereas many persons reported missing may be victims of Alzheimer's disease or other health-related issues, or may be victims of foul play;

Whereas, regardless of age or circumstances, all missing persons have families who need support and guidance to endure the days, months, or years they may spend searching for their missing loved ones; and

Whereas it is important to applaud the committed efforts of families, law enforcement agencies, and concerned citizens who work to locate missing persons and to prevent all forms of victimization: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 6, 2007, as "National Missing Persons Day"; and

(2) encourages the people of the United States to—

(A) observe the day with appropriate programs and activities; and

(B) support worthy initiatives and increased efforts to locate missing persons.

SENATE RESOLUTION 113—COMMENDING THE ACHIEVEMENTS AND RECOGNIZING THE IMPORTANCE OF THE ALLIANCE TO SAVE ENERGY ON THE 30TH ANNIVERSARY OF THE INCORPORATION OF THE ALLIANCE

Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. PRYOR, Ms. COLLINS, and Mr. DORGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas the Alliance to Save Energy marks the 30th anniversary of the incorporation of the Alliance with a year-long celebration, beginning on March 18, 2007, the day on which the Alliance was incorporated as a nonprofit organization in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas, in 1977, the Alliance to Save Energy was founded by Senators Charles H. Percy and Hubert H. Humphrey;

Whereas the Alliance to Save Energy is the only national nonprofit, bipartisan public-policy organization working in partnership with prominent business, government, educational, environmental, and consumer leaders to promote the efficient and clean use of energy worldwide to benefit the environment, economy, and security of the United States;

Whereas the Alliance to Save Energy operates programs and collaborative projects throughout the United States, and has been working in the international community for more than a decade in over 30 developing and transitional countries;

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 30 years are now displacing the national need for more than 40 quads of energy each year;

Whereas the Alliance to Save Energy is a nationally recognized authority on energy efficiency, and regularly provides testimony and resources to Federal and State governments, as well as members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of education and outreach initiatives, including the award-winning Green Schools and Green Campus programs, award-winning public service announcements, and a variety of targeted energy-efficiency campaigns;

Whereas the Alliance to Save Energy serves as the North American energy efficiency secretariat for the Renewable Energy and Energy Efficiency Partnership (commonly known as "REEEP");

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as "BCAP");

(2) the Southeast Energy Efficiency Alliance (commonly known as "SEEA");

(3) the Municipal Network for Energy Efficiency (commonly known as "MUNEE");

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as "ASAP"); and

Whereas March 18, 2007, marks the 30th anniversary of the incorporation of the Alliance to Save Energy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 30th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

AMENDMENTS SUBMITTED AND PROPOSED

SA 464. Mr. GRASSLEY (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table.

SA 465. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 466. Mr. SESSIONS (for himself, Mr. DEMINT, Mr. GRAHAM, Mr. ENZI, and Mr. CRAPO) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 467. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 468. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 469. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 470. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 471. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 472. Mr. ENSIGN (for himself, Mr. GREGG, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 473. Mr. SESSIONS (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 474. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 475. Mr. KYL (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 21, supra; which was ordered to lie on the table.

SA 476. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 477. Mr. CORNYN (for himself, Mr. GREGG, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. ALLARD, Mr. CRAPO, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 478. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 479. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 480. Ms. COLLINS (for herself, Mr. WARNER, and Mr. SMITH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 464. Mr. GRASSLEY (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 13, line 9, decrease the amount by $22,000,000.

On page 13, line 10, decrease the amount by $22,000,000.

On page 13, line 13, decrease the amount by $117,000,000.

On page 13, line 12, decrease the amount by $117,000,000.

On page 13, line 17, decrease the amount by $116,000,000.

On page 13, line 18, decrease the amount by $116,000,000.

On page 13, line 21, decrease the amount by $115,000,000.

On page 13, line 22, decrease the amount by $115,000,000.

On page 13, line 25, decrease the amount by $116,000,000.

On page 14, line 1, decrease the amount by $116,000,000.

On page 12, line 9, increase the amount by $8,000,000.

On page 12, line 10, increase the amount by $8,000,000.

On page 12, line 13, increase the amount by $39,000,000.

On page 12, line 14, increase the amount by $39,000,000.

On page 12, line 17, increase the amount by $39,000,000.

On page 12, line 18, increase the amount by $39,000,000.

On page 12, line 21, increase the amount by $39,000,000.

On page 12, line 22, increase the amount by $39,000,000.

On page 12, line 25, increase the amount by $39,000,000.

On page 13, line 1, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $7,000,000.

On page 16, line 11, increase the amount by $7,000,000.

On page 16, line 14, increase the amount by $39,000,000.

On page 16, line 15, increase the amount by $39,000,000.

On page 16, line 18, increase the amount by $39,000,000.

On page 16, line 19, increase the amount by $39,000,000.

On page 16, line 22, increase the amount by $38,000,000.

On page 16, line 23, increase the amount by $38,000,000.

On page 17, line 2, increase the amount by $39,000,000.

On page 17, line 3, increase the amount by $39,000,000.

On page 20, line 12, increase the amount by $7,000,000.

On page 20, line 13, increase the amount by $7,000,000.

On page 20, line 16, increase the amount by $39,000,000.

On page 20, line 17, increase the amount by $39,000,000.

On page 20, line 20, increase the amount by $38,000,000.

On page 20, line 21, increase the amount by $38,000,000.

On page 20, line 24, increase the amount by $38,000,000.

On page 20, line 25, increase the amount by $38,000,000.

On page 21, line 3, increase the amount by $38,000,000.

On page 21, line 4, increase the amount by $38,000,000.

SA 465. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) In General.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized). In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 466. Mr. SESSIONS (for himself, Mr. DeMint, Mr. Graham, Mr. Enzi, and Mr. Crapo) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title II, insert the following:

SEC. ___. EXCLUSION OF TAX RELIEF FROM POINTS OF ORDER.

Sections 201, 202, 203, and 209 of this resolution and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to a bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the tax relief provided in the Economic Growth and Tax Relief Reconciliation Act of 2001, the Jobs and Growth Tax Relief Reconciliation Act of 2003, and sections 101 and 102 of the Tax Increase Prevention and Reconciliation Act of 2005.

SA 467. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 308 and insert the following:

(a) Prohibiting Government Negotiation Under Medicare Part D as Called for in S. 2541 From the 106th Congress, Introduced by Senator Daschle and Others.—If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, as specified in S. 2541 from the 106th Congress, as introduced on May 10, 2000, by Senator Daschle and cosponsored by Senators Moynihan, Kennedy, Akaka, Baucus, Biden, Bingaman, Boxer, Bryan, Byrd, Cleland, Dodd, Dorgan, Durbin, Feinstein, Graham, Harkin, Hollings, Inouye, Johnson, Kerry, Lautenburg, Leahy, Levin, Lincoln, Mikulski, Murray, Reed, Reid, Robb, Rockefeller, Sarbanes, Schumer, and Wellstone, prohibits the Secretary of Health and Human Services from requiring a particular formulary or instituting a price structure for benefits under the Medicare prescription drug program under part D of title XVIII of the Social Security Act, interfering in any way with negotiations between private entities and drug manufacturers, or wholesalers, or otherwise interfering with the competitive nature of providing a prescription drug benefit through private entities to Medicare beneficiaries; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 468. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. . POINT OF ORDER AGAINST BUDGET RESOLUTION THAT DECREASES THE 2012 UNIFIED SURPLUS.

(a) In General.—It shall not be in order in the Senate to consider any concurrent resolution on the budget, or any amendment thereto or conference report thereon, that would set forth a unified deficit level greater than $131.916 billion in fiscal year 2012.

(b)(1) Waiver and Appeal.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(2) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) Sunset.—This section shall expire on September 30, 2012.

SA 469. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR BIPARTISAN ENTITLEMENT REFORM.

(a) In General.—If Congress enacts a bill or joint resolution that reduces direct spending by at least $5,000,000,000 for the period of fiscal years 2008 through 2012 by—

(1) reforming entitlement programs to make them fiscally sustainable; and

(2) strengthening the safety net functions of entitlement programs;

the Chairman of the Committee on the Budget of the Senate shall make the appropriate adjustments in allocations and aggregates to ensure that such savings reduce the deficit or increase the surplus.

(b) Pay-as-You-Go.—For purposes of section 201(a)(6), any bill or joint resolution meeting the requirements of subsection (a) shall be considered to be a bill pursuant to a reconciliation instruction.

SA 470. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . DISCLOSURE OF INTEREST COSTS.

(a) Point of Order.—It shall not be in order in the Senate to consider any bill or joint resolution, or conference report thereon, that is required to contain the statement described in section 308(a) of the Congressional Budget Act of 1974, unless such statement contains a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such bill, joint resolution, or conference report for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 471. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3 line 10, decrease the amount by $30,700,000,000.

On page 3, line 11, decrease the amount by $82,500,000,000.

On page 3, line 12, decrease the amount by $96,300,000,000.

On page 3, line 13, decrease the amount by $112,200,000,000.

On page 3, line 14, decrease the amount by $93,900,000,000.

On page 3, line 15, decrease the amount by $51,400,000,000.

On page 3, line 19, decrease the amount by $30,700,000,000.

On page 3 line 20, decrease the amount by $82,500,000,000.

On page 3, line 21, decrease the amount by $96,300,000,000.

On page 3, line 22, decrease the amount by $112,200,000,000.

On page 3, line 23, decrease the amount by $93,900,000,000.

On page 4, line 1, decrease the amount by $51,400,000,000.

On page 4, line 5, increase the amount by $500,000,000.

On page 4, line 6, increase the amount by $3,450,000,000.

On page 4, line 7, increase the amount by $7,727,000,000.

On page 4, line 8, increase the amount by $12,984,000,000.

On page 4, line 9, increase the amount by$18,436,000,000.

On page 4, line 10, increase the amount by $22,732,000,000.

On page 4, line 14, increase the amount by $500,000,000.

On page 4, line 15, increase the amount by $3,450,000,000.

On page 4, line 16, increase the amount by $7,727,000,000.

On page 4, line 17, increase the amount by $12,984,000,000.

On page 4, line 18, increase the amount by $18,436,000,000.

On page 4, line 19, increase the amount by $22,732,000,000.

On page 4, line 23, increase the amount by $31,200,000,000.

On page 4, line 24, increase the amount by $85,950,000,000.

On page 4, line 25, increase the amount by $104,027,000,000.

On page 5, line 1, increase the amount by $125,184,000,000.

On page 5, line 2, increase the amount by $112,336,000,000.

On page 5, line 3, increase the amount by $74,132,000,000.

On page 5, line 6, increase the amount by $31,200,000,000.

On page 5, line 7, increase the amount by $117,151,000,000.

On page 5, line 8, increase the amount by $221,178,000,000.

On page 5, line 9, increase the amount by $346,362,000,000.

On page 5, line 10, increase the amount by $458,698,000,000.

On page 5, line 11, increase the amount by $532,830,000,000.

On page 5, line 14, increase the amount by $31,200,000,000.

On page 5, line 15, increase the amount by $117,151,000,000.

On page 5, line 16, decrease the amount by $221,178,000,000.

On page 5, line 17, increase the amount by $346,362,000,000.

On page 5, line 18, increase the amount by $458,698,000,000.

On page 5, line 19, increase the amount by $532,830,000,000.

On page 25, line 8, increase the amount by $500,000,000.

On page 25, line 9, increase the amount by $500,000,000.

On page 25, line 12, increase the amount by $3,450,000,000.

On page 25, line 13, increase the amount by $3,450,000,000.

On page 25, line 16, increase the amount by $7,727,000,000.

On page 25, line 17, increase the amount by $7,727,000,000.

On page 25, line 20, increase the amount by $12,984,000,000.

On page 25, line 21, increase the amount by $12,984,000,000.

On page 25, line 24, increase the amount by $18,436,000,000.

On page 25, line 25, increase the amount by $18,436,000,000.

On page 26, line 3, increase the amount by $22,732,000,000.

On page 26, line 4, increase the amount by $22,732,000,000.

SA 472. Mr. ENSIGN (for himself, Mr. GREGG, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 4, line 6, decrease the amount by $102,000,000.

On page 4, line 7, decrease the amount by $312,000,000.

On page 4, line 8, decrease the amount by $633,000,000.

On page 4, line 9, decrease the amount by $868,000,000.

On page 4, line 10, decrease the amount by $1,113,000,000.

On page 4, line 15, decrease the amount by $102,000,000.

On page 4, line 16, decrease the amount by $312,000,000.

On page 4, line 17, decrease the amount by $633,000,000.

On page 4, line 18, decrease the amount by $868,000,000.

On page 4, line 19, decrease the amount by $1,113,000,000.

On page 4, line 24, decrease the amount by $102,000,000.

On page 4, line 25, decrease the amount by $312,000,000.

On page 5, line 1, decrease the amount by $633,000,000.

On page 5, line 2, decrease the amount by $868,000,000.

On page 5, line 3, decrease the amount by $1,113,000,000.

On page 5, line 7, decrease the amount by $102,000,000.

On page 5, line 8, decrease the amount by $414,000,000.

On page 5, line 9, decrease the amount by $1,048,000,000.

On page 5, line 10, decrease the amount by $1,916,000,000.

On page 5, line 11, decrease the amount by $3,029,000,000.

On page 5, line 15, decrease the amount by $102,000,000.

On page 5, line 16, decrease the amount by $414,000,000.

On page 5, line 17, decrease the amount by $1,048,000,000.

On page 5, line 18, decrease the amount by $1,916,000,000.

On page 5, line 19, decrease the amount by $3,029,000,000.

On page 19, line 12, decrease the amount by $100,000,000.

On page 19, line 13, decrease the amount by $100,000,000.

On page 19, line 16, decrease the amount by $300,000,000.

On page 19, line 17, decrease the amount by $300,000,000.

On page 19, line 20, decrease the amount by $600,000,000.

On page 19, line 21, decrease the amount by $600,000,000.

On page 19, line 24, decrease the amount by $800,000,000.

On page 19, line 25, decrease the amount by $800,000,000.

On page 20, line 3, decrease the amount by $1,000,000,000.

On page 20, line 4, decrease the amount by $1,000,000,000.

On page 25, line 12, decrease the amount by $2,000,000.

On page 25, line 13, decrease the amount by $2,000,000.

On page 25, line 16, decrease the amount by $12,000,000.

On page 25, line 17, decrease the amount by $12,000,000.

On page 25, line 20, decrease the amount by $33,000,000.

On page 25, line 21, decrease the amount by $33,000,000.

On page 25, line 24, decrease the amount by $68,000,000.

On page 25, line 25, decrease the amount by $68,000,000.

On page 26, line 3, decrease the amount by $113,000,000.

On page 26, line 4, decrease the amount by $113,000,000.

SA 473. Mr. SESSIONS (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $6,494,000,000.

On page 3, line 11, increase the amount by $2,594,000,000.

On page 3, line 12, increase the amount by $9,100,000,000.

On page 3, line 13, decrease the amount by $59,600,000,000.

On page 3, line 14, decrease the amount by $51,000,000,000.

On page 3, line 15, decrease the amount by $31,100,000,000.

On page 3, line 19, decrease the amount by $6,494,000,000.

On page 3, line 20, increase the amount by $2,594,000,000.

On page 3, line 21, increase the amount by $9,100,000,000.

On page 3, line 22, decrease the amount by $59,600,000,000.

On page 3, line 23, decrease the amount by $51,000,000,000.

On page 4, line 1, decrease the amount by $31,000,000,000.

On page 4, line 5, increase the amount by $106,000,000.

On page 4, line 6, increase the amount by $255,000,000.

On page 4, line 7, decrease the amount by $12,000,000.

On page 4, line 8, increase the amount by $1,174,000,000.

On page 4, line 9, increase the amount by $3,822,000,000.

On page 4, line 10, increase the amount by $5,934,000,000.

On page 4, line 14, increase the amount by $106,000,000.

On page 4, line 15, increase the amount by $255,000,000.

On page 4, line 16, decrease the amount by $12,000,000.

On page 4, line 17, increase the amount by $1,174,000,000.

On page 4, line 18, increase the amount by $3,822,000,000.

On page 4, line 19, increase the amount by $5,934,000,000.

On page 4, line 23, increase the amount by $6,600,000,000.

On page 4, line 24, decrease the amount by $2,339,000,000.

On page 4, line 25, decrease the amount by $9,112,000,000.

On page 5, line 1, increase the amount by $60,774,000,000.

On page 5, line 2, increase the amount by $54,822,000,000.

On page 5, line 3, increase the amount by $37,034,000,000.

On page 5, line 6, increase the amount by $6,600,000,000.

On page 5, line 7, increase the amount by $4,261,000,000.

On page 5, line 8, decrease the amount by $4,852,000,000.

On page 5, line 9, increase the amount by $55,923,000,000.

On page 5, line 10, increase the amount by $110,745,000,000.

On page 5, line 11, increase the amount by $147,779,000,000.

On page 5, line 14, increase the amount by $6,600,000,000.

On page 5, line 15, increase the amount by $4,261,000,000.

On page 5, line 16, decrease the amount by $4,852,000,000.

On page 5, line 17, increase the amount by $55,923,000,000.

On page 5, line 18, increase the amount by $110,754,000,000.

On page 5, line 19, increase the amount by $147,779,000,000.

On page 25, line 8, increase the amount by $106,000,000.

On page 25, line 9, increase the amount by $106,000,000.

On page 25, line 12, increase the amount by $255,000,000.

On page 25, line 13, increase the amount by $255,000,000.

On page 25, line 16, decrease the amount by $12,000,000.

On page 25, line 17, decrease the amount by $12,000,000.

On page 25, line 20, increase the amount by $1,174,000,000.

On page 25, line 21, increase the amount by $1,174,000,000.

On page 25, line 24, increase the amount by $3,822,000,000.

On page 25, line 25, increase the amount by $3,822,000,000.

On page 26, line 3, increase the amount by $5,934,000,000.

On page 26, line 4, increase the amount by $5,934,000,000.

SA 474. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting for the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR CHILDREN'S SAVINGS ACCOUNTS AT BIRTH FOR LOW INCOME FAMILIES.

If the Senate Committee on Finance—

(1) reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that creates children's savings accounts at birth for low income families; and

(2) is within the committee's allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SA 475. Mr. KYL (for himself and Mr. Graham) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $800,000,000.

On page 3, line 14, decrease the amount by $23,800,000,000.

On page 3, line 15, decrease the amount by $50,200,000,000.

On page 3, line 22, decrease the amount by $800,000,000.

On page 3, line 23, decrease the amount by $23,800,000,000.

On page 4, line 1, decrease the amount by $50,200,000,000.

On page 4, line 8, increase the amount by $19,000,000.

On page 4, line 9, increase the amount by $598,000,000.

On page 4, line 10, increase the amount by $2,365,000,000.

On page 4, line 17, increase the amount by $19,000,000.

On page 4, line 18, increase the amount by $598,000,000.

On page 4, line 19, increase the amount by $2,365,000,000.

On page 5, line 1, increase the amount by $819,000,000.

On page 5, line 2, increase the amount by $24,398,000,000.

On page 5, line 3, increase the amount by $52,565,000,000.

On page 5, line 9, increase the amount by $819,000,000.

On page 5, line 10, increase the amount by $25,217,000,000.

On page 5, line 11, increase the amount by $77,781,000,000.

On page 5, line 17, increase the amount by $819,000,000.

On page 5, line 18, increase the amount by $25,217,000,000.

On page 5, line 19, increase the amount by $77,781,000,000.

On page 25, line 20, increase the amount by $19,000,000.

On page 25, line 21, increase the amount by $19,000,000.

On page 25, line 24, increase the amount by $598,000,000.

On page 25, line 25, increase the amount by $598,000,000.

On page 26, line 3, increase the amount by $2,365,000,000.

On page 26, line 4, increase the amount by $2,365,000,000.

SA 476. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 41, strike lines 9 through 11 and insert the following:

(2) for fiscal year 2008,

(A) for the national defense (050) function, $498,844,000,000 in new budget authority and $507,394,000,000 in outlays; and

(B) for all other functions, $443,468,000,000 in new budget authority and $514,013,000,000 in outlays.

SA 477. Mr. CORNYN (for himself, Mr. Gregg, Mr. Graham, Mr. Bunning, Mr. McCain, Mr. Allard, Mr. Crapo, and Mr. DeMint) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) In General.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly

chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 478. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $46,000,000,000.

On page 3, line 15, decrease the amount by $66,900,000,000.

On page 3, line 23, decrease the amount by $46,000,000,000.

On page 4, line 1, decrease the amount by $66,900,000,000.

On page 4, line 9, increase the amount by $1,081,000,000.

On page 4, line 10, increase the amount by $3,785,000,000.

On page 4, line 18, increase the amount by $1,081,000,000.

On page 4, line 19, increase the amount by $3,785,000,000.

On page 5, line 2, increase the amount by $47,081,000,000.

On page 5, line 3, increase the amount by $70,685,000,000.

On page 5, line 10, increase the amount by $47,081,000,000.

On page 5, line 11, increase the amount by $117,766,000,000.

On page 5, line 18, increase the amount by $47,081.000,000.

On page 5, line 19, increase the amount by $117,766,000,000.

On page 25, line 24, increase the amount by $1,081,000,000.

On page 25, line 25, increase the amount by $1,081,000,000.

On page 26, line 3, increase the amount by $3,785,000,000.

On page 26, line 4, increase the amount by $3,785,000,000.

SA 479. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $964,000,000.

On page 3, line 15, decrease the amount by $2,199,000,000.

On page 3, line 23, decrease the amount by $964,000,000.

On page 4, line 1, decrease the amount by $2,199,000,000.

On page 4, line 9, increase the amount by $23,000,000.

On page 4, line 10, increase the amount by $98,000,000.

On page 4, line 18, increase the amount by $23,000,000.

On page 4, line 19, increase the amount by $98,000,000.

On page 5, line 2, increase the amount by $987,000,000.

On page 5, line 3, increase the amount by $2,297,000,000.

On page 5, line 10, increase the amount by $987,000.000.

On page 5, line 11, increase the amount by $3,284,000,000.

On page 5, line 18, increase the amount by $987,000,000.

On page 5, line 19, increase the amount by $3,284,000,000.

On page 25, line 24, increase the amount by $23,000,000.

On page 25, line 25, increase the amount by $23,000,000.

On page 26, line 3, increase the amount by $98,000,000.

On page 26, line 4, increase the amount by $98,000,000.

SA 480. Ms. COLLINS (for herself, Mr. WARNER, and Mr. SMITH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM SUPPLIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would permanently extend and increase to $400 the above-the-line deduction for teacher classroom supplies and expand such deduction to include qualified professional development expenses, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 20, 2007, at 9:30 a.m., in open session to receive testimony on the Air Force in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 20, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to promote travel to America, and to examine economic and security concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 20, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss innovation in energy technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, March 20, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, March 20, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Realizing a Competitive Education: Identifying Needs, Partnerships and Resources."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, 2007, at 10 a.m. to hold a hearing on Chad.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Combating War Profiteering: Are We Doing Enough to Investigate and Prosecute Contracting Fraud and Abuse in Iraq?" on Tuesday, March 20, 2007 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

The Honorable Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction, Arlington, VA; Thomas F. Gimble, Acting Inspector General, U.S. Department of Defense, Arlington, VA; Barry Sabin, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Tuesday, March 20, 2007, at 2:30 p.m., for a hearing entitled "Medicare Doctors Who Cheat on Their Taxes and What Should Be Done About It."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 20, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Tuesday, March 20, 2006, at 2:15 p.m., to conduct a hearing on "The OX-Sirius Merger: Monopoly or Competition from New Technologies" in room 226 of the Dirksen Senate Office Building.

Witness List: Mel Karmazin, Chief Executive Officer, Sirius Satellite Radio, New York, NY; Mary Quass, President and CEO, NRG Media, LLC, Cedar Rapids, IA; David Balto, Attorney at Law, Law Office of David Balto, Washington, DC; and Gigi B. Sohn, President, Public Knowledge, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to hold a hearing during the session of the Senate on Tuesday, March 20, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 126, to modify the boundary of Mesa Verde National Park, and for other purposes; S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; S. 444, to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; S. 500 and H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes; S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes; and S. Con. Res. 6, Expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RETIREMENT AND AGING

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Subcommittee on Retirement and Aging be authorized to hold a hearing on Alzheimer's research during the session of the Senate on Tuesday, March 20, 2007 at 10 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator GRASSLEY, I ask unanimous consent that Anne Freeman and Lynda Simmons of the Finance Committee staff be given privileges of the floor from March 19 through March 25.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that during consideration of the budget resolution and any votes thereon that Susan Reeves, a congressional fellow with the Budget Committee, and Seema Mittal, a Budget Committee intern, be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPROVING AMERICA'S SECURITY ACT OF 2007

On Tuesday, March 13, 2007, the Senate passed S. 4, as amended, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Security Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

Sec. 111. Homeland Security Advisory System and information sharing.
Sec. 112. Information sharing.
Sec. 113. Intelligence training development for State and local government officials.
Sec. 114. Information sharing incentives.

Subtitle B—Homeland Security Information Sharing Partnerships

Sec. 121. State, Local, and Regional Fusion Center Initiative.
Sec. 122. Homeland Security Information Sharing Fellows Program.
Sec. 123. Rural Policing Institute.

Subtitle C—Interagency Threat Assessment and Coordination Group

Sec. 131. Interagency Threat Assessment and Coordination Group.

TITLE II—HOMELAND SECURITY GRANTS

Sec. 201. Short title.
Sec. 202. Homeland Security Grant Program.
Sec. 203. Equipment technical assistance training.
Sec. 204. Technical and conforming amendments.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

Sec. 301. Dedicated funding to achieve emergency communications operability and interoperable communications.
Sec. 302. Border Interoperability Demonstration Project.

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

Sec. 401. Emergency Management Performance Grants Program.

TITLE V—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

Sec. 501. Modernization of the visa waiver program.
Sec. 502. Strengthening the capabilities of the Human Smuggling and Trafficking Center.
Sec. 503. Enhancements to the Terrorist Travel Program.
Sec. 504. Enhanced driver's license.
Sec. 505. Western Hemisphere Travel Initiative.
Sec. 506. Model ports-of-entry.

TITLE VI—PRIVACY AND CIVIL LIBERTIES MATTERS

Sec. 601. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.
Sec. 602. Privacy and civil liberties officers.
Sec. 603. Department Privacy Officer.
Sec. 604. Federal Agency Data Mining Reporting Act of 2007.

TITLE VII—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

Sec. 701. National Biosurveillance Integration Center.
Sec. 702. Biosurveillance efforts.
Sec. 703. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.

TITLE VIII—PRIVATE SECTOR PREPAREDNESS

Sec. 801. Definitions.
Sec. 802. Responsibilities of the private sector office of the department.
Sec. 803. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.
Sec. 804. Sense of Congress regarding promoting an international standard for private sector preparedness.
Sec. 805. Demonstration project.
Sec. 806. Report to Congress.
Sec. 807. Rule of construction.

TITLE IX—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 901. Transportation security strategic planning.
Sec. 902. Transportation security information sharing.
Sec. 903. Transportation Security Administration personnel management.
Sec. 904. Appeal rights and employee engagement mechanism for passenger and property screeners.
Sec. 905. Plan for 100 percent scanning of cargo containers.

TITLE X—INCIDENT COMMAND SYSTEM

Sec. 1001. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.
Sec. 1002. Credentialing and typing to strengthen incident command.

TITLE XI—CRITICAL INFRASTRUCTURE PROTECTION

Sec. 1101. Critical infrastructure protection.
Sec. 1102. Risk assessment and report.
Sec. 1103. Use of existing capabilities.
Sec. 1104. Priorities and allocations.

TITLE XII—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

Sec. 1201. Availability to public of certain intelligence funding information.
Sec. 1202. Response of intelligence community to requests from Congress.
Sec. 1203. Public Interest Declassification Board.
Sec. 1204. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.
Sec. 1205. Availability of funds for the Public Interest Declassification Board.
Sec. 1206. Availability of the Executive Summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001.

TITLE XIII—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES

Sec. 1301. Promoting antiterrorism capabilities through international cooperation.
Sec. 1302. Transparency of funds.

TITLE XIV—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

Sec. 1401. Short title.

Subtitle A—Surface Transportation and Rail Security

Sec. 1411. Definition.

PART I—IMPROVED RAIL SECURITY

Sec. 1421. Rail transportation security risk assessment.
Sec. 1422. Systemwide Amtrak security upgrades.
Sec. 1423. Fire and life-safety improvements.
Sec. 1424. Freight and passenger rail security upgrades.
Sec. 1425. Rail security research and development.
Sec. 1426. Oversight and grant procedures.
Sec. 1427. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 1428. Northern border rail passenger report.
Sec. 1429. Rail worker security training program.
Sec. 1430. Whistleblower protection program.
Sec. 1431. High hazard material security risk mitigation plans.
Sec. 1432. Enforcement authority.
Sec. 1433. Rail security enhancements.
Sec. 1434. Public awareness.
Sec. 1435. Railroad high hazard material tracking.
Sec. 1436. Unified carrier registration system plan agreement.
Sec. 1437. Authorization of appropriations.
Sec. 1438. Applicability of District of Columbia law to certain Amtrak contracts.

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 1441. Hazardous materials highway routing.
Sec. 1442. Motor carrier high hazard material tracking.
Sec. 1443. Memorandum of agreement.
Sec. 1444. Hazardous materials security inspections and enforcement.
Sec. 1445. Truck security assessment.
Sec. 1446. National public sector response system.
Sec. 1447. Over-the-road bus security assistance.
Sec. 1448. Pipeline security and incident recovery plan.
Sec. 1449. Pipeline security inspections and enforcement.
Sec. 1450. Technical corrections.
Sec. 1451. Certain personnel limitations not to apply.
Sec. 1452. Maritime and surface transportation security user fee study.
Sec. 1453. DHS Inspector General report on Highway Watch grant program.
Sec. 1454. Prohibition of issuance of transportation security cards to convicted felons.
Sec. 1455. Prohibition of issuance of transportation security cards to convicted felons.

Subtitle B—Aviation Security Improvement

Sec. 1461. Extension of authorization for aviation security funding.
Sec. 1462. Passenger aircraft cargo screening.
Sec. 1463. Blast-resistant cargo containers.
Sec. 1464. Protection of air cargo on passenger planes from explosives.
Sec. 1465. In-line baggage screening.
Sec. 1466. Enhancement of in-line baggage system deployment.
Sec. 1467. Research and development of aviation transportation security technology.
Sec. 1468. Certain TSA personnel limitations not to apply.
Sec. 1469. Specialized training.
Sec. 1470. Explosive detection at passenger screening checkpoints.
Sec. 1471. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 1472. Strategic plan to test and implement advanced passenger prescreening system.
Sec. 1473. Repair station security.
Sec. 1474. General aviation security.
Sec. 1475. Security credentials for airline crews.
Sec. 1476. National explosives detection canine team training center.
Sec. 1477. Law enforcement biometric credential.
Sec. 1478. Employee retention internship program.
Sec. 1479. Pilot project to reduce the number of transportation security officers at airport exit lanes.

Subtitle C—Interoperable Emergency Communications

Sec. 1481. Interoperable emergency communications.
Sec. 1482. Rule of construction.
Sec. 1483. Cross border interoperability reports.
Sec. 1484. Extension of short quorum.
Sec. 1485. Requiring reports to be submitted to certain committees.

TITLE XV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

Sec. 1501. Short title.
Sec. 1502. Findings.
Sec. 1503. Security assessments.
Sec. 1504. Security assistance grants.
Sec. 1505. Public transportation security training program.
Sec. 1506. Intelligence sharing.
Sec. 1507. Research, development, and demonstration grants and contracts.
Sec. 1508. Reporting requirements.
Sec. 1509. Authorization of appropriations.
Sec. 1510. Sunset provision.

TITLE XVI—MISCELLANEOUS PROVISIONS

Sec. 1601. Deputy Secretary of Homeland Security for Management.
Sec. 1602. Sense of the Senate regarding combating domestic radicalization.
Sec. 1603. Sense of the Senate regarding oversight of Homeland Security.
Sec. 1604. Report regarding border security.
Sec. 1605. Law Enforcement Assistance Force.
Sec. 1606. Quadrennial homeland security review.
Sec. 1607. Integration of detection equipment and technologies.

TITLE XVII—911 MODERNIZATION

Sec. 1701. Short title.
Sec. 1702. Funding for program.
Sec. 1703. NTIA coordination of E-911 implementation.

TITLE XVIII—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

Sec. 1801. Short title.
Sec. 1802. Findings; Sense of Congress.
Sec. 1803. Organization.
Sec. 1804. Purposes.
Sec. 1805. Membership and chapters.
Sec. 1806. Board of governors.
Sec. 1807. Powers.
Sec. 1808. Annual meeting.
Sec. 1809. Endowment fund.
Sec. 1810. Annual report and audit.
Sec. 1811. Comptroller General of the United States and Office of the Ombudsman.

TITLE XIX—ADVANCEMENT OF DEMOCRATIC VALUES

Sec. 1901. Short title.

Sec. 1902. Findings.
Sec. 1903. Statement of policy.
Sec. 1904. Definitions.

SUBTITLE A—LIAISON OFFICERS AND FELLOWSHIP PROGRAM TO ENHANCE THE PROMOTION OF DEMOCRACY

Sec. 1911. Democracy Liaison Officers.
Sec. 1912. Democracy Fellowship Program.
Sec. 1913. Transparency of United States broadcasting to assist in oversight and ensure promotion of human rights and democracy in international broadcasts.

SUBTITLE B—ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY

Sec. 1921. Annual report.
Sec. 1922. Sense of Congress on translation of human rights reports.

SUBTITLE C—ADVISORY COMMITTEE ON DEMOCRACY PROMOTION AND THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE

Sec. 1931. Advisory Committee on Democracy Promotion.
Sec. 1932. Sense of Congress on the Internet website of the Department of State.

SUBTITLE D—TRAINING IN DEMOCRACY AND HUMAN RIGHTS; PROMOTIONS

Sec. 1941. Sense of Congress on training in democracy and human rights.
Sec. 1942. Sense of Congress on ADVANCE Democracy Award.
Sec. 1943. Promotions.
Sec. 1944. Programs by United States missions in foreign countries and activities of chiefs of mission.

SUBTITLE E—ALLIANCES WITH DEMOCRATIC COUNTRIES

Sec. 1951. Alliances with democratic countries.

SUBTITLE F—FUNDING FOR PROMOTION OF DEMOCRACY

Sec. 1961. Sense of Congress on the United Nations Democracy Fund.
Sec. 1962. The Human Rights and Democracy Fund.

TITLE I—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Subtitle A—Homeland Security Information Sharing Enhancement

SEC. 111. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.

(a) ADVISORY SYSTEM AND INFORMATION SHARING.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.

"(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide warnings regarding the risk of terrorist attacks on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such warnings.

"(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—

"(1) establish criteria for the issuance and revocation of such warnings;

"(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such warnings;

"(3) provide, in each such warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to that risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately; and

"(4) whenever possible, limit the scope of each such warning to a specific region, locality, or economic sector believed to be at risk.

"SEC. 204. HOMELAND SECURITY INFORMATION SHARING.

"(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary shall integrate and standardize the information of the intelligence components of the Department, except for any internal protocols of such intelligence components, to be administered by the Chief Intelligence Officer.

"(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Chief Intelligence Officer regarding coordinating the different systems used in the Department to gather and disseminate homeland security information.

"(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

"(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Chief Intelligence Officer shall—

"(A) establish Department-wide procedures for the review and analysis of information gathered from sources in State, local, and tribal government and the private sector;

"(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

"(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

"(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that gathers information and provides such information to the Department.

"(d) TRAINING AND EVALUATION OF EMPLOYEES.—

"(1) TRAINING.—The Chief Intelligence Officer shall provide to employees of the Department opportunities for training and education to develop an understanding of—

"(A) the definition of homeland security information; and

"(B) how information available to such employees as part of their duties—

"(i) might qualify as homeland security information; and

"(ii) might be relevant to the intelligence components of the Department.

"(2) EVALUATIONS.—The Chief Intelligence Officer shall—

"(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information, sharing information within the Department, as described in this subtitle, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) provide a report regarding any evaluation under subparagraph (A) to the appropriate component heads.

"SEC. 205. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.

"All activities to comply with sections 203 and 204 shall be—

"(1) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(2) consistent with and support the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

"Sec. 203. Homeland Security Advisory System.
"Sec. 204. Homeland Security Information Sharing.
"Sec. 205. Coordination with information sharing environment.".

(b) INTELLIGENCE COMPONENT DEFINED.—

(1) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(A) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(B) by inserting after paragraph (8) the following:

"(9) The term 'intelligence component of the Department' means any directorate, agency, or other element or entity of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 501(11) of the Homeland Security Act of 2002 (6 U.S.C. 311(11)) is amended by striking "section 2(10)(B)" and inserting "section 2(11)(B)".

(B) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking "section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))" and inserting "section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))".

(c) RESPONSIBILITIES OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting ", in support of the mission responsibilities of the Department and consistent with the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 50 U.S.C. 404o)," after "and to integrate such information"; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A) of this section, and inserting the following:

“(7) To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and among the Federal Government and State, local, and tribal government agencies and authorities, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions or standards established by the President or, as appropriate, the program manager for the implementation and management of that environment.”.

SEC. 112. INFORMATION SHARING.

Section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) HOMELAND SECURITY INFORMATION.—The term ‘homeland security information’ has the meaning given that term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).”;

(C) in paragraph (5), as so redesignated—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margin accordingly;

(ii) by striking “‘terrorism information’ means” and inserting the following: “‘terrorism information’—

“(A) means”;

(iii) in subparagraph (A)(iv), as so redesignated, by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(B) includes homeland security information and weapons of mass destruction information.”; and

(D) by adding at the end the following:

“(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term ‘weapons of mass destruction information’ means information that could reasonably be expected to assist in the development, proliferation, or use of a weapon of mass destruction (including chemical, biological, radiological, and nuclear weapons) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.”;

(2) in subsection (b)(2)—

(A) in subparagraph (H), by striking “and” at the end;

(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;

“(K) integrates technologies, including all legacy technologies, through Internet-based services;

“(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;

“(M) permits analysts to collaborate both independently and in a group (commonly known as ‘collective and noncollective collaboration’), and across multiple levels of national security information and controlled unclassified information;

“(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and

“(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.”;

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “during the two-year period beginning on the date of designation under this paragraph unless sooner” and inserting “until”; and

(ii) by striking “The program manager shall have and exercise governmentwide authority.” and inserting “Except as otherwise expressly provided by law, the program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located.”; and

(B) in paragraph (2)(A)—

(i) by redesignating clause (iii) as clause (v); and

(ii) by striking clause (ii) and inserting the following:

“(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;

“(iii) issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;

“(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and”;

(4) in subsection (g)—

(A) in paragraph (1), by striking “during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner” and inserting “until”;

(B) in paragraph (2)—

(i) in subparagraph (F), by striking “and” at the end;

(ii) by redesignating subparagraph (G) as subparagraph (I); and

(iii) by inserting after subparagraph (F) the following:

“(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;

“(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and”;

(C) in paragraph (4), by inserting “(including any subsidiary group of the Information Sharing Council)” before “shall not be subject”; and

(D) by adding at the end the following:

“(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).”;

(5) in subsection (h)(1), by striking “and annually thereafter” and inserting “and not later than June 30 of each year thereafter”; and

(6) by striking subsection (j) and inserting the following:

“(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving America’s Security Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—

“(A) eliminating the use of any marking or process (including ‘Originator Control’) intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment between and among participants in the information sharing environment, unless the President has—

“(i) specifically exempted categories of information from such elimination; and

“(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and

“(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment relating to citizens and lawful permanent residents;

“(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment for a particular purpose that the Federal Government, through an appropriate process, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an ‘authorized use’ standard); and

“(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, in any cases in which—

“(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and

“(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.

“(2) DEFINITION.—In this subsection, the term ‘anonymized data’ means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.

“(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—

“(1) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv); and

“(2) other activities associated with the implementation of the information sharing environment, including—

“(A) implementing the requirements under subsection (b)(2); and

"(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.".

SEC. 113. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.

(a) CURRICULUM.—The Secretary, acting through the Chief Intelligence Officer, shall—

(1) develop curriculum for the training of State, local, and tribal government officials relating to the handling, review, and development of intelligence material; and

(2) ensure that the curriculum includes executive level training.

(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct the training.

(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Chief Intelligence Officer shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 114. INFORMATION SHARING INCENTIVES.

(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in sharing information within the scope of the information sharing environment established under that section in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.

(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to engage in the information sharing environment, including—

(1) promotions and other nonmonetary awards; and

(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.

Subtitle B—Homeland Security Information Sharing Partnerships

SEC. 121. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 206. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department;

"(2) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;

"(3) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

"(4) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;

"(5) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and

"(6) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485).

"(b) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

"(c) DEPARTMENT SUPPORT AND COORDINATION.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

"(1) coordinate with the principal officer of each State, local, or regional fusion center and the officer designated as the Homeland Security Advisor of the State;

"(2) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;

"(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;

"(4) conduct exercises, including live training exercises, to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

"(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

"(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

"(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

"(8) provide management assistance to State, local, and regional fusion centers;

"(9) serve as a point of contact to ensure the dissemination of relevant homeland security information;

"(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

"(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

"(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

"(13) carry out such other duties as the Secretary determines are appropriate.

"(d) PERSONNEL ASSIGNMENT.—

"(1) IN GENERAL.—The Chief Intelligence Officer may, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to State, local, and regional fusion centers.

"(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to fusion centers under this subsection may be assigned from the following Department components, in consultation with the respective component head:

"(A) Office of Intelligence and Analysis, or its successor.

"(B) Office of Infrastructure Protection.

"(C) Transportation Security Administration.

"(D) United States Customs and Border Protection.

"(E) United States Immigration and Customs Enforcement.

"(F) United States Coast Guard.

"(G) Other intelligence components of the Department, as determined by the Secretary.

"(3) PARTICIPATION.—

"(A) IN GENERAL.—The Secretary may develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.

"(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—

"(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;

"(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;

"(iii) whether the fusion center has—

"(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and

"(II) the ability to share and analytically exploit that data for authorized purposes;

"(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and

"(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.

"(4) PREREQUISITE.—

"(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—

"(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—

"(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and

"(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar regulation or ruling);

"(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

"(iii) such other training prescribed by the Chief Intelligence Officer.

"(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Chief Intelligence Officer shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—

"(i) has been previously assigned in the geographic area; or

"(ii) has previously worked with intelligence officials or emergency response providers from that State, locality, or region.

"(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Chief Intelligence Officer—

"(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate clearance to contribute effectively to the mission of the fusion center; and

"(B) may request that security clearance processing be expedited for each such officer or intelligence analyst.

"(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Chief Intelligence Officer may prescribe.

"(e) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—

"(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using Federal homeland security information to develop a comprehensive and accurate threat picture;

"(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;

"(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department;

"(4) assist in the dissemination of such products, under the coordination of the Chief Intelligence Officer, to law enforcement agencies and other emergency response providers of State, local, and tribal government; and

"(5) assist in the dissemination of such products to the Chief Intelligence Officer for collection and dissemination to other fusion centers.

"(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (e), each officer or intelligence analyst assigned to a fusion center under this section shall have direct access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.

"(g) CONSUMER FEEDBACK.—

"(1) IN GENERAL.—The Secretary shall create a mechanism for any State, local, or tribal emergency response provider who is a consumer of the intelligence or other information products described under subsection (e) to voluntarily provide feedback to the Department on the quality and utility of such intelligence products.

"(2) RESULTS.—The results of the voluntary feedback under paragraph (1) shall be provided electronically to Congress and appropriate personnel of the Department.

"(h) RULE OF CONSTRUCTION.—

"(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).

"(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.

"(i) GUIDELINES.—The Secretary, in consultation with the Attorney General of the United States, shall establish guidelines for fusion centers operated by State and local governments, to include standards that any such fusion center shall—

"(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;

"(2) create a representative governance structure that includes emergency response providers and, as appropriate, the private sector;

"(3) create a collaborative environment for the sharing of information and intelligence among Federal, State, tribal, and local government agencies (including emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;

"(4) leverage the databases, systems, and networks available from public and private sector entities to maximize information sharing;

"(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;

"(6) ensure appropriate security measures are in place for the facility, data, and personnel;

"(7) select and train personnel based on the needs, mission, goals, and functions of that fusion center;

"(8) offer a variety of intelligence services and products to recipients of fusion center intelligence and information; and

"(9) incorporate emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process through full time representatives or liaison officers.

"(j) AUTHORIZATION OF APPROPRIATIONS.—Except for subsection (i), there are authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 205, as added by this Act, the following:

"Sec. 206. State, Local, and Regional Information Fusion Center Initiative.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 206 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "program") has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—

(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

(B) identify stakeholders in the program and provide an assessment of their needs;

(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;

(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and

(E) include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date on which the program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the program.

SEC. 122. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 207. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Chief Intelligence Officer, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—

"(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

"(i) the relevant missions and capabilities of the Department and other Federal agencies; and

"(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

"(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—

"(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

"(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers, emergency response providers, and intelligence analysts; and

"(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal emergency response providers, law enforcement officers, and intelligence analysts and designed to prepare for and thwart terrorist attacks.

"(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—

"(A) have homeland security-related responsibilities;

"(B) be eligible for an appropriate national security clearance;

"(C) possess a valid need for access to classified information, as determined by the Chief Intelligence Officer;

"(D) be an employee of an eligible entity; and

"(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in partnership with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note).

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

"(A) a State, local, or regional fusion center;

"(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;

"(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;

"(D) a tribal law enforcement or other authority; or

"(E) such other entity as the Secretary determines is appropriate.

"(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

"(d) PROCEDURES FOR NOMINATION AND SELECTION.—

"(1) IN GENERAL.—The Chief Intelligence Officer shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

"(2) LIMITATIONS.—The Chief Intelligence Officer shall—

"(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

"(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Chief Intelligence Officer' means the Chief Intelligence Officer of the Department; and

"(2) the term 'Office of Intelligence and Analysis' means the office of the Chief Intelligence Officer.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 206, as added by this Act, the following:

"Sec. 207. Homeland Security Information Sharing Fellows Program.".

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 207 of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the "Program") the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the Program is implemented, the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorist Prevention Act of 2004 (5 U.S.C. 601 note), in consultation with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, shall submit to Congress, the Secretary, and the Chief Intelligence Officer of the Department a report on the privacy and civil liberties impact of the Program.

SEC. 123. RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term "rural" means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) $10,000,000 for fiscal year 2008; and

(2) $5,000,000 for each of fiscal years 2009 through 2013.

Subtitle C—Interagency Threat Assessment and Coordination Group

SEC. 131. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.

(a) IN GENERAL.—As part of efforts to establish the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the program manager shall oversee and coordinate the creation and ongoing operation of an Interagency Threat Assessment and Coordination Group (in this section referred to as the "ITACG").

(b) RESPONSIBILITIES.—The ITACG shall facilitate the production of federally coordinated products derived from information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and intended for distribution to State, local, and tribal government officials and the private sector.

(c) OPERATIONS.—

(1) IN GENERAL.—The ITACG shall be located at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary shall assign a senior level officer to manage and direct the administration of the ITACG.

(B) DISTRIBUTION.—The Secretary, in consultation with the Attorney General and the heads of other agencies, as appropriate, shall determine how specific products shall be distributed to State, local, and tribal officials and private sector partners under this section.

(C) STANDARDS FOR ADMISSION.—The Secretary, acting through the Chief Intelligence Officer and in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485), shall establish standards for the admission of law enforcement and intelligence officials from a State, local, or tribal government into the ITACG.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The ITACG shall include representatives of—

(A) the Department;

(B) the Federal Bureau of Investigation;

(C) the Department of Defense;

(D) the Department of Energy;

(E) law enforcement and intelligence officials from State, local, and tribal governments, as appropriate; and

(F) other Federal entities as appropriate.

(2) CRITERIA.—The program manager for the information sharing environment, in consultation with the Secretary of Defense, the Secretary, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall develop qualifying criteria and establish procedures for selecting personnel assigned to the ITACG and for the proper handling and safeguarding of information related to terrorism.

(e) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The ITACG and any subsidiary groups thereof shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—HOMELAND SECURITY GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Homeland Security Grant Enhancement Act of 2007".

SEC. 202. HOMELAND SECURITY GRANT PROGRAM.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XX—HOMELAND SECURITY GRANTS

"SEC. 2001. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) COMBINED STATISTICAL AREA.—The term 'combined statistical area' means a combined statistical area, as defined by the Office of Management and Budget.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

"(A) any Indian tribe that—

"(i) is located in the continental United States;

"(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

"(iii) is located—

"(I) on, or within 50 miles of, an international border or a coastline bordering an ocean or international waters;

"(II) within 10 miles of critical infrastructure or has critical infrastructure within its territory; or

"(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

"(iv) certifies to the Secretary that a State is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

"(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

"(4) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means the following:

"(A) IN GENERAL.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes that—

"(i) is within—

"(I) any of the 100 largest metropolitan statistical areas in the United States; or

"(II) any combined statistical area, of which any metropolitan statistical area described in subparagraph (A) is a part; and

"(ii) includes the city with the largest population in that metropolitan statistical area.

"(B) OTHER COMBINATIONS.—Any other combination of contiguous local or tribal governments that are formally certified by the Administrator as an eligible metropolitan area for purposes of this title with the consent of the State or States in which such local or tribal governments are located.

"(C) INCLUSION OF ADDITIONAL LOCAL GOVERNMENTS.—An eligible metropolitan area may include additional local or tribal governments outside the relevant metropolitan statistical area or combined statistical area that are likely to be affected by, or be called upon to respond to, a terrorist attack within the metropolitan statistical area.

"(5) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

"(6) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

"(7) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

"(8) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(9) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

"(10) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

"SEC. 2002. HOMELAND SECURITY GRANT PROGRAM.

"(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

"(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

"(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

"(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized in title XIV and XV of the Improving America's Security Act of 2007.

"(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

"(5) Grant programs other than those administered by the Department.

"(c) RELATIONSHIP TO OTHER LAWS.—

"(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

"(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

"(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

"(B) reporting the incidence of improper payments to the Department.

"(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

"(d) MINIMUM PERFORMANCE REQUIREMENTS.—

"(1) IN GENERAL.—The Administrator shall—

"(A) establish minimum performance requirements for entities that receive homeland security grants;

"(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

"(i) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

"(ii) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

"(C) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under subparagraph (A) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

"(i) establishing a plan for the achievement of the minimum performance requirements under subparagraph (A), including—

"(I) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

"(II) conducting additional simulations and exercises; and

"(ii) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under subparagraph (A).

"(2) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under paragraph (1)(B).

"(3) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

"(A) the performance of grantees under paragraph (1)(A);

"(B) lessons learned through the simulations and exercises under paragraph (1)(B); and

"(C) efforts being made to remedy failed performance under paragraph (1)(C).

"SEC. 2003. URBAN AREA SECURITY INITIATIVE.

"(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk metropolitan areas in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

"(b) APPLICATION.—

"(1) IN GENERAL.—An eligible metropolitan area may apply for grants under this section.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(3) INFORMATION.—In an application for a grant under this section, an eligible metropolitan area shall submit—

"(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the eligible metropolitan area;

"(B) the name of an individual to serve as a metropolitan area liaison with the Department and among the various jurisdictions in the metropolitan area; and

"(C) such information in support of the application as the Administrator may reasonably require.

"(c) STATE REVIEW AND TRANSMISSION.—

"(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan area applying for a grant under this section shall submit its application to each State within which any part of the eligible metropolitan area is located for review before submission of such application to the Department.

"(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan area under paragraph (1), each such State shall transmit the application to the Department.

"(3) STATE DISAGREEMENT.—If the Governor of any such State determines that an application of an eligible metropolitan area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(A) notify the Administrator, in writing, of that fact; and

"(B) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

"(d) PRIORITIZATION.—In allocating funds among metropolitan areas applying for grants under this section, the Administrator shall consider—

"(1) the relative threat, vulnerability, and consequences faced by the eligible metropolitan area from a terrorist attack, including consideration of—

"(A) the population of the eligible metropolitan area, including appropriate consideration of military, tourist, and commuter populations;

"(B) the population density of the eligible metropolitan area;

"(C) the history of threats faced by the eligible metropolitan area, including—

"(i) whether there has been a prior terrorist attack in the eligible metropolitan area; and

"(ii) whether any part of the eligible metropolitan area, or any critical infrastructure or key resource within the eligible metropolitan area, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

"(D) the degree of threat, vulnerability, and consequences to the eligible metropolitan area related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

"(E) whether the eligible metropolitan area is located at or near an international border;

"(F) whether the eligible metropolitan area has a coastline bordering ocean or international waters;

"(G) threats, vulnerabilities, and consequences faced by the eligible metropolitan area related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

"(H) the most current threat assessments available to the Department;

"(I) the extent to which the eligible metropolitan area has unmet target capabilities;

"(J) the extent to which the eligible metropolitan area includes—

"(i) all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan statistical area or combined statistical area the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, respond to, and recover from acts of terrorism; and

"(ii) other local governments and tribes that are likely to be called upon to respond to a terrorist attack within the eligible metropolitan area; and

"(K) such other factors as are specified in writing by the Administrator; and

"(2) the anticipated effectiveness of the proposed spending plan for the eligible metropolitan area in increasing the ability of that eligible metropolitan area to prevent, prepare for, protect against, respond to, and recover from terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the metropolitan area, the State, and the Nation.

"(e) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(f) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan and relevant local and regional homeland security plans, through—

"(1) developing and enhancing State, local, or regional plans, risk assessments, or mutual aid agreements;

"(2) purchasing, upgrading, storing, or maintaining equipment;

"(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

"(4) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event, including payment of overtime and backfill costs;

"(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

"(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1101 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

"(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

"(8) any other activity relating to achieving target capabilities approved by the Administrator.

"(g) DISTRIBUTION OF AWARDS TO METROPOLITAN AREAS.—

"(1) IN GENERAL.—If the Administrator approves the application of an eligible metropolitan area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which the eligible metropolitan area is located.

"(2) STATE DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Each State shall provide the eligible metropolitan area not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Administrator that benefit the eligible metropolitan area.

"(B) FUNDS RETAINED.—A State shall provide each relevant eligible metropolitan area with an accounting of the items or services on which any funds retained by the State under subparagraph (A) were expended.

"(3) MULTISTATE REGIONS.—If parts of an eligible metropolitan area awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State—

"(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

"(B) if no agreement on distribution has been reached, a portion of the grant funds in proportion to each State's share of the population of the eligible metropolitan area.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

"SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.

"(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

"(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(c) PRIORITIZATION.—In allocating funds among States applying for grants under this section, the Administrator shall consider—

"(1) the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

"(A) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

"(B) the population density of the State;

"(C) the history of threats faced by the State, including—

"(i) whether there has been a prior terrorist attack in an urban area that is wholly or partly in the State, or in the State itself; and

"(ii) whether any part of the State, or any critical infrastructure or key resource within the State, has ever experienced a higher threat level under the Homeland Security Advisory System than other parts of the United States;

"(D) the degree of threat, vulnerability, and consequences related to critical infrastructure or key resources identified by the Secretary or the State homeland security plan;

"(E) whether the State has an international border;

"(F) whether the State has a coastline bordering ocean or international waters;

"(G) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the State's need to respond to terrorist attacks arising in adjacent States;

"(H) the most current threat assessments available to the Department;

"(I) the extent to which the State has unmet target capabilities; and

"(J) such other factors as are specified in writing by the Administrator;

"(2) the anticipated effectiveness of the proposed spending plan of the State in increasing the ability of the State to—

"(A) prevent, prepare for, protect against, respond to, and recover from terrorism;

"(B) meet the target capabilities of the State; and

"(C) otherwise reduce the overall risk to the State and the Nation; and

"(3) the need to balance the goal of ensuring the target capabilities of the highest risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.

"(d) MINIMUM ALLOCATION.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

"(1) except as provided for in paragraph (2), no State receives less than an amount equal to 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program; and

"(2) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive not less than 0.08 percent of the amounts appropriated for the State Homeland Security Grant Program.

"(e) MULTISTATE PARTNERSHIPS.—

"(1) IN GENERAL.—Instead of, or in addition to, any application for funds under subsection (b), 2 or more States may submit an application under this paragraph for multistate efforts to prevent, prepare for, protect against, respond to, or recover from acts of terrorism.

"(2) GRANTEES.—Multistate grants may be awarded to either—

"(A) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

"(B) a group of States applying as a consortium or partnership.

"(3) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

"(A) the division of responsibilities for administering the grant; and

"(B) the distribution of funding among the various States and entities that are party to the application.

"(f) FUNDING FOR LOCAL AND TRIBAL GOVERNMENTS.—

"(1) IN GENERAL.—The Administrator shall require that, not later than 60 days after receiving grant funding, any State receiving a grant under this section shall make available to local and tribal governments and emergency response providers, consistent with the applicable State homeland security plan—

"(A) not less than 80 percent of the grant funds;

"(B) with the consent of local and tribal governments, the resources purchased with such grant funds having a value equal to not less than 80 percent of the amount of the grant; or

"(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the amount of the grant.

"(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request, and may extend such period for an additional period, if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments and emergency response providers is necessary to promote effective investments to prevent, prepare for, protect against, respond to, and recover from terrorism, or to meet the target capabilities of the State.

"(3) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities achieve target capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

"(g) GRANTS TO DIRECTLY ELIGIBLE TRIBES.—

"(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may award grants to directly eligible tribes under this section.

"(2) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Administrator that includes the information required for an application by a State under subsection (b).

"(3) STATE REVIEW.—

"(A) IN GENERAL.—To ensure consistency with State homeland security plans, a directly eligible tribe applying for a grant under this section shall submit its application to each State within which any part of the tribe is located for review before submission of such application to the Department.

"(B) DEADLINE.—Not later than 30 days after receiving an application from a directly eligible tribe under subparagraph (A), each such State shall transmit the application to the Department.

"(C) STATE DISAGREEMENT.—If the Governor of any such State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(i) notify the Administrator, in writing, of that fact; and

"(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

"(4) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

"(5) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

"(A) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(B) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the access of such tribe to grants; and

"(C) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

"(6) TRIBES RECEIVING DIRECT GRANTS.—A directly eligible tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this section.

"(h) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

"(i) ALLOWABLE USES.—Grants awarded under this section may be used to achieve target capabilities, consistent with a State homeland security plan, through—

"(1) developing and enhancing State, local, tribal, or regional plans, risk assessments, or mutual aid agreements;

"(2) purchasing, upgrading, storing, or maintaining equipment;

"(3) designing, conducting, and evaluating training and exercises, including exercises of mass evacuation plans under section 512 and including the payment of overtime and backfill costs in support of such activities;

"(4) responding to an increase in the threat level under the Homeland Security Advisory System, including payment of overtime and backfill costs;

"(5) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers, that comply with the guidelines established under section 206(i);

"(6) protecting critical infrastructure and key resources identified in the Critical Infrastructure List established under section 1101 of the Improving America's Security Act of 2007, including the payment of appropriate personnel costs;

"(7) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program or the Law Enforcement Terrorism Prevention Grant Program, including activities permitted under the full-time counterterrorism staffing pilot; and

"(8) any other activity relating to achieving target capabilities approved by the Administrator.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

"SEC. 2005. TERRORISM PREVENTION.

"(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

"(1) IN GENERAL.—The Administrator shall designate not less than 25 percent of the combined amount appropriated for grants under sections 2003 and 2004 to be used for law enforcement terrorism prevention activities.

"(2) USE OF FUNDS.—Grants awarded under this subsection may be used for—

"(A) information sharing to preempt terrorist attacks;

"(B) target hardening to reduce the vulnerability of selected high value targets;

"(C) threat recognition to recognize the potential or development of a threat;

"(D) intervention activities to interdict terrorists before they can execute a threat;

"(E) overtime expenses related to a State homeland security plan, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement;

"(F) establishing, enhancing, and staffing with appropriately qualified personnel State and local fusion centers that comply with the guidelines established under section 206(i);

"(G) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and

"(H) any other terrorism prevention activity authorized by the Administrator.

"(b) OFFICE FOR THE PREVENTION OF TERRORISM.—

"(1) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

"(2) DIRECTOR.—

"(A) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

"(B) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, and other antiterrorist functions.

"(3) ASSIGNMENT OF PERSONNEL.—

"(A) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

"(B) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act as liaisons between that component and the Office for the Prevention of Terrorism.

"(4) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

"(A) coordinate policy and operations between the Department and State, local, and tribal government agencies relating to preventing acts of terrorism within the United States;

"(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

"(C) in coordination with the Office of Intelligence and Analysis, develop better methods for the sharing of intelligence with State, local, and tribal law enforcement agencies;

"(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under this title, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs are adequately focused on terrorism prevention activities, including through review of budget requests for those programs; and

"(E) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

"(5) PILOT PROJECT.—

"(A) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Administrator, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

"(B) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this paragraph shall form the basis of a national network of standardized law enforcement resources to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disaster.

"(6) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

"(a) LIMITATIONS ON USE.—

"(1) CONSTRUCTION.—

"(A) IN GENERAL.—Grants awarded under this title may not be used to acquire land or to construct buildings or other physical facilities.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of grants awarded under this title to achieve target capabilities through—

"(I) the construction of facilities described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); or

"(II) the alteration or remodeling of existing buildings for the purpose of making such buildings secure against terrorist attacks or able to withstand or protect against chemical, radiological, or biological attacks.

"(ii) REQUIREMENTS FOR EXCEPTION.—No grant awards may be used for the purposes under clause (i) unless—

"(I) specifically approved by the Administrator;

"(II) the construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

"(III) the amount allocated for purposes under clause (i) does not exceed 20 percent of the grant award.

"(2) PERSONNEL.—

"(A) IN GENERAL.—For any grant awarded under section 2003 or 2004—

"(i) not more than 25 percent of the amount awarded to a grant recipient may be used to pay overtime and backfill costs; and

"(ii) not more than 25 percent of the amount awarded to the grant recipient may be used to pay personnel costs not described in clause (i).

"(B) WAIVER.—At the request of the recipient of a grant under section 2003 or section 2004, the Administrator may grant a waiver of any limitation under subparagraph (A).

"(C) EXCEPTION. The limitations under subparagraph (A) shall not apply to activities permitted under the full-time counterterrorism staffing pilot, as described in the Fiscal Year 2007 Program Guidance of the Department for the Urban Area Security Initiative.

"(3) RECREATION.—Grants awarded under this title may not be used for recreational or social purposes.

"(b) MULTIPLE-PURPOSE FUNDS.—Nothing in this title shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Administrator.

"(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this title proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(d) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this title shall be used to supplement and not supplant other State, local, and tribal government public funds obligated for the purposes provided under this title.

"SEC. 2007. ADMINISTRATION AND COORDINATION.

"(a) ADMINISTRATOR.—The Administrator shall, in consultation with other appropriate offices within the Department, have responsibility for administering all homeland security grant programs administered by the Department and for ensuring coordination among those programs and consistency in the guidance issued to recipients across those programs.

"(b) NATIONAL ADVISORY COUNCIL.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council established under section 508 on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies.

"(c) REGIONAL COORDINATION.—The Administrator shall ensure that—

"(1) all recipients of homeland security grants administered by the Department, as a condition of receiving those grants, coordinate their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments, as appropriate; and

"(2) all metropolitan areas and other recipients of homeland security grants administered by the Department that include or substantially affect parts or all of more than 1 State, coordinate across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans, as a condition of receiving Departmentally administered homeland security grants.

"(d) PLANNING COMMITTEES.—

"(1) IN GENERAL.—Any State or metropolitan area receiving grants under section 2003 or 2004 shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

"(i) local and tribal government officials; and

"(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

"(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or metropolitan areas, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

"(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or metropolitan area create a planning committee if that State or metropolitan area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

"(e) INTERAGENCY COORDINATION.—The Secretary, through the Administrator, in coordination with the Attorney General, the Secretary of Health and Human Services, and other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, responding to, and recovering from natural disasters, acts of terrorism, and other man-made disasters, and not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, shall—

"(1) compile a comprehensive list of Federal programs that provide assistance to State, local, and tribal governments for preventing, preparing for, and responding to, natural disasters, acts of terrorism, and other man-made disasters;

"(2) develop a proposal to coordinate, to the greatest extent practicable, the planning, reporting, application, and other requirements and guidance for homeland security assistance programs to—

"(A) eliminate redundant and duplicative requirements, including onerous application and ongoing reporting requirements;

"(B) ensure accountability of the programs to the intended purposes of such programs;

"(C) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients; and

"(D) make the programs more accessible and user friendly to applicants; and

"(3) submit the information and proposals under paragraphs (1) and (2) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

"SEC. 2008. ACCOUNTABILITY.

"(a) REPORTS TO CONGRESS.—

"(1) FUNDING EFFICACY.—The Administrator shall submit to Congress, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752), an evaluation of the extent to which grants Administered by the Department, including the grants established by this title—

"(A) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

"(B) have led to the reduction of risk nationally and in State, local, and tribal jurisdictions.

"(2) RISK ASSESSMENT.—

"(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed and comprehensive explanation of the methodology used to calculate risk and compute the allocation of funds under sections 2003 and 2004 of this title, including—

"(i) all variables included in the risk assessment and the weights assigned to each;

"(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

"(iii) any change in the methodology from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

"(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

"(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

"(i) October 31; or

"(ii) 30 days before the issuance of any program guidance for grants under sections 2003 and 2004.

"(b) REVIEWS AND AUDITS.—

"(1) DEPARTMENT REVIEW.—The Administrator shall conduct periodic reviews of grants made under this title to ensure that recipients allocate funds consistent with the guidelines established by the Department.

"(2) GOVERNMENT ACCOUNTABILITY OFFICE.—

"(A) ACCESS TO INFORMATION.—Each recipient of a grant under this title and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this title.

"(B) AUDITS AND REPORTS.—

"(i) AUDIT.—Not later than 12 months after the date of enactment of the Improving America's Security Act of 2007, and periodically thereafter, the Comptroller General of the United States shall conduct an audit of grants made under this title.

"(ii) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on—

"(I) the results of any audit conducted under clause (i), including an analysis of the purposes for which the grant funds authorized under this title are being spent; and

"(II) whether the grant recipients have allocated funding consistent with the State homeland security plan and the guidelines established by the Department.

"(3) AUDIT REQUIREMENT.—Grant recipients that expend $500,000 or more in grant funds received under this title during any fiscal year shall submit to the Administrator an organization-wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

"(4) RECOVERY AUDITS.—The Secretary shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of $1,000,000 or greater.

"(c) REMEDIES FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Administrator finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this title has failed to substantially comply with any provision of this title, or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—

"(A) terminate any payment of grant funds to be made to the recipient under this title;

"(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this title; or

"(C) limit the use of grant funds received under this title to programs, projects, or activities not affected by the failure to comply.

"(2) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this title or with applicable guidelines or regulations of the Department.

"(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this title or with applicable guidelines or regulations of the Department, including failing to provide local or tribal governments with grant funds or resources purchased with grant funds in a timely fashion, a local or tribal government entitled to receive such grant funds or resources may petition the Administrator, at such time and in such manner as determined by the Administrator, to request that grant funds or resources be provided directly to the local or tribal government.

"SEC. 2009. AUDITING.

"(a) AUDITS OF GRANTS.—

"(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use of funds under such grant program by such entity.

"(2) TIMING.—The date described in this paragraph is the later of 2 years after—

"(A) the date of enactment of the Improving America's Security Act of 2007; and

"(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

"(3) CONTENTS.—Each audit under this subsection shall evaluate—

"(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit;

"(B) whether funds under that grant program were used by that entity as required by law; and

"(C)(i) for each grant under the Urban Area Security Initiative or the State Homeland Security Grant Program, the extent to which funds under that grant were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

"(ii) for each grant under the Emergency Management Performance Grant Program, the extent to which funds under that grant were used to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

"(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

"(5) REPORTING.—

"(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

"(B) CONTENTS.—Each report submitted under this paragraph shall describe—

“(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

“(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law; and

“(iii)(I) for grants under the Urban Area Security Initiative or the State Homeland Security Grant Program audited, the extent to which, during the period described in clause (i) that is applicable to such report, funds under such grants were used to prepare for, protect against, respond to, or recover from acts of terrorism; and

“(II) for grants under the Emergency Management Performance Grant Program audited, the extent to which funds under such grants were used during the period described in clause (i) applicable to such report to prevent, prepare for, protect against, respond to, recover from, or mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.

“(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

“(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

“(2) TIMING.—The date described in this paragraph is the later of 2 years after—

“(A) the date of enactment of the Improving America's Security Act of 2007; and

“(B) the date that an entity first receives a grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, or the Emergency Management Performance Grant Program, as the case may be.

“(3) CONTENTS.—Each audit under this subsection shall evaluate—

“(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

“(B) whether funds under each such grant program were used by that entity as required by law; and

“(C) the extent to which such funds were used to enhance preparedness.

“(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

“(5) REPORTING.—

“(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

“(B) CONTENTS.—Each report submitted under this paragraph shall describe—

“(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

“(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

“(ii) whether funds under each grant audited were used as required by law; and

“(iii) the extent to which funds under each grant audited were used to enhance preparedness.

“(c) FUNDING FOR AUDITS.—

“(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each grant under the Urban Area Security Initiative, the State Homeland Security Grant Program, and the Emergency Management Performance Grant Program for audits under this section.

“(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

“(A) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

“(B) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

“(C) Amounts withheld from grants under the Emergency Management Performance Grant Program shall be made available for audits under this section of entities receiving grants under the Emergency Management Performance Grant Program.

“(d) DEFINITION.—In this section, the term ‘Emergency Management Performance Grants Program’ means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109–295).

“SEC. 2010. SENSE OF THE SENATE.

“It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

“(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

“(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

“(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

“(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

“(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.”.

SEC. 203. EQUIPMENT TECHNICAL ASSISTANCE TRAINING.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security shall conduct no fewer than 7,500 trainings annually through the Domestic Preparedness Equipment Technical Assistance Program.

(b) REPORT.—The Secretary of Homeland Security shall report no later than September 30 annually to the Senate Homeland Security and Governmental Affairs Committee, the House Homeland Security Committee, Senate Appropriations Subcommittee on Homeland Security, and the House Appropriations Subcommittee on Homeland Security—

(a) on the number of trainings conducted that year through the Domestic Preparedness Equipment Technical Assistance Program; and

(b) if the number of trainings conducted that year is less than 7,500, an explanation of why fewer trainings were needed.

SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking “section 1802” and inserting “section 1902”; and

(4) in section 1906, as so redesignated, by striking “section 1802(a)” each place that term appears and inserting “section 1902(a)”.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.
“Sec. 1902. Mission of Office.
“Sec. 1903. Hiring authority.
“Sec. 1904. Testing authority.
“Sec. 1905. Relationship to other Department entities and Federal agencies.
“Sec. 1906. Contracting and grant making authorities.

“TITLE XX—HOMELAND SECURITY GRANTS

“Sec. 2001. Definitions.
“Sec. 2002. Homeland Security Grant Program.
“Sec. 2003. Urban Area Security Initiative.
“Sec. 2004. State Homeland Security Grant Program.
“Sec. 2005. Terrorism prevention.
“Sec. 2006. Restrictions on use of funds.
“Sec. 2007. Administration and coordination.
“Sec. 2008. Accountability.
“Sec. 2009. Auditing.
“Sec. 2010. Sense of the Senate.”.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

SEC. 301. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.

(a) EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS.—

(1) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) (relating to emergency communications) is amended by adding at the end the following:

"SEC. 1809. EMERGENCY COMMUNICATIONS OPERABILITY AND INTEROPERABLE COMMUNICATIONS GRANTS.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) EMERGENCY COMMUNICATIONS OPERABILITY.—The term 'emergency communications operability' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, agencies, and government officers from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, act of terrorism, or other man-made disaster, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

"(b) IN GENERAL.—The Administrator shall make grants to States for initiatives necessary to achieve, maintain, or enhance Statewide, regional, national and, as appropriate, international emergency communications operability and interoperable communications.

"(c) STATEWIDE INTEROPERABLE COMMUNICATIONS PLANS.—

"(1) SUBMISSION OF PLANS.—The Administrator shall require any State applying for a grant under this section to submit a Statewide Interoperable Communications Plan as described under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(2) COORDINATION AND CONSULTATION.—The Statewide plan submitted under paragraph (1) shall be developed—

"(A) in coordination with local and tribal governments, emergency response providers, and other relevant State officers; and

"(B) in consultation with and subject to appropriate comment by the applicable Regional Emergency Communications Coordination Working Group as described under section 1805.

"(3) APPROVAL.—The Administrator may not award a grant to a State unless the Administrator, in consultation with the Director for Emergency Communications, has approved the applicable Statewide plan.

"(4) REVISIONS.—A State may revise the applicable Statewide plan approved by the Administrator under this subsection, subject to approval of the revision by the Administrator.

"(d) CONSISTENCY.—The Administrator shall ensure that each grant is used to supplement and support, in a consistent and coordinated manner, any applicable State, regional, or urban area homeland security plan.

"(e) USE OF GRANT FUNDS.—Grants awarded under subsection (b) may be used for initiatives to achieve, maintain, or enhance emergency communications operability and interoperable communications, including—

"(1) Statewide or regional communications planning, including governance related activities;

"(2) system design and engineering;

"(3) system procurement and installation;

"(4) exercises;

"(5) modeling and simulation exercises for operational command and control functions;

"(6) technical assistance;

"(7) training; and

"(8) other appropriate activities determined by the Administrator to be integral to achieve, maintain, or enhance emergency communications operability and interoperable communications.

"(f) APPLICATION.—

"(1) IN GENERAL.—A State desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

"(B) describe how—

"(i) the proposed use of funds—

"(I) would be consistent with and address the goals in any applicable State, regional, or urban homeland security plan; and

"(II) unless the Administrator determines otherwise, are—

"(aa) consistent with the National Emergency Communications Plan under section 1802; and

"(bb) compatible with the national infrastructure and national voluntary consensus standards;

"(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among participating local and tribal governments and emergency response providers;

"(iii) the State plans to allocate the grant funds on the basis of risk and effectiveness to regions, local and tribal governments to promote meaningful investments for achieving, maintaining, or enhancing emergency communications operability and interoperable communications;

"(iv) the State intends to address the emergency communications operability and interoperable communications needs at the city, county, regional, State, and interstate level; and

"(v) the State plans to emphasize regional planning and cooperation, both within the jurisdictional borders of that State and with neighboring States;

"(C) be consistent with the Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

"(D) include a capital budget and timeline showing how the State intends to allocate and expend the grant funds.

"(g) AWARD OF GRANTS.—

"(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

"(A) the nature of the threat to the State from a natural disaster, act of terrorism, or other man-made disaster;

"(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of natural disasters, acts of terrorism, or other man-made disasters;

"(C) the size of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

"(D) the population density of the State;

"(E) the extent to which grants will be utilized to implement emergency communications operability and interoperable communications solutions—

"(i) consistent with the National Emergency Communications Plan under section 1802 and compatible with the national infrastructure and national voluntary consensus standards; and

"(ii) more efficient and cost effective than current approaches;

"(F) the extent to which a grant would expedite the achievement, maintenance, or enhancement of emergency communications operability and interoperable communications in the State with Federal, State, local, and tribal governments;

"(G) the extent to which a State, given its financial capability, demonstrates its commitment to achieve, maintain, or enhance emergency communications operability and interoperable communications by supplementing Federal funds with non-Federal funds;

"(H) whether the State is on or near an international border;

"(I) whether the State encompasses an economically significant border crossing;

"(J) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters;

"(K) the extent to which geographic barriers pose unusual obstacles to achieving, maintaining, or enhancing emergency communications operability or interoperable communications;

"(L) the threats, vulnerabilities, and consequences faced by the State related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural disasters, acts of terrorism, and other man-made disasters arising in those jurisdictions;

"(M) the need to achieve, maintain, or enhance nationwide emergency communications operability and interoperable communications, consistent with the National Emergency Communications Plan under section 1802;

"(N) whether the activity for which a grant is requested is being funded under another Federal or State emergency communications grant program; and

"(O) such other factors as are specified by the Administrator in writing.

"(2) REVIEW PANEL.—

"(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

"(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

"(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include—

"(i) individuals with technical expertise in emergency communications operability and interoperable communications;

"(ii) emergency response providers; and

"(iii) other relevant State and local officers.

"(3) MINIMUM GRANT AMOUNTS.—The Administrator shall ensure that for each fiscal year—

"(A) no State receives less than an amount equal to 0.75 percent of the total funds appropriated for grants under this section; and

"(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.25 percent of the amounts appropriated for grants under this section.

"(4) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications operability or interoperable communications shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

"(h) STATE RESPONSIBILITIES.—

"(1) PASS-THROUGH OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—The Administrator shall determine a date by which a State that receives a grant shall obligate or otherwise make available to local and tribal governments and emergency response providers—

"(A) not less than 80 percent of the funds of the amount of the grant;

"(B) resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant; or

"(C) grant funds combined with resources purchased with the grant funds having a value equal to not less than 80 percent of the total amount of the grant.

"(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Any State that receives a grant shall certify to the Administrator, by not later than 30 days after the date described under paragraph (1) with respect to the grant, that the State has made available for expenditure by local or tribal governments and emergency response providers the required amount of grant funds under paragraph (1).

"(3) REPORT ON GRANT SPENDING.—

"(A) IN GENERAL.—Any State that receives a grant shall submit a spending report to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(B) MINIMUM CONTENTS.—At a minimum, each report under this paragraph shall include—

"(i) the amount, ultimate recipients, and dates of receipt of all funds received under the grant;

"(ii) the amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or under mutual aid agreements or other intrastate and interstate sharing arrangements, as applicable;

"(iii) how the funds were used by each ultimate recipient or beneficiary;

"(iv) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application have been achieved, maintained, or enhanced as the result of the expenditure of grant funds; and

"(v) the extent to which emergency communications operability and interoperable communications identified in the applicable Statewide plan and application remain unmet.

"(C) PUBLIC AVAILABILITY ON WEBSITE.—The Administrator shall make each report submitted under subparagraph (A) publicly available on the website of the Federal Emergency Management Agency. The Administrator may redact such information from the reports as the Administrator determines necessary to protect national security.

"(4) PENALTIES FOR REPORTING DELAY.—If a State fails to provide the information required by the Administrator under paragraph (3), the Administrator may—

"(A) reduce grant payments to the State from the portion of grant funds that are not required to be passed through under paragraph (1);

"(B) terminate payment of funds under the grant to the State, and transfer the appropriate portion of those funds directly to local and tribal governments and emergency response providers that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the use of funds by the State under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant-related expenses of the State; or

"(ii) requiring the State to distribute to local and tribal government and emergency response providers all or a portion of grant funds that are not required to be passed through under paragraph (1).

"(i) PROHIBITED USES.—Grants awarded under this section may not be used for recreational or social purposes.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

"(1) $400,000,000 for fiscal year 2008;

"(2) $500,000,000 for fiscal year 2009;

"(3) $600,000,000 for fiscal year 2010;

"(4) $800,000,000 for fiscal year 2011;

"(5) $1,000,000,000 for fiscal year 2012; and

"(6) such sums as necessary for each fiscal year thereafter.

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 1808 the following:

"Sec. 1809. Emergency communications operability and interoperable communications grants."

(b) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) include information on the governance structure used to develop the plan, such as all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and

"(7) describe the method by which multi-jurisdictional, multi-disciplinary input was provided from all regions of the jurisdiction and the process for continuing to incorporate such input."; and

(2) in subsection (g)(1), by striking "or video" and inserting "and video".

(c) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector will achieve interoperable communications as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1).".

SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project (referred to in this section as "demonstration project").

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select no fewer than 6 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) PROGRAM REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of emergency response providers and the National Guard;

(2) foster interoperable emergency communications systems—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to a natural disaster, act of terrorism, or other man-made disaster; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable emergency communications equipment;

(5) identify solutions that will facilitate interoperable communications across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments;

(8) identify and secure appropriate joint-use equipment to ensure communications access; and

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State shall make the funds available to the local and tribal governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(d) REPORTING.—

(1) IN GENERAL.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(2) CONTENTS.—Each report under this subsection shall contain the following:

(A) The name and location of all communities involved in the demonstration project.

(B) The amount of funding provided to each State for the demonstration project.

(C) An evaluation of the usefulness of the demonstration project towards developing an effective interoperable communications system at the borders.

(D) The factors that were used in determining how to distribute the funds in a risk-based manner.

(E) The specific risks inherent to a border community that make interoperable communications more difficult than in non-border communities.

(F) The optimal ways to prioritize funding for interoperable communication systems based upon risk.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2007, 2008, and 2009 to carry out this section.

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

"SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

"(a) Definitions.—In this section:

"(1) Population.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(2) State.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

"(b) In General.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

"(c) Application.—

"(1) In general.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

"(2) Annual applications.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

"(d) Allocation.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

"(1) Baseline amount.—

"(A) In general.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

"(B) Territories.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

"(2) Per capita allocation.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

"(3) Consistency in allocation.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

"(e) Allowable Uses.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

"(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

"(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

"(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

"(f) Cost Sharing.—

"(1) In general.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

"(2) In-kind matching.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(g) Distribution of Funds.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

"(h) Local and Tribal Governments.—

"(1) In general.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

"(2) Indian tribes.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(i) Emergency Operations Centers Improvement Program.—

"(1) In general.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

"(2) Requirements.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

"(3) Cost sharing.—

"(A) In general.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

"(B) In kind matching.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section—

"(1) for fiscal year 2007, such sums as are necessary;

"(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

"(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.".

TITLE V—ENHANCING SECURITY OF INTERNATIONAL TRAVEL

SEC. 501. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) Short Title.—This section may be cited as the "Secure Travel and Counterterrorism Partnership Act".

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States should modernize the visa waiver program by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism; and

(2) the expansion described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) Discretionary Visa Waiver Program Expansion.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) Nonimmigrant visa refusal rate flexibility.—

"(A) Certification.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals that exit through airports of the United States, the Secretary of Homeland Security shall certify to Congress that such air exit system is in place.

"(B) Waiver.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country—

"(i) if the country meets all security requirements of this section;

"(ii) if the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(iii) if there has been a sustained reduction in the rate of refusals for nonimmigrant visitor visas for nationals of the country and conditions exist to continue such reduction;

"(iv) the country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State expect such cooperation will continue; and

"(v)(I) if the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than 10 percent; or

"(II) if the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once it is established under subparagraph (C).

"(C) Maximum visa overstay rate.—

"(i) Requirement to establish.—After certification by the Secretary under subparagraph (A), the Secretary of Homeland Security and the Secretary of State jointly shall use information from the air exit system referred to in subparagraph (A) to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B).

"(ii) Visa overstay rate defined.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

"(I) the total number of nationals of that country who were admitted to the United

States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during a fiscal year and who remained in the United States unlawfully beyond the such period of stay: to

"(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visitor visa for which the period of stay authorized by such visa ended during such fiscal year.

"(iii) REPORT AND PUBLICATION.—Secretary of Homeland Security shall submit to Congress and publish in the Federal Register a notice of the maximum visa overstay rate proposed to be established under clause (i). Not less than 60 days after the date such notice is submitted and published, the Secretary shall issue a final maximum visa overstay rate.

"(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

"(A) airport security standards in the country;

"(B) whether the country assists in the operation of an effective air marshal program;

"(C) the standards of passports and travel documents issued by the country; and

"(D) other security-related factors.".

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a)—

(i) by striking "Operators of aircraft" and inserting the following:

"(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft"; and

(ii) by adding at the end the following:

"(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission, electronically provide basic biographical information to the system. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.";

(B) in subsection (c), as amended by subsection (c) of this section—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

"(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement."; and

(II) by adding at the end the following:

"(E) REPATRIATION OF ALIENS.—The government of a country accepts for repatriation any citizen, former citizen, or national against whom a final executable order of removal is issued not later than 3 weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

"(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.";.

(ii) in paragraph (5)—

(I) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking "and" at the end;

(bb) in subclause (III), by striking the period at the end and inserting "; and"; and

(cc) by adding at the end the following:

"(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8)."; and

(iii) by adding at the end the following:

"(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section.";

(C) in subsection (d), by adding at the end the following: "The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies the appropriate congressional committees not later than 30 days before the effective date of such waiver.";

(D) in subsection (f)(5), by striking "of blank" and inserting "or loss of"; and

(E) in subsection (h), by adding at the end the following:

"(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—

"(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, is authorized to develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such basic biographical information as the Secretary of Homeland Security determines to be necessary to determine, in advance of travel, the eligibility of an alien to travel to the United States under the program.

"(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—

"(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

"(ii) available to pay the costs incurred to administer the System.

"(C) VALIDITY.—

"(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State shall prescribe regulations that provide for a period, not to exceed 3 years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

"(ii) LIMITATION.—A determination that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

"(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

"(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the System to—

"(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(ii) the Committee on the Judiciary of the Senate;

"(iii) the Select Committee on Intelligence of the Senate;

"(iv) the Committee on Appropriations of the Senate;

"(v) the Committee on Homeland Security of the House of Representatives;

"(vi) the Committee on the Judiciary of the House of Representatives;

"(vii) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(viii) the Committee on Appropriations of the House of Representatives.".

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii) shall take effect on the date which is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) EXIT SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

(A) match biometric information of the alien against relevant watch lists and immigration information; and

(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such individuals have departed the United States.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress that describes—

(A) the progress made in developing and deploying the exit system established under this subsection; and

(B) the procedures by which the Secretary will improve the manner of calculating the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such visas.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 502. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking "address" and inserting "integrate and disseminate intelligence and information related to";

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

"(e) STAFFING OF THE CENTER.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

"(A) The Office of Intelligence and Analysis.

"(B) The Transportation Security Administration.

"(C) The United States Citizenship and Immigration Services.

"(D) The United States Customs and Border Protection.

"(E) The United States Coast Guard.

"(F) The United States Immigration and Customs Enforcement.

"(G) The Central Intelligence Agency.

"(H) The Department of Defense.

"(I) The Department of the Treasury.

"(J) The National Counterterrorism Center.

"(K) The National Security Agency.

"(L) The Department of Justice.

"(M) The Department of State.

"(N) Any other relevant agency or department.

"(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity set out under paragraph (1), shall ensure that the detailees provided to the Center under paragraph (1) include an adequate number of personnel with experience in the area of—

"(A) consular affairs;

"(B) counterterrorism;

"(C) criminal law enforcement;

"(D) intelligence analysis;

"(E) prevention and detection of document fraud;

"(F) border inspection; or

"(G) immigration enforcement.

"(3) REIMBURSEMENT FOR DETAILEES.—To the extent that funds are available for such purpose, the Secretary of Homeland Security shall provide reimbursement to each agency or department that provides a detailee to the Center, in such amount or proportion as is appropriate for costs associated with the provision of such detailee, including costs for travel by, and benefits provided to, such detailee.

"(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.".

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as redesignated by subsection (a)(2), is amended—

(1) in the heading, by striking "REPORT" and inserting "INITIAL REPORT";

(2) by redesignating such subsection (g) as paragraph (1);

(3) by indenting such paragraph, as so designated, four ems from the left margin;

(4) by inserting before such paragraph, as so designated, the following:

"(g) REPORT.—"; and

(5) by inserting after such paragraph, as so designated, the following new paragraph:

"(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

"(A) the roles and responsibilities of each agency or department that is participating in the Center;

"(B) the mechanisms used to share information among each such agency or department;

"(C) the staff provided to the Center by each such agency or department;

"(D) the type of information and reports being disseminated by the Center; and

"(E) any efforts by the Center to create a centralized Federal Government database to store information related to illicit travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777), as amended by this section, $20,000,000 for fiscal year 2008.

SEC. 503. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

"SEC. 7215. TERRORIST TRAVEL PROGRAM.

"(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

"(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

"(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

"(2) an official appointed by the Secretary who reports directly to the Secretary.

"(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

"(1) developing relevant strategies and policies;

"(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

"(3) making recommendations on budget requests and on the allocation of funding and personnel;

"(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

"(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

"(i) the United States Customs and Border Protection;

"(ii) the United States Immigration and Customs Enforcement;

"(iii) the United States Citizenship and Immigration Services;

"(iv) the Transportation Security Administration; and

"(v) the United States Coast Guard; and

"(B) between the Department of Homeland Security and other appropriate Federal agencies; and

"(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

"(d) REPORT.—Not later than 180 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.".

SEC. 504. ENHANCED DRIVER'S LICENSE.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than 1 State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry."; and

(2) by adding at the end the following:

"(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists; and

"(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.".

SEC. 505. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before publishing a final rule in the Federal Register, the Secretary shall conduct—

(1) a complete cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note); and

(2) a study of the mechanisms by which the execution fee for a PASS Card could be reduced, considering the potential increase in the number of applications.

SEC. 506. MODEL PORTS-OF-ENTRY.

(a) In General.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports with the greatest average annual number of arriving foreign visitors.

(b) Program Elements.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) Additional Customs and Border Protection Officers for High Volume Ports.—Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest average number of foreign visitors arriving annually.

TITLE VI—PRIVACY AND CIVIL LIBERTIES MATTERS

SEC. 601. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) Modification of Authorities.—Section 1061 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 5 U.S.C. 601 note) is amended to read as follows:

“SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

“(a) In General.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the ‘Board’).

“(b) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

“(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

“(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

“(c) Purpose.—The Board shall—

“(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

“(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

“(d) Functions.—

“(1) Advice and counsel on policy development and implementation.—The Board shall—

“(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

“(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

“(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

“(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

“(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

“(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

“(iii) that there are adequate guidelines and oversight to properly confine its use.

“(2) Oversight.—The Board shall continually review—

“(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

“(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

“(C) other actions by the executive branch related to efforts to protect the Nation from terrorism to determine whether such actions—

“(i) appropriately protect privacy and civil liberties; and

“(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

“(3) Relationship with privacy and civil liberties officers.—The Board shall—

“(A) review and assess reports and other information from privacy officers and civil liberties officers under section 1062;

“(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

“(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

“(4) Testimony.—The members of the Board shall appear and testify before Congress upon request.

“(e) Reports.—

“(1) In general.—The Board shall—

“(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

“(B) periodically submit, not less than semiannually, reports—

“(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(II) to the President; and

“(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

“(2) Contents.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

“(A) a description of the major activities of the Board during the preceding period;

“(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

“(D) each proposal reviewed by the Board under subsection (d)(1) that—

“(i) the Board advised against implementation; and

“(ii) notwithstanding such advice, actions were taken to implement; and

“(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

“(f) Informing the Public.—The Board shall—

“(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(g) Access to Information.—

“(1) Authorization.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

“(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

“(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

“(C) request information or assistance from any State, tribal, or local government; and

“(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

“(2) Review of subpoena request.—

"(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

"(i) issue the subpoena as requested; or

"(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

"(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

"(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

"(h) MEMBERSHIP.—

"(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

"(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

"(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

"(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

"(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members first appointed under this subsection after the date of enactment of the Improving America's Security Act of 2007 shall serve terms of two, three, four, five, and six years, respectively, with the term of each such member to be designated by the President.

"(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—

"(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

"(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(j) STAFF.—

"(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

"(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

"(k) SECURITY CLEARANCES.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

"(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

"(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

"(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:

"(1) For fiscal year 2008, $5,000,000.

"(2) For fiscal year 2009, $6,650,000.

"(3) For fiscal year 2010, $8,300,000.

"(4) For fiscal year 2011, $10,000,000.

"(5) For fiscal year 2012, and each fiscal year thereafter, such sums as may be necessary.".

(b) CONTINUATION OF SERVICE OF CURRENT MEMBERS OF PRIVACY AND CIVIL LIBERTIES BOARD.—The members of the Privacy and Civil Liberties Oversight Board as of the date of enactment of this Act may continue to serve as members of that Board after that date, and to carry out the functions and exercise the powers of that Board as specified in section 1061 of the National Security Intelligence Reform Act of 2004 (as amended by subsection (a)), until—

(1) in the case of any individual serving as a member of the Board under an appointment by the President, by and with the advice and consent of the Senate, the expiration of a term designated by the President under section 1061(h)(4)(C) of such Act (as so amended);

(2) in the case of any individual serving as a member of the Board other than under an appointment by the President, by and with the advice and consent of the Senate, the confirmation or rejection by the Senate of that member's nomination to the Board under such section 1061 (as so amended), except that no such individual may serve as a member under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination of that individual to be a member of the Board has been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted; or

(3) the appointment of members of the Board under such section 1061 (as so amended), except that no member may serve under this paragraph—

(A) for more than 60 days when Congress is in session unless a nomination to fill the position on the Board shall have been submitted to the Senate; or

(B) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

SEC. 602. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) EXCEPTION TO DESIGNATION AUTHORITY.—

"(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decision makers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) PERIODIC REPORTS.—

"(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.".

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

"Sec. 1062. Privacy and civil liberties officers.".

SEC. 603. DEPARTMENT PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting "(a) APPOINTMENT AND RESPONSIBILITIES.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) AUTHORITY TO INVESTIGATE.—

"(1) IN GENERAL.—The senior official appointed under subsection (a) may—

"(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;

"(B) make such investigations and reports relating to the administration of the programs and operations of the Department that are necessary or desirable as determined by that senior official;

"(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

"(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

"(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

"(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

"(c) SUPERVISION AND COORDINATION.—

"(1) IN GENERAL.—The senior official appointed under subsection (a) shall—

"(A) report to, and be under the general supervision of, the Secretary; and

"(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

"(2) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

"(A) promptly submit a written notification of the removal or transfer to Houses of Congress; and

"(B) include in any such notification the reasons for the removal or transfer.

"(d) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—

"(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

"(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

"(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

"(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.".

SEC. 604. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the "Federal Agency Data Mining Reporting Act of 2007".

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term "data mining" means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) IN GENERAL.—Subsection (d) of this section shall have no force or effect.

(2) REPORTS.—

(A) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(B) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(i) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(ii) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(iii) A thorough description of the data sources that are being or will be used.

(iv) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(v) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(vi) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(vii) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(I) protect the privacy and due process rights of individuals, such as redress procedures; and

(II) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(C) ANNEX.—

(i) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(I) classified information;

(II) law enforcement sensitive information;

(III) proprietary business information; or

(IV) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(ii) AVAILABILITY.—Any annex described in clause (i)—

(I) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(II) shall not be made available to the public.

(D) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(i) submitted not later than 180 days after the date of enactment of this Act; and

(ii) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

(d) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be made available to the public, except for a classified annex described paragraph (2)(H).

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description, without revealing existing patents, proprietary business processes, trade secrets, and intelligence sources and methods, of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data mining in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(H) Any necessary classified information in an annex that shall be available, as appropriate, to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under paragraph (1).

TITLE VII—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 701. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

"SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

"(a) DEFINITIONS.—In this section—

"(1) the term 'biological event of national significance' means—

"(A) an act of terrorism that uses a biological agent, toxin, or other product derived from a biological agent; or

"(B) a naturally-occurring outbreak of an infectious disease that may result in a national epidemic;

"(2) the term 'Member Agencies' means the departments and agencies described in subsection (d)(1);

"(3) the term 'NBIC' means the National Biosurveillance Integration Center established under subsection (b);

"(4) the term 'NBIS' means the National Biosurveillance Integration System established under subsection (b); and

"(5) the term 'Privacy Officer' means the Privacy Officer appointed under section 222.

"(b) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center, headed by a Directing Officer, under an existing office or directorate of the Department, subject to the availability of appropriations, to oversee development and operation of the National Biosurveillance Integration System.

"(c) PRIMARY MISSION.—The primary mission of the NBIC is to enhance the capability of the Federal Government to—

"(1) rapidly identify, characterize, localize, and track a biological event of national significance by integrating and analyzing data from human health, animal, plant, food, and environmental monitoring systems (both national and international); and

"(2) disseminate alerts and other information regarding such data analysis to Member

Agencies and, in consultation with relevant member agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national significance.

"(d) REQUIREMENTS.—The NBIC shall design the NBIS to detect, as early as possible, a biological event of national significance that presents a risk to the United States or the infrastructure or key assets of the United States, including—

"(1) if a Federal department or agency, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC, consolidating data from all relevant surveillance systems maintained by that department or agency to detect biological events of national significance across human, animal, and plant species;

"(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

"(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national significance in as close to real-time as is practicable;

"(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

"(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

"(6) alerting relevant Member Agencies and, in consultation with relevant Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national significance.

"(e) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall—

"(A) ensure that the NBIC is fully operational not later than September 30, 2008;

"(B) not later than 180 days after the date of enactment of this section and on the date that the NBIC is fully operational, submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the progress of making the NBIC operational addressing the efforts of the NBIC to integrate surveillance efforts of Federal, State, local, and tribal governments.

"(f) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

"(1) IN GENERAL.—The Directing Officer of the NBIC shall—

"(A) establish an entity to perform all operations and assessments related to the NBIS;

"(B) on an ongoing basis, monitor the availability and appropriateness of contributing surveillance systems and solicit new surveillance systems that would enhance biological situational awareness or overall performance of the NBIS;

"(C) on an ongoing basis, review and seek to improve the statistical and other analytical methods utilized by the NBIS;

"(D) receive and consider other relevant homeland security information, as appropriate; and

"(E) provide technical assistance, as appropriate, to all Federal, regional, State, local, and tribal government entities and private sector entities that contribute data relevant to the operation of the NBIS.

"(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—

"(A) on an ongoing basis, evaluate available data for evidence of a biological event of national significance; and

"(B) integrate homeland security information with NBIS data to provide overall situational awareness and determine whether a biological event of national significance has occurred.

"(3) INFORMATION SHARING.—

"(A) IN GENERAL.—The Directing Officer of the NBIC shall—

"(i) establish a method of real-time communication with the National Operations Center, to be known as the Biological Common Operating Picture;

"(ii) in the event that a biological event of national significance is detected, notify the Secretary and disseminate results of NBIS assessments related to that biological event of national significance to appropriate Federal response entities and, in consultation with relevant member agencies, regional, State, local, and tribal governmental response entities in a timely manner;

"(iii) provide any report on NBIS assessments to Member Agencies and, in consultation with relevant member agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national significance; and

"(iv) share NBIS incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(B) COORDINATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) in coordination with the program manager for the information sharing environment of the Office of the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.

"(g) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—

"(1) IN GENERAL.—Each Member Agency shall—

"(A) use its best efforts to integrate biosurveillance information into the NBIS, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national significance;

"(B) participate in the formation and maintenance of the Biological Common Operating Picture to facilitate timely and accurate detection and reporting;

"(C) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually-agreed protocols that maintain patient confidentiality and privacy;

"(D) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing; and

"(E) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC.

"(h) ADMINISTRATIVE AUTHORITIES.—

"(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIS.

"(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.

"(i) JOINT BIOSURVEILLANCE LEADERSHIP COUNCIL.—The Directing Officer of the NBIC shall—

"(1) establish an interagency coordination council to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite Member Agencies to serve on such council.

"(j) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. National Biosurveillance Integration Center.".

SEC. 702. BIOSURVEILLANCE EFFORTS.

The Comptroller General of the United States shall submit a report to Congress describing—

(1) the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;

(2) any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and

(3) the integration of biosurveillance systems to allow the maximizing of biosurveillance resources and the expertise of Federal, State, local, and tribal governments to benefit public health.

SEC. 703. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by adding after section 1906, as redesignated by section 203 of this Act, the following:

"SEC. 1907. JOINT ANNUAL REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

"(A) each relevant agency, office, or entity—

"(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture;

"(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) that are related to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats related to nuclear or radiological weapons of mass destruction; and

"(B) each agency, office, or entity deploying or operating any technology acquired by the Office—

"(i) evaluates the deployment and operation of that technology by that agency, office, or entity;

"(ii) identifies detection performance deficiencies and operational or technical deficiencies in that technology; and

"(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

"(2) Technology.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of technology by the Office.

"(b) Annual Report.—

"(1) In general.—Not later than March 31 of each year, the Secretary, in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall submit a report regarding the compliance of such officials with this section and the results of the reviews required under subsection (a) to—

"(A) the President;

"(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(C) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

"(2) Form.—Each report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

"(c) Definition.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 203 of this Act, the following:

"Sec. 1907. Joint annual review of global nuclear detection architecture.".

TITLE VIII—PRIVATE SECTOR PREPAREDNESS

SEC. 801. DEFINITIONS.

(a) In General.—In this title, the term "voluntary national preparedness standards" has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) Homeland Security Act of 2002.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

"(17) The term 'voluntary national preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).".

SEC. 802. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.

(a) In General.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) providing information to the private sector regarding voluntary national preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary national preparedness standards;".

(b) Private Sector Advisory Councils.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by adding "and" at the end; and

(3) by adding at the end the following:

"(C) advise the Secretary on private sector preparedness issues, including effective methods for—

"(i) promoting voluntary national preparedness standards to the private sector;

"(ii) assisting the private sector in adopting voluntary national preparedness standards; and

"(iii) developing and implementing the accreditation and certification program under section 522;".

SEC. 803. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

(a) In General.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 522. VOLUNTARY NATIONAL PREPAREDNESS STANDARDS COMPLIANCE; ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.

"(a) Accreditation and Certification Program.—Not later than 120 days after the date of enactment of this section, the Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers, shall—

"(1) support the development, promulgating, and updating, as necessary, of voluntary national preparedness standards; and

"(2) develop, implement, and promote a program to certify the preparedness of private sector entities.

"(b) Program Elements.—

"(1) In general.—

"(A) Program.—The program developed and implemented under this section shall assess whether a private sector entity complies with voluntary national preparedness standards.

"(B) Guidelines.—In developing the program under this section, the Secretary shall develop guidelines for the accreditation and certification processes established under this section.

"(2) Standards.—The Secretary, in consultation with representatives of organizations that coordinate or facilitate the development of and use of voluntary consensus standards representatives of appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers—

"(A) shall adopt appropriate voluntary national preparedness standards that promote preparedness, which shall be used in the accreditation and certification program under this section; and

"(B) after the adoption of standards under subparagraph (A), may adopt additional voluntary national preparedness standards or modify or discontinue the use of voluntary national preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

"(3) Tiering.—The certification program developed under this section may use a multiple-tiered system to rate the preparedness of a private sector entity.

"(4) Small business concerns.—The Secretary and any selected entity shall establish separate classifications and methods of certification for small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this section.

"(5) Considerations.—In developing and implementing the program under this section, the Secretary shall—

"(A) consider the unique nature of various sectors within the private sector, including preparedness, business continuity standards, or best practices, established—

"(i) under any other provision of Federal law; or

"(ii) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

"(B) coordinate the program, as appropriate, with—

"(i) other Department private sector related programs; and

"(ii) preparedness and business continuity programs in other Federal agencies.

"(c) Accreditation and Certification Processes.—

"(1) Agreement.—

"(A) In general.—Not later than 120 days after the date of enactment of this section, the Secretary shall enter into 1 or more agreements with the American National Standards Institute or other similarly qualified nongovernmental or other private sector entities to carry out accreditations and oversee the certification process under this section.

"(B) Contents.—Any selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this section and accredit qualified third parties to carry out the certification program established under this section.

"(2) Procedures and requirements for accreditation and certification.—

"(A) In general.—The selected entities shall collaborate to develop procedures and requirements for the accreditation and certification processes under this section, in accordance with the program established under this section and guidelines developed under subsection (b)(1)(B).

"(B) Contents and use.—The procedures and requirements developed under subparagraph (A) shall—

"(i) ensure reasonable uniformity in the accreditation and certification processes if there is more than 1 selected entity; and

"(ii) be used by any selected entity in conducting accreditations and overseeing the certification process under this section.

"(C) Disagreement.—Any disagreement among selected entities in developing procedures under subparagraph (A) shall be resolved by the Secretary.

"(3) Designation.—A selected entity may accredit any qualified third party to carry out the certification process under this section.

"(4) Third parties.—To be accredited under paragraph (3), a third party shall—

"(A) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under paragraph (2);

"(B) agree to perform certifications in accordance with such procedures and requirements;

"(C) agree not to have any beneficial interest in or any direct or indirect control over—

"(i) a private sector entity for which that third party conducts a certification under this section; or

"(ii) any organization that provides preparedness consulting services to private sector entities;

"(D) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this section;

"(E) maintain liability insurance coverage at policy limits in accordance with the requirements developed under paragraph (2); and

"(F) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this section.

"(5) Monitoring.—

"(A) In general.—The Secretary and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this section to ensure that third party is complying with the procedures and requirements established under paragraph (2) and all other applicable requirements.

"(B) Revocation.—If the Secretary or any selected entity determines that a third party is not meeting the procedures or requirements established under paragraph (2), the appropriate selected entity shall—

"(i) revoke the accreditation of that third party to conduct certifications under this section; and

"(ii) review any certification conducted by that third party, as necessary and appropriate.

"(d) Annual Review.—

"(1) In general.—The Secretary, in consultation with representatives of the organizations that coordinate or facilitate the development of and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this section to ensure the effectiveness of such program and make improvements and adjustments to the program as necessary and appropriate.

"(2) Review of standards.—Each review under paragraph (1) shall include an assessment of the voluntary national preparedness standards used in the program under this section.

"(e) Compliance by Entities Seeking Certification.—Any entity seeking certification under this section shall comply with all applicable statutes, regulations, directives, policies, and industry codes of practice in meeting certification requirements.

"(f) Voluntary Participation.—Certification under this section shall be voluntary for any private sector entity.

"(g) Public Listing.—The Secretary shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this section, if that private sector entity consents to such listing.

"(h) Definition.—In this section, the term 'selected entity' means any entity entering an agreement with the Secretary under subsection (c)(1)(A).".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 521 the following:

"Sec. 522. Voluntary national preparedness standards compliance; accreditation and certification program for the private sector.".

SEC. 804. SENSE OF CONGRESS REGARDING PROMOTING AN INTERNATIONAL STANDARD FOR PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the Secretary or any entity designated under section 522(c)(1)(A) of the Homeland Security Act of 2002, as added by this Act, should promote, where appropriate, efforts to develop a consistent international standard for private sector preparedness.

SEC. 805. DEMONSTRATION PROJECT.

Not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into 1 or more agreements with a private sector entity to conduct such demonstrations of security management systems.

SEC. 806. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) any action taken to implement this title or an amendment made by this title; and

(2) the status, as of the date of that report, of the implementation of this title and the amendments made by this title.

SEC. 807. RULE OF CONSTRUCTION.

Nothing in this title may be construed to supercede any preparedness or business continuity standards, requirements, or best practices established—

(1) under any other provision of Federal law; or

(2) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7.

TITLE IX—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 901. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) In General.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

"(B) transportation modal and intermodal security plans addressing risks, threats, and vulnerabilities for aviation, bridge, tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.".

(b) Contents of the National Strategy for Transportation Security.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting ", based on risk assessments conducted by the Secretary of Homeland Security (including assessments conducted under section 1421 or 1503 of the Improving America's Security Act of 2007 or any provision of law amended by such title)," after "risk based priorities";

(2) in subparagraph (D)—

(A) by striking "and local" and inserting ", local, and tribal"; and

(B) by striking "private sector cooperation and participation" and inserting "cooperation and participation by private sector entities";

(3) in subparagraph (E)—

(A) by striking "response" and inserting "prevention, response,"; and

(B) by inserting "and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems" before the period at the end;

(4) in subparagraph (F), by adding at the end the following: "Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security before the date of enactment of the Improving America's Security Act of 2007."; and

(5) by adding at the end the following:

"(G) Short- and long-term budget recommendations for Federal transportation security programs, which reflect the priorities of the National Strategy for Transportation Security.

"(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation hubs.

"(I) Transportation security modal and intermodal plans, including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or another catastrophe. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942).".

(c) Periodic Progress Reports.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i), by inserting ", including the transportation modal security plans" before the period at the end; and

(B) by striking clause (ii) and inserting the following:

"(ii) Content.—Each progress report submitted under this subparagraph shall include the following:

"(I) Recommendations for improving and implementing the National Strategy for

Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

"(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Secretary of Homeland Security in the most recently concluded fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

"(III) An accounting of all—

"(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recently concluded fiscal year for transportation security, by mode; and

"(bb) personnel working on transportation security by mode, including the number of contractors.

"(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any activity inconsistent with, or not clearly delineated in, the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved."; and

(2) in subparagraph (E), by striking "Select".

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking "and" at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

"(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and".

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

"(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

"(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders (including non-profit employee labor organizations), institutions of higher learning, and other appropriate entities.".

SEC. 902. TRANSPORTATION SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

"(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

"(2) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

"(3) CONTENT OF PLAN.—The Plan shall include—

"(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center established under section 1506 of the Improving America's Security Act of 2007;

"(B) the establishment of a point of contact, which may be a single point of contact, for each mode of transportation within the Department of Homeland Security for its sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

"(C) a reasonable deadline by which the Plan will be implemented; and

"(D) a description of resource needs for fulfilling the Plan.

"(4) COORDINATION WITH THE INFORMATION SHARING ENVIRONMENT.—The Plan shall be—

"(A) implemented in coordination with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

"(B) consistent with the establishment of that environment, and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of that environment.

"(5) REPORTS TO CONGRESS.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the Plan.

"(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees an annual report on updates to and the implementation of the Plan.

"(6) SURVEY.—

"(A) IN GENERAL.—The Secretary shall conduct a biennial survey of the satisfaction of the recipients of transportation intelligence reports disseminated under the Plan, and include the results of the survey as part of the annual report to be submitted under paragraph (5)(B).

"(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated from the Department of Homeland Security to public and private stakeholders.

"(7) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for public and private stakeholders to receive and obtain access to classified information distributed under this section as appropriate.

"(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide public and private stakeholders with specific and actionable information in an unclassified format.

"(9) DEFINITIONS.—In this subsection:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t), but shall also include the Senate Committee on Banking, Housing, and Urban Development.

"(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (1).

"(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities.

"(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, bridge and tunnel, mass transit, passenger and freight rail, ferry, highway, maritime, pipeline, and over-the-road bus transportation.".

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies the job titles and descriptions of the persons with whom such information is to be shared under the transportation security information sharing plan established under section 114(u) of title 49, United States Code, as added by this Act, and explains the reason for sharing the information with such persons;

(B) describes the measures the Secretary has taken, under section 114(u)(7) of that title, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the plan; and

(C) explains the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

SEC. 903. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) TSA EMPLOYEE DEFINED.—In this section, the term "TSA employee" means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department the duties and responsibilities of which include carrying out 1 or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(b) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified under such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in paragraph (1) or (2) of subsection (e).

(c) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(2).—Section 9701(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) provide for the uniform treatment of all TSA employees (as that term is defined in section 903 of the Improving America's Security Act of 2007).".

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect on the later of 90 days after the date of enactment of this Act and the commencement date of the system involved.

(d) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees under section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

SEC. 904. APPEAL RIGHTS AND EMPLOYEE ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS FOR SCREENERS.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) notwithstanding"; and

(B) by adding at the end the following:

"(2) RIGHT TO APPEAL ADVERSE ACTION.—The provisions of chapters 75 and 77 of title 5, United States Code, shall apply to an individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code.

"(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—The Under Secretary of Transportation shall provide a collaborative, integrated, employee engagement mechanism, subject to chapter 71 of title 5, United States Code, at every airport to address workplace issues, except that collective bargaining over working conditions shall not extend to pay. Employees shall not have the right to engage in a strike and the Under Secretary may take whatever actions may be necessary to carry out the agency mission during emergencies, newly imminent threats, or intelligence indicating a newly imminent emergency risk. No properly classified information shall be divulged in any non-authorized forum.".

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of the Aviation and Transportation Security Act, as amended by paragraph (1)(A), is amended—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Administrator of the Transportation Security Administration"; and

(B) by striking "Under Secretary" each place such appears and inserting "Administrator".

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting ", or section 111(d) of the Aviation and Transportation Security Act," after "this Act".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

(A) the pay system that applies with respect to TSA employees as of the date of enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Comptroller General determines appropriate.

(d) This section shall take effect one day after the date of enactment.

SEC. 905. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

Section 232(c) of the Security and Accountability For Every Port Act (6 U.S.C. 982(c)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later";

(2) by resetting the left margin of the text thereof 2 ems from the left margin; and

(3) by inserting at the end thereof the following:

"(2) PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.—

"(A) IN GENERAL.—The first report under paragraph (1) shall include an initial plan to scan 100 percent of the cargo containers destined for the United States before such containers arrive in the United States.

"(B) PLAN CONTENTS.—The plan under subparagraph (A) shall include—

"(i) specific annual benchmarks for the percentage of cargo containers destined for the United States that are scanned at a foreign port;

"(ii) annual increases in the benchmarks described in clause (i) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States, unless the Secretary explains in writing to the appropriate congressional committees that inadequate progress has been made in meeting the criteria in section 232(b) for expanded scanning to be practical or feasible;

"(iii) an analysis of how to effectively incorporate existing programs, including the Container Security Initiative established by section 205 and the Customs-Trade Partnership Against Terrorism established by subtitle B, to reach the benchmarks described in clause (i); and

"(iv) an analysis of the scanning equipment, personnel, and technology necessary to reach the goal of 100 percent scanning of cargo containers.

"(C) SUBSEQUENT REPORTS.—Each report under paragraph (1) after the initial report shall include an assessment of the progress toward implementing the plan under subparagraph (A).".

TITLE X—INCIDENT COMMAND SYSTEM

SEC. 1001. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.

Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) by redesignating subparagraph (I) as subparagraph (K); and

(3) by inserting after subparagraph (H) the following:

"(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, or other man-made disasters;

"(J) assisting State, local, or tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multi-jurisdictional incident command system can be quickly established and operated from, if the need for such a system arises; and".

SEC. 1002. CREDENTIALING AND TYPING TO STRENGTHEN INCIDENT COMMAND.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by striking section 510 and inserting the following:

"SEC. 510. CREDENTIALING AND TYPING.

"(a) CREDENTIALING.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel, including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

"(B) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created under this subsection and assigning such individual a qualification under the standards developed under this subsection; and

"(C) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this subsection.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, to collaborate on establishing nationwide standards for credentialing all personnel who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State, local, and tribal government;

"(ii) be compatible with the National Incident Management System; and

"(iii) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d–7b).

"(C) TIMEFRAME.—The Administrator shall develop standards under subparagraph (A) not later than 6 months after the date of enactment of the Improving America's Security Act of 2007.

"(3) CREDENTIALING OF DEPARTMENT PERSONNEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel and individuals in the Surge Capacity Force established under section 624 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 711)) who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed.

"(B) STRATEGIC HUMAN CAPITAL PLAN.—Not later than 90 days after completion of the credentialing under subparagraph (A), the Administrator shall evaluate whether the workforce of the Agency complies with the strategic human capital plan of the Agency developed under section 10102 of title 5, United States Code, and is sufficient to respond to a catastrophic incident.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) CREDENTIALING OF AGENCIES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all employees or volunteers of that agency who are likely to respond to a natural disaster, act of terrorism, or other man-made disaster are credentialed; and

"(ii) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the credentialing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) ACCESSIBILITY.—The documentation and database system established under subparagraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(C) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a natural disaster, act of terrorism, or other man-made disaster.

"(6) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall—

"(A) in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the credentialing of State, local, and tribal emergency response providers commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) in coordination with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers (and the organizations that represent such providers), and appropriate national professional organizations, assist State, local, and tribal governments with credentialing the personnel of the State, local, or tribal government under the guidance provided under subparagraph (A).

"(7) REPORT.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and level of qualification of Federal personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(b) TYPING OF RESOURCES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'typed' means an asset or resource that has been evaluated for a specific function under the guidelines created under this section; and

"(B) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and organizations that represent such providers, to collaborate on establishing nationwide standards for typing of resources commonly or likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster.

"(B) CONTENTS.—The standards developed under subparagraph (A) shall—

"(i) be applicable to Federal, State, local, and tribal government; and

"(ii) be compatible with the National Incident Management System.

"(3) TYPING OF DEPARTMENT RESOURCES AND ASSETS.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall ensure that all resources and assets of the Department that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed.

"(4) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(A) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall provide the standards developed under paragraph (2) to all Federal agencies that have responsibilities under the National Response Plan.

"(B) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 6 months after the date on which the standards are provided under subparagraph (A), each agency described in subparagraph (A) shall—

"(i) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster are typed; and

"(ii) submit to the Secretary a list of all types resources and assets.

"(C) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in subparagraph (A) to facilitate the typing process of that agency.

"(5) DOCUMENTATION AND DATABASE SYSTEM.—

"(A) In general.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets commonly or likely to be used to respond to a natural disaster, act of terrorism, or other man-made disaster.

"(B) Accessibility.—The documentation and database system established under subparagraph (A) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to a natural disaster, act of terrorism, or other man-made disaster.

"(6) Guidance to State and local governments.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, the Administrator, in collaboration with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, emergency response providers, and the organizations that represent such providers, shall—

"(A) provide detailed written guidance, assistance, and expertise to State, local, and tribal governments to facilitate the typing of the resources and assets of State, local, and tribal governments likely to be used in responding to a natural disaster, act of terrorism, or other man-made disaster; and

"(B) assist State, local, and tribal governments with typing resources and assets of State, local, or tribal governments under the guidance provided under subparagraph (A).

"(7) Report.—Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this subsection, including the number and type of Federal resources and assets ready to respond to a natural disaster, act of terrorism, or other manmade disaster.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as necessary to carry out this section."; and

(2) by adding after section 522, as added by section 803 of this Act, the following:

"SEC. 523. PROVIDING SECURE ACCESS TO CRITICAL INFRASTRUCTURE.

"Not later than 6 months after the date of enactment of the Improving America's Security Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall create model standards or guidelines that States may adopt in conjunction with critical infrastructure owners and operators and their employees to permit access to restricted areas in the event of a natural disaster, act of terrorism, or other manmade disaster.".

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 522, as added by section 803 of this Act, the following:

"Sec. 523. Providing secure access to critical infrastructure.".

TITLE XI—CRITICAL INFRASTRUCTURE PROTECTION

SEC. 1101. CRITICAL INFRASTRUCTURE PROTECTION.

(a) Critical Infrastructure List.—Not later than 90 days after the date of enactment of this Act, and in coordination with other initiatives of the Secretary relating to critical infrastructure or key resource protection and partnerships between the government and private sector, the Secretary shall establish a risk-based prioritized list of critical infrastructure and key resources that—

(1) includes assets or systems that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts, including—

(A) significant loss of life;

(B) severe economic harm;

(C) mass evacuations; or

(D) loss of a city, region, or sector of the economy as a result of contamination, destruction, or disruption of vital public services; and

(2) reflects a cross-sector analysis of critical infrastructure to determine priorities for prevention, protection, recovery, and restoration.

(b) Sector Lists.—The Secretary shall include levees in the Department's list of critical infrastructure sectors.

(c) Maintenance.—Each list created under this section shall be reviewed and updated on an ongoing basis, but at least annually.

(d) Annual Report.—

(1) Generally.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report summarizing—

(A) the criteria used to develop each list created under this section;

(B) the methodology used to solicit and verify submissions for each list;

(C) the name, location, and sector classification of assets in each list created under this section;

(D) a description of any additional lists or databases the Department has developed to prioritize critical infrastructure on the basis of risk; and

(E) how each list developed under this section will be used by the Secretary in program activities, including grant making.

(2) Classified information.—

(A) In general.—The Secretary shall submit with each report under this subsection a classified annex containing information required to be submitted under this subsection that cannot be made public.

(B) Retention of classification.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

SEC. 1102. RISK ASSESSMENT AND REPORT.

(a) Risk Assessment.—

(1) In general.—The Secretary, pursuant to the responsibilities under section 202 of the Homeland Security Act (6 U.S.C. 122), for each fiscal year beginning with fiscal year 2007, shall prepare a risk assessment of the critical infrastructure and key resources of the Nation which shall—

(A) be organized by sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive-7, as in effect on January 1, 2006; and

(B) contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment.

(2) Reliance on other assessments.—In preparing the assessments and reports under this section, the Department may rely on a vulnerability assessment or risk assessment prepared by another Federal agency that the Department determines is prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection and partnerships between the government and private sector.

(b) Report.—

(1) In general.—Not later than 6 months after the last day of fiscal year 2007 and for each year thereafter, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and to each Committee of the Senate and the House of Representatives having jurisdiction over the critical infrastructure or key resource addressed by the report, containing a summary and review of the risk assessments prepared by the Secretary under this section for that fiscal year, which shall be organized by sector and which shall include recommendations of the Secretary for mitigating risks identified by the assessments.

"(2) Classified information.—

"(A) In general.—The report under this subsection may contain a classified annex.

"(B) Retention of classification.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.".

SEC. 1103. USE OF EXISTING CAPABILITIES.

Where appropriate, the Secretary shall use the National Infrastructure Simulation and Analysis Center to carry out the actions required under this title.

SEC. 1104. PRIORITIES AND ALLOCATIONS.

Not later than 6 months after the last day of fiscal year 2007, and for each year thereafter, the Secretary, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry—

(1) to reduce interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(2) to minimize the impact of such catastrophes, as so described in section 1001(a)(1).

TITLE XII—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

SEC. 1201. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) Amounts Requested Each Fiscal Year.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) Amounts Authorized and Appropriated Each Fiscal Year.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

(d) DEFINITIONS.—In this section—

(1) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term "National Intelligence Program" has the meaning given that term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

SEC. 1202. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS.

(a) RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

"(d) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

"(1) to receive permission to testify before Congress; or

"(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.".

(b) DISCLOSURES OF CERTAIN INFORMATION TO CONGRESS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by subsection (a), is amended by adding at the end the following new section:

"DISCLOSURES TO CONGRESS

"SEC. 509. (a) AUTHORITY TO DISCLOSE CERTAIN INFORMATION.—An employee of a covered agency or an employee of a contractor carrying out activities pursuant to a contract with a covered agency may disclose covered information to an authorized individual without first reporting such information to the appropriate Inspector General.

"(b) AUTHORIZED INDIVIDUAL.—(1) In this section, the term 'authorized individual' means—

"(A) a Member of the Senate or the House of Representatives who is authorized to receive information of the type disclosed; or

"(B) an employee of the Senate or the House of Representatives who—

"(i) has an appropriate security clearance; and

"(ii) is authorized to receive information of the type disclosed.

"(2) An authorized individual described in paragraph (1) to whom covered information is disclosed under the authority in subsection (a) shall be presumed to have a need to know such covered information.

"(c) COVERED AGENCY AND COVERED INFORMATION DEFINED.—In this section:

"(1) The term 'covered agency' means—

"(A) any department, agency, or element of the intelligence community;

"(B) a national intelligence center; and

"(C) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

"(2) The term 'covered information'—

"(A) means information, including classified information, that an employee referred to in subsection (a) reasonably believes provides direct and specific evidence of a false or inaccurate statement—

"(i) made to Congress; or

"(ii) contained in any intelligence assessment, report, or estimate; and

"(B) does not include information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

"(d) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

"(1) any reporting requirement relating to intelligence activities that arises under this Act or any other provision of law; or

"(2) the right of any employee of the United States to disclose information to Congress, in accordance with applicable law, information other than covered information.".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new items:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.

"Sec. 509. Disclosures to Congress.".

SEC. 1203. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking "If requested" and inserting the following:

"(1) IN GENERAL.—If requested"; and

(B) by adding at the end the following:

"(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

"(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations."; and

(2) in section 710(b), by striking "8 years after the date of the enactment of this Act" and inserting "on December 31, 2012".

SEC. 1204. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those

relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

SEC. 1205. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289; 120 Stat. 1311), as amended by Public Law 109–369 (120 Stat. 2642), Public Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

"(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.".

SEC. 1206. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

TITLE XIII—INTERNATIONAL COOPERATION ON ANTITER-RORISM TECHNOLOGIES

SEC. 1301. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—

(1) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 316, as added by section 701 of this Act, the following:

"SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).

"(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) DIRECTOR.—The Office shall be headed by a Director, who—

"(A) shall be selected (in consultation with the Assistant Secretary for International Affairs, Policy Directorate) by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) RESPONSIBILITIES.—

"(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activity in support of homeland security research.

"(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department (including the Office of the Assistant Secretary for International Affairs, Policy Directorate), the Department of State, the Department of Defense, the Department of Energy, and other Federal agencies, strategic priorities for international cooperative activity.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

"(c) MATCHING FUNDING.—

"(1) IN GENERAL.—

"(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or through the provision of staff, facilities, material, or equipment.

"(B) GRANT MATCHING AND REPAYMENT.—

"(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—

"(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

"(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

"(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

"(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as determined by the Secretary of State.

"(d) FUNDING.—Funding for all activities under this section shall be paid from discretionary funds appropriated to the Department.

"(e) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet the share of that foreign partner of the project may be credited to appropriate appropriations accounts of the Directorate of Science and Technology.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after the item relating to section 316, as added by section 701 of this Act, the following:

"Sec. 317. Promoting antiterrorism through international cooperation program.".

SEC. 1302. TRANSPARENCY OF FUNDS.

For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

TITLE XIV—TRANSPORTATION AND INTEROPERABLE COMMUNICATION CAPABILITIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Transportation Security and Interoperable Communication Capabilities Act".

Subtitle A—Surface Transportation and Rail Security

SEC. 1411. DEFINITION.

In this title, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, anhydrous ammonia, and other hazardous materials that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

PART I—IMPROVED RAIL SECURITY

SEC. 1421. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) RISK ASSESSMENT.—The Secretary shall establish a task force, including the Transportation Security Administration and other agencies within the Department, the Department of Transportation, and other appropriate Federal agencies, to complete a risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities described in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of risks to those assets and infrastructures;

(D) identification of risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of risks to passenger and cargo security, transportation infrastructure (including rail tunnels used by passenger and freight railroads in high threat urban areas), protection systems, operations, communications systems, employee training, emergency response planning, and any other area identified by the assessment;

(F) an assessment of public and private operational recovery plans to expedite, to the maximum extent practicable, the return of an adversely affected freight or passenger rail transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and

(G) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service or on operations served or otherwise affected by rail service;

(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, preparedness, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads regarding security;

(E) deploying surveillance equipment;

(F) identifying the immediate and long-term costs of measures that may be required to address those risks; and

(G) public and private sector sources to fund such measures.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal Government to provide adequate security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in coordination with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, offerers of hazardous materials, public safety officials, and other relevant parties. In developing the risk assessment required under this section, the Secretary shall utilize relevant existing risk assessments developed by the Department or other Federal agencies, and, as appropriate, assessments developed by other public and private stakeholders.

(c) REPORT.—

(1) CONTENTS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report containing—

(A) the assessment, prioritized recommendations, and plans required by subsection (a); and

(B) an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1437 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.

SEC. 1422. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—

(1) Grants.—Subject to subsection (c) the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) General purposes.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high risk and high consequence assets identified through systemwide risk assessments;

(C) providing counter-terrorism training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) Specific projects.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watch list identification system approved by the Secretary;

(E) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(F) to hire additional police officers, special agents, security officers, including canine units, and to pay for other labor costs directly associated with security and terrorism prevention activities;

(G) to expand emergency preparedness efforts; and

(H) for employee security training.

(b) Conditions.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary. Amtrak shall develop the security plan in consultation with constituent States and other relevant parties. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training and shall be consistent with State security plans to the maximum extent practicable.

(c) Equitable Geographic Allocation.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1421, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Availability of Funds.—

(1) In general.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1437 of this title, there shall be made available to the Secretary and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(A) $63,500,000 for fiscal year 2008;

(B) $30,000,000 for fiscal year 2009; and

(C) $30,000,000 for fiscal year 2010.

(2) Availability of appropriated funds.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1423. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-Safety Needs.—The Secretary of Transportation, in consultation with the Secretary, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, New Jersey, Maryland, and Washington, DC.

(b) Authorization of Appropriations.—Out of funds appropriated pursuant to section 1437(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009;

(C) $100,000,000 for fiscal year 2010; and

(D) $100,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2008;

(B) $10,000,000 for fiscal year 2009;

(C) $10,000,000 for fiscal year 2010; and

(D) $10,000,000 for fiscal year 2011.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2008;

(B) $8,000,000 for fiscal year 2009;

(C) $8,000,000 for fiscal year 2010; and

(D) $8,000,000 for fiscal year 2011.

(c) Infrastructure Upgrades.—Out of funds appropriated pursuant to section 1437(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts made available pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) Review of Plans.—

(1) In general.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak.

(2) Incomplete or deficient plan.—If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review.

(3) Approval of plan.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall—

(A) identify in writing to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those other portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 1424. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Secretary, in consultation with Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies or officials, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials offerers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and to Amtrak for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security risks identified under section 1421, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 1421, including infrastructure, facilities, and equipment upgrades.

(b) Accountability.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk as determined under section 1421, and shall encourage non-Federal financial participation in projects funded by grants awarded under this section. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether stations or facilities are used by commuter rail passengers as well as intercity rail passengers. Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House on the feasibility and appropriateness of requiring a non-federal match for the grants authorized in subsection (a).

(d) CONDITIONS.—Grants awarded by the Secretary to Amtrak under subsection (a) shall be disbursed to Amtrak through the Secretary of Transportation. The Secretary of Transportation may not disburse such funds unless Amtrak meets the conditions set forth in section 1422(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 1421 the Secretary determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made cumulatively over the period authorized by this title—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1437 of this title, there shall be made available to the Secretary to carry out this section—

(A) $100,000,000 for fiscal year 2008;

(B) $100,000,000 for fiscal year 2009; and

(C) $100,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1425. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the risk of terrorist attacks on rail transportation, including risks posed by explosives and hazardous chemical, biological, and radioactive substances to intercity rail passengers, facilities, and equipment;

(2) test new emergency response techniques and technologies;

(3) develop improved freight rail security technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 1411 of this title); and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address risks identified under section 1421.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 1424(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1437 of this title, there shall be made available to the Secretary to carry out this section—

(A) $33,000,000 for fiscal year 2008;

(B) $33,000,000 for fiscal year 2009; and

(C) $33,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1426. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary may award contracts to audit and review the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 180 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

(c) ADDITIONAL AUTHORITY.—The Secretary may issue nonbinding letters under similar terms to those issued pursuant to section 47110(e) of title 49, United States Code, to sponsors of rail projects funded under this title.

SEC. 1427. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Transportation Security and Interoperable Communication Capabilities Act, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor Amtrak may release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak under this section in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—Out of funds appropriated pursuant to section 1437(b) of the Transportation Security and Interoperable Communication Capabilities Act, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2008 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents".

SEC. 1428. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 1429. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers and shippers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements appropriate to passenger and freight rail service that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology, behavior, and methods of terrorists, including observation and analysis.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 90 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 90 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 1430. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this subtitle, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.

"(f) PROCESS FOR REPORTING PROBLEMS.—

"(1) ESTABLISHMENT OF REPORTING PROCESS.—The Secretary shall establish, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding railroad security problems, deficiencies, or vulnerabilities.

"(2) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person who submits a report under paragraph (1) and any such report shall be treated as a record containing protected information to the extent that it does not consist of publicly available information.

"(3) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.

"(4) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps under this title to address any problems or deficiencies identified.

"(5) RETALIATION PROHIBITED.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the compensation to, or terms, conditions, or privileges of the employment of, such employee because the employee (or a person acting pursuant to a request of the employee) made a report under paragraph (1).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters".

SEC. 1431. HIGH HAZARD MATERIAL SECURITY RISK MITIGATION PLANS.

(a) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 1411 of this title, to develop a high hazard material security risk mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security risk mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security risk mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary that includes an operational recovery plan to expedite, to the maximum extent practicable, the return of an adversely affected rail system or facility to its normal performance level following a major terrorist attack or other security incident; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means property, infrastructure, public space, or natural resource designated by the Secretary that is a viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life;

(B) significant damage to national security or defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 1432. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 902(a) of this title, is further amended by adding at the end the following:

"(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY ISSUED UNDER THIS TITLE.—

"(1) APPLICATION OF SUBSECTION.—

"(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title other than a provision of chapter 449.

"(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

"(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

"(i) Paragraphs (2) through (5) of this subsection do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

"(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

"(II) by a member of the armed forces of the United States when performing official duties; or

"(III) by a civilian employee of the Department of Defense when performing official duties.

"(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

"(2) CIVIL PENALTY.—

"(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under this title.

"(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

"(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

"(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under this title. The Secretary shall give written notice of the finding of a violation and the penalty.

"(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, the court may not re-examine issues of liability or the amount of the penalty.

"(C) JURISDICTION.—The district courts of the United States have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

"(i) the amount in controversy is more than—

"(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(II) $50,000, if the violation was committed by an individual or small business concern;

"(ii) the action is in rem or another action in rem based on the same violation has been brought; or

"(iii) another action has been brought for an injunction based on the same violation.

"(D) MAXIMUM PENALTY.—The maximum penalty the Secretary may impose under this paragraph is—

"(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or

"(ii) $50,000, if the violation was committed by an individual or small business concern.

"(4) COMPROMISE AND SETOFF.—

"(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection. If the Secretary compromises the amount of a civil penalty under this subparagraph, the Secretary shall—

"(i) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security of the compromised penalty and explain the rationale therefor; and

"(ii) make the explanation available to the public to the extent feasible without compromising security.

"(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

"(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 of this title shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

"(6) DEFINITIONS.—In this subsection:

"(A) PERSON.—The term 'person' does not include—

"(i) the United States Postal Service; or

"(ii) the Department of Defense.

"(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code is amended by striking "or another requirement under this title administered by the Under Secretary of Transportation for Security".

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 1433. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by adding at the end the following:

"(b) ASSIGNMENT.—A rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second rail carrier in carrying out law enforcement duties upon the request of the second rail carrier, at which time the police officer shall be considered to be an employee of the second rail carrier and shall have authority to enforce the laws of any jurisdiction in which the second rail carrier owns property to the same extent as provided in subsection (a).".

(b) MODEL STATE LEGISLATION.—By no later than September 7, 2007, the Secretary of Transportation shall develop model State legislation to address the problem of entities that claim to be rail carriers in order to establish and run a police force when the entities do not in fact provide rail transportation and shall make it available to State governments. In developing the model State legislation the Secretary shall solicit the input of the States, railroads companies, and railroad employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.

SEC. 1434. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.

SEC. 1435. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 1425 and consistent with the results of research relating to wireless tracking technologies, the Secretary, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 1411 of this title) with technology that provides—

(A) car position location and tracking capabilities; and

(B) notification of rail car depressurization, breach, unsafe temperature, or release of hazardous materials.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1437 of this title, there shall be made available to the Secretary to carry out this section $3,000,000 for each of fiscal years 2008, 2009, and 2010.

SEC. 1436. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA–LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1437. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, as amended by section 1432, is amended by adding at the end thereof the following:

"(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

"(1) $205,000,000 for fiscal year 2008;

"(2) $166,000,000 for fiscal year 2009; and

"(3) $166,000,000 for fiscal year 2010.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $121,000,000 for fiscal year 2008;

(2) $118,000,000 for fiscal year 2009;

(3) $118,000,000 for fiscal year 2010; and

(4) $118,000,000 for fiscal year 2011.

SEC. 1438. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

"(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.".

PART II—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 1441. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security risks associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. 1442. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) COMMUNICATIONS.—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of high hazard materials, as defined in this title, and to equip vehicles used in such shipments with technology that provides—

(A) frequent or continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or high hazardous materials tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and

(C) evaluate—

(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of tracking technology to resist tampering and disabling;

(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials;

(v) technology that allows the installation by a motor carrier of concealed and portable electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle and alert emergency response resources to locate and recover high hazard materials in the event of loss or theft of such materials; and

(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);

(vii) the costs, benefits, and practicality of such technology described in clause (v) in the context of the overall benefit to national security, including commerce in transportation; and

(viii) other systems the Secretary determines appropriate.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary, through the Transportation Security Administration, shall promulgate regulations to carry out the provisions of subsection (a).

(c) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section, $7,000,000 for each of fiscal years 2008, 2009, and 2010, of which—

(1) $3,000,000 per year may be used for equipment; and

(2) $1,000,000 per year may be used for operations.

(d) REPORT.—Within 1 year after the issuance of regulations under subsection (b), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security on the program developed and evaluation carried out under this section.

(e) LIMITATION.—The Secretary may not mandate the installation or utilization of the technology described under (a)(2)(C)(v) without additional congressional action on that matter.

SEC. 1443. MEMORANDUM OF AGREEMENT.

Similar to the other security annexes between the 2 departments, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the memorandum of agreement between the 2 departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 1444. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by an offerer, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the offerer, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials offerers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions of the highest risk hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008;

(2) $2,000,000 for fiscal year 2009; and

(3) $2,000,000 for fiscal year 2010.

SEC. 1445. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Ways and Means, a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security;

(4) an assessment of industry best practices to enhance security; and

(5) an assessment of the current status of secure motor carrier parking.

SEC. 1446. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and non-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,000,000 for fiscal year 2008;

(2) $1,000,000 for fiscal year 2009; and

(3) $1,000,000 for fiscal year 2010.

SEC. 1447. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk/high consequence assets identified through system-wide risk assessment, counter-terrorism training, visible/unpredictable deterrence, public awareness and preparedness campaigns, and including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading emergency communications tracking and control systems; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security risks to bus passengers and the ability of the funded project to reduce, or respond to, that risk.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(d) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has reviewed or approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(e) OVER-THE-ROAD BUS DEFINED.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(f) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report in accordance with the requirements of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver;

(F) an assessment of industry best practices to enhance security; and

(G) an assessment of school bus security, if the Secretary deems it appropriate.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(g) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $12,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009; and

(C) $25,000,000 for fiscal year 2010.

(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 1448. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed on August 9, 2006, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1449—

(A) at severe security threat levels of alert; or

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate

and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers, State pipeline safety agencies, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. 1449. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the memorandum of understanding annex signed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $2,000,000 for fiscal year 2008; and

(2) $2,000,000 for fiscal year 2009.

SEC. 1450. TECHNICAL CORRECTIONS.

Section 5103a of title 49, United States Code, is amended—

(1) by inserting "of Homeland Security" after "Secretary" each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i), and inserting the following after subsection (g):

"(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.".

SEC. 1451. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 1452. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and

(B) an assessment of the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroads, motor carriers, pipelines, other transportation modes, and shippers;

(4) an assessment of private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and

(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term by section 2(1) of the SAFE Port Act (6 U.S.C. 901(1)).

(2) PORT OF ENTRY.—The term "port of entry" means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.

(3) MARITIME AND SURFACE TRANSPORTATION.—The term "maritime and surface transportation" includes oceanborne, rail, and vehicular transportation.

SEC. 1453. DHS INSPECTOR GENERAL REPORT ON HIGHWAY WATCH GRANT PROGRAM.

Within 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs on the Trucking Security Grant Program for fiscal years 2004 and 2005 that—

(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and

(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—

(A) infrastructure protection;

(B) training;

(C) equipment;

(D) educational materials;

(E) program administration;

(E) marketing; and

(F) other functions.

SEC. 1454. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

“(iii) Treason or conspiracy to commit treason.

“(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

“(v) A crime involving a transportation security incident.

“(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

“(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

“(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

“(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

“(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

“(viii) Murder.

“(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

“(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

“(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

“(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

“(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

“(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

“(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

“(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

“(ii) Extortion.

“(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

“(iv) Bribery.

“(v) Smuggling.

“(vi) Immigration violations.

“(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

“(viii) Arson.

“(ix) Kidnapping or hostage taking.

“(x) Rape or aggravated sexual abuse.

“(xi) Assault with intent to kill.

“(xii) Robbery.

“(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

“(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

“(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

“(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

“(D) DETERMINATION OF ARREST STATUS.—

“(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

“(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

“(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

“(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

“(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

“(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

“(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

“(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

“(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

“(II) for causing a severe transportation security incident;

“(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

“(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(iv) otherwise poses a terrorism security risk to the United States.

“(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add or modify the offenses described in paragraph (1)(A) or (B).”.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

“(2) The term ‘economic disruption’ does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.”.

SEC. 1455. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking “decides that the individual poses a security risk under subsection (c)” and inserting “determines under subsection (c) that the individual poses a security risk”; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

“(1) DISQUALIFICATIONS.—

“(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

“(i) Espionage or conspiracy to commit espionage.

“(ii) Sedition or conspiracy to commit sedition.

“(iii) Treason or conspiracy to commit treason.

“(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

“(v) A crime involving a transportation security incident.

“(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

“(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

“(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

“(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

“(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

“(viii) Murder.

“(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

“(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

“(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

“(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

“(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph

(2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.

"(F) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add to the offenses described in paragraph (1)(A) or (B).".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

Subtitle B—Aviation Security Improvement

SEC. 1461. EXTENSION OF AUTHORIZATION FOR AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking "and 2006" and inserting "2006, 2007, 2008, and 2009".

SEC. 1462. PASSENGER AIRCRAFT CARGO SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) AIR CARGO ON PASSENGER AIRCRAFT.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a system to screen all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

"(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that the equipment, technology, procedures, personnel, or other methods determined by the Administrator of the Transportation Security Administration, provide a level of security comparable to the level of security in effect for passenger checked baggage.

"(3) REGULATIONS.—

"(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

"(B) FINAL RULE.—

"(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than 1 year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

"(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the Secretary shall submit a report to the Congress explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Congress containing updated information every 60 days thereafter until the final rule is issued.

"(iii) SUPERSEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

"(4) REPORT.—Not later than 1 year after the date on which the system required by paragraph (1) is established, the Secretary shall transmit a report to Congress that details and explains the system.".

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Transportation Security Administration, shall submit a report to Congress and to the Comptroller General containing an assessment of each exemption granted under section 44901(i) of title 49, United States Code, for the screening required by section 44901(g)(1) of that title for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(B) CONTENTS.—The report shall include—

(i) the rationale for each exemption;

(ii) a statement of the percentage of cargo that is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating such exemption; and

(v) a statement of any plans, and the rationale, for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report required under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology used for determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 1463. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1462, is amended by adding at the end the following:

''(j) BLAST-RESISTANT CARGO CONTAINERS.—

''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—

''(A) evaluate the results of the blast-resistant cargo container pilot program instituted before the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act;

''(B) based on that evaluation, begin the acquisition of a sufficient number of blast-resistant cargo containers to meet the requirements of the Transportation Security Administration's cargo security program under subsection (g); and

''(C) develop a system under which the Administrator—

''(i) will make such containers available for use by passenger aircraft operated by air carriers or foreign air carriers in air transportation or intrastate air transportation on a random or risk-assessment basis as determined by the Administrator, in sufficient number to enable the carriers to meet the requirements of the Administration's cargo security system; and

''(ii) provide for the storage, maintenance, and distribution of such containers.

''(2) DISTRIBUTION TO AIR CARRIERS.—Within 90 days after the date on which the Administrator completes development of the system required by paragraph (1)(C), the Administrator of the Transportation Security Administration shall implement that system and begin making blast-resistant cargo containers available to such carriers as necessary.''.

SEC. 1464. PROTECTION OF AIR CARGO ON PASSENGER PLANES FROM EXPLOSIVES.

(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security shall expedite research and development for technology that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall include blast resistant cargo containers and other promising technology and will be used in concert with implementation of section 44901(j) of title 49, United States Code, as amended by section 1463 of this title.

(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

(A) to deploy technologies described in paragraph (1); and

(B) to test technology to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section, such funds to remain available until expended.

SEC. 1465. IN-LINE BAGGAGE SCREENING.

(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 and 2009.''.

(b) REPORT.—Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit the report the Secretary was required by section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note) to have submitted in conjunction with the submission of the budget for fiscal year 2006.

SEC. 1466. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—

(1) by striking ''may'' in subsection (a) and inserting ''shall'';

(2) by striking ''may'' in subsection (d)(1) and inserting ''shall'';

(3) by striking ''2007'' in subsection (h)(1) and inserting ''2028'';

(4) by striking paragraphs (2) and (3) of subsection (h) and inserting the following:

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, with priority given to small hub airports and nonhub airports.''; and

(5) by redesignating subsection (i) as subsection (j), and inserting after subsection (h) the following:

''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.

(b) PRIORITIZATION OF PROJECTS.—

(1) IN GENERAL.—The Administrator shall create a prioritization schedule for airport security improvement projects described in section 44923(b) of title 49, United States Code, based on risk and other relevant factors, to be funded under the grant program provided by that section. The schedule shall include both hub airports (as defined in section 41731(a)(3) of title 49, United States Code) and nonhub airports (as defined in section 41731(a)(4) of title 49, United States Code).

(2) AIRPORTS THAT HAVE COMMENCED PROJECTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security.

SEC. 1467. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is amended—

(1) by striking ''2002 through 2006,'' and inserting ''2006 through 2009,'';

(2) by striking ''aviation'' and inserting ''transportation''; and

(3) by striking ''2002 and 2003'' and inserting ''2006 through 2009''.

SEC. 1468. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.

(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.

SEC. 1469. SPECIALIZED TRAINING.

The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.

SEC. 1470. EXPLOSIVE DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue the strategic plan the Secretary was required by section 44925(a) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) FULL DEPLOYMENT.—The Secretary shall begin full implementation of the strategic plan within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act.''.

SEC. 1471. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

''(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, U.S. Customs and Border Protection, and other agencies or offices as appropriate.

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

"(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office of Appeals and Redress shall—

"(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

"(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

"(C) require air carriers and foreign air carriers take action to properly and automatically identify passengers determined, under the process established under subsection (a), to have been wrongly identified.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 431 the following:

"Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight".

SEC. 1472. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Congress a plan that—

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator of the Transportation Security Administration, to the automatic selectee and no-fly lists, as well as the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

(b) GAO ASSESSMENT.—No later than 90 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Homeland Security that—

(1) describes the progress made by the Transportation Security Administration in implementing the Secure Flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by the Bureau of Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1473. REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such 90th day unless the station was previously certified by the Administration under that part.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking "18 months" and inserting "6 months".

SEC. 1474. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by section 1463, is amended by adding at the end the following:

"(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

"(1) IN GENERAL.—Within 1 year after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator of the Transportation Security Administration shall—

"(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and

"(B) implement a program to perform such assessments on a risk-assessment basis at general aviation airports.

"(2) GRANT PROGRAM.—Within 6 months after date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to general aviation airport operators for projects to upgrade security at general aviation airports (as defined in section 47134(m)). If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

"(3) APPLICATION TO FOREIGN-REGISTERED GENERAL AVIATION AIRCRAFT.—Within 180 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Administrator shall develop a risk-based system under which—

"(A) foreign-registered general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information at the same time as, and in conjunction with, advance notification requirements for Customs and Border Protection before entering United States airspace; and

"(B) such information is checked against appropriate databases maintained by the Transportation Security Administration.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out any program established under paragraph (2).".

SEC. 1475. SECURITY CREDENTIALS FOR AIRLINE CREWS.

Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall, after consultation with airline, airport, and flight crew representatives, transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of its efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted. The Administrator shall begin full implementation of the system or method not later than 1 year after the date on which the Administrator transmits the report.

SEC. 1476. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING CENTER.

(a) IN GENERAL.—

(1) INCREASED TRAINING CAPACITY.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall begin to increase the capacity of the Department of Homeland Security's National Explosives Detection Canine Team Program at Lackland Air Force Base to accommodate the training of up to 200 canine teams annually by the end of calendar year 2008.

(2) EXPANSION DETAILED REQUIREMENTS.—The expansion shall include upgrading existing facilities, procurement of additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities required by paragraph (1).

(3) ULTIMATE EXPANSION.—The Secretary shall continue to increase the training capacity and all other necessary program expansions so that by December 31, 2009, the number of canine teams sufficient to meet the Secretary's homeland security mission, as determined by the Secretary on an annual basis, may be trained at this facility.

(b) ALTERNATIVE TRAINING CENTERS.—Based on feasibility and to meet the ongoing demand for quality explosives detection canines teams, the Secretary shall explore the options of creating the following:

(1) A standardized Transportation Security Administration approved canine program that private sector entities could use to provide training for additional explosives detection canine teams. For any such program, the Secretary—

(A) may coordinate with key stakeholders, including international, Federal, State, local, private sector and academic entities, to develop best practice guidelines for such a standardized program;

(B) shall require specific training criteria to which private sector entities must adhere as a condition of participating in the program; and

(C) shall review the status of these private sector programs on at least an annual basis.

(2) Expansion of explosives detection canine team training to at least 2 additional national training centers, to be modeled after the Center of Excellence established at Lackland Air Force Base.

(c) DEPLOYMENT.—The Secretary—

(1) shall use the additional explosives detection canine teams as part of the Department's layers of enhanced mobile security across the Nation's transportation network and to support other homeland security programs, as deemed appropriate by the Secretary; and

(2) may make available explosives detection canine teams to all modes of transportation, for areas of high risk or to address specific threats, on an as-needed basis and as otherwise deemed appropriate by the Secretary.

SEC. 1477. LAW ENFORCEMENT BIOMETRIC CREDENTIAL.

(a) IN GENERAL.—Paragraph (6) of section 44903(h) of title 49, United States Code, is amended to read as follows:

"(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving America's Security Act of 2007, the Secretary of Homeland Security shall—

"(i) consult with the Attorney General concerning implementation of this paragraph;

"(ii) issue any necessary rulemaking to implement this paragraph; and

"(iii) establishing a national registered armed law enforcement program for law enforcement officers needing to be armed when traveling by air.

"(B) PROGRAM REQUIREMENTS.—The program shall—

"(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

"(ii) provide a flexible solution for law enforcement officers who need to be armed when traveling by air on a regular basis and for those who need to be armed during temporary travel assignments;

"(iii) be coordinated with other uniform credentialing initiatives including the Homeland Security Presidential Directive 12;

"(iv) be applicable for all Federal, State, local, tribal and territorial government law enforcement agencies; and

"(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

"(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—

"(i) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers with a specific need to be armed when traveling by air are issued a law enforcement travel credential;

"(ii) to preserve the anonymity of the armed law enforcement officer without calling undue attention to the individual's identity;

"(iii) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential or system; and

"(iv) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use.".

(b) REPORT.—Within 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall issue a report to the Committee within 180 days explaining the reasons for the failure to implement the program within the time required by that section, and a further report within each successive 180-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is implemented. The Secretary shall submit each report required by this subsection in classified format.

SEC. 1478. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants shall perform only those security responsibilities determined to be appropriate for their age and in accordance with applicable law and shall be compensated for training and services time while participating in the program.

SEC. 1479. PILOT PROJECT TO REDUCE THE NUMBER OF TRANSPORTATION SECURITY OFFICERS AT AIRPORT EXIT LANES.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (referred to in this section as the "Administrator") shall conduct a pilot program to identify technological solutions for reducing the number of Transportation Security Administration employees at airport exit lanes.

(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry; and

(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not co-located with a screening checkpoint.

(c) REPORTS.—

(1) INITIAL BRIEFING.—Not later than 180 days after the enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

(A) the airports selected to participate in the pilot program;

(B) the potential savings from implementing the technologies at selected airport exits;

(C) the types of configurations expected to be deployed at such airports; and

(D) the expected financial contribution from each airport.

(2) FINAL REPORT.—Not later than 1 year after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees described in paragraph (3) that describes—

(A) the security measures deployed;

(B) the projected cost savings; and

(C) the efficacy of the program and its applicability to other airports in the United States.

(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(d) USE OF EXISTING FUNDS.—Provisions contained within this section will be executed using existing funds.

Subtitle C—Interoperable Emergency Communications

SEC. 1481. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

"(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

"(B) in supporting the design and engineering of interoperable emergency communications systems;

"(C) in supporting the acquisition or deployment of interoperable communications equipment, software, or systems that improve or advance the interoperability with public safety communications systems;

"(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

"(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122)); and

"(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).";

(2) by redesignating subsections (b), (c), and (d) as subsections (l), (m), and (n), respectively, and inserting after subsection (a) the following:

"(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

"(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

"(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

"(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness and that takes into account the risks associated with, and the likelihood of the occurrence of, terrorist attacks or natural catastrophes (including, but not limited to, hurricanes, tornados, storms, high water, winddriven water, tidal waves, tsunami, earthquakes, volcanic eruptions, landslides, mudslides, snow and ice storms, forest fires, or droughts) in a State.

"(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

"(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

"(2) assurance that the equipment and system would—

"(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

"(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D)) to the extent that such standards exist for a given category of equipment; and

"(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

"(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

"(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

"(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

"(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

"(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite-enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

"(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

"(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

"(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

"(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

"(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

"(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

"(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

"(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

"(g) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

"(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

"(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

"(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Transportation Security and Interoperable Communication Capabilities Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate final program rules for the implementation of this section.

"(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard."; and

(3) by striking paragraph (3) of subsection (n), as so redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical care facilities;

(C) assess options to improve integration of communications systems used by emergency medical care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) Authorization of Emergency Medical Communications Pilot Projects.—

(1) In general.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) Maximum amount.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) Cost sharing.—The Assistant Secretary may not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) Maximum period of grants.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

(5) Deployment and distribution.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(6) Transfer of information and knowledge.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

SEC. 1482. RULE OF CONSTRUCTION.

(a) In General.—Title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end the following:

"SEC. 699B. RULE OF CONSTRUCTION.

"Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.".

(b) Effective Date.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

SEC. 1483. CROSS BORDER INTEROPERABILITY REPORTS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—

(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the "Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding" (WT Docket No. 02-55; ET Docket No. 00-258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—

(A) the United States and Canada; and

(B) the United States and Mexico;

(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;

(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and

(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.

(b) Updated Reports to Be Filed on the Status of Treaty of Negotiations.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—

(1) Canada; and

(2) Mexico.

(c) International Negotiations To Remedy Situation.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

SEC. 1484. EXTENSION OF SHORT QUORUM.

Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the 6-month period beginning on the date of enactment of this Act.

SEC. 1485. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.

(a) Senate Commerce, Science, and Transportation Committee.—The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 121(c) of this Act.

(3) Section 2002(d)(3) of the Homeland Security Act of 2002, as added by section 202 of this Act.

(4) Subsections (a) and (b)(5) of section 2009 of the Homeland Security Act of 2002, as added by section 202 of this Act.

(5) Section 302(d) of this Act.

(6) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(7) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(8) Section 604(c) of this Act.

(9) Section 806 of this Act.

(10) Section 903(d) of this Act.

(11) Section 510(a)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)(7)).

(12) Section 510(b)(7) of the Homeland Security Act of 2002 (6 U.S.C. 320(b)(7)).

(13) Section 1102(b) of this Act.

(b) Senate Committee on Homeland Security and Governmental Affairs.—The Committee on Homeland Security and Governmental Affairs of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Commerce, Science, and Transportation of the Senate:

(1) Section 1421(c) of this Act.

(2) Section 1423(f)(3)(A) of this Act.

(3) Section 1428 of this Act.

(4) Section 1429(d) of this Act.

(5) Section 114(v)(4)(A)(i) of title 49, United States Code.

(6) Section 1441(a)(7) of this Act.

(7) Section 1441(b)(2) of this Act.

(8) Section 1445 of this Act.

(9) Section 1446(f) of this Act.

(10) Section 1447(f)(1) of this Act.

(11) Section 1448(d)(1) of this Act.

(12) Section 1466(b)(3) of this Act.

(13) Section 1472(b) of this Act.

(14) Section 1475 of this Act.

(15) Section 3006(i) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(16) Section 1481(c) of this Act.

(17) Subsections (a) and (b) of section 1483 of this Act.

TITLE XV—PUBLIC TRANSPORTATION TERRORISM PREVENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the "Public Transportation Terrorism Prevention Act of 2007".

SEC. 1502. FINDINGS.

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary target of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $84,800,000,000 since 1992 for construction and improvements;

(5) the Federal Government appropriately invested nearly $24,000,000,000 in fiscal years 2002 through 2006 to protect our Nation's aviation system;

(6) the Federal Government has allocated $386,000,000 in fiscal years 2003 through 2006 to protect public transportation systems in the United States; and

(7) the Federal Government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 in public transportation security improvements per passenger boarding.

SEC. 1503. SECURITY ASSESSMENTS.

(a) Public Transportation Security Assessments.—

(1) Submission.—Not later than 30 days after the date of the enactment of this Act,

the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) REVIEW.—Not later than July 31, 2007, the Secretary shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 1504, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1) and with appropriate State and local officials, shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 1504.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 1504. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 1503(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 1503(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 1503(a)(4); and

(F) other appropriate security improvements identified under section 1503(a)(4), excluding routine, ongoing personnel costs.

(c) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1503(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary shall ensure that the actions of the Secretary are consistent with relevant State homeland security plans.

(d) MULTI-STATE TRANSPORTATION SYSTEMS.—In cases where a public transportation system operates in more than 1 State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1503(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.

(e) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify the Committee on Homeland Security and Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(f) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Secretary on the use of grant funds received under this section.

(g) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 1505. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of public transportation owners and operators, and nonprofit employee organizations that represent public transportation workers, shall develop and issue detailed regulations for a public transportation worker security training program to prepare public transportation workers, including front-line transit employees such as bus and rail operators, mechanics, customer service employees, maintenance employees, transit police, and security personnel, for potential threat conditions.

(b) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require such a program to include, at a minimum, elements that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures (including passengers, workers, the elderly and those with disabilities).

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(8) Any other subject the Secretary considers appropriate.

(c) REQUIRED PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary issues regulations under subsection (a) in final form, each public transportation system that receives a grant under this title shall develop a public transportation worker security training program in accordance with those regulations and submit it to the Secretary for approval.

(2) APPROVAL.—Not later than 30 days after receiving a public transportation system's program under paragraph (1), the Secretary shall review the program and approve it or require the public transportation system to make any revisions the Secretary considers necessary for the program to meet the regulations requirements. A public transit agency shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—

(1) IN GENERAL.—Not later than 1 year after the Secretary approves the training program developed by a public transportation system under subsection (c), the public transportation system owner or operator shall complete the training of all public transportation workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of public transportation systems and report to the Senate Committee on Banking, Housing and Urban Affairs, House of Representatives Committee on Transportation and Infrastructure, the Senate Homeland Security and Government Affairs Committee and the House of Representatives Committee on Homeland Security, on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—

(1) IN GENERAL.—The Secretary shall update the training regulations issued under subsection (a) from time to time to reflect new or different security threats, and require public transportation systems to revise their programs accordingly and provide additional training to their workers.

(2) PROGRAM REVISIONS.—Each public transit operator shall revise their program in accordance with any regulations under paragraph (1) and provide additional training to their front-line workers within a reasonable time after the regulations are updated.

SEC. 1506. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 1507. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS AND CONTRACTS.

(a) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary, through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Federal Transit Administration, shall award grants or contracts to public or private entities to conduct research into, and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—

(1) shall be coordinated with Homeland Security Advanced Research Projects Agency activities; and

(2) may be used to—

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing; and

(D) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section.

(d) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee or contractor shall return any amount so used to the Treasury of the United States.

SEC. 1508. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 1503 through 1506;

(B) the amount of funds appropriated to carry out the provisions of each of sections 1503 through 1506 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 1509. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1504(a) and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $536,000,000 for fiscal year 2008;

(3) $772,000,000 for fiscal year 2009; and

(4) $1,062,000,000 for fiscal year 2010.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 1504(b)—

(1) such sums as are necessary in fiscal year 2007;

(2) $534,000,000 for fiscal year 2008;

(3) $333,000,000 for fiscal year 2009; and

(4) $133,000,000 for fiscal year 2010.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1505.

(d) RESEARCH.—There are authorized to be appropriated to carry out the provisions of section 1507 and remain available until expended—

(1) such sums as are necessary in fiscal year 2007;

(2) $30,000,000 for fiscal year 2008;

(3) $45,000,000 for fiscal year 2009; and

(4) $55,000,000 for fiscal year 2010.

SEC. 1510. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2011.

TITLE XVI—MISCELLANEOUS PROVISIONS

SEC. 1601. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall—

"(A) serve for a term of 5 years; and

"(B) be subject to removal by the President if the President—

"(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

"(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

SEC. 1602. SENSE OF THE SENATE REGARDING COMBATING DOMESTIC RADICALIZATION.

(a) FINDINGS.—The Senate finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists seeking to exploit the religion of Islam through violent means to achieve ideological ends.

(2) The radical jihadist movement transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the war on terror.

(5) United States law enforcement agencies have identified radicalization as an emerging threat and have in recent years identified cases of "homegrown" extremists operating inside the United States with the intent to provide support for, or directly commit, a terrorist attack.

(6) The alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization.

(7) Radicalization cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization and extremism by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending the American Muslim community;

(4) developing and implementing, in concert with the Attorney General and State and local corrections officials, a program to address prisoner radicalization and post-sentence reintegration;

(5) pursuing broader avenues of dialogue with the Muslim community to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate these leaders on the threat of radicalization and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to the American Muslim community and develop partnerships between all faiths, including Islam.

SEC. 1603. SENSE OF THE SENATE REGARDING OVERSIGHT OF HOMELAND SECURITY.

(a) FINDINGS.—The Senate finds the following:

(1) The Senate recognizes the importance and need to implement the recommendations offered by the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the "Commission").

(2) Congress considered and passed the National Security Intelligence Reform Act of 2004 (Public Law 108-458; 118 Stat. 3643) to implement the recommendations of the Commission.

(3) Representatives of the Department testified at 165 Congressional hearings in calendar year 2004, and 166 Congressional hearings in calendar year 2005.

(4) The Department had 268 representatives testify before 15 committees and 35 subcommittees of the House of Representatives and 9 committees and 12 subcommittees of the Senate at 206 congressional hearings in calendar year 2006.

(5) The Senate has been unwilling to reform itself in accordance with the recommendation of the Commission to provide better and more streamlined oversight of the Department.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Senate should implement the recommendation of the Commission to "create a single, principal point of oversight and review for homeland security.".

SEC. 1604. REPORT REGARDING BORDER SECURITY.

(a) IN GENERAL. Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress regarding ongoing initiatives of the Department to improve security along the northern border of the United States.

(b) CONTENTS. The report submitted under sub-section (a) shall

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE. Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit a report to Congress that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

SEC. 1605. LAW ENFORCEMENT ASSISTANCE FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Law Enforcement Assistance Force to facilitate the contributions of retired law enforcement officers and agents during major disasters.

(b) ELIGIBLE PARTICIPANTS.—An individual may participate in the Law Enforcement Assistance Force if that individual—

(1) has experience working as an officer or agent for a public law enforcement agency and left that agency in good standing;

(2) holds current certifications for firearms, first aid, and such other skills determined necessary by the Secretary;

(3) submits to the Secretary an application, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, that authorizes the Secretary to review the law enforcement service record of that individual; and

(4) meets such other qualifications as the Secretary may require.

(c) LIABILITY; SUPERVISION.—Each eligible participant shall, upon acceptance of an assignment under this section—

(A) be detailed to a Federal, State, or local government law enforcement agency; and

(B) work under the direct supervision of an officer or agent of that agency.

(d) MOBILIZATION.—

(1) IN GENERAL.—In the event of a major disaster, the Secretary, after consultation with appropriate Federal, State, and local

government law enforcement agencies, may request eligible participants to volunteer to assist the efforts of those agencies responding to such emergency and assign each willing participant to a specific law enforcement agency.

(2) ACCEPTANCE.—If the eligible participant accepts an assignment under this subsection, that eligible participant shall agree to remain in such assignment for a period equal to not less than the shorter of—

(A) the period during which the law enforcement agency needs the services of such participant;

(B) 30 days;

(C) such other period of time agreed to between the Secretary and the eligible participant.

(3) REFUSAL.—An eligible participant may refuse an assignment under this subsection without any adverse consequences.

(e) EXPENSES.—

(1) IN GENERAL.—Each eligible participant shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while carrying out an assignment under subsection (d).

(2) SOURCE OF FUNDS.—Expenses incurred under paragraph (1) shall be paid from amounts appropriated to the Federal Emergency Management Agency.

(f) TERMINATION OF ASSISTANCE.—The availability of eligible participants of the Law Enforcement Assistance Force shall continue for a period equal to the shorter of—

(1) the period of the major disaster; or

(2) 1 year.

(g) DEFINITIONS.—In this section—

(1) the term "eligible participant" means an individual participating in the Law Enforcement Assistance Force;

(2) the term "Law Enforcement Assistance Force" means the Law Enforcement Assistance Force established under subsection (a); and

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1606. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the "quadrennial homeland security review".

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive-5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to Congress and shall make the report publicly available on the Internet. Each such report shall be submitted and made available on the Internet not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to Congress and make publicly available on the Internet a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

SEC. 1607. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall have responsibility for ensuring that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

TITLE XVII—911 MODERNIZATION

SEC. 1701. SHORT TITLE.

This title may be cited as the "911 Modernization Act".

SEC. 1702. FUNDING FOR PROGRAM.

Section 3011 of Public Law 109-171 (47 U.S.C. 309 note) is amended—

(1) by striking "The" and inserting:

"(a) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of this provision, such sums as necessary, but not to exceed $43,500,000 to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.".

SEC. 1703. NTIA COORDINATION OF E-911 IMPLEMENTATION.

Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: "Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to provide priority for public safety answering points not capable, as of the date of enactment of that Act, of receiving 911 calls.".

TITLE XVIII—MODERNIZATION OF THE AMERICAN NATIONAL RED CROSS

SEC. 1801. SHORT TITLE.

This title may be cited as the "The American National Red Cross Governance Modernization Act of 2007".

SEC. 1802. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and

for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this title:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this title;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 1803. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting "a Federally chartered instrumentality of the United States and" before "a body corporate and politic"; and

(2) in subsection (b), by inserting at the end the following new sentence: "The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.".

SEC. 1804. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) to conduct other activities consistent with the foregoing purposes.".

SEC. 1805. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", or as otherwise provided," before "in the bylaws";

(2) in subsection (b)(1)—

(A) by striking "board of governors" and inserting "corporation"; and

(B) by inserting "policies and" before "regulations related"; and

(3) in subsection (b)(2)—

(A) by inserting "policies and" before "regulations shall require"; and

(B) by striking "national convention" and inserting "annual meeting".

SEC. 1806. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

"§300104. Board of governors

"(a) BOARD OF GOVERNORS.—

"(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

"(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

"(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

"(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

"(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

"(A) CHAIRMAN.—

"(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

"(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

"(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(B) OTHER MEMBERS.—

"(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

"(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

"(b) TERMS OF OFFICE.—

"(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

"(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

"(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

"(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

"(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

"(c) COMMITTEES AND OFFICERS.—The board—

"(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

"(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

"(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

"(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

"(d) ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

"(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

"(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

"(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

"(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

"(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

"(f) VOTING BY PROXY.—

"(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

"(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

"(g) BYLAWS.—

"(1) IN GENERAL.—The board of governors may—

"(A) at any time adopt bylaws; and

"(B) at any time adopt bylaws to be effective only in an emergency.

"(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

"(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.".

SEC. 1807. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking "bylaws" and inserting "policies".

SEC. 1808. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

"§ 300107. Annual meeting

"(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

"(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

"(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

"(d) VOTING.—

"(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) ESTABLISHMENT OF NUMBER OF VOTES.—

"(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. 1809. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 1810. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. 1811. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§ 300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§ 300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(b) REPORT.—

"(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

"(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

"(i) the Committee on Finance;

"(ii) the Committee on Foreign Relations;

"(iii) the Committee on Health, Education, Labor, and Pensions;

"(iv) the Committee on Homeland Security and Governmental Affairs; and

"(v) the Committee on the Judiciary.

"(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

"(i) the Committee on Energy and Commerce;

"(ii) the Committee on Foreign Affairs;

"(iii) the Committee on Homeland Security;

"(iv) the Committee on the Judiciary; and

"(v) the Committee on Ways and Means.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

TITLE XIX—ADVANCEMENT OF DEMOCRATIC VALUES

SEC. 1901. SHORT TITLE.

This title may be cited as the "Advance Democratic Values, Address Non-democratic Countries, and Enhance Democracy Act of 2007" or the "ADVANCE Democracy Act of 2007".

SEC. 1902. FINDINGS.

Congress finds that in order to support the expansion of freedom and democracy in the world, the foreign policy of the United States should be organized in support of transformational diplomacy that seeks to work through partnerships to build and sustain democratic, well-governed states that will respect human rights and respond to the needs of their people and conduct themselves responsibly in the international system.

SEC. 1903. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of the foreign policy of the United States;

(2) to affirm internationally recognized human rights standards and norms and to condemn offenses against those rights;

(3) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedom of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law;

(6) to provide appropriate support to nongovernmental organizations working to promote freedom and democracy;

(7) to provide political, economic, and other support to countries that are willingly undertaking a transition to democracy;

(8) to commit to the long-term challenge of promoting universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 1904. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term "Annual Report on Advancing Freedom and Democracy" refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(3) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms "Community of Democracies" and "Community" mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(4) DEPARTMENT.—The term "Department" means the Department of State.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of State for Democracy and Global Affairs.

Subtitle A—Liaison Officers and Fellowship Program to Enhance the Promotion of Democracy

SEC. 1911. DEMOCRACY LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions, under the supervision of the Assistant Secretary, who may be assigned to the following posts:

(1) United States missions to, or liaison with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States and any other appropriate regional organization, Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.

(2) Regional public diplomacy centers of the Department.

(3) United States combatant commands.

(4) Other posts as designated by the Secretary of State.

(b) RESPONSIBILITIES.—Each Democracy Liaison Officer should—

(1) provide expertise on effective approaches to promote and build democracy;

(2) assist in formulating and implementing strategies for transitions to democracy; and

(3) carry out other responsibilities as the Secretary of State and the Assistant Secretary may assign.

(c) NEW POSITIONS.—The Democracy Liaison Officer positions established under subsection (a) should be new positions that are in addition to existing officer positions with responsibility for other human rights and democracy related issues and programs.

(d) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section may be construed as removing any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.

SEC. 1912. DEMOCRACY FELLOWSHIP PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of State shall establish a Democracy Fellowship Program to enable Department officers to gain an additional perspective on democracy promotion abroad by working on democracy issues in congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and in nongovernmental organizations involved in democracy promotion.

(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices and nongovernmental organizations.

(c) EXCEPTION.—A Democracy Fellow may not be assigned to any congressional office until the Secretary of Defense certifies to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives that the request of the Commander of the United States Central Command for the Department of State for personnel and foreign service officers has been fulfilled.

SEC. 1913. TRANSPARENCY OF UNITED STATES BROADCASTING TO ASSIST IN OVERSIGHT AND ENSURE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN INTERNATIONAL BROADCASTS.

(a) TRANSCRIPTS.—The Broadcasting Board of Governors shall transcribe into English all original broadcasting content.

(b) PUBLIC TRANSPARENCY.—The Broadcasting Board of Governors shall post all English transcripts from its broadcasting content on a publicly available website within 30 days of the original broadcast.

(c) BROADCASTING CONTENT DEFINED.—In this section, the term "broadcasting content" includes programming produced or broadcast by United State international broadcasters, including—

(1) Voice of America;

(2) Alhurra;

(3) Radio Sawa;

(4) Radio Farda;

(5) Radio Free Europe/Radio Liberty;

(6) Radio Free Asia; and

(7) The Office of Cuba Broadcasting.

Subtitle B—Annual Report on Advancing Freedom and Democracy

SEC. 1921. ANNUAL REPORT.

(a) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended in the first sentence by inserting "entitled the Advancing Freedom and Democracy Report" before the period at the end.

(b) SCHEDULE FOR SUBMISSION.—If a report entitled the Advancing Freedom and Democracy Report pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, as amended by subsection (a), is submitted under such section, such report shall be submitted not later than 90 days after the date of submission of the report required by section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

(c) CONFORMING AMENDMENT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 2151n note) is amended by striking "30 days" and inserting "90 days".

SEC. 1922. SENSE OF CONGRESS ON TRANSLATION OF HUMAN RIGHTS REPORTS.

It is the sense of Congress that the Secretary of State should continue to ensure and expand the timely translation of Human Rights and International Religious Freedom reports and the Annual Report on Advancing Freedom and Democracy prepared by personnel of the Department of State into the principal languages of as many countries as possible. Translations are welcomed because information on United States support for universal enjoyment of freedoms and rights serves to encourage individuals around the globe seeking to advance the cause of freedom in their countries.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

SEC. 1931. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.

Congress commends the Secretary of State for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary of State regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance.

SEC. 1932. SENSE OF CONGRESS ON THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.

It is the sense of Congress that—

(1) the Secretary of State should continue and further expand the Secretary's existing efforts to inform the public in foreign countries of the efforts of the United States to promote democracy and defend human rights through the Internet website of the Department of State;

(2) the Secretary of State should continue to enhance the democracy promotion materials and resources on that Internet website, as such enhancement can benefit and encourage those around the world who seek freedom; and

(3) such enhancement should include where possible and practical, translated reports on democracy and human rights prepared by personnel of the Department, narratives and histories highlighting successful nonviolent democratic movements, and other relevant material.

Subtitle D—Training in Democracy and Human Rights; Promotions

SEC. 1941. SENSE OF CONGRESS ON TRAINING IN DEMOCRACY AND HUMAN RIGHTS.

It is the sense of Congress that—

(1) the Secretary of State should continue to enhance and expand the training provided

to foreign service officers and civil service employees on how to strengthen and promote democracy and human rights; and

(2) the Secretary of State should continue the effective and successful use of case studies and practical workshops addressing potential challenges, and work with non-state actors, including nongovernmental organizations that support democratic principles, practices, and values.

SEC. 1942. SENSE OF CONGRESS ON ADVANCE DEMOCRACY AWARD.

It is the sense of Congress that—

(1) the Secretary of State should further strengthen the capacity of the Department to carry out result-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award known as Outstanding Achievements in Advancing Democracy, or the ADVANCE Democracy Award, that would be awarded to officers or employees of the Department; and

(2) the Secretary of State should establish the procedures for selecting recipients of such award, including any financial terms, associated with such award.

SEC. 1943. PROMOTIONS.

The precepts for selection boards responsible for recommending promotions of foreign service officers, including members of the senior foreign service, should include consideration of a candidate's experience or service in promotion of human rights and democracy.

SEC. 1944. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

It is the sense of Congress that each chief of mission should provide input on the actions described in the Advancing Freedom and Democracy Report submitted under section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), as amended by section 1621, and should intensify democracy and human rights promotion activities.

Subtitle E—Alliances With Democratic Countries

SEC. 1951. ALLIANCES WITH DEMOCRATIC COUNTRIES.

(a) ESTABLISHMENT OF AN OFFICE FOR THE COMMUNITY OF DEMOCRACIES.—The Secretary of State should, and is authorized to, establish an Office for the Community of Democracies with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.

(b) SENSE OF CONGRESS ON INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, other European countries with experiences in democratic transitions, the United States, and private individuals.

Subtitle F—Funding for Promotion of Democracy

SEC. 1961. SENSE OF CONGRESS ON THE UNITED NATIONS DEMOCRACY FUND.

It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in their efforts to help consolidate democracy and bring about transformational change.

SEC. 1962. THE HUMAN RIGHTS AND DEMOCRACY FUND.

The purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Mr. Mark Esper of Virginia, for a term expiring December 31, 2008.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senator as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the spring session, to be held in Madeira, Portugal, May 2007: the Honorable BEN CARDIN of Maryland.

RECOGNIZING THE IMPORTANCE OF THE ALLIANCE TO SAVE ENERGY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 113 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 113) commending the achievements and recognizing the importance of the Alliance to Save Energy on the 30th anniversary of the incorporation of the Alliance.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 113

Whereas the Alliance to Save Energy marks the 30th anniversary of the incorporation of the Alliance with a year-long celebration, beginning on March 18, 2007, the day on which the Alliance was incorporated as a nonprofit organization in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

Whereas, in 1977, the Alliance to Save Energy was founded by Senators Charles H. Percy and Hubert H. Humphrey;

Whereas the Alliance to Save Energy is the only national nonprofit, bipartisan public-policy organization working in partnership with prominent business, government, educational, environmental, and consumer leaders to promote the efficient and clean use of energy worldwide to benefit the environment, economy, and security of the United States;

Whereas the Alliance to Save Energy operates programs and collaborative projects throughout the United States, and has been working in the international community for more than a decade in over 30 developing and transitional countries;

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 30 years are now displacing the national need for more than 40 quads of energy each year;

Whereas the Alliance to Save Energy is a nationally recognized authority on energy efficiency, and regularly provides testimony and resources to Federal and State governments, as well as members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of education and outreach initiatives, including the award-winning Green Schools and Green Campus programs, award-winning public service announcements, and a variety of targeted energy-efficiency campaigns;

Whereas the Alliance to Save Energy serves as the North American energy efficiency secretariat for the Renewable Energy and Energy Efficiency Partnership (commonly known as "REEEP");

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as "BCAP");

(2) the Southeast Energy Efficiency Alliance (commonly known as "SEEA");

(3) the Municipal Network for Energy Efficiency (commonly known as "MUNEE");

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as "ASAP"); and

Whereas March 18, 2007, marks the 30th anniversary of the incorporation of the Alliance to Save Energy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 30th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

ORDERS FOR WEDNESDAY, MARCH 21, 2007

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Wednesday, March 21; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. Con. Res. 21, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate today, and if the Republican leader has nothing further, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:06 p.m., adjourned until Wednesday, March 21, 2007, at 9:15 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE HONORABLE JUSTICE KEVIN HAUGH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor of Justice Kevin Haugh, a guardian of the people and the Constitution of Ireland.

In 1966, Justice Haugh earned his position as a barrister, and in doing so became part of a 450-year legacy. During his tenure as a barrister, he was involved in a multitude of high-profile criminal cases and developed the experience and legal acumen to serve as both a prosecutor and defense attorney. Due to his exemplary legal knowledge and professional judgment, Justice Haugh was appointed to Senior Counsel in 1983. His experience in the practice of law made Justice Haugh an invaluable member of the counsel, and for thirteen years he served his profession with grace and dignity.

After he was called to the bench in 1996, Justice Haugh was a Circuit Court Judge for nearly a decade and became an active member of the United Nations Administrative Tribunal. His knowledge made him a perfect candidate for this position, and he worked with other international representatives dealing with cases regarding employment and staff members within the United Nations.

In 2005, Justice Haugh was appointed to the High Court Justice. As a servant of the people, Justice Haugh determined the validity of any law in regards to the Irish Constitution, while overseeing all appeals of civil matters from the Circuit Court. A year later, he was appointed to the newly established position of Chairman of the Garda Siochána Ombudsman Commission. As the Chairman of the Garda Siochána, Justice Haugh oversaw Ireland's National Police Force by helping ensure openness, transparency and accountability within the department.

Madam Speaker and colleagues, please join me in honoring Justice Haugh for his work in preserving the foundation of rights for all.

NATIONAL MEDAL OF HONOR DAY—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. RANGEL. Madam Speaker, I wish to express my full support for a National Medal of Honor Day to be reserved every March 25th as called for by H. Con. Res 47.

Reserving March 25th as National Medal of Honor Day, is a significant way to reemphasize the immeasurable sacrifices of veterans who have already been honored by receiving the Congressional Medal of Honor, the highest military decoration. Too often, especially in times of peace, the sacrifices of veterans are not valued and remembered. It is particularly important to continuously acknowledge the blood, sweat, and tears they shed so that all Americans could live in a section of the world where freedom reigns. It has been quoted, "Freedom is not free." We all know that is true.

This measure would offer a good opportunity to educate young people about the importance to strive for excellence, the value of hard work, and the sacrifices of veterans.

This is dear to me not only because I'm a veteran, but because very soon the Tuskegee Airmen will be presented with the Congressional Medal of Honor. I am extremely proud to say that I sponsored a bill that was passed by this great body and signed by the President to bestow this honor on them. The Tuskegee Airmen will go down in history for being a part of a select and distinguished group of African American veterans to receive this honor. I'm grateful for their service and to this body for acknowledging their bravery and heroism. At this time, I would also like to pay homage to all other veterans who have been in receipt of this highly esteemed award.

While there are men and women on the battlefield as I speak, I urge my colleagues to take this opportunity to join me in supporting a National Medal of Honor Day, which will recognize past, present, and future outstanding veterans in receipt of the Congressional Medal of Honor.

NATION'S LOOMING FINANCIAL CRISIS NEEDS A BIPARTISAN SOLUTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. WOLF. Madam Speaker, as a nation we are moving closer and closer to the edge of the financial cliff. A few steps forward and we will start a free fall into a canyon of debt which will be base for our country. Is that what we want for our children and grandchildren?

Of course not. The baby boomers start retiring at the end of this year. That will bring unprecedented levels of entitlement and other program spending.

If left unchanged, in just a few decades there will be little money for transportation, education, health care, medical research, cancer research, veterans, the environment, and all the programs our constituents depend on us to provide. We cannot continue to keep borrowing and mortgaging our future to countries like China that carry our debt.

Young people should be clamoring for Congress to act. They have the most to lose from inaction. It's their future that is being mortgaged. Everyday we don't act, we increase the debt burden they must repay in future years.

I have a bill which offers an opportunity to change the current course. Senator VOINOVICH and I first introduced the SAFE Commission last summer. And we reintroduced it in January.

Our country is in trouble—and we can't afford to wait much longer to take action.

The bipartisan SAFE Commission will put everything on the table—entitlements, other federal spending, and tax policies—as it comes up with recommendations.

It will hold town hall meetings across the country to explain the financial crisis we face and discuss this issue with the American people.

We need to listen to them. I believe that the American people, given the hard facts from a bipartisan panel, will understand that solving this problem will take sacrifice from everyone.

The commission's recommendations would then come to Congress and we would take an up or down vote on the proposals in their entirety, similar to the BRAC process.

Mandating congressional action on the panel's recommendations is what makes this commission unique.

There also is the opportunity for Congress to put forward an alternative proposal to reach the same goal at the same time the SAFE Commission recommendations are voted on.

Holding out some hope that Congress could act on its own, the legislation also has a provision that if Congress were to pass a measure making substantive changes in entitlement spending and taking other action to get our financial house in order before the SAFE Commission acts, then the commission would cease to exist.

But if Congress doesn't act, no later than 17 months from the organization of the commission, it would be required to vote—up or down—on the SAFE Commission's legislative proposal.

I have written a number of Dear Colleagues and personally talked with a number of my House colleagues about joining this effort—more than once.

While 20 Republicans have signed on, including the Minority Leader JOHN BOEHNER, this effort has fallen on deaf ears on the other side of the aisle.

I have sent a personal letter to each of the Blue Dog Coalition members appealing to them to step forward and join me in focusing national attention on this critical issue.

I have also written to the media and public opinion leaders a number of times over the last year. While there have been a few columnists who have written op-eds, overall I have been disappointed that there hasn't been more reporting about the grave consequences of inaction.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I certainly understand how this issue is competing with other national priorities, including the war in Iraq and the larger war on terrorism. But I fear that if we can't get Congress to move this year, there will not be another opportunity for a couple years with the 2008 presidential campaign already heating up.

As the father of five and grandfather of 12, the fiscal challenges facing the nation with the baby boomers' retiring strike me as much more than a routine policy discussion.

Without action, just what kind of future are we leaving to our children and grandchildren?

In a word—bleak.

We owe a debt to previous generations—our parents and grandparents—for the sacrifices they made to make our country what it is today.

Likewise, our generation must find the resolve so that generations to come will have a secure economic future.

America needs our help and I welcome your support.

DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS ENHANCEMENT ACT—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. RANGEL. Madam Speaker, I wish to express my support for the Depository Institution Community Development Investments Enhancement Act, an act to reinvest in communities across America.

As you may recall, I strongly pushed for the Empowerment Zone legislation that was passed in the 90's. I'm supporting this act not only because it reminds me of the ambitious Empowerment Zone legislation, but because legislation like this sends Americans a message that Congress believes community development is important. In the aftermath of Hurricane Katrina and other natural disasters in the Gulf Coast, a bill that supports redeveloping those communities impacted and other distressed communities across America is vitally important. People who live in those areas have suffered hardships with the loss and damage to homes, loss of jobs, and shut down of businesses. It is imperative for Congress to let them know that we care about that loss and to show them just that by supporting this act.

Further, this act would allow certain financial institutions the opportunity to support community re-development. Support from the financial institutions is a critical element. Financial institutions interested in revitalizing communities should have the tools to do so.

In the district I represent, I have witnessed the benefits of revitalization first hand. As a result of the Empowerment Zone, the Harlem area is thriving. Homes have been renovated and purchased. Businesses have opened and are thriving. Some jobs have been created. All of this brings hope to people. It is particularly important to continuously acknowledge the blood, sweat, and tears they shed so that all Americans could live in a section of the world where freedom reigns. It has been quoted, "Freedom is not free." We all know that is true.

HONORING GEORGE A. ROCHE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding career of George A. Roche, one of Maryland's most successful business leaders and strongest community advocates.

George Roche retired as Chairman and President of T. Rowe Price Group, Inc. in December of 2006 after nearly 39 years with the firm. After earning his B.A. degree from Georgetown University in 1963 and his MBA from Harvard Business School in 1966, he joined T. Rowe Price Associates in 1968, serving as an analyst primarily covering natural resource industries. He performed much of his work for Mr. Thomas Rowe Price, who started the New Era Fund in 1969. The New Era Fund was designed to invest in inflation-resistant companies with a natural resource emphasis. Mr. Roche proceeded to serve as President and Portfolio Manager of the New Era Fund from 1979 to 1997. He also served as the Chief Financial Officer of T. Rowe Price Associates from 1984 to 1997 and Chairman and President of T. Rowe Price Group, Inc. from 1997 to 2006.

Mr. Roche currently serves on the Board of Directors of McCormick and Company, Inc. In the past, Mr. Roche served on the Boards of the Greater Baltimore Committee, the Baltimore Downtown Partnership, The Walters Art Museum, the Enoch Pratt Library and the Roland Park Country School. Mr. Roche also was Chairman of the Alexis de Tocqueville Society of the United Way of Central Maryland from 1999 to 2000.

Mr. Roche demonstrated the ideals of corporate leadership, continuing the success of the company with a fervent commitment to ethics and integrity. Under Mr. Roche's leadership, Baltimore-based T. Rowe Price Group grew to a company-record $244 billion in managed assets in 2005. He was also named the recipient of the Loyola College of Maryland's Sellinger School of Business and Management Business Leader of the Year Award in 2005.

Madam Speaker, I ask that you join with me today in honoring George A. Roche, a man whose deep commitment to the business community, community groups and civic and philanthropic organizations has improved the quality of life for thousands of residents of the State of Maryland.

IN RECOGNITION OF DALE LYTKOWSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Dale Lytkowski, to acknowledge his extraordinary accomplishments and unparalleled leadership of the Cleveland Society of Poles. Since 1923, the Cleveland Society of Poles has endeavored to expand awareness of Polish heritage through committed civic, social, and philanthropic participation. Under the leadership of former President Lytkowski, the Society's role in Northeast Ohio has become ever more pertinent to contributing to the region's diverse cultural background.

Throughout his life, Dale Lytkowski has shown tremendous dedication to his wife, Dolores, three daughters, and three granddaughters. He has demonstrated this same dedication to his community. As a certified public accountant, he has been active in guiding numerous professional organizations. He held national leadership positions with CPAmerica and CPA Vision. As a resident of Southeastern Cuyahoga County, Mr. Lytkowski exemplifies civic participation. He has selflessly risen to meet the needs of area citizens through his involvement with the Marymount Hospital's Board of Directors and Community Advisory Council, the City of Independence Planning Commission, the Union Club of Cleveland, and the Northeast Ohio Chapter of the National Multiple Sclerosis Society.

Over the past eight years, Dale Lytkowski has served as membership committee chairman, treasurer, and vice president for the Cleveland Society of Poles. In 1998, Mr. Lytkowski served as 48th president during the organization's 75th anniversary. In honor of this momentous occasion, Mr. Lytkowski generated $5,000 in support of the University of Virginia Kosciuszko Chair of Polish Studies campaign. Currently, this program affords students the opportunity to cultivate a deeper appreciation for Poland's past, present, and future.

Madam Speaker and colleagues, please join me in honoring Dale Lytkowski, a worthy recipient of the Polish Heritage Good Joe Award. He is an incomparable representative of the achievements of Polonia in Northeast Ohio. Mr. Lytkowski continues to inspire others through a life of integrity, responsibility, and commitment to his heritage.

LAUNCH OF THE CAMPAIGN FOR A VIOLENCE FREE, STRESS-FREE AMERICA, AND THE UNVEILING OF THE UNIVERSAL DECLARATION OF HUMAN VALUES

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. WYNN. Madam Speaker, I would like to take this opportunity to bring to your attention the launch of the Campaign for a Violence Free, Stress-Free America, and the unveiling of the Universal Declaration of Human Values on March 28, 2007 at the John F. Kennedy Center for the Performing Arts, in Washington, D.C. The evening will include comments and peace meditation by the Art of Living founder, His Holiness Sri Ravi Shankar, cultural musical performances, and a keynote and statement by distinguished leaders.

As you may know, the effect of stress and violence can cause serious problems for one's health and life. The Mayo Clinic says stress can cause headaches, chest pain, heart problems, high blood pressure, as well as anxiety and depression.

The effects of violence are equally serious. According to the American Academy of Pediatrics, children who are victims of violence show behavioral problems such as aggression towards others, depression, sleeplessness, lowered self-esteem, poor school performance and even suicidal tendencies.

The Art of Living Foundation works with the Economic and Social Council of the United Nations, participating in a variety of committees and activities relating to health and conflict resolution. The organization also conducts a number of educational programs, and with the International Association for Human Values, carries out various humanitarian service projects.

I would like to encourage all members to support this worthwhile event.

RECOGNIZING RETIRING EL CERRITO SERGEANT WAYNE D. MANN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Sergeant Wayne D. Mann of the El Cerrito Police Department who after 28 years of service will retire and close his career with the department.

Sergeant Wayne D. Mann has unselfishly served his community with great dedication and pride, and will leave the department with special recognition and with the highest commendation. Sergeant Mann was born in Detroit, Michigan on May 6, 1957, and was raised in Martinez, California, where he later received an Associate of Arts Degree from Diablo Valley College.

He began his career in law enforcement with the Martinez Police Department, as a Police Cadet, in 1976. Among his positions in the department, he was a Police Dispatcher, and a Volunteer Reserve Police Officer. He entered the Police Academy at Los Medonas College in 1979, entering the El Cerrito Police Department the same year.

Sergeant Mann has held many assignments within the department, such as Bicycle/Junior Traffic Officer, Crisis Negotiation Team, Assistant Range Master, Detective, Sergeant and Detective Sergeant, among others.

Sergeant Mann has performed his duties with great technical competence, efficiency, and distinction, earning him the Albany-El Cerrito Exchange Club "Officer of the Year" award in 1991. Along with his commitment to department, he has continued his professional growth by attending numerous classes and courses to include the Sherman Block Supervisory Leadership Institute.

Sergeant Mann has served the citizens of Contra Costa County and the City of El Cerrito with great distinction, and in retiring from his position as a Police Sergeant, brings to close a career with the El Cerrito Police Department.

As Sergeant Wayne D. Mann retires from the El Cerrito Police Department, I would like to thank him, and his wife Tina and two children, Travis and Bryan, for his record of service and concern for the protection of life and property in the local community, and extend to him sincere best wishes for continued success in his future endeavors.

MARKING COMMUNIST CHINA'S ANTI-SECESSION LEGISLATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on the second anniversary of the enactment of Communist China's anti-secession legislation aimed at Taiwan, I wish to alert my colleagues of the tense military situation in the Taiwan Strait.

Communist China at present has nearly a thousand guided missiles deployed along its southeastern coast, threatening the 23 million people living on Taiwan. Madam Speaker, as the world's leading democracy, the United States must make clear to Communist China that its ever expanding military buildup will only intensify the arms race in the Asia Pacific region and derail future cooperation.

In addition to Communist China's military intimidation of Taiwan, its strategy to isolate Taiwan can be seen by its actions around the world, including encouraging other nations to de-recognize Taiwan, and doing everything possible to prevent Taiwan from participating in international organizations. Congress must encourage our Administration to carry out policies to help Taiwan participate in international organizations such as the World Health Organization, the Community for Democracy and others.

Madam Speaker, it must be made clear to Communist China that it is in its interest to act responsibly in the international arena. Communist China must not be allowed to be a military threat to its neighbors. Communist China's anti-secession law against Taiwan has severely hurt the stability of the Taiwanese people and should be rescinded at once. In addition, it is imperative that Communist China fully consult the United States and the international community as it develops its space program, especially space surveillance and the military use of space.

RECOGNIZING THE DEDICATION OF BRUCE MORGAN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Bruce Morgan, a man with immense scientific contributions and over 40 years of service to our nation at Lawrence Livermore National Laboratory.

Mr. Morgan graduated with an A.S. Degree in Gunsmithing from Trinidad State Jr. College in Trinidad, Colorado in May 1967. Mr. Morgan was then hired by Lawrence Livermore National Laboratory, where he was assigned to support the Linear Accelerator.

Mr. Morgan has made his presence in the workplace known. He has worked with nuclear reactors, designed and constructed experiments, and advanced previous findings in the field.

Mr. Morgan built the first 9-inch Rotating Neutron Source, which was a major accomplishment for his employer, the Lawrence Livermore National Laboratory, at the time. This invention allowed the study of neutron flux in nuclear weapons.

Mr. Morgan has also designed, fabricated, and developed many innovations in ballistic technology such as ballistic range hardware and gunload development, high-speed camera and flash x-ray systems to perform ballistics diagnostics, experiments in light armor using Cermet materials, experiments with explosive active and reactive armor, experiments resulting in the ultimate development of an upgraded armor package for the MI–M2 Abrams Tank, and development of light armor for the AC–130 Gunship for use by our military ground-support aircraft.

Mr. Morgan was also temporarily deployed to work on upgrading armor packages for the Humvee and armored gun-truck in Operation Iraqi Freedom.

As Mr. Morgan retires from the work he has been involved in for over 40 years, I would like to thank him for his great contributions and advancements in the field, and acknowledge the loyal service he has given to his employers and country. I wish him the best in all his future endeavors.

SUPPORT FOR THE WATER QUALITY FINANCING ACT OF 2007

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. BOREN. Madam Speaker, I rise today in support of the inclusion of Davis-Bacon in H.R. 720, the Water Quality Financing Act of 2007. I was absent for the vote taken on this legislation on March 9, 2007, because I was leading a House Armed Services Committee delegation to Iraq. I wish to state for the record that, had I been present for this vote, I would have supported the inclusion of Davis-Bacon language in H.R. 720. The Davis-Bacon Act, which dates back to 1931, requires every construction contract in excess of two thousand dollars to which the federal government is a party to pay all laborers and mechanics not less than the locally prevailing wage. I believe it is important for Oklahomans that federal contracts are not awarded to firms that seek to undercut the prevailing wages paid in our region. Government contracts should not be won by sacrificing fair wage rates for Oklahoma workers. For these reasons, I have supported the passage of Davis-Bacon in the past and would have also supported it on March 9th as part of the Water Quality Financing Act.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Ms. CARSON. Madam Speaker, I was unavoidably detained due to air traffic delays. I was unable to record rollcall votes No. 157, No. 158, and No. 159. Had I been present I would have voted "yea" on all three.

HONORING RUTH CAMPBELL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to pay tribute to Ruth Kueffer Campbell who turned 80 years of age on March 9, 2007.

Ruth was born in Milwaukee, WI, to Ernest and Alma Kueffer. Her father was an immigrant from Switzerland and her mother was from Davenport, IA. Completing the family was Ruth's brother, Carl, 8 years her senior.

Ruth was a good student in high school and was selected for the National Honor Society. Upon graduation, she entered cadet nurses training at the Misericordia Catholic Hospital in Milwaukee. She always wanted to be a nurse and also wanted to serve in the military.

With her RN degree in hand, Ruth enlisted in the Air Force. She did her basic training at Chanutte AFB in Illinois and then was off to flight school at Maxwell AFB in Alabama. From there she was assigned to France, where, on her very first night she and the other new nurses were invited to have dinner with the officer who headed the Office of Special Investigations. That officer eventually became her husband, John Campbell. But that took some time and off-duty travel with close friends to Spain and other neighboring countries.

When Ruth was honorably discharged from the Air Force in 1954, she planned to move to the state of Washington where she had relatives. She wrote to her AF buddy, John who was stationed at Lowry, to tell him about her move. John encouraged Ruth to stop in Denver on her way to Washington. Needless to say, she never made it to Washington. Instead, she continued her nursing career at the VA Hospital in Denver.

Ruth and John were married in the Chapel at Lowry AFB in 1955. Within the next 2 years, their daughters Pat and Terry were born at Fitzsimons. Soon after Terry's arrival, John was transferred to an OSI unit in Okinawa, and the family went along. Son, Mike, was born there in 1960. The following year, John was reassigned to Lowry and the Campbells bought a home near Geneva Street and Montview Boulevard in Aurora. Ruth quickly settled into her new community and soon was volunteering with the PTA at Crawford Elementary School, teaching Sunday school at the Fitzsimons Catholic Parish, starting a girls' softball league and serving as a scout leader—she was the Girl Scout Cookie chair for all of Aurora for five years.

In 1964, John retired from the Air Force and joined the Adams County Sheriff's Department, specializing in investigations, handwriting analysis and polygraphs. Four years later, John ran for the State House. While he didn't win that election, Ruth was hooked and became very involved in Democratic Party politics—first as a precinct committee person and then as a captain. Nearly a decade after Ruth caught the political bug, John was appointed to fill a vacancy as an Adams County Commissioner. Two year's later, he successfully ran for that office. In 1979, Ruth's beloved husband of 24 years passed away at the age of 59 at Fitzsimons Army Medical Center.

Ruth continued her political involvement and became a mentor for a host of candidates from City Council to County Commission and the State House and everything in between. Among the Democratic office holders who benefited from Ruth's knowledge and experience are Don Armstrong, Guillermo deHerrerra, Bob Grant, Mary Hodges, Molly Markert, Bill Shear, Stephanie Takis, Frank Weddig and Leo Younger. Ruth has always been strongly committed to political activism and was a founding member of the Aurora Democratic Club more than two decades ago.

Ruth's political savvy wasn't limited to candidates. She also became involved in several important ballot measures, the 1986 Adams County mill levy for mental health services and most recently the Aurora Sports Park near Colfax and Tower.

If it wasn't a political campaign, Ruth found many other places where her energy, common sense and organizational skills were more than welcome. She served on the Board of Directors of the Aurora Mental Health Center for 6 years, has been an active member of the Northwest Aurora Neighborhood Organization, NANO, since its inception in 1975, was a 23 year member of the City of Aurora Parks and Recreation Advisory Board, is an active member of the Society of Military Widows, and serves on the Accountability Committee at Fletcher School. Ruth also records textbooks for sight-impaired students at the Community College of Aurora.

Ruth's good works have not gone unnoticed. She has received a number of honors, including the 1980 Liberty Bell Award as "Outstanding Citizen of Adams County." She has been honored with a Circle of Life Award in recognition for her many contributions to the north Aurora community. In 2002, Ruth was named a "Woman Sculptor of the Community," an honor for which she was nominated by the Aurora Democratic Club.

As Ruth celebrates her 80th birthday and a lifetime of civic and political involvement, I know Republicans and Democrats alike wish her the very best.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall votes 157 through 159. Had I been present, I would have voted "yea" for each measure.

IN MEMORY OF EAST BAY DENTIST DR. THOMAS CURTIS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. STARK. Madam Speaker, I would like to make a few remarks in memory of Dr. Thomas Curtis DDS who passed away on February 17, 2007. Dr. Curtis was a World War II veteran who led a life of service to both his country and the bay area community in which he lived. During the war, Dr. Curtis served in the Army's 10th Mountain Division and fought in the Italian theatre. He was awarded two Purple hearts, the Bronze Star, and the Silver Star for his heroic actions.

After the war, Dr. Curtis enrolled at UC Berkeley and eventually graduated from UC San Francisco's dentistry school. He joined his father's dental practice and was a professor at UCSF until he retired in 1991. As an expert in maxillofacial prosthodontics, the reconstruction of the upper jaw, Dr. Curtis worked with surgeons to design replacements for trauma and cancer patients, allowing them to eat and speak again. Dr. Curtis had a passion for helping those in need and never turned away a patient that was referred to him even when some of those patients could not pay for his services. During the Vietnam War, Dr. Curtis volunteered regularly at the Letterman Army Hospital treating injured soldiers. He also served on the board of directors of the Bay Area Tumor Institute. As chairman of a voluntary organization that helped East Bay cancer patients consult with specialists prior to surgery to develop strategies for reconstruction before their tumors were removed.

Dr. Thomas Curtis was a healer and a teacher. He defended his country in battle, helped heal those in need in his community, and passed down his knowledge and experience to his students at the University of California, San Francisco. His passing shall be mourned and his exemplary service to our country and community remembered.

INTRODUCTION OF THE "NATIONAL LEVEE SAFETY PROGRAM ACT OF 2007"

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mrs. SCHMIDT. Madam Speaker, I am pleased to rise today to introduce the "National Levee Safety Program Act of 2007".

We know, following the terrible devastation of Hurricane Katrina, how important reliable hurricane and flood protection infrastructure is.

Congress has taken steps in the past to ensure that the nation's flood damage reduction infrastructure is properly inventoried, inspected, and assessed. In 1986, Congress authorized "the National Dam Safety Program Act" to conduct an inventory and assessment of all dams nationwide. "The National Levee Safety Program Act" is modeled after this successful program and law.

Thanks to the Dam Safety Program Act, we know a great deal more about our nation's dams. When it comes to our nation's levees, however, we know very little. We do not know where they are all located and we often do not know their condition. We do not even know how many levees there are in the United States, how old they are, and, in many cases, who constructed them or who is responsible for their operation and maintenance. Much of this is due to the fact that levees have been built for decades by different entities, at different times, and to different standards.

There has never been a national inventory of levees. I am introducing the "National Levee Safety Program Act" so we can develop such an inventory and work with the states to encourage them to develop their own levee safety programs.

This legislation authorizes the Army Corps of Engineers to conduct an inventory, inspections, and assessments of all levees nationwide. The legislation establishes an Interagency Committee on Levee Safety to create standards for federal levees, and creates a National Levee Safety Advisory Board made up of state, local, and private officials to advise the Committee on Levee Safety on the safety of levees in the United States, the implementation of this Act by state levee safety agencies, and policy relating to national levee safety. The bill also provides incentives for states and localities to participate in the program.

The National Levee Safety Program Act builds on my efforts in the last Congress encouraging states and local jurisdictions to work together to establish modern, statewide building codes which help mitigate costly future natural disasters, improving public safety and hopefully saving lives as well as taxpayer dollars. Similarly, creating an inventory of our levees is a valuable way for us to reduce the likelihood of costly, unforeseen future disasters.

I am aware of at least three important levees built by the Corps of Engineers in Southern Ohio providing flood protection to Cincinnati, Portsmouth, and New Boston. This legislation would ensure the Corps maintains an up-to-date assessment of these levees while it also builds a broader inventory of levees throughout Ohio and our nation that were built by non-federal stakeholders.

This legislation is fiscally responsible. In order to make the best investment of taxpayer dollars, we need to do an inventory, an inspection, and an assessment of levees across the United States. We need to know what they are protecting and what level of risk is associated with them. This should help us prioritize future spending on flood protection so we can spend taxpayer dollars more wisely.

I urge my colleagues to support this legislation.

HONORING DEBORAH COHN AND THE USPTO

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, it is an honor for me to recognize Deborah Cohn, Deputy Commissioner for Trademark Operations at the United States Patent and Trademark Office, USPTO, for her leadership in promoting government telework. Telework offers a great opportunity for the Federal Government to help solve environmental, traffic, and possibly continuity-of-operations issues, especially on the busy highways of Northern Virginia. It is well known that the Federal Government lags behind the private sector in providing telework options for its workforce. Yet, USPTO has set itself apart with its telework program.

With her foresight, creativity, and perseverance, Deborah Cohn pioneered the development of USPTO's first telework program at a time when telework was far from the norm. Ms. Cohn not only convinced reluctant agency executives, she forged coalitions with managers, IT personnel, and the employee union to create an innovative, award-winning telework program at the USPTO.

This month, the Trademark Work at Home, TWAH, program celebrates its 10th anniversary. TWAH, which began as a feasibility pilot of 18 teleworkers, today stands as the most innovative and progressive program in the Federal Government. It involves more than 220 employees, or 85 percent of eligible examining attorneys, who spend the vast majority of their workweek at home.

The USPTO program has received awards from the Metropolitan Washington Council of Governments, the Telework Exchange, the Mid-Atlantic Telework Advisory Council, and the International Telework Association and Council. Just last month, USPTO received the 2007 Work-Life Innovative Excellence Award from the Alliance for Work-Life Progress for the Trademark Work at Home Program.

The TWAH program now serves as a prototype of an innovative telework program, combining management-by-objective with hoteling, resulting in documented savings of space and cost savings for the agency. The ability to manage employees remotely using clear, measurable performance goals, regardless of where they work, models an extremely successful telecommuting program for government agencies. The TWAH program also demonstrates that flexibility of time and location enables employees to maximize efficiency, which is reflected by production gains of teleworkers. The phenomenally low attrition rate among TWAH participants should encourage agencies that face recruitment and retention problems to consider such programs.

It is essential that federal agencies maintain procedures for continuing government operations in the midst of, and following, a national emergency caused by terrorism or natural causes. Effective telework plans and procedures help ensure critical agency operations continue uninterrupted. Federal agencies with telecommuting programs receive significant benefits, including a more productive workforce, increased employee morale and quality of life, and the ability to better accommodate employees with health problems or child- or elder-care responsibilities. Teleworking eliminates a significant number of vehicle trips during peak hours, which aids the environment. The Federal Government should be a telecommuting leader, yet many federal agencies have been reluctant to embrace the concept. That is why I am delighted to congratulate Ms. Cohn on her outstanding leadership on telework issues.

Ms. Cohn began her career at USPTO in 1983 as a trademark examining attorney. In 2001, she joined the Senior Executive Service as a Trademark Group Director. She became Deputy Commissioner for Trademark Operations in 2005 and currently oversees the examination and processing of applications throughout the trademark operation.

Throughout her legal career at USPTO, Ms. Cohn has been involved in work-life improvement initiatives. She is a former Council of Excellence in Government Fellow, where she first developed the seeds of the trademark work-at-home program. Ms. Cohn is a graduate of The American University and George Mason University School of Law. Ms. Cohn is a sought-after resource and speaker as an expert on the development and management of telework programs.

I ask that my colleagues join me in recognizing Ms. Cohn's efforts in making USPTO's telework program the most successful operation of its kind within the federal government. Additionally, I call upon my colleagues to join me in celebrating the 10th anniversary of the Trademark Office's award-winning telework program.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, March 19, 2007, I was unable to cast my votes on H. Res. 138, H.R. 658, and H.R. 839.

Had I been present for rollcall No. 157 on the motion to suspend the rules and pass H. Res. 138, Recognizing the importance of Hot Springs National Park on its 175th anniversary, I would have voted yea.

Had I been present for rollcall No. 158 on the motion to suspend the rules and pass H.R. 658, the Natural Resource Protection Cooperative Agreement Act, I would have voted yea.

Had I been present for rollcall No. 159 on the motion to suspend the rules and pass H.R. 839, the Arthur V. Watkins Dam Enlargement Act, I would have voted yea.

HONORING SHEILA D. SMALLING

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Ms. Sheila D. Smalling, an exemplary citizen from my Congressional District who was recently named Kentucky Middle School Music Teacher of the Year by the Kentucky Music Educators Association.

Ms. Smalling has been teaching music in the Warren County School District since 1985, spending the last 19 years at Drakes Creek

Middle School. Her skill in the classroom has helped make Drakes Creek rank fourth in the Commonwealth in Arts and Humanities scoring.

Ms. Smalling's influence reaches well beyond the classroom. As band director, she leads almost a quarter of the entire student body, organizing public performances to showcase their talents including two formal hour-long concerts each school year.

Many of Ms. Smalling's former students have benefited from her passion, building an appreciation for music that continues with them after they leave Drakes Creek Middle School. In fact, several of her students have gone on to become music teachers. Several others have pursued college degrees in instrumental performance. One former student is now a member of "Pershing's Own" ceremonial military band here in Washington, DC.

It is my great privilege to honor Ms. Sheila D. Smalling today before the entire U.S. House of Representatives for her excellent work in public education. Her dedication and love of music continues to influence the lives of students and the communities they will someday serve. Ms. Smalling has set a fine example for the people of Kentucky's Second Congressional District. She is an outstanding citizen worthy of our collective honor and appreciation.

SENATE—*Wednesday, March 21, 2007*

The Senate met at 9:15 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, today, give Your guidance to our lawmakers. Help them to seek first Your kingdom so that everything in time will fall into its proper place and their lives will honor You. As they seek greater intimacy with You, empower them to relate honestly with themselves and with one another. Lead them together to find solutions to the problems that beset this great land. Calm their fears and strengthen their faith. Use them to serve You and country with faithfulness. Let Your peace guard their hearts.

Lord, make us all ever grateful to You for burdens lifted, suffering assuaged, sins forgiven, life renewed, differences reconciled, and hopes restored.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 21, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

THANKING THE CHAPLAIN

Mr. CONRAD. Mr. President, first, we thank the Chaplain for another outstanding prayer. The Chaplain serves this institution very well. We thank him and commend him for that.

SCHEDULE

Mr. CONRAD. This morning, the Senate will immediately resume consideration of the budget resolution. Under the order entered last night, Mr. ENSIGN, the Senator from Nevada, will offer an amendment. Following debate on that amendment, the majority will offer an amendment. Unless we arrive at a different understanding between the managers of the bill, I want to alert all colleagues that no votes will occur before 5 p.m. this evening.

We start today with 42 hours left of the 50 hours on the budget resolution. We want to alert colleagues that unless we are able to find a way to give back time, that means we will have to be in until at least midnight tonight and, perhaps, through the night on Thursday. I don't anticipate that occurring because I anticipate Senator GREGG and I will work out a means to avoid that. But colleagues need to know that because we started the budget resolution later this year than in previous years, because of other legislation, we are under great pressure if we are going to finish this on Friday. We simply must conclude by Friday.

So we alert colleagues we are going to try to move a series of amendments so our friends on the other side of the aisle have a full opportunity to get their amendments up, offered, and considered, and colleagues on this side of the aisle also get a chance for their amendments.

With that, I thank my colleagues and ask for their cooperation with the managers as we move forward on the budget resolution.

Now we will turn to Senator ENSIGN, who is a valuable member of the Budget Committee. Sometimes we disagree on specifics, but we always welcome his good nature.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 21, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

Pending:

> Sessions amendment No. 466, to exclude the extension of tax relief provided in 2001 and 2003 from points of order provided in the resolution and other budget points of order.
>
> Cornyn amendment No. 477, to provide for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ENSIGN. First, I compliment Senator CONRAD on his relationship with Senator GREGG. The cooperation they have displayed over the past several years should serve as an example to everyone in this body how the Senate can, and should, work. They battle fiercely, battle for their own ideas, but the collegiality they demonstrate and the respect they show one another is a good example for the rest of us in the Senate. One we should follow. It is really the way we should legislate around here. I offer them my compliments.

AMENDMENT NO. 476

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may call up amendment No. 476.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 476.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To ensure that our troops serving in harm's way remain America's top budget priority by: ensuring full funding for the Department of Defense within the regular appropriations process, reducing reliance on supplemental appropriations bills, and by improving the integrity of the Congressional budget process)
>
> On page 41, strike lines 9 through 11 and insert the following:
>
> (2) for fiscal year 2008,
>
> (A) for the national defense (050) function, $498,844,000,000 in new budget authority and $507,394,000,000 in outlays; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

(B) for all other functions, $443,468,000,000 in new budget authority and $514,013,000,000 in outlays.

Mr. ENSIGN. Mr. President, to briefly describe the amendment, it is a defense firewall amendment. This is not a new idea. We have had defense firewalls in the past. They have worked with some success. There have been a few problems with them, but overall they worked with some success.

We drafted the defense firewall in this amendment in a little different way than previous firewalls. These changes, I believe, will actually result in the firewall having its intended effect. That is, to make sure that the defense money in the budget is actually spent on defense.

In past years, a defense firewall has, frankly, been necessary. The chairman of the Budget Committee can attest to the fact that, under Republican control, this budget enforcement tool should have been in place. I have been very critical of Republicans when we chose to underfund defense purposely to shift money to other programs. Over the last several years, we used a kind of sleight of hand and budget gimmicks, and then restored defense spending later on in emergency supplementals. In effect, this raises overall spending for the Government.

Instead of honest budgeting and trying to increase certain non-defense programs in the open, we hid our spending habits from the American people. I have always said, that if you want to increase non-defense spending, have an honest vote to do so rather than using a gimmick. Fund defense honestly rather than what we have been doing, which is dishonest budgeting. We have not had the transparency under which I believe this institution should operate.

When the Democrats were campaigning last year, they criticized us in a lot of ways for using budget gimmicks, and I think rightly so. It is their time to keep what they have campaigned on—honest budgeting and true transparency. That is what we need in this place.

I want to take a minute to demonstrate what I have talked about for the last several years. Unfortunately, given how the new Democrat majority has chosen to fund BRAC, this Congress is continuing the bad habits of Congresses past.

What this chart shows is, in 2002, we added $1.9 billion in new spending. We took away from defense, about $1.9 billion, and then added that amount back in a supplemental. And this happens because everybody knows that Congress is going to fund defense to add that spending back later. We don't want to vote to actually cut defense, so we shift the money in the regular appropriations process and put it back in during an emergency supplemental. But what happens is that the $1.9 billion in 2002 gets added into the baseline for the next year. Then the next year, we underfunded defense by $11.5 billion, we shifted the money to other programs, and then added back the defense spending during the supplemental. The effect of this is to add on to the previous year—all of that in fiscal year 2004.

You can see the green bar at the bottom is the combination of the previous 2 years; that is added into the baseline. Then you do this again. Robbing from defense to once again add to the nondefense part of the baseline. This continues each year all the way up, and then you see what happens until we get to 2006. The cumulative effect of this is shown on the next chart.

I know the chairman of the Budget Committee likes charts, so we wanted to make sure we would have some of our own today. The cumulative effect of doing this each year for 5 years is a total of $84 billion. We don't have the new numbers for 2007 yet, but it is about an extra $40 billion. So we are probably well over $125 billion for a 6-year total in new spending. That really is the problem.

People are not being honest. If they want to increase spending, do it honestly. What our defense firewall says is that if you want to adjust defense spending, it cannot be done during the appropriations process; it has to be done during the budget process so that we are being honest with the American people. Since we assume a defense number in this budget, this amendment puts a wall around that amount so that it cannot be taken during the appropriations process. That wall says we will not take any more money out of defense to put into the other appropriations bills. This is transparency. This is honesty in budgeting.

When Republicans were in the majority, the Democrats claimed that we were fiscally irresponsible. They promised that they were going to come to power and be fiscally responsible. This is an amendment that will give them the opportunity to do just that. It gives them the opportunity to reject one of the budget gimmicks that has been used to add new spending.

I call on my colleagues in the majority to join with me in putting transparency into the budget process so we can help restrain Federal spending. Why do I say that? It is because when the Defense bill comes up as part of the process, no one, especially during a time of war, is going to vote to cut defense. So knowing that the Defense bill has to pass, the other bills get funded first. Defense comes up and it is slightly underfunded, so they know they have to make that up during an emergency bill. The emergency bill comes to the floor, and everybody knows it is going to pass. That is how this whole budget gimmick ends up increasing overall spending.

If you support fiscal responsibility, if you don't want to add a burden of debt and higher taxes onto young people and future generations, vote for this amendment. This is a fiscally responsible way to budget and to bring transparency into the Senate. This is the kind of amendment we need going forward. Both parties should operate under this kind of honesty when it comes to budgeting. I encourage all of my colleagues on both sides of the aisle to support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank my colleague for this amendment. I don't favor this amendment, but it is a thoughtful, serious amendment, and it deserves thoughtful, serious consideration.

Let me just indicate that the budget resolution, as it stands with respect to funding for defense and funding for the war, is not affected by this amendment. The budget resolution has the President's full request for the war. So I wish to be clear that the Ensign amendment doesn't affect that. What the Ensign amendment does provide is a 60-vote point of order against any legislation that exceeds the budget authority, which he sets for defense and nondefense discretionary spending, which is in the resolution. So what he is seeking to do is prevent money from going from defense to nondefense or the other way, from nondefense to defense. That is something we have done in the past.

My own analysis of it is that firewalls have not worked particularly well. We had them under the 1990 budget agreement. I think what we learned from that experience was they just didn't work as intended. Why not? Because instead of preventing games, I am afraid it encouraged games.

Let me say why I believe that is the case. No sooner were firewalls created for defense and international spending and domestic spending in the 1990s than our colleagues started to become very creative about how to jump over the firewalls.

For example, Congress started to dramatically expand the amount of medical research done by the Department of Defense. Instead of doing it at the National Institutes of Health, they tried to, in effect, evade the firewall—which, again, is absolutely well intended. But by doing the medical research not at NIH over in the domestic discretionary spending, they shifted the cost over into defense spending.

I am very strongly in favor of medical research, as I know my colleague from Nevada is. But does anyone in this Chamber really believe that we would have increased breast cancer research more effectively by not having it done at NIH rather than by the United States Army? And since firewalls were put in place, successive administrations have now started putting

FBI budget authority over in the Defense Department. This is the kind of game that I think, in many ways, the Senator is seeking to prevent but I am afraid may just be encouraged.

Why has that been done? It has been done to evade the firewalls. It is not clear to me what problem this amendment would actually solve. We haven't had firewalls in the last several years. Yet defense spending has grown rapidly.

Since 2001, defense, as a share of gross domestic product, has grown very significantly. Here is a chart that shows what has occurred.

Defense, as a share of gross domestic product—which all the economists say is the best way to measure—has gone from 3 percent in 1999 to 4.2 percent of GDP now.

Seen another way, defense spending—this is not a share of GDP, but this chart is expressed in constant 2008 dollars so that we have a fair apples-to-apples comparison.

We can see that defense spending has gone up very dramatically. In fact, we are now past, in real terms, the spending at the President Reagan defense buildup peak, and we are now set to go beyond the Vietnam war spending peak.

The Ensign amendment will actually take away flexibility from appropriators about how best to live within their overall total allocation. They have a much closer perspective on the programmatic needs of the various agencies, and I don't think we should be reducing that flexibility.

If the Appropriations Committee were to move to eliminate $50 million in wasteful spending at the Department of Defense—let's presume for a moment that we found $50 million of waste at the Department of Defense—I think those of us close to this know that is not a theoretical possibility—that if $50 million of wasteful spending was found at the Department of Defense, it couldn't be easily reallocated to Homeland Security because it would face this defense firewall block. I think that is a mistake.

Finally, I note for my colleagues on the other side that a vote for the Ensign amendment is a vote to endorse and enforce not just defense, but also the nondefense discretionary spending levels in the Democratic budget resolution. My colleagues will be voting to endorse $443.5 billion in nondefense discretionary spending because this firewall works both ways.

If my colleagues think money ought to be transferred from domestic nondefense spending to defense spending, it would face this same firewall. It would have the same 60-vote hurdle.

On that basis, while I absolutely respect the constructive intention of the Senator from Nevada, I believe it would have precisely the opposite effect that he intends.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GREGG. Mr. President, I yield myself such time as I will take.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak in support of the amendment of the Senator from Nevada. I think it is a critical amendment as we look at the budget with which we are dealing.

We know the budget we received from the other side of the aisle is a classic tax-and-spend budget. It raises taxes by $900 billion. It raises spending $144 billion in nondefense discretionary. The practical effect of that is very clear. The size of Government is going to grow dramatically, and the American workers are going to have to pay a heck of a lot more in taxes.

But there is something else we need to be sensitive to, and that is—and I credit the Senator from North Dakota for doing this—the Senator from North Dakota has put in place the numbers the President asked for to fight the war—$145 billion I believe is the number; something like that—for the 2008 budget. The problem is that unless that money is secured in a way that it cannot be gamed or used or reallocated, it can be used to grow the Government in nondefense discretionary activity. We have seen that happen. We have seen that happen, regrettably, all too often around here where money, which is defense money, is taken out of the Defense Department, moved over to the social spending side of the ledger because there is some account somebody wants to spend money on, and then halfway through the year, the Defense Department starts to run out of money and everybody is going to vote to replenish the Defense Department with a supplemental. That is the way it works around here.

Regrettably, it happened last year that way. Regrettably, it happened the year before last that way. Regrettably, it happened the year before the year before last that way. That is exactly what happens around here. Money is taken out of the Defense Department, put into the social spending accounts, it grows the base of the social spending accounts, and then the Defense Department is replenished through a supplemental because everybody knows we have to fund the Defense Department, especially during a time of war.

What the Senator from Nevada is trying to do is make sure that where we have this massive amount of money sitting there, these warfighting funds, and where we have increased the defense base by so much money, we essentially protect that money from being raided for the purposes of being used for everyday accounts around the operation of Government and for building the base of the operation of Government.

When we look at the history of the Congress, that type of action is needed. We need that type of protection. So a defense firewall is absolutely critical to fiscal discipline, and, I would argue—and I think history stands with me on this argument—if we don't have a defense firewall, it is very clear that the social nondefense, nondiscretionary spending number isn't going to increase by $144 billion, which is the number which is in this bill, which is a pretty significant increase over the President's number, by the way—the President jumped it up by a significant amount—it is going to increase by a lot more because we know defense money is going to flow into those accounts throughout the appropriations process in order to take care of this issue or that issue that somebody believes is important to their agenda.

We heard yesterday the Senator from Massachusetts talk about how No Child Left Behind had to receive more money, how IDEA had to receive more money, how Pell grants had to receive more money. The Senator from North Dakota has put more money into those accounts, significantly more money, and the President has put more money into those accounts, significantly more money. But I can assure my colleagues that when that appropriations bill hits the floor with those dollars in it, it is going to go up even further because there is going to be money taken out of the Defense Department and put into the Labor-HHS bill for the purpose of expanding those programs because that money is sitting there and the money is defenseless, to use a term of art. The money is defenseless. It is going to be raided and taken over to the social side of the ledger from the Defense Department.

The Senator from Nevada has the right approach to set up this firewall and make it clear that we are going to have fiscal discipline. That is what we need, fiscal discipline. This budget doesn't have much fiscal discipline in it. In fact, it doesn't have any to speak of. But as a practical matter, it shouldn't get worse. We should put in place some limits that allow us to make sure even with this massive increase in nondefense discretionary money, that is where it stops, and we don't end up with the Defense Department being used as the piggy bank to fund even more nondefense discretionary spending.

The Senator is on the right track. It has been done before. It was actually quite effective before. I disagree with the characterization of it by the Senator from North Dakota. It made life a little more difficult with the appropriators and others who wanted to take advantage of defense dollars in order to use them on the nondefense discretionary side of the ledger, for social spending or whatever projects were floating around they wanted to do.

It will also have a direct impact, quite honestly, on earmarks. It will make it more difficult to earmark because there won't be money available with which to earmark. If you are opposed to earmarks, for fiscal discipline, if you think the Defense Department should get the money we promised them to fight the war, you have to vote for the Ensign amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, as the Senator from New Hampshire well knows, the war funding is secure. It is absolutely secure. At his urging, we put the war funding in a sidecar. Our cap adjustment for war costs is available only for war costs. That is a red herring of an issue, and he knows it.

Let's go back to this question of how things really work. I must say, I am sympathetic to the basic notion of trying to exert discipline and not having money that is appropriated for defense used for something else. I am absolutely sympathetic to that. The problem is, I don't think this works, and I am asking to have the list of earmarks that is in the Defense appropriations bill brought to me because I will then read that list. It will take me a good part of the day because we all know what is really happening around here.

The Senator talked about somehow suppressing earmarks. Please, do I really have to read the list of earmarks that has been put in the Defense appropriations bill that have nothing——

Mr. GREGG. Will the Senator yield at that point?

Mr. CONRAD. Let me complete the thought. I will be happy to yield. Don't we all know, haven't we all read the Defense appropriations bill and seen earmark after earmark after earmark put into that Defense bill that has nothing whatsoever to do with defense? I will be happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, my point was that this will increase the piggy bank available to nondefense discretionary to be used for earmarking because it will take defense dollars and move them over to nondefense discretionary accounts. I don't argue with the argument that there is a significant number of earmarks in the defense budget. I hope that as part of reading his Defense Department earmarks—which I will be happy to agree exists—he will at the same time list the earmarks that were added into the Labor-HHS bill over the last 4, 5, 6 years as a result of literally billions of dollars being taken out of the Defense Department to pump up the Labor-HHS bill. That is where the earmarks occurred.

Mr. ENSIGN. Will the Senator yield?

Mr. CONRAD. I will be happy to yield in a minute, if I may just respond to the Senator. I think we all know the truth of this institution is that as soon as we create something such as a firewall, very creative minds go to work in this institution to find a way around it. That is the hard reality. I am happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, the Senator from North Dakota made the point that defense funding is secure. We do not in any way think we are going to underfund defense or the war funding. The point we were making about defense spending is that because everybody is going to make sure defense spending is secure, once the money for defense is put in there, money is taken out and put into other spending programs, then later in the year it is filled back in for defense.

Everybody knows we are going to fund the war. Everybody knows we are going to do the critical needs of the Department of Defense. What we are arguing is that other spending is going to be increased because of the budget gimmicks because there is no transparency.

What my amendment does is put transparency back into the process. That is why the Senator from New Hampshire and myself are arguing how critical this amendment is if we want to actually have some fiscal restraint, if we want to not just continue to blow up the deficits and pass this huge debt on to future generations.

Without transparency, without all the budget gimmicks, the numbers that my colleagues saw that I put up and the charts I put up for the last 5 years—let's put those charts back up. For the last 5 years, $84 billion total has been added in nondefense, other types of social spending programs. And it was done, in a way, with budget gimmicks, where people, kind of sleight of hand over here, looked as though they were being fiscally responsible, but they were not. They said they were operating within the budget caps that were set out, but because then the Defense spending was declared as emergency, that allowed people to get around the Defense caps.

What we are trying to do is to install some fiscal discipline. That is why we put a 60-vote, supermajority, point of order against this kind of activity. There is still flexibility. If people wanted to argue: let's take the money out, let's increase these accounts the way it has been done in the past, at least there is a supermajority required to do so.

I keep going back to last fall's election and before that, when the Democrats accused Republicans in the majority of being fiscally irresponsible. This is a chance to fulfill their campaign promise of being fiscally responsible. It is time to step up, put mechanisms in place that will put the discipline into this body to help hold down the spending that goes on in this place.

I will not argue that games won't be played. What we are going to do, though, is to make it more difficult to play the games. There will always be people who will try to get around whatever budget discipline we put in. The appropriators are famous for that. What we are trying to do here is to put in budget discipline, to put in a steeper wall to climb over to get around these sleight-of-hand budget tricks.

That is what this amendment is about, to say let's for once be fiscally responsible around this place. Let's think about the children and future generations as far as spending is concerned. I ask my colleagues to support this amendment when it comes up to the full Senate for a vote.

Mr. BYRD. Mr. President, at Andrews Air Force Base in 1990, I helped to craft the first statutory firewalls as part of the budget summit that resulted in the Budget Enforcement Act of 1990. That act created three categories of discretionary spending—defense, international, and domestic discretionary.

At the time, the device of the three separate caps to protect each category from being raided by another category made sense. There was a definable military threat, and nondefense funds did not contribute significantly to the defense of the Nation. That is not the case anymore. The September 11 attacks blurred the line between defense and nondefense spending. Military threats can no longer be viewed as matters that are fought solely through the Defense Department. The enemy may attack our troops overseas or civilians here at home. Within a matter of weeks, the focus of our war against terrorism can shift from military efforts abroad, to our homeland security efforts here at home, and then back again.

To respond to this threat, the Congress should maintain maximum flexibility to shift funds to where they are needed most—whether for our homeland security needs here at home or for our troops overseas or for our veterans who need health and medical care. With so much uncertainty regarding the threat of terrorism and the war in Iraq, it makes no sense to limit how those funds can be spent.

Senators should know that firewalls in the past have forced the Congress to resort to all sorts of machinations to pass its annual spending bills. Firewalls were used in past years, as part of a partisan budget process, to hold nondefense discretionary spending at unrealistically low levels. These spending levels were set early in the year under different fiscal circumstances and at levels that neither the administration nor the Congress expected to stay within. The result was always unnecessary delays in the appropriations process and even more spending as nearly all budgetary discipline evaporates in the push to pass an end-of-the-year omnibus bill.

These kinds of budget gimmicks undermine the people's confidence in the Congress to manage the Nation's spending priorities.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. CONRAD. Mr. President, how much time would the Senator like?

Mr. OBAMA. Mr. President, I was hoping for 10 minutes.

Mr. CONRAD. I will be happy to yield 10 minutes to the Senator off the bill.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 10 minutes.

THE IRAQ WAR

Mr. OBAMA. Mr. President, on Thursdays, Senator DURBIN and I hold a constituent coffee so we can hear from the folks back home. A young man came a few months ago who was about 25, 26 years old. He had been back from Iraq for a year. The first 6 months of that year he spent in a coma. An explosion had shattered his face, blinded him in both eyes, and has left him without the use of one arm.

He told us about how he was going through rehab, and he introduced us to his family. He has a wife and two young daughters like I do, and his wife talked for a bit about the adjustments they were making at home since dad got hurt. I found myself looking at not just him, but at his wife, who loves him so much, and I thought about how their lives were forever changed because of the decision that was carried out 4 years ago.

The sacrifices of war are immeasurable.

I first made this point in the fall of 2002, at the end of the speech I gave opposing the invasion of Iraq. I said then that I certainly do not oppose all wars, but dumb wars—rash wars. Because there is no decision more profound than the one we make to send our brave men and women into harm's way.

I have thought about these words from time to time since that speech, but never so much as the day I saw that young man and his wife.

The sacrifices of war are immeasurable. Too many have returned from Iraq with that soldier's story—with broken bodies and shattered nerves and wounds that even the best care may not heal. Too many of our best have come home shrouded in the flag they loved. Too many moms and dads and husbands and wives have answered that knock on the door that is the hardest for any loved one to hear.

And the rest of us have seen too many promises of swift victories, and dying insurgencies, and budding democracy give way to the reality of a brutal civil war that goes on and on and on to this day.

The sacrifices of war are immeasurable. It was not impossible to see back then that we might arrive at the place we are at today.

I said then that a war based not on reason but on passion, not on principle but on politics would lead to a U.S. occupation of undetermined length, at undetermined cost, with undetermined consequences. I believed that an invasion of Iraq without a clear rationale or strong international support would only strengthen the recruitment arm of al-Qaida and erode the good standing and moral authority that took our country generations to build. There were other experts, and leaders, and everyday Americans who believed this too.

I wish we had been wrong. I wish we weren't here talking about this at the beginning of the war's fifth year. Because the consequences of this war have been profound. And the sacrifices have been immeasurable.

Those who would have us continue this war in perpetuity like to say that this is a matter of resolve on behalf of the American people. But the American people have been extraordinarily resolved. They have seen their sons and daughters killed or wounded on the streets of Fallujah. They have spent hundreds of billions of dollars on this effort—money that could have been devoted to strengthening our homeland security and our competitive standing as a nation.

No, it has not been a failure of resolve that has led us to this chaos, but a failure of strategy—a strategy that has only strengthened Iran's strategic position; increased threats posed by terrorist organizations; reduced U.S. credibility and influence around the world; and placed Israel and other nations friendly to the United States in the region in greater peril.

Iraq has not been a failure of resolve, it has been a failure of strategy—and that strategy must change. It is time to bring a responsible end to this conflict is now.

There is no military solution to this war. No amount of U.S. soldiers not 10,000 more, not 20,000 more, not the almost 30,000 more that we now know we are sending—can solve the grievances that lay at the heart of someone else's civil war. Our troops cannot serve as their diplomats, and we can no longer referee their civil war. We must begin a phased withdrawal of our forces starting May 1, with the goal of removing all combat forces by March 30, 2008.

We also must make sure that we are not as careless getting out of this war as we were getting in, and that is why this withdrawal should be gradual, and keep some U.S. troops in the region to prevent a wider war and go after al Qaida and other terrorists.

But it must begin soon. Letting the Iraqis know that we will not be there forever is our last, best hope to pressure the Iraqis to take ownership of their country and bring an end to their conflict. It is time for our troops to start coming home.

History will not judge the architects of this war kindly. But the books have yet to be written on our efforts to right the wrongs we see in Iraq. The story has yet to be told about how we turned from this moment, found our way out of the desert, and took to heart the lessons of war that too many refused to heed back then.

For it is of little use or comfort to recall past advice and warnings if we do not allow them to guide us in the challenges that lie ahead. Threats loom large in an age where terrorist networks thrive, and there will certainly be times when we have to call on our brave servicemen and women to risk their lives again.

But before we make that most profound of all decisions—before we send our best off to battle, we must remember what led us to this day and learn from the principles that follow.

We must remember that ideology is not a foreign policy. We must not embark on war based on untested theories, political agendas or wishful thinking that has little basis in fact or reality. We must focus our efforts on the threats we know exist, and we must evaluate those threats with sound intelligence that is never manipulated for political reasons again.

We must remember that the cost of going it alone is immense. It is a choice we sometimes have to make, but one that must be made rarely and always reluctantly. That is because America's standing in the world is a precious resource not easily rebuilt. We value the cooperation and goodwill of other nations not because it makes us feel good, but because it makes all the world safer—because the only way to battle 21st century threats that race across borders—threats like terror, and disease, and nuclear proliferation—is to enlist the resources and support of all nations. To win our wider struggle, we must let people across this planet know that there is another, more hopeful alternative to the hateful ideologies the terrorists espouse—and a renewed America will reflect and champion that vision

We must remember that planning for peace is just as critical as planning for war. Iraq was not just a failure of conception, but a failure of execution, and so when a conflict does arise that requires our involvement, we must do our best to understand that country's history, its politics, its ethnic and religious divisions before our troops ever set foot on its soil.

We must understand that setting up ballot boxes does not a democracy make—that real freedom and real stability come from doing the hard work of helping to build a strong police force, and a legitimate government, and ensuring that people have food, and water, and electricity, and basic services. And we must be honest about how much of that we can do ourselves and how much must come from the people themselves.

Finally, we must remember that when we send our servicemen and women to war, we make sure we have given them the training they need, and the equipment that will keep them safe, and a mission they can accomplish.

We must respect our commanders' advice not just when its politically convenient but even when it is not what we want to hear. And when our troops come home, it is our most solemn responsibility to make sure they come home to the services, and the benefits, and the care they deserve.

As we stand at the beginning of the fifth year of this war, let us remember that young man from Illinois, and his wife, and his daughters, and the thousands upon thousands of families who are living the very real consequences and immeasurable sacrifices that have come from our decision to invade Iraq.

We are so blessed in this country to have so many men and women like this—Americans willing to put on that uniform, and say the hard goodbyes, and risk their lives in a far off land because they know that such consequences and sacrifices are sometimes necessary to defend our country and achieve a lasting peace.

That is why we have no greater responsibility than to ensure that the decision to place them in harm's way is the right one. And that is why we must learn the lessons of Iraq. It is what we owe our soldiers. It is what we owe their families. And it is what we owe our country—now, and in all the days and months to come.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I commend the Senator from Illinois, Senator OBAMA, for the wisdom he has displayed with respect to the conflict in Iraq. I read a speech he gave when he was a State Senator warning about the dangers of going to war in Iraq. In many ways it reflected many of the same feelings and analysis I had given in my speech on the floor of the Senate.

I gave the last speech before that fateful vote to authorize going to war in Iraq. I believed at the time it was a mistake to go to Iraq before finishing business with Osama bin Laden. After all, it was Saddam Hussein in Iraq whom this administration decided to go after. But it was not Saddam Hussein or Iraq that attacked this country on 9/11, it was Osama bin Laden and the al-Qaida network that had attacked this country. We have still never held Osama bin Laden to account. I have always felt that was an extremely serious mistake, a military mistake for this country. I was so impressed that the Senator from Illinois, who was a State senator at the time, had the wisdom and the judgment to see that. I wish more had seen it.

I, again, thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, so we can get the order, I understand we are going to go to Senator BUNNING next; is that the game plan? He is on his way to the floor.

Mr. CONRAD. Yes. I thank the Senator very much for his continuing courtesy as we try to move through this. Senator BUNNING, we are told, is on his way to the floor to offer an amendment. We are also asking Senator BINGAMAN to come.

I see Senator BUNNING is here now. We can go to his amendment.

Mr. BUNNING. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Ensign amendment is the pending question.

Mr. BUNNING. I ask unanimous consent the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 483

Mr. BUNNING. I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows.

The Senator from Kentucky [Mr. BUNNING], for himself and Mr. ENZI, proposes an amendment numbered 483.

Mr. BUNNING. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a point of order against any budget resolution that fails to achieve an on-budget balance within 5 years)

At the end of title II, add the following:

SEC. . CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BUNNING. Mr. President, this amendment is almost identical to the language that was included in the fiscal year 2003 budget resolution that Chairman CONRAD authored. This amendment provides that, starting with the fiscal year 2009 budget, if CBO's budget and economic outlook reports projections that the Social Security surplus will be spent for non-Social Security programs during any year covered by its projections, then the budget resolution must present a plan to protect Social Security by reducing those deficits.

As you can see by this chart, in 2009, 2010, 2011, and 2012, these are the Social Security dollars that are being used in this current budget that has been proposed for other purposes. From $423 billion up to $1.027 trillion. If the budget resolution fails to put the budget on a glidepath to protecting the Social Security surplus within 5 years, it will be subject to a point of order in the Senate. There is an exception for times of war and low economic growth, and it can be waived by a vote of three-fifths of the Senators.

The purpose of this circuit breaker is to put the budget on a path to balance without spending the Social Security money that is needed for the baby boomers' retirements. It ensures that Social Security trust funds will be used for their intended purpose and that is for retirement of the baby boomers and all after.

We all know the challenges the Social Security system faces as the first of the baby boomers start to retire very shortly. The effects of this demographic tidal wave will begin to grow rapidly as the years progress. Chairman CONRAD will point to a provision in this budget that he calls the "save Social Security first" point of order. However, this point of order does not—I say emphatically does—not protect the Social Security surplus the way my amendment will do it. In fact, the budget resolution before us spends, as I showed you, over $1 trillion additional of the Social Security surplus. My amendment says that just because we have been spending the Social Security surplus for decades doesn't mean we should continue. We have dug ourselves into a big ditch. The budget before us keeps digging.

My amendment says stop digging. It forces Congress to make a plan to protect the Social Security surplus. I urge my colleagues to think about the future of Social Security retirees and support this amendment. We have this amendment before us. It is almost exactly like the amendment the now chairman of the Budget Committee put in the 2003 budget resolution, and his rationale for knocking out the point of order in the budget markup was: "Well, we have been doing it for years."

Yes, we have been doing it for years, and it is time to stop. Stop spending the Social Security surplus for other purposes—other purposes being any other functions for which the Federal Government might need money. What does that do to my grandchildren and the grandchildren of everybody else in this body and those listening? It says to your grandchildren: You have to fend for yourself. We are going to leave you with this pile of debt, such that in 2017 we are not going to have enough money in the trust funds to pay off your Social Security benefits—in 2017, when we start spending this money out of the trust funds—with the interest we are supposed to be getting from it. By 2040, we will have spent down all the trust funds and all the interest. What does that mean? That means in 2041 those benefits in Social Security will be 74 percent of what we promised our recipients. That is the money that will be coming in, in Social Security taxes at that time. We will only be able to pay out 74 percent of the benefits because we have prespent the trust funds for other purposes.

My amendment says: Stop. Think about what you are doing, Members of the Senate, Members of the Congress. Stop digging the hole. We are going to bury our future generations in a massive debt situation where their benefits will not be able to be paid.

I ask support for this amendment when it comes up for the vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator talks about Social Security money being spent in the Democratic budget resolution—and he is right. There is money spent, Social Security money, in the Democratic budget resolution. Why? Because our friends on the other side, in the 6 years they have controlled everything, have dug such a deep hole it is going to take us a while to climb out. Look at the President's budget. That is the only budget from the other side. The other side has not presented a budget other than the President's budget.

Here is what the President's budget does in terms of spending Social Security money. The President's budget spends $1.16 trillion of Social Security money over the next 5 years—every dime that is available. We use $1.03 trillion. So let's be clear. The only budget from the other side uses more Social Security money than does our budget. Both budgets use Social Security money because we are now in such a deep hole it is going to take time to dig out.

Here is the record from the other side. The record from the other side is they have so far spent $1.1 trillion of Social Security money and, if the President's budget is followed, they will have spent $2.5 trillion by 2017. Every dime of Social Security money that is available to spend will have been spent by our friends on the other side. That is their record.

Look, we inherited this mess. We have to climb out and we are making progress. Our budget balances by 2012, and over time we will end this practice of using Social Security money. Let me indicate that in this budget resolution, we have passed a "save Social Security first" amendment. It says there can be no new mandatory spending or tax cuts until the 75-year Social Security solvency is restored, unless it is paid for or gets a supermajority vote. That is in the underlying budget resolution to protect Social Security.

I say to my colleague, he has offered an amendment I previously offered. When I offered it, it was before we descended into this deficit and debt ditch. It was designed to prevent us from going that road, from going down the path of using Social Security money to fund other things. Unfortunately, our colleagues on the other side opposed it and defeated it. They prevented it from being put in force, which would have hopefully prevented all this from happening. But that was not the case. Now it is akin to closing the barn door after the cattle are gone. Now the Senator from Kentucky offers this amendment.

The upshot of this amendment, if it were to pass, would be to create a 60-vote hurdle against having a budget resolution next year. That is what the effect of the Bunning amendment would be. If people want to vote for it as a symbolic measure, that is fine with me. Members should know they are free to vote however they think is the right way when we vote on the Bunning amendment later this evening.

Ms. STABENOW. Will my colleague yield for a question?

Mr. CONRAD. I am happy to yield.

Ms. STABENOW. I thank you, as chairman of the Budget Committee, for bringing forward the "save Social Security first" amendment in committee. It makes it very clear in the budget resolution that we intend to come out of this hole and are committed to making sure Social Security moneys are restored.

Last night we heard from other colleagues on the other side of the aisle. Senator SESSIONS offered an amendment that basically would fly in the face of Senator BUNNING's amendment, wouldn't you say, because it essentially would take away the ability to have a 60-vote point of order as it relates to extending the tax cuts that created the hole in the first place. Because isn't it true that essentially the tax cuts were paid for by using Social Security surplus funds?

Mr. CONRAD. The Senator is certainly right. Senator SESSIONS' amendment would allow all of the tax cuts to be extended without having to be paid for, without having to be offset. So it does directly contradict at least the spirit of the Bunning amendment.

I must say, I am very much in sympathy with the spirit of the Bunning amendment because, after all, it was my amendment back in 2002 when it really would have done some good because that was before we went down this path of using Social Security funds to pay all kinds of other bills.

I have said many times that what is being done here in Washington is a basic violation of any kind of the sense of the trust fund because trust fund moneys that are in temporary surplus before the baby boomers retire are being used to pay other bills. You could not do that in any other institution. You could not do that in any private business. You could not do that in any other private sector institution. You could not take the retirement funds of your employees and use them to pay your operating expenses. If you did that, you would be in violation of Federal law. You would be on your way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House; you would be headed for the big house because that is a violation of Federal law. But that is the practice that has grown up. It has been, unfortunately, the case here for 30 years, with only 2 years of exception: The last 2 years of the Clinton administration, we were able to stop using Social Security funds to pay other bills. That was one of the greatest achievements of the Congress and the administration. Unfortunately, under this new administration, they went right back the other way, using every dime of Social Security money to pay other bills. Now we are in such a deep hole that it is going to continue for some period of time until we are able to dig out.

Ms. STABENOW. If I might ask a second question of my friend. Again, I will start by congratulating the Senator. I remember, as a new member of the Budget Committee, coming in in 2001 when there were record surpluses, that the Senator was warning us about what could happen. Actually, is it not true that at that time, the Senator was suggesting a third of the surpluses go to prefunding the liability of Social Security so we would not find ourselves in this mess? Would not that have had a very different outcome on where we are today?

Mr. CONRAD. Yes. I thank the Senator for remembering that. I did have a plan. Instead of giving the outsized tax cuts the President proposed, I proposed giving a $900 billion tax cut, very large tax cuts, but to use the rest of the money to strengthen Social Security, to either prefund the liability or pay down the debt.

Instead, a different judgment was made. Social Security money that really never was in what I would consider surplus—because it is all needed when the baby boomers retire—has been taken and has been used, every dime under the President's fiscal plan, to pay other bills and to finance tax cuts. I think that was a profound mistake. That is why I offered the amendment the Senator from Kentucky has now offered, an amendment I offered back in 2002, to prevent us from ever going down this path. Now we have gone down it. Both budgets, if we are to be honest, use Social Security funds. We use somewhat less than the President's budget. It is going to take time to dig out.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Kentucky.

Mr. BUNNING. Mr. President, two wrongs do not make a right. The fact is that the President's budget includes it, every President's budget has included it since Ronald Reagan. That includes Bush 1, Bill Clinton's budget for 8 years, and now George W. Bush's budget. They have included spending the Social Security trust funds that are in surplus in every budget for over 15 years that I know of.

Now that my good friends from the Democratic Party are in the majority, they are doing the same thing. They are spending our trust funds that the Social Security system must buy bonds with. That is the law. We do not have another law that says you can take the Social Security trust funds and you can put it in this little box and you must keep it. No. The law says—and I was on the Ways and Means Committee with the current chairman of the Senate when we tried to wall off Social Security trust funds. It did not pass over in the House at that time. So we have been spending them ever since. That does not make it right. It is still wrong to spend it.

The other side said they are going to fix the surplus problem. Well, they are not. I hope they do. This amendment gives some teeth to that promise because it holds the majority—whoever is the majority—accountable.

Now that they are in the majority, they do not want to hold themselves responsible for the Social Security trust funds. They say: Oh, because we have been doing this all this time, it is too late to stop. We can save $1.027 trillion if we stop now and do not include this in our 5-year projections.

I hate to tell you, if we moved this out to 10 years, what it would look like. I am not going to do that because the budget is a 5-year budget. But $1 trillion, to my grandkids and their retirement or Senator CONRAD's grandkids or anybody's kids, is a lot of money, and the more we can save for their retirement, the less we are going to have to borrow down the road.

So, please, when you are considering this amendment, consider the consequences of what we are doing here. We are doing more of the same. It is time we stopped doing it.

I ask for your support. This is a very important amendment. It is not a feel-good amendment; it is a substantive amendment that we actually are doing things to stop spending the Social Security trust funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Kentucky, who may be one of the most effective spokespersons in the Senate on the issue of protecting the Social Security accounts and making sure that as we move forward, we are responsible in that area.

This amendment accomplishes exactly that. It is a brilliantly drafted amendment because it was, of course, drafted by the chairman of the Budget Committee and offered by him.

Mr. Chairman, it reflects that the times have changed. Well, they really have not; the numbers have changed. Instead of $2 trillion, we are now talking $1 trillion of Social Security money that is going to be used in this budget.

You know, the cattle are not out of the barn; they truly are in the barn. And we figure each cow is worth a dollar. We should be protecting them, and we should be at least addressing them. What I think the amendment does is it highlights the essence of one of the most significant problems with this budget; that is, although it spends a lot of money and it raises a lot of taxes, it does nothing on the issue of the long-term solvency of this Government, which is the most significant threat we face.

The chairman of the Budget Committee has held numerous hearings on this issue. I have congratulated him on being focused on this issue. But, unfortunately, he brought forward a budget which does not address this. We have created a government which is not going to be affordable to our children because the costs of Social Security and the costs of Medicare when the baby boomer generation retires is simply going to overwhelm their fiscal ability to support that generation.

We should be getting on right now and doing things that correct this. There were ideas put forward which would accomplish this that the President put forward in the area of Medicare. There are things you can do in the area of Social Security. For example, you can get the reimbursements correct on the COLA.

But what this budget does is nothing. It does nothing to protect or address this outyear problem. What it does do is aggravate the problem by digging the hole deeper by using $1 trillion of Social Security funds to operate the Federal Government over the 5 years of this budget.

So when the chairman of the committee drafted the amendment, he was thinking correctly. And when he said that—he was speaking here relevant to the use of Social Security funds by the administration in prior budgets—they included as the definition of a balanced budget one that raided the Social Security trust fund of every dime. Then he claimed that it was a balanced budget. That was no balanced budget; that was a budget built on massive borrowing disguised as balancing the budget.

Well, that is essentially a statement which could be applied exactly to this budget. So the chairman was right with that statement. Then he went on further and said: It threatens Social Security to take $180- to $190 billion of Social Security money, to use it, instead of paying down the debt or prepaying the liability, to use to it pay operating expenses of the Government, it threatens Social Security. That again is being done within this budget to the tune of $1 trillion.

So the Senator from Kentucky in his own way is once again highlighting the issue effectively and has put forward language which will accomplish the goal. It was good language when it was offered by the Senator from North Dakota, and it is good language offered by the Senator from Kentucky. I certainly hope we support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I want to say I have been put at a disadvantage here because the Senator from Kentucky, whom I like very much, whom I respect very much, has offered an amendment I drafted.

Unfortunately, they did not support it when I offered it back in 2003. It really would have helped us avoid this disaster of using Social Security money. So maybe we have here a coming around to support an issue at least at a later point. I am going to recommend to my colleagues that we vote for this amendment on the floor, as a symbolic measure if for no other reason.

When I drafted this amendment and offered it back in 2002, what a difference it would have made if it had been adopted. But, unfortunately, our colleagues who have just spoken so eloquently in favor of it now opposed it then. They opposed it when it actually would have done something. Well, I still appreciate the fact that they now, 5 years later, appreciate the wisdom of my words then. I certainly will not stand in the way of adopting this amendment tonight. In fact, my vote will be cast in favor of this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I don't want to prolong the debate because the Senators from New Mexico and Tennessee have an amendment ready to go. But I would note that the most recent inconsistency on this is not our side, it would be on the Democratic side, in that the Senator from North Dakota voted against this amendment in committee, which he now is going to vote for on the floor. I wanted to make that point. So the inconsistency is in the eye of the beholder.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Let me say that I cast that vote in committee because the practical effect of this amendment now is not going to protect Social Security. The practical effect of this amendment is to create a 60-vote hurdle to pass a budget resolution next year.

But, look, I am proud of the amendment I crafted 5 years ago. I think we have to send every message we can that it is wrong to be using Social Security trust funds to pay other bills. I believe that with every fiber of my being. Senator BUNNING has offered this amendment unfortunately 5 years too late. I am going to support it even though it is 5 years too late.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will conclude my comments by saying that I hope the Senator from North Dakota is not cynical, because of his rather negative view of what this amendment will do. I hope it does not come to fruition.

I hope what the amendment does is force the people who bring the budget next year to look at Social Security and figure out how we are going to deal with it and thus put in place some entitlement reform which addresses this issue and gets us into a position where we are able to protect it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, it is for that reason that I will support the amendment, because it may, even at this late hour, help build pressure for what the Senator from New Hampshire and I both want to do, which is somehow find a path to addressing these long-term entitlement challenges. It may help do that.

In that spirit, I will support the amendment tonight.

Now we have Senator BINGAMAN ready.

.The PRESIDING OFFICER. The time yielded to the Senator from New Mexico?

Mr. CONRAD. How much time does the Senator from New Mexico seek?

Mr. BINGAMAN. I need at most 15 minutes. I know my colleague from Tennessee needs a comparable amount of time. I know there are others who wish to speak, but I don't know if they will be able to come to the floor at this point.

Mr. CONRAD. I yield 15 minutes to the Senator from New Mexico. And then the Senator from Tennessee, how much would the Senator seek?

Mr. ALEXANDER. Up to 15 minutes, please.

Mr. CONRAD. Would the Senator from New Hampshire provide the Senator from Tennessee with time off his side on this amendment?

Mr. GREGG. I would. I understand the Senator from South Carolina wants to speak on the Bunning amendment. Should we complete that debate?

Mr. CONRAD. I think in fairness to the other two Senators, we should let them go forward with their amendment. Then we could come back to the Senator from South Carolina for his comments on the Bunning amendment.

Mr. GREGG. Sounds good.

The PRESIDING OFFICER. Is the Senator from North Dakota seeking consent to set aside the Bunning amendment so we may proceed to this amendment?

Mr. CONRAD. Yes, I think we should set aside the Bunning amendment so that the Bingaman amendment may be offered. The Senator from Tennessee could speak on that. We did ask them to come at this time to do so. I apologize to Senator DEMINT. We were not aware that he was on his way to the floor. In fairness, that is what we should do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

AMENDMENT NO. 486

Mr. BINGAMAN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. DOMENICI, Mr. ENSIGN, and Mr. REID, proposes amendment numbered 486.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding resources in FY2008 for investments in innovation and education in order to improve the competitiveness of the United States)

On page 10, line 9, increase the amount by $1,008,000,000.

On page 10, line 10, increase the amount by $428,000,000.

On page 10, line 14, increase the amount by $345,000,000.

On page 10, line 18, increase the amount by $179,000,000.

On page 10, line 22, increase the amount by $35,000,000.

On page 11, line 1, increase the amount by $18,000,000.

On page 14, line 9, increase the amount by $11,000,000.

On page 14, line 10, increase the amount by $9,000,000.

On page 14, line 14, increase the amount by $3,000,000.

On page 26, line 12, decrease the amount by $1,019,000,000.

On page 26, line 13, decrease the amount by $437,000,000.

On page 26, line 17, decrease the amount by $348,000,000.

On page 26, line 21, decrease the amount by $179,000,000.

On page 26, line 25, decrease the amount by $35,000,000.

On page 27, line 4, decrease the amount by $18,000,000.

Mr. BINGAMAN. Mr. President, I am offering this amendment on behalf of myself and Senators ALEXANDER, LIEBERMAN, DOMENICI, ENSIGN, and REID. This is an amendment that I believe will go a long way toward ensuring that the United States maintains its preeminent status in our global economy.

On March 6, Senator REID and Senator MCCONNELL and many of the rest of us held a press conference on the introduction of a bill we called the America COMPETES Act. The bill represents recommendations from two reports on the status of our Nation's ability to compete in the global economy. Those reports are the National Academy of Sciences report on "Rising Above the Gathering Storm," and the Council on Competitiveness report entitled "Innovate America."

Obviously, this is not the right time to try to enact that legislation. Let me make it clear to my colleagues that we are not proposing that legislation as an amendment to the budget resolution. What we are proposing, though, is an amendment that tries to make sure that the budget ceilings, the overall amounts that are permitted for the various agencies and functions of the Government, are as high as possible so that there is room in this budget to actually go forward and appropriate the funds called for in that authorizing legislation. We hope we will bring up that authorizing legislation some time in the next couple of months and get it passed and sent to the President.

Let me describe briefly what this amendment would do. It would provide for the National Science Foundation to meet the President's requested funding level of $6.4 billion for the Department of Energy. It would allow the budget to meet the President's request for the Office of Science at $4.4 billion, as well as provide funding that would allow for a program similar to that administered by the Hertz Foundation for training a new generation of Ph.D. students in the physical sciences. For the National Institutes of Science and Technology, it will provide necessary funding to meet the $704 million authorization level in the bill, thereby strengthening programs such as the Hollings Manufacturing Extension Partnership to help small and medium-sized businesses compete in the global economy.

The reports I referred to were important in that they tapped into and identified a growing uneasiness that is being experienced throughout the country about our ability to remain competitive in world markets. It is clear that we are slipping in our world leadership role in science and engineering. We are losing site of the importance of long-term investments in creating the conditions for prosperity.

In 1995, Alan Greenspan was quoted as saying:

> Had the innovations of recent decades, especially in information technologies, not come to fruition, productivity growth would have continued to languish at the rate of the preceding 20 years.

Recent work that has been done by the Federal Reserve bears out that a broader category of such intangible investments now accounts for a full 11 percent of our gross domestic product and that much of our economic growth is attributable to these activities: research and development and information technologies. The statistics that we have bear out that while we are not yet at a point of crisis, we are approaching one. At the macro level, the fastest growing economies continue to increase their research and development investments at nearly five times the rate of the United States. Collectively, we have China and Ireland, Israel, Singapore, South Korea, and Taiwan increasing their research and development investment rates by 214 percent between 1995, when Alan Greenspan made his statement, and 2004. During that same period when they were increasing their investment by over 200 percent, the United States was increasing its investment by 43 percent.

A recent survey of several industries in the United States and Europe found that 48 of 235 recent or planned research and development facilities would actually be located in this country; 55 were to be located in China, 18 in India. Indeed, on a trip I took to India a couple years ago, we learned that the Intel Design Center for Intel Corporation in Bangalore is now designing chips that are fabricated by a manufacturing plant in New Mexico. It used to be the other way around. It used to be that we would do the design work, the high-end, value-added work here, and the manufacturing would occur elsewhere.

The achievement and interest level of U.S. students in math and science is a serious problem for all of us. In fact, the most recent NAEP assessments of educational progress in math reveal that only 23 percent of 12th graders in this country performed at or above proficient. That is in the year 2005. Unfortunately, this assessment in science reveals that the scores for 12th graders have declined since 1996 in each of the science areas—in the earth sciences, physical sciences, and life sciences. Only 18 percent of 12th graders scored at or above proficient in science.

So the issues are serious. They are ones about which more and more of the opinion leaders and thoughtful students of this subject have come to be concerned. These reports have been a major contribution to the dialog. Those of us in Congress are now called upon to actually put in place some solutions to these problems.

I believe passing this amendment to the budget resolution to ensure that there will be room in the budget for funding to meet these very important needs is extremely important.

Let me also acknowledge—and this is something for which I commend the chairman of the Budget Committee—the budget resolution before us increases funding for education by more than $6 billion over what the President proposed. Much of that increased funding is to allow for full funding in the appropriations process of some of these math and science education initiatives and also strengthening math and science teaching skills for our Nation's teaching workforce. That is clearly intended by the budget resolution. The amendment we are offering today does not propose increases in funding in that area because, in fact, the budget resolution itself does make room for the funding increases that America COMPETES calls for.

Let me acknowledge the extremely impressive leadership of my colleague from Tennessee, Senator ALEXANDER, in focusing the attention of the Congress on this issue. He has been the single most aggressive Member of the Senate in making sure we continue to address this issue at every stage. As I see it, our amendment is one step in that process. I know it has the support of Senator REID. I believe it also will have the support of the managers of the legislation. I hope it has the support of all Senators, Democratic and Republican.

I should point out that the offset that this legislation calls for is essentially whatever change in funding the Appropriations Committee chooses to make in so-called function 920. It gives them discretion to either do a very modest across-the-board cut in other funds or find some other way to locate the funds needed.

This legislation would add $1.9 billion that is currently not permitted in the budget for these essential items. It is important that we pass the amendment. I urge all my colleagues to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from New Mexico. He has been working at this a long time. He helped originate the report by the National Academy of Sciences to which he referred, "Rising Above the Gathering Storm." He has also performed a service to the Senate and the country by doing some of the hard, less glamourous work, because he has worked his way through the budget process and, in his words, we are making sure with this amendment that we have room in the budget to appropriate funds to support what I believe is the single most important legislation before the Congress this year; that is the America COMPETES Act which has been introduced by the Democratic leader, Senator REID, and by the Republican leader, Senator MCCONNELL.

At one stage in its development over the last 2 years it had 70 Senators, an equal number of both parties, supporting it and has been vetted and worked on by at least a half dozen of our committees. I thank Senator BINGAMAN for his long-time leadership on this effort, especially for making sure there is room in the budget for it.

On this side of the aisle, we talk a lot about progrowth policies and progrowth investments. We usually mean tax cuts when we talk about that. I learned a long time ago that while low taxes and balanced budgets are one important part of a progrowth strategy, they are not the only important part.

When I was Governor of my State, the Senator from New Hampshire was Governor of his State. That is a low-tax State. It was nearly as low a tax State as Tennessee when we were both Governors. That was important. But we also found out in Tennessee that if we wanted an auto industry, we had to have good four-lane highways. If we wanted to grow new jobs, we wanted to have a good banking. That was part of a progrowth strategy.

But more than anything else, the most important part of a progrowth strategy in my State was schools, colleges, and universities. We learned that better schools, colleges, and universities meant better jobs.

So this legislation we are talking about is about America's brainpower advantage. It is the reason why we produce a third of all the money for about 5 percent of all the people in the world. It is because of the big ideas that have come out of our country. From the automobile, to the electric light bulb, to Google—they have been created here. The jobs are here and the standard of living is higher here.

But the rest of the world has figured that out. They have the same brains we do, and suddenly China is recruiting the most distinguished Chinese professors from great American universities to come back to China to build up China. You heard what Senator BINGAMAN said about what is happening in India.

We are talking about a little money for progrowth investments here. We would make room for $1 billion the President requested—that the President requested—to restore funding for basic scientific research in math and science education so we can keep our brainpower advantage. This is the real way to keep our good jobs from going to China and India and other countries in the world.

It is important to keep that $1 billion over the next year in perspective. That is half what we spend in the war in Iraq in a week. We spent $237 billion on debt last year, $378 billion on Medicare, $545 billion on Social Security, at least $70 billion on hurricanes. We are going to be asked to pass a $100 billion supplemental request for the war in Iraq.

We will not have enough money to pay all these important bills unless we keep enough money in the budget for the investments that keep our brainpower advantage so we can keep our jobs. That is where we get all that money.

The Bingaman-Alexander amendment would help make room for the $1 billion requested by the President to fund basic research in math and science education.

Specifically, one, it would restore $398 million for the National Science Foundation, bringing the total to $6.429 billion, as requested by the President.

Two, it restores $610 million for the Department of Energy's Office of Science, bringing the total to $4.481 billion, which meets the President's request, and then adds $70 million extra for three programs that are part of the Reid-McConnell America COMPETES Act: Discovery institutes, PACE Graduate Fellows, and Distinguished Scientists.

It adds $11 million for the National Institute of Standards and Technology, as authorized for next year by the Reid-McConnell legislation.

The majority leader and the minority leader, in the midst of some contentious discussions in the Senate—which we have regularly—are rising above that and putting this piece of legislation into play. I know of no other piece of legislation that has that kind of bipartisan support that is that important to the future of our country. It is based on work Senator BINGAMAN, Senator DOMENICI, Senator MIKULSKI, Senator ENSIGN, Senator LIEBERMAN, Senator HUTCHISON, and many others have been a part of. Senator Frist and Senator REID put the bill in, in the first place, toward the end of last year.

It began because Senator BINGAMAN and I and others walked down the street to the National Academy of Sciences and said: Please tell us exactly what we ought to do, in priority order, to keep our brainpower advantage. Give us 10 specific things to do. They gave us 20, in priority order. That was put together with other important work done by the Council on Competitiveness. Then here we are today with the "Rising Above the Gathering Storm" report and with the Council on Competitiveness' report.

The bill, the America COMPETES Act, to which this amendment relates, authorizes $16 billion in new spending over 4 years. But this is a significant savings over the original legislation, the one that was sponsored by 70 Senators and reported by the committees. We took out $3 billion from the bills passed by Energy and Commerce. We avoided a number of duplicative undergraduate scholarship programs. We wanted progrowth investment, but we wanted to do it wisely and prudently.

I wish to conclude my remarks with some of the provisions of the America COMPETES Act. I know the Senator from South Carolina is waiting to speak, and others will be speaking, too, so I will conclude my remarks quickly. But it includes such matters as doubling funding for the National Science Foundation. It will set the Department of Energy's Office of Science on track to double in funding over 10 years. It will strengthen the skills of thousands of math and science teachers, and others.

As I said, provisions of the America COMPETES Act include double funding for the National Science Foundation, or NSF, from $5.6 billion in fiscal year 2006 to $11.2 billion in fiscal year 2011; setting the Department of Energy's Office of Science on track to double in funding over 10 years, increasing from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

Another provision is to strengthen the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the National Laboratories and by increasing support for the Teacher Institutes for the 21st Century program at NSF.

Another provision is to expand the Robert Noyce Teacher Scholarship Program at NSF to recruit and train individuals to become math and science teachers in high-need schools.

Another provision is to assist States in establishing or expanding statewide specialty schools in math and science that students from across the State would be eligible to attend—as they do now in North Carolina and other States.

Another provision is to expand Advanced Placement, AP, and International Baccalaureate, IB, programs by increasing the number of teachers prepared to teach these math, science, and foreign language courses in high schools. This would allow thousands of new students to take these outstanding college preparatory classes.

Another provision is to provide grants to universities to establish programs modeled on the successful UTeach program at the University of Texas—where students getting a bachelor's degree in math or science can concurrently earn teaching credentials and become the new generation of math and science teachers.

Another provision is to create partnerships between National Laboratories and local high-need high schools to establish centers of excellence in math and science education.

The challenge America faces today is really about brainpower and jobs.

We Americans—who constitute just 5 percent of the world's population—produced about 30 percent of the world's wealth last year. Yet we worry that America may be losing its brainpower advantage. We see what is happening in China and India and other countries, too, such as Finland, Singapore, and Ireland. We face a new "flat" world where more and more countries can compete with us, and we must rise to the challenge. That is why we must fund this progrowth investment in our economy and create the best new jobs here instead of shipping them overseas.

That is why I hope all my colleagues will join in supporting this amendment.

One more point. We asked our National Academies what to do to keep our brainpower advantage. We worked 2 years through various committees and many changes to bring our legislation to this point. We still have some way to go, although a parallel path is being pursued in a bipartisan way in the House.

I believe we will get there, and get there soon, with this kind of leadership. But we should realize President Hu of China walked over to the National Academy of Sciences in China last July, and they do things in a little different way. He announced to his joint academy meeting in the Great Hall of the People exactly what China's innovation effort would be over the next 10 years, how they are going to increase their percentage investment in the gross domestic product, how they are going to improve their universities and elementary and secondary schools, and exactly what they would do to recruit distinguished Chinese leaders to come back, because they know their brainpower advantage, to the extent they can develop and improve on it, is the most important aspect of creating good jobs and a higher standard of living here.

So this legislation is a step in that direction for us. We have much more to do. We have the research and development tax credit to make permanent. We have provisions in the immigration legislation which have passed once, which I hope pass again, to in-source brainpower, to give a preference to people with high skills in science, technology, engineering, and math. Let them stay here, create jobs here instead of in other countries. We are going to continue to work on that.

But Senator BINGAMAN has, by his leadership and persistence, come up with an amendment, which I join him in cosponsoring, which will make room for funding. We need to properly support the America COMPETES Act that Senator REID and Senator MCCONNELL have cosponsored, along with 40 of us right now. Hopefully, we will be keeping that brainpower advantage and, therefore, keeping our good jobs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. CONRAD. Mr. President, I ask the Senator to withhold for 1 minute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to comment very briefly on the amendment that was offered.

I commend Senator BINGAMAN and Senator ALEXANDER for one of the most thoughtful amendments I have seen being offered on the budget resolution. It is bipartisan. It is something that has been very well thought through. It is almost a model for how things ought to be done in this Chamber. So I especially commend Senator BINGAMAN and Senator ALEXANDER for this effort, and many other colleagues who have been involved in it. I hope it serves as an example for everybody about how we do business around here. I thank the two Senators very much.

Mr. President, we now have Senator DEMINT who wants to comment briefly on the Bunning amendment and also lay down an amendment. We have an understanding we have the potential of a side-by-side amendment with the DeMint amendment, if that becomes necessary. Senator GREGG and I have talked about that.

IMPORTANCE OF EDUCATION

Mr. BINGAMAN. As the chairman knows, strong math and science education is critical if we, as a nation, are going to continue to have a skilled and educated workforce that can compete in the global economy.

Mr. CONRAD. Yes, I agree.

Mr. BINGAMAN. Does the chairman agree that we need to improve K–12 math and science education for all students in this country and do all we can to strengthen the math and science teaching skills of the teaching workforce?

Mr. CONRAD. Yes, these are both very important elements to maintaining our economic edge.

Mr. BINGAMAN. I am very pleased that the chairman's mark increases funding for education by more than $6 billion over the President's proposed budget, and I ask, was it the chairman's assumption that this increase should be used, in part, to fund provisions that will strengthen K–12 math and science education and strengthen the math and science teaching skills of the teaching workforce?

Mr. CONRAD. That is correct.

Mr. BINGAMAN. I thank the chairman and look forward to working with him to ensure these critical programs receive funding.

Mr. DOMENICI. Mr. President, today I join Senator BINGAMAN and other colleagues to offer an amendment to increase our investment in our Nation's economic competivenes.

Our amendment will provide just over $1 billion for the coming fiscal year to support world-class research in the physical sciences and for educating our next generation of scientists.

Just over a year ago, the National Academy of Science report, "Rising Above the Gathering Storm," focused national attention on a challenge of enormous significance. We are not doing enough to harness, and develop, our national brainpower.

Earlier this month, I joined a bipartisan group of Senators to introduce the America COMPETES Act, S. 761. This act is the result of a remarkable cooperative effort, involving three Senate committees and valuable contributions from a number of Senators. We have the support of the majority leader and the minority leader, and we are going to make this happen.

All of us that worked to write this legislation are deeply concerned about maintaining our Nation's ability to compete in the high-tech, global marketplace.

Our bill increases our investments in science and mathematics education at all levels—kindergarten through high school, college, and graduate school. The America COMPETES Act will also build on educational programs at Department of Energy laboratories. These programs will strengthen the teaching skills of math and science teachers throughout the country.

The America COMPETES Act authorizes a doubling of research dollars to key research agencies, including the Department of Energy Office of Science, the National Science Foundation, and the National Institute of Standards and Technology.

The amendment we offer today will allow us to follow through on the promise of the America COMPETES Act. We need to devote the resources necessary to meet the goals of this important legislation.

We need to take action now to support our standard of living and ensure we continue to grow and prosper. If we do not, we can expect other nations to rival our global competitiveness—and one day to surpass us.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that we set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 489

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 489.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for Social Security reform)

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used

only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1951;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

Mr. DEMINT. Mr. President, as we all came into this debate on the first Democrat budget, a lot of us had high hopes. If you think back to the November elections, it seemed, at least for a few months, that Republicans and Democrats, in many ways, were saying a lot of the same things. We all decided it was very important we stop wasteful spending. We talked about reducing the debt. We even talked about keeping some of the tax relief that had gotten our economy going and created more jobs, although there is certainly some disagreement as to which tax cuts should be kept in place.

As we see the Democratic budget at this point, there are certainly a number of us who are disappointed, particularly as we see this budget allows crushing tax increases to hit Americans at every income level, as well as tax increases on the businesses that provide us all our jobs. Even more, there is nothing in this budget that does anything to cut spending. We all know there is wasteful spending throughout this Federal Government. We need to get about the task of finding it and cutting it.

Perhaps the worst example of wasteful spending is when we take the taxes people pay for Social Security and, instead of saving them, we spend them on other things. For a number of years now, the amount of taxes all Americans pay in every paycheck for their future Social Security income—they have actually been more than we need to pay the benefits of current retirees. It is what we refer to as the Social Security surplus. But instead of saving this surplus over the years, we take that money and put it in the general fund and spend it on all kinds of things.

Even worse than spending Social Security on other things is we do not count it as debt when we talk about the deficit every year. So using the Social Security money is actually a way to hide even more wasteful spending without counting it as debt.

Now, for everything we borrow from Social Security, we put an IOU in this so-called trust fund, with this idea someday we are going to pay it back. But we need to try to remind the American people there are no plans in this Congress—and there never have been any plans—to pay that money back. Unfortunately, the Democratic budget that has been proposed over the next 5 years will spend over $1 trillion additionally in Social Security taxes, as well as the interest that is supposed to be paid on that money that has already been borrowed. So the money that should be saved for the future of Americans in their retired days is being spent every year, and it is being used to conceal more and more wasteful spending.

A lot of us have heard the news reports over the last year or two about the number of corporate pension plans that are going broke. The reason for that is, over the years not enough money has been put in those pensions to allow the companies to actually pay the benefits that have been promised. We call that an underfunded pension plan. It is creating huge problems for us throughout our country and for a number of workers who are counting on those pensions in their retirement.

But as we consider Social Security, it is a pension plan. It is a pension plan Americans pay into with the reasonable expectation that one day they will be able to get their promised benefits. But Social Security is not only an underfunded pension plan, it is a completely unfunded pension plan. Not one dime of all the trillions of dollars that have been put into Social Security over our lifetime is saved. As I said before, it is actually being used to obscure a bigger debt and to obscure more and more wasteful spending at the Federal level.

I commend Senator BUNNING for his amendment that would require our budgeting needs not budget these Social Security dollars for other spending. I think it is very important that we take this a step further. Not only should we not spend the Social Security surplus, but we should take that money and put it in a reserve account so we actually save it for the future instead of giving it to the general fund to spend on anything we in Congress can come up with. Take the Social Security surplus—the cash itself will be about $80 billion this year; if you count the interest, it gets well more than that—put it in a reserve account and not spend it.

The amendment I have offered would allow us, within the budgeting process, to set this money aside and not spend it. Unless we support this amendment as part of the budgeting process, when we bring this up to actually get it done some time this year, there will be a point of order against it and it will not be allowed to pass. So it has to be done now. That is the purpose of this amendment.

Now, what will happen if we pass this amendment and we take this money off the table and no longer allow Congress to spend it? Then we are going to have to be honest about our debt, and we are probably going to have to cut some wasteful spending because this money is not going to be available for us to spend. It will put a lot of pressure on both parties, Republicans and Democrats, to figure out how to cut wasteful spending and how to save the Social Security money we promised to future generations. If we put it in a reserve account, we will also start the process to create a funded Social Security system, a Social Security system that has real money so we can keep our promises to future generations.

So I support Senator BUNNING's amendment. I offer another that will take it a step further, so that the money we take off the table cannot be spent on anything else; it has to be in a reserve account and can only be spent on Social Security in the future. I wish to thank the Senator for allowing me to offer that amendment.

I yield the floor.

Mr. CONRAD. Mr. President, would the Senator be open to some questions with respect to his amendment so we might clarify it so we might have a floor understanding of the intention of the Senator?

Mr. DEMINT. Yes, I will.

Mr. CONRAD. Let me first say that in large measure, I am in agreement with what I hear the Senator saying. I have always thought we are engaged in "funny money" accounting around here, taking Social Security money and using it to pay other bills. That is the object of the Senator's amendment; is that correct?

Mr. DEMINT. Well, that is part of the goal. The goal is not to spend it on other things but to actually set it aside so we don't spend it. In the past, as the Senator knows, we talked about lockboxes, where we don't spend it, but in effect we do spend it, even if it is paying down the debt.

The goal of the amendment is to take money that is surplused for Social Security and say it will only be spent for Social Security. This amendment doesn't take it any further than that. It doesn't tell Congress how the money should be saved or invested; it doesn't get into the more controversial aspects of will it go into personal accounts. It does not establish individual ownership at all. These are the things that have divided us in the past.

But I think we agree with the basic concept: Let's take Social Security off the table and somehow save it in a way that we can't spend it so we can be more honest in our accounting.

Mr. CONRAD. That raises a whole series of questions, and that is another thing I wanted to ask the Senator about. If it is set aside, if it is not used to pay down the debt, how would those funds be invested under the amendment from the Senator?

Mr. DEMINT. My amendment doesn't specify. Congress would have to determine that. As the Senator knows, as part of the budget process, this does not affect it happening. We would still have to perform the act of taking the money off the table. I think, again, as a majority Senator, you would have a greater determination of how that money is saved. There is no intent in my amendment to direct how it is saved. It could be T bills or something within the Federal Government. But the hope is we will put it in some type of holding or savings that is not part of the general fund anymore. It is not spent.

Mr. CONRAD. Mr. President, is there anything in this amendment that would prevent it from being invested in some other securities other than Government bonds?

Mr. DEMINT. There is nothing that allows for it or prevents it. So I assume, again, with my colleagues in control of what comes to the floor, there is no danger of it drifting into any controversial area. I think we can certainly agree on some safe savings that would be risk free for the American people.

Mr. CONRAD. Is there anything that would prevent the funds from going to private accounts?

Mr. DEMINT. It does not allow for that in any way. That would have to be a separate piece of legislation, so that would be determined by—this legislation does not open the door for private accounts.

Mr. CONRAD. I thank the Senator for his answers to those questions. Has the Senator sent the amendment to the desk?

Mr. DEMINT. Yes.

Mr. CONRAD. I appreciate that. We have an understanding that if there is a desire to have a side-by-side amendment, that will be open to our side. I thank the Senator for answering those questions and for offering the amendment.

Mr. DEMINT. I thank the Senator.

Mr. CONRAD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, in the interest of trying to move things along with some dispatch, we have now had a number of amendments offered, including the Bunning amendment, the DeMint amendment, the amendment by Senators BINGAMAN and ALEXANDER. We now want to make certain we are ready to go to the Allard amendment. We are told Senator ALLARD will be here momentarily. That would be the next amendment in order. We are trying then to go to the Baucus amendment. We are trying to reach his staff to see if that would be accommodated within his schedule. We also have Senator COLLINS. When would she be available?

Mr. GREGG. Mr. President, as I understand it, Senator COLLINS expects to be here by 11:45 to present her amendment. Then, as I also understand it, at 12:30, we go to an hour which is agreed to and under the rule they have an hour certainly available to them on the Humphrey-Hawkins, and that would be Senator BROWNBACK and Senator SCHUMER, I believe, who have that hour.

Mr. CONRAD. Let us check with Senator BAUCUS and see.

Mr. GREGG. We certainly want to accommodate Senator BAUCUS on our side.

Mr. CONRAD. All right. Let's see if we can't work that out in the next few moments. Until then, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I see Senator ALLARD has now come to the floor. We want to thank him for helping expedite the consideration of the budget resolution. We very much appreciate his coming on short notice to the floor to offer his amendment.

Senator ALLARD's amendment is now in order.

The PRESIDING OFFICER. Does the Senator seek unanimous consent to set aside the pending amendment?

Mr. CONRAD. Precisely so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, while I am getting set up, I ask unanimous consent to set aside the pending business. I have two amendments at the desk, and I ask unanimous consent to call them up en bloc and send them to the desk.

Mr. CONRAD. Reserving the right to object, we have only been noticed on this side about one amendment.

Mr. ALLARD. Yes. I plan on calling it up—I wish to call up both amendments so I have votes on them. The first amendment, and then the second amendment I plan on putting in the group of amendments we will vote on at the end, which we only allow a few minutes for debate. The first amendment I was going to call up—this will be the one we will debate and take up floor time.

Mr. CONRAD. All right. Fair enough.

Mr. ALLARD. Mr. President, I wish to send up——

Mr. CONRAD. Could we get the second amendment?

Mr. ALLARD. I will be glad to get those to my colleagues. Here is the one on discretionary spending, the one we will be debating during this time period. Would the Senator like the second amendment before I send it up?

Mr. CONRAD. We have a procedure we try to follow so that we see amendments before they are sent to the desk. That would be very helpful to us. We were noticed on the Senator's first amendment. That is the amendment the Senator offered in the committee; am I correct?

Mr. ALLARD. That is the one that was offered in committee dealing with discretionary spending. The second amendment deals with mandatory spending.

Mr. CONRAD. I appreciate that. If the Senator could send up the one we have seen and withhold on the other until we have had a chance to look at that.

Mr. ALLARD. That would be fine.

Mr. CONRAD. I appreciate it very much.

Mr. ALLARD. I wish to make sure we get an opportunity to vote on the second amendment.

Mr. CONRAD. Yes, the Senator's right will be protected to have both of these amendments voted on.

Mr. ALLARD. I thank the Senator very much.

AMENDMENT NO. 491

The PRESIDING OFFICER. The clerk will report the single amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 491.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 491

(Purpose: To pay down the Federal debt and eliminate government waste by reducing spending on programs rated ineffective by the Program Assessment Rating Tool)

On page 4, line 6, decrease the amount by $4,270,000,000.

On page 4, line 7, decrease the amount by $4,427,500,000.

On page 4, line 8, decrease the amount by $4,675,500,000.

On page 4, line 9, decrease the amount by $4,972,500,000.

On page 4, line 10, decrease the amount by $5,284,000,000.

On page 4, line 15, decrease the amount by $870,000,000.

On page 4, line 16, decrease the amount by $2,752,500,000.

On page 4, line 17, decrease the amount by $4,580,500,000.

On page 4, line 18, decrease the amount by $4,877,500,000.

On page 4, line 19, decrease the amount by $5,189,000,000.

On page 4, line 24, decrease the amount by $870,000,000.

On page 4, line 25, decrease the amount by $2,752,500,000.

On page 5, line 1, decrease the amount by $4,580,500,000.

On page 5, line 2, decrease the amount by $4,877,500,000.

On page 5, line 3, decrease the amount by $5,189,000,000.

On page 5, line 7, decrease the amount by $870,000,000.

On page 5, line 8, decrease the amount by $3,622,500,000.

On page 5, line 9, decrease the amount by $8,203,000,000.

On page 5, line 10, decrease the amount by $13,081,000,000.

On page 5, line 11, decrease the amount by $18,269,500,000.

On page 5, line 15, decrease the amount by $870,000,000.

On page 5, line 16, decrease the amount by $3,662,500,000.

On page 5, line 17, decrease the amount by $8,203,000,000.

On page 5, line 18, decrease the amount by $13,081,000,000.

On page 5, line 19, decrease the amount by $18,269,500,000.

On page 25, line 12, decrease the amount by $20,000,000.

On page 25, line 13, decrease the amount by $20,000,000.

On page 25, line 16, decrease the amount by $102,500,000.

On page 25, line 17, decrease the amount by $102,500,000.

On page 25, line 20, decrease the amount by $270,500,000.

On page 25, line 21, decrease the amount by $270,500,000.

On page 25, line 24, decrease the amount by $487,500,000.

On page 25, line 25, decrease the amount by $487,500,000.

On page 26, line 3, decrease the amount by $719,000,000.

On page 26, line 4, decrease the amount by $719,000,000.

On page 26, line 12, decrease the amount by $4,250,000,000.

On page 26, line 13, decrease the amount by $850,000,000.

On page 26, line 16, decrease the amount by $4,325,000,000.

On page 26, line 17, decrease the amount by $2,650,000,000.

On page 26, line 20, decrease the amount by $4,405,000,000.

On page 26, line 21, decrease the amount by $4,310,000,000.

On page 26, line 24, decrease the amount by $4,485,000,000.

On page 26, line 25, decrease the amount by $4,439,000,000.

On page 27, line 3, decrease the amount by $4,565,000,000.

On page 27, line 4, decrease the amount by $4,470,000,000.

On page 41, line 9, decrease the amount by $4,250,000,000.

On page 41, line 10, decrease the amount by $850,000,000.

Mr. ALLARD. Mr. President, I wish to make a few comments about the PART program in general, which is a program that has been put in place by the Congress through a piece of legislation that was passed more than a decade ago. This program directs the agencies to set up measurable goals and objectives, and then we go in later on and those goals and objectives are evaluated to see if the agency is actually meeting those goals and objectives.

The piece of legislation, which was passed more than a decade ago, was called the Government Results and Procedures Act. So these agencies have had time to work with this program for some time under the Clinton administration as well as the Bush administration.

When making funding decisions, Members of Congress should consider what they are buying for the taxpayer. Funded programs should be effective and efficient. The Federal Government has completed comprehensive assessments of the performance of almost 1,000 programs, representing 96 percent of the total program funding using this Program Assessment Rating Tool, which is referred to as PART. These detailed program assessments and the evidence on which they are based are available for the public to view at www.expectmore.gov. It is a very good reference for the public to use—for, in fact, Members of Congress or any agencies to know exactly where they stand as far as where their performance standards are concerned.

These assessments represent the combined wisdom of career officials. This is not a political process, these are objective evaluations done by career officials at agencies and OMB—the Office of Management and Budget—and are based on evidence of that program's performance.

Programs assessed with the PART receive an overall rating. The best rating they can get is "effective." Then it goes to "moderately effective," "adequate," "results not demonstrated" or "ineffective." While a program's overall rating should not be the sole determinant of its funding, Congress should prioritize funding programs that perform well. Ineffective programs, in particular, should be scrutinized to determine if the resources they use could be better spent elsewhere and if their goals could be achieved through another means.

When determining where to invest resources, Members of Congress can look to the PART for important information. No. 1: Does the program address an existing problem, interest or need, and those that do not should not be funded.

The other question to be asked is: Does the program have performance goals that relate to the outcomes the American people want? Those that do not may not be worthwhile investments of taxpayer dollars. Do independent, rigorous evaluations demonstrate that the program is effective? If not, Congress may want to reconsider whether to fund the program.

If evaluations have not been conducted, Congress may want to consider investing some money in an evaluation to determine if the program is having its intended impact.

Is the program working to improve its performance is another question we ask. A program that does not have an improvement plan in place or is not working aggressively to improve may not be the best investment of resources.

The other question: If an increase in funding is requested for a program, has the program explained how the additional funding will impact its performance? Programs that cannot articulate how they will use their resources simply aren't the best candidates for investment.

So that is what the PART Program is all about. It is a good program, and it is being implemented more and more throughout the agencies.

Some of the PART findings are programs that have been ineffective. Let's look at a few of those.

PART found that actual additional natural gas reserves attributable to technology developed by the Natural Gas Technology Program have been relatively small. Moreover, as noted by the National Academy of Sciences:

> It is difficult to separate the contributions made by the Department of Energy and contributions made by industry and others.

Another program rated ineffective by PART is the Migrant and Seasonal Farmworkers Program, which may not concentrate enough on providing training and employment. Each year, more than 60 percent of the program's approximately 30,000 participants receive only supportive services, such as emergency cash assistance. They don't carry on with the goal and objective, which is training and employment. Although these services are important, they are not contributing significantly to helping participants gain stable, year-round employment. If we want to train them, we need to look at that program.

PART found the same thing with the Health Professions Program. One study found that only 1.5 percent of the physicians trained by institutions receiving the program's family medicine training grant provided health care in areas with a physician shortage, compared to 1.1 percent of physicians trained by other institutions. There is only a four-tenths of a percent performance difference. What is that program accomplishing?

PART found no evidence that the Radiation and Exposure Screening and Education Program reaches the maximum number of beneficiaries or the beneficiaries who are at the greatest risk. There is not even an estimate of the number of people potentially affected by uranium and nuclear testing activities and where they might live.

Another program rated ineffective by PART is the Juvenile Accountability Block Grants Program. It was found ineffective because it has no measurable impact on either juvenile crime or the juvenile justice system to date.

These are only a few of the programs that have been looked at by the PART Program. I think they provide the information Members of Congress need to evaluate whether programs are ineffective.

The amendment before us just addresses a portion of discretionary spending. The full PART Program evaluates mandatory programs and discretionary programs.

I put forward two amendments. The amendment before us is the discretionary program where we will get a considerable amount of debate. The mandatory amendment is one the chairman asked be reviewed, and he assured me I will have an opportunity to offer that amendment at a later time.

So I rise today asking Members to support this amendment where we deal with the discretionary spending as the PART Program is being applied. The overall purpose of the amendment is to pay down the Federal debt and eliminate Government waste by reducing spending on programs rated "ineffective" by the Office of Management and Budget's PART program. This is through the career professionals in the agency. This is not driven by any kind of political agenda. PART is a Government-wide assessment of the performance of almost 1,000 programs, again, representing 96 percent of total program funding.

If we look at programs in the discretionary spending area which are rated ineffective, it amounts, over the time period of this budget, which is 5 years, to $88 billion of program spending. My amendment says we will reduce 25 percent of the spending in this area, which is about $17 billion over the period of 5 years. We will say that those programs are ineffective and we need to reduce spending for those so that we motivate the agencies to redo their programs, so they truly are accomplishing what was laid out for the original purpose of the program.

What happens in our budget that is before us is we have $900 billion in increasing taxes by default because we don't do anything to extend those tax provisions which are expiring in 2010 and before. So my point is this: We are forcing the taxpayers to pay more into the Federal budget, and at the same time we are spending $88 billion on ineffective programs.

My amendment says we are going to take a portion of the $88 billion—about $18 billion—out of here for a strong signal from the Congress that we want to support effective programs and we want the taxpayer dollars spent in a responsible way. My amendment doesn't take all of the $88 billion, realizing there may be points in time when another program is not meeting its goals and needs more money. So that flexibility is allowed in this particular amendment. It doesn't target any specific program. Those programs which I recounted to you are just representative of some of the efforts that happen under the PART Program. It is a wonderful way for the Members of Congress to begin to evaluate whether a program is effective, and then not just leave it there but say, through the budget, to those agencies: You have to get your act together; we don't tolerate using taxpayer dollars—particularly when we are increasing your taxes—to allow those programs to go on in an ineffective manner.

Almost worse than being rated ineffective, we have programs out there that have made absolutely no effort at all to measure their results. I believe these are the worst offenders. In the following years, I hope Congress will look at those programs. They have absolutely refused to do anything to create accountability so that the Members of Congress can evaluate what is going on in those programs.

So that is what my amendment is all about. It is about saving taxpayer dollars in a responsible way; it is about forcing managers of these programs to put in effective goals and objectives so that they accomplish what the legislation intended. The budget authority is about $4.3 billion in each year, from 2008 to 2012. That comes close to about $18 billion or so, which is used to pay down the Federal debt.

I ask my colleagues in the Senate to join me in trying to bring forward more accountability in the programs we have passed. I think this is a wonderful tool we have for whatever administration is in control. This is a direct message to the agencies to get their act in order, because we are concerned about how taxpayer dollars are being spent. This is not an onerous amendment. It is trying to bring accountability to Government programs that we pass.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I say to Senator ALLARD, as I expressed in the committee, the only problem I have with this amendment is that, unfortunately, a budget resolution cannot assure the right things would be cut. As you know, we don't really have that power. We just give a block of money to the Appropriations Committee and they decide how to spend it.

Mr. President, does the Senator need more time or could we go to Senator BAUCUS?

Mr. ALLARD. Mr. President, let me summarize my comments and respond. I think if we look at our budget process, we hopefully—maybe not this year but next year—will be able to put in some instructions to the committees. I understand we cannot specifically tell them but, as budgeteers, we have an opportunity to put in instructions to the various committees to participate.

I hope this passes, and maybe we can deal with this in conference. If not, maybe the chairman would look at it either in conference committee or in future years and we can put in some kind of instructions and say: Look at those programs under your jurisdiction and look at the ones classified as ineffective and begin to demand more accountability on those particular programs.

I hope we can get a "yea" vote on both of these amendments to send a message, if nothing else, to the conference committee to get it passed. If it doesn't work out this year, maybe we can work it out in future years.

I ask unanimous consent that a letter from Citizens Against Government Waste in support of both of my amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, March 20, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Soon you will be voting on S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. The Council for Citizens Against Government Waste (CCAGW) believes there are serious fiscal problems with this budget proposal. It spends more money than the president requested; it raises taxes by allowing the tax cuts that have led to our robust economy to expire; and it doesn't address the looming financial crisis our Nation faces—the exploding costs of Medicare, Medicaid, and Social Security. Furthermore, it does not cut a single program, even those with questionable results, or go after waste, fraud and abuse.

The budget proposal needs substantial improvements. Two amendments, which will be offered by Sen. WAYNE ALLARD (R-Colo.), are a good place to start.

One amendment will help eliminate government waste by reducing spending on programs that have been rated ineffective by the Program Assessment Rating Tool or PART. The amendment cuts discretionary spending by $4.3 billion in the years 2008–2012 by simply reducing these ineffective programs' annual funding by 25 percent.

The other amendment will reduce mandatory spending by eliminating waste, fraud, and abuse by 1 percent. In a May 2004 Government Accountability Report (GAO), "Opportunities for Congressional Oversight and Improved Use of Taxpayer Funds," several suggestions to find savings in mandatory spending programs were provided to Congress. The amendment saves $13 billion in the first year and $71 billion over 5 years.

In both instances, any savings from these amendments will reduce the debt and cannot be used for new spending.

On behalf of the more than 1.2 million members and supporters of CCAGW, I urge you to support these amendments. All votes on S. Con. Res. 21 will be among those considered in CCAGW's Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. ALLARD. I yield back my time.

Mr. CONRAD. Mr. President, I think now would be a good time to go to Senator BAUCUS. I apologize to the Senator from Montana for the miscommunication that occurred this morning. I apologize to him for that. As a result, he came at 10 o'clock seeking time, which we all agreed was to be his time. Through a miscommunication, we wound up going to another Senator. I very much thank the Senator for his acceptance of the apology.

The PRESIDING OFFICER. Without objection, the Allard amendment is set aside.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my good friend from North Dakota, Senator CONRAD. He has done a super job, almost impossible job putting this budget together. It is tough enough to get agreements in this body, and it is more difficult when it is a budget resolution. I compliment my colleagues on both sides of the aisle for their excellent and diligent work. I also say to him I appreciate his offer of an apology with respect to the misunderstanding and miscommunication. This Senator is probably as much a part of the miscommunication as anybody.

AMENDMENT NO. 492

Mr. BAUCUS. Mr. President, I send an amendment to the desk and.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Ms. LANDRIEU, Mr. PRYOR, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. NELSON of Florida, proposes an amendment numbered 492.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide tax relief to middle class families and small businesses and to expand health insurance coverage for children)

On page 3, line 13, decrease the amount by $200,000,000.

On page 3, line 14, decrease the amount by $52,700,000,000.

On page 3, line 15, decrease the amount by $126,916,000,000.

On page 3, line 22, decrease the amount by $200,000,000.

On page 3, line 23, decrease the amount by $52,700,000,000.

On page 4, line 1, further decrease the amount by $126,916,000,000.

On page 4, line 8, increase the amount by $5,000,000,000.

On page 4, line 9, increase the amount by $5,000,000,000.

On page 4, line 10, increase the amount by $5,000,000,000.

On page 4, line 17, increase the amount by $5,000,000,000.

On page 4, line 18, increase the amount by $5,000,000,000.

On page 4, line 19, increase the amount by $5,000,000,000.

On page 5, line 1, increase the amount by $5,200,000,000.

On page 5, line 2, increase the amount by $57,700,000,000.

On page 5, line 3, increase the amount by $131,916,000,000.

On page 5, line 9, increase the amount by $5,200,000,000.

On page 5, line 10, increase the amount by $62,900,000,000.

On page 5, line 11, increase the amount by $194,816,000,000.

On page 5, line 17, increase the amount by $5,200,000,000.

On page 5, line 18, increase the amount by $62,900,000,000.

On page 5, line 19, increase the amount by $194,816,000,000.

On page 18, line 20, increase the amount by $5,000,000,000.

On page 18, line 21, increase the amount by $5,000,000,000.

On page 18, line 24, increase the amount by $5,000,000,000.

On page 18, line 25, increase the amount by $5,000,000,000.

On page 19, line 3, increase the amount by $5,000,000,000.

On page 19, line 4, increase the amount by $5,000,000,000.

On page 49, line 6, decrease the amount by $15,000,000,000.

Mr. BAUCUS. Mr. President, I again commend the chairman for his able work in bringing this budget to the floor. He has done a superb job.

The budget resolution before us leaves a surplus of $132 billion in the year 2012. The amendment I now offer on behalf of Senators LANDRIEU, PRYOR, BAYH, and BILL NELSON would state the Senate's will on what we should do if that surplus materializes.

In sum, our amendment says that the Senate's highest priority for any surplus should be American families. Our amendment would put children first. It would take $15 billion out of that $132 billion and devote it to improving children's health care coverage under CHIP, the Children's Health Insurance Program. The budget resolution already recognizes this priority in a deficit-neutral reserve fund.

Our amendment would also reduce the amount in that reserve fund. So we are not increasing the net amount of spending on CHIP. It will be the same. We are just making that work on CHIP more likely.

We are saying if we have a surplus in 2012, then we ought to spend some part of that surplus on children's health, and we are saying if we have a surplus in 2012, we should not raise taxes to pay for all of the Children's Health Insurance Program. If we have a surplus in 2012, we should not cut Medicare to pay for all of CHIP. Rather, we should use some of that surplus to fund children's health; that is, put children first.

Then our amendment takes the rest of the surplus and returns it to the hard-working American families who created it. Our amendment devotes the rest of the surplus to the extension and enhancement of tax relief for hard-working American families.

Here are the types of tax relief about which we are talking. We are talking about making the 10-percent tax bracket permanent. That is a tax cut for all taxpayers. Obviously, if the 10-percent tax bracket is made permanent—that is, for all years—all taxpayers who pay income taxes, irrespective of their income, irrespective of their bracket, get a tax break.

We are talking about extending the child tax credit. That provides a $1,000 tax credit per child. This tax credit recognizes a family's ability to pay taxes decreases as family size increases. Unless we act, the child tax credit will fall to $500 per child. Currently, it is at $1,000. The child tax credit should be made permanent. We need to recognize the financial responsibilities of childbearing.

We are also talking about continuing the marriage penalty relief, which is a tax cut on which the American family has come to rely. It is going to continue. We know that. We should recognize that fact. Marriage penalty relief makes sure a married couple filing a joint return has the same combined tax liability as they would have if they were not married.

We are also talking about enhancing the dependent care credit. Clearly, this credit is very important to working families. It recognizes the additional cost for raising children in this fast-paced society.

We are talking about improving the adoption credit. The majority of adoptions cost over $20,000. This provision offers a credit of $10,000 for those willing to give a home to a needy child.

We are talking about providing combat pay under the earned-income tax credit, otherwise known as the EITC. Under current law, income earned by a soldier in a combat zone is exempt from income tax. That is good. This actually, however, hurts low-income military personnel under the EITC. If not for the EITC combat pay exception, combat zone pay would not count as earned income for purposes of determining the credit. This amendment makes that exception permanent so that military families can get the full benefit of the EITC.

We are talking about reforming the estate tax. We want to try to give American families certainty. We want to support America's small farmers and ranchers, and in this amendment, we have allowed room for estate tax reform that will do that.

And we talk about returning surplus revenues to hard-working American families.

That is what our amendment does. It is very simple, very straightforward. It says we should put America's kids and families first. It says if we have a surplus, these are the priorities it should be used for. I urge my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, they have changed presiding officers on me. It is good to have you in the chair.

Madam President, I thank very much Senator BAUCUS for his leadership on this very important amendment. This amendment is to reassure all those who have benefited from the middle-class tax cuts that those tax cuts will go forward, that those children who are not now currently covered under the SCHIP legislation will have the opportunity to be covered.

The Senator has also provided for small business because we have a number of provisions that are critically important to small business and, of course, to prevent the estate tax from having this bizarre outcome, which is now in the law, where the exemption would go down to $1 million from $3.5 million just two years before. That makes no sense. So the Senator provides for room in this amendment to deal with estate tax reform.

The precise contours of that will be up to, obviously, the Finance Committee. The Senator is providing the resources to provide for the middle-class tax cuts, to have estate tax reform, to have SCHIP funded so those kids will be funded, and to have critical elements of small business covered as well.

I appreciate very much the leadership the Senator has provided in putting this amendment together. All of us know if those provisions came to the floor, they would enjoy broad bipartisan support. In fact, they would probably get supermajorities. They might get 70 votes on the Senate floor. So it makes sense to have them in the resolution.

I thank Senator BAUCUS. He has spent a lot of time energy, and effort bringing colleagues together around this amendment. I, for one, appreciate it. I hope my colleagues will support the Baucus amendment. I know there have been dozens of colleagues—I think virtually every member of our caucus—who have been involved in the discussions about the elements of the amendment that the chairman of the Finance Committee has offered.

Madam President, would the Senator like more time?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I believe this amendment should be adopted by every Senator because essentially it is saying if we have a surplus in 2012, as contemplated by the budget resolution, these are priorities all of us support. If these were before the Senate today as actual tax provisions—and they will be, I am sure, at some future date because the current tax cuts don't expire until 2010—that we will vote for them anyway because it is the right thing to do.

Marriage penalty relief, child tax credit, the combat pay exception for soldiers, adoption credit, the 10-percent bracket—these are all provisions that are very important. The American public deserves them. I hope very much this amendment will be adopted by all Members because I think it is something all Members and all the citizens of our country support.

I see the ranking member is on the floor. I would be interested in knowing the degree to which he enthusiastically supports the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I suspect I will support it, although I don't know, but I wish to ask the chairman of the Finance Committee a few questions so I get more specifics on the amendment.

What is the total cost of this amendment?

Mr. BAUCUS. It is approximately $195 billion. It allocates the projected surplus that is in the budget resolution.

Mr. GREGG. If I might ask, Madam President, further, of the chairman, the surplus, however, is in the year 2012. So what happens to these rates in 2011 that will expire? Are those picked up?

Mr. BAUCUS. That is a good question. The answer to that is essentially this is a 5-year budget resolution, so we want to balance the budget in 5 years, in 2012. But because the tax cuts that are mentioned in the amendment currently expire in 2010, the Senator raises the question about 2011, 2012. If I understand the import of the question of the ranking member of the Budget Committee, it is what happens in 2011.

Mr. GREGG. Or 2010.

Mr. BAUCUS. In the earlier years, 2010, there would be a deficit, but by the time we finish the 5 years, there would be a surplus. We have written this amendment in a way to prevent a yo-yo, on-off effect of the tax provisions. To make it perfectly perfect, so there is not a deficit in any year, 2010, 2011, or 2012, we can have the tax cuts go up or down, and so forth, but I think it is best for the American people not to have a yo-yo effect, not go up and down, but to extend across the board those provisions which are contained in the amendment at the end of the day would not be a deficit.

Mr. GREGG. Would it be appropriate—if I can ask the chairman of the Finance Committee or the chairman of the Budget Committee—I want to get to what the tax cuts are specifically, but they would be extended if they expired in 2010, 2011, or 2012, they would be extended through that period. If that is the case, then the Senator must be using more than the surplus in 2012. He must be using some number in 2010 by which you increase the deficit and 2011 by which you increase the deficit.

My question is, what is the number the Senator is using for 2010 and 2011 to account for those extensions in those years?

Mr. BAUCUS. It is true, in those years there is deficit spending, but it comes in balance in 2012.

Mr. GREGG. But how do they score in those 2 years?

Mr. BAUCUS. I think it is $194 billion for those 3 years 2010, 2011, 2012.

Mr. GREGG. So there is another $60 billion on top of the surplus that is used; is that correct?

Mr. BAUCUS. Approximately.

Mr. ALLARD. I have a question, if the Senator will recognize me for a question, if the Senator will allow me to ask a question of Senator BAUCUS. I think the Senator from New Hampshire has the time.

Mr. GREGG. I think I have the time for the purpose of asking questions.

The PRESIDING OFFICER. The question by the Senator from New Hampshire is pending.

Mr. ALLARD. I have a question.

Mr. GREGG. I yield to the Senator to ask whatever questions he has. I have additional questions.

Mr. ALLARD. In effect, this adds to the debt?

Mr. BAUCUS. Sorry?

Mr. ALLARD. In effect, this amendment adds to the total debt?

Mr. BAUCUS. No, we are back in balance by 2012 at the end of the 5-year period contemplated by this amendment. In the meantime, we are in deficit for the years 2010 and 2011.

Mr. GREGG. I think the answer to your question, if I might interject, is it increases the debt by $195 billion.

Mr. ALLARD. I had $194 billion, but $195 billion. That seemed to me it did increase the debt. Maybe we can check that out.

Mr. GREGG. That would have to be what it does.

May I ask a further question of the Senator. It costs $195 billion over the 3 years to extend these tax cuts. Is the education tuition tax credit presumed in that number?

Mr. BAUCUS. There is an underlying answer to all these questions; namely, these are questions the Finance Committee is going to address and find the appropriate offsets and deal with the pay-go when it comes up at that time. But essentially, education tuition tax credits are not provided for in this amendment, but are in the budget resolution.

Mr. GREGG. If I may ask further, Madam President, would the expensing section 179 accounts be included in that number?

Mr. BAUCUS. Section 179 expensing is not contemplated.

Mr. GREGG. In this number. Is capital gains contemplated in this number?

Mr. BAUCUS. It is not.

Mr. GREGG. Is continuing the dividend rate contemplated in this number?

Mr. BAUCUS. It is not.

Mr. GREGG. I thank the Senator. I think that answers my questions. I am presuming what is contemplated in this number then will be the marriage tax penalty and the child credits; is that correct?

Mr. BAUCUS. Those two and some others, correct, including the 10-percent bracket.

Mr. GREGG. And the 10-percent bracket. I am presuming I certainly will be supportive of this amendment in its present form. However, I do suspect we are going to have an amendment which picks up the other extensions.

Mr. BAUCUS. I expect we will.

Mr. GREGG. It is the arbitrariness of the process around here that the Senator from Montana is first to the surplus that was left, but the practical effect of our amendment will be essentially the same as the Senator's, which is to extend the tax credit rates. That is tax deductions—tax rates. I also think the ones we are going to suggest we extend—and we will get to this in our debate—are ones which are more oriented toward economic activity, generating or creating economic activity, than the extensions which are included in the chairman's proposal, which are all good and appropriate but which don't translate other than through maybe greater consumption directly into economic activity, such as the capital gains and the dividend rate does, and the expensing, obviously.

We will have that discussion when we offer ours, and I appreciate the chairman's courtesy in allowing me to ask him these questions.

Mr. BAUCUS. If the Senator will yield.

Mr. GREGG. Madam President, I yield the floor.

Mr. BAUCUS. Madam President, I will say to the body, the world, and also primarily to the Senate and the ranking member of the Budget Committee, of course, these are all issues—that is, those issues raised basically by the ranking member of the Budget Committee—that the Finance Committee is going to work on over the next several years. It is up to us, up to the committee, and up to this body to find the offsets to pay for them. We will do the very best we can. I think we don't want to get into a deficit situation.

Mr. GREGG. Madam President, if the Senator will yield for one further question, what is the chairman, within his score, what is he anticipating as to how the death tax treatment would be dealt with?

Mr. BAUCUS. The estate tax provision.

Mr. GREGG. The death tax.

Mr. BAUCUS. Some people call it the death tax. We all know what we are talking about. This amendment contemplates extending the estate tax provisions that are in effect in 2009 permanently.

Mr. GREGG. If the chairman will yield further, and through the President, I would ask, in 2009, what is the exempted amount?

Mr. BAUCUS. Again, under current law I think the exempted amount is $3.5 million.

Mr. GREGG. That would be the minimum in 2009 also?

Mr. BAUCUS. The 2009 extension. The point is that the resolution also contemplates—well, it has an additional $4 billion that can be used for other tax purposes, including changing the provisions of the Federal estate tax.

Mr. GREGG. Madam President, I thank the chairman for his courtesy.

Mr. CONRAD. Madam President, I again want to thank very much Senator BAUCUS for offering this amendment, which is to protect the middle-class tax cuts and to make certain we don't have this anomaly of the estate tax being at $3.5 million in 2009 and then going down to $1 million. That makes no sense. The Senator has said very well that the amendment he has provided would prevent that from occurring, and there are some additional funds that would be used to make those provisions even more attractive, or they could be used for other tax provisions.

The truth is, the budget resolution doesn't cite that. We give certain instruction to the Finance Committee and, ultimately, the Finance Committee is going to make these judgments. What the chairman of the Finance Committee has said is that it is his intention to have estate tax reform to protect the middle-class tax cuts and also to have the resources to extend children's health care coverage to every child in America. Every single witness before our committee, and I think it is fair to say virtually every witness before the Finance Committee, has said that covering children, as the Senator from Montana has so aggressively pursued—coverage for every child in America is the right thing to do substantively for this country. Covering children is the least expensive thing to do and has the greatest payoff as an investment because a child's entire life is then improved if they catch a health care problem when they are young.

I think the Senator from Montana has put together an amendment that deserves the support of every Member of the body.

Mr. BAUCUS. I thank the Senator. I might ask the question, Madam President: Basically, what are budgets? Budgets are an expression of priorities. This budget is designed to express what this body thinks, what so many of us think are the proper priorities for this country. Since the resolution has about a $132 billion surplus, we think the strong priority should be to use that to help middle-income Americans.

The provisions in this amendment provide for that and clearly help kids get health insurance. A major problem in this country, clearly, is health care. We spend so much on health care. Yet there is some question what we get out of it. This country spends $6,300 per person—that is per capita—on health care, which is almost twice as much as the next most expensive country. Yet we are not twice as healthy. The problem, clearly, is coverage; that is, not everybody has health insurance. Everybody in America should have health insurance.

The other question is cost, but this amendment addresses the coverage side of it; that is, trying to help more people get health insurance, people who do not now have health insurance. Where do we begin? We think we begin with kids. Currently, there are about 6 million children who are covered under the Children's Health Insurance Program. There are about 6 million others who are eligible but not covered. We believe, and this amendment states, that if we begin providing health insurance coverage for more Americans, we should certainly begin with kids. When we begin with kids, let's help those kids who don't have the same financial means that other kids have.

A lot of other kids, fortunate for them, their families, father and mother, have a good job and health insurance is part of the job. But we are talking about kids who don't have that. These are kids whose income levels, or their parents' income level, is just above the qualifying rate for Medicaid. Medicaid does provide health insurance for kids, but there are a lot of kids who don't get health insurance because their family's income is just above the Medicaid cutoff. That needs to be covered under the Children's Health Insurance Program, on which this amendment is designed to expand.

So I would summarize by saying that I think it is a proper set of priorities, given the resources we have, and I hope every Senator supports this amendment.

Madam President, I yield the floor.

AMENDMENT NO. 480

Ms. COLLINS. Madam President, I call up amendment No. 480, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. WARNER, and Mr. SMITH, proposes an amendment numbered 480.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for permanently extending and increasing the above-the-line deduction for teacher classroom supplies and expanding such deduction to include qualified professional development expenses)

At the end of title III, add the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM SUPPLIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would permanently extend and increase to $400 the above-the-line deduction for teacher classroom supplies and expand such deduction to include qualified professional development expenses, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

Ms. COLLINS. Madam President, the amendment that I have proposed, with my colleagues, Senator WARNER and Senator SMITH, would establish a deficit-neutral reserve fund to allow for the expansion of an existing tax credit for schoolteachers and other educators who buy supplies for their classroom. The reserve fund that our amendment creates would allow for an increase in the current $250 deduction to $400, and it would make it permanent. This tax deduction is available to educators who incur out-of-pocket expenses in order to improve the educational experience of their students.

The amendment would also allow this above-the-line tax deduction to be claimed for expenses related to professional development.

This amendment builds upon a $250 tax deduction in the current law that Senator WARNER and I authored in 2001. It became law as part of the tax relief package that passed that year. This tax relief was later extended through the end of this year, and I would suggest that there is no reason for us to have the uncertainty about the continuation of this valuable tax deduction. We should move to make it permanent.

Teachers who buy classroom supplies in order to improve the educational experience for their students deserve more than just our gratitude. They deserve this modest tax incentive to thank them for their commitment and their hard work. So often teachers across this country, and certainly in the State of Maine, earn modest salaries. Yet they dig deep into their own pockets to spend money to improve the classroom experience of their students.

A survey by the National Education Association found that teachers spend, on average, $443 a year on classroom materials. Other surveys show that they are spending even more than that. In fact, a survey conducted by the National School Supply and Equipment Association has found that educators spend, on average, $826 to supplement classroom supplies, plus an additional $926 for instructional materials on top of that; in other words, a total of $1,700 out of their own pockets.

I have spoken with literally dozens of teachers in Maine who tell me that they routinely spend far in excess of the $250 deduction limit that is in current law. I have made a practice of visiting schools all over Maine. In fact, I visited approximately 160 schools during the past 10 years, and I have seen firsthand the dedication of our schoolteachers to their students. At virtually every school that I have visited, teachers are spending their own money to benefit their students.

Year after year, teachers spend hundreds of dollars on books, bulletin boards, computer software, construction paper, stamps, ink pads, just about anything you can think of. Let me give a couple of examples. There are two elementary school teachers in Augusta, ME, Anita Hopkins and Kathy Toothacher, who purchased books for their students so they could have a classroom library, as well as workbooks and sight cards. They have also purchased special prizes to give to their students as positive reinforcement. Mrs. Hopkins estimates that she spends between $800 and $1,000 of her own money on extra materials to make learning more enjoyable and to create a more stimulating classroom environment.

In addition to increasing the amount of this deduction, I think we should also expand it so that it can be used by educators who are paying for their own professional development. We hear a lot of discussion about the provisions of the No Child Left Behind Act and about the need for highly qualified teachers. One of the best ways for teachers to improve their qualifications is through professional development. Yet in towns in my State, and I expect throughout the country, school budgets are often very tight and money for professional development is often very small or even nonexistent.

That is why I think we should allow this tax deduction to also be claimed when a teacher takes a course or attends a workshop and has to pay for it out of his or her own pocket. In my view, it is the students who are the ultimate beneficiaries when teachers receive professional development to sharpen their skills, or perhaps teach them a more innovative way to teach the material and present it to their students.

Studies have consistently shown that other than involved parents, the single greatest determinant of classroom success is the presence of a well-qualified teacher. I know from talking to educators across Maine that they are eager to take advantage of professional development opportunities in order to make an even more positive impact on their students.

The teacher tax relief that we have made available since 2001 is certainly a positive step, and I am very proud, along with my colleague, Senator WARNER, to have authored that law. Today, we can set the stage for making that deduction permanent, for expanding it to include professional development, and to increase it to $400 to more accurately reflect what educators really spend in the classroom.

This amendment is a small but appropriate means of recognizing the many sacrifices that teachers make each and every day to benefit children across America. I am very pleased that the National Education Association has endorsed this amendment, and I ask unanimous consent that a letter from the NEA supporting the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 21, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Education Association's (NEA) 3.2 million members, we urge your support for an amendment (S. Amdt. 480) to be offered by Senators COLLINS (R–ME), WARNER (R–VA), and SMITH (R–OR) to the Senate Budget Resolution that would increase, expand, and make permanent the tax deduction for educators' out-of-pocket classroom supply expenses. Votes associated with this issue may be included in the NEA Legislative Report Card for the 110th Congress.

The educator tax deduction helps recognize the financial sacrifices made by teachers and paraprofessionals, who often reach into their own pockets to purchase classroom supplies. Studies show that teachers are spending more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

The amendment would add a deficit neutral reserve fund to the Budget bill, directing funding sufficient to increase the deduction to $400, make it permanent, and expand it to cover professional development expenses. This expansion is critical as teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century.

The current deduction was extended at the end of 2006, but will expire again at the end of this year absent additional congressional action. Increasing, expanding, and making the deduction permanent will acknowledge the sacrifices made by those who have dedicated their lives to educating our children and will alleviate the uncertainty they face as they wait each year to see if the deduction will be extended.

We urge your support for this important amendment.

Sincerely,

DIANE SHUST,
Director of Government Relations.

RANDALL MOODY,
Manager of Federal Policy and Politics.

Ms. COLLINS. Madam President, I hope the managers of the bill might be willing to act on this amendment shortly.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, we have a unanimous consent request we are working on. I do not yet have that printed version before us so that Senator GREGG and I might be able to enter into that.

I would like to talk for a moment to the Senator from Maine about her amendment. If the Senator from Maine could tell me, what is the cost of her amendment and what is the proposed way of paying for it?

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, the way I have drafted the amendment is to use a technique that has been commonly used in the budget resolution of creating a deficit-neutral reserve fund. That means the committee of jurisdiction, the Finance Committee in this case, would be required to come up with an offset for the cost to avoid an impact on the budget. I do not have a cost estimate from CBO yet on the proposal. It is not an expensive tax incentive, but we have followed the wisdom and advice of the leaders of the Budget Committee by drafting it in such a way that it would not have a budget impact.

Mr. CONRAD. I thank the Senator. Does the Senator have a rough, even back-of-the-envelope estimate of the cost?

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I would say to the chairman of the Budget Committee that we have requested an estimate, but we have not yet received one. Because of that uncertainty, we did go the route of the deficit-neutral reserve fund so that, regardless of the cost, it would be offset by the decisions made by the Finance Committee.

Mr. CONRAD. I thank the Senator for the thoughtfulness of her amendment. I thank her for doing it as a deficit-neutral reserve fund so it does not impact the budget and says to the committee of jurisdiction that, if they come forward with the proposal, they will find a way to offset the costs. I certainly appreciate what the Senator has done so as to not have an adverse impact on the budget. We do appreciate that.

Madam President, does the Senator require a rollcall vote?

Ms. COLLINS. Madam President, I do not.

Mr. CONRAD. Madam President, we have to check with the Finance Committee before we can take this on a voice vote, but it is my intention, if we get clearance, to try to do that at the appropriate time. I thank the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the chairman and ranking member for working with me on this issue. I think it is a modest approach that can make a real difference to the thousands of teachers across this country who dig deep into their own pockets in order to enrich the classroom experience for their students. It is a modest but appropriate way for us to recognize their financial sacrifice. I hope the two managers of the bill will be able to clear the amendment.

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I have given an amendment, which I hope to bring up at this time, to the majority as a courtesy. I am waiting for them to take a look at it before I offer it.

Essentially, this amendment deals with reconciliation. Reconciliation is a fairly arcane exercise, but it has significant impact around here. Reconciliation is the tool the Budget Committee has, to put some teeth into our efforts to try to control spending. There are no reconciliation instructions in the majority proposal. I wish there were. I wish there were reconciliation instructions on entitlements, and I wish those reconciliation instructions had followed the suggestions of the President, as I said in my opening statement, where he made recommendations that were very reasonable and would not have affected beneficiaries but would have saved $8 trillion over the 75-year life of Medicare and would have helped move them toward balance by getting the providers paid correctly and by having very high-income individuals contributing to the cost of their insurance, especially drug insurance.

But there is also another side to reconciliation, and that is, as committees are given reconciliation instructions which save money, sometimes they take that money and they spend it, which is not the purpose of reconciliation. Reconciliation should not be used for a cover event for the purposes of spending money.

The majority has put in place a point of order that would make it very difficult to use reconciliation for the purposes of reducing taxes. It is perfectly reasonable that we should also make it very difficult for doing that for purposes of spending money. I didn't want to eliminate the ability to spend money. Some money is going to be needed, at least that these programs as they get adjusted in reconciliation should have, maybe, some adjustment. For example, 2 years ago, when the HELP Committee received reconciliation instructions on education accounts, they basically reduced the subsidy that went to lenders by approximately $20-some-odd billion, I think $21 billion or $22 billion. At the same time, they took some of that reduction in subsidy and put it toward expanding the Pell Grant Program, especially for people who were going into the math and science disciplines.

That was a good policy decision, and I don't want to tie the hands of our authorizing committees excessively, but I think there has to be an understanding that reconciliation is primarily an effort to control spending and to discipline spending on the entitlement side of the accounts. It doesn't deal with discretionary spending.

This amendment will essentially say that for every $10 you save under reconciliation expense, no more than $2 could be actually spent. So it says you can't spend more than 20 percent of the savings that are generated in a reconciliation exercise. It is an attempt once again to put some discipline in here.

Why is it relevant to a budget that doesn't have any reconciliation at all? As I said, I wish this did have reconciliation. It is relevant because the House has put reconciliation instructions in, a very small amount. It appears to me the intention of the House honestly is to use reconciliation as a cover for spending, not as a cover for controlling spending—which would be, in my opinion, an inappropriate action. That is why I brought forward this language. I hope others would agree with me that that would be inappropriate and certainly inconsistent with reconciliation as a concept.

I am handed a note to point out that when we did the reconciliation instruction in 2005, we had net savings in that of approximately $40 billion, which was the most recent large reconciliation instruction we pursued in this Congress and which was constructive and which actually, in the outyears, turns into very significant savings.

This is basically to put in place a discipline which will allow us to be sure the Budget Act's purposes are not abused and it is not used to run interference and allow an easier path to greater spending on the entitlement side of the account.

It is a very reasonable approach. It doesn't totally bind the hands of the authorizing committees but makes it clear that a budget should be for the purposes of a budget, which is to discipline the spending of the Federal Government, and having this discipline in place is appropriate.

I would like to offer that amendment, hopefully in the near term, so we can get it in the queue here.

At this point, I yield the floor.

Mr. CONRAD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise today in support of the budget resolution currently before the Senate. I particularly wanted to speak in support of the additional funding that the resolution provides for the Veterans' Administration, funding that will help one of the most important challenges facing the Nation today.

That challenge is how do we repay our men and women in uniform who have sacrificed for us on the frontlines, on the battlefield, when they return home, and how do we ensure they have all the support and services they need to resume their lives.

But before I turn to the VA funding, I want to first speak about the current economic situation in America and how this resolution will help to even the economic playing field for the people of this country. When I would go around, especially in rural America, which I think you understand, Mr. President, and start talking about economic issues, I would be in a situation where I would think 10 people would come to a small cafe and 100 people would show up.

When the price of gas goes up over $3 a gallon, such as it did last summer, people who have a longer way to drive will feel it first. When they have two kids they are trying to send to college, and tuition at the University of Minnesota goes up 110 percent, they feel it first. When their health care premiums go up 60 percent in 7 years, such as they have been in our State, middle-class people feel it first. When it is their kids who are going to war and their neighbors and their cousins and their grandkids, they feel it first in their hearts.

That is what this is about, at the national level, the economic policies that produce record deficits and ever-mounting debt. What was a $128 billion Federal budget surplus in 2001 turned into a $258 billion deficit in 2006. A $5.6 trillion 10-year projected surplus in 2002 has turned into a $2 trillion projected deficit.

Federal deficits have gone up by $1.5 trillion, with most of it being held by Government and companies in China and India and many of our economic competitors. This resolution will begin the effort to restore fiscal sanity and responsibility to our Government. It includes a strong pay-as-you-go rule that requires that we pay for any new mandatory spending or offsets or else get 60 votes to approve it. There will be no more spend-as-you-like bills.

This does not mean there will be no new mandatory spending or tax cuts to help working families. In fact, the resolution includes a reserve fund for new tax relief measures but only if we find appropriate offsets. It means we have to work to implement them in a fiscally responsible way.

The resolution also makes it much harder to push through budget reconciliation measures that are now used in the opposite way than they were intended, to increase the budget deficit or decrease the budget surplus. This resolution signals an end to the spend-as-you-like policies that have created our current fiscal problems at the national level.

My colleagues and I have, in the Budget Committee, started reversing this trend and putting the interests of middle-class families front and center. This budget resolution is a good start.

I would like to address the veterans provisions in the resolution, which I think are also very important to the middle-class families in our country.

In the past 4 years, American military service personnel and their families have endured conditions that are unprecedented, including repeated deployments. I cannot tell you how many families I speak to where their kids have been asked to serve not once in the National Guard but to be repeatedly called back, and every time they say "yes."

One and a half million American service men and women have served in Iraq and Afghanistan. These wars are creating a new generation of veterans who need their country to stand with them. These are men and women who have served our country on the frontline, and when they come back to the country, they are too often shunted to the end of the line waiting for health care, waiting for education benefits, and now as the shocking revelations from Walter Reed have shown us, some have been left waiting in the most squalid of conditions.

I wish to commend you, Mr. President, and members of the Budget Committee for recognizing that the President's request for fiscal year 2008 severely shortchanged the needs of veterans in this country. Passage of this resolution, with $3.5 billion added to the President's request for a total of $48.1 billion in discretionary veterans spending should be our highest priority.

At a time when we are spending billions on awards of reconstruction projects overseas, we can certainly afford this increase in veterans funding at home.

In addition to providing billions more for veterans health care and other support programs, this resolution rejects the President's apparent belief that now is the time to increase mandatory fees that veterans must pay under TRICARE. The President's budget called for an increase in TRICARE pharmacy copayments from $8 to $15. It calls for an annual enrollment fee based on a veteran's family income. It proposed to require veterans to cover their entire copayment for nonservice-connected disabilities. This budget resolution blocks those outrageous proposals.

This administration has shockingly underestimated the number of veterans who would require medical care. To give you an example, in fiscal year 2005, the Department of Defense estimated it would have to provide care for 23,500 veterans when they came home from Iraq and Afghanistan. In reality, Mr. President, more than four times that number required help.

Last year, the Pentagon underestimated the number of veterans who would require care by 87,000. That this administration underestimated and underfunded veterans programs should not come as a surprise. Ever since the war in Afghanistan and Iraq began, the administration has seemed oblivious to the fact that when you send hundreds of thousands of solders into battle, you must have a plan to provide for the hundreds of thousands of veterans whom you are creating and Active-Duty soldiers who will require substantial support when they return home.

With this additional discretionary spending, we can begin to seriously address the repair of traumatic brain injury and polytraumatic injuries suffered by the soldiers in Iraq and Afghanistan that have so tragically become the signature injuries of this war.

We can enhance and expand the recovery and rehabilitation centers for the 30,000 wounded Iraq and Afghanistan veterans. We can provide increased counseling and create greater awareness of the tens of thousands of veterans suffering from post-traumatic stress disorder and other mental illnesses. According to a Veterans Health Administration report, roughly one-third of Iraq and Afghanistan veterans who sought care through the VA have been diagnosed with potential symptoms of post-traumatic stress, drug abuse or other mental disorders.

On an issue that is particularly important to Minnesotans, we can increase benefits for National Guard members and Reservists who are being asked to play the role of Active-Duty soldiers on the battlefield but then are treated as second-class veterans when they return home.

This past weekend, I traveled to Iraq with three of my colleagues to visit our troops in the field and assess the situation on the ground. I was fortunate to have the opportunity to thank the brave men and women from my State for their sacrifice. The sacrifices our troops are making and the risks they are taking was driven home in a poignant and powerful moment at the Baghdad airport, when I stood with nine Duluth firefighters who are members of Minnesota's National Guard.

They were there to show their respect for fallen soldiers. They stood there and saluted as six caskets were loaded onto an airplane, all of them draped in the American flag. I watched these men stand stoically but sadly, and then I saw them return to their task at hand.

With all the political noise in Washington about the war in Iraq, we often lose touch with what the perspective is of the men and women on the frontline. I went to Iraq to find that perspective. I met marines in Fallujah from Roseville and Rochester. I met a Navy Seabee from Appleton, MN. I met Army soldiers assigned to help train Iraqi troops from Minneapolis and St. Paul. I met Army Reservists based out of Fort Snelling. I met National Guardsmen attached to the fighter wing in Duluth. These soldiers and National Guard members I met in Kuwait, Baghdad, and Fallujah, they did not ask about the resolution the Senate was debating, they did not ask me about what my plan was to bring them home to their families; they did not ask about the shortages in equipment and body armor; they did not ask about repeated tour extensions. They only asked about two things: First, they wanted to know what the results were of the Minnesota High School Hockey Tournament.

But they asked one more thing. They asked that we take care of them when they return home. I pledged to them, and I bring that point to the Senate floor today, that their sacrifice will not be overlooked, that their service will not be forgotten, and their debt will be repaid.

The VA funding in this resolution is the first in a series of payments toward the debt we owe these soldiers on the frontlines who have sacrificed for us. I have always believed when we ask our young men and women to fight and to make the ultimate sacrifice for our Nation, we make a promise we are going to give them the resources they need.

This has always been a country that believed in patriotism, and patriotism means wrapping our arms around those who have served us.

In his second inaugural address, President Lincoln reminded the American people that in war, we must strive to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan.

Today, Americans are again called to bind up our Nation's wounds and to care for those who have borne the battle, as well as their families who have shouldered their own sacrifice.

Let us live up to this solemn obligation to bring our troops home safely and to honor our returning soldiers and their families by giving them the care and the benefits they have earned.

That is why I support the veterans funding included in this budget resolution.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask unanimous consent that the time from 12:30 to 1:30 today be for debate only, equally divided and controlled between Senators SCHUMER and BROWNBACK—this is the Humphrey-Hawkins report that is part of any consideration of a budget resolution; that at 1:30, Senator GRASSLEY be recognized to call up two amendments, one relating to payment limits and one relating to the Smithsonian institution; that there be a total of 60 minutes for debate with respect to the two Grassley amendments, with the time controlled 30 minutes for Senator GRASSLEY and 30 minutes for the chairman of the Budget Committee; that no amendments be in order to either amendment during this debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank my colleagues for their continuing cooperation.

On the Collins amendment, we could accept that amendment at this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I can't speak for Senator COLLINS. I don't know if she needs a vote or not.

Mr. CONRAD. I asked her the direct question if she would require a rollcall vote. She said she did not.

Mr. GREGG. Then let's proceed.

Mr. CONRAD. Mr. President, I ask unanimous consent, on the Collins amendment creating a deficit-neutral reserve fund for a teacher classroom expense deduction, that that amendment be considered on a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 480.

The amendment (No. 480) was agreed to.

Mr. GREGG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. The 12:30 hour having arrived, this is time controlled by Senators SCHUMER and BROWNBACK.

Mr. GREGG. Mr. President, we hope to also, later this afternoon, after Senator GRASSLEY has proceeded with his two amendments, proceed potentially to amendments from the other side of the aisle relative to SCHIP and from our side of the aisle relative to SCHIP and then an amendment in response to the amendment of the Senator from Montana, the chairman of the Finance Committee. That would be the sequence I hope we can get to later today. Those are all important amendments. We would like to get them done. It would be constructive.

Mr. CONRAD. The Senator is correct. That is the intention. After the amendments of Senator GRASSLEY are discussed and debated, we would then be able to turn to a discussion of SCHIP with both sides participating, Senator KYL thereafter to be recognized to offer an alternative to the amendment offered by the Senator from Montana.

We await the Senators whose time has been reserved. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to speak as chairman of the Joint Economic Committee in terms of our Humphrey-Hawkins budget debate time.

Today, we are going to begin putting the Nation's fiscal house back in order and to get our economic policy priorities straight. I salute the chairman of the Budget Committee, the indefatigable KENT CONRAD, for the great job he has done over the years in trying to get our country back on the right fiscal track.

For the last 6 years, we have been governed by a shallow economic strategy, guided by deep and indiscriminate tax cuts. The strategy has produced burgeoning deficits, mediocre economic performance, and a serious global trade imbalance. My colleagues and I on this side of the aisle have a different policy vision. We believe the middle class is the backbone of the country and that when we pursue policies to help the middle class feel confident about their economic future, we produce a strong economy, capable of meeting just about any challenge.

We have not had those kinds of policies or that kind of economy over the past 6 years. The economy went through the most prolonged jobs slump since the 1930s, as it struggled to recover from the 2001 recession. Then, while the economy was growing, it was not producing enough jobs. In the summer of 2003, job creation began to turn upward again but not as rapidly as we were used to in past economic recoveries. Something was still missing—growth in real wages.

In the past, increased productivity meant real wages increased. In recent years, American workers have continued to be remarkably productive. However, while our output per hour grew 18 percent from 2001 through 2006, after adjusting for inflation, workers' pay and benefits grew only by half as much—8.7 percent. That is serious stuff. When output goes up and workers only retain less than half of it, something is the matter.

Even that modest growth in compensation came much more from benefits than from wages. It is not that employers were becoming more generous in providing benefits. To the contrary, benefit costs have been increasing because health care insurance costs are rising, and employers have had to make contributions to restore the solvency of their pension plans. Those higher benefit costs squeezed take-home pay, but workers have not been getting more generous benefits in return. They are shouldering more of the burden for their health insurance, and their pensions remain in jeopardy.

So where have the benefits from economic growth been going? They have been going to profits and salaries and bonuses of top executives. Profits as a share of national income are at an all-time high, and incomes at the very top of the economic scale have been soaring. At the same time, middle-class families and families striving to get into the middle class have been struggling to get ahead.

I wish I could say businesses have been investing their profits to make the economy grow, but another remarkable feature of the current economic recovery is how slowly business investment is growing relative to profits. Business profits have been flush, yes, but business investment spending has been weak. There hasn't been any real trickle down from the President's huge tax cuts to the rest of the economy. We had a small growth spurt for a couple of years, but the most recent news paints a picture of an economy that is growing at a pace below its long-term sustainable potential.

The main results of the President's tax cuts have been, A, larger budget deficits, and B, reduced national savings. With less of our own savings, we are borrowing more from the rest of the world to support our current standard of living. The record current account deficit last year—the amount we had to borrow from the rest of the world to finance our trade deficit—was equal to a stunning 6.5 percent of the entire GDP; 6.5 percent of the GDP goes to financing our trade deficit. We are borrowing more than ever from the rest of the world. Those debts will be paid back with interest from the income of our children. The Federal Government is increasingly reliant on the rest of the world to buy our public debt, and who knows what kind of financial crisis would ensue if the rest of the world decided they no longer wanted to hold such vast quantities of U.S. debt. Even if they don't, the idea that we are saddling our children to repay this debt is not fair to them and not good for the future of America.

To conclude, it is no wonder that middle-class families do not give President Bush much credit for the economy. They are paying more for gas and utility bills. Their health insurance and prescription drug costs are rising much faster than their pay, and college tuition costs are through the roof. They see good manufacturing jobs disappearing and a wave of new competition from economies such as China and India. They are also less likely to support expanded trade because they sense that the Government is not on their side when it negotiates trade agreements, and they see that some of our largest trading partners regularly flout the rules of free trade. They see a Federal Government that doesn't pay its bills and is building up foreign debt that will be a burden on our children and our grandchildren.

I commend Senator CONRAD for crafting a budget resolution that gets us started on the road to recovery from these misguided policies. There is much work to do, but we are off to a good start with this budget resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues for having this discussion on the budget.

I am ranking member on the Joint Economic Committee. I wish to discuss some of the things Senator SCHUMER was talking about on economic performance. What I would like to do in making this presentation—I will speak for 10 minutes now and 20 minutes later—is to talk first about what has taken place in the economy recently and then to talk about human capital development that is important for us to develop more and into the future.

I think we have a bit of a different presentation on the factual setting of what has happened as a result of the tax cuts. I believe there would be agreement that if the economy has not substantially performed as well as some may suggest, as the Senator from New York suggested, then the answer is certainly not a big tax increase. That would clearly not be the case if what we want to do is stimulate economic growth. I believe there would be a broad basis of support and a realization of that from economists and people around the world. If your economy is not performing well, the answer is certainly not to put on a trillion-dollar tax increase to try to stimulate that economy to perform better. That would be clearly the wrong answer. Yet we are finding that in this budget.

I am here to discuss what has taken place in the economy. One of the key questions the Senate will address during this debate is what procedural rules to put in place to help instill budgetary discipline on this institution. Unfortunately, those proposed fiscal discipline measures which appear in this budget amount to a little more than a guaranteed tax increase for the American public on the magnitude of $900 billion to $1 trillion.

As my colleague from New Hampshire has noted, it is the largest tax hike ever on American workers and their families—the largest ever. That certainly would not be the prescription I would hear from most economists as to how to get the economy performing better, to put on a $1 trillion tax hike.

As part of the majority's rhetoric, we will hear much talk about how the fiscal policies—most notably the pro-growth tax policies—of the past 6 years have not benefitted everybody in this society. To substantiate that assertion, one can only rely on bits and pieces of data and not the full view and the big picture of what has happened in the economy, which is what I would like to cover, and cover now, and cover with charts, to let people see what the facts are and draw their own conclusions.

It is undeniable our Nation was heading into recession during the year 2000, the last year of President Clinton's administration. I was in the Senate, and one could certainly see that in the economic data. The dot-com bubble was bursting; economic growth turned negative in the third quarter of 2000. The unemployment rate bottomed out in April of 2000 and began its rise. In the period from January 2001 to August 2001—the first year of the Bush administration—only 1 month registered positive job growth. In that period, 700,000 jobs—nearly three-quarters of a million—were lost.

Then came the horrors of 9/11, and the Nation's economy tumbled further. It was like hitting a brick wall and falling. From September to December more than a million jobs were lost. We all remember the trauma to us as a country, and the trauma to the economy at that time.

I have a number of charts I will present today, and I hope they will put some perspective on our debate. We can argue about the degree to which pro-growth and pro-job tax relief enacted in 2003 caused the economic turnaround. I think that is a legitimate debate. I would note, however, that recent economic conditions display a striking contrast to the conditions that prevailed prior to enactment of pro-growth tax relief under the Jobs and Growth Tax Relief Reconciliation Act of 2003 that was passed in May of 2003.

Consider these charts and the data behind them, and then draw your own conclusion.

Let's look at this chart on economic growth since 2000: inflation-adjusted annualized GDP growth. You can see where we were prior to and then in 2000 and 2001 with negative economic growth rates taking place. You can see anemic growth rates taking place afterwards. You can see what took place: tax relief enacted in May of 2003 and the strong spike, continuous spike in growth that took place.

Since the enactment of tax relief in 2003, annualized growth in the inflation-adjusted GDP, our gross domestic product—that is, the size of the pie, the size of the economy in the country—has averaged a robust 3.5 percent growth rate. That compares with the relatively tepid average of 1.3 percent from the first quarter of 2001 to the second quarter of 2003.

So you look at this period before tax relief: 1.3 percent; you look at the period since the tax cut enactment: a 3.5-percent average growth rate. I would much rather have a 3.5-percent growth rate than a 1.3-percent growth rate.

What about investment? That is a key part of our growth, to make productivity grow, to make wages grow. Business investment is a key component of economic growth.

Since the enactment of tax relief in 2003, growth in real business fixed investment has averaged 5.7 percent. With tax relief enacted. You can see where we were beforehand, negative investment; afterwards, positive investment at a nice rate, 5.7 percent.

Prior to the enactment of tax relief, from the first quarter of 2001 through the second quarter of 2003, business investment declined at an average rate of 5.6 percent; but it increased 5.7 percent on average afterwards—a direct mirror opposite with the investment and tax cuts that took place.

Let's talk about unemployment rates. That is certainly a key. We want to have people employed in this economy, and employed at an aggressive growth rate. The unemployment rate has declined from a peak of 6.3 percent in June of 2003, when tax relief was implemented, to 4.5 percent in February of 2007.

So you can see again, with tax relief enacted, a decline in the unemployment rate takes place. At 4.5 percent, the unemployment rate stands below the average rate of the 1960s, the 1970s, the 1980s, and the 1990s. Where we sit today stands below those average unemployment rates.

Again, tax relief was enacted. We can argue about, did that cause it or not, but I think you have to clearly say we have had a nice improvement that has taken place in the time period following enactment of tax relief.

What about payroll employment changes since 2000? There have been 42 months of consecutive gains in payroll employment. Close to 7.6 million new payroll jobs have been created during the period since September 2003—again, that period when we did the tax relief.

From June of 2003 through February 2007, payroll employment gains have averaged a healthy 169,000 per month. In contrast, 91,000 jobs were lost on average in the period between January of 2001 and May of 2003.

Again, you get this mirror situation where you were losing jobs prior to this time period, and you are growing them at a nice, strong, clip and engagement rate which is taking place after the enactment of tax relief. Good, positive rates have taken place.

With that, Mr. President, I believe in our time agreement I had until 12:50, and then I have 20 minutes at a later point. I will go through a series of additional charts later, but my colleague from Pennsylvania, I believe, was going to speak. I do not know if the manager would like to take the time of Senator CASEY at this point in time.

Mr. President, I ask the manager of the bill if her side desires to have the floor at this point in time.

Ms. KLOBUCHAR. Yes, we would like to do that. We are awaiting the arrival of Senator CASEY. I thank the Senator.

Mr. BROWNBACK. Mr. President, if I could, I will yield to Senator CASEY as soon as he arrives on the Senate floor, if that would be acceptable to the manager?

Ms. KLOBUCHAR. That would be acceptable. He is on his way.

Mr. BROWNBACK. I thank the Senator.

Mr. President, let's look at these numbers, the Institute for Supply Management activity indexes. This indicates whether expansion or contraction is taking place. The Institute for Supply Management indexes of manufacturing and non-manufacturing activities signals expansion or contraction taking place in the economy. When it is above 50, there is expansion. When it is below 50, there is contraction. This, again, displays robust expansion following tax relief. In contrast, it displays contraction or tepid growth prior to tax relief.

So you can see, again, the tax relief point that took place, as shown on this chart. You had some growth. You had some decline taking place at this 50-percent point. Where it is below that 50-percent point, you have contraction. Where it is above that 50-percent point, you have expansion. After tax relief, you have a strong expansion rate, which is taking place in these numbers.

While correlations do not imply causality, there has been a clear and striking turnaround in a wide array of economic indicators from signals of contraction or tepid growth prior to enactment of the pro-growth tax relief in 2003 to signals of strong expansion and robust growth following tax relief taking place.

One final point. A key to increases in incomes, wages, and living standards is growth in productivity, as this chart clearly shows.

Again, we have a period where there is productivity growth and real hourly compensation going up. Pro-growth tax relief, such as that enacted in 2003, lays a solid foundation for continued strong growth in the productivity of American workers. That growth is ultimately what boosts the wages, salaries, benefits, and living standards of American workers and their families—built on a solid economic basis. Raising taxes—raising taxes—as some on the other side are suggesting—is not a productive way to proceed in us increasing real wages, real incomes for individuals to stimulate the economy. In fact, the other route is the way to go: get the economy growing built on fundamentals and built on cutting taxes.

With that, Mr. President, I know my colleague from Pennsylvania is in the Chamber.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank the Senator for yielding.

Mr. President, I would like to speak today about the budget we are going to be debating and about our economic prospects as we go forward. I also want to thank those who have been working so diligently to put this budget package together. Senator SCHUMER has worked, especially as the chairman of the Joint Economic Committee, to focus our attention on some of the economic realities we face in the weeks ahead.

The fact is, when we look at the economic data, Wall Street has done pretty well over the last 6 years, but the average American, however, has not shared in that prosperity.

Since 2001, median household income is down after inflation. More than 5 million more people—a total of 37 million Americans—live in poverty today, including 1.3 million more children. So now we have some 12.9 million children in poverty.

Long-term unemployment is up 80 percent. Three million manufacturing jobs have been lost in that time period, many from my home State of Pennsylvania, like in manufacturing States across the country.

We also have to look beyond the data from where we are now and have been in the past. We have to look to the future. We all know we face a tremendous challenge when the retirement of the baby boom generation begins in earnest. The coming retirement of those Americans means the Social Security and Medicare obligations we owe them, because of their decades of work, are coming due. At the same time, this administration has been issuing debt, in my judgment, at an irresponsible and reckless pace—most of it being purchased by governments across the world and by individual countries we are competing against.

We hear a lot in the context of our energy policy about reducing our dependence on foreign oil. There is tremendous agreement about that goal. I think in the economic context we can use the same language. It is about time the U.S. Government, especially this administration, began to get on the road of reducing our dependence on foreign debt. We need to have policies that will do that.

For the last 10 years, prior to coming to Washington as a Senator, I was a public official in Pennsylvania—8 as auditor general and 2 as treasurer. One of the jobs I had, especially as auditor general, was to be one of the so-called issuing officials. We issued debt in State government. As part of that, one of my responsibilities, one of my basic requirements, by statute, was to certify that Pennsylvania was not only staying within its constitutional debt limit but was assuring it was not straining its borrowing capacity from an economic or fiscal standpoint because doing so would undermine Pennsylvania's debt rating and drive up the cost of future borrowing.

I do not think there is anyone in this administration, or in this Congress for that matter, who could certify or would certify the Federal Government is not straining its borrowing capacity today, and certainly for the last several years. The fact is, our debt is not just a piece of paper filed away in some cabinet. It is real. It represents a lot of things. It represents, first of all, a dependence upon other governments in terms of our foreign debt. It often represents a taking away from investments in very important programs for people.

I say to the Presiding Officer, you understood that in your work in the Congress and now in the Senate. You understand those critical investments. If you drive up the cost of borrowing, you make it more difficult for us to not only borrow money but to invest. All of our families will be the losers in that scenario.

So I think in addition to gaining control of our fiscal house and putting our fiscal house in order and beginning to reduce our dependence on foreign debt, we must also, at the same time—and I think it is obviously related—increase our investment in American families. We need to start to do that by keeping our promises to those of our families who rely upon good investments by the Federal Government.

We all know in a global economy—and certainly the newer global economy—it is very clear that goods can be moved all over the world. We are happy about that. It is amazing what technology and transportation have done to bring that about. Money can move in a matter of minutes now. We know that. But people, by and large, tend to be much more stationary in the sense that they do not move nearly as fast as money or goods.

America, in particular, has been able, over a long period of time, to develop our own talent—the talents of our people—and to attract talent from all over the world. But the only way we are going to maintain that, to maintain our competitive edge, to be able to invest in strategies that will work, is to actually focus our attention on the skills and the education and the advancement of the American people. In order to do that, we have to give the American people the tools they need to compete in a global economy.

We all know if we do that and we meet our obligations and keep our promises, we will ensure the global marketplace and trade are conducted on a fair basis and that we don't put our workers at an unfair disadvantage. But in order to do that, we have to invest. That is why, as the Presiding Officer knows from listening to our colleagues in the Democratic caucus, and certainly by analyzing the budget that was put together by the Budget Committee, especially under the leadership of Chairman Kent Conrad from North Dakota, what that budget has done, what the proposal does is puts together a budget that makes sense, that makes fiscal sense, that begins to reduce our deficit and brings us into balance by 2012. In fact, it brings us beyond balance. It gives us a $132 billion surplus.

Also, it realizes that right now we are in a hole because of how we have been conducting fiscal business in this town for the last several years. It realizes that when you are in a hole, as the old expression goes, you should stop digging. It realizes people are our most valuable resource. This budget invests in them in so many ways. One good example of that, or two actually, is the State Children's Health Insurance Program, the so-called SCHIP program, and the Presiding Officer knows in the State of New Jersey the benefit that program has had in his State and in the State of Pennsylvania and in so many others. We have to make sure we get that right, not only to maintain the coverage for the millions of children already enrolled and their families and their communities and the economy as a whole benefit when they are enrolled, so we have to keep them covered, but we also have to meet the larger challenge of insuring the 9 million other children who have no health insurance at all and won't even begin to be covered under the President's budget. That is an important investment this budget proposal makes.

It also increases education funding at the same time by funding No Child Left Behind, making sure our families get help with higher education and all the rest. This budget makes sure we are making the right decisions on Medicare and Medicaid. The Presiding Officer knows Medicaid increasingly and overwhelmingly is about making sure that older citizens have the opportunity to get quality care in nursing homes, and it is also ensuring we are covering poor children and poor families.

This budget does all of this while also being fiscally responsible by reducing the size of the deficit and by beginning to lower our debt to foreign governments, and making sure we are doing this in the context of both reducing debt and deficit, but also making important investments. This budget focuses on the right priorities in an economic sense, but it also bears in mind that we have obligations. We have promises to keep. This budget goes a long way toward making sure we are being fiscally responsible and keeping our promises.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the chance to talk about some of these economic issues, and I join my colleagues from Minnesota and Pennsylvania in a discussion of these items.

I note from the discussion of my colleague from Pennsylvania that he focuses on human capital, which I absolutely agree with. I have a few charts I will cover in a few minutes about an investment in human capital I hope we can all agree on, and that is trying to encourage and rebuild the family structure in the country. This is something I have worked on across the aisle with my colleagues, particularly in the District of Columbia when last year I was chairman of the DC Appropriations Subcommittee. We were deeply concerned about the lack of family formation in the District of Columbia, so it became the key area and the initial place to begin to develop human capital being within the family structure.

We are finding in the District of Columbia and in many urban areas in particular, and all across the country, but in the District of Columbia in total we had 63 percent of our children born out of wedlock. This puts a child in a situation where it is more difficult to develop human capital. You can develop a child and a child can be raised well in that setting, but it becomes much more difficult. I worked with the Mayor at that time, Mayor Williams, and I worked with Delegate ELEANOR HOLMES NORTON, and we put together a program called the Marriage Development Account. If you were at 85 percent of poverty or below and got married, we would put in a Federal dollar, raise two private sector dollars, and you as a couple would put in a dollar. We would match this 3 to 1 to encourage the formation of married units—a family—around which to build a family.

This has broad bipartisan support, left and right support this, and I am hopeful we can look at ways in reforming welfare programs in particular to encourage the formation of families as one of the key and vital steps for human capital development and growth. This is something we ought to be able to agree on across the aisle. We have agreed previously, and I hope we can do that now, because we have to develop human capital. We particularly have to do it now, and the best place to start is the family and developing the human capital there. Clearly, one of the best ways we can break the poverty cycle is forming more family units. That shows up in all of the data. It is broadly supported in a bipartisan fashion and it is something where we need to change the welfare policies.

I wish to also look at this idea that tax policies since 2003 have been more beneficial to upper income households and less beneficial to lower income households in the United States. Here again, I have a series of charts. I will first start with conditions under the Clinton administration and look at impacts of Federal policies as far as a share of the overall economy. This is an instructive chart when you look at income, after-tax income, distribution data during the Clinton years. Let's consider the distribution. The data for all of these charts comes from CBO's December 2006 historical effective Federal tax rates. The data are from 1979 to 2004. First, it is interesting to look at what happened to after-tax income between 1992 and 2000. These would be the Clinton administration years. The only group of households that saw a share of the Nation's after-tax income increase was the top 20 percent. Their share during the 1992 to the 2000 time period—you see these arrows all going down: the lowest 20 percent, the second lowest 20 percent, middle, second highest, everyone is down, down, down; up is the top 20 percent. Their share of after-tax income went up during the Clinton administration years and their tax policy.

Now let's postulate the same question—because the charge is often made that the tax cuts have only benefitted—the wealthy in this country. I have seen the charts repeatedly, and it is important to discuss what the data have shown. What happened for 2000 through 2004 is the opposite of what happened during the Clinton years as far as who grew what share of after-tax income that happened during 1992 to 2004. It went the opposite. The only group that didn't see a share of after-tax income increase was the top 20 percent. Everybody else saw their share of the after-tax income grow: the lowest 20 percent, the second lowest 20 percent, middle, the second highest. The only people who went down were the top 20 percent.

It is important to point out, when we have talked about these things in generic numbers and phrases—about only the upper income households having benefitted—but we ought to look at the actual data we have available to us.

Again, I will go back to what happened in 1992 and remind people these are the Clinton years. The lower income all saw their share of after-tax income decrease; the upper income group saw theirs go up. In 2000 to 2004, we saw a reversal of those arrows under these tax policies that are being so castigated as being against lower income. The share of after-tax income received by the top 1 percent of households grew 42 percent, from 10.9 percent in 1992 to a peak of 15.5 percent at the end of the Clinton years. Again, we are talking about the Clinton years, the share of after-tax income, the top 1 percent of all households, up 42 percent during the Clinton era and the Clinton years. That is what took place.

What happened from 2000 to 2004 is after-tax income received in the top 1 percent of households actually declined. This declined at the end of the first Bush term. They do not support the assertion that there has been a massive shift of income to the highest income households since 2000. The data don't support it. The critics of the pro-growth tax policies enacted after 2000 assert that the highest income households have disproportionately benefitted. That simply is not supported by the data.

Let's look at the top 10 percent of households paying their share of income taxes. Since 1984, the top 10 percent of households have paid an increasing majority of all Federal income taxes. In 2004, the final year of data available in CBO's report, the share of Federal income taxes paid by the top 10 percent of households reached a high of 70.8 percent—70.8 percent. So you can see it was continuing to grow.

It is worth noting that in 2004, the bottom 40 percent of households paid a negative share of Federal income taxes. I want to show that chart. That is, they received resources from the income tax system. In other words, they were paid by the income tax system—not paid into. They received from the income tax system. Since 2000, the "relative Federal income tax burden," or the share of all Federal income taxes paid compared to the group's share of all income, has declined for all income groups except the top 20 percent—except the top 20 percent. So again we have these tax lines going in a different direction.

Striking is the fact that the relative Federal income tax burden of the top 1 percent of households declined for 1992 to 2000 during the Clinton administration. So again we have this comparison of Clinton policies to Bush policies. This is the relative Federal income tax burden of the top 1 percent of family households income. That declined, the percentage, their share that they paid of the overall tax burden, and it went up in 2000 and 2004 in the Bush years. In 2004 it not only increased but it was higher than in 1992 when President Clinton took office.

The CBO's report also reveals that for the time period from 2000 to 2004, the effective total Federal tax rate reduction has been the highest on a percentage basis for the lowest income groups. In other words, you have the most decline as far as the Federal tax rates for the lowest income groups. I think that is as it should be. We shouldn't be critical of the tax policy saying it is harming low income and benefitting disproportionately high income when the data don't support that.

The same is true if you look at the income tax rate reductions. Again, the lowest 40 percent of households have a negative effective income tax rate and a negative income tax share. In other words, they were paid back by the Federal income tax system.

Clearly the tax policies enacted since 2000 have benefitted all income groups and have not resulted in a shift in income shares in favor of high-income households or in tax burdens toward lower income households. Indeed, the data say the opposite. The top 10 percent of households are paying a bigger share of total Federal taxes and total Federal income taxes than in any prior time covered by the report.

I appreciate my colleagues' indulgence, but the falsehoods about tax cuts and a bigger share of the pie for the wealthy need to be addressed. I think it is important that we do address these.

I also note in yesterday morning's Wall Street Journal in discussing this budget, it says the Senate Budget Committee chairman is pulling off a neat magic trick—and here I am quoting the Wall Street Journal:

> . . . of claiming his budget includes "no tax increase," even as it anticipates repeal of the Bush tax cuts after 2010.

These are the same tax cuts I have been discussing, the tax cuts that have helped stimulate growth, that have helped stimulate employment, that have helped reduce the tax burden on the lower income people in the United States.

The Wall Street Journal goes on to say:

> How does he pull that rabbit out of his hat? By positing what amounts to a giant asterisk where the tax increase is supposed to go and hoping no one will notice.

In other words, the taxes go up after 2010, since the tax reductions put into place in the Bush tax cuts are not continued.

The article continues that the chairman has:

> . . . no intention of extending the Bush tax cuts, which he voted against and whose repeal would slap the economy in 2011 with the largest tax increase in U.S. history. But Senate Democrats don't want anyone to know this, at least not before the 2008 election. . . . All of this is really sleight-of-hand to disguise that Democrats are intent on repealing the Bush tax cuts.

What would the impact of that be? People talk about it in generic terms, but let's unpack it a little bit. The Wall Street Journal reports that:

> This would raise the tax on capital gains to 20 percent from 15 percent, more than double the tax rate on dividends to 39.6 percent from 15 percent, and sharply increase marginal tax rates at all levels of income.

This will hurt growth, this will hurt investment, this will hurt job creation, and this will hurt wages. This backdoor tax increase sends a bad signal to the economy. That bad news, if allowed to stand, will be bad news for the economy throughout for the working men and women of this country. This isn't fiscal responsibility; it is bad tax policy that hurts people.

This budget will only increase the burden on families. We need to step back and be willing to get control of entitlement spending and across-the-board spending. We need policies that encourage the formation of families, and support the preservation of traditional families, as a way of developing human capital.

We need to help those who need a hand, but we are quickly reaching a point where we are asking too few people to carry too much of a burden on the tax rates. We are on the verge of killing incentive and initiative.

We need to get serious about reforming a tax system that even the most educated Americans cannot comprehend. We need to put in place an alternative flat tax and let people choose a tax system. This current tax system is unintelligible, burdensome, manipulative, and it needs to be changed. We are in desperate need of a tax system that is simple, efficient, and globally competitive. We need to just have a fair system. Our tax system needs to treat everyone the same, not heap dizzying layers of regulation on top of regulation or carve out loopholes for the privileged who have the ability to hire lobbyists.

Despite the chairman's call for simplifying the Tax Code, there is nothing in his budget that promotes greater simplicity. Despite the chairman and his colleagues in the majority being fully aware of the need for entitlement reform, they choose to totally ignore our looming fiscal problem. They choose, in this budget, to completely ignore the urgent need to address entitlement reform, especially as the first baby boomers begin retiring next year. This budget does not contain any proposals that, on net, would reduce mandatory spending or the debt. The majority, evidently, wishes to simply wait for a fiscal train wreck to happen.

If we sit on our hands and let this budget and its "magic act" budget enforcement provisions take effect, all we will do is impose the largest tax increase in American history at the worst possible time—when the fiscal train wreck begins as the baby boomers enter their golden years of retirement. That is not a budget; that is recipe for disaster.

I look forward to further debate on this budget, and I really hope we can start working together on it in a bipartisan fashion to address the clear problems we have. We can do that, and we need to do it. Now is the time. The sooner we act, the more options we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am here to speak on behalf of the budget resolution and to share some statistics about what has been going on in this country for middle-class families. I have to tell you this before I show the statistics. Having met with people all over our State and having sat in living rooms and had meetings with people, they could not really understand why their kids who just graduated from college could not buy a house, and they could not understand why they were struggling to send their kids to college and why they were struggling to go on vacations because of the high gas prices.

While having meetings with these people, lightbulbs would go on in their heads about these things. That is what is going on with a lot of people in this country. That is what the statistics show. That is why it is so important to have a budget that gets these families and kids on a strong fiscal track. At least this budget brings us back to the pay-as-you-go rule. At a time when the wealthiest have been getting wealthier and wealthier, at least this budget says how can we help the middle class going forward.

Let's look at the statistics.

First, look at the productivity. Typically, real compensation for workers—the wages and benefits—tends to track productivity growth. That is what it did in the late 1990s. This hasn't really happened since the 2001 recession. Our productivity growth, as you can see, has been strong, as the blue line on this chart represents, but compensation growth has been relatively weak. That is the red line there.

Recent gains in real compensation have not significantly narrowed the gap that has been opened. Workers have a long way to go to catch up with the gaps they have missed out on so far in this recovery. So it is because of their work that we are seeing this productivity gain, but they are not getting their piece of the pie. That is what we see in the increasing gap every year.

We have to look at the next chart reflecting real earnings growth. This looks complicated at first, but it makes sense when you look at what the lines represent. The bluish-purplish bars are for the kinds of real earnings growth we saw in the late 1990s. If we focus on usual weekly earnings of full-time workers, we see only modest gains—and that is the red here—in the distribution from 2000 to 2006. This contrasts sharply with the gains you see in the late 1990s, which is the blue part of the graph, when productivity first accelerated.

I note this marked difference between what you saw from 1996 to 2000 and from 2000 to 2006. This doesn't even include bonuses of highly paid executives or capital gains and other nonwage income earned at the very top of the income distribution. This chart shows how real earnings growth has been weaker and more unequal than in the late 1990s. For me, when I think about those people in the living rooms in Brooklyn Park, MN, as they talk about how they could not afford health care, this is what it is about, because their real earnings growth has been much weaker and it has been harder for them to afford these important parts of their expenditures, such as health care, gas, and those things. Those prices have gone up.

Now, at the same time we have this going on, we have this: CEO compensation, right now, is 350 times average work pay. I think the average person has to work an entire year to make up for what so many of our top CEOs make in the first day of the year. In 1980, the average CEO made about 50 times as much as the average worker. In 2004, that ratio was nearly 350. The average CEO made 350 times the pay of the average worker.

So you can see what has been going on with the share of wealth in this country and why we have these people all over the country who are working hard and who are the engine of the economy—the middle class—and it is harder and harder for them to keep up and to get by. That is what we are trying to do in this budget resolution—start the process of getting the country back on track so that we respect the people doing the work, the middle class, the hard-working men and women of this country.

The last thing I wish to share with you is about the distribution of wealth in this country. This is a similar way of looking at the CEO distribution issue. In 2004, the wealthiest 1 percent of households had more net worth than the bottom 90 percent of households.

So here you have the top 1 percent. This is their portion of the pie, 33 percent. Here is the bottom 90 percent, the middle class people; 9 out of 10 people are here, and their wealth is actually less than this top 1 percent of the people in this country. Even when you go to the next 9 percent, which is about 36 percent of the wealth, when you include them until you have the top 10 percent, the wealthiest 10 percent of people in this country, they have more than two-thirds of the total wealth.

So statistics are important, but what really matters is the people in this country. When you look at the statistics, you understand why, for a student from the University of Minnesota, Jay Boler, it was hard to get by day after day and to afford college tuition when it had gone up 110 percent at 4-year colleges in the last 2 years. He is not in that top 1 percent. That is not where he is. You can understand why Jeanne O'Hearn, who owns a drycleaner in Robbinsdale, MN, is trying to get by with few employees. It is hard to afford health care for her employees. You can understand because she is not in that top 1 percent. You can understand why a mom in Mahnomen, MN, whose child had been called back to Iraq for the third time, cannot sleep at night and why she is upset because he is probably not going to get the benefits he needs when he gets back. She is not in that top 1 percent.

What this budget resolution does is at least acknowledge the fiscal issues of this country by putting back pay-as-you-go, because this interest doesn't hurt the top 1 percent, but it hurts everybody else in this country. It also says we are going to start helping the people who have helped us; that is, the middle class.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise to offer an amendment on the agricultural portion of the bill to provide payment limitations on payment to farmers. The American people recognize the importance of family farmers in our Nation and the need to provide an adequate safety net for family farmers. That is what a farm program is all about.

In recent years, however, assistance to farmers has come under increased scrutiny, and it should. Take a look at some of the headlines that ran last year on the front page of the Washington Post. The first headline reads:

> Farm program pays $1.3 billion to people who don't farm.

That is going to make any taxpayer, rural or urban, mad because the general assumption is that farm programs support family farmers and do not go to people who don't farm.

A second headline reads:

> Federal subsidies turn farms into big business.

In other words, the Federal taxpayers are paying to help big farmers get yet bigger.

The article goes on to say:

> The shift in subsidies to wealthier farmers is helping to fuel this consolidation of farmland. The largest farm's share of agriculture production has climbed from 32 percent to 45 percent, while the number of small- and medium-size farms has tumbled from 42 percent to 27 percent.

These were just a couple of headlines from a series of articles from the Washington Post on waste and abuse in farm program spending.

Critics of farm payments have argued that the largest corporate farms reap most of the benefits of these payments. What is more, farm payments that were originally designed to benefit small- and medium-size family farms have contributed to their own demise. Unlimited farm payments have placed upward pressure on land prices and have contributed to overproduction and lower commodity prices driving many family farmers off the farm.

The law creates a system that is out of balance. This is pointed out in the chart I have, which shows that we have a system where 10 percent of the farmers—10 percent of the farmers—maybe I should say just 10 percent of the farmers get 72 percent of the benefits, and the top 1 percent of the biggest farmers get almost 30 percent of the benefits. I believe we need to correct our course and modify the farm programs before those programs cause further concentration and consolidation in agriculture and lose the support of urban taxpayers because without their support, we could not have a farm safety net.

Today, most commodities are valued off demand. Markets dictate profitability. When farmers overproduce by planning for, according to the farm program, whether its a loan or the LDP Program or whatever it might be, then markets are not functioning.

I mentioned earlier that the Federal farm programs are influencing land prices across the country. Iowa land is now selling for between $4,000 and $6,000 an acre in counties near my home of New Hartford, IA.

When I was chairman of the Senate Finance Committee, before the last election, I was also a member of the Budget Committee and the Agriculture Committee. I have used those committee positions as opportunities to file amendments that I believe will help revitalize the farm economy for young people across this country.

My amendment today will put a hard cap on farm payments at $250,000. The average taxpayer listening to me might say: What planet did you come from—$250,000 is an awful lot of support. But I am saying in comparison to limits that are now in the bill of $360,000 and legal subterfuge to get around the law to allow some farmers to get millions of dollars. So this is a $250,000 hard cap—still too high for some family farmers but a compromise that has gotten through this body in the past and I am counting on getting through this time.

No less important, this will close those legal subterfuges or loopholes—whatever you want to call them—that have allowed large operations to evade even the $360,000 limit and, as a result, receive benefits many times larger.

To remind everybody, I voted against the conference report of the present farm bill in the year 2002, and this was one of my many reasons, because it did not have this hard cap in there, even though it passed the Senate. I have been fighting to reduce large-scale subsidies for over 30 years. If one looks at the CONGRESSIONAL RECORD in the 1970s, it will show I was leading in that area. More recently, I worked with the good Senator from North Dakota, Mr. DORGAN, on a similar measure in the 2002 farm bill, and it passed with bipartisan support of 66 to 31. That amendment, as I said, was taken out in conference. So I urge my colleagues to check their past votes on this issue during the last farm bill debate.

One section that was added in the farm bill was section 1605, which set up a Commission on the Application of Payment Limitations for Agriculture. The purpose of the Commission, after the failure of our legislation in 2002 in the farm bill because it didn't come out of conference, was to set up this Commission. The purpose of the Commission was to study this issue. The Commission also said that the 2007 farm bill is the time for these reforms to be made as part of the change to permanent law. So that is why it is legitimate to have it as part of this budget debate.

Congress enacted the Agricultural Reconciliation Act of 1987, called the Farm Program Integrity Act, to establish eligibility conditions for recipients and to ensure that only entities engaged actively in agriculture receive farm payments. To be considered actively engaged in farming, that act required an individual or entity to provide a significant contribution of inputs—capital, land, equipment—as well as significant contributions of services of personal labor or active management to the farming operation. But people have been able to find loopholes around this act, facilitating huge payments that our hard cap is meant to overcome.

I held a hearing through the Finance Committee on a Government Accountability Office report that was released about 3 years ago, April 24, 2004. The GAO report recommended that measurable standards and clarified regulations would better assure that people who receive payments are, in fact, engaged in farming.

Of the $17 billion in payments the USDA distributed to recipients in 2001, $5.9 billion went to just 149,000 entities. Corporations and general partnerships represented 39 and 26 percent of these entities respectively.

Here is an example from the March 2005 Washington Post article of someone who qualified for payments. I quote from the newspaper:

> If the purpose of farm subsidies is to make family farms viable, it's hard to see why payments of more than $400,000 a piece should have gone to 54 deceased farmers between 1995 and 2003, or why residents in Chicago should have collected $24 million in farm support over that period.

This type of arrangement, and others such as that, raises questions about the interpretation and enforcement of the 1987 act's requirements that each partner be actively engaged in farming. This is why I wrote the Government Accountability Office to conduct that study I referred to on which we held a hearing in the Finance Committee. I encourage Members of this body to take a look at that report as well.

During past markups of the Senate Budget Committee, I was able, with the help of the current chairman, Mr. Conrad, to include a sense-of-the-Senate amendment expressing support for stronger farm payment limits. The proposed amendment would cap Farm Commodity Program payments at $250,000 a year per person during any one year. This would encompass direct payments, countercyclical payments, loan deficiency payments, and marketing loan gains. Gains from commodity certificates will be counted toward limitations, closing another very abusive loophole, particularly those farming in cotton and rice.

By adopting this amendment, it could save the taxpayers over $500 million in savings over a 5-year period of time and more than $1 billion over 10 years. With these savings, the amendment that is being presented by Senator Grassley and Senator Dorgan would put money toward conservation, nutrition, research, value-added agriculture, and renewable energy programs.

The budget resolution before us provides a very much needed reserve fund for the farm bill of $15 billion. Every penny of this fund will be needed if we are to adequately respond to the major needs and opportunities to increase energy independence, restore cuts in conservation, improve farm income through value-added grants, reduce hunger, and invest in the future of food and agriculture through cutting-edge research.

However, the reserve fund is conditioned on offsets. The amendment I am offering is part of the solution to this reserve fund dilemma. A vote for this amendment, then, will help us get a better farm bill done, not just to help farmers but to help the entire society as it includes so much that benefits people just beyond agriculture.

Not only has the Senate previously agreed to payment limit reform, but the President, in his past budgets—I think at least the last 3 years—has supported a broad set of savings proposals recommending reduction in subsidies for larger, more financially secure farmers and promoting more efficient production decisions, although this year the administration proposed that no one should get farm payments if they have an adjusted gross income of over $200,000 a year. That is just another way, and not a bad way, but another way of getting what I am trying to get through this hard cap. So I don't find fault in what the administration is proposing in that area. I think the administration is proposing a very good bite and another bite at the apple.

I have been hearing directly from producers for years exactly what the Secretary of Agriculture heard at his farm bill forums. We are hearing that young producers are unable to carry on the tradition of farming because they are financially unable to do so because of high land values and cash rents.

Neil Harl, a distinguished agricultural economist at Iowa State University and one of the contributors to the Payment Limitation Commission, wrote this:

> The evidence is convincing that a significant portion of the subsidies is being bid into cash rents—

Making the cash rents higher—

> and capitalized into land values.

All making it very difficult for new, young farmers to get started in farming. If investors were to expect less Federal funding or none at all, land values would likely decline, perhaps by 25 percent.

On March 20, 2005, the Atlanta Journal-Constitution printed this:

> As time has gone by, smaller farmers most in need have received less and less of the government's support and corporate-like farms more and more.

By voting in favor of this amendment, we can restore the cuts that were made to conservation, rural and renewable energy programs during the markup of the Ag section of reconciliation. We can allow young people to get into farming and lessen the dependence on Federal subsidies. This will help restore public respectability for Federal farm assistance by targeting this assistance to those who need it, where it has traditionally been over the 70 years of the farm program.

Before I close, I wish to remind everyone who voted against a similar amendment during the 2005 reconciliation vote, the argument that we need to wait until the farm bill debate is not going to work anymore—that was the argument some people who changed their vote used at that particular time—because this is the year of farm bill debate. This is the budget that contains the baseline for the farm bill that we are going to pass this year.

Let's stop kicking the can down the road and say we have to wait until the farm bill debate. The here and now is the here and now. How can you say you are for conservation or you are for renewable energy or you are for child nutrition—that you are for all those things and then come to the floor and vote the opposite way? This is an opportunity to show to the people of this country we are not going to subsidize the biggest farmers getting bigger, wasting taxpayers' money, keeping young people off the farms and out of the farming profession and bringing ill-repute to a farm program that it takes city folk, represented in the Congress, to vote for in order to sustain the safety net for farmers.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is the Senator from Iowa has this half hour. I ask the Senator from Iowa if he will yield me 10 minutes?

Mr. GRASSLEY. I will yield 10 minutes, yes.

Mr. DORGAN. I am pleased to be a cosponsor, as I have been in the past. The Senator from Iowa is offering a budget amendment. It is a good amendment. The Senator from Iowa will join me in introducing some legislation on this subject following this discussion. Some will say: Let's have this during the farm bill. We will have this debate then, too, I assume.

Let me say, I don't think there is a bigger supporter or stronger supporter in this Chamber for family farmers than I am. I know my colleague from Iowa is a family farmer. It goes without saying he has been supportive. But I am not interested in supporting the corporate agrifactories that have grown up this country. That is not the purpose of a farm program.

I come from a rural State. I am proud to stand here and support farmers who have names, in my State: Olsen, Larson, Christianson, Johnson, Schmidt, Schmaltz, Cooper. I am proud to support them. They are out there living under a yard light, struggling, trying to make a living. They plant a seed and hope it will grow. If it grows, they hope it doesn't hail. They hope it rains enough and it doesn't rain too much. Finally, when they get in and get the seed off and the crop off and after that seed has grown into a plant, they put it through a combine, take it to the elevator, and then they hope and pray there is a decent price, so in the end, if everything went right, maybe they made a living for themselves and their families. It is a big struggle for them.

What is the value of having these families living out there? A friend of mine from North Dakota wrote a piece about that. He said: What is it worth? What is it worth for a kid to know how to fix a tractor, to plow a field, to hang a door, to butcher a hog, to pour cement, to weld a seam? What is it worth for a kid to know all those things? That university is on a family farm; that is where kids learn it. What is that worth to our country?

We have on the floor of the Senate this issue of a farm program. A farm program is a safety net, a bridge over troubled times when prices collapse, when the crops are destroyed. This is a bridge over price valleys, a bridge over difficult times. Regrettably, it has grown to become a set of golden arches for some of the biggest enterprises in the country, and we propose that we put some payment limits on here that are reasonable payment limits. I am pleased to be a cosponsor along with my colleague, Senator GRASSLEY. I think this is common sense.

Let me give some examples of what persuades us to come to the floor of the Senate. Ten years ago, the top 10 percent of recipients of farm program payments received just over half of all farm payments. Now, 10 to 11 years later, the top 10 percent get 72 percent. It has grown from about half to about three-quarters for the top 10 percent. The top 1 percent receive nearly a quarter of all farm payments.

Mr. President, a 61,000-acre operation in a southern State got $38 million in farm payment programs over 5 years. I didn't come to fight for that. I don't support that. The farm was organized into 66 separate corporations so its 39 owners could avoid payment limits. That is not farming the land. That is farming the farm program. I don't support that.

A 12,000-acre cotton farm took in $2.1 million, a cotton factory in California, $16 million over 8 years. This is not the farm program we ought to be supporting.

The U.S. Department of Agriculture pointed out that they paid $400,000 each to 55 farmers who were dead; 27 of the dead farmers received payments every year for 9 years—$400,000 each for dead people. That is unbelievable.

I support a farm program, one I can be proud of, one that says to families living out there: We want to help you. We know you take unbelievable risks, and when you run into trouble, into tough times, we want to reach out our hand to say we are with you, we want to help you. That is what the farm program is supposed to be about. But it is becoming a perverse program when millions of dollars are taken from taxpayers in the form of taxes and then transferred to big corporate agrifactories who get millions of dollars.

From the Government Accountability Office: Eleven partners ran an 11,900-acre farm and collected a million dollars, and every single one of the farmers lived outside the State where the farm was located. The only engagement they had in the farm was a telephone conversation.

Six partners received $700,000 in farm payments for a 6,400-acre farm. They said they provided daily management, living several hundred miles away.

I don't think we need to say more. It does not take much more to illustrate the absurdity of what is happening. My colleague and I are offering—get this—a proposal that limits program payments to $250,000. Let me say again, I come from farm country. No one here cares more about family farmers than I do. I believe in the farm program. I fought for a good farm program. But I have not fought for a program that hands over millions of dollars to people who reorganize into farm factories in order to farm the farm program and suck money out of what we put aside to help people during tough times.

It is beyond me why we would not take this step quickly and easily, to say payment limitations that would be effective are the right thing for us to do. This should not be controversial at all. This ought to be accepted by unanimous consent. That is what ought to happen. We ought to have a unanimous consent request.

I will say this. If there are those who argue that multimillion dollar operations need millions of dollars from the American taxpayer to continue their operations, then there is something horribly wrong with the farm program that accedes to that request. That is not why we created a farm program in this country. We said we want America's landscape to be dotted by yard lights that represent a farm. I understand that big corporate agrifactories could farm from California to Maine. I understand we have operations that milk 3,000 to 4,000 cows a day, three times a day. That has nothing to do with family farming. I understand you could farm from the west coast to the east coast and you would not have to have people living out there.

But I also understand that there is value to this country, cultural value to this country, where the seedbed of family values began, on the farm and in small towns, and rose to our big cities as a set of family values that this country has always appreciated.

That is the cultural value of having family farms. It is the economic value of having family farms. The way we will keep family farms is to have a decent farm program that says, when you are in trouble, when you have prices collapse, you have a safety net. That is what we are trying to do. We will try to save it. What will happen is we will lose the farm program one day with stories that say this program gives millions of dollars to people with millions of acres who do not need this help.

I am pleased be a cosponsor with my colleague, and I look forward to working with him on these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from North Dakota for his support, not only this year but over the long period of time we have been fighting this battle.

I send this amendment to the desk, and I would then like to make a unanimous consent request and also a request of some abeyance by my colleagues—if I could have permission in the 5 minutes I have left—to, first of all, set the amendment I sent up to the side and then to call up another.

AMENDMENT NO. 464

The PRESIDING OFFICER. The Senator will suspend for a moment. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DORGAN, proposes an amendment numbered 464.

The amendment is as follows:

(Purpose: To limit farm payments to $250,000 per person per year and apply the savings to renewable energy/rural development, conservation, and nutrition)

On page 13, line 9, decrease the amount by $22,000,000.

On page 13, line 10, decrease the amount by $22,000,000.

On page 13, line 13, decrease the amount by $117,000,000.

On page 13, line 12, decrease the amount by $117,000,000.

On page 13, line 17, decrease the amount by $116,000,000.

On page 13, line 18, decrease the amount by $116,000,000.

On page 13, line 21, decrease the amount by $115,000,000.

On page 13, line 22, decrease the amount by $115,000,000.

On page 13, line 25, decrease the amount by $116,000,000.

On page 14, line 1, decrease the amount by $116,000,000.

On page 12, line 9, increase the amount by $8,000,000.

On page 12, line 10, increase the amount by $8,000,000.

On page 12, line 13, increase the amount by $39,000,000.

On page 12, line 14, increase the amount by $39,000,000.

On page 12, line 17, increase the amount by $39,000,000.

On page 12, line 18, increase the amount by $39,000,000.

On page 12, line 21, increase the amount by $39,000,000.

On page 12, line 22, increase the amount by $39,000,000.

On page 12, line 25, increase the amount by $39,000,000.

On page 13, line 1, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $7,000,000.

On page 16, line 11, increase the amount by $7,000,000.

On page 16, line 14, increase the amount by $39,000,000.

On page 16, line 15, increase the amount by $39,000,000.

On page 16, line 18, increase the amount by $39,000,000.

On page 16, line 19, increase the amount by $39,000,000.

On page 16, line 22, increase the amount by $38,000,000.

On page 16, line 23, increase the amount by $38,000,000.

On page 17, line 2, increase the amount by $39,000,000.

On page 17, line 3, increase the amount by $39,000,000.

On page 20, line 12, increase the amount by $7,000,000.

On page 20, line 13, increase the amount by $7,000,000.

On page 20, line 16, increase the amount by $39,000,000.

On page 20, line 17, increase the amount by $39,000,000.

On page 20, line 20, increase the amount by $38,000,000.

On page 20, line 21, increase the amount by $38,000,000.

On page 20, line 24, increase the amount by $38,000,000.

On page 20, line 25, increase the amount by $38,000,000.

On page 21, line 3, increase the amount by $38,000,000.

On page 21, line 4, increase the amount by $38,000,000.

AMENDMENT NO. 502

Mr. GRASSLEY. I ask unanimous consent to set that amendment aside for the consideration of an amendment dealing with the Smithsonian.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 502.

The amendment is as follows:

(Purpose: To ensure the appropriate use of funds provided for the Smithsonian Institution, and for other purposes)

On page 41, line 9, decrease the amount by $17,000,000.

On page 41, line 10, decrease the amount by $15,000,000.

At the appropriate place insert the following:

SEC. ___. ADJUSTMENT FOR SMITHSONIAN INSTITUTION SALARIES AND EXPENSES.

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $17,000,000 in budgetary authority and outlays flowing therefrom, once the Comptroller General of the United States has submitted a certification to Congress that since April 1, 2007—

(1) the Smithsonian Institution does not provide total annual compensation for any officer or employee of the Smithsonian Institution greater than the total annual compensation of the President of the United States;

(2) the Smithsonian Institution does not provide deferred compensation for any such officer or employee greater than the deferred compensation of the President of the United States;

(3) all Smithsonian Institution travel expenditures conform with Federal Government guidelines and limitations applicable to the Smithsonian Institution; and,

(4) all Smithsonian Institution officers and employees are subject to ethics rules similar to the ethics rules widely applicable to Federal Government employees.

(b) CRITERIA FOR CERTIFICATION.—In making the certification described in subsection (a), the Comptroller General of the United States should take into account the following:

(1) The Smithsonian Institution is a premier educational, historical, artistic, research, and cultural organization for the American people.

(2) The Inspector General for the Smithsonian Institution recently issued a report regarding an investigation of unauthorized and excessive authorized compensation, benefits, and expenditures by the Secretary of the Smithsonian Institution.

(3) The Inspector General's findings indicate that the actions of the Secretary of the Smithsonian Institution are not in keeping with the public trust of the office of the Secretary of the Smithsonian Institution.

(4) Priority should be given to funding for necessary repairs to maintain and repair Smithsonian Institution buildings and infrastructure and protect America's treasures.

(5) Priority should be given to full funding for the Office of the Inspector General for the Smithsonian Institution so that the American people and Congress have renewed confidence that tax-preferred donations and Federal funds are being spent appropriately and in keeping with the best practices of the charitable sector.

Mr. GRASSLEY. Mr. President, this amendment, as I said, focuses on the Federal Government's support for the Smithsonian Institution. The American people, I believe, have been shocked and outraged to read in newspapers and see on their TVs a story about the out-of-control spending at the Smithsonian by the Secretary of the Institution: First-class air travel for the Secretary and his wife, a palace for an office, and hundreds of thousands of dollars spent on the Secretary's own home for things such as chandelier cleaning and pool heaters are impossible to justify. As my colleagues know, the Federal Government provides over 70 percent of the Smithsonian's approximately $1 billion budget. Most of the rest of the budget comes from tax-preferred charitable donations. Directly or indirectly, the Federal taxpayers pay for almost everything in the Smithsonian.

My amendment is very straightforward. The budget resolution provides for a $17 million increase for the Smithsonian. I commend the chairman of the Budget Committee for increasing the spending for the Institution, and I support that action. As a report issued today from the Smithsonian Arts External Review Committee made clear, there are very significant problems at the Smithsonian in terms of maintaining and protecting the Smithsonian infrastructure and exhibits. The Smithsonian is the keeper of America's treasures, and we want a museum we can all be proud of. So I support the additional $17 million.

But similar to many Americans, my reaction to the Secretary's spending is I want to make sure we are not having new money used to order another round of champagne. My amendment basically fences the $17 million increase but allows the chairman of the Senate Budget Committee to revise the allocations—effectively to release the $17 million in new spending—once and only after the General Accounting Office has certified the following:

No. 1, that no one at the Smithsonian is getting paid more than the President of the United States, as was proposed by the House Appropriations Committee last year; no more paying for French doors at the Secretary's home, in other words. There are many fine museums and charities that receive the same amount of charitable donations as the Smithsonian that are able to hire very able directors for what we pay the President of the United States.

No. 2, the Smithsonian must follow the travel expenditure guidelines of the Federal Government. No more first-class flights with wife and Secretary to Hawaii to enjoy Thanksgiving.

No. 3, the Smithsonian must have ethics rules similar to the ethics rules of Federal Government employees. No more sitting on corporate boards, making big, big money—corporations that have contractual relations with the Smithsonian and possible conflicts of interest.

The amendment also makes clear that the actions of the Secretary are not in keeping with the public trust of the office.

Finally, the amendment states that a priority should be given to funding for repairing and maintaining the Smithsonian and to fully fund the Office of Inspector General at the Smithsonian so the American people and the Congress can have renewed confidence that the $700 million-plus in Federal funds the Smithsonian has is used properly and appropriately.

I am still working with the chairman and with Senator GREGG to make certain this amendment is drafted in a manner that meets their concerns. I am confident we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly—because I know Senator LINCOLN is waiting and we will be giving her 15 minutes and giving Senator CHAMBLISS 10 minutes to respond to this—on the most recent amendment, I would say to Senator GRASSLEY, do you need a rollcall vote or is this something we can take on a voice vote?

Mr. GRASSLEY. We do not need a rollcall vote.

Mr. CONRAD. That would be enormously helpful. If we could spend a little time working together so we make sure we get this drafted so this works with the larger resolution, I think it is something we can take on a voice vote. But let's make sure we have it drafted in a way all of us intend.

Mr. GRASSLEY. I am sure we will be able to work that out.

Mr. CONRAD. I thank the Senator from Iowa very much.

Now we are back to the question of payment limits. I yield 15 minutes to the Senator from Arkansas.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arkansas.

Mrs. LINCOLN. I thank the chairman for his tireless work. He and his staff are remarkable in the way they go at this budget. They do a tremendous job of trying to balance so many different items of interest to this diverse body, and certainly to the priorities of the American people. I compliment him on the hard work he has put into this effort.

I know the Senator from Iowa knows the great respect I have for him. He and I have worked together on the Finance Committee on multiple things. Unfortunately we come today with a large disagreement. I rise today in strong opposition to the amendment offered by the Senator from Iowa regarding further payment restrictions, because we did deal with this issue in the 2002 farm bill.

We came to a compromise, and a compromise is just that: It is where two sides come together and figure out something that is reasonable for everybody. But this amendment goes farther on payment restrictions on the farm safety net offered by Senator GRASSLEY and Senator DORGAN. This issue of payment limitations is not a new topic of debate. Yet, unfortunately, it will no doubt be a topic of much debate as we work to craft a new farm bill this year. I have been here in the Congress during two debates, two farm bills. We have produced two farm bills, and I have been a part of that.

I realize that is an important avenue and the place where this debate should be taken. In my view, it is within the context of our farm bill, not the context of this budget debate, that this issue should be debated. We do not need to be here talking within the context of the budget about policy decisions that should be debated and decided in the farm bill through the Agriculture Committee.

This issue remains largely misunderstood for many both inside and outside the beltway. While I wish this were not the case, I gladly take this opportunity to provide some clarity to this issue, hopefully some passion as well, because as a farmer's daughter I take a tremendous amount of pride in telling others about the farmers whom I represent and what American farmers provide this Nation and this world.

Just as Senator DORGAN talked about the solidness of the names of his farmers, guess what. The names of my farmers are not any less American or any less solid. I have got to say, I am as proud of those farmers in my State who plant seed in the ground and help to provide food and fiber for this world and for our country as he is. It does not necessarily mean how wholesome your name might be whether you are a good American farmer.

They talk about 10 percent of our farmers get roughly 72 percent in terms of these payments. Well, I will also let you know the other side of that coin, and that is 10 percent of our producers out there represent 90 percent of what is produced in this country.

Yes, we have some large farmers. We have farmers who are hardcore and diligent and as red-blooded and as American as some of the smaller farmers are. Yes, they do produce a tremendous amount, 90 percent of the food and fiber we have in this country. It is critically important to remember that. It is not size that is important. The dollars, these dollars we talk about, do not go into their pockets, these dollars go to the banker, the local seed dealers and the implement dealers to pay off the notes it takes to farm, particularly in southern parts of this country because of the capital-intensive crops we grow.

Senator DORGAN brings up dead individuals who get payments. I would propose that that is illegal. That is not a problem this issue takes care of. That is a problem for USDA, and it is one that should be taken care of. But it misrepresents what the debate here today is all about. That is what I want to bring people back to.

Above all else, our farm policy seeks to do one thing for all of our farmers, whether you are in one region of the country or another. It seeks to provide for those producers of commodities a strong level of support, a safety net, not a hammock but a safety net, to protect these producers against low prices brought on by factors that are completely beyond their control, including but not limited to foreign tariffs and subsidies some five or six times greater than the help that is provided to farmers across this globe and what we provide our growers. Yet they still provide us with the safest, most abundant, and affordable food supply in the world.

One of the fatal flaws of the 1996 bill, which was called Freedom to Farm, was its lack of an adequate safety net in the face of foreign subsidies and tariffs that dwarf our support of U.S. producers.

I know Senator GRASSLEY and Senator DORGAN and many of my colleagues on both sides of the aisle recognize the challenges our U.S. producers and industries face in an uncertain and often, quite frankly, unfair global marketplace. I am proud to say the 2002 farm bill corrected that mistake. It was a hard-fought compromise, as I mentioned. We came to the table and we agreed each other had points to be made, and we came up with something that was in the middle of the road, and would at least be acceptable by both.

The amendment now before us would seek to further limit that very support at a time the producers need help the most, creating a gaping hole in the safety net for farmers. Furthermore, during hearings and listening sessions on the proposals for a new farm bill, most farm organizations support the compromises agreed to in the 2002 bill, and they recognize that future arbitrary limits on farm payments only serve to diminish our producers' ability to compete globally.

Proponents of tighter limits continue to sensationalize this issue by citing misleading articles about large farm operations receiving very large payments as a reason to target support to smaller farmers. Because my farmers are larger does not mean they are not family farmers or they are not young farmers; it means they are doing what they have to do to compete.

Unfortunately, sensationalized stories only serve to cloud this misunderstood issue further. Senators need to understand this amendment has very serious implications. Let me attempt to provide a bit of clarity on this issue of farm size.

First, payment limitations have disproportionate effects on different regions of this country; there is no doubt about it. Simply put, the size of farm operations is relative to your region. Put even more simply, a small farm in Arkansas may be a huge farm in another area of the country, which leads me to my next point. This amendment continues to unfairly discriminate on a regional basis because it does not differentiate between crops that are extremely cost intensive and those that are not cost intensive. In Arkansas, we raise rice and cotton, two of our largest commodities, and we do so because that is what we are suited to grow; that is what any farmer would grow. These crops happen to be the most expensive crops to produce in the entire country.

This amendment would lump cotton and rice into the same category with crops that require half as much of an input in terms of cost.

Finally, on the issue of size, farmers of commodities are not getting larger to receive more payments. They do not want to have to become larger farmers; it creates more of a challenge and certainly more obstacles for them. They get larger in an attempt to create an economy of scale, to remain competitive internationally. You can see it in business. How do they offer lower prices to their consumers? They create an economy of scale that allows them to be able to do that. That is exactly what our farmers are doing in the southern growing areas of the country. At a time when we were telling our farmers to compete on the global market, we now hear of in this budget debate an amendment that would discourage farmers from acquiring the very economies of scale they will need to compete in that global marketplace.

If you limit the amount of support farmers may receive, you are placing on them a substantial domestic disadvantage before sending them out to compete in an international marketplace that is already unfair for our producers. This is not the case in Europe and other foreign markets where agricultural subsidies and tariffs are at a level far higher than we see in the United States.

Finally, I say to those who feel farmers are getting rich at the expense of the taxpayer, there is a reason why our sons and daughters are not rushing back to the farm and their family's heritage. It is because farming is a very tough business with a lot of challenges. Senator **DORGAN** mentioned the challenges his farmers face. My farmers face similar challenges, if not greater challenges, in terms of demographics and climate, in terms of pests and all of the many problems they face, as well as the international marketplace, trade barriers, and a multitude of other things.

Farms that have been in families for generations are being sold because farm income is insufficient to meet the rising input cost associated with raising a crop, particularly in our area. I have to tell you, I have a wonderful farm family farming 5,000 to 6,000 acres, which in some places would seem to be a very large farm. It is a farmer with two sons who farm the land of three widow women who live down the lane from him, and several, yes, inheritants of farm land who want to keep their farm in their family, perhaps for their children who do not live there any longer.

Do they not have the right to maintain their farms to ensure that if there is a farmer there who can increase his amount of land enough through rental property and others, to be able to keep that land in production, to keep his family farm alive and theirs as well? He reaches to that economy of scale because it is the only way he can survive, he and his two children.

I urge my colleagues to take this opportunity to send a strong message to all of our farmers, not one region of the country or another, one that tells them their Government will stand behind them and their rural communities they support.

I have to say, we are coming dangerously close to a trade deficit in agriculture. Do we want to see that happen? You know, it is unfortunate the American people have become very accustomed to almost taking for granted the fact we not only produce an abundant food supply but that we produce a safe and affordable one, the lowest per capita of any other developed nation in what we pay for food for our families, not to mention our growers grow our crops in regard to all of the regulations, whether it is the regulation of their chemical application and the tests they have to take, whether it is making sure they are meeting the guidelines of keeping wetlands conservation areas, making sure they are not stripping the land or not using the land properly, but they are doing it in the best sense of what it means to everybody involved to be good conservationists.

We do that, and we do that at a small cost, a small cost, which is a safety net program that is less than one-half of 1 percent of the overall budget, the agriculture budget. What an investment for our children to know they will be able to maintain not a trade deficit in agriculture but maintain domestic production of crops, food, and fiber that they know are going to be healthy and that are going to be grown with the kind of regulations that produce a crop that is safe, not an imported crop that is being grown with chemical applications that we banned 10 years ago, or practices that are less than phytosanitary conditions. We want to make sure—and this is the way we do it—to provide the safety net for all farmers in a way that they can maintain the economy of scale. They have to in order to be able to be competitive.

I have to say, if we do not stand behind the farmers of this country, the producers—all of them—and assure them their Government will support the production of food and fiber in this country, recognizing the regional differences and the challenges our producers face in the global marketplace, making sure that for them we will appreciate the safe and abundant food and fiber supply they provide, we will have made a sorry mistake.

We have to make sure that we assure them that we are not going to outsource our food production but, rather, that we are committed to ensuring that production stays here where it belongs. I urge my colleagues to think sensibly about this amendment, to vote against this amendment, and not to unfairly disadvantage farmers in one region of the country, in my State and elsewhere. Furthermore, the budget resolution is not the appropriate venue for this debate.

I ask my colleagues to oppose the Grassley-Dorgan amendment. Let's deal with this in the farm bill, the appropriate place. Let's come together. If there needs to be a compromise, we will come to a compromise as we did last time. We worked hard. We got a good one. I do not think this amendment is necessary.

I thank my colleagues for their time and attention. I hope they will thoughtfully review what we have presented today and not support the Grassley-Dorgan amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. I think I have 10 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. CHAMBLISS. Mr. President, I commend my colleague from Arkansas for a forceful, correct, and direct argument on this issue. Here we go again. This is the annual debate we have over whether the farm bill should be rewritten during budget resolution, which is what was tried last time, when the appropriate place to write the farm bill is during debate on the farm bill. That is going to take place later this year. Once this budget is completed, we will have the numbers to move ahead in deciding what the new 5-year farm bill will be like. We are in the sixth year of the current farm bill that was written in 2002. Yet here we are, in the last year of the farm bill, debating a major provision of that legislation.

Frankly, if one goes to farmers all across America—and I say this because I have done it. Senator **GRASSLEY**, who is my dear friend, has not. I held eight field hearings all across America last summer as chairman of the Senate Ag Committee in which we asked farmers: What do you think about the 2002 farm bill? We even got specific and talked about payment limits: What do you think about the payment limit provision?

There is a general, overwhelming consensus all across America that the 2002 farm bill is working exactly the way farmers and ranchers wanted it to work; that is, it has been a very market-oriented farm bill. In years when prices have been low, there have been Government payments to farmers. In years when prices have been high, there have been a minimal number of payments going to farmers.

As a result of that farm bill being very market oriented, we have saved $17 billion over the projected amount of the expenditure in the farm bill from 2002. Nobody is talking about that. Nobody is talking about the fact that our farmers have been very efficient. They have done whatever is necessary to go back and rework their operations to make sure they maximize efficiency. As a result, they have saved that $17 billion.

What Senator **GRASSLEY** has done today is to stand up and say: If you make this change, and we limit these big payments to farmers, we are going to save $486 million. The fact is, he is not going to save one dime because what he does is, he takes that $486 million and spends it elsewhere. So we are saving not one dime with the passage of this amendment.

What does this amendment do? It takes the 2002 farm bill and interrupts it during the last year of the farm bill so that farmers and ranchers across America, and the bankers who have financed those farmers and ranchers, now are going to be in a state of flux as to whether what we decided in 2002 was going to be proposed for our farmers and ranchers for a 6-year period of time will, in fact, be lived up to by the U.S. Congress. The appropriate time and place to debate any payment limit proposal is during reauthorization. That is going to be coming up shortly.

The Farm Security and Rural Investment Act of 2002 authorized a commission on payment limitations for agriculture. That commission has already been referred to by Senator GRASSLEY. The purpose of this commission was to conduct a study on the potential impact of further payment limitations on direct payments, countercyclical payments, as well as the marketing assistance loan benefits on farm income, land values, rural communities, agribusiness infrastructure, planting decisions of producers affected, and supply and prices of covered and other agricultural commodities. In other words, this commission was to look at all aspects of farming and decide what would be the effect of changing payment limits on agriculture in general.

The first recommendation of the commission stated:

> Any substantial changes should take place with reauthorization of the next farm bill.

No other aspect of Federal farm policy has been studied as extensively as payment limitations. The top recommendation of those who studied this issue was not to make any change. I admit I come from a State where we would be negatively impacted by tighter payment limits.

I want to take note of the commission members. This was a balanced panel from all across the Nation. The commission consisted of 10 members. They were from Kansas, Texas, Mississippi, Illinois, North Dakota, Iowa, Georgia, Arizona, and USDA. They agreed to recommend that no substantial changes in payment limits should take place outside of the reauthorization of the farm bill.

Another recommendation of the commission stated as follows:

> Changes in payment limits should be sensitive to differences in commodities, regions, and existing agribusiness infrastructure.

We talk about where the major portion of the payment limits issue comes from. It actually comes from all over the country. But farmers in the Southeast will be negatively impacted, probably more so than most others. Guess where the largest number of payments goes to farmers. It doesn't go to my home State of Georgia. It goes to Senator GRASSLEY's State of Iowa. Do I have a problem with that? Absolutely not because I know he has farmers who get dirt under their fingernails. They know how to change oil in their tractors. They know how to farm their farms the way they can most effectively derive an income from them, and they deserve to have support when times are tough. I have no problem with that. They are doing exactly what the farm bill allows them to do and that is absolutely fine.

One common misconception in regard to farm program payments is that 10 percent of farmers—and this has been stated today—receive 80 to 90 percent of farm program payments. That is simply wrong. According to Kansas State University Economics Professor Dr. Barry Flinchbaugh, those numbers are far from the truth. It should be noted that Dr. Flinchbaugh was chairman of the USDA Commission on the Application of Payment Limits. Dr. Flinchbaugh makes the point that small farms, those defined with gross sales of less than $100,000, make up 84 percent of the farms in the United States. They receive 30.5 percent of the payments while producing 21 percent of the food supply. Medium-sized farms, which are defined as farms with sales between $100,000 and $500,000, comprise 12.2 percent of total farms while producing 28 percent of the food supply and receive 42.7 percent of farm program payments. Large farms that have sales in excess of $500,000 and consist of 3.8 percent of the farms, receive 27 percent of farm program payments and provide over 50 percent of the food supply.

In the words of Dr. Flinchbaugh:

> These programs are designed for the medium-sized farmers. They've done what they were supposed to do. So what's the issue? It's a farce.

My point is that Senator GRASSLEY's amendment is not simply a budget-saving measure; it is a complex issue that deserves thorough discussion when all farm policies are reviewed later this year, not during the budget debate. The Grassley amendment substantially alters farm policy rules that farmers and their bankers expect to be in place through the life of this farm bill. His amendment fails to recognize differences in commodities, regions, as well as agribusiness infrastructure. Senator GRASSLEY blatantly ignores the recommendations of the commission that studied this issue extensively, an issue that has been studied more than any other aspect of Federal farm policy.

Let me close by saying the Senator from North Dakota, who is also a great friend of agriculture and a good friend of mine and I have great respect for him, brought up the fact that dead farmers are receiving payments. I agree with my colleague from Arkansas. If that is the case, then that is the individual who ought to be gone after, not the payment limits in the farm bill. But if somebody is getting a payment that ought not to receive a payment, there ought to be a fraud charge filed and pursued against that particular individual. That is easy enough to do. If anybody has the names, if they get them to me, I will get them in the right hands, and they are going to be pursued from a fraud standpoint. That is the issue involved there, not whether payment limits are a problem with those particular individuals.

The other issue, we talk about farm payments in general. I think all of my farmers in the southern part of the United States would just as soon not get farm payments. The fact is, though, the Europeans pay subsidies, true subsidies in the amount of four times greater than the payments that are made under the farm bill.

I urge a "no" vote on the Grassley amendment at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. How much time remains?.

The PRESIDING OFFICER. There is 2 minutes.

Mr. CONRAD. I yield 2 minutes to the Senator from Georgia, Mr. ISAKSON.

Mr. ISAKSON. Mr. President, I rise in full support of Senator CHAMBLISS, the farmers of Georgia, and farmers around the United States of America. This amendment, while I am sure it is well-intended, has the effect of destroying agriculture in the South and in particular in Georgia. The cost of operations in Georgia is tremendous. To have an arbitrary cap such as this will be absolutely destructive to our part of the State and to the No. 1 industry in the State of Georgia.

Why are we trying to hurt farmers who only wish to provide a decent living for their families? This is a diverse and distinguished Senate with Members who have all kinds of experience. But I doubt anyone here has ever bought a cotton picker—not one, not two. Many Georgians have to have two. When they buy them, they buy them at a quarter of a million apiece. That investment in infrastructure alone, added to the trucks, the pickers, the bins, and all the other facilities one needs, shows that this limitation would be absolutely punitive to the farmers of the South.

While I respect greatly the Senator from Iowa and those who bring this amendment forward, I strenuously object to it on behalf of the farmers of

Georgia. I concur with the other Senator from Georgia, Mr. CHAMBLISS, that we should join other Members of the Senate in ensuring defeat of the Grassley amendment.

Passage of this amendment would result in many traditional family farms going out of business in many, many States.

The Farm Service Agency is already going to be overwhelmed by many of the new programs included in this bill. This amendment would result in increased costs to the government and to farmers.

Supporters of this amendment say that these payments go to the few and the big. I could not disagree more.

This amendment punishes the farmer whose livelihood depends solely on the farm. In my part of the country, a farmer must have a substantial operation to make ends meet.

In the name of common sense, why should anyone want to punish family farmers who have made large investments in order to become competitive in an international marketplace?

Why are we trying to hurt farmers who only wish to provide a decent living for their families even though they are facing soaring cost of production?

As I have stated, this is a diverse and distinguished Senate with Members that have all kinds of experience. But I doubt anyone here has ever bought a cotton picker. You know what a cotton picker costs today? The average price for a new one off the John Deere lot in Albany, GA, is about a quarter million dollars.

If you're an average farmer in south Georgia, you're going to need two of them. That's just the beginning of the equipment needs. There's tractors, grain carts, trucks—are all needed to put a crop in.

By the way, you know where those cotton pickers are made? In a great State: Iowa. I wonder if those employees at that manufacturing plant support this amendment?

The cost of producing crops today costs several hundred dollars per acre. Reduced payment limits and increased benefit targeting flies in the face of skyrocketing production costs and record-low commodity prices.

In fact, this amendment would give less support to Southern farmers than the current farm bill does.

My colleagues, I will not stand witness to the demise of farming the South. Therefore, I oppose this amendment and ask my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that the time until 3:15 be on the subject of SCHIP and controlled by our side; from 3:15 to 4:15 be controlled by Senator KYL, and that is equally divided.

Mr. GREGG. Do we equally divide the time? Why don't we give Senator KYL 40 minutes and your side 20 minutes.

Mr. CONRAD. All right, 40 minutes to Senator KYL, 20 minutes to our side. Then we have Senator CORNYN from 4:15 to 4:45.

Mr. GREGG. On SCHIP.

Mr. CONRAD. We may need 10 minutes in response to him. Then from 4:50, 5 minutes, to respond to Senator CORNYN, 4:50, Senator DORGAN, and then we are going to go to votes.

The PRESIDING OFFICER. Let's make sure we have that correct. Would the Senator repeat the unanimous consent request.

Mr. CONRAD. Mr. President, I would be happy to: that the time until 3:15 be controlled by our side on the subject of SCHIP; from 3:15 to 4:15 on the subject of the Kyl amendment, with 40 minutes for the minority, 20 minutes for the majority; then from 4:15 to 4:45 the time to be under the control of Senator CORNYN on SCHIP, with 10 minutes after that reserved for a response by our side on the Cornyn amendment; and then——

Mr. GREGG. The last 5 minutes.

Mr. CONRAD. The last 5 minutes under the control of Senator DORGAN.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, we should also make clear we have not done second degrees. We are not doing second degrees. That is an understanding we have on both sides.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 504

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, and Mr. ROCKEFELLER, proposes an amendment numbered 504.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To affirm the Senate's commitment to the reauthorization of the State Children's Health Insurance Program)

On page 48, line 19, before "The" insert the following:

(a) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(1) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) its top health priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(2) Extending health care coverage to the Nation's uninsured children is an urgent priority for the Senate.

(3) SCHIP has proven itself a successful program for covering previously uninsured children.

(4) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(5) SCHIP reduces the percentage of children with unmet health care needs.

(6) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(7) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(8) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(b) RESERVE FUND.—

Mr. BAUCUS. Mr. President, I am offering an amendment that I hope will garner unanimous support. The amendment simply puts children first in America's budget.

The amendment I am offering today, along with Senator ROCKEFELLER, says reauthorization of the State Children's Health Insurance Plan, otherwise known as SCHIP, is the top health priority of this Congress.

I applaud the work of Chairman CONRAD and other members of the Budget Committee for reporting out a budget that provides up to $50 billion over 5 years for reauthorization of CHIP.

I am hopeful that the Senate will adopt the other amendment that I offered earlier today. That amendment will move $15 billion of that CHIP funding from the reserve fund into the numbers of the resolution. It would make the funding even more likely to happen.

The $50 billion level of funding in the budget will ensure that CHIP can meet the demand for services. This funding will ensure that CHIP fulfills its promise of providing health coverage for children who are eligible for CHIP and Medicaid but not enrolled.

Congress has a historic opportunity to help millions of children and families this year. We must get this right.

As we look at CHIP's track record, we can be very proud of its accomplishments over the past decade.

Since 1997, the share of children without health insurance has dropped by one-fifth. Among the poorest children—those with family incomes less than twice the poverty level—one-third fewer children are uninsured today than in 1997. Just as Congress intended, the Children's Health Insurance Program is making inroads to help more children get health coverage.

The Children's Health Insurance Program has also helped to decrease racial and ethnic disparities in children's coverage. Today, the poorest African-American children are one-third more likely to have health coverage, and Hispanic children are one-quarter more likely to have health coverage than they were in 1997.

The Children's Health Insurance Program has also helped to improve the quality of care children receive by increasing the likelihood children have a "medical home"—that is, a doctor, clinic, or HMO they routinely visit for care. Research demonstrates that 97 percent of children enrolled in CHIP and Medicaid have a "medial home." That is much better than the 72 percent of uninsured children.

We can all agree—CHIP is a great program that has had tremendous benefit for millions of children. But we also know that we can do much better.

Today, three-fourths of the 9 million uninsured children in our Nation are eligible for—either Medicaid or CHIP; but they are not enrolled. CHIP reauthorization holds the promise of helping us make a difference in these children's lives.

CHIP provides a funding stream to help States provide health coverage to children in need. But that funding stream is often unpredictable and does not always track the demands for coverage in the State. We can do better.

But we will not be able to address these problems unless we move forward with reauthorization this year. And we must do so quickly.

If Congress does not enact a reauthorization bill before CHIP funding expires on September 30, we will lose the $25 billion in CHIP funds that are now in the Congressional Budget Office baseline.

We simply cannot afford to miss this deadline. We cannot tell States that we just could not get it done. We cannot tell millions of children that they will have to lose coverage. Failure is not an option.

CHIP is certainly not the only solution to the health care problems facing our Nation. I share the concerns voiced by so many of my colleagues about the need for broader health reforms. But CHIP can be a first step toward this broader goal of health reform.

This amendment commits the Senate to move forward to reauthorize CHIP before the deadline, this year. It is a simple statement about the program's importance and of our will to put children first in our work this year.

Let me be clear. CHIP is not a Democratic priority or a Republican priority. This program was created in a bipartisan spirit fostered by the late Senator John Chafee and Senator HATCH, working together with Senators KENNEDY and ROCKEFELLER.

Reauthorization must also be a bipartisan priority. I intend to continue in this spirit and work with my colleague, Senator GRASSLY, and other members of the Finance Committee to get this done the way it should be this year.

I urge my colleagues to join me in supporting this amendment to reinforce our bipartisan commitment to reauthorize CHIP this year. Our children are depending on us. We must not let them down.

I strongly urge adoption of this amendment at the appropriate time.

In conclusion, we can all agree this is a great program with tremendous benefit for millions of children. We also know we can do much better.

Mr. President, we have a list of cosponsors on this amendment which I do not have with me at the moment. We will get that later for the RECORD. But I strongly urge the adoption, at the appropriate time, of this amendment because we then would be putting children first.

Mr. President, I ask unanimous consent that my colleague from Montana be given 3 minutes at this time. He has been waiting very patiently.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I thank Senator BAUCUS for allowing me to speak. I also thank the good Senator from North Dakota.

AMENDMENT NO. 464

Mr. President, I rise to speak on amendment No. 464, the Grassley-Dorgan amendment on farm payment limitations, making those limitations max out at $250,000. That is a quarter of a million dollars. That is how much money that is going to be maxed out for individual family farmers to get. That is a reasonable request. I think it makes the farm bill more defendable to the American people.

I am a family farmer. I understand family farmers are the backbone of this country. They keep our food security there so we do not have people going hungry. What the farm program has meant to do, and has always been meant to be, is a safety net for farmers so when market prices drop they have that safety net to depend upon. There is not one farmer I know of who does not want to get their income from the marketplace. So we need to keep it that way.

We need to encourage fair trade deals. We need to encourage more competition in the marketplace. We need to make sure our freight rates are, what I would call, not abusive, if we are going to keep family farmers on the land.

Some 30 years ago, the student body in the high school I went to in a farming community had 160 kids in it. Today, that same student body is less than half that size because we have not had a farm bill that has worked for the farmers.

This amendment makes sense because it puts a cap of $250,000 on the benefits from farm program subsidies and eliminates those big agribusinesses that have been taking money they do not need, quite frankly. They do not need that safety net that the farm program subsidies provide in our farm program.

So with that, Mr. President, I ask that all the Members of the Senate support amendment No. 464, the Grassley-Dorgan amendment, because it is the right thing to do.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 504

Mr. ROCKEFELLER. Mr. President, I speak today in support of the budget resolution. I have many highly complimentary things I could say about Senator CONRAD, who has probably the toughest job in the Senate. He has proceeded brilliantly, fairly, calmly, and within the public interest. The public interest is, to me, the most important. He has shown that commitment by including $50 billion for the reauthorization of the Children's Health Insurance Program.

I reserve a note of personal privilege. I first became aware of what happens to children—in this case, in rural America—when I was a Vista volunteer in West Virginia in 1964 and 1965. I saw children and their families who had no concept of health care. Never in their lives did they have health care or most anything else that really counted in terms of giving them hope. So that has been kind of my moral compass ever since. It is the way I vote, it is the way I feel, and it is who I am.

I know this budget was not easy for the chairman of the Budget Committee. But I am so proud the chairman and the Democrats are standing up for children and making CHIP reauthorization the top health priority of this year. This is not a Democratic program. This is not a Republican program. If there is anything at all that was ever an American program—Governors, everybody—nobody can disagree on the power of this program, with the exception that it is now in deep stress. It has been cut by two-thirds from its present inadequate funding.

This amendment would not only restore the full 6 million children who are not covered—and, again, I want you to contemplate a child not covered, a child who develops a toothache, a child who develops a stomachache, a child who is miles from a hospital and whose family may not have a car to get that child there.

Children's health insurance means everything. Immunization, preventive care—CHIP is the only program that has ever done this. We did this with Medicare in 1965. We did it 30 years later with the Children's Health Insurance Program. I think it is the single most accepted Federal program in my State of West Virginia, with the exception, obviously, of Medicare, Social Security, and Medicaid.

The problem is the budget was cut. So of the 6 million who originally were covered, many are now not covered. We have many problems facing us. The budget chairman, Senator CONRAD, has corrected these problems. He has included not only the 6 million who were on it but many of whom were cut or would be cut, and then he has included the 6 million more who are eligible because they qualify in every way except there is not the money to cover them. There would now be the money to cover them.

I have never faced the problem, to be honest, could I make it in life in some way or another, where was my next meal coming from, what would happen if I had some kind of an illness. That is not the typical experience in lots of rural America and urban America. That is where my heart lies, with those people. I think we have a sacred responsibility as a Senate, on the most bipartisan issue I can possibly think of, to remedy this problem and to take care of it quickly by adopting this piece of legislation.

We remember, in 1977, there were 10 million uninsured children. The failure of health care reform in the early 1990s took away our will, took the wind out of our sails. It turned us into incrementalists. So we did not start thinking about the big picture, how to cover Americans broadly.

I can remember standing on the floor of the Senate with the senior Senator from Massachusetts. People were saying: Well, this is nationalized health insurance. We were waving our Blue Cross-Blue Shield cards. It did not make any difference, once it was labeled that was it: dead on arrival. That was a tragedy and now is a particular tragedy with respect to children.

So today we have almost 9 million children under the age of 18, and they still have absolutely no health insurance. How does one walk into this body, with the health insurance we have, with the people we represent, and allow a situation like that to continue? It is a profound moral issue. It takes the form of legislation, it takes the form of goodwill and determination, but it is a profound moral obligation of the richest country in the world.

So I am strongly for this Baucus legislation. I think we have an obligation to adopt it. I hope we have the courage and the skill to do so.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I ask the Senator from Massachusetts, how much time does he desire?

Mr. KENNEDY. Mr. President, 7, 8 minutes.

Mr. CONRAD. Mr. President, I yield 7½ minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, will the Chair let me know when there is a minute and a half remaining?

Mr. President, first of all, I think all of America ought to understand a basic and fundamental principle: this budget debate is really about national priorities. It is about a national priority. That is why we rise here.

Senator BAUCUS, Senator ROCKEFELLER, myself—it is not just the Democrats on this issue of the Children's Health Insurance Program, but Republicans as well—but we have been around here for many years, and what a difference a year makes because in this particular budget we are putting children first. We are putting children first. We are putting children's health care first, and we are putting children's education first. What a difference it is from the recent years where all we had is tax breaks, after tax breaks, after tax breaks. This budget is different. This budget is very different. It says children are going to be first.

Secondly, it says that we know there are probably 9 million children who do not have any kind of health insurance, but about 6 million of them are eligible for Medicaid and CHIP. We find that working Americans are having more and more difficulty affording health insurance. One of their great concerns is not just for themselves but for their children.

Help is on the way with this budget because with this budget makes a commitment of $50 billion, to help those working families get health insurance for their children. So if their child has an earache, if that child is suffering from asthma, if that child has intestinal flu, the parent will not have to stay awake all night and wonder whether that child is $225 sick, because that is what it is going to cost that working family to take that child down to the emergency room. They won't have to worry about sending that child to school sick while they go out to work. That day, the child will be able to get good, quality health care. That is what we stand for on this side.

We see the success of this program. We have seen over the period of these last years the growth of millions of enrolled children, up to 6 million children, and we know this program can work for an additional 6 million children.

But we are faced with a budget on the opposite side by the Republicans, and what would that do? It would effectively drop almost half of the children who are currently covered.

Here is a map which says 14 States will run out of SCHIP funds in fiscal year 2007 under what the administration has proposed. Big alternative. You asked about alternatives. Our budget would provide the full coverage. This is what happened in the red States on the chart. If you live in those red States and have children, you are in big trouble. Here it is in 2008, an increasing number of States that are going to be excluded.

Finally, by 2012, under the Republican budget—look at this—virtually 80 percent of the States will see a drop in the coverage for their children. With the program that has been put forward by Senator CONRAD and others, it will mean all of this will be white because we will make sure all of those children are covered.

Now, what is the impact in terms of health disparities? Let's talk now about the impact on children. We talked about the numbers. We talked about the budget. Let's talk about what the health impact is on the children.

The SCHIP program reduces health disparities. This chart shows the disparities between the various groups before the enrollment—between White, African American, and Hispanic—and after enrollment. Look at this dramatic reduction in terms of the disparities.

Health disparities are one of the principal problems we are facing in our health care system today. This is one of the best ways to resolve the health disparities, with the Baucus amendment, to try to make sure that there is coverage for every child in America, because of all of the long-range implications of reducing the costs of health care, but most of all because we care about the children.

This shows one particular disease: asthma. We have seen the rate of asthma virtually double over the period of the last 5 years. The principal reason for that is because this administration has relaxed environmental protections and increased numbers of toxins that are in the air. We have double the number of children who are dying from asthma now, this year, than we had 9 years ago.

But look at what this does for those children who have asthma, before enrollment and after enrollment—the dramatic reduction. Here are the number of asthma attacks, the number of medical visits, and we see the dramatic reduction of attacks in terms of the children of this country.

So it really comes down to this: This chart demonstrates the alternatives, what is included in the Baucus-Rockefeller amendment and what we have with the Republican proposal. Their proposal is less than half than what is needed to maintain the current services—the current services; not increasing and providing the health care coverage for children but just for current services—and the Senate budget resolution is the $50 billion to cover all eligible children. That is the issue. This budget puts the children first, and the most dramatic example of that is the strong commitment to ensure that all the 6 million children who are eligible for CHIP and Medicaid are covered. Those who are basically the sons and daughters of working families in this country will know that under this budget, help is on the way. This will be true in every State across this country.

This has been a success, and it has been bipartisan. I take my hat off to my colleagues and friends, Senator HATCH, Senator SNOWE, and Senator SMITH—all Republicans. Republicans and Democrats have worked together. But on this issue in terms of priorities, which is a key element in this budget debate and a key difference between the two views about the budget, this amendment is an essential aspect of the budget proposal, and I commend Senator CONRAD and those on the Budget Committee for supporting it.

I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, let me thank the Senator from Massachusetts and thank those who have spoken on SCHIP.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CONRAD. Mr. President, could we do 5 minutes?

Mr. KENNEDY. Five minutes, yes.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota yields 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if you would let me know when there is 1 minute left.

I would like to take a few minutes to respond to the points the senior Senator from New Hampshire made yesterday regarding the track record of the administration and the Republican Congress on education funding.

Senator GREGG points to the historic increases in the No Child Left Behind Act funding under President Bush, but what he doesn't point out is that most of the increase happened after the first year of enactment of the No Child Left Behind Act when Democrats controlled the Senate and demanded a substantial increase. Since then, new funding for elementary and secondary education has plummeted.

These are the figures. The President's budget for fiscal year 2002 contained virtually no increase in funding for No Child Left Behind. In the two years following that, he actually proposed cuts in funding for No Child Left Behind. The year after that saw a minimal increase and then No Child Left Behind was actually cut. In fact, since President Bush has been in office, most increases in funding for education have come about due to pressure from Congressional Democrats.

No Child Left Behind is only half the story. Under Republican control of the Senate, increases in funding for education programs overall have gotten smaller year after year.

Two years ago, funding for education was actually cut by over half a billion dollars. Last year, the President proposed the largest cut to overall education funding in the history of the Department of Education—$2.2 billion—and again this year, the President's proposal is an overall cut of $1.3 billion.

So my colleague from New Hampshire is right. President Bush claims to include an increase of $1 billion in No Child Left Behind funding in his budget for this year, but that is not a real increase. First, it does nothing more than fill the cut that was enacted in 2006, and worse, as he has time and again, the President robs other education programs to pay for it.

As I mentioned, he proposes a $1.3 billion cut to education programs overall. That is not providing new resources for our schools; that is a shell game. But even more important than these points is the fact that the funding which has been secured is simply insufficient to fulfill the bipartisan promise to leave no child behind. That was a promise, not a political slogan. But year after year of broken promises by the White House and the Republican Congress have left 3.7 million children behind. Their budgets have meant larger, not smaller, class sizes. They've meant fewer teachers trained. This irresponsible neglect comes at a time when schools are being asked to do more.

We had the debate and the discussion yesterday, and my colleagues listened to my friend and colleague from New Hampshire talk about all the increases in education. Go ask any school board in this country, go ask any superintendent in the country, go ask any teacher in this country what has happened in their school and what has happened in their district and what has happened in their community on education. You will hear the answer: It has been cut, cut, cut, cut. That has been the answer. You can make all the charts in the world. But go out and ask the schoolteachers, go out and ask the superintendents of schools, and they know what has been happening. It has been as we have described here.

That has certainly been true as well in the Republican reconciliation bill last year, which my colleague from New Hampshire claimed provided $9 billion in student benefits and did not cut $12 billion from the student loan programs. The facts are that $22 billion was cut from the student loan programs. About $9 billion was spent by that bill more than half of it on sweetners for the banks, such as increased loan limits on federally subsidized loans and reduced origination fees which translate to increased profits for banks.

A small grant program was included, but as my friend from New Hampshire acknowledged yesterday, 90 percent of students are not eligible for that program. 4.7 million Pell eligible students were left out in the cold.

The Senate bill included $6 billion in grant aid for all Pell eligible students, but the Republicans jettisoned that proposal in a partisan conference. This program also wrongly limits eligibility to students enrolled in school full time. So forget it if you're trying to support a family and have to work while you're trying to get your degree. This limitation and others related to curriculum also exclude virtually all community college students.

But the most important fact is one conceded by the Senator from New Hampshire. The vast majority of the cuts to student loan programs were not dedicated to student aid. Instead, $12 billion was used to offset tax giveaways for the wealthy.

Our schools, children and families deserve more than accounting gimmicks. Our schools need new resources to make progress on reform, and families need real help to afford a college education for their children. Republican budgets have provided neither.

How much greed do those lending companies want? Has anybody read the New York Times recently about what is happening with the investigations of the student loan program, those billions of dollars going to the student loan program? Sallie Mae—the value of its stock was $3.17 in January 1995; it has traded above $50 per share for most of this year. That is coming from students and from low- and middle-income families.

But when you talk about investing in children, don't listen to the Senator from New Hampshire and don't listen to me; listen to your superintendent of schools, listen to the schoolteachers, listen to parents, and you will find out what has been happening and where the cuts have been over the past years. If there is a question about what has been happening in student loans, ask any middle-income or low-income family. Ask any students who are going to our fine public and private colleges. You will find out the tuitions have been going up through the roof, and a substantial part of that is by the fact that we have a student loan program that works for the banks and not for the students.

The PRESIDING OFFICER (Mrs. McCASKILL). Who yields time?

Mr. CONRAD. Madam President, unfortunately, we have two Senators and we have about 12 minutes remaining. Senator REED, how much time do you need?

Mr. REED. Five minutes.

Mr. CONRAD. Madam President, I yield 5 minutes to Senator REED and then the remaining time to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I thank the Senator for his gracious yielding of time and for his exceptional work on this budget.

I wish to speak particularly to the issue of SCHIP. Shortly, Senator CORNYN will offer an amendment that was offered in the Budget Committee and defeated there, and it should be defeated on the floor of the Senate. His amendment seeks to tie the hands of the Finance Committee and make policy determinations on a program that has direct impact on millions of American families and children.

Millions of low-income Americans receive their health care under the State Children's Health Insurance Program, SCHIP. This program is a safety net for low-income families. Rhode Island has provided extraordinary support to families working and struggling to provide health care for their children. By most estimates, the number of uninsured is going up in this country—most recently estimated at about 46 million. If we undermine the SCHIP program, those numbers will increase and particularly, obviously, in the ranks of uninsured children.

SCHIP provides approximately 20,000 Rhode Islanders with health insurance coverage. My State worked hard on a bipartisan basis—Republican Governors, Democratic Governors, and the Democratic assembly—to build a health care system for children that works. A few years ago, we had one of the lowest rates of uninsured children in the Nation because of SCHIP and local efforts. In the last several years, the rate of uninsured children, even in Rhode Island, has gone up.

We have to have the resources to keep this program going forward. These dollars mean the difference between children getting access to health care and being denied health care. It affects their ability to learn in school and their long-term ability to be productive and contributing citizens. This is a vital program.

We see these shortfalls perennially in some States that aggressively support the SCHIP program. We have been able to make fixes in the past, redistributing funds. This time, we need a budget—and Senator CONRAD has provided it—that will give us the resources and flexibility to reauthorize SCHIP so it will work in the future.

Senators BOXER, CONRAD, and ROCKEFELLER have put forth responsible amendments to deal with the SCHIP policy issue. Unlike the proposed amendment of Senator CORNYN, the Baucus-Rockefeller amendment puts the needs and interests of children first in the context of reauthorization.

I believe this budget, including up to $50 billion to expand SCHIP, is exactly the right direction. When you go to Rhode Island, or any State, and you talk to particularly the working people who are struggling to make ends meet, the No. 1 issue on their minds is: How can I afford health care insurance?

I had a neighbor rush across the street last Friday morning, while I was clearing the snow off my car, who said: I don't know what I can do; my health insurance just went up 66 percent. That is the crisis real Americans face every day. This is a response—a very important response—but not a final answer to health care in the United States. Goodness gracious, if we cannot take care of children and give them health care, then what else should we do? What is more important than that?

I think we have to recognize that some States, such as mine, have been able to expand this program to include the parents of some of these children. That is a positive step because it provides better health care for the whole family. In fact, the statistics and analyses show if you can have a family treated as a whole, you have a better health outcome. Also, it provides, again, another way to stop the ever increasing number of uninsured Americans, be they children or adults.

I congratulate Chairman CONRAD for his work and commitment. I hope when we leave this budget debate, we can proclaim loudly and proudly we have expanded coverage health care coverage for children in this country. That is something I think we can all take great pride and claim satisfaction in doing. I urge us to reject the Cornyn amendment and support this budget. I commend Senator CONRAD for what he has done.

I will make several quick points about the budget. It restores fiscal discipline. I commend the chairman for that. It adds important assets and commitments to affordable housing funds. The language allows us to go forward on that. Education and veterans are important priorities. This budget is one of which the people can be proud. I know the people of Rhode Island will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I rise to support the Baucus amendment as opposed to the Cornyn amendment. I am thrilled this budget before us addresses health care in a responsible way in the amendment from this side. We provide up to $50 billion for this critical Children's Health Insurance Program over the next 15 years that will allow eligible children, who are not today enrolled, to be able to get the coverage they so necessarily need, and it is a critical step.

I commend the authors on this side and Senator CONRAD for his tremendous work on that amendment. I rise also to thank Senator CONRAD for his tremendous leadership in finally bringing us a budget that redirects the priorities of America's working families. Our families across the country want us to focus on strengthening our country from within. That starts by investing at home in our schools, as Senator KENNEDY talked about, and in our infrastructure, and in our communities. That is exactly what this budget does. It still provides every dollar the President asked for for Defense spending over the next 5 years.

Americans want us to make investments in our future in a responsible way. Every family knows the importance of fiscal discipline and the importance of keeping a balanced budget. They expect the Federal Government to share that responsibility. With this budget, we are restoring an important pay-as-you-go rule that means we are being responsible today, and we are not burdening our grandchildren with new debt tomorrow.

American families, we know, also need relief from taxes that are too much today squeezing the middle class, and the budget Senator CONRAD has put forward provides relief from the alternative minimum tax for 2 years and avoids any tax increases. I commend him for his responsible approach.

With this budget, we are proving we can invest in our people and our communities and our security without sacrificing the future. It is important to note, as we debate the budget today, that it reflects a new direction for our country. I recall last November when the American people demanded a change, and this budget reflects that call. It says across this country that we will no longer see our veterans shortchanged on their medical care; we will no longer see our communities facing very painful cuts in housing; we will no longer have our ports having gaping security holes they have faced for too long; no longer will our schools be so underfunded; no longer will community health care be undermined continuously at the Federal level; and importantly, no longer will we keep forcing more debt onto our children and grandchildren, without a plan to bring this budget back into balance.

On this side, we have said for a number of years there is a better way, and this budget proves that. I recognize, as we all do, we cannot fund everything everybody wants. No budget can. But this budget, I believe, moves us in the right direction in a responsible way, and that is a dramatic new start for this Senate. Last year, we were struggling to protect critical needs. This year, we are investing in them.

I wish to highlight some of the national priorities in this budget. We know the Bush administration has not adequately funded veterans health care. Now, as we begin the fifth year of this war this week, that becomes more and more evident across the country—whether it is our veterans, who have been struggling to get mental health care, or are waiting in long lines for benefit claims, or a lack of focus on the signature issue of this war, traumatic brain injury, that we have seen highlighted in the press over the last several weeks, or seeing that veterans are shortchanged at medical facilities, as we saw with Walter Reed.

This budget we are presenting to America increases our support for veterans by $3.5 billion over the President's proposal. In fact, the total $43.1 billion we are now investing in veterans' care represents a full 98 percent of the independent budget. That is the budget that has been devised by our veterans service organizations that, as we all know, clearly have proven to be fairly accurate in what they have told us they needed over the last years.

Our budget also, importantly, rejects the President's proposal that would have imposed new fees and higher drug copayments on some of our veterans. Those fees would force more than 100,000 of our veterans to leave the VA health care system, and that was wrongheaded.

I have seen personally the detrimental effects of underfunding veterans health care. As everybody knows, I have fought very hard on this floor to fix the administration's funding blunders and had to work hard here to increase veterans funding by $3 billion in 2005 and 2006. By increasing funding for veterans, this budget finally does what the administration has failed to do, and that is recognize the service and sacrifice of those men and women who have paid the price of this war.

We heard Senator KENNEDY a few minutes ago make a strong statement on education. This budget begins to invest here at home in our schools. We have seen years of painful cuts. After that time, we have produced a budget today that addresses the needs of American families who worry so much about finding and affording educational opportunities for their children. This budget provides the largest increase in funding for elementary and secondary education programs in 5 years. That is going to make a real difference for families across this country. We increase funding for the Department of Education by $6.1 billion above the President's budget and restore all of the painful cuts he proposed—in Perkins grants, Pell grants, Head Start, No Child Left Behind, and the Individuals with Disabilities Act. Those are not just names of programs; those are real children who are impacted by the lack of funding we have seen, and this budget restores that.

I can tell my colleagues that as a former educator and a parent, I know the importance of having the full partnership of the Federal Government in supporting our children and our students. I am so glad this budget strengthens the partnership and eliminates harmful cuts.

I also wish to mention the important investment in this budget in securing our ports. Last year, I worked with other Senators on both sides of the aisle to pass the Safe Ports Act. Unfortunately, even with the passage of that authorization, the President didn't adequately fund this vital program for the security of our country. We, in this budget, increased funding for the Safe Ports Act and provided $400 million for the Port Security Grant Program. That funding means more radiation detectors, more partners in safe trade, and more customs officials who are needed in order to facilitate our trade.

I am very proud that this budget takes real steps, concrete steps to improve port security, while also making sure we maintain and improve our trade efficiency.

Finally, I give my personal thanks to Senator CONRAD and his staff for their tireless work in leading the fight on this budget. It has been a privilege to stand at his side on the Budget Committee and to work with him to right this fiscal ship.

This budget, once again, invests in the true priorities of the American people while keeping the needs and aspirations of our future generations in mind. I look forward to passing this budget so we can move forward with the new direction the American people have demanded.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, it is my understanding that under the prior order, Senator KYL is now recognized for an hour, with Senator KYL having 40 minutes under his control and the Democratic side having 20 minutes under their control.

The PRESIDING OFFICER. That is correct.

Mr. KYL. Madam President, I thank the Senator from New Hampshire, the ranking member of the committee, for all his hard work and support for those of us who have prepared amendments and would like to offer them.

This is actually the Kyl-Graham amendment. The Senator from South Carolina will be offering this amendment and, incidentally, as soon as we have the exact text typed, we will present that for actual formal submission, but I can begin talking about it right now. Let me begin doing that.

The purpose of this amendment is to demonstrate, I believe, that there is sufficient ability in this budget to take care of a couple of problems that are very important and which we believe should be included within this budget before it gets passed: provisions that provide for the education of American children, provide for capital gains and dividend tax relief to continue to exist both for our families and businesses and the competitiveness of our economy, as well as other provisions which were not included in the underlying budget, such as death tax reform, which I think most of us acknowledge needs to occur and which we need to provide for in the budget.

This amendment Senator GRAHAM and I will be offering in a moment is designed to include these very important provisions which I think most of us support in the budget. Not to do so would clearly represent a very big hole, I suggest, in the budget.

There is a suggestion in the amendment that was offered by the Senator from Montana and others that what Republicans have been saying about this budget resolution—namely, that it raises taxes on every American taxpayer—is, in fact, the case because as approved by the Budget Committee on a party-line vote, I might add, this budget raises taxes by $916 billion over the 5 years of the budget, which would be, of course, the biggest tax increase in the history of the country.

The chairman of the Senate Finance Committee, the Senator from Montana, well understood this, and I suggest probably is the reason for his offering of the amendment to reduce the revenue that is projected by the budget resolution and then, in his case, purports to dedicate that revenue to middle-class tax relief. He wouldn't be offering this amendment were it not for the recognition that there is a huge tax increase in the budget that came from the Budget Committee.

So I submit, to begin this conversation, that Senator BAUCUS's amendment is a good start, but it leaves in place the tax hikes on millions and millions of Americans, and that is not something most Republicans want to see.

If the Baucus amendment is adopted, then Democrats will be proposing to raise taxes on hard-working Americans by $736 billion over 5 years, rather than the $916 billion, still the biggest tax increase ever. We don't think this is right.

Incidentally, on a technical note, according to the Republican Budget Committee staff, the Baucus amendment increases the deficit in 2010 and 2011. This is important. When the interest is factored in, the Baucus amendment would take the budget out of balance in 2012 by some $6 billion. In the past, the Budget Committee members have had an informal agreement that interest would not be computed for amendments because it would be too cumbersome.

While this amendment would take the budget further into deficit—preventing tax increases is more important than worrying about a small, manageable size deficit—it may be interesting to note that the Baucus amendment would have this effect.

In addition to raising taxes, we are talking about increasing the amount of deficit.

The Senator from Montana notes that his amendment would extend the 10-percent bracket, the child tax bracket, the marriage penalty relief, the adoption tax credit, the earned-income tax credit for combat pay, and provide modest estate tax relief. I agree with the Senator on all these policies except with the modesty of the death tax relief.

Senator BAUCUS and some of his cosponsors, especially the two Senators NELSON, have always supported repeal of the death tax, as have I. So it is disappointing to many family businesses and farm owners that we now have sponsors who had supported the repeal of the death tax endorsing an amendment that would set the death tax rate at what I believe is a confiscatory 45 percent and set the exemption at only $3.5 million, which most of us believe is too low. This leaves more than 22,000 families subject to the estate tax each and every year, according to the Joint Tax Committee.

Another one of the cosponsors of the amendment of the Senator from Montana, the Senator from Arkansas, says on his Senate Web site that he supports a $5 million exemption and a 35-percent rate. I am disappointed he would then be endorsing a proposal that would have a 45-percent rate. A 45-percent rate allows the Government—think about this for a moment—to take almost half a family farm or business over the $3.5 million exempted amount at the time of death.

There is a reason this particular policy has been supported by life insurance companies. I think everybody can understand that. It keeps the onerous death tax in place and would require these family businesses and farms to continue to pay exorbitant premiums to insurance companies.

One of the reasons we would like to eliminate the death tax is so we don't have to pay the burden of trying to avoid the tax, which a lot of these small businesses have to do.

As I said, the Kyl-Graham amendment we think substantially improves the Baucus amendment by modifying the year-to-year revenue numbers so that certain tax provisions that have been essential in helping families pay education expenses essential to our economic recovery, essential to savings for retirement, senior citizens, and families facing the death tax are provided for in this budget. Let me quickly go through them and then ask my colleague, Senator GRAHAM, to make further comments.

On the matter of education, the Baucus amendment fails to extend the many education tax provisions that are scheduled to expire. Our amendment, on the other hand, makes higher education more affordable for middle-class Americans by extending the tuition deduction, extending the modifications to the Coverdell education savings accounts, extending certain provisions for the student loan interest deduction, and for extending the exclusion for employer-provided educational assistance.

These are important provisions to American families. They need to be recognized in this budget.

Our amendment permanently extends the $250 deduction for expenses of elementary and secondary school teachers who, on many occasions, are required to pay for the very school supplies they feel are necessary and are important for educating the kids for whom they are responsible.

These are the education provisions.

On capital gains and dividends, who can argue that the capital gains and dividend tax rate reductions have been two of the most important reasons for the strong economic recovery that our country has made. Yet the Baucus amendment fails to prevent an increase in these two important tax rates.

An extension of the current rates would allow our economic recovery to continue. Allowing these rates to expire and to go back up to where they were would be devastating for our economy and for the competitiveness of our capital markets and, by the way, for the retirement savings of many Americans.

So the Kyl-Graham amendment permanently extends the reduced tax rate for qualified dividends and capital gains for nearly 18 million families and individuals every year. That, too, is an important component that should be in this budget.

Quickly on two items before I turn to the discussion of the death tax, this goes to competitiveness. What our amendment would do is prevent tax increases that would clearly hurt our competitive position in the world economy. We talk about outsourcing of jobs and competitiveness and the rest of it. If you want to know what will save American jobs and will allow us to continue to grow, it is the tax rates that Senator GRAHAM and I preserve in this budget.

America cannot be the home for worldwide capital markets if it is hostile to American investors. So the amendment makes the existing tax rates for long-term capital gains and for qualified dividends permanent tax policy. We understand that the lower tax rates that were implemented in 2003 and extended again in 2006 have been a tremendous success for our economy and have benefited a broad range of American citizens.

Growth, since the 2003 tax relief, has averaged more than 3.5 percent a year, while it averaged 1.3 percent from the first quarter of 2001 through the second quarter of 2003, before these tax rates were put into effect.

The Dow Jones industrial average has risen by 40 percent since the lower investment tax rates were enacted.

The average 401(k) balance has risen by about 65 percent since 2003, very good news for American families and investors.

Why would we want to destroy this tremendous growth in the economic wealth of Americans? All of this investment activity makes it easier for entrepreneurs and businesses to raise funds to expand and grow their businesses, create more jobs, and improve the standard of living for all Americans.

By the way, to answer the question of who benefits by all this, some of our colleagues are prone to suggest it is only the wealthy who benefit. Not so. It is interesting to note that most Americans who are benefiting from these lower tax rates are middle-income taxpayers. Fully 43 percent of tax filers in 2004 reporting capital gains had adjusted gross income of under $50,000. These are not the wealthy; these are not the rich. Just 9.5 percent of filers reporting capital gains had an adjusted gross income of $200,000 or above.

So the majority of Americans benefiting from these lower tax rates, the rates we preserve in the budget if our amendment is adopted, are average, middle-class Americans.

For lower income Americans, the current 5-percent rate for investments, which drops to zero in 2008, is another important but sometimes forgotten benefit, especially, important, I might add, to our senior citizens.

According to statistics calculated by the Joint Committee on Taxation, more than 75 percent of all elderly taxpayers' returns reporting capital gains income have adjusted gross incomes of less than $100,000; more than 40 percent have incomes of $50,000 or less. Again, wealthy, the rich? No, we are trying to preserve lower tax rates for middle-income Americans and for senior citizens who rely significantly on their investment income in their retirement.

Madam President, 79 percent of all elderly taxpayers' returns reporting dividend income have incomes of $100,000 or less, and 44 percent have incomes of $50,000 or less, adjusted gross income. So clearly, continuing these lower tax rates is important for our senior citizens and for middle-income Americans.

Incidentally, these lower tax rates, far from blowing a hole in the budget, have actually helped increase revenues far beyond the projections of CBO.

I note that since 2003, Treasury has collected $133 billion more in capital gains revenue than was originally projected by CBO and exceeded the official CBO projections by 68 percent.

In the meantime, all the additional tax revenue flowing into the Treasury from our growing economy has caused our budget deficit to shrink below 2 percent of GDP, which is below the historical average.

If we stay on this current path, we can see continued increase in revenues, continued reduction in the deficit, and continued growth of our economy, not to mention support for our families and retirees.

Last point. What happens if the budget is adopted without providing for the continuation of these lower tax increases? Last fall, Goldman Sachs conducted a very interesting analysis. They wanted to see how the economy would react if taxes were increased in 2011, as the Democrats advocate.

Their analysis showed that the tax increase, and I am now quoting, "would almost surely mark the onset of a recession." Their analysis assumed that the Federal Reserve would step in and cut interest rates to boost the economy, and I am quoting here, "In an effort to resuscitate demand, the Fed immediately cuts the federal funds rate, bringing it 250 basis points below the status quo level over the next year and one-half. Despite this, output growth remains well below trend over that period, putting downward pressure on inflation as slack in the economy increases."

That is a projection of what would occur if this were to happen. We want to prevent this. We want to keep the economy strong and not allow anything that would cause it to go into recession.

Just a final point having to do with the death tax reform. We can't pass a budget that doesn't include an assumption that we are going to reform the death tax. We ought to be repealing the death tax. But what we have done in this amendment is to provide an amount of money that would accommodate the kind of death tax reform that has been supported by both Republicans and Democrats.

Last year, the senior Senator from Louisiana introduced a death tax reform bill, S. 3626, which would provide for a $5 million exemption per estate, indexed for inflation. It would provide for a family business "carve out," a 35-percent rate to taxable estates, and it would begin in the year 2010. The Senator from Arkansas, Mr. PRYOR, has endorsed death tax reform that meets these specifics in a statement, according to his Web site.

Now, our amendment provides room in the year-by-year revenue numbers in the budget to accommodate death tax reforms such as those which were proposed by Senator LANDRIEU and endorsed by Senator PRYOR. There have been other Members on the Democratic side of the aisle who have supported proposals I have introduced on death tax reform.

What we are very much hoping is that all of the people, both Republicans and Democrats, who have supported these proposals in the past will remain true to their commitments to their constituents to make sure small farms and small business owners aren't going to have to prepare for or pay the death tax and that we would make room for that in this budget. If we fail to do that, then clearly we are not going to be able to provide the kind of relief our constituents demand and deserve.

Our amendment provides room in the year-by-year revenue numbers to accommodate death tax reform such as that which has been proposed by our Democrat colleagues and, I would add, that I have proposed as well.

Now, of course, budget resolutions don't dictate policy to the Finance Committee, so it would certainly be our intention to work with a lot of different Senators. I worked with Senator LINCOLN in the past, and certainly we would want to work with Senators LANDRIEU and PRYOR and all of the others who have indicated they would be willing to support a kind of death tax reform. As long as we have provided the numbers in the budget as Senator GRAHAM and I propose here, then we can work to make those provisions law.

I would hope we could craft an estate tax proposal that would provide an exemption of at least $5 million, indexed for inflation, that provides workable relief for the smallest estates, and that provides for a top death tax rate which is no higher than 35 percent—no higher than 35 percent. Workable relief could mean a lower rate for the smallest estates; it could also mean a family business carve-out as long as it actually works for small businesses and farms and doesn't drive up their administrative costs and leave them with planning uncertainty.

All of these are goals both Democrats and Republicans have endorsed. We hope our colleagues on both sides of the aisle will therefore agree with us that it is important for us to accommodate in this budget room to extend the important tax provisions for education, capital gains and dividends, and for the estate tax.

AMENDMENT NO. 507

Madam President, I understand the amendment about which I have just been speaking is actually at the desk. I would like to call it up at this time, and I ask unanimous consent that Senator GRAHAM be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. GRAHAM, proposes an amendment numbered 507.

Mr. KYL. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect families, family farms and small businesses by raising the death tax exemption to $5 million and reducing the maximum death tax rate to no more than 35 percent, to extend college tuition deduction, to extend the student loan interest deduction, to extend the teacher classroom deduction, to protect senior citizens from higher taxes on their retirement income, to maintain U.S. financial market competitiveness, and to promote economic growth by extending the lower tax rates on dividends and capital gains)

On page 3, line 11 increase the amount by $390,000,000.

On page 3 line 12, decrease the amount by $184,000,000.

On page 3, line 13, decrease the amount by $3,796,000,000.

On page 3, line 14, decrease the amount by $31,544,000,000.

On page 3, line 15, decrease the amount by $36,398,000,000.

On page 3, line 20 increase the amount by $390,000,000.

On page 3 line 21, decrease the amount by $184,000,000.

On page 3, line 22, decrease the amount by $3,796,000,000.

On page 3, line 23, decrease the amount by $31,544,000,000.

On page 4, line 1, decrease the amount by $36,398,000,000.

On page 4, line 6, decrease the amount by $9,000,000.

On page 4, line 7, decrease the amount by $14,000,000.

On page 4, line 8, increase the amount by $78,000,000.

On page 4, line 9, increase the amount by $912,000,000.

On page 4, line 10, increase the amount by $2,552,000,000.

On page 4, line 15, decrease the amount by $9,000,000.

On page 4, line 16, decrease the amount by $14,000,000.

On page 4, line 17, increase the amount by $78,000,000.

On page 4, line 18, increase the amount by $912,000,000.

On page 4, line 19, increase the amount by $2,552,000,000.

On page 4, line 24, decrease the amount by $399,000,000.

On page 4, line 25, increase the amount by $170,000,000.

On page 5, line 1, increase the amount by $3,874,000,000.

On page 5, line 2, increase the amount by $32,456,000,000.

On page 5, line 3, increase the amount by $38,950,000,000.

On page 5, line 7, decrease the amount by $399,000,000.

On page 5, line 8, decrease the amount by $230,000,000.

On page 5, line 9, increase the amount by $3,645,000,000.

On page 5, line 10, increase the amount by $36,101,000,000.

On page 5, line 11, increase the amount by $75,051,000,000

On page 5, line 15, decrease the amount by $399,000,000.

On page 5, line 16, decrease the amount by $230,000,000.

On page 5, line 17, increase the amount by $3,645,000,000.

On page 5, line 18, increase the amount by $36,101,000,000.

On page 5, line 19, increase the amount by $75,051,000,000

On page 25, line 12, decrease the amount by $9,000,000.

On page 25, line 13, decrease the amount by $9,000,000.

On page 25, line 16, decrease the amount by $14,000,000.

On page 25, line 17, decrease the amount by $14,000,000.

On page 25, line 20, increase the amount by $78,000,000.

On page 25, line 21, increase the amount by $78,000,000.

On page 25, line 24, increase the amount by $912,000,000.

On page 25, line 25, increase the amount by $912,000,000.

On page 26, line 3, increase the amount by $2,552,000,000.

On page 26, line 4, increase the amount by $2,552,000,000.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. I yield to the Senator from South Carolina, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. If that is acceptable with my colleagues, I will speak now, Madam President.

Ms. STABENOW. If I may inquire, Madam President, is the Senator speaking on this amendment?

Mr. GRAHAM. Yes, I am.

Ms. STABENOW. I would ask to be recognized after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I really don't have much to add because Senator KYL has done an outstanding job in explaining our amendment and the benefits to the country if we pass this amendment.

To the people in South Carolina who might, by chance, be listening, the reason I am so passionate about trying to extend the tax cuts and making sure this budget does not deal a death blow to tax cuts that have been in place in some form or manner since 2003 is the evidence is overwhelming that they have helped our economy.

Just to kind of build on what Senator KYL has said, my belief is the global economy of the 21st century is going to require America to rethink across the board how we engage our global competitors. Americans have to ask themselves these questions: Is our tax structure going to be globally competitive? Are we going to have a tax structure that will allow capital to be welcome in this country so that people who take risk can be rewarded here or will we drive people somewhere else?

The regulatory side of government, the litigation side of our American experience here needs to be looked at anew out of a sense of a need to fit into a global economy and to be fair to all our citizens. In my opinion, the worst thing we can do is to create a tax structure that drives jobs overseas.

In this economy, where anyone can do business anywhere in the world, people do look at tax rates in making decisions about whether to invest here or somewhere else. From the Government's point of view, the evidence is overwhelming that the tax reductions in dividends and capital gains, particularly capital gains, have generated revenue to the Federal Government. As we have lowered the rate down to 15 percent, in some cases to zero and other cases 5 and 10 percent, with a maximum capital gains rate of 15 percent, people have generated a lot of capital gains transactions that have been good for the economy and good for the Federal Treasury, and they are due to expire.

This budget, the way it is drafted, is going to deal a death blow to tax reductions that have been beneficial to the economy—and without a good reason, in my opinion. There is no good reason. The question is, Does this budget deal a death blow to tax cuts? The answer has to be yes, simply because Senator BAUCUS is trying to extend tax cuts by an amendment. And I wish to congratulate him. I am not here to play "gotcha" politics. What he is trying to do in his amendment is a wonderful thing. He is trying to make sure the 10-percent tax bracket is extended for a couple more years in this budget. He is trying to make sure the $1,000 child tax credit is extended as far as this budget applies and we don't revert back to a $500 per child tax credit. In South Carolina, a $1,000 per child tax credit for the families who have been eligible has made a world of difference to people.

My State, like every other State, has great success stories economically and where you have people living paycheck to paycheck. The marriage penalty relief has been good for families in my State. The dependent care credit has been good for people trying to work and raise kids. Adoption credits have been good, helping to create new families. There is nothing more exciting as a lawyer than to be involved in an adoption where you get a child who has no home and you marry them up with a family that wants a child. It is just a wonderful experience. There is combat pay and the EITC exemption.

None of us disagrees with those. Why not go forward into the other areas where we have cut taxes that have benefited the Treasury and benefited job creation? The only reason I can think of is there is a view that there are some Americans who are entitled to tax relief and some who are not. The ones to whom we don't want to give tax relief in this budget have been labeled "the rich" and are somehow unworthy of being included in this budget.

Class warfare is a time-tested political endeavor whose time has passed. We are in this together. There are about 270,000 people in my State who depend on capital gains income and dividend income. Senator KYL has gone through, in very detailed fashion, who benefits from capital gains and dividend tax reductions, and there are a lot of seniors.

At the end of the day, though, we have a choice to make as a Congress. We can do what Senator BAUCUS wants, which I wholeheartedly support, and we can stop believing that people on the other side of the river, when it comes to taxes, just make too much money or they do not need the help. I would argue that if you are in business today, creating a product for sale in the global economy, you need help when it comes to your taxes because some of your competitors have tax rates a lot lower than the United States.

When it comes to lowering dividend tax rates, how does that help America? People will invest in companies that pay dividends, they will buy stock, which helps American corporations capitalize, if the tax rates are lower. It is not just a theory; it is a fact. When you are trying to grow your business, you can get investors from the private sector or you can go to the bank and borrow money. It seems to me we would want to create an environment so that corporate America, whatever the size, could get money from the private sector to grow their businesses without being so debt laden, and the people who are receiving dividends, that would be income to help them in their retired years, which would be a win-win situation.

We can't afford to divide America any longer based on how much one makes or this concept that some of us are more worthy of protection from the Tax Code than others. The Tax Code is not going to allow us as a nation, in its current form, to survive in a global economy. But if we extend the tax cuts in this budget, it would be a good signal to the private sector in America that they are going to be able to count on—for at least a couple more years—some tax cuts that have worked to produce jobs.

The real challenge of this Congress lies ahead; that is, trying to find a way to simplify the Tax Code. That is a debate for another day. Our friends on the other side have been in charge of the Congress now for a couple of months, and this is a test, in my opinion, of how the Democratic Congress views the needs of America across the board in a global economy. Again, the evidence is overwhelming. There is overwhelming evidence that the dividend tax reductions and the capital gains tax reductions have been beneficial to the Treasury.

The amendment of Senator BAUCUS to extend tax cuts for working families, to extend marriage penalty relief, and the $1,000 child tax credit, to make sure it doesn't go to $500, should be applauded. I see the need, as a Senator from South Carolina, for what he is doing. It is frustrating that I cannot convince my friends on the other side that the need exists in abundance in South Carolina and everywhere else in the country to keep our tax rates low when it comes to the entrepreneurial spirit that has made us great, that the capital gains rates need not go up. They need to stay where they are, as long as we can keep them that low, until we find a new Tax Code. The dividend tax rates need not go up or double in a few years. They need to stay low because America needs jobs. The way you create jobs is you leave as much money as reasonably possible in the private sector and you have a tax structure that rewards people who decide to take risk and invest.

What America needs more than anything else is some certainty as to the death tax dilemma we created. There is a great debate going on in this country about the role of the death tax in the 21st century. It is indefensible, apparently, to say that the current rates and the current exemptions are fair. I think we have won the argument that the death tax, without change, is going to put a lot of people at risk who have made something of their lives, the family farm or the small business. As Senator KYL said, there is a lot of buy-in with our Democratic colleagues that we need to increase the exemptions fairly dramatically because people can be land-rich and cash-poor. I know in South Carolina there are a lot of people who have inherited tracts of land, and the death tax appraisal requires the family to break up the property and sell it. About 70 percent of small businesses, they tell me, never make it to the third generation—one of the reasons the business has to be bought back from the Government.

I think we have all bought into that as a body, that the exemptions need to change. I hope we have bought into the idea that the rates need to be lower because they are oppressively high. But here is the dilemma we have created for the country. It is my understanding, given the tax packages we have passed over the last several years, the death tax exemptions go up over time and eventually go to zero in 2010. In January 2011, unless we do something as a body, they go back to the old system.

I have been a lawyer for a long time. There are going to be a lot of mysterious deaths on New Year's Eve 2010 because if you live the next day there is going to be a big hit to the family when it comes to tax rates. It is not right for us to put the American business community and the family in that position. We need to help straighten this mess out. I am very openminded to compromises, but it is not fair for someone, if they live 1 day longer than they should, half of what they have worked for all their life goes to someone they don't know. We can do better than that. That is the place we find ourselves in America. The Congress has created the dilemma that if you die on New Year's Eve 2010—I think that is the correct date—your family has absolutely no estate tax liability. If you die the next day, almost half of what you have worked for in your entire life is gone through taxation. We can do better than that.

One way to start doing better is to pass a budget that would include what Senator KYL has described on the list of Senator BAUCUS.

I do believe the country is dying for us to come up with a rational system of how we tax the American people, including low-income, middle-income, and upper-income Americans. I am trying the best I can to express to a lot of people in South Carolina, who live paycheck to paycheck, that we are all in this together. If I overtax the business owner, your job is threatened because his business may move offshore. People back home in South Carolina very much get that.

If you are in a manufacturing State, as I am, like Michigan, one of the reasons our jobs are leaving this country is because you can go to places such as China and other places and not have the burdens you have here. I do not want to chase China to the bottom, don't get me wrong. I want to put a floor on what China does. I think we will make a mistake chasing China to the bottom. But I think we would make an even bigger mistake if we do not address, in this budget, tax relief that has worked for Americans across the board.

We have a chance in this amendment to do something about death taxes that is extremely rational and would get America out of the dilemma of dying on the wrong day. We have something in this amendment that would allow the capital gains rate reductions to stay in place a couple of years longer and keep the dividend taxes low because they more than paid for themselves, and we have some education tax relief.

If we add this amendment with what Senator BAUCUS has done, I think we could say this budget does a very good job of trying to extend for the life of this budget tax relief across the board that has worked for all Americans.

Finally, if we buy into the idea that there is a certain group of Americans who are not worthy of tax relief, we are going to, over time, make it very difficult for the American economy to survive globally, and we are going to create a dynamic in the 21st century that I think will come back to haunt us over time.

With that, I urge my colleagues to vote for the Kyl-Graham amendment because when you marry it up with the Baucus amendment, we have done a pretty good job of extending tax relief across the board in a way that will help the American economy from top to bottom.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, might I inquire of the Senator from Arizona what the cost of his amendment is?

Mr. KYL. Madam President, may I say to the Senator, the chairman of the committee, our amendment is some four pages long, and it has the amounts increased and decreased stated. I am sorry I have not totaled up the exact amount and then subtracted out the cuts. I will be happy to try to do that for the Senator.

Mr. CONRAD. Does the Senator have some rough idea of what the amendment costs?

Mr. KYL. All of the provisions that we have in this amendment are accommodated by the budget that has been provided to us by the committee. Let me get the exact number.

Mr. CONRAD. Could the Senator tell us how he pays for the amendment?

Mr. KYL. Madam President, the so-called payment for this is the same as other things are paid for in this budget, by the assumption that revenues will be available. As a result, there is no specific cost, if that is what the Senator is asking.

Mr. CONRAD. That is the problem. I am told this amendment costs in the range of $75 billion and has no offset. Here is our problem. Senator BAUCUS has previously offered an amendment that extends the middle-class tax relief and also addresses the problem that the Senator from South Carolina addressed with the estate tax. We have this anomaly in the estate tax where we go to a 3.5-million-dollar-per-person exemption and then we drop down the next year to $1 million, going backwards.

Senator BAUCUS, in the amendment he has offered, does a series of things. The amendment addresses all the middle-class tax cuts—the 10-percent rate, the marriage penalty, the childcare credit. It extends those. It does it within the budget room that we have for 2012, so we still are able to achieve balance in 2012. It also deals with the problem of the estate tax going backwards, going from $3.5 million per person as an exemption back to $1 million. The Baucus amendment deals with that. It actually is a little better than that because the Baucus amendment also contains $4 billion that is not accounted for that would be available to the Finance Committee to improve the estate tax provisions. He also deals with the SCHIP, the need for us to fund SCHIP. He does that within the budget room that is available in 2012 so we do not have a deficit.

As I understand the amendment of the Senator from Arizona, that would take the budget into substantial deficit in 2012. And there is no pay-for; there is no offset. The money that did exist in the budget resolution, the money that was available, has been taken by the Baucus amendment.

Mr. KYL. Madam President, I now have a number. The Senator from North Dakota was very close in the estimate which he gave. I believe the number is $72.3 billion for 5 years, which is very close to the number that the Senator had. Of course, since the budget raises taxes by $916 billion, that more than accommodates what we provide.

Mr. CONRAD. The problem is, all the money is spoken for. So to add the Kyl amendment would drive us back into deficit, substantial deficit. I say to my colleagues, I think that would be a mistake. Unless the Senator provides an offset—there are things that are in his amendment for which I might have some sympathy. I personally believe we ought to have a goal of keeping rates low and having a broad base to our tax system so we can pay our bills and at the same time be a strongly competitive economy. In fact, my own conclusion from all of the debates on both sides is we need fundamental tax reform, and it is that, in part, for which this budget resolution tries to create an incentive.

We have some time because we do not face any of these tax measures expiring for the next 3 years. But during that time, I think we have to engage in a discussion of fundamental tax reform.

The bottom line is, I hope very much that colleagues will support the Baucus amendment. I hope very much they will resist the Kyl amendment at this point because it is not paid for, it is not offset, and it will take us back to the deficit in a substantial way.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. CONRAD. How much time remains on the other side?

The PRESIDING OFFICER. They have 6 minutes.

Mr. CONRAD. Does the Senator from Michigan request some time?

Ms. STABENOW. Yes.

Mr. CONRAD. How much time?

Ms. STABENOW. I ask for 5 minutes.

Mr. CONRAD. I yield 5 minutes to the Senator from Michigan.

Ms. STABENOW. Madam President, to add to what the distinguished Senator from North Dakota indicated, we have tax cuts built into this budget. We are in a global economy. We need to be competitive. There are a number of ways in which we need to be competitive.

My friend from South Carolina and I are working together on the question of trade enforcement. That is a critical part of it—investing in education, a skilled workforce, innovation. That is a very big part of it. That is a big part of this budget, making education a top priority.

Changing the way we fund health care, getting it off the back of businesses, addressing health care costs is a big part of being competitive and is addressed in this budget.

We say every child in a family where the folks are working ought to have access to health insurance, and this budget finds a way to do that. We address other issues. Health information technology, that Senator SNOWE and I and others are working on together, is addressed in this budget. So we address a number of items, including tax cuts.

We address one of my biggest concerns, and I know my Democratic colleagues share this concern, of what is happening with the alternative minimum tax and how it is going to be shifted more and more to middle-income taxpayers and is becoming the alternative middle-class tax. We address that.

Through this Baucus amendment we say when we get into surplus, when we get out of the hole that has been dug in the last 6 years and actually begin to have a surplus, we are going to capture that $132 billion, both to make sure that children's health care is funded and to expand on investments in tax cuts, including what has been talked about in terms of extending the exemptions on the estate tax for a certainty.

We want folks to know that once you get to 2010, you can keep living a healthy life, continue, and, in fact, the same rates, at a minimum, will continue. So the Baucus amendment is about making sure we can do that. We all come together around the education cuts and making sure that we have the child tax credit and the 10-percent tax rate and other areas that are very important to working families, middle-class families. But we do this within the context of another very important value that Americans hold, and that is we pay the bills. We do it within a framework of fiscal responsibility.

In the last 6 years we have seen this tax policy, we have seen a war that has not been paid for, we have seen other spending that has been rolled over onto the national debt creating the largest deficit in the history of the country. We are now trying—and with this budget we will succeed—to dig our way out of that. But this amendment adds over $72 billion back into the hole. It keeps on digging. That is what this budget resolution is committed to stop: fiscal responsibility, and to invest in the priorities of American families and American businesses and invest in middle-class tax cuts.

I have heard on the other side of the aisle over and over that we should not pick who receives tax cuts. That is exactly what the current policy has done. If you earned over $1 million last year, you received at least $118,477 worth of a tax cut. That is more than the average person in Michigan makes in a year, and that was the tax cut.

I suggest, looking at this chart, for someone earning less than $100,000, it was $692. We can go on down. If someone was, in fact, earning less than that, those numbers go all the way down to less than $100.

I would suggest that the priority was set the previous Congress, the administration deciding whom they wanted to get tax cuts—and they have been getting them—adding to the deficit, taking away from our ability to critically invest in those things that will allow us to be competitive; investments in science and education and changing the way we fund health care and doing the other kinds of things we need to do, including balancing the budget, to be able to address the costs of interest, et cetera.

So what we are saying is this picture of who receives tax cuts is not ours. This is not ours. We reject that. This budget focuses on the folks who have not been getting the tax cuts, it focuses on the folks who not only have not been getting the tax cuts, but they have been getting the wage cuts at the same time.

The average, the real median household income has declined by almost $1,300 in the last 5 years. Folks are working harder, the gas prices are going up, the cost of college is going up, health care costs are going up, maybe they lose their pension and hope and pray that they have a job, their income is going down, and to add insult to injury, they have not received the tax cuts that have been offered.

What we are about is changing that picture. This budget resolution is about a new direction, a new set of priorities, focusing on middle-class families who are working hard every day, businesses who are investing in America and want to keep the jobs here. That is what this is about. I hope we will reject the Kyl amendment.

Mr. CONRAD. Can the chair inform us how much time remains on each side?

The PRESIDING OFFICER. There is 6 minutes for the Senator from New Hampshire, 7 minutes for the chairman of the Budget Committee.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I think it is important to note what this amendment does. First off, the chairman has said it is not paid for. Well, actually, the Baucus amendment hasn't passed, so you can argue it is paid for. If the Baucus amendment does not pass, this amendment would have the same funds available to it.

But that is a specious argument. It is straw dogs because the issue is the extension of the tax rates, which we have heard from the other side of the aisle are not going to be affected, that they are in favor of extending the tax rates.

Well, if that is the case, then they cannot make the case that the tax rate can't be extended, which is the case they are making. I mean it is a little inconsistent, to say the least. So I think that is inside-the-park baseball but not even good baseball, by the way—bad baseball.

But what is important to remember about these proposals which we have in this group is that first it addresses educational funding, tax breaks which benefit especially teachers who help out in their classrooms—very important.

It puts the death tax in a better position than what was proposed by the Senator from Montana, and it basically takes the language which I believe was developed by the Senator from Louisiana, Ms. LANDRIEU, and uses that as the basis for the death tax. It does not go to full repeal, as occurs under the present law, in 2011, but sets the ceiling much higher and makes it much more reasonable and I believe gives a stepped-up basis and capital gains treatment, essentially, to death taxes, so that people do not get wiped out when somebody who owns a farm dies; if the primary owner dies, the family does not get wiped out and have to sell the farm, or a small business does not get wiped out. This mostly involves that issue, quite honestly, because high estates are not affected by this. We are not talking about the founder of some technology company who is worth hundreds of millions or potentially billions of dollars avoiding estate taxes—just the opposite. That person will still be subject to the estate tax.

We are talking about setting the threshold high enough so that the family farm, the small business is not put out of business by the untimely death of an individual. You know, why should somebody be taxed for getting hit by a car? It makes no sense at all, but we try to straighten that out.

The most important element of this proposal, in my opinion—although I am sure others focus on education more than the death tax issue—is the fact that it continues the very positive proposals which were put in place relative to the formation of capital in this country and, as a result, the creation of economic activity and the creation of jobs. The dividend rate and the capital gains rate, as opposed to those which are in place today, have had a massive impact on creating economic activity in our society and as a result have created a huge number of jobs and as a result has caused the revenues of the Federal Government to jump dramatically.

The capital gains rate, for example, we have seen come in, and this chart shows it, at exceptionally high levels compared to what the estimates were going to be, dramatically high levels. We should have expected this because this is human nature. What happens is someone has an asset they have had significant appreciation in. Boom. What happens if they have got to pay a high tax on that asset if they sell it? They are not going to sell it, they are going to hold onto the asset. But if the tax rate is a fair tax rate, which is what we have in place today, then the person sells that asset. That has two very good effects. First, it frees up the cash from that event, and the person ends up paying taxes, which we would not have otherwise had because the person would have held onto the asset. Second, they will take that money and they reinvest it in a much more productive way. That is human nature.

Also, as a result those dollars are being more productively used, creating more entrepreneurial activity, so it works well.

The capital gains rate has produced dramatic increases in revenues. So we should keep it in place because it is doing what it is supposed to do. It got the economy going, creating jobs. But something which people do not focus on is that the cap disproportionately benefits senior citizens. If you raise the capital gains rate, you are basically raising the taxes on seniors in America because it is seniors who take advantage of the capital gains rate, because that, again, is human nature and logical.

Seniors basically are not earning money in the sense they are out working daily. Most seniors or many seniors, the majority probably, a vast majority are retired, but they have assets. As they take those assets and they convert them, they pay capital gains. Those assets are usually at a pretty low basis since they were acquired when they were young or during their working years. So when you raise the capital gains rate, you are focusing a tax rate right on top of the seniors of this country. You have launched a torpedo at them. You are going to basically say to those seniors: You are going to have less money to use in order to make sure that your retired years work the way you expected them. Not only does that work for captal gains rate, it also works for dividends. The dividend rate is also disproportionately used by senior citizens. Well, that is again human nature; it tells you that seniors do not have earned income, what they have is dividend income because they have invested or their 401(k) has been cashed out or their IRA has been cashed out or their defined benefit plan is suddenly getting them some revenue. They get dividend income.

When you raise the dividend income tax rate, you are taxing, again, seniors. So it is totally reasonable, from a standpoint of continuing strong economic activity and from a standpoint of maintaining a reasonable tax burden on Americans, and especially seniors, that we continue these tax rates as they are. That is why this is a good proposal.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I understand I have 7 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Madam President, let me say briefly on this, you can extend all the tax breaks that have been described in this amendment if you pay for them.

The problem with the Kyl amendment is he does not pay for it. Over $70 billion is not paid for, goes on the deficit, which will drive this budget, which now balances in 2012, right out of balance. We will be going right back into the deficit ditch. Please, colleagues, let us resist this amendment. People could support it if it was paid for, but it is not.

I yield 3 minutes to Senator SCHUMER.

WHITE HOUSE PROPOSAL ON U.S. ATTORNEYS

Mr. SCHUMER. Thank you for yielding. I am going to talk a lit bit about the U.S. attorneys in response to the comments that have been made today from the White House.

The bottom line is very simple, to paraphrase "The Godfather": The White House has made us an offer that we cannot accept. We cannot accept it very simply because it is no way to get to the truth.

Mr. Snow said today that the White House wants to get to the truth. Well, if they want to get to the truth, what is wrong with testimony under oath? Do we not have oaths to ensure that truth is given?

Karl Rove was mentioned by Mr. Snow himself at one point, who stated incorrectly Karl Rove's involvement and then corrected himself. No one is saying there was any prevarication there. But with so many misstatements that have been out there, so many corrections, doesn't it make sense to interview witnesses with a transcript, under oath?

Because if we do not, we will never get to the bottom of this. We Democrats want to resolve this issue quickly. We want to get the facts. We want to find out what went wrong—it is clearer and clearer that many things did—and correct them and move on.

But when the President gives an offer that does not allow the truth to be gotten—no oaths, no transcript, no public testimony—it does not serve the purpose of finding out what happened, resolving it quickly, in a fair and nonpartisan way, and then moving on.

I hope the White House would reconsider its offer, would be willing to negotiate—they have stated they have not—and then we can finally get to the bottom of the matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I wish to thank the Senator from New York. I wish to go back, if I can, to the two amendments we will be considering soon, the Baucus amendment and the Kyl amendment. Let me, if I can, reframe this issue for my colleagues.

The Baucus amendment looked to the $132 billion surplus we had in 2012, I use that term "surplus" advisedly, but that is what our budget resolution shows, $132 billion in 2012. Senator BAUCUS fashioned on amendment to extend the middle-class tax cuts, addressed the problem of the estate tax going from an exemption of $3.5 million per person down to $1 million a person; in other words, going backward, and prevents that from occurring, as well as having some additional moneys, some $34 billion to be able to improve that package and perhaps provide for other measures, education tax credits or others, that the Finance Committee might decide.

It also provides funding for SCHIP, the proposal that will allow every child in America to receive health insurance. That amendment deserves our support.

Senator KYL then comes with an amendment to extend all of the other tax cuts, but unfortunately he does not pay for it. He does not have any offset. That would drive our budget back into deficit. Please, colleagues, let's not do that. Let's not take the country—after all this work of getting out of the deficit ditch, which this budget resolution does—right back into deficit. To me, it makes no sense. That is going in the wrong direction. We could extend all the tax cuts mentioned by Senator KYL if we pay for them, if we provide offsets for them.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand at this time we go to Senator CORNYN; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I would ask Senator CORNYN to yield me 1 minute.

Mr. CORNYN. I yield 1 minute.

Mr. GREGG. What the Senator from North Dakota did was make a very good case for the Kyl amendment or a very bad case against the Baucus amendment.

The Baucus amendment was $195 billion, not $132 billion amendment—$60 billion-plus is deficit spending. The allegation that the Kyl amendment, under this present structure, is $70 billion of deficit spending matches apples to apples. The two amendments are essentially the same in the area of deficit spending, so you cannot argue that one is not deficit and one is deficit. It is the opposite. They both have the same practical effect on the deficit.

What the Kyl amendment does, however, is at least extend the tax cuts or tax rates that actually create significant economic activity, which we have shown through the capital gains rate have generated significant revenues to the Treasury. Whereas, although I agree with the Baucus tax rates, most of those taxes rates, in fact all of those tax rates, are socially driven. They are good social policy, but they do not generate economic activity.

AMENDMENT NO. 511

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I have an amendment and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 511.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for the reauthorization of the State Children's Health Insurance Program (SCHIP) that will cover kids first)

At the appropriate place insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR THE REAUTHORIZATION OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) THAT WILL COVER KIDS FIRST.

In the Senate, if the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) reauthorizes and improves the State Children's Health Insurance Program (SCHIP);

(2) emphasizes providing health insurance to low-income children below 200 percent of the Federal poverty level;

(3) limits the use of SCHIP funds for coverage of non-pregnant adults unless States are covering their low-income children;

(4) allows parents to cover their children on their own health insurance plan with SCHIP funds;

(5) increases State flexibility so that States can use innovative strategies to cover kids; and

(6) improves and strengthens oversight of Medicaid and SCHIP to prevent waste, fraud and abuse,

then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2012.

Mr. CORNYN. Madam President, this amendment establishes a deficit-neutral reserve fund for the Finance Committee if it reports a bill that reauthorizes the State Children's Health Insurance Program, better known as SCHIP, but the important distinction is that this bill must cover children.

One might ask: Why in the world would a program known as the State Children's Health Insurance Program, why would it be necessary to offer an amendment directing the Finance Committee to cover children? That is because the current proposal does not limit Federal funding to pay for health insurance for children. In fact, it creates a patchwork system which allows States to spend money that should go to cover children to cover adults and other individuals. While I certainly understand that, it leaves many children uncovered.

The chairman's mark, the base bill that is on the floor, states the SCHIP program of the budget is to expand coverage of the estimated 6 million children eligible but not enrolled in either SCHIP or Medicaid. This is a more limited goal than covering every uninsured child, as has been stated on the floor as the goal. It assumes $15 billion in new SCHIP funding and includes an additional $35 billion in an allegedly budget-neutral reserve fund for SCHIP authorization, for a total of $50 billion for SCHIP reauthorization. This triples the size of the current program. There are no offsets outlined in the Democratic budget, and they can either be from spending cuts or tax increases.

The Democratic reserve fund is for passage of legislation that meets three conditions. Let me point out the problem. The original purpose of the SCHIP program was to provide health insurance coverage for children below 200 percent of the Federal poverty level. However, today some States have expanded their programs using Federal taxpayer dollars to include children up to 350 percent of poverty, not 200 percent and lower, but up to 350 percent, which is currently about $70,000 for a family of four. States have used this money without covering all their children to cover adults, parents, and even childless adults. Nine States cover children at 300 percent and above of poverty level. Here again, it is not an effort any of us could necessarily criticize in the abstract, but to take money that is designed for children at 200 percent of the poverty level and below and to cover children from families with much greater income and to cover adults and other individuals who are not part of the SCHIP purpose is off track.

Twelve States will spend almost $807 million of their SCHIP money on more than 671,000 adults this year. The State Children's Health Insurance Program will cover 671,000 adults this year. Three States have more adults as enrollees than children. This is a matter of false advertising by the Federal Government. We have passed legislation, which I support, designed to cover low-income children, and the Federal Government has authorized a situation where now 671,000 adults are being covered, and people not from low-income families but middle-income families are being covered.

Here again, I don't begrudge them the coverage, but to take a program designed for low-income children and use it for a purpose other than advertised is simply not honest, and it is not what Congress intended.

Several States spend half of their SCHIP allotment on adults, so it is no surprise that more than one-third of the 14 States experiencing shortfalls have expanded coverage to adults. The other problem with the underlying SCHIP provision is, with more than 6 million SCHIP and Medicaid-eligible children still uninsured, shouldn't States cover the intended population before they expand their program? Why in the world wouldn't Congress support an effort to cover low-income children before we approve the use of that money to cover unintended and nontargeted populations? The SCHIP match rate is more generous than Medicaid's match rate. The children eligible for Medicaid and SCHIP should be covered by their respective programs.

The other feature in the underlying bill this amendment would correct is this underlying provision supports States in their efforts to move forward in covering more children, but it has no income level cutoff.

In other words, the stated objective of Chairman DINGELL and Senator CLINTON to cover children up to 400 percent of poverty level, which would translate to an income of $80,000 for a family of three, simply represents an unprecedented wealth transfer from the pockets of the American taxpayers to these families who should be expected to pay a portion of their own health coverage.

The SCHIP amendment which I offer would instead focus the reauthorization of the SCHIP program on its original intent—low-income kids—by creating a budget-neutral reserve fund for the passage of this legislation. It would reauthorize and improve the State Children's Health Insurance Program. It would emphasize providing health insurance to low-income children below 200 percent of the Federal poverty level. It would limit the use of SCHIP funds for coverage of nonpregnant adults unless States are covering their low-income children first. It would allow parents to cover their children on their own health insurance plan with SCHIP funds. That is an important feature. Some parents have no alternative but to basically drop their own health insurance for their children in order to get them to be eligible under their State SCHIP funds. This would allow parents to cover their children on their own health insurance if, in fact, they have health insurance, by allowing the additional cost to cover their children to be paid from SCHIP funds. It is important flexibility that I would think all Members would support.

It increases State flexibility so States can use innovative strategies to cover kids, and it improves and strengthens oversight of the Medicaid and SCHIP programs to prevent waste, fraud, and abuse.

I offered this same amendment in the Budget Committee last week, and it was opposed unanimously by my colleagues on the other side of the aisle. I think we need to make a clear statement that SCHIP is a program for low-income children. Otherwise we ought to call it something else. Let's be honest with the American people. Let's not take something called the State Children's Health Insurance Program and make it a program for adults. That is simply dishonest. I don't think it is appropriate. I am concerned that using SCHIP dollars to provide coverage for childless adults diverts limited resources from covering children first, which is the original purpose of this program, a laudable purpose which I support.

The fact is, more than 10 percent of those enrolled in SCHIP are now adults, approximately 639,000, according to the Government Accountability Office. These 639,000 adults are from nine States. The GAO agrees covering adults is not the point of SCHIP, certainly not what Congress said it intended to do. These State coverage expansions mean funds are being diverted from the needs of low-income children who go uncovered because those States choose to use it for other purposes. Adults accounted for an average of 55 percent of enrollees in the shortfall States compared to 24 percent in the nonshortfall States.

Congress needs to make a firm statement that SCHIP is for children. If States focused on covering kids, it would have been much easier for them to stay within their allotments. This amendment makes clear that in the SCHIP program, our priority must be for low-income children.

In addition, as I noted a moment ago, my amendment would allow States to continue to use innovative strategies to cover kids and will improve and strengthen the oversight of the SCHIP program to weed out waste, fraud, and abuse.

I hope my colleagues will vote in favor of this amendment. I know the ranking member of the Senate Finance Committee, Senator GRASSLEY, wants to use a portion of the time we have remaining on the amendment. I certainly reserve the remainder of the allotted time for him.

I thank the Chair and the managers of the bill.

Mr. GREGG. Will the Senator yield?

Mr. CORNYN. I am happy to yield to the ranking member of the Budget Committee.

AMENDMENT NO. 466, AS MODIFIED

Mr. GREGG. Madam President, I send a modification of the Sessions amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. GREGG. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of title II, insert the following:

SEC. ___. EXCLUSION OF TAX RELIEF FROM POINTS OF ORDER.

Sections 201, 202, 203, and 209 of this resolution and sections 302 and 311(a)(2)(B) of the Congressional Budget Act of 1974 shall not apply to a bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the tax relief provided in the Economic Growth and Tax Relief Reconciliation Act of 2001, the Jobs and Growth Tax Relief Reconciliation Act of 2003, and sections 101 and 102 of the Tax Increase Prevention and Reconciliation Act of 2005.

AMENDMENT NO. 511

Mr. GREGG. Madam President, I support the amendment of the Senator from Texas. He is basically getting at the essence of the SCHIP issue. SCHIP has become nomenclature. It has become a motherhood term. It is being used as a smokescreen to dramatically expand the amount of money we spend as a Federal Government on health care and basically take a big bite out of what I would call the nationalization effort in health care because it has been expanded well beyond its purpose. Its purpose should to be take care of children in need and make sure they have proper health insurance. We all agree on that. What the Senator from Texas is proposing is to do exactly that, make sure this program is directed at children. However, we have seen State after State and some of our biggest States use this program for adults and for families up to $68,000 of income. That is not about low-income kids being taken care of. That is about trying to nationalize the health care system. If we are going to spend all this new money on SCHIP—and I think we need to spend some additional money on SCHIP—let's make sure it goes where it is supposed to go, to needy kids. That is why the amendment of the Senator from Texas is such a good amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the Senator from Texas is retaining his time. Perhaps we could modify our previous unanimous consent request so we stay on this question until the votes. The Senator has approximately 15 minutes remaining and we would have 15 minutes on our side to discuss it.

Mr. GREGG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent that the votes in relation to the following amendments occur beginning at 5 p.m., with the votes occurring in the order listed and that there be 2 minutes of debate equally divided before each vote; and that after the first vote, each succeeding vote be limited to 10 minutes; that no amendments be in order to any of the amendments covered under this agreement: The first amendment being the Baucus amendment No. 492; the second amendment being the Kyl amendment No. 507; the third amendment being the Cornyn amendment No. 477; the fourth amendment being the Sessions amendment No. 466, as modified; the fifth amendment being the Ensign amendment No. 476; the sixth amendment being the Bunning amendment No. 483; and the final amendment being the Bingaman amendment No. 486.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

AMENDMENT NO. 511

Back to the issue of the most recent Cornyn amendment which is on the question of SCHIP. Frankly, I have some sympathy for the argument advanced by the Senator from Texas. There may be some policy reason to have very low-income adults covered with some SCHIP money, but this is supposed to be a program directed at children. Whatever the merits of the Cornyn amendment, there is a very serious problem with the Cornyn amendment that leads me to oppose it, and I ask colleagues to oppose it. That is, this isn't the place for the Cornyn amendment.

The simple fact is, the budget resolution does not determine the policy on SCHIP. It has nothing to do with the policy on SCHIP—nothing, zero. This is a policy question that will be before the Finance Committee.

Let us review what a budget resolution does and does not do. A budget resolution gives an instruction to the Finance Committee of how much money they need to raise to meet the budget. It tells them how much money they have to spend in the various categories under their jurisdiction. It does not tell them one word of what the policy is related to those fundings. That is not the role of the budget resolution. So as well meaning as this amendment is, it has nothing whatever to do with the policy determination that is to be made by the authorizing committee.

The Budget Committee is not the committee of jurisdiction. We are not the committee that makes these policy judgments. We are not the committee that makes these determinations. So this amendment is eyewash. As well intended as it is, it simply will have no force and effect on the deliberations of the Finance Committee with respect to this policy. That is the fact. Sometimes I wish the Budget Committee did have that kind of authority and that kind of power, but we simply do not.

So let's be honest with our colleagues. Let's be honest with the people who are watching. This amendment will do absolutely nothing about the question of who gets covered under SCHIP—nothing, zero. That is a determination that will be made by the Finance Committee.

At this point, Madam President, I recognize the Senator from Michigan and ask her, how much time would she like on this amendment?

Ms. STABENOW. Madam President, 5 minutes.

Mr. CONRAD. Madam President, I am happy to yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. I thank the chairman.

Madam President, as a member of both the Budget Committee and Finance Committee, I concur with our leader's comments in terms of the jurisdiction of the Budget Committee. I look forward, frankly, to this debate and working through all the specifics on children's health care in the Finance Committee because there are very important issues we need to address.

The spirit of the Cornyn amendment is what we have addressed in this budget resolution, which is making sure we have the resources to be able to cover every child. Right now, about 6 million children are covered. There are another 6 to 7 million children who actually qualify for the SCHIP program, for children's health care, but the funds are not there. So this budget proposal will allow that to happen.

Now, in some States—such as my own State of Michigan, where Michigan decided on its own to meet its moral obligation to cover children and began to reach out creatively using other funds to cover children—when they have received the children's health care funds, they have found that being creative, using what they were already using, they could stretch it a little farther to maybe cover moms and dads or very poor adults.

In the law we passed regarding children's health care, there was a waiver provision put in that the administration could use—used by this administration and the former administration—to waive the rules to allow a little more flexibility, if the States were able to work hard and be creative and be able to stretch their dollars.

That is what has happened in Michigan. I am very proud of the hard work that has gone on in Michigan and by our current Governor who is very committed to extending health care coverage not only for every child but for every person in our State. I hope that is our goal, together, for our country. We should not be talking about how we limit health care but how we make sure it is available for every individual. I believe health care should be a right and not a privilege in the greatest country in the world.

But in our case, we cover an individual making $4,500 a year—$4,500 a year—certain individuals. So when we get to the Finance Committee debate, I hope we are going to keep in there the ability and flexibility for States to receive, if approved, waivers that allow them to stretch their precious health care dollars a little bit farther.

This amendment would, in its policy—even though it has no effect ultimately, it states we should not allow that flexibility for States, we should not allow the ability for States to be creative. It also sets a limit of 200 percent above poverty, which may sound—well, it may sound as though it is OK, but you are talking about basically two individuals in a family each earning the minimum wage. That is about hitting that number of 200 percent of poverty. So if you get a minimum wage increase or maybe you get a little bit more money, and you still do not have health care coverage in your employment.

Again, we would be saying, through this kind of amendment, they should not be able to cover their children with health care, not be able to have access, even though they are working hard. The whole point of SCHIP is to say to those who are working: If you are working hard and in a low-income job, you should be able to know you can receive health insurance for your children. If you are working hard, you don't have to go to bed at night saying: Please God, don't let the kids get sick—which is what happens every single night in America. So I hope we reject this amendment. It is not appropriate for the Budget Committee.

I also look forward to the debate on the policy once we get to the Finance Committee. We want to cover every child. The money in this budget will allow us to cover those children who are currently eligible but not covered. We will cover every child. That is our commitment. That is part of the moral document we have put forward in this budget resolution. But we also, I believe, need to figure out a way to make sure in the process we are not taking away health care coverage from anyone in the country.

Thank you.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, in a brief response, because I see the ranking member of the Finance Committee is here, the chairman of the committee has made the case we should not vote for the Cornyn amendment because it has policy in it. Well, actually the budget resolution has policy in it. In its reserve fund, the budget resolution has three specific policy directives relative to SCHIP which is just as specific, just as policy driven as the proposals of Senator CORNYN. So either you are pure or you are not pure. In this case, both sides are directing policy. So I do not think that argument has a whole lot of credibility. But the issue here is this: The Cornyn amendment tries to focus SCHIP on kids. That is what it should be focused on. The problem we have today is that SCHIP is being used as a stalking-horse to basically ensure all sorts of people who do not qualify in the concept of kids at 200 percent of poverty. You have three States where they actually spend more SCHIP money on adults than they do on children. You have 12 States that are spending almost $1 billion annually of SCHIP money on adults. You have nine States where they are covering up to 300 percent of poverty. You have other States where you are going up to $68,000 of personal income and still qualifying people for SCHIP.

That is not the way SCHIP is supposed to be structured. SCHIP is supposed to be structured for kids. The Cornyn amendment gets us back to the original purpose of SCHIP, thus giving probably more coverage to more kids than the present program or even the expanded program which has been put forward by the other side of the aisle.

Madam President, what is the time situation relative to the Members?

The PRESIDING OFFICER. The Senator from New Hampshire has 13½ minutes. The Senator from North Dakota has 7½ minutes.

Mr. GREGG. Madam President, I yield such time as he may desire to the ranking member of the Finance Committee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I appreciate very much that the Senator from Texas has offered his amendment. I support it. I supported it during the Budget Committee's markup of the legislation that is before us right now, and I am happy to support it on the floor.

This amendment adds a new reserve fund which identifies some very important priorities that complement the reserve fund in the legislation that has come out of the Budget Committee.

The reserve fund in the budget stipulates the legislation reported out of the Finance Committee must "maintain coverage for those currently enrolled in [the State Children's Health Insurance Program]."

As my colleagues in the Senate know, this current population includes children, pregnant women, parents, and childless adults. The cost of extending coverage to these populations has been roughly estimated by the Congressional Budget Office to require a net increase of budget authority of approximately $8 billion.

The Cornyn amendment would put kids first—after all, wouldn't you think that is what the State Children's Health Insurance Program ought to do, put children first—prioritizing lower income children and limiting the use of State Children's Health Insurance Program funds for nonpregnant adults unless States are covering those children.

We will have to make some very difficult choices when it comes to the limited funds available for the SCHIP. The cost of covering children who are uninsured but eligible for SCHIP continues to rise.

According to the Center on Budget and Policy Priorities and their analysis—and this was in a recent memo from the Congressional Budget Office—it will take $47.5 billion to cover the estimated 6 million children who are uninsured but eligible for either SCHIP or the Medicaid Program. To quote the center, even this figure is "too low"—those are their words: "too low"—because it does not include the cost of the policies necessary to increase enrollment in Medicaid and SCHIP.

Given the priorities placed on pay-as-you-go and the limited offsets available to pay for increased SCHIP spending, it appears some priorities have to be set. We are faced with that every day—setting priorities, that everybody cannot have everything they want.

Republicans have taken the position—and I emphasize that position—we want to prioritize putting kids first. So I support Senator CORNYN's emphasis upon this key principle.

I also agree with the language in the budget that would support States in their efforts to move forward in covering more children. However, this language can be improved by emphasizing that reauthorization should make State flexibility a priority. With State flexibility, we can get more bang with the State's money, we can get more bang for the Federal dollars going into the program. We found that in Medicaid last year when a bipartisan group of Governors came to me, when I was chairman of the Finance Committee, and sat down and said: If you can give us more flexibility in Medicaid, we can save State tax dollars, we can save Federal tax dollars, and we can serve more kids who have need—because States know what their local situation is, they know better than we do in Washington to get the most bang for the taxpayers' dollars. So we can do the same thing for the SCHIP program by giving the States greater flexibility.

Much of the success we have seen relative to the SCHIP program is because the Congress gave States the authority to manage the SCHIP caseloads, to control costs, and to experiment with innovative strategies to increase access to health care.

This country is so geographically vast, our population is so heterogeneous that if you try to make all policy by pouring policy in the same mold in Washington, DC, it is not going to fit New York City the same way it might fit Des Moines, IA. But we ought to give those States in the case of New York, Albany, and in the case of Iowa, Des Moines, give those leaders, Governors and State legislatures, some leeway so we get more bang for our buck.

Reauthorization then should build on the State flexibility that was already there and should be a key feature of the priorities set in the budget.

Finally, given my zeal for oversight, meaning congressional oversight of what our bureaucracy does and how the taxpayers' money is spent, I must also commend the Senator from Texas for including, as a priority for the SCHIP reauthorization, improving and strengthening the oversight of Medicaid and SCHIP to prevent waste, fraud, and abuse. We have made improvements to preventing waste, fraud, and abuse, but we can certainly do more. We can always do more.

I commend the Senator for his amendment. It builds on the language already in the bill, and I urge my colleagues to vote in favor of it.

I reserve the balance of the time on our side.

Mr. CONRAD. Madam President, I am going to be yielding to the Senator from New Jersey in a moment on this amendment, but we wish to enter into a unanimous consent request for what happens after the votes tonight. We have already entered into a unanimous consent request with respect to the votes that will occur tonight. After those votes, there will be a time for discussion and debate. I ask unanimous consent that during that period, Senator HUTCHISON be allowed to offer an amendment on sales and use tax, that Senator SESSIONS be able to offer an amendment relating to the alternative minimum tax, that Senator DURBIN be permitted to speak, that Senator SANDERS be permitted to speak, that Senator LIEBERMAN be permitted to introduce and withdraw an amendment on war costs, and that Senator WYDEN be permitted to speak.

Perhaps we should go a step further and give an amount of time for each. Would the Senator have a thought with respect to wanting to give them 10 minutes each?

Mr. GREGG. Why don't we give them 15 minutes.

Mr. CONRAD. Continuing, that each of the aforementioned Senators have up to 15 minutes, and that they be in the order indicated: Senator HUTCHISON, Senator SESSIONS, Senator DURBIN, Senator SANDERS, Senator LIEBERMAN, Senator WYDEN.

Mr. GREGG. And, Madam President, that the majority has the right to reserve an amendment in response to the Sessions amendment and in response to the Hutchison amendment, and that the order of voting on any amendments offered this evening as part of this unanimous consent would be at the discretion of the chairman and the ranking member of the Budget Committee.

Mr. CONRAD. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. And, when the business of the Senate is concluded today, that there be 25 hours left on the budget resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. We thank all colleagues. To revisit, so everybody understands what we will then face, after the votes tonight, Senator HUTCHISON will be able to offer an amendment relating to sales and use tax, Senator SESSIONS on the alternative minimum tax; that both of those can have a side-by-side Democratic amendment offered tomorrow if it is deemed necessary; that Senators DURBIN, SANDERS, LIEBERMAN, and WYDEN all be recognized in that order, or if they seek to change the order among themselves they are able to do that; that each of them be limited to 15 minutes; that there be no further votes after the votes that have already been approved; and that at the conclusion of the Senate business tonight, there will be 25 hours remaining on the budget resolution.

We thank the excellent staff who have helped us keep track of all this through the day, and we thank very much the occupant of the Chair as well for her attention and for her effort.

With that, I recognize the Senator from New Jersey.

How much time do I have remaining?

The PRESIDING OFFICER. There is 3 minutes 42 seconds.

Mr. CONRAD. I yield that time to the Senator from New Jersey.

Mr. MENENDEZ. Madam President, I thank the distinguished chairman of the Budget Committee for yielding, and let me get right to it. Only in Washington, with those who have some of the best health care coverage in the Nation, would there be a proposal to cut coverage to America's neediest children.

An example of what would happen if this were to be passed: In New Jersey alone, more than a half million children depend upon our State's successful SCHIP program. Providing less than what is required to keep these children safe and healthy isn't only reckless, it is a dereliction of our duty here in Congress.

The President is spending a lot of time this week talking about Congress's role and responsibilities. The President had a responsibility to send us a budget that took care of children in this country, and we have had members of his administration cite the successes of what we have done in New Jersey and, therefore, in other places in the country.

Tom Scully, who is the CMS administrator, said:

> Even in tight economic times New Jersey is setting an example of how Federal waivers can help them cut into the numbers of citizens with no health coverage.

That is what he said on January 31 of 2003.

If the Cornyn amendment is passed, as many as 30,000 children in New Jersey could lose coverage for needed medical service. Worse still, it would prevent another 75,000 children in New Jersey from even being eligible for the critical health coverage they need. That is not only bad policy, it is downright reckless and it is flatout wrong.

We live in the greatest country in the world, and there is no reason our neediest children should go without the medical services they need. No child in America should go to sleep at night in pain because they don't have the health care coverage they need or, as we saw recently, a young boy in Maryland who had a toothache, and it abscessed and it ended up getting infected and he died. No child in America should face that reality.

We know the success of covering parents, because when we cover parents, we end up covering children. That is not because I say it, but look at what the CMS administrator Mark McClellan said last year before the Senate Finance Committee. He said:

> Extending coverage to parents and caretaker relatives not only serves to cover additional insured individuals, but it may also increase the likelihood that they will take the steps necessary to enroll their children. Extending coverage to parents and caretakers may also increase the likelihood that their children remain enrolled in SCHIP, and that is our experience.

That is New Jersey's experience.

Who are we talking about, not only in New Jersey but across the country? We are talking about some of the children in our Nation who come from communities that already have great health disparities. Yet when we see what SCHIP has done, we have seen those disparities narrow. Here is a chart that shows before enrollment in SCHIP what many children faced—White, African American, and Latino children—and after the enrollment, the percentage of children lacking a regular source of care dramatically reduces; dramatically reduces. Now, Latino and African-American children in this country will represent over 40 to 45 percent of all of the Nation's schoolchildren. Would we leave 45 percent of any capital, human capital in this case, unhealthy, uneducated? That is what this amendment seeks to do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MENENDEZ. Madam President, we need to defeat the Cornyn amendment. We need to keep the reality of where SCHIP is today: insuring our children and their families and making sure we are preserving that human capital.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The Senator has 6 minutes left.

Mr. GREGG. I yield to the Senator 6 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I thank the Senator. That is very gracious and I appreciate it very much. I wanted to come to the floor and say a few words. I will try to keep my remarks to 90 seconds or 2 minutes, because I know some other Senators wish to say a word.

First, let me thank my colleagues for working on a package of legislation that includes the TRAC Act, making the TRAC Act permanent, the tax relief for our soldiers in combat. We know we spotted this 3 years ago where for some soldiers in combat, when they take their combat pay, they lose the ability to get the earned income tax credit, the child tax credit. I have had soldiers all around my State and other places tell me they appreciate the tax relief, and the last thing they need to be worried about is their taxes and getting gypped out of some tax relief. So this makes it permanent. Thank you very much.

Secondly, I have included in this package one of these amendments we are going to vote on which is the daycare tax credit. In 2004, there were 6.3 million taxpayers who used the child independent tax care credit to cover daycare, afterschool care, summer day camp, elder care facilities, and this is a tax that helps working families, middle-class families, folks who are the bread and butter of our Nation and our economy.

Also, I thank Senator CONRAD and Senator GREGG for their great leadership on this budget. I know it has been very hard. I know we are getting to the time to vote. I want to thank them publicly for their leadership.

I yield the floor.

Mr. GREGG. Madam President, if I still have time, I yield it back.

Mr. CONRAD. Madam President, we have a series of votes starting at 5 o'clock. We have the rest of the evening lined up. I apologize to the desk crew who will be here late into the evening once again. I also want to thank our staffs—my goodness, they have worked tirelessly—Mary Naylor of my staff, Scott Gudes, and the staff director for Senator GREGG, and all of their assistants who have done a spectacular job of helping us to manage this difficult budget resolution.

Votes are to start at 5 o'clock. Why don't we start now. I think we could begin the vote early. Is there a problem with that? I don't think that hurts anything, because what that would allow us to do is we have agreed there would be 10-minute votes after that. I don't think there is any problem with that.

Does Senator GREGG have any other observations? Maybe one thing we need to do is remind our colleagues—this may be a very good time to remind colleagues of what it is we are going to face tomorrow. Tomorrow we are going to come in and we are going to have 25 hours left on this resolution. Then we go to vote-arama. We need to finish this by 4 o'clock on Friday. We have a number of our colleagues on both sides who have other obligations, so we need to finish this. So we are calling on colleagues—and I will speak for myself. I am calling on colleagues on our side to please be disciplined about the amendments you insist on getting votes on. We have had perhaps the most difficult year I can ever remember, because we have some of our colleagues on Presidential campaigns, and there have been so many other events we have had to break for. It has made it very difficult to give colleagues the chance to get the votes they desire. We are going to have to ask for continued cooperation to get this done.

Senator GREGG, do you wish to say anything further?

Mr. GREGG. I appreciate the Senator's comments. First, I join him in thanking the staff. We are about halfway through the timeframe here and they are getting tired, but they are doing a great job and we very much appreciate all they do; not only our staffs on the committee but obviously the staff that operates the Senate itself, who end up being here late into the night, and we very much appreciate their help.

As to amendments, we are going to have a lot of votes on Friday, and it is going to be a very extensive day of voting and people need to sort of get ready for that.

At this point I think we ought to start the votes.

Mr. CONRAD. Madam President, the hour of 5 o'clock having arrived, I think it is the appropriate time to start the votes.

Mr. GREGG. I am not sure the yeas and nays have been ordered on all of these amendments.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested en bloc.

Is there a sufficient second?

There is a sufficient second.

Mr. GREGG. Madam President, I ask unanimous consent that there be 2 minutes evenly divided between each amendment.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided between the votes prior to the vote on the Baucus amendment.

Mr. CONRAD. Madam President, nobody has used time on either side on the first amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Maybe I will take the time because I am advised Senator BAUCUS will not be here until the vote has begun.

Let me recall for our colleagues that the Baucus amendment is to provide for the middle-class tax cuts to also address this anomaly in the estate tax, where it goes from $3.5 million per person of exemption back down to $1 million. It also contains additional funding for the Children's Health Care Program.

There are other elements to the Baucus amendment, as well, that were enumerated by the Senator. I hope very much that our colleagues can support the Baucus amendment. It still leaves us with a slight balance in 2012 so that we are not back into deficit.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, claiming the minute on the Republican side, the Baucus amendment makes sense, but it does so in the context of also justifying the Kyl amendment. Both amendments basically make the point that we should extend these tax rates, which have done so much to help people and create an economic boom in this country. Both amendments are essentially the same, as far as the impact on the economy, but the Baucus amendment is about 2½ times the Kyl amendment. Both of them create issues of deficit financing.

As a practical matter, the Kyl amendment specifically will generate economic activity. It creates jobs and, therefore, more revenue to the Federal Treasury. If you vote for one, you should vote for the other, if you happen to believe we have a tax policy that is making sense in this country today and is generating a lot of revenue, which it is.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 492 by the Senator from Montana.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama,
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Feingold

NOT VOTING—2

Dodd
Johnson

The amendment (No. 492) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have six votes that are going to be called immediately; 10 minutes plus 5 minutes the roll will be called. Everybody should understand that and not run back to their offices. Ten minutes, fifteen minutes goes by very quickly. There will be six votes, and we have 15 minutes on each one of them.

AMENDMENT NO. 507

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the next vote. Who yields time?

Mr. GREGG. Mr. President, could we have a little bit of order? A touch, not too much. I don't want to get carried away.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, if my colleagues voted for the last amendment, they should vote for this amendment. Procedurally, they are essentially the same. They are treated the same, they have the same impact, for all intents and purposes.

The last amendment, arguably, would increase the deficit by $60 billion. This one would increase it by $70 billion. Both amendments are focused on continuing the tax policy that we have in place, which is doing such a good job of generating jobs. In fact, this amendment increases the death tax to 35 percent—it reduces it, doesn't allow it to go over 35 percent. It allows the exemption to be applied to estates of $5 million; it permanently extends the tuition tax credit; it permanently extends the $250 deduction for teachers; it extends the tuition tax credit; it extends the capital gains and dividend tax rates which are so important to this economy and have had such a positive impact on revenues to the Federal Treasury.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, however well intended the Kyl amendment is, it spends $72.5 billion with no offset. The surplus is gone under the amendment we just adopted. The surplus is gone. So the effect of this amendment is to take us right back into deficit.

This amendment blows the budget. This amendment takes us from a balance in 2012 right back into deficit.

My colleagues can extend those tax cuts if they pay for them, if they offset them. The Kyl amendment does not pay for them; it does not offset them; it takes us back into deficit. It ought to be defeated.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Do I still have time?

The PRESIDING OFFICER. The Senator has 6 seconds remaining.

Mr. GREGG. Six seconds.

The PRESIDING OFFICER. Go ahead, quick.

Mr. GREGG. The Senator from North Dakota is wrong. Vote for the Kyl amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 507. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo

DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar

Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feingold

Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray

Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 507) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 477

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Cornyn amendment.

The Senator from Texas.

Mr. CORNYN. Mr. President, my amendment creates a 60-vote point of order against legislation that would increase the income tax rates on taxpayers.

Yesterday, the chairman of the Senate Budget Committee graciously indicated his support for this amendment. I hope nothing has changed overnight, and so I would hope my colleagues would support this taxpayer-friendly amendment.

Mr. President, I yield back the remainder of my time.

Mr. CONRAD. Mr. President, I find myself conflicted on this amendment in the following way: On the one hand, I don't think it is particularly good tax policy to establish points of order on this matter. So as a matter of tax policy, I don't think it is a particularly good idea. On the other hand, I don't want to leave the impression that this resolution contemplates an increase in tax rates because it doesn't.

So I would say to those on my side, vote your conscience on this amendment. It certainly will not do any damage to this resolution if this were to pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—63

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Cantwell
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig

Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Landrieu
Leahy
Lincoln

Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens

Sununu
Tester

Thomas
Thune

Vitter
Warner

NAYS—35

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cardin
Carper
Clinton
Conrad
Dorgan
Durbin

Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Lautenberg
Levin
Lieberman
Menendez
Mikulski

Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 477) was agreed to.

AMENDMENT NO. 466, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes evenly divided on the Sessions amendment.

Mr. SESSIONS. Mr. President, just briefly on this next amendment, I think it is a defining vote on the question of whether we intend to extend the current lower tax rates. The budget resolution that is before us has four points of order against tax cuts, but the way it is written, it even includes continuing our current income tax rates beyond 2010 because that would be defined under this budget as a reduction in taxes. This means that this proposed budget resolution would require 60 votes to extend the currently existing lower rates beyond 2010. I believe that is a mistake. These reduced rates include the $1,000 per child tax credit, the 10 percent bracket, the marriage penalty, the adoption tax credit, capital gains and estate tax repeal.

I urge my colleagues, let's not put a burden on our economy and on our constituents by allowing these current tax rates that are low now to surge upward when they expire at the end of 2010. Do not put a 60-vote requirement to extend current rates.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from North Dakota.

Mr. CONRAD. Madam President, if you want to gut pay-go this is your opportunity. This amendment would completely overturn the pay-go discipline. The pay-go discipline, as all Members know, says: If you are going to have new mandatory spending, you have got to pay for it. If you want more tax cuts, you are going to have to offset them.

This amendment would completely strip all of the points of order that exist under the pay-go discipline. This would be a return to deficits and debt as far as the eye can see at the worst possible time, just before the baby boomers retire.

This is a critical and defining amendment. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 466, as modified, offered by the Senator from Alabama. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 466), as modified, was rejected.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 476

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on the Ensign amendment No. 476.

The Senator from Nevada.

Mr. ENSIGN. Madam President, this amendment is very simply a Defense firewall amendment. We have had these in the past. The chairman of the Budget Committee will argue that they did not work very effectively in the past. I would disagree. It made it more difficult to take money out of Defense and to spend it on other programs.

Our amendment is a little different. It says if you are going to take money out of Defense for social spending programs, then you must do it during the budget process. It brings transparency into the budget process. In the last several years, folks have taken money out of the Defense Department during the appropriations process, put it in other social spending, and then during the emergency supplemental process they backfill the Defense Department. This has cost our country an extra $84 billion over the last 5 years. The problem is the money gets built into the baseline, which costs more money and more money and more money every year; last year alone it was $40 billion.

If you want to be fiscally responsible, you should vote for this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President and colleagues, I think this amendment is well intended.

I believe it will actually make the situation worse with these defense firewalls. What it means is that supposedly we are walling off nondefense money and defense money. But here is what is happening. We have had these firewalls in the past. Before we had them, we had three medical research earmarks in the defense budget. This is what happened after defense firewalls. Here are the number of earmarks in the defense budget for medical research. Does anybody believe we are better off doing medical research at the Department of the Army rather than at the National Institutes of Health? That is what this amendment is about. It will be a mistake to adopt this amendment. I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 476. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 476) was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 483

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes evenly divided on the Bunning amendment No. 483.

Who yields time?

The Senator from Kentucky.

Mr. BUNNING. Madam President, this amendment is almost identical to the language that was included in the fiscal year 2003 budget resolution Chairman CONRAD authored. There are many reasons for this amendment, but basically the amendment says that just because we have been spending the Social Security surplus for decades does not mean we should continue to do so. That is why we have made a budget point of order against continued spending of it.

We have dug ourselves into a big ditch. The budget before us just keeps on digging. My amendment says: Stop digging. It forces Congress to make a plan to protect the Social Security surplus.

I urge my colleagues to think about the future Social Security retirees and support this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, this is a happy moment. We can all vote for this amendment. This is an amendment I offered a number of years ago. I wish it would have passed then and been in effect because we could have avoided some of the unpleasantness that has followed in taking Social Security funds and using them for other purposes.

There is no reason not to support this amendment tonight to try to once again impose the discipline that has been lacking, to prevent Social Security funds from being used to pay other bills.

So I welcome colleagues voting for this amendment.

The PRESIDING OFFICER. The question is on agreeing to Bunning amendment No. 483. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—98

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Dodd
Johnson

The amendment (No. 483) was agreed to.

AMENDMENT NO. 486

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes evenly divided on the Bingaman amendment No. 486.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, this amendment is bipartisan. Senator ALEXANDER and I and many other Senators are cosponsoring this amendment. It is to make room in this budget so we can fund what the President has requested in the various agencies that are essential to keeping this country competitive.

It is to allow the provisions of the America COMPETES Act, which Senators REID and MCCONNELL earlier introduced, to actually be funded later this year, if we can do that in the appropriations process. I yield the remainder of my 1 minute to Senator ALEXANDER and urge all colleagues to support the amendment.

Mr. ALEXANDER. Madam President, I thank the Senator from New Mexico. He is precisely correct. This is an amendment to help America keep its brain power managed so we can keep our good jobs. It is necessary to make room in the budget for the amount of money President Bush recommended in connection with legislation that Senator REID and Senator MCCONNELL have introduced.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALEXANDER. I urge a "yes" vote.

Mr. CONRAD. Madam President, this is the last vote today. We would urge all of our colleagues to vote yea on this bipartisan amendment. I think this is one of the most thoughtful amendments that has been offered throughout the process. It deserves all of our support.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 486. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Gregg

NOT VOTING—2

Dodd
Johnson

The amendment (No. 486) was agreed to.

Mr. CONRAD. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CARDIN). Under the previous order, the Senator from Texas is recognized.

AMENDMENT NO. 517

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. CORNYN, Ms. CANTWELL, and Mr. ENZI, proposes an amendment numbered 517.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 517

(Purpose: To provide tax equity for citizens of states which do not have a state income tax by providing for a permanent extension of the state and local sales tax deduction from federal income taxes, now scheduled to expire at the end of 2007)

On page 3, line 11, decrease the amount by $429,000,000.

On page 3, line 12, decrease the amount by $2,923,000,000.

On page 3, line 13, decrease the amount by $3,294,000,000.

On page 3, line 14, decrease the amount by $3,349,000,000.

On page 3, line 15, decrease the amount by $3,579,000,000.

On page 3, line 20, decrease the amount by $429,000,000.

On page 3, line 21, decrease the amount by $2,923,000,000,

On page 3, line 22, decrease the amount by $3,294,000,000.

On page 3, line 23, decrease the amount by $3,349,000,000.

On page 4, line 1, decrease the amount by $3,579,000,000.

On page 4, line 6, decrease the amount by $429,000,000.

On page 4, line 7, decrease the amount by $2,923,000,000.

On page 4, line 8, decrease the amount by $3,294,000,000.

On page 4, line 9, decrease the amount by $3,349,000,000.

On page 4, line 10, decrease the amount by $3,579,000,000.

On page 4, line 15, decrease the amount by $429,000,000.

On page 4, line 16, decrease the amount by $2,923,000,000.

On page 4, line 17, decrease the amount by $3,294,000,000.

On page 4, line 18, decrease the amount by $3,349,000,000.

On page 4, line 19, decrease the amount by $3,579,000,000.

On page 26, line 12, decrease the amount by $429,000,000.

On page 26, line 13, decrease the amount by $429,000,000.

On page 26, line 16, decrease the amount by $2,923,000,000.

On page 26, line 17, decrease the amount by $2,923,000,000.

On page 26, line 20, decrease the amount by $3,294,000,000.

On page 26, line 21, decrease the amount by $3,294,000,000.

On page 26, line 24, decrease the amount by $3,349,000,000.

On page 26, line 25, decrease the amount by $3,349,000,000.

On page 27, line 3, decrease the amount by $3,579,000,000.

On page 27, line 4, decrease the amount by $3,579,000,000.

Mrs. HUTCHISON. Mr. President, my amendment is cosponsored by Senator CORNYN, Senator CANTWELL, and Senator ENZI. This is an amendment that also has sponsors of bills to legislatively produce the same result: Senators ALEXANDER, ENSIGN, CORNYN, ENZI, CORKER, MARTINEZ, STEVENS, THUNE, BILL NELSON, CANTWELL, MURRAY, and REID. This is an amendment that would extend the sales tax deduction in Federal income taxes for the period of this budget. This would perpetuate the law that is today but which expires at the end of this year. It is fully offset with the 920 budget function allowances. It would cost $13 billion over the 5-year period, and this account will absorb that loss.

My amendment provides for the extension of the sales tax deduction for States that do not have an income tax. It is an issue of fairness. We have fought for this since 1986, until 2004, when we corrected the inequity. I hope we will be able to correct this inequity on a permanent basis.

State and local governments have various options for raising revenues. Some levy income taxes, some use sales taxes, and some do both. Citizens of States that levy income taxes have long been able to offset some of what they pay by deducting their State income tax on their Federal tax returns. In essence, we are not making people pay taxes on their taxes, which is fair.

Before 1986, all taxpayers had that capability, whether they were taxed with sales taxes or income taxes. From 1986 until 2004, the residents of States that didn't have a State income tax but had a sales tax were not allowed to deduct their State's revenue mechanism, thereby penalizing them because of their State's choice to collect revenues through sales taxes.

Eight States—Washington, Nevada, Wyoming, South Dakota, Alaska, Florida, Tennessee, and Texas—have been penalized in those years for exercising their independence in choosing their method of collecting taxes. It was unfair.

Congress rectified this unequal treatment when we passed the America Jobs Creation Act of 2004, providing taxpayers with the option of using the sales tax for their deduction or the income tax. If someone lives in an income tax State, they can also choose the sales tax instead of their income tax deduction, so it is a benefit for every taxpayer in America to have this option. But it especially affects these eight States that have no option, without the ability to deduct their sales taxes. Why should they have to pay taxes on their taxes, when people who pay income taxes do not? Of course, they should not.

A family of four in Texas that itemizes will save $310 a year in Federal income taxes, on average. This deduction, which we extended through this year, 2007, will expire if we don't provide for this extension in the budget.

Sales tax deductibility is not only an issue of fundamental tax fairness but is also an economic stimulus. It can create jobs in the States, where lowering taxes does make a difference in the investments businesses make, which does create new jobs. Fifty-five million Americans live in States which do not have income taxes but which have hefty sales taxes. Last Congress, three-fourths of this body voted overwhelmingly to make the sales tax deduction permanent.

My amendment is fully paid for through reductions in waste, fraud, and abuse. I urge my colleagues to support this amendment so we can have equity for all of our citizens and options for all of our citizens to choose which of the State and local taxes they would prefer to deduct.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I may inquire of the Senator, for clarification purposes on her amendment, the amendment, as I understand it, on sales tax deductibility—what is the cost of that amendment?

Mrs. HUTCHISON. It is $13 billion over 5 years.

Mr. CONRAD. As I understand it, the Senator funds it out of section 920.

Mrs. HUTCHISON. That is correct.

Mr. CONRAD. Would it be out of the mandatory side of 920 or the discretionary side?

Mrs. HUTCHISON. The discretionary side.

Mr. CONRAD. Let me say to colleagues that while I have great sympathy for the purposes of the Senator's amendment, the funding source gives me substantial heartburn. Let me explain why, if I may. The discretionary side would include things such as law enforcement and veterans. We already have, out of section 920, between $7.5 billion and $8 billion taken from that pot. The problem with taking another $13 billion is it goes into an area where we don't have the resources in terms of this magnitude.

Let me say why that is the case. The President just sent up a message identifying $7.5 billion in this area that could be cut. Congress, in a recent legislative enactment, took out $6 billion. So we can probably do some more out of 920 but, honestly, to take that additional amount out of 920 is going to have a real impact on these discretionary accounts that it affects—veterans, law enforcement, parks, and all the rest.

So I am going to be compelled to resist this amendment, not because I don't favor the basic objective the Senator is trying to accomplish, which is entirely reasonable, but the pay-for presents a problem to this budget. That would take us well over $20 billion out of section 920, and I don't think there are sufficient resources there to accommodate that amount.

I want to give colleagues a heads up, and perhaps overnight we can find some other way. Perhaps we can work together and see if there is another way to fund it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate what the distinguished chairman of the committee has said. Let me say three things: First, I would be happy to work with the chairman to find another offset that would be acceptable, because I certainly want it to be offset, and I think the basic fairness of treating every taxpayer in America fairly is one we should absolutely adhere to. I cannot imagine that we would go forward next year and put eight States at such a disadvantage. So I want to work with the chairman.

The second point is it doesn't have to be discretionary. The reason I said discretionary—and it is not in the amendment that it would be discretionary, and perhaps we can work in another area of spending that would be acceptable. The reason I chose discretionary is my third point, which is the OMB rating analysis—the PART assessment—working with that PART assessment, Senator ALLARD said there was $88 billion in program spending that was rated as "ineffective" over the next 5-year period. So I thought the $88 billion provided plenty of leeway for programs that were not fully operational to use what they have in the budget.

I don't think anyone would take from the veterans account, of course, because we have increased the veterans amount to make sure that veterans' health care is fully covered. I am the ranking member of the Veterans Appropriations Committee and I added $1.5 billion in emergency funding last year to assure that the veterans accounts would be fully funded. In the rating analysis of OMB, there are other funds that cannot fully utilize their line items and, therefore, I think there would be leeway in this discretionary account.

I would be pleased to work with the chairman. I hope we can provide for this in the budget, because I think we have to treat every American taxpayer fairly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

CAMPAIGN FINANCING

Mr. DURBIN. Mr. President, imagine a President coming before a joint session of Congress and using his bully pulpit to call for a fundamental change in the way we fund political campaigns in America. Imagine a President saying we need to buy back our democracy by replacing special-interest-funded elections with publicly funded elections.

As hard as it may be to believe, that happened. An American President did say that—100 years ago. His name was Teddy Roosevelt, and his call for public financing of campaigns was the cornerstone of his 1907 State of the Union Address.

I know the Senate moves slowly, but a century is long enough to wait. Congress can pass all the lobbying and ethics reforms we want, but we won't get to the heart of the problem when it comes to the confidence of the American public until we address the issue of campaign financing. Special interest money and influence will always find new loopholes, until we change this political system fundamentally.

Just yesterday, Senator SPECTER and I introduced a plan to do that. It is called the Fair Elections Now Act. Our bill will create a pool of public, accountable funds that qualified Senate candidates can use to fund their campaigns in place of special interest dollars and dollars from wealthy donors. The program we propose is strictly voluntary, and it is consistent with our Constitution.

For years, I have always resisted the idea of public financing of political campaigns. I used to have this kind of quick response when people asked me about public financing. It was a pretty good one. I used to say I don't want a dime of Federal taxpayer dollars going to some racist such as David Duke running for office. It was a pretty good response, but frankly, as I reflect on it now, it ignores the obvious. For every miscreant like David Duke, there are thousands of good men and women in both political parties who were forced into a system that is fundamentally corrupting.

The stakes right now are too high in America not to change. A lot of people in America on both sides of the fence have a sneaky feeling that our democracy is in real trouble. No wonder. Look around at all the scandal and suspicion, the so-called "culture of corruption." Take a good look at the political money chase that consumes more of our time every year. That is time a Senator and a Member of Congress doesn't have to devote to being a Senator. We can use that time talking to people we represent, people who might not have $2,000, $3,000, $4,000 to give to us but people who are even more important than those donors. That is time we could use to study and try to solve some of the big challenges facing this country, such as our reliance on foreign oil.

There are many good, honest people in politics, and this Senate is guided by the best of intentions, but we are stuck in a terrible, corrupting system.

Take a look, if you will, at the cost of running Senate campaigns. This chart is an indication of what we are up against. This is the average spent by candidates in the 10 most expensive Senate races between 2002 and 2006. Mind you, this is the average of the 10 most expensive races. Go back to 2002, and you see the number is somewhere short of $20 million. Now go to 2004 and the number is up to $25 million. Now come to 2006 and the number happens to be $34 million. That is $34 million on average spent by the 10 most expensive Senate races by both candidates—$34 million, the average amount.

The cost of running for the Senate is out of control. To think that the cost of running a Senate race between 2002 and 2006 in the 10 most expensive races has more than doubled tells us this is unsustainable.

Let me show this chart as well. It is a little hard to read because the charts are smaller. Here is another figure that is hard to imagine. It takes a mountain of money to lose a Senate campaign today. On average, to run and lose a campaign for the Senate costs $7 million. That is to lose. That figure, too, has doubled since 2002. Who knows what it is going to cost in 2008.

These figures are the averages spent by winners and losers for the Senate in each of these years, and one can see from these charts what is happening. Losers, $7 million to lose a Senate race; those running and winning, $12 million.

Then take a look at the total amount spent in Senate races between 2002 and 2006. We have now broken through the $500 million barrier. We are on our way to spending in total for about 33 races every election $1 billion. We are on our way there. There is no doubt we are going to hit that and soon. That is the reality of what it means to be elected to this important body.

The costs increase dramatically with every election. I am up for reelection in 2008. Candidates, if they are honest with you, will tell you they spend too many waking moments worrying about raising money, getting on the telephone, setting up fundraisers, traveling around the country, where good people—I thank them for helping me—are asked to give contributions. It becomes a consuming passion because you understand you are going to need that money to be reelected.

Mr. President, do you know why I am raising money? I am raising money to create a trust fund in Illinois for television stations. That is right. I am begging money from everybody I can find in order to buy television time next year. I need millions of dollars because the cost of television is soaring.

Take a look at the amount spent on political TV advertising. To give you a notion, political ad spending in millions of dollars, starting in 2002, $995 million; 2004, $1.6 billion; 2006, $1.7 billion; and 2008, I can't even guess where that figure is going to go.

Does anyone think our democracy is stronger and healthier because of this explosion in drive-by political TV ads? Have you ever met a voter who said: You know what the problem is with political campaigns? They are just too darn short. We need longer campaigns; we need to see more of your ads. I have never heard that. But I have heard the opposite. I have heard people beg for mercy: Are you going to have another week of those television commercials going?

The candidates hate raising the money for it, the people hate watching it, but the TV stations love it.

I visit TV stations in my State when it gets close to election time, and I meet with the managers. I met with one in downstate Illinois in this last election cycle. Nice fellow. I have seen him in Washington a lot. He runs a nice little station downstate. He had this big smile on his face.

I said: Things going OK here?

Yes, they sure are.

I said: Lots of political ads?

He said: Senator, I am the luckiest guy in southern Illinois. My TV station plays into Missouri. You know what is going on. We may not have a big Senate race in Illinois, but in Missouri, there is a big red hot contest between an incumbent Senator and a challenger, and they are buying every single minute I will sell them. To be honest with you, I have no time to sell to other advertisers because these political candidates are here.

Senators are spending more and more time each year when they are up for reelection creating these trust funds for wealthy broadcasting corporations instead of doing the work the voters sent us here to do. This is not good for our democracy. Our democracy cannot afford to let this system continue.

The plan Senator SPECTER and I have introduced is simple and constitutional. In order to receive Fair Election funds, candidates first have to prove they are real candidates. It isn't enough to think you are going to run; you have to have some support. People have to believe you are a real candidate. You prove that by, as a candidate, collecting a minimum number of small contributions.

What does it mean? You have to be a fundraiser, and in my State of Illinois, it would mean you would have to have 11,500 $5 contributions. I think that a person who is not a serious candidate would have a tough time raising 11,500 contributions in a State such as Illinois, but it is worth the effort because if you can raise that to prove you are a viable candidate, you can qualify for these funds to run your election campaign.

What happens if you are running against a millionaire or a billionaire? And believe me, a lot of political parties spend time searching for these so-called self-funders, people who pay for their own campaigns. Or what if you get caught in the crosshairs of some shadowy attack group that has decided they are going to take you on by running ads against you? In that case, the candidate who has agreed to be part of the Fair Elections financing can receive additional funds to level the playing field. All candidates who voluntarily agree to abide by Fair Elections rules will receive vouchers for free TV time and discounts on additional TV-radio time.

That is a major way in which our plan will help slow the explosive growth of campaign spending. The only thing the Fair Elections candidates cannot do is accept private, special interest or big-donor funds. With the exception of those 11,500 contributions of $5, you are not in the fundraising business. Maybe a few startup funds, but by and large, the qualifying $5 contributions is the end of your campaign fundraising.

This is not a naive, idealistic, over-the-Moon theory. Some of the programs are already working in Maine and Arizona. They were enacted by public referenda. They went to the voters of those two States and said: Do you want a shorter, cleaner, and fairer campaign? And the voters said "yes."

They were enacted by public referenda, and they have been sustained through election cycles because they are producing shorter and better campaigns. They are producing better debates in place of a terrible avalanche of political ads that we see almost everywhere. Fair Elections in Maine and Arizona are helping those States pass the kinds of reforms Americans want, such as affordable health care.

Fair Elections are bringing new faces and new ideas into politics. They are helping level the playing field between incumbents and challengers because we see, under this system, the incumbent Senator doesn't get any more money than the challenger. They get the same amount of money, fair play.

Some may wonder why Senator SPECTER and I would support a system that weakens the incumbent advantage. The answer is simple: We believe that America needs a system that rewards candidates with the best ideas and principles, not just the person who is the most talented in raising special interest money. .

Supporters of the current system who don't want to change say the public will never support Fair Elections. They are wrong. Take a look at these polling results when it comes to the idea of public financing of elections. Support is increasing for the idea of public financing in Fair Elections: Seventy-four percent of all voters support public financing in Fair Elections; 80 percent of Democrats, 65 percent of Republicans, and 78 percent of Independents.

This is an idea whose time has clearly come. These are the results of a national survey conducted for Common Cause and a group called Public Campaign. Three-quarters of Americans—Republicans and Democrats and Independents—support Fair Elections and public financing. It cuts across party lines, regional lines, and gender. Public financing will only cost us a fraction of what the current system costs. Make no mistake, if you are listening to this and saying: Why in the world would we want any tax dollars to go to campaigns, let them pay for it themselves, the harsh reality is America pays for the way we fund our campaigns.

We are sustained on both sides of the aisle. Unless you are a self-funding millionaire, we are sustained by special interest groups and wealthy donors.

I ask for those contributions because I am not a wealthy person. I do my best to come and vote my conscience, but the fact is, there is always a suspicion that when I cast a vote, it is because I received a contribution.

How much will it cost? About $1.4 billion a year, $2.8 billion per election cycle. About as much as we spend in 1 week on the war in Iraq is the amount it would cost us to publicly fund all House and Senate campaigns.

People who say the public shouldn't have to pay for elections miss the point. We are already paying for them in the hidden ways that favor incumbents and special interests. We pay when special interests are allowed to literally write their own bills. We pay every time a line is slipped into a bill anonymously, a big bill, behind closed doors giving some well-connected corporation tens of millions of dollars in tax breaks.

Fair Elections aren't just better than what we have now, ultimately they are less expensive to the taxpayers.

It has been a century since Teddy Roosevelt challenged Congress to get to the heart of the problem and get the special interest money out of the public elections 100 years ago. The American people do understand what is at stake. They understand our democracy is in trouble because special interests and big-donor money is choking the system and preventing us from facing up to the big challenges of our time.

I wish to say for the record what I said on the floor before in the midst of corruption and scandals: I want to make it clear, the overwhelming majority of men and women serving in Congress in both the House and Senate, those serving today and those I have served with over the years, are honest, good people trying to do the best in public service.

I am not suggesting otherwise, but the way we finance our campaigns is unfortunate, forcing many of us into compromising situations which are becoming increasingly difficult.

The American people are ready for Fair Elections. Fair Elections are already at work in several States. After a century, it is time for the Senate to accept President Teddy Roosevelt's challenge: Buy back our democracy from big donors and special interests and make Fair Elections the law of the land.

Mr. President, how much time do I have remaining under the previous order?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I thank the Presiding Officer. I see another Senator on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by thanking Chairman KENT CONRAD and his staff for the very hard work they have done in crafting the important budget resolution that is before us. I know of their work because I am a member of that committee and have seen how much effort it has taken.

Mr. President, as you know, a budget is more than a long list of numbers and this budget certainly has many numbers and it adds up to a huge sum of money. But after all is said and done, a budget is a statement about our values, about our priorities, and what we as a nation stand for. That is what a budget is about. In my view, the time is long overdue for the Congress in its budget to get its priorities right, and by that I mean to begin to stand up for the vast majority of our people—the middle class, the working families of this country—rather than just the large multinational corporations and the wealthiest people in our Nation who year after year have had their way on budget initiatives.

Mr. President, when we analyze the merits of a Federal budget, we have to begin by taking a very serious look at the economic reality which faces the American people. In other words, is the budget we are working on now reflective of the needs of our people? Is that what we are doing?

On many occasions, members of the Bush administration have come before the Budget Committee, of which I am a member, and they have given us their view of how our economy is doing. I am astounded each and every time by their worldly view with regard to the budget. We have heard members of the administration telling us how wonderful the economy is doing, how marvelous it is, and how the economy is booming. I sit there, and I think millions of Americans sit there, and they begin to scratch their heads and they say: What world are these people living in?

I know that in my own State of Vermont, when we do town meetings, we always talk about the economy; how well the middle class is doing. I always ask people: How do you think the middle class is doing right now—doing well, not so well? With very few exceptions, people tell me that the middle class in this country, in the State of Vermont, in their own lives, that people are struggling economically to keep their heads above water. I find it hard to understand how people from the Bush administration can come forward and tell us just how great the economy is doing. I really wonder what world they are living in.

In my view, and I think the facts substantiate my view, the economic reality facing the vast majority of our working people is that the middle class is shrinking, that people today all over our country are working longer hours for lower wages.

When I was a kid growing up, the expectation was that one person in a family—in those days, almost always the man—could work 40 hours a week and earn enough money to pay the bills—one person, 40 hours a week. How many middle-class families do we know today where one person is working 40 hours a week? The answer is, likely not very many. Most of the middle-class families we know are seeing husbands working very long hours, wives working very long hours, and on occasion kids working to help save some money for college. In fact, at the end of the day, what we have to understand is that the American worker today is working longer hours than the people of any other industrialized country. We surpassed the Japanese a few years ago.

We also have to understand, when we talk about a shrinking middle class, that many millions of American workers today are working longer hours for lower wages than used to be the case. In Vermont, and throughout this country, in fact, parents are wondering why, despite a huge increase in technology, despite huge growth in worker productivity, there is a strong likelihood that for the first time in modern American history our children will have a lower standard of living than we do. The American dream has always been about parents working hard with the hope that their kids, the next generation, will do better than they have done. That was the case with my parents and in the case of millions of families in this country.

Unfortunately, now we are in a situation unique in modern history where, unless we turn this economy around, what we will see is our children having a lower standard of living than we do.

I wonder how the Bush administration can tell us how great the economy is doing when more than 5 million Americans have slipped into poverty since the President has been in office, including over 1 million children. That is not a booming economy.

How can the economy be doing well when median income for working-age families has declined for 5 years in a row and when the personal savings rate in this country now is below zero, something which has not happened since the Great Depression?

How can our economy be doing well when almost 7 million Americans have lost their health insurance since President Bush has been in office and when, according to the U.S. Department of Agriculture, 35 million Americans struggled to put food on the table last year and hunger in America is increasing? If hunger is increasing, that, to my mind, does not sound like a booming economy.

How can people talk about our economy doing so well when college students are graduating with about $20,000 in debt and some 400,000 qualified high school students don't go to college because they can't afford it? We all talk about education, education, education. Hundreds of thousands of young people cannot afford to go to college.

How can our economy be doing great when home foreclosures have skyrocketed to the highest level in nearly four decades, according to the Mortgage Bankers Association, and when we have lost over 3 million good-paying manufacturing jobs since President Bush has been in office?

How can our economy be doing so great when 3 million fewer American workers have pension coverage today than when President Bush took office, and half of private sector American workers have no pension coverage whatsoever?

When the President of the United States and his administration tell us the economy is doing great, well, they are partially right. While the economy is not doing well for the middle class or working families of our country, it is doing very well for the wealthiest people in America. That is the truth.

Today, the wealthiest people in our country are becoming much wealthier. In fact, they have not had it so good since the 1920s. That is the reality. The middle class is shrinking, poverty is increasing, the people at the top have never had it so good since the 1920s, and we have, as a nation, the dubious distinction of now having, by far, the widest gap between the rich and the poor of any major country on earth.

Today, the upper 1 percent of families in America have not had it so good since the 1920s. According to Forbes Magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion. The 400 wealthiest Americans are now worth $1.25 trillion at the same time that hunger in America is increasing and 5 million more of our citizens have slipped into poverty.

I have given this broad overview of the economy in order to place the discussion of our budget in what I think is a sensible context; that is, if the wealthiest people in America are becoming wealthier while the middle class is shrinking and poverty is increasing, what the budget should be about is responding to that reality. That is the reality to which the budget should be responding.

The President of the United States, in his budget proposal, told us what he thought. He said in his budget that, despite the growing health care crisis in our country, he was going to cut Medicare and Medicaid by $280 billion over the next decade and that he was going to inadequately fund the Children's Health Insurance Program. Today, the United States is the only nation in the industrialized world that does not guarantee health care to all its people. We have millions and millions of children who have no health insurance, and this President refuses to adequately fund the health insurance program for children.

Despite the reality that we have 23,000 wounded coming home from Iraq and tens of thousands more who will be coming home with post-traumatic stress disorder or traumatic brain injury, the President, in his budget, once again inadequately funded the needs of our veterans, as he has done year after year. In fact, since President Bush has been in office, an estimated 1 million veterans have been denied access to health services at the VA.

Despite a horrendous crisis in childcare access and affordability for working families, so that all over this country working people are desperately trying to locate quality, affordable childcare while they are at work, the President, in his budget, reduced the number of children receiving childcare assistance by 300,000 and he cut funding for the Head Start Program.

Despite millions of homeowners paying outrageously high property taxes, the President has, in his budget, further retreated from the Federal commitment to special education and he has cut funding for that program. This will result in a lowering of the quality of education for all of our children, including those with disabilities, and an increase in property taxes. This is a very serious problem in my State of Vermont, where towns are divided every March when they go over the budget.

People understand the needs of the schools. They understand the high cost of mainstreaming kids with disabilities. Yet people cannot afford higher and higher property taxes. We as a Congress have to fully fund special education and keep the commitment we have made to school districts all over this country. Yet the President, in his budget, cuts funding for special education.

Interestingly enough, while cutting programs for the middle class and working families of our country, while inadequately funding the needs of our veterans, of our children, and of our senior citizens, the President has reached the conclusion in his budget that we do have enough money as a government to provide enormous tax breaks to the wealthiest people in our society—$739 billion in tax cuts for households earning more than $1 million per year over the next decade. We can't fund the needs of our kids, the President wants to eliminate a wonderful nutrition program for low-income seniors, we can't fund special education, we don't have enough money to put into sustainable energy, we can't take care of our veterans—we just don't have enough money—but somehow the President did manage to find in his budget $739 billion in tax cuts for households earning more than $1 million per year over the next decade.

Part of the President's budget calls for a complete elimination of the estate tax, a tax which now applies only to the wealthiest three-tenths of 1 percent of our population. The elimination of this tax would provide an estimated $1 trillion in tax breaks for millionaires and billionaires between 2012 to 2021. One, just one multibillionaire family, the Walton family, which owns Wal-Mart, would receive an estimated $32 billion in tax relief—for one family. But we just don't have the money to take care of hundreds of thousands of veterans or our children or our seniors. Now, that may make sense to somebody, but that is not my sense of what moral values are about.

While the budget resolution, introduced by Chairman KENT CONRAD, which we are debating now is far from perfect, it is much more responsive to the needs of ordinary Americans than the President's. Instead of cutting back on the educational needs of this country, this budget resolution provides over $6 billion more than the President's request for education, including significant increases for Pell grants, Head Start, title I, and special education.

Instead of cutting back on health care, this budget resolution provides an increase of $2.8 billion over the President's request for health care, including strong funding for a program that I think is enormously important for rural America and that is Community Health Centers and the National Health Service. Instead of cutting back or inadequately funding the needs of our veterans, this budget resolution provides over $3 billion in increases over the President's budget for our Nation's veterans—one of the priorities that I regard most important as a member of the Committee on Veterans' Affairs.

But I think over the long run we can and must do much better in establishing our budget priorities than this budget does. This budget is much better than President Bush's budget, but in my view we have a long way to go to create a budget which responds to the needs of ordinary Americans.

As an example of where I think we should be going as a nation in terms of our budget, last week I introduced the National Priorities Act which would expand the middle class, reduce the gap between the rich and the poor, and lower property taxes all over America as well as reduce the level of poverty. The basic premise of this legislation is pretty simple: We raise $130 billion in new revenue by rescinding the tax breaks that President Bush gave to the most wealthy 1 percent.

I know a lot of my colleagues do not agree with me, but I think that at a time when we have a $8.5 trillion national debt, at a time when the middle class is being squeezed, at a time when the wealthiest people in our country have never had it so good, I believe that it is time to rescind the Bush tax breaks that have been given to the wealthiest 1 percent.

What we also do is ask the Pentagon to take a hard look at their budget and cut out the waste, the fraud, the unnecessary weapons systems that currently exist. When you do that, you end up raising $130 billion of new revenue. We propose that $30 billion go to deficit reduction and we propose the other $100 billion go to address the longtime unmet needs of the middle class and working families of this country.

If as a nation we are serious about addressing the long neglected needs of the working people of America and creating a more just society, we have to change our national priorities. The wealthiest people in this country are doing just fine. They are doing really well. It is time we pay attention to working families, to the middle class, to the people who are struggling.

I appreciate very much the hard work that Senator CONRAD has done and I applaud his efforts. In the coming days I will be offering several amendments that I think will make the budget bill a stronger bill. One of the amendments is pretty simple. I hear a whole lot on the floor of the Senate about the need for deficit reduction, and I share that concern. The fact that we have a $8.5 trillion national debt should be of concern to every Member of the Senate and every Member of the House. So our proposal is going to be a pretty simple one—very simple.

What we are going to propose is that we rescind all of the tax breaks given to people who earn $100 million or more—a tiny fraction of 1 percent—and that we use those savings for deficit reduction. That is it. Pretty simple. If you are in favor of deficit reduction, I hope you will support that amendment.

There is another amendment that we will also be offering. We have not worked out all the details but again what this amendment would do is rescind tax breaks for upper income people and use all of those savings to start the process of fully funding special education. All over America, people are paying higher and higher property taxes. It is certainly true in Vermont; it is certainly true in many States. The question is, Do we continue to maintain tax breaks for the most wealthy people in this country while property taxes are soaring? I say no. I say we lower property taxes, provide quality education for our kids including the kids with disabilities, and we do that by rescinding tax breaks for the wealthiest people in this country.

I think we are making some progress in terms of the budget, the budget before us today, far better than what the President presented to Congress. But we still have a long way to go. I ask my colleagues to support amendments which will strengthen the middle class and working families of our country.

I yield the floor.

Mr. AKAKA. Mr. President, before I address the proposed funding for VA in the budget resolution for fiscal year 2008, I applaud Chairman CONRAD and his colleagues on the Budget Committee for their hard work on this resolution. The measure before us today clearly reflects the right priorities and directions for our Nation.

For a number of years, I have made the case for the President to include funds for VA health care as part of the war supplemental packages he has submitted to Congress, and every year, my colleagues and I fought to get those funds included in the budget resolution to no avail.

The pending budget resolution finally recognizes that caring for returning service members and veterans is part of the cost of war and in turn proposes to fund VA health care appropriately for this effort.

Right now, a great deal of attention is being paid to the needs of our men and women in uniform—attention that Chairman CONRAD, myself, and other Members of this Chamber have been talking about for quite some time. I am proud to stand with Chairman CONRAD in support of our service members and veterans.

One of the harshest realities of the wars in Iraq and Afghanistan is the number of service members who have sustained complex and multiple injuries in combat.

In stark contrast to past conflicts, significant improvements in battlefield medicine have enabled very seriously wounded service members to survive their injuries. Subsequently, these men and women are coming home with extraordinarily complex health care needs.

We know that right now, there have been 1,882 identified and registered cases of service members who have suffered from traumatic brain injuries, or TBI, alone. This does not include those who have suffered from a milder form of this injury and may not even be aware of it. While TBI is becoming the signature wound of the current conflicts, many of these soldiers also have been rendered blind or lost a limb as a result of their injuries and the numbers of those who are coming back with serious and multiple wounds continues to grow.

In recognition of the emerging medical and rehabilitative needs of veterans with traumatic brain and other injuries, Congress directed VA to establish specialized centers for rehabilitative care. VA's four lead Polytrauma Rehabilitation Centers are essential to meeting the needs of the most severely injured veterans and their families.

In the budget before us today, Chairman CONRAD and his colleagues have provided over $300 million specifically for meeting the needs of these veterans and service members who are in need of the comprehensive health care and rehabilitative services VA delivers through their Polytrauma Centers.

This level of funding will enable VA to conduct assessments and screenings of troops for traumatic brain injury, provide veterans with intensive comprehensive TBI/polytrauma rehabilitation, and most importantly, support intensive case management for veterans with TBI and other injuries when they return to their communities and continue the rehabilitation process.

Recent reports by the VA inspector general and others have illustrated that case management is a key element in the process of assisting these veterans achieve the fullest possible recoveries. Funding VA so that it can provide the continuum of care needed by the most severely injured service members is imperative if we are to truly fulfill our obligation to take care of our troops and veterans.

I am also very pleased that the budget resolution before us is making a long-overdue investment in mental health care.

Studies published in some of the most prestigious journals have found that a third of those seeking VA care are coming for mental health concerns, including PTSD, anxiety, depression, and substance abuse. We do not know the full magnitude of this need, as many returning service members have yet to seek care from VA.

As chairman of the Veterans' Affairs Committee, my goal is to make sure that VA is doing everything possible to guarantee that each and every veteran who needs mental health care—whether in North Dakota, Vermont, or Hawaii—can receive that care.

I remind my colleagues that so much of the time, battle wounds manifest themselves as invisible wounds—wounds which cannot be seen but are every bit as devastating as physical wounds. PTSD affects not only a veteran's mental status, it affects his or her physical well-being as well. It impacts the veteran's relationships, his or her ability to work, and to interact in society. VA must catch readjustment issues early before they turn into full-blown PTSD, and this budget resolution would enable VA to take a serious approach towards making this happen.

When we talk about the mental health needs of veterans, we cannot deny the reality that substance abuse is prevalent among many veterans. We know that many veterans with PTSD turn to drugs or alcohol in order to self-medicate. Yet the administration does not seem to want to be in the business of helping veterans with substance abuse problems. VA used to provide an intensive month-long program to treat substance abuse. Today, most VA substance abuse programs run for 2 weeks—not nearly enough time to put a veteran truly on the road to recovery. Again, this budget resolution provides funds for comprehensive inpatient substance abuse care. This is a very real investment in VA mental health care.

On the benefits side, the current claims inventory and the time it takes to process a claim is unacceptable. Veterans deserve a timely and accurate response to their claims. It is obvious that Chairman CONRAD agrees, as this budget resolution takes a major step toward responding to this very real problem by providing appropriate funding for VA to use to employ additional claims adjudicators.

There are 30,000 more claims pending right now than last year this time. This constitutes an 8 percent increase. As the veterans population continues to age and new veterans come home from Iraq and Afghanistan, this trend of increased claims will continue. Given that it takes nearly 2 years for a new VA employee to start fully contributing to the bottom line, now is the time for new staff to be hired and trained to help reduce this caseload.

Just 2 weeks ago, the Committee on Veterans' Affairs held a hearing on the VA claims adjudication process. During the hearing, VA witnesses testified to the nearly 400,000 ratings claims inventory and the 175 days it takes to process a claim for benefits. We must insist that VA have no more than 250,000 claims in the pipeline at once, and that it take not more than 125 days to adjudicate a claim. VA clearly needs additional resources to hire the employees needed to adjudicate claims in a timely manner, which this budget resolution certainly provides.

Mr. President, I am very pleased with the investment in veterans programs that is made in this budget resolution. I again commend Chairman CONRAD and the Budget Committee for sending the right message to our Nation's veterans—that we are honoring our commitment to them by making a real investment into their care. I urge my colleagues to support swift passage of the resolution before us today.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent there now be period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENTENNIAL CELEBRATION

Mr. REID. Mr. President, I rise to honor the centennial celebration of the Elko Area Chamber of Commerce, which will be held April 1. Almost 100 years ago, 37 citizens and business owners gathered to form the Elko Chamber. Their motto was progress, and their goal was to advertise the many resources that Elko County had to offer. Today, the Chamber claims more than 500 members, but their values are still the same—economic diversification, continued prosperity, and forward progress into the future.

During a recent celebration of the Elko Area Chamber of Commerce, board members reminisced about the history of the chamber. They certainly have many accomplishments to celebrate. One of the most successful programs undertaken by the chamber has been their Chamber Checks Program. This effort has encouraged residents to shop at local businesses and kept more than $4 million in the community. The chamber also took the lead in relocating the landmark Sherman Station more than 60 miles to the heart of downtown Elko. Each part of the homestead was carefully deconstructed and rebuilt by chamber members and volunteers. Today it serves as the home of the Elko Chamber.

Over the years, I have been privileged to work with the Elko Chamber and the Western Folklife Center to promote and honor cowboy poetry. This rich tradition is an important part of Nevada's western heritage. Every year, Elko hosts the National Cowboy Poetry Gathering, attracting visitors from across the country. The event would not be possible without the dedication of many volunteers and community leaders, including the Elko Chamber.

The Elko Chamber of Commerce embodies the best principles of the residents of northeastern Nevada. It is my great pleasure to honor their centennial celebration before the Senate. I am confident in the continued success of the Elko Chamber of Commerce, and I look forward to working with them for many years to come.

COMMUNITY HEALTH CENTERS INVESTMENT ACT

Mr. SANDERS. Mr. President, today in the United States of America there are 47 million people who are without health insurance and 35 million Americans who are completely without access to the most basic health care services. As a result, in the richest country in the world, 18,000 Americans die each year because their basic health care needs are not met. Despite the fact that we spend twice as much per person on health care than any other industrialized nation, Americans have a lower life expectancy and a higher infant mortality rate than Canada, Japan, and most of Europe.

We are also faced with an alarming dental care crisis in this country. The Surgeon General has reported that tooth decay has become the single most common chronic childhood disease in this country—five times more common than asthma and seven times more common than hay fever. Surveys have also shown that dental problems cause children to miss more than 51 million hours of school and adults to miss more than 164 million hours of work each year.

This health care and dental care crisis bears down particularly hard on those who live in rural communities where there are few local health care centers and patients must travel many miles to seek the care that they need. Those living in inner-city neighborhoods also often have difficulty receiving the care they need because they lack health insurance and have no means to pay for regular doctors visits. As a result, far too many Americans do not have a primary care doctor or dentist and do not seek preventative care.

This means the only time they see a doctor is when their situation has become so advanced and so dire that they must seek treatment at a hospital emergency room. This is a result that is bad for patients, bad for doctors, and bad for American taxpayers.

Providing underserved patients with better access to primary care will allow doctors to catch problems before they become advanced and require invasive and expensive procedures. It will also, of course, benefit the patient—in many cases saving their lives. Studies have shown that patients with a primary care provider are far more likely to receive appropriate preventative care, need fewer prescription drugs, and spend less time in hospitals and emergency rooms.

The good news is that we have a program in this country that provides primary health care services to those who need it most. Forty years ago, Senator KENNEDY had the foresight to author legislation creating community-based health care centers that treat underserved patients. These centers, now called Federally Qualified Health Centers or FQHCs, provide high-quality primary health care for millions of Americans, regardless of their income.

In addition to treating those who have Medicare, Medicaid, and private insurance, FQHCs primarily serve those who have no health insurance and charge fees on a sliding scale basis. That means that whether you make $50,000 per year or $15,000 per year, you will be able to afford treatment. No one who walks into one of these centers is turned away because he or she lacks payment.

In addition to providing the quality care that patients expect to receive when they visit their local doctor's office, these centers also make sure that patients are able to afford the drugs they need by providing them with significant discounts on their prescriptions. The centers also provide critical dental and mental health care—often offering the only available services for those in need.

FQHCs provide primary, dental, and mental health care that is not only high quality but also tailored to meet the needs of the local community. In order to create an FQHC, Federal law requires not only that there be substantial community input in the development of the center, but also that a majority of the members on the governing board of directors are actual users of the facility.

In other words, those who know the most about the needs of their local community are responsible for overseeing the centers. It is a model that has been highly successful throughout the country, including my own State of Vermont, which has five of these health center organizations serving more than 10 percent of Vermont's population at 18 different locations.

These community health care centers serve as the family doctor for 16 million Americans in more than 5,000 communities across the country. Their success has been well documented with studies repeatedly showing that these centers are a highly cost-effective method for ensuring that underserved patients receive quality health care. In fact the Office of Management and Budget has reported that FQHCs use Federal taxpayer dollars more efficiently than any other federally funded health care program. In addition, studies have found that FQHCs save the Medicaid Program 30 percent or more in annual spending by providing preventative treatment that reduces the need for specialty care referrals and hospital admissions.

There are not many issues on which President Bush and I agree, but the importance of community health care centers is one area where we have found some common ground. The success of this program has earned support and praise from the White House, as well as members of this body on both sides of the aisle. With congressional support, over the past 5 years, nearly 900 underserved communities were able to establish or expand a health center, bringing the number of Americans served by these centers to more than 5 million patients.

Unfortunately, during that same period more than 800 centers were denied FQHC status, and the Federal funds that go with it, not because they were not qualified but simply because there was not sufficient funding to incorporate them. That is 800 communities throughout this country that are left desperately in need of the quality, low-cost preventative care that these centers provide.

Existing centers throughout this country are also in jeopardy. Over the past 2 years, Federal grant support for these centers has been reduced, threatening their ability to serve all of those in need.

It is for that reason that I introduced a bill yesterday, along with Senator LISA MURKOWSKI of Alaska, to increase Federal support for community health centers over the next 8 years and ensure that millions of Americans living in medically underserved areas receive the care they need. This legislation would start by authorizing a funding level commensurate with our current need—an increase of $575 million for the upcoming year and increases between $400 and $600 million for the following 7 years. That will provide enough resources to fund not only the backlog of the 800 approved but unfunded health centers, but also future applicants who meet the criteria for FQHC status. It would also make sure that existing centers are able to grow with the communities that they serve by giving them annual funding increases that are commensurate with the number of patients they serve and the increased costs they incur.

This legislation would also correct the unfair and outdated system these centers are forced to contend with for Medicare reimbursements. While health centers provide care to more than 1 million medically underserved Medicare beneficiaries, their Medicare payments are subject to an arbitrary payment cap that was established in 1991 and adjusted only marginally since. The result is more than $50 million in lost Medicare reimbursement funds that health centers now are forced to find a way to subsidize. This legislation would eliminate the inaccurate payment cap and ensure that these centers are reimbursed fairly for the care they provide to seniors and disabled patients.

Finally, this important legislation would also ensure that our Nation's community health centers have the workforce they need by expanding the National Health Service Corps. Currently, health centers rely on the National Health Service Corps for more than 20 percent of their physician workforce. Unfortunately, last year, health centers experienced a 15 percent physician vacancy rate and a 19 percent dentist vacancy rate nationally. This legislation would more than double funding for the National Health Service Corps over the next 8 years in order to train and send more primary care doctors and dentists into rural and inner-city communities.

In the richest country in the world, no American should have to go without basic primary health care. Federally Qualified Health Centers serve as a lifeline for millions of low-income Americans, and we should build on their success by expanding this program for all those in need.

IDAHO'S PROUD WARRIORS

Mr. CRAPO. Mr. President, it gives me great pleasure and is a tremendous honor to call attention to the brave and honorable soldiers of Company B, 1st Battalion, 183rd Aviation Army National Guard unit from Boise, ID. In a letter to Idaho Governor Butch Otter from Lieutenant Colonel S.G. Fosdal, stationed at Forward Operating Base Bermel in Afghanistan, Company B's highly respected and renowned reputation is made clear. The heroism displayed in support of Army special forces, Marine, and Afghan troops along the exceedingly dangerous and remote border between Afghanistan and Pakistan was remarkable, commendable, and in every way worthy of note to this body. In a self-described "unusual letter," Lieutenant Colonel Fosdal praises the many accomplishments and reputation of Company B, calling them "proud warriors." I ask unanimous consent that Lieutenant Colonel Fosdal's letter, as part of my statement, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBEDDED TRAINING TEAM 2-4,
3D MARINE DIVISION (REIN),
FPO AP, February 15, 2007.

OFFICE OF THE GOVERNOR,
Boise, ID.

GOVERNOR OTTER, I apologize for this somewhat unusual letter, but I feel it's important to let you know about the selfless courage and exceptional performance of one of Idaho's National Guard units.

I'm currently deployed to a Forward Operating Base located on the Afghanistan's border with Pakistan. Our mission is to mentor the Afghan National Army battalion responsible for the Bermel District of Pakistan Province in one of Afghanistan's most restive and remote regions. Within days of our arrival last October we found ourselves in a 4-hour running gun fight through the mountains in response to an insurgent attack on an American convoy. We had less than a full company of Afghan soldiers but managed a significant victory largely due to the brave men of Company B, 1st BN, 183rd Aviation out of Boise, Idaho. Despite heavy ground fire and a chaotic battlefield they provided precise and timely fires against the enemy, killing many and saving the lives of Afghans and U.S. forces alike. On November 7th we found ourselves in another serious fight, this time with a wounded Marine and Afghan soldiers pinned down by enemy fire. Once again the men from Boise came to our aide—staying on station and working with the Marines on the ground to suppress the enemy and save the wounded. Lesser men would have declared the area too dangerous and flown away leaving us to fend for ourselves, but not Company B. They stuck with the troops in the fight and as a direct result of their heroic efforts a Marine is now at home with his family, healing and thankful to be alive.

There were numerous other occasions when the Afghans were apprehensive about venturing into steep valleys or mountain passes. I only had to mention to the Afghan Commander that the Apaches from Boise would be there and his response would inevitably be, "The helicopters that saved my life? We will win then. Come, we go now." This respect did not stop with the Afghans, the U.S. Army and Special Forces were also imbued with confidence knowing that your unit had their back. In my time on the border, I have not witnessed any other single unit that had the amount of respect and whose mere presence boosted morale like that of Company B.

Company B is now on its way back to Boise. I'm sure the awards have been written, welcomes planned and everyone is just eager to see their families and loved ones. I would only ask that if you have the opportunity, please thank them and let the citizens of Idaho know that they should be proud of these brave warriors. As a state rich in natural resources I thank you and the people of Idaho for sending your most precious resource, its citizens, to serve here in Afghanistan. I hope that you are as proud of them as I am for having served along side them.

Thank you.

S.G. FOSDAL,
LtCol, USMC.

Mr. CRAPO. It makes me proud to hear fellow Idahoans described this way. Our military men and women from every State and territory continue to stand strong for freedom and uphold their solemn commitment to "support and defend the Constitution of the United States of America." This is simply my opportunity to thank and pay deep respect to the men and women of Company B, part of Idaho's esteemed military tradition, current and past. The steadfast commitment to duty, perseverance, excellence, and reliability are all traits that reflect the spirit of Idaho characteristics clearly articulated in respectful words of honor and thanks from a commanding officer. These soldiers and their families have sacrificed much to keep us free and keep terror and tyranny far from our own shores. On behalf of my family, I thank them all for their valorous service, heartfelt commitment, outstanding patriotism, and willing sacrifice.

HONORING THE INDY RACING LEAGUE

Mr. BAYH. Mr. President, today Senator LUGAR and I wish to recognize the Indy Racing League, IRL, for its decision to use 100 percent ethanol in its race cars and the impact that decision will have on ethanol's viability as a major fuel source for Americans. With its decision to use ethanol as the fuel for the IndyCar series, the IRL is leading the way to encourage greater public use of renewable fuels. If the world's fastest cars can run on ethanol, then there is no doubt that America's cars, trucks and SUVs can, too.

This year all of the IndyCars will race on 100 percent ethanol that is available right here in America—produced by American workers. With this change, the corn harvested on farms across the country will power the fastest cars in the world.

The ethanol that will power the IRL racecars will deliver the same high-performance capabilities that drivers rely on, only without harmful air pollution. It also represents an important step toward reducing America's dependence on foreign oil by providing a renewable energy source grown in our own fields. By tapping the energy potential of America's farms, we can ensure a reliable domestic energy supply to meet our Nation's needs, end our reliance on unstable countries like Saudi Arabia, Russia, and Venezuela, and create jobs for Hoosier farmers.

This Saturday, March 24, millions of Americans and sports fans from around the world will not only watch the opening race of the IndyCar Series and see first-hand the power of ethanol, but they will also watch the future of American energy unfold at 220 miles per hour.

Reducing our dependence on foreign oil is one of the great challenges of this generation, and the IRL is playing a key role in this effort by helping inform Americans about this important alternative fuel. Since 1911, Indiana has been the center of the auto-racing world, setting the standard in racing for drivers and fans alike. And now, the Indy Racing League is setting a new standard, this time for greater energy independence.

Earlier this year, we introduced the DRIVE Act, legislation that is supported by both Democrats and Republicans to reduce our dependence on oil by 7 million barrels per day in 20 years—more than twice the amount we currently import from the Middle East. It achieves this goal through a combination of steps, including increased use of ethanol, tax credits for manufacturers to produce advanced diesels, hybrid, and plug-in hybrid vehicles, and greater funding for the research and development of energy efficient technologies.

We applaud the Indy Racing League for leading the way in this effort and, along with thousands of other Hoosiers, look forward to this year's ethanol-powered races.

IN MEMORY OF SENATOR THOMAS EAGLETON

• Mr. DODD. Mr. President, I rise today to add to the praise of a great statesman and a great friend: Senator Thomas Eagleton of Missouri.

Those of us who knew Tom remember him as a man of nearly endless drive and boundless energy. Those qualities carried him to a career in Missouri politics unmarked by a single defeat: the youngest St. Louis circuit attorney, the youngest Missouri attorney general and Lieutenant Governor, U.S. Senator at the age of 39.

Tom spent his political career, as his hometown paper put it, as "a force of nature. He worked crowds with a fervor, sweating like a mill worker, chain-smoking Pall Malls, shaking hands, trading insults, telling jokes, remembering names and pet causes." As he conceded himself, "I campaigned myself right into the hospital."

Thankfully, Tom emerged to serve as one of the most eloquent liberal voices in Congress. His achievements should make his constituents proud and his fellow Senators a little envious.

He was crucial to the enactment of the Clean Air Act and the Clean Water Act, legislation that still forms the backbone of our environmental defense today.

Tom sponsored the amendment that ended American bombing of Cambodia and helped bring an end to the Vietnam war.

He was a longtime opponent of unchecked Presidential powers to wage war; and I am sure I speak for many of my colleagues when I say that we could sorely use his example and his counsel in the months ahead.

But fairly or not, news of Tom Eagleton's death brought many of us back to 2 tumultuous weeks in 1972.

Every piece of social progress has a melancholy side: the memory of those born too soon to profit by it. The career of Senator Eagleton, distinguished as it was, was just such a case.

Today we recognize depression as a physical illness, as treatable as an ulcer. But in 1972, when Tom Eagleton ran on the Democratic ticket, it was a mark of shame. Exposure of his psychiatric hospitalization cost him his place on that ticket, and part of me wishes he had had his chance in a slightly wiser time. What a difference it would have made for our country.

"If had it to do over again, I'd have kept him," said George McGovern, the Democratic candidate that year. "I didn't know anything about mental illness. Nobody did." Thanks in part to Tom Eagleton, our knowledge today is much deeper.

We know, as Abraham Lincoln learned from his own experience more than 160 years ago, that "a tendency to melancholy is a misfortune, not a fault." And we know that it can be the dark obverse side of our brightest virtues.

One memory of Tom stands out the clearest. We were in a meeting of Democratic Senators, talking about the upcoming agenda. As we went around the room, each stood up to speak of some interests in our own States. But Tom interrupted and gave an impassioned, impromptu speech on the importance of representing the entire Nation. I wish someone taped it; but whenever I am afraid my range of vision is narrowing, I remember Tom's words and remember his wide view of the common, national good. To me, those words symbolize Tom's greatest strength, something one of our colleagues called his "moral passion."

Those who knew Tom will remember that passion first of all, his guiding spirit for 77 years. Our thoughts are with his wife Barbara, his entire family, and all those who looked up to this bold and steadfast leader.

I shall miss a remarkable public man, but more personally, a delightful, warm, loyal friend.•

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL ROGER E. COMBS

• Mr. BOND. Mr. President, I rise to honor and recognize the immeasureable contributions MG Roger E. Combs has made to the U.S. Marine Corps, the U.S. Army, the National Guard Bureau, his family, and a grateful nation.

When people talk about the "Spirit of America" and the people who helped make this country great, all one really has to do is mention the name of GEN Roger Combs. General Combs has dedicated his life to serving his country both in the military and as a civilian. His experiences, hard work, and honest counsel have gained him the respect of his peers and his community.

Born and raised on a small dairy farm in Stanberry, MO, to Ruby Fern and H.H. Combs, General Combs studied genetics and productive physiology at the University of Missouri-Columbia. While he planned to go into the family business and become a veterinarian, fate and the Vietnam War intervened and he joined the U.S. Marine Corps in 1968. Graduating with honors from the USMC Basic Officer's Infantry School and selected for the U.S. Army Rotary wing's flight school, General Combs served a combat tour as a CH-46 helicopter pilot from 1969 to 1970 with HMM-364, "The Purple Foxes" at Marble Mountain Air Facility, Republic of Vietnam. Flying over 500 combat missions, he earned a Distinguished Flying Cross, two single mission air medals, and 37 "strick/flight awards." After returning from active duty in Vietnam, General Combs served in many positions, including as an operations officer and aircraft maintenance officer with HMM-263 at Marine Corps Air Station, Quantico, VA.

General Combs' work in Missouri merits special recognition and is the reason I felt compelled to make a statement on his behalf in the CONGRESSIONAL RECORD. After leaving active duty in 1973, General Combs joined the Missouri Army National Guard and flew UH-1 "Huey's" with the 635th Aviation Company, from Whiteman, AFB, MO. He transferred to the Missouri Air National Guard in 1978 and later became the director of intelligence for the 139th Tactical Airlift Group in St. Joseph, MO. Yet it was at the Missouri Air National Guard Headquarters in St. Joseph, MO that General Combs become nationally recognized for his expertise in developing long-range strategic planning. As first a planner, then general officer and member of the Air Reserve Forces Policy Committee, General Combs was instrumental in analyzing the future needs of the National Guard and advising senior policy makers on the best course of action.

General Combs' footprint extended outside of the military. Upon his return to Missouri after serving in Vietnam, Combs returned to law school at the University of Missouri and upon graduation became a partner in a law firm, a prosecuting attorney, and was elected a judge in 1990. This past December he retired from the bench and returned to being a part time prosecutor and general practitioner.

Perhaps the best measure of General Combs' legacy comes from those who have worked along side him. "Judge Combs," as he is affectionately known by his peers and military associates, is an excellent lawyer and military strategist with impeccable character and integrity. The "Judge" was effective in both the military and judicial branches in encouraging parties to seek arbitration and dispute resolution instead of litigation. One good friend and colleague recalled that it was not only General "Judge" Combs, dry humor which endeared him to his peers but his sincere interest in caring and protecting those who served under him. "He goes to extraordinary links to ensure they are cared for, "said one colleague.

I cannot conclude these remarks without commending the dedicated and loving support of General Combs' wife, Gloria, and his three children David, Matthew, and Susan. Married almost 35 years ago at Conaway Hall at Andrews Air Force Base, Gloria has remained General Combs' most loyal supporter and confidant.

General "Judge" Combs has led an extraordinary life in which he has answered his Nation's call to duty and served courageously in war and admirably from the bench. It is my hope and prayer that "Judge" Combs will continue to thrive alongside Gloria in whatever endeavor he opts to pursue. If his former, and current, success is any indicator, I am certain that the years ahead will be both fruitful and rewarding. God bless you, "Judge" and best wishes.•

IN MEMORY OF BOB HATTOY

• Mrs. BOXER. Mr. President, today, Senator DIANNE FEINSTEIN and I pay tribute to Bob Hattoy, a cherished friend and one of America's most passionate warriors for the environment and human rights. We will miss him dearly.

We first met Bob during his decade of service to the Sierra Club as its regional director for California and Nevada. He was an outspoken advocate in the campaigns to protect our precious coast and desert, always increasing awareness about threats to California's environment with a unique mixture of inspiration and irreverence.

It was only fitting that he was tapped by then-Governor Bill Clinton to serve as his Presidential campaign's top environmental adviser. But just as he was set to join the campaign, Bob's doctor discovered a lump under his arm that signaled his HIV had progressed.

His instinct was always to fight on, so between agonizing treatments, Bob traveled the country relentlessly to speak out against AIDS.

Taking on this fight—both privately and publicly—was a remarkable choice. But for those who were blessed to know him, it was not surprising.

We will never forget the historic and moving address he gave at the Democratic National Convention in 1992. The first openly gay American with HIV/AIDS to speak at a political convention, Bob brought so many of us to tears and action by showing the real costs of AIDS and the real meaning of courage.

He said that day: "You see, I have AIDS. I could be an African-American woman, a Latino man, a 10-year-old boy or girl. AIDS has many faces. And AIDS knows no class or gender, race or religion, or sexual orientation. . . ."

Over the next 15 years, as many other activists moved on to other challenges, Bob never gave up the battle to make sure America truly lived up to its ideals. Sometimes that meant working tirelessly to elect progressive candidates.

Sometimes it meant standing up and speaking out, whether it was taking on a bureaucrat or a President. Most recently, it meant moving to Sacramento to devote more time to serving as president of California's Fish and Game Commission.

The last time we saw Bob was 2 months ago in Washington, DC, as we all celebrated the new majority in Congress and the historic election of Speaker NANCY PELOSI.

If Bob was sick or struggling that day, he certainly didn't let on. He wanted to reminisce about the past and toast the future with that same larger than life personality that made him so special.

Now, as so many friends mourn his passing, we also celebrate his life. We celebrate his candor and compassion, his sense of humor and sense of purpose, his ability to amuse and inspire us all. And we celebrate his lasting legacy in the relationships he forged, the rights he championed, and the natural resources he protected for generations to come.●

TRIBUTE TO TOM CARNEGIE

● Mr. LUGAR. Mr. President, today I congratulate a legendary Hoosier sports broadcaster, Tom Carnegie, on his retirement.

Born Carl Kenagy in Connecticut in 1919, he displayed an enormous passion for sports even as a child. When polio ended Carl's dream of playing professional sports, he refocused his energy on building a career in broadcasting, which he launched in 1942 at WOWO in Fort Wayne, IN. There, at the suggestion of his station manager, Carl adopted the name Tom Carnegie and used it throughout the remainder of his remarkable career.

Tom came to Indianapolis in 1945 where he quickly made a name for himself as the most recognizable voice in Indiana sports. In addition to his decades of work in radio, television and print, Tom announced the Indiana State high school basketball championships for 24 years, co-founded the Indiana Basketball Hall of Fame in 1962, and was inducted in the Hall of Fame in 1975.

Race fans from around the world have come to know Tom as the voice of the Indianapolis Motor Speedway. A racing novice at the time, Tom began announcing the Indianapolis 500 in 1946. Over the years, Tom's rich, baritone voice called to millions of fans over the public address system as he announced 61 Indianapolis 500 races, 12 Allstate 400 at the Brickyard races, and 6 United States Grand Prix races. He has also produced two major film documentaries on racing.

I appreciate this opportunity to congratulate Tom on a remarkable life of exciting achievements, and to recognize his wife D.J. for the role she has played in his many accomplishments. I am hopeful that each of my colleague will join me in wishing Tom continuing success, good health, and happiness as he enjoys his retirement.●

MESSAGE FROM THE HOUSE

At 6:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 759. An act to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 42. Concurrent resolution honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II.

The message further announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House to the Congressional-Executive Commission on the People's Republic of China, in addition to Mr. LEVIN of Michigan, Chairman, appointed on February 7, 2007: Ms. KAPTUR of Ohio, Mr. HONDA of California, Mr. UDALL of New Mexico, Mr. WALZ of Minnesota, Mr. MANZULLO of Illinois, Mr. PITTS of Pennsylvania, Mr. ROYCE of California, and Mr. SMITH of New Jersey.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 759. An act to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library"; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 42. Honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mrs. DOLE, Mrs. CLINTON, and Mr. ROBERTS):

S. 946. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON:

S. 947. A bill to modernize the Federal Housing Administration to meet the housing needs of the American people; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. DURBIN, and Mr. CASEY):

S. 948. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. LEVIN, and Mrs. FEINSTEIN):

S. 949. A bill to amend the Plant Protection Act to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment the efforts of the States to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUYE, Mr. STEVENS, Mrs. BOXER, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Ms. COLLINS, Mr. LAUTENBERG, Mr. LOTT, Mrs. FEINSTEIN, Mr. NELSON of Florida, and Ms. MURKOWSKI):

S. 950. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Niño events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. WEBB):

S. 951. A bill to provide a waiver from sanctions under the Elementary and Secondary Education Act of 1965 for certain States, local educational agencies, and schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 952. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. CRAIG, Mr. DORGAN, Mr. VITTER, Ms. KLOBUCHAR, Mr. TESTER, Ms. LANDRIEU, Mr. CRAPO, Mr. BAUCUS, and Ms. CANTWELL):

S. 953. A bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 954. A bill to amend title XVIII of the Social Security Act to provide for a technical correction to the amendments made by section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 955. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 956. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 114. A resolution recognizing the contributions of agricultural producers in Pennsylvania and throughout the Nation on the occasion of National Agriculture Day; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:

S. Res. 115. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. Res. 116. A resolution designating May 2007 as "National Autoimmune Diseases Awareness Month" and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 254

At the request of Mr. ENZI, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. PRYOR), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Nebraska (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from Montana (Mr. TESTER), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 331

At the request of Mr. THUNE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 331, a bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

S. 369

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 369, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 439

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 579

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 617

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 626

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 654

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 654, a bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 772

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 773

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 821

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 824

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 824, a bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

S. 830

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 830, a bill to improve the process for the development of needed pediatric medical devices.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 886

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. BROWN), the Senator from Indiana (Mr. BAYH) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 913

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 913, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 914

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 914, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 922

At the request of Mr. THUNE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 922, a bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2012.

S. 931

At the request of Mr. MARTINEZ, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 931, a bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. RES. 78

At the request of Mr. HAGEL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 78, a resolution designating April 2007 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 480

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 480 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mrs. DOLE, Mrs. CLINTON, and Mr. ROBERTS):

S. 946. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program. I would like to thank Senator DOLE for leading this effort in the Senate with me.

This is a critical piece of legislation. The McGovern-Dole Program provides healthy, nutritious meals to children living in some of the most impoverished countries in the world. By combining food aid and education, this program has a dramatic effect on the health and development of millions of young children each year.

I first became interested in this program in 2000 when I read an editorial written by former Senator George McGovern titled Lunch for All Schoolchildren Is a Big Thing We Can Do. In that editorial, Senator McGovern laid out his reasoning for an international school feeding program and left us all with a challenge by asking, "is there any higher purpose under the heaven than feeding all God's children the world around?"

It was his work alongside Senator Bob Dole that inspired President Clinton in 2000 to create the Global Food for Education Initiative (GFEI) pilot program and fund it at $300 million. Since then, funding for the program has fluctuated but it has never again reached the level at which it started. Still, in a relatively short period of time, the McGovern-Dole Program, as it appropriately came to be called after the expiration of the GFEI pilot program, has benefited more than 26 million boys and girls in 41 countries around the world. Last year alone, the program served more than 2.5 million children living in a total of 15 countries, including Afghanistan, Senegal, Laos, Guinea-Bissau, and Bolivia.

The program is a tremendous investment in the lives of the world's children. For just 19 cents per day, or 34 dollars per year, we are able to provide a healthy meal to a hungry child. This relatively modest investment does more than provide a meal—it also creates an incentive for children to come to school and learn and for families to continue to send their child to school rather than to work in a field or a factory. This is especially important for young girls in developing countries who are often not given the same educational opportunities as their male peers and therefore fall behind them in terms of literacy rates and educational attainment.

In its effect on girls, the McGovern-Dole Program has performed exceedingly well. Young girls who participate in the program have a 17 percent higher school attendance rate than similar girls who do not participate in school feeding programs. We know that educating young girls is one of the most cost-effective methods of achieving development goals. Compared to similarly situated girls who haven't gone to school, young girls who have been given the opportunity to go to school tend to get married later in life, have fewer children, earn more, and educate their children longer. It has a multiplier effect on a range of development goals.

A healthy, nutritious meal gives all students a greater opportunity to take advantage of their learning environment. A stomach full of nutritious food has a significant effect on a child's academic performance, enjoyment of learning, and overall health.

The United Nations estimates that there are 300 million chronically hungry school-age children around the world. We are falling far short of the need. When the American people provide our bountiful harvests to the most vulnerable among us, the poorest school-age children around the world, it represents the best of the American spirit.

For these reasons, I am happy to be introducing legislation to reauthorize the McGovern-Dole Program and increase the authorized level of funding in an incremental fashion up to the $300 million level at which it was first funded.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) ADMINISTRATION OF PROGRAM.—Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking "The President shall designate 1 or more Federal agencies to" and inserting "The Secretary shall";

(2) in subsection (f)(2), in the matter preceding subparagraph (A), by striking "implementing agency" and inserting "Secretary"; and

(3) in subsections (c)(2)(B), (f)(1), (h)(1) and (2), and (i), by striking "President" each place it appears and inserting "Secretary".

(b) FUNDING.—Section 3107(l) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(l)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) not less than $140,000,000 for fiscal year 2008;

"(B) not less than $180,000,000 for fiscal year 2009;

"(C) not less than $220,000,000 for fiscal year 2010;

"(D) not less than $260,000,000 for fiscal year 2011; and

"(E) not less than $300,000,000 for fiscal year 2012.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as redesignated by paragraph (2)), by striking "any Federal agency implementing or assisting" and inserting "the Department of Agriculture or any other Federal agency assisting".

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. DURBIN, and Mr. CASEY):

S. 948. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators BROWNBACK, CLINTON, DURBIN, and CASEY, the Children and Media Research Advancement Act, or CAMRA Act. This bill is identical to S. 1902 that passed the Senate unanimously last year except that it houses our program at the National Institute of Child Health and Human Development.

Children today live and develop in a world of media. Electronic media, including DVD's, video games, digital music, the Internet, television, motion pictures, and cell phones, are now everywhere and under constant change. Research needs to keep up with the technology, from its positive impacts such as language development in children with delays, to possible adverse effects, from obesity to muscular-skeletal disorders. The CAMRA Act supports exploration and analysis on the impact of electronic media in children's and adolescents' development. Based on recommendations from a National Academy of Sciences panel, researchers will look at both the positive and negative impacts on children's cognitive, social, emotional, physical and behavioral development.

Electronic media, in all its forms, influences and affects young people. It has the potential to produce benefits and harms. Numerous studies show increased aggressive behavior in children following interaction with violent video games. We need to move research beyond these studies to learn, for example, how new interactive technologies can best support and enhance traditional learning while making certain that these new technologies, and marketing increasingly targeted at children through these technologies, do not damage children's long-term health.

Televisions have been common in households for half a century and television still dominates the total amount of time children devote to electronic media. One report links television viewing at an early age with later symptoms that are common in children with attention deficit disorders. However, we don't know the direct relationship, if any. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than children who don't have attention problems? Or do parents of children with attention disorders let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Can interactive media positively influence those with attention deficits? Once again, we don't know the answers.

Does television cause autism? That's the title of a recent Cornell University study showing a correlation between the alarming rising incidence of autism and increases in television viewing. Again, we don't know the direct relationship, if it exists. If early television exposure does alter normal brain development, we need to understand this to protect children in the future.

Half of the Nation's children live in homes with three or more televisions with access, in many cases, to hundreds of channels ranging from Fashion TV to Spike TV. The American Academy of Pediatrics discourages television watching for children under two, promoting instead other activities, for example reading together and playing, for proper brain development. Yet three in five children under one year of age watch TV, or other screen media such as DVD players, for an average of one and one-third hours a day. For four to six year olds, these numbers increase to 90 percent watching TV for an average of over two hours a day.

Young people over 8 years old use electronic media, on average, for over 6 hours each day. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development.

American advertisers spend $15 billion a year on marketing to children under 12, twice the amount from a decade ago. Most of the advertising to kids is for candy, soda, cereal and fast food; and most of the food brands advertising to children on TV use branded websites to market to children online. These sites most often include online games, access to the TV commercials, and encouragement for kids to contact their peers about the products. Is this affecting the health of America's children?

Consider our current national health crisis where about one in six children are overweight. The number of overweight children and teenagers in the U.S. has more than tripled over the last four decades. The public, through Medicare and Medicaid, pays about $39 billion per year for medical care relating to childhood and adult obesity. In 2000, the Surgeon General estimated the total economic cost of obesity in the United States to be $117 billion. And the number of overweight children continues to increase.

Beyond the enormous medical costs come later health problems and perhaps reduced life expectancies. We think that media exposure is partly the cause of this epidemic. Is it? A recent 2007 study from the Harvard Medical School found that more time for three year olds in front of a TV leads to more sugary drinks and calories. Is this true for younger and older children? Is time spent viewing screens and its accompanying sedentary lifestyles contributing to childhood and adolescent obesity? Or is the constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? What will happen when junk food advertisements begin to pop-up on children's cell phones? How do the newer online forms of "stealth marketing", such as food products packaged with computer games, affect children's and adolescents' consumption patterns? We have more questions than answers.

On another subject, many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the "good life" experienced by media characters partly explain materialistic attitudes? We're not sure. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? As Internet access expands from the desktop computer to other devices, including televisions, what will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs or use their cell phones to pay immediately for products marketed directly at them? Exactly what kind of values are we cultivating in our children, and what role does exposure to media content play in the development of those values?

We want no child left behind in the 21st century. Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use of interactive online programs designed to teach as they entertain?

In the first six years of life, Caucasian more so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is left behind, or will disparities in access result in leaving some behind and not others?

Interactive computer programs may be of enormous benefits to English language learners. In addition, electronic media can allow children with disabilities to learn, discover, and interact with others in ways not before possible. What are the best ways to help English language learners and children with various disabilities learn?

The questions about how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation such as the Children's Television Act, which requires broadcasters to provide educational and informational television programs for children. Can we cultivate children's moral values through prosocial programs resulting from the Children's Television Act, that promote helping, sharing, and cooperating?

We acted to protect our children from unfair commercial practices by passing the Children's Online Privacy Protection Act, which provides safeguards from exploitation for our youth as they explore the Internet. Yet the Internet is providing new and evolving ways to reach children with marketing, making our ability to protect our children all the more difficult.

We worry about our children's inadvertent exposure to online pornography and about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online.

To ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective scientific research. Yet no Federal research agency has responsibility for overseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, Federal agencies fund electronic media research in a piecemeal fashion, resulting in a patch work of findings that often do not span disciplines and address complex questions. We must do better than that.

The bill we are introducing today remedies this problem. The CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the National Institute of Child Health and Human Development. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge. To accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

Our Nation values the positive, healthy development of our children. Our children live in the information age, and our country has one of the most powerful and sophisticated technology systems in the world. While this system entertains them, it is not always harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: an investment in research, an investment in and for our children, and an investment in our collective futures. The benefits to our youth and our Nation's families are immeasurable.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in solid, scientific knowledge. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, fostering the kinds of values that are the backbone of this great nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children and Media Research Advancement Act" or the "CAMRA Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to enable the National Institute of Child Health and Human Development to—

(1) examine the role and impact, both positive and negative, of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

"SEC. 452H. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Institute), shall enter into a contract with the National Academy of Sciences, in collaboration with the Institute of Medicine or another appropriate entity to review, synthesize, and report on research, and establish research priorities, regarding the roles and impact of electronic media (including television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones) and exposures to such media on youth in the following core areas of development:

"(1) COGNITIVE.—Cognitive areas such as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

"(2) PHYSICAL.—Physical areas such as physical coordination, diet, exercise, sleeping and eating routines.

"(3) SOCIO-BEHAVIORAL.—Socio-behavioral areas such as family activities and peer relationships including indoor and outdoor play time, interactions with parents, consumption habits, social relationships, aggression, and positive social behavior.

"(b) RESEARCH PROGRAM.—

"(1) IN GENERAL.—Taking into account the report provided for under subsection (a), the Secretary, acting through the Director, shall, subject to the availability of appropriations, award grants for research concerning the role and impact of electronic media on the cognitive, physical, and socio-behavioral development of youth.

"(2) REQUIREMENTS.—The research provided for under paragraph (1) shall comply with the following requirements:

"(A) Such research shall focus on the impact of factors such as media content (whether direct or indirect), format, length of exposure, age of youth, venue, and nature of parental involvement.

"(B) Such research shall not duplicate other Federal research activities.

"(C) For purposes of such research, electronic media shall include television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones.

"(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall—

"(A) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director shall require; and

"(B) agree to use amounts received under the grant to carry out activities as described in this subsection.

"(c) REPORTS.—

"(1) REPORT TO THE DIRECTOR.—Not later than 15 months after the date of the enactment of this section, the report provided for under subsection (a) shall be submitted to the Director and to the appropriate committees of Congress.

"(2) REPORT TO CONGRESS.—Not later than December 31, 2013, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report that—

"(A) synthesizes the results of—

"(i) research carried out under the grant program under subsection (b); and

"(ii) other related research, including research conducted by the private or public sector and other Federal entities; and

"(B) outlines existing research gaps in light of the information described in subparagraph (A).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, $15,000,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, $25,000,000 for fiscal year 2011, and $25,000,000 for fiscal year 2012.".

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUYE, Mr. STEVENS, Mrs. BOXER, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Ms. COLLINS, Mr. LAUTENBERG, Mr. LOTT, Mrs. FEINSTEIN, Mr. NELSON of Florida, and Ms. MURKOWSKI):

S. 950. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal and Ocean Observation System Act of 2007. This bill will enhance our Nation's existing ocean observation infrastructure and drastically improve our understanding of the marine environment.

Oceans cover nearly three-quarters of the Earth's surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and non-living resources on which many of our livelihoods are based, and provide our Nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many of our coastal States. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the overwhelming majority of our planet. What lies over the horizon remains, by most accounts, a mystery.

And yet, the effects of those mysterious systems can be devastating. In recent years, we have experienced firsthand the destruction the ocean can bring through disasters such as Hurricanes Katrina and Rita here in the United States, and the Indian Ocean tsunami felt in Indonesia and parts of Asia. We have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and manmade pollution. The purpose of this legislation is to put that technology to work predicting these threats more accurately and, when possible, mitigate their impacts.

This bipartisan, science-based bill would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around our nation's coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime transportation, safety, and commerce. Such data would improve both short-term forecasting that can mitigate impacts of major disasters, and prediction and scientific analysis of long-term ocean and climate trends.

My home State of Maine currently participates in an innovative partnership known as the Gulf of Maine Ocean Observing System, or GoMOOS. Launched in 2001, GoMOOS takes ocean and surface condition measurements on an hourly basis through a network of linked buoys. These data are subsequently made available via the GoMOOS website to scientists, students, vessel captains, fishermen, and anyone else with an interest in our oceans. The system continues to expand, with the 11th buoy in the system launched in December of 2006. The vast geographical range and frequency of measurements has led to unprecedented developments in scientific analysis of ocean conditions in the Gulf of Maine. It has also contributed invaluable information to our region's assessments of fisheries, weather conditions, and predictions of other ocean phenomena.

Of course, the need to access this type of information is not limited to the Gulf of Maine. Similar observing systems have been developed in other coastal regions as well. Data from these various systems, however, are often incompatible with one another, making it difficult to compile, manage, process, and communicate data across networks. As a result, these disparate systems may be unable to link their data and develop a comprehensive national picture of coastal and ocean conditions.

The Coastal and Ocean Observation System Act of 2007 would rectify this situation by establishing, in cooperation with NOAA, an integrated system of ocean observing efforts. The bill would encourage creation of systems in areas that do not currently have one in place or in development, enable the data from all systems to be integrated and accessible through a national network, and facilitate timely public warnings of hazardous ocean conditions or events. Oversight of the program would be the responsibility of the National Ocean Research Leadership Council, a group comprised of the heads of fifteen Federal agencies that play roles in formulation of ocean policy. The Council would establish an interagency partnership to plan and coordinate activities, with NOAA serving as the lead Federal agency ensuring that the national network effectively integrates, utilizes, and publicizes ocean data to the benefit of the American public.

In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the "top ten" actions Congress should take to strengthen our ocean policy regime. One of those priorities was "enact legislation to authorize and fund the Integrated Ocean Observing System." Ocean and coastal observations are a cornerstone of sound marine science, management, and commerce. This bill will save lives by allowing seafarers to better monitor ocean conditions and providing timelier and more accurate predictions of potentially catastrophic weather and seismic phenomena. It will save taxpayers' dollars by reducing the emergency spending that comes in the wake of unanticipated storms, and it will enhance the appreciation and understanding of our oceans and coastal regions to benefit all Americans.

I am very proud to introduce this bill, and I would like to thank my cosponsors, Senators CANTWELL, INOUYE, STEVENS, BOXER, CARDIN, KERRY, MENENDEZ, COLLINS, LAUTENBERG, LOTT, FEINSTEIN, NELSON, and MURKOWSKI for contributing to this legislation and supporting this national initiative. Of course, our current and expanding ocean observation and communication system would not be possible without the work of dedicated professionals in the ocean and coastal science, management, and research communities—they have taken the initiative to develop the grassroots regional observation systems as well as contribute to this legislation. Thanks to their ongoing efforts, ocean observations will continue to provide a tremendous service to the American public.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal and Ocean Observation System Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States Commission on Ocean Policy recommends a national commitment to a sustained and integrated coastal and ocean observing system and to coordinated research programs which would provide vital information to assist the Nation and the world in understanding, monitoring, and predicting changes to the ocean and coastal resources and the global climate system, enhancing homeland security, improving weather and climate forecasts, strengthening management and sustainable use of coastal and ocean resources, improving the safety and efficiency of maritime operations, and mitigating the impacts of marine hazards.

(2) The continuing and potentially devastating threat posed by tsunami, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and communications, and data management systems to provide timely detection, assessment, and warnings and to support response strategies for the millions of people living in coastal regions of the United States and throughout the world.

(3) Safeguarding homeland security, conducting search and rescue operations, responding to natural and manmade coastal hazards (such as oil spills and harmful algal blooms), and managing fisheries and other coastal activities each require improved understanding and monitoring of the Nation's waters, coastlines, ecosystems, and resources, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(4) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, handling $700 billion in waterborne commerce, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(5) Ensuring the effective implementation of National and State programs to protect unique coastal and ocean habitats, such as wetlands and coral reefs, and living marine resources requires a sustained program of research and monitoring to understand these natural systems and detect changes that could jeopardize their long term viability.

(6) Many elements of a coastal and ocean observing system are in place, but require national investment, consolidation, completion, and integration among international, Federal, regional, State, and local elements.

(7) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, reliable, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated coastal and ocean observing system is an essential part.

(8) Protocols and reporting for observations, measurements, and other data collection for a coastal and ocean observing system should be standardized to facilitate data use and dissemination.

(9) Key variables, including temperature, salinity, sea level, surface currents, and ocean color, should be collected to address a variety of informational needs.

(b) PURPOSES.—The purposes of this Act are to establish an integrated national system of ocean, coastal, and Great Lakes observing systems to address regional and national needs for ocean information and to provide for—

(1) the planning, development, implementation, and maintenance of an integrated coastal and ocean observing system that provides data and information to sustain and restore healthy marine, coastal, and Great Lakes ecosystems and manage the resources they support, aid marine navigation safety and national security, support economic development, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the marine environment and achieve the full national benefits of an integrated coastal and ocean observing system;

(3) implementation of a data, information management, and modeling system required by all components of an integrated coastal and ocean observing system and related research to develop early warning systems to more effectively predict and mitigate impacts of natural hazards, improve weather and climate forecasts, conserve healthy and restore degraded coastal ecosystems, and ensure usefulness of data and information for users; and

(4) establishment of a network of regional associations to operate and maintain regional coastal and ocean observing systems to ensure fulfillment of national objectives at regional scales and to address state and local needs for ocean information and data products.

SEC. 3. DEFINITIONS.

In this Act;

(1) ADMINISTRATOR.—The term "Administrator" means Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) INTEGRATED OCEAN OBSERVING PROGRAM OFFICE.—The term "Integrated Ocean Observing Program Office" means a program office within the National Oceanic and Atmospheric Administration to integrate its ocean observing assets and implement the requirements under section 4(d).

(4) INTERAGENCY PROGRAM OFFICE.—The term "Interagency Program Office" means the office established under section 4(e).

(5) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—The term "National Oceanographic Partnership Program" means the program established under section 7901 of title 10, United States Code.

(6) OBSERVING SYSTEM.—The term "observing system" means the integrated coastal, ocean, and Great Lakes observing system to be established by the Council under section 4(a).

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of coastal and ocean observations, data communication and management, analysis, modeling, research, education, and outreach designed to understand current conditions and provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environment that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the Nation's coasts, oceans, and Great Lakes in order to—

(1) understand the effects of human activities and natural variability on and improve the health of the Nation's coasts, oceans, and Great Lakes;

(2) measure, track, explain, and predict climatic and environmental changes and protect human lives and livelihoods from hazards such as tsunami, hurricanes, storm surges, coastal erosion, levy breaches, and fluctuating water levels;

(3) supply critical information to marine-related businesses such as marine transportation, aquaculture, fisheries, and offshore energy production and aid marine navigation and safety;

(4) support national defense and homeland security efforts;

(5) support the sustainable use, conservation, management, and enjoyment of healthy ocean, coastal, and Great Lakes resources, better understand the interactions of ocean processes within the coastal zone, and support implementation and refinement of ecosystem-based management and restoration;

(6) support the protection of critical coastal habitats, such as coral reefs and wetlands, and unique ecosystems and resources;

(7) educate the public about the role and importance of the oceans, coasts, and Great Lakes in daily life; and

(8) support research and development to ensure improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national and international observation priorities.

(2) A network of regional associations to manage the regional coastal and ocean observing and information programs that collect, measure, and disseminate data and information products.

(3) Data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council; including projects under the National Oceanographic Partnership Program, consisting of the following:

(A) Basic research to advance knowledge of coastal and ocean systems and ensure improvement of operational products, including related infrastructure, observing technology, and information technology.

(B) Focused research and technology development projects to improve understanding of the relationship between the coasts and oceans and human activities.

(C) Large scale computing resources and research to advance modeling of coastal and ocean processes.

(5) A coordinated outreach, education, and training program that integrates and augments existing programs (such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System), to ensure the use of data and information for improving public education and awareness of the Nation's coastal and ocean environment and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—The Council shall serve as the oversight body for the design and implementation of all aspects of the observing system. In carrying out its responsibilities under this section, the Council shall—

(1) adopt plans, budgets, and standards that are developed and maintained by the Interagency Program Office in consultation with the regional associations;

(2) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(3) coordinate and approve programs of intramural and extramural research, technology development, education, and outreach to support improvements to and the operation of an integrated coastal and ocean observing system and to advance the understanding of the oceans;

(4) promote development of technology and methods for improving the observing system;

(5) support the development of institutional mechanisms and financial instruments to further the goals of the program

and provide for the capitalization of the required infrastructure;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs, including those under the jurisdiction of the International Joint Commission involving Canadian waters; and

(7) in consultation with the Secretary of State, support coordination of relevant Federal activities with those of other nations.

(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and administration of the observing system and to carry out the responsibilities of this Act, in consultation with the Council, the Interagency Program Office, other Federal Agencies that maintain portions of the observing system and the Regional Associations, shall—

(1) establish an Integrated Ocean Observing Program Office;

(2) integrate, improve, and extend existing programs and research projects, and ensure that regional associations are integrated into the operational observation system on a sustained basis;

(3) integrate the appropriate capabilities of the National Oceanic and Atmospheric Administration, and other appropriate centers, into the observing system for the purpose of assimilating, managing, disseminating, and archiving data from regional observation systems and other observation systems;

(4) provide for the migration of scientific and technological advances from research and development to operational deployment;

(5) provide for opportunities to contract with private sector companies in designing, developing, integrating, and deploying ocean observation system elements;

(6) establish efficient and effective administrative procedures for allocation of funds among Federal agencies, contractors, grantees, and regional associations in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(7) develop and implement a process for the certification and assimilation into the national ocean observations network of the regional associations and their periodic review and recertification and certify regional associations that meet the requirements of subsection (f); and

(8) develop a data management and communication system, in accordance with the established standards and protocols, by which all data collected by the observing system regarding coastal waters of the United States are integrated and available.

(e) INTERAGENCY PROGRAM OFFICE.—

(1) ESTABLISHMENT.—The Council shall establish an Interagency Program Office housed within the National Oceanic and Atmospheric Administration.

(2) RESPONSIBILITIES.—The Interagency Program Office shall be responsible for program planning and coordination of the implementation of the observing system.

(3) DUTIES.—The Interagency Program Office shall report to the Council via the Secretary and shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing global, national, and regional observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(B) coordinate the development of agency and regional associations priorities and budgets to implement, operate, and maintain the observing systems;

(C) establish and refine standards and protocols for data collection, management and communications, including quality control standards, in consultation with participating Federal agencies and regional associations; and

(D) establish a process for assuring compliance for all participating entities with the standards and protocols for data management and communications, including quality control standards.

(f) REGIONAL ASSOCIATIONS OF COASTAL AND OCEAN OBSERVING SYSTEMS.—

(1) The Secretary shall initiate a rulemaking proceeding to establish a process for the certification of regional associations to be responsible for the development and operation of regional coastal and ocean observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certified a regional association shall meet the certification standards developed by the Interagency Program Office in conjunction with the regional associations and approved by the Council and shall—

(A) demonstrate an organizational structure capable of supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects broad representation from state and local government, commercial interests, and other users and beneficiaries of marine information;

(B) operate under a strategic operations and business plan that details the operation and support of regional coastal and ocean observing systems pursuant to the standards approved by the Council; and

(C) work with governmental entities and programs at all levels to identify and provide information products of the observing system for multiple users in the region to advance outreach and education, to improve coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, to enhance preparation for hurricanes, tsunami, and other natural hazards, and other appropriate activities.

(2) For the purposes of this Act, employees of Federal agencies may participate in the functions of the Regional Associations.

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, and chapters 309 and 311 of title 46, United States Code, any regional coastal and ocean observing system that is a designated part of a regional association certified under this section shall, with respect to tort liability arising from the dissemination and use of the data, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while operating within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. PROCESS FOR TRANSITION FROM RESEARCH TO OPERATION.

The National Oceanic and Atmospheric Administration, in consultation with the Council, shall formulate a process by which—

(1) funding is made available for intramural and extramural research on new technologies for collecting data regarding coastal and ocean waters of the United States;

(2) such technologies are tested including—

(A) accelerated research into biological and chemical sensing techniques and satellite sensors for collecting such data; and

(B) developing technologies to improve all aspects of the observing system, especially the timeliness and accuracy of its predictive models and the usefulness of its information products; and

(3) funding is made available and a plan is developed and executed to transition technology that has been demonstrated to be useful for the observing system is incorporated into use by the observing system.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the Interagency Program Office, a common infrastructure, and system integration for a coastal and ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of this Act, $150,000,000 for each of the fiscal years 2008 through 2012 and such additional sums as may be necessary for each of the fiscal years 2008 through 2012. The Administrator shall provide such sums as are necessary to the regional associations certified under section 4(f) for implementation of regional coastal and ocean observing systems. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 9. IMPLEMENTATION PLAN.

Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress and the Council a plan for implementation of this Act, including for—

(1) coordinating activities of the Secretary under this Act with other Federal agencies; and

(2) distributing, to regional associations, funds available to carry out this Act.

SEC. 10. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this Act.

(b) CONTENTS.—The report shall include the following:

(1) A description of activities carried out under the implementation plan and this Act.

(2) An evaluation of the effectiveness of the observing system.

(3) Benefits of the program to users of data products resulting from the observing system (including the general public, industry, scientists, resource managers, emergency responders, policy makers, and educators).

(4) Recommendations concerning—

(A) modifications to the observing system; and

(B) funding levels for the observing system in subsequent fiscal years.

(5) The results of a periodic external independent programmatic audit of the observing system.

Ms. CANTWELL. Mr. President, I'm pleased to join Senator SNOWE in introducing the Coastal and Ocean Observation Systems Act of 2007, which will make needed improvements to our national and regional ocean observing systems.

The Coastal and Ocean Observation Systems Act would establish a national program to focus on national and international ocean observing priorities, and provide needed support for a network of regional associations that already collect and manage information in ocean and coastal areas across the nation.

Currently, most long term ocean observing and data collection is carried out on a regional basis. While these regional ocean observing systems provide valuable data, lack of coordination at the national level and a lack of sustained resources have limited their effectiveness for advancing a comprehensive understanding of our oceans and coasts. The Coastal and Ocean Observation Systems Act of 2007 would help to rectify this by organizing regional activities under a federal interagency committee within NOAA.

Improving long-term ocean observing and monitoring is a key recommendation of the U.S. Commission on Ocean Policy and will provide the information needed to restore and sustain healthy ocean and coastal ecosystems. Specifically, this bill would bolster the Nation's ability to observe and monitor ocean conditions in order to improve tsunami warnings, better understand the impacts of climate change on the oceans, track ocean conditions that could impact human health, improve homeland security, and support maritime operations.

Fishermen and mariners rely on accurate forecasts of ocean conditions for safety and navigation. An integrated ocean observing system would improve these forecasts and will save lives at sea. Ocean observing will also help authorities understand the link between ocean conditions and human health. For example, improved tracking of harmful algal blooms can minimize the risk of shellfish poisoning by warning people when the conditions exist that make harvesting shellfish dangerous.

An integrated ocean and coastal observing system will prove an invaluable tool as we work to understand and overcome the challenges of climate change. The ocean covers 70 percent of the globe and plays a critical role in regulating our climate. Scientists are finding that the ocean environment is often the first of the earth's ecosystems to display the impacts of climate change.

We've already detected some of these impacts, from ocean acidification's impacts on North Pacific food chains and coral reefs in the tropics, to seasonal ocean dead zones that are forming off the coast of Washington and Oregon. The effects of climate change will be felt by our fishermen and coastal communities, and ocean observing will give them the information they need to mitigate impacts.

As we seek a better understanding of our oceans and coasts and the ecosystems that form the basis of life for much of the Earth's population, an integrated ocean observing system. will be an essential investment.

By Mr. WARNER (for himself and Mr. WEBB):

S. 951. A bill to provide a waiver from sanctions under the Elementary and Secondary Education Act of 1965 for certain States, local educational agencies, and schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. WARNER. Mr. President, I rise today to introduce legislation with my Virginia Senate colleague, Senator WEBB, related to the No Child Left Behind Act. This legislation simply tries to hold certain schools harmless, for one year, from the sanction provisions under NCLB when such sanctions result solely because of bureaucratic problems with the implementation of the law.

I am pleased to note that Congressman TOM DAVIS, Congressman JIM MORAN, Congressman BOB GOODLATTE, Congresswoman DAVIS, and Congressman RICK BOUCHER have joined Senator WEBB and me in introducing the same bill in the House of Representatives.

While I firmly believe that the goals behind NCLB are solid, there have been some challenges with the regulatory implementation of this new law, particularly in Virginia. Most recently, the Commonwealth of Virginia and the U.S. Department of Education have reached an impasse with respect to how best to test students with limited English proficiency. While, at this moment, I do not cast blame for how we came to this impasse, the simple fact is that it could result in a number of schools in Virginia being sanctioned under the Federal law—not because our schools are underperforming, but rather as a consequence of bureaucracy. This is clearly not the intent of No Child Left Behind.

No Child Left Behind was intended to put in place a strong accountability system by which the Federal Government would receive favorable results for the billions of Federal dollars it spends on education. The law was structured to ensure that all students are included in States' accountability systems, and was designed to reward those systems that achieve goals under the accountability system, and to sanction those that do not.

Regrettably, in my view, if legislation is not passed and signed into law that recognizes the unique situation faced in Virginia, and perhaps other States, then public schools in Virginia, and perhaps around the country, will be punished through no fault of their own.

Let me be more specific about what has occurred in my State. On June 28, 2006, the Virginia Department of Education received notice from the U.S. Department of Education that the assessment that Virginia had used for years to test certain limited English proficiency students would no longer meet Federal requirements. The 2006–2007 academic school year started shortly thereafter, and, at that time, no alternative assessment had been approved.

On December 11, 2006, representatives from the Virginia Board of Education and the State Superintendent of Public Instruction met with the U.S. Department of Education officials to discuss a one-year extension, by which Virginia would be permitted to use the same assessment it had used in prior years for testing LEP students. On January 4, 2007, the entire Virginia Congressional delegation sent a letter to Secretary Spellings supporting Virginia's request for a one-year extension for using an alternative assessment for testing LEP students.

On January 29, 2007, Secretary Spellings wrote back to me denying Virginia's request. On February 8, 2007, Deputy Secretary Ray Simon wrote to Virginia clarifying that, while the previous test may not be used, another assessment is expected to obtain approval.

Well, today is March 21, 2007. To date, Virginia still does not have an approved alternative assessment, and our State assessments are scheduled to be given in less than a month. With no appropriate test approved for students to take this April, how can Virginia schools be expected to meet federal standards? How can our State and schools develop, prepare for, and administer a new test when we are well past the middle of the school year? Common sense begs for a reasonable solution.

In the interim, several school divisions in Virginia have voted not to test the LEP students at all. In turn, the U.S. Department of Education has threatened to withhold from Virginia millions of Federal education dollars.

The legislation that we introduce today is designed to allow the parties involved to take a step back, develop an acceptable assessment, appropriately train and educate students on it, and allow the Virginia educational system to move forward without being sanctioned in a way that is inconsistent with the NCLB Act.

This legislation accomplishes these goals by holding schools, local education agencies, and States harmless for one year from the sanctions provisions of NCLB if they meet certain criteria. Specifically a state must: (1) have had one or more approved academic assessment plans for the 2005–2006 school year; (2) have had one or more of such plans subsequently held invalid by the Department of Education for the 2006–2007 school year; and (3) have the Governor of the State certify, in writing, to the Secretary of Education that the State cannot effectively train its educators on a new or alternative assessment prior to the date the assessment is to be administered, and that the administration of a new or alternative assessment is not in the best interest of the public school system and the children the system serves.

This "hold-harmless" provision would only apply to those schools and school divisions that fail to meet the Federal standards solely because of these logistical problems.

Unlike other proposals that have recently been introduced with respect to No Child Left Behind, this measure would not exempt states from accountability, nor exempt States, school districts and schools from the requirements of NCLB. Our bill simply calls for the suspension of penalties for one year for those schools and districts that, through no fault of their own, are being set up for potential failure because of bureaucratic logistical problems. This will give the Commonwealth of Virginia and the Federal Government ample time to address the testing situation effectively for the 2007–2008 school year.

I would like to submit for the RECORD several letters expressing support for this legislation. The first letter is from Governor Kaine. The second letter is from Dr. Billy Cannady, the Superintendent of Public Instruction in Virginia; the third letter is from Dr. Mark Emblidge, President of the Virginia Board of Education; and the fourth letter is from the Virginia School Boards Association.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, March 20, 2007.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I would like to thank you for taking a leadership role in efforts to resolve some of the immediate difficulties states and local educational agencies are facing in implementing testing provisions of the No Child Left Behind Act (NCLB). I strongly support your proposed legislation to provide a waiver from sanctions under certain circumstances for the current academic year.

As you know, Virginia takes the academic achievement of all students and the accountability of all schools and school divisions very seriously. Our accountability system predates NCLB by several years, and is widely recognized as one of the best in the nation. Our standards are ranked #5 in quality by the Fordham Institute, which also lists us as #1 in achievement based primarily on NAEP scores. We were recently named by Education Week as the state with the highest "chance for success" index for children. In achievement of Hispanic students, Virginia ranks number 2, 3 and 4 nationally for percent of students proficient in 8th grade mathematics, 8th grade science and 4th grade reading, respectively.

Meanwhile, we are challenged by the short time frame afforded us to revise our assessment practices for the current year, given the decision this same year by the U.S. Department of Education to hold our academic assessment plan invalid. The proposed legislation would allow us and other states in similar situations a more reasonable amount of time to revise assessment practices.

I believe the role you propose for Governors to certify that schools or local educational agencies meet the criteria specified in the legislation is appropriate and practicable. I applaud your thoughtful solution, and thank you for keeping in mind the best interests of children, school divisions and states as we continue to make progress in raising educational achievement and closing achievement gaps.

Sincerely,

TIMOTHY M. KAINE.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF EDUCATION,
Richmond, VA, March 21, 2007.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I strongly support your introduction of legislation in the Senate of the United States on behalf of the Commonwealth of Virginia and other states that will provide a waiver from sanctions of the Elementary and Secondary Education Act of 1965 as a result of having an approved 2005–2006 state assessment plan held invalid by the U.S. Department of Education for the 2006–2007 school year. The Commonwealth of Virginia meets all of the qualifying criteria in the proposed legislation, and certain eligible schools and school divisions will benefit from the hold harmless waiver provision.

I sincerely appreciate the leadership you and other members of Virginia's congressional delegation are providing in seeking additional flexibility for states in implementing the Elementary and Secondary Education Act (ESEA), otherwise known as No Child Left Behind (NCLB). The Virginia Department of Education remains committed to the goals of NCLB and implementing the federal law with fidelity while advocating for assessment policies based on research and sound practice.

The Department will provide the Governor with valid and reliable data for certifying that the commonwealth, schools, and school divisions meet the qualifying criteria in the proposed legislation.

The Department of Education appreciates your continued support. We are committed to moving all Virginia children from competence to excellence. It is our hope that the introduction of this legislation also will inform the reauthorization process.

Sincerely,

BILLY K. CANNADAY, Jr.,
Superintendent of Public Instruction.

COMMONWEALTH OF VIRGINIA,
BOARD OF EDUCATION,
Richmond, VA, March 21, 2007.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to express strong support for your introduction of legislation in the Senate of the United States on behalf of the Commonwealth of Virginia and other states seeking a waiver under the Elementary and Secondary Education Act of 1965 from certain sanctions and financial penalties as a result of having had an approved state academic assessment plan for 2005–2006 held invalid by the U.S. Department of Education for the 2006–2007 school year. We understand the proposed legislation will apply only to states, local educational agencies, and schools if the state meets the qualifying criteria identified in the proposed legislation. The Commonwealth of Virginia meets all of the qualifying criteria and will benefit from the additional flexibility being proposed.

On behalf of the Virginia Board of Education, please accept our gratitude for the leadership you are providing in preventing sanctions to our state, schools, and school divisions as a result of having to implement testing policies that are not in the best interest of all the students we serve. The legislation you are introducing in the Senate reflects the growing impatience with the rigidity that has characterized the U.S. Department of Education's implementation of No Child Left Behind. This impatience is most acute in states like Virginia with effective accountability programs predating the federal law.

The achievements of Virginia's students and schools under the Standards of Learning program have brought the commonwealth national recognition as a model of successful reform. I am grateful to you and the other members of Virginia's congressional delegation for their efforts to secure additional flexibility so our public schools can implement NCLB in a manner that puts children first and reflects sound instructional and assessment practices.

The Board of Education remains committed to the goals of NCLB and holding schools accountable for closing achievement gaps between minority and non-minority students while improving teaching and learning for all children. This commitment, which has made the commonwealth an acknowledged leader in the implementation of standards-based reform, includes accountability for student achievement and testing policies based on research and sound practice.

The Board of Education appreciates your continued support of the Standards of Learning accountability program. It is my hope that the introduction of this legislation also will inform the reauthorization process.

Sincerely,

MARK E. EMBLIDGE,
President.

VIRGINIA SCHOOL
BOARDS ASSOCIATION,
Charlottesville, VA, March 19, 2007.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

Subject: Support for Emergency Waiver Bill under No Child Left Behind.

DEAR SENATOR WARNER: I write to express the support of the Virginia School Boards Association on behalf of its members, all 134 of Virginia's school boards for legislation you plan to introduce this week, to grant relief from certain aspects of No Child Left Behind. That legislation, which will be effective for this year's testing cycle, acknowledges that schools, school divisions, and states need time to develop certain alternative assessments, field test them, and train teachers to administer them, before the U.S. Department of Education imposes onerous sanctions. It would provide the additional time needed to develop assessments that work for children, not only in Virginia, but across the United States.

On March 16, 2007, the Board of Directors of the Virginia School Boards Association voted unanimously to support this legislation. We stand ready to assist in any way in its enactment into law in time for this year's testing cycle. Finally, we thank you and your office for your steadfast support of Virginia's 134 school boards, our teachers and administrators and, most importantly, the 1.1 million children we serve.

If you have any questions, please contact Frank E. Barham, VSBA Executive Director.

Sincerely yours,

EDDIE H. RYDER,
President.

S. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER.

A State, local educational agency, or school shall be held harmless and not subject to the penalties provision under section 1111(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)), the requirements of school or local educational agency improvement, corrective action, restructuring, or other sanctions or penalties under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313), or any other sanctions or penalties relating to academic assessments under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the 2006–2007 school year if the following criteria are met:

(1) The State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) had 1 or more approved academic assessment plans for the 2005–2006 school year.

(2) The State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) had 1 or more of such plans subsequently held invalid by the Department of Education for the 2006–2007 school year.

(3) The Governor of the State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) certifies, in writing, to the Secretary of Education that—

(A) the State cannot effectively train its educators on a new or alternative assessment or assessments in place of the assessment or assessments for which the plan or plans were held invalid by the Department of Education, prior to the date the assessment or assessments are to be administered; and

(B) the administration of any new or alternative assessment or assessments, in place of the assessment or assessments for which the plan or plans were held invalid by the Department of Education, in the 2006–2007 school year is not in the best interest of the public school system and the children such system serves.

(4) The Governor of the State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) certifies, in writing, to the Secretary of Education that the local educational agency or school failed to make adequate yearly progress (as described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))) based on academic assessments administered in the 2006–2007 school year or the State would be subject to the penalties provision under section 1111(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)) or any other sanctions or penalties relating to academic assessments under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the 2006–2007 school year solely because the State, local educational agency, or school meets each of the criteria described in paragraphs (1) through (3).

By Mr. McCAIN:

S. 952. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, I am pleased to introduce legislation that would authorize the Native Nations Institute, NNI, for Leadership, Management and Policy. Congressman GRIJALVA introduced similar legislation in the House of Representatives last week.

In 2000, Congress reauthorized the Morris K. Udall Foundation, an independent Federal agency established in 1992, to expand its organization by providing tribal governments with leadership and management training services. In response, the Morris K. Udall Foundation founded the NNI to serve as a self-determination, self-government and development resource to native nations. Over the past 5 years, the NNI has operated in partnership with the University of Arizona and the Harvard Project on American Indian Economic Development to provide practical leadership and management training as well as policy analysis in a variety of fields for native people. Approximately 1,700 individuals representing 250 tribes have attended training sessions at the Institute to date.

The Native Nations Institute performs an important role in upholding the Nation's trust obligations to Native Americans by encouraging tribes to move towards self-governance and engaging them in nation building. Although authorization for the NNI expired last year, popular demand for its executive education services now exceeds the organization's resources. The bill I am introducing today would authorize funding for the institute's programs for a period of 5 years beginning in fiscal year 2008.

The Native Nations Institute for Leadership, Management and Policy is an organization of great importance for Native Americans. I urge my colleagues to support passage of this bill.

By Mr. ROCKEFELLER (for himself, Mr. CRAIG, Mr. DORGAN, Mr. VITTER, Ms. KLOBUCHAR, Mr. TESTER, Ms. LANDRIEU, Mr. CRAPO, Mr. BAUCUS, and Ms. CANTWELL):

S. 953. A bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join with my colleagues Senators CRAIG, DORGAN, VITTER, KLOBUCHAR, TESTER, LANDRIEU, CRAPO, BAUCUS, and CANTWELL to introduce the Railroad Competition and Service Improvement Act of 2007. This legislation stands for the very basic premise that businesses should serve their customers, and do so at reasonable rates.

This essential concept of capitalism is what our economy is based upon. Those ideas, plus promoting competition and protecting consumers, were prime motivating factors when Congress in 1980 passed the Staggers Act. The Staggers Act provided a government agency—now the Surface Transportation Board (STB)—with the ability to prevent monopoly abuses of those shippers left "captive" to just one railroad, and to make sure that the railroads in competitive situations were able to operate in such a way that they could be profitable. Somewhere along the way the part of the STB mandate calling on the agency to protect shippers, and by extension consumers, has been ignored, or at least subsumed into the STB's fervor to see the railroads profitable.

And profitable they are. What is important for my colleagues to recognize is that neither I nor any of my cosponsors want the railroads to fail. We want, and this country needs, a healthy freight rail industry. From coal to chemicals to plastics to forest products to grain and potatoes, America's shippers depend on the railroad industry to carry their products to customers across the country to keep our economy moving.

What no member of Congress should want to see is a freight rail system dominated by four regional carriers whose business plans are based on bleeding their captive customers dry. Meanwhile, these companies invest none of their profits in infrastructure expansion to handle current traffic, much less the expected need in the decades to come.

This is by no means the first time my colleagues have seen me introduce legislation in this vein. In fact, this is at least the eighth time that I have asked my colleagues to look into the problems in our freight rail network and to work with me to fix it. Businesses in my home State of West Virginia have been describing problems with the railroads to since before I came to the Senate in 1985. Like businesses anywhere, West Virginia industries depend on efficient and dependable rail service at fair prices to move their products to market.

Well, what was a troubling situation 22 years ago for about 20 percent of rail shippers captive to the more than 40 Class I railroads then is a nightmare now for hundreds of companies in almost every industry and in virtually every part of the United States that are being underserved and overcharged by the five remaining Class I railroads. I have worked for years in a bipartisan and regionally diverse coalition of members of Congress to change a system that just is not working. Our goal is to improve the economic situation for rail shippers and retail shoppers. And, I hasten to add, we seek to strengthen and improve the economic vitality of the Class I railroads, as well.

I am sure that my colleagues will hear from railroads that we are "re-regulating." My colleagues should carefully review our bill and find where we would regulate anything that is not already regulated. This is, of course, the point. The railroads have touted the success of the deregulation, but what they fail to mention is that the Staggers Act never deregulated the railroads where shippers had no competitive transportation options. The railroads can have all the opinions about our legislation that they want, but they are not entitled to their own set of facts.

What has happened while the railroads have consolidated and mischaracterized this effort on behalf of shippers? Shippers and end-use consumers have paid increasingly high prices for electricity, food, medicine, paper products; the chemicals to protect our water supply and crops, and the basic ingredients of the plastics in many of the goods we purchase. It was not supposed to be this way.

In 1980, when Congress passed the Staggers Act, it was seeking to rescue the railroads from a burdensome and counterproductive regulatory scheme overseen by the Interstate Commerce Commission (ICC). In the decades leading up to passage of the Staggers Act the freight rail situation was bloated with unprofitable railroads forced to make un-economic choices regarding track, routes, and countless other business decisions. The Staggers Act was an attempt to let the marketplace create a more workable system. Where rail shippers were already captive to one railroad, the ICC was supposed to continue to protect shippers' rights and to require railroads to meet their responsibilities.

As the marketplace evolved, the ICC, and its successor agency the STB, were supposed to make sure that railroad consolidation and industry policy did not harm rail customers. The only reason the railroads in 2007 can say that my colleagues and I are attempting to "re-regulate" them is that the regulatory agencies charged with regulating them all along largely have abdicated their responsibilities, and have been sadly ineffective on the rare occasion when they purport to be carrying out the part of their mission that includes maintaining the advantages of competition.

To the extent that the Staggers Act has been successful in fulfilling its promise, that success has been completely one-sided. Railroads are no longer struggling to be profitable. Neither are they struggling to serve their customers. The STB, which should be working to make the system work, is more of a problem than it is a solution. The only parties still struggling are the shippers, and our bill is designed to make it a fair fight.

The title of our bill, the Railroad Competition and Service Improvement Act, really says it all. Cosponsors of this legislation seek a freight rail system envisioned in the drafting of the Staggers Act. We hope to remind the STB of its responsibilities, and give its enforcement the teeth successive Chairmen have told Congress the Board needs.

As I have said, this legislation is about making capitalism work for all parties in the freight rail marketplace, not just for the monopoly railroads. Shippers need Congress to remind the STB that good service at reasonable rates is not an outrageous demand. Congress must demand that shippers that ask for a rate quote are given one. Unbelievably, the STB's reading of the Staggers Act allows shippers no such right.

In addition to that most basic right of business negotiations, our legislation would do the following: clarify and restate the STB's responsibility to shall promote competition among rail carriers, as well as requiring reasonable rates and dependable service in keeping with the railroads' common carrier obligation; remove so-called "paper barriers," contractual restraints on short-line and regional railroads that prevent them from providing improved service to shippers; modify the rate challenge process, and implement real-world evidentiary standards and burden of proof requirements; authorize STB to require "reciprocal switching," the transfer of traffic between railroads, where it is in the public interest; affirm the railroads' obligation to serve; cap filing fees for STB rate cases at the level of federal district courts; allow Governors to petition the STB for declarations of "areas of inadequate rail competition," with appropriate remedies; create position of Rail Customer Advocate in the Department of Transportation; and establish a system of "final offer" arbitration for disputes over agriculture, forest product, and fertilizer shipments.

Solutions to these problems are long overdue. I commend to my colleagues the Railroad Competition and Service Improvement Act as a set of commonsense solutions to unresolved problems that are putting American competitiveness at risk.

Mr. VITTER. Mr. President, today I am pleased to introduce very important bipartisan legislation S. 953, the Railroad Competition and Service Improvement Act of 2007. This bill will improve America's railroad system by ensuring increased rail competition and enabling rail customers to obtain more reliable service. Today, I introduce S. 953, the Railroad Competition and Service Improvement Act of 2007 along with my colleagues Senators ROCKEFELLER, CRAIG, DORGAN, KLOBUCHAR, TESTER, LANDRIEU, CRAPO, BAUCUS and CANTWELL.

The lack of healthy competition in our national rail system is stifling rail customers from our petrochemical manufacturers to utility providers to agriculture and forest product providers. The extreme prices these rail customers are charged and the service challenges they face have a direct impact on jobs and prices for consumers. We must reform our railroad system to foster more competition and provide relief to consumers.

The Surface Transportation Board, which is supposed to oversee rail pricing and practices, has not proactively addressed rail problems, and government accountability reports have noted a lack of competition in the railroad industry. The Railroad Competition and Service Improvement Act will direct STB to do its job and foster a free marketplace for our rail system by addressing the inadequacies in the rate reasonableness process of the STB and directing the STB to actively investigate and suspend unreasonable practices.

I would like to share with you a bottlenecking example of how the lack of railroad competition impacts rail customers in Louisiana. The city of Lafayette's electricity customers have faced $6 million or more annually in rate increases because of the lack of railroad competition. The Rodemacher Plant that provides electricity to the Lafayette Utilities System gets its coal from the Powder River Basin in Wyoming. This coal is transported by rail for more than 1,500 miles. Currently, two railroads travel from the Basin to Alexandria, LA. However, the last 19 miles of travel distance to the Rodemacher Plant only has one major railroad provider. Present law allows the current rail provider's control of the last 19 miles to push its pricing monopoly all the way back to the Powder

River Basin, which in essence, turns a 19 mile monopoly into a 1,500-mile monopoly.

This monopoly forces the Lafayette ratepayers to pay much higher rates than if the Rodemacher Plant had access to both railroads that serve the Powder River Basin. When enacted, the Railroad Competition and Service Improvement Act would address bottlenecking issues like this and the lack of competition saving the Lafayette ratepayers money.

I look forward to the consideration of S. 953, the Railroad Competition and Service Improvement Act by the Senate Committee on Commerce, Science and Transportation, on which I serve, and the full Senate.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 954. A bill to amend title XVIII of the Social Security Act to provide for a technical correction to the amendments made by section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Finance.

Mr. KOHL. Mr. President, today, along with Senator FEINGOLD, I am introducing the Medicare Residency Program Technical Correction Act of 2007. This legislation will fix an unintended consequence of Section 422 of the Medicare Modernization Act of 2003 that has resulted in a decrease of family medical residents slots in Wisconsin's Fox Valley and potentially other family medicine practices across the Nation. Our bill would provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports.

For the last 2 years, I've been working with the University of Wisconsin School of Medicine and the Fox Valley Family Medicine Residency Program to urge CMS to restore funding for its residency training positions that was taken away as a result of an audit that incorrectly determined that the positions weren't used. Now, a Final Mediation Agreement between Appleton Medical Center and United Government Services demonstrates that the positions were being used and that the program met the Medicare requirement for those positions. I believe it is only fair that Appleton Medical Center's residency positions be reinstated.

The Fox Valley Family Practice Residency Program is an important contributing member to the Fox Valley and surrounding community, providing health care services to some 10,000 families. This is exactly the type of program that we should be supporting, not reducing. My legislation will right this wrong and provide for the same opportunity for any other family medicine program that can demonstrate that its residency slots were erroneously defunded by CMS. I ask that my Senate colleagues join me by supporting this bill. I ask unanimous consent that the text of the bill be printed the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Residency Program Technical Correction Act of 2007".

SEC. 2. REINSTATEMENT OF FULL-TIME EQUIVALENT RESIDENT SLOTS THAT WERE ERRONEOUSLY ELIMINATED.

(a) IN GENERAL.—Section 1886(h)(7) of the Social Security Act (42 U.S.C. 1395ww(h)(7)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) ADJUSTMENT BASED ON SETTLED COST REPORT.—In the case of a hospital for which—

"(i) the otherwise applicable resident limit was reduced under subparagraph (A)(i)(I); and

"(ii) such reduction was based on a reference resident level that was determined using a cost report that was subsequently settled, whether as a result of an appeal or otherwise, and the reference resident level under such settled cost report is higher than the level used for the reduction under subparagraph (A)(i)(I),

the Secretary shall apply subparagraph (A)(i)(I) using the higher resident reference level and make any necessary adjustments to such reduction. Any such necessary adjustments shall be effective for portions of cost reporting periods occurring on or after July 1, 2005.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 955. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Abraham Lincoln National Heritage Area Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Abraham Lincoln National Heritage Area is a cohesive assemblage of natural, historic, cultural, and recreational resources that—

(A) together represent distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use; and

(B) are best managed through partnerships between private and public entities;

(2) the Heritage Area reflects traditions, customs, beliefs, folklife, or a combination of those attributes that are a valuable part of the heritage of the United States;

(3) the Heritage Area provides outstanding opportunities to conserve natural features, historic feature, cultural features, or a combination of those features;

(4) the Heritage Area provides outstanding recreational and interpretive opportunities.

(5) the Heritage Area has an identifiable theme, and resources important to the theme, that retain integrity capable of supporting interpretation;

(6) residents, nonprofit organizations, other private entities, and units of local government throughout the Heritage Area demonstrate support for—

(A) designation of the Heritage Area as a national heritage area; and

(B) management of the Heritage Area in a manner appropriate for the designation;

(7) there is a compelling need to educate and cultivate among the citizens of the United States, particularly youth, an understanding appreciation for, and a renewed commitment to integrity, courage, self-initiative, and principled leadership in public and private life;

(8) few individuals in the history of the United States have as broadly exemplified such qualities, and so profoundly influenced the history and character of the United States, as Abraham Lincoln;

(9) the story and example of the life of Abraham Lincoln, including his inspiring rise from humble origins to the highest office in the land and his decisive leadership through the most harrowing and dangerous time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world;

(10) the great issues during the lifetime of Abraham Lincoln, including national unity, equality and race relations, the capacity for democratic government, and the ideals to address those and related issues, continue to this day to define the challenges facing the United States;

(11) the ideals espoused by Lincoln, and the sentiments expressed by Lincoln with respect to keeping the United States together, are as relevant today as the ideals and sentiment were in Lincoln's troubled time;

(12) Illinois is known throughout the world as the land of Abraham Lincoln;

(13) unquestionably, the physical, social, and cultural landscape of Illinois helped mold the character of Lincoln;

(14) "Here I have lived a quarter of a century, and have passed from a young to an old man," Lincoln remarked on leaving Illinois. "To this place and the kindness of these people I owe everything";

(15) Lincoln, in turn, left his own traces across the Illinois landscape;

(16) the traces remain today in the form of stories, folklore, artifacts, buildings, streetscapes, and landscapes;

(17) though scattered geographically and in varying states of development and interpretation, together the traces of Lincoln bring an immediacy and tangible quality to the powerful Lincoln legacy;

(18) individually and collectively, the traces of Lincoln in Illinois constitute an important national cultural and historic resource;

(19) in particular, the stories and cultural resources of the Lincoln legacy of the region—

(A) reflect the values and attitudes, obstacles and ingenuity, failures and accomplishments, human frailties, and strength of character of the men and women who made up the diverse people of Lincoln's generation, including upland Southerners and Northeastern Yankees, Anglo-settlers and American Indians, "free" blacks, abolitionists, and critics of abolitionists;

(B) reflect the material culture and relative levels of technical sophistication in the United States in the lifetime of Lincoln;

(C) recreate the physical environment during the lifetime of Lincoln, revealing the impact of the environment on agriculture, transportation, trade, business, and social and cultural patterns in urban and rural settings; and

(D) interpret the effect of the democratic ethos of the era on the development of the legal and political institutions and distinctive political culture of the United States;

(20) 3 previous studies entitled "Abraham Lincoln Research and Interpretive Center Suitability/Feasibility Study" by the National Park Service (1991), "Looking for Lincoln Illinois Heritage Tourism Project" commissioned by the State of Illinois Department of Commerce and Community Affairs in cooperation with the Illinois Historic Preservation Agency (1998), and the "Feasibility Study for the Proposed Abraham Lincoln National Heritage Area", revised in 2003, help document a sufficient assemblage of nationally distinctive historic resources to demonstrate the feasibility of, and need to establish, the Heritage Area;

(21) the National Park Service—

(A) operates and maintains the Lincoln Home National Historic Site in Springfield, Illinois; and

(B) is responsible for—

(i) advocating the protection and interpretation of the cultural and historic resources of the United States; and

(ii) encouraging the development of interpretive context for those resources through appropriate planning and preservation;

(22) the Heritage Area can strengthen, complement, and support the Lincoln Home National Historic Site through the interpretation and conservation of the associated living landscapes outside of the boundaries of the historic site;

(23) there is a Federal interest in supporting the development of a regional framework and context to partner with and assist the National Park Service, the State of Illinois, local organizations, units of local government, and private citizens to conserve, protect, and bring recognition to the resources of the Heritage Area for the educational and recreational benefit of the present generation and future generations;

(24) communities throughout the region—

(A) know the value of their Lincoln legacy; but

(B) need to expand upon an existing cooperative framework and technical assistance to achieve important goals by working together;

(25) the Department of Commerce and Economic Opportunity and Bureau of Tourism of the State of Illinois—

(A) officially designated "Looking for Lincoln" as a State Heritage Tourism Area; and

(B) has identified the story of Lincoln as a key destination driver for the State;

(26) the Looking for Lincoln Heritage Coalition, the management entity for the Heritage Area—

(A) is a nonprofit corporation created for the purposes of preserving, interpreting, developing, promoting, and making available to the public the story and resources relating to—

(i) the story of the adult life of Abraham Lincoln in Illinois; and

(ii) the contributions of Abraham Lincoln to society; and

(B) would be an appropriate entity to oversee the development of the Heritage Area; and

(27) the Looking for Lincoln Heritage Coalition has completed a business plan that—

(A) describes in detail the role, operation, financing, and functions of the Looking For Lincoln Heritage Coalition as the management entity for the Heritage Area; and

(B) provides adequate assurances that the Looking For Lincoln Heritage Coalition is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants.

SEC. 3. DEFINITIONS.

In this Act:

(1) COALITION.—The term "Coalition" means the Looking for Lincoln Heritage Coalition, an entity recognized by the Secretary, in consultation with the chief executive officer of the State, that has agreed to perform the duties of the management entity under this Act.

(2) HERITAGE AREA.—The term "Heritage Area" means the Abraham Lincoln National Heritage Area established by section 4(a).

(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by section 5(a).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the management entity under section 6(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Illinois.

(7) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of the State, a political subdivision of the State, or an Indian tribe.

SEC. 4. ESTABLISHMENT OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.

(a) IN GENERAL.—There is established in the State the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include—

(1) a core area located in central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazwell, Vermillion, Warren, and Woodford counties;

(2) any sites, buildings, and districts within the core area that are recommended for inclusion in the management plan; and

(3) each of the following sites:

(A) Lincoln Home National Historic Site.

(B) Lincoln Tomb State Historic Site.

(C) Lincoln's New Salem State Historic Site.

(D) Abraham Lincoln Presidential Library & Museum.

(E) Thomas and Sara Bush Lincoln Log Cabin and Living History Farm State Historic Site.

(F) Mt. Pulaski, Postville State Historic Sites and Metamora Courthouse.

(G) Lincoln-Herndon Law Offices State Historic Site.

(H) David Davis Mansion State Historic Site.

(I) Vandalia Statehouse State Historic Site.

(J) Lincoln Douglas Debate Museum.

(K) Macon County Log Court House.

(L) Richard J. Oglesby Mansion.

(M) Lincoln Trail Homestead State Memorial.

(N) Governor John Wood Mansion.

(O) Beardstown Courthouse.

(P) Old Main at Knox College.

(Q) Carl Sandburg Home State Historic Site.

(R) Bryant Cottage State Historic Site.

(S) Dr. William Fithian Home.

(T) Vermillion County Museum.

(c) MAP.—A map of the Heritage Area shall be—

(1) included in the management plan; and

(2) on file in the appropriate offices of the National Park Service.

SEC. 5. DESIGNATION OF COALITION AS MANAGEMENT ENTITY.

(a) MANAGEMENT ENTITY.—The Coalition shall be the management entity for the Heritage Area.

(b) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan, use Federal funds made available under this Act—

(1) to prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(2) to pay for operational expenses of the management entity incurred during the first 10 fiscal years beginning after the date of enactment of this Act;

(3) to make grants or loans to the State, units of local government, nonprofit organizations, and other persons;

(4) to enter into cooperative agreements with the State, units of local government, nonprofit organizations, and other organizations;

(5) to hire and compensate staff;

(6) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(7) to contract for goods and services.

(c) DUTIES OF MANAGEMENT ENTITY.—For any fiscal year for which Federal funds are received under this Act, the management entity shall—

(1) submit to the Secretary a report that describes—

(A) the accomplishments of the management entity;

(B) the expenses and income of the management entity; and

(C) the entities to which the management entity made any grants;

(2) make available for audit by Congress, the Secretary, and appropriate units of local government, all records relating to the expenditure of the Federal funds and any matching funds; and

(3) require, with respect to all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of the Federal funds.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for authorized purposes, including the acquisition of

real property or any interest in real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to carry out this Act, the management entity shall prepare and submit for review to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS FOR PREPARATION AND IMPLEMENTATION.—The management entity shall—

(1) collaborate with and consider the interests of diverse units of local government, businesses, tourism officials, private property owners, and nonprofit groups within the Heritage Area in preparing and implementing the management plan;

(2) ensure regular public involvement regarding the implementation of the management plan for the Heritage Area; and

(3) submit the proposed management plan to participating units of local governments within the Heritage Area for review.

(c) CONTENTS.—The management plan for the Heritage Area shall—

(1) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area (including the natural, historic, and cultural resources and the recreational and educational opportunities of the Heritage Area) in a manner consistent with—

(A) existing Federal, State, and local land use laws; and

(B) the compatible economic viability of the Heritage Area;

(2) involve residents, public agencies, and private organizations in the Heritage Area;

(3) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this Act and other Federal laws for the protection, management, and development of the Heritage Area; and

(4) include—

(A) actions to be undertaken by units of local government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(B) an inventory of resources in the Heritage Area that includes a list of property in the Heritage Area that—

(i) is related to the themes of the Heritage Area; and

(ii) merits preservation, restoration, management, development, or maintenance because of the natural, historic, cultural, or recreational significance of the property;

(C) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements, private sector agreements, or any combination of agreements, to protect the natural, historic, cultural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity, in cooperation with partners of the management entity and units of local government;

(E) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(F) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this Act; and

(G) a business plan for the Heritage Area that—

(i) describes in detail—

(I) the role, operation, financing, and functions of the management entity; and

(II) each activity included in the recommendations in the management plan; and

(ii) provides, to the satisfaction of the Secretary, adequate assurances that the management entity is likely to have the financial resources necessary to implement the management plan, including the resources necessary to meet matching requirement for grants awarded under this Act.

(d) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In preparing and implementing the management plan, the management entity shall consider the interests of diverse units of local government, businesses, private property owners, and nonprofit groups in the Heritage Area.

(e) PUBLIC MEETINGS.—

(1) IN GENERAL.—The management entity shall conduct public meetings at least quarterly regarding the development and implementation of the management plan.

(2) PUBLIC NOTICE.—The management entity shall—

(A) place a notice of each public meeting in a newspaper of general circulation in the Heritage Area; and

(B) make the minutes of each public meeting available to the public.

(f) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to carry out this Act, the management entity may not receive additional funding under this Act until the date on which the Secretary receives the proposed management plan.

(g) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date on which the management entity submits the management plan to the Secretary, the Secretary, in consultation with the Governor of the State or a designee of the Governor, shall approve or disapprove the proposed management plan.

(2) DISAPPROVAL AND REVISIONS.—

(A) IN GENERAL.—If the Secretary disapproves a proposed management plan, the Secretary shall—

(i) advise the management entity, in writing, of the reasons for the disapproval; and

(ii) make recommendations for revision of the proposed management plan.

(B) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove a revised management plan not later than 90 days after the date on which the revised management plan is submitted.

(3) APPROVAL OF AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall review and approve or disapprove substantial amendments to the management plan.

(B) FUNDING.—Funds appropriated under this Act may not be expended to implement any changes made by an amendment to the management plan until the Secretary approves the amendment.

(h) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of local government and other persons in—

(1) carrying out programs that recognize and protect important resource values in the Heritage Area;

(2) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) developing heritage-based recreational and educational opportunities for residents and visitors in the Heritage Area;

(5) increasing public awareness of and appreciation for the natural, historic, and cultural resources of the Heritage Area;

(6) restoring historic buildings that are—

(A) located in the Heritage Area; and

(B) related to the themes of the Heritage Area; and

(7) installing throughout the Heritage Area clear, consistent, and appropriate signs to identify public access points and sites of interest.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On request of the management entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The management entity may expend Federal funds made available under this Act on non-Federal property that is—

(A) identified in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effects of the activity on—

(A) the purposes of the Heritage Area; and

(B) the management plan;

(2) consult with the management entity with respect to the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—Nothing in this Act affects the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the management entity for the Heritage Area, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 8. PRIVATE PROPERTY PROTECTION.

(a) IN GENERAL.—Nothing in this Act—

(1) requires any private property owner to allow public access (including access by the Federal Government, State government, or units of local government) to the private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act modifies any authority of the Federal Government, State government, or units of local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Area.—Nothing in this Act requires the owner of any private property located within the boundaries of the Heritage Area to participate in, or be associated with, the Heritage Area.

(e) Land Use Regulation.—

(1) In general.—The management entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) Effect.—Nothing in this Act grants any power of zoning or land use to the management entity.

(f) Private Property.—

(1) In general.—The management entity shall be an advocate for land management practices that are consistent with the purposes of the Heritage Area.

(2) Effect.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or unit of local government relating to private property; or

(C) imposes any additional burden on any property owner.

SEC. 9. EFFECT.

(a) Rules, Regulations, Standards, and Permit Processes.—Nothing in this Act imposes any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from the rule, regulation, standard, or process that would be applicable if the Heritage Area had not been established.

(b) Water and Water Rights.—Nothing in this Act authorizes or implies the reservation or appropriation of water or water rights.

(c) No Diminishment of State Authority.—Nothing in this Act diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(d) Existing National Heritage Areas.—Nothing in this Act affects any national heritage area designated before the date of enactment of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity carried out using funds made available under this Act shall be not more than 50 percent.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. DURBIN (for himself and Mr. Obama):

S. 956. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Between the Rivers Southern Illinois National Heritage Area Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) southern Illinois has a cohesive, distinctive, and important landscape that distinguishes the area as worthy of designation as a National Heritage Area;

(2) the historic features of southern Illinois reflect a period during which the area was the strategic convergence point during the westward expansion of the United States;

(3) the geographic centrality of southern Illinois ensured that the area played a pivotal military, social, and political role during the Civil War, which resulted in the area being known as the "Confluence of Freedom";

(4) southern Illinois is at the junction of the ending glaciers and 6 ecological divisions;

(5) after the expeditions of Lewis and Clark, the land between the rivers became known as "Egypt" because of the rivers in, and the beauty and agricultural abundance of, the area;

(6) Native Americans described the area in southern Illinois between the Mississippi and Ohio Rivers as the "Land Between the Rivers";

(7) a feasibility study led by the Office of Economic and Regional Development at Southern Illinois University Carbondale that was revised in April 2006 documents a sufficient assemblage of nationally distinctive historic resources to demonstrate the feasibility of, and the need for, establishing the Land Between the Rivers National Heritage Area; and

(8) stakeholders participating in the feasibility study process for the Heritage Area have developed a proposed management entity and financial plan to preserve the natural, cultural, historic, and scenic features of the area while furthering recreational and educational opportunities in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) Heritage area.—The term "Heritage Area" means the Land Between the Rivers National Heritage Area established by section 4(a).

(2) Management entity.—The term "management entity" means the management entity for the Heritage Area designated by section 4(c).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) State.—The term "State" means the State of Illinois.

SEC. 4. LAND BETWEEN THE RIVERS NATIONAL HERITAGE AREA.

(a) Establishment.—There is established in the State the Land Between the Rivers National Heritage Area.

(b) Boundaries.—The Heritage Area shall include—

(1) Kincaid Mound, Fort de Chartres, Kaskaskia, Fort Massac, Wilkinsonville Contonment, the Lewis and Clark Sculpture, Flat Boat, Cave-in-Rock, the Shawneetown Bank Building, the Iron Furnace, the Crenshaw "Slave House," Roots House, the site of the Lincoln-Douglas debate, certain sites associated with John A. Logan, the Fort Defiance Planning Map, Mound City National Cemetary, and Riverlore Mansion; and

(2) any other sites in Randolph, Perry, Jefferson, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties in the State that the Secretary, in consultation with the management entity, determines to be appropriate for inclusion in the Heritage Area.

(c) Management Entity.—The management entity for the Heritage Area shall be the Southern Illinois University Carbondale.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 114—RECOGNIZING THE CONTRIBUTIONS OF AGRICULTURAL PRODUCERS IN PENNSYLVANIA AND THROUGHOUT THE NATION ON THE OCCASION OF NATIONAL AGRICULTURE DAY

Mr. CASEY (for himself and Mr. Specter) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 114

Whereas National Agriculture Day is an annual celebration during which government agencies, community members, and agricultural groups work with agricultural producers to honor the importance of the agriculture industry;

Whereas agriculture is a pillar of the economy of the Commonwealth of Pennsylvania and many other States across the country;

Whereas agriculture is the number one industry in Pennsylvania and has contributed more than $45,000,000,000 to the economy of the Commonwealth;

Whereas agricultural producers in Pennsylvania export a considerable amount of food and agricultural and forest products, earning more than $1,500,000,000 annually in profits;

Whereas dairy cattle from Pennsylvania are used as breeding stock in a number of countries around the world;

Whereas Pennsylvania is the home of over 58,000 farms, covering more than 7,700,000 acres of land;

Whereas Pennsylvania is a leading producer of mushrooms, eggs, pumpkins, apples, grapes, freestone peaches, ice cream, milk cows, chickens, and other agricultural products and livestock;

Whereas each agricultural producer in the United States feeds more than 144 people and Pennsylvania's agricultural producers are responsible for feeding more than 8,000,000 mouths worldwide;

Whereas agricultural producers in Pennsylvania and throughout the Nation provide the people of the United States with food, clothes, and many other staples; and

Whereas the contribution of agricultural producers in Pennsylvania and throughout the United States should be honored with highest praise and respect: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) that agriculture is the number one industry in Pennsylvania;

(B) the outstanding contribution of Pennsylvania's agricultural producers to the economy of the Commonwealth and the Nation; and

(C) that agriculture in Pennsylvania is diverse and provides important nutrition to the people of the United States; and

(2) pays tribute to agriculture and agricultural producers in Pennsylvania and throughout the United States on the occasion of National Agriculture Day.

SENATE RESOLUTION 115—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LEVIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 115

Whereas on November 15, 2006, the Government of Canada opened a commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas more than 1,000,000 seals have been killed over the past 3 years;

Whereas harp seal pups can be legally hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 95 percent of the seals killed over the past 5 years were pups between just 12 days and 12 weeks of age, many of which had not yet eaten their first solid meal or taken their first swim;

Whereas a report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is a commercial slaughter carried out almost entirely by non-Native people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas 2 Canadian government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2006.

Mr. LEVIN. Mr. President, Canada's commercial seal hunt is the largest slaughter of marine mammals in the world. According to the Humane Society of the United States (HSUS), over one million seals have been killed for their fur in the past three years. In 2006 alone, more than 350,000 seals were slaughtered, most of them between 12 days and 12 weeks old.

Canada officially opened another seal hunt on November 15, 2006, paving the way for hundreds of thousands of baby seals to be killed for their fur during the spring of 2007. Today, I am joined by Senator COLLINS and Senator BIDEN in submitting a resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

A study by an independent team of veterinarians in 2001, found that the seal hunt failed to comply with basic animal welfare standards and that Canadian regulations with regard to humane killing were not being enforced. The study concluded that up to 42 percent of the seals studied were likely skinned while alive and conscious. The United States has long banned the import of seal products because of widespread outrage over the magnitude and cruelty of the hunt.

It makes little sense to continue this inhumane industry that employs only a few hundred people on a seasonal, part-time basis and only operates for a few weeks a year, in which the concentrated killings takes place. In Newfoundland, where over 90 percent of the hunters live, the economic contribution of the seal hunt is marginal. In fact, exports of seal products from Newfoundland account for less than one-tenth of one percent of the Province's total exports.

Canada is fortunate to have vast and diverse wildlife populations, but these animals deserve protection, not senseless slaughter. Americans have a long history of defending marine mammals, best evidenced by the Marine Mammal Protection Act of 1972. Polls show that close to 80 percent of Americans and the vast majority of Europeans oppose Canada's seal hunt. In fact, close to 70 percent of Canadians surveyed oppose the hunt completely, with even higher numbers opposing specific aspects of the hunt, such as killing baby seals.

The U.S. Government has opposed this senseless slaughter, as noted in the attached, January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin.

The clubbing of baby seals can not be defended or justified. Canada should end it, just as we ended the Alaska seal hunt more than 20 years ago.

I ask unanimous consent that the January 19, 2005, letter from the U.S. State Department be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, January 19, 2005.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your letter to the President of November 24, 2004, regarding Canadian commercial seal hunting. The White House has requested that the Department of State respond. We regret the delay in responding. Unfortunately, this letter was not received in the Department of State until mid-December, well after the referenced meeting between President Bush and Prime Minister Paul Martin of Canada.

We are aware of Canada's seal hunting activities and of the opposition to it expressed by many Americans. Furthermore, we can assure you that the United States has a longstanding policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine mammals in waters or lands subject to the jurisdiction of the United States and the importation of marine mammals and marine mammal products into the United States.

The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of assistance in this or any other matter.

Sincerely,

NANCY POWELL,
(For Paul V. Kelly, Asst. Secretary, Legislative Affairs).

SENATE RESOLUTION 116—DESIGNATING MAY 2007 AS "NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH" AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF AUTOIMMUNE DISEASES AND INCREASE FUNDING FOR AUTOIMMUNE DISEASE RESEARCH

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 116

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of the people affected are women, and the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000 and there are over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas, because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating May 2007 as "National Autoimmune Diseases Awareness Month" would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2007 as "National Autoimmune Diseases Awareness Month";

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Mr. BIDEN. Mr. President, I am happy to join the esteemed Congressman from New York, Rep. STEVE ISRAEL, and submit a resolution today to declare May 2007 as "National Autoimmune Diseases Awareness Month."

The purpose of the resolution is to raise awareness of autoimmune diseases and the need for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues. Autoimmune diseases can affect any part of the body-blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems—and can be life-threatening.

Researchers have identified over 80 different autoimmune diseases, including multiple sclerosis, juvenile diabetes, Crohn's disease, scleroderma, polymyositis, lupus, Sjögren's disease and Graves' disease, and suspect at least 40 additional diseases of having an autoimmune basis. The National Institutes of Health estimates that autoimmune diseases afflict more than 23 million people in the United States. Seventy five percent of the people affected with autoimmune diseases are women, and the prevalence of autoimmune diseases is rising. However, the family of autoimmune diseases is under-recognized, and this poses a major health care challenge to the United States.

Diagnostic tests for autoimmune diseases are not standardized, which makes autoimmune diseases very difficult to diagnose. Because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering.

There is a significant need for more collaboration and cross-fertilization of basic autoimmune research, with a particular focus on the etiology of all autoimmune-related diseases in order to increase understanding of the root causes of these diseases rather than treating the symptoms after the disease has had its destructive effect.

As such, I am submitting this resolution to designate May 2007 as "National Autoimmune Disease Awareness Month" to help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments.

SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF THE CONGRESS THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT A COMMEMORATIVE POSTAGE STAMP BE ISSUED TO PROMOTE PUBLIC AWARENESS OF DOWN SYNDROME

Mr. DURBIN (for himself and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 22

Whereas Down syndrome affects people of all races and economic levels;

Whereas Down syndrome is the most frequently occurring chromosomal abnormality;

Whereas 1 in every 800 to 1,000 children is born with Down syndrome;

Whereas more than 350,000 people in the United States have Down syndrome;

Whereas 5,000 children with Down syndrome are born each year;

Whereas as the mortality rate associated with Down syndrome in the United States decreases, the prevalence of individuals with Down syndrome in the United States will increase;

Whereas some experts project that the number of people with Down syndrome will double by 2013;

Whereas individuals with Down syndrome are becoming increasingly integrated into society and community organizations, such as schools, health care systems, work forces, and social and recreational activities;

Whereas more and more people in the United States interact with individuals with Down syndrome, increasing the need for widespread public acceptance and education; and

Whereas a greater understanding of Down syndrome and advancements in treatment of Down syndrome-related health problems have allowed people with Down syndrome to enjoy fuller and more active lives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States Postal Service should issue a commemorative postage stamp to promote public awareness of Down syndrome; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. DURBIN. Mr. President, I rise today to submit legislation expressing support for the creation of a commemorative stamp to promote public awareness of Down syndrome. I start by saluting those who are celebrating World Down Syndrome Day, and by thanking Senator COCHRAN for his support, as well as the National Down Syndrome Society, the Arc of the United States, the National Association for Down Syndrome, and the Central Illinois Down Syndrome Organization.

Awareness begins with facts. According to the National Association for Down Syndrome, Down syndrome is a genetic condition that causes delays in physical and intellectual development. Individuals with Down syndrome have 47 chromosomes instead of the usual 46. It is the most frequently occurring chromosomal disorder. Down syndrome is not related to race, nationality, religion, or economic status. It is a condition that impacts our entire society.

Children with Down syndrome are prone to health complications such as congenital heart defects, infection, respiratory, vision and hearing problems, and other medical conditions. Yet, they have their own gifts, and can often lead independent lives. While children with Down syndrome may face relatively greater challenges in areas such as memory, they often have particular strengths in areas such as social knowledge.

A testament to the fighting spirit and abilities of individuals living with Down syndrome resides near me in Springfield, IL. Diana Braun is an amazing woman. She survived an abusive family, scattered siblings, and institutional living to emerge as an Illinois leader and advocate for people with intellectual disabilities. She is president of People First and a member of the Illinois Council on Developmental Disabilities. She currently serves on the board of the Illinois Arc and works as a personal assistant to her friend and fellow activist, Kathy Conour. Together, they travel to Washington almost yearly to meet with their elected officials. She is a remarkable human being by any standard, and we in Illinois are proud that she has chosen to lead and advocate in our State. She and those for whom she advocates deserve our support.

The United States Postal Service has done a remarkable job of raising awareness, and in some cases money, for many worthy causes. This cause could not be more worthy, or in greater need of attention. There are more than 350,000 people living with Down syndrome in the United States. One in every 733 babies is born with Down syndrome. These births impact millions more—parents, siblings, friends, educators, and employers.

A commemorative stamp is the least that we as a body can do to spread awareness and provide support for this universal issue. Many Down syndrome support groups make a point of noting that people with Down syndrome are more like other people than they are different. They are different in that they are gifted with that rare strength that comes from adversity, and the compassion that comes from understanding the fight. I salute these individuals, their families, and everyone who supports them. I hope that the Citizens' Stamp Advisory Commission will do the same.

AMENDMENTS SUBMITTED AND PROPOSED

SA 481. Mr. SUNUNU submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table.

SA 482. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 483. Mr. BUNNING (for himself and Mr. ENZI) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 484. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 485. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 486. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. DOMENICI, Mr. ENSIGN, Mr. REID, Mr. KENNEDY, and Mr. SMITH) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 487. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 488. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 489. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 490. Mr. REID (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 21, supra; which was ordered to lie on the table.

SA 491. Mr. ALLARD proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 492. Mr. BAUCUS (for himself, Ms. LANDRIEU, Mr. PRYOR, Mr. BAYH, Mr. NELSON, of Florida, and Mr. SALAZAR) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 493. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 494. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 495. Ms. SNOWE (for herself, Mrs. LINCOLN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 496. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 497. Mr. ENZI (for himself, Mr. CHAMBLISS, Mr. DEMINT, Mr. CORNYN, and Mr. THOMAS) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 21, supra; which was ordered to lie on the table.

SA 498. Mr. THOMAS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 499. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 500. Mr. BUNNING (for himself, Mr. MCCONNELL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 501. Mr. KERRY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 502. Mr. GRASSLEY proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 503. Mr. ALEXANDER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 504. Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. KENNEDY, and Mr. CASEY) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 505. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 506. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 507. Mr. KYL (for himself and Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 508. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 509. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 510. Mr. SMITH (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 21, supra; which was ordered to lie on the table.

SA 511. Mr. CORNYN (for himself, Mr. DEMINT, Mr. MARTINEZ, and Mr. COBURN) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 512. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 513. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 514. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 515. Mr. THOMAS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 516. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 517. Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. CANTWELL, Mr. ENZI, and Ms. MURKOWSKI) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 518. Mr. SMITH (for himself, Mr. DODD, Mr. LUGAR, Mr. BROWNBACK, Mr. SUNUNU, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 519. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 520. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 521. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 522. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 523. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 524. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 481. Mr. SUNUNU submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $32,300,000,000.

On page 3, line 15, decrease the amount by $45,900,000,000.

On page 3, line 23, decrease the amount by $32,300,000,000.

On page 4, line 1, decrease the amount by $45,900,000,000.

On page 4, line 9, increase the amount by $759,000,000.

On page 4, line 10, increase the amount by $2,632,000,000.

On page 4, line 18, increase the amount by $759,000,000.

On page 4, line 19, increase the amount by $2,632,000,000.

On page 5, line 2, increase the amount by $33,059,000,000.

On page 5, line 3, increase the amount by $48,532,000,000.

On page 5, line 10, increase the amount by $33,059,000,000.

On page 5, line 11, increase the amount by $81,591,000,000.

On page 5, line 18, increase the amount by $33,059,000,000.

On page 5, line 19, increase the amount by $81,591,000,000.

On page 25, line 24, increase the amount by $759,000,000.

On page 25, line 25, increase the amount by $759,000,000.

On page 26, line 3, increase the amount by $2,632,000,000.

On page 26, line 4, increase the amount by $2,632,000,000.

SA 482. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR NATIONAL GUARD FORCE READINESS.

(a) FINDINGS.—Congress makes the following findings:

(1) In his testimony before the Commission on the National Guard and Reserves, the Chief of the National Guard Bureau, Lieutenant General Blum, warned about equipment shortfalls for the Army National Guard and Air National Guard stating that "88 percent of the forces that are back here in the United States are very poorly equipped today in the Army National Guard. And in the Air National Guard for the last three decades, they have never had a unit below C2 in equipment readiness".

(2) In the March 1, 2007, report of the Commission on the National Guard and Reserves, the Commission observes that—

(A) while the operational tempo of the reserve components of the Armed Forces has increased substantially, resourcing has not kept pace;

(B) the lack of sufficient and ready equipment is a problem common to both the active and reserve components of the Armed Forces;

(C) the equipment readiness of the Army National Guard is unacceptable and has reduced the capability of the United States to respond to current and additional major contingencies, whether foreign and domestic; and

(D) while the budget of the President for fiscal year 2008 includes large increases in funds for equipment for the National Guard, historical practice in the Department of Defense indicates that Army plans for projected funding increases for equipment for the Army National Guard are not reliably carried through.

(3) According to the Commission on the National Guard and Reserves, procurement for the Army National Guard during the period from 1999 through 2005 has been reduced significantly from amounts proposed for such procurement before that period. The budget for fiscal year 2001 indicated that the Army planned to expend $1,346,000,000 in fiscal year 2004 for procurement for the Army National Guard, but the budget for fiscal year 2006 revealed that the Army expended only $578,400,000 for procurement for the Army National Guard in fiscal year 2004. Similarly, the budget for fiscal year 2001 indicated that the Army planned to expend $1,625,000,000 in fiscal year 2005 for procurement for the Army National Guard, but the budget for fiscal year 2006 revealed that the Army planned to expend only $660,900,000 for procurement for the Army National Guard in fiscal year 2005.

(4) According to the Commission on the National Guard and Reserves, the difference between the amounts proposed for procurement for the Army National Guard for fiscal years 2003 through 2005 and the amounts actually expended for such procurement in such fiscal years was atypical and extreme.

(5) According to a January 2007 report of the Government Accountability Office, inventories of equipment for the National Guard in the United States have decreased because of overseas operations, particularly inventories of the Army National Guard. The Comptroller General found that State officials expressed concerns about having enough equipment to respond to large scale natural or man made disasters such as Hurricane Katrina.

(6) The Comptroller General found that before current overseas operations began, the majority of the combat forces of the Army National Guard were supplied with approximately 65 to 79 percent of their required equipment. As of November 2006, nondeployed Army National Guard forces nationwide still had approximately 64 percent of the total amount of authorized dual-use equipment, including authorized substitute items, based on their warfighting missions even as overseas and domestic missions have expanded.

(b) RESERVE FUND.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for National Guard Force Readiness, by the amounts provided by that legislation for that purpose, but not to exceed $8,760,000,000 in new budget authority for fiscal year 2008 and the outlays flowing from that budget authority and $7,235,000,000 in new budget authority for each of the fiscal years 2009 through 2012 and the outlays flowing from that budget authority, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2012.

SA 483. Mr. BUNNING (for himself and Mr. ENZI) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title II, add the following:

SEC. . CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) Amendments to Budget Resolution.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) Suspension of Requirement During War or Low Economic Growth.—

(1) Low growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

(2) War.—If a declaration of war is in effect, this section is suspended.

(e) Supermajority Waiver and Appeals.—

(1) Waiver.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) Budget Year.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 484. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the talbe; as follows:

On page 23, line 12, increase the amount by $99,000,000.

On page 23, line 13, increase the amount by $99,000,000.

On page 26, line 12, decrease the amount by $99,000,000.

On page 26, line 13, decrease the amount by $99,000,000.

SA 485. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $0.

On page 3, line 11, decrease the amount by $5,600,000,000.

On page 3, line 12, decrease the amount by $14,300,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,500,000,000.

On page 3, line 15, decrease the amount by $19,800,000,000.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $5,600,000,000.

On page 3, line 21, decrease the amount by $14,300,000,000.

On page 3, line 22, decrease the amount by $15,600,000,000.

On page 3, line 23, decrease the amount by $17,500,000,000.

On page 4, line 1, decrease the amount by $19,800,000,000.

On page 4, line 5, decrease the amount by $0.

On page 4, line 6, decrease the amount by $5,600,000,000.

On page 4, line 7, decrease the amount by $14,300,000,000.

On page 4, line 8, decrease the amount by $15,600,000,000.

On page 4, line 9, decrease the amount by $17,500,000,000.

On page 4, line 10, decrease the amount by $19,800,000,000.

On page 4, line 14, decrease the amount by $0.

On page 4, line 15, decrease the amount by $5,600,000,000.

On page 4, line 16, decrease the amount by $14,300,000,000.

On page 4, line 17, decrease the amount by $15,600,000,000.

On page 4, line 18, decrease the amount by $17,500,000,000.

On page 4, line 19, decrease the amount by $19,800,000,000.

On page 26, line 8, decrease the amount by $0.

On page 26, line 9, decrease the amount by $0.

On page 26, line 12, decrease the amount by $5,600,000,000.

On page 26, line 13, decrease the amount by $5,600,000,000.

On page 26, line 16, decrease the amount by $14,300,000,000.

On page 26, line 17, decrease the amount by $14,300,000,000.

On page 26, line 20, decrease the amount by $15,600,000,000.

On page 26, line 21, decrease the amount by $15,600,000,000.

On page 26, line 24, decrease the amount by $17,500,000,000.

On page 26, line 25, decrease the amount by $17,500,000,000.

On page 27, line 3, decrease the amount by $19,800,000,000.

On page 27, line 4, decrease the amount by $19,800,000,000.

SA 486. Mr. BINGAMAN (for himself, Mr. Alexander, Mr. Lieberman, Mr. Domenici, Mr. Ensign, Mr. Reid, Mr. Kennedy, and Mr. Smith) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 10, line 9, increase the amount by $1,008,000,000.

On page 10, line 10, increase the amount by $428,000,000.

On page 10, line 14, increase the amount by $345,000,000.

On page 10, line 18, increase the amount by $179,000,000.

On page 10, line 22, increase the amount by $35,000,000.

On page 11, line 1, increase the amount by $18,000,000.

On page 14, line 9, increase the amount by $11,000,000.

On page 14, line 10, increase the amount by $9,000,000.

On page 14, line 14, increase the amount by $3,000,000.

On page 26, line 12, decrease the amount by $1,019,000,000.

On page 26, line 13, decrease the amount by $437,000,000.

On page 26, line 17, decrease the amount by $348,000,000.

On page 26, line 21, decrease the amount by $179,000,000.

On page 26, line 25, decrease the amount by $35,000,000.

On page 27, line 4, decrease the amount by $18,000,000.

SA 487. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 50, line 3, insert after "disabled military personnel" the following: "or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)".

SA 488. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON REDEPLOYMENT OF UNITED STATES MILITARY FORCES FROM IRAQ.

(a) Findings.—The Senate makes the following findings:

(1) The bipartisan Iraq Study Group recommended that all United States combat brigades not necessary for force protection could be out of Iraq by the first quarter of 2008 and that "the U.S. should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq".

(2) On November 15, 2005, the Senate voted 79–19 in support of an amendment stating that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions

for the phased redeployment of United States forces from Iraq''.

(b) SENSE OF SENATE.—It is the sense of the Senate that funding in this resolution for fiscal year 2008 shall be used to commence the redeployment of United States military forces from Iraq.

SA 489. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1951;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SA 490. Mr. REID (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING MILITARY RETIREMENT AND DISABILITY OFFSET.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would extend eligibility for concurrent receipt of military retirement pay and veterans' disability compensation or would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 491. Mr. ALLARD proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 4, line 6, decrease the amount by $4,270,000,000.

On page 4, line 7, decrease the amount by $4,427,500,000.

On page 4, line 8, decrease the amount by $4,675,500,000.

On page 4, line 9, decrease the amount by $4,972,500,000.

On page 4, line 10, decrease the amount by $5,284,000,000.

On page 4, line 15, decrease the amount by $870,000,000.

On page 4, line 16, decrease the amount by $2,752,500,000.

On page 4, line 17, decrease the amount by $4,580,500,000.

On page 4, line 18, decrease the amount by $4,877,500,000.

On page 4, line 19, decrease the amount by $5,189,000,000.

On page 4, line 24, decrease the amount by $870,000,000.

On page 4, line 25, decrease the amount by $2,752,500,000.

On page 5, line 1, decrease the amount by $4,580,500,000.

On page 5, line 2, decrease the amount by $4,877,500,000.

On page 5, line 3, decrease the amount by $5,189,000,000.

On page 5, line 7, decrease the amount by $870,000,000.

On page 5, line 8, decrease the amount by $3,622,500,000.

On page 5, line 9, decrease the amount by $8,203,000,000.

On page 5, line 10, decrease the amount by $13,081,000,000.

On page 5, line 11, decrease the amount by $18,269,500,000.

On page 5, line 15, decrease the amount by $870,000,000.

On page 5, line 16, decrease the amount by $3,662,500,000.

On page 5, line 17, decrease the amount by $8,203,000,000.

On page 5, line 18, decrease the amount by $13,081,000,000.

On page 5, line 19, decrease the amount by $18,269,500,000.

On page 25, line 12, decrease the amount by $20,000,000.

On page 25, line 13, decrease the amount by $20,000,000.

On page 25, line 16, decrease the amount by $102,500,000.

On page 25, line 17, decrease the amount by $102,500,000.

On page 25, line 20, decrease the amount by $270,500,000.

On page 25, line 21, decrease the amount by $270,500,000.

On page 25, line 24, decrease the amount by $487,500,000.

On page 25, line 25, decrease the amount by $487,500,000.

On page 26, line 3, decrease the amount by $719,000,000.

On page 26, line 4, decrease the amount by $719,000,000.

On page 26, line 12, decrease the amount by $4,250,000,000.

On page 26, line 13, decrease the amount by $850,000,000.

On page 26, line 16, decrease the amount by $4,325,000,000.

On page 26, line 17, decrease the amount by $2,650,000,000.

On page 26, line 20, decrease the amount by $4,405,000,000.

On page 26, line 21, decrease the amount by $4,310,000,000.

On page 26, line 24, decrease the amount by $4,485,000,000.

On page 26, line 25, decrease the amount by $4,439,000,000.

On page 27, line 3, decrease the amount by $4,565,000,000.

On page 27, line 4, decrease the amount by $4,470,000,000.

On page 41, line 9, decrease the amount by $4,250,000,000.

On page 41, line 10, decrease the amount by $850,000,000.

SA 492. Mr. BAUCUS (for himself, Ms. LANDRIEU, Mr. PRYOR, Mr. BAYH, Mr. NELSON of Florida, and Mr. SALAZAR) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 13, decrease the amount by 200,000,000.

On page 3, line 14, decrease the amount by 52,700,000,000.

On page 3, line 15, decrease the amount by 126,916,000,000.

On page 3, line 22, decrease the amount by 200,000,000.

On page 3, line 23, decrease the amount by 52,700,000,000.

On page 4, line 1, further decrease the amount by 126,916,000,000.

On page 4, line 8, increase the amount by 5,000,000,000.

On page 4, line 9, increase the amount by 5,000,000,000.

On page 4, line 10, increase the amount by 5,000,000,000.

On page 4, line 17, increase the amount by 5,000,000,000.

On page 4, line 18, increase the amount by 5,000,000,000.

On page 4, line 19, increase the amount by 5,000,000,000.

On page 5, line 1, increase the amount by 5,200,000,000.

On page 5, line 2, increase the amount by 57,700,000,000.

On page 5, line 3, increase the amount by 131,916,000,000.

On page 5, line 9, increase the amount by 5,200,000,000.

On page 5, line 10, increase the amount by 62,900,000,000.

On page 5, line 11, increase the amount by 194,816,000,000.

On page 5, line 17, increase the amount by 5,200,000,000.

On page 5, line 18, increase the amount by 62,900,000,000.

On page 5, line 19, increase the amount by 194,816,000,000.

On page 18, line 20, increase the amount by 5,000,000,000.

On page 18, line 21, increase the amount by 5,000,000,000.

On page 18, line 24, increase the amount by 5,000,000,000.

On page 18, line 25, increase the amount by 5,000,000,000.

On page 19, line 3, increase the amount by 5,000,000,000.

On page 19, line 4, increase the amount by 5,000,000,000.

On page 49, line 6, decrease the amount by 15,000,000,000.

SA 493. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 308 and insert the following:

(a) Prohibiting Government Negotiation as Called for by the Medicare Modernization Act of 2000, Introduced by Senator Moynihan on Behalf of the Clinton Administration.—If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, as specified in S. 2342, the Medicare Modernization Act of 2000, introduced in the 106th Congress by Senator Moynihan on behalf of the Clinton Administration, prohibits the Secretary of Health and Human Services from authorizing a particular formulary or instituting a price structure for benefits under the Medicare prescription drug program under part D of title XVIII, or otherwise interfering with the competitive nature of providing a prescription drug benefit through benefit managers to Medicare beneficiaries; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 494. Mr. GRASSLEY (for himself, Mr. Baucus, and Mr. Smith) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND TO IMPROVE MEDICARE HOSPITAL PAYMENT ACCURACY.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses the wide and inequitable disparity in the reimbursement of hospitals under the Medicare program;

(B) includes provisions to reform the area wage index, including the occupational mix adjustment, used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(C) includes a transition to the reform described in subparagraph (B); and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2008 through 2012.

SA 495. Ms. SNOWE (for herself, Mrs. Lincoln, and Mr. Coleman) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $6,200,000,000.

On page 3, line 15, decrease the amount by $31,000,000,000.

On page 3, line 23, decrease the amount by $6,200,000,000.

On page 4, line 1, decrease the amount by $31,000,000,000.

On page 4, line 9, increase the amount by $146,000,000.

On page 4, line 10, increase the amount by $1,027,000,000.

On page 4, line 18, increase the amount by $146,000,000.

On page 4, line 19, increase the amount by $1,027,000,000.

On page 5, line 2, increase the amount by $6,346,000,000.

On page 5, line 3, increase the amount by $32,027,000,000.

On page 5, line 10, increase the amount by $6,346,000,000.

On page 5, line 11, increase the amount by $38,372,000,000.

On page 5, line 18, increase the amount by $6,346,000,000.

On page 5, line 19, increase the amount by $38,372,000,000.

On page 25, line 24, increase the amount by $146,000,000.

On page 25, line 25, increase the amount by $146,000,000.

On page 26, line 3, increase the amount by $1,027,000,000.

On page 26, line 4, increase the amount by $1,027,000,000.

SA 496. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 308 and insert the following:

(a) Prohibiting Government Negotiation Under Medicare Part D as Called for in H.R. 4770 from the 106th Congress, as Introduced by Representative Gephardt and Others.—If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, as specified in H.R. 4770 from the 106th Congress, as introduced on June 27, 2000, by Representative Gephardt and cosponsored by Representatives Hoeffel, Bonior, Rangel, Dingell, Stark, Brown, Matsui, Coyne, Levin, Cardin, McDermott, Kleczka, Lewis, Neal, McNulty, Jefferson, Tanner, Becerra, Thurman, Doggett, Waxman, Markey, Boucher, Pallone, Stupak, Engel, Green, Allen, Baca, Bentsen, Berkley, Bishop, Capps, Blagojevich, Blumenauer, Brady, Brown Capuano, Clay, Clayton, Clement, Conyers, Costello, Cummings, Danner, Davis, DeGette, Delahunt, DeLauro, Dixon, Doyle, Edwards, Evans, Farr, Forbes, Frank, Frost, Gonzales, Gutierrez, Hilliard, Norton, Hoyer, Inslee, Jackson, Jackson-Lee, Johnson, Kennedy, Kildee, Kilpatrick, Kucinich, Lampson, Lantos, Lee, Lowey, McGovern, Maloney, Meehan, Menendez, Millender-McDonald, Moakley, Napolitano, Oberstar, Olver, Ortiz, Pascrell, Pastor, Pelosi, Phelps, Pomeroy, Reyes, Rodriguez, Roybal-Allard, Sanchez, Sandlin, Skelton, Slaughter, Snyder, Spratt, Stabenow, Jones, Turner, Udall, Underwood, Weygand, Wexler, Woolsey, Borski, Berry, Berman, Price, Visclosky, Baldacci, Gejdenson, Wynn, and Boswell, prohibits the Secretary of Health and Human Services from requiring a particular formulary, instituting a price structure for benefits, or in any way rationing benefits under part D of title XVIII of the Social Security Act, interfering in any way with negotiations between benefit administrators and medicine manufacturers, or wholesalers, or otherwise interfering with the competitive nature of providing a prescription medicine benefit using private benefit administrators, except as is required to guarantee coverage of the defined benefit; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 497. Mr. ENZI (for himself, Mr. Chambliss, Mr. DeMint, Mr. Cornyn, and Mr. Thomas) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. 2___. RESTRICTIONS ON PRIVATE SECTOR MANDATES.

(a) Point of Order.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of private sector mandates on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) by an amount that exceeds the threshold provided in section 424(b)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 498. Mr. THOMAS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 48, beginning with line 17, strike all through page 62, line 7.

SA 499. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $140,000,000.

On page 18, line 13, increase the amount by $84,000,000.

On page 18, line 17, increase the amount by $42,000,000.

On page 18, line 21, increase the amount by $14,000,000.

On page 26, line 12, decrease the amount by $140,000,000.

On page 26, line 13, decrease the amount by $84,000,000.

On page 26, line 17, decrease the amount by $42,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

SA 500. Mr. BUNNING (for himself, Mr. MCCONNELL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING STATE FLEXIBILITY IN MEDICAID.

If the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that implements improvements to Medicare, Medicaid, or the State Children's Health Insurance Program, but that does not reduce the ability of States to provide coverage to Medicaid recipients through flexible benefit options that provide greater opportunities to provide health benefits coverage for Medicaid recipients then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2008 and the period of fiscal years 2008 through 2012.

SA 501. Mr. KERRY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 14, line 9, increase the amount by $180,000,000.

On page 14, line 10, increase the amount by $139,000,000.

On page 14, line 14, increase the amount by $29,000,000.

On page 14, line 18, increase the amount by $7,000,000.

On page 14, line 22, increase the amount by $2,000,000.

On page 26, line 12, decrease the amount by $180,000,000.

On page 26, line 13, decrease the amount by $139,000,000.

On page 26, line 17, decrease the amount by $29,000,000.

On page 26, line 21, decrease the amount by $7,000,000.

On page 26, line 25, decrease the amount by $2,000,000.

SA 502. Mr. GRASSLEY proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 41, line 9, decrease the amount by $17,000,000.

On page 41, line 10, decrease the amount by $15,000,000.

At the appropriate place insert the following:

SEC. ___. ADJUSTMENT FOR SMITHSONIAN INSTITUTION SALARIES AND EXPENSES.

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $17,000,000 in budgetary authority and outlays flowing therefrom, once the Comptroller General of the United States has submitted a certification to Congress that since April 1, 2007—

(1) the Smithsonian Institution does not provide total annual compensation for any officer or employee of the Smithsonian Institution greater than the total annual compensation of the President of the United States;

(2) the Smithsonian Institution does not provide deferred compensation for any such officer or employee greater than the deferred compensation of the President of the United States;

(3) all Smithsonian Institution travel expenditures conform with Federal Government guidelines and limitations applicable to the Smithsonian Institution; and,

(4) all Smithsonian Institution officers and employees are subject to ethics rules similar to the ethics rules widely applicable to Federal Government employees.

(b) CRITERIA FOR CERTIFICATION.—In making the certification described in subsection (a), the Comptroller General of the United States should take into account the following:

(1) The Smithsonian Institution is a premier educational, historical, artistic, research, and cultural organization for the American people.

(2) The Inspector General for the Smithsonian Institution recently issued a report regarding an investigation of unauthorized and excessive authorized compensation, benefits, and expenditures by the Secretary of the Smithsonian Institution.

(3) The Inspector General's findings indicate that the actions of the Secretary of the Smithsonian Institution are not in keeping with the public trust of the office of the Secretary of the Smithsonian Institution.

(4) Priority should be given to funding for necessary repairs to maintain and repair Smithsonian Institution buildings and infrastructure and protect America's treasures.

(5) Priority should be given to full funding for the Office of the Inspector General for the Smithsonian Institution so that the American people and Congress have renewed confidence that tax-preferred donations and Federal funds are being spent appropriately and in keeping with the best practices of the charitable sector.

SA 503. Mr. ALEXANDER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 17, line 12, increase the amount by $199,000,000.

On page 17, line 13, increase the amount by $6,000,000.

On page 17, line 16, increase the amount by $199,000,000.

On page 17, line 17, increase the amount by $135,000,000.

On page 17, line 20, increase the amount by $199,000,000.

On page 17, line 21, increase the amount by $189,000,000.

On page 17, line 24, increase the amount by $199,000,000.

On page 17, line 25, increase the amount by $199,000,000.

On page 18, line 3, increase the amount by $199,000,000.

On page 18, line 4, increase the amount by $199,000,000.

On page 26, line 12, decrease the amount by $199,000,000.

On page 26, line 13, decrease the amount by $6,000,000.

On page 26, line 16, decrease the amount by $199,000,000.

On page 26, line 17, decrease the amount by $135,000,000.

On page 26, line 20, decrease the amount by $199,000,000.

On page 26, line 21, decrease the amount by $189,000,000.

On page 26, line 24, decrease the amount by $199,000,000.

On page 26, line 25, decrease the amount by $199,000,000.

On page 27, line 3, decrease the amount by $199,000,000.

On page 27, line 4, decrease the amount by $199,000,000.

SA 504. Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. KENNEDY, and Mr. CASEY) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 48, line 19, before "The" insert the following:

(a) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(1) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) its top health priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(2) Extending health care coverage to the Nation's uninsured children is an urgent priority for the Senate.

(3) SCHIP has proven itself a successful program for covering previously uninsured children.

(4) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(5) SCHIP reduces the percentage of children with unmet health care needs.

(6) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(7) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(8) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(b) RESERVE FUND.—

SA 505. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 63, after line 24, insert the following:

SEC. 326. DEFICIT-NEUTRAL RESERVE FOR ASBESTOS REFORM LEGISLATION.

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget shall revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report regarding asbestos reform, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

(b) PAYGO EXCEPTION.—A point of order brought under section 201(a) or section 203(b) shall not apply, upon the execution of the requirements under subsection (a), to any bill, joint resolution, amendment, motion, or conference report regarding asbestos reform.

SA 506. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $2,200,000,000.

On page 18, line 13, increase the amount by $2,200,000,000.

On page 26, line 12, decrease the amount by $2,200,000,000.

On page 26, line 13, decrease the amount by $2,200,000,000.

SA 507. Mr. KYL (for himself and Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 11 increase the amount by $390,000,000.

On page 3 line 12, decrease the amount by $184,000,000.

On page 3, line 13, decrease the amount by $3,796,000,000.

On page 3, line 14, decrease the amount by $31,544,000,000.

On page 3, line 15, decrease the amount by $36,398,000,000.

On page 3, line 20 increase the amount by $390,000,000.

On page 3 line 21, decrease the amount by $184,000,000.

On page 3, line 22, decrease the amount by $3,796,000,000.

On page 3, line 23, decrease the amount by $31,544,000,000.

On page 4, line 1, decrease the amount by $36,398,000,000.

On page 4, line 6, decrease the amount by $9,000,000.

On page 4, line 7, decrease the amount by $14,000,000.

On page 4, line 8, increase the amount by $78,000,000.

On page 4, line 9, increase the amount by $912,000,000.

On page 4, line 10, increase the amount by $2,552,000,000.

On page 4, line 15, decrease the amount by $9,000,000.

On page 4, line 16, decrease the amount by $14,000,000.

On page 4, line 17, increase the amount by $78,000,000.

On page 4, line 18, increase the amount by $912,000,000.

On page 4, line 19, increase the amount by $2,552,000,000.

On page 4, line 24, decrease the amount by $399,000,000.

On page 4, line 25, increase the amount by $170,000,000.

On page 5, line 1, increase the amount by $3,874,000,000.

On page 5, line 2, increase the amount by $32,456,000,000.

On page 5, line 3, increase the amount by $38,950,000,000.

On page 5, line 7, decrease the amount by $399,000,000.

On page 5, line 8, decrease the amount by $230,000,000.

On page 5, line 9, increase the amount by $3,645,000,000.

On page 5, line 10, increase the amount by $36,101,000,000.

On page 5, line 11, increase the amount by $75,051,000,000

On page 5, line 15, decrease the amount by $399,000,000.

On page 5, line 16, decrease the amount by $230,000,000.

On page 5, line 17, increase the amount by $3,645,000,000.

On page 5, line 18, increase the amount by $36,101,000,000.

On page 5, line 19, increase the amount by $75,051,000,000

On page 25, line 12, decrease the amount by $9,000,000.

On page 25, line 13, decrease the amount by $9,000,000.

On page 25, line 16, decrease the amount by $14,000,000.

On page 25, line 17, decrease the amount by $14,000,000.

On page 25, line 20, increase the amount by $78,000,000.

On page 25, line 21, increase the amount by $78,000,000.

On page 25, line 24, increase the amount by $912,000,000.

On page 25, line 25, increase the amount by $912,000,000.

On page 26, line 3, increase the amount by $2,552,000,000.

On page 26, line 4, increase the amount by $2,552,000,000.

SA 508. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not—

(i) lead to fewer coverage choices for Medicare beneficiaries, especially for those beneficiaries in rural areas; or

(ii) result in reduced benefits or increased cost-sharing for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII, especially for low-income beneficiaries who depend on their Medicare Advantage plan for protection from high out-of-pocket cost-sharing; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 509. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes up to $500,000,000, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 510. Mr. SMITH (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of section 301, add the following: "Among the policy changes that could be considered to achieve offsets to the cost of reauthorizing the State Children's Health Insurance Program and expanding coverage for children is an increase in the tobacco products user fee rate but only to the extent that such rate increase does not result in an increase of more than 61 cents per pack of cigarettes, with all revenue generated by such increase dedicated to such reauthorization and expansion.".

SA 511. Mr. CORNYN (for himself, Mr. DEMINT, Mr. MARTINEZ, and Mr. COBURN) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the appropriate place insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR THE REAUTHORIZATION OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) THAT WILL COVER KIDS FIRST.

In the Senate, if the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) reauthorizes and improves the State Children's Health Insurance Program (SCHIP);

(2) emphasizes providing health insurance to low-income children below 200 percent of the Federal poverty level;

(3) limits the use of SCHIP funds for coverage of non-pregnant adults unless States are covering their low-income children;

(4) allows parents to cover their children on their own health insurance plan with SCHIP funds;

(5) increases State flexibility so that States can use innovative strategies to cover kids; and

(6) improves and strengthens oversight of Medicaid and SCHIP to prevent waste, fraud and abuse,

then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2012.

SA 512. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $184,000,000.

On page 3, line 15, decrease the amount by $689,000,000.

On page 3, line 23, decrease the amount by $184,000,000.

On page 4, line 1, decrease the amount by $689,000,000.

On page 4, line 9, increase the amount by $4,000,000.

On page 4, line 10, increase the amount by $25,000,000.

On page 4, line 18, increase the amount by $4,000,000.

On page 4, line 19, increase the amount by $25,000,000.

On page 5, line 2, increase the amount by $188,000,000.

On page 5, line 3, increase the amount by $714,000,000.

On page 5, line 10, increase the amount by $188,000,000.

On page 5, line 11, increase the amount by $902,000,000.

On page 5, line 18, increase the amount by $188,000,000.

On page 5, line 19, increase the amount by $902,000,000.

On page 25, line 24, increase the amount by $4,000,000.

On page 25, line 25, increase the amount by $4,000,000.

On page 26, line 3, increase the amount by $25,000,000.

On page 26, line 4, increase the amount by $25,000,000.

SA 513. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . DEFICIT REDUCTION PROTECTION POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations bill that does not include the following provision:

"SEC. ___. For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt $.".

(b) ENFORCEMENT.—For purposes of enforcing allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, any amendment that transfers budget authority (and the outlays flowing therefrom) into the debt reduction account provided by subsection (a) shall be scored so that the budget authority continues to count towards the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

(c) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 514. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by $11,000,000.

On page 3, line 13, decrease the amount by $10,000,000.

On page 3, line 14, decrease the amount by $9,000,000.

On page 3, line 15, decrease the amount by $7,000,000.

On page 3, line 21, decrease the amount by $11,000,000.

On page 3, line 22, decrease the amount by $10,000,000.

On page 3, line 23, decrease the amount by $9,000,000.

On page 4, line 1, decrease the amount by $7,000,000.

On page 4, line 8, increase the amount by $1,000,000.

On page 4, line 9, increase the amount by $1,000,000.

On page 4, line 10, increase the amount by $2,000,000.

On page 4, line 17, increase the amount by $1,000,000.

On page 4, line 18, increase the amount by $1,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 4, line 25, increase the amount by $11,000,000.

On page 5, line 1, increase the amount by $11,000,000.

On page 5, line 2, increase the amount by $10,000,000.

On page 5, line 3, increase the amount by $9,000,000.

On page 5, line 8, increase the amount by $11,000,000.

On page 5, line 9, increase the amount by $22,000,000.

On page 5, line 10, increase the amount by $32,000,000.

On page 5, line 11, increase the amount by $41,000,000.

On page 5, line 16, increase the amount by $11,000,000.

On page 5, line 17, increase the amount by $22,000,000.

On page 5, line 18, increase the amount by $32,000,000.

On page 5, line 19, increase the amount by $41,000,000.

On page 25, line 20, increase the amount by $1,000,000.

On page 25, line 21, increase the amount by $1,000,000.

On page 25, line 24, increase the amount by $1,000,000.

On page 25, line 25, increase the amount by $1,000,000.

On page 26, line 3, increase the amount by $2,000,000.

On page 26, line 4, increase the amount by $2,000,000.

SA 515. Mr. THOMAS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, after the period insert "In a non-regular appropriations bill designated to supplement funding for ongoing combat operations, the authority to designate under this subsection shall only apply to war-related items that meet the criteria provided in subsection (f)."

SA 516. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 47, after line 17, insert the following:

(H) ADJUSTMENTS FOR NATIONAL GUARD FORCE READINESS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for 1 or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal years 2008 through 2012 in excess of the levels assumed in this resolution to address equipment reset requirements of the Army National Guard and the Air National Guard or otherwise remedy other readiness shortfalls of the Army National Guard and the Air National Guard, in order to begin to restore the equipment readiness of the Army National Guard and the Air National Guard, but not to exceed the following amounts:

(i) For fiscal year 2008, $8,760,000,000 in budget authority and the outlays flowing therefrom.

(ii) For fiscal year 2009, $7,235,000,000 in budget authority and the outlays flowing therefrom.

(iii) For fiscal year 2010, $7,235,000,000 in budget authority and the outlays flowing therefrom.

(iv) For fiscal year 2011, $7,235,000,000 in budget authority and the outlays flowing therefrom.

(v) For fiscal year 2012, $7,235,000,000 in budget authority and the outlays flowing therefrom.

SA 517. Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. CANTWELL, Mr. ENZI, and Ms. MURKOWSKI) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 11, decrease the amount by $429,000,000.

On page 3, line 12, decrease the amount by $2,923,000,000.

On page 3, line 13, decrease the amount by $3,294,000,000.

On page 3, line 14, decrease the amount by $3,349,000,000

On page 3, line 15, decrease the amount by $3,579,000,000.

On page 3, line 20, decrease the amount by $429,000,000.

On page 3, line 21, decrease the amount by $2,923,000,000.

On page 3, line 22, decrease the amount by $3,294,000,000.

On page 3, line 23, decrease the amount by $3,349,000,000.

On page 4, line 1, decrease the amount by $3,579,000,000.

On page 4, line 6, decrease the amount by $429,000,000.

On page 4, line 7, decrease the amount by $2,923,000,000.

On page 4, line 8, decrease the amount by $3,294,000,000.

On page 4, line 9, decrease the amount by $3,349,000,000.

On page 4, line 10, decrease the amount by $3,579,000,000.

On page 4, line 15, decrease the amount by $429,000,000.

On page 4, line 16, decrease the amount by $2,923,000,000.

On page 4, line 17, decrease the amount by $3,294,000,000.

On page 4, line 18, decrease the amount by $3,349,000,000.

On page 4, line 19, decrease the amount by $3,579,000,000.

On page 26, line 12, decrease the amount by $429,000,000.

On page 26, line 13, decrease the amount by $429,000,000.

On page 26, line 16, decrease the amount by $2,923,000,000.

On page 26, line 17, decrease the amount by $2,923,000,000.

On page 26, line 20, decrease the amount by $3,294,000,000.

On page 26, line 21, decrease the amount by $3,294,000,000.

On page 26, line 24, decrease the amount by $3,349,000,000.

On page 26, line 25, decrease the amount by $3,349,000,000.

On page 27, line 3, decrease the amount by $3,579,000,000.

On page 27, line 4, decrease the amount by $3,579,000,000.

SA 518. Mr. SMITH (for himself, Mr. DODD, Mr. LUGAR, Mr. BROWNBACK, Mr. SUNUNU, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 9, line 8, increase the amount by $2,200,000,000.

On page 9, line 9, increase the amount by $1,049,400,000.

On page 9, line 13, increase the amount by $567,600,000.

On page 9, line 17, increase the amount by $224,400,000.

On page 9, line 21, increase the amount by $149,600,000.

On page 9, line 25, increase the amount by $121,000,000.

On page 26, line 12, decrease the amount by $2,200,000,000.

On page 26, line 13, decrease the amount by $1,049,400,000.

On page 26, line 17, decrease the amount by $567,600,000.

On page 26, line 21, decrease the amount by $224,400,000.

On page 26, line 25, decrease the amount by $149,600,000.

On page 27, line 4, decrease the amount by $121,000,000.

SA 519. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 16, line 10, increase the amount by $731,000,000.

On page 16, line 11, increase the amount by $156,000,000.

On page 16, line 15, increase the amount by $232,000,000.

On page 16, line 19, increase the amount by $181,000,000.

On page 16, line 23, increase the amount by $133,000,000.

On page 17, line 3, increase the amount by $28,000,000.

On page 26, line 12, decrease the amount by $731,000,000.

On page 26, line 13, decrease the amount by $156,000,000.

On page 26, line 17, decrease the amount by $232,000,000.

On page 26, line 21, decrease the amount by $181,000,000.

On page 26, line 25, decrease the amount by $133,000,000.

On page 27, line 4, decrease the amount by $28,000,000.

SA 520. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

After section 322, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or a joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that augments or establishes a Federal program that provides—

(1) assistance to States that—

(A) offer not less than 1 year of free preschool to children of families who meet the low-income criteria established by the program; and

(B) offer not less than 1 year of subsidized preschool to children of families who meet any other income criteria established by the program; and

(2) as much flexibility as is practicable to the States in carrying out the preschool programs described in paragraph (1), within a construct of incentives and requirements that each such preschool program shall include a strong pre-academic curriculum, employ qualified preschool teachers, and provide for strong program accountability measures,

the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

SA 521. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of the resolution, insert the following:

TITLE IV—RECONCILIATION

SEC. 401. SPENDING RECONCILIATION INSTRUCTIONS FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, not later than June 29, 2007, the Senate committees named in this section shall submit their recommendations to the Senate Committee on the Budget. After receiving those recommendations, the Senate Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO SENATE BUDGET COMMITTEE.—If a reconciliation bill is enacted under this section, the Congressional Budget Office, pursuant to section 202 of the Congressional Budget Act of 1974, shall send a report to the Chairman of the Committee on the Budget—

(A) whether that measure contains provisions that decrease budget authority or outlays from the elimination of waste, fraud, and abuse; and

(B) the amount of budget authority or outlays reduced each year attributable to the elimination of waste, fraud, and abuse in the bill, including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any budget authority or outlays reduced from provisions eliminating waste, fraud, and abuse (as detailed in the report required by paragraph (1)) shall not count as offsets for purposes of section 201 of this resolution.

(c) COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $686,000,000 in outlays for fiscal year 2008 and $3,577,000,000 in outlays for the period of fiscal years 2008 through 2012.

(2) COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $113,000,000 in new budget authority for fiscal year 2008 and $529,000,000 in new budget authority for the period of fiscal years 2008 through 2012.

(3) COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $110,000,000 in outlays for fiscal year 2008 and $545,000,000 in outlays for the period of fiscal years 2008 through 2012.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $48,000,000 in outlays for fiscal year 2008 and $250,000,000 in outlays for the period of fiscal years 2008 through 2012.

(5) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $18,000,000 in outlays for fiscal year 2008 and $97,000,000 in outlays for the period of fiscal years 2008 through 2012.

(6) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $10,406,000,000 in budget authority for fiscal year 2008 and $58,820,000,000 in outlays for the period of fiscal years 2008 through 2012.

(7) COMMITTEE ON FOREIGN RELATIONS.—The Senate Committee on Foreign Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $148,000,000 in outlays for fiscal year 2008 and $665,000,000 in outlays for the period of fiscal years 2008 through 2012.

(8) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Senate Committee on Homeland Security and Governmental Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,063,000,000 in outlays for fiscal year 2008 and $5,784,000,000 in outlays for the period of fiscal years 2008 through 2012.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $81,000,000 in outlays for fiscal year 2008 and $406,000,000 in outlays for the period of fiscal years 2008 through 2012.

(10) COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $145,000,000 in outlays for fiscal year 2008 and $778,000,000 in outlays for the period of fiscal years 2008 through 2012.

SA 522. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $1,000,000.

On page 3, line 12, decrease the amount by $6,000,000.

On page 3, line 13, decrease the amount by $14,000,000.

On page 3, line 14, decrease the amount by $22,000,000.

On page 3, line 15, decrease the amount by $30,000,000.

On page 3, line 20, decrease the amount by $1,000,000.

On page 3, line 21, decrease the amount by $6,000,000.

On page 3, line 22, decrease the amount by $14,000,000.

On page 3, line 23, decrease the amount by $22,000,000.

On page 4, line 1, decrease the amount by $30,000,000.

On page 4, line 8, increase the amount by $1,000,000.

On page 4, line 9, increase the amount by $2,000,000.

On page 4, line 10, increase the amount by $3,000,000.

On page 4, line 17, increase the amount by $1,000,000.

On page 4, line 18, increase the amount by $2,000,000.

On page 4, line 19, increase the amount by $3,000,000.

On page 4, line 24, increase the amount by $1,000,000.

On page 4, line 25, increase the amount by $6,000,000.

On page 5, line 1, increase the amount by $15,000,000.

On page 5, line 2, increase the amount by $24,000,000.

On page 5, line 3, increase the amount by $33,000,000.

On page 5, line 7, increase the amount by $1,000,000.

On page 5, line 8, increase the amount by $7,000,000.

On page 5, line 9, increase the amount by $22,000,000.

On page 5, line 10, increase the amount by $45,000,000.

On page 5, line 11, increase the amount by $78,000,000.

On page 5, line 15, increase the amount by $1,000,000.

On page 5, line 16, increase the amount by $7,000,000.

On page 5, line 17, increase the amount by $22,000,000.

On page 5, line 18, increase the amount by $45,000,000.

On page 5, line 19, increase the amount by $78,000,000.

On page 25, line 20, increase the amount by $1,000,000.

On page 25, line 21, increase the amount by $1,000,000.

On page 25, line 24, increase the amount by $2,000,000.

On page 25, line 25, increase the amount by $2,000,000.

On page 26, line 3, increase the amount by $3,000,000.

On page 26, line 4, increase the amount by $3,000,000.

SA 523. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by $277,000,000.

On page 3, line 13, decrease the amount by $634,000,000.

On page 3, line 14, decrease the amount by $939,000,000.

On page 3, line 15, decrease the amount by $1,307,000,000.

On page 3, line 21, decrease the amount by $277,000,000.

On page 3, line 22, decrease the amount by $634,000,000.

On page 3, line 23, decrease the amount by $939,000,000.

On page 4, line 1, decrease the amount by $1,307,000,000.

On page 4, line 7, increase the amount by $6,000,000.

On page 4, line 8, increase the amount by $28,000,000.

On page 4, line 9, increase the amount by $66,000,000.

On page 4, line 10, increase the amount by $122,000,000.

On page 4, line 16, increase the amount by $6,000,000.

On page 4, line 17, increase the amount by $28,000,000.

On page 4, line 18, increase the amount by $66,000,000.

On page 4, line 19, increase the amount by $122,000,000.

On page 4, line 25, increase the amount by $283,000,000.

On page 5, line 1, increase the amount by $662,000,000.

On page 5, line 2, increase the amount by $1,005,000,000.

On page 5, line 3, increase the amount by $1,429,000,000.

On page 5, line 8, increase the amount by $283,000,000.

On page 5, line 9, increase the amount by $946,000,000.

On page 5, line 10, increase the amount by $1,951,000,000.

On page 5, line 11, increase the amount by $3,380,000,000.

On page 5, line 16, increase the amount by $283,000,000.

On page 5, line 17, increase the amount by $946,000,000.

On page 5, line 18, increase the amount by $1,951,000,000.

On page 5, line 19, increase the amount by $3,380,000,000.

On page 25, line 16, increase the amount by $6,000,000.

On page 25, line 17, increase the amount by $6,000,000.

On page 25, line 20, increase the amount by $28,000,000.

On page 25, line 21, increase the amount by $28,000,000.

On page 25, line 24, increase the amount by $66,000,000.

On page 25, line 25, increase the amount by $66,000,000.

On page 26, line 3, increase the amount by $122,000,000.

On page 26, line 4, increase the amount by $122,000,000.

SA 524. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 17, line 12, increase the amount by $100,000,000.

On page 17, line 13, increase the amount by $2,000,000.

On page 17, line 17, increase the amount by $58,000,000.

On page 17, line 21, increase the amount by $30,000,000.

On page 17, line 25, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $100,000,000.

On page 26, line 13, decrease the amount by $2,000,000.

On page 26, line 17, decrease the amount by $58,000,000.

On page 26, line 21, decrease the amount by $30,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday March 21, 2007 at 9:30 a.m. in 328A, Senate Russell Office Building. The title of this committee hearing is "Examining the performance of U.S. Trade and Food Aid Programs for the 2007 Farm Bill."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 21, 2007, at 9 a.m., to conduct a hearing on "Minimizing Potential Threats From Iran: Assessing the Effectiveness of Current U.S. Sanctions on Iran."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, March 21, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to provide oversight on the status and activities of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 21, 2007.

The agenda to be considered: Vice President Al Gore's Perspective on Global Warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 21, 2007, at 5 p.m. to hold a briefing on the Gulf Security Dialogue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the long-term health impact from September 11 during the session of the Senate on Wednesday, March 21, 2007 at 10 a.m. in SH–216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 21, 2007, at 9:30 a.m. for a hearing titled "GAO's Role in Supporting Congressional Oversight: An Overview of Past Work and Future Challenges and Opportunities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Misuse of Patriot Act Powers: The Inspector General's Findings of Improper Use of National Security Letters by the FBI" for Wednesday, March 21, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness List: The Honorable Glenn A. Fine, Inspector General, U.S. Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTTEE ON STRATEGIC FORCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Wednesday, March 21, 2007, at 10:30 a.m. to receive testimony on nuclear and strategic policy options.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Homeland Security be authorized to meet to conduct a hearing on "Identity Theft: Innovative Solutions for an Evolving Problem," on Wednesday, March 21, 2007 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Ronald Tenpas, Associate Deputy Attorney General, United States Department of Justice, Washington, DC; Lydia Parnes, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC.

Panel II: James Davis, Chief Information Officer and Vice Chancellor for Information Technology, University of California, Los Angeles, Los Angeles, CA; Joanne McNabb, Chief, California Officer of Privacy Protection, Sacramento, CA; Chris Jay Hoofnagle, Senior Staff Attorney, Samuelson Law, Technology & Public Policy Clinic, School of Law (Boalt Hall), University of California, Berkeley, Berkeley, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be granted floor privileges during consideration the budget resolution: Neil Ohlenkamp, Suzanne Payne, Jennifer Smith, Leighton Quon, Charles Kovatch, Avi Salzman, Susan Doublas, Diedra Henry-Spires, Howard Tuch, Ton Kornfield, Brett Youngerman, Larry Boyd, Leona Cuttler, Russ Ugone, Sarah Rebecca Smith, Sara Shepherd, Gretchen Hector, and Sarah Butler.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that Jared Clauss, Eric Slack, Ann Thomas, and Bess Allison Ullman of the Finance Committee staff be granted the privileges of the floor for the duration of the debate of the fiscal year 2008 budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider the following nomination, Calendar No. 48, that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, MARCH 22, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, March 22; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate today, and if the Republican leader has nothing further, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Thursday, March 22, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, March 21, 2007:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

W. CRAIG VANDERWAGEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, March 21, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 2007.

I hereby appoint the Honorable JANICE D. SCHAKOWSKY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Thomas J. McCarthy, St. Paul Catholic Church, Salem, Ohio offered the following prayer:

God, we acknowledge Your gracious presence among us. We acknowledge the human limitations that bind us. We know how many of Your people depend upon our wisdom and our ways to better their lives and brighten their tomorrows. We are aware of Your call to serve Your people well.

With these huge tasks ahead of us, we call upon You for wisdom, guidance and a sense of concern for what is right and good. Give us a generous share of Your spirit and Your love for Your people. Guide our minds and hearts in the right ordering of human affairs.

We seek today to be a source of hope and assistance to Your people; we seek today to find the opportunity to make peace with justice for all people the badge of our service. In this we ask Your continued help. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING AND HONORING FATHER THOMAS J. McCARTHY

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Ohio. Madam Speaker, I want to thank Father McCarthy for your inspiring prayer.

Albert Einstein once said that "Only a life lived for others is a life worthwhile." And for almost 46 years Father Tom McCarthy has served the Diocese of Youngstown as a priest, and in that service he has lived that motto.

A Warren native, Father McCarthy attended St. Mary's School and St. Mary's High School, which was the predecessor to my alma mater, John F. Kennedy High School. After his seminary training, he was ordained on August 15, 1961 in St. Columba Cathedral by Bishop Emmet Walsh.

Those who know him would describe Father McCarthy as pastoral, charming, gregarious, a great friend, funny, everything Irish, and above all, holy in his service to God.

Father McCarthy has served at many parishes in the Youngstown Diocese, including St. Ed's in Youngstown, St. Joseph's in Austintown, St. William's in Champion, St. Michael's in Canfield, Blessed Sacrament in Warren and St. Joseph's in Mantua.

Father McCarthy has also spent much of his career in service to other priests. He has served as Diocesan Director of Vocations, Priest Personnel Adviser, a member of the Priest Personnel Board, and for 6 years served as a director of that board. Father McCarthy also spent time in Chicago as president of the National Federation of Priests' Councils. Since 2003, he has served as the Bishop's Delegate for Retired Priests.

I am happy to have invited, along with my colleague, Charlie Wilson, Father McCarthy to Washington, D.C. I thank him for his service to our community, for his prayer this morning, and for his many, many years of service to the Catholic Church.

WELCOMING AND HONORING FATHER THOMAS J. McCARTHY

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I join my distinguished colleague from Ohio, Mr. RYAN, in welcoming Father Thomas McCarthy to the Congress today.

After an active and impressive career serving the people of northeastern Ohio, Father McCarthy has retired to St. Paul's Parish in Salem, which is in Ohio's Sixth Congressional District which I represent. As the Sixth District Representative in Congress, I am honored to represent Father McCarthy, and I am also pleased to welcome him here today.

While Father McCarthy may have officially retired, he is showing no signs of slowing down. To this day, Father McCarthy remains active in the diocese, where he serves as the Bishop's Delegate for Retired Priests.

The people at St. Paul's describe Father McCarthy as a beloved and dedicated member of their close-knit community. They say he is someone who never hesitates to help someone in need, whether that means making a late-night hospital visit to pray with the sick, or comforting a family member during the death and funeral of a loved one.

We are so lucky to have Father McCarthy among us here today in Congress. We are even more fortunate to have his unwavering commitment and faith guiding us each day in the Ohio Valley.

IRAQ SUPPLEMENTAL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the House is scheduled to take up an emergency supplemental spending bill to fund our troops in Iraq. But the other side has worked themselves into a dilemma over this bill to pander to their left-wing base. The Democrats have included language in the bill that sets an arbitrary date for withdrawing our troops, whether we have achieved victory or not. While that pleases the far left, the more moderate Democrats are rightfully concerned about congressional micromanagement of the war. So what is the solution? Load the bill up with pork to pressure Members to vote for it.

At last count, the supposed emergency supplemental now contains more than $20 billion in unrelated spending. I think most Americans agree that the money they want to spend on spinach subsidies and peanut storage would be better spent on body armor and Humvees for our troops.

Madam Speaker, this bill fails both our troops in combat and the taxpayer here at home. Let's stop playing politics with emergency war funding,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker. Let's have a clean supplemental.

IN MEMORY OF BISHOP G.E. PATTERSON

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, yesterday in Memphis, Tennessee, a giant of a man passed away: G.E. Patterson, the bishop of the Church of God in Christ, a congregation of over 6.5 million people worldwide headquartered in Memphis, Tennessee.

Bishop Patterson was born in Humboldt, Tennessee. He lived to the age of 67. He was a giant, godly man, who I last saw in November at a rally with President Clinton and Cybill Shepherd. At that time, Bishop Patterson knew he was dying, he had prostate cancer, but he knew where he was going. He was a bishop. He was a saint. He was a man who graced this planet. He was a valuable citizen and knows where he was going, and he is there now. I hope you will all share with me a moment of reflection upon the great life of Bishop Patterson and what he has meant to this world.

THE MESSAGE COUNTS

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Madam Speaker, in the upcoming debate on the supplemental, I just want to point out to my friends on both sides of the aisle that the message counts.

As we prepare for the debate on the supplemental appropriations bill, I want to caution my colleagues to bear in mind that our words are heard and seen all over the world by the Iraqi people, by our allies, and by our enemies.

The President has given guidance on benchmarks for the Iraqi Government to meet, but this does not give Congress license to attach timelines and penalties. If we do, we are undermining the authority of General Petraeus, to whom we have entrusted this very important mission.

Perhaps those who would vote in Congress to set deadlines, or any other maneuver aimed at limiting the ability of the White House and the Department of Defense to manage this dangerous situation under the guise of sending a message to the Iraqi leadership, will consider how their message will be received and interpreted by others.

The future stability of Iraq and the national security of the American people would be better served with a message that clearly states "We will stand with our allies and partners until Iraq's goal of stability is utilized."

□ 1010

AN APPEAL FOR SENIORCARE

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I rise today to respectfully request that the administration be kind to Wisconsin's elders by granting a waiver to SeniorCare, an extraordinarily successful prescription drug program. SeniorCare does three things we should all appreciate: It saves tax dollars, it is nearly half the cost of Medicare part D, and it offers a broader range of prescription drugs to our elders.

The AARP found that 94 percent of SeniorCare enrollees are better served by SeniorCare than by part D. And SeniorCare is easy to understand. It has a simple, one-page application form and an annual fee of only $30. Simply put, SeniorCare is a better program than Medicare part D and it should be imitated across America.

But SeniorCare cannot continue without permission from the Bush administration. I am appealing to the conscience of the President. Please, please be kind to our elders. Allow SeniorCare to continue, for it saves not only taxpayers' money, it also saves their very lives.

SUPPORTING THE TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our men and women in uniform deserve our wholehearted, unequivocal support protecting our freedoms. Our distinguished colleague, former Vietnam POW, Congressman SAM JOHNSON, has filed a discharge petition to bring to the floor of the House his bill, which declares to the United States Armed Forces that Congress will fully fund and support their mission. Unlike the proposed supplemental bill which undercuts our military, the Johnson legislation provides Members the opportunity to cast a clear vote in support of our troops.

As a 31-year veteran and also the father of four sons in the military, including one that served in Iraq, I understand the importance of supporting our troops. Bin Laden and his cohorts are committed to our destruction, declaring the Iraq war as the third world war and the central front in the global war on terrorism. Democrats and Republicans should work together to promote our troops' success to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

SUPPORT H.R. 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Four years ago this week, in violation of international law, standing upon a mountain of lies, the United States went to war against the people of Iraq. The U.S. now has a moral responsibility for the deaths of as many as 1 million innocent Iraqis, for the destruction of Iraq and the theft of billions in Iraq oil assets.

Those who told lies to take us into war should be held accountable under the U.S. Constitution and at the International Criminal Court. Instead of true accountability on the war, the President and the Vice President could get over $100 billion to keep the war going through the end of their term. More war, more civilian deaths, more soldiers killed or maimed. Less money for housing, for health care, for education, for seniors as we borrow money from Beijing to fight a war in Baghdad.

Instead of accountability, the appropriations bill will mandate the privatization of $6 trillion in Iraqi oil assets and provide money which can be used to attack Iran to try to grab another $7 trillion in Iranian oil assets for the oil companies.

Support the troops. Stop the war. End the occupation. Support H.R. 1234.

DEMOCRAT MAJORITY BUYING VOTES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, many of us in this Chamber find it absolutely incomprehensible that there are those who believe that the best course of action in the face of a determined enemy is to tell that enemy that we are less than determined. Yet that is exactly what the Iraq supplemental financing bill does.

What message do we send our brave military men and women when we won't guarantee them the resources and equipment that they need without including a litany of restrictive and arbitrary timetables? What will our soldiers on the front lines of this war think when they hear that salmon fisheries and spinach growers are being used to buy votes?

This Iraq supplemental bill is just one more step in what has become a long list of unprecedented attempts by this majority to accept defeat at any cost. For those of us in Washington, we get to face this moment in the warmth and comfort of our homes and our offices. For so many Americans, they will face this moment in the harsh reality of a war zone. We must not forget what is at stake. Our military will not and the American people will not.

THE DEMOCRATIC BUDGET

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, Democrats this week complete committee work on a 2008 budget that finally moves us away from the fiscal irresponsibility, reckless spending and record deficits of the past 6 years. When President Bush first came into office, America had just had 4 consecutive years of budget surplus, forecast to continue as far as the eye can see. Now, 6 years later, Republicans have turned a projected $5.5 trillion surplus into a $3 trillion deficit. They borrowed more money from foreign nations in the past 6 years than we had in the past 212 years combined.

Fortunately, Democrats have a new set of priorities, one that moves America towards a balanced budget for the first time in 6 years.

IRAQ

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Madam Speaker, I rise today in opposition to the majority party's Iraq supplemental appropriations bill. I returned from Iraq last week where I met with our troops. The one question I was asked repeatedly was, "Why doesn't Congress support us?" I told them that I do support them. Unfortunately, this bill does not.

Right now, we have the A-Team in Iraq and they are producing results. I saw it firsthand:

Sunnis working with Shia and the United States Marine Corps in the al-Anbar province.

Sunnis looking forward to the next elections.

An oil distribution plan that is on the brink of completion.

The majority supplemental bill is simply defeat on the installment plan. How can Congress convey our support for the troops in Iraq and at the same time pass a bill which pulls the rug from the very people we claim to support? Plain and simple, this supplemental as written by the majority is a blueprint for defeat.

I urge my colleagues to reject this bill and pass a clean supplemental bill that provides support to those who are fighting and dying. We owe them that much.

DEMOCRATS WILL CLEAN UP FISCAL MESS CREATED OVER THE LAST 6 YEARS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good morning, Madam Speaker.

This week, the House Budget Committee will prepare a Democratic budget that begins the process of fixing a fiscal mess created by President Bush and congressional Republicans over the last 6 years. This is not something that can be done in one year. After all, it took the prior Congresses and administration 6 years to turn a $5.6 trillion surplus into a $2.8 trillion deficit. That's a fiscal collapse over a 6-year period of more than $8 trillion. The misguided budget priorities of this administration have forced the President to borrow more money from countries like Japan and China than all of his 42 predecessors combined. That is not only a budget concern but also a serious national security concern.

It's time that we get our fiscal house in order. The Democratic budget will restore fiscal sanity here in Washington by actually balancing the budget over the next 5 years. This is something that the Republicans were not able to accomplish over the last 6. The Democratic budget will bring about change and a new direction in sound budgetary policies.

☐ 1020

MICROMANAGEMENT OF WAR WRONG

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, I have a very easy question: What does support for spinach farmers have to do with fighting the war in Iraq and Afghanistan? The easy answer is: Nothing.

But in the emergency war supplemental appropriation bill that we are considering this week, spinach farmers will be getting support. In fact, there is over $21 billion of unrelated spending in the bill; pork, pure and simple. And the purpose is simply to buy votes.

I thought the Democrats promised to stop all of this. I thought they said they were going to clean up Washington and not waste taxpayers' money. This is hypocrisy, and you have to ask why they need to buy votes if they are so confident in their slow-bleed strategy.

I said during the debate on this nonbinding resolution that the House considered a few weeks ago that micromanagement from the White House is wrong and micromanagement from the floor of this House is worse.

The emergency supplemental is not nonbinding, it is for real, and many Democrats will be joining Republicans to vote to let the generals run the war, not politicians, regardless of money for spinach farmers.

BRING OUR TROOPS HOME

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Madam Speaker, there are those who say we need to support our troops. The question is what troops, the same troops we have sent out three and four times? I have asked my colleagues on the other side of the aisle to please look at the armed services numbers and see the strain that we are putting on our military.

I have also asked them to think about if they had family members there, would they still be talking about supporting the troops in such a way as to put them in harm's danger?

Supporting our troops means getting them out of a civil war. Support our country by caring for our own people and bringing our money home to protect our borders in this country.

We need to spend money to build our military back up. We need to protect our borders, and we need to support our troops and support their families by bringing our troops home now.

PREVENTION OF VETERAN SUICIDES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today in support of the Joshua Omvig Suicide Prevention Act, of which I am a cosponsor. The House will consider this important legislation today.

Roughly one in five military personnel returning from active duty suffers from a debilitating condition called post-traumatic stress syndrome. Unfortunately, the effects of PTSD have hit close to home for one family in my district. Their son, Sergeant Charles Call, of the United States Army, always dreamed of serving his country. He even left his unit, which was not being sent to Iraq, and joined another that was being deployed so he could be with those fighting for our freedom and safety. He loved his country and was willing to make that sacrifice.

After returning from Iraq, he developed the symptoms of PTSD. Despite his attempts to seek help from the local veterans hospital, he did not receive the treatment he so desperately needed; and, sadly, Sergeant Call took his own life on February 3, 2006.

With the passage of this legislation, we can finally provide a safety net for our veterans coming home and prevent tragedies like that of Sergeant Call. It is crucial that they have the resources needed to pursue healthy lives upon returning to civilian life. Screening of all returning combat veterans and 24-hour access to counseling are just some of the options we must offer.

I support this in the name of Sergeant Charles Call.

ASSISTANCE TO THOSE INJURED IN COMBAT

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, we have entered the fifth year of the war in Iraq, and thousands of soldiers have returned home wounded and in need of serious medical care. The situation at Walter Reed made it clear that changes must be made to ensure that our wounded troops receive timely comprehensive care that extends through the length of their condition.

To provide these crucial services, more is needed for defense health care than the President requested. The status quo is simply not acceptable for our troops who are injured while serving our country. We owe them our real support.

The emergency supplemental proposed by this Democratic Congress nearly doubles the amount of funding requested by the President for military health care. These additional funds will enhance medical services for active duty forces, mobilized personnel and their families, including: post-traumatic stress disorder counseling, traumatic brain injury care and burn treatment.

The funds will also help prevent health care fee increases for troops and address the problems found at Walter Reed.

Madam Speaker, passage of this bill supports our troops and will ensure that they receive the quality care they deserve.

HONORING U.S. MARSHAL AWARD WINNERS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise this morning to honor two exceptional people honored recently by the director of the United States Marshal Service. They are two of four honored nationwide.

Mike Blevins, the chief deputy marshal for the Western District of Arkansas, has been awarded the Meritorious Service Award, recognizing his exemplary service to the Marshal Service the last 31 years. Mike is a great example for all of us, and I greatly appreciate his service to community and country.

Trent Thompson, an Eagle Scout, was also named Citizen of the Year by the service. Thompson's Eagle Scout project was making wood memorial markers honoring deputy marshals from the Western District who fell in the line of duty since its inception. Trent is a fine young man, and I appreciate his leadership at such a young age.

I congratulate both of these people who by example indeed have done so much for the people of the Third District of Arkansas, and I congratulate them for their honors.

TROOPS DESERVE OUR SUPPORT

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, when our Nation is at war, it is our government's responsibility to provide the best protection and care for the men and women who willingly volunteer to serve in our armed services.

Now as we enter the fifth year of the Iraq war, it is no secret that the administration's strategy has dangerously eroded our military readiness. Troops are being sent overseas without the proper training, equipment and armor necessary to keep them safe.

And as the conditions at Walter Reed's Building 18 starkly testify, we must bring much more attention and support to our troops when they return home.

Madam Speaker, this Democratic Congress is committed to supporting our men and women in uniform. The supplemental legislation coming before this House will provide an additional $1.7 billion for military health care, including conditions at Walter Reed, $1.7 billion for veterans health care, $2.5 billion for improving the readiness of our troops, and $1.4 billion for military housing. As long as they are at war, our troops deserve our support.

ATTORNEY GENERAL GONZALES SHOULD RESIGN

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Madam Speaker, I am here today to ask for the resignation of U.S. Attorney General Alberto Gonzales.

I came to Congress with a pledge to bring back accountability to our Federal Government. Attorney General Gonzales has put his political agenda over the needs of our Justice Department. It is time for real oversight on these issues, and it begins by calling for Mr. Gonzales' resignation.

I am disgusted that this administration is more concerned about protecting themselves rather than the American people. We need unbiased, honorable men and women representing our country in this judicial system, not political favors or handouts.

We need a full investigation into the allegations of the plan to remove U.S. Attorneys from their posts anytime they defect from the administration's political agenda. This week, the Justice Department released thousands of pages of e-mails and internal documents related to the U.S. Attorney scandal. The documents are still under review, but it is clear that congressional oversight is needed so we can prosecute offenders.

The House Judiciary Committee is continuing its investigation into this serious matter, and I will continue to fight to ensure that U.S. Attorneys are free from political pressure and have the tools they need to prosecute criminals.

NO MORE BLANK CHECKS

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAHONEY of Florida. Madam Speaker, when I ran for Congress, I promised to stand up for our veterans and our men and women in uniform. I promised I would do everything in my power to fight and win the war on terror.

Poor political leadership and gross mismanagement has put America in the middle of an increasingly violent religious civil war.

Our troops completed their mission. They removed a brutal dictator, and through $400 billion of our hard-earned money and our brave men and women's blood, sweat and tears, we gave the Iraqi people the hope for a better life through democracy.

This week I am going to vote to give the President the money he requested. But for the first time, we have the opportunity to hold him accountable to the American people for the promises that he made to us.

This bill gives the President the mandate to keep troops in Iraq for as long as it takes to destroy the terrorists. It sets requirements for troop readiness, provides money to rebuild our military, and gets our troops and our veterans the resources and the help they need.

Mr. President, no more blank checks. Congress and the American people for the first time in over 4 years are holding you to your word.

□ 1030

TIME FOR THE TRUTH

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, from the beginning, the Bush administration has offered a litany of reasons to justify their decision to fire the U.S. Attorneys. Unfortunately, the answers they provided have never even held up for 48 hours.

First, the Bush administration said the attorneys were fired because of performance-related issues. Yet we find out these attorneys have exemplary records. The Deputy Attorney General did not even review the file of one of the fired U.S. Attorneys.

Then the administration said it was an internal staffing issue and pointed the finger at Harriet Miers. And now other top White House officials not only knew about it from the beginning, but were behind the firings.

Yesterday the White House said that they will talk to Congress, but they will not take the oath and swear to tell the whole truth.

The White House says they have nothing to hide, but they are only willing to speak behind closed doors, not under oath. Our goal is to finally get to the truth, but not to create a confrontation.

The scandal at the Justice Department has gone on long enough. Careers have been destroyed, and legitimate public corruption cases have been derailed. It is time for accountability. It is time for the truth.

DEMOCRATS TRYING TO FIX THE FINANCIAL MESS THAT WAS CREATED OVER THE LAST 6 YEARS

(Mr. HILL asked and was given permission to address the House for 1 minute.)

Mr. HILL. Madam Speaker, this week the House Budget Committee will mark up its fiscal year 2008 budget. After 6 years of fiscal recklessness, the Democratic budget will actually aim to balance in 2012, something that Republican budgets have been unable to achieve over the last 6 years.

It is important that the American people remember how we got to where we are today. In 2001, President Bush inherited a $5.6 trillion surplus, but over the next 6 years, with help from Congress, the President turned that surplus into a $2.8 trillion deficit.

Congress has been so fiscally irresponsible that President Bush has borrowed more money from other nations than all 42 of his predecessors combined.

This is not a fiscal record to be proud of. The President's attempt to finesse his budget has been uncovered by a nonpartisan CBO that concludes the President's budget does not reach balance in 5 years.

Madam Speaker, Democrats have a different set of priorities, and ours begin with actually aiming to balance the budget for the first time in 6 years.

WHAT ARE ROVE AND MIERS AFRAID OF? WHY WON'T THEY TESTIFY UNDER OATH?

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, yesterday the White House said that political strategist Karl Rove and former appointee to the U.S. Supreme Court Harriet Miers would be made available to the Senate for an interview regarding the growing U.S. Attorneys scandal. However, the White House refused to allow them to testify under oath or in public.

Is the White House serious? Do they honestly believe this Congress will allow them to get away with this?

It would be one thing if the Bush administration had been completely honest with the Congress over the last month, but every day there are new details that completely contradict what was said the day before.

Last month, Attorney General Gonzales said there was no coordination between the Justice Department and the White House in the firing of the eight U.S. Attorneys. But we now know that Karl Rove and Harriet Miers were involved from the very beginning.

The administration has stalled and deceived at every step during this investigation. With that track record, why should this administration believe the Congress would agree to unacceptable secret testimony without being under oath?

U.S. ATTORNEY SCANDAL

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Madam Speaker, Democrats made a promise last November to bring accountability back to Congress and the Federal Government. In just a few short months, we have conducted thorough and meaningful oversight on a series of issues that would have been swept under the rug by the previous Republican leadership, which sadly was often more concerned with protecting the administration than doing the right thing.

Earlier this week, the Justice Department, at the request of congressional Democrats, released thousands of pages of e-mails and internal documents related to the firing of eight U.S. Attorneys by the administration. The documents indicate that the administration's contention that the attorneys were dismissed for performance-related reasons simply is not true.

This Congress is seeking to attain the rest of the story by asking senior White House officials involved in the U.S. Attorney scandal to testify under oath. Unfortunately, the administration does not want to comply and provide the American people with the facts.

As a former elected district attorney, I know how critically important it is for prosecutors to be independent and to perform their job without fear of retaliatory firings.

It is time for this administration to do the right thing and hold those responsible for the scandal accountable.

IRAQ SUPPLEMENTAL

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, the Iraq supplemental will be coming to the floor this week, and it brings together many of the recommendations that we have heard from the nonpartisan Iraq Study Group, from the Pentagon and the President himself, but it provides more resources for our troops in the field and when they come home, and finally provides accountability for this administration.

First, the legislation demands that the Iraqi Government meet benchmarks the President himself outlined earlier this year.

Second, the legislation calls for responsible redeployment out of Iraq at the beginning of next year. The Democratic Congress did not come up with this date out of the blue. This was in the recommendations from the Iraq Study Group.

Third, the supplemental includes important funding for our military that was requested by the Pentagon.

This week marks an important milestone to begin a new direction in Iraq and begin to phase our troops home, and to bring about a regional solution for what is going on in the Middle East.

EQUIPMENT FOR OUR MILITARY

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Madam Speaker, thanks to the long contributions of our soldiers and our veterans, America has amassed the most powerful military in the history of mankind. It is so powerful that we almost cannot imagine, we can almost imagine its resources are infinite, but they are not.

They are limited, and due to the ever-expanding, ever-deteriorating war in Iraq, they are stretched dangerously thin. Our soldiers and our families, they will never complain, and that is why we must speak for them. We must ask, no, we must demand, that they have the equipment, the training and the support that they need to succeed, and today they do not.

Since the Iraq war began in 2003, the Army has lost nearly 2,000 wheeled vehicles and more than 100 armored vehicles. Almost half of the U.S. Army's entire supply of ground equipment is now deployed in the Middle East. The constant demands of combat and the treacherous terrain are wearing out equipment at up to nine times the usual rate.

America's military is overburdened, and now our Nation must seriously discuss how to best deploy our depleted forces against the dangers of our day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. In response to one of the earlier 1-minute speeches, the Chair must note that

Members should direct remarks in debate to the Chair and not to the President.

GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1227.

☐ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, with Mr. CARDOZA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 20, 2007, amendment No. 5 printed in part B of House Report 110–53 by the gentleman from Texas (Mr. AL GREEN), as modified, had been disposed of.

☐ 1040

AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–53.

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NEUGEBAUER:

Strike section 306 (relating to transfer of DVP vouchers to voucher program).

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, this is a pretty simple and straightforward amendment. It just simply just strikes section 306 from this bill.

What we do in this legislation already is we extend many of the vouchers for the disaster voucher program. But what we are trying to do in this bill is not only just say we want to extend them, but that we want to make them permanent.

Actually, this is not the place to debate whether we need to add additional vouchers to the voucher section 8 program. One of the concerns I have about this is that the scoring on this is an additional authorization of $735 million, nearly three-quarters of $1 billion. We are not opposed to debating whether we need to add additional vouchers or change the formula in the future, but this is not the place to do that.

What I said yesterday and continue to say is we are using these disaster programs to push forward things that other people have been working on in other agendas and trying to do this on the backs of the people that have suffered a great disaster.

One of the things I want to go back to is the fact that we stated yesterday that it's not like this Congress has not responded to the people in Louisiana and Mississippi: $110 billion has been authorized by this Congress for the disaster relief, and $116.7 billion in CDBG money has been provided to give flexibility for the housing needs of the people in this area.

When we go back to the city of New Orleans itself prior to the hurricane, we had 7,000 public housing units in New Orleans, and 2,000 of those were already scheduled to be torn down, and 5,100 were online, and not all of those occupied. Now approximately 2,000 units already have been repaired, 1,200 have been returned.

Ten billion dollars has been allocated to the Road Home Program in Louisiana. Let me repeat that, $10.5 billion authorized, $300 million spent, a full 3 months after the hurricane.

The problem making these vouchers permanent is we are giving preference to folks that are living in communities where other people have been in line. One of the things that I think there is a misconception on is we have talked the last few days about what is going on in New Orleans and what the future is. In 2019 or thereabouts, New Orleans will celebrate its 300th anniversary. For 300 years, that community has been building to what it was pre-Katrina.

There is some misconception in the next 6 months by extending some of these programs and moving forward that all of a sudden everything is going to be back to normal in New Orleans. That is not going to be the truth.

What we need to do is begin to build the housing back, letting that go forward. I know that yesterday, the distinguished chairman said, well, the reason we have to go back and get the units back in order is so that is not keeping them from building new units. In fact, it is. The fact is, we can't tear down some of those units. That is the very land that we are talking about going back and reusing. It doesn't make sense to me to go back and rebuild all of these units or remodel them, only to come back eventually and have to tear them down so that we can do the new planned communities.

We should go back to the basic tenets of this bill. The basic tenets of this bill was to hopefully get off high center those few glitches that, quote, the leadership in New Orleans and Louisiana say is keeping them from moving their reconstruction forward. It hasn't stopped the people in Mississippi, but for whatever reason, it has stopped the people in Louisiana and moved forward.

Mr. Chairman, we should not extend permanently these vouchers. This is not the form for that. It's not appropriate, it's not fiscally responsible for us to do that. We have extended those vouchers to meet the current needs of some of the folks. We really don't even know how much people will think about returning. But one of the things about making these vouchers permanent, I believe you will ensure that some of these people don't return because many of them have moved on to other places.

Now, we are saying we are going to make your vouchers permanent. We are going to put you in front of people that have been in those communities for a number of years and have been waiting in line to be eligible for this very assistance.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 30 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas once again referred to an earlier amendment from yesterday, but trying to understand this particular amendment has nothing to do with whether you construct or destruct or replace public housing. What this says is the following: There were people who were living in the gulf area who were receiving some form of assistance under HUD programs. Some of them lived in public housing, some of them were in vouchers, some of them were living in subsidized housing for the elderly and the disabled. The places where they were living were washed away in the most literal, physical sense.

We all agree that we have not yet, in the gulf area, replaced that housing. It's true there have been slowdowns, for instance, in Road Home money in New Orleans. But in Mississippi earlier this year, the Oreck Vacuum Company, which to its credit had tried to help the people in the gulf by reopening a factory that the company had in the gulf, shut the factory down because, they explained, the shortage of housing made it impossible for them to recruit people. There was a physical shortage of housing, and we have people who were once living in the area who have moved to other places. Some of them may still be in the area.

We know that employment in the gulf area hasn't yet returned to its prior level, and we have this chicken-and-egg problem of housing and unemployment. We have now about 12,000 people, who were affected by this amendment, who were previously receiving HUD assistance. Because of the hurricane, the form of assistance they were receiving is no longer possible. They are the ones who were on these disaster vouchers.

Now, before we brought this bill out, those people were legally going to lose those vouchers as of the end of this fiscal year, September 30, an uncontested part of the bill. I appreciate the minority's acquiescence in that. There is some agreement here between us. An uncontested part of this bill extends into November.

The amendment today says that those people who were on HUD assistance before, they have to have been eligible before and still be eligible by various income and other qualifications for HUD assistance, that if as of December 31 of this year they have not been able to find alternative housing, we will not administer what my friend from Texas called "tough love" by kicking them out.

I do not think these are appropriate candidates for tough love. These are not people who are in some situation through their own lack of character. They are people who were displaced by a great physical disaster.

Now, I will acknowledge that the minority side in our committee offered an amendment in particular or raised an issue that we thought was correct. As originally drafted, this particular language would have not only extended the vouchers for those who have been in the disaster situation, but would have continued them, adding to the stock.

Now, we did that because the gentleman from Texas correctly said you don't want to put these people ahead of other people who might be necessarily, who might have a need. So we wanted these to be additional vouchers, not to bite into the other section 8. But we incorrectly, in my judgment, drafted this originally so that even after the current recipients, the current recipients of the disaster vouchers, the victims of New Orleans, as they no longer needed the vouchers or were no longer eligible for them the vouchers would continue to be part of the overall number.

We offered an amendment, unanimous in the committee, that said, no, they will be what we call disappearing vouchers. That is, there is a fixed number of people who now have these vouchers.

As those people die, find other housing, become economically ineligible, as we hope many of them will be as they are able to return to jobs, for whatever reason, as they no longer need the vouchers or are eligible for them, the vouchers will cease to exist.

□ 1050

So they are permanent in one sense, but not in another. They are permanent as long as this universe of 12,000 recipients of HUD help before the hurricane still need them. But as the people in that category no longer need them or are ineligible, they will disappear. So they are not permanent in that sense.

Now, again, we have acknowledged that there have been slowdowns in trying to rebuild the housing. So the question is, if we cut this off as of December 31, what will happen to those people? How many thousands of them will have no place to live?

And then, by the way, they will become competitors with others for section 8. This is a separate category of vouchers for people who were victims of disasters. Some of them live now in other parts of the country. Abolish this separate category as of December 31, and then these people will be competing with other people.

And again I want to go back to a point I made yesterday. I don't understand the resistance to reaching out to these people. They were living in their homes, and a hurricane wiped their homes out. They are not wealthy people. They are not middle-income people. They are people who were otherwise eligible for HUD programs. They were people who were complying with the terms of those programs because they hadn't been expelled from them, and their homes were destroyed.

And we had hoped that by now we would have done a better job collectively of helping them relocate. We haven't. There is plenty of blame to go around. One place that does not seem to me the blame sticks is with these people, these people who had vouchers, who had public housing residences.

And the question now is, do we say to these victims of the hurricane, we are sorry that it has taken us 18 months to get things organized? But you know what? You have only the rest of this year to find a new place to live.

There are elderly people here. There are disabled people here. There are others. They came from a place where we know employment hasn't come back. Why the insistence on treating them as people who are somehow looking for something they don't deserve? Why the refusal to say, you know, we haven't done the right thing in terms of overall. We hope we will, but as long as you are in this situation where you were displaced physically by a disaster, and as long as back in your home area there isn't sufficient replacement housing, and you know, in Mississippi and it is true, Mississippi has done better on the CDBG than Louisiana. But you just have to pick up the paper to read about the insurance fights. There hasn't been a massive amount of rebuilding in Mississippi either.

You then are telling the people who were the recipients of these vouchers as of December 31 you are on your own. Find the housing, or compete with a number of other people for limited stock.

These vouchers go only to people who had previously been on HUD assistance who were physically displaced by the hurricane, and the vouchers are only for them. And as they begin to find other housing, as they die off, as they will, as people get new jobs and aren't eligible, the vouchers will disappear.

I very much hope that this amendment is defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, just to clarify a couple of things. What I think the question is here is not the fact that this Congress has reached out. We have reached out. I think we have all acknowledged that these families and folks in this area have suffered a tremendous disaster.

The problem is, the question today, is how long is the disaster relief going to be extended to these people. I mean, when is the disaster over? And the problem I have with this bill is it says we are going to do it permanently.

Now, the gentleman from Massachusetts stated that they disappear. Well, the scoring that the CBO did on this did an 8 percent attrition rate, saying that 8 percent of these are going to begin to roll off over a 10-year period, and that is how they came up with the scoring of $735 million. So that attrition has taken place in there.

What I would submit to you is we temporarily extended these. We may need to extend a piece or a portion of them in the future. But what we are saying with this bill is we are going to make disaster assistance permanent by making these vouchers permanent.

At this time I would like to yield to the distinguished ranking member of the Housing Subcommittee on Financial Services, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding, and I thank him for all his hard work on this bill as well as on this amendment, which I support.

My problem with it is that right now we are doing a lot of housing law on these disasters, and what we are doing is setting precedent. And if this trend in the weather continues, I think we'll probably see a lot more. So I think we have to be very careful in how we move on this, because if it is made permanent, then the disaster voucher program will serve as a model for the future disasters, forcing Congress to act similarly time and time again.

Assisted families will continue to receive this rental subsidy for several months. This is to continue allowing time to transition to other types of housing, including home ownership. And I think that what we are doing is really making, prematurely making these DVPs permanent, so that as long as the recipient remains eligible for assistance it eliminates other approaches.

Authorizing this, according to the Congressional Budget Office, puts the cost at about $11,900 per voucher per year. And I really wonder, we all have the goal of really getting the people, the victims of this disaster, back where they want to be, back in a home. And I don't know that by extending the time more, we have got until December, will encourage them, give them the incentive then to get moving. I think extending it through December 31 of 2007 allows Congress and HUD to assess the appropriate long-term solutions.

What we have been talking about with all of these vouchers, we have got other ways to do this. And we put in the bill the survey, and until this survey is completed, it may be difficult to identify the need for a permanent disaster voucher program extension, as the disaster voucher program provides assistance to many of these former HANO tenants. So I think we are kind of putting the cart before the horse. We really need to know where the people are, if they are coming back, and what their future plans are. And until HUD has the opportunity to do that, which they have said they would do soon, but not soon enough in time for this bill. So I think that this is premature, making these vouchers permanent, so long as the recipient remains eligible for their assistance.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. CLEAVER), a member of the committee.

Mr. CLEAVER. Mr. Chairman, I want to first express appreciation to the ranking member and the maker of this motion for spending time down in New Orleans with the committee at Dillard University and then going over into Mississippi. I think it was very important for the people of Mississippi to see Members of Congress from both sides of the aisle coming into that devastated region, expressing concern and interested in putting forth legislation to help them out of something that has devastated their lives, yet they are not responsible for.

I have got to oppose the gentleman from Texas' amendment. Let me just say that there are good and decent people who are poor. That is about the only thing good I can say about poverty.

☐ 1100

I know it personally. We are on a first-name basis. I grew up with poverty. I know it well. And so I had a clear picture of what happened after Katrina and Rita.

Only one in six New Orleanians owns an automobile. One in six. That means that this city is a city of poverty. And when you think about the individuals at the Dome begging for help, probably 95 to 98 percent of them had no automobiles.

My son was in New Orleans when the flood hit, a student at Dillard University. He had an automobile, and even with an automobile, he had difficulty getting out of New Orleans, ended up spending the night on a Wal-Mart parking lot. But he had a car, and he was able to get out.

This is a very, very poor city. We are told that the poor shall be with us always, but then there is a transition word: "unless." And the "unless" is something that I think this bill addresses. Unless men and women are willing to do what is necessary to enable people who are in poverty to escape.

One of the things that this amendment does not take into account, for example, is 202 housing. I know the program well. I served as mayor of Kansas City. We did about 10 section 202 projects during my administration.

Section 202 projects are designed to accommodate the elderly. In some instances HUD has allowed for 202 housing to be used by people who suffer from extremely difficult ailments, physical problems. So the people who live in 202 are either elderly, certified already as elderly with low income or no income, or they suffer from some malady, some physical, maybe even mental, malady. If this amendment is approved, it would mean that the people who are elderly and poor who were displaced from their 202 housing and are now living with a relative someplace or in some temporary housing, they end up being punished again because this means that there would be no opportunity for them to even return to the conditions under which they lived.

These are not people who are somehow refusing to work or people who somehow don't want to find permanent housing. This was, in fact, permanent housing. Section 202 housing is permanent housing. And if you look at the HUD statistics, you will find that people who leave 202 housing generally leave it for the funeral home. They die in 202 housing. These are the elderly, and this Congress should exercise all the care we can conjure to take care of the poor and the elderly, particularly those living in section 202 housing.

Now, my hope is that the gentleman from Texas would consider in his amendment, even though I would still oppose it for other reasons, at least eliminating 202 elderly housing.

Additionally, HUD has a program, 811 housing, for the disabled. The same thing would apply for the disabled. These are people who lost housing because of Katrina and Rita, and then they end up being told, if this amendment were to pass, that they still will not be helped even to return to the conditions under which they lived prior to the flood, even if those conditions were not at the highest living standard. The disabled are all just saying, we want to return to where we lived. And, yes, it is permanent housing. It is not temporary. It was designed by HUD and approved by Congress as permanent housing. Sections 811 and 202 are permanent housing projects. We cannot do additional damage to the elderly and the poor.

Now, I think one of the things that we need to consider here as well is that this amendment would strike 1,200 vouchers to families who actually need them. And during our committee debate, I think the gentleman and the ranking member will remember that there was a discussion about substitute language, a compromise, if you will, using the word "sunset." And if we had used the word "sunset," and if it had been placed in the language of the bill, perhaps that would have satisfied Members on the other side who have difficulty with the term "disappearing vouchers." But that is exactly what would happen. That would be a sunset on the vouchers when they are no longer needed.

Striking 1,200 vouchers from families who need them is very, very wrong. It certainly is unintentional in terms of wreaking havoc on those families, but that is exactly what would happen if this amendment is approved. Its impact would only hurt families who need the housing assistance.

Now, the one thing I would like to leave in terms of what I hope can happen from this discussion today is that if we are unwilling or unable to continue assistance for previously, previously federally assisted individuals and families in public housing section 8, 202 or 811 projects for the disabled, we are going to do immense damage and hurt families who don't deserve to be hurt further.

If you can imagine living in a 202 housing project and realizing that you are never going to live in your dream home. There is no such thing as sitting down one day with an architect and designing your dream home. It won't happen. If you live in a 202 or an 811 HUD project, you are already in nirvana. That is as far as you are going to go. And we cannot tell those residents that they cannot return to those living conditions.

The point I am trying to make, and perhaps poorly, is that we are hurting people who would have no other way of living. And if you are opposed to permanent housing, you are opposed to the 202 program not only in New Orleans, but all around this country. In every major city in the country there is at least one, and perhaps several, 202 project, and in every community there is at least one 811 project. And if it is wrong in New Orleans, it is wrong anywhere and everywhere.

My hope, to the gentleman who has proposed the amendment, is that you withdraw the amendment and express appreciation for the debate, acknowledge that you were trying desperately to make sure that we don't overspend any taxpayer money that we don't have to expend. And I will lead a delegation from this side to congratulate the maker of this amendment for a valiant effort to do the right thing that is not quite as right as, in his heart, he would like for it to be.

□ 1110

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Missouri for his eloquent comments about the poor and the elderly. First of all, I want to make a couple of points. One, I understand when he speaks about that, he shared his family's story with me, it is a great story. It is an American success story, and I know that he knows a lot about public housing.

One of the things I want to say about my amendment, my amendment does not show a lack of support for 202 housing or any other housing. I believe in and have supported housing proposals that this Congress has put forward. We have a number of wonderful, affordable housing programs that are administered through HUD, and we need to continue those. In fact, we are trying to get those programs off high center down in New Orleans in the hurricane area, because that is, long term, a better housing solution for many of the victims of the hurricane.

The other thing that I think needs to be clarified, and I know the gentleman didn't intend to misrepresent this, this bill does not take away any benefits from any poor or elderly people. This bill extends that. My amendment does not take that away. What my amendment says is it is probably not good policy just to permanently extend this disaster program.

What we do in the bill is already extend this program to many of our senior citizens. In fact, prior to the hurricane, there were 8,500 people on section 8 vouchers. Today there are about 12,000 people using these emergency vouchers.

So what we are really trying to do with this bill, if we go back again, sometimes we get off track, what is the purpose of this bill? The purpose of this bill is to get permanent housing back in New Orleans and Mississippi for all income groups; poor, elderly, the families that were residing there. We have allocated a substantial amount of resources to do this. But what we are saying with this amendment is we should not make disaster assistance permanent. We were extending it in this bill, and that makes sense, because, unfortunately, the folks in New Orleans are way behind schedule. They need to get off high center and get back on schedule.

This amendment does not, and people listening to this debate today need to be clear, this amendment does not take away vouchers from anybody. What it doesn't do is just write a continuing blank check.

In many of the cities and places where people that were displaced from this disaster are living, there are housing units available to them. It may be that they decide to make a permanent decision to reside in those communities that they have gone to. Many of them have gone back to cities closer to maybe their children or their families. We need to give them the opportunity. But what we don't need to do is create a whole new voucher program with this disaster.

As the ranking member on the Subcommittee on Housing said, we are setting precedent every time we get up with one of these disasters and we try to outdo the last disaster. I think the American people have said, why don't you all come up with a plan and stick with it? We came up with a plan. We executed that plan. We sent the resources down to those areas. From a Federal perspective, I don't know how much more money we can throw at that initiative to get it off high center.

One of the things we need to be clear on about this amendment, it doesn't take anything away from elderly people, it doesn't take anything away from poor people, it doesn't make a statement that we shouldn't have a permanent housing solution. A permanent housing solution is a better solution. But when you extend and make permanent some of these other side programs, you keep taking away resources that could go to the permanent housing.

As I made the statement yesterday when we talked about going back and building maybe some housing for elderly and other folks down there, we don't need to go back and do it where they were before, because I have seen those units, and I know why a lot of people haven't gone back, because the thought of having to go back to those units, and I don't care how much money you spend on them, it wasn't a good situation before, it won't be a good situation today.

You need to support this amendment because it is fiscally responsible. It meets the needs of the people. But it does say before we begin to create a whole new level of voucher programs, we need to have that debate in another forum, not on the backs of the resources needed for the people to rebuild after Katrina.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to transfer control of the time from the gentleman from Massachusetts (Mr. FRANK) to myself.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Chairman, I yield to myself 2 minutes.

Mr. Chairman, I have worked with Mr. NEUGEBAUER, and he has been exceptionally cooperative, understanding the plight of the poor and those people who have been displaced who were victims of Katrina and Rita, and I am convinced, having listened to this discussion and this debate, that there is simply a misunderstanding, because I don't think that he intends for those people who were already assisted by HUD, those people, for example, who were living in section 8 housing, they were renting from landlords and the building was destroyed, to somehow not be permanently assisted and get back on their section 8.

I don't think that he means that those people who were in public housing units who were assisted by HUD, if their unit does not get repaired, I don't think he means that they should not have a section 8. I don't think he means that for the disabled. I don't think he means that for the homeless.

So I am going to chalk this up to a misunderstanding and miscommunication, and, as we continue this debate, I hope that we are able to help my colleague on the opposite side of the aisle understand what he is proposing.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the distinguished ranking member of the full committee.

Mr. BACHUS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me start by saying that the minority is not opposed to a debate on section 8 vouchers for evacuees. We understand, and we have said on this floor that they have left New Orleans, they are in other cities, and there is a temporary need. We don't know how long that temporary need is. There is a temporary need for housing. Some of them will drop off in eligibility, and we are hearing that may be 8 percent. But this is a 10-year permanent program.

One of my concerns is they won't want to return to New Orleans with this section 302 housing that we are creating, a more or less permanent program where they can stay in Houston or they can move from Houston to Dallas.

Now, yesterday we talked about what I consider is a rush to go back and take some of these dilapidated units, units that weren't habitable even before the hurricane, and fix them up. We say we need to do that because we needed to get everybody back to New Orleans as soon as we could.

What we said yesterday, we talked about East Lake in Atlanta, where they took a large public housing project which was, as I said, 56th out of 56. It was the most dangerous precinct in the city of Atlanta. Seventy percent of the youth in some of these public housing projects ended up in the State penitentiary. There was an article in the New York Times about that in New York. We wanted to replace that with mixed-income units. That is going to take time. For that to happen, we will have to have some people stay in other cities.

But we don't think that we can determine right now what we need 10 years from now and commit to spending $735 million. At the same time, if we are going to do that, why do we go back and replace all these units? These people are either going to come back, or they are not. They are not going to do both. But it seems as if we are creating public housing for everyone in New Orleans that has a potential of coming back, and, at the same time, we are creating a program over here where everybody can stay away from New Orleans.

The end result is, I think, a lack of planning. I think we ought to, instead of replacing the failed public housing in New Orleans that we all agree was a disaster, we ought to replace it with something where people have a safer home, a better community, more quality of life. While we do that, we determine how long that is going to take and fashion this program around what we think is a better day for people in New Orleans, a better public housing system there.

Instead, I think we are creating two stand-alone programs, both designed for the same group of evacuees. It simply is going to create a disincentive to come back. At the same time, we are creating housing in New Orleans that is really not suitable for anyone, replacing units that need to be torn down and replaced with better units.

As I have said, this is the greatest natural catastrophe this Nation has faced. That, if anything, ought to lead us to do this right, and not just throw money at it, but to spend it wisely.

☐ 1120

This amendment by Mr. NEUGEBAUER is a way to do that. Section 302 is a duplication of effort, and I think it is ill conceived.

I will close with this: Yesterday, if I heard it once, I heard it a hundred times. And we agree, we want people to come back to New Orleans as long as there is suitable housing there and to do so as soon as possible. This section 302, which the gentleman from Texas would strike, is a disincentive to New Orleans recovering as soon as possible.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I think our friends on the other side of the aisle have framed this in a way that I think is legitimate, which is, how long will this relief be extended. We talked about this in committee. And my feeling is the relief has got to be extended until we actually get on the job.

Mr. NEUGEBAUER mentioned the fact that there has been a substantial amount of money appropriated and obligated to repairing and reconstructing these homes in New Orleans, but a very small portion of it has yet to be extended.

We had a debate over a couple of sections; one, that vouchers, it has been 18 months or 19 months now, shouldn't be available for people outside of New Orleans; and now we are saying those same vouchers shouldn't be available for them in New Orleans. The problem that we have here, Mr. Chairman, is the fact that the job hasn't been done. There have been mistakes, missteps, miscommunication. Eighteen months seems like a long time, but very little has been done to reconstruct or renovate or rebuild the homes for so many people that were displaced. That is the bottom line here.

The bottom line is, coming from Colorado, coming from my background, my faith, we want to help people who are poor, we want to help them if they have been displaced by a huge natural disaster. They haven't been able to return because, through no fault of their own, things haven't been rebuilt or reconstructed. I can't see why we would want to strike section 306 because we haven't gotten the job done. Not through any fault of the people who have been dispersed throughout the country, but because of some problem either between the administration and the State of Louisiana or whatever. That is what has got to be straightened out here. We can't cut out this section and look ourselves in the mirror thinking that we have done the job.

The people that were displaced are entitled to return to New Orleans, they are entitled to return to these homes, and that is what this bill is about. That is why we brought this bill. You know, in a perfect world, everything should have been done by now, but it has not been finished, not anywhere near it. So we have got to step forward again.

We aren't trying to outdo ourselves. We are trying to finish what all of you started 18 months ago; but for whatever reason, we can blame the administration, we can blame the State, we can blame a lot of things, but it hasn't been finished. Our job is to finish the job and allow people to return to their homes in New Orleans as quickly as possible and not to cut this section 306.

So I am going to urge the House to defeat this amendment. I understand Mr. NEUGEBAUER's desire to be fiscally responsible, I couldn't agree with him more. But the fact of the matter is the money is out there, things haven't been finished, and these vouchers are important to keep for the people.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman from Colorado's remarks. I think what you hear from both of us is frustration that things haven't moved along faster.

What I would point out to the gentleman and to the folks on the other side of the aisle is the point that we have been making that we believe that this keeps people in limbo, causes them not to begin to make some kind of a permanent housing decision. I use the example that in New Orleans today there are about 2,000 units of public housing that are available today, but they have about 400 or 500 vacancies that people are not applying for.

Secondly, they have had to go back on a number of occasions because those units have been vacant so long, they had to go back and make them ready again. In that climate, when a unit sits vacant for a short period of time or an extended period of time, the unit gets stale and they have to go back and do some mold mitigation and some other things because there is not someone occupying it.

The point here is we have extended the benefits. The benefits are in this bill for all of the people that have been talked about here this morning. But what we are saying is two things: One, we are trying to permanently increase the amount of section 8 vouchers available in a bill that is about disaster. Secondly, we are talking about extending things where people do not have to come to some kind of a decision about what they want to do.

We want them to go back to New Orleans. I think the people of New Orleans want the people to come back, they want to have the community and the sense of community that they had prior to the storm. But I will tell you that I think we are being the enemy here by not bringing some deadlines and definition to this disaster program. At some point in time the disaster piece is over and the recovery piece has to begin.

We have made an allowance for the transition to do that, but when you make something permanent, even when you say, well, it disappears, what we know about Federal programs is they don't have a history of disappearing. Once we put them on the books, they generally stay with us.

We have the ability down the road, this Congress will, if in fact there needs to be another extension, and in fact the administration has some flexibility. But when you put the word "permanent" on anything, it is permanent.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I don't get it. I am just reading section 306 as being stricken now, and it says, this is a direct quote, blah, blah, blah, "for the period that such household is eligible for such voucher assistance." Once the household is no longer eligible, the voucher disappears. What is permanent about that? Subsection 3 says, "Such vouchers shall not be taken into consideration for purposes of determining any future allocation of amounts to such tenant-based rental assistance for any public housing agency." What is permanent about that?

Now I don't know, if you just don't like the section 8 program, I respect that. That is a respectful and honest difference of opinion on how to help people have a home, have a roof above their head. But let's just try to get rid of the entire section 8 program. Let's not just pick on the people that got hurt the most in this entire country and have been shafted from the day of the hurricane until now.

I haven't looked at the numbers, but your own numbers a few minutes ago where there were 8,000 before the hurricane and now there are 12,000, maybe I missed something. That is not as big an increase as I would have suspected would happen if there was such a big sham going on.

And by the way, if it is all about a sham, you have got to give these people in New Orleans credit. They had a house, they were poor, they qualified for a Federal program that has been around for years, and they somehow mysteriously worked it so that their houses would be destroyed so they could stay on this program. Their houses and their jobs, by the way; that is why you have 12,000 people eligible because they have no jobs. The economy hasn't come back. When they get their jobs back and the economy comes back, they will no longer be eligible and they will be off the rolls and we will be back to 8,000. This is not a permanent program.

Again, if you just don't like the section 8 program, I respect that. We will have a legitimate difference of opinion on that; that's above the board. I understand that that is a philosophical view that I don't share, but I respect it. But you can't just go and take the people in this country that got hurt the worst, for no cause of their own, and somehow think they are trying to scam the system because they happen to live in the path of the worst hurricane this country has seen in my lifetime.

You can't pretend that this is a permanent program when the language itself says it is temporary. As long as these people are eligible, they would have a section 8 certificate. If they get their jobs back and the economy comes back and they make enough money to no longer be eligible, they will be off the rolls, we will be back to the 8,000. And then maybe we will have the discussion we should be having, which I would disagree with then, but it is an honest one; we just get rid of the section 8 program altogether and that is the end of it.

In the meantime, quit trying to pick on the people that got hurt the most in this country, no cause of their own, no fault of their own. I can't imagine anybody down there, any little old lady is sitting there trying to figure out how to scam the system so they can rebuild the house that shouldn't be rebuilt, so they don't have a job. If that is happening, find me the three people that are doing that, and I will agree with you and we will get them off the rolls.

□ 1130

Other than that, let's get on with fixing New Orleans so we can get back on track for this country and for this world.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman from Massachusetts' point. One, I don't see anywhere in here where there is any expression on my part or have I made the point that I am against section 8 vouchers. What I am for, and as the gentleman mentioned, if we have an opportunity and a place and a forum to debate the section 8 program, many of us believe that there can be some things done to the section 8 program to actually make it a more effective program.

The other piece of the deal is that we are not taking away any section 8 vouchers with my amendment. In fact, as I mentioned a while ago, there were 8,500 section 8 vouchers in New Orleans prior to the storm. Anybody that is living in Houston or Oklahoma, anywhere else right now, that wants to come back to New Orleans, there is a section 8 voucher, if they qualify, available for them today.

I don't understand this. I think the other side is trying to somehow argue against my amendment because they know what making something permanent means. It means permanent. They want to try to say that we are somehow depriving people of the ability to have vouchers. If people qualify for vouchers in Houston, they can qualify for them in Houston. If they want to come back to New Orleans, they can come back to New Orleans. There are vouchers available for them there. We made sure, and I thought it was the right policy, and the gentlewoman from California made this point, I believe, in the hearing, that we need to make sure that we keep New Orleans' hold on the programs that they had available. I believe this bill takes steps to do this.

Really what we are talking about, we need to get back to what this amendment does. It just says, you know what, it doesn't make sense in this bill to make this disaster relief permanent when it goes to section 8 vouchers. It doesn't take vouchers away from anybody. It doesn't say anything about 202 housing. It doesn't say anything about rebuilding the affordable housing projects in New Orleans. It just says it is not appropriate policy to start using disaster bills to make other programs permanent.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from New Orleans (Mr. JEFFERSON).

Mr. JEFFERSON. I thank the gentlewoman for yielding to me.

I am having a great deal of trouble connecting the debate here to the reality that people are facing back home. Starting out, you have to know, and just look back to what the conditions were in New Orleans before the storm. Before the storm there wasn't enough affordable housing there even then. There were 18,000 people on a waiting list, 10,000 or so for public housing, 8,000 or so for section 8 vouchers. There were people on waiting lists for 202 housing. All sorts of needs were there. The folks who were down and out then are worse off now. And the folks who were doing a little bit better then are worse off than they were. And so the need has expanded for more assistance there rather than less.

With respect to the issue of permanency, which seems to be the gravamen of the gentleman's objection here, we are talking about people who were eligible for section 8 or 202 or whatever the programs might have been before the storm, who were displaced to other places, and who will remain eligible there in these new places. We passed laws early on after the storm to make sure that people were eligible who otherwise might have lost their eligibility because of the fact they were just physically in another place. We took care of that.

Now, none of us here would have anticipated it would have taken so long to get people back in their places, to get folks back to New Orleans, to get this whole thing fixed. But it has. For whatever reason, it has. We can cast blame here or there, but whatever the reason is, people have not been able to come back home.

I can tell you this much. There aren't many people I have met, and I have been all over the place, in Memphis and in San Antonio and in Houston and in Atlanta, just above in Baton Rouge and up the river. There aren't many people out there who do not want to make their way back home. They are trying desperately to get home. Many of them are close in, doubled up and tripled up in houses, trying to find a way back home. They do not want to be outside of New Orleans. They do not want to be away. We don't need to worry about creating a disincentive for people who return. They want to return home right now, already. Believe me, at the bottom of it all, people want to come back home.

Our objective here is to say as long as they are displaced through no fault of their own, as long as programs aren't working to get them back home right now, we have got to make sure that they have a chance to live decently and in some order outside of the city. That is really all that is going on here. You need to understand that the need remains, and it is even greater than it was before the storm for the programs we are talking about here.

As to this notion of setting a deadline, we have tried this before in almost every program. All we do is just kind of make people's lives unsettled. We say to people who are in assisted housing in someplace in Houston that by deadline X, you must be out of your place. This is, simply put, to put pressure on people to hope they'll find a way to find a house somewhere. They can't, and so the deadline gets moved anyhow. If we set a deadline here, it can only be arbitrary. We don't know that by December such and such there won't be a need for these programs. We don't know that. What this legislation does is take the more reasonable view that so long as they need the program, then they remain eligible. When they don't need it, then the eligibility disappears, and the people are no longer on the program.

That is the only sensible way to deal with this, because no one of us knows, no one of us here can say today when this disaster will be at its end, when recovery will be done. We need to see this through and be logical about it.

Mr. NEUGEBAUER. Mr. Chairman, can I inquire as to the time both sides have left here?

The Acting CHAIRMAN. The gentleman from Texas has 6 minutes remaining. The gentlelady from California has 1½ minutes remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman from Texas for having this amendment. I have called this Congress the smoke-and-mirrors Congress because of the way the majority party has presented their case to the public, and it has been a process of smoke and mirrors. This seems to be a fuzzy math program.

If you have 7,000 section 8 homes in New Orleans, and it's funny, we haven't heard from the people in Mississippi or Florida or some of the other places. This is specifically for the New Orleans housing. Seven thousand section 8 homes. Only 5,000 of them were occupied before the hurricane, and now we are wanting to put all 7,000 back. Yet in New Orleans today, there are 500 that is uninhabited that they can't get people to come back to. So somewhere there is a need to help people that don't seem to be taking that first step to helping themselves.

We have people from New Orleans in Atlanta and in a lot of places in Georgia. If they want to go back to New Orleans, I am sure that we want them to be back in their hometown, and that probably the Federal Government would give them some assistance to get back to New Orleans and to know that there are 500 vacant section 8 houses for them to go to.

I think the other interesting thing is that if you were in a section 8 house prior to Hurricane Katrina, and Hurricane Katrina destroyed your home that you were living in under the section 8 program, then you would now be entitled to section 8 for the rest of your life. Maybe for the gentleman from Texas that we would need to say that anybody, and I feel sorry for these people, but anybody that has an unfortunate situation happen to them in their life, that they could come to the government and just give us a list of things that they would need for the rest of their life.

I want to thank the gentleman from Texas for offering this amendment, and I hope that this House will see fit to support it.

□ 1140

Ms. WATERS. Mr. Chairman, I want to speak on behalf of the people of New Orleans and of the gulf coast who are having such a difficult time, who have not really gotten all of the assistance that I think we could have given them from the very beginning.

I think when the gentleman spoke, he said the people did not seem to be taking the first step to help themselves. That is an insult. I reject it. I speak on their behalf. We were there, and we know how hard they have been working, and they deserve to be seen in a better light than the gentleman just described them.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

Well, I just want to reiterate what this bill does and what it does not. We have heard a lot of things about what people think it does, but I think we need to go back and review what the bill does. Reviewing what the bill does, it strictly strikes section 306. What the bill doesn't do is it doesn't take away benefits to elderly and benefits to the poor. In fact, we have a number of people who are on these emergency vouchers who actually don't qualify for section 8.

It doesn't say to people that we don't care. But what it does say is that this is not the appropriate form. As the gentleman from Louisiana stated, there is a waiting list. For all kinds of housing in many cities all across the country today, there are waiting lists for section 8 vouchers and there are waiting lists for housing for the elderly. All across this country there are those opportunities.

Our job here is not to fix preexisting conditions. Our job here is to help with disaster relief, bringing that community back to some semblance of what it was prior to the hurricane and not to try to fix problems that were existing in that community before.

There are opportunities within this relief to fix some of the issues that were going on. We had housing projects that were massive, that had a huge accumulation of poor people and a lot crime and a lot of things going on in those that we don't find acceptable in our country.

With this disaster recovery money we have appropriated, we have an opportunity to go back and make those communities better. But we should not be trying to fix preexisting conditions with this legislation. And by making these vouchers permanent, we are trying to say we had a problem before and we want to fix that.

What we want to do, and I think what I heard from the testimony from the mayor and from the Governor and from the community leaders down there, we are trying to rebuild our community.

But when you make these disaster vouchers permanent, people can stay in Houston and they can stay other places, and they don't have to come back to this community. As we stated, there are housing units available here. There are vouchers available here. To the point we can, we need to focus our money and our resources on bringing people back and giving them the ability to come back.

I urge Members to support a fiscally responsible bill that is compassionate in that it doesn't take away anything, but it just says this is not the appropriate forum to be adding vouchers to the section 8 program. It is not appropriate to use a disaster bill to have the dialogue about whether we should increase the amount of section 8 vouchers.

I know that the distinguished chairman of the Committee on Financial Services is going to have a hearing on that, and I welcome that discussion as we talk about it, and it shouldn't be just about section 8. When we sit down and talk about housing for our poor and our elderly, we ought to talk about a comprehensive look at it. Is section 8 the best way to do that, or are more permanent housing projects better?

But that is not the debate here on this bill, nor should we be trying to have that debate and to make that policy within this bill.

I urge Members to vote for my amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I yield to the chairman of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK), the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Texas has given us a good example of the meaning of true conservatism.

He had a speech written on this amendment when the bill was first introduced. We have amended the section he is talking about, but he still likes that speech so much he won't get rid of it. He keeps talking about permanent section 8s. They were permanent when the bill was introduced, I agree. When the bill was introduced, they were not just disaster vouchers for the people who were displaced from their homes by a flood in New Orleans, but even after those people no longer used the vouchers, they would remain on the books. He objected to that and we agreed to that part of his objection.

We adopted an amendment that says they disappear when the people disappear. So let me put it this way: These vouchers are permanent only if 12,000 refugees from the New Orleans hurricane are permanent human beings. If they live forever, so does the voucher program. But I do not think that every recipient of elderly housing is going to be permanently with us. I will lament their passing, they are undoubtedly decent people, but they are not permanent. And so the gentleman's politics and theology are both incorrect in this case. They are by no means permanent.

He said anybody who had a voucher in New Orleans can go back and get it, but they were people who lived in public housing. They can't have a voucher. Public housing was physically destroyed. There were people who lived in 202 housing for the elderly, and housing for the disabled; that housing has been destroyed.

What we are doing here is providing a replacement not just for the vouchers in New Orleans but for physical housing that was destroyed in New Orleans.

Finally, the gentleman said they can go to Houston if they are eligible in Houston; but previously he said we don't want them competing. So either they compete with the people of Houston, who have already been very decent, or they get nothing. I hope the amendment is defeated.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–53.

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PRICE of Georgia:

Strike section 103 (relating to elimination of prohibition of use for match requirement).

The Acting CHAIRMAN. Pursuant to House Resolution 254, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I begin, I do want to set the record straight a little bit. I think it is important for us to appreciate and for America to appreciate that the comments by Members on the other side, who have stated over and over that there seems to be a resistance by Members on our side of the aisle to helping individuals out after Katrina, simply is not borne out by either the facts or history, and it is not an appropriate reflection of history.

The heart of the American people is immense, and we all poured out our hearts and we helped immensely when Katrina occurred. We opened our homes and our communities. In my district in the north side of Atlanta, we opened up shelters and provided great assistance, as I know men and women and boys and girls did all across this Nation. The heart of America is huge.

I offer my amendment today in an effort to try to prevent further waste and fraud and abuse of Federal spending on Hurricane Katrina recovery efforts in Louisiana.

Mr. Chairman, as a condition of Federal assistance, Federal grants oftentimes require State and local governments to match Federal grants or to provide a portion of matching funds with State or local spending contributions, oftentimes in the range of 10 percent. This is in order to encourage the efficient administration of the assisted activities giving local recipients an incentive for good management.

Why do we do this? Mr. Chairman, I would suggest it is analogous to a copay when you go to your doctor. As a former physician, I am familiar with those, and most Americans are familiar with those. When you go to your doctor, you have a bit of a copay. And what that does is provide for you an opportunity to encourage appropriate and proper attention and oversight. It actually increases the responsibility of individuals and it increases the financial soundness of the entire system. This amendment would provide that same type of responsibility.

☐ 1150

Striking section 103 would prevent the use of Federal CDBG funds, these are Federal funds, these are hard-earned taxpayer dollars, for the local match requirements and maintain much-needed local incentives to maximize Federal assistance.

I think it is also important for Americans to appreciate that Congress has already promised over $100 billion, that is with a "B," since Katrina and Rita have occurred. To put that in some context, the Louisiana State budget prior to Katrina was $16 billion.

Although we have held over 11 hearings and four briefings and questioned over 137 witnesses, what is needed is increased oversight of that Federal assistance. The underlying bill weakens that ability to provide that oversight. Why, I would ask, would we want to weaken that ability?

In fact, a report by Representatives WAXMAN and CARDOZA and OBEY and TANNER and HOLMES-NORTON and TIERNEY by the Democratic staff on the Committee on Government Reform in August of 2006 itself identified 19 contracts that were offered or that were given during Katrina collectively worth over $8.75 billion that they themselves say have been plagued by waste and fraud and abuse, citing wasteful spending, lack of competition, mismanagement, et cetera.

Examples from a GAO audit provided to the Senate Committee on Homeland Security and Governmental Affairs in testimony in December of last year stated just as an example nearly $17 million in potentially improper and/or fraudulent rental assistance payments to individuals, nearly $20 million in potentially improper or fraudulent payments went to individuals who are registered for both Hurricanes Katrina and Rita, using the same property. Millions of dollars of improper and potentially fraudulent payments went to nonqualified aliens, including foreign students and temporary workers.

Why is it, Mr. Chairman, that we would want to lower the threshold of due diligence that should be applied to spending Federal assistance when waste, fraud and abuse has already been so well documented?

It is obvious to everyone that better oversight of Federal spending is needed. This amendment would assist in providing that oversight and making certain that local and State individuals would have a greater responsibility, a greater incentive to make certain that the programs and the grants that they receive, those moneys are spent in a responsible way.

It is an effort to be better stewards of the American taxpayers' money, and I would urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. For what purpose does the gentlewoman from California (Ms. WATERS) rise? Does the gentlewoman wish to claim the time of the opposition?

Ms. WATERS. I do.

The Acting CHAIRMAN. The gentlewoman from California is recognized.

Ms. WATERS. Mr. Chairman, I yield myself 3 minutes.

I am so overwhelmed with the gentleman's statement that would deny to the people of New Orleans basic assistance that would allow them to use their Community Development Block Grant money as match, no new money, but simply the money that has already been allocated to them to be used as a match to FEMA money in order to help the area move forward with reconstruction, redevelopment and getting people's lives together.

I do not think that most people in America would believe that there was something wrong with giving this basic kind of assistance. Here we have cities where the city halls have been destroyed, water systems have been destroyed, schools, hospitals, roads, sewer systems, police departments, and we would then deny them the opportunity to use money that has already been granted as matching money so they could make use of the FEMA money that they are eligible for? I cannot believe that the gentleman would want to do that.

I am adamantly opposed to this amendment. It is one of the most mean-spirited amendments that I have heard that has been attempted to be attached to the bill that I have introduced. I would ask my colleagues to reject it out of hand. It does not make good sense. We do not gain anything from it.

We have not heard anybody come to this floor from the opposite side of the aisle, and certainly this gentleman, talk about fraud and abuse by Halliburton or any of those companies that are known to be ripping off the government, and here we have a Member of this floor who would come to the floor and a Member of this Congress who would come to the floor and suggest to us that they may misuse it, they may abuse it. I do not think we want to entertain that. I do not think we want to be a part of denying basic help to people who need it so desperately.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentlewoman's comments. However, the hyperbole and the emotion brought with it is curious, again in light of the remarkable assistance that the American people have provided out of their own generosity privately and the generosity that this Congress has provided to the tune of greater than $100 billion of assistance to individuals who have suffered from the greatest devastation of Hurricane Katrina.

The purpose of this amendment is an attempt to move in albeit a small direction, but a small direction of fiscal responsibility. We hear comments by the Members on the other side all the time about how they want to bring new fiscal responsibility to Congress. Well, Mr. Chairman, in fact, what we have had is a step in the opposite direction ever since they have taken charge.

So I would hope that Members would appreciate that this bill, again, is a small step in the direction of financial and fiscal responsibility. It does not preclude the use of previous moneys prior to this bill. If $110 billion is not enough then to provide for allowing individuals to have some local assistance use, I am not certain how much will be.

So, Mr. Chairman, I again state that this is a small step for fiscal responsibility and encourage my colleagues to adopt this amendment.

Mr. Chairman, I reserve my time.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding.

I thank the gentleman from Georgia for the way he has framed this issue as a fiscal responsibility issue; although I think he frames it incorrectly in this case.

There really is no precedent in disaster situations if you go back throughout all the disaster situations for even requiring a local 10 percent match, and I think in another bill there will be language that would actually waive the 10 percent local match.

This component of it disallows the use of Federal money that has been granted to the local communities to provide that 10 percent match. I think the issue is going to go away in another context anyway, but it is counterintuitive to say to local communities whose complete tax base has been destroyed that they should somehow provide a 10 percent match for Federal funds that are given, and historically in disaster situations, there really has never been a 10 percent match at all because we have recognized that the distress situation that is created by a disaster makes it highly unlikely, improbable, impossible in many circumstances, that the 10 percent match would be able to be met by the local community.

You take that and multiply it times five, because this is five times the worst natural disaster that our country has ever had. So we should reject this five times, not just once.

Mr. PRICE of Georgia. Mr. Chairman, I reserve my time.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. MELANCON).

□ 1200

Mr. MELANCON. I thank the gentlelady.

Mr. Chairman, first let me talk about the fraud. The fraud was perpetrated by people throughout this country in Florida, in California, in Colorado, that used addresses in Louisiana. The money that was spent was spent by the Federal agencies, and not misspent by the State of Louisiana.

I am speaking today to urge my colleagues to vote in favor of the Gulf Coast Recovery Act and against the Price amendment, which would keep in place a major roadblock to Louisiana's recovery from Hurricanes Rita and Katrina. Rebuilding in the wake of these two hurricanes is the biggest challenge people on the gulf coast and, for that matter, in this country, have ever faced.

Katrina was the worst natural disaster ever in the United States history. Rita, which has been dubbed the forgotten storm, was the third worst catastrophic event in this country. Local governments are valiantly moving forward to try and rebuild, but without the ability to have the tax base that they need just to do day-to-day operations. If you have lived in a gulf coast community, you know the communities come back under normal circumstances. That is not happening.

This was devastating, totally devastating. Bureaucratic red tape is holding us back. Our local tax base in south Louisiana is gone. Local governments have no way of coming up with money for the 10 percent match. For some parishes, the cost of local match for projects is many millions of dollars and could go as high as $1 billion across the devastated area. Ninety thousand miles, square miles, of devastation was caused by these two storms the size of Great Britain. We are sitting here and worrying about a 10 percent match that was harmful to these small communities and the City of New Orleans but has devastated this entire area.

One thing that I need to point out: The President has the authority to waive the local match requirements with the stroke of his pen. In fact, this authority has been exercised 32 times since 1985 for other major disasters.

In 1992, George H.W. Bush waived the requirement when the per capita recovery cost of Hurricane Andrew reached $139 per person. It was also waived for New York City following the attacks of September 11, $390 a person.

But despite a $6,700 per capita recovery cost following Hurricanes Katrina and Rita, the administration has refused to waive the local match, despite repeated requests. How is this fair to Louisiana? I am a fiscal conservative, but this policy is ridiculous. It is dooming the recovery to failure, and it's time we correct it.

I emphatically urge you to defeat the Price amendment, and pass the Gulf Coast Recovery Act, which will help thousands of people return home and begin rebuilding their lives.

Mr. PRICE of Georgia. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. May I inquire of the Chair, do I have the right to close?

The CHAIRMAN. The gentlelady has the right to close.

Ms. WATERS. I yield to the gentleman from Mississippi (Mr. TAYLOR) for 2 minutes.

Mr. TAYLOR. First let me tell the gentleman from Georgia I appreciate him trying to save some money. I think his efforts, though, are a year late. If you want to look for Katrina fraud, look for Katrina fraud that was perpetrated by the Bush administration.

In south Mississippi we had 40,000 people at one point living in FEMA trailers. We are grateful for every one of them, but those trailers were delivered by a friend of the President, Riley Bechtel, a major contributor to the Bush administration. He got $16,000 to haul a trailer the last 70 miles from Purvis, Mississippi down to the gulf coast, hook it up to a garden hose, hook it up to a sewer tap and plug it in; $16,000.

So the gentleman never came to the floor once last year to talk about that fraud. But now little towns like Waveland, Bay Saint Louis, Pas Christian, that have no tax base because their stores were destroyed in the storm, a county like Hancock County where 90 percent of the residents lost everything, or at least substantial damage to their home, he wants to punish Bay Saint Louis, he wants to punish Waveland, he wants to punish Pas Christian.

* * *

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would ask Members to address their remarks to the Chair.

Mr. PRICE of Georgia. Mr. Chairman, I would inquire as to whether or not those words are eligible to be taken down.

The Acting CHAIRMAN. The Chair cannot render an advisory opinion on that point.

Mr. PRICE of Georgia. Mr. Chairman, I demand that his words be taken down.

The Acting CHAIRMAN. Would the gentleman specify the words?

Mr. PRICE of Georgia. The words accusing this Member of action unbecoming of the House as it relates to having Members of my district not be held to the same account.

The Acting CHAIRMAN. Members will suspend, and the Clerk will report the words.

□ 1232

The Acting CHAIRMAN (Mr. HOLDEN). The Clerk will report the words.

The Clerk read as follows:

"Mr. PRICE, I wish you would have the decency, if you are going to do that to the people of south Mississippi, that maybe you ought to come visit south Mississippi before you hold them to a standard that you would never hold your own people to and that you failed to hold the Bush administration to. With that, I yield back my time."

The Acting CHAIRMAN. The Committee will rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, when certain words used in debate were objected to and, on request, were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that during consideration of H.R. 1227 certain words used in debate were objected to and, on request, were taken down and read at the Clerk's desk and now reports the words objected to to the House. The Clerk will report the words objected to in the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

"Mr. PRICE, I wish you would have the decency, if you are going to do that to the people of south Mississippi, that maybe you ought to come visit south Mississippi before you hold them to a standard that you would never hold your own people to and that you failed to hold the Bush administration to. With that, I yield back my time."

The SPEAKER pro tempore. The Chair holds that remarks in debate that question the decency of another Member improperly descend to personality. The words are not in order.

Without objection, the words are stricken from the RECORD.

There was no objection.

Without objection, the gentleman from Mississippi may proceed in order on this day.

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, is it in order to move that the gentleman from Mississippi's right to address the House be restored?

The SPEAKER pro tempore. That motion may be offered.

MOTION TO PERMIT TO PROCEED IN ORDER ON THIS DAY

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the rights of the gentleman from Mississippi to speak during the remainder of the day be restored.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the gentleman from Mississippi be permitted to proceed in order.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 160, answered "present" 0, not voting 8, as follows:

[Roll No. 167]

YEAS—265

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Flake
Frank (MA)
Franks (AZ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar

Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—160

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—8

Baker
Davis, Jo Ann
Fattah
Johnson, E. B.
Kanjorski
Pence
Sessions
Young (FL)

☐ 1301

Messrs. MILLER of Florida, SULLIVAN, WELDON of Florida and Ms. GRANGER changed their vote from "yea" to "nay."

Messrs. CARNEY, SAXTON, ROTHMAN, LoBIONDO, PORTER, OBERSTAR, SHAYS, JOHNSON of Illinois, FLAKE, PLATTS, ROHRABACHER, JONES of North Carolina, GILCHREST, DENT, DANIEL E. LUNGREN of California, and MORAN of Kansas changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEADERSHIP FROM BOTH SIDES MUST COME TOGETHER

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, first I appreciate your recognizing me.

Mr. Speaker, the process we have just gone through where we had a vote whereby a significant majority voted to overrule the ruling of the Chair would suggest to me it is very important at the highest level our leadership come together from both sides of the aisle and discuss how this kind of thing can happen in the House. It is not good for the body. It does not allow us to go forward with our work effectively.

I thank the Speaker.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

Mr. Speaker, is it not the case that the vote did not overrule the Chair? Is it not the case that the Chair's ruling that the words were out of order was not challenged, and was it not the case that the motion was simply to restore the right of the gentleman from Mississippi to speak and in no way overruled the ruling of the Chair?

The SPEAKER pro tempore (Mr. PASTOR). The gentleman is correct. The motion was to allow the gentleman from Mississippi to proceed in order on this day.

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia.

Mr. WESTMORELAND. We just had a vote to restore the floor privileges for a Member who had his words taken down. Is it not true that the Democratic leadership, Speaker PELOSI, made the comments that we were going to have a more civil House and that we——

Mr. FRANK of Massachusetts. Point of order, Mr. Speaker. The gentleman has not stated a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WESTMORELAND. Parliamentary inquiry: Is it true that we did not pass rules in this House that talked about civility?

The SPEAKER pro tempore. The rules that have been adopted address order in the House.

The gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, parliamentary inquiry.

I am not sure everyone heard you. I would appreciate it, so the vote we just voted is clarified, would you please restate the vote and also indicate whether or not that was an overruling of the Chair? Would you restate it for the full body, please?

The SPEAKER pro tempore. By motion, the gentleman from Mississippi was allowed to proceed in order on this day.

The gentleman from Mississippi.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. ISSA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STEARNS. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I would like to inquire of the Rules of the House, when the words of a Member is taken down and the Speaker rules that these words were incorrect and not within the decorum of the House and that these words would be stricken, is the normal procedure, notwithstanding the motion from Mr. FRANK, is the normal procedure that the Member is no longer allowed to debate for the full day in the House? Is that the procedure? I want to confirm that procedure.

The SPEAKER pro tempore. The answer is yes; the presumptive sanction is a disability from further recognition on that day; but in this case, by motion, the gentleman from Mississippi is allowed to proceed in order on this day.

Mr. STEARNS. I have a follow-up question, Mr. Speaker.

If that is the normal procedure, when is the last time we have allowed someone to speak on the floor after his words were taken down and stricken from the RECORD? Would the Parliamentarian please provide it to this Member? When was the last time we allowed someone to continue to debate on this floor after his words were stricken from the RECORD?

The SPEAKER pro tempore. The Chair cannot place today's proceedings in historical context. That is not the role of the Chair.

Mr. BUYER. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi be recognized for 1 minute out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. TAYLOR. Thank you, Mr. Speaker, and thank you, Mr. BUYER.

In the course of the debate I encouraged, with words that were a little bit too strong, my colleague from Georgia to come visit south Mississippi and see the aftermath of Katrina. I used the word "decency" when I should have said "the courtesy." If I have offended his decency, then I apologize for that.

But the offer stands. The gentleman was good enough to admit privately that he has not visited south Mississippi since the storm, has not seen that the town of Waveland is virtually gone, that Bay Saint Louis is virtually gone, that Pass Christian is virtually gone. To the point of his amendment: How does a town that is gone come up with matching funds to restore itself?

So I appreciate the gentleman yielding. I hope I have made my point to the membership, and I thank the body.

GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1227.

☐ 1308

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1227) to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, with Mr. HOLDEN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, 5 minutes debate remained on amendment No. 7 printed in part B of House Report 110–53 by the gentleman from Georgia (Mr. PRICE).

The gentleman from Georgia (Mr. PRICE) has 3½ minutes remaining and the gentlewoman from California (Ms. WATERS) has 1½ minutes remaining.

Who yields time?

☐ 1310

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the apology of the gentleman from Mississippi. It should be noted that it was an offer from this Member to forego what occurred over the past hour in this House to the gentleman from Mississippi during the process, and that offer was declined. But I appreciate his apology, and I accept his apology.

Mr. Chairman, it is indeed a remarkable privilege for each and every one of us to serve in this House of Representatives. This is the greatest deliberative body in the world, and it is the greatest deliberative body in the world because we treat one another with respect during our deliberations. Our deliberative process works because of a level of comity. It is not appropriate to impugn the motives of individuals, nor is it appropriate to call one's personal character into question.

My amendment to this bill simply would move us in the direction of financial responsibility, a small direction admittedly, but in the direction of financial responsibility.

To correct some historical inaccuracies that have been stated on this floor, during the 1998 floods in the Midwest, the local match that was required by our government was 25 percent. During the 2004 Florida hurricanes, the local match that was required for Federal grants was 10 percent.

This amendment would simply state that more resources provided for the local communities from this remarkably generous Nation who have already provided, authorized over $100 billion for recuperation after the remarkable devastation of Hurricane Katrina, that further moneys would not be allowed to be utilized for the local match. That does not preclude this administration or the Secretary of HUD being able to waive that requirement.

This amendment is a very small step in the direction of fiscal responsibility, of respecting the hard-earned taxpayer money that is sent to Washington. I would encourage my colleagues to support this commonsense amendment that respects that hard work and moves us in the direction of accountability in an area that is desperately requiring that kind of accountability.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. May I inquire of the Chair if we have the right to close?

The Acting CHAIRMAN. The gentlewoman from California has the right to close.

Ms. WATERS. Has the gentleman exhausted his time?

The Acting CHAIRMAN. The gentleman has 30 seconds remaining on his time.

Ms. WATERS. If the gentleman would like to use his 30 seconds, then we would proceed.

The Acting CHAIRMAN. The gentlewoman reserves the balance of her time?

Ms. WATERS. Yes.

Mr. PRICE of Georgia. May I inquire if the gentlewoman has any other speakers?

Ms. WATERS. No, we will use our balance of the time for our close.

Mr. PRICE of Georgia. Mr. Chairman, then I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself the remaining time.

First, I would like to congratulate Mr. TAYLOR not only for his passion, but for all of the work that he has done to try and help restore the gulf coast and his town and his city, and to get the kind of development that is necessary for people to restore their lives. He has worked very hard, as other Members of the gulf coast have. They were on the floor today, Mr. MELANCON, Mr. JEFFERSON, Mr. TAYLOR, trying to make the case that this gulf coast catastrophe should not be penalized.

We do not know why and they do not know why they would be prohibited from using their CDBG, Community Development Block Grant, funds as a match. It is unheard of, it is unprecedented that any town, any city, any region that has been hit by this kind of disaster, and there is no other like it in the history of this country, would be prohibited from using as a match the Community Development Block Grant funds.

These communities have been virtually destroyed, their city halls, their water systems, their schools, their hospitals. They do not have any money. They are cash strapped. They do not have any money to use as a match, and we do not know why they would be singled out with this disaster and told that they could not use Community Development Block Grant funds. This is not new money. This would simply allow them to use that CDBG money as a match.

I would ask that this amendment be rejected, and I ask my colleagues to vote "no."

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 6 printed in part B by Mr. NEUGEBAUER of Texas.

Amendment No. 7 printed in part B by Mr. PRICE of Georgia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 247, not voting 6, as follows:

[Roll No. 168]

AYES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOES—247

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortuño
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—6

Cannon
Davis, Jo Ann
Johnson, E. B.
Kanjorski
Pence
Young (FL)

□ 1336

Messrs. PATRICK J. MURPHY of Pennsylvania, BLUMENAUER, and MILLER of Florida changed their vote from "aye" to "no."

Mr. DOOLITTLE and Mr. PICKERING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 333, not voting 7, as follows:

[Roll No. 169]

AYES—98

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Boozman
Brown (SC)
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
English (PA)
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Nunes
Paul
Pearce
Petri
Pitts
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry

Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—7

Davis, Jo Ann
Delahunt
Johnson, E. B.
Kanjorski
Pence
Shadegg
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1345

Mr. BROWN of South Carolina changed his vote from "no" to "aye."

Mr. DICKS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Chairman, I rise today in support of House Resolution 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007. This resolution will improve flexibility for previously appropriated funds for hurricane recovery efforts on the Gulf Coast. In addition, the bill would free up for use $1.175 billion in funds previously made available to the State of Louisiana under the Hazard Mitigation Grant Program, but not being utilized by FEMA. The legislation also includes a number of provisions designed to preserve the supply of affordable rental housing and would authorize 4,500 new housing vouchers for the purpose of project-based assistance for supportive housing units for seniors, disabled persons, and the homeless. In addition, this bill would require HUD to provide a replacement voucher for every public housing and assisted housing unit that is not brought back on line. The House also adopted the Green Amendment which extends FEMA housing assistance until December 31, 2007 and then transfers eligible households to HUD's tenant-based rental assistance program. This amendment is of vital importance, because it addresses the looming September deadline and gives more than 12,000 families the assurance that they will not be displaced for a second time as they await the rebuilding of their housing.

In effect, this bill provides an opportunity for our government to correct some of the injustices to the residents of the Gulf Coast for the: slow and sometimes mismanaged response of the Bush Administration. This bill helps those displaced residents begin to regain stability in their lives.

A test of our government's commitment to these citizens occurred when the first flood waters and storm surges arrived. Unfortunately as the waters slowly receded, the government also moved slowly. It is in this aftermath, over 18 months later, that we finally begin to address the grave miscarriage of justice that occurred.

The current status has former residents caught in a perpetual, vicious circle in that the storm damaged areas do not have enough schools, hospitals and services to support their return home. However, these resources are not available because there are not enough people in their neighborhoods to support having hospitals, schools and services. The lack of housing fuels this crisis and prevents many from returning to the area.

Currently, fewer than 200,000 of the 454,000 pre-Katrina displaced residents have returned home. The survivors of Hurricane Katrina are not asking for a hand out, these survivors were not displaced through any fault of their own and we must immediately use our resources to help them return home. We must treat the survivors of Hurricanes Katrina and Rita in the Gulf Coast region the same as we have treated survivors of other natural disasters.

Though we have much work ahead to make the residents of the Gulf Coast whole, this is a very important first step.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Florida) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1227), to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina, pursuant to House Resolution 254, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Green amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will then put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will designate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment:

At the end of the bill, add the following new title:

TITLE IX—PROTECTION OF HOUSEHOLDS RECEIVING FEMA HOUSING ASSISTANCE

SEC. 901. EXTENSION OF FEMA HOUSING ASSISTANCE.

There are authorized to be appropriated such sums as may be necessary to provide until December 31, 2007, temporary housing assistance, including financial and direct assistance, under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) to individuals and households eligible to receive such assistance as a result of Hurricane Katrina, Rita, or Wilma, and to the extent that amounts for such purpose are made available, such assistance shall be so extended.

SEC. 902. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA RENTAL ASSISTANCE AND HOUSEHOLDS RESIDING IN FEMA TRAILERS.

(a) TRANSFER OF FEMA RENTAL ASSISTANCE TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that is eligible for such voucher assistance and received financial assistance for temporary housing under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as a result of Hurricane Katrina, Rita, or Wilma, for the period beginning upon termination of such temporary housing assistance and continuing through such period that such individual or household remains eligible for such voucher assistance. Such voucher assistance shall be administered by the public housing agency having jurisdiction of the area in which such assisted individual or household resides as of such termination date.

(b) VOUCHER ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.—

(1) OFFER.—The Secretary of Housing and Urban Development shall offer, to each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), a voucher for such rental assistance, subject to the availability of amounts for such assistance made available in advance in appropriation Acts.

(2) PROVISION OF ASSISTANCE.—There are authorized to be appropriated, for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for such assistance for each individual and household that, pursuant to an offer of such assistance under paragraph (1) requests such assistance, for the period beginning upon occupancy of the individual or household in a dwelling unit acquired for rental with such assistance and continuing through such period that such individual or household remains eligible for such voucher assistance.

(c) TEMPORARY VOUCHERS.—If at any time an assisted family for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(1) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(2) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(3) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 184, not voting 7, as follows:

[Roll No. 170]

YEAS—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Akin
Davis, Jo Ann
Johnson, E. B.
Kanjorski
Marshall
Pence
Young (FL)

☐ 1404

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, according to rule IV, clause 4(a), the privileges of former Members on this floor, it states, "is a registered lobbyist or an agent of a foreign principal, as those terms are defined in clause 5 of rule XXV." Is it true that if a former Member was a registered lobbyist or an agent of a foreign principal, that they could not be on the floor?

The SPEAKER pro tempore. The gentleman is correct.

MOTION TO RECOMMIT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JINDAL. In its current form, I am.

Mr. FRANK of Massachusetts. Mr. Speaker, having as the manager of the bill seen the motion to recommit about 8 seconds ago, I reserve a point of order until we get a chance to know what is in it.

The SPEAKER pro tempore. The gentleman reserves a point of order against the motion.

The Clerk will report the motion.

The Clerk read as follows:

Mr. Jindal moves to recommit the bill H.R. 1227 to the Committee on Financial Services with instructions that the Committee report the same back to the House forthwith with the following amendments:

In section 202(c), strike "to the extent that" and insert "that such Housing Authority or other manager shall prevent a household from occupying such a dwelling unit, and shall provide priority for occupancy in such dwelling units, as follows:".

At the end of section 202(c), add the following new paragraphs:

(1) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy to the extent that any other provision of Federal law prohibits occupancy or tenancy of such household, or any individual who is a member of such household, in the type of housing of the replacement dwelling unit provided for such household.

(2) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy if it includes any individual who has been convicted of a drug dealing offense, sex offense, or crime of domestic violence.

(3) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy on the basis of a determination that occupancy of any individual who is a member of the household may constitute a threat to public safety, including a threat caused by occupancy that would facilitate reunification of members of gangs involved in criminal activity.

(4) Priority in such occupancy shall be provided to individuals who are employed or households that include individuals who are employed.

(5) Priority in such occupancy in public housing dwelling units shall be provided to—

(A) individuals who agree to contribute toward community service, or to participate in an economic self-sufficiency program for, more hours per month than is required under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c));

(B) individuals who, under paragraph (2) of section 12(c) of the United States Housing Act of 1937, are exempt from the requirement under paragraph (1) of such section; and

(C) households that include such individuals.

(6) A household that consists of a family or youth described in section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)(2); relating to family unification) shall be provided priority in such occupancy. The Secretary of Housing and Urban Development shall issue regulations to carry out the exceptions under paragraphs (1) through (6).

Mr. JINDAL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. FRANK of Massachusetts. No, we object to that, because we just got it, and it would be inappropriate in 10 seconds to be able to read it.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued reading the motion to recommit.

☐ 1410

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. JINDAL. I want to thank the chairman and I want to thank Ranking Member BACHUS for their contributions to this legislation in trying to ensure that we do the right thing in New Orleans, that things can actually be better, that we do not have to return to the way that things were even before the storms.

Prior to hurricanes, thousands of New Orleans residents living in public housing often had to deal with horrific living conditions, poorly maintained units, out-of-control crime, drugs, gangs and more. It was not the living conditions that any human being should have to endure. We must ensure that the residents of Louisiana returning home following the devastation of Hurricanes Katrina and Rita have access to safe, affordable and quality housing.

We now have the opportunity to rebuild a significant portion of our State, and we must make certain that the mistakes of the past are not repeated. This includes ensuring that our public housing system does not force residents to live in unacceptable conditions, and replacing the old public housing units with safe, habitable and affordable housing for the future.

Mixed-income developments have proven to be successful when tried in other States and should be given a chance to succeed in New Orleans.

We must also ensure that the poor, elderly or disabled individuals coming back are given the tools that they need to ensure affordable housing opportunities. Our housing system must give individuals a range of affordable choices. We must ensure that our public housing system is not again overwhelmed with drugs and crime, but that it instead serves its intended purpose of aiding those in need of housing assistance with a safe place to live. That is why I am offering this motion to recommit.

Building upon the base bill, this motion to recommit gives priority in the awarding of housing units under the bill to individuals who are either employed or residents of households with people who are employed, exceed the number of legally required hours of community service that public housing residents may perform. Third, are individuals who are elderly or disabled. Fourth, who qualify for placement in housing to avoid having their families separated under existing Federal family unification housing rules.

The motion to recommit also seeks to ensure that public housing facilities in New Orleans foster a safer living environment for returning families by precluding availability of housing to individuals who have either been convicted of being drug dealers, have been convicted of a sex crime, have been convicted of a crime of domestic violence, or are a direct threat to public safety. This includes allowing a refusal to return if an applicant is a threat to a community through gang membership. Given the fact that New Orleans' murder rate on a per-capita basis now may be the highest in the Nation, I believe this motion to recommit should be supported.

Mr. Speaker, we must put the residents of public housing in a position to succeed. Allowing the old system to be put back in place is irresponsible and unacceptable; and especially when you consider the fact that we are in desperate need of workers to help us rebuild our community. We think this motion to recommit deserves every Member's support.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. I thank the gentleman.

Let me ask the gentleman from Louisiana, we have been reading it over, and I do regret the fact that we got this a couple of minutes ago. I am going to check with Valerie Plame, I don't think there was anything secret in here. I don't know why it had to be withheld so we couldn't have a sensible analysis, but maybe there is one possibility. Could the gentleman tell me what in here changes existing law?

Mr. Speaker, I yield to the gentleman from Lousiana.

Mr. JINDAL. We are directing the housing authority that they have to do these things.

Mr. FRANK of Massachusetts. Does this change existing law? The housing authority, by the way, so people can understand, the housing authority that we are directing here is otherwise known as HUD, because HUD controls this housing authority and has for some time since before the hurricane. But does this change existing law affecting housing authorities?

Mr. JINDAL. Mr. Speaker, this changes current law by not giving the discretion, by directing the housing authority to keep these certain criminals——

Mr. FRANK of Massachusetts. In what areas does it direct them? My understanding is that, for instance, the work requirement they have already got, the housing authority, that the restrictions on people with criminal backgrounds are already there. In what way does this recommit? Which I am sure the gentleman has seriously studied and is very familiar with it. He wouldn't legislate unseriously. Could he tell me what in this changes existing law?

I will yield to the gentleman from Louisiana.

Mr. JINDAL. Mr. Speaker, under current law, they have the discretion; they are not required. We are requiring the housing authority to do this.

Mr. FRANK of Massachusetts. The question is, in what area, since in the work requirement they don't have discretion. Check with whoever you have to check with. In what areas are you changing it from discretionary to mandatory?

I will yield to the gentleman from Lousiana again.

Mr. JINDAL. The underlying bill prevents the preferences that we have listed in this motion to recommit. This would direct the housing authority to give preference to those that meet the requirements.

Mr. FRANK of Massachusetts. Well, the point that we are directing the housing authority to give preference to people who follow existing law; Mr. Speaker, I wish we had had this before, we might have been able to understand it better. It appears to me to be simply a restatement of existing law.

And apparently Members on the other side are afraid that HUD, which is the housing authority, won't follow existing law. And I do have my own doubts about this administration's predilection for following existing law.

Mr. JINDAL. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. I tried five times. I give up.

ANNOUNCEMENT BY THE SPEAKER

Mr. CROWLEY. The audience in not in order, Mr. Speaker. The gallery is not in order.

The SPEAKER pro tempore. Persons in the gallery are reminded to refrain from manifestations of approval or disapproval of proceedings.

The gentleman from Massachusetts may continue.

Mr. FRANK of Massachusetts. Mr. Speaker, I just have got to comment that some of my friends on the other side appear more concerned about enforcing the rules strictly than at other times. I asked several times to get an answer. I don't think the answer is over there. I don't think this is very well considered. It does not appear to me to change existing law.

And to say that we are going to tell them that they have to follow existing law, it seems rather odd. If it is so important, you know, if this had been offered as an amendment, we argued successfully all the subsequent amendments would be in order. To the extent that it changes anything, it changes only for New Orleans. So this is only for people whose houses were washed away.

Now, I don't know how it makes any change. I will take on faith the gentleman's assertion that it makes changes, even though he couldn't tell me what they were. But I would then say, why would we say only if your house had been washed away would you be subject to some restriction?

Mr. Speaker, I will now yield 2 minutes to the gentleman from Louisiana (Mr. MELANCON).

The SPEAKER pro tempore. The gentleman from Massachusetts must reclaim his time.

Mr. FRANK of Massachusetts. The gentleman is probably trying to figure out what the amendment says, and that is a hard job.

I will then repeat what he said to me, which is, and read this, this I do know, "it is for New Orleans only." Now, we could not amend it for the whole area. What about Mississippi? I mean, was the gentleman afraid that if he included Mississippi, the gentleman, Mr. TAYLOR, would challenge him to come to Mississippi? I think the gentleman from Louisiana has already been to Mississippi. He wouldn't have to change his travel plans the way the gentleman from Georgia would have.

Why should only people who have suffered this enormous trauma, who live in New Orleans, be subjected to a special set of rules? By the way, we will send the Members long lists of rules already on the books, statutory and regulatory, that prevent public housing authorities from allowing people with criminal records to come in. You have the "one strike" situation where they can be easily evicted.

So this does not add, as nearly as we can tell, to the restriction on letting people in. To the extent that it imposes a greater work requirement, we are talking about people whose homes were destroyed, whose jobs may have been washed away, who may be trying to find additional housing.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker, for so has my patience.

The SPEAKER pro tempore. Does the gentleman from Massachusetts withdraw his reservation?

Mr. FRANK of Massachusetts. I withdraw my parliamentary reservation. I reinforce my substantive ones.

The SPEAKER pro tempore. The point of order reservation is withdrawn.

All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. JINDAL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 249, noes 176, answered "present" 1, not voting 7, as follows:

[Roll No. 171]

AYES—249

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)

NOES—176

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Culberson

NOT VOTING—7

Davis, Jo Ann
Deal (GA)
Hall (TX)
Johnson, E. B.
Kanjorski
Pence
Young (FL)

☐ 1440

Messrs. CAPUANO, LANTOS and LARSON of Connecticut changed their vote from "aye" to "no."

Ms. BEAN, Messrs. HARE, YARMUTH, COURTNEY, ELLSWORTH, SPRATT and RAHALL changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1227, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In section 202(c), strike "to the extent that" and insert "that such Housing Authority or other manager shall prevent a household from occupying such a dwelling unit, and shall provide priority for occupancy in such dwelling units, as follows:".

At the end of section 202(c), add the following new paragraphs:

(1) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy to the extent that any other provision of Federal law prohibits occupancy or tenancy of such household, or any individual who is a member of such household, in the type of housing of the replacement dwelling unit provided for such household.

(2) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy if it includes any individual who has been convicted of a drug dealing offense, sex offense, or crime of domestic violence.

(3) Notwithstanding any priority under paragraphs (4) through (6), a household shall be prevented from such occupancy on the basis of a determination that occupancy of any individual who is a member of the household may constitute a threat to public safety, including a threat caused by occupancy that would facilitate reunification of members of gangs involved in criminal activity.

(4) Priority in such occupancy shall be provided to individuals who are employed or households that include individuals who are employed.

(5) Priority in such occupancy in public housing dwelling units shall be provided to—

(A) individuals who agree to contribute toward community service, or to participate in an economic self-sufficiency program for, more hours per month than is required under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c));

(B) individuals who, under paragraph (2) of section 12(c) of the United States Housing Act of 1937, are exempt from the requirement under paragraph (1) of such section; and

(C) households that include such individuals.

(6) A household that consists of a family or youth described in section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)(2); relating to family unification) shall be provided priority in such occupancy. The Secretary of Housing and Urban Development shall issue regulations to carry out the exceptions under paragraphs (1) through (6).

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 125, not voting 6, as follows:

[Roll No. 172]

AYES—302

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt

Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—125

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fossella

Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary

Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Peterson (PA)
Petri
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—6

Davis, Jo Ann
Deal (GA)

Johnson, E. B.
Kanjorski

Pence
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RAHALL) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1451

Mr. HALL of Texas changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaiian Homeownership Opportunity Act of 2007".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243), as added by section 513 of Public Law 106–569 (114 Stat. 2969), is amended by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011 and 2012.".

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), as added by section 514 of Public Law 106–569 (114 Stat. 2989), is amended as follows:

(1) AUTHORIZATION OF APPROPRIATIONS.—In subsection (j)(7), by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011 and 2012.".

(2) AUTHORITY.—In subsection (b), by striking "or as a result of a lack of access to private financial markets".

(3) ELIGIBLE HOUSING.—In subsection (c), by striking paragraph (2) and inserting the following new paragraph:

"(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on Hawaiian Home Lands.".

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended as follows:

(1) HEADING.—In the heading for the title, by inserting "**AND NATIVE HAWAIIAN**" after "**TRIBAL**".

(2) AUTHORITY AND REQUIREMENTS.—In section 601 (25 U.S.C. 4191)——

(A) in subsection (a)—

(i) by inserting "or by the Department of Hawaiian Home Lands," after "tribal approval,"; and

(ii) by inserting "or 810, as applicable," after "section 202" ; and

(B) in subsection (c), by inserting "or VIII, as applicable" before the period at the end.

(3) SECURITY AND REPAYMENT.—In section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "or housing entity" and inserting ", housing entity, or Department of Hawaiian Home Lands"; and

(ii) in paragraph (3)—

(I) by inserting "or Department" after "tribe";

(II) by inserting "or VIII, as applicable," after "title I"; and

(III) by inserting "or 811(b), as applicable" before the semicolon; and

(B) in subsection (b)(2), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(4) PAYMENT OF INTEREST.—In the first sentence of section 603 (25 U.S.C. 4193), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(5) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—In section 605(b) (25 U.S.C. 4195(b)), by striking "1997 through 2007" and inserting "2008 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Arizona (Mr. RENZI) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself 1 minute to introduce the real author of this legislation, a gentleman who has worked very, very hard on the Hawaiian Homeownership Opportunity Act of 2007, an extremely important bill that will provide housing for Native Hawaiians who have been without decent, safe and secure housing for far too long. I commend the gentleman for all of the work that he has put into this act.

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE) such time as he may consume.

Mr. ABERCROMBIE. Mr. Speaker, I am hoping that some of the misconceptions or misperceptions that might be out there can be alleviated, because I don't believe that this should be considered a controversial bill in any way. There are some issues with respect to questions about favoritism or reverse discrimination, et cetera. Some of these issues have been raised in other contexts.

But in this particular instance, simply because the word or the phrase Native Hawaiian is attached, I hope that it doesn't confuse the issue. I have just had the opportunity to speak with Mr. BOEHNER, and I believe that we have an understanding about what is at stake here.

Let me make very, very clear what we are talking about. It reauthorizes a

Native Hawaiian housing block grant through 2012. Now, these funds are used for infrastructure development and homeownership assistance under a program that is administered by the State of Hawaii as the result of Federal legislation in the last century. The bill that is on the floor today did not originate with Representative HIRONO or myself, but is as a result of the request of the Hawaiian Homes Commission and its chairman, under the leadership of Governor Lingle, Governor Linda Lingle, who is a Republican.

The reason I bring that up is not to cite that for special consideration, but rather that this is not a Democrat and Republican issue. This is an institutional issue that whoever is Governor, and whoever are the commissioners, in this instance happen to be Republican, appointed by a Republican Governor. Those folks are obligated institutionally to bring these issues to the Congress for final adjudication because of the unique status, the unique legal status of the Hawaiian Home Lands.

The Hawaiian Home Lands were created by the Congress as a result of legislation put forward by the original delegate from the Hawaiian Islands to the Congress, Prince Kuhio, Prince Jonah Kuhio Kalaniana'ole, for whom the Federal building is named where I have my offices in Honolulu, the PJKK. Mr. RENZI may refer to the PJKK Federal Building. He was a Republican at the time, and as a result of his presentation, the original Hawaiian Home Lands were created.

It enables Hawaiian families on Hawaiian Home Lands under this unique legal status to be able to acquire private financing they otherwise can't get because they are under this legal admonition to go through the Hawaiian Homes Commission. So it allows the Hawaiian Home Lands, the Department, to be eligible for loan guarantees to borrow, issue bonded debt, enabling servicing up to five times their annual allocation.

This allows the Department to service low-income families without a large increase in Federal appropriations. That's the whole idea of it. It allows low-income Hawaiians to get their refinancing in addition to construction. It reduces the cost of homeownership, and it reduced risk by lowering monthly mortgage payments. That is what this is about. It's no special consideration. It is fulfilling the law as it exists.

Mr. RENZI. Thank you very much. I want to thank the gentleman from Hawaii and your colleagues for your leadership on this issue and your camaraderie in helping all Native Americans pushing forward in homeownership.

Mr. Speaker, I rise today in support of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007. This bill is a reauthorization of title 8 of the Native American Housing Assistance and Self-Determination Act commonly known as the NAHASDA. It's administered by the Department of Hawaiian Home Lands, and this provides native low-income families the opportunity for homeownership on Hawaiian Home Lands.

The Native American Housing Assistance and Self-Determination Act was passed in 1996. It reauthorized a system of housing assistance provided to tribes throughout the Department of Housing and Urban Development by creating the Indian Housing Block Grant program, which provides funds directly to tribes for housing services as determined by the tribes themselves.

In 2000, the NAHASDA was amended to include title 8 so that Native Hawaiians could receive block grant funding as well through a separate grant, the Native Hawaiian Housing Block Grant, which funds vital housing programs only on Hawaiian Home Lands through the Department of Hawaiian Home Lands, a Federal agency established by Congress in 1921 to administer trust land in Hawaii.

Title 8 funding has allowed the Department of Hawaiian Home Lands to target assistance at families at or below 80 percent of the median income. This funding is used for such assistance as infrastructure development, as my colleague Mr. ABERCROMBIE talked about, Habitat for Humanity in Hawaii, down payment assistance programs, self-help home repair programs and financial literacy programs.

☐ 1500

Title 8 of the NAHASDA was originally authorized for 5 years through 2005, and has not been formally reauthorized since. Although appropriation acts have continued to provide de facto 1-year authorizations for this program, this bill will reauthorize the program through fiscal year 2012.

In addition to reauthorization, the bill makes two changes to existing law. First, it makes the Department of Hawaiian Home Lands eligible for loan guarantees authorized under title 6 in the NAHASDA. Giving the Department title 6 assets would allow the Department to help more low-income families become homeowners, without a large increase in Federal appropriations, by partnering with private markets.

Second, this legislation allows Native Hawaiians the use of HUD section 184(a) guaranteed loans for refinancing in addition to construction. Adding the refinancing authority reduces the cost of homeownership for low-income families and can also reduce risk by lowering monthly mortgage payments.

Congress must continue to embrace initiatives such as the one we are currently considering that encourages Americans to own a home.

Again, I would like to thank Mr. ABERCROMBIE and his colleagues from Hawaii, and I thank Chairman WATERS on our subcommittee.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from Hawaii (Ms. HIRONO) 5 minutes.

Ms. HIRONO. I thank the gentlewoman from California for yielding time.

Mr. Speaker, I rise in strong support of H.R. 835, the Hawaiian Homeownership Opportunity Act, which reauthorizes the Hawaiian Home Lands Homeownership Act of 2000. The act assists the State of Hawaii's Department of Hawaiian Home Lands, or DHHL, to provide opportunities for homeownership for low-income Native Hawaiians.

In 1921, Congress passed the Hawaiian Homes Commission Act with the purpose of establishing a homesteading program to place eligible Native Hawaiians on lands in Hawaii designated for such purpose. The law was passed at the urging of the Territory of Hawaii's Delegate to Congress, Prince Jonah Kuhio Kalanianaole. Some 200,000 acres were set aside for the purpose of providing Native Hawaiians with land.

With the passage of the Statehood Act of 1959, the control and administration of the Hawaiian Homes Commission Act was transferred to the newly formed State of Hawaii. The Department of Hawaiian Home Lands was created in 1960 to administer the Hawaiian Homes Commission Act. The mission of the Department is to "manage the Hawaiian Home Lands trust effectively and to develop and deliver land to Native Hawaiians."

Despite the good intentions of the Congress, progress of meeting the goal of delivering land to Native Hawaiians was slow. Most of the Hawaiian Home Lands were located in areas far from jobs, and infrastructure such as roads and utilities were nonexistent. Many individuals were on waiting lists for more than 30 years.

The Hawaiian Home Lands Home Ownership Act of 2000 has provided the Department of Hawaiian Home Lands with much-needed resources to expand opportunities for home ownership among low-income Native Hawaiians. Especially critical has been the ability to use these funds to develop the infrastructure that makes placing homes on these properties possible.

I urge my colleagues to support reauthorization of this important program, and I thank the Chairs, Barney Frank and Maxine Waters, for their leadership in bringing this bill to a vote.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. I yield 5 minutes to Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentlewoman from California and my good friend the gentleman from Arizona for their management of this important legislation, especially for the needs of our Native Hawaiian people.

This bill is simply to reauthorize this program to provide for the housing needs of our Native Hawaiian community in Hawaii, this bill, since its first authorization started in 1996. I do want to thank my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE), and my colleague Ms. HIRONO for their leadership in bringing this legislation forward.

Unbeknownst to many of our colleagues here in the House, and especially also in the Senate, I might say, there are approximately 400,000 Native Hawaiians living in our country today. They are the largest indigenous group among our fellow Americans who live in this country. And I want to say that, as someone who has lived with the Native Hawaiian people in the State of Hawaii in my youth, I can testify and say personally that this program definitely is of tremendous need to meet the housing needs of our Native Hawaiian people.

I can also share with my colleagues, despite all the advertisements and the beautiful islands that we see on television and the ads that we see, and the islands are beautiful, I must say, but there is also another part of the State that I would like to share with my colleagues that the tremendous needs of the Native Hawaiians is exactly the same as the situation with the Native American community. They are the worst when it comes to their health needs. All the social and economic problems that we are faced with for our Native American community is exactly the situation that we are faced with our Native Hawaiian people.

Unbeknownst to our colleagues again, if I might add, Mr. Speaker, the people of Hawaii indigenous to the State of Hawaii, many of the people of our country do not know that there was a sovereign and independent nation of Hawaii that was ruled by a series of kings which started from the great King Kamehameha. From 1800, for some 19 years, he ruled his people, and on to the legacy of the King Kamehameha and his dynasty, which he founded for about 100 years before U.S. Marines of our government illegally and unlawfully took over that sovereign government that was ruled by that time by Queen Lili'uokalani.

I want to share that bit of history with my colleagues, and especially and I sincerely hope that they will understand and appreciate the fact that the Native Hawaiian community does definitely need this program, and I urge my colleagues to please support this legislation.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE), the author of this legislation, 4 minutes.

Mr. ABERCROMBIE. Mr. Speaker, what remains for me is to express my gratitude to Mr. RENZI and also to Mr. KILDEE and the Native American Caucus for helping all of us to understand what the issues are here. And also, I want to reiterate my thanks to Mr. BOEHNER for his open-mindedness and his attitude of being willing to listen on issues that might otherwise have been easily misunderstood. I am grateful also to Mr. COLE of Oklahoma for his participation and for his leadership in again helping us to discern issues that are of distinct advantage, not just to our particular constituents in Hawaii, but on the whole issue of how we are able to help people achieve homeownership, achieve an opportunity not to be dependent on government, but rather to be able to participate in the American Dream, the overall American Dream in a way that has genuine meaning for them and their families.

I am very pleased to see that this has not become a partisan issue, and that it has not ended up dividing us when we should, in fact, be united in our opportunity to minimize the effect of government having bad consequences for people, and maximizing the opportunity for the ordinary individual and the ordinary individual's family to be able to advance the family's cause.

In this particular instance then, Mr. Speaker, I am very, very pleased that we are able to move forward on this, and I hope that the vote will be a solid one and that we can move forward to other issues not only where homeownership is concerned, but advancing the capacity of families to be able to succeed in the American Dream.

I would like to express my gratitude to the gentlelady from California, and express my thanks to her for the leadership of her and her committee in bringing this forward. Again, Mr. Speaker, before I close, my deep respect for and gratitude to Mr. RENZI and for all those who helped bring this forward on the Republican side of the aisle.

□ 1510

Ms. WATERS. Mr. Speaker, may I inquire as to how many minutes we have left?

The SPEAKER pro tempore. The gentlelady from California has 7½ minutes left.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me, first of all, thank the gentlelady for being so timely in her yielding, and to congratulate her as well for this initiative.

Mr. Speaker, I would like to be allowed as well, as I compliment her overall on her commitment to housing, just to reflect on the last 2 days. This was a challenge, but it was the leadership of this Subcommittee on Financial Services that managed to get their hands around what is confronting the gulf region, and particularly cities like Houston that are impacted by a large number of Hurricane Katrina survivors. And I just want to cite that, though I heard a good number of responses on the floor about how much, how long, and too much, frankly I am going to encourage all of the Members of this body to visit the gulf region and to recognize that no matter how much, too much and how long, they will see that people are still not settled, not in houses, and still are receiving eviction notices.

Homeownership is a viable part of our dreams. But, at the same time, we have to be the "fix it" people. And unfortunately, there was much debate on this floor that didn't understand that hurricane recovery for Hurricanes Katrina and Wilma and Rita had not yet occurred. Therefore, I hope that as we go forward and more bills may come to the floor on dealing with Hurricane Katrina, we will be sensitive that this is one of the largest evacuations in the history of America, and that we must continue our work. And so for that reason, I support the underlying bill.

But, likewise, I hope that we will have a heart and recognize that we are, in fact, our brothers' and sisters' keeper, and that we will take some time to understand that we are still healing, we are still repairing, and we are still helping.

Ms. WATERS. Mr. Speaker and Members, I thank the gentlelady from Texas (Ms. JACKSON-LEE). She had been very passionate about what we were doing on the last legislation, and she took this opportunity, not only in support of this legislation, but to add some remarks for the record on behalf of the people of Houston, and I appreciate that.

Let me just say that I want to thank the chairman, Mr. FRANK, for helping to focus our agenda in my subcommittee and in our overall committee, dealing with these very important housing issues, many of them that have been left unattended for far too long.

I want to thank Mr. RENZI for his attention to housing not only for Hawaiian Native Americans, but for Native Americans in Arizona where I had the opportunity to visit with him, where he is doing an awful lot for housing.

And so I am very pleased and proud about our Subcommittee on Housing and Community Opportunity, about the overall committee, and the way that we have been able to move so quickly and to have an agenda that we could bring to this floor on behalf of people who need us desperately, housing crises that exist not only in Hawaii but in other parts of the United States. And this is a representation of the work that we will be doing on this issue.

I know, again, that Mr. ABERCROMBIE has been working very hard. Ms. HIRONO came here with this on her agenda, and I just thank them all for being here on the floor with us this afternoon, and helping people to understand how appreciative they are for our help.

I would like to say that in addition to the work that he has done, he has invited many of us on more than one occasion not only to visit, but to understand that it is not just simply a beautiful island where people come to vacation. There are people who live there. There are people who live there. There are people who work there. There are people who need our assistance, people who have been without housing that they can afford for a long time.

And so, again, the work not only of our chairman and the members of my subcommittee, but the cooperation that we have had on the opposite side of the aisle, led by Mr. RENZI, is what gets us to this point today.

And I would urge all of my colleagues to please support this legislation. It is so important.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007. I want to commend my good friend, Mr. ABERCROMBIE, for introducing this bill in the House of Representatives to reauthorize the Native Hawaiian Housing Block Grant through 2012. I commend the gentleman for his hard work and his leadership in helping our Hawaiian community in both his district and in all the U.S. I also want to commend Ms. HIRONO of Hawaii as one of the original cosponsors of this bill and particularly Chairman FRANK of Massachusetts of the esteemed Committee on Financial Services for his diligence in moving this legislation. I would also be remiss if I did not recognize Chairwoman WATERS of California of the Subcommittee on Housing and Community Opportunity of the Financial Services Committee for her contributions to this important bill and as a stalwart on national housing issues.

Mr. Speaker, this important piece of legislation will reauthorize important funding for the Native Hawaiian Housing Block Grant until 2012. In 1996, Congress passed the Native American Housing Assistance and Self-Determination Act without any specific provisions addressing Native Hawaiian communities. However, in 2000, Congress in a bipartisan effort amended the Native American Housing Assistance and Self-Determination Act by including Title VIII, creating the Native Hawaiian Housing Block Grant.

This program is vital for the Native Hawaiian families with low-incomes by providing grants to assist with affordable housing and it would also guarantee loans for those residing on Hawaiian Home Lands that were set aside by Congress in 1921 with the Hawaiian Homes Commission Act. These Native Hawaiians are disqualified because of their unique status living on these Home Lands. Today, there are more than 495,000 Native Hawaiians in all of the U.S. making them the largest indigenous group in America. It is only fitting that we continue to support such programs to address such essential needs.

As a former resident of the state of Hawaii, I can bare witness of the benefits and the impact this program has achieved throughout the state. There is a national stereotype of Hawaii as the islands with vast beautiful beaches and a remote vacation site but we fail to see the other side of Hawaii. With the growth in tourism and the rise in cost-of-living, Native Hawaiians have not been able to establish regular income to afford the high cost in housing within the state.

This legislation gives Native Hawaiians the opportunities for home ownership and will likely provide for more low-income families without making significant increases in federal appropriations. Mr. Speaker, with the support of the Native American Caucus, the Native American Indian Housing Council and Governor Linda Lingle of Hawaii, I am hopeful that we pass H.R. 835 today. I humbly request that my fellow colleagues support and pass H.R. 835 and again I thank my good friend from Hawaii for introducing this important legislation.

Ms. WATERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 835.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 327) to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Joshua Omvig Veterans Suicide Prevention Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as "PTSD") is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) In General.—

(1) Comprehensive Program for Suicide Prevention Among Veterans.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1720F. Comprehensive program for suicide prevention among veterans

"(a) Establishment.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

"(b) Staff Education.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

"(1) recognizing risk factors for suicide;

"(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

"(3) best practices for suicide prevention.

"(c) Screening of Veterans Receiving Medical Care.—In carrying out the comprehensive program, the Secretary shall provide for screening of veterans who receive medical care at a Department medical facility (including a center established under section 1712A of this title) for risk factors for suicide.

"(d) Tracking of Veterans.—In carrying out the comprehensive program, the Secretary shall provide for appropriate tracking of veterans.

"(e) Counseling and Treatment of Veterans.—In carrying out the comprehensive program, the Secretary shall provide for referral of veterans at risk for suicide for appropriate counseling and treatment.

"(f) Designation of Suicide Prevention Counselors.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

"(g) Best Practices Research.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

"(1) The Department of Health and Human Services.

"(2) The National Institute of Mental Health.

"(3) The Substance Abuse and Mental Health Services Administration.

"(4) The Centers for Disease Control and Prevention.

"(h) Sexual Trauma Research.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

"(i) 24-Hour Mental Health Care.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

"(j) Hotline.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

“(k) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

“(1) remove the stigma associated with mental illness;

“(2) encourage veterans to seek treatment and assistance for mental illness;

“(3) promote skills for coping with mental illness; and

“(4) help families of veterans with—

“(A) understanding issues arising from the readjustment of veterans to civilian life;

“(B) identifying signs and symptoms of mental illness; and

“(C) encouraging veterans to seek assistance for mental illness.

“(l) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary shall establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

“(A) to assist other veterans with issues related to mental health and readjustment; and

“(B) to conduct outreach to veterans and the families of veterans.

“(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

“(m) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary deems appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1720F. Comprehensive program for suicide prevention among veterans.”.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720A of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 327, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and my colleagues, today we have the first bills that are coming out of the Veterans Committee this year. We are going to have an ambitious agenda for our committee, an agenda that in fact is demanded by the American people.

We have seen in the last few weeks enormous attention paid to the treatment, or lack thereof, that is given to our Nation’s veterans, whether they are from World War II, Korea, Vietnam, the first Persian Gulf War or now from Iraq and Afghanistan.

We have seen the Washington Post articles which detailed the problems at Walter Reed. We have seen news magazines have cover stories on how veterans are falling through the cracks of the system. We have seen on ABC News, Bob Woodruff, do a very moving piece on how brain injuries are treated, or perhaps not treated. We have seen stories in the press of homeless, already, from veterans of Iraq.

The American people understand that we are not treating our veterans the way we claim to be. The American people, I think, understand that the treatment of our warriors is a part of the cost of war, and we simply have to provide for those brave men and women who have fought for our Nation’s freedom.

So we have an ambitious agenda in front of us, Mr. Speaker. These first items today address some specific areas that demand attention. I thank the Members from across the aisle for their support not only of these bills, but I think for the agenda that we are going to pursue in the future.

And it is time, Mr. Speaker, that we say as a Congress and as a Nation, no matter where we are on this war in Iraq, that when those brave young men and women come back we are going to treat them with all the love and respect and honor and care that American veterans should have. And we make that pledge on both sides of the aisle.

As I said, one of the top priorities of our committee is to address the needs of returning servicemembers from Iraq and Afghanistan, especially in the areas of mental health.

□ 1520

I believe that if we send our citizens off to war, we have to address their health care needs when they return. We cannot say, support our troops, support our troops, support our troops, and then forget them when they come home.

It turns out, I think unsurprisingly, that veterans suffer a higher risk of suicide than the general population. The stress of combat combined with the stigma that exists for servicemembers and veterans seeking mental health care can have disastrous consequences. It has already occurred for returning veterans, maybe a couple hundred. We must do everything possible to improve the VA’s mental health services and its ability to detect and help those veterans most at risk.

This bill, H.R. 327, is an important step in the right direction. It comes to us from our colleague from Iowa (Mr. BOSWELL), who has taken the tragedy from a family in Iowa and turned it into constructive measures so that tragedy will not be repeated in other parts of the Nation. And we thank Mr. BOSWELL and his colleague, Mr. BRALEY from Iowa, for bringing this to our attention.

This bill will provide important tools to the Veterans Administration to assist the Department in strengthening suicide prevention, education, and awareness programs within the VA by mandating a comprehensive program for suicide prevention among veterans.

Again, I thank Mr. BOSWELL for introducing this bill. I thank Mr. MILLER and his colleagues for supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me take this opportunity first to thank the chairman of the Subcommittee on Health, Mr. MICHAUD; as well as the chairman of the full committee, Mr. FILNER; and Ranking Member Mr. BUYER for their leadership in bringing this legislation timely to the floor.

The heavy burden of some of our servicemembers that they bear in coping with the aftermath of combat is tragically evident in the death of Army Specialist Joshua Lee Omvig. Specialist Omvig was a member of the U.S. Army Reserve 339th Military Police Company from Davenport, Iowa. He took his life in 2005 after returning from a deployment to Iraq. H.R. 327 is aptly named to remember this brave young man.

VA must be vigilant with a proactive mental health strategy to help our veterans and returning servicemembers readjust to stateside duty after their exposure to combat. H.R. 327 would require VA to implement a comprehensive program to reduce the incidence of suicide among our veterans. Specific steps included in this bill are: a campaign to reduce stigma surrounding seeking help or training for VA staff in suicide prevention and education; the creation of peer counselors to understand risk factors and to assist families during the readjustment process; and a 24-hour counseling line so that veterans, especially those in rural areas, could seek help whenever they need it.

VA is already fulfilling many of the requirements of H.R. 327. The Secretary of VA developed and has started to implement a similar suicide prevention strategy that is based on public health and clinical models with activities both in VA facilities and within local communities. For example, VA is fulfilling requirements of H.R. 327 by providing training for both clinical and nonclinical staff on how to assess and respond to patients that they may come in contact with that are at risk for suicide. And by April 1, the Department plans to have in place a Suicide Prevention Coordinator within each VA medical center.

The VA's Serious Mental Illness Treatment Research and Evaluation Center will be designated to guide prevention strategies and maintain data on suicide rates and risk factors. VA is also currently working to create a suicide prevention hotline by the end of this calendar year.

I urge my colleagues to join me in supporting H.R. 327. This legislation does put the full force of legal authority behind a comprehensive program to ensure that VA is taking all appropriate measures to prevent suicide among our Nation's veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the chairman of our Subcommittee on Health, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the chairman very much for yielding, and I want to thank him for his leadership as we deal with Veterans' Affairs issues in this upcoming session. I also want to thank the ranking member, Mr. MILLER, for all his hard work on this legislation. I look forward to working with him over the next 2 years as we move forward with an aggressive Veterans' Affairs agenda.

I rise today in strong support of this important legislation.

One veteran taking their life is tragic. Joshua Omvig was one such veteran, and, sadly, he is not alone. There have been others such as Jonathan Schulze from Minnesota and many more, and that is unfortunate.

We must do everything we can to provide our veterans and their families with the support and care that they need to prevent more from going down the same tragic path to committing suicide.

H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, would assist the Department of Veterans Affairs in furthering its effort to identify veterans at risk of suicide.

Our returning servicemembers are under great strain and stress. H.R. 327 would improve early detection and intervention, provide access to mental health services for veterans who are in crisis, and help prevent the unnecessary deaths of the men and women who have served our Nation so greatly.

A recent study indicated that nearly one-third of OEF/OIF veterans seen at the VA facilities receive mental health and/or psychosocial diagnoses and that one in five have PTSD.

These veterans are at risk. According to reports, one in five suicides in this country is a veteran, even though veterans make up only 10 percent of our general population.

Joshua Omvig was one such veteran. Sadly, this legislation cannot help him, but this bill can help other returning servicemembers.

I urge my colleagues to support H.R. 327. And, in closing, I also want to thank Congressman BOSWELL for his leadership in this area. He has been pushing this bill for the last couple of years. He is a true leader, an individual who cares for our veterans, and I want to thank Mr. BOSWELL for bringing this legislation forward.

Mr. MILLER of Florida. Mr. Speaker, at this time I would like to yield 3 minutes to a valiant supporter of our veterans, a retired Marine colonel and a member of the Armed Services Committee, Mr. KLINE.

Mr. KLINE of Minnesota. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, I rise today in strong support of H.R. 327, the Joshua Omvig Suicide Prevention Act.

I would like to thank my friend, the gentleman from Iowa, for bringing this important piece of legislation to the floor. This bill bears the name of a constituent of Mr. BOSWELL's, Joshua Omvig, who tragically took his life.

I wish that I could stand here today and say that Joshua was the last soldier, sailor, airman, or marine to fall through the cracks, the last young life to end prematurely because the system was unwilling or unable to assist them. But if that were true, the gentleman would not have had to introduce this bill, and we would not be here today discussing it.

In January of this year, this tragedy repeated itself when Jonathan Schulze, a young marine from my district who had served honorably in Iraq, took his life after seeking assistance from two VA medical facilities in Minnesota. The loss of such a promising young life has sparked both sadness and outrage throughout Minnesota and the Nation; outrage not only at the loss of a young life, but because the VA system in which he was enrolled had apparently and tragically failed him.

In the months since Jonathan's unnecessary death, the VA has launched two investigations to find out why this marine did not receive the care he so desperately needed. An initial medical inspector's investigation was inconclusive, but it is my sincere hope that the ongoing VA Inspector General's investigation will fully explain the circumstances that led to his death.

Along with the full accounting of the VA's action in Jonathan Schulze's case, I am hopeful the passage of this bill today will provide the professionals of the VA medical system with the tools necessary to prevent the tragic deaths of young veterans like Joshua and Jonathan.

Once again, Mr. Speaker, I commend the gentleman from Iowa for introducing this vital legislation. I urge my colleagues, all of them, to support H.R. 327.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), who has picked up the torch from the legendary defender of veterans' rights, Mr. Lane Evans, and is carrying that torch with distinction.

□ 1530

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I want to thank Congressman BOSWELL for introducing this important piece of legislation and Chairman FILNER for moving it through the Veterans' Affairs Committee. I would also like to extend my sincere gratitude to the family of Joshua, both for their tireless efforts to pass this legislation and for their son's service to our country.

Mr. Speaker, too many servicemembers return from war with invisible wounds. It is estimated that almost 1,000 veterans receiving care from the Department of Veterans Affairs commit suicide each year. This is a symptom of a larger problem.

A July 2004 Army study reported that one in six combat troops will suffer from post-traumatic stress disorder shortly after combat. Sadly, this is only a measure of the number of veterans who receive the help that they need. Many veterans suffering from post-traumatic stress and other mental problems don't seek assistance.

This bill strengthens cooperation between the U.S. Department of Defense and the U.S. Department of Veterans Affairs to provide better and more accessible mental health care for all of our veterans. This bill also creates a program to regularly screen and monitor all veterans for risk factors of suicide, and establishes a 24-hour counseling line so that veterans in rural and remote areas can receive the help whenever they need it.

Additionally, this legislation offers training in suicide prevention to medical personnel and support staff at our VA hospitals so they can identify veterans at risk. This bill also provides training and services to the families, helping them understand risk factors and working with them on the readjustment process.

Although our men and women come home safely, the war isn't over for many of them. Often the physical wounds of combat are repaired but the psychological scars can haunt a person for a lifetime.

I am proud to have had the opportunity to work on this legislation in the Veterans' Affairs Committee, and I will continue to do what I can to assure that we honor the sacrifices of our Nation's veterans.

I urge all my colleagues to join me in voting for the Joshua Omvig Veterans Suicide Prevention Act.

Mr. MILLER of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a strong supporter of veterans issues.

Mr. RAMSTAD. Mr. Speaker, I thank the ranking member, my friend from Florida, for yielding, and also thank the chairman of the Veterans' Affairs Committee, Mr. FILNER, for his leadership, as well as the author of this important legislation, Mr. BOSWELL of Iowa, and all of those who have worked to bring this legislation to the floor.

I have talked, Mr. Speaker, to the mother and the stepmother of Marine Lance Corporal Jonathan Schulze of Minnesota. I have talked to the stepmother, who, along with Jonathan's father, took this young marine to the VA hospital seeking admission. Lance Corporal Schulze, back from the war in Iraq, was suffering from depression, post-traumatic stress disorder, alcoholism, and was suicidal.

I have talked to this mother and stepmother who, along with Jonathan's father, are absolutely heartbroken at the loss of their beloved son and this true American hero, Lance Corporal Schulze. He was told by the VA that he was number 26 on the waiting list and would have to wait several months to be admitted for treatment. Five days later, Lance Corporal Schulze hanged himself with an electrical cord.

This brave marine's tragic death demonstrates to all of us, to the Nation, the urgent need to provide greater access to mental health treatment for our returning troops and our veterans.

None of our brave troops, none of our brave troops, suffering from PTSD should ever be placed on a waiting list for treatment. It is absolutely, Mr. Speaker, outrageous, that mental health treatment is not readily available for our brave troops returning from war.

That is why I am proud and grateful to rise as a cosponsor of the Joshua Omvig Veterans Suicide Prevention Act. This legislation will provide necessary screening to our returning veterans for risk factors of suicide. It will make sure that those found to be at risk will receive the care that they need and deserve.

It is too late, Mr. Speaker, for Lance Corporal Jonathan Schulze of Minnesota, but it is not too late for thousands and thousands of other returning troops and veterans. It is time to pass this critical bill.

But we must do more. We must pass mental health and chemical addiction parity. There are 56 million Americans suffering the ravages of mental illness, most of whom are going untreated. There are 24 million Americans suffering the ravages of alcoholism and drug addiction, many, many veterans who are going untreated.

We must also, in addition to this important legislation, pass the Mental Health Equity Act to provide equitable treatment for people suffering from mental illness and chemical addiction; that is, to put them on the same footing as people suffering from physical diseases.

We also, Mr. Speaker, must pass the Lane Evans VA Reform Act, which is more comprehensive, provides more resources to the VA and more access to treatment for our veterans.

Mr. Speaker, as I said, it is too late for Lance Corporal Schulze of Minnesota. It is too late for Staff Sergeant Omvig of Iowa. But it is not too late for our other veterans.

Let's do the right thing. Let's pass this legislation.

I thank the gentleman for his leadership.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to Mr. RAMSTAD, we thank you for your passion. On the Veterans Committee, we intend to use the concern of America now for PTSD of returning veterans to argue that we need parity for all mental health issues in America.

So we thank you for your leadership on this. Thank you for reminding us of Corporal Schulze. We will use this as a reminder of what we have to do for our veterans.

Thank you again for your passion.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY), whose son now serves us in our Nation as a member of the Air Force Reserve.

Mr. MCNERNEY. Mr. Speaker, I applaud the chairman and the ranking member of the Veterans Committee and all members of the Veterans Committee for working together to provide our veterans with the services that they need.

The Veterans Administration health care system does, in most cases, provide outstanding health care to our Nation's veterans. Yet, as the brave men and women from our Armed Forces return home from Iraq and Afghanistan, we are seeing additional demands already being placed on the VA. Those demands include addressing the hallmark injuries of these conflicts, post-traumatic stress disorder and traumatic brain injury.

These conditions are often the root causes behind the large numbers of soldiers who have attempted or contemplated suicide. The Defense Department estimates that 114 Iraqi and Afghanistan veterans have already committed suicide, and that one out of every 100 veterans has considered suicide. We must quickly address this problem by equipping the caregivers at our VA facilities nationwide with the ability to recognize and prevent these needless tragedies.

I strongly support H.R. 327, the Joshua Omvig Suicide Prevention Act. It directs the Secretary of Veterans Affairs to develop and implement a comprehensive program to reduce the incidence of suicides among veterans. It trains VA staff to recognize the symptoms of PTSD and suicidal thoughts. It monitors veterans who receive medical care in the VA system for suicide risk factors. It provides for suicide prevention counselors at each medical facility, so that when the veterans need help they can get it immediately. And it establishes a suicide hot line for veterans to call.

Our brave men and women in uniform have served this Nation with honor. We owe them more than a debt of gratitude. We must also provide them with the support and care they need to return to a healthy and productive civilian life.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman from Florida for yielding, and Mr. BOSWELL for working on this important bill.

As a psychologist, I have treated more than my share of those who have suffered from significant depression and have had risk of suicide, many of those veterans of various conflicts. This bill is extremely important in what it does in providing access to care, but there are so many things that we must utilize here as part of this bill.

One is to make sure that it is used to provide proper screening for soldiers during basic training and also prior to deployment. Also to make sure that there is ongoing support and availability of that support in combat theaters. There must also be training for officers and leaders in the military to be aware of signs of problems and to be aware of treatment options. That training is vital.

There also must be access to trained personnel both while the person is in a combat theater and when they return home and after discharge and in the years to follow, because many times the signs of these problems may not actually show up for years.

It is important that all of us are aware, for our friends, our spouses, our loved ones who come back from combat, to recognize signs of post-traumatic stress disorder, depression, anger, and drug and alcohol abuse as all signs that there may be a deeper mental illness behind that.

But it is important, above all of this, that we eliminate the stigma of mental illness. It is indeed a problem which is associated with biological causes with very real symptoms and very real available treatments. But many times soldiers do not seek treatment because they have a fear of being looked down upon by their peers, they fear a loss of rank, they fear discharge or loss of a chance for promotion. They feel there is limited access for trained professionals, and many also think the cost is overwhelming.

We have to give hope to those with mental illness. For those who have seen significant problems in their life, some remain mired in those problems and remain victims and do not move forward. We can help them. There are some who are able to survive despite their problems and move forward and flourish and work. And there are others who thrive with their problems and turn these into a source of inner strength.

There is a great deal of hope and compassion that we can bring to our soldiers. This bill is a wonderful mechanism to bring that. I applaud all those who helped on it, and I look forward to its passage.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. WALZ), another new Member, who happens to be the highest ranking enlisted man, as a command sergeant major, ever to serve in the Congress. We thank you for your service.

Mr. WALZ of Minnesota. Thank you, Mr. Chairman, and a special thank you to my colleague, the gentleman from Iowa (Mr. BOSWELL) for introducing this important piece of legislation in honor of Joshua Omvig and his family and the heroics and sacrifice they made for our country, and for bringing it to the attention of this body and this Nation, this painful problem of suicide amongst our veterans.

Mr. Speaker, you have heard a lot of statistics today already. Ten percent of the population in America are veterans, yet one in five people who commit suicide is a veteran. Since May of 2003, 93 of our brave soldiers and warriors from the wars in Iraq and Afghanistan have taken their own lives. Beyond that, 35 percent of returning Iraqi veterans are seeking counseling within 1 year. Over 73,000 have been diagnosed as a risk factor, and 39,000 have been diagnosed with post-traumatic stress disorder. Despite all of this, 100 local VA clinics offered no mental health care as recently as last year.

But these are far more than numbers. These affect individuals. These are our children. These are our soldiers. These are our marines. These are the patriots that answered the call of duty for this Nation. And when they return home, we need to provide them with everything this Nation can provide.

Suicide amongst veterans, and mental health issues as a whole, require our urgent and immediate attention. H.R. 327 will direct the Department of Veterans Affairs to start screening and monitoring for the exact problems, provide education to all staff, contractors, and medical personnel, and make available 24-hour mental health care for veterans found to be at risk.

Just last week, I saw a unique teleconferencing technology at the Rochester, Minnesota, VA clinic. It allowed veterans in remote rural locations to speak with mental health professionals any time of the day. This technology is innovative and unique. H.R. 327 is a crucial step to ensure that this type of technology is not unique but it is available at any time for our veterans.

I urge my colleagues to support this important piece of legislation. America's servicemembers make a profound sacrifice when they go to war. We owe them nothing less.

But, Mr. Speaker, we must not stop here. In Minnesota, 2,600 National Guard soldiers have had their deployment extended, probably until late 2007. They will come back facing these same issues. We must prepare for them.

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Mr. MILLER of Florida. May I inquire as to the time left on both sides.

The SPEAKER pro tempore. The gentleman from Florida has 10 minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I am honored to yield 3 minutes to the author of the legislation, the gentleman from Iowa (Mr. BOSWELL), who, as I said, worked with the family of Mr. Omvig, who took their tragic situation and turned it into something that could help our whole Nation. We thank you, Mr. BOSWELL.

Mr. BOSWELL. Thank you, Chairman FILNER, and all of you on the Veterans Committee that worked together on this, both sides of the aisle. We are doing the right thing, and we know that.

I would associate myself with all the comments that have been made from Chairman FILNER and Mr. MILLER and all the rest, so I will not try to repeat them. But I might just share a little bit to whoever might be watching about why this bill came to pass.

As we all know, a number of veterans returning from Afghanistan and Iraq, particularly Iraq, this phenomena is taking place, perhaps more so than ever before in our history. It is a concerning thing. All wounds are not visible. I think it has been a little hard for us to realize that we have to recognize this, and we are doing it.

I just want to share with you some many, many months ago, when I had the occasion to respond to the Omvig family in Grundy Center, Iowa, not too far from Waterloo, and you will be hearing from Mr. BRALEY shortly, I went and talked to them and realized the suffering they were feeling. This family, this father and this mother, Randy and Ellen, their son came home after 11 months, someone they loved very much, of course as all parents do, and they realized something was wrong, wasn't right. They wanted to do anything they could to help, but the frustration of not knowing what to do, trying to help, not knowing what to do, not having professional help, others reaching out in the community and so on, keeping Joshua as close as they possibly could, and knowing that things were not going well.

And then one tragic morning, as he left to go to work, and his mother was right there with him, and walked out to his pick-up truck, rolled up the window, with his mother standing just outside the window, and took his life. It should never have happened.

In this day of technology, we can test our young men and women going in and coming out of the services, and the technicians and the experts tell us that they can identify with a test they give that a person is suspect to this situation, the possibility of wanting to commit suicide. They say over 1 out of 100 give it consideration coming back from Iraq.

Now, if we have that ability to test, and we do, then it is appropriate that we take these steps that we are taking today to cause and affect our Veterans Administration to follow up and follow through and save every life we possibly can. We can't bring Joshua back, but we can do all we can possibly do to prevent it from happening to others.

So I am very appreciative today. I of course rise in strong support of this. And I do this in the name of Joshua, by the name of Randy and Ellen. I know the day I sat with them in a little restaurant in Grundy Center, we talked about what we were trying to shape into this bill. I wasn't sure I should, but then I asked them, I said would you mind if we named this after your son? They kind of looked at each other and talked about it, and they said they would be honored.

Now, they are continuing in their grieving, but they are reaching out to others. The calls they are getting to help others to get through this situation is a good thing. They are stepping forward and doing that, and I am very proud of them. So I hope we can get this message to them that we are responding, and the time is now.

Please support this bill. Thank you so very much.

With more and more veterans returning from tours of duty in Iraq and Afghanistan, many new issues have arisen regarding veterans' mental health care that has not received attention in the past.

Some estimates have found that almost 1,000 veterans receiving care from the Department of Veterans Affairs commit suicide each year and one out of five suicides in the United States is a veteran. We must do better for our veterans and I believe this legislation is a step in the right direction.

This legislation grew out of a great tragedy. Almost a year ago I learned of a young man from Grundy Center, IA, Joshua Omvig, who experienced undiagnosed PTDS after returning from an 11-month tour in Iraq. His friends and family, mother and father Ellen and Randy, knew he was having a hard time adjusting to civilian life but did not know how to help him. Help was not available. Then, in December of 2005, Joshua tragically took his life. He was only 22 years old. Over the past year I have learned that Joshua was sadly not a unique case. After I heard Joshua's story I was shocked to find that one in 100 Operation Iraqi Freedom veterans have reported thinking about suicide.

We treat their physical wounds; now it is time to also treat their mental ones. All wounds are not visible.

I'd like to say a few words about Joshua's parents, Randy and Ellen Omvig. Out of their personal loss they have championed a cause to help all veterans and their family members. I have met with the Omvigs on numerous occasions; most recently I saw them this past Sunday, and I'm so impressed by their commitment to help others—the young men and women who have served our country. They are true heroes.

I am proud to stand here in support of this bill and I encourage the House to pass H.R. 327 today and ensure all veterans receive the care they need. Not all wounds inflicted in combat are visible, now is the time to treat them.

Mr. MILLER of Florida. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. I would yield 1 minute to the gentlelady from California (Mrs. NAPOLITANO), who has been a fighter to elevate mental health to the consciousness not only to California, but our whole Nation for her whole career.

Thank you, Mrs. NAPOLITANO.

Mrs. NAPOLITANO. Thank you, Mr. FILNER and Mr. BOSWELL.

Mr. Speaker, I associate myself with the previous remarks of all my colleagues in regard to H.R. 327, of which I am in complete support. It is a bill designed to decrease suicide amongst our veterans. As you have heard, we have had the highest rate of suicide of any other war.

This is about soldiers like Michael, who returned from Iraq, went months on a waiting list from doctor to doctor without proper treatment, and when finally diagnosed, a week later he shot himself. This is about the two marines gathered at a muster in Long Beach just recently who were diagnosed on the spot with suicidal tendencies and were hospitalized immediately. This is about our local VFW seeing more and more young people seeking to get services for their mental well-being. This is also about our families becoming aware of signs to look for and where to find treatment. This is about providing the funding to help heal the mental wounds so that our warriors believe it is better to remain alive and not dead. What is more critical and more important?

I urge my colleagues to vote in support of 327.

Mr. MILLER of Florida. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. I would yield 2 minutes to the gentleman from Iowa, the neighboring district to the Omvigs, and a new Member, Mr. BRALEY.

Thank you for being here today.

Mr. BRALEY of Iowa. I thought it was important to come today and put a human face on the tragic story of Joshua Omvig. This handsome young man you see in this photograph is Joshua Omvig, and standing next to his headstone are his parents, Randy and Ellen.

It was Christmas in 2005 when I opened up the Waterloo Courier, my hometown newspaper, and saw the name Omvig, which jumped out at me right away because I have known Randy and Ellen for a long time.

Even though Grundy Center is just south of my district, I immediately was drawn to this tragic story. Joshua Omvig is not going to be reflected in any of the casualty totals from Iraq, but he and the other tragic stories you have heard today deserve to be included no less in the toll that has been taken on the lives of young men and women of this country. We owe them more. That is why I was so proud that my colleague from Iowa took the initiative to push this measure onto the House floor into committee so that it can finally receive the proper attention it deserved.

I came here with some prepared remarks, but I chose instead to speak from the heart today. Because when I was out at Walter Reed for the oversight hearings on the problems and the backlog of disability claims and the Surgeon General of the Army, Lieutenant General Kiley, tried to justify that backlog by saying that the science of post-traumatic stress disorder was still evolving in 2003 and that was preventing them from processing these claims, I had enough. Because I knew what people like Randy and Ellen Omvig have been going through, and I knew that this ability to prevent these tragedies from happening has been around for many years. And so I told General Kiley, with all due respect, that's hogwash.

It is important for this body to stand up and say that post-traumatic stress disorder is real, which is exactly what General Schoomaker said that day. That is why I urge you all to support this important bill and honor the memory of Joshua Omvig.

Mr. Speaker, I rise today in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. This bill is named in honor of 22-year-old Joshua Omvig, a member of the U.S. Army Reserves 3398th MP Co. from Grundy Center, IA, who tragically took his own life in December of 2005 after serving an 11-month tour of duty in Iraq.

This legislation is an important step in ensuring adequate mental health care for our troops who return home from serving in combat zones and who, like Joshua, may be suffering from combat-related anxiety, depression, or Post-Traumatic Stress Disorder (PTSD). This bill is a necessary and overdue step in reaching out to veterans of all ages, and their families, in order to prevent the tragic deaths of heroes like Joshua Omvig.

Nearly 1,000 veterans receiving care from the Department of Veterans Affairs, VA, commit suicide each year, a number which is startling and unacceptable. Army studies show that around 25 percent of the soldiers who have served in Iraq display symptoms of serious mental health problems, including depression, substance abuse, and PTSD. These figures are expected to rise, as PTSD an other mental health problems often do not surface for months after soldiers have returned home. These mental health problems put our service personnel at higher risk for suicide.

When Joshua returned home from Iraq with PTSD, his family knew that he was suffering, but they didn't realize how completely his illness would devastate him. They didn't realize he had PTSD, or that he was at risk for suicide. And they did not know how to help him, because they did not have the appropriate resources available to them.

The Joshua Omvig Veterans Suicide Prevention Act will help prevent suicides like Joshua's by requiring the VA to develop and implement a comprehensive program to reduce the incidence of suicide among veterans. This program includes educating VA staff about how to identify risk factors for suicide, and training staffers in the appropriate ways to respond to crisis situations and prevent suicide among veterans. The bill also requires the VA to provide mental health care to veterans 24 hours per day, and requires that a suicide prevention counselor be available at every VA facility. These counselors will provide direct assistance to veterans, and will also work with local emergency rooms, police departments, mental health organizations, and veterans' service organizations to provide outreach to veterans who may be at risk for suicide.

Additionally, the bill requires the VA to provide outreach and education for veterans and their families to give them the necessary skills to cope with mental illness, to reduce the stigma associated with seeking treatment for mental illness, and to know when and how to seek suicide prevention assistance.

It is my fervent hope that the passage of this bill in the House of Representatives today means that the tragic death of young Joshua Omvig will not be in vain. I would like to commend Joshua's parents for their advocacy on the behalf of their son and all veterans, and thank Congressman LEONARD BOSWELL for his leadership on this issue. I strongly urge my colleagues to join me in voting for the Joshua Omvig Veterans Suicide Prevention Act, and I look forward to the passage of this critical legislation today.

Mr. MILLER of Florida. Mr. Speaker, I would inquire of the chairman if he needs additional time.

Mr. FILNER. I would ask for the courtesy of yielding 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. MILLER of Florida. I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman for yielding. And I thank the chairman of the Veterans' Affairs Committee for bringing this important issue up to our attention.

I have been a proud cosponsor of this legislation for 2 years, and I want to thank Mr. BOSWELL for his leadership.

This brings up an important point. It brings up an important point because we are now seeing some underfunding of the VA committee and of VA health care initiatives. We have heard today statistics of how now, today, Vietnam veterans are still being affected by post-traumatic stress disorder. We haven't even been able to touch the beginning of the iceberg.

So today, Mr. Speaker, it is important to make it clear what the leadership of this House, the people's House, has said. The leadership of this House today has said that the most important issue for the veterans to be addressed are the issues of health care, both shortfall and VA funding, and it is also an important issue that today we push forward for full funding of VA health care.

Mr. MILLER of Florida. I would urge all of my colleagues to support H.R. 327.

I thank Mr. BOSWELL for bringing this legislation to the floor. He is a fine man, a great sponsor of this piece of legislation, and I urge all of my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I just want to thank Mr. MILLER, the ranking member of the House subcommittee, for your courtesy today, for your leadership on these issues, and for bringing members of your caucus to the floor. I think it is very important that all of us have an understanding of these issues. And the more that we all understand it and communicate that to the American people, we are, I think, better as a Nation. So thank you for the cooperation and the support.

I think we all were moved by Mr. BOSWELL and Mr. BRALEY's presentations. In the name of Joshua Omvig, we ask for support from our colleagues.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I am proud to be a cosponsor of this important bill.

Estimates indicate that nearly 1,000 veterans receiving care from the Department of Veterans Affairs (VA) take their own lives each year. This should be a clear sign that more must be done to address the very serious and troubling issue of veterans' suicide. Many veterans continue to return from Iraq and Afghanistan with Post-Traumatic Stress Disorder (PTSD) and other mental health concerns, and we must equip the VA with the information and resources they need in order to ensure that our veterans receive adequate care.

When this legislation was first brought to my attention earlier this year, I happened to come across an Associated Press news story about a young man from Minnesota who served as a U.S. Marine in Iraq. Upon returning home from Iraq, he experienced nightmares and paranoia, often re-living his combat experiences in his sleep. On January 11, 2007, he told staff at a VA hospital that he felt suicidal. He mentioned this again over the phone the next day to VA staff. Despite these direct pleas for help, no action was taken, and 4 days later, he killed himself in his Minnesota home. He was 25 years old.

H.R. 327 takes a number of important steps towards reducing the incidence of suicide among veterans. This legislation directs the Department of Veterans Affairs to develop a comprehensive program to regularly screen and monitor all veterans for risk factors of suicide, set up a tracking and counseling referral system to ensure all veterans found to be a suicide risk will receive the appropriate help, and provide education and training for all VA staff, contractors, and medical personnel who have interaction with veterans. The legislation would also provide 24-hour mental health care for veterans who are believed to be at risk for suicide, so that veterans could seek assistance whenever they need it.

Our Nation's veterans fight for us overseas, and deserve proper care when they return home. This includes educating VA staff, veterans and their families about PTSD and suicide prevention in order to encourage service members to seek mental health assistance when necessary. Now more than ever, as service members return home with PTSD and other mental health issues, it is essential that we provide adequate mental health care that can help prevent suicide among our Nation's veterans.

I urge my colleagues to join me in supporting H.R. 327.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 327, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

IMPROVING COMPENSATION BENEFITS FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 797) to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCED COMPENSATION BENEFITS FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES.

(a) SHORT TITLE.—This section may be cited as the "Dr. James Allen Veteran Vision Equity Act".

(b) ENHANCED COMPENSATION.—Section 1160(a)(1) of title 38, United States Code, is amended—

(1) by striking "blindness" both places it appears and inserting "impairment of vision"; and

(2) by inserting before the semicolon at the end the following: ", where the impairment in each eye is to a visual acuity of 20/200 or less or of a peripheral field of 20 degrees or less".

SEC. 2. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR INCOME VERIFICATION PURPOSES FOR CERTAIN VETERANS BENEFITS.

(a) USE OF INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Chapter 53 of title 38, United States Code, is amended by adding at the end the following new section:

"§5320. Use of National Directory of New Hires for income verification purposes

"(a) INFORMATION FROM NATIONAL DIRECTORY OF NEW HIRES.—(1) The Secretary shall furnish to the Secretary of Health and Human Services, on a quarterly basis or at such intervals as may be determined by the Secretary, information in the custody of the Secretary for comparison with information in the National Directory of New Hires maintained by the Secretary of Health and Human Services pursuant to section 453 of the Social Security Act (42 U.S.C. 653), in order to obtain the information in such directory with respect to individuals under the age of 65 who are applicants for or recipients of benefits or services specified in subsection (d).

"(2) The Secretary shall seek information pursuant to this subsection only to the extent essential to determining eligibility for benefits and services specified in subsection (d) and the amount of benefits specified in paragraphs (1) and (2) of that subsection for individuals under the age of 65.

"(3)(A) The Secretary of Health and Human Services, in cooperation with the Secretary, shall compare information in the National Directory of New Hires with information in the custody of the Secretary furnished pursuant to paragraph (1), and disclose information in that Directory to the Secretary, in accordance with this subsection, for the purposes specified in this subsection.

"(B) The Secretary of Health and Human Services may make a disclosure in accordance with subparagraph (A) only to the extent that the Secretary determines that such disclosure does not interfere with the effective operation of the program under part D of title IV of the Social Security Act.

"(4) The Secretary may use information resulting from a data match pursuant to this subsection only for the purpose of determining eligibility for benefits and services specified in subsection (d) and the amount of benefits specified in paragraphs (1) and (2) of that subsection.

"(5) The Secretary shall reimburse the Secretary of Health and Human Services for the additional costs incurred by that Secretary in furnishing information under this subsection. Such reimbursement shall be at rates that the Secretary of Health and Human Services determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and comparing the information).

"(b) NOTIFICATION TO BENEFICIARIES.—The Secretary shall notify each applicant for, or recipient of, a benefit or service specified in subsection (d) that income information furnished by the applicant to the Secretary may be compared with information obtained by the Secretary from the Secretary of Health and Human Services under subsection (a). The Secretary shall periodically transmit to recipients of such benefits additional notifications of such matters.

"(c) INDEPENDENT VERIFICATION REQUIRED.—The Secretary may not, by reason of information obtained from the Secretary of Health and Human Services under subsection (a) , terminate, deny, suspend, or reduce any benefit or service described in subsection (d) until the Secretary takes appropriate steps to verify independently information relating to employment and employment income.

"(d) COVERED BENEFITS AND SERVICES.—The benefits and services specified in this subsection are the following:

"(1) Needs-based pension benefits provided under chapter 15 of this title or under any other law administered by the Secretary.

"(2) Parents' dependency and indemnity compensation provided under section 1315 of this title.

"(3) Health-care services furnished under subsections (a)(2)(G), (a)(3), and (b) of section 1710 of this title.

"(4) Compensation paid under chapter 11 of this title at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

"(e) LIMITATION WITH RESPECT TO INDIVIDUAL UNEMPLOYABILITY CASES.—In the case of compensation described in subsection (d)(4), the Secretary may independently verify or otherwise act upon wage or self-employment information referred to in subsection (c) of this section only if the Secretary finds that the amount and duration of the earnings reported in that information clearly indicate that the individual is not qualified for a rating of total disability.

"(f) OPPORTUNITY TO CONTEST FINDINGS.—The Secretary shall inform the individual of the findings made by the Secretary on the basis of verified information under subsection (c), and shall give the individual an opportunity to contest such findings, in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

"(g) SOURCE OF FUNDS FOR ADMINISTRATION OF SECTION.—The Secretary shall pay the expenses of carrying out this section from amounts available to the Department for the payment of compensation and pension.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary to obtain information from the Secretary of Health and Human Services under subsection (a) expires on September 30, 2012.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5320. Use of National Directory of New Hires for income verification purposes.".

(c) EFFECTIVE DATE.—Section 5320 of title 38, United States Code, as added by subsection (a), shall take effect 270 days after the date of the enactment of this Act.

SEC. 3. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE AN EDUCATIONAL ASSISTANCE ALLOWANCE TO PERSONS PERFORMING QUALIFYING WORK-STUDY ACTIVITIES.

Section 3485(a)(4) of title 38, United States Code, is amended by striking "June 30, 2007" each place it appears and inserting "June 30, 2012".

SEC. 4. PROVISION OF BRONZE REPRESENTATIONS OF THE LETTER "V" FOR GRAVE OF ELIGIBLE INDIVIDUAL BURIED IN PRIVATE CEMETERY IN LIEU OF GOVERNMENT-PROVIDED HEADSTONE OR MARKER.

Section 2306(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(5) In lieu of furnishing a headstone or marker under this subsection, the Secretary may furnish, if requested, a bronze representation of the letter 'V' to be attached to a headstone or marker furnished at private expense. The Secretary shall make available two sizes of such representations for such purpose.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 797, as amended.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I would yield myself such time as I may consume.

As noted, this bill is "as amended." And I want to thank the members on my committee on both sides of the aisle, particularly Mr. BOOZMAN of Arkansas and Mr. LAMBORN of Colorado, for their very constructive amendments. Mr. BOOZMAN will talk later on what he did, but we have extended the authorization for the work/study program at his request for 5 years, so thank you for your amendments to that. And we thank Ms. BALDWIN, who has brought this to our attention and is very committed to the health care of our veterans of this Nation.

So we are glad all to work together to get this to the House floor today. This has been introduced in previous Congresses, but we are glad it is on the floor now. It would allow veterans who receive veterans disability compensation for impairment of vision in one eye to be eligible to receive additional disability compensation for impairment of vision in the eye that is not service connected, where that impairment in each eye is to a visual acuity of 20/200 or less, or of a peripheral field of 20 degrees or less.

Suffice it to say that there was a great blind spot in the law that did not cover our veterans who would need the help.

It would direct the Secretary of Veterans Affairs and the Secretary of Health and Human Services to match and compare VA needs-based pension benefits data, parents' dependency and indemnity compensation data, health care services data, and unemployability compensation data with the National Directory of New Hires, maintained by the Department of Health and Human Services, for the purpose of determining eligibility for such benefits and services.

□ 1600

It would extend authorization of the veterans work/study program until 2012 at the suggestion of Mr. BOOZMAN, and allows for a bronze "V" marker in lieu of a government-provided headstone or marker for burials in a private cemetery, at the suggestion of Mr. LAMBORN.

It would affect an estimated 5 percent of the 13,000 veterans who have service-connected blindness or loss of vision in one eye. As of April 2006, the Walter Reed Medical Center alone has treated 140 returning OEF/OIF servicemembers for visual injuries.

I urge Members to support the bill. It is the least we can do for our veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 797, as amended, the Dr. James Allen Veteran Vision Equity Act. I thank my colleagues, Mr. HALL of New York, the chairman of the Disability Assistance and Memorial Affairs Subcommittee, and Mr. LAMBORN of Colorado, the ranking member of that subcommittee. I also thank the chairman, Mr. FILNER, and the ranking member, Mr. BUYER, for bringing this important legislation to the floor; and the prime sponsor, Ms. BALDWIN.

This bill would, in fact, allow veterans who receive a disability compensation for impairment in the vision of one eye to be eligible to receive additional disability compensation for impairment of vision in the eye that is not service connected.

This eligibility includes situations where the impairment in each eye is to a visual acuity of 20/200 or less, or a peripheral field loss of 20 degrees or less. This is the same definition of "legal blindness" adopted by all 50 States and the Social Security Administration.

The New Hires Act would save the government money by allowing the Secretary of the VA to consult with the Secretary of Health and Human Services regarding unemployment compensation data in order to determine the eligibility for VA needs-based pension benefits.

Also, CBO estimates that this section of H.R. 797, as amended, would save the taxpayers $15 million over 10 years. Also included in H.R. 797, as amended, is a provision that extends the types of work study jobs found in section 3485(a)(4) for 5 years through June 30 of 2012.

Current law allows work study recipients to perform a variety of duties throughout VA, as well as veteran-related paperwork at their schools.

We also extend the provision for 6 months in Public Law 109-461 to prevent canceling benefits in the middle of a school year. I am pleased we are able to extend this provision even further in this bill.

The last provision of this bill provides families with the option of choosing a bronze "V" denoting veteran status, in lieu of a VA headstone by graves already marked by a private marker. Many private cemeteries do not allow a second marker on a grave because it complicates routine maintenance. Therefore, that bronze "V" would identify a veteran's grave in a manner that is universally acceptable, and meet the family's desire to honor the deceased veteran.

The bronze "V" would also be readily identifiable to anybody visiting the cemetery, and a standard way to identify veterans who choose not to use a VA-provided headstone.

Once again, I express my strong support for H.R. 797, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY) who is an aggressive advocate for the veterans not only in Las Vegas but across the Nation.

Ms. BERKLEY. Mr. Speaker, I want to thank Mr. FILNER and Mr. MILLER for their steadfast support for this legislation, and Ms. BALDWIN for bringing this to our attention for quite awhile now, waiting for us to act, and act we should.

As Mr. FILNER is well aware, having been to my congressional district, southern Nevada has one of the fastest growing veterans populations in the country, with nearly 218,000 veterans living in Clark County. And when I first started serving in Congress, I only had 160,000 veterans, so our veterans population has increased quite dramatically. It is even more important that former service men and women have the health care and benefits that they have earned.

I am a cosponsor of this legislation which would allow veterans who have complete loss of sight in one eye due to a service-connected injury to receive increased disability compensation if they lose sight in the other eye, regardless of whether that loss of sight is service connected.

For some reason, and I don't understand why, the VA has a higher threshold for determining blindness than any of the States and for the Social Security Administration. Because of this, veterans like my constituent, retired Army Major General Roy Kekahuna, are not covered for deteriorating vision in both eyes, even though they are considered legally blind.

Let us through this legislation demonstrate our true appreciation to our veterans for their sacrifice on behalf of this Nation by meeting our promise to provide them with proper health care and by passing this important piece of legislation.

Mr. MILLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN), the ranking member of the Economic Opportunity Subcommittee.

Mr. BOOZMAN. First of all, I would like to associate myself with the remarks that were said in the previous bill regarding the Suicide Prevention Act. Again, I just appreciate, being a member of the Veterans' Affairs Committee, I appreciate the hard work on that. It really does make us all proud.

Mr. Speaker, for years the VA has awarded service-connected disability ratings, including increased ratings for the loss of use for paired organs, such as hearing, when only one organ was affected by military service. The exception is the body's visual sensory organs and it is time to remove that inequity. This brings the VA in line with eye disability as done by everyone else in figuring eye disability.

As an optometrist and as an eye doctor I am very, very familiar with this and used to help figure these things all of the time, the loss of visual acuity in one eye on the other eye and the long-term effects of that stress. To me, ignoring any loss of visual acuity due to nonservice-connected causes just isn't rational.

I would like to thank Congresswoman BALDWIN for her excellent work in bringing this forward to the full House, and for her advocacy. She has been a real bulldog, and I mean that in a very nice way, in just really staying after this. And due to her efforts, she has been instrumental in highlighting this problem. I have very much enjoyed working with her to improve the law to better serve veterans with visual impairments.

I am also pleased that the bill contains an amendment which was offered during the full committee markup to extend the VA work/study allowance benefits for 5 years. This is a follow-on to a short-term, 6-month extension we passed late last year, and will enable student veterans the ability to continue in a wide variety of work/study positions that directly benefit veterans while easing the workload on the Federal staff at VA and DOD.

Current law allows work/study participants to work up to 20 hours per week. Participants perform a variety of duties such as veteran-related paperwork at schools or VA offices. Some participants perform outreach services under the supervision of a VA employee. Others perform services at VA medical facilities or the offices of the National Cemetery Administration.

The VA work/study allowance is available to Americans training under many programs, such as the Montgomery GI bill, as well as the program for Vocational Training and Rehabilitation for Veterans with Service Connected Disabilities, and several other programs.

The work/study portion of H.R. 797 allows us to extend the work/study program without violating the PAYGO rules by using the offsets found elsewhere in the bill.

I really want to thank Chairman FILNER and Chairman BUYER for working together. This was a difficult thing to get all of the needs crafted together so we could kill two birds with one stone and rectify the visual impairment part.

Mr. Speaker, this is an excellent bill. I urge my colleagues to support H.R. 797.

Mr. FILNER. Mr. BOOZMAN, thank you again for having the initiative to extend the work/study program. You took the creativity of Ms. BALDWIN who was able to save money in this bill, not only meeting the needs of veterans, but by introducing a section to compare data which I hope you will explain, saved us money which can now be used to extend the work/study program for 5 years. Thank you for your amendment

Mr. Speaker, I am honored to yield such time as she may consume to the gentlewoman from Wisconsin (Ms. BALDWIN), the author of this bill, who not only solved a problem but found some money.

Ms. BALDWIN. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise today in strong support of H.R. 797, the Dr. James Allen Veteran Vision Equity Act.

This bill fixes an inequity that has resulted in the denial of appropriate disability compensation to blinded veterans.

I wanted to share, first of all, the story of Dr. James Allen after whom this legislation is named. Dr. Allen is a distinguished, caring professor of ophthalmology at the University of Wisconsin School of Medicine. He has worked at our veterans hospital for nearly 33 years and treated countless eye patients, including many veterans who are blind.

One such patient is a Mr. Donald May. Don is a World War II veteran who lost his right eye in a hand grenade explosion. A few years ago, Mr. May began losing vision and ultimately became legally blind in his other nonservice-connected eye. He applied to the Department of Veterans Affairs for help, but was denied further benefits. He was told that the current law in regard to paired organs did not apply to him even though he was legally blind in both his service-connected right eye and his nonservice-connected left eye.

After Dr. Allen brought the plight of Don May and many other patients to my attention, I began to research why these veterans were being denied the benefits that I felt they deserved, benefits that I believed Congress intended to grant them. Through my work with the Blinded Veterans Association, we discovered that while the current paired organ statute covers blindness in theory, in practice few if any veterans have been able to qualify for the additional disability compensation under its terms.

Congress has rightly recognized that some human organs and limbs are designed to work in pairs: our legs, our kidneys, our lungs, our ears, and of course our eyes. In the instance of eyes, blindness in one eye profoundly affects depth perception, even if sight is fully retained in the other eye.

The paired organ statute was written to assist those veterans who experience a service-connected loss of a paired organ or limb. This statute recognizes the interdependency of paired organs, and endeavors to treat the combined disability created by a nonservice-connected loss and injury or degeneration of the remaining paired organ or limb as though it, too, were the result of a service-connected disability. In general, the paired organ statute accomplishes this task except its treatment of loss of sight.

With regard to eyesight, the statute does not adequately define the term blindness, nor is any provision made for the impairment of vision in the nonservice-connected eye short of blindness.

Rather than using a visual acuity of 20/200 or a loss of field of vision 20 degrees, as is the definition of legal blindness that has been adopted by all 50 States and the Social Security Administration, the Department of Veterans Affairs uses a much more restrictive 5/200 rating for legal blindness. I was asked to describe exactly what that 5/200 means. Really, in layman's terms, it is the equivalent to having light perception only, but the specific definition is somebody with the ability to see at 5 feet what most of the rest of us could see at 200 feet.

As a result, few if any blinded veterans are able to qualify for additional compensation under the paired organ statute.

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H.R. 797, the Dr. James Allen Veteran Vision Equity Act, fixes this problem. It defines blindness as impairment of vision where the impairment is to a visual acuity of 20/200 or less or a peripheral field loss of 20 degrees or less. This change in the law would only affect a small percentage, estimated to be roughly 5 percent, of the 13,000-plus veterans who are service-connected for loss of vision in one eye.

Yet, such a change would send a powerful signal to our Nation's blinded veterans that their hardships are not forgotten. Indeed, our Nation's blinded veterans face significant challenges in the labor market.

The National Institute on Disability and Rehabilitation Research found that for individuals with visual impairments, to the extent they are unable to read letters, that the employment rate is only 30.8 percent compared to 82.1 percent for people without disabilities. Given this employment trend, and the unique socioeconomic experiences of our veterans, it is even more urgent that Congress correct this one last inequity in the current paired organ statute and address the life-altering impact of blindness on our veterans.

I want to mention also that in compliance with our pay-as-you-go rules, section 2 of H.R. 797 fully offsets the cost of additional vision benefits. It directs the Veterans Secretary and the Secretary of Health and Human Services to match and compare VA needs-based pension benefits data, parents' dependency and indemnity compensation data, health care services data and unemployment data with the National Directory of New Hires maintained by HHS for the purpose of determining eligibility for such benefits and services. According to the GAO, the General Accountability Office, such data-matching project would help reduce fraud and waste within the VA system as it determines eligibility and benefits to those veterans thought to be unemployable, but who are indeed working.

I would like to thank Chairman FILNER, Subcommittee Chairman JOHN HALL, as well as Congressman BOOZMAN, Congressman SNYDER and Congressman MILLER for their unwavering support of this bill. I also want to thank the staff of the Veterans' Affairs Committee for helping advance this legislation.

H.R. 797 is a modest but very important step in restoring fair treatment to those blinded due to their service to our country and to further our commitment to them. Their sacrifices and service to this Nation should be matched by our desire to improve the quality of life for them and for their families.

I want to note that the Blinded Veterans Association has identified over 200 soldiers returning from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom who are blinded in one eye due to service-related injuries and could perhaps in the future benefit from this legislation.

I strongly urge my colleagues to support H.R. 797.

Mr. MILLER of Florida. Mr. Speaker, I would like to thank the prime sponsor again of the piece of legislation she has. As my colleague Mr. BOOZMAN said earlier, she worked many long hours to bring this piece of legislation to the floor. I wish we could have done it sooner. I am glad to see it is moving forward at this time.

With that, I would like to recognize a new member to our committee. I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for yielding.

I rise today in support of H.R. 797, the Dr. James Allen Veteran Vision Equity Act. I would like to thank Chairman FILNER, Ranking Member BUYER and my colleague Mr. HALL for their help in bringing this important legislation to the floor.

Mr. Speaker, I offered an amendment to this bill which would provide families the option of choosing a bronze V in lieu of a VA headstone for graves already marked by a private marker. I am happy to say that this amendment was accepted with bipartisan support during committee markup.

Many private cemeteries do not allow a second marker on a grave, but a bronze V would be accepted by all cemeteries and would identify a veteran's grave in the same manner as a VA headstone.

While not the intent of the amendment, it may also lead to a decrease in costs for the Veterans Affairs Department. The average cost of a VA headstone is about $100. Last year, the VA provided 6,534 second markers for a total cost of about $650,000 plus shipping. The cost for the same number of bronze V markers would have only been between $148,000 and $184,000.

Mounting of these second markers is at the family's expense, usually several times the cost of the stone. The bronze V, however, will avoid the need for professional mounting, thus reducing significant expenses for the veterans' families.

This amendment not only distinguishes our Nation's veterans on their headstones, but it also allows families to demonstrate their loved one's selfless service to our Nation in an efficient and cost-effective manner.

It provides a great solution to an unfortunate problem with the added bonus of saving money for veterans' families and the VA.

Mr. Speaker, this bill will help our veterans, and I urge my colleagues to vote in favor of H.R. 797.

Mr. FILNER. Mr. Speaker, again, I would like to thank Mr. LAMBORN for this very important addition. It will give families added consolation, of course, on the burial of a loved one. So we thank you.

I have no further requests for time.

Mr. MILLER of Florida. Mr. Speaker, we have no further requests for time, and we yield back the balance of our time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 797, to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes. I strongly support veterans and more specifically blind veterans. I am a co-sponsor of this legislation. A few weeks ago I introduced H.R. 1240, the "Vision Impairment Specialist Training Act" to help our Nation's blind veterans.

Mr. Speaker, H.R. 797 modifies the standard of awarding disability compensation to veterans for loss of vision to require payment of compensation for impairment of vision involving both eyes due to a service-connected and non-service connected disability.

There are 160,000 legally blind veterans in the United States, but only 44,000 are currently enrolled in Veterans Health Administration services. In addition, it is estimated that there are over 1 million low-vision veterans in the United States, and incidences of blindness among the total veteran population of 26 million are expected to increase by about 40% over the next few years. This is because the most prevalent causes of legal blindness and low vision are age-related, and the average age of the veteran population is increasing; the current average age is about 80 years old.

Members of the armed forces are important to our Nation and we show them our appreciation by taking care of them after they no longer serve. It is important to amend title 38 to ensure that our veterans are taken care of and that they receive the compensation that they deserve. Their service to this nation could never be repaid my monetary means, but we can ensure that the veterans that faithfully served our country are taken care of and amending this legislation sends a message to our veterans that we care about their health and well being long after their duty has expired.

In addition to enhancing compensation benefits for veterans, H.R. 797 requires the Secretary of Veterans Affairs to provide the Secretary of Health and Human Services with information for comparison with the National Directory of New Hires to determine eligibility for certain benefits and services. This process ensures that the proper protocol is followed in issuance of these benefits and that the benefits are distributed to the proper recipients.

Mr. Speaker, I support H.R. 797 and I urge all members to do likewise.

Mr. FILNER. Mr. Speaker, we urge support for H.R. 797, as amended, and I yield back our time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 797, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2007

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1284) to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read the title of the bill.

The text of the bill is as follows

H.R. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2007".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2007, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2007, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2007, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1284.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection

Mr. FILNER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we all urge passage of H.R. 1284, the so-called Veterans' Compensation, COLA, Cost-of-Living Adjustment Act. It would direct the Secretary of Veterans Affairs to increase, effective December 1 of this year, the rates of veterans' compensation to keep pace with the rising cost of living in our Nation. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Bureau of Labor Statistics' Consumer Price Index.

Regardless, Mr. Speaker, of where any of us are on the current war in Iraq, we all believe that our returning young men and women who have served this Nation so courageously get all the attention, care, respect and love that we can give as a Nation. Nothing bothers any of us more than to see returning troops, whether it be at Walter Reed or any of our VA hospitals, have to face the bureaucracy that seems indifferent, and does not provide the services they need.

The cost of serving these veterans, which includes this annual COLA, is a continuing cost of war. We will have from Iraq and Afghanistan an increase in injuries and disabilities that will yield an increase in claims for compensation. Over 1.5 million servicemembers have been deployed to Iraq and Afghanistan without any end, it looks like, in sight, and the President calls for more troops. Therefore, the Veterans Administration, as well as the military hospitals, can expect a significant increase in the number of new claims for compensation and new demands on the health care system. I think that recent events have shown that neither system is adequately prepared for that onslaught, and, in fact, the systems are stretched to the breaking point.

We as a Congress, we as a Nation, have got to give our veterans all the care that they need, all the resources they need, and we as Congress have to provide accountability for the spending of those resources.

Let me say that certainly we on the Democratic side, and I am sure supported on the Republican side, have made major increases in the resources to our veterans care that is now demanded from our Nation. I am told that the budget resolution will have an additional $6.6 billion over what we appropriated last year for the Veterans Administration.

You know that we appropriated an additional $3.6 billion for fiscal year 2007, the year that we are in now, in the so-called continuing resolution, the biggest increase of any department in that continuing resolution.

The supplemental that we will be considering at the end of this week has $3.5 billion for military and veterans health care: we say if you are going to deal with the cost of war, deal with the costs of the warrior.

So just in 60 days, Mr. Speaker, the new majority in the Congress has provided an additional $13.5 billion for the care of our Nation's veterans, and that is a bigger increase than was totaled in the last 5 years combined.

So I think we are responding to the Walter Reed scandal. We are responding to the tragic suicides that came from indifference from the bureaucracy. We are responding to the needs of traumatic brain injury that have so increased in this war. We are responding to the needs of those who have post-traumatic stress disorder. We are responding to the needs of a Veterans Administration that is backlogged 600,000 disability claims.

So we are going to respond with the dollars. We also need to make sure we have accountability, and we will have more to say on that in the future.

Congress regularly enacts an annual cost-of-living adjustment for veterans compensation to make sure that inflation does not erode the purchasing power of veterans and their families who depend upon this income to meet their daily needs. This bill before us, in fact, will benefit all veterans from the World War I era through the current conflicts.

So I hope that we will have support for this. I would like to add my thanks for the increases that I talked about just a second ago in this budget for 2008 and the continuing resolution for 2007 and the supplemental that we will be considering to our Speaker, NANCY PELOSI, who insisted that we care for our Nation's veterans; also, the chairman of the Appropriations Committee, Mr. OBEY of Wisconsin; to his chairman of the subcommittee that looks at veterans affairs, Mr. EDWARDS from Texas; and the chairman of our Budget Committee, Mr. SPRATT, all of whom said we are not going to fail this test that America is faced with today, the test of whether we are going to make sure that our veterans get the care they need

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to yield just a minute for a question to the chairman, if he might. By your comments, am I to take it that the majority does now have the votes necessary to pass the supplemental later this week?

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. FILNER. You are asking that of me? The lowest level of person in the House? No, I hope we will take up that supplemental at the end of the week.

Mr. MILLER of Florida. I thank the chairman.

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I do rise in strong support also of this piece of legislation, thanking my colleagues, the new chairman of the subcommittee which I chaired last year, Mr. HALL, and also Mr. LAMBORN, the new ranking member; also, again, thanking Chairman FILNER and Ranking Member BUYER for helping move this important legislation to the floor as quickly as it has.

In this piece of legislation we increased, effective as of December 1 of this year, the rates of compensation for veterans with service-connected disabilities, the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. Also, the COLA adjustment includes wartime disability compensation, additional compensation for dependents, clothing allowance, dependency and indemnity compensation to a surviving spouse, dependency and indemnity compensation for children.

Mr. Speaker, this is an important annual authorization bill which provides much-needed assistance to our Nation's veterans. I encourage and expect all of my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield as much time as he may consume to the new chairman of the Disability Assistance and Memorial Affairs Subcommittee of the Veterans Affairs Committee, Mr. HALL of New York.

Mr. HALL of New York. Thank you, Congressman, for yielding to me.

Mr. Speaker, I introduced H.R. 1284 earlier this month with the Chairman of the Committee on Veterans' Affairs, Congressman FILNER.

Chairman FILNER has been instrumental in moving this bill forward. I thank him for that. I also want to thank the ranking member of the Committee on Veterans' Affairs, STEVE BUYER, and our ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, DOUG LAMBORN, who were both helpful in getting this bill moved expeditiously. The fact that we got this bill to the floor within the month shows the House leadership's commitment to our Nation's veterans.

As chairman of the Subcommittee on Disability Assistance and Memorial Affairs, I believe that America must uphold its promise to care for our veterans and their families, and I strongly support efforts to alleviate unjust financial burdens imposed upon our Nation's veterans and their survivors. This is why I am so pleased that H.R. 1284 is on the floor today.

H.R. 1284 would provide a cost-of-living adjustment to the rates of disability compensation provided to our Nation's disabled veterans and to the compensation provided to the survivors of veterans and servicemembers who died or who will die as a result of military service.

Every year since 1976, Congress has enacted an annual COLA adjustment for veterans with disabilities and their survivors. The regularity of Congress' action on COLA legislation underscores its importance. Without it, inflation would diminish and erode the purchasing power of millions of beneficiaries. According to VA, as set forth in its fiscal year 2008 budget, the Department estimates that it will provide disability compensation to 3,220,031 veterans with service-related disabilities in fiscal year 2008.

In summary, this legislation is critical to the lives of over 3 million beneficiaries who have served our country well and faithfully. I ask for your continued support for our Nation's veterans, and I ask for your support of the bipartisan Veterans' Compensation Cost-of-Living-Adjustment Act of 2007.

I would just like to say a few words also about another bill that is on the floor today and falls under the jurisdiction of my subcommittee, H.R. 797, the Dr. James Allen Veteran Vision Equity Act. As with H.R. 1284, I am proud of the speed and fashion in which this bill has come to the floor.

H.R. 797, which has the backing of the Blind Veterans Association, would put the Veterans Administration on a par with the Social Security Administration, the World Health Organization, and all 50 States in defining a visual impairment.

Furthermore, this bill allows certain veterans to receive a "V" on their gravestone and reauthorizes the VA's popular work/study program.

Mr. Speaker, this Congress faces a substantial task in dealing with the difficulties our veterans face. Currently there are more than 570,000 veterans claims pending before the VA, literally hundreds of thousands of veterans waiting on decisions that can substantially affect their financial situation.

On top of this, we have a new generation of veterans returning from Iraq and Afghanistan. The subcommittee I chair, the Disability Assistance and Memorial Affairs Subcommittee, recently held a hearing where we heard from experts and Iraq war veterans. They all agree that the VA is critically unprepared to deal with these new commitments and will be overwhelmed.

One witness privately compared the VA's current position to that of a person standing on a beach while a tsunami comes rushing towards the shore. These men and women deserve our support, and it is incumbent upon this Congress to act.

In the coming month, I plan to hold hearings on several pieces of legislation that will address this backlog. I have introduced one bill which would provide interim benefits to veterans who have waited over 6 months for a decision on their appeal.

While this will not fix the entire problem, it will help veterans pay their bills and buy their medicine while they wait for a decision from the VA. I look forward to working with colleagues on both sides of the aisle on these important issues, and I trust they share my sense of urgency on these matters.

It is my hope that H.R. 797 and H.R. 1284 are the first of many steps this Congress takes to ensure that those who have sacrificed so much for this country receive the benefits they have earned.

Mr. MILLER of Florida. Mr. Speaker, it is my pleasure now to yield 4 minutes to the gentleman from Washington, who although not on the VA Committee, is an active participant in much of the legislation that comes to that committee, and an Air Force veteran, Mr. REICHERT.

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, we are here to, and I am honored to be here to support H.R. 1284, the Veterans' Compensation Cost-of-Living Adjustment Act of 2007. It sounds awful cold and mechanical when you rattle it off in that way, but it means a lot to the people who serve this country.

I was, as my good friend Mr. MILLER said, I was in the Air Force. I served 33 years in the King County Sheriff's Office in Seattle, Washington, and I had friends who were wounded in the line of duty, partners who were wounded, partners who were killed and sacrificed their lives to protect their communities. I, myself, was nearly mortally wounded in serving our community as a sheriff's deputy.

I know what it means to have a community come behind you. I know what it means to have a family stand with you. I know what it means to have your friends, your relatives, and your local government to be there with you.

Our veterans deserve to know what that feeling is. They need to know the United States Government and Members of Congress are standing with them. We are soldiers here fighting with them, providing them with the benefits they need, the tools they need, the things they need to do their job, the things they need to do to protect their families, the things they need to have to provide for their families.

Two weeks ago I stopped and visited a marine in a Seattle VA hospital. This marine was wounded in the neck with a .22 caliber bullet. I stood in awe at his courage as he lay paralyzed from the waist down, and I asked him what his plans were for the future, and that I was honored to meet him, and sorry that he was wounded in battle.

He looked at me and smiled and said, Why feel sorry for me? Don't. I volunteered for this work. I want to protect America. You know what he said his plans for the future was? To go back to Iraq. He said, I will walk again and fight next to my brothers and sisters on the front lines.

I met another soldier at Madigan Hospital, the Army hospital in Tacoma, Washington, a soldier who was standing near someone who blew themselves up, a suicide bomber. He is now suffering from a blood viral infection. He has been treated for over a year at Madigan Hospital. I said the same thing to him. I am honored to meet you. What are your plans for the future?

He said, I will heal. Don't feel sorry for me. I am going back to fight with my fellow soldiers.

This cost-of-living increase seems mechanical to us as we sit here in this House floor. It means a lot to the soldiers that are fighting and dying for this freedom of our citizens, of all of us here today.

I am so proud to be here to stand before you and support this legislation.

One of the other things that we must do, not only pass legislation that helps them provide for their families and for themselves and their future, you must reach out and make sure that those veterans who are out in our community, 624,000 veterans in the State of Washington, know what benefits are available to them.

On March 31, we would hold a veterans fair just across the water from Seattle, Washington, and invite every veteran in the State to be there so they can learn how we can help them and we can honor them.

Mr. FILNER. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I also would like to thank Chairman FILNER, Ranking Member BUYER, and subcommittee chairman, JOHN HALL, and ranking subcommittee chairman, Mr. MILLER, for their continued efforts to ensure the value of veterans benefits does not erode as the cost living increases.

H.R. 1284, the Veterans' Compensation Cost-of-Living Adjustment Act, will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2008.

Now, everyone that has spoken before me has been quite eloquent, and you don't need for me to reinforce all of the statements that they have already made. But I would like to let you know how this affects the people that I represent.

Last year, over 31,000 veterans and survivors received disability compensation or pension payments from the VA in the State of Nevada. The action we are taking here today will help the Nevada veterans and families who depend on these VA benefits. No amount of money can adequately compensate our veterans for the loss of their health, or families for the loss of a loved one. It is important, though, that these benefits do not lose their value over time, and that we demonstrate our genuine appreciation for the sacrifices they have made on behalf of our Nation.

Mr. Speaker, I ask that everybody vote in favor this measure

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Thank you, Congressman MILLER, for your leadership, as well as Congresswoman BERKLEY. I appreciate all of your leadership on this very important issue.

Mr. Speaker, I too rise today to speak in favor of H.R. 1284, the Veterans' Compensation Cost-of-Living Adjustment Act of 2007.

I think we all are indeed grateful for the services of our Nation's veterans. They have answered this country's call time and time again. As a matter of fact, just last week I visited a VA outpatient clinic in my own district of Allentown, Pennsylvania. I continue to be amazed by the spirit of our veterans. Many of whom I met with there were in the Vietnam War, and some of whom were still struggling with the issues that affected them since their return. But I am nevertheless amazed by their spirit.

I also recently visited the Walter Reed Army Hospital in the wake of events. But as a Nation, we are indebted to these veterans. We are indebted to them for their contributions to our freedom. We need to take every opportunity to let those veterans know that they are appreciated and that their needs will be met by a grateful government and a grateful Nation.

H.R. 1284 is an opportunity for us to help meet those needs. This bill provides for an increase in the rate of compensation for disabled veterans and in the rates of dependency and indemnity compensation for their families effective December 1.

The percentage increase in these rates would be equal to the increase for Social Security benefits, which would be calculated later this year. Veterans benefits must keep up with inflation. Veterans should not have to worry about losing their standard of living just because they may be living on a fixed income.

This bill will help to accomplish that particular objective. I strongly urge the Members of this House to show their support for America's veterans by voting in favor of the Veterans' Compensation Cost-of-Living and Adjustment Act of 2007.

Mr. FILNER. Mr. Speaker, I have no further speakers, but I would like to thank Mr. MILLER for his commitment to our Nation's veterans, for leading his side with civility, cooperation and friendship.

Mr. RODRIGUEZ. Mr. Speaker, veterans with service-related disabilities deserve not only our admiration, but also our support. This is why today I rise in strong support of H.R. 327, H.R. 797 and H.R. 1284, a series of bills assisting our service men and women.

H.R. 327, The Joshua Omvig Veterans Suicide Prevention Act will require the Veterans' Affairs Department to develop and implement a comprehensive program to reduce the incidence of suicide among veterans. Last year a survey study conducted among Army and Marine combat units returning from Iraq and Afghanistan found that one in eight troops reported symptoms of post-traumatic stress disorder (PTSD). Moreover, less than half of these soldiers experiencing symptoms sought professional help, primarily out of fear of being stigmatized by peers or hurting their military careers. With PTSD comes feelings of estrangement from others, loss of satisfaction in previously satisfying activities, and the feeling of hopelessness about the future. It is no wonder then, that veterans suffer a higher risk of suicide. This bill, H.R. 327, is an important step in the right direction to ending the soldiers' stigma for seeking help, and gives hope to thousands of veterans and their families coping with the costs of war.

Like H.R. 327, The Veterans Vision Equity Act (H.R. 797), is intended to providing our patriots with the care they deserve. H.R. 797 would change current law to provide veterans who receive disability compensation because of blindness in one eye, additional benefits if they are visually impaired in the second eye. This bill provides only a small change to the current code, yet it would aid an estimated 13,200 veterans in getting proper compensation for their disability. We blessed with vision often take our sight for granted, but the loss of one's sight no doubt requires an altering of lifestyle. Indeed, the sights that once filled eyes with beauty are regulated to memories and perceived only in the imagination. Many of our veterans are coping with such a change, and this bill is important in supporting their transition.

Finally there is H.R. 1284, The Veterans' Compensation Cost-of-Living Adjustment Act of 2007. This bill would provide an increase in the rate of compensation for disabled veterans, as well as provide an increase in rates of dependency and indemnity compensation for these veterans' families. The baby-boom generation understands why this bill is necessary: costs are going up. When I was young five dollars could buy you dinner and take you to the movies—now it can buy you a can of soda and chips. Indeed, inflation is slowly but surely driving up costs for basic goods and services. It is important that we meet our obligations to our veterans by providing them with benefits commensurate to their service. H.R. 1284 would achieve just that.

We are a nation at war. As such, now more than ever, maintaining the well-being of our veterans is paramount. Already, we have asked for so much from our service men and women, and now it is time that we return the favor. I hope my colleagues will join me in supporting our troops and vote "yes" on H.R. 327, H.R. 797 and H.R. 1284.

Mr. SPACE. Mr. Speaker, I support H.R. 1284, a bill that will increase the rates of compensation for veterans with service-connected disabilities and also increase the rates of dependency and indenmity compensation for the survivors of certain disabled veterans.

As a member of the Veterans' Affairs Committee, and as the son and grandson of American veterans, I fully support the implementation of this bill. Passing H.R. 1284 is a matter of fairness to our veterans. These brave men and women sacrificed the best years of their lives in service to our nation, and they deserve all the resources they were promised and have earned.

As the cost of living increases each year, so should the funds set aside for our nation's wounded warriors. It is unreasonable to ask our veterans to pay out of pocket for the services that they were promised, but that is unfortunately what happens when day-to-day living costs exceed veterans' disability compensation. For many veterans living on fixed incomes, they need the annual cost of living adjustment. Congress has an obligation to pass a cost of living adjustment measure to ensure that these veterans can continue their current standards of living and cover the costs of their basic needs.

H.R. 1284 also makes certain that the rates of dependency and indemnity compensation for the survivors of disabled veterans keep pace with annual inflation. The spouses and children of veterans often suffer silently on the sidelines as their loved ones struggle with combat-related disabilities. We owe it to veterans' strongest support network—the families of veterans—to meet their needs when addressing a cost of living adjustment.

I believe that Members on both sides of the aisle can and should rally behind this bill, as well as H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, and H.R. 797, a bill to improve vision compensation benefits for veterans.

I urge the speedy passage of all three of these bills on behalf of Ohio 18's 66,000 veterans and all of America's veterans.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1284.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1645

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 835 by the yeas and nays;

H.R. 327 by the yeas and nays;

H.R. 797 by the yeas and nays.

The postponed vote on H.R. 1284 will be taken later.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion of the gentlewoman from California (Ms. WATERS) to suspend the rules and pass the bill, H.R. 835, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 835.

The vote was taken by electronic device, and there were—yeas 262, nays 162, not voting 9, as follows:

[Roll No. 173]

YEAS—262

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—162

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOT VOTING—9

Cummings
Davis, Jo Ann
Davis, Tom
Deal (GA)
Johnson, E. B.
Kanjorski
Pence
Snyder
Young (FL)

☐ 1711

Mrs. CUBIN, Mrs. BLACKBURN, Messrs. RAMSTAD, EHLERS, CULBERSON and DENT changed their vote from "yea" to "nay."

Messrs. NEAL of Massachusetts, PICKERING, KINGSTON, ALEXANDER, GINGREY, CANNON and GILMOR changed their vote from "nay" to "yea."

So (two-thirds being in the negative) the bill was not passed.

The result of the vote was announced as above recorded

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 327, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 327, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 174]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Barton (TX)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Franks (AZ)
Johnson, E. B.
Kanjorski
Pence
Snyder
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1721

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.".

A motion to reconsider was laid on the table.

IMPROVING COMPENSATION BENEFITS FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 797, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 797, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 175]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
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Berkley
Berman
Berry
Biggert
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Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
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Carney
Carson
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Castle
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Cleaver
Clyburn
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Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
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Herseth
Higgins
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Hinchey
Hinojosa
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Hoekstra
Holden
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Hooley
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Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Cantor
Davis, Jo Ann
Davis, Tom
Deal (GA)
Green, Gene
Johnson, E. B.
Kanjorski
Pence
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1730

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes.

to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter 'V' for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.".

A motion to reconsider was laid on the table

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

JUDICIAL DISCLOSURE RESPONSIBILITY ACT

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1130) to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Disclosure Responsibility Act".

SEC. 2. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

SEC. 3. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2005" each place that term appears and inserting "2009".

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) the nature or type of information redacted;

"(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

"(vi) principles used to guide implementation of redaction authority; and

"(vii) any public complaints received relating to redaction.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 1130, the Judicial Disclosure Responsibility Act. This legislation would amend the Ethics in Government Act by extending for an additional 4 years the Judicial Conference's authority to redact information, as necessary, to protect judicial employees and their families.

In 1998, Congress recognized the potential threats against individual judges and authorized the judicial branch to redact, as circumstances may require, information from financial disclosure reports before they are released to the public. This bill will allow the courts to continue taking necessary steps to protect judges, their staffs and their families.

Past incidences of violence against judges and their families demonstrate the need for this legislation. Most notable was the matter involving Judge Joan Lefkow. On April 6, 2003, a defendant was sentenced to 4 years imprisonment for soliciting the murder of Judge Lefkow. Two years later, that same judge returned to her home one day and found her husband and mother murdered by a former litigant whose case Judge Lefkow had dismissed.

We need to restore the judiciary's authority in appropriate circumstances to protect their personal information about residences and other frequented locations so as to better ensure their security and peace of mind.

The redaction authority has been used sparingly. In a report to the Committee on Homeland Security and Governmental Affairs, the Judicial Conference reported that of the 3,942 Federal judiciary employees required to file financial disclosure reports in 2004, only 177 reports were redacted before release, and those only partially. It is with the greatest care that these documents are redacted to maintain an appropriate balance between protection of judiciary employees and the public's right to know about potential conflicts of interest.

This legislation was favorably reported out of the House Committee on the Judiciary. It would ensure the protection of personal information of the judicial branch while ensuring that the public retains its right to access annual disclosure reports.

We cannot expect judges to effectively carry out their duties if they are forced to expose themselves and their loved ones to danger. The effectiveness of our court system depends on ensuring they can take reasonable steps to protect their safety.

I strongly support this important legislation, and urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am an original cosponsor of this legislation and believe it is necessary to protect judges, their family members and the other courthouse personnel by preventing disclosure of personal information that can be used to target and retaliate against them.

This legislation extends the authority of Federal judges and court personnel to redact sensitive and personal information from financial disclosure reports for security reasons. The current authority to redact personal and sensitive information from financial disclosure reports expired at the end of 2005.

Recent assaults and threats against Federal judges and their family members demonstrate the need for this redaction authority to continue. I believe this is an important safeguard to prevent vindictive offenders and litigants from seeking their revenge by harming or intimidating judges, probation officers and others.

H.R. 1130 extends the authority for 4 years, expands the coverage to include immediate family members, and improves the annual reporting requirements on the use of this authority. Although I favor a permanent extension of redaction authority, I support a 4-year extension to ensure the bill's timely passage by the Senate.

Mr. Speaker, I urge my colleagues to support the bill.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the ranking member of the Courts, Internet and Intellectual Property Subcommittee.

Mr. COBLE. Mr. Speaker, I thank my friend from Texas for yielding.

Mr. Speaker, I rise in support of H.R. 1130, the Judicial Disclosure Act. The distinguished gentleman from Michigan and the distinguished gentleman from Texas, Chairman CONYERS and Ranking Member SMITH, should be recognized for their leadership and efforts to shepherd this bipartisan legislation.

Mr. Speaker, this is commonsense legislation that was unanimously approved by the House Judiciary Committee. It reauthorizes the Judicial Conference to redact certain personal and financial information that judges and judicial officers are required by the Ethics in Government Act to publicly disclose each year.

The authority was originally granted in 1998 and was subsequently renewed, but expired on December 31, 2005. This legislation extends the authority until 2009.

Under H.R. 1130, Mr. Speaker, Federal judges and judicial officers are still required to submit information required by the Ethics in Government Act. The Judicial Conference would be permitted to redact personal and sensitive information from public disclosure to protect the safety of our judges, judicial officers and their families. Examples of the information that may be redacted include where they reside, where their spouses work or where their children attend school.

The Judicial Conference reported in 2005 that 3,942 Federal judiciary employees filed financial disclosure reports. Only 177 reports were partially redacted prior to release. Four redacted reports were based on specific threats, and another 137 reports were redacted based on general threats. We know these threats are real, and it only makes common sense to ensure that we do not needlessly expose personal and sensitive information of the judiciary's top officers.

Mr. Speaker, I urge the House to support H.R. 1130, and hope that the other body will provide for its expeditious consideration.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think this bill strikes the proper balance between protecting judges, their staffs and their families, and balancing that with the public's right to know. With that, I urge its adoption by this House.

Mr. GOODLATTE. Mr. Speaker, I rise in support of this legislation, which will help protect our Nation's judges against those who may want to harm them, or who may threaten to harm them in efforts to influence outcomes of cases.

Until recently, when a judge or court official needed to submit a financial disclosure report, personal information about that individual could be redacted to prevent those who may intend harm from obtaining such information as the individual's home address.

Unfortunately, this redaction authority expired at the end of 2005. A recent incident in which a convicted felon requested the financial disclosure records of a judicial officer and those records contained such items as the work address of the officer's wife—highlights the need to reauthorize the authority to redact this type of personal information.

H.R. 1130, the judicial disclosure responsibility act, would amend the Ethics in Government Act of 1978 to extend through 2009 the authority of the judicial conference to redact certain personal information from financial disclosure reports filed by judges. In addition, the bill would restrict disclosure of personal information about family members of judges when that disclosure might endanger them, in order to protect such information as the school location of a judge's children, the address of the workplace of a judge's spouse, and the like.

This narrowly tailored legislation will protect those that protect us—and I urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support H.R. 1130, the "Judicial Disclosure Responsibility Act," because it extends until December 31, 2009, the authority conferred by the Congress on the Judicial Conference to redact personal and sensitive information from the published financial disclosure reports of judges and judiciary employees who have been threatened or otherwise have particular security risks.

Mr. Speaker, as I stated, H.R. 1130 would temporarily extend the authority of the Judicial Conference to withhold from disclosure certain personal and sensitive information of judges and judicial employees. In addition, the bill expressly provides that concern for the safety of a judge's family as well as that of the judge is sufficient grounds to exercise the authority given. The bill, however, requires the Judicial Conference to provide detailed reports regarding such redactions to Congress.

Mr. Speaker, the financial disclosure requirements were imposed by Congress in 1978 in response to the constitutional issues surrounding the Watergate crisis and the resignation of President Richard M. Nixon. The Ethics in Government Act was passed in 1978 and promotes ethics and openness in government by establishing rules of conduct for federal employees to reduce corruption and prevent the improper use of knowledge gained while employed by the government, and more broadly to prevent the appearance of impropriety.

The Ethics in Government Act of 1978 ("Act") applies to all branches of government, including the federal judiciary. Persons covered by the Act are required to disclose personal and financial information each year, including the source and amount of income, other than that earned as employees of the United States government received during the preceding calendar year. They must also disclose the source, description, and value of gifts for which the aggregate value is more than a certain minimal amount received from any source other than a relative; the source and description of reimbursements; the identity and category of value of property interests; the identity and category value of liabilities owed to creditors other than certain immediate family members; and other financial information. Under the Act, these reports are made public.

Among the types of sensitive personal information that might be disclosed in these reports are personal residences, the workplace of spouses, the name and location of a child's school; and an employee's vacation home.

In 1998, 20 years after the enactment of the Ethics in Government Act, the potential of these types of disclosures to place individual judges at serious risk of personal harm had become manifest. In 1979, U.S. District Court Judge John Wood, Jr., was fatally shot outside of his home by assassin Charles Harrelson. The murder contract had been placed by Texas drug lord Jamiel Chagra, who was awaiting trial before the judge.

In 1988, U.S. District Court Judge Richard Daronco was murdered at his house by Charles Koster, the father of the unsuccessful plaintiff in a discrimination case. The following year, U.S. Circuit Court Judge Richard Vance was killed by a letter bomb sent to his home. The letter bomb was attributed to racist animus against Judge Vance for writing an opinion reversing a lower-court ruling to lift an 18–year desegregation order from the Duval County, Florida schools.

In light of these and other tragedies, Congress responded by adding a new subsection to the Ethics in Government Act temporarily authorizing the Judicial Conference to redact information from judges' financial disclosure reports under certain circumstances. Under that subsection, a report may be redacted "(i) to the extent necessary to protect the individual who filed the report; and (ii) for as long as the danger to such individual exists." The Act further charged the U.S. Judicial Conference, in consultation which the Department of Justice, with the task of submitting to the House and Senate Committees on the Judiciary an annual report documenting redactions.

In 2001, the House of Representatives approved a bill striking the sunset clause and making the redaction authority permanent but the Senate Governmental Affairs Committee did not concur. The Senate was concerned that such authority could hamper the effectiveness of the judicial confirmation and oversight process by unwarranted reliance on the redaction authority to avoid revealing stock holdings and other financial assets, and in some cases, the complete withholding of all financial information contrary to the intent of the statute. Ultimately, Senate recommended extending the redaction authority for 4 more years, until December 31, 2005. This authority has now expired and necessitates the extension provided by H.R. 1130.

Mr. Speaker, the Judiciary Committee considered and properly rejected permanently granting this authority to the Judicial Conference because of the legitimate concern that such authority could be abused in such a way as to withhold information that properly should be disclosed. A temporary 4-year extension, on the other hand, would effectively allow for a more in-depth investigation of areas of concern before Congress must decide whether to make the authority permanent. I believe this is the most prudent way to proceed.

Mr. Speaker, I support H.R. 1130 because it preserves an important means of protecting the safety of those who work in the federal judiciary. Particularly in this age of the global war on terror, the danger faced by federal judges, judicial officers, and court personnel is real, as illustrated by the three murders noted above. The recent and tragic murder of U.S.

District Court Judge Joan Humphrey Letkow's husband and mother reminds us that the danger has not abated.

For all of these reasons, Mr. Speaker, I support H.R. 1130 and urge by colleagues to do likewise.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1130.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 545) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian Tribes are eligible to receive grants for confronting the use of methamphetamine, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Methamphetamine Enforcement and Treatment Act of 2007".

SEC. 2. NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", territories, and Indian tribes (as defined in section 2704)" after "to assist States"; and

(B) in subparagraph (B), by striking "and local" and inserting ", territorial, Tribal, and local";

(2) in paragraph (2), by inserting ", territories, and Indian tribes" after "make grants to States"; and

(3) in paragraph (3)(C), by inserting ", Tribal," after "support State".

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(a)) is amended by inserting ", territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3) is amended—

(1) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", territorial, or Tribal" after "State"; and

(ii) by striking "and/or" and inserting "or";

(B) in paragraph (2)—

(i) by insetting ", territory, Indian tribe," after "agency of the State"; and

(ii) by inserting ", territory, Indian tribe," after "criminal laws of that State"; and

(C) by adding at the end the following:

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(3) in subsection (c)—

(A) in paragraph (3), by striking "Indian Tribes" and inserting "Indian tribes"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "State's"; and

(II) by striking "and/or" and inserting "or";

(ii) in subparagraph (A), by striking "State";

(iii) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(iv) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007. This legislation establishes the clear intent of Members of Congress to assist Native Americans in combating the threat of methamphetamine.

This threat looms great in our country, and nowhere greater than in Native American communities. Studies have shown that Native American communities have more than double the methamphetamine use rates of other communities. According to surveys performed by the Bureau of Indian Affairs, over 70 percent of Indian tribes identified methamphetamine as the drug that poses the greatest threat to their reservation, and also estimated that at least 40 percent of violent crime cases investigated in Indian country involved methamphetamine in some capacity.

From hearings in the House and from other reports, we learn that current Federal laws and programs designed to prevent the spread of methamphetamine use have proven to be reasonably effective, but we identified serious gaps with respect to protecting our Native American communities from this dangerous drug. Unfortunately, the attempt to fix these gaps in the Combat Methamphetamine Epidemic Act of 2005, passed in the last Congress as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, inadvertently left out tribal organizations, as well as territories, as eligible applicants for certain grants.

□ 1745

H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007, corrects that oversight.

Included in the Combat Meth Act were provisions that authorized funding for three important grant programs within the Department of Justice: first, the COPS Hot Spots program; second, the Drug-Endangered Children program; and third, the Pregnant and Parenting Women Offenders program.

Although Native American tribes and territories were included as eligible grant recipients under the Pregnant and Parenting Women Offenders program, they were unintentionally left out as possible grant recipients under the COPS Hot Spots program and the Drug-Endangered Children program.

To correct this oversight, H.R. 545 ensures that territories and Indian tribes are included as eligible grant recipients under programs to, one, address the manufacture, sale and use of methamphetamine; two, aid children in homes in which methamphetamine or other drugs are unlawfully manufactured, distributed, dispensed or used; and three, address methamphetamine use by pregnant and parenting women offenders.

I strongly support this important legislation and urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007, which provides urgently needed funds to Native American communities for the enforcement and treatment of methamphetamine addiction.

The Combat Methamphetamine Epidemic Act of 2005 was enacted last year as part of the U.S. PATRIOT Act Improvement and Reauthorization Act. It included three critical grant programs to assist States with America's escalating methamphetamine problem: the COPS Meth Hot Spots program, the Drug-Endangered Children program and the Pregnant and Parenting Women Offenders program. However, the act inadvertently omitted Native American communities from participation in two of these grant programs.

At a hearing before the Crime, Terrorism, and Homeland Security Subcommittee in February, Mr. Ben Shelly, vice president of the Navajo Nation, stated that methamphetamine is the drug of choice in Indian country.

In 2005, 40 percent of all calls seeking police assistance on the Navajo Nation were meth-related. Even more troubling is that 40 percent of all violent crimes committed on the Navajo Nation are directly related to methamphetamine use trafficking.

Mr. UDALL of New Mexico, the sponsor of H.R. 545, testified at the hearing that 74 percent of Native Americans surveyed in a recent study say that meth is the single biggest threat to Native American communities today. The Native American Meth Enforcement and Treatment Act corrects this oversight and gives Native Americans full access to all three meth grants. This legislation is critical to our continuing fight to eliminate the meth epidemic in America.

Mr. Speaker, I support this bipartisan legislation and urge my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I thank the gentlelady from California for her leadership and hard work on this important issue, and also the ranking member.

Mr. Speaker, first of all, I would like to take a minute to thank the gentleman from Michigan (Mr. KILDEE) who is the lead cosponsor of this legislation, not only for his support, but for his work on this issue during the last Congress. This is only one of many critically important issues he has championed as cochair of the Congressional Native American Caucus. I am also honored to be a co-vice chair on the caucus, and I am honored to work with him on this legislation.

I would also like to thank my colleagues who supported this bill by joining me as cosponsors.

The important legislation before us today, H.R. 545, allows tribal governments to apply for three programs vital to the fight against methamphetamine: the COPS Meth Hot Spots program, the Drug-Endangered Children program, and the Pregnant and Parenting Women Offenders program. These programs were authorized last year as part of the Combat Methamphetamine Epidemic Act, which was included in the U.S. PATRIOT Act reauthorization. Unfortunately, tribal governments were unintentionally left out as possible applicants for the Hot Spots and Drug-Endangered Children programs. And while tribes are included as eligible applicants for the Pregnant and Parenting Women Offenders grant program, clarifying language was needed to ensure there is ample coordination with tribal service providers.

This legislation simply insures that consistent with tribal sovereignty, tribes can apply for the Hot Spots and Drug-Endangered Children grant programs. It also ensures greater coordination with tribal service providers in the Pregnant and Parenting Women Offenders grant program.

The manufacture and use of methamphetamine is one of the fastest growing drug problems in the Nation. Thousands of labs continue to be found across the country. And while the number is slowing and slowly decreasing, drug traffickers have supplanted this decline with meth produced in other countries.

Unfortunately, the meth situation has been disproportionately much worse in Native American communities. The 2005 National Drug Survey on Drug Use and Health reported a past-year methamphetamine use rate of 1.7 percent for American Indians, and 2.2 percent for Native Hawaiians. These rates are dramatically higher than Anglos and other ethnic groups.

Mr. Speaker, this situation is absolutely unacceptable. The persistent use of methamphetamine on tribal lands and across America may come to an end. And I believe that passing H.R. 545 is an important step towards achieving this goal.

I urge my colleagues to support passage of this legislation.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I want to just thank Mr. UDALL on his excellent work in helping to correct this oversight. I urge this bill's adoption.

Mr. CALVERT. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 545—the Native American Methamphetamine Enforcement and Treatment Act of 2007.

As a cofounder and co-chair of the bipartisan Congressional Caucus to Fight and Control Methamphetamine, I am keenly aware of the threat that is our Nation's meth epidemic.

Methamphetamine has devastating societal costs. It is the source of violent crimes against people and property; increased suicide rates; heightened risks of hepatitis C and HIV/AIDS; increased need for more foster care placements for children of users; and environmental impacts from manufacturing facilities.

This highly addictive drug is a killer that shows no deference to region, race or ethnicity—it preys on all mankind.

Unfortunately, meth use thrives in some communities more than others. Native Americans suffer from higher than average rates of drug use as found in a recent NIH study. The Department of Health and Human Services estimates that 1.7 percent of Native Americans used meth in 2004—a per capita rate more than double that of Whites—the largest user population.

It is imperative that we assist our Native American communities and that is exactly what this bill does.

A year ago the President signed into law the Combat Methamphetamine Epidemic Act of 2005 as part of the PATRIOT Act Reauthorization bill. The bill was a true bipartisan, bicameral effort that has provided comprehensive measures to address our Nation's methamphetamine problem. However, the bill did not specify that Native Americans would be eligible for funding within the three grant programs authorized and mentioned by my colleagues. H.R. 545 ensures that Native Americans will have access to the grant funds.

I urge unanimous support for this commonsense legislation.

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 545, the Native American Methamphetamine Enforcement Treatment Act of 2007. I am pleased to join my colleague, Congressman TOM UDALL, in championing this bill through the House. This bill allows Indian tribes to apply for three new grant programs—the cops hot spots program, the drug endangered children program, and the pregnant and parenting women offenders program.

Methamphetamine use in Indian country has reached epidemic proportions, which has led to an increase in crime in Indian communities. This bill will give Indian tribes the opportunity to apply for Federal funds to assist them in the fight against meth use.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support H.R. 545 because it corrects an inadvertent oversight in the Combat Methamphetamine Epidemic Act of 2005 and strengthens the arsenal available to Native American tribes as they combat the scourge of methamphetamine. I thank the Chairman of the Judiciary Committee for his work in expediting this legislation, the "Native American Methamphetamine Enforcement Act of 2007."

Mr. Speaker, last year Congress enacted the Combat Methamphetamine Epidemic Act of 2005 as Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005. Included in the Combat Methamphetamine Epidemic Act were provisions that authorized funding for three important grant programs within the Department of Justice: (1) The COPS Hot Spots Program; (2) the Drug-Endangered Children program; and (3) the Pregnant and Parenting Women Offenders program. Although Indian tribes and territories were included as eligible grant recipients under the Pregnant and Parenting Women Offenders program, they were unintentionally left out as possible grant recipients under the COPS Hot Spots Program and the Drug-Endangered Children Program. H.R. 545 allows Indian tribes and territories to combat the methamphetamine epidemic by applying for and receiving funding under all three of these grant programs.

Mr. Speaker, as great a threat as it is to the Nation at large, the methamphetamine threat is even greater in Native American communities. Studies of past year methamphetamine use have shown that Native American communities have more than double the methamphetamine use rate of other ethnicities. According to surveys performed by the Bureau of Indian Affairs (BIA), Office of Law Enforcement Services, over 70 percent of Indian tribes identified methamphetamine as the drug that posed the greatest threat to their reservation and also estimated that at least 40 percent of violent crime cases investigated in Indian Country involve methamphetamine in some capacity. That is why we must act to ensure that Native American tribes are eligible to apply for and receive funding to protect their communities from methamphetamines.

The COPS Hot Spots Program authorized $99 million in funding to the Office of Community Oriented Policing Services (COPS) to assist State and local law enforcement agencies in combating methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Agency (DEA) for properly removing and disposing of hazardous materials from clandestine methamphetamine laboratories. This funding may also be used to clean up methamphetamine laboratories, support health and environmental agencies, and to purchase equipment and support systems.

The Drug-Endangered Children Program authorized $20 million in funding to provide comprehensive services and training to law enforcement agencies, prosecutors, child protective services, and health care services to assist children who live in a home in which methamphetamine has been used, manufactured, or sold. The specific dangers faced by children who live at or visit drug-production sites or are present during drug production include:

Inhalation, absorption or ingestion of toxic chemicals, drugs or contaminated foods or drink that may result in respiratory difficulties, nausea, chest pain, eye and tissue irritation, chemical burns and death;

Fires and explosions resulting from dangerous methamphetamine production processes;

Abuse and neglect by parents who often binge on methamphetamine and traumatic consequences that result; and

Hazardous living conditions (firearms, code violations, poor ventilation and sanitation).

The Pregnant and Parenting Women Offenders Program authorized as much funding as may be allocated to facilitate collaboration between the criminal justice, child welfare, and substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependent children. While Indian tribes and territories were included as eligible applicants, clarifying language is needed to ensure that there is adequate coordination with Tribal service providers.

Mr. Speaker, surveys conducted by the BIA also revealed that too often Tribal police forces that are underfunded and understaffed. According to the same survey, 90 percent of Tribal police forces indicated that they needed additional drug investigation training, while 69 percent of Tribal respondents indicated that they had no access to, or funding for, methamphetamine treatment resources or facilities.

The Native American Methamphetamine Enforcement and Treatment Act of 2007 seeks to ensure that, consistent with tribal sovereignty, Indian tribes and territories can apply for the COPS Hot Spots and Drug-Endangered Children grant programs, just as states can, and also ensures adequate coordination with tribal service providers for tribes receiving funds under the Pregnant and Parenting Women Offenders Program.

Mr. Speaker, H.R. 545 corrects an inadvertent oversight in the Combat Methamphetamine Epidemic Act of 2005 and strengthens the arsenal available to Native American tribes as they combat the scourge of methamphetamine. I urge my colleagues to support the bill.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 545, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT (PHONE) ACT of 2007

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 740) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007".

SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Caller ID spoofing

"(a) OFFENSE.—Whoever, in or affecting interstate or foreign commerce, knowingly uses or provides to another—

"(1) false caller ID information with intent to defraud; or

"(2) caller ID information pertaining to an actual person without that person's consent and with intent to deceive the recipient of a call about the identity of the caller;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—Whoever violates subsection (a) shall—

"(1) if the offense is committed for commercial gain, be fined under this title or imprisoned not more than 5 years, or both; and

"(2) be fined under this title or imprisoned not more than one year, or both, in any other case.

"(c) LAW ENFORCEMENT EXCEPTION.—It is a defense to a prosecution for an offense under this section that the conduct involved was lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

"(d) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any equipment, software or other technology used or intended to be used to commit or to facilitate the commission of such offense.

"(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(e) DEFINITIONS.—In this section—

"(1) the term 'caller ID information' means information regarding the origination of the telephone call, such as the name or the telephone number of the caller;

"(2) the term 'telephone call' means a call made using or received on a telecommunications service or VOIP service;

"(3) the term 'VOIP service' means a service that—

"(A) provides real-time 2-way voice communications transmitted using Internet Protocol, or a successor protocol;

"(B) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

"(C) has the capability to originate traffic to, or terminate traffic from, the public switched telephone network or a successor network;

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(5) a term used in a definition in this subsection has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Caller ID spoofing.".

SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR MONEY LAUNDERING.

(a) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ELECTRONIC MAIL.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1037 (Fraud and related activity in connection with electronic mail)," after "1032".

(b) CALLER ID SPOOFING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1040 (Caller ID spoofing)," before "section 1111".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 740, the Preventing Harassment Through Outbound Number Enforcement (PHONE) Act of 2007.

I would like to thank Chairman Conyers for his leadership in moving this bill through the committee process and to the floor on a bipartisan basis, and also commend Mr. Scott and the leadership and assistance of the full committee Ranking Member Smith and subcommittee Ranking Member Forbes, along with that of the chief sponsor of spoofing legislation in the last Congress, Tim Murphy, in developing and moving this bill to the floor.

H.R. 740 is aimed at the practice that has come to be known as spoofing. To some, that name might conjure up harmless pranks, but spoofing is very serious. Spoofing occurs when a caller uses caller ID information to hide the caller's true identity in order to commit fraud or some other abusive act.

One of the witnesses at the hearing on the predecessor bill last Congress was Phil Kiko, the Judiciary Committee's chief counsel at the time. He had been a victim of caller ID spoofing when his home phone number was left falsely as the caller ID on numerous calls. Phil and his family were understandably irritated at the numerous calls from people mistakenly calling him back, and it could have been much worse.

Spoofing is also often used to commit identity theft. Call recipients sometimes are tricked into divulging personal and private information under the mistaken belief that the call is legitimate. For example, the AARP has reported cases in which people received calls claiming falsely that they had missed jury duty. They were told that to avoid prosecution they needed to provide their Social Security number and other personal information. The caller ID information that appeared on their phones was from the local courthouse, so they assumed that the caller was telling the truth.

H.R. 740 is intended to help protect consumers from harassment, identity theft and other privacy intrusions.

Recently, the technology needed to spoof has become readily available either through the purchase of Internet telephone equipment or through Web sites specifically set up to spoof. For example, Voice over Internet Protocol equipment can easily be configured to populate the caller ID field with information of the user's choosing. Some of the technology can block any back technology, such as Star 69. In addition, the bill contains a forfeiture provision allowing for the forfeiture of equipment used and proceeds gained by criminals in call spoofing.

Finally, section 3 of the bill has a provision which adds call spoofing to the list of unlawful activities associated with money laundering. Existing law provides that comparable crimes, such as violations of the Computer Fraud and Abuse Act, constitutes specified unlawful activities for the purpose of the money laundering statute.

Not all use of fake caller ID information is considered spoofing. When you receive a call from a U.S. House of Representatives number on an outside line, for example, the number that appears on your caller ID is a fictitious number to protect the security of House Members and staff. False caller ID information is also used legitimately for certain law enforcement purposes and by some businesses as well, and these nonmalicious users are not prohibited by the bill.

The bill we were considering last Congress would have made even this nonabusive fake caller ID use illegal. That bill also failed to make a distinction in penalties for spoofing that does not involve fraud or gain, such as the Phil Kiko case.

Further, comments from the Department of Justice were not available when last year's bill was being developed. This is why I opposed the bill last year, though I was in support of the concept of the bill.

We have constructed a bill that makes fraudulent commercial use of caller ID information a felony, with fines and imprisonment of up to 5 years. This commercial motive would require the use of false caller ID information; that is, caller ID information that is not your own. The bill also makes abusive use of caller ID information without fraudulent commercial motives a misdemeanor, such as the Phil Kiko situation. Finally, the bill exempts use of nonabusive fake ID information.

The Subcommittee on Crime, Terrorism and Homeland Security held a hearing and markup on the bill in February and reported it favorably to the full committee. At the subcommittee hearing, the DOJ provided testimony and recommendations which we did not have a chance to fully consider by the time of full committee markup. Ranking Member Forbes and Mr. Scott agreed to work together on considering those recommendations in a continuation of the fully bipartisan effort under which this bill had been developed.

After meeting with representatives of DOJ, they have revised the bill as reported out of committee to clarify the offense and punishment language in the bill. The change makes clear that felony penalties are reserved for egregious violations committed with intent to wrongfully obtain anything of value. They also made other technical changes to the bill for its introduction on the floor.

H.R. 740 is important and helpful legislation for preventing identity theft and other abuses of phone technologies. Accordingly, I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 740, the Preventing Harassment Through Outbound Number Enforcement Act, or PHONE Act, and I thank Chairman Conyers and my colleagues on the other side of the aisle for their support of this bill which unanimously passed the House at the end of the 109th Congress.

Mr. Speaker, a new type of fraud known as "spoofing" is becoming more prevalent. Spoofing involves masking one's caller ID information to facilitate a fraudulent telephone call to the recipient. Those who engage in spoofing use incorrect, fake or fraudulent caller identification to hide their identity, and then obtain personal information from the victim.

Call recipients unwittingly divulge their names, addresses, or Social Security numbers under the mistaken belief that the caller represents a bank, a credit card company, or even a court of law.

Spoofing is not simply annoying; it is the latest tactic for committing identity theft and other types of fraud that costs victims thousands and sometimes hundreds of thousands of dollars.

Spoofing not only victimizes the phone call recipient, but also invades the privacy of those individuals whose caller ID is used to mask the fraudulent calls. To address this, H.R. 740 specifically prohibits the use of an actual person's caller ID information for spoofing.

Although the technology needed to spoof has been available for some time, it previously required special equipment and knowledge to use the masking technology.

Recently, this technology has become more accessible either through the purchase of Internet telephone equipment or through Web sites specifically set up for spoofing.

These Web sites claim to protect one's privacy. However, the use of this technology has been linked to fraud, prank phone calls, political attacks, and telemarketers' attempts to avoid "do not call" restrictions.

Additionally, calling cards can be purchased or accounts set up to facilitate multiple telephone calls. One of the greatest concerns related to spoofing is the use of the technology by criminals to mislead law enforcement officials and evade prosecution.

H.R. 740 addresses these concerns by creating a new Federal crime to prohibit the modification of caller ID with the intent to deceive the recipient of a telephone call as to the identity of the caller.

The bill imposes a fine and/or a prison term of up to 5 years for violations. However, the legislation does not affect legally available blocking of caller ID technology, or lawfully authorized activities of law enforcement or intelligence agencies.

This legislation will help deter telephone fraud, protect consumers from harassment, and protect consumers and their personally identifiable information from identity thieves. I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the PHONE Act is a strong bill that has gained bipartisan support. Members on both sides of the aisle have agreed that we need urgent reforms to protect privacy rights and to crack down on identity theft. With over 10 million Americans affected by some form of identity theft each year, we need to tackle this issue at every possible level.

Spoofing is one form of identity theft in which criminals coax victims into giving up their most sensitive personal information by making it appear that a call is coming from a legitimate institution such as a bank. Misleading caller ID information also allows a spoofer to cause a victim to accept a call they otherwise might have avoided, leading to harassment and further privacy intrusions. Advances in technology such as Voice-Over-Internet-Protocol have made caller ID spoofing easy and readily available.

H.R. 740 includes a number of important provisions to fight spoofing. The legislation creates a new Federal crime to prohibit using or providing false caller ID information with the intent to wrongfully obtain something of value. The section also prohibits using or providing the caller ID for information of an actual person without his or her consent and with the intent to deceive the recipient. It correctly targets spoofing done to perpetuate financial fraud, and reserves harsh punishment for such crimes, including felony penalties of up to 5 years in prison.

In addition, the bill significantly improves the tools available to law enforcement to fight noncommercial spoofing while preserving the legitimate uses of the technology. For example, women's shelters may use misleading caller ID numbers, and many businesses do if they are calling from one of many lines. They may want the caller ID information to just reflect the main line. The bill does not infringe on these instances because the caller would not possess the requisite intent to defraud or deceive.

Finally, the bill is narrowly tailored to permit caller ID blocking in which one prevents one's number from being known at all. Caller ID blocking is not used to mislead because a person knows he is not getting any number and it has been a standard telephone device for many years.

In sum, the PHONE Act will deter telephone fraud, protect consumers from harassment, and will enhance protection of sensitive personal information.

Mr. Speaker, let me conclude by saying this started as bipartisan legislation and has continued. The information was brought to us when the chief Republican counsel on the committee, Phil Kiko, received such harassment because his number had been used by somebody else making annoying calls. He got called back because his number was appearing as the caller ID.

Mr. MURPHY introduced the bill last year and we have worked to improve the bill and have made significant improvements since last year. Chairman CONYERS, Ranking Member SMITH, and Ranking Member FORBES, we all worked very closely together to make sure that we could have the best product possible. I urge my colleagues to join together and pass the legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE) who is a member of the Intellectual Property Subcommittee of the Judiciary Committee and who is chairman of the House Republican High-Tech Working Group, and who is also the ranking member of the House Agriculture Committee.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his leadership on the Judiciary Committee and on this legislation, and I also thank Chairman CONYERS and Subcommittee Chairman SCOTT, my colleague from Virginia, for their work on this legislation, as well as Congressman MURPHY and Congressman FORBES, and I rise in strong support of H.R. 740, the Preventing Harassment Through Outbound Number Enforcement, or PHONE, Act.

Consumer fraud and identity theft are serious problems facing our citizens today. While technology has provided access to vast amounts of information about products and services that were not even imaginable a few years ago, technology is also being used by criminals to commit new types of fraud and to steal personal information from unknowing consumers.

Like other technologies, caller ID devices have empowered consumers. These devices allow them to screen out calls they would prefer not to take. However, they also perform the important function of acting as an additional check to ensure that the individuals placing incoming calls are who they say they are.

Unfortunately, criminals have found a way to fake caller ID information in order to trick consumers about who is actually calling. Increasingly, thieves are using this tactic to extract personal information from unsuspecting consumers. For example, by faking the caller ID of a consumer's bank, a thief can lure a consumer into divulging bank account numbers, Social Security numbers, and other types of sensitive personal information which can then be used to commit identity theft and other criminal acts.

The PHONE Act will help stop this abusive practice. Specifically, this bill imposes criminal penalties on those that provide false caller ID information with the intent to defraud, as well as those that provide the caller ID information of an actual person without that person's consent, with the intent to defraud the recipient of the call.

The PHONE Act is an important tool in the fight against identity theft, and I urge my colleagues to support this legislation.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman from California and I rise to support this bill as I support all legislation dealing with the problem of spoofing.

I too have an anti-spoofing bill which passed the House last Congress. It was the first bill passed this year in the Telecommunications Subcommittee of the House Energy and Commerce Committee, and passed the House Energy and Commerce Committee as well.

It is very important that we deal with this problem. My colleagues have highlighted so many incidents where people have looked down at caller ID, and fraud has been committed on them.

People should have confidence that when they look at the caller ID, that that caller ID is accurate. And crooks and other people that want to steal people's identity should not have carte blanche.

The problem with this is we are always catching up with the crooks. As technology develops, crooks can think of ways to subvert it. When we realize there is a problem, Congress catches up and works to close the loophole. This is a loophole that must be closed.

Again, my colleagues have highlighted many of different instances where elderly people have been defrauded, where people think that they have the confidence of their bank or Social Security, they look at the number of the Social Security office, and they have confidence and they give out their Social Security numbers or other kinds of personal information which can be used to steal their identity.

I want to commend my colleagues on the Judiciary Committee and assure them that we on the Energy and Commerce Committee will work with them. This whole Congress needs to be working together on this. This is obviously a bipartisan working together. This is not an issue where it is a partisan issue. All Americans need to have this loophole closed. The sooner we do it, the better.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to my colleague from Pennsylvania (Mr. TIM MURPHY) who, as Mr. SCOTT said awhile ago, is the original author of similar legislation. Were it not for Mr. MURPHY's efforts in the last Congress to pass his bill unanimously, we would not be here tonight. We thank him for his leadership and for his initiative last year.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman and my good friend, the gentleman from Virginia (Mr. SCOTT), for his work on this important bill. We worked together on it. On behalf of H.R. 740, I would like to urge all of my colleagues to vote for this.

The previous version, which I introduced last session and was passed unanimously in the 109th Congress as H.R. 5304, was the Preventing Harassment Through Outbound Number Enforcement Act, or the PHONE Act, or the PHONE bill at that time.

Chairman SCOTT and Ranking Member FORBES and others from the Judiciary Committee have taken a good bill and made it better.

Identity theft has become an increasingly critical problem for consumers. The Federal Trade Commission revealed that last year about 10 million individuals were victims of identity theft in all 50 States. The disastrous implications for identity theft includes damaged credit, financial ruin, and the effects can tear apart families and ruin businesses.

Congress has repeatedly acted to try and prevent identity theft. But, unfortunately, with new technologies, as soon as we outlaw one version, somebody comes up with a way around that, and once again harasses and harms citizens of this Nation.

One of these technologies used by thieves is the practice of call spoofing or caller ID fraud presented on Web sites as just an innocent game one can use, or perhaps use it to make sales calls, but they mask their identity and alter their outbound caller ID in order to mislead the call recipient. Some may call it a way to maintain caller privacy, but it is nothing less than fraud.

I believe Congress must enact a law to penalize caller ID fraud perpetrators. This bill is particularly necessary to protect American families, the elderly, and businesses because illegally using another person's phone number could have limitless, unlawful applications. It doesn't take much in the imagination to understand how dangerous this practice is and how it is being used now.

For example, a criminal could try to obtain personal financial information from individuals by using a bank's phone number. A person could harass a former wife or husband who has otherwise tried to block the calls from the ex-spouse's phone line. A pedophile could stalk children by stealing his school's phone number or the phone number of a friend of the child. A sexual predator could use a doctor's office phone number to gather records about someone. A terrorist could make threats from a government phone number, and the list goes on.

The criminal use of caller identity theft, however, is not just a possibility. Here are some real-world examples of how caller ID fraud is occurring.

In 2005, a SWAT team surrounded an empty building in New Brunswick, New Jersey, after police received a call from a woman who said she was being held hostage in an apartment.

□ 1815

She was not in an apartment. The woman had intentionally used a false caller ID. Imagine what might have happened if that was a site where people might have been coming out of the building and police might have thought that that person was a potential threat.

I might add that one of the things that these caller ID fraud sites use is they also will allow you to disguise your voice and switch it from a male voice or female voice or vice versa to further fool the person on the other end.

There also have been incidents where people have used stolen credit card numbers and posed as a person who owned the credit card to illegally wire money to someone else. Another case occurred where people claim they were the county courthouse, calling people, claiming that they had missed jury duty, and tried to use that situation then to have the people give them credit card numbers to pay a fine for something that had not even occurred.

For these reasons, I introduced this bill in the 109th Congress as the PHONE Act, to punish those who engage in the intentional practice of misleading others through caller ID fraud. Violators of this bill will be subject to penalties up to 5 years in prison and fines of $250,000 for these crimes. However, it also allows up to 1 year in prison for those who use this as a mechanism of harassing.

All those folks who are still using this system, be aware that this will be made illegal. We expect the Senate to pass this, and all the elderly and small businesses and families across the Nation who find themselves as victims of this, be aware that when the call you have today shows up on your caller ID, it may not be who they say they are.

Please, we need to make sure that until this bill is passed, people are still vigilant of that, protect their identity and never release a credit card number or other personal information, no matter what that caller ID number says, unless you are absolutely sure the person who you are talking to is who they are.

Again, I am pleased to work with the Judiciary Committee Subcommittee chairman on Crime, Terrorism and Homeland Security, Chairman Bobby Scott, who has reintroduced this bill. This bill, H.R. 740, adds the important criminal and financial penalties to those who prey on the identity of others.

This legislation will not stop crime, it will not prevent identity theft, but it will protect lives and protect others and close this loophole for identity theft once and for all. I urge my colleagues to vote for this important bill.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, may I inquire of the gentleman from Texas if he is prepared to yield back the balance of his time?

Mr. SMITH of Texas. Mr. Speaker, I am prepared to yield back as soon as the gentlewoman from California is ready to close.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support H.R. 740, because it is important that we broaden the scope of current law to prohibit a person from engaging in "spoofing," which is the use of incorrect, fake or fraudulent caller identification—caller ID—to hide their identity in order to facilitate a fraudulent telephone call to the recipient. In addition, the bill provides the tools needed for the Department of Justice to prosecute and protect against criminals who engage in spoofing.

H.R. 740, the Preventing Harassment through Outbound Number Enforcement—PHONE—Act of 2007, is intended to help protect consumers from harassment, identity theft, and other crimes. The legislation creates a new Federal crime to prohibit using or providing, in interstate or foreign commerce, false caller ID information with the intent to defraud.

Recently, the technology needed to spoof has become readily available, either through the purchase of Internet telephone equipment or through Web sites specifically set up to spoof. For example, Voice-over-Internet-Protocol—VOIP—equipment can easily be configured to populate the caller ID field with information of the user's choosing. Some of the technology can block any back technology such as the star symbol or dash 69.

Caller ID spoofing is a form of identity theft that can cause damaged credit and financial ruin. Call recipients sometimes divulge personal and private information to the spoofer, under the mistaken belief that the caller is a legitimate caller. For example, the AARP—formerly the American Association of Retired Persons—has reported cases in which people received calls that made false claims that they missed jury duty. To avoid prosecution, these individuals were told they needed to provide their Social Security number and other personal information. The phone number that appeared on their caller ID was from the local courthouse, so people assumed the caller was telling the truth.

In addition to identity theft, spoofing invades the privacy of those individuals whose caller ID is used to mask fraudulent calls and can be used as a form of aggressive harassment. The use of this technology has been linked to fraud, prank telephone calls, political attacks, and telemarketers who attempt to avoid the current "do not call" limits.

Mr. Speaker, I strongly support H.R. 740 and urge my colleagues to join me in voting for its passage.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, it is clear that this anti-phone-spoofing bill is a thoughtful, well-crafted, bipartisan piece of legislation. I urge its adoption, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KIND). The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 740.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PERMITTING USE OF ROTUNDA FOR A CEREMONY COMMEMORATING THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 66) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 19, 2007, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 66, which authorizes the use of the Capitol rotunda for a ceremony on April 19, 2007, commemorating the victims of the Holocaust.

The United States Holocaust Memorial Council is entrusted with observing the Days of Remembrance. These Days of Remembrance and the solemn ceremony at the Capitol set the manner in which similar events across our country pay homage to the 6 million people who lost their lives during one of mankind's darkest periods in history.

When World War II ended in 1945, 6 million European Jews were dead, including more than 1 million Jewish children. While all Jews were marked for death, children were among the most defenseless.

This year, the Holocaust Memorial Council, which oversees the U.S. Holocaust Memorial Museum and organizes the annual Days of Remembrance, has selected "Children in Crisis: Voices from the Holocaust" as its theme.

In any day and age, among the most vulnerable targets are children, and most often they are the first victims of senseless deeds. The children of the Holocaust endured lives filled with fear and suffering. The emotional and physical cruelty forced upon them is unimaginable. It is estimated that over 1 million, and as many as 1.5 million, Jewish boys and girls were murdered under Nazi rule in Germany and occupied Europe. These children were murdered because they were Jewish, not because of any action they had taken; not because of any crime they had committed, but simply because of their religion and their ethnicity.

Mr. Speaker, I believe that a number of the Members have been to Yad Vashem, the Holocaust memorial in Jerusalem, and I have an enduring image there of the children, the stars which represent them, the luminaries which hang from the ceiling, those tens of thousands of luminaries which remind us all of this overwhelming reason for us to remember these children.

Many children of the Holocaust were confronted by overpowering and destructive forces, separated from their parents and coerced into hiding. Children who found themselves hiding in the shadows were faced with unyielding hardships, and some were subjected to dark, cramped conditions for weeks, for months and even years, while others wandered from place to place seeking refuge, never knowing who to trust.

For those who survived, the end of the war was rarely the end of the struggle. Many children found themselves alone, with no family to be reunited with. The devastating and heart-wrenching reality was that there were no surviving family members, and they would now face the future without parents, grandparents or siblings.

So, as we stop to reflect on this heinous event, let it serve as a reminder that there is no room for prejudice, oppression and hatred. As American and world citizens, it is important that succeeding generations are called upon to remember the atrocities of the Holocaust and the similarities in the hate crimes we see today.

The will of the human spirit indeed is unwavering in the face of adversity, and history has shown us that in times of despair, humanity prevails and always looks towards a brighter future.

There is no better place than the United States Capitol rotunda to embody the reverence and dignity so deserving and honoring the victims of the Holocaust, especially the children. The United States Capitol has stood as a symbol of freedom and liberty and a symbol of hopes and dreams.

It is important, Mr. Speaker, that we use the rotunda, the scene of so many historic events, to draw attention again to one of the immense tragedies in human history and to take this time also to honor our colleagues who were personally victimized by the Holocaust or whose families suffered and died, and to pledge anew that such a atrocities must not be permitted to occur. We recall the words, "never again, never again."

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 66. The purpose of this resolution is to authorize the use of the Capitol rotunda on April 19 for this year's national ceremony to commemorate Holocaust Remembrance Day. I am pleased that with the passage of this resolution, the Congress will be able to, once again, provide a venue for those who wish to mark this solemn occasion in the peaceful setting that the rotunda provides.

The annual Days of Remembrance provide all Americans with an opportunity to reflect together upon the Holocaust, to remember its victims and to renew our commitment to democracy and human rights.

In order to help focus our reflections on the Holocaust, the United States Holocaust Memorial Museum selects a yearly theme. This year we reflect on Children in Crisis: Voices from the Holocaust.

Mr. Speaker, an estimated 1 million Jewish children died at the hands of the Nazi regime during the Holocaust. Being the most vulnerable, children were often the first of the victims to be targeted for death. Many times they were sent to the gas chambers immediately following their arrivals in the concentration camps because most were not old or strong enough to work under the forced labor conditions. But at the same time, this year's theme also recognizes the importance of remembering those children who were able to survive through their own courage and determination and the aid of dedicated individuals risking their own lives to help thwart the horrible intentions of the Nazi Party.

I think it is imperative that we never forget either the horrors of the Holocaust or the incredible courage and humanity that enabled some children to survive such awful conditions.

So, Mr. Speaker, I urge the support of this resolution.

Mr. WAXMAN. Mr. Speaker, it is an honor to be the sponsor of this resolution to authorize the use of the Capitol rotunda on April 19, 2007 for the annual congressional ceremony to commemorate the Holocaust.

The United States was one of the first countries to adopt a national day for Holocaust commemoration. It is one of the only nations in the world to observe Yom Hashoah, Holocaust Heroes and Remembrance Day, on the same day chosen by the State of Israel—the Hebrew anniversary of the Warsaw Ghetto uprising.

Each year, on Yom Hashoah communities around the United States come together to memorialize the millions who perished. We remember the heroism of those who fought back and pay tribute to the survivors and the tremendous courage and strength it took for them to rebuild their lives. We stand against the anti-Semitism and intolerance that fed the Nazi machine and sadly continues to resurface today.

While this resolution may be routine by nature, it is a testament to the commitment of Congress to make sure that the history of the Holocaust is never forgotten or repeated.

I would like to thank the House administration for its work on this legislation. I encourage all of my colleagues to participate in the ceremony in the rotunda.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Con. Res. 66, which authorizes the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Holocaust was not a random act of mass murder but a systematic campaign of genocide carried out by the Nazis against the Jews. The world must never forget the more than six million Jews who perished in the Holocaust. In total, the victims accounted for more than 60 percent of the pre-World War II Jewish population of Europe.

We must never forget the evil acts that happened during that era and continue the fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism in every form today.

More than 60 years later, the Holocaust is still a presence, and there are living memorials all over the world dedicated to the memory of those who lost their lives in one of history's darkest hour and to the continuing education to conquer prejudice, hatred, and injustice.

As we authorize the rotunda of the Capitol to be used on April 19, 2007 for a ceremony as part of the commemoration for the days of remembrance of victims of the Holocaust, let us also be careful not to repeat history. We remember the atrocities that surround us today in the Darfur region of Sudan. It is right that we should gather at the rotunda to remember a period of such unspeakable horror that it will never be forgotten and which we must never again allow to happen.

I strongly urge my colleagues to support H. Con. Res. 66 and authorize the use of the rotunda of the Capitol to commemorate those who perished in the Holocaust.

Mr. MCCARTHY of California. Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 66.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1284, by the yeas and nays;

H.R. 1130, by the yeas and nays;

H.R. 740, by the yeas and nays.

Votes on H.R. 545 and H. Con. Res. 66 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1284, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1284.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 176]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda

Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—15

Brady (PA)
Castor
Davis, Jo Ann
Davis, Tom
Deal (GA)
Gordon
Hinojosa
Johnson, E. B.
Kanjorski
Moran (VA)
Myrick
Pence
Simpson
Stark
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1854

Mr. MURTHA changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JUDICIAL DISCLOSURE RESPONSIBILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1130, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1130.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 177]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—18

Brady (PA)
Buchanan
Davis, Jo Ann
Davis, Tom
Deal (GA)
Gordon
Hinojosa
Johnson, E. B.
Kanjorski
Klein (FL)
McCrery
Moran (VA)

Myrick
Pence
Simpson
Stark
Waters
Young (FL)

☐ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT (PHONE) ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 740, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 740.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 19, as follows:

[Roll No. 178]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—19

Brady (PA)
Clyburn
Davis, Jo Ann
Davis, Tom
Deal (GA)
Filner
Gordon
Hinojosa
Johnson, E. B.
Kanjorski
McCrery
Moran (VA)
Myrick
Pence
Simpson
Stark
Westmoreland
Wilson (NM)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left in this vote.

☐ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 178, I was inadvertently detained. Had I been present, I would have voted "yes."

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR OF HON. LEONARD L. BOSWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Marc Beltrame, Deputy District Director of the Honorable LEONARD L. BOSWELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court for Polk County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
MARC BELTRAME,
Deputy District Director.

COMMUNICATION FROM DISTRICT REPRESENTATIVE OF HON. LEONARD L. BOSWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ted Tran, District Representative of the Honorable LEONARD L. BOSWELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court for Polk County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TED TRAN,
District Representative.

COMMUNICATION FROM STATE DIRECTOR OF HON. DENNY REHBERG, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Randy Vogel, State Director of the Honorable DENNY REHBERG, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a grand jury subpoena for documents issued by the U.S. District Court for the District of Montana, Billings Division.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

RANDY VOGEL,
State Director.

COMMENDING CONCORD HIGH IN CONCORD, NORTH CAROLINA FOR A DUAL CHAMPIONSHIP SEASON IN MEN'S 3A FOOTBALL AND BASKETBALL

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, I rise today to acknowledge and pay tribute to the Concord High School Spiders men's athletic team for making history by being the first 3A school in North Carolina to win State titles in both men's basketball and football in the same year.

The Spiders basketball team, who finished as the runners-up in 2006, defeated Kinston High School 85–79 for the 2007 championship title on March 10. The Spiders football team defeated Western Alamance last December, taking the State championship for the second time in 3 years.

Star players on both of Concord's teams include senior guard, Dee Bost, who scored 27 points in the championship game and earned the honor of Most Valuable Player for both basketball and football. Lance Lewis, a starter on the 2004 and 2006 football championship teams, scored 16 points and four rebounds, and was named Concord's Most Outstanding Player in the final.

The athletic program at Concord High is one of great tradition that dates back even further than my years of playing there. The nickname Spiders came from the athletic field at the old Concord High School, which was named after Principal and School Superintendent A.S. Webb. Concord's first State title was one in 1929.

I am extremely proud of the hard work and dedication of these young men from my hometown of Concord. Congratulations to Coach E.Z. Smith, Coach Andy Poplin and the Concord High men's football and basketball teams on your successful seasons, great teamwork and dual State championship victory.

OFFICER ANGEL CRUZ, NYPD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, peace officers are the first line of defense between the law and the lawless. Those who wear the badge sometimes go to unbelievable efforts to capture the bad guys.

New York City peace officer Angel Cruz is one of those remarkable peace officers. Officer Cruz was trying to arrest Hugo Hernandez for a minor offense on a subway platform in Queens, New York when, without warning, Hernandez slashed the officer across the face with a knife, then stabbed him in the head, cracking his skull.

Even after being stabbed, Cruz, a 15-month rookie with NYPD, was able to shoot and wound the outlaw.

When backup arrived, Cruz, with blood spouting from his head, had chased Hernandez down the subway stairs, and was trying to handcuff him.

The criminal, Hernandez, was an illegal from Guatemala who had already been deported for assaulting six New Jersey police officers.

Our Nation appreciates the relentless work of Officer Cruz and NYPD.

And as for the illegal, he should go to jail, be deported back to Guatemala, and Guatemala should pay restitution to Officer Cruz.

And that's just the way it is.

☐ 1915

DEMOCRAT IRAQ SUPPLEMENTAL

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Mr. Speaker, I rise today in outrage over reports that Speaker PELOSI is threatening to revoke committee assignments and earmarks for Democrats who don't support the Iraq supplemental bill on the floor this week.

Talk about a culture of corruption. This is the lowest form of politics. But, sadly, while their strong-arming is audacious and unethical, it is not surprising. We know the Democratic leadership will go to extreme measures to garner votes for this bill, not only by tying troop funding to arbitrary deadlines for withdrawal, but by peppering it with so much pork, you would think our troops needed shrimp and avocados to beat the terrorists.

Mr. Speaker, it is little wonder Democratic leaders are scared to let Members vote their conscience on this bill. After all, even the Los Angeles Times calls this "the worst kind of congressional meddling in military strategy."

But arm-twisting and threats have no place in this people's House, and Americans have every right to be outraged with the current leadership.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE HON. JACK METCALF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I rise tonight, along with my colleagues from Washington State, to pay homage to our friend and colleague who passed away last Thursday, Jack Metcalf.

Jack Metcalf represented the Second District of Washington from 1995 to 2001, and I have known Jack personally since 1968. I first met Jack when he first ran for the U.S. Senate. I was contacted by some people, and they said that he was coming into town and asked if I would meet with him, which I did, he ended up spending the night at my house and slept on the couch.

I only say that from background because that was typical of Jack. He was totally unpretentious. In fact, his history, electoral history, as a representative of northwest Washington goes back for many years. He first ran for office in 1958, unsuccessfully, I might add. Two years later he ran and was elected to the State legislature and served there for two terms and left. Then he got elected as State senator and served for 8 more years as a State senator, and left to run for the U.S. Senate again, and got beat and then came back and served as a State senator for 12 more years. He left that time to run again unsuccessfully for the U.S. House. But he was successful when he ran in 1994.

I point that out because that was four times that he ran for office in an endeavor to serve his constituents of northwest Washington. And it never bothered him, at least he never said it to me, that he was unsuccessful in the past. In fact, after he had lost in 1992 and was contemplating running in 1994, he was approached by the then Republican Central Committee chairman and suggested that maybe Jack ought not run because he was 68. And Jack replied to him, "Well, I think I can win." And I can just hear Jack say that because that was so typical of him. He was totally unpretentious.

So I am here simply to say that he was a friend for many, many years. He was somebody that served his constituents well, and he was somebody, I think, that was really very, very true to his beliefs. And I think that is an asset that a lot of people probably don't have, but certainly Jack did. And I am very, very proud to have called him a friend for all these years.

And I can say that our thoughts and prayers are with Norma and his family, and he will be greatly missed.

With that I would like to yield to the individual that succeeded him in the Second District, my friend from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I thank the gentleman from eastern Washington for yielding.

I rise today to pay tribute to the Honorable Jack Metcalf, who was my predecessor in Washington State's Second Congressional District.

Before Jack was a Congressman, and we have heard about his running for office, but he was a teacher for 30 years. Public service was more than a profession for Jack. It was very much a passion. He placed a premium on honesty and hard work, and he was admired for being a person of his word. He built relationships not only with traditional allies, but with anyone concerned with improving the quality of life for his constituents.

Jack forged a bipartisan alliance with Senator PATTY MURRAY to protect our marine habitat in Washington State. The work done by the Murray-Metcalf Commission continues today to benefit the people of Washington State. Jack's dedication to protecting our marine resources stands as a challenge to his successors and as a legacy to our State.

I personally had the pleasure of working with Jack on flood issues when I was a local elected official. Flooding had created terrible problems for Snohomish County, and Jack brought people together and harnessed Federal, State, and local resources to find solutions.

We will miss "Gentleman Jack" Metcalf. He had no need for partnership or grandstanding, and he stood out for his commitment to the people that he represented. And certainly tonight our hearts go out to Jack's wife Norma and to their children.

ON THE PASSING OF FORMER CONGRESSMAN JACK METCALF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, I want to join the other members of the Washington congressional delegation today in expressing my sadness at the passing of our former colleague Jack Metcalf, who represented the Second Congressional District of Washington from 1995 to 2001.

Jack came to Congress later in his career, having served for 4 years in the State house of representatives and 20 years in the Washington State Senate. And throughout his career in Olympia, he continued to teach in the Everett area at the high school, as he campaigned twice for the United States Senate against a very popular Warren Magnuson and as he built a cabin retreat that became a bed-and-breakfast business that he and his family operated, which was a special place for Norma and him.

He campaigned in 1994 for an open seat in Congress and promised to be an independent voice for constituents in the Second District. Having served with Jack during his 6 years in the House, I am able to confirm that he was every bit as independent as he said he would be. He came here as a well-established politician with well-established views, and he freely expressed those views with vigor and conviction. But along the way he also did two things that distinguished him, at least from my viewpoint as a colleague of his in the Washington delegation. First he established a high priority for constituent service, which I believe was critical to his job as Representative. He fought hard to help individuals who couldn't get responses from a Federal agency.

□ 1930

He supported veterans' causes. And even when it came to voting against party positions in his own caucus, he was for the veterans. Jack also cared deeply about natural resource issues, particularly salmon issues. He worked with Senator MURRAY on the Northwest Straits Commission.

Second, he valued friendship, and he always sought to keep the often-heated debate from becoming personal. When he spoke against a position another Member espoused, he would often cross the aisle and speak with that person personally, so you never took any of his comments directly as a personal affront.

Consequently, he was well regarded within our delegation, and I appreciated his friendship and his willingness to help on major State issues whenever he was asked. He will surely be remembered for the independence he demonstrated as a Member of Congress, but I can assure my colleagues in the House today that I will remember him as a real gentleman and a good friend.

He will be missed, and our hearts go out to Norma and his family.

I would like to yield to my colleague Mr. MCDERMOTT, who served with Jack in the Washington State Legislature before he came to Congress.

REMEMBERING JACK METCALF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, probably I knew Jack better than most in our delegation, because I did serve with him for a long time in the Washington State Legislature. And although most Members would know me as somewhat liberal and Jack as being somewhat conservative, we were really good friends, because Jack was the kind of person you could sit down and talk to, and no matter what your political views were, he would sit and talk about whatever it was on your mind.

He told me a lot about his decisions to run for both the legislature and for the U.S. Senate, and he told me about how his first campaign worked.

Jack went out and planted a whole field full of pumpkins, and he took an instrument that was like a cookie cutter and had it made in his name, Jack Metcalf. He took all these pumpkins when they were small and scored them on the outside, and as the pumpkins grew, the name "Metcalf" appeared on the pumpkins. So by the time of the election, Jack went around and gave a pumpkin to every house in his district.

That is Jack Metcalf. That is the guy that was here, very unassuming, no airs about him whatsoever. He was a solid conservative, don't have any doubt about that, and he stuck to his principles. He was the kind of conservative you could talk to and find out what he thought. He would tell you exactly where he was, and that is where he was. You could try to convince him, and maybe it would work.

I had one experience with Jack which I have to tell about. I was the ways and means chairman of the State senate when Jack was there in the minority, and I had a bill that I needed an extra vote on. I needed somebody in the Republican Party. So I went over and I talked to Jack about it.

He listened to me and acknowledged that maybe that wasn't such a bad idea. But he was really concerned about the economic situation of the United States, and he really thought that we ought to be on the gold standard. So Jack and I had this long discussion about the gold standard, and I said, "You know, Jack, we ought to have a hearing in the State senate on the gold standard."

Well, as you might guess, this would have been about 1983, the gold standard wasn't exactly very high on most people's agenda, but we had a hearing, and we listened and we talked and we asked the questions and had a great long discussion about this issue, and a few days later, when I needed a vote, Jack was there.

That is the kind of person he was. He was somebody who would listen to you, he would tell you what he was concerned about; and if you listened to him, you made a friend, and you were able to work with him.

His wife and kids, I know, perhaps tonight are watching. You should have nothing but pride for your father and your husband.

They list all the bills that he got involved in. Jack was a very, very dedicated environmentalist and did many things here. But what will always remain will be he was a guy who came here and said, I believe in term limits; he served 6 years, and he left. No fuss, no muss. He didn't ask anybody. He had made a commitment to his people in 1994 that he would leave, and he did surely as soon as the time came.

So we will miss Jack. He is the kind of person that makes this place a really humane place. Jack I don't think had an enemy in this place, because, as Norm says, even if he was going to say something against you, he would either before or after come and talk to you about it and say, "I didn't mean that personally, but I just think you are wrong on that matter." He had that way, and we would do well to have that spirit come back to this House.

We will miss you, Jack.

64TH DAY OF INCARCERATION FOR BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 64th day of incarceration for two U.S. Border Patrol agents. Agents Ramos and Compean were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These agents never should have been sent to prison. There are legitimate legal questions about how this prosecution was initiated and how the prosecutor's office proceeded in this case. To prosecute the agents, the U.S. Attorney's Office granted immunity to a known drug smuggler. While the Mexican drug smuggler waited to testify against our agents, DEA reports confirmed that he brought a second load of marijuana, 752 pounds, into the United States. But this information was kept from the jury and the public.

Over the past 8 months, dozens of Members of Congress and thousands of American citizens have asked President Bush to pardon these agents. In December of 2006, the President granted pardons to 16 criminals, including 6 who were convicted of drug crimes, but he would not pardon Agents Ramos and Compean.

The difference, Mr. President, is that these people you pardoned were criminals, and these two Border Patrol agents are Hispanic Americans who are heroes, heroes who were doing their job to protect our borders. Mr. President, it is not too late for you to use your authority to pardon these two men.

Not only are there concerns about the U.S. attorney's prosecution of these two border agents, but the same prosecutor's office in western Texas has just persecuted another law enforcement officer.

Deputy Sheriff Gilmer Hernandez was sentenced this week to a year in jail for shooting at a vehicle that was transporting illegal aliens. Hernandez stopped the car for running a red light and asked the driver to step out of the car, but the driver pulled forward to flee and turned the car toward the deputy. The deputy fired shots at the car's tires to protect himself.

Hernandez was charged for violating the civil rights of one of the passengers, an illegal Mexican national who was struck in the lip by fragments of a bullet or other metal. None of the vehicle's occupants were charged.

Mr. Speaker, there are many questions and concerns about the prosecutor's office that need to be answered. I want to thank Chairman JOHN CONYERS for considering my request and those of other Members of Congress for a hearing on the overzealous prosecution of these law enforcement officers.

REASONS FOR SUPPORT OF EMERGENCY SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to voice my support for an emergency supplemental bill that will produce a significant change in the way the war in Iraq is being waged. This is not an easy decision on my part. Back in 2002, I opposed giving President Bush the authority to wage the Iraq war, and ever since, I have opposed every supplemental bill that has come to this floor to pay for the war in Iraq.

During each supplemental debate, I voiced concern that Congress was essentially giving President Bush a blank check to wage the war as he saw fit. I voiced frustration that the Bush administration was unwilling to face the realities on the ground in Iraq and that Republican Congresses refused to provide proper oversight of billions of dollars that were handed out to contractors like Halliburton.

Last November, the American people sent a clear message that the status quo in Iraq was no longer acceptable. They entrusted Congress to Democrats in the hopes that we would help take our Iraq policy in a new direction so that we could bring our troops home soon.

Mr. Speaker, the emergency supplemental addresses the concerns of the American people. It is a serious piece of legislation that brings together into one bill the recommendations of the nonpartisan Iraq Study Group, military generals, the Pentagon, and even the President himself. It provides us the first real opportunity to change course, and therefore it deserves the support of anyone who believes the status quo is no longer acceptable.

The supplemental takes into consideration the views of military generals and military experts who have said for months now that there is no longer a military solution possible in Iraq. Instead, they say the only way to end the civil war that is raging in Iraq is through political and diplomatic means.

Tomorrow this House will have the opportunity to send the President a strong message that the war in Iraq will not continue indefinitely. The legislation states that American troops will be out of Iraq no later than August 31, 2008, and if the Iraqi Government does not meet certain benchmarks in the coming months, our troops will be home by the end of this year.

With this legislation, the fate of Iraq now truly belongs to the Iraqis themselves. It is time the Iraqi Government stepped forward and takes some responsibility. The Maliki government must realize that it has to meet political, economic and diplomatic benchmarks that the President himself set, and that if serious improvements are not seen in the coming months, then we will begin the process of redeploying our troops out of Iraq.

This only makes sense, Mr. Speaker. If the Iraqi Government continues to believe that U.S. involvement there is indefinite, what kind of pressure are they going to have to make the necessary political reforms? They are not, and that is why both this pressure and a date certain for responsible redeployment are so important.

This legislation also begins the process of redirecting the Bush administration's attention to the forgotten war in Afghanistan by adding $1 billion to the Defense Department's request for military activities there. This increase supports our efforts to suppress a likely spring offensive by the Taliban. In addition, it will reinforce our humanitarian efforts in that war-torn country. We must work to give poor farmers an alternative to the illicit opium trade that is rampant throughout Afghanistan.

Finally, the legislation provides more money than the Pentagon requested for critical health care needs for veterans and wounded soldiers. Specifically, the legislation provides $1.7

billion more for defense health care and $1.7 billion more for veterans' health care in the hope that we can eliminate the horrific conditions and the treatment our wounded soldiers receive at Walter Reed. The brave men and women who fought on behalf of this country should not now have to endure bureaucratic delays in order to receive the health care services that they were promised.

Mr. Speaker, this week we entered the fifth year of this unfortunate war. Tomorrow we must step forward and support a bill that brings our troops home within the next 18 months, exerts pressure on the Iraqi Government, prioritizes the forgotten war in Afghanistan and provides additional funds for veterans and military health care.

Tomorrow we have the opportunity to change the direction of the war in Iraq, and we should certainly take it.

MEXICAN GOVERNMENT NEEDS TO STAY OUT OF AMERICA'S BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Mexican Government needs to stay out of America's business. Let me explain.

Deputy Sheriff Gilmer Hernandez of the town of Rocksprings, Texas, Edwards County, the size of Delaware, one of three deputy sheriffs on patrol at any given time in this massive area of west Texas, is on patrol in the middle of the night, and he sees a van with the lights off running a red light. He does what he is supposed to. He attempts to pull the van over. He notices as he approaches the van that numerous people are laying down on the floorboards.

As he gets closer, the driver speeds off, turns around and tries to run over Deputy Gilmer Hernandez. Deputy Hernandez pulls out his pistol, blows out two of those tires, and the vehicle finally stops. One passenger in the van was slightly injured, but the people in the van jump out and take off running because they are all illegally in the United States, seven or eight of them.

□ 1945

Deputy Hernandez immediately calls the sheriff of the county to show up. The sheriff shows up; he calls the Texas Rangers to make an independent investigation of this shooting. The Texas Rangers—there is probably no finer law enforcement group in the United States, or in the world for that matter—make an independent investigation and determine that Deputy Hernandez acted lawfully and within the law when he fired his weapon. But then the Mexican government gets involved, and in their arrogance, demand in writing from their consulate general to our Federal Government that Deputy Hernandez be prosecuted. And our Federal Government, like the cavalry, shows up later and reinvestigates the case; basically uses the same facts, talks to all of the illegals, and prosecutes Deputy Hernandez for shooting his weapon in self-defense.

It is ironic that the consulate general wouldn't even allow our government to talk to the illegals until the consulate general got them all together in a room and apparently got their story straight. And once that happened, they talked to Federal prosecutors, and the Federal prosecutors prosecuted Deputy Hernandez, where they were saying he should have stopped firing his weapon after the van went on by. How ridiculous a statement that is.

Deputy Hernandez was convicted, and this week he was sentenced to 1 year and 1 month in the Federal penitentiary. The Federal judge apparently did everything he could to get the lowest possible sentence under the Federal guidelines, even though Deputy Hernandez should not have been prosecuted. The illegals in the van should have been prosecuted. The human smuggler driving the van, he should have been prosecuted. But no, they got a deal; they got green cards to stay in the United States. It seems like our government is prosecuting the wrong people.

It is interesting that Deputy Hernandez was also ordered to pay $5,000 to the illegal who was slightly injured. That is nonsense. It is like someone who breaks into your home, you try to stop that person, they are injured in the scuffle, and the next thing you know you have to pay for their injuries when they illegally broke into your home. That is the same thing that Deputy Hernandez is supposed to do under this court order.

It sounds to me like the Mexican government ought to be paying restitution. They ought to pay restitution to the American taxpayers for the cost of the illegals that come into the United States and get all the social programs that the rest of us pay for. The Mexican government ought to pay restitution for their drug smugglers that come into the United States, bringing that cancer that has spread across our land.

Our Federal Government obviously needs to get on the right side of the border war, and that is the American side of the border war. It is interesting how our Federal Government is so relentless in prosecuting border protectors who are protecting the dignity of this country, doing everything they can to keep people from illegally coming into this country, while our Federal Government gives lip service to border control. Of course that is the news that the drug smugglers and the illegals like, that our Federal Government prosecutes the border protectors rather than prosecute them.

And why does our Federal Government jump when the Mexican government arrogantly demands that our border protectors be prosecuted? Hopefully we are going to find out the answer to that. Who is driving the process, the Mexican government or our own government? And anyway, who cares what the Mexican government thinks, they are irrelevant to border security and what our border protectors do.

Mr. Speaker, the border war continues, and the Federal Government needs to get on the right side of the border war because right now they are missing in action.

And that's just the way it is.

WAR SUPPLEMENTAL IS BAD POLITICS, BAD POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. KINGSTON. Mr. Speaker, I appreciate the opportunity to be here tonight.

I wanted to talk on the eve of what may be the most controversial bill that we have voted on since I have been a Member of Congress, and I have been a Member of Congress now for 16 years. In fact, sometimes I don't like to admit that in public because everybody gets so concerned about term limits, I don't want to be the poster child for my enemies on that subject. But I have been in Congress for the NAFTA vote, for the renewal of GATT, the General Agreement on Trade and Tariffs. I have been here for the impeachment vote. I was here for welfare reform, some very significant pieces of legislation, the Contract With America, and recently with the Democrats' 6 for 06 plan. Yet in all my years of Congress, I can say that this week, perhaps tomorrow, perhaps Friday, we will have what is the most controversial bill that I ever voted on and the largest supplemental appropriation bill in the history of the United States Congress, a bill which the President requested for our troops in Afghanistan and Iraq and the war on terrorism in general. His request level was $101 billion, but it is actually going to be about a $124 billion bill, because there are many things that aren't even related to the war that have now got stuck in the bill.

There are a lot of different views on this that I wanted to talk about. I have my friend, Mr. CARTER from Texas, who is a fellow appropriator on this Special Order. The thing that is interesting, though, is that a lot of the traditional allies of the Democrat Party, the Los Angeles Times, the Washington Post, and sometimes in fact those two newspapers are inseparable from the Democrat talking points, but they are squarely against this bill. The editorial pages have gone out of their way to say what a bad bill this is, to say do we really need a General PELOSI, which is what the Los Angeles Times said. And to quote the Los Angeles Times, "After weeks of internal strife, House Democrats have brought forth their proposal forcing President Bush to withdraw the troops from Iraq, 2008. This plan is unruly, bad public policy, bad precedent and bad politics. If the legislation passes, Bush says he will veto it, as well he should." That is the Los Angeles Times.

Here is the Washington Post. The Pelosi plan for Iraq. "The only constituency House Speaker NANCY PELOSI ignored in her plan for amending Bush's supplemental war funding bill are the people of the country that the U.S. troops are fighting to stabilize." That is real important.

"The Democratic proposal doesn't attempt to answer the question of why August 2008 is the right moment for the Iraqi Government to lose all support from U.S. combat units. It doesn't hint as to what might happen if American forces were to leave at the end of this year, a development that would be triggered by the Iraqi Government's weakness. It doesn't explain how continued U.S. interest in Iraq, which holds the world's second largest oil reserve and a substantial cadre of al Qaeda militants, would be protected after 2008. In fact, it may prohibit U.S. forces from returning once they leave." That is the Washington Post.

These are not what I would call mainstream moderate newspapers. The Los Angeles Times and the Washington Post are out there drumming the drums for the liberal causes, time and time again, and they are both squarely against this plan.

You know, I think one thing Americans have to ask themselves is, is there U.S. interest in Iraq? Rhetorical question. Is there U.S. interest in Iraq? Now, if there isn't, and the war is in fact in the tank as Speaker PELOSI and many of her followers believe, get out tomorrow. Get out. Get out yesterday. Now, this bill doesn't say that. It is more of a slow-bleed, sure-formula-for-defeat plan. But if you really think the war is in the tank, why spend another nickel there?

Now I understand, I haven't spoken to him, that my colleague from Georgia, JOHN LEWIS, has made that philosophical and principled position. JOHN is a liberal senior Member from Atlanta. And he says, I am against the war. Why should I vote to spend $100 billion more there? I respect that position. But if you are going to spend the money and give the troops some assistance, why are you tying their hands at the same time? Again, if there is a U.S. interest, then is there not a U.S. interest in victory? Is there a U.S. interest in defeat? And so often the critics of the war always dodge those important questions.

And you can go back to 2003 and cite many things that have gone wrong. I am a Republican and I will tell you what, there have been many things that we have misjudged and done wrong, and it is regrettable. And I would also say that even prior to 2003, maybe some things should have gone in a different direction. I will say, as a Member of the House at the time, we were driven by the 17 United Nations resolutions, which the Iraqi Government ignored. We were driven by the best intelligence estimates at the time, which said that there were weapons of mass destruction and Saddam Hussein would use them. That was a view that was shared by HILLARY CLINTON, JOHN KERRY, TED KENNEDY, and all the other leading Democratic critics of this war. But they all had the same conclusion in 2001, 2002 and 2003, leading to our resolution to give the President the use of force to go into Iraq. But I understand politics. Backseat driving and revisionist history just comes with the turf.

So we can politically revise history. I understand there is a short-term memory and a convenience factor, and if you are running for the Democratic Presidential nomination, you have got to be dodging and weaving, as JOHN KERRY did last time, voting for it and then against it and having positions all over the court.

But we are here now. Whether you are Democrat or Republican, the last election, November 2006, put the Democrats in charge. They are no longer in the back seat of the car. The President may have driven the car to where it is, but the Democrat Party now has its hand on the steering wheel. And you can steer good policy. And this, as the Los Angeles Times says, is bad policy, very bad policy.

If you believe there is a U.S. interest and you think, what would happen with the U.S. out of Iraq suddenly? There would be chaos, there would be civil war, and it is quite likely that the second largest oil-producing nation in the world would fall into the hands of anti-American, anti-Western terrorists and become a nation state of terrorists, a haven for more terrorists.

I don't know of anybody in the Congress that thinks it is a good idea to ignore terrorism the way we did prior to 9/11, when the two embassies were attacked in Africa, when the USS *Cole* was attacked in Yemen, and when the 1993 bombing of the World Trade Center happened. We are not going to let that happen again. We understand that you just can't ignore terrorism, that you have to be engaged with it.

So if you believe there is an interest and there is a huge downside in sudden withdrawal, why would you vote for a bill that says we are going to withdraw but we are going to withdraw slowly? We are going to let our troops stay over there, but we are not going to give them the backup that they need.

Now, I have the honor of representing the 3rd Infantry Division, Fort Stewart, Fort Hunter, Georgia. I also have a couple other military bases. But Fort Stewart leaves this week on its third deployment there. And I don't see how I could be expected to represent those soldiers and tell them, you know, ma'am, your son is patroling the streets of Baghdad and I had the opportunity to send him 20,000 troops to cover his back and I voted no. Because it is a fundamental question. If you are in Iraq, do you want 20,000 more troops helping you or not? How can you say you support somebody if you are not going to give them additional troops to back them up?

Now, I don't believe this is a status quo vote at all, because General Petraeus, who is now our commander over there, has designed this plan as a way to ramp up our forces and clamp down on the violence and the attacks, train the Iraqi troops, and then stabilize the country and come home. I believe that that is an exit and a victory plan, and it is changing the status quo.

So why would you put the general in charge, who I think was approved by the Senate by a vote of 80 or 90 to zero, I don't think there was a dissenting vote, and then say to him, good luck, but we are going to micromanage the war because we have 435 Members of Congress who, General Petraeus, are mighty good military folks in own right. Maybe we should in fact move Congress to Baghdad, since all the generals seem to be in this room who have all the answers.

Mr. CARTER. Would the gentleman yield? I thank the gentleman for yielding.

Very good description of what we are looking at this week. And you are right; this may be one of the most critical votes that the people that hold these valuable seats that our people back home gave us are going to cast in their lifetime, because they are going to cast a life-and-death vote here.

You know, as you mentioned, the troops and the 1st Infantry Division that you represent over there in Georgia. I am very blessed to represent the folks at Fort Hood, Texas. We are the only two division posts in the entire world, as I understand it, and I am very proud to represent the 4th Infantry Division and the 1st Cavalry Division and III Corps.

As we meet here tonight, the 1st Cavalry Division is in Baghdad, and General Odierno and III Corps are in command.

□ 2000

Now, I have my soldiers from the 1st Cavalry Division, and I call them mine because I care about every single solitary one of those soldiers as they serve our country. I have them in harm's way tonight as we stand here, with great generals who know what they are doing, know their mission, and are ready to accomplish it.

I don't think the American people have really understood what General Petraeus is trying to do with what some are calling a surge, but more familiar to our soldiers is a call for more boots on the ground; or as Jack said, for somebody to take your back.

But the real issue here is what is the plan for victory that General Petraeus has painted for us. Well, the plan is to involve Iraq in their own defense. The plan is for one battalion of American soldiers to back up a brigade of Iraqi soldiers as they go in and execute a new policy in the neighborhoods of terror in Baghdad. The Army will be backing up a brigade with a battalion. There are five battalions in a brigade. So that means it is a 5 to 1 ratio is the plan for the Iraqis to be in the fight versus the Americans. The Americans will provide all of the great resources, all of the know-how, all of the skill, all of the training, all the can-do that our American forces provide to the fight. But the Iraqis will go in and they will take care of cleaning out the neighborhoods in Baghdad. They speak the language. They know the culture and the religion. They know the various groups. They can do this in a much more effective way, with the support of General Petraeus' troops. And he has told us that he needs the additional boots on the ground to make this plan work.

Now, I think the American people are a people that believe in winning. You know, I sit around this House in our off time, and what are we talking about, who is going to win the next basketball game competition that is going on in this country? And we are talking about who is going to win, not who is going to lose.

When it is football season, we are looking for a winning season. When we have a baseball team, we want them to have a winning year and to win the pennant. We are a Nation that likes winners. We have the most effective fighting force in the history of man on the ground today, and they can win. And they are telling us we have a plan.

One of the problems that we have run into in Baghdad, and I have learned this by visiting with these generals. I visited just recently with the general who brought the 4th Infantry Division back, and they are ready and training to deploy again next fall for their third or fourth deployment.

What was said was we have demonstrated we can clear out an area like Sadr City, for instance. The 1st Cavalry Division went in 2 years ago and cleaned out Sadr City, redesigned the sewer system, got the electricity system working slightly, got the garbage that had been in the streets for years under Saddam Hussein cleaned out, and they did this under fire. And they also killed or captured the bad guys that they found, and ran the rest of them out of Sadr City. But they didn't have the resources to hold Sadr City.

This plan is to clear, hold, and rehabilitate. That's the plan that General Petraeus talked to the Senate about. That's the plan he has, as I understand it.

And the Iraqis will set up like stations in the various neighborhoods to do the clear with our help; they will do the hold with our help; and then teams will come in from the Army and the Marine Corps and like from the State Department to do the rehabilitation of the area and give them services they practically haven't had under Saddam Hussein, and some have never had in their lifetime.

This is a plan that I think we owe to our soldiers and their sacrifice, to give them a chance to get done. I am heartsick that we have a plan that is supposed to be funding these troops to get this job done that is coming to the floor of the House, and it has provisions in that plan which it looks like to me are saying we don't think you can succeed. Therefore, we are setting up kind of a track to get you out because by a vote for the bill in its present state, we are saying to our soldiers overseas, we don't think you can get the job done and so here is how we are going to get you out, and here is the drop-dead date, August of next year, when you are getting out, like it or not.

You mentioned General PELOSI micromanaging. I have real problems with this bill, and I hope every Member of Congress will look at this bill and look at it in terms of human beings, i.e. our soldiers. It has a provision, and it has a provision which says no unit can go to the fight unless they are certified by someone, that they are fully trained, fully equipped before they are allowed to go. And if they cannot meet that certification on their demarcation date they will be by this bill defunded because they are not certified to go to the fight.

Meanwhile, there are troops in Iraq who are expecting to have a replacement coming in. They have been there for a year. But what does this bill say about those troops in Iraq? In this case, the 1st Cavalry Division from Fort Hood, Texas, next fall under this bill, once they reach 365 days in theater, this bill defunds those soldiers.

Now, if we fail to certify their replacements and we have defunded the soldiers and now you have a 1st Cavalry Division soldier who is short on gasoline and ammunition in the war, is that where we want that soldier to be? Is that caring for the American troops? And all of this is being managed from here, not from the generals that are in the fight?

I think it is a tragedy that we would even consider doing something like this, thinking we as a body have the military knowledge, superior to the people we just, by the example you gave, by a unanimous vote of the Senate hired a man to do the job.

Mr. KINGSTON. I think the genius of the U.S. Congress is not only can we solve health care and education and agriculture and transportation, but on the side, we can run a war. I am just saying, hey, with this kind of brain power, we all ought to go to Baghdad and put on a uniform.

Mr. CARTER. You go ahead. I have been there three times, and let me tell you, I like the professional soldier and the job he is doing.

Another interesting thing that is not being said that you need to know, and I think it is important and if you talk to the soldiers you will learn this, in the Anbar Province where the marines are operating with some of the airborne folks, and that is where the marines asked for 4,000 more troops to help them, for the first time we have had a change of support from the populace in Anbar Province. Al Qaeda is there. That is where our enemy that blew up our country, that is where they are. The marines are hunting them down, capturing or killing them. They are saying give us 4,000 more, and we will get this job done. Why is that? Because the sheiks are now cooperating. They are now saying to the marines, we will tell you where these guys are.

Mr. KINGSTON. Something curious is that the Speaker of the House said we need to get out of Iraq and go to Afghanistan where the real war on terrorism is.

It is kind of scary to think that someone who is third in line to the President would have that kind of a naive misunderstanding of the world we live in.

We have been joined by the gentleman from Texas (Mr. NEUGEBAUER), and I want to hear what he has to say.

Mr. NEUGEBAUER. I was listening to my friend from Texas's analogy about the sporting events, since that is on everybody's mind right now. I was thinking about two things. One, the proposal that is being put before this Congress, possibly this week, is to say, you know what, let's let the fans do the coaching. We hired us a head coach, but you know what, we have decided the fans know more about how to win this basketball championship, and so we are going to let the fans do that.

But the most compelling thing that I heard, and I want to talk a little bit about this trip, and the gentlemen both know, I just returned 10 days ago from being in Iraq for the third time. I was in Fallujah, was in Ramadi, and talked to General Petraeus, a four-star general who we have tasked to finish and win the war in Iraq, all of the way down to the privates. And one of the privates said to me, Congressman, it is like this. In sporting events, we have home games and we have away games. We lost one of our home games; let's win this away game.

He was referring to the attack on 9/11. That wasn't the first attack on home soil. So we have lost a couple of home games, we want to win the away games.

Also, the gentleman from Texas is exactly right. What we saw in Fallujah and Ramadi is that the sheiks are not only telling us where the bad guys are, but in one case, one of the sheiks from his particular tribe sent 400 or 500 of his young people from his tribe to enlist in the police force in the Iraqi Army, saying not only do we want to tell you where they are, but we want to help you take these people out of our neighborhoods.

I believe one of the turning points that is going on in Iraq today is the fact that the Iraqi people are tired of what these terrorists are doing to their own country. They are tired of the killing. And I notice the gentleman has a picture of a street scene. I know what that father and mother are thinking: Will my children ever be safe to walk the streets of the neighborhood they were raised in?

The good news is the answer to that is going to be yes.

Now, is it still dangerous over there? Absolutely. But we are at war. I think some people are under the misconception that one day we are going to wake up and we are going to have some utopic situation in Iraq. The Israeli people have been waiting for that utopic situation for many, many years. There is still going to be violence.

We have violence in our own country. We have violence in our own cities. But one of the things I felt was most compelling when I was over there, and I was visiting with all of the way from General Petraeus down to privates to boots on the ground, and each one of our stops in Fallujah, in Ramadi, in Baghdad, we had lunch or dinner with the troops. Those are the people that really will tell you how things are going.

What they said is what the gentlemen both have been saying: Things are getting better. We are able to go into these neighborhoods, and we have a different tactic. We used to have a post and we would go in with a convoy and we would tour that area, and at the end of the day we would go back out. Now we are putting security posts inside the communities. I call it kind of like community policing. Now we have a presence there.

And one of the things that people don't realize, for example, in Baghdad, that presence looks like this. There are three Iraqi security force officers, whether they be police or army, to every one American. So what is happening, those people are coming up to those people that are in their neighborhood and saying, Down the block two ways is a bad person. And you know what? On a number of occasions we have gone down to where the people say they were, and not only did we find some high-value targets, we also found huge caches of weapons and IED-making things.

□ 2015

So now I think the hearts of the Iraqi people are in this. I know that the hearts of our troops were because, as I shared with the conference, I believe, 2 weeks ago, those soldiers looked me right in the eye, and they said, Congressman, nobody has more invested in this war than we do.

One young man, this is his third tour. He said, sir, I have been in harm's way three times for this country and for my country, and he said, nobody has more invested than I do. He said, Congressman, please go back and tell your colleagues, let us finish this job. This is a fight we can win.

And anybody that voted to send those troops over there just to go over there and play Army for a while and then come home with defeat made the wrong vote. When we send our young men and women in harm's way, we need to be sending them to win, not to place. We need to win those away games so that we do not have to fight any more home games.

I also shared with the conference, I believe, this week the story about a gentleman that joined me in the State of the Union for this year. His name is Roy Vallez, and Roy was sitting right back over here in this corner in a seat that my wife gave her ticket to Roy, and why Roy is so special is Roy has the distinction, unfortunately, of being the only father in America that has lost two sons in Iraq.

While Roy was here, he was going around telling everybody about how important it is for us to finish this war so that his sacrifice, his extreme sacrifice, that he made and his sons made was not all for naught. He had an opportunity to talk to the President of the United States who called him on his cell phone, and he and the President had a wonderful conversation. That is the message he said to the President. Now, if there is anybody that has a right to question whether we ought to pull out right now or quit or come home, I believe Roy Vallez probably gets a place at the top of the list.

Mr. KINGSTON. I do not think you will find Hollywood or the media clamoring around Roy Vallez the way they have Cindy Sheehan. I wonder what the difference is.

Mr. NEUGEBAUER. I think it is a very good point. Unfortunately, the rest of the world does not get to hear the good stories.

Mr. KINGSTON. I have found the same way. I have been to Iraq twice, and when I go there to talk to the troops, their biggest enemy is the American media. They will tell you it is so frustrating, and they never would have believed the media was so bad.

I want to show you some statistics that I think are important because you have just been there, but this was a poll that, again, good old American media covered up that was actually in Sunday's London Times, a British company, the largest poll in the history of Iraq, over 5,000 people were surveyed.

Now, I think so often when we hear polls that CNN reports, they poll their newsroom, 25 people, all whose minds have made up against the war and against George Bush. But this was the largest poll in the history of the country, largest poll during the war, of over 5,000 people.

They found this: That al-Maliki's, as a Prime Minister, approval rating is 49 percent. In September, it was 29 percent. That is a significant statistic.

The other thing is we keep hearing that we are caught up in a civil war. Well, the flip side is this: It is 70 percent of the people do not believe that they are in a civil war.

Now, is it not strange that the Iraqis do not believe they are in a civil war, but if you poll the Democrat Members of Congress, I bet you 90 percent would say they are in a civil war, and yet somehow the folks who live there do not believe they are in it. I find that a strange, just a very big difference, but, you know, who knows? I mean, we are politicians. We know everything. So certainly we know what the Iraqis are up to, and maybe they do not.

The other thing that that poll, and it is not on my chart, but the other thing that the poll showed is that 66 percent of the people say they are better off now than they were under Saddam Hussein, conveniently unreported in American news, but I would recommend to you all to check out Sunday's London Times.

One other statistic that was not in the poll, but this is just a fact. But the month before we started the surge, and the surge officially started the 14th of February, the month before, there were 1,440 civilian casualties. Since that time there have been 265. You cannot ignore that statistic.

Now, I also want to give everybody a homework assignment. This is just for the folks back home. I would love you guys to see what the Democrat leadership says about the bill they are introducing tomorrow. Remember, this is a bill that is their official war plan.

Go to www.gop.gov/news/documentsingle, and what do we have? Aspx? This, if we can get this on camera, if anybody would come call me, I would love you to see the Democrat leadership explaining their plan. I am telling you, it is absolutely, it is almost right out of Comedy Central. Are they really saying this? Because everything is, well, what date y'all call getting out? Well, I do not know, let me ask my colleague here. Well, I do not know, let me ask my colleagues. It was kind of like, okay, can anybody tell us the capital of Iraq? This is, yes, it is on a GOP Web site. That is the only thing partisan about it. It is absolutely not touched up one bit.

I want to be sure everybody has an opportunity to look this up, but go to www.gop.gov/news/documentsingle.aspx? And ask for the document ID is 60396, and if you cannot find it, just call my office and we will give it to you, but it is scary. It is on one hand hilarious. On the other hand, it is scary that here is a leadership of a party saying here is our plan, and they cannot even explain it on prime-time television.

I wanted to say the scary part is these are high-stakes stuff, but please, look this up and watch this news conference. If you still think that this is the right thing to do, well, you are seeing something I am not seeing.

Mr. NEUGEBAUER. I want to make the point, but I think that is one of the things that concerns me most is that this global war on terrorism is a real war. So when we talk about bleeding out or getting out or whatever you want to call it of Iraq, the thing that the other side has not brought to us is what they are going to do next, what is next on the agenda, what are they going to do if they pull out of Iraq, then how are we going to continue to keep these bad people from following us back to the U.S.?

I think that is a real concern, and I think that the fact that the gentleman, I did the see the copy of the press conference, and it is disconcerting that those folks that are the folks that have the next plan.

Mr. KINGSTON. The gentleman also knows, both you guys being from Texas, that last year the Border Patrol, I believe, caught 115,000 people coming through the Mexican borders who were OTM, other than Mexican, and the concern of terrorists coming over here is real because we do have terrorists right now inside the United States border. We do not know how many cells or what they meet or what their intentions are, but we do know that they are here.

Mr. CARTER. I think that is a very good point. I also think it is a very good point to note that we are talking about, we need to get back to what we set out to do here in Congress with this supplemental bill. I mean, what did the President and the generals who are in charge of this fight ask us to do as a Congress? Did they ask us to load up a bill with pork so that folks back home would have all kinds of pork projects? No. They asked us to give them what it takes for them to do their job. They did not ask us to run the war. They asked us to help them do their job.

People love to quote generals around here, and, in fact, today I have heard twice quoted generals. Of course, these were all generals that are no longer in the fight, but they quote them, and they are certainly valid sources, and I do not criticize the opinions of those generals. They love to quote them. But I do not hear anybody quoting the opinions of the generals that are in the fight today, and yet they are giving us their opinions.

One of the things that some folks back home ask me, and I think this is a valid thing to pass on to everyone here in the House and to whoever may be listening, General Petraeus was asked about an exit strategy from Iraq. He said, let us get this deal to work because we think we have the right formula to make it work, and as we stand up the Iraqi troops and they show what they are showing us in preliminaries right now that they are now ready to participate, as we have these successes, we can start drawing down the troops.

So he told an exit strategy. How many of us have heard that in the media? All we hear is we are going to war, it is never ending, and there is no exit strategy, and the man that we just elected or voted for in the Senate unanimously to be in charge has told us, this is not a never-ending situation. It is all about standing up the Iraqis and standing down the Americans, and we can get there if we do this thing well.

This man is considered by everyone in the military as the counterinsurgency expert of the Army. That is why we have got him over there.

So let us get back to what we are doing here. American soldiers, one of the things that just amazes me what the soldiers and marines do, they strap on between 80 and 100 pounds of stuff, sometimes more than that, and they go out in 140-degree temperature in metal vehicles and fight for the freedom of those people in Iraq. But this Congress and this bill wants to load on their shoulders an additional $24 billion worth of pork, and it is a shame.

And why does this bill have this pork in it? What I mean by pork is things that have nothing to do with what we were asked to do, which is help our soldiers do their duty.

Mr. KINGSTON. Let me talk to you, for the $23 billion extra that are not related to the war but are on this bill, designed to bring in more people to support it, this is what it includes: avian flu, $969 million. We have already spent, I believe, $5.6 billion on avian flu. We have already spent $5.6 billion, but it is an emergency, we have got to spend nearly another billion.

Spinach, spinach recall, not spinach disaster, but recalling to the private sector, $25 million.

Minimum wage, well, we know that is an emergency. Hurricane citrus program because of Katrina and Rita, I guess like avian flu, Katrina's the gift that keeps on giving in terms of any time you need to pass something.

NASA, $35 million for exploration capabilities. Well, that is certainly emergency. We better deal with that on the backs of the soldiers.

Corps of Engineers, more repair to the levee system in New Orleans. I do not know how many times we are going to repair that levee system, but maybe the Corps of Engineers cannot get it right, and who knows, maybe we need to bring in the private sector.

And, of course, FEMA is going to get more money. I mean, what would an emergency bill be without the FEMA bureaucrats getting more money?

And then there is rental assistance for Indian housing, another emergency; crop disaster assistance, shrimp, $120 million; frozen farm land, $20 million; aquaculture operations, $5 million for aquaculture for shellfish, oysters and clams. It does not have to do with Katrina, to my knowledge.

Of course, the emergency at the FDA, $4 million for the Office of Women's Health. Big emergency. I guess you guys have been getting a lot of letters about that one.

National Oceanic and Atmospheric Administration, $60 million for fishing communities, Indian tribes, individual, small businesses, fishermen and fish processors, $60.4 million.

And then there is the emergency of Secure Rural Schools Act, $400 million for rural schools to offset revenues lost by the Bureau of Land Management owning timber.

And then low-income energy assistance program, a little confused about this one because, you know, with global warming, and it already being March, well, who knows? I digress.

Vaccine compensation, $50 million to compensate individuals for injuries caused by the H5N1 vaccine. Now, as you know, that is avian flu. And so of the $5.6 billion we have already spent, and of the $900 million we are about to spend, we still have to give $50 million extra on that.

□ 2030

Then, $50 million for the Capitol Power Plant. I mean, we have got to get that building renovated.

Mr. NEUGEBAUER. That and the Visitor Center are somehow tied together. I think they are having a race as to who can finish that project last.

Mr. KINGSTON. Yes, I think so. Then the children's health care program, the SCHIP program, the State Children's Health Insurance Program, there is a shortfall. But we have to ask ourselves, what is the shortfall? The gentleman Mr. CARTER knows, one of the big reasons is because the children's health system has been abused in many States because they have insured adults.

Mr. CARTER. We did discuss this last week, and this plan was good hearted.

It was designed to help children. But some of our States said, wait a minute, here is our chance, this is free health care from the Federal Government for our State. Let's just include children and their parents, and maybe their brothers and sisters.

Mr. KINGSTON. And the grandparents.

Mr. CARTER. And the grandparents. In fact, let's just make it health care for everybody in our State that falls in this category. This is like the Federal Government, and now they have got a shortfall, which that is not kind of hard to figure out if you calculate it, what it costs to take care of the kids, and then you added all their extended family to the program, yes, they will have a shortfall. This isn't rocket science here.

Mr. KINGSTON. The gentleman will remember in committee last week, when we debated this funding, Dr. WELDON and I had an amendment. I pulled out a chart that showed the number of States that had put the majority of their money into adult health care rather than children's health care.

You know, if there is a problem out there, that should be addressed. I want to say for the record, these things aren't programs that don't have merit. All of these things that I have listed are, I think there are some valid arguments for them. Some reforms are certainly needed in many of them, but they don't belong in a war bill, a funding war bill.

Mr. CARTER. That's the key.

Mr. NEUGEBAUER. Doesn't the gentleman find it ironic, both of you, that in order to get support for this flawed plan where we are basically saying to our troops, we don't think you can get the job done, we are going to cut and run, we are going to slow-bleed this, that they have got to go out and start buying votes from their Members by offering up these projects, some of these pet projects from some of these Members in order to get support. Something as important as our national security is being bartered in the halls of the United States Congress.

I don't believe the American people think that's the way we ought to be doing business here. I don't think they think when we are making policy about keeping America safe, keeping America secure, making sure that when we send our troops somewhere, we support them 100 percent so that we can bring home the victory we send them to.

Now we are bartering for that progress with these projects. As the gentleman said, many of these things are worthwhile initiatives, but this is not the time nor the place nor the forum for those to be talked about.

Mr. KINGSTON. I want to read you this statement by the Speaker of the House, third in line for the President, March 19. This is NANCY PELOSI talking. "When we do this, when we transition, when we change the mission, when we redeploy the troops, build political consensus, engage in diplomatic efforts and reform and reinvigorate the reconstruction effort, then we can turn our attention to the real war on terror in Afghanistan. I hear the voice of the future in the Chamber. What a beautiful sound. What a beautiful sound."

Now, I guess that qualifies you to micromanage the war in Iraq because you have acknowledged there is no terrorism in Iraq, that it's all in Afghanistan. I guess if the real war is in Afghanistan, then the fake war is in Iraq. Therefore, it's okay, at the hands of the troop.

Mr. CARTER. We are sitting here with a concern that goes back 1,000 years between the Sunnis and the Shiites. That is why people talk about civil war.

Now, has anybody read what has been put in the Middle Eastern newspapers about if the Americans pull out, and it blows up in Iraq, the countries that will come to the aid of these two groups? The Iranians have said, we are not going to let Shiites be put down, we will come to their aid. The Saudis have said, we are not going to have genocide for the Sunnis who are the minority party, we will come to the Sunnis' aid.

I think Americans know that if you take Iraq, Iran and Saudi Arabia, that is the basic oil production region of the entire Middle East who could become involved in a region-wide conflict because of America's early pullout, as recommended by Speaker PELOSI. Then you know how upset folks got about $4-a-gallon gasoline? So what happens when over two-thirds of the world's supply is involved in a civil war or region-wide war in the Middle East if you don't care about doing the right thing? We certainly know people care about having $10-a-gallon gasoline. It's kind of a sad, tragic thing to argue.

But let's get realistic about this. If we get stability in Iraq where there is not going to be this threat of genocide, if we can get there by them turning to their government for assistance rather than to militia and terrorists, that is our goal. If we get there, we keep a stable region, and America is affected by having stability in that region.

Mr. NEUGEBAUER. We are talking about this civil war. One of the interesting things in Fallujah is we sat down, and at the table, across the table, was the police chief of Fallujah. Sitting next to him was a colonel in the Iraqi Army. The interesting thing about that meeting, one is Sunni, the other is Shiite. Yet they are working side by side to make sure that Fallujah, the streets of Fallujah, are again a place where families can walk and commerce can take place.

One of the interesting things that I saw on this trip, each trip I have seen progress. On this particular trip, I saw a lot more people out in the farmlands. What a lot of people don't know about Iraq is that at one time they were an exporter of agricultural products. This is a region of the world that is rich in a lot of natural resources. One of those is water.

But more people were engaged in the streets. We flew at night. We flew from Ramadi into Baghdad, flying over the city, a lot more lights, a lot more electricity on, not just in the city but out in the countryside. These are the kinds of things that are going to build that Nation.

To pull the plug after we have invested all of the lives and the resources into this initiative at this particular point in time is really unconscionable for our country even to consider that. I am concerned that a lot of people don't realize, as you said, what is really at stake here.

Mr. CARTER. I think that Americans clearly have a stake in a stable Middle East. If they don't realize they have a stake, they will know it when they go to the pump, if that region goes into turmoil. They will know it. You know, it's sad to have to talk in those terms, but it's the truth.

Let's get back to why we are here. We are here to give our troops the tools they need, the weapons they need, and the fuel they need to continue this fight and to see if this new direction will bring victory for a bunch of folks that deserve a victory.

Mr. KINGSTON. Let's also say that the supplemental is needed for a lot of needed equipment for these troops, and there is a lot of good in this supplemental.

Mr. NEUGEBAUER. There is.

Mr. KINGSTON. I want to say also on a bipartisan basis, you have a lot of support for the good that is in the supplemental. I will hand it to the Democrat leadership, the Democrats on the Appropriations, for putting in things that we know the troops need such as the MRAPs, the Mine Resistant Ambush Protected Humvees the troops want; more money for the joint IED defeat fund. We had some really good testimony on that. Increases for the defense health care program, that is important; more money for equipment and training, more money for Afghanistan to counterterrorist-laden regions, money for a shortfall in the theater. There is some very good things in this bill that we believe, on a bipartisan basis, that the troops need.

But the part which requires the Iraqi Government to do certain things, which they may or may not be able to do by a deadline of July 1, really does tie up the Commander in Chief. I will say we are an equal branch of government, but the Commander in Chief is in charge of wars, not Members of Congress.

Just to give you an example, to rewrite the Iraqi hydrocarbon law, which has to do with revenue sharing of the oil, I think it's a good thing to do. But I think if you say it has to be done a date certain, July 1, they might not be able to do that.

Here we are in the United States Government, last year we could not pass a budget. Right now, we are having trouble passing a budget. Sometimes these things take longer than they do shorter.

We got to give a new government the opportunity to get things done and not micromanage their government. But I think the biggest concern is, among other things, that there is still a pullout. There is still a date certain for a pullout, August 2008, and it's possible Iraqis won't be ready. It's possible we could do it before then.

What General Petraeus has outlined for us is to go full-fledged with this troop surge, bring stabilization while ramping up the training of our Iraqis, so that we can hand them the baton in a way that we have continued stabilization, and then we can go home. I think letting General Petraeus call that shot in Baghdad is far more important than 435 wannabe generals here in the United States Congress and in Washington.

Mr. CARTER. I agree with you wholeheartedly. That is our issue here tonight. I agree with you. They worked hard to put a lot of the needs in here. Let's not say that these other things that have been, in my opinion, wrongly added to this bill in the way of pork, those things are still very important to this country. Many of those things are important to my district, but I would tell my folks back home, as important as some of those things are, our kids have enough to carry on their shoulders in Iraq without carrying the burden of these projects which can be dealt with in the regular appropriations process which is still to come, and the regular budget process which is still to come.

You know what? If passing legislation, if there were a drop-dead date we were told, we would be voting on this bill today. So if we were going to be having a drop-dead event in world politics today, it would drop dead today, because we didn't pass what we were promised we were going to pass today.

To put a time limit, to do it by the 1st of July or everybody comes home, when we are talking to them, that's the voice of a legislative body talking to another legislative body. And they know they can't meet deadlines in their Congress. We can't meet absolute deadlines in our Congress. Things happen. This is what's wrong with micromanaging from 6,000 miles away.

Mr. NEUGEBAUER. The gentleman is exactly right. I think the point was made, this is a young government. This is a young government that is basically about 8 months old. Basically they are learning how to govern because they have been an oppressed people for so long.

I think about our Nation, we are going to celebrate over 230 years of history of this country, this Republic. We are still learning how to govern in many ways. I think talking about drop-dead dates, wouldn't it be nice if we had a drop-dead date to go to a balanced budget in this Congress?

The gentleman talked about the splitting of oil reserves, and I think some of the positive things are there has been a tentative agreement reached within some of the Iraqi leadership, and they are going to hopefully bring that to a vote here fairly quickly. Prime Minister Maliki is making it very clear that there is no one that is a sacred cow in this war. If there are bad people out there, no matter what their affiliation is, that they have permission to go and do that.

□ 2045

And the list goes on and on of the positives. Yes, we still have fatalities; yes, we still have people being killed in that country. But we have never, I don't know of a war we have fought that there weren't those costs.

Mr. KINGSTON. I wanted to point out one more time: Civilian casualties a month before the surge, 1,440; casualties after the surge beginning February 15, 265. Bombings have dropped 40 percent, from 163 to 102. And that would just be general bombings, IEDs. And then car bombings are down 35 percent, from 56 to 36. That is progress we are already seeing because of the surge.

And I want to get the guys home, but you need to complete the job, you need to have victory and make sure that we do not have to go back, and an arbitrary pullout date would cause that.

I also want to say this: I really do believe the Democrats are right in having more oversight. Frankly, I think that, as Republicans, we did not get the oversight that we should have. We should have been tougher on some of the testimonies that we received. And I think that their suggestions of what the Iraqi Government should do aren't far off. But I think giving them deadlines when we have trouble passing legislation ourselves, I think that is a little unreasonable.

But then the biggest part is the arbitrary pullout date of March 2008. And I think you are setting up failure when you are doing that. That decision has got to be made by our generals in Baghdad.

Mr. CARTER. I thank the gentleman for letting us have this discussion tonight and allowing us to participate in this discussion. It has been a good one. I hope that the folks that are looking at this bill very hard and trying to decide how they will vote, I hope that they will vote to give our American soldiers all the resources they need, and give the trained professionals the opportunity to direct the fight, not certain Members of the United States Congress. And if that happens, I believe that we are on the road to success.

But we will have to have oversight, and we will have to watch it closely, and I for one am in favor of that, because what I care most about is the lives of those soldiers that I get to say good-bye to and welcome back home on the planes in Texas. And they matter to us in Texas, they matter to us in the United States. And we are proud of them, and we owe them everything we can to keep them alive, healthy, and successful. And I thank you for allowing me to participate.

Mr. NEUGEBAUER. And I appreciate the gentleman's comments. And I also want to thank the gentleman from Georgia for allowing us this time tonight.

I think I would leave you and leave the American people not with my words and not with Members of Congress or even General Petraeus or some of the other military leaders, but I will leave you with the words I started off the evening with in my time here is the words of the young men and women that are boots on the ground, that have served not one tour, but two tours, and many of them three tours, when they looked me in my eye and they said, "Congressman, we want to go home. We want to spend time with our families. We want to go back to our communities. But, Congressman, we have a lot invested in this war, probably more than anyone else, and let us finish this job."

And so I urge my colleagues to listen to these young brave men and women that are doing phenomenal things for our country and for the people in Iraq. Listen to the soldiers: Let's finish this job.

Mr. KINGSTON. And, finally, let me say this: Let's defeat this bill. Let's come back on a bipartisan basis and come up with something better, something that gets Democrats and Republicans together in the name of the troops, America, and international security.

It is in our interests to get the politics out of legislation like this and come back with something better, something more noble. And I believe we can do it, because we are Americans. Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLEIN of Florida). All Members of the House are reminded to address their remarks to the Chair and not to the television audience.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for

60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, it is an honor to be here again to spend a small amount of time on behalf of the Speaker's 30-something Working Group. I thank the Speaker of the House for allowing us this opportunity to come and share with our colleagues and share with the American people some, I think, very important thoughts on what is happening today.

It was interesting, I got to hear the end of our colleagues' remarks from across this side of the aisle; and one of the things they have asked of this Congress, and you hear it over and over again as we talk about this war in Iraq, is that we have to finish the job. And I think there is a question that has to come before that subject. We have got to start asking a little bit more in this place what that job is. I think that is what this debate is about, in part, this week, and the debate that we have renewed here since we have brought the House under new leadership. What is the job that we need to be doing in order to keep this country safe?

The answers to that have come in piecemeal fashion, in dribs and drabs over the past year. But maybe the most substantial piece of information, new information that helped us decide what that job is, was when we got last summer evidence through the National Intelligence Estimate that started to tell us that if our job is what we think it is, which is to do everything we can to keep this country safe, then our own Intelligence Community, the dozens of intelligence officers and organizations that contributed to that report came up with one unfortunately startling conclusion, and that was that our efforts in Iraq are on more days making us less safe as a Nation than making us more safe.

Why? Because we have not only destabilized the region, but we have created what that report called a cause celebre in that country, where extremists and terrorists around the world now see Iraq as their proving ground, as their training ground, and as their breeding ground.

So what we are debating here today is, I think, exactly the question that is posed by the other side of the aisle: Let's start talking about finishing that job. That job is ridding this world of fundamentalism and terrorism and extremism that poses a threat to us no matter where it is. It is not confined by the borders of some country in the Middle East that we occupy today. It doesn't know the borders of nation states. It poses a threat to us in all forms and from all places.

And so this debate this week, the supplemental bill which this House will vote on shortly, is about refocusing our mission, starting to deal with the realization and the reality of a conflict against terrorism that goes far beyond the borders of Iraq.

Part of what this bill is going to do is not only redeploy our forces, but also bring our troops out of harm's way in that country. You can't ask them to be a referee in what has become a religious conflict in that country, one that military leader after military leader, our own commanding general on the field there, General Petraeus, has said himself just earlier this month that there is no military solution to what has become a civil and religious conflict on the ground.

Job number one is to recognize the limits of our brave men and women in Iraq. They do an unbelievably admirable job every day. We are so grateful, especially those of us in the 30-something Working Group who consider those men and women our contemporaries, that they have chosen to defend this Nation so that others of us are able to serve this country in a different way. In order to honor them, in order to support those troops, we need to bring them out of a fight that our military forces cannot win alone.

But this is also about refocusing that effort, and I think that is what we have to keep on coming back to here, is there are fights still worth fighting in other parts of the world, such as Afghanistan, where we are on the verge of losing control of that country back to the very forces that gave cover and umbrage to the people who attacked this Nation on September 11. Remember, it was not Saddam Hussein that flew planes into tall buildings in New York, it was Osama bin Laden's organization called al Qaeda that used Afghanistan and the Taliban as its place and center of operation. And that country, as we have shifted more forces away from Afghanistan into Iraq, is now falling back into chaos, and part of our mission here has to be a realization that there are places worth fighting, and there are places in which military forces cannot quell ongoing violence. Afghanistan is still a fight worth fighting.

But it is also about focusing our efforts back here at home. And one of the secrets starting to come out, and thanks in part to the work of Representative WASSERMAN SCHULTZ and Representative MEEK and Representative RYAN, the work they did here on the late nights on the floor of the House, we were able to hear a little bit about this in the past year, was that this Congress over the last several years wasn't doing justice to the issues of homeland security, wasn't doing everything that we should be doing in order to protect our own people and our own borders here at home.

So this supplemental bill that everybody hears about that the Congress is going to vote on is not only going to finally do exactly what the will of the people have asked for in the election of last November, which is set a new course in Iraq, but it is also to start refocusing and redoubling our efforts back here at home.

The $2.6 billion in this bill will be rededicated to the efforts to make sure that terrorism does not find harbor on the shores of this Nation. Over $1 billion for aviation security, $90 million for advanced checkpoint explosive detection equipment, $160 million to increase air cargo screening, $1.25 billion for new port transit and border security, $150 million for nuclear security. We can go on and on and on. We are going to finally step up to the plate as a Congress and make sure that we are spending money to win the fight that matters to finish the job.

That job, Mr. Speaker, Ms. WASSERMAN SCHULTZ, has to be done with the recognition that Iraq has become now a place that, on more days than not, presents a greater danger to this country by creating a hotbed, a training ground, a proving ground for terrorists. We need to start refocusing our efforts on fights that matter.

This is going to be one of the more important pieces of legislation that will come before this Congress, and I think it will honor that job that we are entrusted with, which is to protect this Nation from those that would do harm to it.

Ms. WASSERMAN SCHULTZ. Thank you so much to my friend from Connecticut. It is a pleasure to join you in the 30-something Working Group once again.

And we need to remind our colleagues on the other side of the aisle, Mr. Speaker, that, on November 7, the American people sent us a very loud message. They sent us a loud message that they wanted us to move this country in a new direction. We began to do that. We heard them, and we began to do that in implementing our 100 hours agenda, our Six in '06 agenda, by adopting a bill that would establish an increase in the minimum wage, by having the student loan interest rate, by making sure that we hold pharmaceutical companies' feet to the fire and ensure that, for Medicare part D prescription drug beneficiaries, that we negotiate for lower drug prices. We wanted to make sure that we expand the research into uses of alternative energy.

So what do we do? We repealed the subsidies that were given away by the Republicans to the oil industry so that we can use that money more appropriately to fund alternative energy research. We passed legislation that would implement fully the 9/11 Commission recommendations.

And, on top of that, the other piece of the new direction pie was clearly the message sent by the American people, Mr. MURPHY, that they want a new direction in terms of the war in Iraq. They are sick and tired of the rubberstamp Republican Congress that we used to have giving the President a blank check, allowing the administration to go unchecked in terms of its utter lack of accountability, allowing contracts to be let with no questions asked; no hearings during the course of the years. We have now completed 4 years of this war, and up until the time when Democrats took over this Congress no questions, no hearings about the direction that the administration was taking this country and this war. A total shift from the war of necessity, which was the war in Afghanistan, which really was in direct response and had the widespread support of the American people, that really and truly was a response to the 9/11 attack; instead, a shift to a war of choice in the war in Iraq. And that was utterly unacceptable when Congress was misled and was given a set of facts on intelligence 4 years ago, when they misled Congress into voting for this war.

Now, we are still mired in chaos there. The administration has allowed Afghanistan to descend back into chaos when we had brought them democracy, and we had beaten the Taliban, and women had been given an opportunity to have freedom. Girls could go to school again. It was a new day in Afghanistan. And that has essentially been squandered. In favor of what? In favor of civil war in Iraq? In favor of us intervening and trying to resolve a civil war between the Sunnis and the Shiites that has gone on for hundreds if not 1,000 years?

When is this administration going to recognize that when we say the word, when we refer to the troops, Mr. Speaker, it is very easy to think, let's examine the term "troops." I think it is very easy to look at that word and not see it in a personal way. I think that we throw the word "troops" around so much that we forget that troops, a troop is a person.

□ 2100

We are talking about individuals who are fighting for this country and who are doing their duty. And most of them that are over there are on their third tour of duty, Mr. MURPHY.

I know I have told this the last few times that I have been here with my 30-something colleagues, but I went to Walter Reed. I cannot get it out of my mind, because I have two 7-year-old kids and a 3-year-old, and I can't imagine what this family has gone through.

But one of the soldiers that I visited when I went to Walter Reed before we voted on the escalation resolution and rejected the President's policy, when we voted to adopt that resolution, rejecting the President's policy on escalating this war, I went to Walter Reed before we voted on that. And one of the soldiers I met was with his wife and with his young child, who was 6 years old, this beautiful 6-year-old little boy. And that 6-year-old little boy was so excited that his dad's tour was going to be done in August, and he said, my daddy is coming home forever in August.

His dad was sick in Walter Reed. He had contracted a mysterious illness. But he had been through three tours of duty. Each were a year. And his only son, his only child was 6 years old. And that meant that he missed half of his son's life already.

So when we refer, you know, without thinking to the troops, the troops, if it is a brigade or any one of a number of military terms that we use for individual troops or a collection of troops, we are talking about people.

And if we do not make sure that this supplemental passes, the choice is a plan to get our troops home and provide them with the equipment that they need and an exit strategy and benchmarks to ensure that the we and the administration hold the Iraqi government accountable to meet those benchmarks. The alternative is a continued blank check and a directionless war that has no end in sight.

It is a pretty stark contrast. We can eventually see our way clear and had there been a light at the end of the tunnel and adopt the supplemental and, in addition to that, provide the support that our troops need, the equipment that they need, the plan to get them home, and support for our veterans, which is incredibly important; $1.7 billion in this bill for health care for our veterans.

We have this glaring, horrific problem at Walter Reed that went ignored by this administration. And thank God we had those, the heads that have rolled. But would they have rolled if Democrats weren't in charge of Congress? No. We know they wouldn't have, because, yet again another scandal would have been swept under the rug. The administration would have tried to ride it out, keep their fingers crossed, squeeze their eyes shut tight and hoped that they could endure until the next media news cycle went through.

No more, not now that we have balanced government, that we have the ability of this Congress to assert our oversight role and to reassert what the founding fathers envisioned, which was our system of checks and balances.

And I think we are all about third party validators here in the 30-Something Working Group. And I noted what this Washington Post article from Wednesday of last week, it was appropriately titled "White House Finds Trouble Harder to Shrug Off." And it goes on to talk about how, in the past, questions about its, meaning the White House's, actions might have died down without the internal administration e-mails being made public, referring to the U.S. attorney scandal.

There are many issues that would have just been swept aside by this administration in the past, allowed to occur and ignored by the then Republican leadership here. But not now that we have a democratic Congress that is going to make sure that we hold this administration's feet to the fire, and make sure that they are responsible for civil liberties for all Americans, and fiscal responsibility.

I would be happy to yield to the gentleman.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, you are exactly right. There is a new day here. And I don't have the comparative experience that you do. I watched this place as an observer for the last several years. One of the reasons that I ran was you sit around in coffee shops and local community halls, and people generally don't pay much attention to the division of labor down here. I mean, people aren't necessarily talking about in their daily lives the co-equal branches of government. They are not thinking too much about the separation of powers. But you know what? They were forced to talk about it in the past several years, because people didn't understand how, in record numbers they were turning out, not only in elections, but in community meetings, to tell their Members of Congress that they needed a change in Iraq, because, not only did they have moral and intellectual objections to what we were doing over there, but they were talking to the families of those troops who were being sent over there without body armor. 18 months it took until our forces over in Iraq had the body armor that they needed. They were looking at statistics like the one we just found out earlier this month which said that 88 percent of the National Guard and Reserve troops are so poorly equipped that they are rated not ready by the military; that we have not one active duty reserve brigade in the United States that is considered combat ready. And so people out there were hearing over and over again from the families of the troops, the troops themselves, which was backing up their own instincts about the backwards nature of our policy in Iraq. And they wondered where Congress was. And they watched this place sort of shut down for a number of years. And they couldn't understand why their elected Members of Congress weren't standing up and asking some questions. I mean, at the very least, asking some questions about what this president was doing over there.

Mr. Speaker, there were six opportunities since this war began for this Congress, on supplemental appropriations bills, to stand up and try to perform some perfunctory oversight over this war; four emergency supplemental bills, two emergency spending funds in the Department of Defense authorization bills, six times this Congress, under Republican leadership, had an opportunity to stand up and say, you know what? We are going to give you some more money to conduct this war, but we are going to put some strings on it. We are going to try to check your authority in some even elementary way. Not once. All six times this Congress stood down. Despite a lot of yelling and screaming from one-half of this chamber, this Congress stood down and gave President Bush virtually every single thing he wanted.

Now, listen. I understand you might have been lulled into a sense of complacency here. This Congress heard from this president over and over again that things were going well, things were going fine, everything was going to be better. We find out now that all along this administration knew that things weren't going well. In fact, they knew things were pretty terrible on the ground and they were plotting this new strategy, a very different one than I think the American people intended on Election Day. They wanted a new course of direction in Iraq. They didn't necessarily think that that policy was going to be escalation. I think they were counting on de-escalation. It was a slightly new direction, Ms. WASSERMAN SCHULTZ.

But here is the thing, is that people in this country became constitutional scholars over the last couple of years because they started scratching their heads when they picked up the paper every morning as this war was going nowhere but downhill, and there was deafening silence coming from Congress. And so there is a lot of commotion in here about this emergency supplemental bill because it has got some policy in it. We are actually, instead of rubber stamping the President's requests, we are actually saying, if we are going to give you another dime for this war, then we are going to make sure that you honor the will of the American people, that you step up to the plate and listen to the foreign policy community that this Nation has expressed through the Iraq Study Group; that you listen to your own generals, many of which who will tell you over and over again, that though there might be a political or diplomatic solution to what happens on the ground in Iraq, that it cannot be a purely military solution; that you start listening to the families of those troops who have cried out for years to equip them when they go over, to make sure that they are protected when they serve overseas, and to make sure that their health care is taken care of when they come back; that we actually conduct this war, redeploy our forces in a responsible manner. For the first time, Ms. WASSERMAN SCHULTZ, this Congress is stepping up to the plate and actually conducting that type of oversight.

Ms. WASSERMAN SCHULTZ. You know, you are absolutely right. And in addition to the oversight and accountability and new direction that the supplemental on Iraq seeks to provide for the direction that the actual conduct of the war is taking, it is really imperative that we focus on the portion of the bill that relates to what it does for our veterans because, clearly, this administration, and the former Republican leadership of this Congress, did a disservice to them. They spent, in the 2 years that I was here prior to your arrival, the careless disregard that I noticed for veterans coming from the former Republican leadership was just really unbelievable because so often, Mr. Speaker, I heard our colleagues and friends on the other side of the aisle stand on the floor and profess undying devotion to our Nation's veterans and how it was imperative that we support them.

Well, words are nice. But that is all they were because every opportunity that our colleagues had, in the time that I was here, when I first got here as a freshman, to help our Nation's veterans, the Republicans said no. No.

In January of 2003, which is actually prior to my getting here, the Bush administration actually cut off veterans health care for 164,000 veterans. Don't believe me? You have only to look at the Federal Register to see the documentation of that.

March 2003, the Republican budget cut $14 billion from veterans health care that was passed by Congress, with 199 Democrats voting no. That was H. Con. Res. 95, vote Number 82 on March 21, 2003.

Then we moved to a year later, March 2004. One would think that the Republicans had a year to think about it and would have finally realized that it was time to stand up for our Nation's veterans. They certainly said it a lot. When it came to doing it, they fell short.

The Republican budget shortchanged veterans health care then by $1.5 billion. That was passed by Congress with 201 Democrats voting against it.

In March of 2005, another year later, President Bush's budget shortchanged veterans health care by more than $2 billion for 2005, and cut veterans health care by $14 billion over 5 years, and passed with 201 Democrats again voting against it.

Now, let's go to the summer of 2005. And I was here by then. I could not believe that this happened, because for months and months the Bush administration denied that there was a shortfall, said that there was no problem, stalled and pushed back. And finally, in summer of 2005, Mr. MURPHY, after democratic pressure, the Bush administration finally had to acknowledge in Fiscal Year 2006 that there was a short fall in veterans health care that was their error of $2.7 billion. And we had to fight all summer to get it fixed and have an emergency supplemental bill just to address the shortfall. It took pressure and cajoling and shame to finally bring them to the table and get them to do that.

And then in March of 2006, President Bush's budget cut veterans funding by $6 billion, Mr. Speaker, over 5 years. That was passed by the then Republican controlled Congress.

Fast forward to January 31st of 2007. The new direction Democrats increased the VA health care budget by $3.6 billion in the joint funding resolution.

And now, I can tell you that in our supplemental that passed out of the House Appropriations Committee last Thursday, on which I sit, with none of the Republicans, zero voting for it, $1.7 billion to the request for veterans health care, including $550 million, Mr. Speaker, to address the backlog at the VA health care facilities so we can prevent similar situations like what happened at Walter Reed because certainly, if we didn't know what was going on in Walter Reed, we have to make sure we address the needs of our veterans in health care facilities across this country that are run by this administration's VA agency.

$250 million for medical administration so that we can insure we have sufficient personnel to address the rising number of veterans that are coming back from Iraq, and that we have to make sure we maintain a high level of services.

$229 million for treating the growing number of veterans. $100 million to allow the VA to contract with private mental health care providers to provide veterans, including Guard and Reserve members who so often are neglected, Mr. MURPHY, with quality and timely care; and $62 million so that we can speed claims processing for returning veterans.

When I went to Walter Reed, and when I have gone home and talked to my veterans, and I know that you have experienced this too, the bureaucracy and the red tape that our veterans have to go through to get care. It is like they put roadblocks, it is like the VA and this administration puts roadblocks in front of our veterans on purpose.

□ 2115

It is like they delight in stalling them. I mean, it is not their money. I don't get it.

Mr. MURPHY of Connecticut. Reclaiming my time for a moment, in Connecticut we have the same problem that you talk about. It takes hundreds of days for veterans simply to get qualified for the benefits once they return. I mean, of all the benefit programs that this government runs, it would seem that the veterans program would be the easiest to qualify people for, right? Because what is the qualification? You served in the military. You fought for this country. There is a record of it. It is not hard to find. And yet we have constructed so much bureaucracy and so much red tape.

And I understand that a lot of the folks in the Department are trying to do a lot with not enough funding to do the job, but it is time that we cut through it because we shouldn't be talking about a system that is of inferior care or equal care to that of what you or I get or people in this community get. Our veterans' health care system should be the gold standard of care in this country. We should accept nothing less than the best that our health care system can offer. And we know not only through the recent revelations at Walter Reed, but also simply in the conversations that we have door to door.

It was amazing to me in this last election, Ms. WASSERMAN SCHULTZ, as I went door to door over the summer and fall. I did it almost every night, and almost without exception if you knocked on the door of a veteran, someone that had served in World War II through the more recent conflicts, almost without exception health care came up, whether it was a personal problem they had had with the system or a problem that a family member or one of their brothers and sisters in arms had encountered when they came back. Almost every single veteran brought that up because they have a notion, and it is exactly right, that when they come back here, their community should be able to stand up for them and make sure that they continue to be healthy, certainly make sure that the injuries they received in defending this country are treated expeditiously, efficiently, and with the best care possible.

And so it was remarkable to me how often this issue came up, Ms. WASSERMAN SCHULTZ, just as you talked to people door to door. It was so real and so palpable because to the people who have served this country, there is no greater dishonor, and I am speaking as someone who has not served, but who has had the honor to know many that have, no greater dishonor to them than to come back to a country that doesn't express a deep and daily sense of gratitude for that service.

Ms. WASSERMAN SCHULTZ, for all the bad news that I heard on the campaign trail, the good news is this bill that we will vote on will honor that service, one of the biggest infusions of funding support for the veterans' health care system that this country has ever seen. And I can just hope that when I go back out there this summer, when I am going out just to knock on doors to check on people in a noncampaign environment, that you will hear a very different story, that they will feel finally their stories are being heard.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. Because now they finally have responsive government, Mr. MURPHY. They finally know that the Members who represent them collectively in this Chamber, the Members that are leading this Chamber are hearing them, that it is not falling on deaf ears; that this institution is not of the special interests, for the special interests, and by the special interests any longer. Now we have restored this to actually be the people's House, and our leadership and our agenda is a reflection of the interests of the people.

And as much as they might like to say that that wasn't the case, privately in their heart of hearts when they went to sleep at night, our Republican colleagues had to lay down in the dark by themselves when they went to bed and know that they weren't addressing the needs of the American people.

I mean, I am not someone who lives and dies by polling, but look at the polling. Look at the numbers towards the end of last year and how the American people generally felt about the job that this Congress was doing. That is a reflection on all of us. It is just appalling that the American people would have confidence in the twenties in the likelihood that Congress was going to be responsive to them. They would express support for their individual Member of Congress, but collectively as an institution they have lost confidence in us.

Mr. MURPHY of Connecticut. Reclaiming my time just for one point. Before coming over here, I was reading a really interesting front-page article, and I think it was a recent Newsweek or Time, and it was entitled, sort of, The Downfall of the Right, and it was talking about how the sort of conservative ideology has really fallen by the wayside in the past several years. And one of the things it had talked about was that when the class of 1994 was ushered into office, there was a sort of purity to their ideology. You disagreed with a lot of the things they stood for, but they did come in here as reformers. I mean, they did come in here and set a whole new bunch of rules for this House, how this place was governed. They changed the franking rules. They put in term limits. And you could have disagreements with some of the results of that ideology, but they did come in here with some real ideas rooted in some intellectual discussion about how you change Congress.

And what this article was sort of pointing out was that over time, over the last 12 years, the ruling party of this Congress became one that was guided by a set of ideas to one that was guided by a collection of special interests; that it was simply kind of an amalgamation of different lobbyists and different industries that would sort of pull and push for control over this place, and it stopped being one that was guided by any real ideas about how to move this country forward.

And it was an incredibly interesting survey on how the Republican Party has changed over the years. And if you want to know why their reign ended after 12 years, in part I think it is a recognition from the American people that this place stopped being about ideas and in the end started being about those special interests.

Ms. WASSERMAN SCHULTZ. I want to segue to the U.S. attorney matter because what you just said brought something to mind. But before I do that, I do want to throw out yet another example of the neglect, of the just stark neglect, that this administration has and has had for our veterans. I mean, take Walter Reed. I have a timeline in front of me, a neglect timeline for the treatment of the soldiers that are housed at Walter Reed and that seek services at Walter Reed, going back to July of 2004.

First I want to just put up this Newsweek Magazine cover, Mr. Speaker. This is a young woman who clearly has lost her legs, and I think the picture speaks all that it needs to without words. But the caption on the picture on the cover of Newsweek, which was the week of March 5 of this year, says: "Shattered in body and mind. Too many veterans are facing poor care and red tape. Why we're failing our wounded." And Walter Reed, there is no better example of what this article spoke to, Mr. Speaker, than the neglect timeline at Walter Reed.

If you go back to July of 2004, again, Mr. MURPHY, in the summer before I was elected, you had Major General Kevin Kiley appointed Walter Reed Army Medical Center's Commander.

In mid to late 2004, you actually had our colleague from Florida (Mr. YOUNG) and his wife stop visiting the wounded at Walter Reed out of frustration; Mr. YOUNG, who has been a champion for veterans. Believe me when I tell you that our colleague from Florida Mr. YOUNG is a legend, an absolute legend, that is revered in a bipartisan way in this institution. But Mr. YOUNG said he voiced concerns to commanders, including Major General Kiley, over troubling incidents he witnessed, but was rebuffed or ignored. He said, "When Bev or I would bring problems to the attention of authorities at Walter Reed, we were made to feel very uncomfortable." And the source of that was the Washington Post.

November of 2005, House Veterans' Affairs Committee Chairman STEVE BUYER announced that for the first time in at least 55 years, "Veterans service organizations will no longer have the opportunity to present testimony before a joint hearing of the House and Senate Veterans' Affairs Committees."

Now, talking about closing off access to the people that we are here to serve, can you imagine that they wouldn't let veterans service organizations testify in front of the Veterans' Affairs Committee? I mean, it is just mind-boggling.

August of 2006, Army Major General George Weightman assumes command of Walter Reed, replacing Major General Kiley.

September 2006, 13 Senators, 11 Democrats and 2 Republicans, sent a letter to urge then-Senate Appropriations Committee Chairman THAD COCHRAN, Republican from Mississippi, and Ranking Member ROBERT BYRD, Democrat from West Virginia, to preserve language in the House defense appropriations bill that prohibits the U.S. Army from outsourcing 350 Federal jobs at Walter Reed. A similar provision, introduced by Senators MIKULSKI and SARBANES, was defeated by a close 50–48 vote during the bill's consideration in the previous week.

Then in September 2006, Walter Reed awards a 5-year, $120 million contract to IAP Worldwide Services, which is run by Al Neffgen, a former senior Halliburton official, to replace a staff of 300 Federal employees. Halliburton again. Who headed up Halliburton, Mr. MURPHY? Do you recall who headed up Halliburton?

Mr. MURPHY of Connecticut. For a period of time, it might have been the gentleman that currently serves as our Vice President.

Ms. WASSERMAN SCHULTZ. Yes, I believe you are right. The gentleman that is currently our Vice President.

In February of 2007, just about a month ago, the number of Federal employees providing facilities management services at Walter Reed, Mr. Speaker, had dropped from 300. There were 300 Federal employees that were replaced with a $120 million private contract run by a former senior Halliburton official, and the 300 dropped to fewer than 60. The remaining 60 employees went to only 50 private workers; 300 to 50 private workers.

February 19, we know it was revealed by the Washington Post that there was an expose detailing mistreatment of veterans at housing on the grounds of Walter Reed Medical Center. And what has unfolded since then is resignations of top generals, resignations of the Secretary of the Army. Heads are rolling, Mr. MURPHY, as they should be, because of the profound neglect of our wounded veterans and our veterans that need assistance from that very fine institution.

Not only did the heads roll, but it led the Appropriations Committee last week to adopt an amendment offered by my colleague who sits on my subcommittee, Mr. LAHOOD, to ensure that Walter Reed Army Medical Center is not closed down because not only do we need to get to the bottom of what is going on there, but we need to make sure that that institution not only continues to serve our Nation's veterans, but serves them well.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, you talk to Members on the other side of the aisle, and I think they share that same concern for veterans. I mean, they do. We are not suggesting that anybody in this Chamber was sitting here intentionally deciding that they were going to create the situations that happened on the ground at Walter Reed. It is just a matter of choices. It is a matter of the choices that were made here. And whether they were made consciously or unconsciously, it resulted in an abysmal situation for veterans.

The choices that ended up getting made here when it came to the fiscal situation in this country was to hand out massive, unprecedented tax breaks to the top 1 percent of income earners in this Nation while we were fighting a war. While we were fighting a war. It never happened in this country. We have never asked this country to go into war without asking the entire country to sacrifice in order to pay for it, because here is the thing: The cost of the war isn't just the guns and the troops and the tanks and the armor. It is the health care for the people that come back here afterwards. The cost of the war is the whole thing.

And so we ended up short-changing our troops and short-changing the people that came back here because we decided that what was more important was to hand out another round of tax breaks, this last one to the persons in our districts, the rare folks who are lucky enough to make $1 million a year. They got $40,000 back from that tax cut.

I know if I showed up at their door and asked them, if you had to choose, if you had to choose as someone who is taking in income of $1 million or more a year, would you take the full value of that tax cut if you knew that that was going to leave the decrepit conditions that we have found at Walter Reed, that that was going to result in waiting times of up to a year for services for the men and women that fight to protect us overseas? I know what their answer would be, and it should have been the answer of this Congress.

It now does get to be the answer. The answer now gets to be that our priority is going to be making sure that those folks are taken care of when they come home.

And do you know what? We have already voted for tax cuts in this Congress. You can do both. You can still find a way to provide targeted tax relief to people who need it, as the small business tax cut bill here in the House a couple of weeks ago, and honor those commitments.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is essential that we honor those commitments. And I was stricken by what our colleague from Georgia said at the end of the last hour when he referenced the need to be bipartisan, to come together and work on bipartisan solutions and move forward together. I was really glad to hear him say that.

But the room was shockingly silent for the last 2 years that I served here, that there really weren't calls for bipartisanship or locking elbows together and finding the way to the best public policy on issues of mutual concern.

But be that as it may, we agree that we should move forward in a bipartisan way. And, in fact, the open government and ethics package that we adopted as part of our New Direction agenda on the first day that we were here was a commitment on the part of our leadership and on the part of our Speaker NANCY PELOSI that we would have the most inclusive, open, and honest Congress in American history. And we have steadily been doing that every single day.

□ 2130

Unfortunately, the administration doesn't seem to be buying into that same concept of bipartisanship. Again, very nice words are said. I have seen the President stand in the Rose Garden and stand on the South Lawn and stand in lots of different really attractive camera shots talking about the need for bipartisanship. And yet, again, when it has come to light that there was a proposal out of the White House to fire 93 U.S. attorneys and subsequently we have gone back and forth with the White House about what the actual truth behind those suggested and then eventual firing of eight of them was, we have not been able to get a straight answer.

In fact, we have had a concern that administration officials, including the Attorney General, have come before Congress and been less than forthcoming. I want to be careful about the words I choose, but it has gotten to the point where we have been told so many different things about what was behind those firings that we are at the-boy-who-cried-wolf point now.

Again, speaking as a mom, I know I have talked to my kids, and sometimes children will be less than truthful when they are concerned that they might get in trouble. I know that my kids sometimes are worried they are going to get in trouble and that the potential punishment is worse if they tell me the truth than if they kind of soft-pedal the actual facts, and maybe what happens to them will be not the worst thing. But I always find out. I always eventually know what really happened. And that is exactly what is going on here.

Any parent will tell you that they have sat their children down and counseled them, "You know, it is always better to just tell me the truth, because I am going to find out anyway, and the consequences are going to be far worse for you when I do find out than if you were just up front with me in the beginning."

Maybe we have to talk to the President and the White House and the administration like moms talk to their kids.

Mr. MURPHY of Connecticut. I feel like I should admit something to you now.

Ms. WASSERMAN SCHULTZ. Not to be your mother or anything now, but, seriously, maybe an elementary back-to-basics conversation is what is necessary, because clearly the process that they have been taking us through has been less than honest. We have had a lot of misleading excuses.

We have reached a point, and I sit on the House Judiciary Committee, Mr. MURPHY, where now our subcommittee has taken the step of feeling like in order to get to the bottom of it, we had to authorize the committee to issue subpoenas to bring the Attorney General and to bring Karl Rove and the administration officials associated with this scandal, with potentially being less than truthful to this Congress, with covering up what actually happened, maybe a subpoena may be necessary.

I think that is sad and unfortunate, but we cannot have less than truth when we ask administration officials questions when they come before this institution.

I am glad about the potential for bipartisanship. During the hearing we had in Judiciary yesterday, a number of our Republican colleagues indicated they were also unhappy with what was going on with this administration. In fact, specifically on the issue of the attorney firings, one of their top leaders, another good friend from Florida, Congressman PUTNAM, actually said that he questioned the Attorney General's ability to continue to serve. I will quote what he said in the Washington Post.

He said, "His ability to effectively serve the President and lead the Justice Department is greatly compromised." During a lunchtime interview with reporters, he said, "I think he himself should evaluate his ability to serve as an effective Attorney General."

We are talking about the number four ranking Republican in their leadership on that side. Believe me, I know ADAM PUTNAM. He has served with integrity in our legislature in Florida, and does so here. If he is at that point, then you know there is something seriously wrong. There is seriously something wrong.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, I think it serves us well to sort of try to outline for people why this is such a big deal. Why do you have a senior member of the Republican leadership coming as close as you can come to calling for the resignation of the Republican sitting U.S. Attorney General? Why do you have the papers filled with this day after day? Why do you have the Judiciary Committee going to the unfortunate but necessary step of actually having to subpoena members of the administration to come before us?

It is pretty simple. If you are an average Joe out there, you want to know that if the guy next door to you commits a really bad crime, that he is going to go to jail, no matter who his political friends are, no matter what political connections he has; that justice should be blind. Justice should certainly be blind to politics.

Now, we can freely admit that when Bill Clinton came into office, he sent out notices that he was intending to get rid of all of the prosecutors and everybody was going to have to reapply.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield for a second, when then-President Clinton did that, correct me if I am wrong, he was asking for the resignations of the Bush appointees, of the Republican appointees of his predecessor.

Mr. MURPHY of Connecticut. Correct.

Ms. WASSERMAN SCHULTZ. Now, my understanding when this scandal occurred, we are talking about a situation where the President, I believe, was considering asking for the resignation of 93 of his own U.S. attorneys. Subsequently, they decided maybe that was going a little too far, so I think the number is eight, they only fired eight.

Mr. MURPHY of Connecticut. That is correct.

Ms. WASSERMAN SCHULTZ. My recollection also is that there was some interference and some questions about specific cases for each individual U.S. attorney that were raised by some of our colleagues on the other side of the aisle during this process before those firings.

Mr. MURPHY of Connecticut. And there is the rub, Ms. WASSERMAN SCHULTZ, is that it is one thing to decide to clean house and say okay, everybody goes. I am not going to examine all of your pasts and your political connections and whether you have done what you have asked, because I haven't served one day. I am just going to come in as a new president, which is their prerogative, and just clean house.

That not what happened here. In fact, there is a reason why somebody within the White House actually recommended that they fire everybody, because they knew that if you are going to start firing prosecutors, people that are given by the public and by this government the very grave responsibilities of carrying out our system of justice, then you better not inject any politics into it, because the worst thing that can happen to the American justice system, and for all of the inefficiencies of government, one thing we can stand very proudly by, is our system of blind justice.

We do have a system of justice that by and large makes decisions without political influence. If you are my neighbor and you did something wrong, no matter who you know, now matter how powerful you are, now matter how much money you have, you are going to pay for it. You are going'to be held accountable for it.

But if prosecutors throughout this country start having to look over their shoulder every time that they decide to try that rich guy or that influential guy or politically powerful guy, and they have to wonder whether the consequence of that decision is going.to be the political boss somewhere decides their job shouldn't be their's anymore, then that has immense, immense consequences for our system of government and our system of justice.

I know it is just eight. I know it is just eight. But if that message that those eight guys, men and women, those eight men and women, who for some reason displayed some act of political disloyalty to the President, don't get to hold their job anymore, then that has an unbelievable chilling effect on the rest of our prosecutors, and I think it has dire consequences for our system of justice.

So it is a big deal, and it should be a big deal. I hope that the President sees the light of day and decides to put the people that were responsible for this decision before Congress so that everything can be aired out.

His offer now is obviously certainly not acceptable. As the chairman of the Judiciary Committee today said, Representative CONYERS, said we might as well go down to the bar down the street and have this conversation, because that is about as much meaningful information as you are going to get out of that conversation.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, we should point out the President believes he magnanimously offered was to offer that the officials associated with this scandal to speak with, essentially, the Judiciary Committee, not under oath, that there be no transcript, and that Congress would not subsequently subpoena them.

That is when Mr. CONYERS said, yes, we could just go have a drink and have that kind of private conversation which reveals nothing, which has no accountability whatsoever.

Mr. MURPHY, the other thing that I think is important to note is that the first answer that we were given about why, and these people do serve at the pleasure of President. Again, that is why I drew my kid analogy. Because I never understand when I ask my kids, and, fortunately, I have very honest children, so this doesn't happen often, but little kids, when they are learning as they are growing up, they do dumb things.

What brought this to mind was the first answer that the administration gave was that, well, you know, we were concerned. We lost confidence in their ability. They weren't up to snuff, they weren't very good attorneys and they weren't doing a very good job.

As you might imagine, these are eight pretty capable people who thought they were doing a good job. When they had their ability questioned, a bunch of them got mad. We are talking about very loyal Republicans here, some who had been longstanding supporters and contributors to the Republican Party. They went out there and defended themselves and said, wait a second. I am pretty darn qualified individual. How dare you.

Then we dug a little deeper. It turns out, well, it is not that they were not qualified. It is more that they weren't aggressively pursuing Democrats who were being investigated in their jurisdiction.

The bottom line is we really don't know. And then they started pointing fingers at each other inside the administration. First, it was really Karl Rove. No, it wasn't Karl Rove, it was Harriet Miers that called for the firings.

The bottom line is to restore the confidential of the American people in their government, which is what we absolutely need to do, and that is our goal. Because it was badly shaken by the Republican leadership, we need to get to the bottom of scandals like this.

I know we are getting closer to our end time and we want to make sure we have an opportunity to encourage people, if they have any questions or want to see the charts more closely we have seen tonight, we will give out the Web site.

Mr. MURPHY of Connecticut. I think, Ms. WASSERMAN SCHULTZ, it is part of a pattern. Political influence in the judiciary, we are finding that prosecutors are being fired for not being loyal to the President. We find it in some of our scientific agencies, where basic scientific accepted data is being suppressed by the administration because it doesn't meet their political goals within some of our medical approval agencies and boards. Decisions are being made based on ideology, rather than on science.

We have had hearings on a lot of these subjects in the committee that I sit on, the Government Reform Committee, and you actually get some indignation expressed, as you said, from both sides of the aisle, from Republicans and Democrats on this issue. I think there is a bipartisan frustration at the administration's willingness to inject politics into a lot of places where politics have no business.

But at the same time that I accept there is criticism coming from both sides, I also note that there were a lot of things we probably would never have found out about unless we were asking the questions, and the questions weren't getting asked for a very long time. They are getting asked now. Maybe the answers are terribly palatable.

Ms. WASSERMAN SCHULTZ. Or forthcoming.

Mr. MURPHY of Connecticut. Or forthcoming. When we get them, they are not the ones we want necessarily, but at least we are starting to get them, because we are asking them. And if you want to talk about restoring people's faith in government, we have to open it back up again. I hope that is something we can engage in on both sides.

I yield before we give the contact information.

Ms. WASSERMAN SCHULTZ. It has been a pleasure to join you, Mr. MURPHY. I have to tell you how thrilled I was that we expanded the 30-Something Working Group and we have now given ourselves a new chapter to talk about the issues that are important to the American people, and we have now the ability to hold the administration's feet to the fire and exercise Congress' oversight role which the Founding Fathers envisioned.

I would be happy to yield back to the gentleman to close us out.

Mr. MURPHY of Connecticut. I am happy my application was accepted, Ms. WASSERMAN SCHULTZ.

The 30-Something Working Group, we were given this opportunity by the Speaker of the House, who has been so generous to allow us time on the floor to talk about issues that affect folks not only in their thirties, but issues that affect people throughout this country.

You can e-mail the group at 30somethingdems@mail.house.gov, and you can always visit us on the web at www.speaker.gov/30something.

Ms. WASSERMAN SCHULTZ, it was a pleasure to share this hour with you.

☐ 2145

IMMIGRATION

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY. Mr. Speaker, I come to the floor this evening on behalf of the Immigration Reform Caucus of this House of Representatives. Hopefully, as we go forward with the Immigration Reform Caucus in a bipartisan fashion, and our new chairman hopefully will be joining me during this hour, and that is Congressman Brian Bilbray from the great State of California who is determined to make the Immigration Reform Caucus of this House a bipartisan organization, and I really look forward to that change.

As we reach out to our colleagues on the other side of the aisle, both Republicans and Democrats, I think we can solve this problem of immigration, and in particular, illegal immigration. We have to do that, Mr. Speaker.

This is a hugely important issue. It is an issue to our security, it is an issue to our economy, and it is an issue to this great country, this sovereign Nation, the United States.

Tonight I come to my colleagues to talk about a problem not regarding illegal immigration, we may have an opportunity tonight to discuss some of those issues which are so important and which we have worked so hard on in the 109th Congress and hopefully we will continue to do so in the 110th Congress; but my concerns tonight will be addressed toward a legal immigration problem, Mr. Speaker. Let me repeat that, legal. That is a situation that we refer to as chain migration. Let me try to explain that to my colleagues.

I have here to my left a first slide, if you will, in this presentation. As we look at it, Mr. Speaker, at first glance those in the audience tonight might think, gee, GINGREY is up here with a chart of his high school or college chemistry periodic table; or somebody else may say, no, that is his grandchildren's Pac-Man game. It is a confusing chart to look at, but I am going to hopefully be able to, in a short period of time, to simplify this rather arcane, complex looking first slide. But this really is what this whole problem, this legal immigration problem is about, this chain migration issue, Mr. Speaker.

If my colleagues will focus their attention at the bottom of this first slide, I point to this very prominent kiosk, this icon that would be a legal permanent resident in this country. That individual, man or woman, could be here through any one of several ways of entering this country legally. It could be a skilled worker. And that is indeed why we have an immigration policy, to make our country better, to bring in skilled individuals from countries throughout the world, as we have always done since we started this country. That is the whole purpose of being able to bring individuals in based on what they can contribute. Certainly we want to make their lives better as well, but we want them to be able to contribute to our great Nation and enjoy the privileges of citizenship eventually.

So this individual comes, maybe as one of those legal immigrants, as a skilled worker; or possibly this first person that I am going to refer to at the bottom of the slide is a part of somebody's nuclear family, maybe it is the wife of a legal permanent resident who has already come; or maybe it is a minor child who has grown up and become of age to marry and have a spouse; or possibly this is an individual, a third category, who has sought asylum in this great country. And certainly that is what the Statue of Liberty is all about, that is what the inscription of the bottom of Lady Liberty says in regard to opening our arms to the oppressed and the people that need safety in this great country. So any one of these three categories, Mr.

Speaker, of legal permanent residence in this country can start this chain migration. Which clearly, clearly our country never intended that effect.

What happens is this legal permanent resident is able to bring in his spouse or her spouse. And they can legally bring in their minor children. And let's say, based on the current fertility rate south of our border, our southern border, it is three children, three minor children. Now, that is one individual that, by virtue of bringing in an additional skilled worker under the quota for that particular country, has brought in four additional people by virtue of genealogy. And this is, of course, a nuclear family so far. We are talking then about a nuclear family, a husband, a wife and their three children.

Now, once the husband and wife become citizens, then the real problem begins, because at that point then each of the husband and wife can bring in their parents. This is perfectly legal to do this. So there are an additional, assuming that both parents of both the husband and wife are still living, which is very likely, maybe it is a man and a woman on each side who are in their late forties or early fifties.

In addition to that, Mr. Speaker, in addition to that, again, this one individual that is in this country legally, as a legal permanent resident, hopefully has become a citizen. At that point, then all of his siblings and all of his wife's siblings can come into this country. And that is where the chain really takes off, because you repeat this over and over again. And at the end of 17 years, a short of 17 years and two generations, what you end up with under this insanity of legal chain migration is that one legal permanent resident who was brought into this country as a skilled worker, as an individual seeking asylum from a country in which they are suffering the devastation of oppression, or it happens to be a spouse of a legal permanent resident, that one person in a short span of 17 years can bring in 273 people, Mr. Speaker; 273 people. And that counts against the quota for that country.

So this is the problem, Mr. Speaker, that I think a lot of people just don't realize. We worry about a porous border. We worry about the fact that there are anywhere from 12 to 20 million illegal residents, immigrants in this country, many of them, of course, most of them probably are hardworking, God-fearing, good people, moms, dads, good families, and they are trying to do the right thing. And the only thing that they have committed, of course, is coming into this country illegally. But it is a huge, huge problem for us, as I said at the outset, in regard to the stress and strain on our economy, on our infrastructure, on our safety net programs, on our public school systems. But here we have something that is part of our legal permission to let people come into this country, and then bring in 273 additional extended family members. Not, Mr. Speaker, what we originally intended.

I want to go back and talk about the Jordan Commission. In the early nineties, Congresswoman Barbara Jordan from Texas, a very, very distinguished Member of this body, chaired that commission to study immigration reform and clearly said as part of the recommendations, there were a number of those recommendations, only some of which, Mr. Speaker, were implemented, but one of them was to say very specifically that it should only be a nuclear family, not this situation where because of this chain effect, that in a very short period of time of a couple of generations, or really a short period of 17 years, we end up with 273 people. And they may be good, hardworking, skilled men and women that can contribute to our society, can make their lives better, can make our lives better. But it is really not based on that, it is based totally on genealogy, by virtue of being related in some extended way, first, second, third cousins, aunts, uncles, grandfather or grandmother and on and on and on.

And what that does, other than just overwhelming the number of legal permanent residents who come into this country from a specific country on a yearly basis, indeed, Mr. Speaker, from Mexico to our southern border we are talking about maybe 30,000 a year, and that quota is surpassed in day one of the calendar year.

So you can't say, well, it just doesn't matter; that means maybe you are going to push these skilled workers a little bit further behind in the queue, but they will get there eventually. Well, they may get there eventually, but instead of 2 or 3 years, Mr. Speaker, it may be 15 years, it may be far beyond the time that it would be any advantage to them or us for them to remain in the queue. So this is the problem. We have a solution. I have a solution for it, and I want to talk about that as we go forward.

Mr. Speaker, this next slide that I have again just points out, and I hope my colleagues, I hope this writing is big enough. In case it is not for those in the back of the Chamber, I would be happy to go through it bullet by bullet. But this says "Chain Migration Equals Inter-Generational Relocation Program." It gives visa priority to the cousins, to the adult children and distant relatives of legal immigrants. It creates a backlog of visa applicants. And it allows, and this is the final point on this slide, Mr. Speaker, and of course I have already alluded to these points in my opening remarks, but it allows genealogy, not job skills, not education, not English proficiency to determine who immigrates to our country. We just can't afford that. We absolutely must use common sense and go back to the Jordan Commission recommendation in regard to limiting genealogy entry into this country based not on skills at all, but on just who you happen to be related to. And I will get to that in just a few minutes.

My colleague from Iowa is with us tonight. We call on him a lot, but he is always forthcoming with very, very good, useful information on many subjects, not the least of which is the issue of immigration. I am talking about Representative STEVE KING, my classmate. I thank him for joining me during this hour, and I look forward to his comments.

I would like to go ahead and yield the floor to him now for however much time as he would like to take. We can colloquy back and forth. And I certainly appreciate him being with us this evening.

Mr. KING of Iowa. I thank my friend, the gentleman from Georgia, for stepping up here tonight and organizing this Special Order and bringing this subject matter before you, Mr. Speaker, and before the American people.

☐ 2200

This immigration issue that is before America is I believe the most complicated and least understood piece of policy that I have seen debated in this country in my lifetime.

I have been involved in the immigration issue since well before I came to Congress 5 years ago. Today as ranking member of the Immigration Subcommittee, I sit through immigration hearings two times a week, sometimes three times a week, sometimes more than that. Witnesses bring a lot of information before the committee, and we are required to read a lot of information. And then one has to read the press clippings to try to understand what the American people are trying to divine out of the things that we are wrestling with here in this Congress.

As I state how complicated this issue is, and I look at the chart that Mr. GINGREY had up, the one that I believe demonstrates the 273 people that could be brought into the United States under the chain migration program, the family reunification plan, the plan that presumes that all family reunions, however minor or major, are reunions that all must take place in the United States as long as there is any one person of one of those families that is here. That is quite a presumption, that you can't have a happy family reunion except in America.

And the 273 that can generate from one individual that is lawfully present in the United States and starts this process, this is a calculation that isn't something that we happen to know in this Congress, because Mr. GINGREY has presented that here tonight; this is a calculation that is done by illegal immigrants and legal immigrants across the world, not just across our southern border into Mexico and points down south towards the Panama Canal, but China as an example. So the going rate, if you are a pregnant Chinese lady, is $30,000 for a roundtrip ticket to come illegally into the United States, have the baby, get his little footprints put on a U.S. birth certificate and go on back to China. Then after the 18th birthday, that child can start the family reunification plan, and you start down the path of this chart that shows 273.

Mr. GINGREY. And the same thing, as I said at the outset, anywhere from 12 to 20 million illegal immigrants we estimate, and we hear talk about the need for a comprehensive bill that would include letting them pay a little fine and fess up and get a clear ID card, identify themselves, and all of a sudden become a permanent legal resident on a track to citizenship. Each one of those 20 million then could start this chain migration.

Mr. KING of Iowa. Mr. Speaker, that 273, that is the calculated number that one individual can bring in, and they might come in illegally and find the path to a legal lawful presence and then start the 273. When that chart was done, it was not really limited to 273 except space on the spreadsheet confined it to 273. The number could be 100 or more above that. And the size of the sibling unit, it might be 6 or 12. And if I remember right, the size of the unit for the chart was 3.1 siblings per family. A very conservative estimate.

So we have the automatic citizenship plan, the anchor baby plan, and that will yield 350,000 babies born a year to illegal mothers but on U.S. soil. Some argue their constitutional right to citizenship. I will argue that they also have to be subject to the jurisdiction of the United States when they are born. Therefore, it is a practice, not a constitutional right. But we have 350,000 new citizens that would not be citizens if we enforced our law on that. That is NATHAN DEAL's bill, another leader on immigration from Georgia. I certainly support that bill.

But the family reunification, the chain migration, 273, and this usurps the kind of policy that the United States of America ought to have. Every nation, and we are the most generous Nation in the world when it comes to immigration, by raw numbers, by percentage of the population, by having a standard there that isn't a very strict standard at all, but we need an immigration policy designed to enhance the economic, the social and the cultural well-being of the United States of America.

As the gentleman from Georgia alluded, we are not measuring in this chain migration plan the relative merits of the individual immigrants that would come in. We are simply letting that be set by genetics of the family, maybe that and marriage and whatever kind of familial relationship they want to have. I would submit that we need to establish in this Congress, first we need to get control of the illegal flow over our borders. That is about 11,000 at night.

I have sat on the border and I have heard the fence squeak at night, and I have watched the shadows go by me. It is twice the size of Santa Ana's army pouring across the border. And then we have the 350,000 automatic citizenship anchor babies that are born, and the family reunification plan. All of those things are out of the control of the Federal Government right now.

Because we have those elements and we have the overstayers of the visa that are not being enforced, because of that, the immigration issue has become so chaotic that we cannot engage in a rational immigration debate that can be designed to do the things I say and enhance the social, economic, and cultural well-being of America.

If we can get enforcement back under the control of the American people, then I believe we need to put together a matrix, a score system, a score sheet that rewards potential immigrants for their education level, for the capital that they bring into the country with them, for the business acumen that they might have, for the likelihood that they can assimilate into this broader, overall American culture that we have, so we can have some cultural continuity in the United States of America and assimilate and tie together and maintain this vision of one people, one people under God. As we sit today, it is out of our control.

Another thing that we are going to see, a White House initiative, a Senate initiative, and I believe a House initiative coming together trying to get a critical mass of voters between the Democrats and Republicans in the House and Senate to work with the White House on this bill that I believe clearly the American people understand, and that is amnesty. That is the bill which has been dropped in the House within the last day.

But the thing we must insist upon, however the issue of amnesty is resolved, however the issue of the national ID card is resolved, we must insist on an overall national cap. The aggregate of all of immigration components that are there, and I think there are 30-some different categories that people can come into the United States legally under, that needs to be capped.

So if a family reunification plan takes up to a million a year, fine, we hit the cap, we stop. No H–1Bs, no work permits. It is simply we hit the cap.

Mr. BILBRAY. If the gentleman would yield on that, I think the American people don't realize that we take more legal immigration than all the world combined. We are taking now more than we ever have.

But first, I want to stop a second and thank the gentleman from Georgia for hosting.

Mr. GINGREY. Mr. Speaker, I would also like to thank him, and I would like to do it formally. I would like to thank the gentleman from California (Mr. BILBRAY), who is chairman of the Immigration Reform Caucus in the 110th Congress. I look forward to his leadership on this caucus of the Congress, this bipartisan effort on his part. The gentleman from California certainly knows of what he speaks.

Mr. BILBRAY. I would thank the gentleman from Georgia for hosting our report on immigration to the American people tonight from the Congressional Caucus.

People have to understand how really, really we have bent over backwards to accommodate people to immigrate to this country. We have about 800,000 people become citizens. We have a million that are allowed to be permanent resident aliens every year, and then we have another million-plus that are allowed to come here to work in the United States. That is almost 3 million people a year that we are accommodating from overseas in one way or the other. And when people say we are a Nation of immigrants, we are a Nation of legal immigrants; but there is a reasonable level of immigration. When the American people realize that we just absolutely have our doors open, there is no excuse for illegal immigration, and we have to make sure that our legal immigration policies are reasonable.

I don't think it is much to ask, those of us who are sworn to represent the people of the United States, to make sure that the American immigration policy is for America first and for the immigrant second. We not only have a right, we have a responsibility to make sure that our immigration policy serves the American people. Like every other policy that the Federal Government is initiating, the American people should come first before anyone else.

This issue of the cost of just the legal immigration, let me give you one cost that most people don't think about. The cost just in one State of giving birth to the children of illegal aliens in California is $400 million a year. That is $400 million just for giving free birth to the children of illegal aliens. In San Diego County, it is $22 million a year just for birthing babies of people that aren't supposed to be in the country.

You add that up, the impact on the taxpayers, there is no way in the world I can believe that any man or woman can stand up in this Chamber and say I am for a balanced budget, I am for fiscal responsibility, but I am for giving amnesty that has been estimated to be $50 billion if Mr. KENNEDY and some people in the House get their way of rewarding people for being here illegally.

I think there is a basic issue that we ought to call down and say, since when does this country believe that those who follow the law should be punished and told to stay at home, but those who break the law get rewarded and get into this country?

And since when is it not the right thing to do to make sure that our immigration policy serves the people we are sworn to represent in this Chamber and in the Senate? It is a major issue that the American people need to be asking those that they have sent to Washington.

I, as the new chairman of the Immigration Caucus, look forward to working with Democrats and Republicans because I think in all fairness, immigration is not a Democrat or Republican issue, it is an American issue. And Americans across this country on both sides of the political divide believe it is time we address this issue reasonably and not make the terrible mistake we made in 1986 of rewarding people with amnesty and not doing something about enforcement.

I appreciate the chance to be able to address the issue. That chart scares me to death. And I just say this as a practicing Catholic with five children. Your numbers are a lot lower than for those of us that are in my Mass every day. I think we have to recognize this number as a huge threat of really overturning the entire concept we have of reasonable immigration levels, and those reasonable immigration levels are not only our right to set here in Washington, it is our responsibility to do that.

I yield back.

Mr. GINGREY. I thank the gentleman, and I hope the gentleman will be able to stay and continue as we have a colloquy on this issue.

Just by coincidence, we have the Catholic caucus here, as we have the gentleman from California and the gentleman from Iowa and myself, so we know about these large families.

But to put it in perspective, in regard to numbers, Mr. BILBRAY mentioned the fact that a million come into this country as permanent legal residents every year. It varies from country to country and hemisphere to hemisphere, the overall quota. And then that million additional that come in under all of the visa programs, the H–1B, et cetera, temporary agricultural workers and various skill levels, you are talking about an additional million.

But from 1776 to 1976, 200 years of our country's existence, the average number of immigrants was about 250,000. So that just shows you where we are today; and of course we are not talking about the 3 or 4 million illegals if we don't close down our border and secure our border. Not close it down, secure our border. Then you are going to have 3 or 4 million illegals in addition to that.

The gentleman from Iowa has been mighty quiet for the last few minutes, and I yield back to him.

□ 2215

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia.

The thought that goes through my mind as I listen to that discussion about the cumulative total of legal immigrants in the United States, it occurs to me that the Senate bill that passed last year that they said was not amnesty, that the American people rejected because clearly it was amnesty, according to Robert Rector of the Heritage Foundation, would have legalized over the next 20 years, and that is the calculation period of time that we have for immigration, 66.1 million people.

It also occurs to me that back in 1986 when President Reagan signed the amnesty bill, that was supposed to legalize 1 million people, and that went over 3 million people.

Mr. BILBRAY. Actually, it was——

Mr. KING of Iowa. Reclaiming my time, I am happy to yield to the gentleman to make any clarification he likes, but I have a flow in my thought process here that I want to make sure I can stay with here.

The published numbers, though, was supposed to be amnesty for 1 million and ended up being 3.1 million the numbers I have. Then if you go up to 1996 in California, when President Clinton accelerated the naturalization of a group of citizens in the number of 1 million in 1996.

So I am pointing this out that 1 million people was an outrageously high number in 1986, was an outrageously high number in 1996, and last year, the Senate passed a bill that legalized 66.1 million people, and we swallowed that and talked about it not in terms of the magnitude of it but just simply is it amnesty or is it not amnesty.

But put this into the scope, that the point I want to make here is that my numbers show, my census numbers, from 1820 until the year 2000, and those would be the years when our census was keeping track of the naturalization, that period of time, 1820 to 2000, the sum total, the cumulative total of all naturalized citizens come into the United States was 66 million.

So the Senate would have legalized a number in one of the stroke of the pen equal to the sum total of all legal immigrants that have come into America in all of its history and still leave these kind of programs here. That is the essence of the point I wanted to make.

Mr. BILBRAY. I just remember I was involved with running the County of San Diego in 1986, and I remember that before the bill was passed the number estimate was 300,000. It was after the bill was passed that they said, oh, it might be as high as 1 million, and then they kept continuing the deadline and increasing those who qualified to apply, and it ended up being 3 million. So I just think people have got to remember, when the bill was passed, what was being told was 300,000, and what ended up being the final number was 3 million.

Mr. KING of Iowa. I thank the gentleman from California.

So, picking up on this point, I want to broaden this discussion, if I could, a little bit, too, and that is, the labor supply in the United States of America. We hear continually from the other side the specious argument that we do not have a labor supply in the United States, and so since there is a demand for more cheap labor, therefore, you ought to bring in more cheap labor, as if the United States of America was just a giant ATM and there was nothing more to our Nationhood than a giant ATM.

We are more than a giant ATM. In fact, we are a sovereign Nation based upon a constitutional foundation, and we have a whole series of foundations that have created and established American exceptionalism, and without going down into the components of American exceptionalism, I would point out that we do have a labor supply, Mr. Speaker. That labor supply is not something where you just go looking at an unemployment rate and say, well, traditionally, it is kind of low, it is 4.6 percent. How many does that make? A few million out there you could hire. You could add up a few that are on the welfare rolls.

It is more than that. Look at the whole United States of America as if we were one huge company. If you were going to establish a company in a locale, you would not just go into that locale to measure how many were on the unemployment rolls and count them and say that is the only available labor supply. You would hire a consulting company to go in and survey that region and find out how many people were underemployed, how many people were not in the workforce, and how many people were unemployed so that you could look at the universe that could be hired from.

I did that for the United States of America. It was not hard to do. I am kind of astonished those big business interests did not do that. So I went to the U.S. Department of Labor's Web site, and I started to add up what about the people that are not in the workforce.

Well, between the ages of 16 and 19, there are 9.3 million that are not even doing part-time work, and then you go into the ages of 20 to 24, and there is a number there that I believe is 5.1 million. 9.3 million for the teenagers, 5.1 million for the 20- to 24-year-old, and you go on up the line. So I began adding up these available workforce, and I went on up to 65, and then I thought but you know Wal-Mart is hiring up to 74. They get greeters there to hand you your cart at 74. So they are available workforce, too, not a lot of them, but they are there. You add this up, there are 6.9 million working illegals in America, and there are 69 million nonworking Americans of working age.

So any company that is worth their salt would look at that and say all we have to do is go hire 1 in 10 of those that are not in the workforce. One in 10 is all it takes to replace the illegal labor that is in America.

If you want to look at it from another perspective, Mr. Speaker, I would submit this, that 4.7 percent of the workforce is illegal labor, and they represent 6.9 million workers but they are not as productive as more educated, more efficient and more effective workers that are the American workers. So they are really only doing 2.2 percent of the work. Well, if you wanted to replace 2.2 percent of the work, if this great huge megafactory of the United States of America got up in the morning and realized that 2.2 percent of your labor force was not going to show up for work, it could happen all at once but it will not, then you could make an adjustment on your production line and you would just say to the people, well, you know that 15-minute coffee break that you have in the morning and the afternoon, for the sake of this emergency that we are in, we are going to shorten that down to 9.5 minutes in the morning and 9.5 minutes in the afternoon, and you have picked up 2.2 percent of your productivity. Eleven minutes a day will more than recover all the illegal labor in America in the size of the economy that we have.

We are not in a labor crisis. We just simply always will have more demand for cheap labor as long as we have more labor that makes it cheaper.

Mr. GINGREY. I thank the gentleman from Iowa. I want to move back now for just a moment and focus again on the solution to this problem of chain immigration, and we will get into further discussion of some of the many things this Congress, and the 109th Congress when we were in the majority and led this great House of Representatives, some of the many good things that have been done in regard to controlling illegal immigration.

But let me just for the moment, before my colleagues some possibly have to leave, refocus on this issue of chain migration, Mr. Speaker, because we have presented the problem. We have spent maybe 20, 25, 30 minutes talking about the problem of chain migration, the one person bringing in 273 others, not based on skill, strictly being, I guess, based on the luck of your birthright, geneology, and how inappropriate that is and how we cannot afford to continue to do this. We have a solution.

But Mr. Speaker, first of all, I want to call my colleagues' attention to this next slide, and again, it depicts on this scale of justice, as we have here in the middle of this slide, on the one side you have an imbalance, too much emphasis, too much weight in regard to the second cousin of an immigrant, i.e., chain migration.

On the other side, however, not weighing so heavily in this scale of this balance of justice is the skilled laborer waiting to emigrate into this country.

This is what this hour is mainly about, Mr. Speaker, that we need to correct this. We need to get back to what Congresswoman Barbara Jordan recommended to this House back in the early 1990s as she chaired the Commission on Immigration Reform.

Basically, this is what she said, Mr. Speaker, in this next slide: Proposed tripartite immigration system, legal immigration. That basically, as I said at the outset of the hour, people come to this country first and foremost maybe as a skill-based worker, skill-based admission; or possibly on the far side of the slide, come in as a refugee for humanitarian reasons, a humanitarian admission; and then, finally, the nuclear family admissions that Congresswoman Jordan, the distinguished lady from the great State of Texas talked about, nuclear family admissions, Mr. Speaker.

That is the solution to this problem, and how we got away, how we did not follow her recommendation, there were a number of things that were recommended that were enacted by this body, but we missed the most important, and that is in regard to nuclear family admissions.

This print is far too small for my colleagues to see, even in the front of the room, so I want to point out, under nuclear family, the first priority would be spouses and minor children of United States citizens, under the nuclear family. The second priority would be parents of the United States citizens, and the third priority, as we talked about, would be spouses and minor children of legal immigrants. Of course, hopefully they will become and we want them to assimilate into our society. We want them to be part of this great country, the United States of America, and at that point of course they could bring their parents, both husband and wife, as part of this nuclear family.

Mr. Speaker, in my final slide, here is the result of that. Again, this is the initial skilled worker that comes in legally. This is her husband or his wife and their three minor children. That is a total of five people, one permanent legal resident and an additional four. Now, when husband and wife become citizens of the United States, then each of them under this new Nuclear Family Act, and that is what I want to present to my colleagues tonight, the bill that I have introduced, H.R. 938, remember that number, many of you on both sides are considering signing on to this bill. Many of you already have. I think we are up over 60 at this point, and hopefully, there will be many more when they understand the magnitude of this problem that we are presenting tonight.

So H.R. 938, the Nuclear Family Priority Act, taken almost verbatim from Congresswoman Barbara Jordan's recommendations back in 1990, again, a distinguished Democratic Member of this body, these two, husband and wife, when they become citizens, they can bring their parents. Assuming both parents are living, then that is four additional people, and then they in turn having become citizens can bring their parents in. There is a possibility that if the parents were divorced and remarried, that instead of two on each side, there would be four.

I do not want to confuse my colleagues with another arcane slide, but basically, this is the bottom line to take home. On this slide, if all of these people came in under the Nuclear Family Priority Act, you are talking about 35 people. Chain migration, which currently is the policy, you are talking about 273 people.

So, Mr. Speaker, we are talking about cutting that down by 87 percent, and that is not small change. That is a significant solution to this problem, moving in that direction to enact the Nuclear Family Priority Act.

So, again, it is straightforward. I leave this slide up and let my colleagues continue to look at it. I want to yield back now to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Well, I would just like to congratulate you on explaining exactly what your legislation is focused on. You articulated the problem, the challenge, and it seems to me not only a very common-sense approach but a very, very compassionate approach to the issue.

I think any American that thinks about hundreds of people coming to this country because one person was allowed in sort of boggles your mind saying why has not anybody brought this up before.

□ 2230

I think that look at your diagram there, and the level of legal immigration you are proposing per person, based on family relations, is quite reasonable. I don't think any of us, especially those of us that are a family from immigrants, my mother came from Australia, could say that is an unreasonable and an unfair proposal and unrational proposal at this time.

I really want to compliment you at actually addressing this issue, because we are talking about a lot of other difference issues. But this is one that is sort of below the radar, people aren't talking about, and I am glad you are able to bring it up. I think that is why our Wednesday evening reports to the

American people on the status of immigration is so important. I want to thank you sincerely for bringing up this issue and for introducing this bill.

Mr. GINGREY. I thank my colleagues, the gentleman from California, the gentleman from Iowa, for being with me tonight. The hour is getting late. I appreciate their sharing their knowledge. It is so important that our colleagues do that, because we have very bright Members of this body on both sides of the aisle. We are not all experts on every issue, but we help one another. We share our knowledge. We rely on each other.

I am very grateful to Mr. BILBRAY and Mr. KING of Iowa for being with me today, to help me talk about not just this issue of chain immigration, that's the main focus of the hour, but to discuss the overall problem of Georgia.

It is a huge problem. We can't really afford to turn our backs and shut our eyes and bury our head in the sand with regard to 3 or 4 million additional people coming in every year illegally on top of those 2 million that are coming, as the gentleman from California pointed out in his earlier remarks. There is no way, this country cannot sustain that.

He talked about the cost in California and their problem, indeed, as a border State, is a lot bigger than it is in the State of Georgia. Of course, their population approaches 55 million, and the population of Georgia is 9.3 million. But on a percentage basis, we have a huge problem in Georgia as well, maybe fourth or fifth number percentage-wise of illegal immigrations of any State in this country. I think the last count in Georgia was about 750,000.

We have got a problem. Certainly, we are a great country. I think that we have done some great things in the history of this Nation. Indeed in 1969, we put a man on the Moon. If we can do that, we can solve this problem. We just need to have the will. I think my colleagues are helping bring that to the attention of the Members of this House and this Congress, both House and Senate, to the administration, to the American people. I like it when we talk during these times to our colleagues in a bipartisan way and say that, look, we can do this together. We all worry about who has got the power and who is in control, and who is in the majority, and who is the Speaker, and who are the committee chairs, and who is the next President. Of course, that will be upon us pretty soon.

But in the meantime, there are so many things that we can do in a bipartisan way and really pat ourselves on the back, because I don't think our constituents care whether the Democrats solve this problem or the Republicans solve this problem. They want us to do it in a unified way.

We have got such a few more on the Democrats side of the aisle in this 110th, a few more on our side of the aisle in the 109th back to 1994, these things go back and forth. But we can't let that tie our hands and keep us from going forward and getting things done for the American people.

I know that my colleagues that are here with me tonight, and I think all the colleagues of this 435-Member body would hopefully say, right on, Gingrey, we agree with you on that.

Mr. BILBRAY. Let me say this as a Republican. I think the American people will be so pleased if the Democratic majority would bring a bill forward that addresses the major source of illegal immigration, and that is illegal employment. If the Democrats were brave enough to just come forward, not with an amnesty that rewards illegals for being here, not pandering to the illegals and the whole industry that has been built up around that, but went and actually did a project that addressed the real source of illegal immigration; and that is, have a simple employer verification system and a crackdown on the people that are profiteering from illegal immigration, and that's the employers. IF the Democratic Party did that, I think the American people would embrace that.

I think it's a real chance for them to show that they can get the job done and get this issue done that the Republicans didn't get done. You know, as an American, I think that is more important than Republicans having to take advantage of this issue. I just wouldn't be happy as an American to see the Democrats sit there and actually get the job done so I could join them, could vote with them at doing, actually getting the legislation through that the American people have been waiting for too long. I would sure love to be surprised, and I am sure the American people would love to see us working as Democrats and Republicans for America first, not our party first and our Nation second.

I just tell you, I think that our grandchildren would be well served, because all of us, I know the three of us here, if it meant somebody on the Democratic side getting credit for it, then God bless them. What's important is that we leave an America for our grandchildren that is worth our grandchildren living in, and taking care of this problem is going to be part of the important part of doing that.

Mr. GINGREY. You know who else would be pleased, and that is the employers in this country, and a lot of the industries. In Georgia, I mean we have got agriculture, we have the poultry industry, we have the carpet industry. We all have the homebuilding industry in every State, and I know that most of my friends that are in those businesses pay good wages, they pay good benefits, they are treating their employees in a compassionate way.

In return, they are getting a heck of a day's work for their wages that they pay, and I think they would welcome, I think that the employers would welcome. I know Representative KING, in a bill that he introduced in the last Congress and has championed in regard to an identification system that is foolproof, and we can do that, we can have a tamper-proof, biometric identification card. And I think our employers, and I have talked to many of them, and I commend them, but there may be a few that are paying low wages and gaming the system. You always have that problem. But we will ferret them out.

At the same time, kudos to those who are playing by the rules and doing the right thing.

Mr. BILBRAY. I think the key is the fact that every legitimate employer wants to have a simple system that lets them know who is qualified to work and who is not. The employer doesn't want to be the person having to make that determination.

We require every employer in this country now to get a Social Security number for their employee. All we are saying now, with the Silvestre Reyes-David Dreier bill, H.R. 98, is we will now give the employee a card to prove that it's their number, so that the employer, when they get this number, gets it from a card, doesn't just take somebody's word. It gives us, as legitimate citizens or legal residents, the ability to prove this really is our number, not 20 other people that are using that number somewhere else down the road.

This issue of upgrading the Social Security card seems so simple. We haven't done this since the 1930s, though every driver's license from every State has been upgraded since then. Now that we have done the real ID bill, where we are requiring finally that driver's licenses be upgraded, isn't it appropriate that the Federal Government do the same thing with our card, our Social Security, to upgrade it to be as tamper-resistant as the new driver's license would be?

Mr. GINGREY. There is no question about that.

Mr. KING of Iowa. I wanted to make the point that we tried mightily in this House last year to bring immigration reform, we passed H.R. 4437. It had a lot of the things in it that would clean up the problems that we have with an enforcement here, internally, domestically, with employment enforcement, as well as border enforcement. That bill, of course, didn't make it through the Senate. The Senate passed their amnesty bill, and we passed our enforcement bill.

We came back and we did the one thing that we could agree to, and that was provide the online border security at the fence. That was something the American people wanted and demanded, and it was right, and it was appropriate, and it was just.

But the reason that that was the one thing we could agree on, because there is a tug of war going on in this country, a tug of war would be going on between big business that wants to have a supply of cheap labor, and people that want to have a supply, a long supply of voters, or at least people in the United States they can count for the census purpose. There is a lot of political power, most of that is on the left, and there is a lot of business power, most of that is on the right.

We have this, it's an unusual, odd and some would say an unholy alliance. I think of it as a set of barbells where you have the weight on the right of the business interests, where you have the weight on the left is the political power, and the barbell in the middle, that handle that you pick it up with, the bar, that's the middle class. The middle class is being squeezed ever more narrow because of the overload on the upside and the overload on the downside our economy.

We got to this point last year, and we did all we could do. But the American people became cynical because they weren't seeing legislation get to the President's desk that fixed the problem. Now we are faced again this year with trying to arrive at a consensus, trying to arrive at something that preserves the rule of law, does not provide amnesty, satisfies the interests on both ends of that barbell that I described, and doing it quickly. Because once we get past the summer, once we get past the August break, we are into the fast slide into the next Presidential race, as well as the elections here and a third of the Senate.

But the Presidential race, if it's done and if it's done right, we will take this issue up in Congress, and if we don't solve it first, it will be become the issue du jour of the Presidential debates. And I am looking forward to a Presidential candidate that will step forward with clarity on this issue and start that inertia towards the White House. That is the one thing that can solve this issue. That is my best hope.

Mr. GINGREY. The point the gentleman from Iowa is making is that we have really tried hard in this body to address this problem. We on this side of the aisle, when we were in control and had the majority in the 109th, felt very strongly that first and foremost to solve the problem and ultimately decide what to do with the 20 million that are estimated to be here illegally, is to stop the hemorrhaging. As a physician member, I use that expression a lot, having been a surgeon in my previous life, OB/GYN physician, but you have to stop the bleeding. If you sit there and let the patient continue to bleed, and that is analogous to the porous borders, the 3 or 4 million that continue to come in every year, in addition to the 2 million that the gentleman from California was talking about earlier, then the patient is going to die. That patient, as the lifeblood seeps out of us, is the United States of America.

So it is so important to do the things that we have done, tried to do in regard to Mr. SENSENBRENNER's legislation. He was a champion in regard to the REAL ID Act. Basically the REAL ID Act was just in response to the request of the survivors of the 9/11 victims. As they testified before the 9/11 Commission and made those recommendations, 41 or so specific recommendations, one of the most important ones was to say you have got States that issue driver's licenses without requiring any proof of legal residency. The 9/11 hijackers, 19 of them I think, had something like 53, a total in the aggregate of 53 legal issued driver's licenses from some 10 or 12 States.

So basically what we said is, look, we can't tell you, we the Federal Government can't tell the States how to run their motor vehicle department and how they issue driver's licenses and to whom and how long and how much you pay for driver's licenses, what age you have to be, whether you have to take driver's ed or not. That is a State prerogative, certainly. But if they do not have proof of legal residence, not citizenship, because a permanent legal resident certainly can be granted a driver's license, then they can't use that license from that State for Federal purposes, like getting on an airplane and blowing it to smithereens or using it as a guided missile.

I see Mr. Speaker is tapping me down. I didn't realize, I was having so much fun with my colleague from California, the chairman of the Immigration Reform Caucus, that all of a sudden our time has expired.

I appreciate his patience and indulgence. I continue to promote the Nuclear Family Protection Act. Let's all get behind it and thank you.

Mr. BILBRAY. Mr. Speaker, I appreciate our hour. I hope the people in Colorado enjoyed prime time back there.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0103

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 1 o'clock and 3 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1433, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–63) on the resolution (H. Res. 260) providing for consideration of the bill (H.R. 1433) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–64) on the resolution (H. Res. 261) providing for consideration of the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. KUCINICH (at the request of Mr. HOYER) for March 19 and 20.

Mr. MITCHELL (at the request of Mr. HOYER) for March 19.

Mr. DEAL of Georgia (at the request of Mr. BOEHNER) for today after 1:30 p.m. on account of attending a memorial service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LARSEN of Washington, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, March 26, 27, and 28.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. HASTINGS of Washington, for 5 minutes, today.

ADJOURNMENT

Mr. CARDOZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes a.m.), the House adjourned until today, Thursday, March 22, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

911. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Warfighter Information Network-Tactical (WIN-T) Program exceeds the Nunn-McCurdy Program APUC and PAUC thresholds, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

912. A letter from the Deputy Secretary, Department of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 2006, pursuant to 10 U.S.C. 113 (c)(2); to the Committee on Armed Services.

913. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Thomas J. Eccles to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

914. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Annual Report on the Global Fund to Fight AIDS, Tuberculosis, and Malaria, as requested in Pub. L. 108-25; to the Committee on Foreign Affairs.

915. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Country Reports on Human Rights Practices for 2006," pursuant to 22 U.S.C. 2304(b) Public Law 87-195, section 502B(b); to the Committee on Foreign Affairs.

916. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on "Overseas Surplus Property," pursuant to Public Law 105-277, section 2215; to the Committee on Foreign Affairs.

917. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-14, Relating to the Largest Exporting and Importing Countries of Certain Precursor Chemicals under Section 490(b)(1)(A); to the Committee on Foreign Affairs.

918. A letter from the Acting Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

919. A letter from the Secretary, Department of Transportation, transmitting the Department's five-year National Intelligent Transportation Systems (ITS) Program Plan, pursuant to Public Law 109-59, section 5301; to the Committee on Transportation and Infrastructure.

920. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the National Railroad Retirement Investment Trust's annual management report covering FY 2006, pursuant to 45 U.S.C. 231n Public Law 107-90, section 105; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 545. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine, with an amendment (Rept. 110–35 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 1433. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes (Rept. 110–52 Pt. 3). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1195. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; with an amendment (Rept. 110–62). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 260. Resolution providing for consideration of the bill (H.R. 1433) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes (Rept. 110–63). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 261. Resolution providing for consideration of the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–64). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KELLER (for himself and Mr. FORBES):

H.R. 1615. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Ms. KAPTUR, Ms. MCCOLLUM of Minnesota, Mr. SNYDER, Mr. MCCOTTER, Mr. BOUSTANY, Mrs. TAUSCHER, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mr. SCHIFF, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Ms. MATSUI, Mr. MCDERMOTT, Mr. RUSH, Mr. HOLT, Mr. MORAN of Kansas, Mr. SKELTON, Mr. GRIJALVA, Ms. NORTON, Ms. LEE, Mr. PAYNE, Mr. FATTAH, Mr. OBERSTAR, Ms. HERSETH, Mr. LAHOOD, Ms. MOORE of Wisconsin, Mr. SMITH of New Jersey, Mr. WALSH of New York, Mr. KIND, Mr. STARK, Ms. WATSON, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. MCHUGH, Mr. CROWLEY, Mr. BOUCHER, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. POMEROY, Ms. DELAURO, Mr. ENGLISH of Pennsylvania, Mr. LANTOS, Ms. CARSON, Mr. ETHERIDGE, Mr. SHIMKUS, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Mrs. BOYDA of Kansas, Mr. JEFFERSON, Mr. WEXLER, Mr. COHEN, Mr. SERRANO, Mr. BUTTERFIELD, Mr. COURTNEY, Mr. DELAHUNT, Mr. FARR, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. HARE, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. OLVER, Ms. SOLIS, Mr. CUMMINGS, and Ms. BALDWIN):

H.R. 1616. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN:

H.R. 1617. A bill to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CAMP of Michigan:

H.R. 1618. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of plug-in hybrid vehicles; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. KILDEE, Mr. ROGERS of Michigan, Ms. KILPATRICK, Mr. MCCOTTER, and Mr. DINGELL):

H.R. 1619. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Model T Ford Automobile and the 100th anniversary of the Highland Park Plant, Michigan, the birthplace of the assembly line, and for other purposes; to the Committee on Financial Services.

By Mrs. CUBIN (for herself, Mr. UDALL of Colorado, Mr. REHBERG, Mr. BISHOP of Utah, Mr. HERGER, Mr. CALVERT, Mrs. MUSGRAVE, Mr. CANNON, Mr. HELLER, Mr. SIMPSON, Mrs. MCMORRIS RODGERS, and Mr. RENZI):

H.R. 1620. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H.R. 1621. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Moran of Virginia, Mr. Goodlatte, Mr. Boucher, Mrs. Jo Ann Davis of Virginia, Mr. Goode, and Mr. Wolf):

H.R. 1622. A bill to provide a waiver from sanctions under the Elementary and Secondary Education Act of 1965 for certain States, local educational agencies, and schools; to the Committee on Education and Labor.

By Mr. HINOJOSA (for himself, Mrs. Davis of California, Mr. Emanuel, Mr. Edwards, Ms. Berkley, Mr. Cleaver, Mr. Berman, Mr. Honda, Mr. Etheridge, Mr. Rush, Ms. Jackson-Lee of Texas, Mr. Gutierrez, Mr. Abercrombie, Mr. Filner, Mr. Towns, Mr. Salazar, Ms. Hirono, Mr. Conyers, Mr. Rangel, Mr. Gene Green of Texas, Ms. Norton, Mr. Jefferson, Mr. Rodriguez, Mr. Fattah, Mr. Johnson of Georgia, and Mr. Neal of Massachusetts):

H.R. 1623. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself, Mr. McNulty, Mr. Grijalva, Mr. Boren, and Ms. Schakowsky):

H.R. 1624. A bill to amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer; to the Committee on Energy and Commerce.

By Mr. LaHOOD (for himself, Mr. Rush, Mr. Jackson of Illinois, Mr. Lipinski, Mr. Gutierrez, Mr. Emanuel, Mr. Roskam, Mr. Davis of Illinois, Ms. Bean, Ms. Schakowsky, Mr. Kirk, Mr. Weller, Mr. Costello, Mrs. Biggert, Mr. Hastert, Mr. Johnson of Illinois, Mr. Manzullo, Mr. Hare, and Mr. Shimkus):

H.R. 1625. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mrs. Davis of California, and Mr. Altmire):

H.R. 1626. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Energy and Commerce.

By Mrs. MYRICK:

H.R. 1627. A bill to amend title II of the Social Security Act to require that the Commissioner of Social Security notify individuals of improper use of their Social Security account numbers; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1628. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. Wilson of Ohio):

H.R. 1629. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. PUTNAM:

H.R. 1630. A bill to amend the Head Start Act to provide greater accountability for Head Start agencies; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 1631. A bill to amend section 245(i) of the Immigration and Nationality Act to eliminate the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. Walz of Minnesota):

H.R. 1632. A bill to amend title 38, United States Code, to improve the annual report required on veterans' reemployment rights; to the Committee on Veterans' Affairs.

By Mr. ROTHMAN (for himself, Mr. Payne, Mr. Hinchey, Mr. Sires, Mrs. Lowey, Mr. Bishop of New York, and Mrs. Maloney of New York):

H.R. 1633. A bill to amend the Homeland Security Act of 2002 to prohibit the Secretary of Homeland Security from prescribing regulations that preempt more stringent State regulations governing chemical facility security; to the Committee on Energy and Commerce.

By Ms. ROYBAL-ALLARD (for herself and Mr. Simpson):

H.R. 1634. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SALI:

H.R. 1635. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. McCotter, Mr. Cohen, Mr. Dingell, Mr. Emanuel, Mr. Hastings of Florida, Mr. Higgins, and Mr. Lipinski):

H.R. 1636. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DICKS (for himself, Mr. Inslee, Mr. McDermott, Mr. Higgins, Mrs. Maloney of New York, Mr. Cleaver, Mr. Farr, Ms. Jackson-Lee of Texas, Mr. Moran of Virginia, Mr. Chandler, Mr. Engel, Mr. Patrick Murphy of Pennsylvania, Mr. Udall of Colorado, Mr. McGovern, Mr. Thompson of California, Mr. Honda, Mr. Olver, Mr. Holt, Mr. Stark, Mr. Gilchrest, Mr. Wexler, and Mr. Filner):

H. Con. Res. 96. Concurrent resolution expressing the sense of the Congress that there should be enacted a mandatory national program to slow, stop and reverse emissions of greenhouse gases; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H. Res. 258. A resolution expressing the sense of the House of Representatives that there should be established a National Autoimmune Diseases Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LoBIONDO (for himself and Mr. Kennedy):

H. Res. 259. A resolution honoring and recognizing the work of the Meals On Wheels Association of America, its member senior nutrition programs throughout the country, and their annual March For Meals campaigns; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ROTHMAN introduced a bill (H.R. 1637) for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Kirk.

H.R. 63: Mr. Everett, Mr. LaHood, and Mrs. Schmidt.

H.R. 177: Mr. Gordon.

H.R. 178: Mr. Jefferson and Ms. Jackson-Lee of Texas.

H.R. 180: Mr. Higgins.

H.R. 192: Mr. Burton of Indiana.

H.R. 260: Mr. Porter.

H.R. 303: Mr. Bachus, Mr. Kind, Mr. Paul, and Mr. Souder.

H.R. 319: Ms. Schwartz.

H.R. 333: Mrs. Emerson, Mrs. Gillibrand, Mr. Paul, Mr. Udall of New Mexico, Mr. Souder, and Mr. English of Pennsylvania.

H.R. 343: Mr. Filner.

H.R. 346: Mr. Shimkus, Mr. Coble, Mr. Butterfield, Mr. Andrews, Mr. Burgess, Mr. Conyers, Mr. Dreier, Mr. Thornberry, Mr. Rohrabacher, Mr. Gingrey, Mr. Garrett of New Jersey, Mr. Wicker, Mrs. Tauscher, Mrs. Davis of California, and Mr. Michaud.

H.R 422: Mr. Cummings.

H.R 471: Mr. Walberg, Mr. Lamborn, Mr. Moore of Kansas, and Mr. Blunt.

H.R 473: Mr. LaHood.

H.R 503: Mr. Welch of Vermont and Mr. Courtney.

H.R 507: Mr. Cleaver.

H.R 510: Mr. Thornberry.

H.R 511: Mr. Castle, Mr. Buchanan, Mr. Johnson of Illinois, Mr. Walsh of New York, and Mr. Weldon of Florida.

H.R 524: Mr. Cummings, Mr. Patrick Murphy of Pennsylvania, and Mr. Hall of Texas.

H.R 552: Mr. Upton, Mr. Latham, Mr. Boren, Mr. Ehlers, Mr. Space, Mr. Doggett, Mr. Udall of Colorado, Mr. Braley of Iowa, Mr. Ross, Mr. Hinchey, Mr. Rothman, and Mr. Pastor.

H.R 563: Mr. Aderholt.

H.R 566: Mr. Carney.

H.R 583: Mr. Wicker, Mr. Terry, Mr. Mitchell, Mr. Gutierrez, Mr. Castle, Mr. Fossella, Mr. Stupak, Mr. Pastor, Mr. Alexander, Mr. Oberstar, Mr. Rogers of Kentucky, and Mr. Moran of Virginia.

H.R 620: Mrs. Capps and Mr. Honda.

H.R 621: Mr. Pastor and Mr. Hill.

H.R 625: Mr. Bilbray, Mr. Gary G. Miller of California, Mr. Nunes, Ms. Waters, Mr. Doolittle, Mr. Royce, Mr. Gallegly, Mr. Dreier, Mr. Herger, Mr. Radanovich, and Ms. Pelosi.

H.R. 676: Ms. Norton and Mr. Doyle.

H.R. 688: Mr. Emanuel.

H.R. 694: Mr. Butterfield and Mr. Rodriguez.

H.R. 695: Ms. Linda T. Sánchez of California.

H.R. 698: Ms. Moore of Wisconsin.

H.R. 704: Mr. TERRY.

H.R. 734: Mrs. NAPOLITANO.

H.R. 752: Mr. TOWNS, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, and Mr. LAMPSON.

H.R. 768: Mr. GARY G. MILLER of California.

H.R. 801: Ms. SLAUGHTER, Mr. KUHL of New York, and Mr. CONYERS.

H.R. 822: Ms. NORTON.

H.R. 840: Mr. DELAHUNT, Mr. BLUMENAUER, and Mr. ABERCROMBIE.

H.R. 882: Mr. ABERCROMBIE, Ms. ESHOO, Mr. KELLER, and Mr. MARCHANT.

H.R. 916: Mr. BACHUS, Mr. FILNER, and Mr. RANGEL.

H.R. 923: Mr. SKELTON.

H.R. 971: Mr. BOUCHER, Ms. LINDA T. SÁNCHEZ of California, Mr. GOHMERT, Mr. DAVID DAVIS of Tennessee, Mr. TAYLOR, Mr. SHULER, and Mr. PAUL.

H.R. 980: Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. KIND, Mr. FARR, Mrs. NAPOLITANO, Mr. CHANDLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. SCOTT of Georgia.

H.R. 988: Mr. FILNER, Mr. BECERRA, Mr. MCNERNEY, and Ms. ESHOO.

H.R. 991: Mr. SOUDER.

H.R. 1014: Mr. GONZALEZ, Mr. ISSA, Mr. WAXMAN, and Mr. HINCHEY.

H.R. 1017: Mr. MCNULTY.

H.R. 1030: Ms. HIRONO, Mr. BISHOP of Georgia, and Mr. SCOTT of Virginia.

H.R. 1031: Ms. HIRONO and Mr. STARK.

H.R. 1032: Ms. LORETTA SANCHEZ of California and Mr. ROSS.

H.R. 1059: Mr. POE.

H.R. 1076: Mr. TERRY.

H.R. 1078: Mrs. JO ANN DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. HIGGINS, Mr. REYES, Mr. BERMAN, Mr. GRIJALVA, Mr. GORDON, Ms. BORDALLO, Ms. KILPATRICK, Mr. BOUSTANY, Mr. COHEN, Mr. MCNULTY, Mr. CLAY, Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. JEFFERSON, Ms. WOOLSEY, and Mr. HINCHEY.

H.R. 1084: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1104: Mr. CARDOZA.

H.R. 1108: Mr. RAHALL.

H.R. 1125: Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mrs. MUSGRAVE, and Mr. SMITH of Texas.

H.R. 1153: Mrs. DRAKE.

H.R. 1157: Mr. MCGOVERN, Mr. GRIJALVA, Mr. SCHIFF, Ms. SOLIS, Mr. RENZI, Mr. CAPUANO, and Mr. NADLER.

H.R. 1176: Mr. CROWLEY.

H.R. 1188: Mr. CLEAVER and Mr. SIRES.

H.R. 1193: Mr. HINCHEY, Mrs. TAUSCHER, Mr. MCCOTTER, Mr. LATOURETTE, Mr. GORDON, Mr. BURTON of Indiana, and Mr. WELLER.

H.R. 1214: Mr. ENGLISH of Pennsylvania, and Mr. PETERSON of Minnesota.

H.R. 1222: Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM of Minnesota, and Mr. CARNEY.

H.R. 1223: Mrs. CAPPS and Ms. MCCOLLUM of Minnesota.

H.R. 1228: Mr. GRIJALVA.

H.R. 1237: Mr. ROGERS of Michigan, Mr. BURGESS, Mr. COHEN, Mr. ENGLISH of Pennsylvania, Mr. JEFFERSON, and Mr. BOUCHER.

H.R. 1261: Mrs. MUSGRAVE, Mr. FLAKE, and Mr. ROGERS of Michigan.

H.R. 1266: Ms. JACKSON-LEE of Texas.

H.R. 1270: Mr. GOODE.

H.R. 1279: Mr. FILNER and Mr. BRADY of Pennsylvania.

H.R. 1282: Mr. GENE GREEN of Texas, Mr. MCCOTTER, Mr. MCNULTY, and Mr. BOUSTANY.

H.R. 1289: Mr. DAVIS of Illinois.

H.R. 1303: Ms. SHEA-PORTER.

H.R. 1314: Mr. FORBES and Mr. KINGSTON.

H.R. 1324: Mr. KIRK.

H.R. 1330: Mr. BISHOP of New York, Mr. KAGEN, and Ms. SHEA-PORTER.

H.R. 1333: Mr. TANCREDO, Mr. WOLF, and Mr. PASTOR.

H.R. 1343: Mrs. CAPPS, Mr. ENGEL, Mr. ELLISON, Mr. HIGGINS, Mr. UDALL of New Mexico, Mr. CLEAVER, Mr. CAPUANO, Mr. BERMAN, Mr. SHAYS, Mr. TERRY, Ms. LINDA T. SÁNCHEZ of California, and Mrs. MALONEY of New York.

H.R. 1346: Mr. COHEN, Ms. SLAUGHTER, Mr. MEEHAN, Mr. OBERSTAR, and Mr. SIRES.

H.R. 1350: Mr. HIGGINS.

H.R. 1363: Mr. GRIJALVA, Mr. MOORE of Kansas, and Mr. ALLEN.

H.R. 1384: Mr. BERMAN, Mrs. BONO, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. ISSA, Mr. DANIEL E. LUNGREN of California, Mr. SHERMAN, Ms. WATERS, and Mr. ENGLISH of Pennsylvania.

H.R. 1386: Mr. KIND, Ms. BERKLEY, Mr. MCNULTY, and Ms. MOORE of Wisconsin.

H.R. 1395: Mrs. MYRICK.

H.R. 1424: Mr. DINGELL and Mr. ALTMIRE.

H.R. 1428: Mr. TERRY and Mr. ENGLISH of Pennsylvania.

H.R. 1430: Mr. BOOZMAN, Mr. WOLF, and Mrs. MUSGRAVE.

H.R. 1439: Mr. KILDEE, Mr. CARNEY, Mr. KIND, Mr. BOUSTANY, Mr. FILNER, Ms. WOOLSEY, Mr. LAHOOD, Mr. GORDON, Mr. GOODE, Mr. ENGLISH of Pennsylvania, and Mr. CULBERSON.

H.R. 1441: Mr. HASTINGS of Florida, Mr. WEINER, Ms. WATSON, and Mr. ENGEL.

H.R. 1457: Mr. FORBES.

H.R. 1481: Mrs. BOYDA of Kansas.

H.R. 1497: Mr. HASTINGS of Florida and Mr. GRIJALVA.

H.R. 1498: Mr. WU, Ms. MATSUI, Mr. GRIJALVA, and Mr. INSLEE.

H.R. 1499: Mr. COSTA.

H.R. 1506: Mr. WAXMAN, Mrs. DAVIS of California, Mr. LYNCH, Ms. ZOE LOFGREN of California, Mr. STARK, Ms. LEE, Mr. BERMAN, Mr. HONDA, Mr. MCDERMOTT, Mr. BLUMENAUER, and Mr. LANGEVIN.

H.R. 1532: Mr. MORAN of Virginia.

H.R. 1535: Mr. RANGEL, Ms. CARSON, Ms. NORTON, and Ms. BORDALLO.

H.R. 1539: Mr. BONNER and Mrs. MILLER of Michigan.

H.R. 1543: Mr. MANZULLO.

H.R. 1560: Mr. ROSS, Ms. SCHAKOWSKY, Mr. CONYERS, and Mr. RAMSTAD.

H.R. 1566: Mr. MCGOVERN.

H.R. 1567: Mr. MCDERMOTT and Mr. HOLT.

H.R. 1576: Mr. UDALL of Colorado, Mr. GORDON, and Mr. BECERRA.

H.R. 1581: Mr. ACKERMAN.

H.R. 1594: Mr. CARNEY.

H.R. 1595: Mr. SENSENBRENNER and Mr. ABERCROMBIE.

H.R. 1604: Ms. WOOLSEY.

H.J. Res. 1: Mr. THORNBERRY and Ms. HERSETH.

H.J. Res. 12: Mr. CARNEY.

H. Con. Res. 33: Ms. WATSON and Mr. INSLEE.

H. Con. Res. 71: Ms. NORTON.

H. Con. Res. 75: Mr. ELLISON.

H. Con. Res. 83: Mrs. MUSGRAVE.

H. Con. Res. 92: Mr. COHEN.

H. Res. 25: Mr. NADLER and Mr. CROWLEY.

H. Res. 55: Mr. WU and Mr. ABERCROMBIE.

H. Res. 76: Mr. UDALL of New Mexico.

H. Res. 111: Mr. ENGLISH of Pennsylvania.

H. Res. 146: Ms. SCHAKOWSKY.

H. Res. 179: Mr. SIRES, Mr. BISHOP of New York, Mr. COLE of Oklahoma, Mr. PATRICK MURPHY of Pennsylvania, Mrs. DAVIS of California, Mr. ELLSWORTH, Mr. BERRY, Ms. MATSUI, Mr. CAPUANO, Ms. DEGETTE, Mr. ETHERIDGE, Mrs. CAPPS, Mr. PAUL, and Mr. BUCHANAN.

H. Res. 186: Mr. ORTIZ, Mr. GILCHREST, Mr. KING of New York, Mr. LANGEVIN, Mr. CAMPBELL of California, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. HONDA, and Ms. CASTOR.

H. Res. 189: Mr. HONDA, Mr. HILL, Mr. MCDERMOTT, and Ms. BERKLEY.

H. Res. 221: Mr. GONZALEZ.

H. Res. 226: Mr. HASTINGS of Florida and Mr. GRIJALVA.

H. Res. 231: Mr. BURTON of Indiana and Mr. PAUL.

H. Res. 233: Mr. BLUMENAUER.

H. Res. 234: Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. RANGEL, Mr. MEEK of Florida, and Ms. SCHAKOWSKY.

H. Res. 241: Mr. RUSH.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. KNOLLENBERG. Mr. Speaker, on March 13, 2007, I was unavoidably absent and missed rollcall vote 140. Had I been present, I would have voted: 140—"yea."

ALTERNATIVE SPRING BREAK

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mrs. CUBIN. Madam Speaker, with spring upon us, college students across the Nation are trekking to our Nation's coastal areas in search of sunny skies and sandy beaches. Yes, Madam Speaker, spring break is upon us.

Often, this collegiate ritual is typified by moral abandon and excesses of many types. However, today it is my pleasure to highlight several students from the University of Wyoming who visited the Nation's Capital to take part in an entirely different spring break experience.

Last week, eight students traveled here from Laramie, Wyoming, to take part in an up-and-coming program known as "Alternative Spring Break." Here in Washington, they spent their days not sightseeing or sunbathing like many of their peers, but volunteering with the National Coalition for the Homeless.

Their week included long days spent working to serve homeless individuals and learning about the special needs of this all-too-frequently overlooked population of needy Americans.

Students like Amanda Blair, Jonathan McBride, Mackenzie Mixer, Lydia Bustos, John Ellis, Amber Johnson, Bailey Loghry, Jonathan Ingebrigtsen, Amber Pace, Brynn Hvidston, and their coordinators Robyn Paulekas at UW and Michael O'Neill of the National Coalition for the Homeless, are role models for people of all ages.

These students will undoubtedly now have spring break memories to last a lifetime. They deserve all the respect and praise this noble body can give.

HONORING FORMER CONGRESSMAN THOMAS KLEPPE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. POMEROY. Madam Speaker, our Nation lost a great American and this House lost a most distinguished former Member with the passing of Thomas Kleppe at age 87 on March 2, 2007. Tom Kleppe was elected from the 2nd district of North Dakota in 1966 and 1968.

Tom was probably best known to the Nation for his service as Secretary of the Interior under President Ford, however he was best known to his home State of North Dakota for his service in Congress from 1966 to 1970. Tom was a trailblazer in North Dakota, being elected as the youngest-ever mayor of Bismarck at the age of 30 and the first native of North Dakota to ever serve in a Presidential cabinet when he was appointed Interior Secretary in 1975.

Tom exemplified the definition of the "Greatest Generation," having served his country as a warrant officer in the U.S. Army for 4 years during World War II. Shortly before being honorably discharged in 1946, Tom turned down an offer from the St. Louis Cardinals to return to his native North Dakota, and our State is the better for it.

As the son of homesteaders in Kintyre, ND, Tom was instilled with the enterprising spirit and work ethic that have made North Dakota prosper. By the time he was a teenager, Tom was working for his father's grain elevator business. He went on to work in bookkeeping and banking before entering public service, where he served as the mayor of Bismarck and later served two terms in the U.S. House of Representatives. There Tom was known as a strong advocate for North Dakota's farmers and ranchers on the Agriculture Committee.

Kleppe was appointed to head the Small Business Administration by President Nixon, a post he held from 1971–1975, when President Ford appointed him Interior Secretary. Tom served in this position for the remainder of Ford's term. During his tenure, Kleppe proved an able steward of the Nation's land and wildlife. Even long after moving to Washington, DC, Tom never lost touch with his prairie roots, and continued to ride horses well into his 80s.

Tom is survived by his wife of 48 years, Glendora Kleppe, and his 4 children, 11 grandchildren and 4 great-grandchildren. The State of North Dakota mourns the loss of a great public servant.

PEACE IN THE TAIWAN STRAIT

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. BUTTERFIELD. Madam Speaker, 2 years ago, China enacted an anti-secession law which "gave" China the right to overtake Taiwan by force. Since then both Taiwan and the United States have asked China to rescind the law. So far China has ignored all pleas. Instead, it has increased its number of guided missiles deployed along the coast of Taiwan, threatening war anytime. In addition, China has prevented Taiwan from participating in international organizations such as the World Health Organization and heightened its bellicose rhetoric against the democratically-elected Taiwan President Chen Shui-bian.

As a rising world power, China must assume the responsibility of a global leader. It must lessen the tensions in the Taiwan Strait by rescinding the bad anti-secession law which has deeply hurt the feelings of the Taiwanese people. China should also reduce its military presence along the coast of Taiwan and learn to respect the wishes of the Taiwanese people.

I urge my colleagues to give Taiwan our support. Taiwan is a democracy and an ally of the United States. Under the framework of the Taiwan Relations Act, we must make sure that peace and stability continue to prevail in the Taiwan Strait.

HONORING THE CHICAGO ACADEMY FOR THE ARTS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today with the great privilege of honoring the Chicago Academy for the Arts. In September of 2006, the Chicago Academy for the Arts received the Creative Ticket National Schools of Distinction Award from the Kennedy Center's Alliance for the Arts Education Network. In addition to this notable award, on Saturday, March 24, at 6 p.m., the students from this institution will have the rare honor and distinction of performing on the Millennium stage in the Kennedy Center. This is a great moment in these students' young lives, where all of their hard work has paid off so rewardingly.

This award represents the culmination of 25 years of practical and academic training in the fine arts. The academy is the only independent secondary school in Illinois that offers specialized training in dance, music, theatre, musical theatre, and visual arts. Their mission is to prepare young artists for life through rigorous academic education and professional arts training. To anyone from Chicago, it comes as no surprise that this high school was among only two high schools in the Nation to receive the honor. The school was also named the State's top arts school in March 2006 by the Illinois Alliance for Arts Education, which is in the Kennedy Center Alliance. This prestigious institution has consistently produced outstanding students with an immense talent and commitment to the arts. Daily, the 160 students complete a rigorous, 5-hour academic day in English, mathematics, foreign

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

language, history, science, and social studies. They then move on to 3 hours of learning about the theory, history, and technique of the student's chosen art discipline, taught through intensive classroom and studio work under the direction of exemplary arts professionals. The academy supports a diverse population, with 46 percent of students coming from outside the city of Chicago and 5 percent from outside the State. Nearly half of the students rely on financial aid and scholarships to attend this marvelous institution. The Chicago Academy for the Arts demonstrates an incredible commitment to higher education, with 97 percent of students continuing onto top colleges and conservatories.

The Chicago Academy for the Arts shines as a beacon for students pursuing both strong academic and artistic training so that they can become the future leaders in their disciplines. I congratulate them on their impressive accomplishments, and I hope they break a proverbial leg on Saturday.

TRIBUTE TO SOUTHERN ILLINOIS UNIVERSITY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor my alma mater Southern Illinois University of Edwardsville, where I graduated with my MBA in 1997, on its 50th anniversary.

The University currently serves nearly 13,500 students from 101 Illinois counties, 43 other U.S. States, and 46 nations. Since its inception, the institution has directly influenced the rate of individuals earning 4-year degrees in the St. Louis Metropolitan area of Southern Illinois, up from 3 percent in Madison and St. Clair counties in 1957 to 20 percent today. The University contributes roughly $356 million to its regional economy, according to an Economic Impact Study released in May 2006, and more than 37,000 alumni live in the region and contribute to the economy.

Over the last 50 years the institution has played a major role in elevating the quality of people's lives, as well as their earning potential in Illinois. Southern Illinois University of Edwardsville has conferred more than 90,000 degrees in its history, with more than 75,000 alumni. The institution helped more than 8,000 people in the East St. Louis area and surrounding communities in the year 2006 through services, training opportunities, and programs at the SIUE East St. Louis Center.

Southern Illinois University of Edwardsville has been ranked two consecutive years among U.S. News & World Report's America's 15 Best Colleges, along with Harvard University, MIT, and other prestigious institutions, for its Senior Assignment Program and integrative learning experience required for all seniors prior to graduation. The University's Senior Assignment Program also was ranked as a model for learning assessment in the country by the American Association of Colleges & Universities in January 2007. The School of Dental Medicine, rated among the top dental schools in the Nation, is the only dental school in Illinois outside Cook County and the only dental school within 250 miles of the St. Louis Metropolitan Area. The dental school provides more than $50,000 in free oral health care to children annually through Give Kids a Smile Day and more than $30,000 annually in care to low-income and uninsured patients who otherwise might go untreated.

After finishing fourth nationally in the U.S. Sports Academy Directors' Cup among NCAA Division II schools in 2006, the institution is now currently in the process of moving its quality intercollegiate athletics program forward to NCAA Division I status.

I am pleased to congratulate Southern Illinois University of Edwardsville on its 50 years of accomplishments.

THE SAFE CLIMATE ACT OF 2007

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. WAXMAN. Madam Speaker, I am pleased today to join over 125 of my House colleagues in reintroducing the Safe Climate Act.

As the Intergovernmental Panel on Climate Change recently announced, the fact that the planet is warming is now unequivocal. And the human role in this is no longer in debate.

The planet is at a crossroads, and it is time for us to choose to act.

I originally introduced this legislation just 9 months ago today.

At that time, I discussed how there are different approaches that can be taken to climate legislation. Some bills seek a symbolic recognition of the problem. Others are premised on what may be politically achievable in the near term.

The Safe Climate Act was drafted on a different premise: It reflects what the science tells us we need to do to protect our children and future generations from irreversible and catastrophic global warming. The bill has aggressive requirements to reduce emissions of greenhouse gases. But the reality is, these are the reductions that scientists say we need to achieve to preserve a safe climate for future generations.

No one had yet proposed legislation that aimed to solve the climate crisis, and I wasn't sure how my colleagues and others would respond to this proposal.

However, in just 9 months, there has been remarkable progress in building consensus on this approach.

During the last Congress, I was pleased that 113 members decided to cosponsor my legislation. I was particularly delighted that Minority Leader NANCY PELOSI decided to endorse the bill.

Then in January of this year, a coalition of environmental groups and companies joined together in calling for emission reductions that are consistent with the reductions required by my legislation. This coalition, calling itself the U.S. Climate Action Partnership, is made up of Alcoa, BP America, Caterpillar Inc., Duke Energy, DuPont, Environmental Defense, FPL Group, General Electric, Lehman Brothers, the Natural Resources Defense Council, the Pew Center on Global Climate Change, PG&E Corporation, PNM Resources and the World Resources Institute. And many others, including such diverse entities as states, American workers, small businesses, religious congregations and outdoors enthusiasts, are all urging comparable levels of emissions reductions.

All of these groups recognize an important truth—global warming is the greatest environmental challenge of our time, and we have a short window in which to act to prevent profound changes to the climate system. Unless we seize the opportunity to act now, and act decisively, our legacy to our children and grandchildren will be an unstable and dangerous planet.

The science clearly tells us what we need to do—we must reduce emissions of greenhouse gases, starting now and continuing over the next few decades. To achieve this, we have to grow our economy into a new and cleaner future. It's simply too late for legislative baby steps.

I have been working to address the threat of global warming for many years. Over 10 years ago, the science and the threat of global warming were clear. That's why I introduced the Global Climate Protection Act of 1992, which would have frozen U.S. emissions of carbon dioxide at 1990 levels. But Congress failed to act.

Now our understanding of global warming has only grown stronger. We're actually experiencing the effects of climate change today. And they are not good.

As the earth warms, its ice is melting. From the glaciers in Glacier National Park, to the snows of Kilimanjaro and the Larson B iceshelf in Antarctica, ice that has been here since the last ice age is disappearing or already gone. Accordingly, sea levels will rise, posing enormous challenges for our coastal communities. The permafrost supporting towns and roads in Alaska is melting rapidly, and the summer sea ice in the Arctic Ocean is diminishing each year. These are changes we can see with our own eyes.

The seasons are changing—maple sugar producers in Vermont are tapping trees earlier, plants are flowering earlier, and birds are migrating earlier. These changes are happening across the globe. And with warmer weather come bugs that are no longer being killed by the winter cold, such as the beetles that are destroying forests across the Southwest and Alaska.

The Intergovernmental Panel on Climate Change recently confirmed that we have already observed climate-related changes in extreme weather including droughts, heavy precipitation, heat waves and the intensity of tropical cyclones. The year 2005 broke hurricane records, and America experienced the devastating results of just a few such storms with Hurricanes Katrina and Rita.

The scientists have been proven right about global warming, over and over again, across the planet. We should start listening to them.

Now they are telling us that we have about 10 years to act to avoid being locked into irreversible global warming on a scale that will transform the planet. The scientists have identified a global temperature rise of just 3.6 degrees Fahrenheit as enough to produce undeniably dangerous consequences, such as 20 feet or more of sea level rise, which would flood large parts of Florida and New York City, as well as huge population centers in other countries. And scientists have calculated the quantity of atmospheric greenhouse gases that would very likely cause such a temperature rise. The nations of the world must keep greenhouse gases below that level to avoid irreversible dangerous global warming.

The United States emits more greenhouse gases than any other country in the world—about 20 percent of the total worldwide. We simply cannot avoid catastrophic global warming without substantial cuts in U.S. emissions. Of course, every nation will have to do its part. According to the best science, under any plausible scenario of future international actions to stabilize the climate, the United States will eventually need to reduce its emissions by about 80 percent.

Fortunately, we have some time to get there, as long as we start reducing our total emissions now. And that's what the Safe Climate Act does. It caps U.S. emissions in 2010, and then gradually reduces them by just 2 percent per year until 2020. This gives us over a decade to deploy the cleaner technologies that we already have but aren't using much, such as hybrid vehicles and wind power. After 2020, emissions must fall under the legislation by roughly 5 percent per year, as more advanced technologies, such as biofuels from waste materials and capturing carbon dioxide from power plants, become widely available.

The Safe Climate Act reduces emissions through a flexible, market-based emissions trading program, as well as complementary requirements for cleaner cars and more electricity from renewable energy and efficiency. The Environmental Protection Agency and the Department of Energy would oversee these programs nationally, while States would retain their authority to act on the State level. In effect, the Safe Climate Act sets the targets and then unleashes market forces and American ingenuity to solve the problem.

This sounds ambitious, and it is. But it is also completely doable, once we decide to act. Look at what we've already achieved. In just over 30 years, from the passage of the Clean Air Act in 1970 to 2002, the total air pollution from all automobiles was reduced by over 60 percent. We achieved these reductions even as the total number of vehicle miles traveled increased by 160 percent and GDP grew by 166 percent.

From 1990 to 1996, in just 6 years, we ended production of key chemicals destroying the Earth's protective tropospheric ozone layer and shifted to substitutes. Those chemicals had been widely used throughout the economy in applications from air conditioning and refrigeration to solvents and fire suppression.

In each case, entrenched industries told Congress that changes of these magnitudes would be impossible to achieve without massive economic dislocation. And in each case, they were wrong.

Our Nation has made dramatic advances in technology that have transformed our lives. We can do it again in developing new innovations for transportation and energy production. The Safe Climate Act will give the market the incentives necessary to unleash American ingenuity and solve the problem.

We've ignored the threat of global warming for almost too long, but we still have an opportunity if we act now. I urge my colleagues to join me in cosponsoring this critically important bill, and I urge the committee of jurisdiction to consider it without further delay. We must face and overcome the challenge of global warming, and the Safe Climate Act is the way to do it.

H. CON. RES. 62: SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILDREN AND FAMILIES DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. DAVIS of Illinois. Madam Speaker, a National Children and Families Day will encourage families to embrace the qualities needed to raise happy and healthy citizens. For example, families teach children the lessons they must learn to live productive and prosperous lives. They care for children by giving them love, warmth, and encouragement while providing food, shelter, and financial support. Strong families build trusting relationships by demonstrating commitment to all the members of the family. This includes following through with promises, working as a team, open and honest communication about important decisions and reflections on the passing day. All families experience crisis, but strong and committed families use these experiences to learn and to grow. Family members should spend time together talking, reading, playing games, and participating in outdoor activities. They should always encourage each other and be involved in their neighborhoods and community, where the strength of our Nation starts. A National Children and Families Day will highlight these important activities in which families engage and their positive effects on our nation.

A National Children and Families Day also would focus our attention on the need for citizens and Congress to work toward ensuring that every child has a loving family. It is so unfortunate that there are millions of children in our country who do not have the ability to experience on a daily basis, a regular basis, or even an occasional basis the love and care of a stable family relationship. These include children who are involved in the child welfare system.

A National Children and Families Day will help members of Congress focus on ways to enhance and improve the quality of life for all children and families via the programs under our jurisdictions, whether by supporting family-friendly business policies, quality health care, or quality child care. Strong families help make a strong Nation.

While we honor the 4th Saturday of June this year in recognition of the importance of children and their families, it must not stop on one day. Every day families must work at keeping each other strong and loved. And we as a Nation and Congress as a body must never cease our support for the American family and the children that are the future.

TRIBUTE TO AIR EVAC LIFETEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Air Evac Lifeteam in its celebration of National EMS Week.

The Air Evac Lifeteam serves rural communities and has grown to be the largest independently owned and operated membership-based air ambulance service in the United States since its creation in 1985. The company has transported more than 100,000 patients in need, serving as the critical link to improved response time and immediate access to medical care facilities for numerous rural communities across 11 states, including Alabama, Arkansas, Indiana, Iowa, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Illinois. There are five operational bases in Illinois located in Effingham, Marion, Mt. Vernon, Quincy and Springfield which are strategically positioned to serve over forty Illinois counties. Last year the Air Evac Lifeteam air lifted over 2000 critical patients to advance medical centers.

The Air Evac Lifeteam has 1500 employees with significant professional education and experience. A registered nurse and paramedic are on every mission. Registered nurses average 6 years of critical care experience, with a minimum requirement of 3 years experience. Paramedics average 10 years of active pre-hospital experience, with a minimum requirement of 3 years experience. All medical crew members are certified as well. The Air Evac Lifeteam pilots are skilled and certified aviators that meet Federal Aviation Authority approval and have flown, an average, of more than 5,700 hours.

The National EMS Week celebration will be held at the Effingham base on Thursday, May 24, 2007. There will be a meet and greet of EMS Political IDPH Leaders as well as a host of EMS crews, government officials, hospital administration and staff, local and regional media, plus a variety of Illinois healthcare providers.

I am pleased to congratulate the Air Evac Lifeteam on its accomplishments and its service to the rural communities. I also wish the Air Evac Lifeteam well for its week-long celebration and future endeavors.

PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. MITCHELL. Madam Speaker, on rollcall Nos. 157, 158, 159, I missed due to airline mixup and malfunction. Had I been present, I would have voted "yea."

TRIBUTE ON THE RETIREMENT OF RACHEL R. KLAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. HOYER. Madam Speaker, I'd like to take a moment today to recognize Rachel Klay, a devoted friend and dedicated public servant who retired from the United States Secret Service on January 19 of this year.

I had the pleasure of getting to know Rachel over the course of her 24-year career with the Secret Service—and I can say, with the utmost confidence, that she served our country with dignity and integrity every step of the way.

Whenever I or another Member of Congress would visit the White House, we could always count on Rachel to greet us with a smile or funny story. And whenever foreign dignitaries visited Capitol Hill, we could always count on Rachel to be right there with them, ensuring that foreign officials had a safe and comfortable experience while visiting our Nation's capital.

Rachel always fulfilled her duties with all of the dependability, professionalism and love of country that one would expect from a Secret Service agent. But she also brought a kind and lighthearted nature to the job that I, for one, will never forget.

And let me add that I have had the pleasure of employing Secret Service agents in my office through Congressional fellowship programs and, like Rachel, each and every one of them has represented the best our Nation has to offer.

From her upbringing in Orange City, Iowa, to her studies at Northwestern and Sangamon State Universities, to the U.S. Secret Service, Rachel has always excelled and stood out as a leader and as someone people can count on.

As she moves on to bigger and better things, I'd like to congratulate Rachel Klay on a proud career of service to our country and wish her the best of luck in whatever the future holds.

H. RES. 162: RECOGNIZING THE CONTRIBUTIONS OF THE NEGRO BASEBALL LEAGUES AND THEIR PLAYERS FOR THEIR ACHIEVEMENTS, DEDICATION AND SACRIFICES TO BASEBALL AND THE NATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. DAVIS of Illinois. Madam Speaker, since 1885, long before Major League Baseball was inaugurated in 1903, African Americans were organizing into their own professional leagues. Unfortunately, racial prejudice and lack of adequate financial backing undermined the success of these initial leagues. However, this changed dramatically with the inception of the first successful Negro league. On May 20, 1920, the Negro National League played its first game. Its creation was the result of the efforts of an African American player and manager named Andrew "Rube"' Foster. Mr. Foster's success inspired the formation of other leagues as well as thousands of children nationwide.

Six separate leagues that emerged between 1920 and 1960 are collectively known as the Negro Leagues: the Negro National League, Eastern Colored League, American Negro League, East-West League, Negro Southern League, and Negro American League. The lasting legacy of the Negro Leagues includes inspiring events and the tremendous baseball players. They produced what baseball aficionado doesn't know about the first Negro World Series? On October 3, 1924, the first game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted ten games, covered a span of almost three weeks, and was played in four different cities. In the end, Kansas City claimed the championship. Clearly, this was a remarkable and inspiring event.

What baseball aficionado doesn't know Jackie Robinson, the first African American to break the baseball color barrier? Leroy "Satchel'" Paige, who was considered one of the greatest pitchers of all time? Josh Gibson, who was a prolific home-run hitter; or Larry Doby, the first African American to play in the American League in July 1947; or John Jordan "Buck" O'Neil, who was the first African American coach in the Major Leagues, played a major role in establishing the Negro Leagues Baseball Museum, and was posthumously honored with the Presidential Medal of Freedom December 6, 2006?

Madam Speaker, Black history in Major League Baseball has been filled with many successes and a struggle for equity. Therefore, it is important that we remember and honor these players. In breaking down the baseball color barrier, these pioneers dealt a blow to hatred and prejudice across America. I encourage all Americans to recognize the achievements, dedication, and sacrifice that these Black players made to baseball and the Nation.

TRIBUTE TO ST. PETER'S UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor St. Peter's United Church of Christ located in the small community of Stone Church, Illinois, on their 150th anniversary. St. Peter's United Church of Christ separated from the Independent Evangelical Lutheran St. Johannes Congregation, the mother church, in 1857.

The "Old Stone Church" was built in 1858 and dedicated on January 2, 1859. On March 26, 1948, Good Friday morning, a fire destroyed the entire church. In 1950 ground was broken for a new church, and it was dedicated on March 11, 1951. In 1955 ground was broken for a new parsonage, which was dedicated on October 7, 1956, and in 1958 the Brotherhood was organized. In 1974 the Education Building was built in memory of Mr. and Mrs. Louis Doelling.

On February 11, 2007, St. Peter's began celebrating their sesquicentennial. After several months of celebration, a dedication service will be held on August 26, 2007, followed by a noon dinner at Okawville Community Club where a pictorial history of the Church will be displayed.

HONORING THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACES DISTRICT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today together with my colleague Ms. WOOLSEY to honor the Sonoma County Agricultural Preservation and Open Space District located in Northern California. On March 3, the agency received the prestigious County Leadership in Conservation Award from the National Association of Counties (NACo) and Trust for Public Land (TPL).

This award is given annually to counties that showcase the best practices in innovative conservation work. As one of the first public agencies in the nation funded by a sales tax to protect agriculture, the Open Space District has continued to distinguish itself nationally. It has protected almost 70,000 acres, including farms, greenbelts, natural open spaces, and recreational areas.

The District was formed as a result of public concern over urbanization in Sonoma County as subdivisions, malls and parking lots threatened to overwhelm land the famed botanist Luther Burbank once called "God's chosen spot." Responding to the very real threat of sprawl, farmers, environmentalists and community leaders joined together in 1990 to pass a sales tax to fund preservation and open space acquisition. So successful is the District that the tax was renewed with a 75-percent approval vote in 2006. Today the tax provides approximately $13 million a year for the District's land conservation and acquisition programs.

The County Open Space Authority is responsible for levying and distributing the funding, while the Sonoma County Board of Supervisors acts as the Board of Directors. The Supervisors appoint a 17-member Open Space Advisory Committee, representing various stakeholders and interest groups, to recommend acquisitions. Manager Andrea Mackenzie works with all of these groups and other local organizations in identifying and purchasing suitable properties (or conservation easements) and determining the best use for them, from agriculture to resource conservation to public access or recreation.

Madam Speaker, Sonoma County has a beautiful and diverse environment ranging from oak savannah to bay wetlands to coastal redwood forests. Its farmlands are among the richest on the planet and grow grapes for world-class wines, crispy Gravenstein apples and luscious Crane melons and many specialty crops. Its pastures and rangelands support both dairy and meat production. The District ensures that our children's children will always have woodland and hillside trails to hike and homegrown food to enjoy.

These open spaces keep Sonoma County's agricultural economy healthy, provide recreation for visitors and residents, and preserve the very character of the county. I congratulate the Sonoma County Agricultural Preservation and Open Space District upon the receipt of the well-deserved County Leadership in Conservation Award and look forward to continuing to work with the District to preserve Sonoma County's natural beauty and agricultural bounty.

ON THE INTRODUCTION OF THE "FLEXIBILITY INCENTIVE GRANT PILOT PROGRAM"

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Ms. MATSUI. Madam Speaker, I rise today to introduce an important bill that anticipates and addresses our communities' immediate and future transportation needs.

Today I am introducing the Flexibility Incentive Grant Pilot Program, or as I call it—the FIG program.

This legislation creates a $250 million annual grant program that provides a two-prong approach to growing our national transit program while rewarding states and localities that are making an investment in their transit infrastructure.

Specifically, this legislation will provide incentives to encourage States and counties to establish new sources of revenue for transit projects and services. Such sources may include the dedication of new State motor fuels taxes, sales taxes, interest on existing highway funds, motor vehicle excise taxes, tolls, or other sources of funding.

Furthermore, this legislation rewards those States that currently invest in transit by making them eligible to receive "bonus" payments by the Secretary of Transportation so that they can continue to invest in their transportation infrastructure.

I look at this as a federal transportation tax return for those states and localities that invest in their transportation infrastructure.

Transportation is about partnerships—and funding our infrastructure requires a strong commitment between federal, State and local governments. We need to grow our transit system in order to meet our growing population and infrastructure demands that our states and localities are experiencing.

Fortunately, some States are already making a substantial investment in their transportation infrastructure. For example, in my home state of California, voters last November approved $19.9 billion in transportation bonds to fund a variety of transportation projects and initiatives.

At the local level, citizens are willing to tax themselves to pay for much need transportation improvements. For example, in my district of Sacramento, a recent survey revealed that 74 percent of Sacramento County residents would support a ballot tax measure for transit and roads. Our citizens understand the need for more transportation funds and are proving this as a priority at the ballot box.

The federal government must play a key leadership role in encouraging this type of initiative.

Why is this so important?

Last week, the American Public Transportation Association announced that Americans took a record 10.1 billion trips on local public transportation in 2006.

Over the last decade, public transportation's growth rate outpaced population growth and the growth rate of vehicle miles traveled on our Nation's highways.

There is great demand on our national transit infrastructure.

Since 1995 public transit use has increased by 30 percent, which is double the population growth in our country, 12 percent, during that same time period.

Despite record levels of federal investment and the display of local jurisdictions to tax themselves for the purposes of increasing the level and quality of public transportation services, we have to make sure that State funding, across our country, keeps pace.

State Legislatures are facing huge deficits and some States have little choice but to freeze or cut funding for many important programs, including transit services.

My legislation is designed to encourage States and counties to think twice before they cut transit funding by providing "bonus" Federal transportation dollars to those States that increase public transportation funding or take steps to increase funding.

As a member of the Transportation and Infrastructure Committee, my colleagues and I will be looking for new and innovative ways to fund our transportation programs in the coming years.

The Flexibility Incentive Grant Pilot Program is a good place to start this conversation. I ask that my colleagues support my legislation.

H. CON. RES. 584: TO DESIGNATE THE HEADQUARTERS OF THE DEPARTMENT OF EDUCATION IN WASHINGTON, DC, AS THE LYNDON BAINES JOHNSON FEDERAL BUILDING

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. DAVIS of Illinois. Madam Speaker, throughout his tenure as President and during his life in general, President Lyndon Baines Johnson held firm to his belief that education was an essential part of the American dream. In particular, he championed the right to quality education for minorities in public schools that were challenged by merit, limited funding, and poor resources. It is fitting that this building bear his name given his central role in passing landmark education legislation.

During his term as President, LBJ signed into law the Elementary and Secondary Education Act of 1965. For the first time, this act allocated large amounts of Federal money to public schools, targeting assistance to disadvantaged children in rural and urban areas. In addition, this bill allowed for the first time, private schools, mostly Catholic schools in urban areas, to receive funding and support.

Johnson's second major education achievement was the Higher Education Act of 1965. Again, this bill incorporated the needs of low-income students via grants, the work-study program, and government loans. These are just a small sample of the great accomplishments of President Johnson, a leader who took the steps necessary to make education a top priority for the country, a goal to which we continue to strive today. I salute his great contribution to education. I am proud to see that the headquarters of the Department of Education in Washington, DC, will be commemorated as the Lyndon Baines Johnson Federal Building in honor of our 37th President.

TRIBUTE TO THE CITY OF TROY, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the City of Troy, Illinois, on its 150th anniversary.

The City of Troy first began in 1819 as a ten acre spread of land in southern Illinois and soon became the first stagecoach stop for travelers to and from St. Louis. By 1850 the City of Troy became a story of success, and Troy became legally recognized as a town in 1857.

By 1978, Troy became the third fastest growing area in the United States and still continues to prosper.

I am pleased to congratulate Troy on its 150 years of accomplishments.

WHITE PASS SKI AREA EXPANSION PROJECT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. DICKS. Madam Speaker, I rise today to discuss an issue that has occurred in my State over the past 23 years.

The White Pass Ski Area is located in the Cascade Mountain Range in the Gifford Pinchot and Wenatchee National Forests. White Pass is renowned as one of the best small ski areas in the Pacific Northwest and offers particular appeal to families. The area, which provides critical tourism revenue to the surrounding rural communities on both sides of the mountain range, is now looking to expand to provide greater opportunities to skiers in the Pacific Northwest.

Over two decades ago, we succeeded in passing through Congress the Washington State Wilderness Act of 1984. This legislation added over 23,000 acres of land to the Goat

Rocks Wilderness Area and removed from wilderness designation 800 acres adjacent to the White Pass Ski Area as having "significant potential for ski development" and urging the Secretary of Agriculture to "utilize this potential, in accordance with applicable laws, rules and regulations."

The Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800–acre area that Congress had withdrawn from the Wilderness Area back in 1984 to Developed Recreation in recognition of the intent of Congress. However, the LRMP concurrently inventoried as roadless the same 800–acre area. The conflicting, confusing and uncertain status of the subject lands needs addressing, which is why I rise today.

I can say from first-hand experience that, at the time we passed the aforementioned Washington Wilderness Act of 1984, it was congressional intent to permit expansion of the White Pass Ski Area. I would like to submit for the record a letter signed by the 1984 congressional delegation stating that it was our intent to provide for the expansion of White Pass Ski Area. In a February 3, 2004 letter, the U.S. Department of Agriculture also confirmed this congressional intent, stating: "We agree that the intent of Congress was clearly to allow for ski area development in the Hogback Basin." In addition, Congressman BAIRD, who represents the district where White Pass is located, submitted for the RECORD on January 31, 2007 a statement urging clarification and action on this Issue.

The Fiscal Year 2007 Interior Appropriations Bill that passed the House in May of last year included important information clarifying congressional intent to permit expansion of White Pass Ski Area. The language stated:

> The Committee notes that the Washington State Wilderness Act of 1984 removed from wilderness designation 800 acres of land adjacent to the White Pass Ski Area in Washington State for potential ski development. The Committee notes that the Gifford Pinchot National Forest Land and Resource Management Plan allocated the 800-acre area as Developed Recreation to allow for ski area expansion, while concurrently inventorying the same land as roadless to reflect its current physical character. The Committee recognizes that it was the intent of Congress to permit ski area expansion into this 800-acre area and urges the Secretary of Agriculture, once the Environmental Impact Statement for the White Pass Ski Area's Master Development Plan is properly completed, to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations.

Unfortunately, the FY07 Continuing Resolution did not include any report language; therefore the language clarifying congressional intent that passed this body last summer was not included in the CR.

I wanted to bring this issue to the attention of my colleagues and highlight the fact that the House Appropriations Committee was prepared and willing to clarify congressional intent, and that the full House approved that clarification by voting for the fiscal year 2007 Interior Appropriations Bill in May. In keeping with this, I urge the Secretary of Agriculture to move forward expeditiously in approving the expansion plans in accordance with all applicable laws, rules, and regulations—once the Environmental Impact Statement is properly completed.

TRIBUTE TO SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Ms. WOOLSEY. Madam Speaker, together with my colleague, Mr. THOMPSON from California, I rise today to honor the Sonoma County Agricultural Preservation and Open Space District located in Northern California. On March 3, the agency received the prestigious County Leadership in Conservation Award from the National Association of Counties (NACo) and Trust for Public Land (TPL).

This award is given annually to counties that showcase the best practices in innovative conservation work. As one of the first public agencies in the nation funded by a sales tax to protect agriculture, the Open Space District has continued to distinguish itself nationally. It has protected almost 70,000 acres, including farms, greenbelts, natural open spaces, and recreational areas.

The District was formed as a result of public concern over urbanization in Sonoma County as subdivisions, malls and parking lots threatened to overwhelm land the famed botanist Luther Burbank once called "God's chosen spot." Responding to the very real threat of sprawl, farmers, environmentalists and community leaders joined together in 1990 to pass a sales tax to fund preservation and open space acquisition. So successful is the District that the tax was renewed with a 75 percent approval vote in 2006. Today the tax provides approximately $13 million a year for the District's land conservation and acquisition programs.

The County Open Space Authority is responsible for levying and distributing the funding, while the Sonoma County Board of Supervisors acts as the Board of Directors. The Supervisors appoint a 17-member Open Space Advisory Committee, representing various stakeholders and interest groups, to recommend acquisitions. Manager Andrea Mackenzie works with all of these groups and other local organizations in identifying and purchasing suitable properties (or conservation easements) and determining the best use for them, from agriculture to resource conservation to public access or recreation.

Madam Speaker, Sonoma County has a beautiful and diverse environment ranging from oak savannah to bay wetlands to coastal redwood forests. Its farmlands are among the richest on the planet and grow grapes for world-class wines, crispy Gravenstein apples and luscious Crane melons and many specialty crops. Its pastures and rangelands support both dairy and meat production. The District with its immense support from the public ensures that our children's children will always have woodland and hillside trails to hike and homegrown food to enjoy.

These open spaces keep Sonoma County's agricultural economy healthy, provide recreation for visitors and residents, and preserve the very character of the county. Mr. THOMPSON and I congratulate the Sonoma County Agricultural Preservation and Open Space District upon the receipt of the well-deserved County Leadership in Conservation Award and look forward to continuing to work with the District to preserve Sonoma County's natural beauty and agricultural bounty.

THE SAFE FACILITIES ACT OF 2007

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. SMITH of New Jersey. Madam Speaker, last night I introduced legislation, the "Safe Facilities Act of 2007," H.R. 1574, to promote and protect increased safety measures at chemical security plants. Specifically, my legislation would prohibit any federal law, regulation or agency from preempting any State chemical facility safety stipulation which may be more rigorous then the new federal regulations.

As you know, Madam Speaker, last fall Congress passed the Homeland Security Appropriations Act of 2007 which granted the Department of Homeland Security (DHS) the authority to draft "interim final regulations" regarding plant security. While these standards are a necessary baseline for nationwide consideration, the federal regulations must represent a floor, not a ceiling, by which States may structure their own security standards. Federal regulations should not be written in such a way to undermine exiting State statues, which in cases like New Jersey are current and robust.

While I agree with some of the implementation provisions outlined in the interim regulations, my legislation repeals the provision allowing the federal law to preempt the state law. It is particularly difficult to find merit in the Department's plan to preempt state standards since the authorizing statute, Public Law 109–295, was intentionally silent on this issue. The very fact that the legislation did not include a specific preemption should be taken as the signal of Congressional intent to allow states to implement stricter standards if they act to do so. Federal laws should provide a framework for state laws, buttressing and enhancing existing state statutes not eradicating or replacing laws which in some cases may be more protective.

As you are well aware, September 11, 2001 changed the life of every single American—including the life of every resident in New Jersey. Nearly 700 New Jersey residents lost their lives including many from the 4th Congressional District which I represent in central Jersey. Regrettably, the most densely populated state in the Union is also well acquainted with bio-terror attacks including the subsequent anthrax attack at the U.S. Postal facility in Hamilton, also in my Congressional District. With over 100 major chemical facilities in the State of New Jersey, lawmakers, experts in the field of science, and residents alike are keen to the importance of securing New Jersey's vital infrastructure which could potentially be used as a weapon by a terrorist.

Immediately following the attacks in 2001 and in preparation for the "worst case scenarios" in the event of another terrorist attack, New Jersey established the Domestic Security Preparedness Task Force to develop the best security practices and encourage each chemical facility in the state to evaluate security threats and plant vulnerabilities as well as the consequences of a chemical release. In 2005, the best practices became mandatory for New Jersey's facilities. All of New Jersey's facilities are now required to prepare a site-specific, risk and vulnerability assessment, emergency incident prevention and response plan and require worker participation in their security assessments. In addition, 43 chemical facilities subject to the Toxic Catastrophe Prevention Act (TCPA) state program are also required to explore the feasibility of inherently safer technologies as part of state security and preparedness plans.

New Jersey is no stranger to danger when it comes to vulnerabilities in a post 9/11 world. We are acutely aware of the terrorist threat and thus we will not be passive in our fight to prevent future catastrophes. The Garden State is the first state in the Nation to implement vigorous plant security practices and continues to research and develop strategies to improve and enhance current standards and regulations. The federal government has no business undermining the efforts of New Jersey, or any State for that matter, in providing the greatest level of protection for our citizens.

TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. LANTOS. Madam Speaker, I would like to take this opportunity to call to the attention of my fellow committee members an important motion passed by the House of Commons of the Parliament of Canada on February 15, 2007 and a motion currently under consideration of the Senate of the Parliament of Canada.

The motions are part of an international initiative by the Canadian Parliamentary Friends of Tibet, under the leadership of Senator Consiglio di Nino of the Parliament of Canada, to encourage legislators from around the world to urge the government of the People's Republic of China to reach a final and lasting agreement with the Dalai Lama over the situation in Tibet. The initiative is an important step in bringing a peace to the Tibetan people within the context of the sovereignty and territorial integrity of the People's Republic of China.

The following is the text of the motion passed by the House of Commons and of the Parliament of Canada on February 15, 2007:

> That, in the opinion of the House, the government should: Urge the government of the People's Republic of China and the Representatives of Tibet's government in exile, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

The following is the text of the motion currently under consideration by the Senate of the Parliament of Canada:

> That the Senate urge the government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

COMMENDING WALTER KEITH SINGLETON FOR OUTSTANDING SERVICE TO HIS COUNTRY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. TANNER. Madam Speaker, I rise today to recognize a west Tennessean who was awarded the Congressional Medal of Honor 40 years ago for the ultimate sacrifice he and his family made in service to our country. Sergeant Walter K. Singleton of Shelby County was killed in action in Vietnam on March 24, 1967, at the young age of 22.

Sgt. Singleton was a proud Marine who, when coming under fire from the enemy, gave his own life to protect the lives of his comrades.

The heroism, gallantry and courage Sgt. Singleton demonstrated on the enemy battlefield 40 years ago represents the selfless service that millions of our Nation's finest have given to the United States Armed Forces. The sacrifice he and his family made is what makes this country great.

Madam Speaker, I hope you and our colleagues will join me in honoring Sgt. Walter K. Singleton for his patriotism and recognize the 40th anniversary of the day he received the Congressional Medal of Honor for bravely giving his life in service to his country.

INTRODUCTION OF A RESOLUTION ENCOURAGING THE ELIMINATION OF HARMFUL FISHING SUBSIDIES THAT CONTRIBUTE TO OVERCAPACITY IN COMMERCIAL FISHING FLEETS WORLDWIDE AND THAT LEAD TO THE OVERFISHING OF GLOBAL FISH STOCKS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Ms. BORDALLO. Madam Speaker, the international community finds itself today at a crossroads with respect to certain policy decisions that will affect the future of the world's fisheriec resources. The impacts of the decisions that the international community is poised to make in the coming weeks and months will determine the future sustainability of global fish stocks, including those stocks traditionally harvested by our domestic fishing industry.

Among the challenges to ensuring the sustainability of the world's fisheries resources is the increasing demand for protein by consumers globally. It is precisely this demand for protein that has led to overcapacity in commercial fishing fleets worldwide, and that in turn, is leading to the reported depletion of global fish stocks. The United Nations Food and Agriculture Organization (FAO) reports that 75 percent of the world's fish stocks are considered over-fished, fully exploited, significantly depleted, or rebuilding under protective management. Some countries have recognized these depletion trends and the current vulnerability of fish stocks. The United States is among these countries. Together, these countries have taken swift action to responsibly manage, the catch volume and capacity of their domestic fishing fleets. Other countries, however, have not taken similar steps to mitigate the risks to global fish stocks or sought to manage the catch volume and capacity of their fleets from a global sustainability perspective. In fact, their fleets continue to grow in number despite these alarming trends. This imbalance needs to be addressed by the international community and the United States is in a position to exercise leadership and must do so.

In the United States, we are doing what we can to restore, protect, and manage the precious fishery resources within our Exclusive Economic Zone. The most recent reauthorization of the Magnuson Stevens Fishery Conservation and Management Act requires that overfishing end by 2011. In addition, the United States government no longer provides economic incentives to build new fishing vessels as it once did two decades ago. Unfortunately, the leadership that the United States and others have demonstrated by proactively and responsibly reprioritizing financial assistance for domestic fishing fleets toward fisheries management programs and services and away from outright subsidies for growing fleet capacity has not been uniformly followed by the international community.

Government subsidies for vessel construction and operation are common in many countries around the world. In these countries, too little of these subsidies go toward beneficial causes such as improving fisheries management and science. Rather, much of it goes to subsidize harmful activity, such as increased fuel consumption and fleet expansion. These harmful subsidies artificially decrease the cost of fishing and make it a profitable trade for thousands of vessels which without the benefit of these subsidies could not compete in the marketplace. Current estimates reveal that the sheer number of vessels actively fishing around the world today is 250 percent greater than what is actually necessary to fish at sustainable levels.

Because of the interconnected nature of marine ecosystems, the impacts of overfishing of one stock in one region can have a profound, detrimental and cascading effect across the entire ocean ecosystem. Ecosystems span political boundaries. The effects and consequences of one country's policies and practices that give rise to overfishing, even if limited in its occurrence to be within its own waters, are realized and borne by other countries. But the problem does not stop there. Vessels are increasingly forced to travel farther distances away from their own home ports and familiar waters to contend with increased local competition and in response to a reduction in littoral fish stocks. In many cases, the high seas and even the Exclusive Economic Zones of other countries become enticing targets.

The United States—like other countries—reserves the exclusive right to fish within its 200 nautical mile Exclusive Economic Zone (EEZ). Hundreds of foreign vessels each year, however, are intercepted while fishing illegally in U.S. waters. This rise in illegal fishing is placing additional pressure on our already exploited resources, damaging our marine ecosystems, and taking away potential revenue from our domestic fishing industry. In 2006 alone, the United States Coast Guard intercepted 164 vessels fishing in our EEZ. This statistic is troubling. But what is even more troubling is the fact that this number represents only the number of vessels that were actually caught. It does not represent the total threat or existence of foreign fishing in our waters, particularly in waters where enforcement is difficult such as the waters around Guam.

On Guam the problem of illegal fishing is insignificant. The Western Central Pacific area, which includes the EEZs around Hawaii, Guam and the other U.S. islands and territories in that region, is considered one of the Coast Guard's three highest threat areas for foreign fishing. The U.S.-Mexico and U.S.-Russia borders are the other two. In 2006, the Coast Guard recorded 11 incidents of illegal foreign fishing in the Western Central Pacific area. Since 2000, the Coast Guard has intercepted an average of 34 vessels per year. And, as mentioned earlier, this only represents the vessels that are being caught. There is no way to assess with any certainty how many other vessels are fishing illegally in our waters and thereby harming our fishing fleet by harvesting the fish stocks found within our EEZ.

The species targeted in the Western Central Pacific area are generally extremely valuable, highly migratory species like tuna. Thus, the economic impact of illegal fishing is significant. Additionally, the long-term impact of overfishing on long-lived, predatory species such as tuna compounds the effect on the ocean ecosystem and economy.

The problem of illegal foreign fishing is exacerbated by the fact that complete and comprehensive monitoring and enforcement by the Coast Guard of all U.S. waters is impractical. The Coast Guard Living Marine Resource Law Enforcement Division is responsible for patrolling over 3.36 million square miles of ocean, much of which is extremely remote and subject to harsh conditions. The Coast Guard simply does not have the resources to patrol all waters and at all times.

At the same time, the countries whose vessels are the most likely to be found illegally fishing in the U.S. EEZ are also countries that provide large capacity-increasing subsidies to their fishing fleets. Because enforcement is so difficult, it is even more important that we attack the issue at its root by encouraging worldwide capacity reduction and by discouraging other countries from making it economically feasible for their vessels to travel into our waters to fish.

Today, I am introducing a concurrent resolution to encourage our government to work with other countries to bring about an end to the harmful subsidies that contribute to overcapacity in commercial fishing fleets and that lead to overfishing of global fish stocks. The continuing support of otherwise unsustainable fleets by certain countries means an ongoing threat to our country's marine resources and our domestic fishing industry.

While we have no direct control over the actions of foreign governments, the Doha Round of the current World Trade Organization (WTO) negotiations have placed the United States in a unique position to influence the future use of harmful fisheries subsidies by these other countries. Through these negotiations the United States is presented with an opportunity to exercise its leadership internationally toward the phasing out of subsidies that increase fishing capacity and that promote overfishing. By passing this concurrent resolution, Congress can demonstrate to the world its support for our government as they move forward with these negotiations.

It is my hope that my colleagues will support this concurrent resolution and that they will join me in encouraging action to protect the interests of our domestic fishing industry, our marine resources, and the sustainability of global fish stocks for the greater and shared interests of all members of the international community.

INTRODUCTION OF THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2007

Mr. CONYERS. Madam Speaker, I am pleased to introduce the bipartisan Local Law Enforcement Hate Crimes Prevention Act of 2007, along with Representatives KIRK, FRANK, SHAYS, BALDWIN, ROS-LEHTINEN, NADLER, and BONO. As of today there are more than 100 original cosponsors. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation passed with bipartisan support as H. Amdt 544 to the Child Safety Act (H.R. 3132) by a vote of 223–199. Bipartisan majorities also voted in favor of hate crime legislation in the 108th and 106th Congresses.

The Hate Crimes Prevention Act has attracted the support of over 210 civil rights, education, religious, and civic organizations. Importantly, virtually every major law enforcement organization in the country has endorsed the bill—including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

Bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 113,000 hate crimes. For the year 2005, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,163 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics. Law enforcement agencies identified 8,795 victims arising from 8,373 separate criminal offenses. As in the past, racially-motivated bias accounted for more than half (54.7 percent) of all incidents. Religious bias accounted for 1,227 incidents (17.1 percent) and sexual orientation bias accounted for 1,017 incidents—(14.2 percent), followed by ethnicity/national origin bias with 944 incidents—(13.7 percent). While these numbers are disturbing, it is important to note that, for a variety of reasons, hate crimes are seriously under-reported.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin—but only when the victim is targeted because he/she is engaged in a federally protected activities, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation, which is identical to the version approved in the 109th Congress, will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or another high ranking Justice Department official must approve any prosecutions undertaken pursuant to this law, ensuring federal restraint. However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions—an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Local Law Enforcement Hate Crimes Prevention Act of 2007 is a constructive and measured response to a problem that continues to plague our nation. Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability. Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can damage the social fabric of the wider community. This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in proposing this legislation today. These are crimes that shock and shame our national conscience and should be subject to comprehensive federal law enforcement assistance and prosecution.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mrs. NAPOLITANO. Mr. Speaker, on Monday, March 19, 2007, I was absent due to illness. Had I been present, I would have voted "yea" on rollcall No. 158, agreeing to H.R. 658—Natural Resource Protection Cooperative Agreement Act.

COMMENDING FLOWER MOUND HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate students of Flower Mound High School for their remarkable performance in the State Academic Decathlon competition. This is a competition that includes some of the brightest students in the State of Texas.

Academic Decathlon is a nation-wide competition which tests high school students in the following 10 academic events: speech, interview, essay, super quiz, language and literature, economics, art, music, social science, and math. The competition takes place at a regional, state, and national level. The theme for this year's categories was "China and its Influence on the World."

In Flower Mound High School's first appearance at the State competition, they finished in 10th place with 41,288 points. Juri Hur, Josh Patterson, and Jamie Choate received gold medals for their outstanding performances. They were joined in the competition by teammates Jonathan Angel, Danielle Bevers, Melissa Bevers, Kayla Gilliard, Leah Higginson, and Heather Snedeker. The team was coached by Judy Kelmer and Julie Tipton.

I would like to recognize Principal Jack Clark and the entire Flower Mound High School faculty for their dedication to education. It is also necessary to honor the parents of these students for the active role that they have taken in their children's education. I commend all of the participants for their diligence and commitment to academic achievement. I wish them the best as they continue onward, and I am very proud and honored to be their Representative in the 26th District of Texas.

TRIBUTE TO GRACE NASH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Ms. KAPTUR. Madam Speaker, the first day of Spring brought the family and friends of Grace Elizabeth Nash together in celebration of her everlasting life. Grace Nash passed from this life to be with her Savior on Friday, March 16, 2007 at the age of 52 years.

A native of Jamaica, Grace Nash graduated from the University of Findlay in 1978. She settled in Bowling Green, Ohio and dedicated her career to elder advocacy. She was the activities director for the Wood County Committee on Aging for 22 years until her retirement, when she took on the challenge as executive coordinator of the Ohio Association of Senior Centers. Grace was talented, giving, and truly invested in the lives of the older adults she served and the younger adults she mentored. Her tenure with the Wood County Committee on Aging was marked by a dynamism and professionalism which was unmatched.

Spirituality was woven into the very fibers of Grace's life, and she was the administrator of her congregation, New Life Pentecostals of Toledo Church. Her pastor described her perfectly: Grace "was passionate, she was a dreamer, she had lots of energy, and she was very spiritual. The people who knew her called her Amazing Grace." Indeed she was. With quiet dignity, a ready smile and a helping hand, Grace embodied her name.

Grace Elizabeth Nash leaves a legacy to all whose lives she touched, and many who did not have the privilege of knowing her. Among the people who were so privileged, she will be missed. We extend our heartfelt condolences to them, and especially her brother, sisters, nieces and nephews. May they find comfort in their memories and the gift of Grace's life.

PERSONAL EXPLORATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mrs. NAPOLITANO. Mr. Speaker, on Monday, March 19, 2007, I was absent due to illness. Had I been present, I would have voted "yea" on roll call No. 159, agreeing to H.R. 839—Arthur V. Watkins Dam Enlargement Act.

COMMENDING MARCUS HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate students of Marcus High School for their remarkable performance in the state Academic Decathlon competition. This is a competition that includes some of the brightest students in the State of Texas.

Academic Decathlon is a nation-wide competition which tests high school students in the following 10 academic events: speech, interview, essay, super quiz, language and literature, economics, art, music, social science, and math. The competition takes place at a regional, state, and national level. The theme for this year's categories was "China and its Influence on the World."

The team from Marcus High School finished 3rd at the regional competition and 18th overall at the state competition. Jonathan Neal was awarded a gold medal in the language and literature category. Other contestants from Marcus were Jake Burley, Chelsea Carroll, Preston Hale, Robert Handley, Matthew Henry, Jacqueline Hurlbutt, Emily Robertson, and Tyler Stevenson. Lou Ann Kemper and Dorrie Loughborough were the coaches for the team.

I would like to recognize Principal Kevin Rogers and the entire Marcus High School faculty for their dedication to education. It is also necessary to honor the parents of these students for the active role that they have taken in their children's education. I commend all of the participants for their diligence and commitment to academic achievement. I wish them the best as they continue onward, and I am very proud and honored to be their Representative in the 26th District of Texas.

TRIBUTE TO PATRICK McGUIRE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Ms. KAPTUR. Madam Speaker, our community of Northwest Ohio has lost a leader and academic activist whose reach was national in scope. Patrick McGuire lost his battle with cancer on March 18, 2007 and passed from this life at the age of 53 years.

A native of Malone, New York, Mr. McGuire was a Toledo, Ohio resident since accepting a teaching position with the University of Toledo in 1987. He continued teaching throughout, but took on the directorship of the university's Urban Affairs Center in 2000. His leadership oversaw an expansion of that institution and a national recognition of his and the center's efforts. His respected research of community sustainability and development, urban sprawl, the creation of a municipal electrical company, and the so called "brain drain" of young professionals was nationally known.

Equally important to his academic and community leadership, Pat McGuire was dedicated to his personal life. His family and friends knew him to be a gourmet cook who loved fly fishing. We extend our sympathies to his life partner Linda and children Seamus and Erin, his parents, sister and brother, niece and nephew. We know their loss is profound, and hope comfort is found in the memories they share.

Perhaps the best summation of the life and work of Patrick McGuire was offered by his successor at the Urban Affairs Center: "Patrick was a person with a lot of heart, he was tenacious and righteous, and he fought absolutely for what he believed in . . ." A fine legacy indeed.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mrs. NAPOLITANO. Madam Speaker, on Monday, March 19, 2007, I was absent due to illness. Had I been present, I would have voted "yea" on rollcall No. 157, agreeing to H. Res. 138—Recognizing the importance of Hot Springs National Park on its 175th anniversary.

SENATOR SIMPSON'S WISDOM REBUTS GENERAL PACE'S PREJUDICE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. FRANK of Massachusetts. Madam Speaker, on Wednesday, March 14, former Senator Alan Simpson published an eloquent and well-reasoned argument for total repeal of the restrictions that now exist on patriotic gay, lesbian, bisexual and transgendered people serving in the military. It is particularly noteworthy that Senator Simpson, like General John Shalikashvili, was an influential supporter of the current restrictive policy when it was imposed in 1993. Like General Shalikashvili, Alan Simpson with the forthrightness and intellectual honesty that marked his distinguished career in the Senate now says that it is time to end that policy, noting that there has been a substantial diminution of anti-gay and lesbian prejudice among the American people, which means that the argument that allowing those of us who are gay, lesbian, bisexual and transgendered openly to serve would somehow cause morale problems because of widespread prejudice against us.

Senator Simpson goes on to note that at a time when we are facing a shortage of people able and willing to serve in the military, it is particularly foolish to refuse to allow people who want to serve to do so based on outdated prejudices against them. And I do want to note in this context that even when he was defending a total ban on gays and lesbians in the military in 1990, then General Colin Powell acknowledged that that was not because there was any reason to conclude that gay or lesbian people would be inferior members of the military, but again, only that we were the victims of a prejudice that could be disruptive.

It is particularly disappointing to me, Madam Speaker, therefore, that just as Senator Simpson and General Shalikashvili have acknowledged the diminution of this prejudice, the Chairman of the Joint Chiefs, General Peter Pace, has tried to reinvigorate it. General Pace's comment that we who are gay, lesbian, bisexual or transgendered are "immoral" solely because of that fact, without any judgment about how we in fact interact with other human beings, is prejudice at its worst. If he were a private citizen, the fact that he felt so unfairly negative towards so many of his fellow citizens would be purely his business. But in fact he cited his condemnation of us as one of the main justifications for a public policy that excludes patriotic gay, lesbian, bisexual and transgendered people from serving in the military. He has since, of course, retracted that part of his statement, but it is clear that he did so only because he has been criticized for it, and not because there has been any change in his opinion.

Madam Speaker, it is entirely wrong for such a high position as Chairman of Joint Chiefs of Staff to be occupied by someone who is prepared to consign millions of other Americans to second class status because he disapproves of consensual, mutually respectful intimate behavior—that the Supreme Court has made clear can never be criminalized—between consenting adults. Such an effort to use public policy to enforce private views would be strongly rejected, I hope, by the President and others in the administration if it were to be aimed at any other group. I deeply regret that we have not seen a similar reaction when the victims are those of us who are gay or lesbian.

The article by Alan Simpson follows:

[From the Washington Post, Mar. 14, 2007]

BIGOTRY THAT HURTS OUR MILITARY

(By Alan K. Simpson)

As a lifelong Republican who served in the Army in Germany, I believe it is critical that we review—and overturn—the ban on gay service in the military: I voted for "don't ask, don't tell." But much has changed since 1993.

My thinking shifted when I read that the military was firing translators because they are gay. According to the Government Accountability Office, more than 300 language experts have been fired under "don't ask, don't tell," including more than 50 who are fluent in Arabic. This when even Secretary of State Condoleezza Rice recently acknowledged the nation's "foreign language deficit" and how much our government needs Farsi and Arabic speakers. Is there a "straight" way to translate Arabic? Is there a "gay" Farsi? My God, we'd better start talking sense before it is too late. We need every able-bodied, smart patriot to help us win this war.

In today's perilous global security situation, the real question is whether allowing homosexuals to serve openly would enhance or degrade our readiness. The best way to answer this is to reconsider the original points of opposition to open service.

First, America's views on homosexuals serving openly in the military have changed dramatically. The percentage of Americans in favor has grown from 57 percent in 1993 to a whopping 91 percent of 18- to 29-year-olds surveyed in a Gallup poll in 2003.

Military attitudes have also shifted. Fully three-quarters of 500 vets returning from Iraq and Afghanistan said in a December Zogby poll that they were comfortable interacting with gay people. Also last year, a Zogby poll showed that a majority of service members who knew a gay member in their unit said the person's presence had no negative impact on the unit or personal morale. Senior leaders such as retired Gen. John Shalikashvili and Lt. Gen. Daniel Christman, a former West Point superintendent, are calling for a second look.

Second, 24 nations, including 12 in Operation Enduring Freedom and nine in Operation Iraqi Freedom, permit open service. Despite controversy surrounding the policy change, it has had no negative impact on morale, cohesion, readiness or recruitment. Our allies did not display such acceptance back when we voted on "don't ask, don't tell," but we should consider their commonsense example.

Third, there are not enough troops to perform the required mission. The Army is "about broken," in the words of Colin Powell. The Army's chief of staff, Gen. Peter Schoomaker, told the House Armed Services Committee in December that "the active-duty Army of 507,000 will break unless the force is expanded by 7,000 more soldiers a year." To fill its needs, the Army is granting a record number of "moral waivers," allowing even felons to enlist. Yet we turn away patriotic gay and lesbian citizens.

The Urban Institute estimates that 65,000 gays are serving and that there are 1 million gay veterans. These gay vets include Capt. Cholene Espinoza, a former U-2 pilot who logged more than 200 combat hours over Iraq, and Marine Staff Sgt. Eric Alva, who lost his right leg to an Iraqi land mine. Since 2005, more than 800 personnel have been discharged from "critical fields"—jobs considered essential but difficult in terms of training or retraining, such as linguists, medical personnel and combat engineers. Aside from allowing us to recruit and retain more personnel, permitting gays to serve openly would enhance the quality of the armed forces.

In World War II, a British mathematician named Alan Turing led the effort to crack the Nazis' communication code. He mastered the complex German enciphering machine, helping to save the world, and his work laid the basis for modern computer science. Does it matter that Turing was gay? This week, Gen. Peter Pace, chairman of the Joint Chiefs, said that homosexuality is "immoral" and that the ban on open service should therefore not be changed. Would Pace call Turing "immoral"?

Since 1993, I have had the rich satisfaction of knowing and working with many openly gay and lesbian Americans, and I have come to realize that "gay" is an artificial category when it comes to measuring a man or woman's on-the-job performance or commitment to shared goals. It says little about the person. Our differences and prejudices pale next to our historic challenge. Gen. Pace is entitled, like anyone, to his personal opinion, even if it is completely out of the mainstream of American thinking. But he should know better than to assert this opinion as the basis for policy of a military that represents and serves an entire nation. Let us end "don't ask, don't tell." This policy has become a serious detriment to the readiness of America's forces as they attempt to accomplish what is arguably the most challenging mission in our long and cherished history.

TRIBUTE ON THE OCCASION OF THE 186TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. McNULTY. Madam Speaker, the American people join with the people of Greece in celebrating the 186th anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights.

Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a Nation, owe a great debt to Greece. Greece is the birthplace of democracy, as we know it.

Thomas Jefferson said, "To the ancient Greeks, we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness."

The terrorist attacks of September 11, 2001 were an attack on democracy and freedom—not just against our people, but also against all freedom-loving people everywhere in the world. The Greek people understand this.

I congratulate the people of Greece and wish them a Happy National Birthday.

ON THE 4TH ANNIVERSARY OF THE IRAQ WAR

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to express my support both for the men and women fighting for our Nation with immeasurable courage and commitment and for the legislation that would bring them home, the "U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act."

While I have opposed this war from the beginning, our duty now is to resolve this conflict as quickly as possible. We must stabilize the country, protect innocent Iraqis, and lay the groundwork to return our troops to their families.

We were lead into war on the basis of false presumptions drawn from faulty intelligence. Our soldiers are now being attacked daily by anonymous road-side bombs that the factions fighting in a civil war are targeting against our troops—whom we were told would be greeted as liberators.

Billions of taxpayer dollars have simply vanished in Iraq, while billions more have been given away in no-bid contracts or embezzled. At the same time, our troops are going without the body armor and the advanced HUMVEE protections—such as the MRAP system—that would reduce casualties. This is simply inexcusable.

Further, at the present time, according to a survey by USA Today and other media, 6 in 10 Iraqis (61 percent) believe their lives are going badly, while only a third (35 percent) agree that improvements in current conditions are on the horizon.

Unfortunately, there are no easy answers to the disaster that the Administration's actions in Iraq have created.

However, I believe we must try to ensure that we do not leave Iraq worse off than it was before the invasion. Until Iraqis feel safe in their country and see progress in their lives, it will not be possible to bring stability to that nation.

Importantly, as the most recent National Intelligence Estimate has made clear, this is not something that can be accomplished by the use of military force—it can be achieved only when Iraqis come together to make the difficult political decisions that will create a government truly capable of governing.

Further, the Iraq Study Group advised that a gradual draw-down of troops is most likely to stabilize the country when combined with serious negotiations with all of Iraq's neighbors—including Iran and Syria.

This is why I stand here today in support of the "U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act." This bill would hold the President and Iraq to the benchmarks President Bush himself has stated must be reached to resolve this crisis.

If these benchmarks are not being met in the months to come, this Act would require that our troops be redeployed. Frankly, if we are not making progress in Iraq, we have no reason to be there.

Further, we owe it to the Iraqis, who have lost tens of thousands of their loved ones, to require that the political solutions that are central to their success are the benchmarks against which we measure our progress.

Additionally, let me note that this bill would also require that all forces sent to battle be adequately rested, trained, and equipped. While the President could waive this requirement, frankly I do not believe it is ever in our interest to send forces into combat who are not fully ready and who do not have the latest protective equipment we can provide.

Our forces have done all and more than we have asked of them and their families have been patiently sacrificing for four long years. We owe it to them to adequately protect them while they are deployed and to bring them home before the 5th anniversary of this war passes.

That is why I urge my colleagues to vote in favor of this bill.

IN MEMORY OF BOB HATTOY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Ms. HARMAN. Madam Speaker, Bob Hattoy was a true American original. Sadly, he passed away earlier this month due to AIDS-related complications. His passionate voice on social justice and environmental issues helped break down barriers and moved the country in a better direction.

Bob's defining trait was his passion. He always fought hard for what he believed in—no matter who or what stood in his way. This was especially true during his time as the California regional director for the Sierra Club. Bob never wavered in fighting for issues such as protecting the California desert and preventing offshore drilling along the coast. He also worked to change the way the Sierra Club operated, putting a more human face on the organization.

He never shied away from taking on people in power—not even Presidents. With his characteristically sharp tongue, he described a proposal to name a national forest after former President Reagan was like "naming a day-care center after W.C. Fields."

But it was in the debate over AIDS in America where Bob will truly be remembered. In many ways, he helped transform the debate and became, as he joked, a "poster boy for AIDS" in the process.

In 1992, nearly 2 years after being diagnosed, Bob gave one of the most evocative and impassioned speeches at the Democratic National Convention. The first person with AIDS to speak at a party convention, Bob spoke honestly and frankly to millions of Americans. He became an icon in the AIDS movement, and helped change the hearts and minds of many.

I will always remember the unique way he blended this passion for progressive issues with a charming sense of humor. It was his wit that often won over those who disagreed with him and endeared to him those he fought for. Though he will be missed, his legacy, reputation and humor will live on.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. CONAWAY. Madam Speaker, on rollcall No. 157, H. Res. 138—Recognizing the importance of Hot Springs National Park on its 175th Anniversary. Had I been present, I would have voted "yea."

TRIBUTE TO RALPH FRANZEN AND RICHARD PARADIS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. DOOLITTLE. Madam Speaker, today I wish to recognize and honor two fine volunteers, Ralph Franzen and Richard Paradis, upon their retirement after years of service ensuring the health and safety of the residents of California on the slopes of the famed and historic Squaw Valley Ski Resort.

Ralph and Richard both served on the Squaw Valley National Ski Patrol (SVNSP), an organization of approximately 95 unpaid volunteers who are trained in outdoor emergency care, CPR, and winter rescue. They combined first aid and skiing skills to serve the ski area and public at Squaw Valley USA near Lake Tahoe, California. While on duty at Squaw Valley, patrollers are agents of the resort and work under the direction of the Squaw Valley Ski Patrol Department. Together with the paid patrol staff, they are always among the first on the mountain in the morning and the last off, regardless of weather or snow conditions.

The patrollers' primary function is to provide basic life support, first aid, rescue, and on-the-slope transportation to injured resort guests. Besides first aid and winter rescue duties, volunteer patrol members frequently assist with the skier safety program on the two-mile long Mountain Run to ensure the general safety of the skiing/snowboarding public at Squaw Valley.

Madam Speaker, both of these distinguished gentlemen have spent 35–40 days a year working as volunteers on the Squaw Valley Ski Patrol, providing for the health and safety of the skiers on the mountain. Richard Paradis joined the Squaw Valley National Ski Patrol in 1961 and Ralph Franzen in 1972. They have provided care for countless injured skiers with every level of injury. Over the course of their careers, Ralph Franzen and Richard Paradis have received commendations for rescuing individuals from life threatening situations and injuries. Today, they deserve further recognition upon their retirement.

Ralph and Richard are outstanding volunteers who have proven themselves over the years as certified instructors in first aid, outdoor emergency care, toboggan, and rescue equipment usage. These gentlemen have dedicated countless hours to training the current generation of ski patrol men and women and, as a result, have received the admiration and respect of their fellow Ski Patrol members.

Ralph Franzen and Richard Paradis truly are heroes to the many they have helped save and mend over the years. They are outstanding representatives of the community who have proven records of commitment to public service and their fellow man.

Thank you, Ralph Franzen and Richard Paradis, for your years of dedicated service.

PLUG-IN HYBRID VEHICLES

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. CAMP of Michigan. Madam Speaker, today I am introducing legislation that aims to help propel the introduction of plug-in hybrid vehicles by automobile manufacturers. These clean, efficient, high performance vehicles have the potential to reduce the nation's dependence on foreign oil, lower emissions, and help the nation's auto manufacturer's move forward into the nextgeneration of advanced technology vehicles.

Government mandates are no substitute for the power of capital markets. That is why my bill is aimed squarely at consumers. Providing tax credits to consumers for the purchase of any type of plug-in hybrid vehicle, allows people to pick and choose the model that suits their needs and preferences. The goal of this legislation is to stimulate consumer interest in these new vehicle technologies.

The current bottleneck for producing plug-in vehicles is battery technology. The Administration has proposed millions of new research dollars aimed at advanced battery technology. This type of research is important. Breakthroughs are needed to usher today's concept plug-in vehicles into the showrooms and ready for customer purchase. To date, the types of batteries needed to power cars and trucks are too heavy, too expensive, and too limited. I am confident, however, that America's ingenuity and desire to take a global lead in battery research will soon overcome the current barriers to entry that exist for plug-in hybrid vehicles.

My bill stimulates consumer demand by providing taxpayers a maximum tax credit of 10 percent of the cost of any plug-in hybrid vehicle up to a maximum $4,000 in the case of a plug-in with a 4kWh battery. Each additional kWh would get an extra $250 credit. This model is based on the electric vehicle tax credit.

Most auto manufacturers are already working on plug-in hybrid vehicle technologies. I believe with greater consumer demand, Detroit's automakers can, and will produce vehicles that meet the demands of consumers and address concerns over foreign oil, high gas prices, and cleaner air. My bill is just one of many ideas to help bring about this desired result.

TRIBUTE TO MR. LUCIOUS CARROLL RICHARDSON

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. ADERHOLT. Madam Speaker, I would like to recognize Mr. Lucious Carroll Richardson, known to his friends as "Sonny," who retired from the Alabama Department of Veteran's Affairs on August 31, 2006. He is a man who truly embodies the American principles of hard work, patriotism, dedication to one's family and service to one's community.

For the past 30 years, the veterans in Walker County, AL, have had no better friend than Sonny Richardson. During that time he unselfishly served Walker County and the State of Alabama with great dedication and distinction. He worked tirelessly to ensure our veterans and their families received the benefits they had earned. His one driving goal was simply to help people. As Sonny once said, "this job is not a position, it is a calling. If you are not interested in helping people, then you do not need to be in this job".

Sonny began his career with the Alabama Department of Veterans Affairs in January 1977. At that point there were approximately 6,800 veterans in Walker County receiving approximately $4,800,000 in benefits. Today, more than $19,400,000 in benefits are distributed to approximately the same number of veterans. It was also on his watch that a new Veterans Clinic was opened at Walker Baptist Medical Center in Jasper. In 1987, he rose to the rank of district manager and upon his retirement was supervising two different districts covering 21 counties in north Alabama.

One of Sonny's better known accomplishments was his role in Walker County's annual Veterans Day parade. For 21 years he was the organizer of the parade. Due to his leadership the event grew to become the second largest Veterans Day parade in the State of Alabama. He turned over the reins as organizer 5 years ago to concentrate more on serving the needs of the veterans in Walker County. However, the Walker County Veterans Day parade continues as an annual tradition.

Sonny is a veteran of the United States Army and retired with 20 years of service. During his military career he earned two Bronze Stars, one Meritorious Service Medal and four Army Commendation Medals and served in Korea, Germany and Vietnam. Upon retiring from the Army, Sonny went back to school and received his bachelor of science degree in criminal justice from the University of Alabama at Birmingham.

He is the recipient of numerous awards for his service to the veterans and the community. In 1988 he was selected for the Fourth Congressional District Distinguished Citizen Award and was the Walker County State Employee of the Year for 1983, 1984 and 1985. He was also twice selected by the American Legion as the Veterans Service Officer of the Year.

Madam Speaker, it is a great privilege for me to honor Lucious Carroll Richardson for his many years of dedicated service to our Nation's veterans. He has had an enduring impact on his country, community, friends and family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. It is clear that he has been a friend and advocate to the veterans of Walker County and the entire surrounding area. Madam Speaker, no doubt Sonny will be greatly missed in his position with the Department of Veterans Affairs. However, I know that Sonny will still remain a friend to those who have served their country. Sonny is an inspiring role model for all of us and I join his friends, family and colleagues in wishing him God's richest blessings in his retirement.

TRIBUTE TO THE COPPELL HIGH SCHOOL LARIETTES DRILL TEAM

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. MARCHANT. Madam Speaker, I rise today to congratulate the Coppell High School Lariettes Drill Team for earning the National Championship at the Contest of Champions in Orlando's Walt Disney World of Sports complex on March 3–5, 2007. This is the second National Championship in 4 years for the Coppell Lariettes.

The Lariettes competed against 50 schools from across the Nation and took first-place honors in all categories they competed in to earn the National Championship award.

Each of the 69 Lariettes worked tirelessly to perfect their intricate routines. Dedication, hard work and discipline were necessary for the dancers to achieve the standard of excellence required for a first-place finish.

Besides dancing, the Coppell Lariettes achieve high marks academically in addition to other disciplines such as singing, acting, video production, art, journalism and sports.

I would like to congratulate the Lariette director, Julie Jones on her exceptional work with this group of dancers and The Lariette Service Organization for organizing fund raising and team events.

Again, I offer my congratulations to the Coppell High School Lariettes Drill Team for an outstanding achievement.

EQUIPMENT FOR OUR MILITARY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mrs. BOYDA of Kansas. Madam Speaker, thanks to long contributions of our soldiers and our veterans, America has amassed the most powerful military in the history of mankind. It is so powerful that we can almost imagine its resources are infinite. But they are not. They are limited, and due to the ever-expanding, ever-deteriorating war in Iraq, they are stretched dangerously thin. Our soldiers and their families will never complain, but that is why we must speak for them. We must ask—no, demand—that they have the equipment, training and support they need to succeed. And today, they do not.

Since the Iraq war began in 2003, the Army has lost nearly 2,000 wheeled vehicles and more than 100 armored vehicles. Almost half of the U.S. Army's entire supply of ground equipment is now deployed in the Middle East. The constant demands of combat and the treacherous terrain are wearing out equipment at up to nine times the usual rate.

America's military is overburdened, and now our nation must seriously discuss how best to deploy our depleted forces against the dangers of our day. In this age when we face so many perils, from sinister terrorists to an unstable North Korea to a belligerent Iran, do we truly want to devote so many precious resources to an open-ended Iraq war? Or has the time come to, responsibly and conscientiously, hold the Iraqi government responsible for its own stability?

Congress has the duty to demand from President Bush an unambiguous way forward. We should not dictate strategy, but we can and we must require the president to offer a plan to end the Iraq war and rebuild our strategic readiness. Congress and the American people will no longer tolerate an unending war. There must be real progress, sooner rather than later. And if the president and the Iraqi leadership cannot deliver, we must redeploy our troops.

I believe, to the core of my being, that our strategic readiness cannot survive an endless conflict in Iraq. We must make these important decisions based on the reality of the situation, not or where we wish we were. And so, in order to preserve the strength of the American armed forces and hold President Bush accountable, I am supporting the Iraq Accountability Act. I urge my colleagues to do the same. If they refuse to do so, if they cast their ballots for a stay-the-course strategy, then they are telling President Bush that everything is fine in Iraq—that it is OK to stretch our military to the breaking point. And that's just not right.

IN RECOGNITION OF THE DISTINGUISHED VETERANS OF AMERICAN LEGION POST 143

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay tribute to the distinguished veterans of American Legion Post 143 in Dadeville, Alabama.

In January, Post 143 held a special ceremony to honor twenty veterans of World War II and the Korean War. These senior members of Post 143, like all distinguished military veterans of our Nation, offered their service in uniform to a country and world in need. When they returned home, their commitment to serve others and their country remained strong. The Veterans honored included Donald Black, Jim Black, Joseph Davis, Dwight Evers, Lamar Evers, Frank Farrow, Wayne Gilbert, Marvin Greer, Leon Guy, Robert Huff, Herman Kitchens, Joe McKelvey, Horace Moran, Hugh Owen, Roy Pugh, Jimmy Sanford, Paul Valentine, and Millard White, all of whom have continued to serve their community proudly through their work with the American Legion.

I salute all the veterans of Post 143 for their service and patriotism, and for proudly serving the common good throughout their lives.

CRITICIZING NON-DEFENSE SPENDING IN THE EMERGENCY WAR SUPPLEMENTAL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today in support of the supplemental spending bill for the wars in Iraq and Afghanistan, but I also wish to register some deep reservations I have with the bill. While I applaud the bill for providing for our troops serving bravely in the field, the bill contains $20 billion for programs and projects not related to funding and equipping our troops. Making sure that our men and women in uniform are well equipped is too important for playing politics, and I am extremely disappointed that these extraneous provisions are included in the bill.

Madam Speaker, many projects funded in the bill have nothing to do with equipping our troops and nothing to do with fighting the wars in Iraq and Afghanistan. In fact, many projects in the bill simply don't belong. However, much of the extra non-defense spending in the bill is for important and vital programs and I find it sad that we have to use this supplemental spending bill to fund them. I say sad, Madam Speaker, because the fact that the bill includes things like $2.9 billion for Katrina recovery, $2.6 billion for homeland security, and $750 million for children's health care is a testament to the dereliction of duty exhibited by the rubber stamp 109th Congress. We have to fund these vital programs in this year's emergency spending bill because our predecessors left Washington last year without passing a budget and without doing their jobs. Madam Speaker, this is a disgrace and I am so pleased that there's now a Democratic Congress to clean up the mess that was left by the Republican Congress on its way out.

In prior years, the Republican controlled Congress was guilty of even more egregious earmarks and runaway spending, such as the now infamous "Bridge to Nowhere" in Alaska. Seeing Congress waste taxpayers dollars on such frivolous projects is one reason why I decided to run for Congress and it is why I have joined the fiscally conservative Blue Dog Coalition.

A major reason that we have all of these extra projects in supplemental spending bills is because President Bush irresponsibly refuses to account for war spending in the regular budget process. This leads to war spending being brought up as so-called "emergency" spending bills, which Congress must pass in order to fund our troops. This fiscal recklessness when dealing with funding for our troops is unique to the Bush administration. The Korean War only had one supplemental spending bill, while the Vietnam War, which lasted eleven years, only had four.

Madam Speaker, I'm not the type of person who points out problems without proposing a solution. The people of the 8th district sent me here to lead, and that is exactly what I intend to do. For this reason, I have introduced H. Res. 97, a bill to provide for Operation Iraqi Freedom cost accountability. My bill, among other things, would require that funding for the war in Iraq go through the regular budgeting process, rather than be funded through an endless series of "emergency" spending bills. In my view, this would eliminate the ability to attach non-defense spending projects to a bill that should be about one thing and one thing only: Providing for our troops.

In closing, Madam Speaker, I do wish to say that there is a great deal to admire in this bill. It provides our troops with the funding they need to do their jobs. It provides for benchmarks for the Iraqis and a timeline for bringing our troops home. And it sends a message to President Bush that he no longer has a rubber stamp Congress that will keep funding this war without questioning him. I only wish we could have done all of this without these extra unrelated projects. Still, it is important that we not let the perfect be the enemy of the good, and it is important to let the president know that it is time to start bringing our troops home.

HONORING LINDA TREXLER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Linda Trexler, Principal of Neabsco Elementary School, upon being selected as the Prince William County Distinguished Educational Leadership Award winner and being named Prince William County Principal of the Year.

The Washington Post presents annual awards to outstanding educators who "day after day go beyond the challenges of the highly demanding profession to create exceptional educational environments for Washington area students." Principal Trexler certainly fits this definition.

For the past 7 years Principal Trexler has devoted herself to the success of her students at Neabsco Elementary School. Under her leadership the school has become a fully accredited institution, a model of instructional improvement and has twice been named a School of Excellence in the Prince William County Public School system. Additionally, the school boasts a 90.1 percent SOL pass rate in math and a 91.4 percent SOL pass rate in language arts. These awards and statistics show the unique impact that a principal, faculty and student body can achieve when motivated to reach the common goal of academic excellence. It is plain to see that Principal Trexler has been able to lead her school to reach that goal.

Principal Trexler's adoration and devotion to her students has been accepted and returned by the faculty and student body. Upon hearing about these awards, her students organized to write a song and create banners in her honor. This relationship built on respect and love for education has created an atmosphere that deserves celebration and should be replicated throughout the schools of our area and our Nation.

Madam Speaker, in closing, I would like to commend and congratulate Ms. Linda Trexler on her tireless efforts to ensure that the students of Neabsco Elementary School receive the quality education they deserve. I call upon my colleagues to join me in applauding Principal Trexler for receiving the 2007 Prince William County Distinguished Educational Leadership Award and being named Prince William County Principal of the Year. I wish Principal Trexler, her faculty and her students continued success in the years to come.

TRIBUTE TO U.S. ARMY PRIVATE FIRST CLASS JOHN FRANCIS LANDRY, JR.

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. MEEHAN. Madam Speaker, I rise today to honor a true hero, Private First Class John Francis Landry, Jr., who gave his life in service to our country.

Private First Class Landry was a resident of Lowell, a community in my Massachusetts district, and was deployed with the brave men and women serving in our armed forces on October 31, 2006. John had served nearly 5 months in Iraq, when his unit was ambushed in Baghdad on March 17, 2007. John had been spending time on leave with his family in Florida just 8 days before his tragic death in that ambush.

John served as a rifleman with Company C, 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, based at Fort Bliss, Texas. He was 20 years old, having been born on Christmas Day in 1986.

John's parents, John and Pamela, were proud of their son, not just for the supreme sacrifice he paid on behalf of his country, but for the honor he brought to them as a soldier. Military service runs deep in the Landry family. John's grandfather was a member of the 82nd Airborne Division and his father served in the U.S. Marine Corps. All of his life, John dreamt of becoming a part of that legacy of service, and he died fulfilling that dream.

Before joining the United States Army, John attended Lowell Catholic High School where he was remembered for his kindness, his aptitude in the classroom and his hard-nosed leadership a co-captain and as an offensive and defensive lineman on the football team. Lowell Catholic was nearly finished with a care package to send to John in Iraq when they learned of his death.

As John's aunt, Missy Surette, said: "All that were fortunate enough to have had John as a part of their lives, feel the sadness and loss beyond words. Along with that sadness is a sense of honor and of being very proud of John. We will forever keep him in our hearts."

John died fighting for the country he loved, alongside comrades he respected and with the family he adored, forever in his heart. Our Nation is humbled and grateful for his sacrifice.

Madam Speaker, I ask that we all take a moment to recognize PFC John Francis Landry, Jr., United States Army, who paid the ultimate sacrifice fighting for our country. Our Nation will be forever grateful.

INTRODUCTION OF THE GLOBAL WARMING ACKNOWLEDGMENT RESOLUTION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. DICKS. Madam Speaker, today I am introducing a bill that calls for a comprehensive and effective national program of mandatory, market-based limits and incentives to slow, stop and reverse greenhouse gas emissions. The Global Warming Acknowledgement Resolution also states that these corrective actions should not harm the economy unduly, and that they should be designed in a way to encourage other countries to take similar steps to mitigate global warming.

As the producer of roughly one-quarter of the world's greenhouse gas emissions—more than any other country—the United States has a responsibility to take the lead in confronting the threat of global warming. And with the release of the United Nations Intergovernmental Panel on Climate Change's most recent report in February, it is clear that the U.S. Congress must begin to act now to reduce greenhouse gases.

The IPCC report, which represents the most comprehensive and up-to-date climate research, found that global warming is unequivocal and that it is more than 90 percent probable that human activity is responsible for most of the warming of the past 50 years.

Madam Speaker, the time for "what-ifs" is over and the time for corrective action has arrived. During this 110th Congress, we will debate the best ways to reverse the increased accumulation of greenhouse gases. While we may disagree on the particulars of this debate, it is clear that global warming is a real threat, and the Global Warming Acknowledgement Resolution is a first step toward the development of a comprehensive strategy. There are 22 original cosponsors of the resolution, and I urge your support. Feel free to contact my staff if you would like to sign on to this important legislation.

HONORING THE WOODBRIDGE KIWANIS CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the 60th anniversary of the Kiwanis Club of Woodbridge, Virginia.

In 1947, Frank Sigman and Carroll White noticed a dearth of civic engagement in their local Woodbridge community. Having been previously exposed to Kiwanis, they decided that the culture of civic and community engagement promoted by Kiwanis would greatly benefit the area. They canvassed their neighborhoods in an effort to create an interest in starting a Woodbridge club. This work paid off and on March 22, 1947, the Woodbridge chapter was chartered. In fact, they were so successful in creating support that more than 200 people attended what turned out to be a gala affair.

Taking root from these strong seeds, the club became a positive factor in shaping the development of Woodbridge. In the early days, the club helped establish a public water and sewage system, create a rescue squad, obtain land for a little league and provided organizational support for the creation of the Prince William County Police Department and the formation of the Potomac Hospital.

Currently, the club maintains its strong ties to the local community by working with the local Boys and Girls Clubs, the Salvation Army, Action in the Community Through Service, Potomac Hospital's Mobile Family Health Clinic, the Senior Citizen's Center and the Special Olympics to provide services and financial support to those in need.

Kiwanis is an international institution created to "serve the children of the world." They were founded on six guiding principles that continue to lead their activities to this day. These six permanent "Objects of Kiwanis" are: to give primacy to the human and spiritual rather than to the material values of life; to encourage daily living of the Golden Rule; to promote the adoption and application of higher social, business, and professional standards; to develop by precept and example a more intelligent, aggressive and serviceable citizenship; to provide a practical means to form enduring friendships; and better communities and to cooperate in creating and maintaining sound public opinion and high idealism.

The Woodbridge Kiwanis Club continues to use these noble principles to guide their efforts in the community to this day. It is plain to see that the club has played a fundamental role in making this area of Eastern Prince William County a great place to live, work and play.

Madam Speaker, in closing, I would like to commend and congratulate all Kiwanians on the service they provide to their communities. Their tireless efforts on behalf of the next generation truly merit recognition. I call upon my colleagues to join me in applauding the Woodbridge Kiwanis Club on its 60th anniversary and in wishing them continued success in the years to come.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on March 19. If I had been present for rollcall votes on the following bills; I would have voted "yea" on each.

Rollcall No. 157: On Motion to Suspend the Rules and Agree to the Resolution H. Res.138—Recognizing the importance of Hot Springs National Park on its 175th anniversary.

Rollcall No. 158: On Motion to Suspend the Rules and Pass H.R. 658—Natural Resource Protection Cooperative Agreement Act.

Rollcall No. 159: On Motion to Suspend the Rules and Pass H.R. 839—Arthur V. Watkins Dam Enlargement Act.

INTRODUCTION OF A RESOLUTION HONORING AND RECOGNIZING THE WORK OF THE MEALS ON WHEELS ASSOCIATION OF AMERICA, ITS MEMBER SENIOR NUTRITION PROGRAMS THROUGHOUT THE COUNTRY, AND THEIR ANNUAL MARCH FOR MEALS CAMPAIGNS

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. LoBIONDO. Madam Speaker, I rise here today in support of a resolution honoring and recognizing the work of the Meals on Wheels Association of America, its member senior nutrition programs throughout the country, and their annual March for Meals campaigns.

Today, mayors and Meals on Wheels volunteers in all 50 States will join together to deliver meals to seniors. Mayors for Meals Day is part of March for Meals, a national campaign during the month of March to raise awareness of senior hunger and to encourage action on the part of local communities. The month of March was chosen because it was during this month that the law was enacted that included senior meal programs in the Older Americans Act.

This resolution recognizes the important work Meals on Wheels does in preventing senior hunger and improving the quality of life for hundreds of thousands of our Nation's seniors. It also encourages Members of Congress to support their local senior nutrition programs by participating in their annual March for Meals events and delivering meals to homebound seniors in a community within their district or State.

While, due to our business in Washington, DC, today, I am unable to participate in this year's celebration, I have proudly participated in past Meals on Wheels Association of America's March for Meals events. I have joined volunteers from Meals on Wheels organizations throughout my district in delivering meals and witnessed first hand both the need for these important programs and the incredible dedication of their staff and volunteers. I encourage each of you to get involved with your local programs—whether you help prepare meals, deliver meals, or just join local seniors in enjoying their meals—your support can make a difference.

I also encourage you to join me as a cosponsor of this resolution which will give the Meals on Wheels Association of America and its member programs the honor and recognition they so richly deserve.

HONORING JUSTIN PAWLEY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. LEWIS of Kentucky. Madam Speaker, the right to vote is the cornerstone of our American democracy. I rise today to honor Mr. Justin Pawley, an exemplary individual from my Congressional District, who has fought hard to protect and expand voter rights.

Mr. Pawley, a self-described political junkie, is one of millions of Americans living with Down Syndrome. His civic awareness and interest in our political system motivated him to utilize his right to vote in 2000. Sadly, Mr. Pawley was turned away due to a State statute that prevented adults with guardians to vote in the Commonwealth. Soon thereafter, he began a 7 year effort to correct this injustice.

Mr. Pawley has demonstrated remarkable courage and determination through his work with State and local officials to get his right to vote. The Justin Pawley Act was introduced in the Kentucky Legislature last year to allow thousands of individuals with guardians the right to vote in the Commonwealth of Kentucky. Mr. Pawley's quest came one step closer to realization last week when the bill passed both houses of the Kentucky State Legislature.

Mr. Pawley's relentless pursuit of his right to vote is an inspiring example of how one person can make an important difference in our political process. It is my honor to recognize Justin Pawley today before the entire House of Representatives. He is an outstanding citizen worthy of our collective appreciation and respect.

RECOGNITION OF BILLY WALKABOUT

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. COLE of Oklahoma. Madam Speaker, I rise today to recognize the life of a great American and great Oklahoman, Billy Walkabout. Mr. Walkabout was the most decorated American Indian soldier in the Vietnam War, and this weekend his family will have the great honor of laying him to rest at Arlington National Cemetery.

Walkabout, a Cherokee, joined the Army soon after graduating from U.S. Grant High School in Oklahoma in 1968. On November 20, 1968, Army Ranger Sergeant Walkabout and 12 of his fellow soldiers were on a mission behind enemy lines when they suddenly came under fire. The battle lasted several hours, during which Sergeant Walkabout was seriously injured. Despite these injuries, Walkabout continued to provide life saving measures to his wounded colleagues and help them board evacuation helicopters—all while continuing to return fire.

Because of his incredible courage and valor, Billy Walkabout received the Distinguished Service Cross, 5 Silver Stars, 5 Bronze Stars and the Purple Heart.

Madam Speaker, it is an honor to be a Member of this House and to serve those great Americans like Billy Walkabout. His service, bravery and patriotism are true testaments of his character. I am proud to stand before this House in recognition of the great life and service of Mr. Billy Walkabout.

CONGRATULATIONS GROVE JUNIOR HIGH DARE STUDENTS OF THE YEAR

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate the DARE Students of the Year from Grove Junior High School in Elk Grove Village.

These students participated in the Grove Junior High DARE program during the 2006–2007 school year to learn about the harmful effects of drugs and alcohol. In recognition of their outstanding classroom participation and positive attitude, Anthony White and Christian

Barajas were named DARE Students of the Year and Jaela Gibsob and Dahee Will were named runners-up.

These students have learned to resist peer pressure and live productive drug, gang, and violence-free lives. I commend these students for their hard work and encourage them to continue to set a good example for their peers.

Anthony, Christian, Jaela, and Dahee, your families, your school, and your community are extremely proud of what you've accomplished. I wish you all the best in the future.

PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. MITCHELL. Madam Speaker, due to the fact that my flight reservation was inadvertently canceled and I had to take a later flight, I missed three rollcall votes.

Had I been present, I would have voted in favor of H. Res. 138, which passed 399–0 on rollcall vote No. 157, H.R. 658, which passed 390–10 on rollcall vote No. 158, and H.R. 839, which passed 394–1 on rollcall vote No. 159.

NATIONAL MEDAL OF HONOR DAY

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. DICKS. Madam Speaker, ladies and gentlemen, Members of Congress, leaders of our armed forces and, of course, our treasured Medal of Honor recipients. Thanks to all of you all for joining me in remembering the extraordinary achievements of our combat veterans—particularly those who wear the Congressional Medal of Honor. It's also a real pleasure once again to have the chance to be with Bruce Crandall, who received his Medal recently at a White House ceremony that I attended earlier this month. When the President read the citation detailing the amazing heroism that Bruce displayed in Vietnam, it was again a reminder to me of how special each of these individuals are and how important it is that we provide adequate recognition to those who achieve this highest military commendation.

Out of more than 3,400 individuals to receive this medal in our nation's history, just 112 remain with us today.

Their actions in battle, and their continued efforts now as shepherds of patriotism, remind us all how fortunate this Nation is to have men as brave as these among us. Your legacy and lessons of sacrifice continue to inspire us to act with loyalty where we work, live and serve; to walk with courage when obstacles hinder us from the right path.

I am honored to be able to serve in my capacity as a member of the United States Congress, and am proud to be an original cosponsor of this resolution creating the National Medal of Honor day. You have been recognized by your Nation's leadership with the highest medal of military distinction. Now your fellow citizens will always recognize you with a day in your honor.

Thank you for your bravery that brought America to where she is today, and thank you for all that you continue do to demonstrate the values of loyalty, sacrifice, integrity, and courage.

NATIONAL AGRICULTURE DAY

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. SOUDER. Madam Speaker, I rise today in recognition of National Agriculture Day, which is celebrated each year on the first day of spring.

With more than 8,000 farms, Madam Speaker, agriculture plays a critical role in the economy of the Third District. We lead the state of Indiana in the production of cattle and calves, dairy products, sheep, and goats. As a state, Indiana has long been among the leading producers of corn and soybeans—planting more than 11 million acres—and we are first in the nation in duck production, supplying approximately 30 percent of the nation's total.

Because of the hard work and dedication of farmers and ranchers, Americans have become accustomed to a safe, abundant, and affordable supply of food and fiber. Even more remarkable, and often overlooked, is the fact that farmers and ranchers feed and clothe this nation with an increasing levels of concern for environmental stewardship and animal welfare. The well-being of livestock and the sustainability of the land is a top priority. Indeed, I have seen firsthand in my district the adoption of best-management practices to conserve soil, nutrients, and water, as well as crop protection products that not only improve the viability of agriculture but also prevent flooding and improve water quality for cities and towns downstream.

In addition, as we are all aware, our country is now turning to the American farmer and rancher to help solve our energy crisis. We have placed a new interest in ethanol, and the agriculture industry has responded with vigor. Our goal of 7.5 billion gallons of ethanol will be attained by 2009 rather than 2012 as was expected. Some may say that our food supply is threatened by the push for ethanol. However, our farmers and ranchers have risen to the call before and will become an important part of our energy solution.

Madam Speaker, agriculture's contributions to America's economy, culture, and history should be celebrated, and I ask that my colleagues join with me in wishing our farmers and ranchers continued success in the years ahead.

TRIBUTE TO BISHOP ROGER L. JONES, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Bishop Roger L. Jones, Sr. as he is appointed Jurisdictional Bishop of the Southeast Michigan Ecclesiastical Jurisdiction of the Church of God in Christ.

After graduating from Saints College Church of God in Christ at Lexington, Mississippi in 1960, Bishop Roger Jones Sr. moved to Flint Michigan and founded Greater Holy Temple COGIC in 1963. Bishop Jones quickly established himself as an up and coming leader in the Church of God in Christ. Appointed District Superintendent in 1965 by Bishop J.S. Bailey, he also served as the Chair of the State Finance Committee the same year. Over the next several years Bishop Jones has also served in the following capacities: Chairman of State Expediting Committee, Vice-Chair and Chair of the State Elders Council, the National Platform Chair for the International Youth Congress, Vice-Chair of the International Trustee Board, and Chair of the International Trustee Board.

Bishop Jones was consecrated a Bishop of the Third Ecclesiastical Jurisdiction of South West Michigan in 1985. Along with his wife, Evangelist Sandra Smith Jones, Bishop Jones continues to affirm his faith every day and espouse the guiding principles of the Church of God in Christ. He strives to bring all to know Jesus Christ as their personal Savior.

Madam Speaker, I ask the House of Representatives to join me in congratulating Bishop Roger L. Jones, Sr. as he is appointed the Jurisdictional Bishop of Southeast Michigan and pray that he continues to work diligently to make a better life and future for his congregation and the people of Michigan.

HONORING LANCE CORPORAL NATHAN WINDSOR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2007

Ms. HOOLEY. Madam Speaker, I rise today to honor the life of a fallen American hero. Last Saturday, Lance Corporal Nathan Windsor made his final sacrifice on behalf of a grateful nation while on patrol in the Anbar province of Iraq.

Nathan understood that citizenship meant responsibility and that great sacrifices would be required in order to secure our freedoms and to serve our country in its time of need.

Well aware of the danger and more than willing to endure the risks, Nathan selflessly charged into chaos to help the people of Iraq secure a peace and work toward a self-governing society.

It saddens me, Madam Speaker, to come before you again to ask that my colleagues join in mourning the loss of yet another young American who has made the ultimate sacrifice.

Nathan gave his all before fully experiencing the many freedoms for which he fought. His aspirations to become a movie producer will never be realized because his life and dreams were tragically cut short.

Words alone cannot express the anger, frustration and pain felt by the thousands whose lives he touched, but we have an obligation to ensure that future generations of Americans inherit a land worthy of his sacrifice.

We are all indebted to Nathan's spirit and sacrifice. It is now, and will be forever, our turn to repay the debt. Let us recommit ourselves in this chamber to work even harder and to do our part to make sound decisions about matters of peace and war.

I join all Oregonians, and all Americans, in expressing my deepest condolences to the family of Nathan Windsor for their loss. Our community is greater because of Nathan's short presence and we are certainly lessened by his passing.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 22, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 26

2 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for Policy.

SR–232A

Energy and Natural Resources

To hold hearings to examine the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

SD–G50

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for mind, brain and behavioral research at the National Institutes of Health.

SD–116

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of the Real ID Act of 2005 and the proposed regulations released by the Department of Homeland Security on March 1, 2006, implementing Act, focusing on efforts to secure drivers' licenses and identification cards.

SD–342

3 p.m.

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine the problem of human trafficking and the legal options to stop the problem.

SD–226

MARCH 27

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Claude M. Kicklighter, of Georgia, to be Inspector General, Department of Defense, James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence, and S. Ward Casscells, of Texas, to be an Assistant Secretary of Defense.

SH–216

Judiciary

To hold oversight hearings to examine the Federal Bureau of Investigation.

SD–106

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.

SR–418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine competition and consumer choice relating to exclusive sports programming.

SR–253

Finance

To hold hearings to examine opportunities and challenges in the U.S.-China economic relationship.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the Employee Free Choice Act, focusing on restoring economic opportunity for working families.

SD–430

1 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine ensuring safe medicines and medical devices for children.

SD–430

2:30 p.m.

Intelligence

To hold closed hearings to examine intelligence matters.

SH–219

MARCH 28

9:30 a.m.

Armed Services

To hold hearings to examine the Strategic Forces Program in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.

SR–232A

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SH–216

9:45 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Labor.

SD–124

10 a.m.

Finance

To hold hearings to examine risks and reform, focusing on the role of currency in the U.S.-China relationship.

SD–215

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the future of the Coast Guard Dive Program.

SR–253

Rules and Administration

Business meeting to consider S. 223, to require Senate candidates to file designations, statements, and reports in electronic form.

SR–301

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2008 for the United States Navy.

SD–192

Aging

To hold hearings to examine affordable drug coverage that works for Wisconsin, focusing on preserving senior care.

SD–562

2:30 p.m.

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for United States Forest Service.

SD–124

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine transitioning to a next generation Human Space Flight System.

SR–253

3 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine No Child Left Behind Reauthorization, focusing on effective strategies for engaging parents and communities in schools.

SD–430

3:30 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine active component, reserve component, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.

SR–232A

MARCH 29

9:15 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian trust fund litigation.
SR–485

9:30 a.m.
Foreign Relations
To hold hearings to examine an update on Iran.
SD–419

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, the Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.
SD–106

2:30 p.m.
Intelligence
Closed business meeting and hearing regarding certain intelligence matters.
SH–219

APRIL 10

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Trade Commission (FTC).
SR–253

APRIL 11

9:30 a.m.
Veterans' Affairs
To hold hearings to examine issues relative to Filipino veterans.
SR–418

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.
SD–538

APRIL 17

10 a.m.
Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD–106

APRIL 25

2 p.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

SENATE—*Thursday, March 22, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable Bob Casey, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by Rabbi Milton Balkany, of New York.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Our Father in Heaven, snowflakes windswept to sky-piercing peaks do more than cloak mountaintops in their fine wintry vestments. Their varied crystalline structures speak of how You, the Master Artist, have sculpted our world to exemplify the beauty of contrast. Heartfelt differences are the hallmark of our times. O Lord, help us realize that division need not be the lyric of sorrow but the signature of brotherhood.

In the pursuit of truth and righteousness, disputes can compose verses of hard-won wisdom. Consider the rent of rock running through the Grand Canyon. It is a break, a fissure, a divide miles deep and, yet, is there a sight more majestic? Unity is not sameness, nor is it bland agreement. Only when Moses parted the waters was a nation set free.

We pray, O God, give us strength to grapple for the great good, defend the passion of our convictions, and still retain the devotion of brothers and sisters. Bless all of us in this hallowed hall of lawmaking with clarity of vision so that we may gaze upon the heights of our shared destiny. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Bob Casey, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, March 22, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Casey, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will immediately resume consideration of the budget resolution. There are 25 hours of debate time left. The two managers have been doing an exemplary job of managing this bill. We still have a long way to go.

As I mentioned, 25 hours remain. We will have to see how we get to tomorrow morning. As I indicated a couple of days ago, unless the managers can agree on yielding back some time, we will have to stay in all night tonight and be in a position to start voting on the so-called vote-a-rama tomorrow.

We have a number of amendments pending. I am told that we have six or seven pending now. The managers will be making a decision about which amendments will be voted on between 11:30 and about 12:45, when we can pick up another vote—around 12:45 or 1 o'clock. We anticipate other votes from 4 to 6. We may be able to back that off. As soon as the Appropriations Committee completes its work, we can start voting. So from 4 to 6—or maybe it can be 3 or 3:30 to 6.

We have a lot of committee meetings going on today all over the Senate office buildings. We are going to do our best to keep disruptions to a minimum. We cannot guarantee the meetings will not have to be interrupted. I have indicated to the Republican leader that we would not vote beyond 6 p.m. today. That may have to change. We will see if we have to come back after 8 o'clock to do what we can to clear off some of these votes. I would rather not do that, but we will discuss that with the managers and my distinguished counterpart, Senator McConnell.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 21, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

Pending:

DeMint amendment No. 489, to establish a reserve fund for Social Security reform.

Allard amendment No. 491, to pay down the Federal debt and eliminate Government waste by reducing spending on programs rated ineffective by the Program Assessment Rating Tool.

Grassley-Dorgan amendment No. 464, to limit farm payments to $250,000 per person per year and apply the savings to renewable energy/rural development, conservation, and nutrition.

Grassley amendment No. 502, to ensure the appropriate use of funds provided for the Smithsonian Institution.

Baucus-Rockefeller amendment No. 504, to affirm the Senate's commitment to the reauthorization of the State Children's Health Insurance Program.

Cornyn amendment No. 511, to provide a deficit-neutral reserve fund for the reauthorization of the State Children's Health Insurance Program (SCHIP) that will cover kids first.

Hutchison amendment No. 517, to provide tax equity for citizens of States which do not have a State income tax by providing for a permanent extension of the State and local sales tax deduction from Federal income taxes, now scheduled to expire at the end of 2007.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 525

Mr. CORNYN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. Cornyn] for himself and Mr. Gregg, proposes an amendment numbered 525.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide reconciliation instructions to the Committee on Finance to reform entitlement programs, to reduce the national debt and to improve the standard of living for our children and grandchildren)

On page 4, line 6, decrease the amount by $2,047,000,000.

On page 4, line 7, decrease the amount by $4,291,000,000.

On page 4, line 8, decrease the amount by $6,949,000,000.

On page 4, line 9, decrease the amount by $9,936,000,000.

On page 4, line 10, decrease the amount by $13,270,000,000.

On page 4, line 15, decrease the amount by $2,047,000,000.

On page 4, line 16, decrease the amount by $4,291,000,000.

On page 4, line 17, decrease the amount by $6,949,000,000.

On page 4, line 18, decrease the amount by $9,936,000,000.

On page 4, line 19, decrease the amount by $13,270,000,000.

On page 4, line 24, decrease the amount by $2,047,000,000.

On page 4, line 25, decrease the amount by $4,291,000,000.

On page 5, line 1, decrease the amount by $6,949,000,000.

On page 5, line 2, decrease the amount by $9,936,000,000.

On page 5, line 3, decrease the amount by $13,270,000,000.

On page 5, line 7, decrease the amount by $2,047,000,000.

On page 5, line 8, decrease the amount by $6,339,000,000.

On page 5, line 9, decrease the amount by $13,288,000,000.

On page 5, line 10, decrease the amount by $23,224,000,000.

On page 5, line 11, decrease the amount by $36,494,000,000.

On page 5, line 15, decrease the amount by $2,047,000,000.

On page 5, line 16, decrease the amount by $6,339,000,000.

On page 5, line 17, decrease the amount by $13,288,000,000.

On page 5, line 18, decrease the amount by $23,224,000,000.

On page 5, line 19, decrease the amount by $36,494,000,000.

On page 19, line 12, decrease the amount by $2,000,000,000.

On page 19, line 13, decrease the amount by $2,000,000,000.

On page 19, line 16, decrease the amount by $4,100,000,000.

On page 19, line 17, decrease the amount by $4,100,000,000.

On page 19, line 20, decrease the amount by $6,500,000,000.

On page 19, line 21, decrease the amount by $6,500,000,000.

On page 19, line 24, decrease the amount by $9,100,000,000.

On page 19, line 25, decrease the amount by $9,100,000,000.

On page 20, line 3, decrease the amount by $11,900,000,000.

On page 20, line 4, decrease the amount by $11,900,000,000.

On page 25, line 12, decrease the amount by $47,000,000.

On page 25, line 13, decrease the amount by $47,000,000.

On page 25, line 16, decrease the amount by $191,000,000.

On page 25, line 17, decrease the amount by $191,000,000.

On page 25, line 20, decrease the amount by $449,000,000.

On page 25, line 21, decrease the amount by $449,000,000.

On page 25, line 24, decrease the amount by $836,000,000.

On page 25, line 25, decrease the amount by $836,000,000.

On page 26, line 3, decrease the amount by $1,370,000,000.

On page 26, line 4, decrease the amount by $1,370,000,000.

Mr. CORNYN. Mr. President, this amendment is one that I offered during the Budget Committee's deliberations. Unfortunately, the majority did not support this important amendment that reduces our Nation's debt, the bill that we will pass on to our children and grandchildren.

My amendment reduces the debt by instructing the Senate Finance Committee to find approximately $34 billion in savings over the next 5 years, and this is out of almost a $3 trillion budget.

Two years ago, Congress made some progress in getting a handle on mandatory, or entitlement, spending by passing the Deficit Reduction Act, using the reconciliation process, I believe, for the first time since about 1997.

The Deficit Reduction Act reduced the rate of growth in spending. I will say that again because it is important. It reduced the rate of growth of spending—it did not represent an actual cut in the way most Americans would think about a cut—by nearly $100 billion over the next decade. It was a very good first step in getting our fiscal house in order but, clearly, more needs to be done.

Today, the Federal budget is already heavily weighted toward entitlement spending, such as Medicare, Medicaid, and Social Security, which takes up some two-thirds of all Federal spending, which is literally on autopilot because it grows at roughly 8 percent a year. As people live longer—as we hope we will continue to do—and the baby boom generation starts to retire, entitlements will continue to eat up a larger share of our budget and we will consume more of the economy.

In the most recent long-term projections prepared by the Congressional Budget Office, CBO, outlays for Social Security, Medicare, and Medicaid combined are projected to increase to 10.5 percent of our GDP by 2015—an increase of about 2 percentage points of GDP in less than a decade. By 2030, according to the CBO, outlays for those three programs will reach about 15 percent of GDP.

The chairman of the Senate Budget Committee held a number of hearings on this fiscal timebomb earlier this year. Our Committee has received testimony from the Office of Management and Budget, the Treasury Secretary, the General Accounting Office, the Comptroller, Chairman of the Federal Reserve, and a number of think-tank representatives, and all, without regard to partisan stripe or affiliation, have highlighted the need for us to get a handle on our mandatory budget or entitlement spending.

The chairman of the Federal Reserve noted that these rising entitlement obligations will put enormous pressure on the Federal budget in the coming years.

In fact, if we do nothing over the next 30 years, we would not have a dime to pay for anything except for four areas: Social Security, Medicare, Medicaid, and part of the interest on the debt.

We will not have the resources for other important priorities, including fighting the global war on terror, securing our borders, veterans health care, and education.

As we all know, the President's budget includes a number of proposals to slow down the rate of growth in entitlement spending. I think this is a good place for the Senate Finance Committee to look at reducing the debt.

If the majority has ideas that will also help reduce the debt, my amendment gives them the opportunity to put it in action because it is an instruction to the Finance Committee to come up with a way, in their wisdom, that they believe they can accomplish this important goal.

Last year, I offered a similar amendment on the floor. Some on the other side noted how my amendment may be a little unpopular back home. That is what happens when you go on a budget. We have been on a binge, with no limitation on spending, and it is time for the Federal Government, similar to the American family, to get on a budget. No one likes budgets, but it is the responsible thing for us to do.

I don't think it is unreasonable for us to find savings in the amount of $34 billion out of the growth of entitlement spending over the next 5 years given that under the budget during that period of time, the Federal Government will spend some $15 trillion. In other words, we are looking for $34 billion in savings over the same period of time the Federal Government will spend $15 trillion.

As Chairman Bernanke said in his written testimony to our committee:

> Addressing the country's fiscal problems will take persistence and a willingness to make difficult choices.

The Comptroller General of the United States, in his written testimony to the Budget Committee, said:

> We owe it to our country, children and grandchildren to address our fiscal and other key sustainability challenges.

As I said, this is not a partisan issue, or certainly should not be. Our distinguished chairman of the Budget Committee has been eloquent on this subject. We see on this chart, he said on February 7, 2007:

> I have said I am prepared to get savings out of long-term entitlement programs.

Unfortunately, the number reflected at the bottom of this chart is the number of savings from entitlement programs in the budget he has proposed. It is a big fat goose egg. I think we can do better.

I heard time and time again Members on a bipartisan basis say this is one area where we ought to work together to try to solve this problem for our children and grandchildren so we don't pass our debt to them for what we are spending today in these entitlement programs. But I ask: If not us, then who? And if not now, then when?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, the chart by the Senator is factually wrong. When he puts up a zero, he is not talking about my budget because my budget has $15 billion in savings out of Medicare. So that chart, as colorful as it is, is just factually inaccurate.

No. 2, if we look at what the Senator is proposing, the majority of the Medicare savings that are in the President's budget that Senator CORNYN is picking up in his proposal are generated by either freezing or cutting market basket updates for hospitals, for nursing homes, for rehabilitation facilities, for hospice, for home health, and ambulance services in every year over the next 10 years.

MedPAC, which makes recommendations on market basket updates 1 year at a time, does not concur with many of the proposed cuts in 2008, much less the cuts over the next 10 years. For example, given the negative margins many hospitals are facing, MedPAC which is bipartisan, nonpartisan—has recommended a full market basket update in 2008 for inpatient and outpatient hospitals.

In many cases, over time, these across-the-board cuts proposed by Senator CORNYN will hurt seniors' access to health care.

There is no question about us having a serious problem with respect to the long-term entitlement challenges and what is the right way to deal with it. Frankly, I don't think any budget resolution is the place to deal with the long-term entitlement challenge. The budget resolution is only for 5 years. The contribution the budget resolution can make is to achieve balance within that period, budget balance within that period, but I believe the long-term challenges, which are challenges of 15, 20, 25 years, can only be resolved by a bipartisan working group or commission, equally represented by Democrats and Republicans, to come back to Congress with a proposal to deal not only with Medicare but Medicaid and Social Security and the other long-term fiscal imbalances we have. Senator GREGG and I have such a proposal. I think that is the right way to address these long-term problems.

We all acknowledge we are on a course that absolutely is unsustainable. As chairman of the Budget Committee, I have organized hearing after hearing after hearing to put a focus on precisely that problem. We all know in this country that we are spending far more on health care than any other country. Mr. President, 16 percent of our gross domestic product is going for health care. The next largest spender in comparison is at 11 percent of gross domestic product. That difference—the difference between 11 percent of gross domestic product and 16 percent—is $800 billion a year—a year.

To put the President's Medicare and Medicaid cuts and the cuts proposed by this amendment in perspective, consider that his budget would cut those programs by $270 billion over the period from 2008 to 2017. Those savings would be more than wiped out by the $2 trillion in tax cuts proposed by the President over that same period. They talk about helping us get back on some kind of fiscal path, but the math doesn't work. The math doesn't come close to working. They would have savings from Medicare and Medicaid of $270 billion over that 10-year period, but that is totally dwarfed by the cost of their tax cuts over that same period.

I do not believe this amendment merits our support. I do not believe this is the right policy. I do not believe cutting the reimbursement for hospitals, for nursing homes, for rehabilitation facilities, for hospice, for home health, and ambulance services is the right way to proceed.

I do believe we need separately, apart from a budget resolution, to deal with the long-term entitlement challenges, either through the kind of working group Senator GREGG and I have proposed or through a bipartisan commission. I don't think a budget resolution that will be largely supported just on one side of the aisle is the appropriate place to deal with these long-term challenges.

Mr. President, what is the time remaining?

The ACTING PRESIDENT pro tempore. The proponent of the amendment has 54 minutes remaining. The majority manager has 54 minutes remaining.

Mr. CONRAD. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, here is the problem. The budget before us does absolutely nothing in the area of addressing entitlement reform and savings and does a significant amount of spending money, a significant amount of tax increases. It raises the tax burden of the American people from its historic level 18.2 percent up to 20 percent. It raises taxes by hundreds of billions of dollars. It raises spending by tens of billions of dollars but does not address the most fundamental issue we face as a nation, which is the pending financial meltdown of this country as a result of the baby boom generation retiring, and our children cannot afford the costs.

The Senator from Texas is right, there are zero savings on the mandatory side of this budget. When the chairman gets up and says there is $15 billion of savings, he forgot to finish the sentence. There is $30 billion of spending. So actually there is a net loss on the entitlement side for the proposed budget. That has been adjusted by the amendment of Senator BAUCUS, so it is now basically a wash where we have no savings, $15 billion of savings, $15 billion of new spending in entitlement programs. So there is a zero on that account.

What is being proposed by the President is entirely reasonable. What is being proposed by Senator CORNYN is reasonable. He suggests going forward we should accurately reflect the reimbursement rate for hospitals and for providers—not doctors in this instance but for providers. It doesn't affect beneficiaries. But to call this a freeze or a cut is totally disingenuous because it is neither. Spending is going to increase dramatically in the entitlement accounts, especially in Medicare, by trillions of dollars. Only in the nomenclature of the Democratic side of the aisle is a trillion dollars of increase called a cut when it is reduced from trillions to trillions less .2 percent, two-tenths—two-hundredths of 1 percent.

That being said, it is not even a freeze or reduction from the concept of the way it is structured. What is being proposed in the Cornyn amendment, which is reflective of the President's original proposal, which is the reimbursement rate, which is now inflated by 1.5 percent because of savings and technological advances, so the reimbursement rate is about 1.2 percent more than it should be to accurately reflect the fair reimbursement rate because the reimbursement rate is inflated by savings and benefits which providers get through cost savings and technological advantages—what is being proposed by the Cornyn amendment is we take half that inflated payment—just half of it—and put it back into making the system more solvent so our kids can afford the system and we will have a solvent system for our seniors.

That is what this is about: taking half of that inflated payment, which is about a six-tenths of 1 percent adjustment. Yes, it translates into big dollars, but as a practical matter, it is a fair adjustment, and we save it so that our kids can benefit from it by having a more affordable system and our seniors can benefit from it.

The President's program does not affect senior citizens. It affects providers. Only the wealthiest seniors citizens will be impacted by the President's program, and we will get to that amendment next, which will be the Part D premium and how that should be reimbursed by wealthy seniors.

This is a reasonable amendment. It is regrettable it wasn't included in this budget. The Senator said this budget is only going to be passed by the other side. Quite honestly, if the Senator had accepted this amendment and the Ensign amendment which will be next, which would make the Part D premium properly reimbursed, and had taken the Kyl amendment yesterday, he would have a bipartisan budget. He would have a bipartisan budget. But he wants to stick to the tax-and-spend, do-nothing-on-entitlements budget he brought to the floor. He doesn't have a bipartisan budget. We are trying to help him out. We are trying to make it bipartisan, more reasonable and, most importantly, helping out our kids and people who are going to retire by making the Medicare system more solvent.

This amendment, if it is adopted, and the next one—if those two amendments are adopted, they will address the outyear insolvency of the Medicare trust fund, which is now about $32 billion, and will reduce that insolvency between 25 percent and 35 percent. That is huge and is good news. It would be very good news if we do it. We should do it. If we don't do it, in 10, 15 years, we will have to pay the piper. The system will melt down, our kids will be stuck with the bills, and their lifestyles will be impacted in a very negative way.

Why don't we get a time agreement on this amendment so we can go to the next amendment and move on?

Mr. CONRAD. Mr. President, I don't think we are quite prepared to do that because we have others who are going to want to speak. But I think we can deal with this pretty expeditiously and come pretty close to the tentative schedule to which we agreed.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, much of what the Senator has just said, frankly, I agree with. The truth is, we are on a completely unsustainable course. It must be dealt with. The question is how to best deal with it.

With respect to the amendment of the Senator from Texas, I got a letter from 43 of our colleagues in the Senate, including 11 Republicans, on this very subject. They said: Do not cut hospital reimbursement.

In my part of the country, hospitals are dealing with negative margins. They are losing money. If this amendment were to go forward, unfortunately, it would be devastating to hospitals, to nursing homes, to hospice care, to ambulance services, especially in the rural parts of our country, and virtually every State has rural parts.

The MedPAC statistics are very clear on this question. Yes, there are some hospitals that are enjoying positive margins. They tend to be urban hospitals that have much higher rates of reimbursement under Medicare than do rural hospitals. Let me give an example.

In my State of North Dakota, at Mercy Hospital in Devils Lake, ND, if they are treating somebody who had a heart attack, they get one-half the reimbursement of Our Lady of Mercy Hospital in New York City—one-half as much. Their costs aren't half as much, but their reimbursement is half as much. By the way, those hospitals, many of them in my State—I have over 40—are experiencing negative margins. They are losing money.

The Senator says this doesn't represent a cut. He is right in one sense. It will be more money. But in relationship to the expense, it will be less. That is the way in which it represents a cut. He is absolutely correct it will be more dollars the next year than the year before, but in relationship to the expenses, which are going up more rapidly in health care, as we all know, than the underlying rate of inflation, guess what. It will be less. That is why I use the term "a cut."

To say the budget before us doesn't do anything about these matters is not true.

First of all, we have $15 billion of Medicare savings in the underlying budget resolution. That is No. 1.

No. 2, we have a reserve fund called the Health Information Technology Reserve Fund. All of us know the expansion of information technology in health could lead to very significant savings. In 2005, only 15 to 20 percent of physicians' offices and 20 to 25 percent of hospitals had electronic medical records systems. According to estimates by a RAND study from 2005, our Nation's health care system could save more than $81 billion annually if we had widespread implementation of electronic medical records—$81 billion a year. That totally dwarfs the savings of the amendment of the Senator from Texas.

Mr. President, I know the Senator from Ohio is here and wishes to respond. I yield 5 minutes to the Senator from Ohio.

Mr. BROWN. Mr. President, I thank my friend, the Senator from North Dakota, for his terrific work on this budget, and I rise to oppose the Ensign amendment.

Medicare is a social contract. Individuals pay into the program during their working years, and they receive health coverage when they retire. One good way to undermine universal support, to undermine support for the program is to arbitrarily make part of the Medicare population pay a significantly higher price for the same product. Ultimately, this will drive higher income individuals out of the program to purchase their own coverage. When that begins to occur, working individuals will begin to wonder why they are paying Medicare taxes when Medicare coverage may or may not be worth their while on retirement.

Medicare, I repeat, is a social contract. Efforts to undermine it, such as this one, will fail.

It is interesting that there are Members of this body who want to raise taxes on Medicare beneficiaries while at the same time cut taxes for Donald Trump. I repeat: Raise taxes for Medicare beneficiaries but cut taxes on some of the wealthiest individuals in our country. If you want to undermine Medicare, create winners and losers among its enrollees, then that is the way to do it.

There is something else at work here, though. I came to the House of Representatives 14 years ago, and almost immediately, I saw the hostility many Members of this body and that body felt toward Medicare. In 1995, when the Republicans took control of the House of Representatives, one of the first things they did—it was their first opportunity to go after Medicare—they proposed tens of billions of dollars in cuts in Medicare in order to pay for their tax cuts for the wealthiest people. The same kind of thing here—cut Medicare to pay for tax cuts on the wealthiest people in our country. That is the kind of hostility they had. Every time they had a chance, once they were in the majority, they tried to do it.

The Speaker of the House in those days said that under his plan, Medicare would wither on the vine. So they began attempts to privatize Medicare, to shift to fee-for-service. Traditional Medicare, which had served this country well—at that point for three decades, now for four decades—they wanted to take traditional Medicare and to privatize it and push some Medicare beneficiaries out of traditional Medicare into Medicare managed care. The Government pays more for Medicare managed care, and beneficiaries and taxpayers get less for those dollars. But it is all part of their efforts to undermine Medicare.

Maybe we should go back further than 10 years ago or 14 years ago and go back to 1965 when Medicare was created. In this body, overwhelming numbers of Republicans opposed Medicare, the creation of it. In this body and across the hall, in the House of Representatives, a huge, overwhelming majority of Republicans opposed the creation of Medicare then. They were hostile to the concept of universal coverage, of making sure every elderly person in this country had the opportunity to enroll in Medicare. They are hostile to it today, and they were hostile to it in 1995, when Speaker Gingrich said Medicare would wither on the vine. They began the attempts to cut Medicare on the one hand and to do further damage by privatizing it on the other.

We are continuing to see this assault even now. They say they are for Medicare. They run television ads saying: We would never cut Medicare; we think it is a great program. But when they come to the floor of this body, of this Senate Chamber, over and over, from every different direction, they attack one of the single greatest programs that this Government has ever created and that our people have ever had.

In 1965, half the elderly in this country had no health insurance. Today, after 41½ years of Medicare, almost everybody in our country is covered. If they had their way, they would begin to privatize, they would begin to cut, and Medicare would not be the universal program with the universal, overwhelming support of the people in this country.

If the Senate wants to reflect what the people in this country think, we should overwhelmingly defeat the Ensign amendment because it undercuts what is best about our health care system. It undercuts the universal nature of Medicare, which works for everybody. If you want to preserve Medicare, there are things we can do to fix it, to make some small adjustments. But this amendment is not the way. We should defeat the Ensign amendment.

Mr. GREGG. Mr. President, I have attempted not to respond to the Senator from Ohio because he appears to be stuck in the period of 1960, when, apparently, our position was defined by somebody who was here in 1960. I wasn't here in 1960. I probably won't be here in 2025. In fact, I am absolutely sure I won't be. But that is going to be when this Medicare system goes broke.

What I am concerned about is my children, America's children, and their children being able to afford this system when I retire and the rest of my generation retires and makes it basically unaffordable. The proposals the President has put forward are an attempt to make the system solvent, or at least more solvent. It doesn't bring it into solvency, and there are reasons for that.

The Senator from North Dakota makes a good point: Rural hospitals are not reimbursed correctly under the formula. But that is not the issue which is being raised by the Cornyn amendment. That issue, actually, will be addressed by the Grassley amendment, which I understand is going to be offered to get the reimbursement straight.

What is very obvious is that there is an inflated reimbursement rate occurring within Medicare of about 1.2 percent due to technology advancements and due to savings through efficiencies, which is inuring to the benefit of the system at the expense of the long-term life structure of the system. It is reasonable to take half that benefit—half that benefit—and apply it to make sure the system has more solvency to it.

AMENDMENT NO. 472

Mr. President, I send an amendment to the desk on behalf of Senator ENSIGN, and I ask that it be reported.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, the pending amendment is set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. ENSIGN, for himself, Mr. GREGG, and Mr. GRAHAM, proposes an amendment numbered 472.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require wealthy Medicare beneficiaries to pay a greater share of their Medicare Part D premiums)

On page 4, line 6, decrease the amount by $102,000,000.

On page 4, line 7, decrease the amount by $312,000,000.

On page 4, line 8, decrease the amount by $633,000,000.

On page 4, line 9, decrease the amount by $868,000,000.

On page 4, line 10, decrease the amount by $1,113,000,000.

On page 4, line 15, decrease the amount by $102,000,000.

On page 4, line 16, decrease the amount by $312,000,000.

On page 4, line 17, decrease the amount by $633,000,000.

On page 4, line 18, decrease the amount by $868,000,000.

On page 4, line 19, decrease the amount by $1,113,000,000.

On page 4, line 24, decrease the amount by $102,000,000.

On page 4, line 25, decrease the amount by $312,000,000.

On page 5, line 1, decrease the amount by $633,000,000.

On page 5, line 2, decrease the amount by $868,000,000.

On page 5, line 3, decrease the amount by $1,113,000,000.

On page 5, line 7, decrease the amount by $102,000,000.

On page 5, line 8, decrease the amount by $414,000,000.

On page 5, line 9, decrease the amount by $1,048,000,000.

On page 5, line 10, decrease the amount by $1,916,000,000.

On page 5, line 11, decrease the amount by $3,029,000,000.

On page 5, line 15, decrease the amount by $102,000,000.

On page 5, line 16, decrease the amount by $414,000,000.

On page 5, line 17, decrease the amount by $1,048,000,000.

On page 5, line 18, decrease the amount by $1,916,000,000.

On page 5, line 19, decrease the amount by $3,029,000,000.

On page 19, line 12, decrease the amount by $100,000,000.

On page 19, line 13, decrease the amount by $100,000,000.

On page 19, line 16, decrease the amount by $300,000,000.

On page 19, line 17, decrease the amount by $300,000,000.

On page 19, line 20, decrease the amount by $600,000,000.

On page 19, line 21, decrease the amount by $600,000,000.

On page 19, line 24, decrease the amount by $800,000,000.

On page 19, line 25, decrease the amount by $800,000,000.

On page 20, line 3, decrease the amount by $1,000,000,000.

On page 20, line 4, decrease the amount by $1,000,000,000.

On page 25, line 12, decrease the amount by $2,000,000.

On page 25, line 13, decrease the amount by $2,000,000.

On page 25, line 16, decrease the amount by $12,000,000.

On page 25, line 17, decrease the amount by $12,000,000.

On page 25, line 20, decrease the amount by $33,000,000.

On page 25, line 21, decrease the amount by $33,000,000.

On page 25, line 24, decrease the amount by $68,000,000.

On page 25, line 25, decrease the amount by $68,000,000.

On page 26, line 3, decrease the amount by $113,000,000.

On page 26, line 4, decrease the amount by $113,000,000.

Mr. GREGG. Mr. President, the Ensign amendment addresses what the Senator from Ohio started speaking on. He anticipated, I guess, this amendment.

To try to explain the way the Medicare system works today, Part A you pay for, theoretically, with your hospital insurance. Part B, which deals with doctors, you pay for, theoretically, with a premium, but the premium is subsidized to the tune of 75 percent of the cost of the premium. Part D, you don't pay for anything, for all intents and purposes, except for the insurance, to the extent you buy insurance. But the actual coverage that is federally supplied is not paid for. Part D is a drug benefit. This amendment says that high-income individuals, people with incomes over $80,000 individually and $160,000 jointly, should have to pay a fair proportion of the premium of Part D that is now being subsidized by working Americans.

Let me try to put it in context. There is a single woman working in a restaurant in downtown Des Moines or there is a mother and father working on an assembly line in Poughkeepsie or there is a father working in a garage in New Hampshire. Those individuals, working for a living and trying to make ends meet, trying to do all the things you want to do to make your life better, are paying the cost of the drug insurance for retired Senators and for people who have extraordinary amounts of money—for example, Bill Gates' father. I don't mean to pick on Bill Gates' father, I am sure he is a nice man, but he has enough money to pay for his drug insurance under the

Part D Program, as can retired Senators, in most instances. Yet those people are being subsidized by working Americans because we have this system which doesn't require people to pay any portion of the fair cost of their drug insurance. We do it under Part B, we do require high-income people to pay, but under Part D, we don't. Now, with Part B, we don't require them to pay enough, but we at least require them to pay something. Part D, we don't.

So this amendment simply says that in the Part D Program, high-income people, people with incomes over $80,000 and $160,000, should have to pay some of their cost. I find it incredible that the Senator from Ohio opposes that on the grounds of fairness to working Americans. The working Americans are the ones having to pay that cost. It is just incomprehensible to me that the other side of the aisle, which consistently talks in terms of making sure high-income people pay a fair share of the burden of the Federal Government's costs, are not willing to ask those same high-income individuals pay the fair share of the cost of Medicare. And we are not even asking for a fair share, quite honestly.

So that is what the Ensign amendment does. It is a very appropriate amendment, and it would save a significant amount of money over the long term for the Medicare trust fund. I think it is somewhere around $1 trillion. It would actually move the Medicare system toward solvency by $1 trillion over the actuarial life, which is 75 years. In the short term, it is obviously nowhere near that number. But it is a significant effort to try to put in place a good policy, a correct policy, which is that high-income individuals should pay a fairer cost of their drug benefit and at the same time use those funds to make the Medicare system more solvent for seniors who are going to be retiring in the future. It is very reasonable. It only affects 5 percent of seniors, which means 95 percent of seniors are not impacted at all and, thus, it should be done. It should be done now. We shouldn't wait to do it. We should do it now because now this problem is coming at us pretty fast. If we don't get started on it, it is like that old oil filter ad: You can pay me now or pay me later. If we wait until later, this will be extraordinarily expensive. This is one of the things we should do, along with the original Cornyn amendment. We should also do that.

Mr. CONRAD. Mr. President, I actually enjoy listening to my colleague, Senator GREGG, because he is thoughtful and passionate on these matters, and in many ways we are in very close agreement. I know it may not appear that way to people listening, but there are many things the Senator says that are absolutely true, and so that part of his presentation I want to agree with.

It is absolutely the case that we are headed on a course which is unsustainable. It is absolutely the case we cannot continue on the current path. It is absolutely the case that, in my judgment, a policy initiative along the lines of what the Ensign amendment provides is going to have to be part of an ultimate solution. In fact, I voted for such things with respect to Part B in the past. I have supported them publicly. I have campaigned on those things. But I must say, the reality here is this: We all know the budget resolution does certain things and does not do certain other things. The budget resolution, as much as we might want it to, does not determine policy outcomes such as those prescribed in the Ensign amendment or, for that matter, the Cornyn amendment. It simply doesn't have that power.

The budget resolution will give an assignment to the Finance Committee of how much money to raise, of how much money to spend. It does not tell them how to do it. Both the Cornyn amendment and the Ensign amendment seek to do something the budget resolution cannot do. They seek to prescribe, to require the Finance Committee to come up with certain policy outcomes. The Budget Committee does not have that power, it does not have that authority, and it cannot be done through a budget resolution.

Let's be square with people who are listening about what we can do and what we cannot do. The effect of these amendments, the true effect, will not be to do any of the policy prescriptions we talked about here. It will only be to reduce the amount of money for Medicare the Finance Committee has to meet the needs of the American people. That is what these amendments will do.

On the specific policy of the Ensign amendment, I am sympathetic to the basic notion. The problem is the specifics. The devil is in the details. First, as a member of the Finance Committee as well as the Budget Committee—and the Finance Committee will decide this, not the Budget Committee—on the policy of this amendment raising Part D premiums for certain higher income enrollees, I have many questions. How would CMS go about charging some people higher premiums under Part D when the premiums are set by drug plans, by private drug plans, not by CMS? How is that going to work? How can CMS require higher premiums to be collected from private plans? As we all know, there are more than 1,500 private drug plans, each with a separate premium they offer. How, conceivably, would this policy be implemented?

Premiums are important price signals for beneficiaries in the Medicare Part D Program. Under this approach, would we be setting multiple premiums for a single Part D plan? Will this not add to the complexity of the program? This seems to dramatically complicate the market-based approach of Part D.

When the administration came before the Finance Committee on this proposal, they had no answers when asked how their premium proposal would actually work and how it would affect the ability of beneficiaries to shop for plans. The administration simply had not thought through how this would all work in the real world. This is another reason why the Budget Committee in a budget resolution does not make these judgments. It simply does not because this is a policy determination that is in the authority of the Finance Committee.

While I am very sympathetic to the basic notion of income-related premiums and Medicare—I think it is going to have to be part of the long-term solution—the Budget Committee doesn't make these determinations. The Budget Committee does not make this policy. To suggest it does is simply to mislead our colleagues and mislead those who are listening. The one thing that these two amendments, the Cornyn amendment and the Ensign amendment, would do is to cut funding, reduce funding that the Finance Committee would have to provide resources under Medicare. All the other things they have talked about here, the policy prescriptions they have outlined, are a nullity. They mean nothing because the Budget Committee and the budget resolution do not make those decisions.

Let's go to the larger question of how are we going to get out of this very serious long-term entitlement crunch we face? As I have indicated, I believe the only way it is going to happen is either a working group or a commission that is bipartisan in nature, evenly divided between Republicans and Democrats, that is given the authority to come up with a plan and that they then come back to Congress on a fast-track basis for congressional approval. I believe it requires the involvement of the administration. I believe it requires the involvement of Democrats and Republicans in the Senate and the House. I believe it involves health information technology—which we have a reserve fund in this budget resolution to address, which the RAND Corporation has told us could save $80 billion a year.

I believe it involves focusing on the chronically ill; that is the 5 percent of Medicare beneficiaries who are using half of the money. We already know if we better coordinated their care, we could have substantial budget savings and get better health care outcomes. What a remarkable thing that would be, to both save money and to get better health care outcomes. How could that be? Very simply: That 5 percent of Medicare beneficiaries who are using half of the budget, no one is managing their cases—or in most cases nobody is managing their cases. So what happens? They are seeing multiple specialists who are giving them multiple prescriptions. They are being subjected to multiple tests, none of it very well coordinated. As a result, a lot of money is wasted and in many cases they are made less healthy. How can that be?

We did a study with some 20,000 patients. We put a case manager on every one of their cases. It was very interesting. The first thing they did was go into their households and get out all the prescription drugs they were taking. On average they found they were taking 16 prescription drugs. After review of the cases, they found they could cut that in half, cut it down to eight prescription drugs. The result was, people were healthier.

Let me give an example from my own life. I went into my father-in-law's kitchen and got all the prescription drugs he was taking out on the table. Sure enough, he was taking 16 different prescription drugs. I got on the phone to the doctor, started going down the list. When I got to the third drug he said, My God, he should not be taking that. He should not have been taking that for the last 3 years.

I go further down the list, two drugs he is taking, the doctor says to me, He should never be taking those two together, they work against each other.

I said, Doctor, how does this happen?

He said, It is very simple. Your father-in-law has three doctors: a heart doctor, a lung doctor, an orthopedic specialist; he has me as his family practice physician. They are all prescribing different drugs for him. None of them know what the other is doing. He is sick and confused, his wife is sick and confused—we have chaos.

He said, I am the one who is supposed to know, but your father-in-law is getting prescriptions in the hospital pharmacy, the corner pharmacy, the pharmacy down at the beach, he is getting a mail order. As I say, he was sick and confused, his wife was sick and confused and nobody knew what was happening. He had three MRIs in the last 9 months of his life.

That is what is happening in this medical system over and over. That is where the big money is. These amendments do not do anything about it and the fact is, no budget resolution can do anything about it because the budget resolution does not decide these policy matters. It is left to the committee of authorization. It is left to the committee that has jurisdiction, and the committee that has jurisdiction on these health policy issues is not the Budget Committee, as much as I might wish it were so. The committee of jurisdiction is the Finance Committee. They are the ones that will make these policy determinations.

As well meaning as these amendments are, No. 1, they do not do what they say they are going to do and, No. 2, the thing they do accomplish is to cut funding for Medicare. And MedPAC, the nonpartisan-bipartisan professionals who make recommendations to us on Medicare policy, has said these cuts, these specific cuts would be counterproductive; that they would cut hospitals, they would cut nursing homes, they would cut hospice care, they would cut ambulance services. In rural areas where hospitals are already suffering negative margins, what these amendments might accomplish is to put those health care facilities right out of business. That is what would happen in my State, according to the hospital directors of the more than 40 hospitals in my State. They say: You pass these amendments and some of our hospitals are shutting their doors.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the intensity of the Senator from North Dakota. I wish it would be followed up with legislative language. I have heard his talk before on Medicare and on his family situation, but he is going to be giving that same talk 10 years from now at the rate we are going around here. We are not getting anything done. These proposals would get things done.

The concept that this is going to close a hospital, a .6 percent reduction in the reimbursement rate, which is going up? That is absurd on its face. No, what is being proposed here is a legitimate effort to try to get at the underlying problem, which is the trust fund has a $32 trillion unfunded liability—trillion. That is almost the net worth of the entire country. That is almost as much in taxes as have been paid in since the country started. It is a huge problem. This budget does nothing about it, even though there has been significant rhetoric from the other side of the aisle about that. We are suggesting we do something about it.

Sure, the budget doesn't do the nuts and bolts of policy, but the budget has a lot of policy in it. You cannot on one hand say we don't do nuts and bolts of policy and then have a budget which is laden with policy—assumptions and specific language—in SCHIP, in taxes, in war fighting. It is inconsistent.

This is a reasoned approach, both of these amendments. Why shouldn't somebody making more than $160,000 a year pay some fair percentage of their drug costs so somebody who does not have that type of money can afford the drug costs down the road? Of course, they should. These two amendments are as close to apple pie as you can get if you are going to try to address the issue of Medicare. They are reasonable. If we can't do this, then we can't fix the Medicare system. That is the problem. If we do not fix the Medicare system on our watch—since we are the problem, the baby boom generation—then we have real issues. That is why we should proceed with these amendments.

I see Senator SMITH is here. I suggest we move on to his amendment so we can get on the time.

Mr. CONRAD. We can do that after I yield 5 minutes to Senator STABENOW on these amendments, and then we can.

Mr. GREGG. Why don't we agree by unanimous consent that after Senator STABENOW speaks for 5 minutes we go to Senator SMITH?

Mr. CONRAD. Fair enough.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank the chairman and everyone for all the hard work they are doing on this very important budget. I am happy to talk about ways we can save dollars in Medicare without cutting access or quality under Medicare. These amendments do not do that. These amendments start from the premise that we are going to cut providers. Let's look at doctors or hospitals or home health or maybe hospice, maybe nursing homes. It says what we ought to be doing is cutting back on payments in this system, which will cut back on their ability to service people, the ability for people to get care they need.

I find it so interesting on all of these amendments that folks—my friends on the other side of the aisle—go after those who are receiving health care. Medicare is a universal system. Everyone pays in. It involves choice. You can go to an HMO or your own doctor, you can sign up for Part B and get more coverage, pay a bigger premium, Part B—it is a system that has worked, but everyone has paid in.

So this notion that somehow we are going to pick this apart on the floor of the Senate without going through the process of looking at the whole system and how we really achieve savings, really achieve savings without cutting services, is mind boggling to me.

We saw a $400 billion Medicare prescription drug benefit pass the Senate, which now costs more—we do not know how much more but costs more—by the way, unpaid for, paid for on a credit card, I guess, that we know could be less than that.

If we talk about savings in Medicare, let's negotiate prescription drug prices. That is a way to make sure that we lower the price of Medicare. Now, it would involve taking on folks who many of my friends on the other side of the aisle support, industries that benefitted from this Medicare bill. But rather than saying we are going to cut our doctors trying to service our seniors, or our hospitals trying to hold it together and treating people, or home health, rather than saying we are going to cut out services in some way, let's go to the real cost. I am happy to go to the real costs that we can address while increasing access and quality.

One is to negotiate a better deal, negotiate a better deal for prescription drugs. I hope we are going to, in fact, do that as a Congress to be able to get a better deal.

Another thing would be to take the 31 cents on every dollar in health care that is the administrative cost—most of this is generated by the Federal Government in some way—and address health information technology, which many of us have worked on, Senator SNOWE and I have legislation on, Senator KENNEDY, Senator ENZI. We have bipartisan interest. Let's tackle that, and that would increase quality and access and dramatically cut the cost.

E-prescribing of prescription drugs alone, according to the Rand Corporation, would save $80 billion, just your pharmacy being able to talk to your doctor, talk to the hospital, and so on.

I came from a meeting where people were talking about great things: the increase in quality and access, and cutting costs. So let's talk about health IT. Let's talk about generic drugs which, if we have more competition from generic drugs, we would dramatically bring down the costs of Medicare.

So there is a lot we can do that does not involve going to the folks providing care and saying: We are going to cut you one more time. We are going to cut you one more time, or going to the universal nature of a health care system. This is not a low-income system. This is a universal system where everybody in America pays in, and it is stronger because of that.

So I would say that we should reject the two amendments in front of us. But we should certainly get about the business of addressing health care costs in this country through Medicare and through other means. We spend almost twice as much of our GDP on health care than any other country, with 50 million people with no health insurance. That alone shows there is something wrong with that picture.

We know we have had increases in Medicare, no question about it. But let's look at where they are coming from. Let's look at where they are coming from. Certainly, the area of lacking prescription drug competition is a big one. Administrative costs is a big one. Let's look at where we can save costs. I know it means taking on some pretty big special interests. There has been an unwillingness to do that because there are folks who make a lot of money off of Medicare, a lot of money.

I would not suggest it is the doctors or the hospital or the hospices or home health nurses, but there are folks who make a lot of money. They do not want to see us deal with the real costs. So let's go back one more time after the providers. Let's go back one more time and try to dismantle what is a universal health care system called Medicare. It works.

Frankly, I would like to see that kind of a universal system available, that is structurally available to every American, not just find ways to cut the one part of universal health care that we have in this country. I would hope that we would leave it to the Finance Committee to wrestle with all of those issues and let us figure out how to do this right.

I would hope my colleagues would say no to these two amendments that take us backwards in providing health care for every American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 510

Mr. SMITH. Mr. President, I appreciate the efforts of the chairman and ranking member in setting forth a budget for the United States.

I come to the floor today to speak briefly about two amendments that I have at the desk that focus on two issues relating to health care, which I think are very important. I hear a lot of support in the Chamber for the reauthorization of SCHIP. I, for one, not only want to reauthorize it but expand it.

There are all kinds of ideas for how to fund such a thing. I am here today to speak substantially about how we actually get the real dollars to accomplish that.

It is hard to do a townhall meeting in my State where the issue of health care does not come up. It should come up. Usually there is a story about a child with a health condition ranging from a cold to a broken leg, sometimes cancer, children who do not have access to health care. You see it in the papers nearly every day. Frankly, it is inexcusable in the United States of America.

So I have come today to make a proposal on the budget that is unusual for me because it involves a tax increase. I am very proud of my record in the Oregon State Senate and the U.S. Senate of opposing new taxes and voting to reduce taxes. But when it is appropriate, I have in the past voted to increase taxes on tobacco products in order to provide money for health care because of the important nexus that exists between tobacco use and public health care costs.

So today with my amendment I am proposing that Congress dedicate an increase in the tobacco products excise tax of up to 61 cents to SCHIP reauthorization.

In my home State of Oregon, 117,000 children do not have access to health insurance. We know almost half of these children are currently eligible for either Medicaid or SCHIP but they simply are not enrolled. The challenge Oregon faces is that even if they allocate adequate State funding to cover these children, they do not have enough Federal money under the current SCHIP allotment to enroll them.

Increasing the tobacco excise tax would allow Oregon to reach out, as in other States, to find those kids and get them enrolled so they have health care coverage. Oregon is one of many States that have a looming so-called shortfall. Starting in 2009 the State of Oregon will run out of money to simply cover the children who are currently enrolled, to say nothing of those who are eligible but unenrolled.

Should that happen, the State would potentially cut off new enrollments and be forced to reduce eligibility levels. So increasing the tobacco excise tax will stop that from happening. While we do not yet have an official score from the Congressional Budget Office, we do know that based on their estimates a 50-cent increase would generate an additional $26.6 billion in new revenue.

The tax now stands at 39 cents. I proposed in my amendment to increase that up to 61 cents for a total Federal tobacco tax of $1. That would be dedicated to reauthorize SCHIP. I believe if the Finance Committee chooses to utilize the full 61-cent increase, we would see at least $30 billion for SCHIP, if not the $35 billion.

Therefore, I hope my colleagues will find it in their hearts and in their mouths to vote aye when this very important vote is cast because it literally means health care for children. Many groups have supported this amendment. To name a few prominent ones: the March of Dimes, Families USA, the American Hospital Association, the National Council of Community Behavioral Health Centers, America's Health Insurance Plans, and First Focus.

AMENDMENT NO. 509

My second amendment relates to the battle against HIV/AIDS. This battle is being hindered because we are not focusing enough effort on providing early treatment to individuals who have been diagnosed with this disease. By targeting treatment earlier, we can help prevent the progression to full-blown AIDS. This is especially true for low-income individuals who may lack stable access to potential lifesaving pharmaceutical treatments and other health care services.

While Medicaid is an important provider of health care to those living with HIV/AIDS, most States require that individuals become disabled before they can qualify for coverage. In a sense, they must become sicker before they get treatment. That is simply not right. Full-blown AIDS is an incredibly costly illness to treat. It has much more of an impact on an individual's quality of life than HIV.

From a fiscal and moral standpoint it is essential that we focus more of our resources on providing early treatment to individuals with HIV. That is why I am filing an amendment to the budget resolution that would create a $500 million deficit-neutral reserve fund for demonstration projects that provide Medicaid coverage to low-income individuals diagnosed with HIV.

It is similar to the bill that I filed last week along with 20 of my colleagues that extends to all States the option of providing Medicaid coverage to these individuals.

That initiative, known as the Early Treatment for HIV Act, or ETHA, was modeled after the successful breast and cervical cancer benefit added to the Medicaid Program several years ago. The treatment authorized under my amendment would be provided in the same earlier-is-better fashion, so that more HIV/AIDS cases are prevented from reaching the point of full-blown AIDS.

My amendment would provide Congress and the Centers for Medicare and Medicaid Services the opportunity to learn more about the cost-saving benefits of treating HIV in its early stages. It is expected that in addition to Medicaid, other Federal programs such as SSI and Medicare will realize significant long-term savings by preventing individuals from being disabled by AIDS.

With more and more States having financial difficulties with their AIDS drug assistance programs, it is important that we provide alternative methods of delivering treatment to those with HIV/AIDS who may be living in poverty. Most importantly, we will be able to help individuals with HIV lead healthier and longer lives. That way they can remain active participants in both the community and the workforce and improve their chances of living to one day see a cure for their illness.

Mr. President, I ask my colleagues to support this amendment. It is a reasonable and responsible placeholder to add to the Senate's budget blueprint. I look forward to working with all of you in passing this legislation should we enact it in the budget. I think we can greatly improve Medicaid services in this way to those with low incomes who are afflicted with HIV.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Senator ENSIGN will now be recognized for 5 minutes. We will then go to Senator WYDEN, Senator LIEBERMAN, and Senator DORGAN.

We appreciate very much Senator ENSIGN limiting his remarks to 5 minutes.

AMENDMENT NO. 472

Mr. ENSIGN. Mr. President, my amendment would impose an income test on the wealthiest seniors to ensure that they pay a greater share of their Medicare prescription drug coverage.

A couple of years ago, we had a vote in the Senate that would income-relate—in other words, means test Medicare Part B, which pays for medical services, like doctors' services. Medicare Part D is the part that pays for prescription drugs.

Mr. President, we already means test Medicare Part B. In order to put the Medicare program on better financial footing, we should extend the existing Medicare Part B income test to the Medicare prescription drug program.

It makes no sense for Bill Gates's father to have his prescription drugs paid for by a schoolteacher or a firefighter or a police officer or any other middle-income American. This amendment says that a single senior, with an annual adjusted gross income over $80,000 and couples with annual adjusted incomes of over $160,000 a year would be responsible for a greater share of their Medicare Part D premium.

I have a chart that shows that the vast majority of Medicare beneficiaries would not be impacted by this proposal. Almost 96 percent of Medicare beneficiaries would not be affected by my amendment. This means that only the wealthiest 4.3 percent of seniors enrolled in Medicare Part D will pay higher premiums in 2008. Wealthy seniors have the means. We should not be burdening our children and grandchildren with even further debt by subsidizing wealthy seniors. That is what this amendment essentially does. It says that wealthy seniors should pay more for the Medicare prescription drug benefit.

The other side of the aisle says that we should raise taxes on the wealthy. This isn't raising taxes. This is getting wealthy seniors to pay for a benefit they are receiving that they never paid for. In the past, AARP and others have said that we should not means test Medicare.

In this instance, means testing is fair. Remember, that the Medicare prescription drug benefit is a new benefit. Today's seniors did not pay into the Medicare program, through payroll taxes, with the promise of a prescription drug benefit. What this amendment says is that if you can afford to pay higher prices for the Medicare Part D premium, then you should. That is, in essence, what this amendment is about. It is about fairness. Let's treat middle-income taxpayers of today and the future in a fair way by saying wealthy seniors—such as Bill Gates' father, such as my father, such as seniors who are in the upper-income brackets—pay their fair share instead of dumping this liability on future generations of taxpayers and making them pay higher taxes because we want to subsidize seniors to the current extent.

The Medicare Part B program is already means tested. We should further means test the Medicare program by requiring Medicare beneficiaries who make over $80,000 a year as a single and $160,000 a year as a couple, responsible for a greater share of their Medicare prescription drug premium.

To show a little support, the Washington Post, which is not exactly a conservative newspaper—and usually isn't in my corner—wrote:

> One worthy proposal, contained in the Bush budget, would have imposed higher Medicare prescription premiums for higher-income beneficiaries . . . Unfortunately an amendment to that effect was defeated in the budget committee.

That was my amendment.

> If Democrats are serious about dealing with health care entitlement spending, isn't it time for them to demonstrate that?

I believe it is time to demonstrate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I begin by commending Senator CONRAD and Senator GREGG for doing an exceptionally good job bringing extraordinary professionalism and thoughtfulness to this debate, particularly because Chairman CONRAD and Senator GREGG have focused on what are the big issues for this country. Relating to the domestic side of the budget—we all know the big international issue is Iraq—the big issues are taxes and health care. One of the most attractive parts of the Conrad budget is that it lays the foundation for this country to look at big fixes to our tax system and to health care.

If we listen to all the technical lingo that comes up over the course of this discussion—pay-go, firewalls, reserve funds; perhaps the staff director, who does such a terrific job, Mary Naylor, may know about some of the intricacies of these terms—it is a complicated world of "budgetese." What we do understand, however, are taxes and health care. The Bush tax cuts expire at the end of 2010. One of the reasons I support the Conrad budget is that it lays the foundation for meaningful tax reform. The Presiding Officer certainly hears this across the country: The tax system is broken. We now have three changes in the Tax Code for every working day. There have been more than 14,000 changes to the Tax Code since the last comprehensive tax reform. We are all getting ready to do our taxes again. Americans this spring will spend more money filling out tax forms than our Government spends on higher education. Senator CONRAD has pointed out the problem of tax havens and tax scams. There is an opportunity, as a result of this budget, to come together in a bipartisan way and fix the tax system. We know what needs to be done.

First, we to have clear out all the clutter, the thousands and thousands of loopholes that have been added since the last tax reform effort. Second, we have to simplify the system. I have brought to the Chamber a one-page 1040 form that is in my fair flat tax legislation that I will be reintroducing, and I have had a number of good conversations with our friend from New Hampshire about it. This is a chance for Senators to work together in a bipartisan way. The people at Money Magazine, the financial magazine, took my 1040 form and filled out their taxes in 15 minutes. It will bring about a dramatic change in American taxation. So we clean out the clutter, make the system simpler, and then keep progressivity.

There is a model for the Senate to follow. Senator GREGG and I heard a bit about it in the Budget Committee. Senator GRASSLEY and I heard a lot about it in the Finance Committee, when then-Chairman Grassley held hearings on tax reform during the last session. That is to take those principles I outlined—clear out the loopholes, hold down the rates, simplify the system, and keep progressivity—and once again, because of this budget, fix American taxation in a bipartisan way.

It is worth noting that every witness who came before the Senate Finance Committee during the last session to talk about taxation said building on the principles of the 1986 Tax Reform Act were the way to go. Witnesses came to the Budget Committee earlier this year. They all said this was the right direction, to build on the principles of 1986. I have indicated to Senator GREGG—and I am interested in working with him; he was part of the discussions that took place in the Budget Committee—it is worth wrapping this subject up by way of saying the budget that is before us now, the Conrad budget. It allows for the Senate to come together in a bipartisan way to fix the tax system. This is eminently doable.

The President had a commission on taxation. My one-page 1040 form is 30 lines long. The President's is 34 lines long. For purposes of Government work, the two are equivalent. Democrats and Republicans can come together on this, simplify the tax system, do what was done in 1986 to clean out the clutter, hold down the rates, and keep progressivity so that everybody has a chance to get ahead.

We have heard a lot of talk about class warfare. I am sure the Presiding Officer hears a great deal about this topic as he travels around the country. What Americans want is a system that gives everybody the opportunity to get ahead. That is what we ought to be working on. That is what this budget allows.

In addition to taxes, this legislation allows for a bipartisan effort in this Congress to fix American health care, because of the reserve fund that is in the bill and constructive efforts that are going on in the Senate. In all deference to the Presiding Officer, the distinguished Senator from Illinois, and our other colleagues who are running for President of the United States, there is a feeling that this question of fixing American health care is something that will be dealt with in 2009. I am here to tell the Senate, I believe there is a good chance the Senate will come together in 2007. Five Democratic Senators and five Republican Senators sent a letter to the President, an important letter that involved both sides coming together. The Republicans who signed the letter said: If you are going to fix health care, you have to get everybody covered. If you don't get everybody covered, the costs for those who are uninsured get shifted to those who are insured. That is a statement about universal coverage. It is about 100 percent coverage. Our colleague from South Carolina, Senator DEMINT, and others, have some good ideas about how to accomplish that. Republicans moved in a way that is going to allow for a comprehensive bipartisan effort to fix health care. Democrats did as well because the Democrats who signed the letter said: We need to modernize the marketplace. We have a tax system for health care that made sense for the 1940s; it doesn't make sense for 2007. The Tax Code for health coverage disproportionately rewards the most wealthy and promotes inefficiency. That is how the Federal government is spending $250 billion. The Democrats and Republicans came together and said: We want to work in a bipartisan way. Republican Senators such as TRENT LOTT and MIKE CRAPO and BOB BENNETT and JIM DEMINT and JOHN THUNE, Democrats such as KENT CONRAD, KEN SALAZAR, Senator CANTWELL, Senator KOHL, and myself said: With all due respect to our good friend from Illinois and our colleagues who are seeking the highest office in the land, we are going to do our best to fix health care in this Congress. We have an opportunity with our letter.

The Presiding Officer knows I have introduced S. 334, the Healthy Americans Act. When I introduced that bill, the CEO of Safeway stood with me, Steve Burd, with more than 200,000 employees, as did Andy Stern, the president of the Service Employees International Union, with almost 2 million members. Back in 1993 and 1994, business and labor were fighting each other. Now they are coming together. What a remarkable transition. In 1993, the business community said: We can't afford health care reform. In 2007, the business community is saying: We can't afford not to fix health care.

We have laid a bipartisan foundation in the Conrad budget for Democrats and Republicans to come together in this session to fix health care.

An issue came up as we were going forward on the reserve fund that highlights that while I think a comprehensive fix of American health care can be done, there are going to be challenges along the way. One of them is how to deal with the CHIP program, the program that helps our youngsters. There is great support on both sides of the aisle for the CHIP program. But there have been some in the Senate who have said: We have to do CHIP and health reform together. We have to do both together, and that is the way to approach it. The universal coverage legislation isn't quite ready to go. I am hopeful it will be ready before too long and that it will be bipartisan. The Conrad budget makes it possible for Senators to come together through a reserve fund for universal coverage.

I also want to make sure that the millions of youngsters who need health care now are not forced to wait. We should not deny those youngsters justice right now, when the need, as the distinguished Senator from Illinois knows, is so great.

What we said in the budget is that after SCHIP is resolved—and I hope it will be very shortly—and we meet those urgent needs of millions of youngsters, then we proceed to the question of bipartisan efforts to ensure there is comprehensive health reform.

Those are the two big issues of our time—tax reform and health care—that relate to the domestic side of the budget. The Conrad budget leaves space for Democrats and Republicans to come together and fix our tax system and fix American health care.

(Mr. BROWN assumed the Chair.)

Mr. WYDEN. Under the Conrad budget, and the fair flat tax I have introduced, we could have a one-page 1040 form. People in the State of Ohio—I advise the Presiding Officer, our colleague from Ohio, and we are thrilled to have him in the Senate—could be filling out their taxes on a one-page form, ensuring progressivity, getting rid of the clutter, and holding down rates for everybody. Money magazine, when they took that form, said they could do it in 15 minutes. So all of the people in the State of Ohio and elsewhere who are pulling together their shoe boxes and their receipts right now in order to fill out their taxes, they could have an alternative, something based on a system we know works because Democrats and Republicans came together in 1986 in order to have such a tax system.

The Conrad budget makes it possible for us to enact tax reform even before the Bush tax cuts of 2010 expire.

On the health care side, the same bipartisan effort could occur: Democrats and Republicans could come together and fix health care. We establish a universal coverage fund, a health care reform fund, in this budget. It would allow, for example, for legislation, like the Healthy Americans Act which I introduced, that has brought together Andy Stern of the Service Employees International Union and Steve Burd, the CEO of Safeway, to say: This is where we ought to start. It would allow for the Democrats and the Republicans—who signed a letter to the President of the United States and said: We want to work with you, Mr. President, to fix health care—it would allow for that important effort.

A number of my colleagues on the Republican side have been extremely constructive in working with me and others to get that legislation before the Congress—not in 2009, when the popular wisdom suggests we will talk about health care, but in this session. But before that happens, because of the efforts in the Budget Committee that are included in the Conrad budget, we will first protect and expand the program that ensures justice for children in health care—the CHIP program.

The CHIP reauthorization will come first. Passing CHIP legislation, however, is not going to diminish our efforts to work in a bipartisan fashion on overall health reform.

Both Senator GREGG and Senator CONRAD are on the floor now. I just want to let both of them know, and our very talented staff director, Mary Naylor, that I believe they have brought extraordinary professionalism to this effort. They reflect great credit on the Senate in terms of how the two of them and their staff work on this budget.

I urge my colleagues to support the budget that is before us particularly because it lays the foundation for the Senate to tackle the two big domestic issues of our time, taxes and health care. There are a lot of issues that come before us. Certainly Iraq is the premier issue as it relates to the international front, but the big issues at home are taxes and health care. The Conrad budget allows for Democrats and Republicans to come together on taxes, as was done in 1986 for a system that gave everybody the chance to get ahead.

I know the Presiding Officer, my friend from Ohio, has heard a lot about the whole topic of class warfare and the like. I think the Senator from Ohio hears the same thing I hear at home; that everybody ought to have the chance to get ahead. Everybody ought to have the chance to do it. We could do that with a tax reform program that is fair to all. This budget allows it, and it allows for Democrats and Republicans to come together on health care as well.

I urge my colleagues to support the budget. I commend Senator CONRAD and Senator GREGG.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 525, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the pending amendment, which I understand is the Ensign amendment—is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Be set aside so I can send up a modification that has been cleared by the other side relative to the Cornyn amendment, and I ask unanimous consent that the Cornyn amendment be modified.

Mr. CONRAD. Mr. President, reserving the right to object, have we seen this modification? Let me just reserve on that until I have confirmation.

Is this a Cornyn amendment which is being modified?

Mr. GREGG. Cornyn amendment, as modified.

Mr. CONRAD. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 525), as modified, is as follows:

At the appropriate place insert the following:

On page 4, line 6, decrease the amount by $2,047,000,000.

On page 4, line 7, decrease the amount by $4,291,000,000.

On page 4, line 8, decrease the amount by $6,949,000,000.

On page 4, line 9, decrease the amount by $9,936,000,000.

On page 4, line 10, decrease the amount by $13,270,000,000.

On page 4, line 15, decrease the amount by $2,047,000,000.

On page 4, line 16, decrease the amount by $4,291,000,000..

On page 4, line 17, decrease the amount by $6,949,000,000.

On page 4, line 18, decrease the amount by $9,936,000,000.

On page 4, line 19, decrease the amount by $13,270,000,000.

On page 4, line 24, decrease the amount by $2,047,000,000.

On page 4, line 25, decrease the amount by $4,291,000,000.

On page 5, line 1, decrease the amount by $6,949,000,000.

On page 5, line 2, decrease the amount by $9,936,000,000.

On page 5, line 3, decrease the amount by $13,270,000,000.

On page 5, line 7, decrease the amount by $2,047,000,000.

On page 5, line 8, decrease the amount by $6,339,000,000.

On page 5, line 9, decrease the amount by $13,288,000,000.

On page 5, line 10, decrease the amount by $23,224,000,000.

On page 5, line 11, decrease the amount by $36,494,000,000.

On page 5, line 15, decrease the amount by $2,047,000,000.

On page 5, line 16, decrease the amount by $6,339,000,000,

On page 5, line 17, decrease the amount by $13,288,000,000.

On page 5, line 18, decrease the amount by $23,224,000,000.

On page 5, line 19, decrease the amount by $36,494,000,000.

On page 19, line 12, decrease the amount by $2,000,000,000.

On page 19, line 13, decrease the amount by $2,000,000,000.

On page 19, line 16, decrease the amount by $4,100,000,000,

On page 19, line 17, decrease the amount by $4,100,000,000.

On page 19, line 20, decrease the amount by $6,500,000,000.

On page 19, line 21, decrease the amount by $6,500,000,000.

On page 19, line 24, decrease the amount by $9,100,000,000,

On page 19, line 25, decrease the amount by $9,100,000,000.

On page 20, line 3, decrease the amount by $11,900,000,000.

On page 20, line 4, decrease the amount by $11,900,000,000.

On page 25, line 12, decrease the amount by $47,000,000.

On page 25, line 13, decrease the amount by $47,000,000.

On page 25, line 16, decrease the amount by $191,000,000.

On page 25, line 17, decrease the amount by $191,000,000.

On page 25, line 20, decrease the amount by $449,000,000.

On page 25, line 21, decrease the amount by $449,000,000.

On page 25, line 24, decrease the amount by $836,000,000.

On page 25, line 25, decrease the amount by $836,000,000.

On page 26, line 3, decrease the amount by $1,370,000,000.

On page 26, line 4, decrease the amount by $1,370,000,000.

At the end of the bill, add the following:

TITLE IV—RECONCILIATION

SEC. 401. SPENDING RECONCILIATION INSTRUCTIONS.

In the Senate, by June 1, 2007, the Finance Committee shall report to the Senate changes in laws within its jurisdiction sufficient to reduce outlays by $2,000,000,000 in 2008 and $33,800,000,000 for the period of fiscal years 2008 through 2012.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, Senator ENSIGN had talked about his amendment, and I did not have a chance to, once again, respond. I would like to take that opportunity now, while we are waiting for Senator DORGAN. Perhaps Senator GREGG would want to respond to what I might say. Before we do that, maybe we should enter into an agreement with respect to the votes that will occur at 11:30.

So for that purpose, Mr. President, I ask unanimous consent that at 11:30 a.m., the Senate proceed to vote with respect to the following amendments in the order listed; that there be 2 minutes for debate before each vote, equally divided, and that after the first vote, the time for the votes be limited to 10 minutes; that no amendments be in order to any of the amendments covered under this agreement: the DeMint amendment No. 489, the Allard amendment No. 491, the Baucus amendment No. 504, and the Cornyn amendment No. 511.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 472

Mr. CONRAD. Mr. President, let me just take a moment now to respond to Senator ENSIGN with respect to the amendment he has offered that purports to affect Part D premiums and have higher premiums for those Part D Program participants.

Let me just say, the basic concept, I am in sympathy with. The problem is, the budget resolution does not make these policy determinations. This is a determination which is made by the Finance Committee. That is the committee of jurisdiction. They are the ones who have the sole right to make these kinds of policy determinations. The Budget Committee, as much as I might want it to, does not have the authority to do that. Beyond that, the devil is in the details.

The notion you can charge higher premiums—certainly there is a way to do that, but the Senator has given us no indication of how it might be done. When the CMS came before the Finance Committee on this very issue—because this is part of the President's budget—they were asked how they would go about charging higher premiums under Part D when the premiums are not set by the Government, they are set by private drug plans.

As we all know, there are something like 1,500 Medicare drug plans. Those plans each have a separate premium they establish. So how is it that CMS is going to tell all these private drug plans they are to charge higher premiums to higher income people? Those private drug plans do not even know the income levels of the people who subscribe to their plans. So how is it, in a real-world situation, these plans would charge higher drug premiums?

Again, the Government does not set these premiums. The companies that do set them do not have the information upon which to charge higher premiums to higher income people because they do not know what the income is of the people who subscribe to their plans.

Further, premiums are important price signals for beneficiaries in the Medicare Part D Program. So would we be setting multiple premiums for a single Part D plan? Wouldn't that add to the complexity of the program? This seems to dramatically complicate the market-based approach of Part D.

I might add, when the administration came before the Finance Committee—which is the committee of jurisdiction, which is the committee that has the authority to make these kinds of policy determinations—they had no answers to any of these questions. They just simply had not thought it through. That is one of the reasons why we leave these kinds of determinations to the committee of jurisdiction, because they have the expertise to make these determinations and to weigh the issue. The Budget Committee does not and does not have the authority to make these determinations.

Let me say my own belief is that the notion of income-relating Medicare benefits is going to have to be part of a longer term solution. But that is not going to be decided on any budget resolution. That is just a fact. All of the things Senator ENSIGN talked about will have zero effect on the Finance Committee. What will affect the Finance Committee is the number they are given of the resources that are available for Medicare.

The effect of the Cornyn amendment—and the effect of the Ensign amendment—will be to reduce the resources that are available to the Finance Committee for Medicare. What is that likely to mean? Well, it is very clear what it is likely to mean: reductions in reimbursement for hospitals, for nursing homes, for hospice care, for ambulance services. That is the real-world effect of the Cornyn amendment and the Ensign amendment.

I want to repeat that I got a letter from 43 Senators—11 of them Republicans—urging that the budget resolution not cut reimbursement to hospitals. I just remind them, if that is something they are serious about, then they are going to want to oppose the Cornyn amendment and the Ensign amendment because the real upshot of those amendments is to reduce funding to the Finance Committee for those very purposes.

Mr. President, Senator GREGG may like to take the remaining minutes here.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Yes, Mr. President. I thank the Senator.

Mr. President, if you are going to vote against the Ensign amendment, you are just simply saying millionaires in this country should not have to pay for their drug benefit under Medicare if they are retired and have Medicare eligibility; and all millionaires who are retired and over a certain age have Medicare eligibility for drug benefits. It is that simple.

To say the Budget Committee should not address this issue has the practical effect of saying the Budget Committee should not address policy at the Federal level. The Budget Committee, of course, has a right to address this issue and should address it. In fact, it is the proper place to address it as the initial step. In fact, you could argue that if the Budget Committee does not address it, it will never get done because the protection that comes from reconciliation, which only the Budget Committee can give an authorizing committee—that is, the Finance Committee, the Armed Services Committee, or any other committee—derives from the Budget resolution, which is authored by the Budget Committee. You probably are not going to pass these types of changes without reconciliation protection. So that is a straw dog argument of the first order.

This Ensign amendment specifically is an attempt to straighten out what was clearly an incorrect decision when Part D was put in place. The Medicare trust fund is $32 trillion out of whack. In other words, we know it is going to cost $32 trillion—that is with a "t."

Try to understand what that means—$1 trillion. Nobody can understand $1 trillion, but it is an amount of money that is staggering. All the taxes paid in America since our country became a government, since our country was created, amount to something like $42 trillion. The entire net worth of America—all your cars, all your stocks, all the houses Americans own—represents something like $50 trillion, or maybe it is not even that high—$47 trillion.

So we have a liability, which we have no idea how we are going to pay for, of $32 trillion. The interesting part—that is why I want to point this out again—is the drug benefit, when it was passed, aggravated the liability of the trust fund to the tune of $8 trillion. So of that $32 trillion—although this chart could be used to explain this—of that $32 trillion, $8 trillion of that unfunded liability was generated by the drug benefit. It shouldn't have been that high. One way it should have been addressed was that we should have had wealthy seniors, millionaire seniors, which is what the Ensign amendment does, paying a fair amount of the cost of that drug benefit. The Senator from North Dakota says: Well, that can't be done. Of course, it can be done. Of course, it can be done. There are all sorts of reports that are filed on CMS on the cost of reimbursement and how they are structuring these insurance plans, and there is no question but it can be done. More importantly, it should be done, as a matter of fairness, for working Americans who are carrying the burden of seniors.

I notice Senator DORGAN is here and he wants to talk, so I will reserve on that.

The point is pretty important. If you want to vote for working Americans to not have to subsidize millionaire Americans who are retired, you are going to want to vote for the Ensign amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. The Senator from North Dakota, Senator DORGAN, is now recognized until 11:30.

Mr. DORGAN. Mr. President, some would believe, and perhaps should believe, that this budget issue is very complex, very difficult and is hard to resolve. I accept all that. But there ought to be some things all of us would agree are very easy to deal with. The slam-dunks, as it were; the issues that all of us ought to say: Enough, we are not going to put up with this on the revenue side.

Let me tell my colleagues the taxes I believe we ought to be getting that we are not getting. Should we increase them? Absolutely. Those are the taxes that would have been paid under normal circumstances but now are not being paid because companies have decided they want to run their income through a tax-haven country. They want to produce in China, sell in America, and run their income through the Cayman Islands.

What is the purpose of that? To avoid paying U.S. taxes. They want all the opportunities of being an American company but none of the responsibilities to pay the taxes to help this country run, to help this country do what it should do.

So let me go through some of the examples. First, let me show a picture of the Ugland House. An enterprising reporter named "David Evans" did some research. This picture shows a five-story building on Church Street in the Cayman Islands that is home to 12,748 corporations. Now, we have talked about that. I have spoken about it in previous months on the floor of the Senate. Why do I do that? Everyone understands that in this little building on a quiet street on the Cayman Islands, there aren't 12,748 companies. That is a legal fiction created by some lawyers to allow companies to use this address to avoid paying U.S. taxes. That is what is inside this white building: fictional addresses so companies can park income here and avoid paying taxes to the United States.

Should we shut that down? You bet your life we ought to shut it down—just like that. It ought not be controversial. Do we not believe that everybody ought to pay their fair share of taxes as a part of living in this great country? So that is one issue. That, by the way, is a current tax scam that exists and is robust. I could go through the names of companies that have many subsidiaries in tax-haven countries. I mentioned Halliburton the other day. They have 17 subsidiaries in the Cayman Islands, a country that has never imposed a corporate income tax. They also have two subsidiaries in Liechtenstein, for God's sake. But it is not just that company. I could go through a whole list of companies that have dozens and dozens of subsidiaries they have created in tax-haven countries to avoid paying taxes in this country.

Let me give some other examples of what has been going on. This is Dortmund, Germany. This is a picture of a streetcar in Dortmund, Germany. It is interesting. Actually, an American company leased the streetcars in Dortmund, Germany. Why? Because an American company wants to run streetcars in Germany? No, not at all. These belong to city government in Germany. An American corporation leased them, and immediately leased them back to the German city, and then the company is able to claim large tax deductions that lower its tax burden in the United States. Here is what the city councilman, Manfred Jostes, said:

> It's absolutely unbelievable. I still to this day can't believe that something like this works.

A German city councilman trying to think through how is it we can lease our streetcars to an American company, they lease them back, we get a premium and never lose the opportunity to use them. The only thing that is valuable to the American company is they don't have to pay taxes because they can claim large deductions relating to this streetcar system in Germany.

It is not just streetcars. How about American companies buying town halls? Here is a picture of a town hall in a German city that I can't even pronounce. That is a huge, old town hall owned by an American company. Why? Because they like town halls in Germany? No. Because they want to be able to claim large deductions in an abusive cross-border leasing transaction with a German city for the purpose of reducing their tax obligations in this country.

Here is a railroad in Belgium owned by an American company. Because they like to run trains in Belgium? No, no. It is about reducing their taxes in our country.

How about an American company buying a German sewer system. This one—Wachovia Bank has been pretty aggressive. They bought a German sewer system, and they reportedly get $175 million in U.S. tax savings by owning a foreign sewer system. The city in Germany—Bochum, Germany, doesn't lose the use of its sewer system. The American corporation didn't buy a German sewer system because they wanted to use the sewer; they bought it because they wanted to lease it back to the German city so the U.S. company can depreciate it and reduce its tax burden to the U.S. Government. Sale and leaseback. Pretty unbelievable.

FleetBoston Financial and another investor bought Chicago's 911 emergency call system. Think of that. Chicago sets up a 911 emergency call system, then sells it to two corporations. It is a city-owned system. The companies buy it, and lease it back to Chicago. Chicago still has it. It is a sale and leaseback transaction by which an American corporation can now own and lease back the 911 emergency call system in Chicago and be able to depreciate it to save money on their tax bill. It is unbelievable to me.

When are we going to put a stop to this? Well, the Finance Committee took a look at these sale and leasebacks and owning foreign sewer systems and they said: We will stop it as of this date, but everything else is OK. It is not OK with me.

It is not OK with me that we still have companies that decide they want to move their profits to a controlled offshore foreign subsidiary, despite the fact that the subsidiary doesn't do any real business there.

It is not OK with me that we still provide large tax breaks to U.S. companies that close down a manufacturing plant in this country, fire its American workers and move those good-paying jobs to countries like China. When U.S. companies close down a U.S. manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fires its American workers and moves those good-paying jobs overseas, U.S. tax law actually gives companies like these a large tax break. This is a slap in the face of domestic companies that do not get this break. It is a slap in the face to hardworking Americans whose jobs are cut and moved overseas.

I have forced the U.S. Senate to vote to repeal this perverse tax break several times but it still remains in place. I will offer my proposal to eliminate this ill-advised tax subsidy again and again until it is gone.

So I have legislation in three areas that will shut these things down and shut them down for good. All of that, I understand, is able to be accomplished and has a fit in this budget proposal. Senator CONRAD, I believe, has in this budget proposal provided room for the three proposals I have offered, the kinds of proposals that will finally and irrevocably shut down this nonsense.

Now, we are short of money. The fact is we are short of revenue, so how are we going to get it? Are we going to go ask some people who go to work all day and take showers at night. You know, they get dirty and work hard at a construction site, come home and have to take a shower after work rather than before work. We are going to go back to those folks and say: You know what. Our Government is short of money. We would like you to pay some more in taxes. Or are we going to go to these companies who have decided they want to own a sewer system in Germany? They want to have a "fictional" address on Church Street in the Cayman Islands or they want to engage in transfer pricing.

Transfer pricing schemes, by the way, where companies have their own subsidiaries and buy and sell from them and charge things such as $50 for a tractor tire or $18 for a toothbrush; dramatic overpricing on the one hand or underpricing on the other. They use this accounting scam to try to demonstrate they have earned no money in the United States and therefore owe no taxes in the United States when, in fact, they earned a lot of money and transfer-priced those profits out of our country. Another scheme. It is wholesale tax avoidance.

The question for this Senate ought to be now: Are we going to get the revenue that is owed to us from some of the largest enterprises? I have not named a lot of them. I could name a lot of them, and they should have the opportunity to be named so that their shareholders know what they are doing.

It wasn't long ago, by the way, when some of us came to the Senate floor and named the companies who decided they wanted to renounce their American citizenship. I was a part of that. The late Paul Wellstone was a part of that. Paul sat right over there at that desk at the end of that row and I remember it as if it were today, the speeches Paul would give about this issue.

The companies have decided: You know what. We want all the benefits of being an American. We were chartered here. We exist here. We appreciate being here, but we don't want the responsibility of paying taxes. That is the origin and the roots of some of this tax avoidance. But then, it went even further. There was a time when companies said: You know what. We appreciate being an American, but we can save a great deal of money if we renounce our American citizenship and move our citizenship to, let's say, the Bahamas. My thought was: You want to move your corporate citizenship to the Bahamas for the purpose of not paying American taxes; then when you get in trouble, why don't you call in the Bahamian Navy. My understanding is they have a force of 20 people. Perhaps I have understated it. But maybe then you ought to call the Bahamian military when you get in some trouble, when someone tries to expropriate your assets somewhere around the world.

I come to the floor today because I am flat sick and tired of these schemes: The hood ornament on excess here is the schemes by which town halls are now for lease or for sale, sewer systems are now for sale. Yes, action has been taken to shut some of that down prospectively. Yes, that is good. But we still have circumstances under which American corporations are owning these assets, depreciating the assets that clearly are government assets for one single purpose, and that is to avoid paying the taxes that they would otherwise owe to the United States of America.

So then who pays taxes? Well, there is the infamous woman who once said: Only the little people pay taxes. She sort of sniffed: Only the little people pay taxes. Well, we know who does pay taxes. It is people who work, who get a W-2 form which says: Here is your income, here is your withholding, here is the obligation you have to the United States of America. No flexibility. You work, you earn an income, you pay taxes.

The word "tax" is not a dirty word. It is part of the price of a civilized society. We build roads. We operate schools. We provide for the defense of this Nation. We have a Center for Disease Control. We have the National Institutes of Health. We run Bethesda Hospital and Walter Reed for the veterans. We do a lot of things that are pretty wonderful, and we have built a pretty spectacular country through private sector and public sector initiatives. But in order to do that, we need a revenue base. Some of the biggest interests in this country have decided: We want to be a part of everything America has to offer, but we don't want to be a part of the revenue base. We want to find ways to own a foreign sewer system or run our income through a fictional address in the Cayman Islands. We want a large tax break for shutting down a U.S. manufacturing plant and moving those jobs overseas. We want to find a way to transfer price so that we are pricing safety pins at 100 times their value, or underpricing pianos, selling pianos for $40. That sort of transfer pricing is unbelievable. That transfer pricing has allowed some corporations to scam the Federal Government and avoid paying the taxes they owe this country. So I came to the floor today only to say this: Part of the process of a budget is to make plans about spending. What is it we need to spend? What do we have to do to invest in our country's future to strengthen our country? Then also, what kind of revenue can we expect and who shall contribute that revenue? Who is responsible for paying taxes? It is not, as the socialite sniffed, "the little people"; it is a responsibility for all of us in this country to pay taxes. I think when we see what has been going on with tax avoidance on a massive scale—and I see those who might criticize Senator CONRAD for saying: Let's capture some of this in this budget, and they say: Well, that is not real—you bet your life it is real.

You bet your life it is real. This tax avoidance is large, and it is growing. We have a responsibility to say to those interests: Pay up. Be a part of this country. Being a part of this country is to make money in this great economy of ours, but also the responsibility to pay some taxes to this country as well.

As I indicated, I have three provisions that will be provided for as a result of the way this budget is structured. I intend to offer those as legislation in this coming year. I expect that ought to be a noncontroversial portion of the debate in this country. It ought to be the first baby step to do what is right.

I yield the floor.

AMENDMENT NO. 489

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate prior to a vote on amendment No. 489.

Who yields time?

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, it is seldom in this Chamber that we have a chance to do something that is truly significant. This amendment about Social Security would allow us to do that. Both sides of the aisle, Republican and Democrat, for years have been saying we should not be spending Social Security on other things, and we should be saving it. But we have never done anything about it.

We have spent nearly $2 trillion in Social Security money on other things and have not saved one penny. My amendment allows for Congress to open the door and pave the way to stop spending Social Security funds and to save the money. Senator CONRAD and others have talked about the importance of prefunding, or advance funding, our Social Security system. This amendment will open the door for us to do that. It does not prescribe how we will do it. It does not talk about how the funds will be invested. It says they will be taken off the table and saved.

We are not talking about ownership here, private accounts or the stock market. This is all open for future discussion. The point of the amendment is to open the door and do what we have talked about for years: stop spending Social Security on other things and save it for the retirees.

Mr. BYRD. Mr. President, I oppose Social Security privatization—unequivocally and without question. The language in the DeMint amendment, which would encourage the Finance Committee to report legislation that would embrace private investment accounts within Social Security, is something that I cannot support. Therefore, I oppose the DeMint amendment.

Mrs. FEINSTEIN. Mr. President, I oppose this amendment. There is no question that we must reform our entitlement programs and change the way our Nation's finances are managed.

With this in mind, I support the premise behind this amendment: the Social Security trust fund should not be used to help reduce the Federal budget deficit.

Hundreds of billions of dollars are being taken from Social Security each year just to help pay our bills. Last year, this figure approached $200 billion.

However, this amendment has a fatal flaw. It leaves the door open for private Social Security accounts by providing participants with the option of "prefunding of at least some portion of future benefits."

In my view, this is unacceptable.

This body has already closed the door on the President's ill-conceived plan for private Social Security accounts.

The opposition to privatization is well-known:

Privatizing Social Security does nothing to extend the solvency of the program. Transition costs alone, over the first 20 years, would put our Nation in greater debt by as much as $4.9 trillion.

Creating private accounts would mean benefit cuts for retirees, by as much as 40 percent.

Half of all American workers today have no pension or retirement plan from their employers. That means Social Security is their only source of income.

It is critical that we protect this safety net.

We must hold the line on spending, but this has to be done in conjunction with a more responsible approach to tax policy.

The President's tax cuts have already cost more than $1 trillion and those enacted will be more than $3 trillion over the next decade.

When you combine the cost of the tax cuts with spending for the military operations in Afghanistan, Iraq, and the global war on terror—currently totaling $510 billion—the inevitable result is that our Federal budget is squeezed, while our crushing debt grows.

As we debate this budget resolution, I urge my colleagues to be mindful of the long-term impact of our spending decisions.

The looming crisis with our entitlement programs is clear. We must stop raiding the Social Security trust fund to pay our bills. But I cannot support this particular amendment which opens the door to privatizing Social Security.

I am firmly committed to opposing any Social Security reform proposals which leave the possibility of private accounts on the table. And this amendment would do just that. So I must voice my opposition, and I ask that my colleagues join me in rejecting this proposal.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the amendment sounds good. It is nice, bland language to provide participants with the benefits of savings and investment. But make no mistake about it, this is a stalking-horse for Social Security. That is what this is all about.

The Senator offered virtually the same amendment last year, which had the same purpose, and it was defeated 46 to 53, I think. This is privatization of Social Security. The American people rejected that; they rejected private accounts. It would cause a huge increase in the Federal deficit, a massive transfer. This amendment is disguised but would do just that.

It looks good on the surface, but this is an amendment to privatize Social Security, create private accounts for Social Security. Senators should not be fooled. Again, Senators rejected this very same amendment last year by a large vote of 46 to 53. It should be rejected this time as well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 489.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—45

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—52

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The amendment (No. 489) was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 491

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate prior to a vote on the Allard amendment No. 491.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield the time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the budget spends $88 billion over 5 years on ineffective programs and raises taxes by $900 billion to do so. My amendment reduces spending by 25 percent on programs rated ineffective by OMB's program assessment rating tool. PART has evaluated almost 1,000 programs accounting for 96 percent of all Federal spending. Only 26 are rated ineffective in discretionary spending.

Chairman CONRAD will say the budget resolution cannot tell appropriators how to implement the savings. My amendment simply allows the appropriators, with a great deal of flexibility, to find those savings that are proven to exist. It also tells agencies we expect results from programs we fund.

If my colleagues vote for this amendment, we will save the taxpayers $18 billion over 5 years and pay down the Federal debt by $18 billion. I believe if we cannot trim $4 billion out of a $2.9 trillion budget on ineffective programs, we cannot honestly tell taxpayers we are serious about fiscal responsibility.

I urge my colleagues to support the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's time has expired.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, the budget resolution does not make these individual policy determinations. The effect of this amendment will simply be to cut domestic discretionary spending $18 billion. Understand the programs that have been identified in the PART program are results not proven. If this did apply as the Senator suggests, here are programs affected: Border Patrol, Coast Guard search and rescue, high-intensity drug trafficking areas, LIHEAP, rural education, child abuse prevention, and treatment.

If there is a problem in those programs, they ought to be fixed. We ought not to be cutting Border Patrol, Coast Guard search and rescue, high-intensity drug trafficking areas, LIHEAP, rural education, and the rest.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 491 offered by the Senator from Colorado, Mr. ALLARD.

Mr. GREGG. Mr. President, I ask unanimous consent that this be a 10-minute vote, and the following votes be 10-minute votes.

The PRESIDING OFFICER. That order has been granted.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—33

Allard
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Sununu
Thomas
Thune
Vitter

NAYS—64

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The amendment (No. 491) was rejected.

Mr. SPECTER. Mr. President. I voted against the Allard amendment because I am not prepared to accept the blanket assessment by OMB as to which programs are effective or not effective. In addition, I don't think it is sensible to eliminate only 25 percent of the ineffective programs. In my judgment, Congress should make the assessment as to which programs are effective or ineffective and then Congress should act to eliminate all of the ineffective programs.

AMENDMENT NO. 504, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate prior to a vote in relation to the Baucus amendment, No. 504. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this request has been cleared with the two managers and the ranking members of the Finance Committee. I ask unanimous consent to modify my amendment No. 504 with the text I send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment is as follows:

On page 48, line 19, before "The" insert the following:

(a) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(1) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) a top priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(2) Extending health care coverage to the Nation's vulnerable uninsured children is an urgent priority for the Senate.

(3) SCHIP has proven itself a successful program for covering previously uninsured children.

(4) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(5) SCHIP reduces the percentage of children with unmet health care needs.

(6) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(7) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(8) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(b) RESERVE FUND.—

Mr. BAUCUS. Mr. President, this amendment basically confirms our commitment to reauthorize the Children's Health Insurance Program by September 30. We have to get this authorized quickly. It is the statement of the Senate that we will do so; otherwise, we lose a large number of dollars. We lose about $25 billion from the budget baseline if we do not get this done. It will wreak financial havoc on States if we do not get this done.

The program has reduced the rate of uninsured children by one-fifth. It is a great opportunity, frankly, for everyone in this body to say "yes" to kids. Yes, we are going to make sure our kids are covered with insurance. We are going to expand the Children's Health Insurance Program. I urge all Senators to vote yes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we support the amendment on our side. We will be happy to do it by a voice vote if the Senator wants to, but I suspect we are going to have a rollcall vote?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we can voice vote this as far as I am concerned. There was a request on my side. I don't know if there is anymore. I don't see anybody waving his hand or her hand, so it is fine with me.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (No. 504), as modified, was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, the Senate just voted on an amendment that makes a good first step to putting kids first in SCHIP. However, it is all well and good to say we are putting kids first. But the amendment we just voted on is not worth the paper it is printed on if the Senate does not take the next step and back up these words with policy.

The Cornyn amendment represents actual kids-first policy. I ask Senators to support the needed next step to putting kids first. Support the Cornyn amendment.

AMENDMENT NO. 511

Mr. GREGG. I understand the next amendment will be that of Senator CORNYN, dealing with the SCHIP issue. Is that correct?

The PRESIDING OFFICER. That is correct, amendment No. 511. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, my amendment establishes a deficit-neutral reserve fund and the finance committee to report a bill that reauthorizes SCHIP, a program that covers kids first. It emphasizes helping low-income kids, increases State flexibility, and eliminates waste, fraud, and abuse. This vote is the Senate's opportunity to make sure the original intent of the SCHIP program remains intact. This is about helping low-income kids first.

I yield the floor.

Mr. SPECTER. Mr. President, I seek recognition to outline my opposition to the Cornyn amendment, Senate amendment No. 511 to the fiscal year 2008 budget resolution. While I support reducing the cost of health care, I have concerns with reducing health care insurance coverage for children in low-income families.

The Cornyn amendment sought to ensure that only children in families under 200 percent of Federal poverty level—$27,380 for a single parent or $41,300 for a family of four—should receive State Children's Health Insurance Program, SCHIP, health coverage. This would have decreased the recent SCHIP change to Pennsylvania's Cover All Children program. The Pennsylvania Cover All Children program, which was approved by the Centers for Medicare and Medicaid Services, allows SCHIP funds to be used to provide insurance to children in families below 300 percent of the Federal poverty level—$41,070 for a single parent or $61,950 for a family of four.

The authorization for SCHIP is scheduled to expire this year. I look forward to working with my colleagues to reauthorize and improve this important program.

Mr. WHITEHOUSE. Mr. President, I wish to speak in support of the SCHIP amendment offered by my colleagues, Senators BAUCUS and ROCKEFELLER, and to respectfully oppose the amendment of my colleague Senator CORNYN. I also want to praise my senior Senator, JACK REED, and thank him for his tireless commitment to providing vital health care coverage to the children of Rhode Island for so many years.

Our State of Rhode Island has one of the lowest rates of uninsured adults and children in the Nation. This fact is both encouraging and troubling. It is encouraging because insured children are more likely to receive medical care for common conditions like asthma and ear infections. It is encouraging because insured children have higher school attendance rates and higher academic achievement. It is encouraging because insured individuals are more likely to receive preventive care like mammograms and other cancer screenings.

But Rhode Island's uninsured rates trouble me because, even as one of the most well-insured States in the Nation, my State is still home to nearly 120,000 uninsured Americans. And 20,000 of those are children. Even as a leader in insuring children and adults in this Nation, we are still far from where we need to be, and we are going in the wrong direction. Rhode Island witnessed a 4.2-percent increase in the number of uninsured from 2000 to 2004, coupled with a 7.3-percent drop in those covered by employer-sponsored plans.

Senator CORNYN's amendment proposes to limit the SCHIP program to children under 200 percent of the Federal poverty line. In Rhode Island, that would have meant that almost 2,700 children would not have been able to access health insurance using SCHIP funds during fiscal year 2006. And this number does not even include children under the age of 8 because Rhode Island has covered those children through its Medicaid Program up to 250 percent of poverty.

For my colleagues from larger States, 2,700 might not sound like that many children. But the Cornyn amendment would potentially result in a 7.5-percent increase in the uninsured rate for children in our State. This is unacceptable. And it is particularly unacceptable in light of the fact that 10.1 percent of Rhode Island children under 250 percent of poverty are eligible but not enrolled in Medicaid or SCHIP.

I also oppose the Cornyn amendment because I do not believe that we should use SCHIP reauthorization as a vehicle to limit coverage of parents. First, covering parents is one of the most effective ways to cover children. When States cover parents, children participate in the Medicaid Program at higher rates, they have more contact with medical professionals, and receive more preventive care. Second, kicking parents off SCHIP only increases the number of uninsured individuals in our States, and forces those individuals to seek coverage in more expensive settings like hospital emergency rooms. Lastly, the Bush administration has repeatedly approved waivers to expand insurance to parents of children covered under State Medicaid and SCHIP programs. Covering parents is a value shared on both sides of the aisle.

As we move forward with this budget, and move forward with the ongoing health care debate, we should not be looking for ways to limit the coverage that States can offer their residents, but ways to expand coverage to new and wider populations. For savings, we should be looking at reforms that improve quality and reduce cost, not throwing kids off health care programs. SCHIP was created in an effort to provide health insurance coverage to vulnerable children. In the spirit of this program, reauthorization should provide us with an opportunity to expand the tools States can use to cover the uninsured, not as an opportunity to hurt those Americans who need help the most.

I want to make a particular point to thank Chairman CONRAD and his staff for their superb work throughout this budget process, and for the chairman's continued support of children's health insurance programs.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, we voted to affirm our commitment to the program. The amendment offered by the Senator from Texas undermines the current program. Many Senators want to expand the Children's Health Insurance Program. This undermines it. It reduces the current program and wreaks havoc with the States. They will lose their flexibility that they currently have in administering the program. It puts a huge financial burden also on States that otherwise want to provide resources for the kids in their States.

I urge strongly we do not adopt the Cornyn amendment because it undermines the current program. It is a step backward, not forward.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. the following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—38

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Roberts
Sessions
Shelby
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—59

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The amendment (No. 511) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, there has been some confusion as to how many votes we are going to have during this period of time. There will be one more recorded vote. I think in fairness to some people on both sides of the aisle, we will make it a 15-minute vote rather than a 10-minute vote, because some people left thinking that was the last vote.

AMENDMENT NO. 525, AS MODIFIED

The PRESIDING OFFICER. The Senator from Nevada.

Mr. CORNYN. Mr. President, as the Budget chairman has said repeatedly, this does not direct the Finance Committee how to do this or to consider specific proposals. But I do believe the reforms the President has put on the table would be a good place to start looking. We know a fiscal tsunami is coming. We all talk about the wall of debt, but now is the time to act by passing this amendment. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Without objection, amendment 525 will be the pending question.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment should be opposed very simply because the savings, the $34 billion the Senator from Texas prescribes, could not be used as offsets to help accommodate other programs. Let's take SCHIP, for example. Because the way the Senator's amendment is written, as reconciliation instructions, the $34 billion could not be offset. That would be straight deficit reduction.

We are going to need, frankly, some wiggle room in Medicare programs to find revenue to pay for CHIP and for other Medicare adjustments. It makes no sense to straight cut $34 billion out of Medicare alone, in itself a deep cut, without some way of shoring up some of the needs we are going to have, especially SCHIP. I strongly oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 525, as modified. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—23

Alexander
Allard
Bond
Bunning
Burr
Coburn
Cochran
Corker
Cornyn
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Inhofe
Lott
Martinez
McConnell
Sununu
Vitter

NAYS—74

Akaka
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The amendment (No. 525), as modified, was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, did we move to reconsider?

The PRESIDING OFFICER. We did not.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, have we reconsidered and moved to lay on the table all of the votes this morning?

The PRESIDING OFFICER. There is one——

Mr. CONRAD. Let's have a blanket move to reconsider and move to lay on the table of the votes for this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Sanders amendment be considered from now until 1:30; that then Senator ENZI be recognized for an amendment until 2 o'clock; that Senator CARPER be recognized at 2 o'clock; that at 2:15, Senator COLEMAN be recognized——

Mr. GREGG. For an amendment.

Mr. CONRAD. For an amendment; that at 2:45, Senator LINCOLN be recognized for an amendment; and that at 3:15, Senator KYL be recognized for an hour equally divided on his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Further, as part of that unanimous consent, I ask unanimous consent that the Kyl amendment be voted on before 11 o'clock tomorrow, at a time to be determined by the two leaders; that there be, before the Kyl amendment, 6 minutes evenly divided; that there be a side-by-side amendment reserved on the Democratic side with the Kyl amendment, and that the same rule pertain that there be 6 minutes equally divided.

Mr. GREGG. Further, if the Senator will yield?

Mr. CONRAD. I am happy to yield to my colleague.

Mr. GREGG. That there be side-by-sides reserved for all amendments that are offered in this group, and that the initial amendment be the first amendment voted on.

Mr. CONRAD. Let me just understand that final point.

Mr. GREGG. So the offered amendment would be the first amendment voted on in the side-by-sides.

Mr. CONRAD. That the Sanders amendment would be the first amendment; is that what the Senator is saying?

Mr. GREGG. No. If there is a side-by-side, it would be the understanding that the initial amendment, the underlying amendment, would be the first one voted on.

Mr. CONRAD. No, that would not be typically the order.

Mr. GREGG. It would be an amendment like a second degree.

Mr. CONRAD. The second degree would be voted on first. So our amendment would be, in effect, the second degree, and so in the regular order it would be voted on first.

Mr. GREGG. OK. But side-by-sides reserved for all the amendments.

Mr. CONRAD. Yes, side-by-sides reserved for all the amendments. And votes would be on or in relationship to the subjects that we have identified here.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 502

Mr. CONRAD. Mr. President, I would like to now take up Grassley amendment No. 502 in regard to the Smithsonian. We have agreement from Senator GRASSLEY and others to take that amendment on a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is the pending question.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 502) was agreed to.

Mr. CONRAD. Mr. President, I thank the Chair.

Mr. President, if the Presiding Officer could read back to me the final timing for the unanimous consent agreement we have just entered into—the GOP amendment, which is the Kyl amendment, would be offered at 3:15 this afternoon, and that would be an hour equally divided, and that would leave us at 4:15?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, I ask my colleague if we could then agree for 10 minutes equally divided on the Bayh amendment.

Mr. GREGG. Mr. President, we have not seen the Bayh amendment.

Mr. CONRAD. We will get a copy, and perhaps we can work that out.

Mr. President, I yield to Senator SANDERS.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 545

Mr. SANDERS. Mr. President, I send an amendment to the desk which has been shared with the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, and Ms. MIKULSKI, proposes an amendment numbered 545.

The amendment is as follows:

(Purpose: To restore the top marginal tax rate to pre-2001 levels on taxable income in excess of $1 million and use the increased revenue to increase funding for the Individuals with Disabilities Education Act)

On page 3, line 11, increase the amount by $10,300,000,000.

On page 3, line 12, increase the amount by $14,600,000,000.

On page 3, line 13, increase the amount by $14,800,000,000.

On page 3, line 14, increase the amount by $4,500,000,000.

On page 3, line 20, increase the amount by $10,300,000,000.

On page 3, line 21, increase the amount by $14,600,000,000.

On page 3, line 22, increase the amount by $14,800,000,000.

On page 3, line 23, increase the amount by $4,500,000,000.

On page 4, line 6, increase the amount by $10,300,000,000.

On page 4, line 7, increase the amount by $14,600,000,000.

On page 4, line 8, increase the amount by $14,800,000,000.

On page 4, line 9, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $10,300,000,000.

On page 4, line 16, increase the amount by $14,600,000,000.

On page 4, line 17, increase the amount by $14,800,000,000.

On page 4, line 18, increase the amount by $4,500,000,000.

On page 10, line 9, increase the amount by $10,300,000,000.

On page 10, line 10, increase the amount by $10,300,000,000.

On page 10, line 13, increase the amount by $14,600,000,000.

On page 10, line 14, increase the amount by $14,600,000,000.

On page 10, line 17, increase the amount by $14,800,000,000.

On page 10, line 18, increase the amount by $14,800,000,000.

On page 10, line 21, increase the amount by $4,500,000,000.

On page 10, line 22, increase the amount by $4,500,000,000.

Mr. SANDERS. Mr. President, this amendment is being cosponsored by Senator MIKULSKI of Maryland. This amendment is about keeping the promises the Federal Government made to the people of our country 32 years ago. It is about keeping our word to the children of this country, especially those with disabilities. It is about keeping our word to the property tax payers of this country, whose property taxes in Vermont and throughout this country are going up and up and up.

When Congress passed the Individuals with Disabilities Act in 1975, under the leadership of Senator TOM HARKIN, that legislation said the Government would provide up to 40 percent—40 percent—of the national average per-pupil expenditure for special education. Unfortunately, however, the Federal Government has not kept its word. Today, its contribution stands at barely 17 percent. The promise was 40 percent; the reality is 17 percent.

In other words, the Federal Government passed legislation doing the right thing with regard to our children in 1975, but it has not followed through in terms of the kind of funding it promised, and school districts all over this country and children all over this country are suffering from that lack of action.

When Members of Congress on both sides of the aisle talk about unfunded mandates, the inadequate funding for special education is the poster child of that problem. We told school districts we would fund special education at 40 percent, and we are funding it at 17 percent. That is wrong. That speaks poorly of Congress.

In Vermont, and I suspect all over this country, school districts are demanding we rectify that problem, that we keep the promise made so many years ago.

When the Federal Government does not keep its word, school districts in my State, school districts in the Presiding Officer's State and throughout this country are forced to do one of two things: either they do not provide the quality of special education care the special needs kids require—and that is wrong—or else their limited budgets require them to cut back on other educational programs in order to fund the expensive needs of special eduction kids. So what ends up happening is we take money from second languages, we take money from athletics, we take money from arts, and we put it into special education, and all of the children suffer as a result of that.

The third option facing school districts—which certainly is taking place in Vermont, and I expect all over this country—is that school districts are forced to ask for higher and higher property taxes. Those property taxes are becoming so high in areas of this country that people who have lived in their homes for their entire lives are now being forced to leave their homes.

The property tax is a regressive form of taxation. It hits working families very hard and unfairly. It hits senior citizens unfairly. More and more communities around this country are forced to raise property taxes, which is putting an increased burden on middle-class families.

The amendment I am offering, which is cosponsored by Senator MIKULSKI of Maryland, is a simple and straightforward amendment. At a time when the wealthiest people in this country are becoming wealthier, at a time when the wealthiest 1 percent have not had it so good since the 1920s, at a time when property taxes on the middle class are soaring all over this country, at a time when school districts are being forced to spend more and more on special education, this amendment increases funding for special education by $44.2 billion over the next 5 years.

It finally begins to do what this Congress should have done years and years ago. It adequately funds special education. It begins to move away from the unfunded mandate that so many communities around our country are suffering from.

This amendment raises the $44.2 billion by rescinding the 2001 income tax cuts that were given to millionaires. In other words, it would restore the top income tax rate to 39.6 percent on taxable income exceeding $1 million per year.

This amendment would only apply to millionaires. Those are the only people who would be asked to pay more because we would be rescinding the 2001 income tax reductions that President Bush and the Congress gave to them.

While we ask the wealthiest people in this country to pay a little bit more, what we would be doing is lowering property taxes for the middle class all over this country and improving the quality of education that our children receive.

By using this revenue for special education, as this amendment does, the Federal Government could begin to live up to its 40 percent commitment in fiscal year 2009. Not only would we be providing a much needed boost for children with disabilities, we would also be providing property tax relief to so many families throughout this country who are in desperate need of that relief.

The bottom line of this amendment is pretty simple. It has a lot to do about which side we consider ourselves to be on. We hear a lot of rhetoric in the Congress about the importance of education. The Presiding Officer understands the importance of education. I understand the importance of education. I suspect every Member of the Senate understands the need to improve the quality of education in this country. This is an amendment about improving education for all of our children.

We hear a lot of discussion in the Senate and the Congress about the growth of special education needs among our kids—whether it is autism, ADD, or other disorders. This is an amendment which addresses in a very serious way the needs of special education.

We hear a lot about unfunded mandates and the burden of higher and higher property taxes on working families all over this country. This amendment, if passed, takes a giant step forward in rectifying this unfunded mandate and lowering property taxes. Mostly, though, this amendment is about Congress keeping its word, keeping the promise it made so many years ago. We made a promise to school districts all over this country that if they mainstreamed kids into public schools, Congress would provide 40 percent of the cost. We have not kept that promise. We have given hundreds of billions of dollars in tax breaks to millionaires and billionaires, but we have not reached out to school districts to help them with the cost of special education, the result being higher and higher property taxes. The time is long overdue for the Congress to keep the promises it made with regard to special education, and this amendment does just that.

Mr. President, I yield the floor.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 12 minutes. The Senator from Vermont has 2 minutes.

Mr. GREGG. Mr. President, the amendment of the Senator from Vermont, the Senator from across the river, as we say in New Hampshire, a Senator from the State where all our bad weather comes from, actually—the sunshine comes from New Hampshire—this amendment raises taxes by something like $44 billion. The purpose of it is to spend that money on special education.

Special education is an important program. In fact, it is so important that if you look at the priorities this administration has put in place in the education accounts since it came into office, it has increased special education funding by I think a factor that is three times greater—I believe that is the number—than the Clinton administration increased special education funding. This administration, in the first year in office, jumped special education by $1 billion. The next year, it jumped special education funding by another $1 billion, and so on and so on. The increase in special education funding under this administration has been the largest increase of any administration, both percentage-wise and in dollars, over its term.

But to raise taxes $44 billion is a pretty big tax increase. You can throw out the word "millionaire." What we are talking about here are small businesspeople. Eighty-three percent of the people who would be hit by the top rate are small businesspeople. It is all rates.

He is talking about repealing the President's tax cuts that have generated so much economic activity around this country and have created a revenue stream into this Government which exceeds the historical norm. In other words, even though it is counterintuitive to some folks, and especially to some of our editorial boards, such as The New York Times, we have actually seen an increase, a very significant increase in revenues by reducing the tax rates in this country so they are fair, so that people are willing to go out and take risks with their dollars, be entrepreneurial and, as a result, create jobs and economic activity, which is translated into income for the Federal Government.

In fact, in the last 3 years, we have received more income, larger increases in income in Federal revenue than at any time in our history, huge jumps in income, and we are now receiving more income as a Federal Government than is the historic norm—18.5 percent of gross national product in income to the Federal Government. The norm is usually 18.2 percent.

In addition, these tax rates which were put in place which are repealed under this proposal have created a more aggressive tax system. During the Clinton years, the top 20 percent of wage-earners—of income tax payers in this country paid about 81 percent of the Federal taxes. Today, that same top 20 percent—they are not the same people, because the genius of our society is that people go in and out of that group depending on how capable they are. Some people make money and get in; some people lose money and go out. But that same group, that top 20 percent, is paying almost 85 percent of the total income tax burden. So it is more progressive at the top end than it was during the Clinton years.

Even though the tax rates may be lower, the generation of income tax—people who are paying it—is more progressive, and at the lower end, the bottom 40 percent of the people who pay income taxes or who are subject to income tax in this country—they don't actually pay the money; they get money back from the earned-income tax credit—that group of individuals, the 40 percent there, is getting twice as much back under the earned-income tax credit as they did in the Clinton years. So at the top, you have people paying more. At the bottom, you have people getting more back. That is called progressivity. So we are getting more revenue. We are getting historic highs in revenue. We are beyond the traditional amount we get in revenue, and we have a more progressive tax system.

What is the Senator from Vermont suggesting? Increase taxes by $44 billion.

Well, I have referred to this budget from the other side of the aisle as tax-and-spend. Very simply, it is a tax-and-spend budget. It adds new spending. It adds $900 billion in new taxes. It increases the debt by $2.2 trillion. It does nothing to control spending, either on the discretionary side or on the mandatory side.

If you pass this amendment, I suppose you just supersized it in the tax size. You can go into McDonald's and you can get a regular Coke. This is sort of a "regular" Democratic tax-and-spend bill. There are a lot of new taxes—$900 billion—but that is sort of out of the mainstream of the party. But the Senator from Vermont has decided we are going to "supersize" this tax increase to $44 billion. So, obviously, we oppose the amendment.

This concept of expanding funding to IDEA is a good concept, but it should come within the ordering of priorities. It shouldn't come by a dramatic tax increase. In fact, this President has shown he is going to reorder priorities to accomplish that during his term in office.

Mr. President, I reserve the remainder of our time at this point.

Mr. SANDERS. Mr. President, I always enjoy dialoguing with my neighbor from New Hampshire. Let me make just a few points. I think he understands, because if my son who lives in Claremont, NH, is accurate, what he is telling me is what Vermonters are telling me—that property taxes in New Hampshire and in Vermont and all over this country are soaring.

My friend from New Hampshire says the President and Congress are addressing special education needs, more money is going into it. But the reality is that for the last 3 years, the percentage of Federal contributions for special education has gone down. They were at a high of 18 percent. They are moving downward. They are now at 17 percent.

My friend can talk about raising taxes, and let me concede that he is right. We are raising taxes on the upper three-tenths of 1 percent because 99.7 percent of the American people would not see any increase in Federal taxes as a result of this amendment. Tens of millions of American families would see a reduction in their property taxes.

I believe that at a time when the wealthiest 1 percent have never had it so good, when we are seeing that, according to Forbes magazine, the collective net worth of the wealthiest 400 Americans—400—increased by $120 billion last year to $1.25 trillion, it is time for this Congress to start worrying about middle-class families that can't afford higher and higher property taxes, about kids with disabilities who deserve quality education, about all of our children who deserve an education, and not worry about the upper three-tenths of 1 percent.

If my friend from New Hampshire says I am raising taxes on the upper three-tenths of 1 percent, people who are millionaires and billionaires, I concede that point. I am. That is the right thing to do.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, at this point, I believe Senator ENZI is ready to go with his amendment. Rather than tie him up and since he was also the chairman of the HELP Committee, he may have some thoughts on this issue of how we are doing on special education. But in any event, so he can get started, I yield the remaining time so Senator ENZI can go forward.

Mr. CONRAD. Mr. President, before the Senator departs, I wish to again thank him for his unfailing courtesy as we work through this budget resolution. I appreciate very much all of the constructive help he has provided as we have tried to get this done. I thank him very much.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 497

Mr. ENZI. Mr. President, I call up Senate amendment No. 497.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 497.

Mr. ENZI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a 60 vote point of order for legislation that creates unfunded mandates on small business concerns)

At the end of title II, insert the following:

SEC. 2___. RESTRICTIONS ON PRIVATE SECTOR MANDATES.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of private sector mandates on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) by an amount that exceeds the threshold provided in section 424(b)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

Mr. ENZI. Mr. President, my amendment is very simple. It establishes a 60-vote threshold for legislation that imposes unfunded mandates on small businesses as determined by the Small Business Administration, when it is in excess of $131 million, which is established in the Unfunded Mandates Reform Act. As my colleagues may know, small businesses make up $99\frac{9}{10}$ percent of all U.S. employers and employs 50 percent of the Nation's nonfarm private sector workers. That is according to the Small Business Administration. Congress has an obligation to make sure laws written in Washington don't unfairly burden Main Street.

The Unfunded Mandates Reform Act already requires the CBO to estimate whether Congress imposes mandates on the private sector. Right now there is a 60-vote point of order against legislation if the Federal mandates estimate has not been printed in the committee report or the CONGRESSIONAL RECORD. The fiscal year 2006 budget resolution conference agreement included a 60-vote point of order for imposing unfunded mandates on State and local governments. That is State and local governments, but it doesn't say anything about the engine of the economy: small businesses.

My colleagues will notice that I have left out big business. Big business can usually take care of itself, but small business doesn't have the people or the clout to be able to come here and point out to us the gross burdens we are putting on them. So I think the Senate should have a new 60-vote point of order that applies to legislation that creates unfunded, private sector mandates. It is time for Congress to remember that our actions here in Washington have very real monetary consequences on the small business owners in Buffalo, WY, or Conway, NH, or Main Street, Anywhere.

I came to Washington from Wyoming as a firm believer in what I call the 80/20 rule. I have found you can reach agreement on 80 percent of all the issues. I also know we are probably never going to reach agreement on the other 20 percent. But any unfunded mandates Congress imposes on the private sector should fall into—no, not the 80-percent category; I am just asking for a 60-percent category and receive strong support on both sides of the aisle that way.

This 80/20 rule was the guiding principle for my chairmanship of the HELP Committee during the 109th Congress. Senator KENNEDY and I abided by that. We avoided the highly partisan issues. We worked on the nonpartisan or the bipartisan issues. It turned out to be, instead of the most contentious committee, one of the more agreeable committees. We accomplished a tremendous amount of work. In fact, President Bush signed 27 committee bills into law. Most of those went through by unanimous consent. That is far above the 60-vote threshold I am asking for with this amendment.

We in Washington have to stop thinking our good ideas can be paid for by the wave of a wand. To that end, the Senate needs a procedural tool to remind ourselves that the policies we pass in Washington often translate to the direct cost increases on the businesses on Main Street.

This is a commonsense proposal. I urge my colleagues to support the amendment. I am sure there are small business supporters on both sides of the aisle who can see the benefit. I will mention that, right now, there is a 60-vote point of order in the Senate on everything. It is a filibuster. With a filibuster, 60 people have to agree before you can move on. That is often a 5-day waste of time. It would be much more convenient if we could get a vote and see that there are 60 people in support and know that even a filibuster isn't going to work against it. That would allow things to move forward faster.

I am not trying to slow the process. I am trying to provide a mechanism that protects small business and allows us to get on with the business of the Senate. It seems to me to be a win-win situation for us. We do protect cities, towns, counties, States, all of their small governments and even some big governments, but we don't protect the small businessman. The small businessman is what keeps this economy moving, keeps us going. I am sure there isn't any issue that falls into that 80 percent that we all can agree on, that we cannot get 60 percent approval to move forward on. It will encourage more bipartisanship, and I think in the last election that was the main message delivered to all of us. It wasn't the base of either party that provided the impetus for any changes.

It was the independents and the folks who said: Come on, guys, get along and get something done in Washington. That is what we are trying to do with this particular measure—move things along at a faster rate and to assure that small businesses can thrive in this country and that we get agreement from 60 percent of the people in this body to move forward. This will provide needed protection to small businesses.

I ask unanimous consent that a letter from the NFIB be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

March 21, 2007.

Hon. MICHAEL ENZI,
U.S. Senate,
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small-business advocacy group, I strongly support your amendment to the FY 2008 Budget Resolution that would raise the private sector unfunded mandate point of order from a 50 to a 60 vote threshold.

Congress needs a 60 vote threshold to force itself to think twice before adding additional unfunded mandates for several reasons. One, the regulatory burden that small businesses face is already too high. According to recent studies commissioned by the Small Business Administration the regulatory burden in 2004 was estimated to be $7,647 per employee in small businesses with fewer than 20 employees. And small firms spend 45 percent more than their larger counterparts to comply with federal regulations.

Second, this Congress has either considered or likely will consider mandates that will add to this burden. Among the proposals under consideration include legislation to increase the minimum wage, require small employers to provide paid sick leave, offer family and medical leave, and provide wage insurance.

The critical role that small business plays in our economy is another reason Congress should think before imposing new unfunded mandates. Small business produces roughly half of the private Gross Domestic Product and between 60 and 80 percent of net new jobs. Legislators should be working to strengthen small business's ability to create new jobs and grow their businesses, not working to impede their progress.

Thank you for introducing this important amendment and your continued support of small business.

Sincerely,

DAN DANNER,
Executive Vice President,
Public Policy and Political.

Mr. ENZI. Mr. President, I hope my colleagues will support this amendment. I will be happy to address any concerns. We have looked at a number of issues, historically, to see what the effect would be. We think the effect would be good legislation for small business and for the economy of this country.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

Mr. ENZI. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Maryland, Senator CARDIN.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank Senator CONRAD for yielding me this time. I take this time to rise in support of the budget resolution and the work of Senator CONRAD and the Budget Committee. It has been said frequently it is the most difficult job here to try to put together a budget, when you are trying to deal with all the different priorities. Senator CONRAD has done an excellent job in moving the agenda of this Nation.

This budget resolution changes the fiscal priorities of America. First, it provides for fiscal discipline. The pay-go rules are real. There are difficult choices our committees will have to make. But we have made it a priority to get our budget back into balance and say that we have to make tough choices.

Secondly, there are important priority areas. I compliment the committee for making health care truly a priority, to change the direction of America. It is a national disgrace that we have 46 million people without health insurance in America. We need to do something about it. We need universal health coverage in this country. This budget moves us in that direction by making SCHIP a priority. It gives the committee the ability to expand a very successful program. SCHIP works. It provides health insurance for our children.

Over the last 10 years, we have seen improved health care outcomes as a result of the SCHIP program. We know that if a person is covered by SCHIP, they are much more likely to receive primary care and dental care. They are much less likely to use the emergency rooms and much more likely to be immunized and have preventive health care and access to prescription drugs. Those enrolled in the SCHIP program are going to be better off. This budget allows us to move that issue forward. We often talk about it.

There was a hearing before the Senate Finance Committee and a family from Maryland was there. I will quote from Mrs. Bedford. She has five children in the SCHIP program. What she said is:

> Perhaps the greatest impact MCHIP, the Maryland Children's Health Insurance Program, has had on our families medically is that we no longer have to make impossible health choices based on a financial prospective. We no longer have to decide whether a child is "really sick enough" to warrant a doctor's visit. We no longer have to decide whether a child "really needs" a certain medication prescribed by his pediatrician. The face of CHIP is families such as ours, families who work hard and play by the rules, trying to live the American dream.

This budget will allow more families to be able to be in the health program and to live the American dream. Another family in Maryland is the Diver family, where Diamonte Diver died as a result of not getting access to preventive dental care. The toothache became abscessed and spread into his brain. He had emergency surgery costing over a quarter of a million dollars. If he would have had access to preventive oral care, dental care, for $80 he could have had a tooth extraction and that would have saved money in our health care system.

By expanding the SCHIP program, more children will be covered by dental care. There are so many reasons why this budget will allow us to move forward regarding our health care priorities. In the 109th Congress, we prevented 17 States from running out of money late in the session. This budget versus the President's budget is a clear choice. The President's budget moves in the wrong direction on health care and the SCHIP program. This allows us to make it truly a national priority.

There are other parts of the budget in health care that I support, such as the long-term care reserve fund, so that we can develop a more cost-effective way to take care of long-term care needs, so families can get assisted living help or home health care, and they don't have to spend as much money in nursing care. I could go through many priorities, whether it is veterans health care, education, or whether it is transportation. All these are important priorities that this budget allows us to move forward on in a fiscally responsible way.

I know we have had budgets that try to pull back from the pay-go requirements. I am glad we have stood up for the pay-go requirements. We have to balance the budget, but we need to change the priorities of America and move forward with health care and education, and we need to move forward with veterans and transportation. This budget allows us to do it.

I urge my colleagues to be cautious on all these amendments that are being offered. They may sound well intended, but they could jeopardize the thrust of the budget. I urge my colleagues to support the underlying resolution.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank Senator CARDIN, the Senator from Maryland, an extremely valuable member of the Budget Committee. He came to this Chamber after an extremely well-respected career in the House of Representatives, where he served in the most powerful committee in the House of Representatives, the Ways and Means Committee. Senator CARDIN is known as a Congressman's Congressman. He is somebody who does his homework. We have already seen that on the Budget Committee. He is already an extraordinarily valuable member there. I rely on him heavily. I cannot tell you how pleased I am to have Senator CARDIN on the Budget Committee. He has a wealth of knowledge, which has been put to good use as we have crafted this budget resolution. So I commend him and thank him publicly for the contribution he has made. This is the kind of serious-minded person this Senate needs and the Congress of the United States needs. We are delighted he is on the Budget Committee.

I would like to speak for a minute on the Enzi amendment. Senator ENZI, on the other side of the aisle, is somebody I not only like but I respect. Senator ENZI was an accountant in his private life. He brings those skills and that discipline to his job. He is well regarded on both sides of the aisle because he is serious about the job. I wish to start by saying I do like and admire the Senator from Wyoming, Mr. ENZI.

On his amendment, let me give my reactions. I think it is entirely well intended. What I worry about are the unintended consequences with this amendment. Let me say why. Currently, there is a 60-vote point of order against legislation that would impose unfunded mandates against State, local, and tribal governments above a certain threshold. That threshold right now is $66 million in any 1 year. In addition to that point of order, there is a 50-vote point of order against legislation that would have an unfunded private sector mandate above a certain threshold. That, currently, as I recall, is $131 million in a year. But that is not a 60-vote point of order; it is not a supermajority. It is a simple majority. The amendment that Senator ENZI has presented would make the private sector unfunded mandate point of order a 60-vote one, a supermajority.

I think the Senator would acknowledge that. He has altered it somewhat from what he offered in committee. It applies to the extent that the mandate affects small businesses. So this amendment could result in a budget point of order against legislation that has no Federal, State, local or tribal budget impact; but it would have an effect if a mandate affects small businesses and it has an effect of over $131 million in any year.

So far, so good. The difficulty I see with the amendment is, first, once again, the Budget Committee does not have the authority to make this kind of policy determination. We don't. I would like to. Many times as the Budget Committee chairman, I wish we had this kind of authority, but we simply don't.

If legislation such as this were adopted—and again, it can't be adopted in a budget resolution—but if it were adopted separately, my staff informs me it could affect legislation in the following areas: It could actually create a 60-vote point of order against the mental health parity legislation of Senator DOMENICI—legislation, by the way, of which Senator ENZI is a cosponsor. It could create a 60-vote point of order against the 2007 Defense authorization bill. It could create a 60-vote point of order, a supermajority hurdle, against minimum wage legislation, bankruptcy reform, pension reform, and a host of other bills.

That is the concern I have about this amendment in terms of a policy. We have not had a hearing. It requires further exploration before we would go forward with this particular amendment.

Again, the desire the Senator has to have unfunded mandates points of order on issues that would affect small business is entirely reasonable, but I am very concerned about the unintended consequences. I am very concerned about creating a 60-vote hurdle, a supermajority vote, that could affect issues such as the mental health parity legislation of Senator DOMENICI, such as the 2007 Defense authorization bill, such as the minimum wage bill, such as the bankruptcy reform legislation, such as pension reform.

I sense there is danger here, and I urge my colleagues to think about it carefully before they vote for the amendment.

I understand we are getting to the end of the time. Does Senator ENZI have time remaining?

The PRESIDING OFFICER. Senator ENZI has 8½ minutes remaining.

Mr. CONRAD. Perhaps Senator ENZI wishes to use his time at this point.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the comments of the Senator from North Dakota. He and I do have a lot in common. My grandparents homesteaded in North Dakota, and he and I both have a degree from the same college. We share a respect for the process of the Senate. I certainly respect him for the way he handles the budget and the fairness with which he has done so.

I hope he and others on the other side of the aisle will take another look at this amendment and not feel any fear. I hate to have people vote on a sense that there might be something sinister. If one looks at my record in the Senate, they will find I do not do things that are sinister, but I do things that protect small business.

As I have pointed out before, a point of order can be waived. If there are 60 votes, that point of order falls, and the issue moves forward. The Senator mentioned mental health parity. Yes, I am a cosponsor of mental health parity legislation. I have helped to bring people together, to find a third way of doing it, to get it into the 80-percent category, and move it forward for the first time. I know Senator DOMENICI has been working on this issue for over 6 years, close to 10 years, to get it to the point where it is now. I certainly wouldn't do anything that would put that bill in jeopardy. It could be in jeopardy because there is already a 60-vote point of order against it we will have to waive in order to go forward.

On a lot of these small business issues, there would be a 60-vote point of order already available on it. As I mentioned before, there is already another 60-vote possibility because anybody in the Senate can filibuster an issue which can cause it to fall into a category of needing a cloture motion. When you file a cloture motion, if you were to file it today, we couldn't vote on it until Saturday, and we would be debating the qualities of that amendment until Saturday. Saturday, when we had the 60 votes to pass it, then there would be another 30 hours of debate before the actual vote on that amendment, if everybody wanted to press the time. That would take up 5 days, maybe 6 days.

Waiving a point of order takes a few moments, and we can see if there is the strength to move the issue forward and discourage filibusters.

There is some real merit to having this point of order, both to show we have a concern for small business and recognize they are the engine that drives the economy of this country and that we do need to watch out for them, protect them, and keep from putting them out of business.

I hope my colleagues will take a careful look at this amendment and see the merit in it instead of sensing that there could be implications. I do not have any ulterior motives, other than my normal concern for small business and the feeling we need to watch out for them. It doesn't hurt to have a searching for answers, sometimes a third way, to get done what we want to do to allow small business to succeed and for us to do what we wish to do.

I hope my colleagues will take a look at this amendment and vote for it. I sense there are some who are going to vote for it anyway. I hope they follow through and vote for it.

I yield the floor and yield back the remainder of my time.

Mr. CONRAD. Mr. President, we are now awaiting the arrival of Senator CARPER. I ask the staff to call the Senator's office because we are ready to go to Senator CARPER's amendment.

Mr. President, could you give us an update on the time situation?

The PRESIDING OFFICER. At the present time, there is 4 minutes remaining to the Senator from Wyoming and 3 minutes remaining to the Senator from North Dakota on the Enzi amendment.

Mr. CONRAD. We are prepared to yield back all time on both sides of the Enzi amendment.

I see Senator COLEMAN is here. Will Senator COLEMAN be available to go forward with his amendment? Senator CARPER is not in the Chamber.

Mr. COLEMAN. Mr. President, I am ready to go forward.

Mr. CONRAD. Mr. President, I ask the manager on the other side if that is acceptable with him.

Mr. GREGG. Yes.

Mr. CONRAD. Why don't we do that. We thank Senator COLEMAN very much. We will go to Senator CARPER after Senator COLEMAN has completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 577

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself, Ms. SNOWE, Ms. COLLINS, and Mr. ROBERTS, proposes an amendment numbered 577.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide budget levels to extend through 2012 the production tax credit for electricity produced from renewable resources; the Clean Renewable Energy Bonds; and energy tax provisions for energy efficient buildings and power plants)

On page 3, line 12, decrease the amount by $277,000,000.

On page 3, line 13, decrease the amount by $634,000,000.

On page 3, line 14, decrease the amount by $939,000,000.

On page 3, line 15, decrease the amount by $1,307,000,000.

On page 3, line 21, decrease the amount by $277,000,000.

On page 3, line 22, decrease the amount by $634,000,000.

On page 3, line 23, decrease the amount by $939,000,000.

On page 4, line 1, decrease the amount by $1,307,000,000.

On page 4, line 7, decrease the amount by $277,000,000.

On page 4, line 8, decrease the amount by $634,000,000.

On page 4, line 9, decrease the amount by $939,000,000.

On page 4, line 10, decrease the amount by $1,307,000,000.

On page 4, line 16, decrease the amount by $277,000,000.

On page 4, line 17, decrease the amount by $634,000,000.

On page 4, line 18, decrease the amount by $939,000,000.

On page 4, line 19, decrease the amount by $1,307,000,000.

On page 26, line 16, decrease the amount by $277,000,000.

On page 26, line 17, decrease the amount by $277,000,000.

On page 26, line 20, decrease the amount by $634,000,000.

On page 26, line 21, decrease the amount by $634,000,000.

On page 26, line 24, decrease the amount by $939,000,000.

On page 26, line 25, decrease the amount by $939,000,000.

On page 27, line 3, decrease the amount by $1,307,000,000.

On page 27, line 4, decrease the amount by $1,307,000,000.

Mr. COLEMAN. Mr. President, as we all know, budgets are about setting priorities for the Nation. As we continue to work on the resolution today, I offer an amendment to address a key priority for our Nation: providing for our Nation's energy future.

We all know America's energy needs are growing rapidly. We need clean energy, and high energy prices threaten our national security. This is now a national security issue. A few years ago, when I was talking about ethanol, I would get some patronizing pats on the back for taking care of some Midwest corn growers. That has changed today.

Clearly, this is a national security issue. High energy prices threaten our economic security. It is imperative then that Congress work to promote energy technology that will offer clean energy solutions and, if anything, Congress's budget should provide for new opportunities to address these issues.

Yet in addition to seeking new legislative opportunities, we must address the oncoming expiration of current energy tax incentives that promote renewable energy and energy efficiency.

At the end of 2008, tax incentives for wind, biomass, geothermal, hydropower, solar, and other clean energy technologies will expire, as well as tax provisions for energy-efficient residential and commercial buildings.

In my home State of Minnesota, we take a lot of pride in our leadership on renewable energy issues from biomass to wind. It has been said southwest Minnesota is the Saudi Arabia of wind. Our State has made a massive investment in renewables and it is paying off. Renewable energy allows Minnesota to diversify and expand. It has reduced Minnesota's carbon footprint, and has also created jobs and put our State on the leading edge of renewable technology. At one point, I believe Minnesota had half the E85 pumps.

We have had success I would like to see continue in my State and replicated across the Nation. The United States should be a leader of renewable energy in this world. But much of the success would not have been possible without a little assistance. The production tax credit, for example, has enabled the wind industry to explode over the last several years. I talked with so many folks involved in the wind energy business, farmers who farm wind today, small-town mayors who are depending on wind energy to help them. We are at the point now where there is a waiting list for wind turbines. This is a great success story that would not have been possible without the production tax credit which is set to expire at the end of 2008.

Another renewable energy incentive that is new but has generated a lot of interest is the CREBs, clean renewable energy bonds. These are enabling local governments and rural electric co-ops to make a contribution to the need for renewable energy. I know there is a case in Minnesota where several school districts actually combined to use these bonds to put up a wind turbine project. There are great renewable success stories waiting to happen, but this wind energy tool, set to expire in 2008, will be short lived if not extended.

A lot of times, we focus on the production side of the energy issue, when, in reality, promoting energy efficiency can do more than anything to lower energy prices and protect the environment in the short term. In fact, the American Council for Energy-Efficient Economy has found if a massive energy efficiency effort were undertaken, we could reduce natural gas use by 1 percent and cut prices by well over 30 percent—in fact, they said a 37-percent potential cut in prices. Energy efficiency is the quickest, cheapest, and cleanest way to bring down energy costs for consumers. Meanwhile, as consumers save money, they also reduce greenhouse gas emissions.

Although we should always look for additional policies that promote energy efficiency, Congress has passed tax provisions for energy-efficient homes and commercial buildings that have made a real impact. One such provision is a deduction for energy-efficient commercial buildings that reduce annual energy and power consumption by 50 percent, while another tax provision provides a credit to eligible contracts for construction of a qualified new energy-efficient home. Unfortunately, these, too, will expire in 2008.

At a time when Congress should be sending clear signals to the marketplace to move forward with renewable energy and energy efficiency, the very tax incentives targeted to these endeavors will expire shortly. Meanwhile, how is business supposed to make long-term, responsible decisions with such little certainty about the existence of these provisions?

That is the point. If you talk to farmers, talk to groups of farmers who are coming together, they can't get the investment, they can't pool investment, work with banks and others unless they know there is a long-term tax incentive in place. That 1 percent per kilowatt is absolutely critical, and it is set to expire in 2008.

The tremendous advantage we are making—and the Senator from North Dakota understands well—is important to our part of the country. There is the possibility of cutting the legs out from under them, and we simply should not let that happen.

From my State, there is a very clear example. My State of Minnesota has adopted—and is setting the standard—a 30 by 20, 25 requirement. In other words, cut emissions by 30 percent.

Yesterday I sat in on a conversation with the head of Xcel Energy, one of the largest energy providers in the State of Minnesota, and I said: How are you going to get to 30 percent? His answer was wind energy. Wind energy will play an important part.

It used to be a boutique form of energy, just a couple of wind farmers, but today it is an important part of the whole package, the whole piece we need to have in place in order to meet the standards that have been set that will provide for a cleaner environment and that will cut our dependence on foreign oil.

Without incorporating these extensions into its fiscal blueprint, I do not believe this budget is setting a responsible course for our Nation's energy policy. As we look for additional ways to promote renewable energy and energy efficiency, I urge my colleagues to recognize the need to ensure that we do not take a step back. If these tax incentives expire, we will be taking a terrible step back. We need to extend these energy tax provisions, and I urge support for my budget amendment.

Mr. CONRAD. Mr. President, the Senator from Minnesota offers an amendment with which I am entirely sympathetic. In fact, these are many things that I strongly support.

I would inquire of the Senator if he would be open to a different pay-for. Let me express why I am concerned about it. The pay-for the Senator has offered is section 920, and section 920 is about, at this point, fully subscribed. We are between $7 billion and $7.5 billion a year on section 920 already, I would say to the Senator. That is about as much as we can do realistically. The President, in his package, had $7.5 billion. The appropriators, in this last bill for the last year, did $6 billion.

So the concern I have is that we wind up with a circumstance that will not accomplish what the Senator and I very much want to have happen. I would offer for his consideration that we will not be voting on his amendment right now, in any event, so there is some time for us to consider an alternative. If I could quickly offer as an alternative a reserve fund, which would give total flexibility to the committees of jurisdiction as to how to fund them, would the Senator be open to an alternative?

Mr. COLEMAN. I would note, Mr. President, that I think the underlying budget provides about $36.4 billion in section 920 funding. I think that is the figure. I know, as the Senator from North Dakota knows, that there have been a number of other proposals. I think Senator BINGAMAN's amendment uses section 920. I do think this is a priority that should have been in the underlying budget. I think it is that essential. I believe the Senator from North Dakota understands and knows the importance of the extension of these tax credits.

This will not be voted on now for a couple of hours, but I will certainly go back and explore and look at some of the possibilities. In the end, I believe this needs to be part of this budget. It is important for our Nation's energy security. It is important, certainly, from an economic perspective. And it is a win-win for everyone. So let me explore other alternatives, but I do hope my colleagues support this amendment, either with the 920 section we are looking at or we will explore whether there is another potential.

Mr. CONRAD. I thank the Senator very much.

Mr. President, the Senator is exactly right. I think in section 920, we are at about $38 billion. That is over 5 years. The $7 billion I was referencing is for 1 year. The comparison I was making is that the President had given us similar offsets of about $7.5 billion for 1 year. The appropriators, in the last major bill for last year, did $6 billion for the year. So what I am trying to communicate is that I think we are pretty close to fully subscribed there.

There is an alternative that would be a deficit-neutral reserve fund that leaves open to the committees of jurisdiction—it actually gives them more flexibility, I would say to the Senator. I would enthusiastically support that, if the Senator would consider a modification.

Mr. COLEMAN. Mr. President, I will certainly work with the Senator from North Dakota and see if we can figure out a way to get this done.

Mr. CONRAD. Mr. President, we are now ready to go to Senator CARPER.

We very much appreciate the patience Senator CARPER has shown in getting time on the Senate floor. We thank him for his valuable contributions as we work these many amendments we have already considered. Senator CARPER has been an especially constructive member, and we want to recognize him and thank him for that.

Mr. CARPER. Mr. President, I want to convey my gratitude to Senator CONRAD, our chairman, and also Senator GREGG, our former chairman, and say how much I respect and admire the way they have worked together, whether Democrats were in the majority or the Republicans were in the majority. I think they set an example for the rest of us to follow in the way we deal with each other: with mutual respect, always focusing on the issues, sometimes disagreeing, but doing so in an agreeable way, much the way the Presiding Officer handles himself in these matters.

AMENDMENT NO. 538

Mr. President, I ask unanimous consent that the pending amendment be set aside and that it be in order for me to call up one amendment at the desk, and that is amendment No. 538; that once it is reported by number, it be set aside and that I be recognized to speak with respect to this amendment, as already previously provided for.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself and Mr. COBURN, proposes an amendment numbered 538.

Mr. CARPER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the deficit by recovering improper payments)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-REDUCTION RESERVE FUND FOR REDUCTION OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

Mr. CARPER. I have three amendments, Mr. President, that I will be talking about which I offered with Senator COBURN. Before I talk about the amendments, though, let me take a moment to say, as a lot of my colleagues do, I have a great deal of interest in the budget, the budget itself and also the budget process.

Part of my interest goes back to my former role as Governor of my State, where we drafted, prepared, proposed, and implemented those budgets for 8 years. During those 8 years, we balanced our budget every year. We even put money, I think almost every year, in a rainy day fund to deal with challenges that might confront my successors someday down the line. We were able to balance the budget during those years in part because we were guided by a simple, basic principle, and that is if something is worth doing, it is worth paying for.

Balancing the budget doesn't mean sitting on our hands and doing nothing. In Delaware, while I was privileged to serve as its chief executive, we cut taxes in 7 out of 8 years, both individual personal income taxes and business taxes. We also invested in our schools to raise student achievement. We sought to improve health coverage for our children. We put in place a prescription drug assistance program. We helped make welfare pay less than work so that people would be incentivized to go to work. We enhanced our transportation infrastructure and paid down some of our debt.

It wasn't just the Governor, it was the legislature, with Democrats and Republicans working together, sort of our tradition in my little State. We set priorities, we saved money where we could, and when something was worth doing, we paid for it. We paid as we went. We balanced the budget, and we did so year after year.

When I was elected to the Senate in 2000, the Federal budget was balanced as well. In fact, our country was enjoying budget surpluses. When I came to the Senate, we were actually on track to pay off our national debt. We were on track to be debt free, as hard as that is to imagine today. I spent most of my first term in the Senate in the minority. It was a very different experience from being Governor of my State. Over the course of my first term in the Senate, I watched the majority pass budget resolution after budget resolution that ultimately dug us further into debt.

In 2000, the Federal budget was on course to run, I think, a $5.5 trillion surplus. The size of the national debt had been falling at that point for a couple of years. Over the last 6 years, we have gone, unfortunately, in the opposite direction. We have run record budget deficits and added some $1.5 trillion to our Nation's debt.

Last year, the American people said enough. This budget resolution responds to the desire of the American people to return to what I call a commonsense approach. There is an old saying—I think it is from Denis Healey, Chancellor of the Exchequer in Great Britain. He had a theory on holes. "When you find yourself in a hole, stop digging." With this budget resolution, we stop digging.

This budget resolution does, once again, what budget resolutions are supposed to do. It not only charts the course to a balanced budget, it also includes enforcement mechanisms to keep Congress's feet to the fire and, I might also add, the executive branch's feet to the fire. A plan on paper to balance the budget is great, but it does no good if we throw that plan out the window as soon as we start passing spending and tax cut bills later in the year.

This budget resolution requires that new proposals to increase spending or decrease revenues be fully offset with counterbalancing cuts in spending or increases in revenue. This pay-as-you-go requirement is something that I have been advocating, along with a number of my colleagues, certainly Senator CONRAD and others, for years. I am very pleased it will soon be adopted, I hope, by the Senate.

This budget resolution takes something called budget reconciliation and restores it to its original purpose. Reconciliation is a special procedure that was created to make it easier to pass legislation that made tough choices to reduce budget deficits. However, reconciliation has been abused in some of these recent years. It has been used to speed the passage of legislation that, far from balancing the budget, actually turned around and busted the budget. It is a little like adding grease to a pig. It makes it exceedingly difficult to get a handle on our out-of-control budget problems.

I offered an amendment a couple of years ago to prohibit the use of reconciliation to expedite passage of measures that do bust the budget. I don't know if that amendment was adopted, but I am glad the Senate will soon take this important step to restore fiscal order.

This budget also includes a new long-term budget point of order. This is vitally important because our short-term budget challenges pale in comparison to our long-term budget challenges. We ought to be taking steps now to prepare for the retirement of the baby boom generation—that is my generation and maybe the generation of several of us on the Senate floor today—preparing for our retirement and preparing for the strain those retirements are going to place on programs such as Social Security, Medicare, and, I might add, Medicaid. The last thing we ought to do is take steps now that will make matters worse in the future.

The new budget point of order created by this resolution requires 60 votes for legislation that would make our long-term budget challenges substantially worse. This forces the Congress to look beyond the present, even past the next election—something we don't always do—to the future we are leaving to our children and to our grandchildren.

I commend the chairman of the Budget Committee, Senator CONRAD. He has inherited a difficult set of circumstances. He has inherited a budget pretty much out of balance. He has inherited a Tax Code that has middle-class tax increases built in, in the form of a rapidly expanding alternative minimum tax. Nonetheless, under his leadership, the Budget Committee has managed to craft what I think is a very sensible resolution. They have provided for our troops in the field. They have provided for investments at home in education, health care for our children, and they have done this in the context of a plan that holds the line on taxes and charts a course to a balanced budget over the next 5 years.

I particularly thank Senator CONRAD for managing to provide, consistent with a plan to balance the budget, vital support for passenger rail service in this country of ours. It is becoming increasingly evident every day that passenger rail is a good investment, and one I think that is getting better. It is critical to economic growth and mobility. It is necessary to address traffic congestion and to protect air quality, and it is an essential part of reducing our dependence upon foreign oil.

I will just share what I think is a pretty good "gee whiz" factor. We are in Washington, DC, today talking about how rail, passenger rail and freight rail, can help in terms of reducing our dependence on foreign oil. We can take a ton of freight, move it from Washington, DC, to the Northeast corridor, to Boston, MA, with 1 gallon of diesel fuel. Think about that. With 1 gallon of diesel fuel you can move a ton of freight by rail from Washington, DC, to Boston, MA.

There are real economies to be gained, real progress in terms of reducing our dependence on foreign oil. That is about as graphic an example as I can think of.

Mr. CONRAD. Mr. President, will the Senator yield for a question?

Mr. CARPER. I will be happy to yield.

Mr. CONRAD. The Senator shared that statistic with me the other day, and I would like the Senator to repeat it because I think it is very easily overlooked. Would the Senator repeat that statistic?

Mr. CARPER. With pleasure. It is possible to move 1 ton of freight by rail from Washington, DC to Boston, MA, for about a gallon of diesel fuel. That is it. There are similar kinds of efficiencies we could realize by moving people, not just tons of freight by rail but people by rail, especially in densely populated corridors. I am not one who argues—I used to be on the Amtrak board, but I am not one who argues we should run trains in places people don't want to ride them or that we should run them in sparsely populated areas. I don't know that always makes sense. But we have 75 percent of people in this country who live within 50 miles of one of our coastlines. What that does, from the Northeast, the mid-Atlantic, Southeast, gulf coast, west coast, is create a lot of densely populated corridors. They lend themselves to passenger rail, especially for trips of maybe 300 or 400 miles or less.

With respect to Amtrak funding, we need to appropriate levels of capital. That is going to be more important as we consider a comprehensive reauthorization bill for Amtrak, which I hope is going to happen later this year.

I also thank Senator CONRAD and the committee for addressing the tax gap in this bill. That is the difference between the amount of tax that is legally owed and the amount that is actually being paid on a timely basis. The tax gap is estimated to be some $345 billion in 2001. The chairman of the Budget Committee has estimated it will amount to as much as $2 trillion over the course of the 5 years covered by this budget resolution. If we completely closed this tax gap, we would largely eliminate the Federal budget deficit. We are never going to completely close it, but we need to do more to narrow it. It is a matter of basic fairness to the great majority of Americans who do the right thing and pay their taxes they owe on a timely basis.

Together with Senator COBURN, who is the ranking member of the Financial Management Subcommittee I chair, I am offering three amendments to the budget resolution that I believe complement the initiatives in the budget resolution to address the tax gap. Our amendments deal with the spending side of the equation. Based on our work in the subcommittee, our amendments point to ways in which we can and should reduce the deficit by promoting better financial management. I think actually the administration probably agrees with what we are trying to do here.

Our first amendment deals with improper payments. Agencies across the Federal Government spend literally tens of billions of dollars every year on avoidable payment errors.

The most recent Governmentwide estimates from OMB report that agencies made about $41 billion in improper payments in fiscal year 2006, most of them overpayments. This total is likely only the tip of the iceberg, since many agencies are not in full compliance with the law that requires them to report on their payment errors—the Improper Payments Information Act.

OMB has plans in place to improve agencies' compliance with the Improper Payments Information Act. In keeping with our oversight role, our subcommittee is working with OMB to ensure that agencies comply with these plans and make consistent progress toward OMB's goal of eliminating up to $20 billion—that's about half the improper payments—in reported improper payments between now and 2011.

The first amendment Senator COBURN and I have submitted would apply such savings as we are able to realize through the elimination of improper payments to deficit-reduction.

The second amendment Senator COBURN and I have submitted touches on recovery audits, a tool at least some agencies use to recover payment errors they make.

Under current law, agencies with at least $500 million in contracts outstanding must regularly go through their books to find overpayments, double payments, and other errors they may have made in paying their contractors.

According to data released by OMB in January, just 2 months ago, agencies used recovery auditing to identify and collect millions of dollars in payment errors made to contractors. Frankly, We would like to see more of this kind of auditing work done.

I intend to work with Senator COBURN, OMB, and others to increase the amount of recovery auditing that occurs at the Federal level. The amendment Senator COBURN and I have submitted today would dedicate the savings we achieve by doing that through these efforts to deficit reduction.

Our third amendment touches on the management of Federal property. Senator COBURN and I have learned through several hearings in our subcommittee that agencies are spending a significant amount of money each year maintaining unneeded property—including buildings that are completely vacant.

Part of this problem comes from the fact that agencies still don't really know what property they own, in some cases, despite some admirable efforts undertaken by the administration. Agencies also aren't given the appropriate incentives under current law to dispose of property they no longer need.

Senator COBURN and I have been working on legislation that would give agencies additional tools and incentives that will encourage them to dispose of unneeded and vacant property. In so doing, it will enable the Federal Government and the taxpayers of this country to save the substantial costs that are incurred when we fail to dispose of these excess properties.

OMB has said that the legislation Senator COBURN and I hope to bring forward this year would help agencies unload some $11 billion in property by 2011. The amendment Senator COBURN and I have submitted today would devote this savings to deficit-reduction.

Again, I commend the Chairman of the Budget Committee and the Full Committee for a job well done. I urge my colleagues to support this budget resolution. And I urge my colleagues to join Senator COBURN and me in our efforts, I hope later today, to reduce the deficit through better financial management, by supporting these 3 amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I see now that Senator LINCOLN has come to the floor. We are running a little bit ahead of schedule, which is very helpful to us. While the Senator prepares, I say this to my colleagues: It is very important for colleagues to get this message because we have agreed between the managers of the bill to the following: In addition to the outline of amendments we have between now and when we start voting, we are then going to stop voting at 6 o'clock tonight. We will then have a period this evening where Senators will be able to speak. They will not be able to offer amendments. They can speak about amendments, but they will not be able to offer the amendments. We will have blocks of 30 minutes. From 6 to 6:30, the time will be under the control of the minority. From 6:30 to 7, it will be under the control of the majority. It will alternate back and forth in that way.

So from 6 to 6:30, the minority will control a 30-minute block. From 6:30 to 7, the majority will control a 30-minute block, and so on. From 7 to 7:30, back to the minority. From 7:30 to 8, the majority. Senators and their staffs need to be aware that time will be available for speaking. You can talk on the amendments. You can talk on the budget resolution. You will not be able to offer an amendment, but you can talk about the amendment you will be offering tomorrow.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. To clarify further from our side of the aisle, in those time slots we have already had requests for 10 speakers. We are basically allocating 15 minutes per speaker so we are well into 2½ hours of our time we will be using on our side of the aisle. If other people wish to speak, it will be after those first 10 who have already gotten in touch with us and told us they need time. Please get in touch with us if people want to say something. At that time it will be a convenient time for people who have an amendment to talk about the amendment so they can get a little more on the record about the amendment because tomorrow on the vote-arama they will be limited to 1 minute to explain their amendments.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator. I wish to send the word out to Senators on our side that time will be designated on a first come, first served basis. So Senators need to call the cloakroom or call the Budget Committee to get that time allocated.

Now we have time reserved for the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 542

Mrs. LINCOLN. Mr. President, I ask unanimous consent to call up amendment 542.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. I also ask unanimous consent to add Senator MCCASKILL as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mrs. LINCOLN], for herself, Ms. SNOWE, and Mrs. MCCASKILL, proposes an amendment numbered 542.

Mrs. LINCOLN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the Veterans Benefits Administration with additional resources and staff to more effectively meet their increasing workload and to address the unacceptably large claims backlog that continues to cause undue hardships for veterans and their families across the country)

On page 22, line 12, increase the amount by $70,000,000.

On page 22, line 13, increase the amount by $62,000,000.

On page 22, line 17, increase the amount by $8,000,000.

On page 26, line 12, decrease the amount by $70,000,000.

On page 26, line 13, decrease the amount by $62,000,000.

On page 26, line 17, decrease the amount by $8,000,000.

Mrs. LINCOLN. Mr. President, I have a special thanks to our chairman and ranking member, who have been enormously diligent on this budget issue. Chairman CONRAD has done a phenomenal job in bringing together a budget that reflects values for this country and for the American people. We are grateful to him for spending so much time, along with the members of the Budget Committee, in doing that.

I rise today to offer this amendment with my friend and colleague from Maine, Senator SNOWE. It is an amendment to the budget resolution that would provide an additional $70 million for the Veterans Benefits Administration. It is not a huge amount, but it is a necessary amount. This very much needed funding would provide the Veterans Benefits Administration with additional resources and staff to more effectively meet its increasing workload and its growing backlog of pending claims.

We have seen a tremendous pressure put on our Veterans' Administration over the last several years. The veterans of this country, who have given so selflessly to this country in their service, in return deserve the services they have been promised. It is so important that the Veterans' Administration is able to process those requests.

Chairman AKAKA and Senator MURRAY have certainly shown tremendous leadership on behalf of our veterans. I thank them from the bottom of my heart. I thank them for all they have done. I also commend my colleague Chairman CONRAD for this budget resolution which does so much in reflecting our Nation's commitment to our veterans. We know the chairman has put in here much needed resources for the VA. Those of us who believe so strongly in our veterans appreciate that.

I am here today to build off of that great work these individuals have done. Delivering timely and accurate benefits to the brave men and women who have served our Nation in uniform should be a priority for each of us. The current backlog of pending disability and compensation claims has been listed as one of the VA's highest management priorities over the past several years. Yet the backlog that exists there is growing each and every day. The number of veterans who are contacting our office, our congressional office in Arkansas, who need help in navigating the disability claims arena at the VA, is so huge. Unfortunately, the time that begins to lag becomes years—not weeks or days but years—that our veterans are not getting the services they need because of this claims process.

With an aging veteran population and more and more service men and women who are returning from overseas, the numbers of these claims will continue to increase, and the problem also becomes that our older veterans who have claims and have had claims existing for a long time, unfortunately, with newer veterans who are returning from Iraq and Afghanistan, they get pushed to the front of the line oftentimes. It is an unreasonable situation for the VA to be in.

The complexity of these claims has also increased as the health of our aging veterans has worsened and we are seeing a growing number of complex new claims that are resulting from complex combat-related injuries, such as PTSD and traumatic brain injuries.

Unfortunately, the increase in the growing complexity of these claims, coupled with the lack of resources by the VA, has contributed to an unacceptably large claims backlog that continues to cause undue hardship for our veterans and their families all across this country.

We all agree the claims process should be more timely and more accurate. While there are a number of fundamental changes that need to be made, the least we can do is better provide the VA with the resources and the staff they so desperately need.

Last year the backlog of pending compensation and pension claims was nearly 586,000. As of last week, the backlog had grown to over 647,000.

The most time-consuming and labor-intensive claims to process are the disability claims which require rating decisions. Last year the backlog of disability claims was nearly 372,000. Today it has grown to 405,000. This amendment would address the growing backlog of pending disability claims by providing $65 million to hire an additional 600 disability claims processors.

As the VA receives and adjudicates more claims, it results in a larger number of appeals. That backlog of claims also continues to grow, and that is why this amendment would provide $4 million for the Board of Veterans' Appeals to hire 32 additional full-time staff.

Additional funds are also necessary to increase training for current employees as well as any new employees to ensure consistency of claims processing and to lower error rates. That is why this amendment would provide the 1-year cost for increased training resources and quality measures with $400,000 for training and performance support systems and $400,000 for skill certification.

I was taught at an early age about the sacrifices our troops and their families have made to keep our Nation free. My father and grandfathers both served in uniform; my father in Korea as an infantryman, I had both grandfathers who served the Nation in World War I. That is why I am here today.

These veterans have given so much. They have given so much, as have their families. But to sit in waiting for years to get an answer from the VA is absolutely unacceptable, simply because we are not willing to put the staff there that needs to be there to deal with the volume of people who are coming.

I urge my colleagues to support this amendment, which would simply allow the VA to better process and award the benefits to which they are entitled by law. This does not create any new benefits. It simply gives them access to the benefits they already need and deserve.

I would ask my colleagues to check with your staff and check with your offices to see the disability claims you are dealing with for veterans in your State and see how many of them have such a lengthy time that you would love to be able to erase.

The lessons ingrained in me since my childhood have taught me that after a person has served in the military, we should make every effort, absolutely every effort, to care for them and for their families and to honor the benefits they have earned. It is the least we can do for those to whom we owe so much. It is the least we can do to reassure future generations that a grateful nation will not forget them when their military service is complete.

I urge my colleagues to support us on this amendment. We know that, as I said, the Budget Committee has done a good job in putting forth a responsible budget but one that truly recognizes the needs of our veterans. This is one small measure where we can assure the resources will be there to hire the staff, to ensure the backlog in these claims can be taken care of.

I appreciate, again, the chairman and the ranking member of the Budget Committee. I thank them for the incredible job they have done. I encourage my colleagues to support this amendment on behalf of the many veterans, with whom each and every one of us in our offices works, to ensure we can get them a timely response on their claims with the VA.

Ms. SNOWE. Mr. President, I rise today in strong support of an amendment that my friend and colleague from Arkansas, Senator LINCOLN, and myself have offered to the budget resolution, which will help to ensure that our Nation's courageous veterans receive the benefits and compensation that they have earned in a timely and efficient manner from the Department of Veterans Affairs (VA).

Every year, hundreds of thousands of America's finest look to the Veterans Benefits Administration (VBA) to process their claims for disability compensation, pensions and other entitlements due them as a result of their unselfish and steadfast service to our Nation. However, according to a VBA Workload Report in 2006, the total number of pending compensation and pension claims increased nearly 17 percent over 2006, from 517,574 to 604,308 cases—and as of last week, the backlog had grown to 647,405 cases. On top of this, our country's aging veterans' population and influx of service men and women who will enter the VA system after returning from Iraq and Afghanistan will inexorably lead to an increase in the VBA's workload.

The lengthy delay that many veterans endure to receive their benefits from the VA is simply unacceptable. Therefore, I believe it is vital for the Department of Veterans Affairs to have the resources necessary to promptly deliver benefits to veterans by adjudicating and processing their claims in a timely and accurate fashion. Given the critical financial importance of disability payments for veterans and their families, the VA has an undeniable responsibility to maintain an effective delivery system and to take decisive and appropriate action to correct deficiencies as soon as they become evident.

On March 7, 2007, the Senate Committee on Veterans' Affairs received testimony from Rick Surratt, the Deputy National Legislative Director of the Disabled America Veterans, who highlighted the staffing shortages that have hindered the VA's ability to process claims. Surratt stated:

> Past Reductions in staffing levels degraded VA's ability to process and decide disability claims in a correct and timely manner. After falling behind, it never fully recovered. With continued growth in the volume and complexity of claims for disability benefits, VA has not requested the resources necessary to overcome the existing backlog and stay abreast of that growth. . . .

On December 4, 2006, Senator LINCOLN and I joined with 33 of our colleagues to send a letter to the President, respectfully requesting that his fiscal year 2008 budget submission to Congress includes adequate funding for additional staff and resources necessary to address the growing backlog of pending claims at the VBA. According to the President's fiscal year 2008 budget, the average length of time to process a veteran's disability claim has dropped to 177 days, and the President's new budget will lower that processing time to 145 days. Although Senator LINCOLN and I applaud the President's recent efforts to improve the veterans' claims process, we still feel that our Nation's veterans deserve much better.

Therefore, our amendment will directly address the staff and resource shortages at the VBA by providing $64.5 million in order to hire an additional 600 disability claims processors. Additionally, the Board of Veterans Appeals, whose workload has increased by 82.5 percent since 2001—to an estimated 40,000 cases by the end of 2007—has seen decreases in staff levels during the same period. As a result, a GAO report found that it took an average of 657 days to resolve these appeals. Our amendment will provide the Board of Veterans Appeals with $4.1 million to hire an additional 32 processors in order to expedite the adjudication process to acceptable levels.

I also believe that comprehensive training and skill certification programs must be implemented in order to reduce the claims backlog and ensure that processing personnel make accurate decisions. The prevalence of new and complex disability claims resulting from posttraumatic stress disorder, PTSD, and traumatic brain injury, TBI, provide further evidence of the VA's need for a larger and more advanced processing staff. Thus, our amendment will provide a 1-year cost for increased training resources and quality measures with $400,000 for training and performance support systems and $400,000 for skills certification.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its veterans is enormous, and it is an obligation that must be fulfilled every day. At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, and over 24,000 servicemembers have been wounded since the onset of Operation Enduring Freedom and Operation Iraqi Freedom, Congress must now do everything in its power to answer our veterans' call, to ensure that they receive the benefits that they rightly earned and rightly deserve. I strongly urge my colleagues to support this amendment. Our veterans deserve nothing less.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I wish to thank Senator LINCOLN for this amendment. We all know there is a claim backlog that is absolutely unacceptable. According to the General Accounting Office, between fiscal years 2003 and 2006, the backlog of veterans waiting on ratings claims grew by almost 50 percent, including those filed by veterans of the Iraq and Afghanistan conflicts.

Similar problems have been cited at the Department of Defense. That is an unacceptable backlog. I wish to thank the Senator for offering this amendment, which I might add is paid for. I especially thank the Senator for that.

We now have the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would suggest that we settle up the post-6 o'clock period, if the chairman is agreeable with that at this time, with a unanimous consent request along the lines of what the chairman earlier outlined.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask unanimous consent that we next go to the Senator from Wyoming, Mr. THOMAS, for 10 minutes. Is that acceptable to the Senator? We then go back on the previous schedule. At 4 o'clock, we recognize Senator BAYH for 10 minutes.

Mr. GREGG. The previous schedule assumed Senator KYL.

Mr. CONRAD. We would stay with the schedule we had, but at 4 o'clock we would go to Senator BAYH for 10 minutes. Then after the votes are completed, that we have the first half hour dedicated to the minority, for people with the right to speak on amendments for up to 15 minutes each. That from 6 to 6:30, the time is under the control of the minority; from 6:30 to 7, the time is under the control of the majority; from 7 to 7:30, the time is under the control of the minority, back and forth in those half-hour blocks of time. Senators would be permitted to speak. They would be able to speak on amendments but not to offer amendments during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, also I would note, for the edification of our side of the aisle, our first group of speakers will be in this order: Senators DOMENICI, SPECTER—they will go 15 minutes each—starting at 6; Senator GRASSLEY and Senator HATCH, second half hour; Senator VOINOVICH and Senator BROWNBACK, the third half hour; Senator CHAMBLISS, Senator THOMAS, the fourth half hour; Senator GRAHAM, Senator BURR, the fifth half hour.

If there are Members, additional Republican Members, who wish to get time in this post-6 o'clock period, I wish they would get in touch with us.

If any of these Members whom I just listed who had gotten in touch with us—we basically listed them in the order they got in touch with us—wish to adjust their time, we will try to work with them. But that is the game plan at the moment, so everyone is on notice.

Mr. CONRAD. I say to the Senator, we may want to think about interspersing Senators because it would be unfortunate if Senators did not appear and there was a large block of time where people were waiting. We are probably going to want to work out some mechanism where Senators, if they are here, we allow them to go forward.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 464 WITHDRAWN

Mr. GRASSLEY. Mr. President, I ask unanimous consent to withdraw my amendment dealing with payment limitations on farm programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Senator very much. He has, as always, been very courteous and very helpful in allowing the budget resolution to proceed.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 498

(Purpose: To strike the reserve funds)

Mr. THOMAS. Mr. President, I have an amendment numbered 498 at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 498.
>
> On page 48, beginning with line 17, strike all through page 62, line 7.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. The reason we are here, of course, is to deal with the budget. I think that is a very important part of what we do in this Congress. It has to do with funding programs, but it has also to do with determining what our spending is going to be in the year.

Frankly, for many of us, having some idea, some control over spending is one of the key issues we face. The amendment I am offering would bring some transparency, restraint, and I hope discipline to this budgeting process. The budget resolution is supposed to provide the blueprint for Government spending and allocate dollars for appropriators in the future. That is what it is for. That is why we do it in the budget, so that for this year we will have a budget that says: Here are the programs, here are the dollars, this is what we do.

To be sure, it is a difficult task. It is always difficult, and there are limited resources and always unlimited demands and infinite requests. It is a tough job putting together a budget. However, it requires hard choices. I understand that. It is a time when we make choices among the competing priorities, and that is what budgeting is for. That is, in fact, the purpose of the budget.

I am concerned, in this budget, about the reserve funds that are placed there. This budget abdicates responsibility in a number of areas and fails to even set a cap on overall spending. The primary mechanism by which this happens is because of the so-called reserve funds.

This budget contains 22 separate funds, the purpose of which is to allow spending beyond the limits specified in the budget decision. In a vast majority of cases, the additional spending authority is totally unchecked. Not only is spending unchecked, there is actually no money in any of these reserve funds.

Of course, each of them is specified to be deficit neutral. What does that mean? What it means is that, in a budget that includes not a single penny of net spending restraint, taxes can be raised to pay for any reserve fund spending. This could be an additional $1 trillion in tax increases already assumed in the budget.

So that is the opportunity that is provided because of this reserve provision. Now, I know we have designated reserve funds in the past for various things, but the practice is not one we should encourage or continue or proliferate.

The American people sent a message last November. They want fiscal discipline. I could not agree more. And no more "business as usual" when it comes to spending. So we have a budget but then we have a way to say: I want to expand the budget. And we pay for it by increasing taxes. So we really say: We do not have a budget at all until we are through with the year. I cannot understand that. So I hear the folks who are saying we need to control spending.

Perhaps my friends on the other side of the aisle are not quite as conscious of that as we are. Even if we do make a miscalculation in the budget resolution, we need to move funds from one area to another, and that should be spending neutral. In other words, we should make hard choices, decrease spending in one area if we have to increase it in another.

As it is currently constructed, these reserve funds are the equivalent of a blank check signed by the American taxpayer. So these tax-and-spend funds need to be eliminated. I urge my colleagues to join me in support for this amendment.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it is a quarter to 3. Next up is Senator KYL, to be recognized for an hour, equally divided, on an estate tax amendment. Then we will have Senator BAYH at 4 o'clock. Those are pending matters.

These are the votes which are now in order, I advise my colleagues: the Hutchison sales tax amendment, the Ensign means testing Part D, the Sanders amendment to provide additional funding for education, the Enzi amendment that involves small business, the Coleman amendment on energy, the Carper amendment, and the Lincoln amendment on veterans. Those are amendments which have already been offered. At 3 o'clock, we will be going to the Kyl amendment for an hour, equally divided.

Let me again say to colleagues and staffs who might be listening, we will be going to votes at roughly 4:15. We will then be voting until 6 o'clock. We would like to get as many of these votes concluded as we can this evening because that will reduce vote-arama tomorrow. Again, colleagues should be aware, starting at 6 o'clock, in half-hour blocks of time, there will be opportunities for colleagues to talk about their amendments they may offer tomorrow or to talk about the budget resolution itself. We will go fairly late tonight with Senators having an opportunity to speak. When we are done today, all but a half hour will be yielded back. Senator GREGG and I will have that time to wrap up. Then we will be going into vote-arama tomorrow. I believe that starts at 9:30 tomorrow morning.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Does the debate start at 9:30 on the half hour that is reserved?

Mr. CONRAD. We should start at 9 o'clock.

Mr. GREGG. That is fine.

Mr. CONRAD. I think we would want to start at 9 o'clock with our half hour to be equally divided between the two of us and then go right to the voting starting at 9:30. It is our intention to try to conclude by 4 o'clock. It is very important that Senators give notice to the managers about amendments they seek to have considered during vote-arama.

Let me break this down. From 9:30 to 4—that is 6½ hours—we can do about three votes an hour. We would be talking about 19 votes. We could probably get in 19, perhaps 20 votes in that time. That is realistic. That is hard, but it can be done.

It is going to be incredibly important, for us to finish this budget resolution tomorrow, that colleagues show restraint with amendments they insist on considering. We have already considered many amendments. Senators have had a full opportunity for debate and discussion. Goodness knows, we took dozens of Senators' suggestions in drafting this budget resolution. I am asking—I am speaking to my side of the aisle—Senators to show real restraint in terms of the amendments they insist on because we must conclude our business by 4 o'clock tomorrow. If we do not, it is going to go on into some other time, either on into tomorrow tonight or on into Saturday. Maybe we could stay here all Friday night. Wouldn't that be fun? Please, this is the time to show discipline.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have agreement with Senator THOMAS that his amendment will be voted on on Friday. That is not a part of the next tranche of votes. It will be in order on Friday to be voted on. He therefore no longer wishes to speak this evening. He made his points just now.

I would advise Senator GRAHAM and Senator BURR that they have both moved up on the list. It looks to me that we will have seven votes, maybe eight or nine potentially in order starting at 4:15.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 538 AND 542

Mr. CONRAD. Mr. President, I ask unanimous consent to agree to the Carper amendment No. 538 and the Lincoln amendment No. 542.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 538 and 542) were agreed to.

Mr. CONRAD. I thank the Chair and my colleagues. That helps us make progress. It reduces the number of votes that will have to be considered when we get to votes in the 4:15 time range.

This may be a good time to again alert colleagues that we are looking to a series of votes starting at roughly 4:15. Votes will end at 6 o'clock. There will then be half-hour blocks of time available to the minority and the majority in alternating half hours for people to speak on their amendments or on the budget resolution.

We now are awaiting Senator KYL for his amendment. At the end of that hour, which will be evenly divided between the sides, we will have Senator BAYH recognized for 10 minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, lately we have heard a lot about the alternative minimum tax. It is a problem around here we have talked about and not done much about over a long period of time, whether Republicans have controlled this body or Democrats have controlled this body. Most often, we talk about the difficulties of really fixing the alternative minimum tax. Obviously, then, it is not a new problem. It has been with us for several decades.

The individual minimum tax, the precursor to the alternative minimum tax, as we call it now, dates from 1969. Congress then discovered, somehow, 155 taxpayers with incomes greater than $200,000 a year were not paying any taxes because they could legally avoid those taxes. So it was calculated that everybody ought to be paying a little minimum tax, and that is where the alternative minimum tax comes from. At that particular time, it was affecting about one taxpayer in half a million. Now, clearly, the situation has changed in the last 38 years.

Although not its only flaw, the alternative minimum tax's most significant defect is it is not indexed for inflation. This failure to index the exemption and rate brackets—the parameters of the alternative minimum tax system—is also a bipartisan problem. Though $200,000 was not an incredible amount of money in 1969, the situation is different today. I am not saying $200,000 is not a lot of money today, because it is, but $200,000 today will not buy what it would buy in 1969.

In 2004—the most recent year for which the Internal Revenue Service has complete tax data—instead of having 155 people paying this tax, more than 3 million families and individuals were hit by the alternative minimum tax. This chart I have in the Chamber has the numbers for every State in the Union. I am not going to go down those numbers now because we do not have time. But you can see, State by State by State, there are tens of thousands of people paying the alternative minimum tax who were never intended to pay it, even though we have taken some action in recent years so yet more people are not paying the alternative minimum tax.

This does not even begin to hint at what will happen if we do not continue to protect taxpayers from the alternative minimum tax. Barring an extension of the hold harmless contained in the 2006 tax bill, the alternative minimum tax exemptions will return to their pre-2001 levels. At the end of 2006, provisions allowing nonrefundable personal tax credits to offset AMT tax liability expired. If further action is not taken, it is estimated the alternative minimum tax will claim 35 million families and individuals by the end of this decade.

Now, think of that: A tax originally conceived to counter the actions of just 155 taxpayers could hit 35 million filers in just a few years, and I am talking about just around the corner. Some analyses show that in the next decade, it may be less costly to repeal the regular income tax than it would be to repeal the alternative minimum tax.

The AMT is a problem that has been developing for almost 40 years. On numerous occasions, Congress has made adjustments to the exemptions and the rates, though not as part of a sustained effort to keep the AMT from further absorbing our Nation's middle class until 2001. We did repeal it in 1998, but President Clinton vetoed it. We never, then, were able to get it repealed. So I am arguing for repeal.

Despite the temporary measures we have taken, the alternative minimum tax is still a very real threat to millions of taxpayers who were never supposed to be subject to the minimum tax. That the AMT has grown grossly beyond its original purpose, which was to ensure the wealthy were not exempt from an income tax, is indisputable, and that the AMT is inherently flawed would seem to be common sense.

Despite widespread agreement that something needs to be done about the AMT, agreement on what exactly to do is not very widespread. A major factor in the disagreement relates to the massive amount of money the AMT is supposed to be bringing into the Federal Government over the next few years—but remember, supposed to be bringing in from taxpayers who were never supposed to pay it in the first place. In 2004, AMT filers paid more than $12.8 billion into the Treasury.

If we do not extend the most recent AMT hold-harmless provisions that expired at the end of 2006, that number is projected to balloon to a much greater amount, and long-term budget forecasts currently show this greater amount coming into the Treasury.

When forecasters put their projections together, they are working under the assumption that the hold harmless which was extended in last year's tax bill will not be extended, that we will not take care of this problem. So they are guessing there is a whole bunch of revenue coming in from people who were never intended to pay it in the first place. Because of this, budget planners make the assumption that revenues will be much higher than everyone who is frustrated with the AMT thinks they ought to be. The reason for this is that the AMT "balloons" the revenue base, as it is projected to increase revenues as a percentage of gross national product. There is a great deal of evidence to support this.

Now, the nonpartisan Congressional Budget Office has consistently forecast the ballooning of AMT revenues year after year. This chart I have in the Chamber shows that with the red line. It takes into consideration that we are going to bring revenue in from people who were never supposed to pay it in the first place.

I just want to note that although the Tax Increase Prevention and Reconciliation Act of 2005 was signed into law after this analysis was published, the 2006 tax bill extended the AMT hold harmless only through December 31 of last year, and this chart shows Federal revenues all the way to the year 2050. It is important to note the long-term effects of the AMT on the revenue base because that is what is at issue: the basic idea that we are going to receive a lot of revenue from middle-income taxpayers who were never intended to pay it—which is part of that red line we have to get rid of because why tax people if they were not supposed to be taxed? The law is corrected from time to time to keep it from happening.

There may be some doubters who hesitate to attribute this ballooning of revenues to the AMT. But this next chart illustrates the drastic expansion of the AMT under current law over the next 43 years.

The Congressional Budget Office's report also states:

> [B]y 2050, roughly 15 percent of individual income tax liability would be generated by the AMT, compared with about 2 percent today.

This is what will happen if we do not do anything.

The problem with all of the projections showing the AMT ballooning revenues is that these projections are used to put together the budget we have before us. Now, this is not a Senator CONRAD problem. This is not a Democratic problem. This is a bipartisan problem. Republican and Democratic budgeteers rely on the same source of revenue—or I should say a source of revenue the Congressional Budget Office says is going to come in from people who were never intended to pay it.

This means the central problem in dealing with the alternative minimum tax is money. There are some people who say we can only solve the AMT if we offset the revenue and it can be found elsewhere to replace the money the AMT is currently forecast to collect. But we never intended to collect it from the people who we suppose are going to pay it. Anyone who says this sees the forecasts showing revenues being pushed up as a percentage of gross domestic product and wants big government to keep them up there.

These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect so much revenue. It is a failed policy in many ways.

The alternative minimum tax has even failed in its objective to ensure no citizen, no matter how wealthy, was able to completely avoid the Federal income tax, because in 2004, the Commissioner of IRS, Mr. Everson, informed the Finance Committee that the same number of taxpayers, as a percentage of the tax-filing population at large, continues to pay no Federal income tax. It boils down to the fact that the class of 155 people the law was set up for in the first place, in 1969, is even finding ways out of getting hit by the alternative minimum tax, and doing it legally because we have 2,366 taxpayers with incomes of $200,000 or more who do not use the medical and dental deduction had no income tax and no alternative minimum tax. The AMT has failed in every way except the ability to make Government bigger, or at least make it look bigger, and for those who think you ought to have an offset, to keep it big. The AMT has failed. While it may be hard for some to turn down taxpayers' money, whether we are supposed to collect it or not, no one has trouble spending the money—even the blue smoke money that is in that red line there.

It is simply unfair to expect taxpayers to pay a tax they were never intended to pay, and it is even more unfair to expect them to continue to pay for that tax once we get rid of it. The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place.

The way to solve this problem is to look on the other side of the ledger, to the spending side. Budget planners need to take off their rose-colored glasses, because that never materializes, and if it does, you are going to ruin the middle class. So take off your rose-colored glasses when looking at long-term revenue projections and read the fine print.

In general, it is a good idea to spend money within your means, and this is true in this case for the Government as well. If we start trying to spend revenues we expect to collect in the future because of the alternative minimum tax, we are living beyond our means. We need to stop assuming record levels of revenue are available to be spent and recognize the alternative minimum tax is a phony revenue source.

As we consider how to deal with the alternative minimum tax, we must first remember we do not have the option of not dealing with it. The problems will only get worse every year and make any solution even more difficult. We must also be clear the revenue the AMT would not collect as a result of repeal or reform should not be offset as a condition of a repeal or reform. We shouldn't call it lost revenue because it is revenue we never had to begin with.

A few weeks ago I presented to this body a joint tax estimate of how various proposed fixes to the AMT will impact revenues expected to be collected under current law. I noted at that time that full repeal aside, each of these proposals will still allow the alternative minimum tax to bring in hundreds of billions of dollars into the Treasury. If you consider any proposal aside from full repeal, you are saying hundreds of thousands, if not millions, of taxpayers out there deserve to bear the burden of the AMT. In other words, the middle class that is so talked about on this floor of this Senate to protect, the only way they are going to be protected is the extent to which we do away with this tax.

Suppose we are able to continue enacting 1- or 2-year temporary patches, as we have done. First, this strategy assumes Congress will have the time and the inclination to spend time dealing with the alternative minimum tax every year or two. This means whatever the issue of the day might be—Iraq, unemployment, natural disasters—Congress will have to stop dealing with those other problems and return to a problem we should never have had to deal with in the first place. Is the alternative minimum tax an issue that we as a legislative body want to revisit every year? Wouldn't it be better to solve it once and for all, particularly since it is phantom revenue, taxing middle-class Americans who were never supposed to pay it in the first place? Remember, only 155 taxpayers were targeted with this tax in 1969.

Second, every time Congress attempts to enact or extend a temporary fix, the same revenue issues are going to come up. Budget projections create the illusion of forgone revenues given up because of an alternative minimum tax hold harmless. Every time a patch is considered, there is another chance for taxpayers to be subject to this stealth tax increase.

Clearly, there is only one way to fix the AMT so no taxpayer is subjected to what has become a complete policy failure. We must completely repeal the individual AMT. There is a bipartisan consensus that only complete repeal is an adequate solution to this problem. Chairman BAUCUS, along with this Senator, Senator CRAPO, Senator KYL, Senator ROBERTS, Senator SCHUMER of New York, and Senator SMITH last month introduced the Individual Alternative Minimum Tax Repeal Act.

We must repeal the AMT and we must do it without offsetting any revenue the AMT is expected to collect in the future. I have made this point before, but it is important. The alternative minimum tax was never intended to be a significant source of revenue. It was only meant to hit a few people who could legally avoid paying the tax with the idea that everybody living in America ought to pay a little bit of income tax for the privilege of benefiting from this great economy we have. Despite this, the alternative minimum tax will balloon revenues to historically high levels if something isn't done, as my colleagues can see right there on the chart.

If we consider the AMT to be a fundamentally unfair tax, any tax that would replace it would be equally unfair. Anyone who wants equity to be a fundamental value represented in our Tax Code and who wants fair treatment for this country's middle-class taxpayers must support my amendment for complete repeal of the individual income tax.

I filed an amendment that repeals the AMT. I am going to push this body to speak on this proposal for these reasons: We need to get Members who say they support AMT repeal to show their support for the record; second, to eliminate the mythical budgeting that results from assuming current levels of AMT revenues; third, to show the American people we will walk the walk on the AMT repeal and not just talk the talk.

I know some who oppose my amendment will argue two points: that there is $180 billion in the budget for tax relief; and secondly, we can't afford the repeal of AMT.

As to the first point, the purpose of the Baucus amendment, which I supported yesterday, was to deal with less than half of the tax relief that expires in the year 2010. In a sense, Members have indicated where they want that money to go, and that revenue loss is built into the post-2010 period.

As to the second point, we can afford to repeal the AMT because revenues remain at or above record levels in the outyears with the AMT gone. Honest budgeting would recognize it as fictional in any event.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 583

Mr. KYL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 583.

Mr. KYL. I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 583

(Purpose: To reform the death tax by setting the exemption at $5 million per estate, indexed for inflation, and the top death tax rate at no more than 35% beginning in 2010; to avoid subjecting an estimated 119,200 families, family businesses, and family farms to the death tax each and every year; to promote continued economic growth and job creation; and to make the enhanced teacher deduction permanent)

On page 3, line 11, decrease the amount by $20,000,000.

On page 3, line 12, decrease the amount by $388,000,000.

On page 3, line 13, decrease the amount by $886,000,000.

On page 3, line 14, decrease the amount by $17,390,000,000.

On page 3, line 15, decrease the amount by $14,602,000,000.

On page 3, line 20, decrease the amount by $20,000,000.

On page 3, line 21, decrease the amount by $388,000,000.

On page 3, line 22, decrease the amount by $886,000,000.

On page 3, line 23, decrease the amount by $17,390,000,000.

On page 4, line 1, decrease the amount by $14,602,000,000.

On page 4, line 7, increase the amount by $10,000,000.

On page 4, line 8, increase the amount by $40,000,000.

On page 4, line 9, increase the amount by $472,000,000.

On page 4, line 10, increase the amount by $1,246,000,000.

On page 4, line 16, increase the amount by $10,000,000.

On page 4, line 17, increase the amount by $40,000,000.

On page 4, line 18, increase the amount by $472,000,000.

On page 4, line 19, increase the amount by $1,246,000,000.

On page 4, line 24, increase the amount by $20,000,000.

On page 4, line 25, increase the amount by $398,000,000.

On page 5, line 1, increase the amount by $926,000,000.

On page 5, line 2, increase the amount by $17,862,000,000.

On page 5, line 3, increase the amount by $15,848,000,000.

On page 5, line 7, increase the amount by $20,000,000.

On page 5, line 8, increase the amount by $418,000,000.

On page 5, line 9, increase the amount by $1,345,000,000.

On page 5, line 10, increase the amount by $19,207,000,000.

On page 5, line 11, increase the amount by $35,054,000,000.

On page 5, line 15, increase the amount by $20,000,000.

On page 5, line 16, increase the amount by $418,000,000.

On page 5, line 17, increase the amount by $1,345,000,000.

On page 5, line 18, increase the amount by $19,207,000,000.

On page 5, line 19, increase the amount by $35,054,000,000.

On page 25, line 16, increase the amount by $10,000,000.

On page 25, line 17, increase the amount by $10,000,000.

On page 25, line 20, increase the amount by $40,000,000.

On page 25, line 21, increase the amount by $40,000,000.

On page 25, line 24, increase the amount by $472,000,000.

On page 25, line 25, increase the amount by $472,000,000.

On page 26, line 3, increase the amount by $1,246,000,000.

On page 26, line 4, increase the amount by $1,246,000,000.

Mr. KYL. Madam President, let me discuss this amendment briefly. It is cosponsored by Senator THUNE from South Dakota. It is called the Kyl-Thune death tax reform amendment.

Yesterday we had a vote on an amendment that included several items, including death tax reform, and I believe some people might have voted against that because items in the bill included a continuation of the current rates for the capital gains tax and the tax on dividends. Because of that fact, we decided to make this basically a clean vote.

The only thing this bill deals with other than death tax reform is the continuation for teachers of the teacher tax deduction which we make permanent. This is the deduction that allows a teacher, when she pays or he pays for some items that are then taken to school to help the kids with their lessons, when they pay for those out of their own pocket—we think there should be a $250 deduction to help defray the cost of those items. That is all that is in this amendment now.

This Kyl-Thune amendment provides room in the budget resolution to enact meaningful tax reform. Obviously, I still believe repeal of the death tax is the best option. We have been trying to find agreement on a permanent reform, because planning for death tax now is a nightmare for families, and it is a nightmare right now because of the way this law is being phased out and then comes back with a vengeance to its previous form. It is a bonanza for the insurance companies, to be sure, and they are leading the opposition to the death tax reform. But they are wrong.

As a matter of fact, when the lobbyists for the insurance industry came to my office to argue this, I said: Before you make your argument, let me ask you to assume for a moment we have found a way to eliminate death. Now, you represent the undertakers; go ahead and make your case. That is the case with the insurance companies. They are making a lot of money on the backs of people who have to spend money to plan against the death of the person in their family who runs the farm or has the small business.

There is a far better way to use all of that money that is spent each year on avoiding the tax or preparing to pay for it. As a matter of fact, what we have found is there is almost an equal amount of money that is spent complying with the avoidance costs as there is in collection for the Government. Alicia Munnell, who was a member of President Clinton's Council of Economic Advisers, estimated the costs of complying with the estate tax laws are roughly the same as the revenue raised. The estate tax is expected to raise about $28 billion in fiscal year 2006. If the estate tax generates a dollar in compliance costs for every dollar in revenue, then obviously the aggregate cost of the tax is about $56 billion. The point is, for every dollar of revenue raised by the estate tax, another dollar is simply wasted to comply with or avoid the tax. Maybe I shouldn't say "wasted." It does go to the insurance companies. So let me strike "wasted."

But the bottom line is we can do better. What this amendment does is to allow the budget to accommodate estate tax reform. I didn't pick my bill, even though I happen to think it is the best reform bill; I took a bill that has been provided by the senior Senator from Louisiana and has been supported by people on the other side of the aisle such as the junior Senator from Arkansas. What the budget would do is accommodate that particular death tax reform. It could accommodate other death tax reform as well, so long as it was within the amount of money we have provided here. The amount of money in this amendment is a total of about $32 billion over 5 years, and that needs to be added to the amount the Baucus amendment already provides for estate tax reform which would be a total of about $61.7 billion over a 5-year period.

The bill that was provided or written by the senior Senator from Louisiana provides a $5 million exemption indexed for inflation, which I think is a perfectly appropriate amount, a family business carve-out, which is very difficult to do legally, and a 35-percent top rate. That is where I differ, because 35 percent is still a very high top rate. It also recaptures the benefit of the $5 million exemption for estates valued over $100 million. The revenue provided for the death tax reform in the 5-year budget window is about $31.7 billion, as I said. The teacher deduction is about another $400 million, for a total of about $32 billion.

As I said, the amendment is structured so when it is combined with the Baucus amendment approved yesterday, the total amount of revenue would be sufficient to accommodate the Landrieu reform bill. If you take both amendments together, the Baucus amendment and Kyl-Thune, as I said, the total amount is about $61.7 billion, not offset with additional revenues. As a matter of fact, I don't believe existing law extensions—and, indeed, this is precisely what we would be talking about here—should have to be offset, particularly where they are actually provisions that enhance economic activity, just as extensions of existing mandatory spending need not be offset.

The amendment approved yesterday included an estate tax provision that frankly I very strongly disagree with. In fact, some would say it is an insult to every family business or every family farm that is seeking relief. Not surprisingly, it is strongly endorsed by the insurance industry, because it provides for a 45-percent rate. Now, if you have a 45-percent rate, you are going to want to plan against that. You do not want to have to pay that rate on the estate that is left after your death. As a result, since the Government has taken about half your property above the exempt amount, you are going to want to plan against that. That is why I think we can do better than that, and this proposal does that.

Remember, the budget that has been proposed here allows increases on taxes on almost every single taxpayer, a total of about $736 billion over 5 years, which is, I believe, about 3 times larger than the biggest tax increase ever enacted in our history. The amount adopted yesterday by the chairman of the Finance Committee took the budget out of balance. It created a deficit, in other words, of about $6 billion in the year 2012. We believe the spending restraint we are capable of, combined with a very strong economy, will enable us to balance the budget by 2012 without increasing taxes.

Now, it is true the budget before us makes it impossible, because of the amount of spending in it, to balance the budget without a record level of tax increase. Unfortunately, that includes a confiscatory tax on thousands of American families. The budget resolutions don't dictate policy to the Finance Committee, but it would certainly be our intention to work with Senator LANDRIEU, Senator PRYOR, and Senator LINCOLN, who has been very much a leader in this area, and others to craft an estate tax reform proposal that would provide an exemption of at least $5 million indexed for inflation and provide workable relief for the smallest estates and farms, and a top rate that is no higher than 35 percent—hopefully lower.

We believe that this can be accomplished and that, as a result, my colleagues who might have opposed this amendment yesterday because it included the capital gains and dividend tax rates should be in a position to support the resolution that will be voted on today because of the fact that it accommodates a proposal supported by Members of both the majority and minority. It will be voted on tomorrow; I misspoke. I would like to have it voted on today.

A couple of other items, and I see my colleague, the Senator from South Dakota is here. I want him to speak to this. There are a couple of misconceptions I wish to address. According to the Joint Tax Committee, the total number of estate tax returns projected for 2011 alone is 131,000. By 2015, about 177,000 estates will file tax returns in that year alone. These are the numbers for each year. Some people had the idea that these were the numbers over 5 or 10 years; no, this is for each year.

The first misconception is that it doesn't apply to that many people. An awful lot of people need to file these returns. Secondly, the death tax, similar to other taxes, is very sensitive with respect to economic growth. When businesses can put this money back into their business and create jobs, rather than pay the estate planning to insurance companies, it helps our economy as well as helping the business grow. An entrepreneur or an investor will have a very big disincentive to grow their business, regardless of the amount of the exemption, above that exempted amount if the tax rate imposed on new growth over and above the exemption is too high.

We can argue about what the tax rate ought to be. But I think almost everybody would agree the tax rate of 45 percent is confiscatory. What incentive does somebody have to grow his business beyond the exempt amount if the Government will take nearly half of everything over that exempt amount?

A couple of other points. We have historical evidence that the estate tax reduces capital stock in the U.S. economy. This is part of the reason we have grown so well in recent years, because of the downward projection on the estate tax and the hope that it will be eventually eliminated.

In a report by the Joint Economic Committee, they projected the estate tax reduced the stock of capital in the economy by approximately $847 billion, or 3.8 percent, over the last 60 years. That is a ton of money. By comparison, it has raised, during that same period, less than that—only $761 billion. So it has taken far more out of the private sector and hasn't added that much to the Government sector. This is money that could have been put to productive use.

I mentioned the fact that the avoidance costs are about equal to the take for the Government as well. That is another reason for this reform.

I will close with this point: Americans understand the rates now are confiscatory, that it is unfair; and even people who understand that they will never be subject to the estate tax appreciate its effect on others and understand it is an unfair tax. In a Gallup Poll from an April 2006, 58 percent of respondents said—and they called it the "inheritance tax" and didn't use the words "death tax." They said the inheritance tax is unfair, and this confirms results of polls taken in both previous years. It is always called "the most unfair tax" when you list it among all the other taxes.

What is interesting about the Gallup Poll is that even though it was taken in April while Americans were filing their taxes, the death tax was called unfair—or the "inheritance tax"—by more people than the despised alternative minimum tax that was discussed by the ranking member of the Finance Committee. Only 42 percent of respondents said the AMT was unfair. Yet it is affecting a lot more people than the estate tax. One reason people say it is unfair is because of the confiscatory rate, which is 46 percent this year. In the 2005 poll, when the rate was 47 percent, 81 percent of respondents said the estate tax is "an extreme form of taxation" and that the rate was unfair.

Finally, I note—and this was interesting to me as somebody who has studied politics a little bit—after the last election in the exit polls, voters were asked whether they thought the death tax was somewhat unfair or very unfair. They were broken into Kerry voters and Bush voters. Not unsurprisingly, 89 percent of Bush voters believed the death tax is somewhat unfair or very unfair. But 71 percent of Kerry voters also found the death tax at least somewhat unfair or very unfair.

So this is a view shared by most Americans of all political stripes, and it is time for us to reform the death tax, if not repeal it.

What we have done with this amendment—the Kyl-Thune amendment—is accommodate that reform in the budget. I hope my colleagues, when we have an opportunity to vote on it, will support it. I want the Senator from South Dakota to speak, but I would like a minute at the conclusion to talk about the support also coming not just from other small business organizations but from minority business organizations and others, to demonstrate the breadth of support around the country for reform of this very unfair tax.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Through no fault of the Senator from Arizona, we are actually into my time on his amendment. As I said to the Senator from Arizona, I am prepared to yield some of my time so that some of his other speakers have a chance. Also, I don't want to completely give away my time because I need to respond. Maybe we can work out an agreement so that those people who are here can speak, and I would like to have 10 minutes. I was supposed to have a half hour, but I would like to retain at least 10 minutes.

Senator GRASSLEY indicated he would like a minute. He is not here at the moment, so perhaps we can go to Senator THUNE. We have 22 minutes. If I am to retain 10, that leaves 12 minutes. I don't know how the Senator wants to divvy up that time.

Mr. KYL. I appreciate the courtesy of the chairman of the committee. If Senator GRASSLEY takes a minute, and we have three other Senators who take 4 minutes, that gives me a minute to say thank you and that would do it. I propose that as a unanimous consent request.

Mr. CONRAD. Can we identify the Senators? Senator GRASSLEY for a minute, Senator THUNE for 4 minutes, Senator DEMINT for 4 minutes, and Senator GRAHAM for 4 minutes, and a minute to Senator KYL. That would leave me 8 minutes. That is fair enough.

Mr. KYL. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, I thank the Senator from North Dakota for accommodating us. I thank the Senator from Arizona for his leadership on this issue. I have supported his efforts for some time to get rid of the death tax. I have supported getting rid of this unfair tax going back to my days as a Member of the House of Representatives.

Last year, I came down to the Senate floor and gave examples of real-life family farms that are facing the effects of the death tax. I wanted to remind Senators of two of those family farms. I think sometimes it gets lost. We think we are dealing with these concepts in the abstract, but they affect real people. These stories are real, and the effect of the tax is real as well.

The first example is a 3,000-acre family farm operation in central South Dakota. In my State, that is a medium-sized operation. A death occurred in this family and, as a result, $750,000 will likely be paid in taxes. This is a huge amount of money for a farm operation in my State, where land values can make an operation look a lot more valuable on paper than they are in reality.

In other words, farmers such as this can often be described as "land rich" but "cash poor." All their value is in the land. When a massive death tax bill comes due, the only option is often to sell the land to pay the unfair and unjust tax. Thus, a family legacy comes to an end.

The second example is a 10,000-acre operation in north central South Dakota. Similar to so many farms and ranches in my State, the parents who have run the place for decades are getting older. Their kids would like to continue in the business, but the death tax on that farm would likely be $1.5 million. That would make it virtually impossible for the kids to stay on the farm and keep that family farm operation going. I find it extremely disturbing that our Federal Tax Code could influence a family's ability to keep their family farm from being broken up and sold off.

The budget resolution is more than a list of numbers. It is a statement of our priorities. These priorities are going to impact real people. I believe our budget should show we are prioritizing family farms, family ranches, and small businesses. We can show that these family small businesses are a priority by making room in the budget for permanent, meaningful death tax reform.

The death tax is a completely unfair tax because Americans pay their fair share of taxes throughout their life on what they earn, what they own, what they buy, only to see the IRS take one last bite when they die.

It is also unfair because the Donald Trumps and Paris Hiltons of the world have teams of lawyers and accountants to make sure they pay little or no death tax. But the family-owned operations and small businesses I talked about are the ones that end up paying.

It is for these reasons that Congress acted a few years ago to repeal the death tax, but because of some strange rules that can only be devised in a place such as the Senate, the death tax comes back to life in the year 2011.

I believe we need to enact permanent, meaningful death tax reform this year. This amendment takes us down that path. I hope my colleagues on both sides will support it. I credit the Senator from Arizona for drafting this in a way that is consistent with the proposal offered last year by a colleague on the other side. I hope Members on both sides can support this, and I hope, once and for all, we will get rid of this unfair and unjust tax.

I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I rise to speak in support of Senator KYL's amendment. A few years ago, Congress did something that was very helpful to America. We voted to completely phase out the death tax. I think we have discovered in the debate that this is not about just rich people, it is about people who own small businesses and small farms. I had a number of examples to give, but we are short on time. There is one family that had a printing business for 97 years; they have already paid the death tax once. They are getting ready to pay it again. We have the opportunity to change that.

Now that we have voted to phase this out, it is not fair that in 2010, if a small business owner dies, that person can leave their family their entire business without any estate taxes; but if that same person died in 2011, they could lose up to half their estate. We don't need for this to happen. I certainly support Senator KYL's compromise idea. But tomorrow I will call up amendment No. 576—I will not call it up today—which will completely eliminate the death tax for another 5 years. So that what happens in 2010 will continue to 2015. I hope all my colleagues will consider this and do the right thing for small businesses and farms.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Madam President, we had the same discussion yesterday when Senator KYL made a very articulate argument as to why we as a Congress need to act, and this budget is a good opportunity to act, to get the death tax resolved in a way that will allow people to plan for their families and their businesses.

America is in a terrible spot. If you die New Year's Eve 2010, right now, there is no estate tax liability for those who die on that day. If you live until January 1, 2011, unless we act, the estate tax comes back in full force. That is an unconscionable place to put the American public. Total repeal is apparently not possible. I would love to do that.

Senator KYL's proposal would allow us to buy some more time. He has taken a Democratic proposal—about a $5 million exemption and a 35-percent top rate—to see if we can get the body to allow it within our budget resolution to accommodate the extension of the death tax on those terms.

My good friend from North Dakota, who is a joy to work with, is very concerned about the debt, and he should be concerned about it. But when you talk about the tax cuts and tax relief that we provided in the capital gains area and dividends area, I would argue that the revenue being generated to this Government is on par with historical averages, that the Government is not being deprived of revenue, that the tax cuts since 2003 have helped keep this economy humming, and that we are getting a lot of revenue because we cut taxes. And if we raise taxes or we take the extenders off the table, which this budget will do unless we change it, then we are going to cripple an economy that has created a lot of jobs and make ourselves less competitive.

The death tax side is what kind of society we want. There has been a budget submitted by the President that is balanced, that has an extension of the death tax—under OMB, I think it is $50 billion out of balance 5 years from now—but you can accommodate these tax provisions and balance the budget.

I urge my colleagues, if we don't do this now before the end of this year, sooner rather than later, let's see if we can come together as a body to come up with a compromise on the death tax that will give Americans the certainty they need when it comes to planning their affairs and come up with a compromise that will reward those who have done well, who have worked hard, and they can leave their money behind to their families and their communities rather than it all be sent to Washington or a lot of it be sent to Washington and people they don't know.

I think Senator KYL's amendment is a great opportunity for this body to address a real problem, a growing problem, and that is the fact that no one in America can with certainty plan for their demise and take care of their family because the Congress is refusing to act in a responsible manner. This amendment will help solve that problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the Senator has accurately described a situation that makes no earthly sense with respect to the estate tax. There is no death tax in America. There is none. There is an estate tax that applies to estates of over a certain value. Right now, less than 1 percent of estates are affected. By the time we get to 2009, in which the exemption level will rise to $3.5 million per person—so a couple with $7 million in an estate, anything below $7 million will pay absolutely nothing—it will be down to three-tenths of 1 percent of estates paying any tax.

Then we have this truly bizarre situation in which the next year, the estate tax is repealed in 2010, and then in 2011 it snaps back and the exemption, instead of the $3.5 million we had in 2009, falls to $1 million.

The amendment by Senator BAUCUS that was adopted yesterday prevents the amount of the estate tax exemption from shrinking to $1 million per person. He at least puts a floor and says it will not drop below the $3.5 million, and that $3.5 million will be adjusted for inflation.

He also had the extension of the middle-class tax cuts—the marriage penalty relief, the 10-percent bracket, the childcare credit. That left us with no money left in 2012.

The problem with the amendment that is now offered by our colleague from Arizona, Senator KYL, is that it is not paid for. That is the problem. It puts us back into deficit in 2012. Here we have spent all this time and all this work digging out of the deficit ditch, and this amendment puts us right back in, to the tune of about a $16 billion deficit in 2012.

We have had speeches all week about how important it was to show some fiscal discipline and to stop deficit spending, to balance the books, to balance the budget. We are there. We have a budget now that is balanced in 2012. But this amendment offered by Senator KYL, as meritorious as it may be in the eyes of some colleagues, as high a priority as they have said it is, wasn't a sufficiently high priority for them to pay for it. It wasn't of enough importance for them to offer the offsets, whether it is spending offsets or revenue offsets, to cover the cost. The result is they have put us back into deficit in 2012.

For that reason, I will strenuously oppose the Kyl amendment, and I give notice to colleagues that, I am told, there will be an alternative to accomplish much the same purpose, but one that is paid for, and I understand that will be offered tomorrow when this amendment is voted on.

We have had hours and hours of speeches on the floor about the need to address the fiscal condition of the country, about the need to first balance the budget and then deal with the long-term entitlement challenges.

Look, this is going the other way. This is going the other way. This is additional loss of tax revenue without any offset, without any replacement, either in spending cuts or alternative revenue. So what it does is balloons the debt by over $30 billion and puts the budget of 2012 back into deficit. That would be a mistake.

I reserve the remainder of my time.

I yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise also to oppose this amendment. The first point that comes to mind for me is, here they go again. I say that with all due respect to my friend from Arizona. But we are seeing more, as the Budget chairman has said, of the strategy that got us into the hole that this budget is trying to dig us out of.

It is important to emphasize again what the Budget chairman has said. Here is what has happened in terms of numbers of estates that even qualified as taxable estates back in 2000. It was 50,000. It has dropped to 13,000, and as of 2009, it will be 7,000 estates in the entire country that will even qualify for this tax.

How much is that? We are talking about only .2 percent of estates, 7,000. The Baucus amendment that we adopted yesterday says that for those, it is not going to change. That number is not going to go back up. There will be a continuation of the current exemption level. So we are talking about .2 percent of the estates being taxed.

I think almost without exception—I can't speak for every colleague on the Senate floor, but I know on this side of the aisle, colleagues are very sympathetic and support our family farmers. I have a lot of them in my State, and I know you do, Madam President, in your State as well, small businesses, family-owned businesses. They build up the business, and they want to be able to pass that business on. With great pride, the families are engaged and involved. We are not interested in seeing anybody lose their family farm or their family business. That is why we have supported extending the exemptions so that less than .2 percent of estates are taxed or eligible to be taxed.

Frankly, there have been some of us on this side of the aisle who have had amendments over the years—I have cosponsored amendments—that would exempt family-owned enterprises. If that is what people want to do, I think there would be a lot of interest in doing something like that.

But I think behind all the talk of our family farmers and small businesses is another picture of a few extremely wealthy families in this country whose children or aunts, uncles, sisters, brothers—someone may benefit through an inheritance. They may have not contributed at all to building that wealth and may never have to work a day in their life or contribute to this country. The question is, Should they have to contribute in some way with the only tax, for instance, they might pay is the estate tax?

I see my time is coming to a close. I want to share one more chart. What we are concerned about, what I am concerned about, is the fact that last year, the tax cuts that have already been given have already disproportionately affected the very wealthy, the most blessed people in this country. Anyone earning more than $1 million a year last year, in 2006, had a tax cut of over $118,000, which is more than what the average person in Michigan or anyone in this country makes in a year.

So what we are objecting to is this is not helping family farmers and small businesses. This is about a tax system and a series of tax cuts that are out of whack that have created the situation where, if you are working hard every day on that family farm, in that small business, or if you are working every day building great American automobiles, such as a lot of folks in my State, you didn't see any tax cut or not much of a tax cut. But if you are somebody who would benefit in that top .2 percent who gets the estate tax cut we are talking about, you are already being given some pretty big gifts from the current tax system.

I urge a "no" vote.

Mr. GRASSLEY. Madam President, this budget proposal does not allow the Senate to address the unfair burden of the death tax. By 2011, the tax will affect all farms and businesses worth more than $1 million at a tax rate as high as 55 percent. In the State of Iowa alone, according to the USDA, we have more than 20,000 farms worth more then $1 million. Those families may be land rich, but they are cash poor, and they have to spend too much money today to plan on how to survive the unfair death tax. These are not big farms. With land prices today, you can have as few as 350 acres in Iowa to have a million dollars in value.

If the Senate fails to put money in the budget today and we leave the death tax in place in its punitive form, our failure to amend this budget will create the economic uncertainty that could dismantle our farms and small businesses in rural America. I will be voting "yes" on the Kyl amendment. It puts money in the budget. It is the responsible thing to do.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, if I may take 1 minute to make two quick points. I note that the chart of the Senator from Michigan uses the figures for the last year of the Bush tax cuts to show in the very best light the impact of reductions of a number of estates that pay the estate tax. It is a fairly low number, a relatively low number, and it will continue to be low if Republicans have their way.

Unfortunately, the next 2 years, years after which the Bush tax cuts expire, in the year 2011, the number goes back up to 131,000 and in the year 2015, according to the Joint Tax Committee, nearly 177,000 estates will file estate tax returns.

The second point is that the bottom line is that the 1 year cited by the Senator from Michigan does get down to a fairly low number because of the Republican tax cuts. Then they expire, and the number shoots back up.

The only other point I wish to make is our budget amendment is designed to accommodate a bill offered by the senior Senator from Louisiana which was not offset at all because those of us who support reform of the death tax appreciate its significance in the lives of Americans and the priority to eliminate or to reduce that tax.

Ms. STABENOW. Madam President, will my friend yield for a question?

Mr. KYL. I suspect I am out of time, but I am happy to yield.

Mr. CONRAD. What is the time situation?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes 34 seconds.

Mr. KYL. Off your time.

The PRESIDING OFFICER. The Senator from North Dakota has no time remaining.

Mr. CONRAD. No, no, no. Somehow the timekeeping is not correct. I think the Senator had 1 minute remaining, which I think he has used.

Mr. KYL. Madam President, I think that is correct.

The PRESIDING OFFICER. We are looking at the time clocks. You both seem to agree, so that is fine.

Mr. CONRAD. Madam President, let me conclude on this matter.

First, I thank Senator KYL. Second, let me make clear, the reason the estate tax is going to run out is because of the Bush tax cuts. The Bush tax cuts, as passed by the Congress, led to this bizarre situation where it is a $3.5 million exemption in 2009, and then it is fully repealed in 2010. Then it goes to $1 million a person in 2011. That was the action of the Republican Congress in conjunction with the Bush administration. They are the ones who created this problem.

We adopted, as part of this resolution, the Baucus amendment yesterday that will prevent in 2011 the exemption from falling to $1 million a person and will instead keep it at $3.5 million per person, which means $7 million for a couple can be shielded without paying any taxes. That is indexed for inflation. So just in terms of who did what, the fact is, the Republican Congress is the one that constructed this bizarre circumstance in which the estate tax is repealed in 2010 and then comes back in 2011 with only $1 million per person shielded.

Let me conclude by saying this: Look, the problem with this amendment, they say it is a priority, but they have no money to pay for it. The result is that we are faced with a circumstance in which it all gets added to the deficit and the debt.

We addressed this in the Baucus amendment yesterday, the problem with the estate tax, but this amendment is not paid for. This amendment will take us back into deficit in 2012.

Mr. CONRAD. Madam President, I see that the Senator from Indiana is on the Senate floor. He has the time at 4 p.m. under his control. I wish to thank the Senator from Indiana for his graciousness in accepting a change in the time. We had earlier told him he would be up for 3 p.m., and he very graciously accepted this change to 4 p.m., which I appreciate very much.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Madam President, first, let me say to my colleague that I have learned over the years that flexibility is an important attribute around the Senate. Punctuality is, on the other hand, too rare, so I am glad we could combine both today.

AMENDMENT NO. 526

Madam President, I call up amendment No. 526, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself, and Ms. SNOWE, proposes an amendment numbered 526.

Mr. BAYH. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Makes permanent the tuition tax deduction and is fully offset by closing a portion of the tax gap through enhanced information reporting requirements)

On page 3, line 11, decrease the amount by $120,000,000.

On page 3, line 12, decrease the amount by $776,000,000.

On page 3, line 13, decrease the amount by $178,000,000.

On page 3, line 14, increase the amount by $349,000,000.

On page 3, line 15, increase the amount by $742,000,000.

On page 3, line 20, decrease the amount by $120,000,000.

On page 3, line 21, decrease the amount by $776,000,000.

On page 3, line 22, decrease the amount by $178,000,000.

On page 3, line 23, increase the amount by $349,000,000.

On page 4, line 1, increase the amount by $742,000,000.

On page 4, line 24, increase the amount by $120,000,000.

On page 4, line 25, increase the amount by $776,000,000.

On page 5, line 1, increase the amount by $178,000,000.

On page 5, line 2, decrease the amount by $349,000,000.

On page 5, line 3, decrease the amount by $742,000,000.

On page 5, line 7, increase the amount by $120,000,000.

On page 5, line 8, increase the amount by $896,000,000.

On page 5, line 9, increase the amount by $1,074,000,000.

On page 5, line 10, increase the amount by $725,000,000.

On page 5, line 11, decrease the amount by $17,000,000.

On page 5, line 15, increase the amount by $120,000,000.

On page 5, line 16, increase the amount by $896,000,000.

On page 5, line 17, increase the amount by $1,074,000,000.

On page 5, line 18, increase the amount by $725,000,000.

On page 5, line 19, decrease the amount by $17,000,000.

Mr. BAYH. Madam President, as you and I have discussed just as recently as today, the cost of a college education is an increasingly important challenge to middle-class families across Minnesota, Indiana, and the rest of our country. Unfortunately, it is a challenge that too many families today cannot meet, but it is an important one that we equip them to meet.

For example, 80 percent of the new jobs that will be created over the next decade are estimated to require some level of higher education. The estimates also show us that a college graduate can expect to make fully 75 percent more than someone with only a high school diploma. Yet the escalating cost of a college degree is putting it beyond the ability of middle-class families to afford.

Just as an example, over the past 4 years alone the cost of a private college education has gone up 28 percent. Over that same period of time, the cost of a 4-year public university has gone up 55 percent. Regrettably, this will, the estimates show, lead 4.4 million qualified students across our country to give up their dream of pursuing a college education. That is simply not right, and we need to do something about it. Today, we have that opportunity.

If we don't act, the college tuition deduction currently in place will expire at the end of next year, making matters even worse than they are today. We can't let that happen. We must act now. Congress acted so late last year to extend the college deduction another year that the IRS was unable to include it on this year's tax forms, meaning that possibly tens of thousands of American families and students who qualified for the credit will get out their tax form, not see it there, and not get the relief to which they are entitled. We have to do better than that, and under our amendment we will.

Our amendment will make permanent the $4,000 deduction for college tuition and fees, and it is flexible, applying to both undergraduates, 4-year institutions, as well as 2-year institutions. It is squarely targeted at the middle class. Individuals making up to $65,000 a year and families making up to $130,000 a year will qualify for the full $4,000 deduction. Individuals making up to $80,000 a year and families making up to $160,000 a year will qualify for up to $2,000 in assistance.

It is also fully paid for. It will cost $5.6 billion over the next 5 years, but it is offset by a variety of provisions to close the tax gap included in the President's budget. So it meets a pressing national need facing our middle class, but it does so in a way that is fiscally responsible.

In conclusion, at a time when too many of our middle class are asking who in Washington speaks for them, at a time when they realize full well that the wealthy can take care of themselves and that we have many programs targeted to the less fortunate but nothing really targeted for the middle class, this effort squarely meets a major challenge confronting middle-class families and says to them that we speak for their concerns as well.

At a time when too many of our citizens are saying that Washington is irrelevant, that there is too much political fighting and partisanship and procedural bickering, and all that kind of stuff, this is something that speaks directly to one of their major concerns, and it is about time we did something about it. Today, we have that opportunity.

I thank all those who have helped bring us to this moment. One of our colleagues, Senator SCHUMER, has been a relentless champion of making college more affordable for middle-class families for many years now. We wouldn't be here without his leadership. I thank also Senator SNOWE, who is the principal cosponsor of this legislation, and I know full well of your personal concern about this as well, Madam President.

So Democrats and Republicans alike, this is something we can work on together, make the government relevant, help the middle class, and do it in a fiscally responsible way. I urge its adoption.

Madam President, I yield the floor.

Mr. GREGG. Madam President, what is the Senator's offset for this? As I understand it, it is money selected from the tax gap; is that correct?

Mr. BAYH. That is correct.

Mr. GREGG. Well, obviously, I agree with the Senator's initiative relative to the education tax credit. That was in the original Bush tax cuts, which have done so much good for this economy and for people who have benefitted from them, and tuition tax credits is a big part of that benefit. People going to college are more readily able to afford it as a result of the President putting that in his plan, and I think we should extend it.

I regret that the amendment we offered earlier, which did extend it, was voted down, the Kyl amendment. The Senator has now come forward with a rifle shot on this item. The tax gap is an illusory number. It doesn't exist. We have already more than used it. It has sort of gotten to be like Customs fees around here, where a few years ago they just kept getting used over and over again.

As a practical matter, however, we are certainly going to be supportive of this proposal, and if the Senator doesn't need a vote on it, we will take a voice vote.

Mr. CONRAD. Madam President, I would inquire of the Senator, would he be willing to take a voice vote?

Mr. BAYH. I would.

Mr. CONRAD. Madam President, I ask unanimous consent that we go to a voice vote on the Bayh amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 526.

The amendment (No. 526) was agreed to.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I thank the Senator from Indiana. I thank him for working with us to get this amendment worked out, and I want to also thank my colleague, the ranking member of the committee, for his cooperation once again.

We now are prepared to start voting, are we not?

Mr. GREGG. I was going to suggest, Madam President, that if the chairman was ready, we should start voting now. Why wait?

Mr. CONRAD. Madam President, let me note that we might need to get an agreement on how we proceed. However, I think we should put colleagues on notice that very shortly we are going to start voting.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 545, AS MODIFIED

Mr. CONRAD. Madam President, I ask unanimous consent that the Sanders amendment, No. 545, be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 3, line 11, increase the amount by $10,300,000,000.

On page 3, line 12, increase the amount by $14,600,000,000.

On page 3, line 13, increase the amount by $14,800,000,000.

On page 3, line 14, increase the amount by $4,500,000,000.

On page 3, line 20, increase the amouunt by $10,300,000,000.

On page 3, line 21, increase the amount by $14,600,000,000.

On page 3, line 22, increase the amount by $14,800,000,000.

On page 3, line 23, increase the amount by $4,500,000,000.

On page 4, line 6, increase the amount by $10,300,000,000.

On page 4, line 7, increase the amount by $14,600,000,000.

On page 4, line 8, increase the amount by $14,800,000,000.

On page 4, line 9, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $10,300,000,000.

On page 4, line 16, increase the amount by $14,600,000,000.

On page 4, line 17, increase the amount by $14,800,000,000.

On page 4, line 18 increase the amount by $4,500,000,000.

On page 4, line 8, increase the amount by $14,800,000,000.

On page 4, line 9, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $10,300,000,000.

On page 4, line 16, increase the amount by $14,600,000,000.

On page 4, line 17, increase the amount by $14,800,000,000.

On page 4, line 18, increase the amount by $4,500,000,000.

On page 17, line 12, increase the amount by $10,300,000,000.

On page 17, line 13, increase the amount by $10,300,000,000.

On page 17, line 16, increase the amount by $14,600,000,000.

On page 17, line 17, increase the amount by $14,600,000,000.

On page 17, line 20, increase the amount by $14,800,000,000.

On page 17, line 21, increase the amount by $14,800,000,000.

On page 17, line 24, increase the amount by $4,500,000,000.

On page 17, line 25, increase the amount by $4,500,000,000.

Mr. CONRAD. Madam President, I ask unanimous consent that we proceed to vote in relation to the following amendments in the order listed; that there be 2 minutes equally divided prior to each vote; and that after the first vote, time be limited to 10 minutes on each succeeding vote, with no second-degree amendments in order to any of the amendments covered under this agreement, except where we might have a side-by-side, as indicated.

The first amendment would be the Hutchison amendment No. 517, as modified; the second amendment would be the Ensign amendment No. 472; the third amendment would be the Sanders amendment No. 545, as modified; and the fourth amendment would be the Enzi amendment No. 497.

Mr. GREGG. Reserving the right to object, and I don't expect to object, but I want to be sure Senator HUTCHISON has signed off on the modification.

Mrs. HUTCHISON. I have.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and, it is so ordered.

Mr. CONRAD. Madam President, let's do this. The Hutchison amendment we don't have at the desk as modified, so we need to revise the unanimous consent to make the Ensign amendment No. 472 the first amendment in the tranche to be voted on, then going to the Sanders amendment, and then the Enzi amendment. Hopefully, momentarily, we will have worked out getting the Hutchison amendment, as modified, to the desk.

So that would mean we would first proceed to the Ensign amendment, and I notice that Senator ENSIGN is here.

The PRESIDING OFFICER. Is there objection to the plan, as modified?

The Chair hears none, and it is so ordered.

The Senator from Texas is recognized.

AMENDMENT NO. 517, AS MODIFIED

Mrs. HUTCHISON. Madam President, I have the modification to my amendment, and I would send it to the desk and ask that it be the replacement for my amendment.

Madam President, we can have a vote on my amendment or we can have a voice vote, at the pleasure of the chairman.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF THE DEDUCTION FOR STATE AND LOCAL SALES TAXES.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would provide for extension of the deduction for State and local sales taxes, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

Mr. CONRAD. Madam President, I will modify the unanimous consent request so that we go immediately to the Hutchison amendment on a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 517.

The amendment (No. 517), as modified, was agreed to.

Mr. CONRAD. Madam President, I would like to at this moment thank the gentlewoman from Texas for working with us to get this amendment modified. It was very helpful to the work of the committee. We appreciate very much her cooperation.

Mrs. HUTCHISON. Madam President, I would say to the distinguished chairman that I appreciate his willingness to work with us. It is a very important amendment to eight States in this country. Senator CANTWELL was very much a part of the whole negotiation, and I commend her and her staff for helping us to do this, and I appreciate the fact that it has passed and is now a part of the budget. I would also like to thank the other cosponsors of this amendment, Senator CORNYN, Senator ENZI, Senator MURKOWSKI, Senator CORKER, Senator ALEXANDER, and Senator ENSIGN.

Mr. CONRAD. Madam President, I, too, thank Senator CANTWELL. She was very helpful to us in getting this so that we didn't have to have a vote and so the amendment could be adopted. I thank the two Senators.

AMENDMENT NO. 472

We now proceed to the Ensign amendment.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. Is there a sufficient second?

There appears to be a sufficient second.

Who yields time?

Mr. ENSIGN. Madam President, am I correct, there is 1 minute on each side?

The PRESIDING OFFICER. The Senator is correct. There is 1 minute on each side.

Mr. ENSIGN. Madam President, very simply, this amendment is the same as the means testing on Part B. Part D of Medicare seniors never paid for during their lifetime. This is a brand new entitlement, something they never paid for. We are asking the younger workers to pay basically for millionaires to be able to get prescription drugs. What my amendment says is we should means test those so wealthier seniors will have to pay more of their fair share for prescription drugs. That is very simply what this amendment does.

I think 59 Senators voted before to make sure Part B was means tested—once again, a benefit they never paid for. This amendment does the same thing for Medicare Part D. Let's not ask a schoolteacher or a firefighter to pay for millionaires to have prescription drugs. Let's do something fiscally responsible and call on the Finance Committee to enact this very important amendment to the prescription drug program.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment fails to distinguish between Part B premium and Part D. This amendment calls for means testing Part D. What does that honestly mean? It will create massive confusion among seniors. Why? The Government sets the Part B premium. The private sector sets the Part D drug premium. There are 1,500 plans and each of them is different. Some premiums are a few dollars, some are $100.

You think seniors were confused with Part D when it first came out? That is a picnic compared to the confusion this amendment is going to create. Think of all the confusion the seniors are going to have to face, trying to figure out is their premium means tested compared to their friends' premium next door? This is massively complex for seniors. There is so much confusion for seniors that the amendment should not be agreed to.

I urge Senators to vote against this confusion.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 472. The yeas and nays have been ordered and the clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—52

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy

Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Inhofe
Johnson
McCain

The amendment (No. 472) was rejected.

AMENDMENT NO. 545, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 545, as modified.

The Senator from Vermont.

Mr. SANDERS. Madam President, in 1975, Congress made a promise to provide 40 percent of the funding for special education. Congress has not kept that promise on that unfunded mandate. Today, we are providing a little over 17 percent of the costs of special education, and that percentage has gone down over the last 3 years. The result is higher and higher property taxes for the middle-class and working families of our country.

This amendment is very simple. It rescinds the 2001 personal income tax reduction that was given to people with at least $1 million in income—the wealthiest three-tenths of 1 percent of the population—and puts the $44 billion raised over 5 years into special education.

Madam President, 99.7 percent of Americans would see no increase in their Federal taxes from this amendment. But it would lower property taxes for millions of middle-class and working families, improve the quality of education and, most importantly, keep the promise made to school districts all over this country.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, in a bill which is already a big-spending, big-tax bill, this would supersize the tax element of the bill. This is sort of like when you go into McDonald's, you can order a regular, a large, or a super size. This is a supersized tax increase, $44 billion of new taxes, and 83 percent of the people who are going to pay it are small businesspeople, small businesspeople across this country.

We have done a great—not a great job; we have done a strong job in the area of IDEA. This administration has had larger increases in IDEA spending than any administration in history, dramatic increases. We still need to go further, but you do not go further by increasing taxes by $44 billion on America's workers.

I hope we will vote down this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 545, as modified.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—38

Akaka
Bayh
Bingaman
Boxer
Brown
Byrd
Cardin
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Whitehouse

NAYS—58

Alexander
Allard
Baucus
Bennett
Bond
Brownback
Bunning
Burr
Cantwell
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Wyden

NOT VOTING—4

Biden
Inhofe
Johnson
McCain

The amendment (No. 545), as modified, was rejected.

Mr. GREGG. I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 497

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 497.

The Senator from Wyoming.

Mr. ENZI. Madam President, my amendment is very simple. It establishes a 60-vote threshold for legislation that imposes an unfunded mandate on small businesses which exceeds $131 million, as determined by the Small Business Administration.

We do it for municipalities. We do it for States. We do it for tribes. We do not do it for small businesses. Small businesses make up 99.7 percent of all U.S. employers and employ 50 percent of the Nation's nonfarm private sector workers. We have an obligation to make sure laws written in Washington do not unfairly burden Main Street.

Now, checking back, I found that bills that adversely affect small business usually get hung up on cloture, which is a form of point of order but a very lengthy one. The ones that take care of small business frequently get a huge vote.

Now, it is possible to mention there will be things coming up, such as mental health parity—I am a cosponsor on that one; I can assure you that is one where small business will not be given a bad deal—the Department of Defense. We can override any waiver. In this body, it takes 60 votes to do cloture. This will speed up the process.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, this amendment is absolutely well intended, but it will create unintended consequences. This will give the Budget Committee authority over nonbudgetary matters. This amendment, if it were adopted, would create a supermajority point of order against Senator DOMENICI's mental health parity bill. It would give a supermajority point of order against the Defense authorization bill. It would give a supermajority point of order against the minimum wage bill, against bankruptcy reform, against pension reform.

This amendment should not be adopted. I urge my colleagues to vote no.

Mr. ENZI. Madam President, do I have time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 497.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—49

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Inhofe
Johnson
McCain

The amendment (No. 497) was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 498

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to consider the Thomas amendment No. 498 and that there be 2 minutes of debate equally divided and the vote time be limited to 10 minutes, with no second-degree amendment in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 498.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, the amendment I am offering will bring some transparency—

Mr. GREGG. Could we get order, Mr. President?

The PRESIDING OFFICER. May we have order in the Senate, please.

The Senator from Wyoming.

Mr. THOMAS. The amendment will bring transparency and discipline, but not order, to this budget process. The budget resolution is supposed to provide a blueprint for Government spending and allocate dollars for appropriators to spend in particular areas. However, this budget goes away from that responsibility in a number of areas and fails to even set up a cap for overall spending. It does so by including a number of unlimited reserve funds that amount to no more than a blank check signed by the American taxpayer. There is no end to what can be spent.

My amendment would strike these reserve funds from the budget. We owe it to the American people to give them a budget that means something, that let's them know up front how much we are spending and how we are going to pay for it. I urge my colleagues to support this amendment.

Mr. President, I yield back the remainder of my time.

Mr. CONRAD. Mr. President, there are no blank checks here. Reserve funds simply say that the committee of jurisdiction has to report a bill, and they have to pay for it. Nothing happens unless the committee reports and unless they pay for it.

Now, this amendment would knock out every reserve fund—every one that has been put in by Republican Senators, every one that has been put in on this side. It would knock out the reserve fund for SCHIP, children's health care. It would strike the reserve fund for veterans. It would strike the reserve funds for tax relief, for education, for energy, for the farm bill, for Medicare, for housing, for childcare, for mental health parity. It would knock out Senator CORNYN's reserve fund for immigration, and on and on.

I urge a "no" vote on this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 498.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 67, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—29

Allard
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Corker
Craig
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Kyl
Lott
Martinez
McConnell
Murkowski
Sessions
Shelby
Thomas
Vitter
Voinovich

NAYS—67

Akaka
Alexander
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Cornyn
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Biden
Inhofe
Johnson
McCain

The amendment (No. 498) was rejected.

Mr. CONRAD. Mr. President, I would have preferred not to have to offer this amendment, but Senator COLEMAN has an amendment that would extend several energy tax incentives, including the clean, renewable energy bond program, and tax incentives for energy-efficient buildings and powerplants.

I am in entire agreement with the Senator on that matter. The problem is, he has paid for it out of section 920, and the 920 pool of money is about evaporated. So the effect of his amendment would be to cut veterans, homeland security, and law enforcement; and I can assure colleagues that will be dropped in conference if it is adopted here.

Instead, to try to accomplish the goal, I have offered those same provisions, paid for by a deficit-neutral reserve fund. That gives the committees of jurisdiction the widest latitude to pay for the initiatives that are deserving and important.

AMENDMENT NO. 598

Mr. CONRAD. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. CONRAD) proposes an amendment numbered 598.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a deficit-neutral reserve fund for extending certain energy tax incentives)

At the end of title III, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF CERTAIN ENERGY TAX INCENTIVES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would extend through 2015 energy tax incentives, including the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, and the provisions to encourage energy efficient buildings, products and power plants, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

Mr. CONRAD. The Senator from Minnesota has a minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, we agree on the goals. We need clean energy. We need clean energy. We need renewable energy, wind energy, biomass, and geothermal. The problem is, with the reserve fund there is no certainty. You cannot take the reserve fund to the bank. That would only say if we find offsets in the future to make the extension, we can do that. It is as if I give you $15, and if you find $15 for me some day, you can pay me. If you want the projects to go forth and you believe in wind and biomass and other renewables and you want them to be financed, you need certainty. The 920 fund can provide you the certainty.

This doesn't move the ball forward. We are still at ground zero. If you believe in renewables and clean energy, I urge you to vote against this and support my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish my colleague was right. The 920 offset is a fantasy. This will never survive conference because the 920 pool is gone.

I urge colleagues to vote for the first amendment, the Conrad amendment, that provides a funding mechanism that will survive conference.

I ask unanimous consent that we go to the vote.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. DOMENICI. What was the manager's request?

Mr. CONRAD. I was asking that we pay for these very worthwhile initiatives with a deficit-neutral reserve fund instead of using section 920.

Mr. DOMENICI. I heard all of that, and I know what the Senator from Minnesota is trying to do because I encouraged him to do it. Rather than let him lose by making a mistake, I wonder if we could look at the amendment of the Senator from North Dakota. I looked at it, and I didn't see a reserve fund. Can we take 1 minute and look at it? I would like to encourage Senator COLEMAN to accept the Senator's proposal.

Can the Senator from North Dakota tell me again what he thinks he did?

Mr. CONRAD. Yes. What I have done is I have tried to convince my colleague—we absolutely share the same goal.

Mr. DOMENICI. Yes.

Mr. CONRAD. What I have done is offered a deficit-neutral reserve fund that gives the committees the greatest latitude to actually fund it. Mr. President, 920, which is his offset, is oversubscribed, and if we go to conference with it, we will be dropped like a hot rock.

Mr. COLEMAN. Mr. President, I note that there are 235 reserve funds in this budget with over $200 billion over 5 years. The problem is, again, if we believe in getting this done, and we adopt it with the reserve fund, there is no way we can go to the bank and say we are going to have this because it is simply a promise without anything.

The reality of the 920 can give certainty if we can get it through conference. Let's fight for it in conference. Let's not do anything that has no effect.

Mr. CONRAD. Mr. President, let's be clear. What 920 means is that we will cut veterans, we will cut homeland security, we will cut law enforcement. That is a losing proposition for us, I say to my colleague, especially given the fact that we are already at over $7.5 billion a year in section 920. The President, when he identified the possibilities, only identified $7.5 billion available. That is the money that has already been used.

I urge my colleagues to vote yes on the Conrad amendment so we can fund these important priorities.

I urge we go to the vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 598. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Thune
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Vitter
Voinovich
Warner

NOT VOTING—4

Biden
Inhofe
Johnson
McCain

The amendment (No. 598) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that there now be 2 minutes equally divided, that we go to the vote, and that the yeas and nays be deemed ordered on the Coleman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 2 minutes of debate equally divided.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, if you voted for the Conrad amendment before, if you believe in wind energy and biomass and renewables, then you should vote for my amendment. The argument of the Senator from North Dakota is this will never make it out of conference committee, but that is not an argument against what we are trying to do. So let's put that to the test.

If you believe this is the right policy and you want to tell those folks who want to do wind energy and who want to do biomass that you are going to support them, you should support my amendment.

Ms. SNOWE. Mr. President, I thank Senator COLEMAN for offering this amendment because it is critical that the Federal budget prioritizes the energy policy initiatives that are working for our Nation.

This amendment would include budget authority for the extension of the tax incentives for energy efficient commercial buildings, which has been estimated that by 2010 will save 7 trillion cubic feet, Tcf, of natural gas. To put this figure in context, the United States imported 4.3 Tcf of natural gas in 2005.

Furthermore, we must recognize that investments into commercial and residential buildings provides cost savings for decades. The life of an average American vehicle is roughly 12 years, for commercial buildings the estimated lifetime is 75 years and for residential buildings the lifetime is 100 years. It is vital that we encourage the investment into energy efficiency for these buildings in order to receive the aggregate energy savings.

Recently, Senator KERRY and I, as chair and ranking member of the Senate Committee on Small Business and Entrepreneurship, heard small business representatives articulate the success of these incentives. However, it is clear that businesses need sufficient lead time to make these investments, reduce risk, and ensure that businesses adopt the most energy efficient infrastructure. This budget must affirm and reflect upon the fact that energy efficiency is the most cost-effective solution to our energy crisis. As the former Assistant Secretary for Energy and Energy Efficiency and Renewable Energy and current director of Google's Climate Change and Energy Initiatives, Dan Reicher, stated to the Finance Committee last month, "Energy Efficiency is the real low-hanging fruit in the U.S. and global economy.

Furthermore, I am encouraged that this amendment would include a 5-year extension for the renewable production tax credit. On December 14, 2006, I joined Senators BINGAMAN and DOMENICI and 39 other Senators, in writing the President to request that he include a 5-year extension of the renewable energy production tax credit, PTC, for 5 years. The current PTC is due to expire on December 31, 2008, and this does not allow renewable energy businesses to adequately prepare for the long-term. This problem was analyzed in a special report in the Economist, which stated that "America's incentives for clean energy" are "relatively modest compared to Europe's." Furthermore, the article illustrates that "what one politician can mandate, another can terminate—and therein lies one of the biggest risks for clean energy. American politicians have periodically allowed a tax break for wind generation to expire, for example. This caused the industry to falter several times, before the credit was renewed again."

This country must make a long-term commitment to energy policies that are effective. I am pleased to support this amendment.

Mr. CONRAD. Mr. President, all those who voted "yes" on the Conrad amendment should now vote "no" on the Coleman amendment, since we have funded it and done it in the right way.

The Coleman amendment would fund these priorities by cutting veterans, by cutting homeland security, by cutting law enforcement. You better vote "no" on the Coleman amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 577. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—42

Allard
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—53

Akaka
Alexander
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Chambliss
Inhofe
Johnson
McCain

The amendment (No. 577) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, we are now going to go to a period we have discussed before, where people will be speaking on various amendments but not offering them. The speaking order on our side, and we are presuming this is going to start about 6:30, will be a half hour on our side, then a half hour to the majority, then a half hour to our side, and then the majority, back and forth. The people we expect to speak are in this order: Senator SPECTER, as soon as we start, and Senator DOMENICI after Senator SPECTER. Then, after the majority response or period, it will be Senator HATCH, probably around 7:30, and then a combination of Senator MURKOWSKI and Senator ALLARD around 7:45. Then the majority position. Then it will be Senator CHAMBLISS and a group around 8:30; Senator BROWNBACK around 9:30, and Senator VOINOVICH around 9:45. All those times may move up depending on what happens, with Members either coming or going or not showing up, but that is the present lineup.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, because we are now 20 minutes past the time we anticipated being able to start the discussions and the debate, obviously everything is moved back 20 minutes. Previously, the GOP time was to run from 6 to 6:30. That will need to now run from about 6:25 to 6:55. That will be the time in which our side would start. First will be Senator MENENDEZ, then Senator SALAZAR, and then Senator DURBIN, each one of them for 10 minutes. Then we will go back to the Republican side. Then we will come back to our side at roughly 8 o'clock with Senator LIEBERMAN and Senator CASEY.

I hope it is recognized that if Senators who have time are not here and there are other Senators who are here, that will be worked out and the Senators who are available will go ahead and use the time and be reasonable with others so we can accommodate as many Senators as possible this evening.

The other important thing to say is, tomorrow morning we are going to start at 9 o'clock. We will have a half hour equally divided between Senator GREGG and myself. Then we will start voting at 9:30. That is going to be a series of 10-minute votes after the first one. In addition to that, we need to indicate to Members, there are 75 votes pending. We can do about 3 votes an hour. That means 25 hours of voting. If everyone insists on their amendment, we will be here until 9 o'clock the next morning. That is the reality. Senators can decide their own fate. If every Senator insists on every amendment they have noticed, that is 75 amendments, we will be voting for 25 straight hours. I hope colleagues understand the consequences.

I thank the Chair.

Mr. GREGG. Mr. President, I wish to reinforce the point made by the chairman, which is there has to be reason in this process. We have been through these vote-athons before. We know they tend to be a little chaotic. Quite honestly, there are a lot of people who come in late with ideas that are good ideas, but let's be reasonable and make sure there is an orderly process, and let's cut this list down to something that is manageable so we can all get back to our districts or our homes and enjoy the weekend with our families.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 506

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly two amendments to the budget resolution. The first amendment, which I offer on behalf of Senator HARKIN and myself, relates to funding for the National Institutes of Health. The NIH has undertaken miraculous research which has led to breakthroughs on many maladies confronting this country and which benefit the world. Dr. Zerhouni testified on Monday of this week and brought forth statistics showing there has actually been a decrease in cancer in the last 2 years, a decrease in heart disease, and a decrease in strokes. We could go through the long list of ailments where the NIH research has been overwhelmingly successful.

I ask unanimous consent at the conclusion of my comments that the list of the diseases be printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The budget constraints have led to a cut in NIH funding in recent years. The proposed budget by the administration would cut NIH funding by more than $500 million. In one of the recent budget cuts, the National Cancer Institute, illustratively, was cut by some $50 million.

In 1970, President Nixon declared war on cancer and, had that war been prosecuted with the same intensity as our other wars, cancer would have been cured.

My chief of staff, Carey Lackman, a beautiful young woman of 48, died of breast cancer. One of my best friends, a very distinguished Federal judge, Edward Becker, of Philadelphia, chief judge emeritus, died within the year of prostate cancer.

As is fairly well known, I suffer from Hodgkin's. I made a good recovery. All the tests are said to be symptom free. But I was for increasing NIH funding long before I had a personal problem. I have been on the Appropriations Subcommittee of Labor, Health and Human Services, and Education since I was elected to the Senate in 1980 and have had the opportunity to chair the subcommittee. With the leadership of Senator HARKIN and myself, NIH funding has been increased from some $12 billion to almost $30 billion.

We are offering this amendment simply to restore NIH funding to where it would have been had there been an accommodation for biomedical inflation. The cuts have been tremendous, but we have restored the 4.5-percent biomedical inflation rate for fiscal year 2006, which costs $1.3 billion; for fiscal year 2007, which costs $1.1 billion; for fiscal year 2008, which costs another $1.1 billion.

We also provide increases for the Centers for Disease Control and Prevention and restored health professional training programs for nurses and doctors to the 2005 level.

This, in the aggregate, when reduced by the assumption for health care programs in the budget resolution, comes to an increase in funding of $2.183 billion.

I ask unanimous consent this schedule be printed at the conclusion of my remarks, along with the chronology of funding amendments offered on the increase of NIH funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. I would say that this is absolutely minimal to not fall backward. Earlier this week, in addition to Dr. Zerhouni's testimony, we heard testimony from research applicants, and they are falling off. We are losing the best and the brightest of the talent. So this is minimal, just to tread water.

AMENDMENT NO. 505

I now turn to a second amendment which I propose to offer, and that is an amendment which deals with legislation to reform asbestos litigation. There have been efforts made to deal with the avalanche of asbestos injury cases, with the attendant bankruptcies and with tens of thousands of people left unable to collect for very serious, sometimes deadly, injuries because companies have gone into bankruptcy.

On a number of occasions, the Supreme Court of the United States has urged Congress to deal with this problem. In the 109th Congress, the Judiciary Committee undertook an enormous job, reported out a comprehensive reform bill after many hearings and complicated markups—all of that is part of the record, which I will not repeat now.

In the intervening period of time, $140 billion that had been available for a trust fund has been reduced very substantially by the formation of bankruptcy trusts. So we are now compelled to recast the legislation. We are now looking at a reduced trust fund, and we are looking at dealing only with victims of mesothelioma, which is a deadly ailment.

Last year, notwithstanding the humongous effort of the Committee, asbestos legislation was defeated on a technical point of order requiring 60 votes. We got 59. Senator INOUYE had stated he was going to vote with us, but his wife was ill, and we did not survive the challenge on the budget point of order.

The very heavy, crowded calendar precluded our being able to bring it up again. This year we have offered an amendment to the budget resolution which would establish a reserve fund for asbestos legislation, eliminating a point of order under section 302 of the Budget Act. And we have restructured the legislation to make it ironclad that the Federal Government will not have to pay anything because we are creating a fund, which we did not do last year, so that the only money contributed will be from the trust fund.

That trust fund is established by the manufacturers who are interested in avoiding the crush of litigation and the attendant costs. We have found that the so-called transaction costs, attorneys' fees, amount to about 58 cents on the dollar, and only 42 cents are going to people who are injured.

We have restructured the bill to defer cases where people do not have tangible damages, and we are looking at those with mesothelioma. We are dealing with an award—without a showing of liability, simply the damages of mesothelioma—of $1,100,000, an amount that was established last year after considerable negotiation, and I think it is fair to say it has been accepted as a reasonable figure.

So that what will be presented to the body—I am hopeful we can yet work this out. We have gotten consent from staff on one side of the aisle, we are working with staff on the other side of the aisle, and we think we have answered conclusively the concerns that were raised.

Senator LEAHY was a cosponsor last year when I was chairman and he was ranking. He is the chairman of Judiciary now and has agreed to be a cosponsor as we move this bill forward. So I think we have the votes to get this resolved, but doubtless there will be a necessity for a cloture vote. We are going to have to get 60 votes to carry this bill forward.

What I am looking for, what the sponsors are looking for, is not having so many hurdles that it becomes a practical impossibility to have the Senate consider this issue on the merits. But we are long past due, having been tangling with this issue for some 25 years. Legislation was defeated last year on a technicality. I hope we can eliminate the technicalities this year, and the amendment will address one. Then we will face the 60-vote threshold on cloture.

We will seek to structure a bill that will meet with the approval of the Senate and the House of Representatives.

EXHIBIT 1

DISEASES

Aids

Autism
Stroke
Obesity
Alzheimer's
Parkinson's
Spinal Muscular Atrophy
Scleroderma
ALS
Muscular Dystrophy
Diabetes
Osteoporosis
Cancers:
  Breast, Cervical and Ovarian
  Lymphoma
  Multiple Myeloma
  Prostate
  Pancreatic
  Colon
  Head and Neck
  Brain
  Lung
  Mesothelioma
Pediatric Renal Disorders
Multiple Sclerosis
Deafness and Other Communication Disorders
Glaucoma
Macular Degeneration
Sickle Cell Anemia
Heart Disease
Spinal Cord Injury
Sudden Infant Death Syndrome
Arthritis
Schizophrenia and Other Mental Disorders
Polycystic Kidney Disease
Hepatitis
Cooley's Anemia
Primary Immune Deficiency Disorders

EXHIBIT 2

BUDGET AMENDMENT TALKING POINTS

Your amendment: Would add $2.2 billion to Function 550—Health—for increases in NIH, CDC and Health Professions Training Programs. This increase would be offset by an across-the-board cut of 0.23 percent.

Budget Resolution: The budget resolution assumes the FY'07 funding level for NIH and provides an unspecified $1.637 billion increase for all health programs.

Amendment assumptions:

NIH increases required: to restore NIH plus FY'06 biomedical inflation—4.5%, $1.3 billion; to restore NIH plus FY'07 biomedical inflation—3.7%, $1.1 billion; to restore NIH plus FY'08 biomedical inflation—3.7%, $1.1 billion.

NIH funding: $28,948,845,000—FY'07 comparable appropriation; $28,948,845,000—Budget resolution assumption for the NIH or the same as the FY'07 amount; $32,448,845,000—FY'08 with your amendment, +$3.5 billion over the FY'07 comparable appropriation.

Year	Appropriation	Over previous fiscal year	Percentage
1995	$11,299,522,000	$362,000,000	
1996	11,927,562,000	628,040,000	5.6
1997	12,740,843,000	813,281,000	6.8
1998	13,674,843,000	934,000,000	7.3
1999	15,629,156,000	1,954,313,000	14.3
2000	17,820,587,000	2,191,431,000	14.0
2001	20,458,130,000	2,637,543,000	14.8
2002	23,296,382,000	2,838,252,000	13.9
2003	27,066,782,000	3,770,400,000	16.2
2004	27,887,512,000	820,730,000	3.0
2005	28,495,157,000	607,645,000	2.2
2006	28,311,848,000	− 183,309,000	− 0.6
2007	28,948,845,000	− 636,997,000	2.2
2008:			
Request	28,621,241,000	− 327,604,000	− 1.1
Budget Res	28,948,845,000	0	0
Amended	32,448,845,000	+3.500 billion	12

SEQUENCE ON NIH FUNDING

In 1981, NIH funding was less than $3.6 billion. For FY04, NIH funding totals $28 billion.

A substantial investment in the NIH is crucial to continue the progress we have made over the last several years to turn our investment into cures for diseases over the next decade. We have seen innumerable breakthroughs in the knowledge of and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, severe mental illnesses, diabetes, osteoporosis, heart disease, and many others.

In FY'98, you and Sen. Harkin sought to add $1.1 billion to the health function during the Budget Resolution. The amendment was defeated 63–37. Despite this, you were able to provide a $1 billion increase for the NIH in FY98.

In FY'99, you and Sen. Harkin again offered an amendment to the Budget Resolution to add $2 billion to the health function. The amendment was again defeated, this time by a vote of 57–41. But, you still provided an additional $2 billion to the NIH for FY99, which at the time was the largest increase in history.

In FY'00, you and Sen. Harkin offered an amendment to the Budget Resolution to add $1.4 billion to the health function, over and above the $600 million increase which had already been provided by the Budget Committee. The amendment was defeated by a vote of 47–52.

In FY'01, you and Senator Harkin offered an amendment to the Budget Resolution to add $1.6 billion to the health function. This amendment passed by a vote of 55–45. This victory brought the NIH increase to $2.7 billion for FY'01. However, after late night negotiations with the House, the funding for NIH was cut by $200 million below that amount, bringing the total increase to $2.5 billion.

In FY'02, you and Senator Harkin, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve your goal of doubling. The vote was 96–4. The Senate Labor-HHS Subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we fell short of that amount by $410 million.

The FY'03 omnibus appropriations bill contained an increase of $3.7 billion, which achieved your doubling effort.

In FY'04, you and Senator Harkin offered an amendment to the budget resolution to add $2.8 billion in additional funding for Public Health Service programs as follows: $1.8 billion for NIH, $600 million for CDC, and $400 million for the Health Resources and Services Administration. The vote was 97–1.

On September 10, 2003, during floor debate on the Labor-HHS bill, you and Senators Harkin and Feinstein offered an amendment to the FY04 Labor-HHS bill to provide a $2.5 billion increase for the NIH. The amendment was defeated by a vote of 52–43—the amendment required 60 votes because the increase was designated as an emergency. The final conference agreement contained $27.9 billion for NIH, an increase of $1 billion over the FY'03 appropriation.

In FY'05, you, Senator Harkin, and Senator Collins offered an amendment to the budget resolution to add $2,000,000,000 to discretionary health spending, including NIH—the amendment passed 72–24. The final conference agreement for NIH included $28.6 billion, an increase of $800 million.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to the distinguished Senator from Pennsylvania, little did I know when I agreed tonight to switch places and follow him, instead of the reverse order, that I would hear about, once again, this never-ending litigation that is once again brought to the Senate floor by the distinguished Senator from Pennsylvania. What a distinguished stalwart you are, Senator.

Never give up. Never say no. Never say die. Just keep on keeping on. Sure enough, even the big, giant elk fall. That is what they talk about in the forest, as they look out there among the great pines and the great big, giant elk, that sooner or later the tree will fall and the elk will fall.

Frankly, I do not know of anybody better than you to say, if you are after them, you will get them, whatever it is. In this case, I listened to you, like I have listened and expressed willingness last time, with no interest, no big interest in my State to give you a Senator on your side, by saying I want to be part of trying to get this solved. I await your presentation to us, to have an opportunity to see if we can sign up now.

Having said that, Senator SPECTER, I am going to speak for a very few minutes about this budget that is before us. I had kind of sworn I would not get involved very much in budget activities on the floor. I think you probably, as much as anyone, have noticed a real lack of—or an absence of—Domenici verbiage on budgets. Because I have done it for so many years, I decided others ought to take over and take charge, and they would have plenty without me having to stick myself in the middle of it.

But I did think, if I were going to look at this year at what happened, what is the difference between the Democrats and Republicans being in control, which is essentially what everybody ought to know is the big difference. And then you ought to say: Well, what difference is there in the budget because the Democrats took over? And it is their budget, there is no doubt about it.

They may claim they did not inherit what is in this budget, but the truth of the matter is, they are going to fix it, if it is going to be fixed. They are not going to do nothing, they are going to try to do something. You are going to look and see what it is they tried to do, and from that you are going to have to try to draw some conclusions.

So it is a very difficult time to put a budget together. I do not stand here tonight as a superpolitical critiquer or criticizer of the Democrats who are trying to put this together. But I do think, from time to time, it is important that somebody like me who has been through this for about 25 years—I think that is about the minimal that I was involved in putting budgets together—and during much of that time I was either ranking or chairman having to put it together and learn about it.

I believe we must continue to look at things and expose and express, which is what I am doing. I am not being critical, I am exposing and expressing what I see vis a vis what the leadership on the other side has claimed they have done.

I believe we must continue to protect the middle class. The middle-class working families must have our help and our protection. They are the backbone of our country. It is the middle class that distinguishes America from all other democracies, and that is why we are able to remain so strong as a living democracy, is because we have such a large, powerful majority of Americans who belong to the middle class, the middle-class working families.

Unfortunately, the budget we are presented this year will do very little for the hard-working middle class. The budget we are presented does little for the hard-working middle class. If enacted, the budget would allow tax breaks that we gave to the middle class to expire, causing an enormous tax burden to be placed on these families.

You do not have to do much, if you have tax cuts that are running along and the tax cuts are going to expire. Then all you have to do is not extend them and sometime later on the taxpayers are going to find out that their taxes are different because, in fact, what had happened to them under the tax structure before will not happen to them come the end of the tax year.

If enacted, the budget would allow the tax breaks we gave to the middle class to expire, causing an enormous tax burden to be placed on these families. Simply put, the budget increases taxes on the middle class. I realize we made a step in the right direction by adopting the Baucus amendment yesterday. That was planned by the majority that it take place in that way.

He offered a tax amendment, and I was happy to vote in favor of that, which permanently extended the tax relief for the 10-percent tax brackets and extended the child tax credit, the adoption credit and dependent care credit and the marriage penalty relief.

However, there is still a great deal of work left to be accomplished. While we have provided tax relief for the lowest brackets, we have not addressed the middle class, which faces a tax increase and a loss of some substantial deductions such as the education tuition deduction.

The budget does not extend the capital gains tax and the dividend tax relief. If we do not extend the capital gains deduction, we will be creating a dangerous situation that may prevent the economy from progressing. This might be a very good test of whether those kinds of taxes, capital gains and dividends tax relief, have anything positive to do with the economy.

Obviously, so far in this process it is obvious that the other side is not going to do anything to extend those taxes, which many think were very important to the continuation of the growth at a steady pace for part of the last 5 years. If we do not extend the capital gains reduction, we will be creating a dangerous situation that may prevent the economy from progressing in a normal manner.

I am not predicting that. I learned a long time ago not to predict too much because I predicted how bad things would turn out when certain taxes were changed, and it didn't happen at all.

But I do believe there is too big a change in this budget resolution that it will not have any effect upon the taxpayers of the United States and ultimately on the economy and on the growth of the economy.

Business owners need certainty so they can focus on long-term planning instead of shooting from the hip on a yearly basis. If we do not extend the capital gains relief, we are putting America's business in the position I have described. One can clearly see that on a national level, the middle class stands to lose the most under this proposal. In New Mexico, the impact of repealing the current tax relief would be felt widely by the middle class. More than 93,000 New Mexico investors, including senior citizens, would pay more because of an increase in the tax rates on capital gains and dividends.

I am also sorry to say that this budget resolution does not thoroughly address the alternative minimum tax. I am sure the proponent of the budget knows that. The alternative minimum is a devil of a tax. It grew from a little tiny thing with a few people affected to a monster that affects millions of people. With each year, it gets bigger in number. Instead, this budget provides a 2-year alternative minimum patch, not a cure. The 2006 alternative minimum tax applied to 3.5 million taxpayers. Absent legislative action, the AMT will affect significantly more middle-income taxpayers. By 2007, up to 23 million taxpayers could be subject to the AMT.

Maybe I am just telling them what they already know and they plan to fix it. They better think about it. It is an awful big number, and it is rather ominous. There will be plenty of Americans who will note it come tax-paying time, there is no question. Today, they don't know, but in about 6 months, they will know. About a year after that, they will know again. Absent legislative action, the AMT will affect significantly more middle-income taxpayers. By 2007, up to 23 million taxpayers could be subject to the alternative minimum tax.

This is another tax which the middle class will bear the brunt of. The reverberations of this inaction will be seen all over the country and will especially be evident in a State such as New Mexico. This budget does not provide any permanent type of tax relief for America's middle-class people. I believe we still have time and a great opportunity to address this issue right now in a bipartisan manner. I am willing to continue to work to see what we can do to help the middle class in this budget.

Added to the nonexistent middle-class tax relief, this budget fails to address the 800-pound gorilla in the room—otherwise known as entitlement spending. After 2010, spending related to the aging and the baby boom generation will begin to raise the growth rate of total outlays. The annual growth rate of Social Security spending is expected to increase from about 4.5 percent in 2008 to 6.5 percent by 2017. In addition, because the cost of health care is likely to continue rising rapidly, spending on Medicare and Medicaid is projected to grow even faster, in the range of 7 or 8 percent annually. Total outlays for Medicare and Medicaid are projected to more than double by 2017, increasing by 124 percent, while nominal GDP is expected to grow by only 63 percent. The budget currently under consideration does not offer solutions, much less address entitlement spending or reform.

In the area of energy policy, this budget is a mixed bag. On the positive side, I am pleased that it assumes $1.6 billion for the Department of Energy's Energy Efficiency and Renewable Energy Program—a $440 million increase above the fiscal year 2006 enacted level.

This is a critical program within DOE where our Nation's work on next-generation fuels is put to the test. Increasing our fuel diversity and fuel efficiency is a top priority for me this year, as it was in the Energy bill of 2005. In that bipartisan bill, we passed the first-ever renewable fuel standard. This has literally brought thousands of jobs to the American people and billions of gallons of homegrown renewable fuel to the American fuel tank. I will be seeking to further these advancements through legislation with Senator BINGAMAN and the Energy Committee.

I am also relieved and pleased that the budget includes an increase for fossil energy research and development. This is key to many small producers, geologists, and to the overall fiscal strength of my home State. It is a mistake to misinterpret this funding as an unnecessary incentive for the oil and gas industry. This research and development helps advance technologies to recover more domestic oil and gas, and that is a good thing.

I am disappointed, however, that this budget rejects the President's proposal to permit oil and gas leasing in the Arctic National Wildlife Refuge and does not assume savings from the proposal. We all agree that we should reduce our dependence on foreign oil. Many of us agree that we should do that by conserving energy, increasing fuel efficiency, and using homegrown biofuels. Where we often disagree is that I believe, in the near term, we should also be producing more domestic oil and gas.

I have proposed and passed the idea of domestic energy in the form of an offshore bill dealing with the Gulf of Mexico. I believe we should be doing more offshore. I believe this budget should include ANWR. The chairman of the Budget Committee has indicated he is concerned that our Nation depends on imports for 60 percent of our oil. It concerns me, too. But it equally concerns me that we are locking up billions of barrels of American resources while relying on foreign, volatile regions for our oil.

I cannot support this budget in its current form because it will increase taxes on the middle class and does not offer any meaningful solution for entitlement spending and it offers an incomplete energy policy. I remain willing to work hard to address areas of concern and am confident that if others will come to the table and talk and negotiate, we could strengthen this budget.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have a different view than my distinguished colleague from New Mexico. This week, what we are seeing is the proof of new leadership in this Congress. I am proud, as a member of the Budget Committee, that we have a budget resolution before us that provides a blueprint for how we can build a stronger nation—a nation that will not be drowning in debt but can save for its children's future, a nation that will not undermine the education of its young people but that invests in building global competitiveness from start to finish, a nation that will not abdicate its responsibility to provide health insurance to those most in need but that is committed to covering every child, and a nation that will not neglect the needs of its soldiers and veterans but that will provide the level of care their sacrifices deserve.

Our budgets are indicative of the values we hold, individually and collectively. In this budget, one thing is very clear: We see a different set of priorities and values for our Nation. From health care to education to our veterans to the safety of our communities, Americans will see that this budget charts a new course. Perhaps most importantly, however, this budget reaches all of these priorities in a framework that is fiscally responsible. With this budget, we will end the days of spending now and figuring how to pay for it later. Instead of making lofty promises we cannot afford, instead of pretending we can have it all while we are sinking deeper and deeper into debt, instead of leaving a multibillion-dollar mess for our grandchildren to clean up years from now, with this budget we make a clear declaration: We must pay for what we spend as we go along, not push it off for another day. This is something Americans do every day. It is how all of us conduct our personal daily lives. Yet, until recently, it is something which Congress has been incapable of. With this budget, we have a chance to change that.

Without question, one of our highest priorities is the health care of our Nation's most vulnerable children. I find it embarrassing that some in Washington, those who have some of the best health care coverage in the world, have proposed to cut coverage to America's neediest children. Yesterday, we defeated an amendment that would have jeopardized the health care of children and parents all over America. I know the battle is not over, but let me assure my colleagues, we will win the fight so children across this country will have the health insurance they deserve. I applaud the Budget Committee chairman for working to make this funding a priority in the resolution.

I am proud of the Senate's support for the Baucus amendment to increase funding for SCHIP. I am proud that a majority of this Chamber realized we had a responsibility to fix the shortcomings of the President's budget that would have had millions of children across the Nation not insured and that we ensured America's neediest children have the care and health coverage they need.

In this budget, we make it clear who our focus is. We will no longer follow blindly down the President's path to provide costly tax breaks for the wealthiest Americans while we rack up trillions in debt for future generations to pay off. That is why I am proud this budget includes an amendment by Senator BAUCUS to extend key tax provisions which will benefit millions of students and hard-working families but which do not drown us in debt. The message is clear: We Democrats believe we can extend tax credits that help students afford college. We can ensure families continue to claim the child tax credit. We can provide income tax relief, and we don't have to do it while sweeping the cost under the rug for another day.

In this budget, we provide a light at the end of the tunnel for so many children, teachers, and administrators who have been strained to meet requirements without resources, who have seen promises broken year after year. With this budget, we start to fix the many holes in our education funding. This budget funds education $9.2 billion above the President's request. We increase grant aid so that students who rely on Perkins loans, work study, and other grants will continue to have the extra assistance that will help them earn their degree.

For me, this is not a policy debate; it is real life. I would not be here in the Senate today without the help of Pell and Perkins when I was trying to go to college. Having grown up poor, in a tenement, and being the first of my family to do so, that educational opportunity created a foundation that helped me achieve what I have today. I want to make that a birthright for each and every one of our children who has the ability and is willing to work hard and give something back to their country.

We provide the largest increase in elementary and secondary education since 2002. We will have done more in this budget resolution in 3 months than has been done by the administration in the past 4 years so that we can start to fill the massive shortfalls that have plagued our schools and denied opportunities to students. We restore programs such as Safe and Drug-Free Schools, education technology, and other critical investments that have been on the chopping block year after year.

Our budget also marks a turning point for an area which has been shamefully neglected—the care of our Nation's veterans. I recently visited veterans at the VA hospital in East Orange, NJ, and soldiers who have returned from Iraq and Afghanistan currently at Fort Dix and service men and women from across the country, not just New Jersey. I have seen how without adequate funding our VA system has become overloaded, new veterans hang in limbo, and soldiers who have made unimaginable sacrifices are left wondering just how much the Nation values their services.

Too many of our soldiers are trapped in a system that keeps them in limbo. They are too injured to serve, yet they cannot be fully discharged until their paperwork has been processed and their health determinations have been decided. The time they spend waiting can grow from weeks to months and, yes, even years. It is appalling. It is unacceptable. We have to work to improve this process.

This budget allows for that. It would increase veterans funding $3.5 billion above and beyond the President's request. It will ensure funding is dedicated to improving the claims backlog that is plaguing our discharge process.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. I worked to include language in the markup that ensures improving this backlog is a top priority, and I commend the effort by Senator LINCOLN to dedicate funding to fixing the flawed claims process. This budget will do what should have been done long before our troops began coming home from Iraq and Afghanistan—

begin to repair a broken system that has failed our veterans.

Our budget will also ensure that as we wage a war abroad, we do not forget our fight here at home to protect our Nation. This budget not only rejects the President's shortsighted proposal to slash more than $1 billion from first responder programs, but it provides much needed increases for homeland security grants, including enough to fund port security grants at their authorized level of $400 million, doubling rail and transit security, and doubling chemical security funds.

We also restore the President's cuts to the COPS Program, which would have left almost no funds to help law enforcement hire additional officers and improve technology. We reject the President's proposal to slash firefighter grants in half and eliminate SAFER grants. This budget means the difference between shortchanging our police and fire departments and providing them the resources to meet the challenges in our communities.

Finally, the bottom line is our Nation will see a difference when we pass this budget. They will see a brighter outlook down the road. The Nation is watching. They have called on us to focus and change the priorities and values we have seen in previous resolutions by the previous majority. This budget ultimately encompasses the values of Americans across this country.

I commend Chairman CONRAD for his work on crafting this budget. It was difficult. It is a careful balance. But at the end of the day, it accomplishes the key investments that are most important to the Nation's future, to its vitality, to the human capital, to our children—our greatest asset and also our most fragile asset.

I urge my colleagues to continue to reject the amendments that undermine the ability for this new blueprint and to adopt the resolution tomorrow so we can build a stronger Nation.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to discuss the budget resolution that is currently before the Senate today. This is my third year in the Senate, and this is the third budget resolution I have had the opportunity to consider. But this is the first time I can say I am proud of the resolution before us. It is long overdue. We have not had a budget for 2 years, and we are still operating under the budget resolution passed in 2005.

The circumstances surrounding the budget are not ideal. Our fiscal situation in this country has deteriorated significantly year after year over the past 6 years. We know we cannot fully fund every good program, and we are still facing deficits even as we move closer and closer to the demographic tidal wave that will soon overtake the Social Security and Medicare Programs. But, to their immense credit—to the immense credit of the chairman of the Budget Committee, Senator CONRAD—they have crafted a very good, strong budget resolution. The budget resolution before us provides a blueprint that will enable us to fund our most important Federal programs, provide new tax relief and extend expiring tax provisions, and bring the budget into balance within 5 years. It will do all that without raising taxes.

Still, one of the most important parts of this budget is not a program or a tax cut; it is a simple principle: If you want to take money out of the budget, either by increasing funding for Federal programs or by cutting taxes, you have to pay for it. You have to pay for it—it is a simple principle but a very important principle that will assure we restore fiscal discipline to the Congress. This pay-go provision is one I have long supported and one I am very proud to support with Senator CONRAD and other Members of this body.

The budget resolution would create a 60-vote point of order against any new spending for tax cuts that are not fully paid for—that are not fully paid for. The simple rule is essential if we are to exercise the fiscal restraint that will be necessary to restore sanity to the budgetary process and to set our Nation's fiscal circumstances back on the right path.

I believe this budget strikes the right balance for America—between the fiscal restraint that is embodied in pay-go and the need to fund our Government and between the need to keep taxes on middle-class families low and the importance of facing up to our looming budgetary challenges from a position of fiscal strength. This budget accomplishes those important goals.

On the spending side, I am particularly pleased the budget resolution provides adequate funding for a wide range of programs that are important to the people of America and to the people of Colorado. Some of those priorities include children's health, education, veterans health, and law enforcement. These issues have never been more important to America than they are today.

On children's health, an estimated 9 million children in America do not have health insurance today. This is a staggering statistic: 9 million children in America are without health insurance. They do not have health insurance; therefore, they do not have access to quality health care. These children will be denied the opportunities of learning, to grow up in stable family environments, and to become productive members of our communities.

On education, America is quickly losing ground to other nations in this global economy. The Federal Government must help local schools provide students with the skills they need to compete on a national and international basis.

On veterans health, we are all familiar with the consequences of the failure to provide our veterans with the quality care the Nation owes them. We currently have over 630,000 veterans of both Iraq and Afghanistan. We owe it to them as a nation to ensure they receive the best care our Government can provide because that is what we promised to each and every one of them and their families.

On law enforcement, we all know how important it is for our citizens to feel safe and to be secure in the fact their Government is doing everything it can to protect them in their homes and in their communities. That means more effective Federal homeland security programs, and it means more police officers in our neighborhoods.

The budget resolution before us gives these and a range of other critical national priorities the full support they deserve.

For example, this budget provides $552 million for the COPS Program. The COPS Program itself has helped put 1,300 police officers on the streets in communities of my State of Colorado.

This budget provides $43.1 billion for veterans programs, including veterans health—with a $3.5 billion increase over the President's budget request.

This budget provides $9.2 billion in discretionary education spending above the President's budget request.

This budget provides $50 billion for the State Children's Health Insurance Program, SCHIP. That is 10 times what the President has proposed, and it starts us effectively down the road of making sure all the children of America, in fact, have health insurance.

This budget protects our communities and our cities and our counties by making sure the community development block grants, which are so important, are provided $3.8 billion. This represents a very significant increase over the President's budget request, which slashed the community development block grants.

This budget provides $1.6 billion for the Department of Energy account that, among other things, will fund the National Renewable Energy Lab at a level $385 million above what the President requested.

The budget also provides a $15 billion increase for agricultural funding between 2008 and 2012 to give our farmers and our ranchers in the forgotten part of America—our rural communities—the assistance they need to remain vibrant.

The budget also rejects the President's proposed cuts to the Payment In Lieu of Taxes Program, the PILT Program, restoring PILT funding to fiscal year 2006 levels.

On the revenue side, this budget sets the stage for meaningful middle-class tax relief and for aggressive action to close the tax gap. As a new member of the Senate Finance Committee, I will do my part to help make the chairman's goals a reality. For example, I strongly support the chairman's decision to include 2 years of AMT relief for middle-class households. That is 1 more year than was set forth in the President's budget request. This will ensure that 20 million—20 million—middle-class taxpayers are not unfairly subjected to the AMT for the next 2 years. I am also especially encouraged that Chairman CONRAD has made a point to emphasize the need to go after corporate tax shelters and offshore tax havens as a way of reducing the tax gap. It is simply not fair to ask hard-working, middle-class Americans to pay their fair share in taxes while we allow large corporations to consistently abuse the Tax Code for their own profit. I commend Chairman CONRAD and the members of the Budget Committee for their vigilance in this arena.

Finally, I believe the budget's deficit-neutral reserve fund for tax relief provides an excellent mechanism for extending several critical tax credits and deductions that will expire in coming years in a fiscally responsible way. The renewable energy production tax credits are an example of that in an amendment we just successfully adopted.

At the end of the day, in 2012, this budget will be balanced. A dramatic reversal of our fiscal fortunes will occur because of the resolution that is before us today. We need a responsible budget blueprint for Congress, and we need it now. This resolution provides that blueprint, and I am proud to stand behind it. I will vote for it. I urge my colleagues to also support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the majority has until 7:25 under a previous order entered into; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, I rise today to support the budget resolution that Senator CONRAD has so ably put together. Working with his colleagues on the Budget Committee, Chairman CONRAD has brought to us a budget that puts America's priorities first, and he has done so in a responsible way.

As I have said many times before, a budget is an expression of values: you choose what to spend your money on and you choose how much of it to spend now instead of later. As families all across America sit down at the kitchen table to create their own family budgets, they decide what they have to pay for now—the house, the car, the electricity, the gas—and then how much they can spend on other things without going too far into debt.

Creating a budget for the Federal Government is really quite similar in many ways: this week the Senate will decide what we have to pay for now—the war, our veterans, health care, education—and then how much we can spend on other things without making our record-shattering debt situation any worse.

I will take a few moments to describe what I think are these key investment priorities, and then I will talk for a moment about how I think we are addressing these priorities in a responsible way.

This budget includes substantial funding for many of America's top priorities, but I will take the time to highlight just three: veterans, health care, and education.

The Senate budget resolution allocates $43.1 billion for veterans in fiscal year 2008 alone. That is $3.5 billion more than President Bush recommended in his budget request. With more and more weary soldiers returning from the wars in Iraq and Afghanistan, with the deplorable conditions in Walter Reed waiting for the injured when they return, and with ongoing issues in States like Illinois where veterans benefits are lacking, supporting the troops when it really counts—when the checks are being cut—is something that we simply must do. This budget gets it right.

This budget also gets it right when it comes to paying for health care, both here and around the world.

For health care around the world, there is no greater funding need than for the fight against global HIV/AIDS. In this area, I commend President Bush for showing real leadership over the course of his, Presidency. But his budget request neglected one of our most cost effective tools against this plague—the Global Fund to Fight AIDS, Tuberculosis and Malaria. The Senate budget resolution includes $940 million for the Global Fund, an increase of $640 million over the President's request. Even more is needed, but this is a good start. To fight HIV/AIDS or make progress on other critical health and development challenges, we must make these necessary investments.

Here at home, the budget resolution provides for up to $50 billion for is the SCHIP program over 5 years. The Bush budget request is $2 billion. It is clear that the Bush administration has not made affordable health care for our Nation's neediest children a real priority. The Democrats have.

Since the creation of the SCHIP program 10 years ago, more than 6.2 million children have been covered by this vital program, including over 290,000 children in my home State of Illinois.

As the first State to provide health insurance to all children, Illinois has been a leader in the fight to change the course of health care in this country. Since 1993, SCHIP and other Federal programs have helped make it possible for Illinois to provide health insurance to more than 313,000 children who didn't have it before.

How big is the need for better investments in our children's health? In a study of over 20 developed nations released last week by UNICEF, the United States ranked as one of the worst places to be a child. What does that say about us as a country and our commitment to our children—our future? What does it say about this Government's priorities over the last 6 years?

UNICEF looked at six dimensions of child well being. Of the five categories for which the United States was ranked, our country ranked in the bottom third in four categories. In fact, we were next to last in the "family and peer relationships" and "behaviors and risks" categories. And we were dead last in "health and safety."

We must make the commitment and investment in the health and well-being of our children to ensure their success—not create circumstances that make it more difficult for them to realize their potential. I think that this budget starts to correct our course, providing more investment in our kids where it is desperately needed.

This budget also proves that the Democrats in Congress believe that there are few better investments in the future of this country—in the future of our children—than education. The budget resolution includes $62.3 billion for education in fiscal year 2008. That is $6.1 billion more than the Bush request. We absolutely must make this investment now in order to reap the benefits in the future. Our kids deserve nothing less.

As we have allocated robust funding for our Nation's top priorities, we have done so in a fiscally responsible way. Under Chairman CONRAD's leadership, this resolution would take us several steps down the road towards fiscal sanity after years of endless deficit spending that placed today's tax cuts for the wealthy on the future credit cards of our children.

First, the resolution would create an annual budget surplus by 2012. Since we currently find ourselves with more debt than the Nation has ever accumulated before—just as the baby boomers are getting ready to retire—balancing the budget is fundamentally important.

Second, the resolution reduces both spending and the debt as a share of GDP over the 5-year life of the resolution. We have a long way to go towards paying off our $9 trillion in debt, but this is a good start.

Third, the resolution restores a strong pay-go rule that the Republicans had allowed to expire. Congress will be able to spend money on critical needs if it chooses to, but we will have to pay for that spending at the same time. Likewise, we will be able to cut taxes if we want to, but we will have to pay for that as well.

Fourth, the resolution provides 2 years of middle-class tax cuts through continued relief from the alternative minimum tax. Whereas the President's budget called for a huge tax increase on the middle class in 2009 by refusing to provide AMT relief for more than 1 year—a decision that would lead to a substantial tax increase for 25.7 million middle-class Americans—this budget extends that relief for another year to ensure that the middle class does not become ensnared in this tax that was meant to ensure the wealthy paid their fair share of taxes.

In total, this budget provides a valuable blueprint that should help guide the Senate in providing funding for our Nation's priorities while ensuring that we do so responsibly. I urge my colleagues to support it.

Mr. HATCH. Mr. President, I understand the time until 8 is relegated to us. I ask unanimous consent that the distinguished Senator from Colorado be given up to 7 minutes and then the rest of the time be turned over to me.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I intend to reserve some time for the distinguished Senator from Alaska.

Ms. MURKOWSKI. I thank the Chair. I wanted to make sure I was still in the queue.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator from Utah for yielding. I appreciate his work and the leadership he brings forward here in the Senate from the great State of Utah.

I am going to vote against the budget, and this is the main reason why: It raises taxes by $900 billion over 5 years and a projected $3.3 trillion over 10 years. That translates into a tax increase of $2,641 per household annually over the next decade.

It includes 22 reserve funds that could be used to raise taxes by hundreds of billions of dollars more. It increases discretionary spending by nearly 9 percent in fiscal year 2008, and does not terminate one single program. It completely ignores the impending tsunami of Social Security, Medicare, and Medicaid costs. It encourages rules that bias the budget toward tax increases.

I had an amendment earlier today that we voted on which looked at ineffective programs as described by the Office of Management and Budget. This was in response to legislation we passed over a decade ago, and we instructed the agencies to look at setting goals and objectives and then coming forward and seeing how they met these. OMB looked at these and said there were 26 out of over 1,000 programs where they didn't meet those goals. If you took these 26 programs, we were looking at $88 billion over a 5-year period of time.

I had an amendment that said: Let's give instructions to the appropriators to go into these various areas and see if we can't come up with $18 billion of reduced spending and programs that have been classified by OMB. These are civil servants working for the Federal Government. They don't have a political agenda, just strictly looking at the program objectively. I was disappointed the amendment did not pass.

Tomorrow I plan on introducing an amendment that is going to call for reconciliation for a 1-percent elimination of fraud, waste, and abuse in a number of mandated programs which does not include—does not include—armed services, veterans, and Social Security. The purpose is to improve the economy, efficiency, and effectiveness of Federal programs and to reduce the Federal debt.

The other amendment, on the savings we voted on earlier this year, was money that was directed toward reducing the Federal debt. This amendment tomorrow will instruct the authorizing committees to reduce spending by 1 percent by eliminating waste, fraud, and abuse. The amendment reduces waste, fraud, and abuse in mandatory programs by $13 billion in the first budget year, and $71 billion over 5 years. All of the savings will be used to reduce the debt.

This amendment carries across the finish line work that Congress started in 2003. In the fiscal year 2004 budget resolution, the Congress directed the Comptroller General to submit a comprehensive report identifying instances in which the committees of jurisdiction may make legislative changes to improve the economy, the efficiency, and effectiveness of Federal programs within their jurisdiction.

In compliance with our request, GAO—again staffed by professionals who do not carry a political agenda—submitted a 300-plus page report chock full of specific examples of legislative changes with the potential to yield budgetary savings. What have we done with that 300-page report that we requested? Nothing, absolutely nothing.

My amendment picks up where we left off and encourages the authorizing committees to improve the economy and the efficiency and effectiveness of programs under their jurisdiction. So in my effort to eliminate waste and to bring about good stewardship of taxpayer dollars, I ask the Members of this body to support it. It is not a partisan issue. Oversight is a key function of Congress, and when we set up these pieces of legislation to set up reasonable oversight as Members of the Senate, we need to be prepared to carry those recommendations forward when they come to our attention. I hope this amendment will enjoy broad and bipartisan support. Both amendments were supported by Citizens Against Government Waste. I think it is one small step we can do to at least bring about an effort to reduce fraud, waste, and abuse, and these programs have been clearly identified by both this particular amendment, by GAO, and the previous amendment by OMB.

I ask my fellow Senators to join me in voting for this amendment.

Mr. President, I yield the remaining time to the Senator from Utah.

Mr. HATCH. Mr. President, I would like to take a few minutes to talk about an amendment I will offer tomorrow to ensure that as the budget debate continues, Congress works to protect Medicare beneficiaries' coverage choices, especially coverage choices for those beneficiaries living in rural areas and low-income Medicare beneficiaries.

My amendment is simple. It would establish a budget-neutral reserve fund so that if Congress implements improvements to Medicare, Medicaid, or CHIP, it may not do so in a way that leads to fewer coverage choices for Medicare beneficiaries. It also may not reduce the benefits of those beneficiaries who are enrolled in Medicare Advantage plans.

Let me give my colleagues a little bit of history on the Medicare Advantage program which was established by the 2003 Medicare law.

Under Medicare Advantage, health plans receive a monthly payment to provide beneficiaries all of the benefits covered by traditional Medicare.

But Medicare Advantage plans provide a lot more to beneficiaries.

Medicare Advantage plans provide a range of additional benefits not available in traditional Medicare—benefits such as vision and dental care, physical exams, and hearing aids.

Mdicare Advantage plans also have chronic care management programs to help beneficiaries with chronic illnesses such as diabetes or congestive heart failure better manage their conditions and stay healthy.

Now, health plans participating in Medicare is not a new thing.

They've served Medicare beneficiaries for many years going all the way back to the 1970s through programs authorized by Congress.

For the most part though, up through the late 90s, Medicare health plans were largely available only in urban areas.

Going back now for a decade, back to the Balanced Budget Act of 1997, the fact that beneficiaries in rural areas had few, if any , choices, led Congress to take actions to promote plan availability in those areas.

Yes, these actions included increasing payment rates to address the fact that Medicare payments in urban areas were higher—in some cases a lot higher—than payments in rural areas.

I know my home Sate of Utah had difficulty keeping Medicare+Choice plans in the state primarily because payment rates were too low.

Ironically, many Utahns wanted to participate in these plans because they were the only ones offering supplement benefits such as vision care, preventive benefits and prescription drugs to Medicare beneficiaries at the time.

But due to low payments and adverse selection, both Medicare+Choice plans dropped Utah beneficiaries and as a result, my constituents had limited choices for Medicare coverage until the Medicare Modernization Act created the Medicare Advantage program.

So let me show you what beneficiary choices look like today.

The top map shows where plans were available in 2003.

The white space means that only traditional Medicare was available.

In 2007, beneficiaries—whether they live in an urban area or rural area—could chose from different Medicare Advantage plans, and all beneficiaries have more choices.

All beneficiaries can now choose a Medicare Advantage plan that offers them important additional benefits and lower out-of-pocket costs.

Now here is a good example of the benefits of Medicare Advantage—all beneficiaries may choose a plan that has no cost-sharing for breast cancer screening.

We all know the importance of breast cancer screening.

Beneficiaries with diabetes can choose a plan that offers them diabetes self-management services without any cost-sharing.

On cost sharing, according to CMS, millions of beneficiaries can enroll in a plan that limits their out-of-pocket costs to $1,000 a year.

For low-income beneficiaries, protection from high out-of-pocket costs, which they don't have in fee-for-service, is a valuable benefit.

We know that many low income beneficiaries rely on their plans for this protection.

According to CMS, 57 percent of Medicare Advantage beneficiaries have incomes between $10,000 and $30,000 compared to 46 percent of fee-for-service beneficiaries.

Another area I want to talk about is quality. Data from the Medicare Current Beneficiary Survey show that Medicare Advantage beneficiaries are more likely to obtain preventive services, including flu and pneumonia shots and cancer screenings.

Surveys also show that beneficiaries are satisfied with their plans.

So let me conclude by urging my colleagues to keep in mind the following:

Beneficiaries across the nation—whether they live in a rural state like Utah or an urban area like New York City—now have more coverage choices.

These choices offer beneficiaries more benefits and lower out-of-pocket costs.

Beneficiaries are satisfied.

Let's not forget that it was through policy decisions supported by Members on both sides of the aisle that helped achieve those results, and those results, in my opinion, are worth protecting for beneficiaries' sake.

I urge my colleagues to support my amendment.

Mr. President, today we are debating the size and composition of the Federal budget for fiscal year 2008.

This is a critical debate. And it is one that future generations will look to in order to determine where we went wrong or where we went right. Just as adherence to a budget can make or break a family or small business, so too can Congress's development of and adherence to a budget make or break our economy.

Whether it is a family budget, or the congressional budget, it must be based on an honest assessment of the facts. The budget must make reasonable projections about what money is coming in and what money is going out.

A budget must face hard facts, not hide from them.

When I hear from my constituents in Utah, they talk about the need for tax cuts that benefit families and small businesses.

They talk about fixing Social Security and Medicare.

The 2006 annual reports for those programs showed their unfunded liabilities to be $84 trillion in today's dollars. That was up $7 trillion over the previous year.

With 77 million baby boomers about to retire, this is a serious problem.

We need a budget that is serious about the challenges we face, the revenues we can anticipate, and the expectations of the American people.

We need a budget that swings for the fences, but this budget is playing small ball.

It is big spending, without any big ideas, and the result will be big tax hikes on the American people.

After reviewing the bill before us today, I must candidly admit this budget falls short of realistic spending and revenue projections. You could even go so far as to say it's filled with deception and fantasy.

Simply put, this budget is not honest. It spends more than is brought in. And a lot of the revenues it projects are not really there.

If my constituents in Utah budgeted like this, they would have a serious problem making ends meet.

The proponents of this budget claim that it is the cure to everything that ails us.

But Americans know snake-oil when they see it.

This miracle cure will lead to one of two maladies—over time, it will greatly increase the deficit or it will require massive tax increases.

Consideration of this budget would not be possible without the good fortune of our booming economy. Perversely, however, this budget provides a recipe for destroying the extraordinary growth created by this economy.

I don't believe it is an exaggeration to say—the economy is booming and revenues are up. In fact, revenues are up substantially.

They are up because of sound fiscal policy.

They are up because of progrowth tax cuts that have increased productivity and wages.

It is easy to forget and sometimes our memories are short. But, in the autumn of 2001, our economy was in shambles.

We were hit with a one-two punch, and we were down on the mat.

The booming economy of the late 1990s went bust. When the dot-com bubble burst, billions of dollars in equity were lost, and millions of people began looking for work.

And then in the midst of that recession, our Nation was attacked.

It was not a foregone conclusion that a nation at war, already suffering a considerable economic downturn, would emerge with its head held high and an economy on the rebound.

But we did.

And we did so because President Bush and Congress held strong in pushing through tax cuts and stimulus tax incentive bills that have benefited each and every American.

I know that some of my colleagues want to maintain the illusion that our economy is two-tiered; they say that it is great for the rich who are making out like bandits, and terrible for everyone else. And the 2001 and 2003 tax cuts have the lead roles in this melodrama.

However, the numbers tell a much different story.

Americans are paying taxes—a lot of taxes.

Between 2004 and 2006, we saw an inflation-adjusted 20 percent tax revenue increase. This was the largest 2-year revenue increase since 1965.

Tax revenues, at 18.4 percent of gross domestic product, are above the 20, 40, and even 60 year historical averages. That is not enough for Democrats, however, who want to soak the rich, but will wind up drenching the middle class.

The real devil to them is the tax cut for capital gains and dividends.

Supposedly, these capital gains and dividends tax cuts were skewed toward the rich.

These class warriors need to take a vacation in the reality-based community.

Here's the real deal.

First off, stock ownership is not something just for the wealthy.

Sometimes I think that my colleagues are using talking points written in 1933.

Today, stock ownership is for the middle class.

When you turn on college basketball this weekend, you will see commercials enticing people to hire companies to manage their stock portfolios.

They are not being marketed to monocle-wearing, sports car driving, plutocrats.

They are not being marketed on "Masterpiece Theatre."

They are being marketed to average families. You will see people at work, people making burgers on the backyard grill, and people with families living in the suburbs buying stocks and bonds, generating capital gains and dividends to save for their children's college educations.

It is not just folks in affluent areas of the country who benefit from lower capital gains rates.

A policeman in Salt Lake City, a lineman at an auto plant in Michigan or a schoolteacher in California—all have pensions that are invested in the stock market.

And they all benefit from capital freed by these tax cuts.

In 2003, our capital gains tax rates were set at 20 percent and 10 percent.

Congress reduced these rates to 15 percent and 5 percent.

And what were the revenue estimates?

The Congressional Budget Office expected that revenues would expand somewhat—from $50 billion to $68 billion.

It turns out CBO was a bit off.

Capital gains revenues doubled.

Let me repeat that.

Capital gains receipts jumped from $50 billion to $103 billion.

So here is the final take on these tax cuts: They turbocharged the economy. They created jobs. Good jobs. They have led to increased revenues. And they will continue to do so, as long as we do not choke them off with the tax increases contemplated by this budget.

But this budget is a recipe for undoing our economic expansion and growth.

Some people have characterized this budget as smoke and mirrors.

That is too generous.

Smoke and mirrors suggests that the supporters of this budget are at least embarrassed about its future implications.

It suggests that they are trying to pull the wool over the eyes of hard-working Americans.

But there is no subtext to this budget. It is not an esoteric document. The tax and spend message is right there on the surface.

It is not exactly the same as Democratic presidential candidate Walter Mondale going to San Francisco and gleefully promising to raise our taxes.

But it comes close.

It certainly looks like we are going to get another dose of this San Francisco treat from the Democratic majority. I guess some things never change.

This is a big spending budget.

And it is a big taxing budget.

Tax and spend.

Where have we heard that before?

Make no mistake about it.

The fact that the Senate adopted Senate amendment No. 492, sponsored by the chairman of the Finance Committee, Senator Baucus, does not change the character of this budget.

It was an important amendment. But in the end, by omission it actually emphasized the high taxing assumptions embedded in this budget.

It did nothing to help alleviate the substantial tax hikes that most middle class Americans will face under this budget.

It did nothing to protect the capital gains rates that are so critical for retirement savings and continued economic growth.

I know that the criticism of this budget as more tax and spend politics must have bothered some of my colleagues because it prompted them to offer and vote for this amendment.

Just a few months ago, many of us were campaigning on a promise of fiscal responsibility.

Promises, promises.

The authors of this budget seemed to have lost their appetite for fiscal responsibility the minute they stepped off the campaign bus.

And so here they are reverting to instinct.

Next year, the Senate appropriators will be able to spend $16 billion more than the President recommended. And over 5 years, that number grows to $146 billion.

We are going to see discretionary spending rise to 4.2 percent—higher than the inflation rate. And trust me. They will spend every penny.

We are about to get some sense of Democratic fiscal discipline, when the House of Representatives takes up the national security supplemental spending bill.

Among the national security priorities in that bill will be: $25 million going to spinach growers. $74 million going to peanut storage.

And the list goes on and on.

All told, the House supplemental appropriations bill will be larded up with $21 billion in spending unrelated to national security.

This is certainly an unusual way to go about fiscal responsibility and taking care of our troops.

And it is just a taste of things to come.

The increases in spending contemplated in this budget might all be great news for civil engineers in West Virginia. But for future generations who will have to pay the bill associated with this budget, it is not great news.

Now, concerning the AMT. This budget also gives us a 2-year AMT patch.

Earlier this year, a number of my Democratic colleagues criticized the President for failing to provide a permanent solution to the AMT. Yet this budget does nothing to fix the underlying problem.

As inadequate as this fix is, there is a more nagging question. How are we going to pay for all of this?

Do you remember that campaign promise?

A Democratic Congress will restore fiscal responsibility by restoring pay-go. It will require offsets for any new spending or tax cuts.

OK. So where are those offsets coming from?

Here is where this budget leaves the land of wishful thinking and enters the realm of unfortunate delusion.

We are going to pay for it with—drumroll please—the tax gap. Yes, the magical, wonderful, tax gap. The difference between the amount of money collected by the Government and the amount of money owed. The solution to all of life's problems.

To balance this budget, there is an assumption of 3 percent more revenue over 5 years than the President assumed. And where is that revenue coming from?

The tax gap! Of course! Why didn't we think of that?

You see, this budget does not contain even $1 of mandatory savings. Yet we are going to provide AMT relief, and we are going to increase Federal spending.

And we will pay for it by closing some tax loopholes and putting an IRS agent in every small business in the country to make certain that not one dime of potential revenue goes uncollected.

Some people have called the tax gap the pot of gold at the end of the rainbow. Well, it is a pot at least.

Here is our best estimate—in 2001 the net tax gap was about $290 billion. Over 5 years, the tax gap is $2 trillion. Wouldn't that be nice? The tax gap is the deus ex machina that will come in and save this budget mess.

But everyone admits those are very unreliable numbers. Could we be doing better when it comes to collecting taxes? Certainly. We should be collecting more revenue.

But what is a realistic estimate?

Our tax collection system, imperfect as it is, already is the envy of the rest of the world.

So what is a reasonable estimate of how much we can expect from the tax gap?

The President proposed in his budget 16 different options for closing the tax gap. And they would raise $29 billion over 10 years.

That's it. And not one person in this body seriously believes that we can collect anything near the amount needed to balance this budget.

So we have a $110 billion AMT fix. Fifty billion dollars of this falls in the first year. I cannot even conceive of a tax gap revenue offset that would cover $50 billion in 1 year, unless Congress raises the tax rates.

We have $146 billion more in spending over 5 years. We have no reductions in spending. And the tax gap is not paying for it. So who is? Let me be absolutely clear. You will be paying for it. I will be paying for it. We all will be paying for it. Each and every American is going to pay for this budget. We are going to pay for it through higher taxes. We are going to pay for it by working more hours for less money. And ultimately, we will pay for it as economic growth and productivity sag under increased spending, higher taxes, and declining economic growth.

There is only one way for this budget to work. It has to assume that we will not extend the 2001 and 2003 tax cuts.

Make no mistake about it. This means a tax increase on every middle class American.

This plan will not just kill the goose laying the golden eggs. It is going to wring its neck, stamp on it, and throw its limp lifeless body in the river.

If we in Congress do eventually get our act together and balance the Federal budget over the next few years, it will be despite this budget, not because of this budget. It will be because our economy continues to grow. Because of sound fiscal policy, because of the tax cuts, because businesses will continue to open, jobs will continue to be created, and tax revenue will continue to go up.

We have seen this pattern repeated decade after decade in this country.

Unfortunately, this budget relies on assumptions that have proven to be false time after time. It assumes that we will balance the Federal budget through massive tax increase. It sets aside no room to extend the 2001 and 2003 tax cuts.

In President Clinton's first term, he raised taxes by $241 billion. That was quite an achievement.

For those of you who have forgotten, and I know that my constituents in Utah definitely have not, it was the single biggest tax increase in American history.

And 1 year later the party responsible for this fiscal lunacy was tossed unceremoniously out of Congress.

Yet this Congress is set to run circles around President Clinton.

This budget assumes a $916 billion tax hike over 5 years. That is real money. And I imagine it will be unacceptable to many of my colleagues. This is fiscal irresponsibility of the highest magnitude. We need to be straight with the American people.

I know that the majority is in a bit of a jam. In some ways, I feel sorry for them. They promised to fix AMT. They made promises to special interest groups to hike spending. They made promises about fiscal responsibility and budget balancing.

And what did they say about taxes? You could hear crickets chirping when that subject came up. And today they are still sitting awkwardly, avoiding the obvious. Yet it is ordinary Americans who are going to be left holding the bag.

This budget is writing checks that the majority cannot cash without asking the American people to pay higher taxes. The most offensive part of this plan is that they know it, and are just hoping to skate by.

Call it what you want—a caper, a swindle, fiddling while Rome is burning, Wizard of Oz budget, robbing Peter to pay Paul. The fact is, this budget is a boondoggle. The people of Utah deserve better, future generations deserve better, and the American people deserve better.

While I am here, I would like to express my support for the Sessions amendment No. 473, which would refocus alternative minimum tax relief toward families.

Unlike the situation we had a few years ago when a majority of this body supported the alternative minimum tax, I doubt if we could now find a single member of the Senate who supports the AMT as it currently exists. In fact, this insidious tax has so encroached upon our tax system, and threatens to do so much more damage to the American taxpayer, that I would be surprised if we could find even one Senator who would not support total repeal or major reform of this flawed tax.

Despite widespread contempt for the alternative minimum tax, it is clear that the AMT already has gotten a vice-like grip on our fiscal system. Unfortunately, we are already so reliant on the massive revenue the AMT generates and is expected to bring in over the next few years, that making major changes to this tax seems out of reach, absent major tax reform.

Therefore, recent budgets considered by the Senate have included provision for legislation only to help mitigate the effect of the AMT on most American taxpayers, and not to repeal it. This lessening effect has been brought about by temporary laws that raised the thresholds of the tax for 1 year in order to limit the reach of the alternative minimum tax on middle class taxpayers.

For example, the so-called "AMT patch" that is in effect for calendar year 2006 raised the threshold for married taxpayers filing joint returns to $62,550 from $45,000. The thresholds for taxpayers in other filing brackets were also increased accordingly, but again for only 1 year.

According to the staff of the Joint Committee on Taxation, the 2006 AMT patch has kept the AMT at bay for nearly 20 million taxpayers. However, this relief ran out at the end of 2006. For the current tax year, we now need to pass legislation to hold off the alternative minimum tax for millions of middle-class taxpayers.

While the budget resolution before us ostensibly provides for a 2-year AMT patch, the details are fuzzy about how we will pay for this relief. For now, however, I will set aside my concerns about that issue and focus on another important one, and that is the issue brought up by the amendment of the Senator from Alabama.

The Sessions amendment would change the focus of how we approach relief from the alternative minimum tax. I strongly support this change, for if we cannot repeal the AMT immediately, our relief efforts should be focused first on the most egregious causes of alternative minimum tax liability.

Tax liability under the AMT can arise for a number of different reasons. However, one of the most common reasons why taxpayers find themselves subject to AMT is because they have children. As hard as it might be to believe, dependency exemptions are not allowed against the alternative minimum tax.

Another leading cause of taxpayers being thrown in to the alternative minimum tax is the fact that State and local taxes are not deductible under the AMT. There seems to be a common misconception that the State and local tax deduction problem is the biggest factor in determining AMT liability.

In fact, according to the staff of the Joint Committee on Taxation, more taxpayers face the ravages of the AMT because of their personal exemptions being denied than for any other reason. JCT projects that for 2007, absent relief, more than 23 million tax returns will be thrown into AMT because of the personal exemption preference, where less than 20 million will be hit by AMT because of State and local taxes. In subsequent years, the difference is even more pronounced.

The Sessions amendment is a simple one. It essentially says that since we do not have the resources to repeal the AMT all at once, we should prioritize our relief by first fixing the problem that causes families with children to face the alternative minimum tax before we attack other problems, such as the one caused by the lack of deductibility of State and local taxes.

Many families in my home State of Utah find themselves increasingly at risk of the alternative minimum tax. In fact, unless we act soon, an increasingly high percentage of married families with children—not just in Utah, but all over the Nation—will find themselves in the clutches of the AMT.

And many of these are not high income families. Seventy-one percent of all married taxpayers with children earning between $75,000 and $100,000 will be AMT taxpayers this year, in the absence of relief. For those families with children making between $100,000 and $200,000, the amount is 97 percent. The rate of AMT paying for single taxpayers is much lower, only 9 percent for those making between $75,000 and $100,000, and 36 percent for those making between $100,000 and $200,000.

Although I am the first to agree that we should repeal the entire alternative minimum tax, that is probably not possible this year. Given that we must choose partial relief, it makes sense to me that we should first give the relief to families with children. Let's first remove the personal exemption as an AMT tax preference item. This amendment is profamily, and I urge my colleagues to join me in supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 551

Ms. MURKOWSKI. Mr. President, I rise tonight to speak about an amendment that I will be modifying, amendment No. 551, that will increase funding for renewable energy development in this country. This amendment is offset. It is intended to provide funds for three areas of renewables that have the potential, I believe, to do great benefit for this Nation's electrical power generation, all without generating any greenhouse gases or having any negative environmental consequences.

My colleague, Senator STEVENS, and I are seeking to raise funding for geothermal power, for ocean energy, and for small hydroelectric development.

I first wish to say I understand this budget resolution does raise funding for renewables and energy efficiency, and I applaud that effort, even though it falls somewhat short of the levels of funding we were hoping for when we passed the Energy Policy Act of 2005 a couple years ago.

But I fear the budget shortchanges three areas of great potential energy, and that is, again, the area of geothermal, ocean energy, and small hydroelectric development. By this amendment, I wish to make a clear statement that this Senator wants to see money not just restored but increased for geothermal energy research and development and funding provided for research and development of all forms of ocean energy—current, tidal, wave projects—and also for the small hydroelectric developments, those that do not involve the damming of major river systems but instead use water from lake taps, creeks, or from run-of-river projects to generate the power.

We know that renewable energy is certainly growing in popularity and endorsements, and I very strongly support funneling additional Federal funds for research and development into the areas of wind, solar, biomass, coalbed methane, landfill gas, and all the other types of renewable energy projects we authorized in the Energy Policy Act of 2005.

But we largely have not done as well with geothermal funding and certainly have done far less to promote ocean and small hydroenergy developments.

On the geothermal issue, funding in recent years has dipped precipitously. This year, the Department of Energy is proposing no funding for geothermal. Last week, they did agree to effectively make a total of $5 million of new money available to study one possible area of geothermal, and this is in the area of heat mining, but this is just for the remainder of this fiscal year. After that, there is no funding.

This cut in funding, this zeroing out comes as MIT has released a report on the "Future for Geothermal Energy." That report suggests enhanced geothermal system technology could provide 100,000 megawatts of baseload power, all without greenhouse gas emissions by 2050 if the Government increases its research commitment to resource characterization and assessment.

The cut in funding also comes just as the Department of Energy has had a major success in proving the ability to convert low-temperature geothermal resources—this is subsurface water that is far below the boiling point, perhaps as low in temperature as 160 degrees—to power generation. This success in using new types of heat exchanges to drive power generation came about and was perfected in Alaska.

We have a location, Chena Hot Springs Resort, outside Fairbanks. The owner, Bernie Karl, has been dogged in his approach to making this happen, to defy the critics and the odds stacked against him to install the first low-temperature generation working process. This project has won accolades and engineering awards in the past year.

Mr. Karl did what everybody said he couldn't do. Some in the Energy Department seem to feel this project perhaps is not representative of anything other than this nice minor energy project in Alaska. But they don't seem to recognize that about 70 percent of the villages in Alaska and in many small towns in the American West all lie above potentially similar low water, shallow ground geothermal resources. They are sitting right on top of the resource. So in a State such as Alaska, where electricity can cost 80 cents per kilowatt hour generated by diesel fuel—this is how most of my villages are getting their fuel now—geothermal power at an operating cost of perhaps one-sixth to one-eighth of that amount is potentially a godsend. But there is no money in the budget to fund anything to support the geothermal energy.

There is also nothing to encourage traditional geothermal assessment and production, which has proven its worth in States from Nevada and California to the Intermountain West.

By specifically adding money to this budget and specifically saying that this addition is intended to provide an additional $50 million to geothermal for this year, it increases greatly the chances that appropriators later this year will not only restore but perhaps boost funding for geothermal energy.

On the ocean energy front, the Electric Power Research Institute estimates that this country has the potential from wave power to generate 2,100 terawatt hours of power, and if we were to capture 15 percent of that power, it would equal all of the hydroelectric generation in this country today.

We know that in a State such as Alaska, where we are surrounded literally on three sides by water, ocean energy is a huge potential source of power. But it is also an enormous source of power along the east coast, if we perfected devices to capture it so we have the economies of scale that make this power truly economic. Look at the west coast with California. We have the potential for so much with ocean energy.

Ocean energy is clean. It has no air emissions, minimal visual impacts, and it could provide plentiful power for everything from freshwater desalination to hydrogen production. It could help economic development by providing a cheaper, more plentiful supply of power in so many areas across this country.

So my amendment is intended to provide $50 million of funding for ocean energy research in fiscal year 2008. It would be a powerful statement that Congress supports this form of clean renewable energy.

A final component of the amendment seeks to encourage a $25 million expenditure for small hydro development. Again, this is not damming rivers to produce electricity but tapping non-fish-bearing lakes or diverting water from creeks to fuel smaller hydro units. These projects have little or no environmental impact on wildlife but can produce large amounts of greenhouse-gas-free energy. But the minimal grant and research assistance to continually improve the turbines will be quite beneficial.

In Alaska, we have over 100,000 rivers and large creeks. So we are a location, again, where small hydro can supply a large share of our future electrical needs, as it has done without environmental consequences for about 100 years, especially if we have this additional Federal assistance.

I come to the floor tonight to encourage adoption of an amendment that will help to encourage additional funding for renewable energy for those, I believe, neglected areas of the renewable energy portfolio.

I mentioned the amendment is fully offset. The $125 million total comes from the function 920 portion of the budget, miscellaneous allowances portion of our budget.

I will not belabor this further except to encourage my colleagues to support this amendment as a way of sending a clear signal that we support additional funding for renewable energy and for a wider portfolio of renewable energy projects. We don't want to repeat the mistakes of the past, where we limit support to a few technologies so that we in Congress essentially pick the winners and the losers. By adding additional research and development assistance for geothermal, ocean energy, and small hydro, we can increase the possibilities that will allow these renewables to blossom. This comes at a modest impact on the budget, but I believe it could pay a huge benefit for our energy production in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to discuss two amendments that I have offered. The first would enable our Nation to better support our military and our veterans.

On September 11, 2001, our Nation was attacked by radical Islamist terrorists and the long war began. It is a war different than any we have fought before because of the willingness of our enemies to attack innocent Americans at home by killing themselves. Someone else has said they hate us more than they love their own lives. But it is also a war that is similar to other long wars we have fought throughout American history in which we were pitted against a great evil, an evil that threatened not just the security of our society but the ideals and values that form the bedrock of our way of life.

In the Civil War, we fought against the evil of slavery. In World War II, we fought against the evil of fascism. In the Cold War, we fought against the evil of communism, and today we are fighting a world war against the evil of Islamist terrorism.

In each of these past struggles, our Nation fully mobilized. We rallied as only a free people are capable of doing. Millions and millions of citizens bound together, shoulder to shoulder in defense of our freedom, with a shared sense of service, sacrifice, and support of our troops. Our sacrifices went far beyond the battlefield, they suffused our society. In each of these past struggles I have mentioned, those Americans who were not asked to put on a uniform nonetheless shared in the burdens imposed by war. That is how democracies should go to war.

Today, we find ourselves engaged in another global struggle for freedom, a struggle that stretches from the mountains of Afghanistan to the streets of Baghdad, from the jungles of Southeast Asia to the deserts of Somalia, and from the nightclubs of Bali to the subways of London. The fact is that though our military is fully engaged in this war, most of the rest of America is not.

Five years after September 11, very little has been asked of most of the American people. Instead of mobilizing as a nation, the burden of this war has fallen disproportionately on the few, on our soldiers, our brave men and women in uniform. They are the ones who have put their lives on the line so that freedom may prevail. In this Chamber and across our land, there have been great differences of opinion about how we should pursue the war in Iraq, but there has been great unity of opinion that our troops there should be honored. We must support them.

That has become a common banner under which all of us have rallied time and again. We support our troops. We say it on the floor of this Chamber almost every day. We support our troops. We say it on television and radio. We support our troops. We put it on the bumpers of our cars. We support our troops. But I ask my colleagues, can we honestly say we really have done all we can and should to support our troops? I think the answer is clear: No, we can't. We have not.

Look at the facts. Our Army and Marine Corps are stretched to the breaking point, short on personnel, training, and equipment. Our Navy has fallen dangerously below 300 ships. Our Air Force is forced to cut 57,000 people in uniform in the next 5 years. Everybody in this Chamber knows—and all Americans know, too—about the terrible conditions of Walter Reed's Building 18 and the larger crisis in health care for our soldiers and our veterans lurking just beneath it. No one can possibly look at our troops and our veterans today and feel satisfied that we are doing all we should to support them.

I know some say these problems are only temporary, that once we leave Iraq, everything is going to be fine for our troops and our military. But this war is not just about Iraq; it is a global conflict with Islamist extremists who have declared war on most of the rest of the world. Even if the war in Iraq ended tomorrow and all our troops could magically be withdrawn, tens of thousands of our soldiers will still be needed in Afghanistan, throughout the Middle East, in the Balkans, in the Horn of Africa, and everywhere else freedom is being challenged. Even if the war in Iraq ended tomorrow, our military would still be twice as busy as it was during the Cold War, confronting the inhumane and brutal threat of radical Islam and guarding against the rise of a hostile superpower elsewhere in the world.

Let me put the matter I am discussing in the context of American history, the history of America at war, and the extent to which our Government has mobilized and our people have shared the sacrifice.

During the Second World War, our Government raised taxes, and we spent as much as 30 percent of our gross domestic product to defeat fascism and nazism. During the war in Korea, we raised taxes again and spent 14 percent of our GDP on our military. During Vietnam, we raised taxes—again because we needed to—and we spent 9 percent of our GDP on the military. Today, in the midst of a war against a brutal and unconventional enemy, in a dangerous world, we have cut taxes and are spending less than 5 percent of our gross domestic product to support our military.

We need to confront the reality that the defense of freedom is not cheap. Our soldiers know that, their families know that, but we as a society don't seem to know that. We are failing to pay the full price which it is our obligation as citizens of this great democracy to pay to protect our security and our liberty. In contrast to past wars, we are failing as a society to share in shouldering the cost of this war against Islamist extremists.

In his 1942 State of the Union Address, just a few weeks after the deadly surprise attack on Pearl Harbor, President Franklin Roosevelt spoke to our Nation about the sacrifice demanded of a democracy that is sending its bravest into harm's way to defend our way of life, and I quote: "War costs money," President Roosevelt said. "That means taxes and bonds and bonds and taxes. In a word, it means an all-out war by individual effort and family effort in a united country."

We have a responsibility in this Congress in our time to give our troops the support they need in the world war we are engaged in against the terrorists who attacked us on September 11—and attempt to do so again—and that means, and I quote Roosevelt again, "an all-out war by individual effort and family effort in a united country."

Every American has a responsibility to share in the burden our soldiers are now carrying in defense of our freedom. We simply must pay the cost of this war more adequately and equitably than we are today. It is not an acceptable answer to push the sacrifice of this war against terrorism onto our children and grandchildren through deficit spending, as we have been doing. It is not an acceptable answer to pay the cost of this war by squeezing some important domestic programs, as we have been doing. It is a false choice, I would argue, to suggest we must skimp at home in order to protect our security abroad. We are a great nation, a great economy, and we are capable of doing both. That was the America of Franklin Roosevelt, the America of Harry Truman, the America of John F. Kennedy, and the America of Ronald

Reagan, and that must be the America of today.

Of course everyone in this Chamber supports our troops. Now it is time to translate that support into national policy. It is time to put our money where our mouth is. That is why I filed an amendment to enact a support-our-troops tax to help pay for the war against radical Islam. Because we are each threatened by this inhumane enemy, each of us should contribute a little more to guarantee its defeat and our survival.

The support-our-troops tax I have introduced and envision would be a progressive increase for all Americans who pay income taxes. The revenues from this tax would only be able to be spent for our troops and the care of our veterans and must be on top of any other funds that would otherwise have been appropriated for them.

My amendment today and the tax increase it proposes will not weaken our resilient economy, it will not deprive the American people of the many comforts they enjoy, but it will begin to restore a sense of shared service and sacrifice to our people and a sense of fiscal responsibility to our Government. It will begin to provide all that is required by our military to achieve victory in the long war in which we are engaged.

We all prefer lower taxes, but we live in a time in history that requires more than what we prefer—a moment when we must appreciate what kind of Nation we are, the blessings of liberty we enjoy, and we must understand what we must do together to preserve the security and freedom we cherish.

I have decided not to ask for a vote on this amendment tomorrow. In fact, I would say that I filed it as a plea, as an opening argument to my colleagues to join together in doing what is right and necessary to give our troops and veterans the support they deserve. My purpose is to begin a legislative effort that I hope will ultimately succeed in securing the additional revenues our troops and our veterans need.

We will not solve this problem today, but we cannot afford to put it off much longer. It is imperative that this Congress address the need for a genuine national mobilization, a sharing of sacrifice in order to prevail in the long war we are fighting. Let us truly put meaning in the declaration that we, each and every American, support our troops as they put their lives at risk for us.

I also will offer a second amendment I have introduced, and this one I have done with Senator COLLINS, the ranking member of our Homeland Security Committee. It would strengthen targeted areas of our homeland security effort. In this case, I will call up this amendment at the appropriate time and hope it is accepted by unanimous consent with the support of the chairman and ranking member of the Budget Committee. Let me take just a moment to explain what it does.

The administration's budget proposal for fiscal year 2008 underfunds critical homeland security priorities, and while the committee resolution currently before the Senate is a major improvement over the President's request and returns key homeland security programs to their fiscal year 2007 funding levels—understand I am saying returns these programs to the levels they are funded at now, not increases them—I believe it still must be strengthened in two critical areas.

This amendment I have introduced with Senator COLLINS would add an extra $731 million to this budget resolution for two specific grant programs.

First, it would direct $400 million for grants to improve the capabilities of first responders to communicate with one another across jurisdictional and geographic lines. The remaining $331 million would go toward the Emergency Management Performance Grants Program that helps emergency managers throughout our country plan and prepare for disaster. We propose to pay for these investments with an across-the-board budget cut to administrative accounts, thereby adding nothing to the budget deficit.

More, not less, must be done to strengthen an all-hazards approach to homeland security to ensure we are prepared to respond to terrorist attacks like 9/11 as well as natural disasters like Katrina.

Last week, in passing S. 4, the Improving America's Security Act, the Senate voted to authorize a $3.3 billion interoperability grant program over 5 years, beginning with $400 million in fiscal year 2008, next year. This amendment that Senator COLLINS and I are introducing would keep that promise by enabling the appropriation of that $400 million for the advancement of a system by which our first responders can communicate with each other with certainty in a time of disaster.

Similarly, the Senate, in S. 4, last week substantially increased funding for the Emergency Management Performance Grants Program to help ensure that our States and localities are prepared for all hazards. I ask my colleagues to support this bipartisan amendment so we can fulfill the promise we made to our first responders and emergency planners when we passed S. 4 last week.

Mr. President, this amendment strengthens targeted areas of our homeland security effort which were neglected by the budget proposal from the White House. And while the committee resolution currently on the floor is a major improvement over the President's inadequate request, and returns key programs to their fiscal year 2007 funding levels, I believe that it still must be strengthened in this critical area. My amendment would add an extra $731 million to this budget resolution for two specific grant programs for first responders and emergency managers that will help them plan, train, exercise, prepare for, and respond to catastrophic events. I propose to pay for these new investments with an across-the-board budget cut to administrative accounts, thereby adding nothing to the Federal deficit.

Mr. President, September 11, 2001 changed our lives forever. We face new threats and must prepare accordingly. But the administration's budget proposal indicates it has turned its back on the lessons of September 11, 2001. And the Federal response to Hurricane Katrina and the subsequent mismanaged recovery proved for all to see that we are still a nation unprepared for catastrophe. More, not less, must be done to strengthen an all-hazards approach to ensure that we are prepared to respond to terrorist attacks as well as natural disasters. The President's budget request does not reflect that imperative, which is why I proposed to the Budget Committee chairman and ranking member an additional $3.4 billion above the President's proposal.

Given the financial limitations before us, however, I have decided to offer this scaled-down amendment. Of the $731 million in additional spending I am proposing, $400 million would be for grants to improve the capabilities of first responders to communicate with one another across jurisdictional and geographic lines. The remaining $331 million would be directed toward the Emergency Management Performance Grants, EMPG, Program that helps emergency managers plan and prepare for disaster.

We know our first responders don't have the training, equipment, and frequently the manpower they need to do their jobs properly. Most don't even have the basic capability to communicate with one another across jurisdictional and functional lines, and the response to Hurricane Katrina showed us that, sometimes during a major catastrophe, they can't communicate at all. Yet the President's budget continues a 4-year trend in cuts to first responders—a 40-percent reduction since 2004. And the President proposes nothing at all for fiscal year 2008 to promote interoperable communications specifically.

Most of my colleagues in the Senate know that a sustained Federal commitment is needed to improve the ability of our first responders to communicate with one another in the face of disaster. Unfortunately, time and again, disasters occur, and police, firefighters, and emergency medical workers are unable to exchange information with each other. Lives are lost as a result.

That is what happened on 9/11. The story of the communication breakdown among New York City's first responders is well known. And it is well known because it cost the lives of some of the bravest Americans who rushed to the aid of their fellow citizens. But it occurred at each of the 9/11 disaster sites.

Then came Katrina. The storm decimated communications infrastructure throughout Mississippi and Louisiana, and once again, difficulties in communicating among officials and first responders significantly impeded rescue and relief efforts.

Like many of the homeland security challenges we face, achieving nationwide operability and interoperability will require significant resources. While we don't know the exact price tag, we do know the costs will be significant, which is why we created a dedicated interoperability grant program for first responders in S. 4—the Senate-passed 9/11 Commission recommendation implementation bill, also known as the Improving America's Security Act of 2007.

That legislation authorizes $3.3 billion over 5 years beginning with $400 million in fiscal year 2008. The amendment I am introducing would match this amount in the budget resolution before us today.

Secondly, the EMPG Program is a long-standing and effective program whose cost is shared equally between Federal and State governments. EMPG grants are an essential building block in preparing for disasters of all types. They support critical functions such as the planning, training, and exercising that undergird almost all other preparedness efforts, whether for natural disasters or acts of terrorism. EMPG grants are therefore a distinct and important complement to those homeland security grants focused primarily on preventing, preparing for and responding to terrorism.

By enabling States to create better plans, EMPG grants also help ensure that the other money provided by the Federal Government is spent more effectively.

The former head of the National Emergency Management Association, who also is the Director of Emergency Management for the State of Alabama, testified before the Homeland Security and Governmental Affairs Committee that having EMPG funds available for planning actually saves money for States, localities, and the Federal Government. For example, in one county in Alabama, where EMPG funds were used to develop a debris removal plan, the county was able to cut the cost in half of having debris removed after a disaster compared to other counties that did not have similar plans. If you spread those savings over millions of cubic feet of debris, the savings—of costs that would have otherwise been reimbursed by the Federal Government—really add up. In other words, the more we plan, the more efficiently we can utilize the funding that is available.

Again, like the interoperability grants, the Senate has already recognized the importance of the EMPG Program in S. 4, which substantially increases the authorized funding for EMPG to help ensure that our States and localities are prepared for all hazards. We should begin to fulfill the promise of S. 4 here.

Mr. President, we must learn the dual lessons of September 11, 2001, when terrorists attacked us on our shores killing 3,000 innocent civilians, and August 29, 2005, when a predicted and catastrophic hurricane leveled much of the gulf coast, causing 1,300 deaths, billions of dollars worth of damage, and untold amounts of grief.

Our enemies are ruthless and choose their own battlefields, and nature will strike in unpredictable ways, year after year. Yet many of our Nation's security gaps remain wide open. There is no cheap way to be better prepared.

I urge my colleagues to support this amendment so that we can fulfill the promise we made to our first responders and emergency planners when we passed S. 4 last week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following Senator CASEY, I be allowed to speak for up to 10 minutes, that I be followed by Senator ISAKSON for up to 10 minutes, and Senator GREGG for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to speak about an amendment that I believe will pave the way to expand quality preschool education for our Nation's children. I believe, as so many people in this Senate believe, that we must invest in our children in the dawn of their lives, as Hubert Humphrey said many years ago. The reason we must do that is, if we don't invest in them in the dawn of their lives, we can't expect them to be healthy, we can't expect them to learn and to grow and to have all the benefits that we hope any of our children would have as they move into school and begin to move into the future together.

I thank Senator CONRAD for the work he has done on this budget resolution and allowing us the ability to offer amendments like this. In particular, on this subject matter both Senator KENNEDY and Senator DODD not only have done great work over many years, but in particular this year, and their staffs have helped on this issue as well. I appreciate that.

My amendment is simple. It creates a deficit-neutral reserve fund for expanding preschool education to children of low-income families. It is my hope the Congress can come together in a bipartisan way on legislation to expand access to preschool education for children, especially children of low-income families—but it would not be so limited. We could also cover children of lower and middle-income families as well.

Mr. President, you know well—you have spoken about this—we already have two great programs that help our children among several but two that I will mention tonight. We have Head Start and the Child Care Development Block Grant Program. These are programs that we know work. They deliver results for those children and for our country. So I believe both Head Start and the Child Care Development Block Grant Program are good investments for those children, for their families, and for our future. I believe Head Start and the Child Care Development Block Grant Program should receive the funding they need from Congress this year in this budget.

At the same time, I also believe a preschool program for early learning that I speak of tonight will complement and add to and enhance the ability of these other programs to help our children. I also believe that by setting up a deficit-neutral reserve fund, this amendment will eventually require offsets. But I also think when we do that we are speaking not just of a program that should work but a program that will be fiscally responsible and maintain fiscal discipline.

I want to make sure that in this amendment, in this budget process we are engaged in right now, that we leave flexibility for the Health, Education, Labor and Pensions Committee and the Senate itself to create a preschool assistance program for the States. I believe this amendment does that. I hope this flexibility will allow us to work across the aisle in a bipartisan fashion on the parameters of this program and its eventual costs.

Early childhood education has been a priority of mine for many years and had been a priority of mine in State government as the auditor general and State treasurer of Pennsylvania. In the Senate it will continue to be a top priority for me. I have been a strong advocate for improving the quality and safety of childcare in my home State of Pennsylvania, and I will continue to do that in the Senate.

We know this: study after study shows that investments in pre-K are not just good for that child and not just good for that child's family but, of course, for the State in which they live and for our whole country. We hear a lot of talk in this Chamber about growing the economy, making sure people have the ability to be entrepreneurs, to invest and to grow and to make money and to build our economy. That is great and we all support that. But if we really are serious about growing the economy of America today and into the future, I believe we must invest in our children. We know these programs pay dividends for our children and for our future.

I believe the Bush administration should not only put together the right kind of budget—and I have been critical of many aspects of the President's proposal—but I think the administration should increase funds for Head Start, not cut them. It should increase funds for the Child Care Development Block Grant Program, and at the same time we must help our States in their efforts to establish quality prekindergarten education programs so that all children, no matter what their background, can enter school ready to learn.

Investments in our children and early childhood education should be a top national priority, something that should have bipartisan support. I believe it will and it does. By working to make sure that every child is ready to learn when they enter school and by nurturing our children during their early years, we make an investment that pays dividends to the child and for the country.

I urge all my colleagues to support this amendment.

Mr. BYRD. Mr. President, I am concerned about the use of the so-called function 920 account to offset amendments to the budget resolution.

The budget resolution sets the aggregate level of discretionary spending for the coming fiscal year. Within that maximum level of discretionary spending, the budget resolution displays certain nonbinding levels of discretionary spending that are divided between 20 major functions, including function 050 for defense, function 150 for international affairs, function 400 for transportation, function 550 for health, and so on. Function 920 is a kind of catch-all account, which displays the budget effects from initiatives that cannot be easily categorized into the other budget functions, such as an across-the-board spending cut.

When a Senator offers an amendment to increase spending in one discretionary account, such as function 400 for transportation or function 550 for health, and then directs the Appropriations Committee to find unspecified savings in the function 920 account, it creates an expectation for increased resources when none are produced. Such amendments do not increase the maximum level of discretionary spending allowed by the budget resolution falsely raise expectations that more money is available for certain spending programs. In reality, this is a shell game amounting to shifting funds around without any actual consequence.

Function 920 has a legitimate accounting purpose. That purpose, however, is not to create the illusion of progress for public consumption and a press release.

Mr. ROCKEFELLER. Mr. President, amendment No. 591 would create a deficit neutral reserve fund and would allow for legislative action by the Finance Committee to improve the child support enforcement system as long as the costs were offset.

The child support program has collected more than $23 billion for 17 million children participating in the program. The Congressional Research Service found that this program is one of the most important safety net programs reducing poverty rates for working families.

Unfortunately the Deficit Reduction Act, DRA, made deep cuts in this enforcement funding. A preliminary estimate by the Congressional Budget Office indicates that $11 billion in child support payments will go uncollected over the next 10 years, even if States backfill half of the lost Federal funds.

Child support payments allowed more than 300,000 families to close their Temporary Assistance to Needy Families cases in 2004. Families go on welfare less often and leave sooner when they receive reliable support payments. In addition, Federal costs for Medicaid, food stamps, and other means-tested programs decrease when both parents support their children.

The child support program collected $4.58 in private dollars for every $1 spent by Federal, State, and county governments. The Office of Management and Budget rated the child support program as one of the most effective government programs.

As States implement the cuts in the DRA, fewer children will receive reliable support from their parents. States and counties will collect support less consistently and it will take longer to establish paternity and support orders. Employer outreach initiatives will be curtailed. Domestic violence services and initiatives to help low-income fathers work and stay involved with their children will be reduced or eliminated. Interstate enforcement will be less dependable.

As program resources are reduced, a State's ability to meet Federal performance measures will deteriorate. A downward spiral in performance will further decrease State program funds and increase penalty risks. Counties in particular rely on performance incentive funding to operate. The performance gap will widen between States and counties able to backfill funds and those that cannot.

Mr. CRAIG. Mr. President, I have sought recognition to comment on veterans funding in this budget resolution. The Democrats have put forward a resolution that proposes to increase veterans discretionary spending by 18 percent—this is on top of a 12 percent increase that was included in last month's joint funding resolution. I have also heard that billions more will be proposed for veterans in the war supplemental.

Spending proposals of this magnitude in any area of Government should rightfully raise a few eyebrows and be met with a healthy level of scrutiny. Veterans programs are no exception. Taxpayers will continue to support higher veterans expenditures only to the extent we can assure them that those expenditures are absolutely necessary, will not be wastefully spent, and will meet our highest priorities. The Budget Committee chairman stated as much in his opening remarks on Tuesday.

Let me be clear. I am absolutely committed to providing the highest quality of care to our veterans. I have supported a 70 percent increase in VA medical care since President Bush took office. I have spoken frequently about not sparing any expense when it comes to getting the highest quality of care to our Iraq and Afghanistan veterans and veterans with disabilities. I have even introduced legislation that allows all veterans with service-connected disabilities to seek care outside of the VA system if that is what they prefer.

But what I see in this resolution is an effort to use the legitimate needs of our war wounded as a pretext to support funding increases that are beyond reason and that actually may harm the care provided to the veterans who are our No. 1 priority.

Let me point out a couple of areas where I think this budget fails our highest priority veterans and taxpayers.

The Democrats' budget proposes an extra $1.1 billion to allow new "Priority 8" veterans to enroll for VA health care. Now who are these Priority 8 veterans? Priority 8 veterans are veterans with no service-connected disabilities and higher incomes. They were granted comprehensive access to VA health care back in 1996 at a time when we thought their care could be provided on a budget-neutral basis. We were wrong. Priority 8 veterans then enrolled in such large numbers that quality and timely health care to VA's service-disabled and indigent patients began to be compromised.

In January 2003, Secretary Principi used authority granted to him by Congress to suspend new enrollment of Priority 8 veterans. His rationale was simple:

> VA is maintaining its focus on the health care needs of its core group of veterans—those with service-connected disabilities, the indigent and those with special health care needs.

Taking the action he did on the eve of the war in Iraq was the right thing to do. He rightly instituted a policy that focused our limited resources on those for whom VA was established—our war injured and veterans who need VA the most.

All I have been hearing from the Democrats for the last 2 years is how we must not make our OIF/OEF veterans wait in lines for mental health care, TBI treatment, or other specialty care. I agree! That is why their proposal puzzles me. At a time of war, when we're trying to get quicker access to VA care for our OIF/OEF and service-disabled veterans, how does allowing an increase in the patient load help matters? Where is the sense of priority here? It is like we are trying to keep a ship afloat by pouring tons of water onto the deck. It doesn't make sense.

For those who think that simply providing more money permits VA to automatically increase its capacity to see new patients, think again. It takes time to hire quality medical personnel. It takes time to find space to accommodate additional medical appointments and patients. Since 2003 VA has been able to improve the amount of time it takes to schedule primary and specialty care appointments so that more than 94 percent of such appointments are scheduled within 30 days of the veteran's desired date. Why would we risk longer waiting times for our OIF/OEF veterans and service-disabled veterans?

Furthermore, is this new spending fiscally prudent at a time when VA budgets have been growing at double-digit rates? There are 24 million veterans in the United States; only 5.3 million use VA health care now. Have the longterm cost implications of opening the system to all veterans been considered in this budget? Have we contemplated the multibillion dollar unfunded liability we are creating here if millions more Priority 8 veterans show up for free care?

Let me move on to another area that concerns me.

The chairman of the Budget Committee made it a point to show how his budget meets or exceeds the recommendations of the independent budget. That is all well and good, but when the IB is used to set budget policy for the Congress, then a fair evaluation of the budget numbers is in order. Let's look at one account in particular—general operating expenses. The Budget Committee chairman quite proudly stated that his budget meets the IB recommendation of $2.23 billion for this account.

The largest portion of this account funds the administration of VA's benefits programs, to include its backlogged claims processing system. The administration has submitted a proposal that would provide VBA with the highest number of claims processors in its history. In fact, the President's budget will result in what will have been a 61 percent increase in claims processing staff since 1997. While I support the President's budget, it is time we tried a new approach to fixing the backlog of disability claims. Simply providing more and more money to fix the problem does not solve the problem.

What do we have with the Democrats' budget? On top of the President's record increase, the IB recommends an extra $700 million: roughly $100 million for new information technology spending, and $600 million for additional staff. According to unofficial VA estimates, 600 million would buy over 10,000 VBA employees, almost double the size of the existing bureaucracy? VA cannot accommodate a staffing influx of this size in 1 year. It would have to lease hundreds of thousands of square feet and additional facilities all over the country. More money would be needed for communication services, utilities, personal computers and IT support staff.

Is this rational? Have the long-term costs been factored in? Was VA's ability to provide space for these employees factored in? Does the incoming workload command a bureaucracy of that enormous size? As ranking member of the Veterans' Affairs Committee, I have not seen any data to substantiate a request of that magnitude. I have even asked the authors of the IB to justify the number, but have yet to receive a response.

We are not talking about chump change here. If an error was made by the IB, and I suspect one was, then we should fix it before it is perpetuated.

Let me conclude with this final observation. VA has been criticized in recent years for its very public budget gaffes. The General Accountability Office rightly condemned VA for "errors in estimation" and "inaccurate assumptions" that led to the VA funding shortfall of 2005. I would caution my colleagues that we, in this budget resolution, may be repeating those same mistakes by providing money that VA could not prudently spend. It may be politically expedient to reflexively throw more money at problems. But let's also not forget about our obligations to the American taxpayer.

MORNING BUSINESS

Mr. CASEY. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. DURBIN. Mr. President, I rise to speak about S. 888, the Genocide Accountability Act. It is a bipartisan bill I have introduced with Senator TOM COBURN of Oklahoma, Senator PATRICK LEAHY of Vermont, and Senator JOHN CORNYN of Texas.

This Genocide Accountability Act is the first legislation produced by the Judiciary Committee's new Subcommittee on Human Rights and the Law, which I chair and Senator COBURN serves as ranking member.

I wish to thank organizations that have endorsed this act, including Africa Action, the American Jewish World Service, Amnesty International USA, the Armenian Assembly of America, the Armenian National Committee of America, the Genocide Intervention Network, Human Rights First, Human Rights Watch, Physicians for Human Rights, Refugees International, and the Save Darfur Coalition.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the organizations I have just mentioned supporting this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 15, 2007.

Hon. RICHARD J. DURBIN,
Hon. TOM COBURN,
Subcommittee on Human Rights and the Law, Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN DURBIN AND RANKING MEMBER COBURN: We write to express our strong support for the Genocide Accountability Act. We believe this legislation, a product of the Subcommittee on Human Rights and the Law's inaugural hearing on genocide, is necessary in order to enable the United States to lead the world in bringing perpetrators of the most serious human rights crimes to justice. We look forward to its swift enactment into law.

Winston Churchill once remarked that the extermination of Jews in Europe was "a crime without a name." That inspired Raphael Lemkin to name it, and he then devoted his life to codifying the crime of genocide in international law. Lemkin's work culminated in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The most serious human rights crime had a name, but since 1988, when the United States formally ratified the treaty, genocide has been a crime under U.S. law only in the narrowest of circumstances.

The Genocide Implementation Act (18 U.S.C. 1091), enacted in 1987 as a prerequisite to the United States becoming a party to the Genocide Convention, provides jurisdiction over the crime of genocide only in circumstances where the perpetrator is a U.S. citizen or the crime took place in the United States. Since the time that law was enacted, the world's pledge that it would "never again" tolerate mass slaughter has been mocked again and again—in Bosnia, in Rwanda and now in Darfur. As the violence in Darfur rages into its fifth year, the United States must do all it can to deter those who act with seeming impunity, including by removing any barriers to prosecution in this country of those responsible for genocide.

The Genocide Accountability Act would accomplish this by enabling the Department of Justice to prosecute foreign nationals suspected of genocide who are present in the United States. This is not merely a theoretical concern. The Justice Department has already identified individuals who may have participated in the Rwandan and Bosnian genocides and are currently living in the United States under false pretenses, but current law fails to provide jurisdiction to charge them with that crime.

Like the pirate and the slave trader, perpetrators of genocide are rightly considered to be the enemies of all mankind. The United States must not remain passive when those suspected of genocide enter or are found in its territory. By eliminating barriers to prosecution, as the United States has done in the cases of hostage-taking, torture, and other serious crimes, the Genocide Accountability Act will ensure that perpetrators of genocide do not evade accountability when they are present in the United States. We welcome its introduction and strongly urge its enactment into law.

Sincerely,

Africa Action, American Jewish World Service, Amnesty International USA, Arab American Institute, Armenian National Committee of America, Center for American Progress Action Fund, Genocide Intervention Network, Human Rights First, Human Rights Watch, Open Society Policy Center, Physicians for Human Rights, Refugees International, Save Darfur Coalition.

Mr. DURBIN. Mr. President, I thank Senator LEAHY for allowing the creation of this new subcommittee in Judiciary that is known as Human Rights and the Law. It is the first time in the 218-year history of the Senate such a committee has been designated, and I am honored to serve as its chair.

After our first hearing on genocide in Darfur, we decided it was time to close the legal loopholes that prevent the U.S. Justice Department from prosecuting people in our country who have committed genocide. This legislation is a result of our first hearing. We heard about these gaps in the law and found them hard to believe. Unlike the laws of torture, piracy, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes, laws related to genocide do not allow the arrest and prosecution in the United States of people who are not U.S. citizens, or who have not committed the act of genocide in our Nation. Of course, those are few and far between. There is no reason to treat genocide, perhaps the worst crime known to humanity, differently than any of these crimes.

During the Human Rights Subcommittee's hearings, we heard from Romeo Dallaire. He is now a member of the Canadian Senate, and he was the general in charge of the U.N. peacekeeping force in Rwanda in 1994. He tried desperately to stop that genocide, and many people refused to even listen. Two notable exceptions were former colleagues in the Senate: my predecessor, Senator Paul Simon of Illinois, and a man whom I respect very much and recently retired, Senator Jim Jeffords of Vermont. They appealed to the Clinton administration to send troops into Rwanda—just a small force to stop the massacre—but sadly, the administration did not respond. President Clinton has said it was the worst mistake of his administration. His candor and honesty are appreciated, but we should learn from that mistake.

Despite all of the world's solemn promises, today in Darfur, in western Sudan, another genocide rages. In a region of 6 million people, hundreds of thousands have been killed, and over 2 million people have been displaced. For them, the commitment of "never again" rings very hollow. Earlier this month, Sudan's President Omar Hassan al-Bashir sent a letter to the U.N. Secretary General rejecting the core elements of the plan to send U.N. peacekeepers to Darfur. Bashir claimed that U.N. and African peacekeeping forces have no authority to protect civilians in his country, saying Sudan bears the primary responsibility.

Four years into the genocide, the claim that the Khartoum regime will protect civilians in Darfur is not only implausible, it is offensive. President Bashir has thumbed his nose at the international community. The question is: How will we respond, once having declared a genocide?

Last week a U.N. human rights team reporting on Darfur called for U.N. Security Council intervention, tougher sanctions, and criminal prosecution of guilty parties. They also called for the international community's response to the genocide in Darfur immediately.

The U.N. human rights team is led by Jody Williams, a genuine American hero who won the Nobel Peace Prize for her efforts to ban landmines. Upon completing her investigation of Darfur, Ms. Williams had a message for the international community. She said:

> If you're not prepared to act on what you say, don't say it.

Jody Williams is right. We have to do more than just talk about genocide in Darfur. Today, joined by Senator SAM BROWNBACK, a Republican of Kansas, and 30 of my colleagues, I sent a letter to the President urging him to put the question of meaningful multilateral sanctions to a vote before the U.N. Security Council. We have been told in the past that one of the permanent members of this council may veto the resolution. I say: So be it. Let that nation stand up in front of the world and say they are going to veto this effort to stop this mass murder.

We recognize there are political risks to advancing this strategy, but it is time to weigh those risks against the damage that is being done and the verdict of history. It is our moral obligation to do everything we can to stop this genocide in Darfur.

Another important step is to make clear the commitment of the United States to hold accountable those who are guilty of this ultimate crime. It is hard to imagine that individuals in the Sudanese Government whom we have identified as being involved in genocide have come to the United States and have been treated as visiting dignitaries, and have traveled with impunity around our Nation. It is hard to imagine we would turn our back on the fact of what they have done in their own home country.

I am pleased the International Criminal Court is moving forward with this investigation into the Darfur genocide, but that does not excuse the United States from its obligation to prosecute war criminals who seek safe haven or even travel in the United States.

It is not just Darfur. The Justice Department has identified individuals who participated in the Rwandan and Bosnian genocides living now in the United States under false pretenses. How can we let the United States be a safe haven for those who are guilty of genocide around the world? The fact is the law is on their side. American law doesn't give us the authority to arrest and prosecute these individuals, and that is why I have introduced this legislation, to change the law and let them know they can no longer seek a safe haven in the United States.

The Genocide Accountability Act says if you commit genocide anywhere in the world and come to the United States, America will hold you accountable under the law. This is the first legislation produced by the Human Rights Subcommittee. There will be more bills to follow. But I doubt the subcommittee or any other committee in Congress will face another issue as compelling as this genocide in Darfur.

In 1862, 1 month before he signed the Emancipation Proclamation, President Abraham Lincoln sent a message to Congress proposing to end slavery. His words reach us even today when he said:

> We—even we here—hold the power and bear the responsibility.

Those words remain true. We here, even now, hold the power and bear the responsibility to do all we can to stop this genocide. Enacting the Genocide Accountability Act is an important step to ending impunity for perpetrators of genocide.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the letter which was sent to the President be printed in the RECORD.

Mr. President, I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 22, 2007.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you as Members of Congress who are deeply concerned about the ongoing genocide in Darfur and equally frustrated by the inability or unwillingness of the international community to put a halt to it. Last August, the United Nations Security Council passed UNSC Resolution 1706, which expanded the mandate of the United Nations Mission in Sudan to include Darfur and stated that over 20,000 military and civilian police personnel were to be deployed as peacekeepers in the region. Over six months have passed and fewer than 200 UN personnel have been deployed because of the Sudanese government's refusal to comply with what the Security Council has authorized.

History demonstrates that Sudan's leadership does not respond to this type of request.

> We believe that it is time for the Security Council to enact a new resolution, imposing multilateral economic sanctions on the Sudanese government and targeted sanctions on individuals named by the UN Commission of inquiry as being responsible for crimes against humanity.
>
> We recognize that previous U.S.-led efforts to move stronger resolutions at the Security Council have been deterred by the threat of a veto by one or more of the Permanent Members. We frankly urge you to introduce and push for a vote on a resolution imposing multilateral sanctions regardless. Let a country stand before the community of nations and announce that it is vetoing the best effort we can muster to build the leverage necessary to end ongoing mass murder.
>
> There are political risks to advancing this strategy, but we urge you to weigh those risks against the verdict of history if we fail to try. If the Security Council does not act, the United States should engage with our allies to create a coalition that will impose economic penalties on the Sudanese government. The United States has already implemented a number of unilateral sanctions, and we understand that you are considering still more, a development that we would applaud. However. the real key to changing Khartoum's behavior most likely lies in multilateral sanctions, especially those aimed at the Sudanese oil industry.
>
> We encourage you to put this matter before the United Nations Security Council as soon as possible. A threatened veto should not silence us.
>
> We know that you share our commitment to this issue and we commend your courage in recognizing this genocide for what it is. We look forward to continuing our efforts until a timely solution to the crisis in Darfur is found.
>
> Sincerely,
>
> Dick Durbin, Joe Biden, Carl Levin, Russell D. Feingold, Bill Nelson, Joe Lieberman, Mary Landrieu, Sam Brownback, John E. Sununu, Mel Martinez, Jack Reed, Tom Harkin, Barbara A. Mikulski, Barack Obama, Robert Menendez, Dianne Feinstein, John Cornyn, Susan Collins, Wayne Allard, Mark Pryor, Richard Burr, Sherrod Brown, Olympia Snowe, Frank R. Lautenberg, Amy Klobuchar, Mike Crapo, Maria Cantwell, Elizabeth Dole, Patty Murray, Hillary Rodham Clinton, Chris Dodd, Jim Webb, John F. Kerry, Pat Roberts.

ADDITIONAL STATEMENTS

HONORING JOHN COOPER

• Mr. THUNE. Mr. President, today I wish to recognize former South Dakota Game, Fish and Parks Department Secretary John Cooper, who received the Outdoor Life Conservation Award from Outdoor Life magazine. This prestigious award reflects his tremendous service to South Dakota and his commitment to wildlife conservation.

Mr. Cooper has been honorably serving the State of South Dakota for over 30 years. He spent 22 years with the Law Enforcement Division of the U.S. Fish and Wildlife Service, where he worked tirelessly to conserve and protect South Dakota's diverse wildlife. In 1995, he was appointed Secretary of South Dakota's Department of Game, Fish and Parks, a position that he held until earlier this year. He also spent years leading committees for the Association of Fish and Wildlife Agencies and in 2006 served as its president. In addition to his government duties, Mr. Cooper served as an editor and columnist for Dakota Outdoors magazine for 14 years.

Mr. Cooper's service to South Dakota has been, and will continue to be, vital to the health and wellbeing of our State. It gives me great pleasure to rise with Mr. Cooper and to offer my congratulations for this well-deserved award. I wish him continued success in the years to come.•

HONORING THE REV. DR. JOHN LOUIS WRIGHT

• Mr. CARDIN. Mr. President, today I wish to honor my dear friend and fellow Marylander, the Rev. Dr. John Louis Wright, for his exemplary 35 years of service as pastor of First Baptist Church of Guilford and for his work as a community leader and civil rights activist.

Pastor Wright is a native of Baltimore City and a shining product of the Baltimore City public school system. Since 1972, he has served as pastor of the First Baptist Church of Guilford, shepherding the church through periods of tremendous growth while faithfully serving its members and the surrounding community.

As a civil rights leader, Pastor Wright is a life member of the NAACP, and he has served as both president of the Howard County Chapter of the NAACP and the Maryland NAACP. He currently serves as director of the Maryland Baptist Aged Home.

Following Hurricane Floyd in 1999, Pastor Wright spearheaded flood relief efforts in North Carolina though the "Twelve Baskets Ministry," bringing much needed supplies to people left homeless by the hurricane.

Preventing handgun violence is an issue of particular importance to Pastor Wright. A 1997 graduate of the Federal Bureau of Investigation's Citizens' Academy in Baltimore, he is a member of the Maryland State Governor's Commission on Handgun Violence and Marylanders Against Handgun Violence.

Pastor Wright's efforts reach far beyond our shores. He has traveled around the world, sharing his warmth and wisdom in countries as diverse as Egypt, Israel, South Africa, Switzerland, and China. While in Israel, Pastor Wright continued his work by baptizing people in the Jordan River.

I am extremely proud of Pastor Wright's 35 years of dedicated service to his church and community and wish him many more years of continued success and good health.•

HONORING LARRY E. GABRIEL

• Mr. THUNE. Mr. President, today I wish to honor South Dakota Secretary of Agriculture Larry E. Gabriel. This month, Secretary Gabriel retired after nearly 7 years in office since his appointment in May of 2000.

Secretary Gabriel was born and raised on a ranch in western South Dakota and received his bachelor of science degree in agricultural economics at South Dakota State University. While in college, he was recognized as the 1969 Doane's Outstanding Agricultural Economics Student.

Throughout his career, Secretary Gabriel has spent many years committed to public service, including roles as Haakon County Commissioner from 1975 to 1982 and State legislator from 1983 to 1998. He spent 6 years as the house majority leader while in the South Dakota House of Representatives, and currently serves as a member of the hospital board in Philip, SD.

Secretary Gabriel's dedication to South Dakota agriculture has made a defining impact in strengthening and sustaining the economy of our State. His strong support of rural economic development and assistance to young producers has brought increased vitality and prosperity to our agriculture industry.

I also would like to recognize Secretary Gabriel's wife Charlotte and his family for their support and sacrifice which allowed him to serve South Dakota for over 30 years.

It is with great honor that I remember and honor the service provided by Secretary Larry E. Gabriel to South Dakota. May he always be recognized for his lifetime of service to South Dakota agriculture. On behalf of a grateful State, I wish Secretary Gabriel all the best in his retirement.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 740. An act to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

H.R. 797. An act to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter "V" for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 327. To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

H.R. 740. An act to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; to the Committee on the Judiciary.

H.R. 797. To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter "V" for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers; to the Committee on Veterans' Affairs.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1130. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, a report relative to probable violations of the Antideficiency Act; to the Committee on Appropriations.

EC–1131. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the actions taken by the Commission under the Fair Debt Collection Practices Act during fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1132. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "6-Benzyladenine; Exemption from the Requirement of a Tolerance" (FRL No. 8117-9) received on March 20, 2007; to the Committee on Environment and Public Works.

EC–1133. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois" (FRL No. 8290-5) received on March 20, 2007; to the Committee on Environment and Public Works.

EC–1134. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New York: Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 8278–2) received on March 20, 2007; to the Committee on Environment and Public Works.

EC–1135. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Ozone Depleting Substitutes in Foam Blowing" ((RIN2060–AN11)(FRL No. 8291-3)) received on March 20, 2007; to the Committee on Environment and Public Works.

EC–1136. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Treatment of Data Influenced by Exception Events" ((RIN2060–AN40)(FRL No. 8289–5)) received on March 20, 2007; to the Committee on Environment and Public Works.

EC–1137. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency related to its regulatory programs entitled "RCRA Section 3103 Guidance Manual"; to the Committee on Environment and Public Works.

EC–1138. A communication from the Director, Office of Personnel Management, transmitting, the report of a legislative proposal intended to facilitate the part-time reemployment of annuitants; to the Committee on Homeland Security and Governmental Affairs.

EC–1139. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, two reports relative to the United States Courts; to the Committee on the Judiciary .

EC–1140. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1141. A communication from the General Counsel, Department of Defense, transmitting, legislative proposals for the consideration of the Congress; to the Committee on Armed Services.

EC–1142. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1143. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (ID No. 022607C) received on March 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1144. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 ft. LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area" (ID No. 022607B) received on March 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1145. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–1146. A communication from the Senior Legal Advisor, Office of General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Preventing Undue Discrimination and Preference in Transmission Service" (Docket Nos. RM05–17–000 and RM05–25–000) received on March 22, 2007; to the Committee on Energy and Natural Resources.

EC–1147. A communication from the Attorney, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Alternative Fuel Transportation Program; Alternative Compliance" (RIN1904–AB66) received on March 21, 2007; to the Committee on Energy and Natural Resources.

EC–1148. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (RIN1902–AD18) received on March 22, 2007; to the Committee on Energy and Natural Resources.

EC–1149. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2007–2008 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018–AU57) received on March 22, 2007; to the Committee on Environment and Public Works.

EC–1150. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Spikedace and the Loach Minnow" (RIN1018–AU33) received on March 22, 2007; to the Committee on Environment and Public Works.

EC–1151. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Rule Designating the Greater Yellowstone Area Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears from the Federal List of Endangered and Threatened Wildlife" (RIN1018–AT38) received on March 22, 2007; to the Committee on Environment and Public Works.

EC–1152. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Administration's position on several health system reform proposals; to the Committee on Finance.

EC–1153. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–33—2007–40); to the Committee on Foreign Relations.

EC–1154. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Manufacturing Practice Regulation and Investigational New Drugs" (Docket No. 2005N–0285) received on March 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1155. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Approved for Use in the Preparation of Meat and Poultry Products; Announcement of Effective Date" (Docket No. 1995N–0220) received on March 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1156. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Manufacturing Practice Regulation and Investigational New Drugs; Withdrawal" (Docket No. 2005N–0285) received on March 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1157. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts in the State of Oklahoma; to the Committee on Homeland Security and Governmental Affairs.

EC–1158. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts in the State of Illinois; to the Committee on Homeland Security and Governmental Affairs.

EC–1159. A communication from the Director, Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance" (RIN2900–AM36) received on March 22, 2007; to the Committee on Veterans' Affairs.

EC–1160. A communication from the Director, Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical: Informed Consent—Designate Health Care Professionals to Obtain Informed Consent" (RIN2900–AM21) received on March 22, 2007; to the Committee on Veterans' Affairs.

EC–1161. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the impact and effectiveness of projects funded by the Administration for Native Americans in fiscal year 2005; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007" (Rept. No. 110–36).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 965. An original bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 110–37).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. Coleman):

S. 957. A bill to provide for the collection and maintenance of amniotic fluid and placental stem cells for the treatment of patients and research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mrs. Murray, Mr. Cochran, Mr. Kerry, Mr. Lott, Mr. Akaka, Mr. Burr, Mr. Dodd, Mr. Domenici, Mr. Bingaman, and Mrs. Lincoln):

S. 958. A bill to establish an adolescent literacy program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. Reid, Mr. Alexander, Ms. Mikulski, Mr. Menendez, Mr. Dodd, and Mr. Durbin):

S. 959. A bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. Specter, Ms. Mikulski, Mrs. Boxer, Mr. Biden, Ms. Landrieu, Mr. Kennedy, and Mrs. Hutchison):

S. 960. A bill to establish the United States Public Service Academy; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. Stevens, and Mr. Brownback):

S. 961. A bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. Domenici, Mr. Tester, Mr. Bunning, Mr. Salazar, Mr. Obama, and Mr. Webb):

S. 962. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 963. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 964. A bill to require States and Indian tribes to designate specific highway routes for the transportation of hazardous materials and the long-distance transportation of solid waste; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 965. An original bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SCHUMER:

S. 966. A bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. 967. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself, Mr. Smith, Mr. Durbin, and Mr. Brown):

S. 968. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. Durbin, and Mr. Kennedy):

S. 969. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. Durbin, Mr. Lautenberg, Mr. Coleman, Mr. Lieberman, Mr. Brownback, Mr. Bayh, Mr. Kyl, Mr. Thune, Ms. Mikulski, and Mr. Menendez):

S. 970. A bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself and Mr. Harkin):

S. 971. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, and Mr. BROWN):

S. 972. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, and Ms. COLLINS):

S. 973. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. BAYH, Mr. LEVIN, Mr. GRAHAM, Mr. COCHRAN, Ms. SNOWE, Mr. HARKIN, Ms. STABENOW, Mr. DURBIN, and Mr. SCHUMER):

S. 974. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. MCCAIN, Mr. KERRY, Mr. WARNER, Mr. ALLARD, Mr. BIDEN, Mr. GRASSLEY, Ms. LANDRIEU, Mr. LUGAR, Mr. HARKIN, Mr. INHOFE, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. ROBERTS, Mr. REED, Mr. DOMENICI, Mr. SALAZAR, Mr. VOINOVICH, Mr. LEVIN, Mr. VITTER, Ms. MIKULSKI, Mr. BURR, Mr. NELSON of Nebraska, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SCHUMER, Ms. CANTWELL, Mr. BROWN, Mr. DURBIN, Ms. MURKOWSKI, Mr. KENNEDY, Mr. SPECTER, Mrs. MCCASKILL, Mr. BROWNBACK, Mr. OBAMA, Mr. CRAPO, Mr. PRYOR, Mr. STEVENS, Mr. NELSON of Florida, Mr. SUNUNU, Mr. TESTER, Mr. CRAIG, Mr. CONRAD, Mr. GRAHAM, Mr. BYRD, Mr. LAUTENBERG, Mr. INOUYE, Mr. AKAKA, Mr. BAUCUS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. COLEMAN, Mr. CHAMBLISS, Mr. CORKER, Mr. ENSIGN, Mr. MCCONNELL, Ms. STABENOW, Mr. LOTT, Mr. CARDIN, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, and Mr. ALEXANDER):

S. Res. 117. A resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Ms. COLLINS, and Mr. BIDEN):

S. Res. 118. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 119. A resolution to authorize testimony by a former detailee of the Committee on the Judiciary; considered and agreed to.

By Mr. CHAMBLISS (for himself and Ms. LANDRIEU):

S. Res. 120. A resolution designating March 22, 2007, as National Rehabilitation Counselors Appreciation Day; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Con. Res. 23. A concurrent resolution expressing the sense of Congress that provisions that provoke veto threats from the President should not be included on bills that appropriate funds for the implementation of recommendations of the Base Closure and Realignment Commission; to the Committee on Appropriations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 288

At the request of Mr. KERRY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 288, a bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 369

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 369, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 469

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 474

At the request of Mrs. HUTCHISON, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from Montana (Mr. TESTER), the Senator from Wyoming (Mr. THOMAS), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. WEBB), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Mr. REID), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 491

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 491, a bill to clarify the rules of origin for certain textile and apparel products.

S. 579

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 580

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 580, a bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 694

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 773

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

AMENDMENT NO. 489

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 489 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 491

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 491 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 504

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 504 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 504 proposed to S. Con. Res. 21, supra.

AMENDMENT NO. 511

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 511 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 517

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 517 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 518

At the request of Mr. SMITH, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Alaska (Mr. STEVENS), the Senator from New York

(Mrs. CLINTON), the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from Florida (Mr. MARTINEZ), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 518 intended to be proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 521

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 521 intended to be proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. LOTT, Mr. AKAKA, Mr. BURR, Mr. DODD, Mr. DOMENICI, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 958. A bill to establish an adolescent literacy program; to the Committee on Health, Education, Labor, and Pensions.

Mr. SESSIONS. Mr. President, today Senator MURRAY and I are pleased to introduce the Striving Readers Act, for the eight million middle and high school students across this country who are not reading well enough to succeed in school. I thank Senator MURRAY for her longstanding leadership on this issue, as well as the Alliance for Excellent Education, the International Reading Association, and the National Association of Secondary School Principals. I also thank my colleagues, Republican and Democrat, who have agreed to cosponsor the bill Senator COCHRAN, Senator KERRY, Senator LOTT, Senator AKAKA, Senator BURR, Senator DODD, Senator DOMENICI, Senator BINGAMAN, and Senator LINCOLN. I thank them for their support and for demonstrating that improving reading and writing in every grade is something we all can get behind.

This important bill will help schools in every State ensure our adolescents read and write well enough to learn in school, graduate on time, and succeed in college and the workplace. Better literacy is the cornerstone to improving student achievement in all subjects, lowering dropout rates, and ensuring students do well when they go on to college or the workforce. A recent study by the American College Testing Program (ACT) found that students with better literacy skills in high school do better in their math, science, and social studies courses both in high school and in college.

The Striving Readers Act marks an important effort to improve reading for the older student. Last year, Congress appropriated $1 billion for the Reading First program available for every State to ensure children read by the third grade. That was an important step, and we have seen 4th grade reading scores rise nationally because of it. However, research shows that many readers who test well in 4th grade do not carry that knowledge into upper grades. We must not risk squandering the investment Congress has already made for younger students.

Seventy percent of our middle and high school students read below grade level. That means we must continue our support for ongoing programs that reflect the needs of the older student for more advanced vocabulary and comprehension skills. All students, throughout their K–12 educational experience, deserve adequate support to ensure they graduate on time with appropriate skills and knowledge that meet the demands of the 21st century.

To be sure, some problems with the Reading First program have surfaced. Let me assure you that the Striving Readers bill addresses those problems to ensure the law and its implementation are fair, transparent, and driven by research, not special interests. Interestingly, many in my State have told me that the law is good and showing results; the problems have come with poor implementation.

Low literacy skills don't just cost the student; they cost our economy because students don't learn what they should in school. The National Center for Education Statistics found that 53 percent of undergraduates require remediation. One-half of these students required a remedial writing course, and 35 percent took remedial reading. That means community colleges spend $1.4 billion every year catching kids up to where they should have been when they graduated. The Mackinac Center for Public Policy reports an estimated $16.6 billion in remediation costs to the U.S. economy each year. This means that America's businesses and colleges are spending $16.6 billion teaching high school graduates skills they should have learned in high school.

America's declining competitiveness in the global economy is due in part to sub-par literacy skills. International comparisons of reading performance placed American 11th graders close to the bottom, behind students from the Philippines, Indonesia, Brazil, and other developing nations. Our high school graduates continue to lag, as employers move jobs overseas, not for the low-cost labor alone, but also to tap into the highly literate, motivated, and technologically skilled workers that other nations can offer them.

The Striving Readers Act will help our Nation raise its literacy levels and compete in a global arena. We can do this. Research shows that adolescents with lagging literacy skills can master college material if they receive good literacy instruction in school.

Specifically, the Striving Readers bill would do the following:

Help States create statewide literacy initiatives, share data on student progress with parents and the public, and improve teacher training and professional development in literacy so that all students receive high quality instruction.

Help districts and schools create plans to improve literacy, including targeted interventions for students far below grade level, top notch assessments for all students, training for teachers in every subject to incorporate literacy strategies, and regular data to improve teaching and learning.

Allow districts and schools to hire and place literacy coaches, train parents to support the literacy development of their child, and connect learning inside the classroom with learning that takes place outside the classroom.

Ensure States, districts, and schools participate in a rigorous evaluation that demonstrates student progress.

Require the Federal Government to complete an overall evaluation of the program to determine its impact on the Nation's middle and high schools.

I am proud to say that my State has been working on this issue for a long time. In 1998 Alabama launched the Alabama Reading Initiative (ARI), a statewide program designed to ensure every student in grades K to 12 is proficient in reading. We provide ongoing, research-based training to teachers in all subjects so that every educator can help students struggling to read. Fortunately, the Alabama Reading Initiative is now in every elementary school in the State. Unfortunately, fewer middle and high schools have been able to take part, due to limited funding. This is true in other States as well.

For those schools in the program we have seen great gains. ARI schools have made great progress, and those that have had the benefit of additional funding from the Federal Reading First program have shown even more rapid, dramatic gains. Many of you have heard of the outstanding impact of the Alabama Reading Initiative, primarily for younger children. It is time for us to develop new methods to meet the needs of students in the upper grades who are reading and writing below grade level. I applaud Alabama's leadership on this important issue as they work to expand the Alabama Reading Initiative into middle and high schools, and I am honored to offer legislation to promote this effort on the national level. I would like to thank Governor Riley for his commitment to the Alabama Reading Initiative, and Dr. Katherine Mitchell, whose enthusiasm and hard work has made the success of ARI a reality for Alabama's children. Alabama has become a model for the Nation, and I am so proud of the progress they have made.

The Federal Government cannot and should assume the responsibility for education from the States. But we can develop research, supply seed money, and provide leadership to help States make advancements, without unnecessary mandates. We can leverage success in places like Alabama to shine a light for others.

We know that, given the right instruction and opportunity, children can learn to read and write well and use that knowledge to achieve at higher levels of education. I hope that our colleagues in the Senate will join Senator MURRAY and me in supporting the Striving Readers Act. And I hope we will authorize Striving Readers as part of No Child Left Behind so that children in every State have the reading skills they need to succeed in school, college, and the workplace.

Ms. MURRAY. Mr. President, today Senator SESSIONS and I are pleased to introduce the Striving Readers Act. This bipartisan bill will help America's middle and high school students gain the literacy skills they need to succeed in school and graduate ready for college and the workplace.

I want to thank Senator SESSIONS for his work on this issue and for shining a light on his State's success in raising literacy achievement. I also want to thank our original cosponsors Senators AKAKA, BINGAMAN, DODD, KERRY, LINCOLN, BURR, COCHRAN, DOMENICI, and LOTT for partnering with us. Finally, I offer thanks to our staff, Kathryn Young and Liz Stillwell, who have worked on this bill, and the Alliance for Excellent Education, the International Reading Association, and the National Association of Secondary School Principals for their work.

Our bill addresses a serious problem. Today 8 million middle and high school students across the Nation cannot read well enough to succeed in school. This contributes to their likelihood to disengage and drop out. Those that do graduate too often falter when they begin college or work and then need remediation.

All around the country educators and stakeholders are working to improve literacy, and this bill gives us a way to support their efforts. We know that literacy is at the base of every academic subject, and it is crucial to student academic success.

Our bill will engage and reinvigorate those students on the brink of failure. The Striving Readers Act constitutes a comprehensive effort to give States, districts, and schools the resources they need to ensure every student reads and writes well enough to succeed. It would provide grants to every State to develop State literacy initiatives that guide and support districts and schools to improve reading and writing. It would provide grants to districts and schools to assist students who are below grade level and to train teachers in core subjects in literacy strategies for all students. It would also provide new information on what works for struggling readers by conducting evaluations of programs.

This bill could not come at a more important time. In Washington State, 66 percent of 8th graders read below "Proficient" on the National Assessment of Educational Progress. These students, who are at the bottom in terms of achievement, are more likely to drop out than those at the top. Among this group, minority students' scores are of particular concern. Seventy-three percent of Washington State's African-American students and 85 percent of Hispanic students read below the "Proficient" level. These students are falling behind, and they need our support.

I'm pleased to report that my State has made great efforts to remedy the problem of low literacy levels. My State launched the Washington State Reading Initiative in 2003 to provide support to struggling readers in every grade, including middle and high school. Since then, our K–12 Reading Model has attracted national attention as a systematic reform model. Our program includes statewide training for teachers to identify and provide intervention for students at all grade levels. My State trains teachers in all subjects to teach reading strategies to students. And my State provides guidance to teachers and administrators for applying best practices in classrooms. But they should not have to continue these efforts alone.

The challenges we face in Washington are not unique; every State struggles with adolescent literacy. Nationally 71 percent of 8th graders and 65 percent of 12th graders read below grade level. It should not surprise us, then, that only 34 percent of American teenagers graduate with the skills they need to do well in college or in the workforce.

If we are to remain globally competitive, Congress must authorize and fund a significant adolescent literacy investment for every State. The Striving Readers Act would fulfill this need. As a country, we currently only substantially support reading initiatives through the third grade. International comparisons of reading performance placed American 11th graders close to the bottom, behind students from the Philippines, Indonesia, Brazil, and other developing nations. The Striving Readers Act will help support these middle and high schoolers and help our Nation raise its literacy levels to compete in a global market.

Students are not the only ones who pay the price for low literacy achievement. With every student who falls behind, our economy suffers. The National Center for Education Statistics found that 53 percent of undergraduates require remediation. One-half of these students required a remedial writing course, and 35 percent took remedial reading. That means community colleges spend $1.4 billion every year catching kids up to where they should have been when they graduated. The Mackinac Center for Public Policy reports that America's businesses and colleges are spending $16.6 billion each year to teach graduates what they should have learned in middle and high school. This is a costly consequence of failing to intervene in a timely manner. We must not continue to make this mistake at the expense of students' futures.

The good news is that research shows we can help struggling students make progress. For example, research shows that adolescents with lagging literacy skills can master college material if they receive high quality literacy instruction in school. In fact, a recent study by ACT found that students with better literacy skills in high school do better in their math, science, and social studies courses—both in high school and in college. Better literacy is the foundation for improving student achievement in all subjects, lowering dropout rates, and ensuring students do well when they go on to college or the workforce. The Striving Readers bill provides a path for this.

Specifically, the Striving Readers bill would: Help States create statewide literacy initiatives, share data on student progress to parents and the public, and improve teacher training and professional development in literacy so that all students receive high quality instruction.

Help districts and schools create plans to improve literacy, including targeted interventions for students way below grade level, top notch assessments for all students, training for teachers in every subject to incorporate literacy strategies, and regular data to improve teaching and learning.

Allow districts and schools to hire and place literacy coaches, train parents to support the literacy development of their child, or connect learning inside the classroom with learning that takes place outside the classroom.

Ensure States, districts, and schools participate in a rigorous evaluation that demonstrates student progress.

Require the Federal Government to complete an overall evaluation of the program to determine its impact on the Nation's middle and high schools.

The Striving Readers Act comprises a necessary and urgent investment in adolescent students. We created the Reading First program to strengthen students' reading skills in the elementary grades. While I do have major concerns with the implementation of this program, the intent of the law and the commitment to elementary reading skills is undoubtedly positive. But with reading proficiency stagnating after 4th grade, it is clear that we need a significant investment in the higher grades as well. In crafting the Striving Readers bill, we took steps to correct and guard against implementation concerns, and I believe that this bill will provide the critical resources, training, and evaluation to implement high quality adolescent literacy initiatives around the country.

I introduced the PASS Act, first in 2003, and in subsequent legislation, to take a comprehensive approach to improving student achievement in our Nation's high schools, including use of literacy and math coaches, as well as research-based support for high schools with the most need. The Striving Readers Act will complement this and allow States and schools to effectively address the literacy needs of adolescents in 4th grade and up.

Now is the time to invest in literacy for older students and make their success a reality. This issue cannot wait any longer. I hope that my colleagues in the Senate will join Senator SESSIONS and me in supporting the Striving Readers Act. And I hope we will authorize Striving Readers as part of No Child Left Behind so that children in every State have the reading skills they need to succeed in school, college, and the workplace.

By Mrs. CLINTON (for herself, Mr. REID, Mr. ALEXANDER, Ms. MIKULSKI, Mr. MENENDEZ, Mr. DODD, and Mr. DURBIN):

S. 959. A bill to award grant to enable Teach for America, Inc., to implement and expand its teaching program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to increase the number of high-need school districts and communities served by Teach For America. My legislation will address the need to build a pipeline of talented teachers to prepare our children to compete in the global economy.

As the teaching population ages, more and more schools will face significant shortages of qualified and motivated teachers. Schools across the country will need to replace at least 1 million teachers over the next ten years. Our Nation's inner cities and rural communities will be even harder hit as their teachers move to suburban schools or leave the teaching profession altogether. That is why I am sponsoring the Teach For America Act.

Teach For America is the national corps of exceptional recent college graduates of all academic majors who commit two years to teach in public schools. Teach For America's corps members and alumni become lifelong leaders in the effort to ensure that all children in our Nation have an equal chance to succeed in life. Since its inception in 1990, more than 12,000 individuals have joined Teach For America, directly impacting the lives of over 2 million students in under-resourced schools across the country.

This legislation will help Teach For America grow to over 7,500 corps members in 32 communities teaching over 600,000 low-income students every day. It will do so by providing funding for Teach For America to expand its program of recruiting, selecting, training, and supporting new teachers.

Teach For America's alumni lead the way for fundamental long-term change across the country. After their two years of service, 63 percent of Teach For America alumni remain in education as teachers, principals, school founders and policy advisors. Others, equipped with insight gained through their classroom experience, go on to work in a variety of fields—including law, medicine, and social work—and continue to increase opportunities for children living in low-income communities.

The Teach For America Act addresses the need to effectively build a corps of dedicated, talented college graduates to teach and make a lasting impact in our underserved communities. I am hopeful that my Senate colleagues from both sides of the aisle will join me in moving this legislation to the floor without delay.

By Mrs. CLINTON (for herself, Mr. SPECTER, Ms. MIKULSKI, Mrs. BOXER, Mr. BIDEN, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. HUTCHISON):

S. 960. A bill to establish the United States Public Service Academy; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will create an undergraduate institution designed to cultivate a generation of young leaders dedicated to public service. The United States Public Service Academy Act, (The PSA Act), will form a national academy to serve as an extraordinary example of effective, national public education.

The tragic events of September 11 and the devastation of natural disasters such as Hurricanes Katrina and Rita underscore how much our Nation depends on strong public institutions and competent civilian leadership at all levels of society.

We must take a step forward in the 110th Congress with a positive agenda to ensure competent civilian leadership and improve our Nation's ability to respond to future emergencies ,and to confront daily challenges. That is why Senator SPECTER and I have come together to sponsor the PSA Act.

This legislation will create the U.S. Public Service Academy to groom future public servants and build a corps of capable civilian leaders. Modeled after the military service academies, this academy will provide a four-year, federally-subsidized college education for more than 5,000 students a year in exchange for a five year commitment to public service.

The PSA Act will meet critical national needs as the baby-boomer generation approaches retirement. Already, studies show looming shortages in the Federal civil service, public education, law enforcement, the non-profit sector and other essential areas. Academy graduates will help to fill the void in public service our Nation will soon face by serving for five years in areas such as public education, public health, and law enforcement.

Unfortunately our young people are priced out of public service careers all too often with the average college graduate owing more than $20,000 in student loans. A recent study conducted by the Higher Education Research Institute found that more than two-thirds of the 2005 freshman class expressed a desire to serve others, the highest rate in a generation. By providing a service-oriented education at no cost to the student, the PSA Act will tap into the strong desire to serve that already exists among college students while erasing the burden of enormous college debt.

The establishment of a United States Public Service Academy is an innovative way to strengthen and protect America by creating a corps of well-trained, highly-qualified civilian leaders. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. TESTER, Mr. BUNNING, Mr. SALAZAR, Mr. OBAMA, and Mr. WEBB):

S. 962. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to be able to introduce the Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007, along with my co-sponsors, Senators DOMENICI, TESTER, BUNNING, SALAZAR, OBAMA, and WEBB. This bipartisan bill reauthorizes and improves the carbon capture and storage program at the Department of Energy that was first explicitly authorized in the Energy Policy Act of 2005. With the attention that the topic of global warming has been getting, it is becoming ever clearer that we need answers to the practical questions of what needs to occur so that we can decide on the role that carbon capture and storage will play in our future energy system. This bill, as well as a bill that has previously been referred to the Committee on Energy and Natural Resources, S. 731, begins to lay the foundation for a bipartisan and effective approach to these issues.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007".

SEC. 2. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and storage research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and storage technologies related to energy systems";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES.—

"(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store carbon dioxide.

"(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities and the field testing of carbon sequestration activities, including—

"(i) development of new or improved technologies for the capture of carbon dioxide;

"(ii) modeling and simulation of geological sequestration field demonstrations; and

"(iii) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies.

"(2) FIELD VALIDATION TESTING ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) saline formations; and

"(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

"(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geological formations;

"(iii) to refine storage capacity estimated for particular geological formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

"(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

"(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

"(3) LARGE-SCALE TESTING AND DEPLOYMENT.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

"(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $90,000,000 for fiscal year 2007;

"(2) $105,000,000 for fiscal year 2008; and

"(3) $120,000,000 for fiscal year 2009.".

By Mr. MENENDEZ:

S. 963. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Simon Wiesenthal Holocaust Education Assistance Act. This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout this Nation.

I would like to thank Senators LAUTENBERG and SPECTER for co-sponsoring this bill, and I commend my former colleague in the House, Congresswoman MALONEY, for her leadership on this issue.

In January, the United Nations held a ceremony to commemorate the 62nd anniversary of the liberation of Auschwitz and the second annual International Day of Commemoration in memory of the victims of the Holocaust. This event served as a reminder that people of all faiths strongly condemn the systematic, state sponsored genocide conducted by the Nazi regime.

We will forever remember the approximately six million Jewish men, women and children, as well as millions of others who faced persecution and death. And we extend our gratitude to all who risked their lives trying to save others. We also honor Simon Wiesenthal, who dedicated his life to making sure that those who perpetrated the horrors of the Holocaust were brought to justice.

After six decades, many of our youth may view the Holocaust as an event that occurred in the distant past. But the truth is this issue is part of our present day society.

Just 3 months ago, Iran held a conference in Tehran to debate whether or not the Holocaust actually happened, and the Iranian government has established a fact finding commission to examine the issue further. Such despicable acts are an insult to the millions of people who were brutalized and murdered by the Nazis and to all who stand against genocide around the world. Clearly, false and destructive messages regarding the Holocaust are still being perpetuated, and such events highlight the importance of Holocaust education abroad and within our own Nation.

Unfortunately, we have also seen that anti-Semitism continues to threaten the safety and well-being of Jewish men and women throughout the world. In February, a Polish member of the European Parliament published a booklet espousing anti-Jewish sentiments, and in Croatia, an investigation has begun after small sugar packets bearing Hitler's image and containing Holocaust jokes were found in some cafés. These tragic events underscore the need to be proactive in combating such bigotry and educating our youth.

Although some States now require the Holocaust to be taught in public schools, the Simon Wiesenthal Holocaust Education Assistance Act goes further and makes grants available to organizations that instruct students, teachers, and communities about the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust can teach us today.

We must recognize that by remembering the millions who were murdered in the Holocaust, we create a sense of responsibility to stop genocide wherever it takes place.

It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination. Funding accurate educational programs on the Holocaust is a step toward winning this battle.

So as America stands with Israel and all followers of the Jewish faith in condemning anti-Semitism, let us do everything in our power to end discrimination and educate future generations about the danger of hatred and bigotry.

I urge my colleagues to support this legislation.

By Mr. AKAKA:

S. 967. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Federal Supervisor Training Act to enhance Federal employee and manager performance, and, in turn, agency performance.

Our Nation's public servants administer a vast array of programs designed to meet the needs of the citizens of this country, and indeed the world. These employees deserve the support and guidance of trained managers who empower them to perform effectively. Furthermore, employees must have a clear understanding of their roles and responsibilities. Training programs help managers and supervisors improve their communication skills and promote stronger manager-employee relationships.

While the Federal Government encourages management and supervisory training, the development and implementation of training programs is left to the discretion of individual agencies. This leads to inconsistent guidance on training and sometimes inadequate training due to an agency's other priorities and limited resources. Meaningful training matters. Training should not be discretionary for agencies.

Given the growing number of Federal managers who are eligible to retire, and the need to attract a robust, well-skilled workforce, it is important that employees, who are expected to manage and supervise, have the tools to do so effectively.

In January 2007, the Office of Personnel Management (OPM) released the 2006 Federal Human Capital Survey, which showed that the federal government's employees and senior managers and leaders still face communication problems. For example, according to the survey: only 49 percent of Federal employees have a high level of respect for senior leaders in their agencies, only 41 percent say they are satisfied with their leaders' policies and practices, and only 47 percent of Federal employees said they were satisfied with the information they get from management.

Upon the release of the survey, OPM Director Linda Springer wrote, "As many senior leaders retire, the Federal Government also faces a challenge—and opportunity—to improve the effectiveness of the leadership corps across Government. We must develop the kinds of leaders who can ensure a talented and committed Federal workforce now and in the future. Our leaders will need to adapt the workplaces and opportunities they offer to attract the best and the brightest from diverse talent pools."

Good leadership begins with strong management training. It is time to ensure that Federal managers receive appropriate training to supervise federal employees. I believe the Federal Supervisor Training Act will help us reach that goal. My bill will bridge the training gap that exists now and help ensure that Federal managers have the necessary skills to communicate with and manage Federal employees.

The Federal Supervisor Training Act has three major training components. First, the bill will require that new supervisors receive training in the initial 12 months on the job, with mandatory retraining every three years on how to work with employees to develop performance expectations and evaluate employees. Current managers will have three years to obtain their initial training. Second, the bill requires mentoring for new supervisors and training on how to mentor employees. Third, the measure requires training on the laws governing and the procedures for enforcing whistleblower and anti-discrimination rights.

In addition, my bill will: set standards that supervisors should meet in order to manage employees effectively, assess a manager's ability to meet these standards, and provide training to improve areas identified in personnel assessments.

I am delighted by the support my bill has received from the Government Managers Coalition, which represents members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations; the American Federation of Government Employees; the National Treasury Employees Union; the International Federation of Professional and Technical Engineers; the AFL-CIO, Metal Trades Department, as well as the Partnership for Public Service. I believe this broad support, from employee unions to management associations to outside good government groups demonstrates the need of mandatory training programs and passage of this bill. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supervisor Training Act of 2007".

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before "In consultation with" the following:

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Office of Personnel Management may by regulation prescribe.";

(2) by striking "In consultation with" and inserting "(b) Under operating standards promulgated by, and in consultation with,"; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

"(2)(A) a program to provide interactive instructor-based training to supervisors on actions, options, and strategies a supervisor may use in—

"(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

"(ii) mentoring and motivating employees and improving employee performance and productivity;

"(iii) effectively managing employees with unacceptable performance;

"(iv) addressing reports of a hostile work environment, reprisal, or harassment of, or by, another supervisor or employee; and

"(v) otherwise carrying out the duties or responsibilities of a supervisor;

"(B) a program to provide interactive instructor-based training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b)(1) and (8) of that section) and the procedures and processes used to enforce employee rights; and

"(C) a program under which experienced supervisors mentor new supervisors by—

"(i) transferring knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, and professional development; and

"(ii) pointing out strengths and areas for development.

"(c)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

"(2) After completion of a program under subsection (b)(2)(A) and (B), each supervisor shall be required to complete a program under subsection (b)(2)(A) and (B) at least once during each 3-year period.

"(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

"(d) Notwithstanding section 4118(c), the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section.".

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations in accordance with subsection (d) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(c) (2) and (3) of such title.

SEC. 3. MANAGEMENT COMPETENCY STANDARDS.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

"§ 4305. Management competency standards

"(a) In this section, the term 'supervisor' means—

"(1) a supervisor as defined under section 7103(a)(10);

"(2) a management official as defined under section 7103(a)(11); and

"(3) any other employee as the Office of Personnel Management may by regulation prescribe.

"(b) The Office of Personnel Management shall issue guidance to agencies on standards supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

"(c) Each agency shall—

"(1) develop standards to assess the performance of each supervisor and in developing such standards shall consider the guidance developed by the Office of Personnel Management under subsection (b) and any other qualifications or factors determined by the agency;

"(2) assess the overall capacity of the supervisors in the agency to meet the guidance developed by the Office of Personnel Management issued under subsection (b); and

"(3) develop and implement a supervisor training program to strengthen issues identified during such assessment.

"(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office on the progress of the agency in implementing this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

"4305. Management competency standards.
"4306. Regulations.".

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking "section 4305" and inserting "section 4306".

By Mrs. BOXER (for herself, Mr. SMITH, Mr. DURBIN, and Mr. BROWN):

S. 968. A bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today, I rise to introduce the bipartisan Stop TB Now Act of 2007. I am joined in this effort by Senators GORDON SMITH, DICK DURBIN, and SHERROD BROWN.

For 8 years, I have worked with Senator SMITH to fight the spread of international tuberculosis. I appreciate his help on this bill. I am also grateful for the support of Senate Majority Whip DICK DURBIN, as well as Senator BROWN, who was the leader on international TB issues when he was a member of the House of Representatives.

The need for this legislation is clear. Tuberculosis kills 1.6 million people per year—1 person every 15 seconds. One-third of the world is infected with the bacteria that causes TB and an estimated 8.8 million individuals develop active TB each year. And tuberculosis is a leading cause of death among women of reproductive age and of people who are HIV-positive.

While developing nations are most heavily impacted by TB, there is also a concern here at home. My State of California has more TB cases than any other State in the country and 10 of the top 20 U.S. metro areas with the highest TB rates are in California.

The best way to treat TB is through DOTS, which stands for directly observed treatment, short course. This treatment ensures a steady and uninterrupted supply of drugs to prevent the spread of multi-drug resistant TB. It costs just $20–100 per person to treat regular TB with DOTS. But it costs 1,400 times that amount to treat a person with multi-drug resistant TB.

Today, we face an even more dangerous problem—the outbreak of extremely drug resistant TB. In some cases, this form of TB is untreatable. In one South African town, 53 TB patients were found to have XDR–TB. All but one died. We must fully fund international TB control efforts because drug-resistant TB happens when people fail to complete treatment.

To stop the spread of tuberculosis, the international community came together last year to develop the Global Plan to Stop TB, a comprehensive assessment of the resources and actions needed to cut the number of TB deaths in half by 2015.

My bill will bring U.S. policy in line with this plan by authorizing $330 million for fiscal year 2008 and $450 million for fiscal year 2009, for foreign assistance programs that combat international TB. The bill also authorizes $70 million for fiscal year 2008 and $100 million for fiscal year 2009 for the Centers for Disease Control programs to combat international TB.

TB kills more people than any other curable disease in the world. We have a moral obligation to take the steps necessary to meet this challenge.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 969. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Re-empowerment of Skilled and Professional Employees and Construction Tradeworkers Act, or RESPECT Act, a bill to amend the National Labor Relations Act to modify the definition of supervisor. I am pleased to be joined by Senators DURBIN and KENNEDY as original cosponsors and would like to acknowledge Congressman ANDREWS for championing this legislation in the House of Representatives.

The RESPECT Act would make vital changes to the definition of supervisor to ensure that no employee is unjustly denied his or her right to join a labor union. This is a very simple bill just four lines of text making a few definitional changes to the National Labor Relations Act (NLRA). Yet the livelihoods of thousands, possibly millions, of workers are at stake in those few lines. Workers designated as supervisors may not join a union or engage in collective bargaining. As a result, some employers have sought to deny many workers their right to organize by unfairly classifying them as supervisors. And unfortunately, President Bush's appointees on the National Labor Relations Board (NLRB) have upheld these unfair classifications.

The NLRB has struggled for years with the definition of supervisor. Twice in the last ten years, its attempts to define supervisory status have been reviewed and rejected by the Supreme Court. But despite this, the NLRB refused to hear oral arguments for the three decisions it handed down last October—Oakwood Healthcare, Inc., Golden Crest Healthcare Center, and Croft Metals, Inc. These decisions are known collectively as the Kentucky River decisions, after the 2001 Supreme Court case of NLRB v. Kentucky River.

The NLRB ruled that many charge nurses are supervisors, even though they have no authority to hire, fire, or discipline other employees. In the course of their responsibilities to provide the best care possible to their patients, many rank-and-file nurses occasionally rotate through a limited oversight role, such as assigning other nurses to patients based on workload or a nurse's particular specialty. But on a pretext as slim as that, employers would keep their workers from unionizing altogether.

In the Oakwood decision, the hospital argued that 127 of its 181 nurses were supervisors. Though the NLRB found that only 12 were in fact supervisors, its decision left the door open for widespread abuse. Under its ruling, only 10 percent of a worker's time in a supervisory capacity is enough to lock him or her out of a union.

Following that precedent, another hospital declared a ludicrous number of its registered nurses to be supervisors—and an NLRB Regional Director agreed. 17 of 20 registered nurses in the Intensive Care Unit were declared supervisors; 6 of 7 in the Medical Unit; 9 of 11 in Neonatal Intensive Care; and in the Inpatient Rehabilitation Unit—all 7. Fictitious classifications like these show just how far some will go to keep workers from bargaining fairly. And, sadly, they demonstrate just how far the NLRB will go to facilitate these false and unfair classifications.

Though recent NLRB decisions have targeted nurses, the dangerous precedent they set threatens the rights of workers in countless industries. The NLRB has opened a Pandora's box: Laborers who sometimes work with assistants, or skilled craftsmen who take apprentices, can be barred from unions by the same false logic that prevents nurses from organizing.

These decisions are written on more than paper. They're written on real lives, on workers in the thousands and millions, on the dignity of their labor, the health of their children, and the security of their old age. For them, legal fiction becomes painful fact: Without their fair seat at the table, workers will possibly see lower wages, longer hours, more dangerous working conditions, and threats to their healthcare and retirement.

The services they provide will suffer as well. Take the case of nurses: Many fear retribution if they speak out on their own about unsafe practices that could endanger patients' lives. Instead, many rely on their unions to provide a strong, unified voice for improved patient care. It's in our interest to keep that voice strong—just one example of how healthy unions benefit us all.

The bill introduced today, the RESPECT Act, offers a commonsense step to protect workers' rights. It deletes the terms "assign" and "responsibly to direct" from the definition of supervisor—terms that the NLRB drastically expanded to justify its rulings. The bill also would require that, to be classified as a supervisor, an employee must actually be one by specifying that an employee must spend the majority of his or her worktime in a supervisory capacity.

That's hardly a radical innovation—in fact, it returns us to Congress's original intent. In 1947, the Senate Committee Report on amendments to the National Labor Relations Act stated that:

> the committee has not been unmindful of the fact that certain employees with minor supervisory duties have problems which may justify their inclusion in that act. It has therefore distinguished between straw bosses, leadmen, set-up men, and other minor supervisory employees, on the one hand, and the supervisor vested with. . .genuine management prerogatives.

Clearly, Congress did not intend to deny the right to organize to those workers whose jobs require only occasional and minor supervisory duties. The RESPECT Act restores that sensible precedent.

It's not by chance that the rise of the labor movement coincided with the rise of the largest and strongest middle class the world has ever seen. The achievements of the labor unions have made it possible for many working men and women to send their children to college, to store up savings for sickness, injury, and old age—to move from deprivation to dignity. The labor movement greatly contributed to the strengthening of the American middle class.

Organized labor was opposed at every step—sometimes by intimidation, sometimes by violence, sometimes by propaganda. Today it is opposed by specious reasoning and twisted definitions of a kind I've rarely seen in public life. I hope my colleagues will be moved to support this bill out of their respect for honesty alone. But add the fact that the security and dignity of so many of their constituents depend on the right to organize and bargain, and the case becomes as clear as day. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Re-empowerment of Skilled and Professional Employees and Construction Tradesworkers Act" or the "RESPECT Act".

SEC. 2. AMENDMENT OF THE NATIONAL LABOR RELATIONS ACT.

Section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) is amended—

(1) by inserting "and for a majority of the individual's worktime" after "interest of the employer";

(2) by striking "assign,"; and

(3) by striking "or responsibly to direct them,".

Mr. DURBIN. Mr. President, I come to the floor to join Senator DODD and Senator KENNEDY in introducing the Re-empowerment of Skilled Professional Employees and Construction Tradesworkers Act, also known as the RESPECT Act.

This legislation will amend the National Labor Relations Act to modify the definition of "supervisor." It is necessary because of recent rulings by the National Labor Relations Board, which has determined that millions of workers do not fall within the definition of "supervisor." An employee who is deemed a "supervisor" under the National Labor Relations Act does not have collective bargaining rights or other labor protections.

The NLRB rulings in these so-called Kentucky River cases have an enormous impact on nurses. According to the amicus brief filed by the American Nurses Association and United American Nurses, AFL-CIO, in these cases, "[o]f the more than 2.1 million people working as registered nurses in the United States in the year 2002, 15.6 per cent were union members. Registered nurses covered by a collective bargaining agreement can earn approximately 11 per cent more per week than non-unionized nurses. . . ."

There are 800,000 nurses in this country—40,000 nurses in my home State of Illinois alone. We owe it to these nurses to find a workable definition of the term "supervisor" so that they and other professional employees and construction tradesworkers receive the labor protections that Congress intended.

The supervisor exclusion was created in 1947 when Congress adopted the Taft-Hartley amendments to the National Labor Relations Act. The Act defines "supervisor" as:

> [A]ny individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge,

assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

The interpretation and application of this definition has resulted in years of litigation before the NLRB and courts of appeals. The United States Supreme Court last spoke on the issue in 2001. In NLRB v. Kentucky River Community Care, Inc., 532 U.S. 706 (2001), it reviewed the Board's test for determining supervisory status and rejected the Board's interpretation. The Supreme Court's decision left open the interpretation of the term "supervisor" and three cases were filed before the National Labor Relations Board to address this issue: Oakwood Healthcare, Inc., Case 7-CA-22141, Golden Crest Healthcare Center, Cases 18-RC-16415 and 18-RC-16416, and Croft Metals, Inc., Case 15-RC-8393.

The NLRB refused to hear oral argument in these cases despite the fact that its attempt to define supervisory status had been reviewed and rejected by the Supreme Court and it has been more than 5 years since the Court's decision in Kentucky River. In July, I joined Senator KENNEDY and other Democrats in a letter to the Chairman of the NLRB to urge that the Board reconsider its decision not to allow oral arguments in these cases. The NLRB refused.

In October 2006, the Board issued its rulings and expanded the meaning of the definition of "supervisor" by expanding the meaning of the terms "assign" and "responsibly to direct." The NLRB rulings override the intent of Congress not to exclude minor supervisory officials, professionals, skilled craftpersons, and nurses from labor protections.

Last December, I noted that several States are suffering from nursing shortages. This legislation is necessary to alleviate the nursing crisis. More than 72 percent of hospitals experience nursing shortages, and 1.2 million nursing positions need to be filled within the next decade. By denying nurses the right to collectively bargain, pay will surely decrease and the working environment of these nurses will deteriorate, thereby driving even more nurses out of the profession and discouraging individuals from entering the field.

I urge my colleagues to join Senators DODD, KENNEDY, and I in supporting the RESPECT Act—an important effort to help American nurses, other skilled professional employees, and construction tradesworkers.

By Mr. SMITH (for himself, Mr. DURBIN, Mr. LAUTENBERG, Mr. COLEMAN, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. BAYH, Mr. KYL, Mr. THUNE, Ms. MIKULSKI, and Mr. MENENDEZ):

S. 970. A bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to address a serious concern more than 20 years in the making. In large part because of the secrecy over its nuclear program, America's National Security Strategy for 2006 identifies Iran as one of the greatest challenges to the United States. The Senate recognized this threat in January 2006 by unanimously condemning Iran's refusal to comply with its nuclear nonproliferation obligations. Last September, this body unanimously passed mandatory sanctions on persons who knowingly helped Iran acquire or develop weapons of mass destruction. And all the while, Tehran continued its pursuit of a nuclear program that, unchecked, will lead to a nuclear-armed Iran.

I cannot overestimate the threat that this poses to the security of the United States and our allies. Since the revolution that brought it to power, the theocracy that rules over Iran has demonstrated its contempt for the democratic ideals on which our country is based. It has held its own people hostage in an effort to maintain absolute control over their destiny. And it has spewed forth hate-filled rhetoric at regular intervals about the very existence of the state of Israel—a valued American ally in the Middle East.

After years of vigorous diplomacy by Britain, France, and Germany failed to persuade the Iranians to give up their nuclear program, the United Nations Security Council passed a resolution in December 2006 calling for the suspension of all enrichment-related activities. Iran ignored that demand, and instead, responded by stepping up their nuclear program. Inaction in the face of such an egregious challenge is a mockery of the international institutions where diplomatic solutions are tried and tested. Now is the time to use every tool in our arsenal short of military force to stop the Iranian regime from developing nuclear weapons, and to send the message that the international community will not tolerate flagrant violations of our combined will.

I have heard the calls of my colleagues that all efforts should be made to avoid military intervention in Iran. I agree with them entirely. But Mr. President, I will not stand idle while up to 3,000 centrifuges in Natanz enrich uranium that one day soon could tip a warhead aimed at the U.S. or our allies around the world.

Today I am introducing legislation designed to persuade Tehran to give up its nuclear ambitions. The Iran Counter-Proliferation Act of 2007 will significantly strengthen our economic sanctions against Iran and any entities that choose to support the regime. I am pleased that Senator DURBIN has joined me in this effort, as well as Senators COLEMAN, LAUTENBERG, BROWNBACK, LIEBERMAN, KYL, BAYH, and THUNE.

This legislation urges the Administration to pursue measures in the international financial sector to restrict financing in Iran and encourages foreign state-owned entities to cease investment in Iran's energy sector. It prohibits all imports from and exports to Iran. It forbids any action that would extend preferential trade treatment to Iran or that would lead to Iranian accession to the WTO. And it freezes assets of senior Iranian officials and their families. By cutting off Iran's access to the hard currency it needs, we can increase the cost of their decision to pursue its nuclear program.

The legislation also singles out Russia—a country that has contributed significantly to the development of Iran's nuclear program and has significant financial ties with Tehran. Among other restrictions, the bill prevents the United States from moving forward with a multi-billion dollar nuclear cooperation agreement with Moscow until the President certifies that Russia has suspended its nuclear assistance and the transfers of any conventional weapons and missiles to Iran. The Russians may feel this is unfair, particularly in light of their recent announcement they would suspend the delivery of nuclear fuel to Iran's Bushehr reactor. I am pleased with this decision and hope that it is the beginning of a new view in Moscow of Iran's nuclear program. But we must remember that over the past decade, Russia has periodically suspended its nuclear assistance to Iran only to resume this assistance at a later date.

The Iran Counter-Proliferation Act also seeks to bring to light the names of companies that continue to feel it is appropriate to do business with the mullahs in Tehran. It requires the Administration to submit an annual report to Congress listing any foreign investments in Iran's energy sector since January 1 of this year and a determination on whether such investment is sanctionable under the Iran Sanctions Act. And it requires a report listing companies with American operations, whether or not they are incorporated in the United States, which invest in Iran.

In a further effort to highlight the cost to Iran of ignoring the demands of the international community, this legislation will reduce our contributions to the World Bank by the percentage of total money the World Bank loans to entities in Iran. The United States does not support these loans, and I urge those countries contributing the most to the World Bank to oppose such loans in the future.

Finally, Mr. President, the Iran Counter-Proliferation Act calls on the

Administration to designate the Iranian Revolutionary Guard as a Foreign Terrorist Organization and to add it to the Treasury's list of Specially Designated Global Terrorists. Funding is increased for the Office of Terrorism and Financial Intelligence to strengthen the Treasury's efforts to combat unlawful or terrorist financing.

It is critical for us to realize that our problems with Iran are not with the Iranian people, whose legitimate aspirations to live freely in a normal, prosperous country should be recognized. As such, this legislation designates $10 million in funding to enhance our friendship with the people of Iran by identifying young Iranians to visit the United States under U.S. exchange programs.

The time for action is now. I hope my colleagues agree with me that we must use every available tool short of military force to compel the Iranian regime to abandon completely, verifiably, and irreversibly their pursuit of a nuclear weapons capability. I recognize that sanctions are not always popular, but we need to give them a chance to work. By doing nothing, we limit our future options in addressing this significant threat to the United States.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

I urge my colleagues to support the Iran Counter-Proliferation Act of 2007.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Counter-Proliferation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For more than 20 years, Iran has pursued a secret nuclear program that is intended to produce a nuclear weapons capability for Iran.

(2) The Government of Iran has consistently misled the United Nations, the International Atomic Energy Agency, and the United States as to the objectives and scope of its nuclear activities.

(3) Iran has refused to comply with United Nations Security Council Resolution 1737, adopted on December 23, 2006, which called for the suspension of all enrichment-related and reprocessing activities and is advancing work at its largest nuclear facility.

(4) The International Atomic Energy Agency is unable to verify the absence of undeclared nuclear material and activities in Iran and its Director-General has stated that Iran could be 6 months to a year away from acquiring the material necessary to make a nuclear weapon.

(5) An Iranian nuclear weapons capability poses a grave threat to the security of the United States and its allies around the world.

(6) It is in the national security interests of the United States to prevent Iran from acquiring a nuclear weapons capability.

(7) The United States should use all political, economic, and diplomatic tools at its disposal to prevent Iran from acquiring a nuclear weapons capability.

(8) Nothing in this Act should be construed as giving the President the authority to use military force against Iran.

SEC. 3. SENSE OF CONGRESS.

The following is the sense of Congress:

(1) The United States should pursue vigorously all measures in the international financial sector to restrict Iran's ability to conduct international financial transactions, including prohibiting banks in the United States from handling indirect transactions with Iran's state-owned banks and prohibiting financial institutions that operate in United States currency from engaging in dollar transactions with Iranian institutions.

(2) The United States Trade Representative or any other Federal official should not take any action that would extend preferential trade treatment to, or lead to the accession to the World Trade Organization of, any country that is determined by the Secretary of State to offer government-backed export credit guarantees to companies that invest in Iran or any country in which the government owns or partially owns an entity that invests in Iran.

(3) Iran should comply fully with its obligations under United Nations Security Council Resolution 1737, and any subsequent United Nations resolutions related to Iran's nuclear program, and in particular the requirement to suspend without delay all enrichment-related and reprocessing activities, including research and development, and all work on all heavy water-related nuclear activities, including research and development.

(4) The United Nations Security Council should take further measures beyond Resolution 1737 to tighten sanctions on Iran, including preventing new investment in Iran's energy sector, as long as Iran fails to comply with the international community's demand to halt its nuclear enrichment campaign.

(5) The United States should encourage foreign governments to direct state-owned entities to cease all investment in Iran's energy sector and all imports to and exports from Iran of refined petroleum products and to persuade, and, where possible, require private entities based in their territories to cease all investment in Iran's energy sector and all imports to and exports from Iran of refined petroleum products.

(6) Administrators of Federal and State pension plans should divest all assets or holdings from foreign companies and entities that have invested or invest in the future in Iran's energy sector.

(7) Iranian state-owned banks should not be permitted to use the banking system of the United States.

(8) The Secretary of State should designate the Iranian Revolutionary Guards as a Foreign Terrorist Organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the Secretary of the Treasury should place the Iranian Revolutionary Guards on the list of Specially Designated Global Terrorists under Executive Order 13224 (66 Fed. Reg. 186; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) INVESTMENT.—The term "investment" has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term "Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran" has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) FAMILY MEMBER.—The term "family member" means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

SEC. 5. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by inserting "financial institution, insurer, underwriter, guarantor, and other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing," after "trust,"; and

(2) by inserting ", such as an export credit agency" before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking "petroleum and natural gas resources" and inserting "petroleum, petroleum by-products, liquefied natural gas, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas".

SEC. 6. RUSSIA NUCLEAR COOPERATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act, the policies described in subsection (b) shall apply with respect to Russia, unless the President makes a certification to Congress described in subsection (c).

(b) POLICIES.—The policies described in this subsection are the following:

(1) AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act (42 U.S.C. 2153).

(2) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act (42 U.S.C. 2153).

(3) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act (42 U.S.C. 2153).

(c) CERTIFICATION.—The certification described in this subsection means a certification made by the President to Congress on or after the date that is 15 days after the date of the enactment of this Act that the President has determined that—

(1) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran; or

(2) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs.

(d) TERMINATION OF POLICIES.—The policies described in subsection (b) shall remain in effect until such time as the President makes the certification to Congress described in subsection (c).

SEC. 7. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran, unless the President makes a certification to Congress described in subsection (c).

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—No article that is grown, produced, or manufactured in Iran may be imported directly or indirectly into the United States.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of the United States may be exported directly or indirectly to Iran.

(B) EXCEPTION FOR FOOD AND MEDICINE.—The prohibition in subparagraph (A) does not apply to exports to Iran of food and medicine grown, produced, or manufactured in the United States.

(3) ACCESSION TO WTO.—The United States Trade Representative or any other Federal official may not take any action that would extend preferential trade treatment to, or lead to the accession to the World Trade Organization of—

(A) Iran; or

(B) any other country that is determined by the Secretary of State to be—

(i) engaged in nuclear cooperation with Iran, including the transfer or sale of any item, material, goods, or technology that can contribute to uranium enrichment or nuclear reprocessing activities of Iran; or

(ii) contributing to the ballistic missile programs of Iran.

(4) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named, the family members of those so named, and any associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2007. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(5) UNITED STATES GOVERNMENT CONTRACTS.—The United States Government may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) CERTIFICATION DESCRIBED.—The certification described in this subsection means a certification made by the President to Congress beginning on the date that is 15 days after the date of the enactment of this Act that the President has determined that Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs.

(d) TERMINATION OF SANCTIONS.—The sanctions described in subsection (b) shall remain in effect until such time as the President makes the certification to Congress described in subsection (c).

SEC. 8. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (60 Fed. Reg. 89) or Executive Order 13059 (62 Fed. Reg. 162), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in subsection (a) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

(c) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term "parent company" means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

SEC. 9. ELIMINATION OF CERTAIN TAX INCENTIVES FOR OIL COMPANIES INVESTING IN IRAN.

(a) IN GENERAL.—Subsection (h) of section 167 of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

"(6) DENIAL WHEN IRAN SANCTIONS IN EFFECT.—

"(A) IN GENERAL.—If sanctions are imposed under section 5(a) of the Iran Sanctions Act of 1996 or section 7 of the Iran Counter-Proliferation Act of 2007 (relating to sanctions with respect to the development of petroleum resources of Iran) on any member of an expanded affiliated group the common parent of which is a foreign corporation, paragraph (1) shall not apply to any expense paid or incurred by any such member in any period during which the sanctions are in effect.

"(B) EXPANDED AFFILIATED GROUP.—For purposes of subparagraph (A), the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(i) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

"(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses paid or incurred on or after January 1, 2007.

SEC. 10. WORLD BANK LOANS TO IRAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(1) the number of loans provided by the World Bank to Iran;

(2) the dollar amount of such loans; and

(3) the voting record of each member of the World Bank on such loans.

(b) REDUCTION OF CONTRIBUTION OF THE UNITED STATES.—The President shall reduce the total amount otherwise payable on behalf of the United States to the World Bank for fiscal year 2008 and each fiscal year thereafter by an amount that bears the same ratio to the total amount otherwise payable as—

(1) the total of the amounts provided by the Bank to entities in Iran, and for projects and activities in Iran, in the preceding fiscal year, bears to

(2) the total of the amounts provided by the Bank to all entities, and for all projects and activities, in the preceding fiscal year.

(c) ALLOCATION OF AMOUNTS NOT CONTRIBUTED TO THE WORLD BANK.—There is authorized to be appropriated to the United States Agency for International Development for fiscal year 2008 and each fiscal year thereafter an amount equal to the revenues made available as a result of the application of subsection (b). Funds appropriated pursuant to this subsection shall be made available for the Child Survival and Health Programs Fund to carry out programs relating to maternal and child health, vulnerable children, and infectious diseases other than HIV/AIDS.

SEC. 11. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDINGS.—The work of the Office of Terrorism and Financial Intelligence of the Department of Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Center, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $59,466,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 and 2010.

(c) AUTHORIZATION AMENDMENT.—Section 310(d)(1) of title 31, United States Code, is amended by striking "such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005" and inserting "$85,844,000 for fiscal year

2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010''.

SEC. 12. NATIONAL INTELLIGENCE ESTIMATE ON IRAN.

As required under section 1213 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2422), the Director of National Intelligence shall submit to Congress an updated, comprehensive National Intelligence Estimate on Iran.

SEC. 13. EXCHANGE PROGRAMS WITH THE PEOPLE OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should seek to enhance its friendship with the people of Iran, particularly by identifying young people of Iran to come to the United States under United States exchange programs.

(b) EXCHANGE PROGRAMS AUTHORIZED.—The President is authorized to carry out exchange programs with the people of Iran, particularly the young people of Iran. Such programs shall be carried out to the extent practicable in a manner consistent with the eligibility for assistance requirements specified in section 302(b) of the Iran Freedom Support Act (Public Law 109-293; 120 Stat. 1348).

(c) AUTHORIZATION.—Of the amounts available under the heading "Educational and Cultural Exchange Programs", under the heading "Administration of Foreign Affairs", under title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2321), there is authorized to be appropriated to the President to carry out this section $10,000,000 for fiscal year 2008.

SEC. 14. RADIO BROADCASTING TO IRAN.

The Broadcasting Board of Governors shall devote a greater proportion of the programming of the Radio Farda service to programs offering news and analysis to further the open communication of information and ideas to Iran.

SEC. 15. INTERNATIONAL REGIME FOR THE ASSURED SUPPLY OF NUCLEAR FUEL FOR PEACEFUL MEANS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Concept for a Multilateral Mechanism for Reliable Access to Nuclear Fuel, proposed by the United States, France, the Russian Federation, the Federal Republic of Germany, the United Kingdom, and the Netherlands on May 31, 2006, is welcome and should be expanded upon at the earliest possible opportunity;

(2) the proposal by the Government of the Russian Federation to bring one of its uranium enrichment facilities under international management and oversight is also a welcome development and should be encouraged by the United States;

(3) the offer by the Nuclear Threat Initiative (NTI) of $50,000,000 in funds to support the creation of an international nuclear fuel bank by the International Atomic Energy Agency (IAEA) is also welcome, and the United States and other member states of the IAEA should pledge collectively at least an additional $100,000,000 in matching funds to fulfill the NTI proposal; and

(4) the Global Nuclear Energy Partnership, initiated by President Bush in January 2006, is intended to provide a reliable fuel supply throughout the fuel cycle and promote the nonproliferation goals of the United States.

(b) POLICY.—It is the policy of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means under a multilateral authority, such as the International Atomic Energy Agency.

(c) CONTRIBUTIONS TO IAEA.—

(1) IN GENERAL.—Subject to the requirements of paragraph (2), the President is authorized to make voluntary contributions on a grant basis to the International Atomic Energy Agency (referred to in this subsection as the "IAEA") for the purpose of supporting the establishment of an international nuclear fuel bank to maintain a reserve of low-enriched uranium for the production of reactor fuel to provide to eligible countries in the case of a disruption in the supply of reactor fuel by normal market mechanisms.

(2) REQUIREMENTS FOR CONTRIBUTIONS.—Before making a contribution under paragraph (1), the President shall certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the IAEA has received pledges in a total amount of not less than $100,000,000 from other governments or entities for the purpose of supporting the establishment of the international nuclear fuel bank referred to in paragraph (1);

(B) the international nuclear fuel bank referred to in paragraph (1) will be under the oversight of the IAEA or another multilateral authority; and

(C) the international nuclear fuel bank will provide nuclear reactor fuel to a country only if—

(i) at the time of the request for nuclear reactor fuel, the country is in full compliance with its IAEA safeguards agreement and has an additional protocol for safeguards in force;

(ii) in the case of a country that at any time prior to the request for nuclear reactor fuel has been determined to be in noncompliance with its IAEA safeguards agreement, the IAEA Board of Governors determines that the country has taken all necessary actions to satisfy any concerns of the IAEA Director General regarding the activities that led to the prior determination of noncompliance;

(iii) the country agrees to use the nuclear reactor fuel in accordance with its IAEA safeguards agreement; and

(iv) the country does not operate uranium enrichment or spent-fuel reprocessing facilities of any scale.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 to carry out this section for fiscal year 2008. Amounts appropriated for this section are authorized to remain available until September 30, 2010.

SEC. 16. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(1) any foreign investments made in Iran's energy sector since January 1, 2007; and

(2) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(b) INVESTMENT BY UNITED STATES COMPANIES IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the appropriate congressional committees the names of persons that have operations or conduct business in the United States that have invested in Iran and the dollar amount of each such investment.

(c) INVESTMENT BY FEDERAL THRIFT SAVINGS PLAN IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Executive Director of the Federal Retirement Thrift Investment Board shall report to the appropriate congressional committees on any investment in entities that invest in Iran from the Thrift Savings Fund established under section 8437 of title 5, United States Code.

(d) LIST OF DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the appropriate congressional committees on the efforts of the Secretary of State and the Secretary of the Treasury to place the Iranian Revolutionary Guards on the list of designated Foreign Terrorist Organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the list of Specially Designated Global Terrorists under Executive Order 13224 (66 Fed. Reg. 186; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(e) ESTABLISHMENT OF INTERNATIONAL REGIME.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means under a multilateral authority, such as the International Atomic Energy Agency.

(f) EXPORT CREDITS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall report to the appropriate congressional committees on the export credits issued by foreign banks to persons investing in the energy sector of Iran, and any fines, restrictions, or other actions taken by the President to discourage or prevent the issuance of such export credits.

Mr. DURBIN. Mr. President, today, my colleagues, Senator GORDON SMITH, Senator FRANK LAUTENBERG, and I join together to introduce bipartisan legislation to use economic and diplomatic measures to help convince the Iranian Government to turn away from its path toward the development of nuclear weapons.

The Iran Counter-Proliferation Act of 2007 would strengthen our economic sanctions regime against Iran until Iran completely, verifiably, and irreversibly dismantles all nuclear enrichment and reprocessing programs.

The bill, for example, would penalize foreign oil companies with U.S. subsidiaries doing business in Iran and would forbid the awarding of U.S. Government contracts to those who have violated our existing sanctions against Iran.

The bill reiterates the requirement to produce a National Intelligence Estimate on Iran mandated in last year's Defense Authorization bill.

In addition to these measures, the bill addresses Russia's role in exporting nuclear and military technology to Iran.

Nuclear cooperation agreements with Russia would be prohibited if that country continues to assist Iran in developing nuclear weapons. The United States could not enter into such an agreement with Moscow, absent a Presidential certification that Russia's assistance to Iran has ceased.

This week has brought some promising news. Undersecretary of State for Political Affairs Nicholas Burns testified before the Senate Banking Committee that Russia has begun applying pressure on Iran to abandon its nuclear ambitions. That is most welcome, and if the President provides the verification that Russia's nuclear assistance to Iran has ceased—and that this is a sea change and not merely a contract dispute—then our other negotiations with Russia can proceed unimpeded.

I firmly believe that we should offer positive incentives if Iran does change course and abandon its programs to develop nuclear weapons. Iran has energy needs, and we hope that they will join us and the community of nations in the peaceful acquisition of those resources.

This legislation authorizes $50 million to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank, a concept originally proposed by Congressman TOM LANTOS. This bank would maintain a reserve of low-enriched uranium for reactor fuel and make it available to countries in full compliance with IAEA safeguards which do not operate uranium enrichment or spent-fuel reprocessing facilities. It is our hope that Iran will become one of these nations.

Because members of the American public are our best ambassadors and America itself is the strongest evidence of the benefits of freedom and prosperity, this bill increases the authorization for funding for young Iranians to come to the United States as part of exchange programs.

I support efforts to engage with Tehran's leaders regarding Iraq. They should recognize that they, too, have a vested interest in regional peace and security. This bill is aimed at an issue which we cannot compromise: the Iranian acquisition of nuclear weapons.

Iran's leaders face a choice of whether to pursue a legitimate goal of peaceful nuclear power for their citizens or a dangerous strategy to develop nuclear weapons. We must provide the economic and political pressure as well as incentives to help Iran choose the path to legitimacy and nuclear nonproliferation. This legislation will help achieve that goal.

By Mr. BOND (for himself and Mr. HARKIN):

S. 971. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. Mr. President, I rise today to introduce legislation with Sen. HARKIN to establish the National Institute of Food and Agriculture to support fundamental agricultural research of the highest quality. I present this to begin a critical discussion about how we are going to ensure the United States capitalizes on new technology to maximize the benefits and minimize the costs of our agricultural production.

We remain the world leader in food and fiber production. We do it safely and through technology and the hard work of the American farmer. In the past half century, the number of people fed by a single U.S. farm has grown from 19 to 129. Our farmers and farm leaders are on the cutting edge of developing new technology. And we have seen the innovations continue to come down the pike. This has made it possible for one farmer to feed 129 people.

In addition, we export $60 billion worth of agricultural products, and we do so at less cost and at less harm to the environment than any of our competitors around the world, again, because of new practices, diligence on the part of farmers, and new technology.

In a world that has a decreasing amount of soil available for cultivation, we have a growing population and we still have 800 million children who are hungry or malnourished throughout the world. Unless we maximize technology and new practices, production will continue to overtax the world's natural resources.

Many people legitimately have raised concerns regarding new diseases and pests and related food safety issues. And they are growing. The ability of U.S. agriculture producers to maintain our world leadership in this environment is only as solid as our willingness to commit to forward-looking investments.

Now, we also know from past experience that with new technology the doors are being opened to novel new uses of renewable agricultural products in the fields of energy, medicine, and industrial products. In the future, we can make our farm fields and farm animals factories for everyday products, fuels, and medicines in a way that is efficient and better preserves our natural resources. Advances in the life sciences have come about, such as genetics, proteomics, and cell and molecular biology. They are providing the base for new and continuing agricultural innovations.

It was only about a dozen years ago that farmers in Missouri came to me to tell me about the potential that genetic engineering and plant biotechnology had for improving the production of food, and doing so with less impact on the environment, providing more nutritious food. Since that time, I have had a wonderful, continuing education, not in how it works but what it can do.

We know now, for example, that in hungry areas of the world as many as half a million children go blind from Vitamin A deficiency, and maybe a million die from this deficiency. Through plant biotechnology, the International Rice Research Institute in the Philippines and others have developed Golden Rice, taking a gene from the sunflower, a beta-carotene gene, and they enrich the rice. The Golden Rice now has that Vitamin A, and that is going to make a significant difference in dealing with malnutrition.

We also know that in many areas of the world, where agricultural production has overtaxed the land, where drought has cut the production, where virus has plagued production, the way we can make farmers self-sufficient and restore the farm economy in many of these countries, is through plant biotechnology. But this is just the beginning. This legislation I am introducing today seeks to lay the foundation for tremendous advances in the future.

This legislation stems from findings and recommendations produced by a distinguished group of scientists working on the Agricultural Research, Economics and Education Task Force, which I was honored to be able to include in the 2002 farm bill. The distinguished task force was led by Dr. William H. Danforth, of St. Louis, the brother of our former distinguished colleague, Senator Jack Danforth. Dr. Bill Danforth has a tremendous reputation in science and in education, with a commitment to human welfare and is known worldwide. He was joined by Dr. Nancy Betts, the University of Nebraska; Mr. Michael Bryan, president of BBI International; Dr. Richard Coombe, the Watershed Agricultural Council; Dr. Victor Lechtenbert, Purdue University; Dr. Luis Sequeira, the University of Wisconsin; Dr. Robert Wideman, the University of Arkansas; and Dr. H. Alan Wood, Mississippi State University.

I extend my congratulations and my sincere gratitude to Dr. Danforth and his team for providing the basis and the roadmap to ensure we have the mechanisms in place to solve the problems and capitalize on the opportunities in agricultural research. The full report of the task force can be found at www.ars.usda.gov/research.htm.

In summary, that study concludes that it is absolutely necessary we reinvigorate and forward focus our technology to meet the responsibilities of our time. New investment is critical for the world's consumers, the protection of our natural resources, the standard of living for Americans who labor in rural America, and for the well-being of the hungry people and the needy people throughout the world.

This legislation is supported by the some 22 Member and Associate Member

Societies of the Federation of American Societies for Experimental Biology, as well as the Institute of Food Technologists, American Society of Agronomy, Crop Science Society of America, Soil Science Society of America, the Council for Agricultural Research, the National Coalition for Food and Agricultural Research, the American Soybean Association, National Cattlemen's Beef Association, National Chicken Council, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, National Pork Producers Council, National Turkey Federation, Association of American Veterinary Medical Colleges and the United Fresh Fruit and Vegetable Association.

I look forward to pursuing this vision in the 110th Congress. I invite my colleagues who are interested in science and research to review this report, to look at this measure, to join with me and Senator HARKIN to talk about moving forward on what I think will be a tremendous opportunity to improve agriculture and its benefits to all our populations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Food and Agriculture Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the task force established under section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; 116 Stat. 457)—

(A) conducted an exhaustive review of agricultural research in the United States; and

(B) evaluated the merits of establishing 1 or more national institutes focused on disciplines important to the progress of food and agricultural science;

(2) according to findings and recommendations provided to Congress by the task force—

(A) agriculture in the United States faces critical challenges, including impending crises in the food, agricultural, and natural resource systems of the United States;

(B) exotic diseases and pests threaten crops and livestock;

(C) the United States faces a public health epidemic due to the increasing number of overweight and obese Americans;

(D) agriculturally-related environmental degradation is a serious problem for the United States and other parts of the world;

(E) certain animal diseases threaten human health; and

(F) agricultural producers in the United States of several primary crops are no longer the world's lowest-cost producers;

(3) to meet those critical challenges, it is essential that the United States ensure that the agricultural innovation that has been so successful in the past continues in the future;

(4) agricultural innovation has resulted in hybrid and higher-yielding varieties of basic crops and enhanced the global food supply by increasing yields on existing acres;

(5) since 1960, the global population has tripled, but there has been no net increase in the quantity of land in the United States under cultivation;

(6) as of the date of enactment of this Act, only 1.5 percent of the population of the United States provides food and fiber to partially supply the needs of the United States;

(7)(A) agriculture, fundamental agricultural research, and fundamental sciences play a major role in maintaining the health and welfare of all people of the United States and maintaining the land and water of the United States; and

(B) that role must be expanded;

(8) research that leads to understandings of the ways in which cells and organisms function is critical to continued innovation in agriculture in the United States;

(9) future innovations developed as a result of those understandings are dependent on fundamental scientific research and would be enhanced by ideas and technologies from other fields of science and research;

(10) opportunities to advance fundamental knowledge of benefit to agriculture in the United States have never been greater;

(11) many of those new opportunities are the result of amazing progress in the life sciences during recent decades, attributable in large part to the provision made by the Federal Government through the National Institutes of Health and the National Science Foundation;

(12) new technologies and new concepts have expedited advances in the fields of genetics, cell and molecular biology, and proteomics;

(13) much of that scientific knowledge is ready to be used in agriculture and food sciences through a sustained, disciplined research effort at an institute dedicated to conducting that research;

(14) publicly-sponsored research is essential to continued agricultural innovation—

(A) to mitigate or harmonize the long-term effects of agriculture on the environment;

(B) to enhance the long-term sustainability of agriculture; and

(C) to improve the public health and welfare;

(15) competitive, peer-reviewed fundamental agricultural research is best suited to promoting the research from which breakthrough innovations that agriculture and society require will come;

(16) it is in the national interest to dedicate additional funds on a long-term, ongoing basis to an institute dedicated to funding competitive, peer-reviewed grant programs that support and promote the highest caliber of fundamental agricultural research;

(17) the capability of the United States to be internationally competitive in agriculture is threatened by inadequate investment in research;

(18) to be successful over the long term, grant-receiving institutions must be adequately reimbursed for costs of conducting agricultural research if the institutions are to pursue that kind of research; and

(19) to meet those challenges, address those needs, and to provide for vitally needed agricultural innovation, it is in the national interest to provide sufficient Federal funds over the long term to fund a significant program of fundamental agricultural research through an independent national institute.

(b) PURPOSE.—The purpose of this Act is to establish a national institute—

(1) to ensure that the technological superiority of agriculture in the United States effectively serves the people of the United States in the coming decades; and

(2) to support and promote fundamental agricultural research of the highest caliber to achieve the goals of—

(A) increasing the international competitiveness of agriculture in the United States;

(B) developing foods and expanding knowledge to improve diet, nutrition, and health, and to combat obesity;

(C) decreasing the dependence of the United States on foreign sources of petroleum by—

(i) developing biobased fuels and products;

(ii) enhancing methods of production at biobased fuels refineries;

(iii) reducing energy consumption at biobased fuel refineries; and

(iv) increasing the use of coproducts of biobased fuels production;

(D) creating new and more useful products from plants and animals;

(E) improving food safety to reduce the incidence of foodborne illness in the United States;

(F) improving food security by protecting plants and animals in the United States from insects, diseases, and the threat of bioterrorism;

(G) enhancing agricultural sustainability;

(H) improving the environment;

(I) strengthening the economies of rural communities in the United States;

(J) improving farm profitability and the viability and competitiveness of small and moderate-sized farms;

(K) strengthening national security by improving the agricultural productivity of subsistence farmers in developing countries to combat hunger and the political instability that hunger produces;

(L) assisting in modernizing and revitalizing the agricultural research facilities of the United States at institutions of higher education, independent, nonprofit research institutions, and consortia of those institutions, through capital investment; and

(M) achieving such other goals, and meeting such other needs, as the Secretary or the Institute determines to be appropriate.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Standing Council of Advisors established by section 4(d)(1).

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) DIRECTOR.—The term "Director" means the Director of the Institute.

(4) FUNDAMENTAL AGRICULTURAL RESEARCH; FUNDAMENTAL SCIENCE.—The terms "fundamental agricultural research" and "fundamental science" mean research or science that, as determined by the Secretary—

(A) advances the frontiers of knowledge so as to lead to practical results or to further scientific discovery; and

(B) has an effect on agriculture, food, human health, or another purpose of this Act as described in section 2(b).

(5) INSTITUTE.—The term "Institute" means the National Institute of Food and Agriculture established by section 4(a).

(6) MULTIDISCIPLINARY GRANT.—The term "multidisciplinary grant" means a grant provided to 2 or more collaborating investigators to carry out coordinated, multidisciplinary research programs involving multiple disciplines that has been approved by the Institute.

(7) PROJECT GRANT.—The term "project grant" means a grant provided to 1 or more

principal investigators to conduct research that has been approved by the Institute.

(8) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(9) State.—The term "State" means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(10) United States.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 4. ESTABLISHMENT; COMPOSITION.

(a) Establishment.—There is established within the Department an agency to be known as the "National Institute of Food and Agriculture".

(b) Location.—The location of the Institute shall be determined by the Secretary.

(c) Composition.—The Institute shall be composed of the Council (including committees and offices established under section 5) and the Director.

(d) Standing Council of Advisors.—

(1) Establishment.—There is established a Standing Council of Advisors.

(2) Composition.—The Council shall be composed of 25 members, including—

(A) the Director; and

(B) 24 members appointed by the Secretary, with the concurrence of the Director, of whom—

(i) 12 members shall be highly-qualified scientists who, as determined by the Secretary—

(I) are not employees of the Federal Government;

(II)(aa) have expertise in the fields of agricultural research, science, food and nutrition, or related appropriate fields; and

(bb) represent a diversity of those fields;

(III) are appropriate for membership on the Council solely on the basis of established records of distinguished service; and

(IV) collectively represent the views of agricultural research and scientific leaders in all regions of the United States; and

(ii) 12 stakeholders shall be distinguished members of the public, as determined by the Secretary, including—

(I) representatives of agricultural organizations and industry; and

(II) individuals with expertise in the environment, subsistence agriculture, energy, food and nutrition, and human health and disease.

(3) Term.—The members of the Council shall serve staggered, 4-year terms, as determined by the Secretary.

(4) Meetings.—The Council shall meet at the call of the Director and the Secretary, but not less often than annually.

(5) Chairperson and vice chairperson.—The Council shall elect a Chairperson and Vice Chairperson from among the members of the Council.

(6) Duties.—The Council shall—

(A) assist the Director in—

(i) establishing research priorities of the Institute; and

(ii) reviewing, judging, and maintaining the relevance of the programs of the Institute;

(B) review all proposals approved by the scientific committees established under section 5(a)(1) to ensure, to the maximum extent practicable, that the purposes of this Act are being met; and

(C) through the meetings described in paragraph (4), provide an interface between scientists and stakeholders to ensure, to the maximum extent practicable, that the Institute is coordinating national goals with realistic scientific opportunities.

(e) Director.—

(1) In general.—The Institute shall be headed by a Director, who shall be an individual who is—

(A) a distinguished scientist; and

(B) appointed by the President (after taking into consideration recommendations provided by the Council), by and with the advice and consent of the Senate.

(2) Term.—The Director shall serve for a single, 6-year term.

(3) Compensation.—The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5513 of title 5, United States Code.

(4) Supervision.—The Director shall report directly to the Secretary.

(5) Authority and responsibilities of director.—

(A) In general.—Except as otherwise specifically provided in this Act, the Director shall—

(i) exercise all of the authority provided to the Institute by this Act (including any powers and functions delegated to the Director by the Council);

(ii) in consultation with the Council, formulate programs in accordance with policies adopted by the Institute;

(iii) establish committees and offices within the Institute in accordance with section 5;

(iv) establish procedures for the peer review of research funded by the Institute;

(v) establish procedures for the provision and administration of grants by the Institute in accordance with this Act;

(vi) assess the personnel needs of agricultural research in the areas supported by the Institute, and, if determined to be appropriate by the Director or the Secretary, for other areas of food and agricultural research; and

(vii) cooperate with the Council to plan programs that will help meet agricultural personnel needs in the future, including portable fellowship and training programs in fundamental agricultural research and fundamental science.

(B) Finality of actions.—An action taken by the Director in accordance with this Act (or in accordance with the terms of a delegation of authority from the Council) shall be final and binding upon the Institute.

(C) Delegation and redelegation of functions.—

(i) In general.—Except as provided in clauses (ii) and (iii), the Director may, from time to time and as the Director considers to be appropriate, authorize the performance by any other officer, agency, or employee of the Institute of any of the functions of the Director under this Act, including functions delegated to the Director by the Council.

(ii) Policymaking functions.—The Director may not redelegate policymaking functions delegated to the Director by the Council.

(iii) Contracts, grants, and other arrangements.—The Director may enter into contracts and other arrangements, and provide grants, in accordance with this Act—

(I) only with the prior approval of the Council or under authority delegated by the Council; and

(II) subject to such conditions as the Council may specify.

(iv) Reporting.—The Director shall promptly report each contract or other arrangement entered into, each grant awarded, and each other action of the Director taken, under clause (iii) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(6) Status on council.—

(A) In general.—The Director shall be an ex officio member of the Council.

(B) Compensation and tenure.—Except with respect to compensation and tenure, the service of the Director on the Council shall be coordinated with the service of other members of the Council.

(C) Voting; election.—The Director shall be—

(i) a voting member of the Council; and

(ii) eligible for election by the Council as Chairperson or Vice Chairperson of the Council.

(7) Staff.—

(A) In general.—Subject to this paragraph, the Director shall recruit and hire such senior staff and other personnel as are necessary to assist the Director in carrying out this Act.

(B) Senior staff.—Each individual hired as senior staff of the Director shall—

(i) be a highly accomplished scientist, as determined by the Director;

(ii) be recruited from the active scientific community; and

(iii) be appointed and serve on the basis of 4-year, rotating appointments.

(C) Temporary staff.—Staff hired by the Director under this paragraph may include scientists and other technical and professional personnel hired for limited terms, or on temporary bases, including individuals on leave of absence from academic, industrial, or research institutions to work for the Institute.

(D) Compensation.—

(i) In general.—Except as provided in clause (ii), subject to such policies as the Council shall periodically prescribe, the Director may fix the compensation of staff hired under this paragraph without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) Maximum rate of pay.—The rate of pay for an individual hired under this paragraph shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(8) Reporting and consultation.—The Director shall—

(A) periodically report to the Secretary with respect to activities carried out by the Institute; and

(B) consult regularly with the Secretary to ensure, to the maximum extent practicable, that—

(i) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

(ii) the research of the Institute supplements and enhances, and does not replace, research conducted or funded by—

(I) other agencies of the Department;

(II) the National Science Foundation; or

(III) the National Institutes of Health.

SEC. 5. COMMITTEES AND OFFICES OF INSTITUTE.

(a) Standing Scientific Committees.—

(1) In general.—The Director may establish such number of standing scientific committees within the Institute as the Director determines to be appropriate.

(2) Composition.—A standing scientific committee established under paragraph (1)

shall consist of such members of the Council appointed under section 4(d)(2)(B)(i) as the Director may select.

(3) TERM.—Members of a standing scientific committee established under paragraph (1) shall serve for staggered, 4-year terms, as determined by the Director.

(4) REVIEW OF PROPOSALS.—

(A) IN GENERAL.—A standing scientific committee shall apply rigorous merit review to research proposals received by the Institute to ensure, to the maximum extent practicable, that research funded by the Institute is scientifically of high quality.

(B) DETERMINATION OF SCIENTIFIC MERIT.—A research proposal received by the Institute and reviewed by a standing scientific committee under subparagraph (A) shall be—

(i) assigned a score based on the scientific merit of the proposal, as determined by the standing scientific committee; and

(ii) if approved by the standing scientific committee, forwarded, along with the score, to the Council for final review.

(C) DECLINATION OF PROPOSALS.—If the Council determines that a research proposal forwarded under this paragraph does not meet standards of scientific review established by a standing scientific committee or any similar standard established by the Director, the Council shall decline to recommend the research proposal for funding by the Institute.

(5) AD HOC REVIEW MEMBERS.—The Director may supplement a standing scientific committee under this subsection with 1 or more ad hoc reviewers in a case in which a research proposal received by the Institute requires specialized knowledge not represented on that or any other standing scientific committee.

(b) OFFICES.—

(1) OFFICE OF ADVANCED SCIENCE AND APPLICATION.—

(A) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Advanced Science and Application (referred to in this paragraph as the "Office").

(B) DUTIES.—The Office shall—

(i) closely monitor national needs and advances in research with the goal of identifying pressing problems for which solutions are realistically achievable through research;

(ii) coordinate creative talent from diverse disciplines to bridge potential gaps between fundamental agricultural research and high-priority, practical needs; and

(iii) recommend to the Director ways in which existing fundamental agricultural research may be applied to the most urgent problems addressed by the Institute.

(C) STAFF.—

(i) IN GENERAL.—The Office shall employ a small, focused staff of rotating experts in science and agriculture.

(ii) TALENT POOL; TERM.—Primary staff of the Office—

(I) shall be appointed from the ranks of active scientists; and

(II) shall serve terms of not to exceed 3 years.

(D) INTENSIVE STUDY GROUPS.—The Office shall—

(i) focus primarily on the most urgent problems addressed by the Institute; and

(ii) assemble such intensive study groups as are necessary to address those problems.

(E) REPORTS.—The Office shall submit to the Director and the Council periodic reports that—

(i) describe the activities being carried out by the Office; and

(ii) recommended new research priorities for the Office, as appropriate.

(2) OFFICE OF SCIENTIFIC ASSESSMENT AND LIAISON.—

(A) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Scientific Assessment and Liaison (referred to in this paragraph as the "Office").

(B) DUTIES.—The Office shall—

(i) monitor the effectiveness of the scientific expenditures by the Institute;

(ii) oversee the coordination of research efforts of the Institute with those of other programs;

(iii) assess the effectiveness of programs of the Institute by evaluating—

(I) the quality of the science funded by the Institute, using such tools as are readily available; and

(II) the contributions of the Institute to the national research effort, including ways in which the Institute collaborates and cooperates with the Department and with other Federal agencies; and

(iv) encourage cooperative approaches among various research agencies within the Federal Government.

(3) OFFICE OF SCIENTIFIC PERSONNEL.—

(A) ESTABLISHMENT.—The Director shall establish within the Institute an Office of Scientific Personnel (referred to in this paragraph as the "Office").

(B) DUTIES.—The Office shall—

(i) cooperate with scientific and agricultural experts to assess—

(I) the number of scientists in agriculture and related fields in the United States; and

(II) how many additional scientists in agriculture and related fields are needed to meet the purposes of this Act; and

(ii) generate and maintain data that may assist the Director and the Council in planning appropriate Institute fellowship and training programs.

(4) ADDITIONAL OFFICES.—The Director may establish such additional offices within the Institute as the Director or the Council determines to be necessary to carry out the duties of the Institute under this Act.

SEC. 6. DUTIES.

(a) IN GENERAL.—The Institute shall provide competitive, peer-reviewed grants in accordance with section 8(b) to support and promote the highest quality of fundamental agricultural research, including grants to fund research proposals submitted by—

(1) individual scientists;

(2) research centers composed of a single institution or multiple institutions; and

(3) other individuals and entities from the private and public sectors, including researchers of the Department and other Federal agencies.

(b) REPORT TO CONGRESS.—Not later than December 31, 2008, and biennially thereafter, the Institute shall submit to the Secretary, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a comprehensive report that describes the research funded and other activities carried out by the Institute during the period covered by the report.

SEC. 7. POWERS.

(a) IN GENERAL.—The Institute shall have such authority as is necessary to carry out this Act, including the authority—

(1) to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel;

(2) to make such expenditures as are necessary to carry out this Act;

(3) to enter into contracts or other arrangements, or modifications of contracts or other arrangements—

(A) to provide for the conduct, by organizations or individuals in the United States (including other agencies of the Department, Federal agencies, and agencies of foreign countries), of such fundamental agricultural research, research relating to fundamental science, or related activities as the Institute considers to be necessary to carry out this Act; and

(B) at the request of the Secretary, for the conduct of such specific fundamental agricultural research as is in the national interest or is otherwise of critical importance, as determined by the Secretary, with the concurrence of the Institute;

(4) to make advance, progress, and other payments relating to research and scientific activities without regard to subsections (a) and (b) of section 3324 of title 31, United States Code;

(5) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority under this Act;

(6) to receive and use donated funds, if the funds are donated without restriction other than that the funds be used in furtherance of 1 or more of the purposes of the Institute;

(7) to publish or arrange for the publication of research and scientific information to further the full dissemination of information of scientific value consistent with the national interest, without regard to section 501 of title 44, United States Code;

(8)(A) to accept and use the services of voluntary and uncompensated personnel; and

(B) to provide such transportation and subsistence as are authorized by section 5703 of title 5, United States Code, for individuals serving without compensation;

(9) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for scientific or engineering research shall be subject to itemization or substantiation prior to payment, without regard to the limitations of other laws relating to the expenditure and accounting of public funds;

(10) to arrange with and reimburse the Secretary, and the heads of other Federal agencies, for the performance of any activity that the Institute is authorized to conduct; and

(11) to enter into contracts, at the request of the Secretary, for the carrying out of such specific agricultural research as is in the national interest or otherwise of critical importance, as determined by the Secretary, with the consent of the Institute.

(b) TRANSFER OF RESEARCH FUNDS OF OTHER DEPARTMENTS OR AGENCIES.—Funds available to the Secretary, or any other department or agency of the Federal Government, for agricultural or scientific research shall be—

(1) available for transfer, with the approval of the Secretary or the head of the other appropriate department or agency involved, in whole or in part, to the Institute for use in providing grants in accordance with the purposes for which the funds were made available; and

(2) if so transferred, expendable by the Institute for those purposes.

(c) RESTRICTION ON ACTIVITIES.—The Institute—

(1) shall be a grant-making entity only; and

(2) shall not—

(A) conduct fundamental agricultural research or research relating to fundamental science; or

(B) operate any laboratory or pilot facility.

SEC. 8. BUDGET CONSIDERATIONS.

(a) BUDGETARY MANAGEMENT GOALS.—The Director, in coordination with the Secretary, shall manage the budget of the Institute to achieve the goals of—

(1) providing sufficient funds over a period of time to achieve the purposes of this Act;

(2) fostering outstanding scientific talent, and directing that talent toward work on issues relating to agriculture; and

(3) adequately reimbursing grant-receiving institutions for costs to encourage the pursuit of agriculturally-related research.

(b) BUDGETARY GUIDELINES FOR GRANTS.—

(1) IN GENERAL.—To achieve the goals described in subsection (a), the Institute shall, to the maximum extent practicable, ensure that grants awarded for each fiscal year comply with the guidelines described in paragraphs (2) and (3).

(2) PROJECT GRANTS.—With respect to project grants, to the maximum extent practicable—

(A) the Institute shall award approximately 1,000 new project grants annually;

(B) the average project grant amount, including overhead, shall be approximately $225,000 for each fiscal year, as adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics;

(C) a project grant shall be provided for a maximum period of 5 years, with an average award duration of 3.5 years;

(D) the Institute shall require the recipients of a project grant to submit appropriate reports on research carried out using funds from the project grant; and

(E) the Institute shall provide such number of training project grants as the Director or the Institute determines to be appropriate.

(3) MULTIDISCIPLINARY GRANTS.—With respect to multidisciplinary grants, to the maximum extent practicable—

(A) for each of fiscal years 2008 through 2011, the Institute shall provide 10 multidisciplinary grants;

(B) for fiscal year 2012 and subsequent fiscal years, the Institute shall provide multidisciplinary grants to fund not fewer than 40 research centers, on the conditions that—

(i) sufficient funds are available; and

(ii) a sufficient number of qualified research proposals are received;

(C) the research centers provided multidisciplinary grants may be composed of a single institution or multiple institutions;

(D) the average multidisciplinary grant amount, including overhead, shall be approximately $3,000,000 for each fiscal year, as adjusted in accordance with the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics;

(E) a multidisciplinary grant shall be provided for a maximum period of 5 years;

(F) in the aggregate, multidisciplinary grants provided under this paragraph for a fiscal year shall represent approximately 15 percent of the total grants provided by the Institute for the fiscal year, on the condition that a sufficient number of qualified research proposals are received for the fiscal year; and

(G) merit review of the research proposal relating to the multidisciplinary grant is conducted to ensure, to the maximum extent practicable, that only quality research proposals are funded.

(c) INDIRECT COSTS.—As part of a project grant or multidisciplinary grant provided under this Act, the Institute shall pay indirect costs of conducting research, including the costs of overhead, to the recipient of the grant at a rate that is not less than any standard negotiated rate applicable to similar grants made by the National Institutes of Health or the National Science Foundation, as of the date of enactment of this Act, as determined by the Secretary.

SEC. 9. FUNDING.

(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this Act—

(1) for fiscal year 2008, $245,000,000 for project grants, of which not more than $20,000,000 shall be made available for administrative expenses incurred by the Institute;

(2) for fiscal year 2009, $515,000,000, of which—

(A) not less than $450,000,000 shall be made available for project grants;

(B) not less than $30,000,000 shall be made available for multidisciplinary grants; and

(C) not more than $35,000,000 shall be available for administrative expenses incurred by the Institute;

(3) for fiscal year 2010, $780,000,000, of which—

(A) not less than $675,000,000 shall be made available for project grants;

(B) not less than $60,000,000 shall be made available for multidisciplinary grants; and

(C) not more than $45,000,000 shall be made available for administrative expenses incurred by the Institute;

(4) for fiscal year 2011, $935,000,000, of which—

(A) not less than $800,000,000 shall be made available for project grants;

(B) not less than $90,000,000 shall be made available for multidisciplinary grants; and

(C) not more than $45,000,000 shall be made available for administrative expenses incurred by the Institute; and

(5) for fiscal year 2012 and each fiscal year thereafter, $966,000,000, of which—

(A) not less than $800,000,000 shall be made available for project grants;

(B) not less than $120,000,000 shall be made available for multidisciplinary grants; and

(C) not more than $46,000,000 shall be made available for administrative expenses incurred by the Institute.

(b) LIMITATION.—For fiscal year 2012 and each subsequent fiscal year, administrative expenses paid by the Institute shall not exceed 5 percent of the total expenditures of the Institute for the fiscal year.

Mr. HARKIN. Mr. President, today, Senator BOND and I are introducing the National Institute of Food and Agriculture Act of 2007. The 2002 farm bill created a Research, Education and Economics Task Force within the Department of Agriculture (USDA)to evaluate agricultural research. A key recommendation of this task force was to create a National Institute for Food and Agriculture (NIFA) within USDA in order to support fundamental food and agricultural research to ensure that American agriculture remains competitive now and in the future. This bill does exactly that. The NIFA would be a grant-making agency that funds food and agricultural research through a competitive, peer-reviewed process. These funds would be in addition to, not as a substitute for, current research programs at USDA's Agricultural Research Service (ARS) and Cooperative State Research, Education, and Extension Service (CSREES).

American agriculture must ensure that our Nation continues to produce safe and nutritious food for an increasing population.

Other challenges include renewable energy production, rural development, food safety, nutrition and quality, and conserving the environment. The Senate Committee on Agriculture, Nutrition, and Forestry held a hearing on agricultural research on March 7 of this year, and it became clear to me that what we need in agricultural research is not only more resources, but also more competitive funding while at the same time, preserving the capacity funding necessary for intramural research, extension and education at USDA and at our land-grant institutions. The NIFA Act of 2007 contains $3.4 billion of mandatory funding for the next 5 years to provide the food and agriculture sector with the innovation needed to confront these and other challenges facing American farmers and consumers of food and agriculture products now and in the future. Over a 10-year period, this legislation would provide for research a little over 1 percent of total mandatory funding at the Department of Agriculture. One percent is certainly a relatively modest investment given the public benefits of agricultural research, the results of which we reap every day as we consume a safe and affordable food supply, and as we look to increase farm-based renewable energy and biobased products. If we do not invest in research now, increased globalization and competition from foreign markets will become real threats to U.S. agriculture. I encourage my colleagues to join me in supporting the National Institute of Food and Agriculture Act of 2007.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, and Mr. BROWN):

S. 972. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Responsible Education About Life or "REAL" Act along with my cosponsors Senators KENNEDY, MURRAY, SCHUMER, BOXER, and HARKIN.

The REAL Act aims to reduce adolescent pregnancy, HIV rates, and other sexually transmitted diseases, by providing Federal funds for comprehensive sex education in schools.

Comprehensive sex education is medically accurate, age appropriate education that includes information about both contraception and abstinence. It is an approach that tells our kids the truth.

The REAL act will help young people make smart choices and give them all the information—not just the "abstinence only" side of the story.

For years, taxpayer dollars have been flooded into unproven "abstinence-only" programs—while no federal program is dedicated to comprehensive sex education.

Under the Bush administration, Federal support for "abstinence-only" education has expanded rapidly.

The proof is in the numbers. In the last 4 years, the Federal government has spent over $680 million dollars on "abstinence only" programs. This year President Bush is asking for another $204 million dollars for "abstinence only" education despite little evidence that these programs actually work.

Would you like to know how much money the government has devoted to comprehensive sex education programs over this same time? Zero dollars.

Much of the taxpayer funds going to "abstinence-only" programs are essentially being wasted.

After years of "abstinence only" programs, the United States still has the highest rates of teen pregnancy in the industrialized world and approximately 50 young Americans a day, an average of two an hour, are infected with HIV.

We have tried denying young people information about contraception and STD prevention and now it is time to provide them with medically accurate comprehensive sex education.

Comprehensive sex education simply works better.

It is a fact that teenagers who receive sex education that includes discussion of contraception are more likely to delay sexual activity than those who receive abstinence-only education.

The American public knows what works. Parents do not want sexual education programs limited to abstinence in schools. More than eight in 10 Americans favor comprehensive sexuality education programs that include information about contraception over those that only promote abstinence.

The stakes are high: of the 19 million cases of sexually transmitted diseases every year in the United States, almost half of them strike young people between the ages of 15 and 24.

These aren't just numbers. These are our sons and daughters whose health and well-being are jeopardized when ideology comes before sound public policy.

That is why we are introducing this legislation today. It's time for a more balanced approach; it's time to protect out kids, and it's time to get REAL.

The REAL Act is step in a more effective direction. It brings sex education up-to-date in a way that will reflect the serious issues and real life situations millions of young people find themselves in every year.

Young people have a right to accurate and complete information that could protect their health and even save their lives. I urge my colleagues to support the REAL Act and make it possible to give young people the tools to make safe and responsible decisions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsible Education About Life Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The American Medical Association ("AMA"), the American Nurses Association ("ANA"), the American Academy of Pediatrics ("AAP"), the American College of Obstetricians and Gynecologists ("ACOG"), the American Public Health Association ("APHA"), and the Society of Adolescent Medicine ("SAM") support responsible sexuality education that includes information about both abstinence and contraception.

(2) Recent scientific reports by the Institute of Medicine, the American Medical Association, and the Office on National AIDS Policy stress the need for sexuality education that includes messages about abstinence and provides young people with information about contraception for the prevention of teen pregnancy, HIV/AIDS and other sexually transmitted diseases ("STDs").

(3) Government-funded abstinence-only-until-marriage programs are precluded from discussing contraception except to talk about failure rates. An October 2006 report from the Government Accountability Office concluded that the current administration of abstinence-only-until-marriage programs by the Department of Health and Human Services ("HHS") fails to require medical accuracy of the vast majority of funded programs and that no regular monitoring of medical accuracy is being carried out by HHS. The Government Accountability Office also reported on the Department's total lack of appropriate and customary measurements to determine if funded programs are effective. In addition, a separate letter from the Government Accountability Office in October 2006 to the Secretary of Health and Human Services Michael Leavitt contained a legal finding that the Department was in violation of Federal law, in particular section 317P(c)(2) of the Public Health Services Act (42 U.S.C. 247b–17(c)(2)), for not requiring abstinence-only-until-marriage programs to provide full and medically accurate information about the effectiveness of condoms. The Department has argued that the abstinence-only-until-marriage programs are exempt from the law; however, the Government Accountability Office disagrees.

(4) A 2006 statement from the American Public Health Association ("APHA") "recognizes the importance of abstinence education, but only as part of a comprehensive sexuality education program . . . APHA calls for repealing current federal funding for abstinence-only programs and replacing it with funding for a new Federal program to promote comprehensive sexuality education, combining information about abstinence with age-appropriate sexuality education.".

(5) The Society for Adolescent Medicine ("SAM") in a 2006 position paper found the following: "Efforts to promote abstinence should be provided within health education programs that provide adolescents with complete and accurate information about sexual health, including information about concepts of healthy sexuality, sexual orientation and tolerance, personal responsibility, risks of HIV and other STIs and unwanted pregnancy, access to reproductive health care, and benefits and risks of condoms and other contraceptive methods... Current funding for abstinence-only programs should be replaced with funding for programs that offer comprehensive, medically accurate sexuality education".

(6) Research shows that teenagers who receive sexuality education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

(7) Comprehensive sexuality education programs respect the diversity of values and beliefs represented in the community and will complement and augment the sexuality education children receive from their families.

(8) The median age of puberty is 13 years and the average age of marriage is over 26 years old. American teens need access to full, complete, and medically and factually accurate information regarding sexuality, including contraception, STD/HIV prevention, and abstinence.

(9) Although teen pregnancy rates are decreasing, the United States has the highest teen pregnancy rate in the industrialized world with between 750,000 and 850,000 teen pregnancies each year. Between 75 and 90 percent of teen pregnancies among 15- to 19-year olds are unintended.

(10) A November 2006 study of declining pregnancy rates among teens concluded that the reduction in teen pregnancy between 1995 and 2002 is primarily the result of increased use of contraceptives. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(11) More than eight out of ten Americans believe that young people should have information about abstinence and protecting themselves from unplanned pregnancies and sexually transmitted diseases.

(12) The United States has the highest rate of infection with sexually transmitted diseases of any industrialized country. In 2005, there were approximately 19,000,000 new cases of sexually transmitted diseases, almost half of them occurring in young people ages 15 to 24. According to the Centers for Disease Control and Prevention, these sexually transmitted diseases impose a tremendous economic burden with direct medical costs as high as $14,100,000,000 per year.

(13) Each year, teens in the United States contract an estimated 9.1 million sexually transmitted infections. Each year, one in four sexually active teens contracts a sexually transmitted disease.

(14) Nearly half of the 40,000 annual new cases of HIV infections in the United States occur in youth ages 13 through 24. Approximately 50 young people a day, an average of two young people every hour of every day, are infected with HIV in the United States.

(15) African-American and Latino youth have been disproportionately affected by the HIV/AIDS epidemic. Although African-American adolescents ages 13 through 19 represent only 15 percent of the adolescent population in the United States, they accounted for 73 percent of new AIDS cases reported among teens in 2004. Although Latinos ages 20 through 24 represent only 18 percent of the

young adults in the United States, they accounted for 23 percent of the new AIDS cases in 2004.

SEC. 3. ASSISTANCE TO REDUCE TEEN PREGNANCY, HIV/AIDS, AND OTHER SEXUALLY TRANSMITTED DISEASES AND TO SUPPORT HEALTHY ADOLESCENT DEVELOPMENT.

(a) In General.—Each eligible State shall be entitled to receive from the Secretary of Health and Human Services, for each of the fiscal years 2008 through 2012, a grant to conduct programs of family life education, including education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

(b) Requirements for Family Life Programs.—For purposes of this Act, a program of family life education is a program that—

(1) is age-appropriate and medically accurate;

(2) does not teach or promote religion;

(3) teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(4) stresses the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

(5) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(6) provides information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(7) encourages family communication about sexuality between parent and child;

(8) teaches young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances; and

(9) teaches young people how alcohol and drug use can effect responsible decisionmaking.

(c) Additional Activities.—In carrying out a program of family life education, a State may expend a grant under subsection (a) to carry out educational and motivational activities that help young people—

(1) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(2) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS throughout their lifespan;

(3) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(4) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, sexual orientation, and other subjects;

(5) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(6) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including, but not limited to, friendships, dating, romantic involvement, marriage and family interactions; and

(7) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that while States are not required to provide matching funds, they are encouraged to do so.

SEC. 5. EVALUATION OF PROGRAMS.

(a) In General.—For the purpose of evaluating the effectiveness of programs of family life education carried out with a grant under section 3, evaluations of such program shall be carried out in accordance with subsections (b) and (c).

(b) National Evaluation.—

(1) In general.—The Secretary shall provide for a national evaluation of a representative sample of programs of family life education carried out with grants under section 3. A condition for the receipt of such a grant is that the State involved agree to cooperate with the evaluation. The purposes of the national evaluation shall be the determination of—

(A) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(B) the effectiveness of such programs in preventing adolescent pregnancy;

(C) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS;

(D) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs; and

(E) a list of best practices based upon essential programmatic components of evaluated programs that have led to success in subparagraphs (A) through (D).

(2) Report.—A report providing the results of the national evaluation under paragraph (1) shall be submitted to the Congress not later than March 31, 2011, with an interim report provided on a yearly basis at the end of each fiscal year.

(c) Individual State Evaluations.—

(1) In general.—A condition for the receipt of a grant under section 3 is that the State involved agree to provide for the evaluation of the programs of family education carried out with the grant in accordance with the following:

(A) The evaluation will be conducted by an external, independent entity.

(B) The purposes of the evaluation will be the determination of—

(i) the effectiveness of such programs in helping to delay the initiation of sexual intercourse and other high-risk behaviors;

(ii) the effectiveness of such programs in preventing adolescent pregnancy;

(iii) the effectiveness of such programs in preventing sexually transmitted disease, including HIV/AIDS; and

(iv) the effectiveness of such programs in increasing contraceptive knowledge and contraceptive behaviors when sexual intercourse occurs.

(2) Use of grant.—A condition for the receipt of a grant under section 3 is that the State involved agree that not more than 10 percent of the grant will be expended for the evaluation under paragraph (1).

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) The term "eligible State" means a State that submits to the Secretary an application for a grant under section 3 that is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this Act.

(2) The term "HIV/AIDS" means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(3) The term "medically accurate", with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.

(4) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 7. APPROPRIATIONS.

(a) In General.—For the purpose of carrying out this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012.

(b) Allocations.—Of the amounts appropriated under subsection (a) for a fiscal year—

(1) not more than 7 percent may be used for the administrative expenses of the Secretary in carrying out this Act for that fiscal year; and

(2) not more than 10 percent may be used for the national evaluation under section 5(b).

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, and Ms. COLLINS):

S. 973. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, I am pleased today to be joined by Senators GRASSLEY, DURBIN and COLLINS in reintroducing the Restitution for Victims of Crime Act. This legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered Federal restitution and fines. It is virtually identical to the bill we introduced in June of last year.

Recent information from the Justice Department suggests the many victims of crime and their families continue to face a significant challenge in trying to recover a sense of emotional and financial security after a crime has been perpetrated against them.

By law, victims of Federal crimes are generally entitled to "full and timely restitution" for losses from a convicted offender. Unfortunately new Justice Department data show that the amount of uncollected Federal criminal debt is still spiraling upward—jumping from some $41 billion in fiscal year 2005 to nearly $46 billion at the end of fiscal year 2006. This is a hike of some $5 billion in uncollected Federal criminal debt int he past fiscal year alone. Criminal debt ordered by Federal courts in North Dakota that remained uncollected at the end of fiscal year 2006 totaled $18.7 million, up almost $4 million from the preceding year.

Crime victims should not have to worry if those in charge of collecting court-ordered restitution on their behalf are making every possible effort to do so. We believe that passing the Restitution for Victimis of Crime Act would greatly help Federal criminal justice officials in this task.

Our bill includes provisions that will remove many existing impediments to increased collections. It will also provide new tools to help Federal criminal justice officials prevent criminal defendants from spending or hiding their ill-gotten gains and other financial assets by setting up pre-conviction procedures for preserving assets for victims' restitution.

I hope that my Senate colleagues will help us get the legislation enacted at the first available opportunity. This will send a clear and much-needed message to white collar and other criminals: if you commit a crime you will be held accountable and will not be allowed to benefit in any way from your criminal activity and ill-gotten gains. I also believe this bill will reassure many innocent victims of Federal crime that the justice system is working hard to recover court-ordered restitution that is owed to such victims.

I understand that criminal debt collection can be a tough job. It may be impossible to collect the full amount of restitution owed to victims in some cases. Clearly criminal debt collections may be more difficult in cases where convicted criminals are in prison, ill-gotten gains are already gone or these criminals are without any other financial means to pay their full restitution.

However, victims of crime in this country should expect Federal law enforcement officials tasked with collecting outstanding restitution to do a better job. At the very least, crime victims should not be concerned that their prospects for financial restitution are being diminished because criminal offenders are frittering away their ill-gotten gains on lavish lifestyles and the like. But, as I have mentioned before, past Government Accountability Office (GAO) investigations rightly give many crime victims real reason to worry. GAO's work made clear that more financial assets could be recovered but for a failure of some criminal justice officials to make criminal debt collection a top priority.

At my request, the GAO reviewed five white-collar financial fraud cases and concluded that the Justice Department's prospects were "not good for collecting additional restitution from offenders" owed to the victims—even though one or more of the criminal offenders involved had reported earning millions of dollars in income, having millions in net worth and/or were spending thousands of dollars monthly on entertainment and clothing prior to the judgments entered against them. In addition, the GAO found that certain offenders had taken expensive trips overseas, had fraudulently obtained millions of dollars in assets and converted those assets for personal use, had established businesses for their children, or held homes worth millions of dollars that were located in upscale neighborhoods. Despite all of this reported wealth, GAO found that only a small fraction of court-ordered restitution owed to victims had been collected.

The legislation that Senator GRASSLEY and I are re-introducing today is based on a comprehensive package of recommendations by the Justice Department that stem in large part from the work of the Task Force on Improving the Collection of Criminal Debt. Justice Department officials believe these changes will remove many of the current impediments to better debt collection.

For example, Justice Department officials described a circumstance where they were prevented by a court from accessing $400,000 held in a criminal offender's 401(k) plan to pay a $4 million restitution debt to a victim because that court said the defendant was complying with a $250 minimum monthly payment plan and that payment schedule precluded any other enforcement actions. Our bill would remove impediments like this in the future.

This legislation will address another major problem identified by the GAO for officials in charge of criminal debt collection; that is, many years can pass between the date a crime occurs and the date a court orders restitution. This gives criminal defendants ample opportunity to spend or hide their ill-gotten gains. Our bill sets up pre-conviction procedures for preserving assets for victims' restitution. These tools will help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used successfully in some States and by Federal officials in certain asset forfeiture cases.

Key provisions of the bill would do the following:

Clarify that court-ordered Federal criminal restitution is due immediately in full upon imposition, just like in civil cases and that any payment schedule ordered by a court is only a minimum obligation of a convicted offender.

Allow Federal prosecutors to access financial information about a defendant in the possession of the U.S. Probation Office—without the need for a court order.

Clarify that final restitution orders can be enforced by criminal justice officials through the Bureau of Prisons' Inmate Financial Responsibility Program.

Ensure that if a court restricts the ability of criminal justice officials to enforce a financial judgment, the court must do so expressly for good cause on the record. Absent exceptional circumstances, the court must require a deposit, the posting of a bond or impose additional restraints upon the defendant from transferring or dissipating assets.

Help ensure better recovery of restitution by requiring a court to enter a pre-conviction restraining order or injunction, require a satisfactory performance bond, or take other action necessary to preserve property that is traceable to the commission of a charged offense or to preserve other nonexempt assets if the court determines that it is in the interest of justice to do so.

Under the bill, a criminal defendant is allowed to challenge a court's prejudgment asset preservation order. For example, a defendant may challenge a post-indictment restraining order if he or she can show that there is no probable cause to justify the restraint or the order does not provide the accused with adequate resources for attorney fees or reasonable living expenses.

Permit the Attorney General to commence a civil action under the Anti-Fraud Injunction Statute to enjoin a person who is committing or about to commit a Federal offense that may result in a restitution order; and permit a court to restrain the dissipation of assets in any case where it has power to enjoin the commission of a crime, not just banking or health care fraud as permitted under current law.

Allow the United States under the Federal Debt Collections Procedure Act to use prejudgment remedies to preserve assets in criminal cases that are similar to those used in civil cases when it is needed to preserve a defendant's assets for restitution. Such remedies, including attachment, garnishment, and receivership, are not currently available in criminal cases because there is no enforceable debt prior to an offender's conviction and judgment.

Clarify that a victim's attorney fees may be included in restitution orders, including cases where such fees are a foreseeable result from the commission of the crime, are incurred to help recover lost property or expended by a victim to defend against third-party lawsuits resulting from the defendant's crime.

Allow courts at their discretion to order immediate restitution to those that have suffered economic losses or serious bodily injury or death as the result of environmental felonies. Under current law, courts can impose restitution in such cases as a condition of probation or supervised release but this means that many victims of environment crimes must wait for years to be compensated for their losses, if at all.

The Restitution for Victims of Crime Act has previously been endorsed by a number of organizations concerned about the well-being of crime victims, including: The National Center for Victims of Crime, Mothers Against Drunk Driving, the National Organization for Victims Assistance (NOVA), the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence, the

National Coalition Against Domestic Violence, and the National Association of VOCA Assistance Administrators (NAVAA). Most recently, the National Crime Victim Law Institute shared its support for our bill.

Last year, United States Attorney Drew Wrigley in Fargo, North Dakota said this legislation "represents important progress toward ensuring that victims of crime are one step closer to being made whole."

Senator GRASSLEY and I look forward to working with these groups and others to move this bill forward in the legislative process. With the Justice Department's help, we can make criminal debt collection a top priority for all Federal criminal justice officials once again.

By Ms. COLLINS (for herself, Mr. BAYH, Mr. LEVIN, Mr. GRAHAM, Mr. COCHRAN, Ms. SNOWE, Mr. HARKIN, Ms. STABENOW, Mr. DURBIN, and Mr. SCHUMER):

S. 974. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stopping Overseas Subsidies Act".

SEC. 2. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMIES AND STRENGTHENING APPLICATION OF THE LAW.

(a) IN GENERAL.—Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting "(including a nonmarket economy country)" after "country" each place it appears.

(b) USE OF ALTERNATE METHODOLOGIES INVOLVING CHINA.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended by adding at the end the following: "If the administering authority encounters special difficulties in identifying and calculating the amount of a benefit under clauses (i) through (iv) with respect to an investigation or review involving the People's Republic of China, without regard to whether the administering authority determines that China is a nonmarket economy country under paragraph (18) of this section, the administering authority shall use methodologies to identify and calculate the amount of the benefit that take into account the possibility that terms and conditions prevailing in China may not always be available as appropriate benchmarks. In applying such methodologies, where practicable, the administering authority should take into account and adjust terms and conditions prevailing in China before using terms and conditions prevailing outside of China. If the administering authority determines that China is a nonmarket economy country under paragraph (18) of this section, the administering authority shall presume, absent a demonstration of compelling evidence to the contrary, that special difficulties exist in calculating the amount of a benefit under clauses (i) through (iv) with respect to an investigation or review involving China and that it is not practicable to take into account and adjust terms and conditions prevailing in China, and the administering authority shall use terms and conditions prevailing outside of China.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to petitions filed under section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) on or after October 1, 2006.

(d) ANTIDUMPING PROVISIONS NOT AFFECTED.—The amendments made by subsections (a) and (b) shall not affect the status of a country as a nonmarket economy country for the purposes of any matter relating to antidumping duties under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(e) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) shall not be construed to affect the interpretation of any provision of law as in effect on the day before the date of the enactment of this Act with respect to the application of countervailing duties to nonmarket economy countries.

SEC. 3. REVOCATION OF NONMARKET ECONOMY COUNTRY STATUS.

(a) AMENDMENT OF DEFINITION OF "NONMARKET ECONOMY COUNTRY".—Section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)) is amended to read as follows:

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until—

"(I) the administering authority makes a final determination to revoke the determination under subparagraph (A); and

"(II) a joint resolution is enacted into law pursuant to section 3 of the Stopping Overseas Subsidies Act.".

(b) NOTIFICATION BY PRESIDENT; JOINT RESOLUTION.—Whenever the administering authority makes a final determination under section 771(18)(C)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)(I)) to revoke the determination that a foreign country is a nonmarket economy country—

(1) the President shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of that determination not later than 10 days after the publication of the administering authority's final determination in the Federal Register;

(2) the President shall transmit to the Congress a request that a joint resolution be introduced pursuant to this section; and

(3) a joint resolution shall be introduced in the Congress pursuant to this section.

(c) DEFINITION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the change of nonmarket economy status with respect to the products of transmitted by the President to the Congress on ________.", the first blank space being filled in with the name of the country with respect to which a determination has been made under section 771(18)(C)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(18)(C)(i)), and the second blank space being filled with the date on which the President notified the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives under subsection (b)(1).

(d) INTRODUCTION.—A joint resolution shall be introduced (by request) in the House of Representatives by the majority leader of the House, for himself, or by Members of the House designated by the majority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself, or by Members of the Senate designated by the majority leader of the Senate.

(e) AMENDMENTS PROHIBITED.—No amendment to a joint resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(f) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—If the committee or committees of either House to which a joint resolution has been referred have not reported the joint resolution at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar. A vote on final passage of the joint resolution shall be taken in each House on or before the close of the 15th day after the joint resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the joint resolution. If, prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House, but

(B) the vote on final passage shall be on the joint resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(g) FLOOR CONSIDERATION IN THE HOUSE.—

(1) MOTION PRIVILEGED.—A motion in the House of Representatives to proceed to the consideration of a joint resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the House of Representatives on a joint resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a joint resolution or to move to reconsider the vote by which a joint resolution is agreed to or disagreed to.

(3) MOTIONS TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a joint resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution shall be decided without debate.

(5) OTHER RULES.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(h) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION PRIVILEGED.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE LIMITED.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) CONTROL OF DEBATE.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a joint resolution is not in order.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (c) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such subsections (c) through (h) are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions described in subsection (c), and subsections (c) through (h) supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 4. STUDY AND REPORT ON SUBSIDIES BY PEOPLE'S REPUBLIC OF CHINA.

(a) STUDY.—The United States International Trade Commission shall conduct a study, under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), regarding how the People's Republic of China uses government intervention to promote investment, employment, and exports. The study shall comprehensively catalog, and when possible quantify, the practices and policies that central, provincial, and local government bodies in the People's Republic of China use to support and to attempt to influence decisionmaking in China's manufacturing enterprises and industries. Chapters of this study shall include, but not be limited to, the following:

(1) Privatization and private ownership.

(2) Nonperforming loans.

(3) Price coordination.

(4) Selection of industries for targeted assistance.

(5) Banking and finance.

(6) Utility rates.

(7) Infrastructure development.

(8) Taxation.

(9) Restraints on imports and exports.

(10) Research and development.

(11) Worker training and retraining.

(12) Rationalization and closure of uneconomic enterprises.

(b) REPORT.—The Congress requests that—

(1) not later than 9 months after the date of the enactment of this Act, the International Trade Commission complete its study under subsection (a), submit a report on the study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and make the report available to the public; and

(2) not later than 1 year after the report under paragraph (1) is submitted, and annually thereafter through 2017, the International Trade Commission prepare and submit to the committees referred to in paragraph (1) an update of the report and make the update of the report available to the public.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 117—COMMEMORATING THE 25TH ANNIVERSARY OF THE CONSTRUCTION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. HAGEL (for himself, Mr. McCAIN, Mr. KERRY, Mr. WARNER, Mr. ALLARD, Mr. BIDEN, Mr. GRASSLEY, Ms. LANDRIEU, Mr. LUGAR, Mr. HARKIN, Mr. INHOFE, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. ROBERTS, Mr. REED, Mr. DOMENICI, Mr. SALAZAR, Mr. VOINOVICH, Mr. LEVIN, Mr. VITTER, Ms. MIKULSKI, Mr. BURR, Mr. NELSON of Nebraska, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SCHUMER, Ms. CANTWELL, Mr. BROWN, Mr. DURBIN, Ms. MURKOWSKI, Mr. KENNEDY, Mr. SPECTER, Mrs. McCASKILL, Mr. BROWNBACK, Mr. OBAMA, Mr. CRAPO, Mr. PRYOR, Mr. STEVENS, Mr. NELSON of Florida, Mr. SUNUNU, Mr. TESTER, Mr. CRAIG, Mr. CONRAD, Mr. GRAHAM, Mr. BYRD, Mr. LAUTENBERG, Mr. INOUYE, Mr. AKAKA, Mr. BAUCUS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. COLEMAN, Mr. CHAMBLISS, Mr. CORKER, Mr. ENSIGN, Mr. McCONNELL, Ms. STABENOW, Mr. LOTT, Mr. CARDIN, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 117

Whereas 2007 marks the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas the memorial displays the names of more than 58,000 men and women who lost their lives between 1956 and 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of people in the United States visit the monument to pay their respects to those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas the memorial has come to represent a legacy of healing and demonstrates the appreciation of the people of the United States for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who served honorably in the Armed Forces of the United States in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all people in the United States who suffered the loss of friends and family in Vietnam;

(3) encourages the people of the United States to remember the sacrifices of our veterans; and

(4) commemorates the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

SENATE RESOLUTION 118—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LEVIN (for himself, Ms. COLLINS, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 118

Whereas on November 15, 2006, the Government of Canada opened a commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas more than 1,000,000 seals have been killed over the past 3 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 95 percent of the seals killed over the past 5 years were pups between just 12 days and 12 weeks of age, many of which had not yet eaten their first solid meal or taken their first swim;

Whereas a report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is a commercial slaughter carried out almost entirely by non-Native people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas two Canadian government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2006.

Mr. LEVIN. Mr. President, Canada's commercial seal hunt is the largest slaughter of marine mammals in the world. According to the Humane Society of the United States (HSUS), over one million seals have been killed for their fur in the past three years. In 2006 alone, more than 350,000 seals were slaughtered, most of them between 12 days and 12 weeks old.

Canada officially opened another seal hunt on November 15, 2006, paving the way for hundreds of thousands of baby seals to be killed for their fur during the spring of 2007. Today, I am joined by Senator COLLINS and Senator BIDEN in submitting a resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

A study by an independent team of veterinarians in 2001, found that the seal hunt failed to comply with basic animal welfare standards and that Canadian regulations with regard to humane killing were not being enforced. The study concluded that up to 42 percent of the seals studied were likely skinned while alive and conscious. The United States has long banned the import of seal products because of widespread outrage over the magnitude and cruelty of the hunt.

It makes little sense to continue this inhumane industry that employs only a few hundred people on a seasonal, part-time basis and only operates for a few weeks a year, in which the concentrated killings takes place. In Newfoundland, where over 90 percent of the hunters live, the economic contribution of the seal hunt is marginal. In fact, exports of seal products from Newfoundland account for less than one-tenth of one percent of the province's total exports.

Canada is fortunate to have vast and diverse wildlife populations, but these animals deserve protection, not senseless slaughter. Americans have a long history of defending marine mammals, best evidenced by the Marine Mammal Protection Act of 1972. Polls show that close to 80 percent of Americans and the vast majority of Europeans oppose Canada's seal hunt. In fact, close to 70 percent of Canadians surveyed oppose the hunt completely, with even higher numbers opposing specific aspects of the hunt, such as killing baby seals.

The U.S. Government has opposed this senseless slaughter, as noted in the attached, January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin.

The clubbing of baby seals can not be defended or justified. Canada should end it, just as we ended the Alaska seal hunt more than 20 years ago.

I ask unanimous consent that the January 19, 2005, letter from the U.S. State Department and the text of the resolution be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC. January 19, 2005.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D. C.

DEAR SENATOR LEVIN: This is in response to your letter to the President of November 24, 2004, regarding Canadian commercial seal hunting. The White House has requested that the Department of State respond. We regret the delay in responding. Unfortunately, this letter was not received in the Department of State until mid-December, well after the referenced meeting between President Bush and Prime Minister Paul Martin of Canada.

We are aware of Canada's seal hunting activities and of the opposition to it expressed by many Americans. Furthermore, we can assure you that the United States has a long-standing policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine mammals in waters or lands subject to the jurisdiction of the United States and the importation of marine mammals and marine mammal products into the United States.

The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of assistance in this or any other matter.

Sincerely,

NANCY POWELL,
(For Paul V. Kelly, Asst. Secretary, Legislative Affairs).

SENATE RESOLUTION 119—TO AUTHORIZE TESTIMONY BY A FORMER DETAILEE OF THE COMMITTEE ON THE JUDICIARY

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas, the Committee on the Judiciary has received a request from an attorney in the Office of the General Counsel of the Federal Bureau of Investigation for a declaration from a former detailee of the Committee, Steven M. Dettelbach, for use in the Department of Justice's administrative proceeding styled In re George A Runkle, Jr., OARM–WB No. 06–2;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the former detailee of the Committee on the Judiciary, Steven M. Dettelbach, is authorized to provide a declaration for use in the administrative proceeding In re George A. Runkle, Jr., OARM–WB No. 06–2.

SENATE RESOLUTION 120—DESIGNATING MARCH 22, 2007, AS NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. CHAMBLISS (for himself, Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors and Educators Association (RCEA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation

Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2007, as National Rehabilitation Counselors Appreciation Day; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

SENATE RESOLUTION 23—EXPRESSING THE SENSE OF CONGRESS THAT PROVISIONS THAT PROVOKE VETO THREATS FROM THE PRESIDENT SHOULD NOT BE INCLUDED ON BILLS THAT APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF RECOMMENDATIONS OF THE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. BROWNBACK (for himself, Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 23

Whereas Congress and President George W. Bush approved the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment;

Whereas these recommendations propose major changes in the positioning of United States military personnel;

Whereas the Department of Defense is moving rapidly to implement these recommendations;

Whereas the communities near military installations that are slated to receive major troop increases have already invested time and capital in making preparations for upcoming increases in population; and

Whereas funding these recommendations on an annual basis is absolutely necessary for their implementation and the economic confidence of the communities that are expecting increases in population: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress should not include provisions that provoke veto threats from the President in bills that appropriate funds for the implementation of recommendations of the Base Closure and Realignment Commission.

AMENDMENTS SUBMITTED AND PROPOSED

SA 525. Mr. CORNYN (for himself and Mr. GREGG) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

SA 526. Mr. BAYH (for himself, Ms. SNOWE, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 527. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 528. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 529. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 530. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 531. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 532. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 533. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 534. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 535. Mr. WARNER (for himself, Mr. WEBB, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 536. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 537. Mr. WEBB (for himself, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. WYDEN, Ms. MIKULSKI, and Mr. REID) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 538. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 539. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 540. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 541. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 542. Mrs. LINCOLN (for herself, Ms. SNOWE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra.

SA 543. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 544. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 545. Mr. SANDERS (for himself and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 546. Mr. THUNE (for himself, Mrs. LINCOLN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 547. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 548. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 549. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 550. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 551. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 552. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 553. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 554. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 555. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 556. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 557. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 558. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 559. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

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SA 561. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 562. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 563. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 564. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 565. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 566. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 567. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 568. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 569. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 570. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 571. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 572. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 573. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 574. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 575. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 576. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 577. Mr. COLEMAN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ROBERTS, and Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 578. Mr. DEMINT (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 579. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 580. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 581. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 582. Mr. HAGEL (for himself, Mr. COLEMAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 583. Mr. KYL (for himself and Mr. THUNE) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 584. Mr. COLEMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 585. Mr. GREGG (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 586. Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 587. Mr. BINGAMAN (for himself, Ms. CANTWELL, Mr. SALAZAR, Mr. FEINGOLD, Mr. MENENDEZ, Mr. SANDERS, Mr. TESTER, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. DURBIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 588. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 589. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 590. Mr. DORGAN (for himself, Ms. COLLINS, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 591. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 592. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 593. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 594. Mr. BUNNING (for himself, Mr. MCCONNELL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 595. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 596. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Mr. WHITEHOUSE, Mr. BIDEN, Mr. SANDERS, Mr. SCHUMER, Mr. LIEBERMAN, Mr. PRYOR, Mrs. CLINTON, and Mr. DODD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 597. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 598. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 599. Mr. OBAMA (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. LUGAR, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 600. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. ROCKEFELLER, Mr. DURBIN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 601. Mr. PRYOR (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 602. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 603. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 604. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 605. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 606. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 607. Mr. CHAMBLISS (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 608. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 609. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 610. Mr. PRYOR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 611. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 612. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 613. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 614. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 615. Mr. KERRY (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 617. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 618. Mr. GRASSLEY (for himself, Mr. GREGG, Mr. DEMINT, and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 619. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, Mr. ISAKSON, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 620. Mr. WARNER (for himself, Mr. WEBB, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 525. Mr. CORNYN (for himself and Mr. GREGG) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 4, line 6, decrease the amount by $2,047,000,000.

On page 4, line 7, decrease the amount by $4,291,000,000.

On page 4, line 8, decrease the amount by $6,949,000,000.

On page 4, line 9, decrease the amount by $9,936,000,000.

On page 4, line 10, decrease the amount by $13,270,000,000.

On page 4, line 15, decrease the amount by $2,047,000,000.

On page 4, line 16, decrease the amount by $4,291,000,000.

On page 4, line 17, decrease the amount by $6,949,000,000.

On page 4, line 18, decrease the amount by $9,936,000,000.

On page 4, line 19, decrease the amount by $13,270,000,000.

On page 4, line 24, decrease the amount by $2,047,000,000.

On page 4, line 25, decrease the amount by $4,291,000,000.

On page 5, line 1, decrease the amount by $6,949,000,000.

On page 5, line 2, decrease the amount by $9,936,000,000.

On page 5, line 3, decrease the amount by $13,270,000,000.

On page 5, line 7, decrease the amount by $2,047,000,000.

On page 5, line 8, decrease the amount by $6,339,000,000.

On page 5, line 9, decrease the amount by $13,288,000,000.

On page 5, line 10, decrease the amount by $23,224,000,000.

On page 5, line 11, decrease the amount by $36,494,000,000.

On page 5, line 15, decrease the amount by $2,047,000,000.

On page 5, line 16, decrease the amount by $6,339,000,000.

On page 5, line 17, decrease the amount by $13,288,000,000.

On page 5, line 18, decrease the amount by $23,224,000,000.

On page 5, line 19, decrease the amount by $36,494,000,000.

On page 19, line 12, decrease the amount by $2,000,000,000.

On page 19, line 13, decrease the amount by $2,000,000,000.

On page 19, line 16, decrease the amount by $4,100,000,000.

On page 19, line 17, decrease the amount by $4,100,000,000.

On page 19, line 20, decrease the amount by $6,500,000,000.

On page 19, line 21, decrease the amount by $6,500,000,000.

On page 19, line 24, decrease the amount by $9,100,000,000.

On page 19, line 25, decrease the amount by $9,100,000,000.

On page 20, line 3, decrease the amount by $11,900,000,000.

On page 20, line 4, decrease the amount by $11,900,000,000.

On page 25, line 12, decrease the amount by $47,000,000.

On page 25, line 13, decrease the amount by $47,000,000.

On page 25, line 16, decrease the amount by $191,000,000.

On page 25, line 17, decrease the amount by $191,000,000.

On page 25, line 20, decrease the amount by $449,000,000.

On page 25, line 21, decrease the amount by $449,000,000.

On page 25, line 24, decrease the amount by $836,000,000.

On page 25, line 25, decrease the amount by $836,000,000.

On page 26, line 3, decrease the amount by $1,370,000,000.

On page 26, line 4, decrease the amount by $1,370,000,000.

SA 526. Mr. BAYH (for himself, Ms. SNOWE, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 11, decrease the amount by $120,000,000.

On page 3, line 12, decrease the amount by $776,000,000.

On page 3, line 13, decrease the amount by $178,000,000.

On page 3, line 14, increase the amount by $349,000,000.

On page 3, line 15, increase the amount by $742,000,000.

On page 3, line 20, decrease the amount by $120,000,000.

On page 3, line 21, decrease the amount by $776,000,000.

On page 3, line 22, decrease the amount by $178,000,000.

On page 3, line 23, increase the amount by $349,000,000.

On page 4, line 1, increase the amount by $742,000,000.

On page 4, line 24, increase the amount by $120,000,000.

On page 4, line 25, increase the amount by $776,000,000.

On page 5, line 1, increase the amount by $178,000,000.

On page 5, line 2, decrease the amount by $349,000,000.

On page 5, line 3, decrease the amount by $742,000,000.

On page 5, line 7, increase the amount by $120,000,000.

On page 5, line 8, increase the amount by $896,000,000.

On page 5, line 9, increase the amount by $1,074,000,000.

On page 5, line 10, increase the amount by $725,000,000.

On page 5, line 11, decrease the amount by $17,000,000.

On page 5, line 15, increase the amount by $120,000,000.

On page 5, line 16, increase the amount by $896,000,000.

On page 5, line 17, increase the amount by $1,074,000,000.

On page 5, line 18, increase the amount by $725,000,000.

On page 5, line 19, decrease the amount by $17,000,000.

SA 527. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 11, line 9, increase the amount by $125,000,000.

On page 11, line 10, increase the amount by $56,000,000.

On page 11, line 14, increase the amount by $50,000,000.

On page 11, line 18, increase the amount by $13,000,000.

On page 11, line 22, increase the amount by $6,000,000.

On page 31, line 2, decrease the amount by $125,000,000.

On page 31, line 7, decrease the amount by $56,000,000.

On page 31, line 12, decrease the amount by $50,000,000.

On page 31, line 17, decrease the amount by $13,000,000.

On page 31, line 22, decrease the amount by $6,000,000.

SA 528. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $40,000,000.

On page 18, line 13, increase the amount by $11,000,000.

On page 18, line 17, increase the amount by $18,000,000.

On page 18, line 21, increase the amount by $9,000,000.

On page 23, line 12, increase the amount by $60,000,000.

On page 23, line 13, increase the amount by $13,000,000.

On page 23, line 17, increase the amount by $18,000,000.

On page 23, line 21, increase the amount by $12,000,000.

On page 23, line 25, increase the amount by $9,000,000.

On page 24, line 4, increase the amount by $8,000,000.

On page 26, line 12, decrease the amount by $100,000,000.

On page 26, line 13, decrease the amount by $24,000,000.

On page 26, line 17, decrease the amount by $36,000,000.

On page 26, line 21, decrease the amount by $21,000,000.

On page 26, line 25, decrease the amount by $9,000,000.

On page 27, line 4, decrease the amount by $8,000,000.

SA 529. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $598,000,000.

On page 23, line 13, increase the amount by $72,000,000.

On page 23, line 17, increase the amount by $167,000,000.

On page 23, line 21, increase the amount by $150,000,000.

On page 23, line 25, increase the amount by $120,000,000.

On page 24, line 4, increase the amount by $90,000,000.

On page 26, line 12, decrease the amount by $598,000,000.

On page 26, line 13, decrease the amount by $72,000,000.

On page 26, line 17, decrease the amount by $167,000,000.

On page 26, line 21, decrease the amount by $150,000,000.

On page 26, line 25, decrease the amount by $120,000,000.

On page 27, line 4, decrease the amount by $90,000,000.

SA 530. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 47, line 25, strike "direct spending" and all that follows through "or revenue" on page 48, line 1.

SA 531. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ___. CAP ON SPENDING BEYOND INFLATION.

(a) REPORT.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, projects that Federal spending will exceed the rate of inflation for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce spending relative to the projections of Congressional Budget Office to a level not exceeding the level for the preceding fiscal year adjusted for inflation plus population growth.

(b) POINTS OF ORDER.—

(1) BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects that Federal spending will exceed the rate of inflation for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year, any amendment thereto, or any conference report thereon that fails to comply with subsection (a).

(2) LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if such measure would exceed the limits set in the budget resolution pursuant to paragraph (1).

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) BUDGET YEAR.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 532. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC.   . RESERVE FUND FOR TAX REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for the implementation of a new tax code in the year 2012 based on fairness, simplicity, and international competitiveness, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase spending over the total of the period of fiscal years 2007 through 2012 and such legislation would not increase revenues in any year in the period of fiscal years 2007 through 2012.

SA 533. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND TO BALANCE THE BUDGET WITHOUT RAISING TAXES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would balance the budget without raising taxes by the amounts provided in that legislation for that purpose, provided that such legislation would not increase spending over the total of the period of fiscal years 2007 through 2012 and such legislation would not increase revenues in any year in the period of fiscal years 2007 through 2012.

SA 534. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for spinach producers on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 535. Mr. WARNER (for himself, Mr. WEBB, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 10, line 9, increase the amount by $163,000,000.

On page 10, line 10, increase the amount by $163,000,000.

On page 26, line 12, decrease the amount by $163,000,000.

On page 26, line 13, decrease the amount by $163,000,000.

SA 536. Mr. CHAMBLISS (for himself, Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REAUTHORIZATION OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

If the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that provides for reauthorization of the State Children's Health Insurance Program (SCHIP), eliminates enhanced Federal matching payments for health benefits coverage under SCHIP of nonpregnant adults, and permits States to offer supplemental dental and mental health benefits for children enrolled in SCHIP, then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of

1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2008 and the period of fiscal years 2008 through 2012.

SA 537. Mr. WEBB (for himself, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. WYDEN, Ms. MIKULSKI, Mr. REID) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 59, line 7, after "erans" insert ", including GI educational benefits".

SA 538. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-REDUCTION RESERVE FUND FOR REDUCTION OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 539. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-REDUCTION RESERVE FUND FOR DISPOSAL OF EXCESS PROPERTY.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that results in the disposal of vacant or unneeded Federal real property and uses any profits or savings realized to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 540. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act of FY2002) and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 541. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table: as follows:

On page 3, line 11, decrease the amount by $505,000,000.

On page 3, line 12, decrease the amount by $2,690,000,000.

On page 3, line 13, decrease the amount by $2,758,000,000.

On page 3, line 14, decrease the amount by $3,585,000,000.

On page 3, line 15, decrease the amount by $4,331,000,000.

On page 3, line 20, decrease the amount by $505,000,000.

On page 3, line 21, decrease the amount by $2,690,000,000.

On page 3, line 22, decrease the amount by $2,758,000,000.

On page 3, line 23, decrease the amount by $3,585,000,000.

On page 4, line 1, decrease the amount by $4,331,000,000.

On page 4, line 6, increase the amount by $12,000,000.

On page 4, line 7, increase the amount by $87,000,000.

On page 4, line 8, increase the amount by $219,000,000.

On page 4, line 9, increase the amount by $378,000,000.

On page 4, line 10, increase the amount by $582,000,000.

On page 4, line 15, increase the amount by $12,000,000.

On page 4, line 16, increase the amount by $87,000,000.

On page 4, line 17, increase the amount by $219,000,000.

On page 4, line 18, increase the amount by $378,000,000.

On page 4, line 19, increase the amount by $582,000,000.

On page 4, line 24, increase the amount by $517,000,000.

On page 4, line 25, increase the amount by $2,777,000,000.

On page 5, line 1, increase the amount by $2,977,000,000.

On page 5, line 2, increase the amount by $3,963,000,000.

On page 5, line 3, increase the amount by $4,913,000,000.

On page 5, line 7, increase the amount by $517,000,000.

On page 5, line 8, increase the amount by $3,294,000,000.

On page 5, line 9, increase the amount by $6,271,000,000.

On page 5, line 10, increase the amount by $10,234,000,000.

On page 5, line 11, increase the amount by $15,147,000,000.

On page 5, line 15, increase the amount by $517,000,000.

On page 5, line 16, increase the amount by $3,294,000,000.

On page 5, line 17, increase the amount by $6,271,000,000.

On page 5, line 18, increase the amount by $10,234,000,000.

On page 5, line 19, increase the amount by $15,147,000,000.

On page 25, line 12, increase the amount by $12,000,000.

On page 25, line 13, increase the amount by $12,000,000.

On page 25, line 16, increase the amount by $87,000,000.

On page 25, line 17, increase the amount by $87,000,000.

On page 25, line 20, increase the amount by $219,000,000.

On page 25, line 21, increase the amount by $219,000,000.

On page 25, line 24, increase the amount by $378,000,000.

On page 25, line 25, increase the amount by $378,000,000.

On page 26, line 3, increase the amount by $582,000,000.

On page 26, line 4, increase the amount by $582,000,000.

SA 542. Mrs. LINCOLN (for herself, Ms. SNOWE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 22, line 12, increase the amount by $70,000,000.

On page 22, line 13, increase the amount by $62,000,000.

On page 22, line 17, increase the amount by $8,000,000.

On page 26, line 12, decrease the amount by $70,000,000.

On page 26, line 13, decrease the amount by $62,000,000.

On page 26, line 17, decrease the amount by $8,000,000.

SA 543. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. PROVISION OF ADDITIONAL REVENUES.

The budgetary totals in this resolution assume that the Internal Revenue Code of 1986 shall be amended in the same manner as provided in sections 211, 212, and 214 of S. 554 of the 110th Congress.

SA 544. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 50, line 8, insert ", such as enhanced charitable giving from individual retirement accounts," before "and".

SA 545. Mr. SANDERS (for himself and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 11, increase the amount by $10,300,000,000.

On page 3, line 12, increase the amount by $14,600,000,000.

On page 3, line 13, increase the amount by $14,800,000,000.

On page 3, line 14, increase the amount by $4,500,000,000.

On page 3, line 20, increase the amount by $10,300,000,000.

On page 3, line 21, increase the amount by $14,600,000,000.

On page 3, line 22, increase the amount by $14,800,000,000.

On page 3, line 23, increase the amount by $4,500,000,000.

On page 4, line 6, increase the amount by $10,300,000,000.

On page 4, line 7, increase the amount by $14,600,000,000.

On page 4, line 8, increase the amount by $14,800,000,000.

On page 4, line 9, increase the amount by $4,500,000,000.

On page 4, line 15, increase the amount by $10,300,000,000.

On page 4, line 16, increase the amount by $14,600,000,000.

On page 4, line 17, increase the amount by $14,800,000,000.

On page 4, line 18, increase the amount by $4,500,000,000.

On page 10, line 9, increase the amount by $10,300,000,000.

On page 10, line 10, increase the amount by $10,300,000,000.

On page 10, line 13, increase the amount by $14,600,000,000.

On page 10, line 14, increase the amount by $14,600,000,000.

On page 10, line 17, increase the amount by $14,800,000,000.

On page 10, line 18, increase the amount by $14,800,000,000.

On page 10, line 21, increase the amount by $4,500,000,000.

On page 10, line 22, increase the amount by $4,500,000,000.

SA 546. Mr. THUNE (for himself, Mrs. LINCOLN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $29,000,000.

On page 23, line 13, increase the amount by $26,100,000.

On page 23, line 17, increase the amount by $2,900,000.

On page 26, line 12, decrease the amount by $29,000,000.

On page 26, line 13, decrease the amount by $26,100,000.

On page 26, line 17, decrease the amount by $2,900,000.

SA 547. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. PROVISION OF DATA ON MEDICARE PART D TO AGENCIES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND USE OF SUCH DATA FOR CONDUCTING RESEARCH.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) calls for the transfer of data on Medicare part D to agencies within the Department of Health and Human Services, such as the Food and Drug Administration, for the purpose of conducting research and other activities to improve the public's safety, such as through enhancing post-marketing surveillance to improve drug safety;

(B) creates a framework and parameters for the use of Medicare part D data by university-based and other researchers for the purpose of conducting research on health care safety, effectiveness, efficiency, and quality and drug utilization, safety, efficacy, and effectiveness, among other topics; and

(C) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 548. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 53, line 22, insert "and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures" after "Act".

SA 549. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 13, line 9, increase the amount by $10,000,000.

On page 13, line 10, increase the amount by $10,000,000.

On page 13, line 13, increase the amount by $10,000,000.

On page 13, line 14, increase the amount by $10,000,000.

On page 13, line 17, increase the amount by $3,000,000.

On page 13, line 18, increase the amount by $3,000,000.

On page 13, line 21, increase the amount by $0.

On page 13, line 22, increase the amount by $0.

On page 13, line 25, increase the amount by $0.

On page 14, line 1, increase the amount by $0.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $3,000,000.

On page 26, line 24, decrease the amount by $0.

On page 26, line 25, decrease the amount by $0.

On page 27, line 3, decrease the amount by $0.

On page 27, line 4, decrease the amount by $0.

SA 550. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 31, line 13, strike "2017" and insert "2012".

On page 33, line 24, strike "2017" and insert "2012".

On page 37, line 24, strike "2017" and insert "2012".

SA 551. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 11, line 9, increase the amount by $125,000,000.

On page 11, line 10, increase the amount by $56,000,000.

On page 11, line 14, increase the amount by $50,000,000.

On page 11, line 18, increase the amount by $13,000,000.

On page 11, line 22, increase the amount by $6,000,000.

On page 26, line 12, decrease the amount by $125,000,000.

On page 26, line 13, decrease the amount by $56,000,000.

On page 26, line 17, decrease the amount by $50,000,000.

On page 26, line 121, decrease the amount by $13,000,000.

On page 326, line 25, decrease the amount by $6,000,000.

SA 552. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $1,000,000.

On page 3, line 15, decrease the amount by $1,000,000.

On page 3, line 23, decrease the amount by $1,000,000.

On page 4, line 1, decrease the amount by $1,000,000.

On page 5, line 2, increase the amount by $1,000,000.

On page 5, line 3, increase the amount by $1,000,000.

On page 5, line 10, increase the amount by $1,000,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 18, increase the amount by $1,000,000.

On page 5, line 19, increase the amount by $2,000,000.

SA 553. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by $1,000,000.

On page 3, line 15, decrease the amount by $1,000,000.

On page 3, line 23, decrease the amount by $1,000,000.

On page 4, line 1, decrease the amount by $1,000,000.

On page 5, line 2, increase the amount by $1,000,000.

On page 5, line 3, increase the amount by $1,000,000.

On page 5, line 10, increase the amount by $1,000,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 18, increase the amount by $1,000,000.

On page 5, line 19, increase the amount by $2,000,000.

SA 554. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for salaries and expenses of the Farm Service Agency on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 555. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for the International Boundary and Water Commission on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 556. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for the Food and Drug Administration on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 557. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for the National Aeronautics and Space Administration on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 558. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for salaries and expenses for the U.S. House of Representatives on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 559. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for radio upgrades for the U.S. Capitol Police on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 560. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for asbestos mitigation on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 561. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for government contracting reform on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 562. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for rural schools on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 563. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for wildlife suppression on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 564. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for salmon fishery on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 565. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for shrimp and menhaden fishing industries on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 566. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for the milk income loss contract program on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 567. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for livestock on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 568. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for peanut storage costs on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 569. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for aquaculture businesses on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 570. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for citrus assistance on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 571. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for spinach producers on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 572. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 12, line 9, increase the amount by $50,000,000.

On page 12, line 10, increase the amount by $40,000,000.

On page 12, line 14, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $50,000,000.

On page 26, line 13, decrease the amount by $40,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

SA 573. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 308 and insert the following:

(a) PROVISION OF MEDICARE PART D INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES.—If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) provides for the transfer of data on part D from the Department of Health and

Human Service to Congressional Support Agencies, such as the Congressional Budget Office, for the purposes of conducting oversight with respect to part D and comparing prescription drug prices under part D to prices under other programs; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 574. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $543,000,000.

On page 23, line 13, increase the amount by $119,000,000.

On page 23, line 17, increase the amount by $163,000,000.

On page 23, line 21, increase the amount by $109,000,000.

On page 23, line 25, increase the amount by $81,000,000.

On page 24, line 4, increase the amount by $71,000,000.

On page 26, line 12, decrease the amount by $543,000,000.

On page 26, line 13, decrease the amount by $119,000,000.

On page 26, line 17, decrease the amount by $163,000,000.

On page 26, line 21, decrease the amount by $109,000,000.

On page 26, line 25, decrease the amount by $81,000,000.

On page 27, line 4, decrease the amount by $71,000,000.

At the end, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the budgetary totals in this resolution assume that $950,000,000 should be made available for SCAAP for fiscal year 2008.

SA 575. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by leveling the international playing field for United States domestic manufacturers in the areas of health care and trade, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 576. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for farmland damaged by freezing temperatures on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

SA 577. Mr. COLEMAN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. ROBERTS, and Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 12, decrease the amount by $277,000,000.

On page 3, line 13, decrease the amount by $634,000,000.

On page 3, line 14, decrease the amount by $939,000,000.

On page 3, line 15, decrease the amount by $1,307,000,000.

On page 3, line 21, decrease the amount by $277,000,000.

On page 3, line 22, decrease the amount by $634,000,000.

On page 3, line 23, decrease the amount by $939,000,000.

On page 4, line 1, decrease the amount by $1,307,000,000.

On page 4, line 7, decrease the amount by $277,000,000.

On page 4, line 8, decrease the amount by $634,000,000.

On page 4, line 9, decrease the amount by $939,000,000.

On page 4, line 10, decrease the amount by $1,307,000,000.

On page 4, line 16, decrease the amount by $277,000,000.

On page 4, line 17, decrease the amount by $634,000,000.

On page 4, line 18, decrease the amount by $939,000,000.

On page 4, line 19, decrease the amount by $1,307,000,000.

On page 26, line 16, decrease the amount by $277,000,000.

On page 26, line 17, decrease the amount by $277,000,000.

On page 26, line 20, decrease the amount by $634,000,000.

On page 26, line 21, decrease the amount by $634,000,000.

On page 26, line 24, decrease the amount by $939,000,000.

On page 26, line 25, decrease the amount by $939,000,000.

On page 27, line 3, decrease the amount by $1,307,000,000.

On page 27, line 4, decrease the amount by $1,307,000,000.

SA 578. Mr. DEMINT (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $2,100,000,000.

On page 3, line 12, decrease the amount by $1,400,000,000.

On page 3, line 13, decrease the amount by $2,900,000,000.

On page 3, line 14, decrease the amount by $35,000,000,000.

On page 3, line 15, decrease the amount by $31,000,000,000.

On page 3, line 20, decrease the amount by $2,100,000,000.

On page 3, line 21, decrease the amount by $1,400,000,000.

On page 3, line 22, decrease the amount by $2,900,000,000.

On page 3, line 23, decrease the amount by $35,000,000,000.

On page 4, line 1, decrease the amount by $31,000,000,000.

On page 4, line 6, increase the amount by $50,000,000.

On page 4, line 7, increase the amount by $133,000,000.

On page 4, line 8, increase the amount by $240,000,000.

On page 4, line 9, increase the amount by $1,142,000,000.

On page 4, line 10, increase the amount by $2,747,000,000.

On page 4, line 15, increase the amount by $50,000,000.

On page 4, line 16, increase the amount by $113,000,000.

On page 4, line 17, increase the amount by $240,000,000.

On page 4, line 18, increase the amount by $1,142,000,000.

On page 4, line 19, increase the amount by $2,747,000,000.

On page 4, line 24, increase the amount by $2,150,000,000.

On page 4, line 25, increase the amount by $1,533,000,000.

On page 5, line 1, increase the amount by $3,140,000,000.

On page 5, line 2, increase the amount by $36,142,000,000.

On page 5, line 3, increase the amount by $33,747,000,000.

On page 5, line 7, increase the amount by $2,150,000,000.

On page 5, line 8, increase the amount by $3,683,000,000.

On page 5, line 9, increase the amount by $6,823,000,000.

On page 5, line 10, increase the amount by $42,966,000,000.

On page 5, line 11, increase the amount by $76,713,000,000.

On page 5, line 15, increase the amount by $2,150,000,000.

On page 5, line 16, increase the amount by $3,683,000,000.

On page 5, line 17, increase the amount by $6,823,000,000.

On page 5, line 18, increase the amount by $42,966,000,000.

On page 5, line 19, increase the amount by $76,713,000,000.

On page 25, line 12, increase the amount by $50,000,000.

On page 25, line 13, increase the amount by $50,000,000.

On page 25, line 16, increase the amount by $133,000,000.

On page 25, line 17, increase the amount by $133,000,000.

On page 25, line 20, increase the amount by $240,000,000.

On page 25, line 21, increase the amount by $240,000,000.

On page 25, line 24, increase the amount by $1,142,000,000.

On page 25, line 25, increase the amount by $1,142,000,000.

On page 26, line 3, increase the amount by $2,747,000,000.

On page 26, line 4, increase the amount by $2,747,000,000.

SA 579. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 14, line 9, increase the amount by $74,000,000.

On page 14, line 10, increase the amount by $57,000,000.

On page 14, line 14, increase the amount by $12,000,000.

On page 14, line 18, increase the amount by $3,000,000.

On page 14, line 22, increase the amount by $1,000,000.

On page 15, line 9, decrease the amount by $74,000,000.

On page 15, line 10, decrease the amount by $57,000,000.

On page 15, line 14, decrease the amount by $12,000,000.

On page 15, line 18, decrease the amount by $3,000,000.

On page 15, line 22, decrease the amount by $1,000,000.

SA 580. Mr. NELSON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 49, line 17, insert after "disabled military personnel" the following: "or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)".

SA 581. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 24, line 12, increase the amount by $3,000,000.

On page 24, line 13, increase the amount by $3,000,000.

On page 24, line 16, increase the amount by $6,000,000.

On page 24, line 17, increase the amount by $6,000,000.

On page 24, line 20, increase the amount by $8,000,000.

On page 24, line 21, increase the amount by $8,000,000.

On page 24, line 24, increase the amount by $8,000,000.

On page 24, line 25, increase the amount by $8,000,000.

On page 25, line 3, increase the amount by $4,000,000.

On page 25, line 4, increase the amount by $4,000,000.

On page 26, line 12, decrease the amount by $3,000,000.

On page 26, line 13, decrease the amount by $2,000,000.

On page 26, line 16, decrease the amount by $6,000,000.

On page 26, line 17, decrease the amount by $6,000,000.

On page 26, line 20, decrease the amount by $8,000,000.

On page 26, line 21, decrease the amount by $8,000,000.

On page 26, line 24, decrease the amount by $8,000,000.

On page 26, line 25, decrease the amount by $8,000,000.

On page 27, line 3, decrease the amount by $4,000,000.

On page 27, line 4, decrease the amount by $4,000,000.

SA 582. Mr. HAGEL (for himself, Mr. COLEMAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008, and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 326. SENSE OF THE SENATE.

It is the sense of the Senate that of the increase in funding provided by this concurrent resolution for the Department of Education, $2,000,000,000 should be provided directly to the Secretary of Education to be used exclusively to fund part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

SA 583. Mr. KYL (for himself and Mr. THUNE) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 3, line 11, decrease the amount by $20,000,000.

On page 3, line 12, decrease the amount by $388,000,000.

On page 3, line 13, decrease the amount by $886,000,000.

On page 3, line 14, decrease the amount by $17,390,000,000.

On page 3, line 15, decrease the amount by $14,602,000,000.

On page 3, line 20, decrease the amount by $20,000,000.

On page 3, line 21, decrease the amount by $388,000,000.

On page 3, line 22, decrease the amount by $886,000,000.

On page 3, line 23, decrease the amount by $17,390,000,000.

On page 4, line 1, decrease the amount by $14,602,000,000.

On page 4, line 7, increase the amount by $10,000,000.

On page 4, line 8, increase the amount by $40,000,000.

On page 4, line 9, increase the amount by $472,000,000.

On page 4, line 10, increase the amount by $1,246,000,000.

On page 4, line 16, increase the amount by $10,000,000.

On page 4, line 17, increase the amount by $40,000,000.

On page 4, line 18, increase the amount by $472,000,000. s

On page 4, line 19, increase the amount by $1,246,000,000.

On page 4, line 24, increase the amount by $20,000,000.

On page 4, line 25, increase the amount by $398,000,000.

On page 5, line 1, increase the amount by $926,000,000.

On page 5, line 2, increase the amount by $17,862,000,000.

On page 5, line 3, increase the amount by $15,848,000,000.

On page 5, line 7, increase the amount by $20,000,000.

On page 5, line 8, increase the amount by $418,000,000.

On page 5, line 9, increase the amount by $1,345,000,000.

On page 5, line 10, increase the amount by $19,207,000,000.

On page 5, line 11, increase the amount by $35,054,000,000.

On page 5, line 15, increase the amount by $20,000,000.

On page 5, line 16, increase the amount by $418,000,000.

On page 5, line 17, increase the amount by $1,345,000,000.

On page 5, line 18, increase the amount by $19,207,000,000.

On page 5, line 19, increase the amount by $35,054,000,000.

On page 25, line 16, increase the amount by $10,000,000.

On page 25, line 17, increase the amount by $10,000,000.

On page 25, line 20, increase the amount by $40,000,000.

On page 25, line 21, increase the amount by $40,000,000.

On page 25, line 24, increase the amount by $472,000,000.

On page 25, line 25, increase the amount by $472,000,000.

On page 26, line 3, increase the amount by $1,246,000,000.

On page 26, line 4, increase the amount by $1,246,000,000.

SA 584. Mr. COLEMAN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $75,000,000.

On page 18, line 13, increase the amount by $45,000,000.

On page 18, line 17, increase the amount by $22,500,000.

On page 18, line 21, increase the amount by $7,500,000.

On page 26, line 12, decrease the amount by $75,000,000.

On page 26, line 13, decrease the amount by $45,000,000.

On page 26, line 17, decrease the amount by $22,500,000.

On page 26, line 21, decrease the amount by $7,500,000.

SA 585. Mr. GREGG (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESERVE FUND TO IMPROVE HEALTH CARE QUALITY AND INFORMATION.

In the Senate, if the Senate Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) requires the Centers for Medicare & Medicaid Services to share Medicare enrollment, claims, survey, and assessment data with select private sector entities to develop reports to measure health care quality for the public in a manner that ensures beneficiary privacy;

(2) allows such select private sector entities to develop reports to measure health care quality and cost at the provider and supplier level; and

(3) includes incentives to improve quality and reduce cost throughout the health care delivery system,

then, provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SA 586. Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 61, after line 16, insert the following:

(4) provides for more timely processing of applications or fee reductions for legal immigrants seeking to become citizens;

SA 587. Mr. BINGAMAN (for himself, Ms. CANTWELL, Mr. SALAZAR, Mr. FEINGOLD, Mr. MENENDEZ, Mr. SANDERS, Mr. TESTER, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. DURBIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 48, between lines 14 and 15, insert the following:

SEC. 210. PROHIBITION ON SCORING OF AMOUNTS FROM SALES OR LEASES OF CERTAIN FEDERAL LAND.

Any amount realized from the sale or lease of land or interests in land (other than a sale or lease authorized by statute, as of the date of adoption of this concurrent resolution by both Houses) that are part of the National Park System, the National Forest System, or the National Wildlife Refuge System shall not be scored with respect to the level of budget authority, outlays, or revenues.

SA 588. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

After section 322, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate, after providing sufficient funding for Head Start and the Child Care and Development Block Grant, reports a bill or a joint resolution, or an amendment is offered in the Senate to such a bill or joint resolution, or a conference report is submitted to the Senate on a such a bill or joint resolution, that augments or establishes a Federal program that provides assistance to States that offer or expand preschool to children of low-income families, the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

SA 589. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 62, between lines 7 and 8, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR THE SAFE IMPORTATION OF FDA-APPROVED PRESCRIPTION DRUGS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 590. Mr. DORGAN (for himself, Ms. COLLINS, Mr. FEINGOLD, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 18, line 12, increase the amount by $9,000,000.

On page 18, line 13, increase the amount by $3,000,000.

On page 18, line 17, increase the amount by $4,000,000.

On page 18, line 21, increase the amount by $2,000,000.

On page 26, line 12, decrease the amount by $9,000,000.

On page 26, line 13, decrease the amount by $3,000,000.

On page 26, line 17, decrease the amount by $4,000,000.

On page 26, line 21, decrease the amount by $2,000,000.

SA 591. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE CHILD SUPPORT COLLECTIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that allows and encourages States to reinvest incentive payments received under part D of title IV of the Social Security Act to improve child support collections, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 592. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 13, line 9, increase the amount by $50,000,000.

On page 13, line 10, increase the amount by $50,000,000.

On page 13, line 13, increase the amount by $50,000,000.

On page 13, line 14, increase the amount by $50,000,000.

On page 13, line 17, increase the amount by $50,000,000.

On page 13, line 18, increase the amount by $50,000,000.

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 13, line 25, increase the amount by $50,000,000.

On page 14, line 1, increase the amount by $50,000,000.

On page 26, line 12, decrease the amount by $50,000,000.

On page 26, line 13, decrease the amount by $50,000,000.

On page 26, line 16, decrease the amount by $50,000,000.

On page 26, line 17, decrease the amount by $50,000,000.

On page 26, line 20, decrease the amount by $50,000,000.

On page 26, line 21, decrease the amount by $50,000,000.

On page 26, line 24, decrease the amount by $50,000,000.

On page 26, line 25, decrease the amount by $50,000,000.

On page 27, line 3, decrease the amount by $50,000,000.

On page 27, line 4, decrease the amount by $50,000,000.

SA 593. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 53, line 9, insert ", except that, in order to promote competition and lower drug prices under part D of title XVIII of such Act, the Secretary of Health and Human Services may not interfere with the negotiations between drug manufacturers and pharmacies and PDP sponsors with respect to drugs for the treatment of diabetes," after "1395w–111(i)(1))".

SA 594. Mr. BUNNING (for himself Mr. MCCONNELL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING STATE FLEXIBILITY IN MEDICAID.

If the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that implements improvements to Medicare, Medicaid, or the State Children's Health Insurance Program, but that does not reduce the ability of States to provide coverage to Medicaid recipients through flexible benefit options that provide greater opportunities to provide health benefits coverage for Medicaid recipients, or alter the guarantee in section 1937 of the Social Security Act of coverage of early and periodic screening, diagnostic, and treatment services for children, then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2008 and the period of fiscal years 2008 through 2012.

SA 595. Mr. BUNNING submitted an amendment intended to be propose by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $0.

On page 3, line 11, decrease the amount by $5,600,000,000.

On page 3, line 12, decrease the amount by $14,300,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,500,000,000.

On page 3, line 15, decrease the amount by $19,800,000,000.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $5,600,000,000.

On page 3, line 21, decrease the amount by $14,300,000,000.

On page 3, line 22, decrease the amount by $15,600,000,000.

On page 3, line 23, decrease the amount by $17,500,000,000.

On page 4, line 1, decrease the amount by $19,800,000,000.

On page 4, line 5, decrease the amount by $0.

On page 4, line 6, decrease the amount by $5,600,000,000.

On page 4, line 7, decrease the amount by $14,300,000,000.

On page 4, line 8, decrease the amount by $15,600,000,000.

On page 4, line 9, decrease the amount by $17,500,000,000.

On page 4, line 10, decrease the amount by $19,800,000,000.

On page 4, line 14, decrease the amount by $0.

On page 4, line 15, decrease the amount by $5,600,000,000.

On page 4, line 16, decrease the amount by $14,300,000,000.

On page 4, line 17, decrease the amount by $15,600,000,000.

On page 4, line 18, decrease the amount by $17,500,000,000.

On page 4, line 19, decrease the amount by $19,800,000,000.

On page 26, line 8, decrease the amount by $0.

On page 26, line 9, decrease the amount by $0.

On page 26, line 12, decrease the amount by $5,600,000,000.

On page 26, line 13, decrease the amount by $5,600,000,000.

On page 26, line 16, decrease the amount by $14,300,000,000.

On page 26, line 17, decrease the amount by $14,300,000,000.

On page 26, line 20, decrease the amount by $15,600,000,000.

On page 26, line 21, decrease the amount by $15,600,000,000.

On page 26, line 24, decrease the amount by $17,500,000,000.

On page 26, line 25, decrease the amount by $17,500,000,000.

On page 27, line 3, decrease the amount by $19,800,000,000.

On page 27, line 4, decrease the amount by $19,800,000,000.

SA 596. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Mr. WHITEHOUSE, Mr. BIDEN, Mr. SANDERS, Mr. SCHUMER, Mr. LIEBERMAN, Mr. PRYOR, Mrs. CLINTON, and Mr. DODD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 20, line 12, increase the amount by $703,000,000.

On page 20, line 13, increase the amount by $527,000,000.

On page 20, line 17, increase the amount by $162,000,000.

On page 20, line 21, increase the amount by $14,000,000.

On page 26, line 12, decrease the amount by $703,000,000.

On page 26, line 13, decrease the amount by $527,000,000.

On page 26, line 17, decrease the amount by $162,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

SA 597. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 50, line 7, insert "the permanent extension of expensing under section 179 of the Internal Revenue Code of 1986 with an increase in the expensing limit to $200,000 and the phaseout threshold to $800,000 and other" after "including".

SA 598. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF CERTAIN ENERGY TAX INCENTIVES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would extend through 2015 energy tax incentives, including the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, and the provisions to encourage energy efficient buildings, products and power plants, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 599. Mr. OBAMA (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. LUGAR, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 11, line 9, increase the amount by $200,000,000.

On page 11, line 10, increase the amount by $50,000,000.

On page 11, line 14, increase the amount by $70,000,000.

On page 11, line 18, increase the amount by $50,000,000.

On page 11, line 22, increase the amount by $10,000,000.

On page 12, line 1, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $200,000,000.

On page 26, line 13, decrease the amount by $50,000,000.

On page 26, line 17, decrease the amount by $70,000,000.

On page 26, line 21, decrease the amount by $50,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

On page 27, line 4, decrease the amount by $10,000,000.

SA 600. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. ROCKEFELLER, Mr. DURBIN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR A DELAY IN THE IMPLEMENTATION OF A PROPOSED RULE RELATING TO THE FEDERAL-STATE FINANCIAL PARTNERSHIPS UNDER MEDICAID AND SCHIP.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program and SCHIP in a similar manner, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 601. Mr. PRYOR (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND TO PROVIDE ADDITIONAL TRAINING FOR PHYSICIANS AND ATTRACT MORE PHYSICIANS IN STATES THAT FACE A SHORTAGE OF PHYSICIANS IN TRAINING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides additional training for physicians and attracts more physicians in States that face a shortage of physicians in training, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SA 602. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $40,000,000.

On page 18, line 13, increase the amount by $36,000,000.

On page 18, line 17, increase the amount by $4,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 13, decrease the amount $36,000,000.

On page 26, line 17, decrease the amount by $4,000,000.

SA 603. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 9, line 8, decrease the amount by $22,000,000.

On page 9, line 9, decrease the amount by $18,000,000.

On page 9, line 13, decrease the amount by $3,000,000.

On page 9, line 17, decrease the amount by $1,000,000.

On page 26, line 12, increase the amount by $22,000,000.

On page 26, line 13, increase the amount by $18,000,000.

On page 26, line 17, increase the amount by $3,000,000.

On page 26, line 21, increase the amount by $1,000,000.

SA 604. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE ON REDEPLOYMENT OF UNITED STATES MILITARY FORCES FROM IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) The bipartisan Iraq Study Group recommended that all United States combat brigades not necessary for force protection could be out of Iraq by the first quarter of 2008 and that "the U.S. should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq".

(2) On November 15, 2005, the Senate voted 79-19 in support of an amendment stating that "calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq".

(b) SENSE OF SENATE.—It is the sense of the Senate that the budget of the Department of Defense for fiscal year 2008 includes funding for the redeployment of United States military forces from Iraq.

SA 605. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ______. DEFICIT-NEUTRAL RESERVE FUND FOR UNEMPLOYMENT INSURANCE MODERNIZATION LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that modernizes unemployment insurance by making incentive payments to States, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 606. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $13,800,000,000.

On page 3, line 11, decrease the amount by $36,600,000,000.

On page 3, line 12, decrease the amount by $41,700,000,000.

On page 3, line 13, decrease the amount by $46,900,000,000.

On page 3, line 14, decrease the amount by $39,300,000,000.

On page 3, line 15, decrease the amount by $23,900,000,000.

On page 3, line 19, decrease the amount by $13,800,000,000.

On page 3, line 20, decrease the amount by $36,600,000,000.

On page 3, line 21, decrease the amount by $41,700,000,000.

On page 3, line 22, decrease the amount by $46,900,000,000.

On page 3, line 23, decrease the amount by $39,300,000,000.

On page 3, line 24, decrease the amount by $23,900,000,000.

On page 4, line 5, increase the amount by $225,000,000.

On page 4, line 6, increase the amount by $1,539,000,000.

On page 4, line 7, increase the amount by $3,413,000,000.

On page 4, line 8, increase the amount by $5,653,000,000.

On page 4, line 9, increase the amount by $7,944,000,000.

On page 4, line 10, increase the amount by $9,809,000,000.

On page 4, line 14, increase the amount by $225,000,000.

On page 4, line 15, increase the amount by $1,539,000,000.

On page 4, line 16, increase the amount by $3,413,000,000.

On page 4, line 17, increase the amount by $5,653,000,000.

On page 4, line 18, increase the amount by $7,944,000,000.

On page 4, line 19, increase the amount by $9,809,000,000.

On page 4, line 23, increase the amount by $14,025,000,000.

On page 4, line 24, increase the amount by $38,139,000,000.

On page 4, line 25, increase the amount by $45,113,000,000.

On page 5, line 1, increase the amount by $52,553,000,000.

On page 5, line 2, increase the amount by $47,244,000,000.

On page 5, line 3, increase the amount by $33,709,000,000.

On page 5, line 6, increase the amount by $14,025,000,000.

On page 5, line 7, increase the amount by $52,164,000,000.

On page 5, line 8, increase the amount by $97,278,000,000.

On page 5, line 9, increase the amount by $149,831,000,000.

On page 5, line 10, increase the amount by $197,075,000,000.

On page 5, line 11, increase the amount by $230,784,000,000.

On page 5, line 14, increase the amount by $14,025,000,000.

On page 5, line 15, increase the amount by $52,164,000,000.

On page 5, line 16, increase the amount by $97,278,000,000.

On page 5, line 17, increase the amount by $149,831,000,000.

On page 5, line 18, increase the amount by $197,075,000,000.

On page 5, line 19, increase the amount by $230,784,000,000.

On page 25, line 8, increase the amount by $225,000,000.

On page 25, line 9, increase the amount by $225,000,000.

On page 25, line 12, increase the amount by $1,539,000,000.

On page 25, line 13, increase the amount by $1,539,000,000.

On page 25, line 16, increase the amount by $3,413,000,000.

On page 25, line 17, increase the amount by $3,413,000,000.

On page 25, line 20 increase the amount by $5,653,000,000.

On page 25, line 21, increase the amount by $5,653,000,000.

On page 25, line 24, increase the amount by $7,944,000,000.

On page 25, line 25, increase the amount by $7,944,000,000.

On page 26, line 3, increase the amount by $9,809,000,000.

On page 26, line 4, increase the amount by $9,809,000,000.

SA 607. Mr. CHAMBLISS (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVED RETIREMENT BENEFITS FOR MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for an improved retirement benefit for members of the Ready Reserve, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 608. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On Page 23, line 12, increase the amount by $50,000,000.

On Page 23, line 13, increase the amount by $45,000,000.

On Page 23, line 17, increase the amount by $5,000,000.

On page 24, line 12, increase the amount by $250,000,000.

On page 24, line 13, increase the amount by $250,000,000.

On page 26, line 12, decrease the amount by $300,000,000.

On page 26, line 13, decrease the amount by $295,000,000.

On page 26, line 17, decrease the amount by $5,000,000.

SA 609. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2006;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2017, will pay out more in benefits than the system will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2040, and Social Security tax revenue in 2040 will only cover 74 percent of promised benefits, and will decrease to 70 percent by 2080;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 17.6 percent by 2050 and 18.7 percent by 2080;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be $4,600,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2006 to 6.3 percent in 2080; and

(5) the Congressional Budget Office, the General Accounting Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other Federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and sustainable Social Security system; and

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors.

(3) The Senate should honor section 13301 of the Budget Enforcement Act of 1990.

SA 610. Mr. PRYOR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 14, line 5, increase the amount by $10,000,000.

On page 14, line 6, increase the amount by $10,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 10, increase the amount by $10,000,000.

On page 14, line 13, increase the amount by $10,000,000.

On page 14, line 14, increase the amount by $10,000,000.

On page 14, line 17, increase the amount by $10,000,000.

On page 14, line 18, increase the amount by $10,000,000.

On page 14, line 21, increase the amount by $10,000,000.

On page 14, line 22, increase the amount by $10,000,000.

On page 14, line 25, increase the amount by $10,000,000.

On page 15, line 1, increase the amount by $10,000,000.

On page 26, line 8, decrease the amount by $10,000,000.

On page 26, line 9, decrease the amount by $10,000,000.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $10,000,000.

On page 26, line 21, decrease the amount by $10,000,000.

On page 26, line 24, decrease the amount by $10,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

On page 27, line 3, decrease the amount by $10,000,000.

On page 27, line 4, decrease the amount by $10,000,000.

SA 611. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 10, line 9, increase the amount by $40,000,000.

On page 10, line 14, increase the amount by $40,000,000.

On page 10, line 18, increase the amount by $40,000,000.

On page 10, line 22, increase the amount by $40,000,000.

On page 11, line 1, increase the amount by $40,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 17, decrease the amount by $40,000,000.

On page 26, line 21, decrease the amount by $40,000,000.

On page 26, line 25, decrease the amount by $40,000,000.

On page 27, line 4, decrease the amount by $40,000,000.

SA 612. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 3, line 12, increase the amount by $50,000,000,000.

On page 3, line 13, increase the amount by $50,000,000,000.

On page 3, line 14, increase the amount by $50,000,000,000.

On page 3, line 15, increase the amount by $50,000,000,000.

On page 3, line 21, increase the amount by $50,000,000,000.

On page 3, line 22, increase the amount by $50,000,000,000.

On page 3, line 23, increase the amount by $50,000,000,000.

On page 4, line 1, increase the amount by $50,000,000,000.

On page 4, line 7, increase the amount by $50,000,000,000.

On page 4, line 8, increase the amount by $50,000,000,000.

On page 4, line 9, increase the amount by $50,000,000,000.

On page 4, line 10, increase the amount by $50,000,000,000.

On page 4, line 16, increase the amount by $30,383,000,000.

On page 4, line 17, increase the amount by $40,410,000,000.

On page 4, line 18, increase the amount by $45,220,000,000.

On page 4, line 19, increase the amount by $47,603,000,000.

On page 4, line 25, decrease the amount by $19,617,000,000.

On page 5, line 1, decrease the amount by $9,590,000,000.

On page 5, line 2, decrease the amount by $4,780,000,000.

On page 5, line 3, decrease the amount by $2,397,000,000.

On page 5, line 8, decrease the amount by $19,617,000,000.

On page 5, line 9, decrease the amount by $29,207,000,000.

On page 5, line 10, decrease the amount by $33,987,000,000.

On page 5, line 11, decrease the amount by $36,384,000,000.

On page 5, line 16, decrease the amount by $19,617,000,000.

On page 5, line 17, decrease the amount by $29,207,000,000.

On page 5, line 18, decrease the amount by $33,987,000,000.

On page 5, line 19, decrease the amount by $36,384,000,000.

On page 8, line 12, increase the amount by $47,500,000,000.

On page 8, line 13, increase the amount by $28,500,000,000.

On page 8, line 16, increase the amount by $47,500,000,000.

On page 8, line 17, increase the amount by $38,000,000,000.

On page 8, line 20, increase the amount by $47,500,000,000.

On page 8, line 21, increase the amount by $42,750,000,000.

On page 8, line 24, increase the amount by $47,500,000,000.

On page 8, line 25, increase the amount by $45,125,000,000.

On page 22, line 16, increase the amount by $2,500,000,000.

On page 22, line 17, increase the amount by $1,883,000,000.

On page 22, line 20, increase the amount by $2,500,000,000.

On page 22, line 21, increase the amount by $2,410,000,000.

On page 22, line 24, increase the amount by $2,500,000,000.

On page 22, line 25, increase the amount by $2,470,000,000.

On page 23, line 3, increase the amount by $2,500,000,000.

On page 23, line 4, increase the amount by $2,478,000,000.

On page 41, line 9, increase the amount by $50,000,000,000.

On page 41, line 10, increase the amount by $30,383,000,000.

SA 613. Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 63, after line 24, insert the following:

SEC. 326. DEFICIT-NEUTRAL RESERVE FOR ASBESTOS REFORM LEGISLATION.

The Chairman of the Senate Committee on the Budget shall revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report regarding asbestos reform, that (i) provides monetary compensation to impaired victims of an asbestos-related disease, (ii) does not provide monetary compensation to unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a contributing factor in causing their condition, and (iii) is estimated to remain funded from nontaxpayer sources for the life of the fund, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 614. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 9, line 8, increase the amount by $10,000,000.

On page 9, line 9, increase the amount by $8,000,000.

On page 9, line 12, increase the amount by $.

On page 9, line 13, increase the amount by $1,000,000.

On page 9, line 16, increase the amount by $.

On page 9, line 17, increase the amount by $1,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 10, increase the amount by $8,000,000.

On page 14, line 13, increase the amount by $__________.

On page 14, line 14, increase the amount by $1,000,000.

On page 14, line 17, increase the amount by $__________.

On page 14, line 18, increase the amount by $1,000,000.

On page 23, line 12, increase the amount by $10,000,000.

On page 23, line 13, increase the amount by $8,000,000.

On page 23, line 16, increase the amount by $.

On page 23, line 17, increase the amount by $1,000,000.

On page 24, line 20, increase the amount by $.

On page 23, line 21, increase the amount by $1,000,000.

On page 24, line 12, increase the amount by $10,000,000.

On page 24, line 13, increase the amount by $8,000,000.

On page 24, line 16, increase the amount by $.

On page 24, line 17, increase the amount by $1,000,000.

On page 24, line 20, increase the amount by $__________.

On page 24, line 21, increase the amount by $1,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 13, decrease the amount by $32,000,000.

On page 26, line 16, decrease the amount by $__________.

On page 26, line 17, decrease the amount by $4,000,000.

On page 26, line 20, decrease the amount by $.

On page 26, line 21, decrease the amount by $4,000,000.

SA 615. Mr. KERRY (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 59, line 7, after "erans," insert "including services for low-vision and blinded veterans,".

SA 616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 14, line 9, increase the amount by $97,000,000.

On page 14, line 10, increase the amount by $75,000,000.

On page 14, line 14, increase the amount by $16,000,000.

On page 14, line 18, increase the amount by $4,000,000.

On page 14, line 22, increase the amount by $1,000,000.

On page 26, line 12, decrease the amount by $97,000,000.

On page 26, line 13, decrease the amount by $75,000,000.

On page 26, line 17, decrease the amount by $16,000,000.

On page 26, line 21, decrease the amount by $4,000,000.

On page 26, line 25, decrease the amount by $1,000,000.

SA 617. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

After section 322, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate, reports a bill or a joint resolution, or an amendment is offered in the Senate to such a bill or joint resolution, or a conference report is submitted to the Senate on a such a bill or joint resolution, that augments or establishes a Federal program that provides assistance to States that offer or expand preschool to children of low-income families, the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

SA 618. Mr. GRASSLEY (for himself, Mr. GREGG, Mr. DEMINT, and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 58, strike lines 14 through 26 and insert the following:

SEC. 316. RESERVE FUND FOR ACCESS TO AFFORDABLE HEALTH CARE.

In the Senate, if the Senate Committee on Finance or the Senate Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that improves health care by —

(1) reducing the number of uninsured;

(2) addressing rising health care costs;

(3) improving health care quality; and

(4) protecting individuals with health coverage,

then, provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SA 619. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, Mr. ISAKSON, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $376,000,000.

On page 23, line 13, increase the amount by $338,400,000.

On page 23, line 17, increase the amount by $37,000,000.

On page 26, line 12, decrease the amount by $376,000,000.

On page 26, line 13, decrease the amount by $338,400,000.

On page 26, line 17, decrease the amount by $37,000,000.

SA 620. Mr. WARNER (for himself, Mr. WEBB, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 15, line 9, increase the amount by $163,000,000.

On page 15, line 10, increase the amount by $163,000,000.

On page 26, line 12, decrease the amount by $163,000,000.

On page 26, line 13, decrease the amount by $163,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 22, 2007, at 9:30 a.m., in open session to receive testimony on U.S. Southern Command, U.S. Northern Command, and U.S. Joint Forces Command in review of the defense authorization request for fiscal year 2008 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 22, 2007, at 2 p.m., in closed session to receive a briefing on detention and judicial capacity in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 22, 2007, at 10 a.m., to conduct a hearing on "Mortgage Market Turmoil: Causes and Consequences."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 22, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to discuss Federal Aviation Administration modernization proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 22, 2007, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the "Future of Coal" report recently published by the Massachusetts Institute of Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 22, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Keeping America's Promise: Health Care and Child Welfare Services for Native Americans."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 22, 2007, at 10:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 22, 2007, at 10 a.m., for a hearing titled "Deconstructing Reconstruction: Problems, Challenges, and the Way Forward in Iraq and Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 22, 2007, at 9:45 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 22, 2007, at 10:00 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 236, Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Kennedy, Cardin; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Kyl, Cornyn, Grassley, Sessions; S. 849, OPEN Government Act, Leahy, Cornyn, Feingold, Specter.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 22, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, March 22, 2007 at 2:30 p.m. for a hearing entitled, Safeguarding the Merit System Principals: A Review of the Merit Systems Protection Board and the Office of the Special Counsel.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider the following nomination: Calendar No. 47, that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Peter W. Chiarelli, 6598

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MEASURES INDEFINITELY POSTPONED—S. 194, S. 219, S. 412

Mr. CASEY. Mr. President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 54, S. 194; Calendar No. 55, S. 219; and Calendar No. 56, S. 412.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF TESTIMONY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 119, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 119) to authorize testimony by a former detailee of the Committee on the Judiciary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Committee on the Judiciary has received a request from an attorney with the Federal Bureau of Investigation for a declaration from a former Judiciary Committee detailee for use in a Department of Justice administrative proceeding brought by an FBI employee claiming whistleblower protection. The FBI requests the declaration to address the employee's allegations regarding a conversation between the committee detailee and the FBI employee.

This resolution would provide authority for the former committee detailee to provide a declaration for use in the FBI's administrative proceeding.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas, the Committee on the Judiciary has received a request from an attorney in the Office of the General Counsel of the Federal Bureau of Investigation for a declaration from a former detailee of the Committee, Steven M. Dettelbach, for use in the Department of Justice's administrative proceeding styled *In re George A. Runkle, Jr.*, OARM–WB No. 06–2;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the former detailee of the Committee on the Judiciary, Steven M. Dettelbach, is authorized to provide a declaration for use in the administrative proceeding *In re George A. Runkle, Jr.*, OARM–WB No. 06–2.

ORDERS FOR FRIDAY, MARCH 23, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m; Friday, March 23; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. Con. Res. 21, with 30 minutes remaining for debate equally divided or controlled between the chairman and ranking member of the Budget Committee; that when the voting sequence begins there be 2 minutes of debate equally divided prior to each vote in the sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. CASEY. Mr. President, if there is no further business today, and if the Republican leader has nothing further, I now ask unanimous consent that following the last speaker on the Republican side, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 120, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 120) designating March 22, 2007, as National Rehabilitation Counselors Appreciation Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 120

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors and Educators Association (RCEA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2007, as National Rehabilitation Counselors Appreciation Day; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

CONCLUSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008—Continued

AMENDMENT NO. 536

Mr. CHAMBLISS. Mr. President, I rise tonight to discuss for a few minutes amendment No. 536, which has been filed by my colleague from Georgia, Senator ISAKSON, and myself. In offering this amendment to the budget resolution, we truly believe it is a fair amendment and puts children first, in the way the State Children's Health Insurance Program was intended.

When SCHIP was created in 1997, it was instituted to do exactly what the name states: provide health care coverage to uninsured children. I do not believe you will find anyone here who disagrees with that purpose because it provides health insurance to hard-working families who earn too much to qualify for Medicaid but not enough to buy private insurance.

There has been a lot of discussion about the long-term aspects of that program lately, and rightfully so. However, some States are using their SCHIP funding to cover adults, and that is not the intention of this program. In fact, three States have more adults as enrollees than children. There are 12 States that will spend almost $807 million of their SCHIP money on more than 671,000 adults this year.

When we talk about children's health care, two of the components that are critical include dental care and mental health care. That is the specific focus of our amendment. Our proposal would eliminate States in receiving an enhanced SCHIP matching rate for adults who are covered under the SCHIP program. If States continue to choose to insure adults with SCHIP funds, they will receive a lower Federal match instead of the normal SCHIP match. We think this approach makes the most sense because SCHIP was created to cover children.

The increased Federal match was created as an incentive for States to cover these kids, not adults. This new lower match rate for adults will free up funding to create a budget-neutral reserve fund to provide for dental and mental health benefits for children. So, again, our amendment simply says this: If States want to use their SCHIP funds to cover adults, which is a decision States may choose to make, they will receive the Medicaid matching rate.

We are not saying the States should not provide health insurance coverage for adults who need it. At the same time it is important to emphasize that SCHIP funding is for kids. Our amendment uses this funding intended for children for two very important components of children's health care, that being dental care and mental health.

I believe we must craft policies to ensure the greatest number of children are provided quality health care and quality dental care. I was extremely saddened to hear recently of a 12-year-old boy in Prince George's County, MD, who died from a toothache and an inability to find proper care. I do not know whether this child was on an SCHIP program or was on Medicaid. But this is only one example of the need for increased access to dental care for children. It is heartbreaking and inexcusable that something as tragic as this could happen, when a routine tooth extraction may have saved this young boy's life.

Parents know and understand that things as routine as dental care are critically important to a child's overall health. Tooth decay remains a prevalent, chronic disease, and is the single most common childhood disease nationwide. It is five times as common as asthma, and, unfortunately, minority, low-income, and geographically isolated children suffer disproportionately from this disease. Eighty percent of all tooth decay is found in only 25 percent of children. These are the children the SCHIP program was created to help. We can and we must do better for these kids. This amendment does exactly what we ought to be doing with SCHIP, namely providing health insurance coverage for children, not adults.

I urge my colleagues to do what is right and support this amendment.

AMENDMENT NO. 619

Mr. President, let me very quickly talk about one other amendment I have filed. It is amendment No. 619. This particular amendment deals with the Edward Byrne Memorial Justice Grant Program, which is commonly referred to as the Byrne/JG Program. It is an amendment which Senator FEINSTEIN, Senator ISAKSON, Senator GRAHAM, and I have filed. The Byrne/JG Program is the primary provider of Federal criminal justice funding to State and local jurisdictions. The funding supports all components of the criminal justice system from multijurisdictional drug and gang task forces to community crime prevention programs, to substance abuse programs, prosecution initiatives, domestic violence programs, and information-sharing initiatives.

I will tell you that our law enforcement officials, our sheriffs, our prosecutors, our drug court professionals, and many of our public servants in the law enforcement arena rely on this funding to make our communities safer. The results they get with this funding are tangible and real.

In February of last year, the Iowa Governor's Office of Drug Control Policy conducted a survey to obtain a clearer, quantifiable, and more complete national picture of the Byrne/JG program's impact on drug and criminal efforts in America. This survey focused on the 2004 grant year and found that drug enforcement task forces funded by the Byrne/JG program in 45 States made more than 221,000 drug arrests. The achievements of those multijurisdictional drug enforcement task forces are impressive.

For example, 45 States reported seizing almost 18,000 kilograms of cocaine, with an estimated consumer street value of over $1.6 billion. Forty States reported seizing just shy of 5,500 kilograms of methamphetamine, with an estimated street value of $518 million.

The States participating in this survey reported the total value of drugs seized at over $12 billion. This figure represents more than $63 dollars in seized drugs for every dollar spent on drug task forces. This is indeed an amendment which will reinstate the level of funding for the Byrne/JG Program to last year's level. We are not asking it to be any higher than that. By doing that, we will allow our law enforcement community to continue to provide the type of safety and protection citizens all across America want.

Before I yield the floor, I wish to note several well-respected organizations, including the National Narcotics Officers Association Coalition, the National Sheriffs' Association, the National District Attorneys' Association, the National Association of Drug Court Professionals, the National Criminal Justice Association, and the International Association of Chiefs of Police support this robust funding for the program.

I encourage my colleagues to support amendment No. 619.

Mr. President, I ask that my entire statement be inserted into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am delighted to come to the floor and join in support of the amendment offered by Senator CHAMBLISS and myself with regard to the State Children's Health Insurance Program.

The State Children's Health Insurance Program was begun in 1997. At that particular time I was chairman of the board of education in the State of Georgia. I applauded the Federal Government for providing this asset and this benefit to our States.

For the benefit of those who aren't familiar, the SCHIP program is a Medicaid Program, but unlike Medicaid today, it is a block grant, it is not an entitlement. Specific funds are block-granted to the States for the purpose of providing affordable health insurance to children in poverty.

That is the way the program began. As years have gone by, States have chosen to elect to ask for waivers from Washington to expand the coverage beyond children. Meritoriously, some States have asked to cover pregnant mothers in poverty under the SCHIP program. I would be the first person to tell you that is an appropriate appropriation of funds and the intent of the bill.

However, other States have chosen to add adults who do not have children to coverage under SCHIP, the result of which has compromised the program and taken money that was intended to go to children and sent it to adults.

By way of example, my State of Georgia runs out of SCHIP money this month. We do not provide any SCHIP benefits to anybody who is not a child. Our eligibility threshold is 235 percent of poverty. So it is exactly as prescribed originally. But because we are a growth State and in addition took on the children from Katrina, we have run out of money early, because we had an increase in the number of people in our State using and taking advantage of SCHIP.

There are other States that have used their money up by adults consuming it under this program. What Senator CHAMBLISS and I have done is simply said this: If you are going to include adults in the Children's Health Insurance Program, which is a Medicaid program, then the reimbursement to those States by the Federal Government for the cost for children ought to be the enhanced amount which Congress passed in 1997, which is about 70 percent of the cost. But if you are going to include adults, that match ought to be the 63-percent Medicaid match, not the enhanced match that was put in to attract people in the first place to provide children's health insurance. Then you take that differential and you put it into a reserve fund, and offer States the opportunity to enhance their children's health insurance by including dental and/or mental health benefits.

We know from our experience with young children in poverty that early prevention of dental disease and good dental health provides a lifetime for those children of healthy teeth, a lifetime of absence of dental disease, and a saving of untold millions of dollars in this country.

So what Senator CHAMBLISS and I have brought to the floor is very simply this premise: If you pass a State Children's Health Insurance Program, shouldn't it go to the benefit of children's health? If you decide to include adults, why should the Medicaid match be any greater than it is for adults anyway? And if you create additional funds by making this differentiation, should not those funds go to the two areas which are most important in terms of children's health, dental and mental health?

I submit this is a thoughtful amendment. It is affordable because it is budget neutral. It takes the SCHIP program back to where it was intended, for children. It does not punish a State that includes adults under the Medicaid program, but it requires them to go back to the regular Medicaid match, not the enhanced match that was created for children's health insurance.

If we adopt this amendment, more children will have healthier lives and children in poverty will continue to get the benefit of a wise and beneficial program this Congress passed in 1997.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I thank the Presiding Officer for staying here late this evening. I hope anyone who is not watching this is watching the KU-Southern Illinois game on right now, which is quite a barn burner going on.

I have an amendment I want to talk about, because we are going to go into the long voting session tomorrow and will not have a great deal of time to talk about it then. But it is an important amendment. It is an important amendment for the budget. It is an important amendment for the long-term process.

A lot of my colleagues will be very familiar with the BRAC process, the Base Realignment and Closure Commission process. It was enacted at least a dozen years ago, probably a little more than that. It is a process by which we have a commission look at military bases. They consider the military bases, consider whether they are useful where they are currently located, if it would be better for them to be realigned, if it is better for a base to be closed and that money put somewhere else.

It has been a very effective process for us to be able to take spending and put it in higher priority areas, whereas historically if you tried to eliminate a military base, it was virtually impossible to do, because you would go at the military base in a particular State, and it would not matter how old the base had been or whether it was out of position, the Members of that State would defend it.

We were rarely able to close a military base. So we enacted the BRAC process. That process created a commission, and they looked at all the military establishments. It then said that these 65, 125, 233 bases should be closed. We have higher priorities for this money. The process is chopped off on by the President, and then it comes to Congress, one vote up or down, agree, disagree, deal or no deal. By that means, we have realigned over $40 billion in annual appropriations, total appropriations on military bases. It has been a very good process to eliminate wasteful Federal spending in places where it is not needed. We need that process for the rest of Government. We spend about $2.9 trillion on an annual basis. We have not found effective ways to eliminate wasteful Federal spending.

I have yet to find somebody running for public office at the Federal level—or any level, for that matter—who says they are for wasteful government spending or they are for duplicative government spending. If everybody is saying they are against it and they are against waste, fraud, and abuse and they keep looking for that line in the budget to wipe it out, here is a realistic way we can deal with that, take that BRAC process and apply to it the rest of Government.

What could it yield? Let me give some examples using this quick report card. Regularly, the Government puts out a report card on the effectiveness of our own Government spending programs, whether they are hitting their targets or not. They score them. You can look here at a few of agencies. For the State Department, they reviewed 40 programs for this OMB report card. They score them for effectiveness in what the program was targeted for. They were at a median score of 77.93 percent. I gave them the letter grade of a C-plus, based on the regular report card system. Here you can see the Department of Education, HUD, EPA. For the Department of Education, 74 programs were scored. They had a median score of 44.5, which I gave a letter score of an F. That is what my kids would get. That is what I would give if I were teaching, saying: This is not an effective Government program. Why is it we can't go in and find some of these education programs that are not being effective and eliminate them? It is because the system is built to spend.

There is an old maxim that Ronald Reagan used that there is nothing so permanent as a temporary Government program. Once in place, they seem to sustain themselves. They get a support group around them, and then the specific controls over the general. If it is a program that somebody in Vermont wants to maintain or Kansas wants to maintain, even though maybe its effectiveness is very low, we defend it because it is for our States. That is the specific. If the general interest would say this should be eliminated, let's change the system so they can save money. We can do so using the military base-closing process and use that money for higher priority needs.

I want to eliminate deaths by cancer in 10 years. This is going to take a real research effort and focus. To do so, we spend $2.9 trillion in the budget now. We have enough money, but it is not in the right places. Let's use this system to reduce and eliminate wasteful spending and then be able to target higher priority areas.

This is a program which both Republicans and Democrats, in whatever philosophical position you may put yourself, would say is a good idea. This is something which is bipartisan, nonpartisan, and it is for good governance and good government. It changes the system because the system is built to spend. It is built to spend almost perennially. It needs to be adjusted.

I want to quote from former President Clinton's adviser Paul Weinstein, of the Progressive Policy Institute, who testified before the Senate about this approach:

> Our organization has believed that the best way to achieve comprehensive reform in the

executive branch is to combine the commission function with a mechanism to require Congress to vote on its recommendations. Senator Brownback's CARFA [Commission on Accountability and Review of Federal Agencies] legislation would provide this type of commission.

Here again, we have to realize the difficulties of this system. The strength of the system is spending money. The strength of the system is not saving money. Change it to combine both a commission and a requirement for legislative action.

Under the CARFA proposal, once every 4 years an agency would be reviewed for recommendations being made on whether eliminations should be made in that agency. It would then be put together in a package and sent to the President to either agree or disagree. It would then go to the Congress for the Congress to look at, as we do the BRAC process now. It would then be required to be voted upon with a limited time period for debate without amendment. You look at it, and then you get a chance to look at the overall practices and the package, and then you can say I agree, vote yes, I disagree, vote no, deal or no deal. This is a process which has worked.

I submit to my colleagues, both sides of the aisle, all persuasions, we have a lot of high-priority needs. We don't have the money focused in the high-priority areas. Too often, it is focused on things that we are maintaining from the past that maybe have less saliency today but still have a protection group around them, and we haven't found a way to eliminate them or get in and do it. Here is a way to do it, and it doesn't favor one side's program or the other's. It says: We are going to have this in a bipartisan commission, and we are going to change the process so we can save the money. Then that money will be used for higher needs.

This is an effective way for us to move forward. I urge my colleagues, when we get a chance to vote on my amendment, to look at this and say: That is something which I want to endorse, something I want to support, because it is going to allow us to more effectively spend the Federal money. One of the things people tell me that drives them the most crazy about Federal spending is wasteful Federal spending. Here is a way. We redesign the system to get at it. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise to share with the Senate my concerns and frustrations with S. Con. Res. 21, the fiscal year 2008 budget resolution, and to discuss two amendments I will offer tomorrow to try to improve the resolution.

Frankly, the resolution before this body ignores the dire state of our financial future and uses smoke and mirrors to mask our long-term fiscal challenges. I have come to the Senate floor numerous times over the past 8 years to express my concern that the Federal Government continues to spend more money than it brings in and that this Congress is running a credit card for today's needs and shamelessly leaving the bill for future generations. We all know this recklessness threatens our economic stability, our competitiveness in the global marketplace, and our future way of life.

Since I arrived in the Senate, the national debt has increased from $5.6 trillion to $8.6 trillion. That is an increase of more than 50 percent in 8 years. This amounts to $29,000 of debt for every American. Can my colleagues believe that? What is of even more concern, however, is that 55 percent of the privately owned national debt is held by foreign creditors, including the Chinese Government. That is up from 35 percent only 6 years ago. Yet these numbers, which represent our past behavior, pale in comparison with the budget problems looming in our future as the baby boom generation begins to retire over 9 months from now.

Forty years ago, Social Security, Medicare, and Medicaid accounted for 3 percent of our GDP. Today, they are up to 9 percent. In another 40 years, they will be up to 18 percent, equal to total Federal revenues and crowding out all other spending. In other words, all of the money the Federal Government spends currently will be used up for Medicare, Medicaid and Social Security. There won't be any money for anything else.

Looking forward, we face a long-term fiscal imbalance of $55 trillion. That is hard to even grasp, but it translates into $440,000 of future Government debt for every American household, up from a mere $175,000 only 6 years ago. This is all documented. If we listen to David Walker, who is the Comptroller General, he is going all over the country—he was in my State in Cincinnati for a fiscal wake-up—working with the Concord Coalition to let Americans know. He is like the Paul Revere out there telling Americans we better be concerned about this. I remember Ross Perot, who ran for the President of the United States, and all of his charts. His charts looked like nothing compared to the charts we would use to show how bad things are.

Imposing a crushing debt burden such as this on future generations at the same time they are going to have to compete with rising powers such as China and India is unacceptable. All of us have a responsibility to try to guarantee that they enjoy the same standard of living and quality of life we have enjoyed, if not better. This young page here in front of me—I am worried about him. What kind of a life is he going to have? What kind of an opportunity is he going to have in terms of his standard of living and quality of life? We are concerned about him. What kind of a legacy are we going to leave him? What about my seven grandchildren? What kind of a world are they going to live in? That is why the chairman of the Budget Committee and I have spoken over the past few years about the growing debt and the impact it will have on future generations.

Yet we are here today with the majority's budget resolution that increases the national debt by $2.4 trillion over the next 5 years. That is assuming Congress doesn't take advantage of all of the loopholes that are in the budget. We are back at square one. Neither Republicans nor Democrats have offered a budget that even comes close to reestablishing our fiscal sanity. The administration's budget is unrealistic, and the Democratic budget is even worse.

I am going to vote against the Democratic budget. If this were the Republican budget, I would vote against that budget, too. Both of them. Once again, we have pulled the wool over our own eyes. That is what is going on.

Some of my colleagues, especially my new colleagues, may wonder why I take such offense at the budget. Unfortunately I am a product of my experiences. The Bible says the Lord never gives you a challenge you cannot overcome. Well, he has tested me before, and he is testing all of us right now.

As mayor of Cleveland, I inherited the first city in the country to go bankrupt since the Great Depression. We made cuts, we raised taxes, and we righted the ship. When I took the helm as Governor of Ohio, I inherited a $1.5 billion budget shortfall that can only be described as a financial crisis. During the first biennial budget, we had to make four rounds of cuts. These were dire economic times which required honesty, leadership, and management. I was forced to make a lot of hard choices. We had to reform our tax policy, scale back spending, and target our resources to the people who needed them the most. We worked harder and smarter, and we succeeded at doing more with less. In fact, my years as Governor represent the lowest rate of growth in State spending in 30 years.

Here in Washington, it seems as if no one is willing to make the tough choices. I cannot understand it. Too many Members won't do anything if it doesn't bolster their side politically or fit into a 10-second sound bite. Instead, both parties are using gimmicks to cover up the state of our Nation's long-term fiscal health.

Let me offer some examples. The administration released its fiscal 2008 budget request in early February and projected a deficit of $239 billion. This number is the deficit left over after spending every dollar of Social Security surplus. But the Social Security surplus must be reserved for future retirees. As far as I know, you can't spend the money twice, but Congress keeps pretending that it can. If you remove the Social Security surplus from the equation, that $239 billion deficit they are talking about almost doubles to $451 billion. If you use the accrual way of figuring it, it is about $640 billion.

The administration goes further to achieve its surplus by assuming nonsecurity discretionary spending will peak in 2007 and go down every year after that. So we are reducing our deficit by eating our seed corn. That is a real problem today.

What we have to understand is that only one-sixth of the budget is nondefense discretionary. All of the hits are being made against that one-sixth to try to balance the budget. We are ignoring so many things this country ought to be doing.

Furthermore, the administration calculates the security-related discretionary spending will peak in 2008, and that supplemental spending for military operations will end after 2009. Give me a break. We are going to end that in 2009? We are going to be over in Iraq and Afghanistan for a long period of time. But the President just increased the number of troops going to Iraq by more than 21,000. These estimates are not based on reality. Why don't we tell the American people the truth? Let's tell them the truth.

Meanwhile, my colleagues on the other side of the aisle are using tricks that even are more egregious. The majority's budget allows for a dramatic increase in entitlement spending through the use of more than 20 reserve funds. They are not included in the overall budget totals. They simply conceal what they intend to spend and it gives the appearance of a more responsible budget.

The majority's budget hides increases in discretionary spending through the use of seven cap adjustments. Appropriations for seven favored programs and agencies will not count toward the budget limit. Just like that, poof, and they are gone.

Furthermore, the majority's budget allows for unlimited emergency spending. I think we all understand that on occasion we have natural disasters or unanticipated crises, such as Hurricane Katrina, that require emergency resources. For this reason, we cannot estimate all of our emergency spending in the budget. But a great deal of the spending that is currently designated as "emergency" is actually quite regular and predictable.

For example, every year we spend emergency funds on drought relief. This is difficult for me to understand: If we spend it every year, why can't we account for it in our budget? This is why we ought to have a rainy day fund such as I had when I was Governor that set aside designated funds for legitimate natural disasters so the "emergency" label is not abused for otherwise anticipated events.

My friend from New Hampshire, Senator GREGG, created a rainy day fund with a fixed dollar limit in last year's budget resolution, and I thought: That is a great idea. But the new majority has already eliminated that fund from the budget and has created an open-ended source of emergency spending that is not subject to any financial limitations.

There is one trick after another in this budget resolution. We are already raiding the Social Security trust fund and a bunch of smaller trust funds to make our bottom line look rosier than it is. This budget exacerbates a problem the Budget Committee chairman himself and I have spoken out against for a great many years.

I have a great deal of respect for the Democratic chairman of the Budget Committee. I think he is one of the most responsible guys, but he has also got to do his thing in terms of the politics of this Senate. In fact, in the last Congress, the Budget Committee chairman and I introduced legislation that would invest the Social Security surplus in non-Federal bonds to prevent the surplus from being used to fund other Government spending. We plan to reintroduce this bill again.

In other words, what we are saying is we are going to take the money that is now being used to fund the budget and instead of borrowing it from trust funds—Social Security—we are going to take the Social Security funds and put them in a non-U.S. account—municipal bonds—so they will accrue interest; and when the time comes that we will need to use that money, there will be something there besides an IOU from the Federal Government that says: We are going to take care of it.

The bill would require the Government issue more Treasuries to the public in order to pay for other spending instead of borrowing from Social Security. What we basically are going to say to the American public is: We are borrowing all these funds from Social Security, all the other trust funds, and we are going to put that aside, and we are going to borrow that money from the public so you know how much borrowing is going on. We are not going to mask this thing, as we have done for so many years.

We thought, finally our children and grandchildren will have a clear picture of how fiscally irresponsible we are. But today the Budget Committee chairman is relying on the very same gimmick—borrowing from the Social Security trust fund—to claim a balance in 2012.

What about taxes? The majority's budget claims that $400 billion in revenue will be collected from "closing the 'tax gap'"—in other words, collecting more of the taxes that are currently owed but not paid. Yet the President's proposal to collect just 2 percent of this $400 billion caused small businesses to howl in protest that the new administrative and compliance burdens would overwhelm them.

In other words, it is easy to talk about closing the tax gap, but from a political point of view, it is not going to be very easy. We should do that. There is no question about it. I talked to Charles Rossotti, who was the former head of the Internal Revenue Service. He said with more filings and more people in the Internal Revenue Service, we should be able to pick up another $50 billion. That is a realistic way of looking at it. But just to say: $400 billion; we are going to come up with it somehow; close the tax gap, and it is all going to be there—voila.

In fact, the Greater Cleveland Partnership and the Council of Smaller Enterprises, which represent small business in northeast Ohio, describe the administration's tax gap proposals—by the way, this is not a Democratic proposal; this is the administration's tax gap proposals—as "an unreasonable tracking and reporting burden for small business." And that is just for 2 percent of the revenue the majority claims it can raise by going after small businesses. We should try to collect money that is owed, but if it were that easy—as my friend from Iowa Senator GRASSLEY suggests—we would have found the money to fix the AMT years ago.

But, sadly, these gimmicks are not the worst part of the budget. What is more disturbing about this resolution is what is not included. The majority did not designate one dime in Social Security, Medicare, or Medicaid savings to help slow the impending entitlement tidal wave heading our way—not one dime. Entitlement spending threatens to flood our budget and soak up every Federal dollar, as I mentioned earlier, leaving no revenue for education, the environment, infrastructure, or scientific research. The majority's budget ignores this problem.

In fact, this budget does worse than ignore the problem. It will pile billions of dollars in new entitlement spending on top of the existing problem. It is so obvious that this budget resolution simply satisfies a political agenda. It is a public relations campaign that the majority is using to avoid telling the American people the truth. I am accusing them of that, and I have to say the same thing for my side of the aisle. We are both guilty. All of our hands are dirty.

To add to insult, since Republicans switched to 5-year budgets a few years ago, Democrats have repeatedly called for 10-year budgets because 5-year budgets hide our long-term problems. In other words, the other side of the aisle kept complaining: You are using

5-year budgets because if you use 10, the American people are going to find out how much money you are spending. So we went to the 5-year budget. We want to hide that figure about the next 5 years. If the Democrats wanted to do it this time, I would have said: Do the 10-year budget. Let the American people know what the truth is about how much money this budget is going to cost.

For example, the CBO currently projects that total outlays for Medicare and Medicaid will more than double—more than double—by 2017, increasing by 124 percent. This is roughly two times as much as the economy is expected to grow during the same period. A 5-year forecast hides this explosion in entitlement liabilities. Tell the truth—transparency. Let the American people know what the score is.

Yet, here we are, with Democrats in control of both Chambers, and they are trying to pass a 5-year budget that continues to cover up the gathering fiscal storm looming on our horizon. Shame on us. Shame on them. They are playing the game we played starting in 2004, after promising to do better.

I take our Nation's fiscal health very seriously. I am concerned there is a lack of transparency in this budget. There are gaping loopholes the majority can exploit to cause spending and deficits to rise much higher than the budget resolution claims. In an attempt to close some of these loopholes, tomorrow I am going to offer two amendments.

First, we need to reform our Nation's entitlement programs. I have been begging on my knees trying to get the White House to take on the responsibility of reforming our Tax Code—we need it; it is overdue—to take on entitlements, to reach out to Republicans and Democrats and say: The time has come. Let's put everything on the table. Let's reform our Tax Code. Let's do something about entitlements. The fact is, silence—silence. I have to tell you, if we do not do this, then our children and grandchildren are going to drown—they are going to drown—in a sea of debt.

I am concerned, however, that if we reform entitlements and save billions of dollars, Congress might grab those savings and spend some of them on other programs instead of paying down the debt. So what I am saying is, I am hoping—and I know the chairman of the Budget Committee, the Senator from North Dakota, has said he wants entitlement spending reform—I am hoping we get it. All this amendment says is: If we do get entitlement spending reform, it is going to be used to pay down the debt and not fund other entitlements.

I previously introduced legislation called the SAFE Commission Act that would guarantee a fast-track, comprehensive approach to reforming our Nation's tax, entitlement, and budget systems. If the 110th Congress enacts entitlement reform, either by way of legislation or as a result of another bipartisan effort, we must use those savings to reduce the deficit and, as I say, pay down the debt and not on entitlement spending.

Specifically, my first amendment would require any savings from legislation that slows the growth of entitlement spending by $5 billion or more be dedicated to deficit reduction. Some of my colleagues are asking: George, why are you worrying about this? Well, I hope we have this problem where we have to decide what to do with these entitlement savings we have enacted. Because, as I said earlier, the majority has not included even one dime's worth of savings in this budget resolution. We do nothing—not one thing—in this budget about entitlement spending.

Second, every time we enact new entitlement spending or tax cuts, which are financed through additional borrowing, we increase the level of interest payments the Government has to make on its debt. I have talked about this debt and the interest costs. These new interest costs represent additional Government spending. Yet, CBO cost estimates ignore the effect of these interest payments on spending and the national debt.

In other words, we are spending money on reducing taxes—and we are paying for it by borrowing—or we are spending money on new programs—and we are borrowing the money—because we keep ratcheting up the debt and we do not calculate the interest costs that are involved in either tax reductions or the spending for these new programs.

These ballooning interest costs add up to $370 billion in 2008. Think about this: That interest cost will be 13 percent of the budget. The public needs to know that in addition to spending additional money on new programs, we are paying interest on that money. I am concerned about these growing interest costs because they are part of our mounting national debt.

Frankly, our interest rates are low right now, but they could skyrocket. The first couple years I was mayor of Cleveland, interest rates at the time were 13 percent. Some Americans remember savings passbooks that were paying 14 and 16 percent. I will never forget it because I had the money for my children's college education in mutual funds. I sold the mutual funds and put them in the passbook savings because we were getting—can you imagine—we were getting 16 percent—16 percent—on a passbook investment.

I think we need to wake up to the fact that if we get a change in the international marketplace—as I mentioned earlier, 55 percent of our budget is with foreign investors—if those central banks get a little bit nervous about the United States of America—and I have talked to Alan Greenspan about this; we could see interest rates skyrocket to 12 percent, 13 percent—that would suck up an enormous amount of money.

So the fact is, we ought to pay attention to letting people know when we either reduce taxes, and borrow the money, or we spend money above the budget, somebody has to pay some interest on that cost. We must stop this charade once and for all. Both sides of the aisle have a clear, moral obligation to improve the fiscal health of our Nation. It starts with formulating a fair and honest budget. Yet we are being dishonest and masking the long-term challenges that confront our Nation.

We must deal with these problems head on and work on a bipartisan basis to reform our tax system, control the growth of entitlement spending, and slow this freight train that is threatening to crush our children and grandchildren's futures.

Experts say the most important step you can take is to first admit you have a problem. I will never forget when I was mayor of Cleveland and came in, the easiest thing sometimes in life was just to keep the problems in a drawer and not look at them and hope they would go away. I found a long time ago that if you take those problems and pull them out and deal with them, you are so much better off than if you just let them lay around and get worse.

The question today is, Do we have the moral courage to fix it? Do we have the moral courage? Can we do that? It is a moral issue.

I will never forget Frank Wolf. I gave a speech last year and Frank called me and he said: I am going to put a bill in, and we are going to set up a commission that is going to do something about tax reform and entitlement.

He said: I have—I think he said 11 or 12 grandchildren. He said: I thought about it. I am a fiscal conservative. He said: But you know something. We have a moral obligation to our children. We just can't let this thing keep going. The fact is, do we have that moral conviction to fix it or are we too darn interested in protecting our political hides—our political hides—to do anything? Do we have the courage to do it? Do we have the courage?

I am 70 years old. I have seven grandchildren. I care and worry about them. My concern is what legacy am I going to leave my children and my grandchildren. I was fortunate. We were fortunate. We had others before us who were responsible—others, for example, who were willing to pay for the wars that we were in. Today, in this country, let's see, it is up to $510 billion for Iraq and Afghanistan, and if we pass the supplemental, it is going to be $610 billion. The only sacrifice that is being made today in this country is by the families that have the body bags returned to them. Twenty-six thousand of our men and women who have been injured, half of them disabled for the rest of their life, and we are not doing anything. We are not doing anything.

Last year, I said if we can't get tax reform to raise the money that we need to take care of things, then we ought to have a temporary tax increase to pay for our war. We should. It is the right thing to do. But, no, we will let it go and let somebody else worry about it the next time around—the new President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would note as I begin how much I appreciate Senator VOINOVICH and his passion for America in trying to introduce responsibility in spending and taxes. We don't always agree on everything, but he is a man of principle and dedication to his country.

Mr. President, the amendment I will be asking my colleagues to consider tomorrow deals with a growing problem that we have in America. It has to be confronted completely before long. It is the alternative minimum tax. This is a tax that after you figure what you owe on your income tax return and you have taken all your deductions, you have to calculate your taxes again and you may have to file under the alternative minimum tax and pay more taxes. That was an idea conjured up before I came to the Senate to capture rich people who weren't paying enough taxes. Maybe it had some resonance to it, but it has fallen very hard now on the middle class, and it is very dramatic.

We in this Congress have become addicted to the money the alternative minimum tax brings in. We have decided, though, that we can't allow millions of middle-class people to be burdened with a new and higher tax, so we have tried to fix it. We did what was called the AMT patch—a patch. It wasn't a complete fix, it was a Band-Aid, and it would do a lot. Actually, it has done considerable. Without a patch next year, about 23 million people will be subjected to the tax, but with the patch, 17 million of those will not. They will be dropped out of AMT. Seventeen million people will be saved from that.

I just want to say, first of all, the real solution, as everyone knows, is tax simplification. We need to do that, but we have no real momentum at this moment in the Congress in either House or in either party or by the President. Those of us not on the Finance Committee sometimes wonder why we don't have more proposals for tax simplification, but we don't. It is going to happen sometime, sooner rather than later.

So the patch helps. It raises the AMT exemption level, the amount of money, the floor to which you get caught with, and that has helped some. But the real truth that I must share with my colleagues is that the result has not been fair. It is not a principled way to deal with the people being caught by the alternative minimum tax.

In 2006, for example, 7.4 percent of married people with children paid higher taxes under the AMT, while 1 percent of singles paid the AMT. Think of that. This tax, the way it is calculated and the way it is put together, it has fallen incredibly hard, over seven times as hard, on married people with children as it does on single taxpayers. Why is that so? Well, when you calculate your alternative minimum tax, you can't use your personal exemptions. You can't use that personal exemption of $3,400, and you can't claim your children as exemptions.

So I would first say one of the most valuable things this country has are the parents out there, some single moms, working their hearts out every day to raise and educate the next generation of young people who are going to lead this country.

So the alternative minimum tax I have believed for some time has penalized people with children. We have had a marriage penalty and now we see with the AMT, we are actually taxing children, making it even more expensive for young families to have children.

So I think my amendment does the right thing. It achieves a very similar result as the patch but is more principled, more cued to what is in the national interests, and more fair.

First, it treats children and personal exemptions correctly. You still get your personal exemption under the AMT and exemptions for your dependents in your household. Under this plan as I have offered it, 87 percent as many people will not have to file an AMT return as would under the patch—almost the same, 13 percent less, but very close to the same number. But astoundingly and importantly, it costs a lot less. It would save in terms of tax revenue lost $82 billion over 5 years. It would be a lot less expensive in terms of tax cost.

This $82 billion could help us contain the deficit. It could help us fund the expiring tax cuts that have allowed us to have a low-tax economy that has led to such terrific growth in our economy, would provide some of the money we could use for that, and it would be good for the economy in a way that I am afraid this unprincipled approach to patching the AMT does not. There would be less focus on high income, high tax States. I come from a lower tax State, a poorer State, a poorer State with a lower average income than the average in the United States. We are doing a lot better, and I am proud of that, but we still are below the national average in a number of different ways. Our State would not benefit much at all under the patch.

Let me show my colleagues this chart. This is a rather astounding chart. These are the percentage of taxpayers who paid the AMT by State in 2005. In my home State of Alabama, it was 0.8, eight-tenths of 1 percent. Less than 1 percent paid any AMT. But in New York, with a good bit higher average income, 6 percent paid—6 percent of the people paid it. The numbers are high in other States. Mississippi is low at .9, and the Dakotas are .8 and .6. Indiana is 1.0; West Virginia, .9. The lower income States are not going to benefit as much under the kind of patch we are talking about. Most of the benefits of the patch will be transferred to only a few States for a lot of different reasons. One is because they have higher taxes which cannot be deducted under the AMT.

So I would say what we need to do is to do better. By having the exemptions allowable under the AMT calculation, we would benefit people more fairly around the country, although not a complete fairness. It is still going to be a tax that dramatically shifts benefits to higher income, higher tax States. There is no doubt about that. But this is at least a step in the right direction, and it helps real people. My excellent staff person, Dr. Andrew Barrett, talks about a professor he knows, Christopher Wolfe, who has 10 children. He is getting whacked by the AMT.

I think a person who is pouring his heart and soul into raising a large family and trying to do the right thing by them should not lose their tax exemptions and have to pay a higher tax than somebody who didn't have that.

I hope we can have a good vote on this tomorrow. I think it is the right thing. As we go forward, we are going to have to talk about this more. The more I study it, the more convinced I am that this is not a good way to handle tax policy in America, this AMT.

I ask unanimous consent that Senator ORRIN HATCH be listed as a cosponsor on that legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will sum up. I am a member of the Budget Committee. One of the things you see as you watch these budgets go through here and we discuss them and debate them and it sounds like a lot of politics and hot air and partisanship. But the real truth is that a budget is a defining instrument for a party. A budget tells what your priorities are, what direction you want to take the country in. I am not sure we have ever had a budget since I have been here—well, maybe a few in the beginning but certainly not in the last several years of my tenure—that was passed on anything other than a party-line vote, at least in the Budget Committee.

Once again, the budget that came out of this Budget Committee, now that we have a Democratic majority, passed with all Democratic votes and no Republican votes. Last year, the budget that passed out was passed by all Republican votes and opposed by all Democrats. But they were in the minority at that time. I used to think, well, why can't we just get together and work these things out. Perhaps we can at some point. Perhaps we will have a break in this cycle. But right now, it seems that the budget defines us and our differences. What is it we agree on? What is it we disagree on? Where do we want to take the country? And where does somebody else not want to go?

Let me mention a few things about this budget. It is a spending budget. The President proposed a rather substantial increase in discretionary spending; but our Democratic colleagues passed a budget that adds $18 billion more in nondefense discretionary spending than the President asked for. It brought it up to a total increase in nondefense discretionary spending of over 6 percent—I think it is 6.1-percent growth in spending.

Well, what is the cost of living? What is the CPI, the inflation rate? It is about 2.3 percent. So this budget increase, in a time of war, in a time when entitlements are raging out of control, is not a frugal budget; it is a spending budget. You should not be spending almost three times the inflation rate if you want to have any kind of responsibility in spending. We don't have to spend three times the rate of inflation to keep the country from collapsing. The country is not going to collapse if we had a flat budget or if we cut 3, 4, 5 percent, if you want to know the truth. The Republic will still be standing.

But, no, we have to fund these programs, these ideas, and these visions that utilize money and runs up the total. So they have shoved through a budget that increases it substantially. Last year, we passed, on a party-line vote, a proposal that would have contained, by about 1 or 2 percent over 5 years, the growth in entitlement spending. Senator JUDD GREGG worked this in. He believed in it passionately. He believed we could now, early on, before we reach a fiscal disaster in the future, control some of these spending programs. He had a modest cut in the growth—growth only—of Medicare. I think it was like 45 percent growth to 46 percent growth. How about that? Do you think we can sustain that? It got to the floor and all of the Democrats opposed it and several Republicans opposed it, and it failed. We could not even contain the growth by 1 percent.

So all last year, in this last election, my Democratic friends, were out railing at President Bush for spending wildly. They claimed that Republicans were irresponsible on spending, and here they go coming back with this budget. Did it have any effort or did it display any movement whatsoever to contain the growth of entitlement spending? Zero. It didn't attempt to confront that issue. I think that is a mistake. We have had a lot of complaints that we have to do something, but when it came down to the time to produce a budget, over the objection of Senator GREGG and others, they had no interest in that.

Well, what about taxes? We didn't have any savings on the spending side. We had an increase on spending. What about taxes? They say this is not a raising-taxes budget, that it doesn't raise taxes, don't worry about that. We have not voted to raise taxes. Let me tell you what they did do. They created a system and a mechanism—or at least the majority did when they passed this budget—that is going to put us in a position where we are going to raise taxes, and I am going to explain it to you as simply as I possibly can. The budget adds four points of order. A point of order calls for a supermajority vote to carry out some act. They said you cannot have tax cuts unless several things occur, and the only way you can have those tax cuts, if those things don't occur, is override a budget point of order, and that takes 60 votes, not 50. So what about the existing tax cuts—the capital gains reductions, the marriage penalty elimination, the dividends reduction? What about reducing the tax rate for the lowest income workers who pay Federal taxes by 33 percent, from 15 to 10 percent?

Well, they came up with a proposal that says you cannot even extend those tax cuts that have been in place for a number of years and begin to expire in the next couple of years. Those cannot be extended without being able to overcome the budget points of order. To do so, the most logical thing is to cut spending. So if you cut spending enough to pay for a tax reduction, a tax reduction that is already in place—and some have been in place for over 5 years—if you don't cut spending sufficient to "pay for the lost revenue," according to these estimates, then you cannot undo it without 60 votes.

When we passed those tax reductions, it was virtually party line, although several Democrats, including Ben Nelson, voted with us, but one time it was a tie vote. Another time it was one or two votes. These were razor thin, the low fifties. By putting in a 60-vote point of order, it is not going to be possible to extend the existing tax cuts, the reduction of the rates, capital gains. They estimated, for example, that capital gains reductions would cost the Treasury $5 billion. As it turned out, capital gains, after being reduced, have resulted in increases to the Treasury of $133 billion. If you sell a piece of property and you have to pay 20 percent on the profit, you might not do it. If you are thinking about selling stock and you say, wait a minute, it has grown in value and you are going to have to pay a 20 percent tax on that, you may say I will just hold it. At 15 percent, people say, OK, I will pay that.

We have had an interesting time of more sales of property and assets subject to capital gains, and we increased revenue after the tax rate was reduced. I wish to say to you that this budget has put us in a position that I don't see how it is possible that we can extend even the existing tax reduction. Those tax reductions have spurred this economy. They were enacted during a time when we had difficulties. It is important to note that when President Bush took office, the Nasdaq, the high-tech stock market, had fallen 50 percent. The first quarter he took office was negative growth. In fact, the last month of President Clinton's term was negative growth. President Bush inherited an economy in serious trouble. Then 9/11 hit and we were in a recession. It could have been a long one, but it turned out not to be. It bounced back quickly, and a big reason is he reduced taxes; the economy grew and picked up the slack and began to grow.

Two years ago, the revenue coming into the U.S. Treasury increased 15 percent over the previous year. Last year, the revenue coming in—this is money actually in the Federal till—went up 12 percent over the 15 percent. This year, they are predicting that revenue to the Federal Treasury will be up almost 10 percent over last year's 12 percent. That is fabulous growth. What should we do? We ought to contain Federal spending. We ought to keep those tax cuts in place, not to make somebody rich, not just to let them keep more money—money that they earned—but because it is good for our economy, because we are a free market economy, and we are a group of people who believe in individual responsibility—not like the Europeans, who are semi-Socialist, if not Socialist, who deeply believe in higher taxes, more regulation, bigger government, and more social welfare.

That is not our heritage. We have a heritage of free, responsible, individual Americans, whose goal and ideal is to take care of ourselves, but we will help those who need it when they need it.

I wish to say this budget defines a lot of who we are. I think it defines a different vision for what is best for America. It has been that way for most of the time I have been in the Senate, and it looks like we are at it again this year.

I feel strongly we ought not to go and slide and move toward the big government, high taxes, and social welfare system of the Europeans. They say: Well, it has not made the taxes go up; we have a budget and the Finance Committee can fix this and they can do whatever they want to do. They have a lot of freedom.

But with the points of order in the budget, I submit to you that we have a problem. I submit to you this Democratic budget that came out of the committee is similar to this torpedo on this chart.

Democrats can say they have not raised taxes yet, but they have launched that torpedo right at this thriving, vibrant American economy. The torpedo is named "tax increases" and they are on the way. That is a fact. I don't see anything that is going to intercept that torpedo because the vote tomorrow will put us on a road we cannot get out of. It is going to put us in a situation where the votes will not exist to cut taxes, and we are going to allow even existing tax reductions to phase out, and taxes will jump, and it will amount to the largest tax increase in American history, from what the experts tell us.

It is late. This is an important point and an important time for our country. When we pass a budget, it doesn't do a whole lot. A budget basically has a couple of things it does. It sets the total level of spending. That level has been raised over what the President has asked for. It creates a mechanism that could allow us to extend tax cuts for less than 60 votes, or do other revenue changes for less than 60 votes. But the budget we are passing is going to put us into a situation where we will increase spending and we will be put on a road to increase taxes.

I think that is a wrong direction for our Nation, and I doth protest.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 9:42 p.m., adjourned until Friday, March 23, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 2007:

DEPARTMENT OF STATE

JOHN C. ROOD, OF ARIZONA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY, VICE ROBERT JOSEPH, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL J. SULLIVAN, OF MASSACHUSETTS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARTIN E. DEMPSEY, 8511

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MARI K. EDER, 2706
BRIGADIER GENERAL WILLIAM H. GERETY, 3610
BRIGADIER GENERAL PAUL F. HAMM, 4818
BRIGADIER GENERAL GEORGE R. HARRIS, 6056
BRIGADIER GENERAL STEVEN J. HASHEM, 9921
BRIGADIER GENERAL ADOLPH MCQUEEN, JR., 8120
BRIGADIER GENERAL DAVID A. MORRIS, 3823
BRIGADIER GENERAL MAYNARD J. SANDERS, 3264
BRIGADIER GENERAL GREGORY A. SCHUMACHER, 9676
BRIGADIER GENERAL MICHAEL J. SCHWEIGER, 1172
BRIGADIER GENERAL RICHARD J. SHERLOCK, JR., 9856
BRIGADIER GENERAL DEAN G. SIENKO, 8565

To be brigadier general

COLONEL MARCIA M. ANDERSON, 6629
COLONEL DOUGLAS P. ANSON, 7118
COLONEL WILLIAM G. BEARD, 8900
COLONEL WILLIAM M. BUCKLER, 6605
COLONEL ALFRED B. CARLTON, 8241
COLONEL ROBERT G. CATALANOTTI, 4208
COLONEL MICHELE G. COMPTON, 5758
COLONEL JOHN C. HANLEY, 5258
COLONEL KATHERINE P. KASUN, 4482
COLONEL ROBERT W. KENYON, 3810
COLONEL KAREN E. LEDOUX, 0087
COLONEL PETER S. LENNON, 5799
COLONEL CHARLES D. MARTIN, 0988
COLONEL GARY A. MEDVIGY, 3114
COLONEL SAMUEL T. NICHOLS, JR., 8581
COLONEL JAMES D. OWENS, JR., 5143
COLONEL JEFFREY E. PHILLIPS, 7408
COLONEL LESLIE A. PURSER, 4750
COLONEL DAVID W. PUSTER, 7473
COLONEL DANIEL I. SCHULTZ, 4371
COLONEL MICHAEL R. SMITH, 4276
COLONEL JEFFREY W. TALLEY, 1997
COLONEL MEGAN P. TATU, 7799
COLONEL NICKOLAS P. TOOLIATOS, 8879
COLONEL JAMES T. WALTON, 6639

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GEORGE J. TRAUTMAN III, 0849

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HAROLD D. STARLING II, 4248

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

KIRSTEN R. MARTIN, 0449
PATRICK A. ROPP, 1397
RICHARD V. TIMME, 7617

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

EDWARD W. BIRGELLS, OF TEXAS
CARLEENE HOPE DEI, OF FLORIDA
MICHAEL TILESTON FRITZ, OF WYOMING
WILLIAM A. JEFFERS, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

STEPHEN F. CALLAHAN, OF VIRGINIA
ROBERT FRANCIS CUNNANE, OF FLORIDA
ALEXANDER DICKIE IV, OF TEXAS
KARL FICKENSCHER, OF NORTH CAROLINA
STEPHEN M. HAYKIN, OF WASHINGTON
JANINA JARUZELSKI, OF NEW JERSEY
ELISABETH A. KVITASHVILI, OF VIRGINIA
DAVID E. MCCLOUD, OF FLORIDA
KEVIN J. MULLALLY, OF TEXAS
GARY WILLIAM NEWTON, OF FLORIDA
HERMANIA B. PANGAN, OF VIRGINIA
SUSAN G. REICHLE, OF VIRGINIA
DENISE A. ROLLINS, OF MICHIGAN
MARILYNN ANN SCHMIDT, OF VIRGINIA
ELZADIA WASHINGTON-DANAUX, OF TENNESSEE
JACK WINN, OF FLORIDA
ANDREA J. YATES, OF FLORIDA

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

SUNEE R. DANIELSON
MARY E. EVANS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MELISSA W. JONES, 9625

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BARBARA J. KING, 3425

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES F. BECK, 2938
KEVIN S. MCKIERNAN, 2501

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DANIEL L. HURST, 6304

To be lieutenant colonel

EMMANUEL R. BONNECARRERE, 9865
LARRY D. CHRISTOPHER, 4451
SAMUEL H. FISTEL, 1110
JUAN M. LOPEZ, 8115

To be major

JOHN G. MARKLEY, 1452
JACQUELYN OHERRIN, 2315
ADAM H. SIMS, 9270
GEORGE T. TALBOT, 0571

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EDUARDO A. ABISELLAN, 5229
CHRISTOPHER C. ABRAMS, 0422
JOHN K. ADAMS, 5914
TED A. ADAMS, 8353
JOHN C. ALLEE, 0599
CHRISTOPHER W. ALLEN, 4237
JOSEPH T. ALLENA, JR., 2310
GEOFFREY M. ANTHONY, 5161
VINCENT D. APPLEWHITE, 0987
JOHN ARMELLINO, JR., 8006
STEPHEN P. ARMES, 9487
MITCHELL K. ARNZEN, 4380
JOHN B. ATKINSON, 6064
STEPHEN C. AUGUSTIN, 5650
TERRY L. BAGGETT, 9601
PAUL D. BAKER, 7970
RAYMOND G. BAKER, 2779
SCOTT A. BALDWIN, 1426
CRAIG P. BARNETT, 2837
JOHN M. BARNETT, 0436
TIMOTHY E. BARRICK, 3214
MICHAEL B. BARRY, 5980
STEPHEN R. BECK, JR., 1769
PATRICK A. BECKETT, 1475
MARC A. BEGIN, 1203
DOUGLAS C. BEHEL, 0073
THOMAS J. BEIKIRCH, 0231
MARLIN C. BENTON, JR., 6629
DAVID BERNATOVICH, 5447
WILLIAM C. BERRIS, 5404
CHARLES N. BLACK, 3185
CHAD A. BLAIR, 1135
RUSSELL A. BLAUW, 0370
BRET A. BOLDING, 4690
RICHARD J. BORDONARO, 9326
TODD V. BOTTOMS, 0215
MATTHEW C. BOYKIN, 8565
ROBERT J. BRAATZ, 4298
ROBERT G. BRACKNELL, 7479
DAVID P. BRADNEY, 1987
RONALD C. BRANEY, 8561
TERRY L. BRANSTETTER, JR., 7017
IAN D. BRASURE, 1741
ROLLIN D. BREWSTER III, 0747
PETER J. BROWN, 3964
ROBERT J. BRUDER, 5292
JOHN H. BRUGGEMAN, JR., 8596
TIMOTHY R. BRYANT, 9816
VICTOR J. BUNCH, 1341
KENNETH A. BURGER, 0135
HEATHER M. BURGESS, 5403
RUSSELL C. BURTON, 4951
SHAWN P. CALLAHAN, 6775
MICHAEL J. CALLANAN, 1585
MICHAEL T. CARSON, 5134
RONNIE A. CARSON, JR., 9846

JENNIFER E. CARTER, 1592
MELVIN G. CARTER, 6846
TODD M. CARUSO, 8958
MICHAEL S. CASEY, 7619
WALTER D. CERKAN, 9016
ERIK L. CHRISTENSEN, 5606
IAN R. CLARK, 0240
WILLIAM P. CLARK, 1196
TIMOTHY L. CLARKE, 0104
ERIN D. COADY, 4330
JAIME O. COLLAZO, 4852
STEPHEN G. CONROY, 7173
SAMUEL C. COOK, 1196
MATTHEW D. COOPER, 6831
ROBERT D. COOPER, 5234
EDITH W. CORDERY, 8420
GUY R. COURSEY, 7533
IAN D. COURTNEY, 0100
KENNETH L. CRABTREE, 9858
BRIAN E. CRANE, 9163
DARYL G. CRANE, 5368
MATTHEW A. CROCE, 1328
PAUL D. CUCINOTTA, 7004
DREW E. CUKOR, 7252
MATTHEW C. CULBERTSON, 0543
JENS A. CURTIS, 0147
EARL W. DANIELS, 6022
KEITH C. DARBY II, 1194
ROMIN DASMALCHI, 6176
RONALD K. DENNARD, 2460
PAUL T. DEUTSCH, 3825
ANDREW L. DIETZ, 3645
MARK D. DIETZ, 3753
JOHN E. DOBES, 7039
SCOTT P. DUNCAN, 6241
ANDREW L. EAST, 1309
KURT G. EBAUGH, 2990
BEN T. EDWARDS, JR., 2918
FRED H. EGERER II, 0079
ERIC J. ELDRED, 7879
THOMAS C. EULER III, 5811
ANTHONY C. FABIANO, 4764
THOMAS M. FAHY, JR., 3541
JAMES P. FALLON, 9394
CHRISTOPHER M. FEARS, 0779
WESLEY L. FEIGHT, 2272
TODD W. FERRY, 4234
TIMOTHY J. FETSCH, 6680
CHRISTOPHER A. FEYEDELEM, 4351
PHILIP A. FICKES, 5968
MICHAEL D. FOLGATE, 5232
VINCENT H. FONTENOT, JR., 7555
TIMOTHY J. FRANK, 5704
WESLEY A. FRASARD, JR., 3952
JAMES W. FREY, 4855
THOMAS C. FRIES, 7702
PHILLIP N. FRIETZE, 7495
BRYON J. FUGATE, 4634
ROBERT C. FULFORD, 5824
JAMES R. FULLWOOD, JR., 1015
PETER S. GADD, 0915
THOMAS J. GALVIN, 9926
JASON S. GERIN, 2278
ERIC A. GILLIS, 6391
DOUGLAS V. GLASGOW, 6951
MICHAEL F. GOGOLIN, 2039
JOHN C. GOLDEN IV, 9009
TIMOTHY C. GOLDEN, 5900
KEVIN M. GONZALEZ, 5053
DANIEL F. GOODWIN, 1303
DONALD A. GORDON, 4220
ROBERT GOVONI, 3411
BRUCE G. GRALER, 8251
DAVID P. GRANT, 1080
DANIEL Q. GREENWOOD, 2205
DAVID M. GRIESMER, 4400
STEPHEN M. GRIFFITHS, 5844
REGINALD L. HAIRSTON, 1039
MORRIS D. HALE, 2250
NICHOLAS S. HALE, 8777
EARL L. HALQUIST, 8903
JAMES F. HARP, 1761
CLARENCE T. HARPER III, 9348
SCOTT W. HARRIS, 9658
BARON A. HARRISON, 7024
PETER W. HART, 9117
JEFFREY H. HAUSER, 0215
BRIAN W. HAVILAND, 0529
DOUGLAS A. HAWKINS, 6984
CHAD T. HEDLESTON, 9317
HENRY G. HESS, 8417
JAMES A. HESSEN, 5241
MICHAEL O. HIXSON, 5028
TIMOTHY H. HOGAN, 7725
MICHAEL T. HOLMES, 0179
RENEE A. HOLMES, 3110
JEFFREY C. HOLT, 0584
MARK D. HOROWITZ, 5680
JAMES E. HOWARD, 9848
MICHAEL P. HUBBARD, 5445
LAWRENCE E. HUGGINS, JR., 1942
BRIAN G. HUGHES, 8025
PETER D. HUNTLEY, 0108
JAMES J. HURD, 6127
THOMAS J. IMPELLITTERI, 0155
JAN M. JANUARY, 1139
JEFFREY L. JAROSZ, 6857
MICHAEL J. JERNIGAN, 5867
DAVID E. JONES, 6899
SEKOU S. KAREGA, 0925
DANIEL R. KAZMIER, 0435
PATRICK J. KEANE III, 9549
ANTHONY P. KENNICK, 5172
CRAIG M. KILHENNY, 9140
JEFFREY A. KNUDSON, 0917
ROBERT A. KUROWSKI, 5621
SCOTT S. LACY, 3538
WILLIAM F. LAPRATT, 2282
TERRENCE H. LATORRE, 5792
FRANK N. LATT, 9600
RHETT B. LAWING, 0496
RAYMOND H. LEGALL, 2305
RODNEY LEGOWSKI, 0890
WENDELL B. LEIMBACH, JR., 6985
SCOTT D. LEONARD, 8269
MICHAEL D. LEPSON, 5266
JOSEPH P. LEVREAULT, 5900
PATRICK A. LINDAUER, 4675
DANIEL R. LINGMAN, 6041
DANIEL C. LOGAN, 6691
JOSEPH A. LORE, 2272
DAVID W. LUCAS, 9505
JOSEPH A. LUCIA III, 5817
ROBERT E. LUCIUS, JR., 1498
STEVEN G. LUHRSEN, 8534
ERIC M. LYON, 8419
JOHN E. MADES, 2139
LORNA M. MAHLOCK, 5347
GEORGE G. MALKASIAN, 4716
DENNIS A. MANACO, 6036
KENDALL A. MARTINEZ, 8610
WILLIAM J. MATTES, JR., 9537
SEAN P. MATTINGLY, 3942
THOMAS G. MCCANN II, 3474
WILLIAM P. MCCLANE, 5688
MATTHEW J. MCCORMACK, 8621
DONALD B. MCDANIEL, 2488
MATTHEW J. MCDIVITT, 5179
JOHN E. MCDONOUGH, 0661
PATRICK M. MCGEE, 4250
SHAWN W. MCKEE, 8238
SEAN C. MCPHERSON, 2245
WILLIAM J. MCWATERS, 6602
ROGER C. MEADE, 4122
HALSTEAD MEADOWS III, 7290
MICHAEL W. MELSO, 2958
ANDREW O. METCALF, 2517
ELDON E. METZGER, 3961
KURT E. MOGENSEN, 5380
PAUL R. MOGG, 1406
JOSEPH F. MONROE, 8501
MICHAEL J. MOONEY, 7067
JUAN J. MORENO, 0896
DAVID B. MORGAN, 6934
DARIN S. MORRIS, 2990
JASON L. MORRIS, 4116
ALBERT G. MOSELEY IV, 4528
MICHAEL L. MULLER, 1362
LANCE D. MUNIZ, 4077
JOHN J. MURPHY III, 1001
MAUREEN B. MURPHY, 7528
JOSEPH C. MURRAY, 1362
ROBERT J. NASH, 1209
JAMES D. NEAL, JR., 1676
NATHAN G. NEBLETT, 6196
SHANE D. NICKLAUS, 2210
BERNARD J. NOWNES II, 1327
PAUL J. NUGENT, 5627
DAVID M. OCONNELL, 8565
JAMES E. OHARRA, 8965
KENNETH A. OLDHAM, 5093
MICHAEL S. OSHAUGHNESSY, 4123
DAVID S. OWEN, 7702
PATRICK R. OWENS, 5207
LOUIS J. PALAZZO, 8391
DANIEL L. PARIS, 2223
DAVID J. PARK, 2346
PAUL T. PATRICK, 8970
CHRISTOPHER D. PATTON, 0128
JOHN S. PAYNE II, 1056
THOMAS A. PECINA, 5625
TODD E. PERRY, 7260
CHRISTOPHER L. PHELPS, 1883
MICHAEL A. PHILLIPS, 6836
SCOTT W. PIERCE, 3789
STEPHEN S. PIERSON, 7429
ROBERT J. PLEVELL, 8732
DAVE S. PORTILLO, 7812
DOUGLAS M. POWELL, 3996
THOMAS E. PRENTICE, 5542
DONALD J. PRESTO, 1056
CHARLES P. PRESTON IV, 4442
JOHN A. PRYCE, 5752
MATTHEW PUGLISI, 6976
ERIC A. PUTMAN, 9254
DEAN L. PUTNAM, 6379
JAMES E. QUINN, 2510
JOSEPH N. RAFTERY, 8149
MATTHEW R. RAJKOVICH, 4753
MATTHEW G. RAU, 7130
MICHAEL T. RECCE, 5998
MARVIN REED, 8022
BRENDAN REILLY, 7376
DAVID S. RENTZ, 2380
DAVID E. RICHARDSON, 4557
MICHAEL R. RIES, 6471
SEAN M. RIORDAN, 3858
KEITH T. RIVINIUS, 0641
CRAIG D. ROGERSON, 9376
MICHAEL P. ROHLFS, JR., 6569
CHARLES D. ROSE, JR., 7676
PAUL A. ROSENBLOOM, 2460
DEE S. ROSSER, 6597
GEORGE B. ROWELL IV, 6791
JOSEPH J. RUSSO, 5829
MICHAEL V. SAMAROV, 9507
ANDREW J. SAUER, 0160
BRETON L. SAUNDERS, 8509
THOMAS B. SAVAGE, 0116
MICHAEL E. SAYEGH, 9275
JOHN M. SCHAAR, 5223
FREDERICK G. SCHENK, 4419
JASON C. SCHUETTE, 3798
ROBERT K. SCHWARZ, 1552
JONATHAN B. SCRABECK, 8419
JOSEPH W. SEARS, 3240
DAVID J. SEBUCK, 3022
MICHAEL B. SEGER, 8286
DANIEL D. SEIBEL, 9546
BRIAN F. SEIFFERT, 4592
GLENN R. SEIFFERT, 4480
MARK W. SHELLABARGER, 5049
DANIEL L. SHIPLEY, 3495
TY A. SIMMONS, 0379
DAVID W. SMITH, 1090
MARK D. SMITH, 3696
JEFFREY C. SMITHERMAN, 6061
WALTER C. SOPP, JR., 5199
JOHN H. SORENSON, 3325
DAVID B. SOSA, 4741
SHAUN C. SPANG, 7129
DIANA L. STANESZEWSKI, 1795
MICHAEL J. STEELE, 6447
RICHARD G. STEELE, 0771
NOEL C. STEVENS, 8214
KEVIN J. STEWART, 7091
STEPHEN R. STEWART, 1896
BENJAMIN P. STINSON, 8623
JAMES B. STONE IV, 6291
SHAWN R. STRANDBERG, 8399
DANIEL R. SULLIVAN, 9125
WILLIAM H. SWAN, 1187
SHAWN M. SWIER, 4238
MICHAEL J. TARGOS III, 8179
ANDREW J. TATE, 7218
CHRISTOPHER A. TAVUCHIS, 1459
EDWARD R. TAYLOR, 9705
BRADFORD J. TENNEY, 6455
DONALD J. THIEME II, 1906
IVAN G. THOMAS, 5416
MARK C. THOMPSON, 2111
TODD S. TOMKO, 6734
SCOTT M. TOUNEY, 3940
CASEY C. TRAVERS, 2932
LEONARD E. TROXEL, 9052
LARRY E. TURNER, JR., 0529
HENRY E. VANDERBORGHT, 9966
DAVID N. VANDIVORT, 0559
JOHN A. VANMESSEL, 0150
WILLIAM H. VIVIAN, 3970
GLENN C. VOGEL, 4924
JOSEPH F. WADE, 3839
DAVID C. WALSH, 9180
CHRISTOPHER B. WALTERS, 7786
ROBERT Q. WARD, 6966
STEVEN C. WARE, 8972
MICHAEL R. WATERMAN, 1505
MCCLENDON N. WATERS III, 6919
PAUL R. WEAVER, 6154
JAMES B. WELLONS, 0741
EDWARD J. WHITE, 0478
KARL E. WILLIAMS, 6179
MARCUS W. WILLIAMS, 1252
WILLIAM D. WISCHMEYER, JR., 5271
THOMAS J. WITCZAK, 9507
EUGENE P. WITTKOFF, 0096
STEVEN M. WOLF, 4672
BRIAN N. WOLFORD, 5818
CRAIG R. WONSON, 6172
KEVIN S. WOODARD, 7826
CALVERT L. WORTH, JR., 4840
DANIEL L. YAROSLASKI, 6293
TYLER J. ZAGURSKI, 6444
JOSEPH J. ZARBA, JR., 1984

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AARON D. ABDULLAH, 8415
ERIK R. ABRAHAMSON, 7731
MARTIN L. ABREU, 4205
JESSICA L. ACOSTA, 5361
DAVID M. ADAMIEC, 8829
JOHN J. AHN, 0050
LOUIS M. ALBIERO, JR., 5411
BRIAN S. ALBON, 5724
GREGORY J. ALLAN, 1670
BRIAN J. AMEND, 4452
BRADLEY W. ANDERSON, 6904
JOSHUA P. ANDERSON, 5607
TIMOTHY E. ANDERSON, 0521
AARON A. ANGELL, 5770
JOSEPH D. ARICO, 7922
ADRIAN D. ARMOLD, 3900
MICHAEL F. ARNONE, 0334
JUAN I. ARRATIA, 5698
ERIC M. ASCHENBRENNER, 0048
RICHARD B. ASHFORD, 3697
SCOTT K. ATWOOD, 6348
BRAD E. AUGHINBAUGH, 7065
TYSON M. AVERY, 6430
BLAS AVILA, JR., 8194
SHERIF A. AZIZ, 3711
JOHN T. BADAMI, 3367

EDWARD BAHRET, 4157
CHARLES T. BAISLEY, 5688
GREGORY T. BAKER, 4270
SAMUEL BAKION, 9514
MATTHEW A. BALDWIN, 6250
GREGORY R. BAMFORD, 1831
JOHN J. BANCROFT, JR., 8788
ROZANNE BANICKI, 5129
CARLOS M. BARELA, 4445
JEFFREY V. BARNETT, 3519
ERIK J. BARTELT, 1509
DAX C. BATTAGLIA, 5964
BARTHOLOME BATTISTA, 8950
PAUL J. BATTY, 8368
THEODORE W. BATZEL, JR., 9496
GINGER E. BEALS, 9660
JOSEPH T. BEALS, 1515
BRADLEY P. BEAN, 6789
JAMES M. BECHTEL, 4979
HASSEN C. BECKFORD, 7187
ERIC M. BECKMANN, 2968
THOMAS M. BEDELL, 4759
NATALIE L. BEEDE, 2753
ERIN S. BENJAMIN, 9522
DAVID M. BERNARD, 5044
FREDRICK L. BERNIER, 4508
PIERRE R. BERTRAND, 3973
EDWARD Y. BLAKISTON, 2131
JERRY W. BLOOMQUIST, 5323
DAVID A. BOGLE, 7034
JOHN A. BONDS, 6924
JONATHAN A. BOSSIE, 5225
STEPHEN C. BOUCHER, 4113
CHRISTOPHER J. BOWER, 2715
ELIKA S. BOWMER, 7030
KEVIN J. BOYCE, 3296
JONATHAN L. BRADLEY, 5077
TIMOTHY S. BRADY, JR., 5416
ANDREW J. BRASOSKY, 4791
KEVIN H. BRIGHT, 6680
CHRISTIAN J. BROADSTON, 2184
KAREN B. BROCKMEIER, 2690
JEFFREY T. BROOKS, 2800
MICHAEL L. BROOKS, 7116
JOSEPH D. BROOME, 5782
JERRY BROWN, JR., 2708
JONATHAN F. BROWN, 5579
MAURICE A. BROWN, 7738
DESMOND F. BROWNE, JR., 8714
CHRISTOPHER A. BROWNING, 8339
AARON J. BRUNK, 0958
JOHN P. BRUZZA, 0242
ALVIN L. BRYANT, JR., 3130
SAMUEL G. BRYCE, 3072
CHRISTIAN J. BUCHANAN, 5385
ARMANDO C. BUDOMO, JR., 9779
ROBERT M. BUENO, 6465
BENEDICT G. BUERKE, 4251
ASHLEY K. BURCH, 3094
GREGORY S. BURGESS, 3779
DOUGLAS R. BURKE, JR., 3734
JOSEPH P. BURKE, 8324
RUSSELL A. BURKE, 4495
DOUGLAS W. BURKMAN, 2815
DAMON K. BURROWS, 3963
GREGORY K. BUTCHER, 5261
BRADLEY J. BUTLER, 4953
TAMARA L. CAMPBELL, 3452
TROY H. CAMPBELL, 7897
CHRISTOPHER K. CANNON, 2372
CHRISTOPHER P. CANNON, 2745
PETER J. CAPUZZI, 9844
CONLON D. CARABINE, 5333
FOSTER T. CARLILE, 2735
BRADFORD R. CARR, 3552
JOHN C. CATANZARITO, 4383
ROBERT E. CATO II, 9379
ANTONIO CERVANTES, JR., 9910
JOSHUA B. CHARTIER, 1717
SIU K. CHENG, 6498
JOHN R. CHERRY, 1895
DARREL L. CHOAT, 3407
ANDREW CHRISTIAN, 3668
DAVIS R. CHRISTY, 7538
WILLIAM H. CHRONISTER, 1116
LEE K. CLARE, 5117
EARL R. CLARK, 7574
JOSHUA D. CLAYTON, 0807
BRYAN S. CLIFTON, 5627
LLONIE A. COBB, 9849
BRIAN W. COLE, 9206
CHRISTOPHER J. COLLINS, 7811
JAMES B. COLLINS, 5765
LEAH L. CONLEY, 0362
RYAN M. CONNOLLY, 1581
JAMES A. COOPER, 3749
LEE K. COOPER, 6660
ROBERT L. CORL, 6112
EDUARDO CORREA, 2061
FRED G. COURTNEY III, 7057
MARK E. COVER, 6238
BARRY A. CRAFT, JR., 0662
MICHAEL L. CRAIGHEAD, 8257
RYAN E. CRAIS, 7490
BRENT A. CREWS, 7390
MICHAEL J. CRITCHLEY, 9997
ROBERTO CUEVAS, 7443
CLINTON A. CULP, 5956
GREGORY R. CURTIS, 6038
IAN C. DAGLEY, 8398
TERRY L. DALTON, JR., 9537
CHAD W. DARNELL, 8752
KEVIN O. DAVIS, 4385
MARK S. DAVIS, 4354
ROBERT B. DAVIS, 8632
TIMOTHY A. DAVIS, 3205
MANUEL J. DELAROSA, 6875
JOSE M. DELEON, JR., 6800
ANDREW M. DELGAUDIO, 1722
JOSEPH T. DELLOS, 5798
CHARLES W. DELPIZZO III, 6928
GREGORY P. DEMARCO, 1343
BRIAN P. DENNIS, 6371
SAMUEL N. DEPUTY, 7402
KEVIN B. DEWITT, 6905
PATRICIA M. DIENHART, 3200
JEFFREY S. DINSMORE, 6625
DEREK J. DIORIO, 3156
BRIAN A. DIXON, 5619
GILBERT F. DMEZA; 2778
JOHN F. DOBRYDNEY, 3976
WILLIAM DOCTOR, JR., 1211
KEVIN M. DOHERTY, 6585
HENRY DOLBERRY, JR., 2884
CHRISTOPHER P. DONNELLY, 9577
LINA M. DOWNING; 7010
TERESA J. DRAG, 4974
JONATHAN A. DREXLER, 9272
STEPHEN D. DRISKILL, 9469
JAMES L. DRUERY, 7676
CHARLES E. DUDIK, 9082
JOSEPH R. DUMONT, 5408
JASON K. DUNCAN, 3944
DOUGLAS R. DUNLAP, 9137
JOHN P. DUVALL, JR., 8477
JEFFREY L. DYAL, 1310
JULIE R. EASTLAND, 1774
JOHN L. ELCOCK, 2784
CHRISTOPHER P. ELHARDT, 3233
JOHN M. ENNIS, 3041
MICHAEL R. ERICKSON, 7949
RYAN J. ERISMAN, 2928
BRYCE D. ESSARY, 9006
MICHAEL N. ESTES, 5461
DAVID D. FAIRLEIGH, 4978
BRIAN L. FANCHER, 5144
JENNIFER M. FARINA, 3917
ROBERT B. FARRELL, 4215
KRISTOPHER L. FAUGHT, 1546
RORY M. FEELY, 9373
MATTHEW D. FEHMEL, 8338
DANIEL C. FELICIANO, 5811
WILLIAM B. FENWICK, 8532
JOSE R. FIERRO, 4590
FRANK E. FILLER, 0741
DALE E. FINCKE, JR., 3520
RYAN M. FINN, 1203
STEPHEN V. FISCUS, 2998
CHARLES N. FITZPATRICK III, 6925
MICHAEL C. FLEMMING, 2914
BRYAN J. FORNEY, 5396
TERRENCE E. FOX, 8402
CHRISTIAN V. FRANCO, 8950
MARK E. FRANKO, 5979
JOHN M. FRASER, 7527
AARON T. FRAZIER, 4179
SHAWN T. FREEMAN, 1829
ANTHONY D. FROST, 2179
EUGENE L. FUNDERBURK, 5222
DAVID A. FUNKHOUSER, 1960
REBECCA D. FURMAN, 6764
JASON A. GADDY, 2066
GERARDO D. GAJE, JR., 7426
JOSEPH E. GALVIN, 4387
JER J. GARCIA, 7182
RICHARD D. GARCIA, 7942
JOHN L. GARDNER, 5294
ROBERT B. GARRISON, 1719
JOHNNY G. GARZA, 0527
SCOTT A. GEHRIS, 5580
VINH V. GERALD, 0372
DONALD E. GERBER, 1106
LESTER R. GERBER, 2377
PATRICK T. GERMAN, 3305
MICHAEL J. GERVASONI, 6554
WILLIAM J. GIBBONS, 3580
CARL D. GIDEON, 3175
TARRELL D. GIERSCH, 1761
JOHN S. GILBERT, 8577
BRIAN J. GILBERTSON, 2293
STEVEN A. GILL, 0138
TODD M. GILLINGHAM, 6508
JIMMY R. GLOVER, JR., 1595
PATRICK M. GLYNN, 1961
MAXX GODSEY, 6869
MATTHEW J. GORBATY, 5975
JOHN T. GORDON, 6631
GREGORY F. GOULD, 5627
BRANDON W. GRAHAM, 1258
CHRISTOPHER M. GRASSO, 4206
KEVIN P. GRAVES, 6760
MICHAEL A. GRAZIANI, 9664
JOHN P. GREEN, JR., 1994
LEO S. GREGORY, 8435
BRIAN R. GRIFFING, 5996
JASON C. GROGAN, 9474
JASON D. GROSE, 0289
WILLIAM H. GRUBE, 8698
RUBEN D. GUTIERREZ, 2567
CHRISTOPHER D. HAFER, 1636
DENNIS L. HAGER II, 0653
MICHAEL A. HALEY, 7880
JASON M. HAMILTON, 0101
CHAE J. HAN, 0794
RICHARD D. HANSEN, 6165
RYAN E. HANSEN, 8911
AMEDE I. HANSON, 5084
DANE HANSON, 1776
GREGORY A. HANWECK, 6911
CHRISTIAN R. HARBOUR, 5687
ETHAN H. HARDING, 3916
TODD A. HARDING, 4527
RYAN E. HARRINGTON, 9414
CLINT C. HARRIS, 9416
CASEY A. HARSH, 2065
DAVID J. HART, 7826
CRAIG L. HARVEY, 2533
GEORGE D. HASSELTINE, 1513
BRYAN C. HATFIELD, 8841
BRIAN R. HEDIN, 3732
TREVOR A. HEIDENREICH, 0924
DAVID L. HENDERSON, 6895
CHRISTINA M. HENNESSEY, 9038
RUDOLFO G. HERNANDEZ, 8200
ARTURO HERNANDEZLOPEZ, 4952
JOHN P. HERRON, 2564
PHILIP R. HERSCHELMAN, 5360
JASON W. HEUER, 1256
BRENT E. HEYL, 8806
TWAYNE R. HICKMAN, 9601
JIMMY S. HICKS, 1047
AARON P. HILL, 4250
LISA D. HILLJOHNSON, 1505
BRADLEY D. HITCHCOCK, 8001
CHAD E. HOARE, 4691
SEAN P. HOEWING, 3746
MAX H. HOPKINS, 0890
WILSON M. HOPKINS III, 6451
BRYAN T. HORVATH, 2730
ALEJANDRO R. HOUSE, 7017
MARK D. HOWARD, 5347
DANE L. HOWELL, 8310
WILLIAM HUBBARD, 3099
MICHAEL R. HUDSON, 4008
CHRISTOPH W. HUFF, 5163
SHAWN C. HUGHES, 2552
DAVID K. HUNT, 8611
JAMES B. HUNT, 2678
MICHAEL L. HUNTING, JR., 3814
HENRY E. HURT III, 1366
ANDREW J. HUSMAN, 5051
BRET M. HYLA, 2560
DAVID C. HYMAN, 6073
SEAN E. HYNES, 2320
JAIME A. IBARRA, 1305
TIMOTHY W. IRWIN, 7135
LOUIS E. ISABELLE, 2928
GEORGE B. JACOBS, 4834
JOHN J. JAESKI, 5725
ROBERT E. JAMES, 2156
JASON M. JANCZAK, 9318
CHARLES D. JENNINGS, 9768
MIKE K. JERON, 9965
FERNANDO V. JIMENEZ, 0566
ANTHONY E. JOHNSON, 6464
GRANT M. JOHNSON, 0213
JASON JOHNSON, 3582
KIMBERLY A. JOHNSON, 1615
PAUL K. JOHNSON III, 8523
GREGORY L. JONES, 5679
KEMPER A. JONES, 6450
DAVID C. JOSEFORSKY, 1167
GREGORY K. JOSEPH, 3029
COLLEEN M. JUDD, 4114
MICHAEL C. KAHN, 5402
JAY J. KAJS, 5067
DENNIS J. KASKOVICH, JR., 8689
RONALD W. KEARSE, 3012
ANDREW M. KELLEY, 9456
JASON L. KENDALL, 9456
HILARY A. KHAN, 4182
WAHEED U. KHAN, 8101
MARK A. KIEHLE, 0308
JOHN P. KIRBY, 5566
THOMAS F. KISCH, 5411
AARON R. KNEPEL, 9369
BRANDON S. KNOTTS, 1098
JONATHAN D. KNOTTS, 6356
JOHN D. KNUTSON, 1972
NOAH J. KOMNICK, 9732
VINCE W. KOOPMANN, 4784
PAUL B. KOPACZ, 2895
SPEROS C. KOUMPARAKIS, 9790
BENJAMIN S. KRIPPENDORF, 2868
CHARLES B. KROLL, 7397
PHILIP C. LAING, 1970
PETER J. LANG II, 2640
LANCE J. LANGFELDT, 8886
ANDREW K. LARSEN, 9919
JEFFREY J. LARSON, 7243
GOTTFRIED H. LAUBE, JR., 4377
SCOTT A. LAUZON, 8932
TAI D. LE, 1047
ISAAC G. LEE, 3114
LAWRENCE C. LEE, 7247
SAMUEL K. LEE, 5280
ADAM V. LEFRINGHOUSE, 3446
LEONARD J. LEVINE, 5686
CARL A. LEWANDOWSKI, 6178
DOUGLAS A. LINDAMOOD, 3854
MARK R. LISTON, 6213
ROBERT J. LIVINGSTON, JR., 9607
BRENT A. LOOBY, 0366
IRMA LOPEZ, 7883
DAVID S. LOWERY, 5429
JAMES T. LOWERY, 0303

SARAH L. LUKES, 4039
JONATHAN R. LUNDY, 7324
CUONG Q. LUONG, 9586
ANDREW D. LYNCH, 7027
JOHN P. MAHER, 1013
ANTHONY M. MALDONADO, 5370
MICHAEL J. MANIFOR, 7228
KJELL D. MARCUSSEN, 3724
TRENT M. MARECZ, 4047
HOWARD G. MARIOTT II, 0718
WILLIAM J. MARKHAM III, 9634
JOHN E. MARSHALL, 5174
CORY J. MARTIN, 9358
DAVID E. MARTIN, 1649
JAMES M. MARTIN, 9525
RHONDA C. MARTIN, 4194
DAVID M. MARTINEZ, 6148
IRVIN MARTINEZ, 6107
JUSTIN E. MARVEL, 0753
STEPHEN W. MATTHEWS, 1758
RICARDO MATUS, 5099
RANDALL M. MAULDIN, 2828
ADAM W. MCARTHUR, 9545
JAMES K. MCBRIDE, 9583
ALEXIS L. MCCABE, 7674
JOHN S. MCCALMONT, 5984
MICHAEL M. MCCLOUD II, 9831
JEFFREY S. MCCORMACK, 6531
GARY A. MCCULLAR, 0540
FREDERICK J. MCELMAN, 7351
AMY M. MCGRATH, 4987
JAMES R. MCGRATH, 6019
GREGORY A. MCGUIRE, 2653
RODRICK H. MCHATY, 4254
BRYAN T. MCKERNAN, 0721
MICHAEL T. MCMAHAN, 1216
JEFFREY L. MEEKER, 5026
ALVARO J. MELENDEZ, 9274
ELVINO M. MENDONCA, JR., 4201
CHRISTOPHER M. MERRILL, 9571
SAMUEL L. MEYER, 5909
DERYL D. MICHAEL, 5112
BRIAN S. MIDDLETON, 1592
BRETT M. MILLER, 5707
JASON Z. MILLER, 7720
SHAWN D. MILLER, 0699
CONRAD MILNE, 8592
JAMES W. MINGUS, 3292
JASON B. MITCHELL, 2974
BRIAN M. MOLL, 9039
JOHN M. MOORE, 9313
ROY W. MOORE, 9471
BALTAZAR MORA, JR., 4951
ELLIOT MORA, 3392
DAVID M. MOREAU, 0943
ROGER O. MOUSEL, JR., 5412
JOHN P. MULKERN, 4861
JAMES D. MULLIN, 0224
BRIAN T. MULVIHILL, 8512
PETER J. MUNSON, 8107
SETH MUNSON, 3085
GEORGE S. MURPHY, 0233
GERALD E. MURPHY, 9280
CHRISTOPHER M. MURRAY, 4451
SEAN M. MURRAY, 9097
MICHAEL R. NAKONIECZNY, 1147
KATHRYN M. NAVIN, 4845
ANDREW R. NEEDLES, 4730
NICHOLAS O. NEIMER, 2701
ANDREW J. NELSON, 4991
MICHAEL C. NESBITT, 6463
JAMES D. NEUSHUL, 7289
DAVID E. NEVERS, 4934
HILARY NICESWANGER, 1489
LAWRENCE D. NICHOLS, 3988
CARLO A. NINO, 7516
JAMES M. NIXON, 6816
MARVIN L. NORCROSS, JR., 5100
EDWIN NORRIS, 2544
JOHN K. NORRIS, JR., 1091
RUSSELL H. NORRIS, 9120
CARL H. NORTHCUTT, 9032
CHARLES M. NUNALLY III, 9787
NICHOLAS C. NUZZO, 7815
WILLIAM E. OBRIEN, 0738
BRENDAN P. ODONNELL, 1810
JEFFREY M. ODONNELL, 2100
KEITH S. OKI, 2323
JEFFREY W. OLESKO, 4681
BERNARD J. OLOUGHLIN, 2670
DEREK S. OST, 7757
ANDREW M. OTERO, 8376
JASON F. PACE, 9540
QUINTON S. PACKARD, 4612
MICHAEL C. PALMER, 3085
GEORGE N. PAPPAS, JR., 0805
VASILIOS E. PAPPAS, 7755
BURRELL D. PARMER, 8244
ADAM M. PASTOR, 1926
ANGELA D. PATERNA, 9539
MATTHEW W. PATMON, 9398
RICHARD B. PATTESON, 8704
EDWARD J. PAVELKA, 7409
MATTHEW R. PEARCE, 5107
JASON D. PEJSA, 2546
ERIC J. PENROD, 0276
JANAKA P. PERERA, 4615
NATHAN T. PERKKIO, 1053
JON C. PETERSEN, 9684
DAREN R. PETERSON, 2107
ROBERT C. PETERSON, 3933
MATHEW J. PFEFFER, 9244
TUANANH T. PHAM, 3441
KENNETH W. PHELPS III, 6074
TODD A. PILLO, 7361
ROBERT J. PLEAK, 0187
STEPHANIE M. POLESNAK, 6336
CASEY J. POLKINGHORNE, 3643
JAMES P. POPPY, 4310
BRENDAN W. POWELL, 3661
DONATO S. POWELL, 4425
MONTE S. POWELL, 1761
EDWARD W. POWERS, 7400
CARL C. PRIECHENFRIED, 3759
CHRISTOPHER D. PRITCHETT, 3893
ANDREW C. PRITZ, 9327
JAMES PRUDHOMME III, 3230
RYAN A. PYKE, 4872
CHRISTINE K. RABAJA, 4544
BERT RAKDHAM, 5817
GARRETT S. RAMPULLA, 9164
ROBERT P. RANDAZZO, 7757
JOHN G. RANDOLPH, 0410
CASMER J. RATKOWIAK III, 1591
GUY W. RAVEY, 1421
HUNTER R. RAWLINGS IV, 3208
WILLIAM G. RAYNE, 8765
JAMES D. REDDING, 1531
RONALD J. REGA, JR., 2344
MATTHEW L. REGNER, 5612
ERIC A. REID, 2539
CHRISTY L. REIDSMA, 4483
CHRISTOPHER T. REINHART, 1125
JAMISON M. RENAUX, 3343
ROSANNA B. REYES, 9419
JULIAN D. REYES-JONES, 2548
JACOB L. REYNOLDS, 3547
PATRICK J. REYNOLDS, JR., 4343
ROBERT M. RICH, 1324
JAMES E. RICHARDSON, JR., 6580
DUANE T. RIVERA, 8303
AMY C. RIVINIUS, 6959
CHRISTOPHER D. ROBERSON, 1067
TIMOTHY E. ROBERTSON, 6906
CLINTON L. ROBINS, 9198
EDWARD ROBINSON, 9812
NATHANIEL K. ROBINSON, 4288
REBECCA B. ROBISON-CHANDLER, 2812
SEAN M. ROCHE, 3429
MARCO A. RODRIGUEZ, 0922
CHARLES E. ROELL, JR., 5320
JACQUES A. ROGERS, 6565
GREGORY S. ROOKER, 1704
AARON M. ROSE, 1631
DAWN C. ROSENBLAD, 4920
THOMAS M. ROSS, 3069
MICHEAL D. RUSS, 3301
STEVEN A. SABLAN, 8926
MARK D. SADOWSKY, 2865
ANDRE P. SALVANERA, 6087
AARON C. SAMSEL, 4194
BRIAN K. SANCHEZ, 5391
ROLAND G. SARINO, 9268
JOHN S. SATTELY, 0766
TROY J. SCHILLINGER, 2379
JOEL F. SCHMIDT, 3160
KARL T. SCHMIDT, 1275
TIMOTHY W. SCHNELLE, 3166
WILLIAM J. SCHRANTZ, 9320
CHARLES F. SCHWARM, 6497
ANTONIO SCOFFIELD, 3638
DANIEL R. SCOTT, 6033
ROBERTO C. SCOTT, 6703
GEORGE J. SEEGEL, 1682
MARISA P. SERANO, 8772
AARON P. SHELLEY, 0713
TAMIKO A. SHIBATA, 4258
CHRISTOPHER J. SHIMP, 6425
JACK A. SILE, 6339
KEVIN D. SIMMONS, 4957
LOUIS P. SIMON, 6978
DANIEL J. SKUCE, 4771
DAVID B. SLAY, 0549
MARC R. SLEDGE, 5681
TIMOTHY M. SLINGER, 6461
GRAHAM F. SLOAN, 4406
STEPHEN K. SLOAN, 4281
CRAIG L. SMITH, 8045
JAMES W. SMITH, 4411
MICHAEL R. SMITH, 2677
SEAN P. SMITH, 7738
STEFAN R. SNEDEN, 6069
ADAM T. SNOW, 4605
WILLIAM R. SNOWMAN, 9996
LISA M. SOUDERS, 7540
KIRK M. SPANGENBERG, 1571
DAVID W. SPANGLER, 8021
RAYMOND V. SPAULDING, 3655
SAMAR K. SPINELLI, 4683
BRYAN C. SPRANKLE, 7268
RANDY J. STAAB, 6216
JAMES F. STAFFORD, 1310
MATTHEW I. STARSIAK, 5203
ROBERT A. STEELE, 8689
MATTHEW R. STENCEL, 0592
DAVID R. STENGRIM, 3928
MICHAEL C. STEVENS, 1041
KENRIC D. STEVENSON, 5927
JADE STEWARDCAMPBELL, 8303
JONATHAN M. STOFKA, 7791
KEVIN M. STOUT, 1435
LARS E. STRANDBERG, 5655
ERIC A. STRONG, 7701
BRYAN G. SWENSON, 0363
JUSTIN R. SWICK, 3022
JOSEPH C. TAMMINEN, 7382
AIMEE C. TANNER, 9163
BARRON S. TAYLOR, 7338
BRIAN R. TAYLOR: 8470
MICHAEL J. TAYLOR, 5624
THOMAS N. TAYLOR, 1087
JOSEPH D. TEASLEY, 0743
HAMARTRYA V. THARPE, 4939
DOUGLAS T. THOMAS, 4836
MARGARET E. THOMAS, 4713
ROGER N. THOMAS, 9566
ROBERT A. TOMLINSON, 6452
ADOLFO TORRES, 5383
RENE TORRES, 8604
JONATHAN E. TOWLE, 5184
MATTHEW W. TRACY, 8812
RENE TREVINO, 0979
JOY M. TRIPLETT, 8446
RANDALL G. TURNER, 8132
SHAWN S. TURNER, 2875
JOSHUA B. TUTTLE, 0748
HANORAH E. TYERWITEK, 1952
JOSEPH S. UCHYTIL, 6179
JOSHUA M. VANCE, 1797
CHAD I. VANSOMEREN, 4887
CHAD A. VAUGHN, 3363
QUENTIN R. VAUGHN, 4369
WILLIAM M. VESSEY, 6256
DUANE P. VILA, 6968
ROMAN P. VITKOVITSKY, 0630
JARED C. VONEIDA, 1924
PHILIP E. WAGGONER, 0140
JASON A. WALKER, 5468
LEN E. WALKER, 1659
MATTHEW L. WALKER, 5543
MICHAEL T. WALLACE, 7045
WINSOME A. WALLS, 7974
MELVILLE J. WALTERS IV, 0707
MICHAEL P. WARD, 0672
LARRY R. WARFIELD II, 8960
GEOFFREY F. WARLOCK, 5164
JAYSEN N. WARNER, 7482
THOMAS M. WARREN, 2628
ALTON A. WARTHEN, 0761
DAREN V. WASHINGTON, 8067
ANDY S. WATSON, 5581
DEREK E. WATSON, 4118
LARRY J. WAYE, 3506
LISA M. WEBB, 3962
MICHAEL E. WEBB, 7810
PATRICK WEINERT, 7787
JAMES W. WEIRICK, 0051
VINCENT J. WELCH, 4847
TRAVIS B. WELLS, 4811
JASON L. WHALEN, 0765
EDDIE R. WHEELER, 2982
JODY E. WHITE, 4115
VAN E. WHITE, 2340
DANIEL M. WHITLEY, 5726
JOHNNY J. WIDENER, 6963
ANDRE L. WILLIAMS, 7501
JOHN H. WILLIAMS III, 0386
JAMES R. WILLIAMSON, 2842
DEANGELO M. WILLIS, 0733
ANDREW B. WILSON, 0630
TIMOTHY E. WILSON, 5693
BRIAN E. WOBENSMITH, 2245
BRENDAN M. WOLF, 4848
CRAIG A. WOLFENBARGER, 1343
WADE L. WORKMAN, 4537
LUKE R. YLITALO, 6266
JOHN E. YORIO, 2206
JEFFERSON T. YOUNG III, 0881
MATTHEW S. YOUNGBLOOD, 9406
SCOTT A. ZELESNIKAR, 9611
CARL M. ZIEGLER, 9608
KEVIN J. ZIMMERMAN, 4106
SCOTT W. ZIMMERMAN, 2362

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, March 22, 2007:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI, 6598

HOUSE OF REPRESENTATIVES—*Thursday, March 22, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are forever refuge and strength for the Members of the House of Representatives and for all the military forces of the United States of America.

United in common patriotism and by the spirit of prayer today, we mentally remove ourselves from this honored and secure Chamber and desire to stand with our military, both in Iraq and Afghanistan, and pray together with our troops.

Together we seek an end to war and all forms of terrorism. Together we long for peace. Together we desire to see respect for human life and civil rights in all the streets of Baghdad and the valleys of Afghanistan. Together we are resolved to work to form stronger national unions in these countries with domestic tranquillity and common defense. Together we hope they will establish equal justice under the law. Together we pray for the secure blessing of liberty for ourselves and the posterity of Iraq and Afghanistan.

Lord God, You have placed these movements in our hearts. Show America how to accomplish this task today, tomorrow and every day. For we place all our trust in You now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALLONE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PALLONE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each side.

REPUBLICANS SEEM CONTENT TO GIVE THE PRESIDENT ANOTHER BLANK CHECK ON IRAQ

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, this week the war in Iraq enters its fifth year. Today I doubt anyone in this Chamber will stand up and say that it has gone as expected.

Our troops have served this Nation admirably, but the Bush war cabinet failed to properly plan for a war in Iraq. As a result, even the Pentagon now admits what many of us have been saying for months: A civil war is being fought in Iraq.

This week, we have an opportunity to send the President a message that this war is not going to go on indefinitely. Even in the face of increased violence in Iraq and the lack of real progress towards a political solution, congressional Republicans continue to pledge to stay the course.

Madam Speaker, the days of rubber-stamping the President's requests are over. The American people want Iraq to take responsibility for its own nation. The only way that is going to happen is if the Iraqi Government knows we are not going to be there indefinitely.

FY 2007 SUPPLEMENTAL BILL

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the FY 2007 supplemental measure as currently written. It would place dangerous constraints on our mission and our war on terrorism in Iraq by empowering our Congress to overrule our Nation's top generals, who best understand the challenges there. Our Iraq policy should be based on the recommendation of General Petraeus, not the commands of armchair generals in Congress. Our Nation's mission in Iraq is too important to fall victim to the dangerous congressional micromanagement.

Iraq is a central front in a war against the radical jihadists. The outcome of this mission will greatly impact our national security for decades to come. For this reason, this body should pass a supplemental bill that fully funds our troops, without tying the hands of our military commanders.

Vote "no" on this supplemental.

VOTE "YES" ON HOUSE RESOLUTION 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Let's speak of the consequences of a "yes" vote on the Iraq supplemental.

A "yes" vote would keep the war going through the end of President Bush's term. It would provide money to fuel an attack on Iran. It would force the privatization of Iraqi oil. It would escalate the insurgency. A "yes" vote would increase the number of troop casualties in the middle of a civil war. It would increase the number of civilian casualties. It would create a demand for more troops. It would force a cutback in the agenda of many in Congress because money that could be used for schools, health care, seniors and the environment would continue to be spent for war. It would force the destabilization of the Middle East and would erode the public's confidence in Congress.

It is time to end the war; to bring the troops home; to use the money that is in the pipeline to bring the troops home; to set in place a parallel process to stabilize Iraq. That is what House Resolution 1234 is about. I urge its consideration and support of Members of Congress.

BUYING VOTES TO MICROMANAGE WAR IS WRONG

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, today we will debate the emergency supplemental to fund our efforts in Iraq and in Afghanistan. Will it be an open debate? No. We will be operating under a closed rule with no amendments. Will it be a focused debate? No. Unless you believe that pork barrel spending on spinach farmers and peanut storage are critical to the global war on terror.

A USA Today editorial said this: "It is hard to say which is worse, leaders offering peanuts for a vote of this magnitude, or Members allowing their votes to be bought for peanuts. These provisions demean a bill that if enacted would affect the lives of troops in Iraq and Afghanistan, the balance of power in the Middle East and America's long-term security."

Reports today also say that if pork-barrel spending isn't enough, that Democrat leaders are issuing veiled threats, such as the loss of committee assignments, for those Members who oppose them. The Democrat leaders offered the voters change in November, but all the Nation is getting is politics worse than usual.

The supplemental should be defeated, and the Democrat majority should come back with a bill that honors our troops and does not demean their sacrifice.

IN FAVOR OF THE WAR SUPPLEMENTAL

(Mr. PATRICK J. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in strong support of a new direction in Iraq.

For 4 years, Republican Congresses followed lock-step as this President led our country into an open-ended commitment refereeing a religious civil war on the streets of Baghdad and Iraq.

After the fall of Saddam Hussein, ensuring no weapons of mass destruction, and several elections, the Republican Congress still follows lock-step as my fellow soldiers continue to give the ultimate sacrifice in Iraq, without a clear mission, without benchmarks to determine success, and without a clear timeline for coming home. That ends in the 110th Congress. This is a defining moment.

Mr. Speaker, many of us were elected to Congress on the promise of new leadership. That is what the Iraq Accountability Act does. It leads the way out of Iraq, leads the way to rebuild our overextended Army, and leads the way to win the war on terror.

For too long the American people have been craving leadership, craving accountability and craving new direction in Iraq. Let's give them that with this piece of legislation.

LET'S GIVE OUR TROOPS A CLEAN EMERGENCY SPENDING BILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I support the war in Iraq and the President's call for reinforcements. I made every effort to support our troops in the field, but I cannot support the Iraq supplemental because it is fiscally irresponsible and constitutionally flawed.

Emergency war spending bills should be about emergency war spending. In addition to much-needed support for our troops, this legislation contains billions of dollars in domestic spending that have nothing whatsoever to do with our national defense. And this bill is constitutionally flawed.

Under the Constitution, it is very clear; Congress may declare war; Congress may choose to fund or choose not to fund war; but Congress may not conduct war.

Mr. Speaker, this legislation is fiscally irresponsible and constitutionally flawed. The American people expect this Congress to send our soldiers the resources they need to win in Afghanistan and Iraq with no strings and no pork. I urge my colleagues on the other side of the aisle, consider carefully what you will do today. The American people want our troops to come home, but they want them to win and come home. Let's give them a clean emergency spending bill, and give them a chance to do just that.

FEBRUARY JOB NUMBERS

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, the most recent employment report showing modest job gains in February provided further signs of a slowing economy. Private sector employment rose by just 58,000 jobs, the smallest monthly gain in nearly 2½ years.

The unemployment rate edged down last month only because the labor force shrank, and many people are discouraged by their job prospects. This is hardly the picture of a robust labor market, which is not good news for workers.

President Bush is now tied with his father for the dubious honor of having the worst job-creation record of any President since President Hoover. American families are understandably worried about the future because the economy is weakening even before many have shared in the gains from the economic growth so far.

☐ 1015

EMERGENCY SUPPLEMENTAL FUNDS PORK

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week politicians in Congress are trying to use our military troops as a bargaining chip for their own pork barrel and domestic projects. Some of these projects are designed to buy votes of wavering Members. The bill includes such things as $25 million for spinach subsidies, $74 million for peanut storage, $120 million for the shrimp industry, money for extra office space for the House of Representatives.

This bill ought to focus on our troops. Congress is telling the President you cannot fund body armor for our troops in combat until you give us more money for our pet projects and pork barrel. Those tactics are fiscally irresponsible and wrong. Let's pass a clean emergency spending bill.

ALL AMERICANS DESERVE REPRESENTATION IN HOUSE OF REPRESENTATIVES

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I stand today to support legislation that will bring Washington, D.C. into this century. It is time to give the citizens of Washington, D.C. the right to vote in the United States Congress.

They have the right to pay taxes, but they don't have the right to vote in the United States Congress. They have the right to serve in the military, but they don't have the right to vote in the United States Congress.

While the Constitution of the United States does not directly address this question, it does speak of government of the people, by the people, for the people. It is time for the people of Washington, D.C. to participate in this form of government.

No other democracy in the free world has in its capital people who cannot vote. It is time to give the citizens of Washington, D.C. the right to vote in the United States Congress.

EMERGENCY SUPPLEMENTAL FUNDS PORK, LITERALLY

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, "such sums as may be necessary are hereby appropriated for livestock producers."

Mr. Speaker, the so-called U.S. Troops Readiness, Veterans' Health and Iraq Accountability Act contains this open-ended appropriation for pork, literally. The Troops Readiness bill contains another open-ended payment of taxpayer dollars for crop payments.

While the bill restricts funding for our troops, it would provide $25 million in a bailout for spinach farmers, another $74 in taxpayer dollars for peanut storage, and $283 million for milk producers. All of this spending is designated under the bill as emergency wartime supplemental appropriations, language that means that the bill waives the budget so we can pay pork producers. It is ironic that this bill treats pork producers better than our troops.

It is no wonder that the majority will not be allowed amendments to this bill, because the American people would not approve the payment of pork spending under the name of our troops overseas.

NO MILITARY SOLUTION TO IRAQ WAR

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week the House will have a chance to move the Iraq war in a new direction: one that holds the Iraqi Government accountable for meeting benchmarks that they have already promised they could make.

In contrast, the President's only answer is an open-ended commitment to what even his own Pentagon now admits is a civil war. Military leaders across the board have already told the President that there is no military solution to the war, and yet he continues with the status quo.

Lieutenant General Peter Chiarelli said in December: "The proper political pieces must be in place in order for any of the military, economic or social initiatives to take hold and flourish."

Lieutenant General Raymond Odierno said: "It is clear you cannot solve this problem militarily."

And just last month, Major General Paul Eaton said: "Time and again, they have shown a tendency to focus almost exclusively on military solutions to problems without leveraging the full economic, political and diplomatic solutions to problems."

These military leaders are correct. Iraqis must step forward and make critical political reforms if they really want to begin to stem the violence. But unlike the President, Democrats will finally demand some accountability from the Iraqi Government this week.

EMERGENCY WAR SPENDING

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I rise this morning in strong opposition to the Democrat-sponsored emergency supplemental. I fully support funding our troops, but I will not be coerced into voting for a politically motivated deadline that helps our enemy.

As an appropriator, I am deeply disappointed that the important mission of funding our troops in harm's way has been overshadowed by over $21 billion in nonemergency spending. There is an appropriate time and place to discuss the war and funding important projects, but it shouldn't be done on the backs of young Americans fighting overseas.

Setting deadlines and threatening to restrict funds emboldens our common enemy and will have disastrous effects on the morale of American and Iraqi troops fighting to bring security to our war-torn region. Bringing troops home before the situation has been stabilized won't end our global struggle against terrorism. It would do the opposite.

I urge Members to oppose the supplemental. Our troops deserve to be fully funded, and they clearly deserve the support required to succeed. General Petraeus deserves time to work his plan. He is the general on the ground, not the Congress.

MAN'S BEST FRIEND

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Presidents Washington and Lincoln understood, as does Michael Auberry, the true value of man's best friend.

America would have never known the greatness of General George Washington if his dog, Mopsey, had not saved the young lad when he wandered far from home.

Fido, Lincoln's dog, allegedly jumped in front of a knife-wielding drunk, saving President Lincoln from injury. Gandalf is the latest of these heroes.

Gandalf, a 2-year-old Shiloh shepherd heard the cries for help and answered like a true soldier. He led searchers to Michael Auberry, a 12-year-old Boy Scout who had been lost for 4 days in the woods. Thanks to Gandalf, Michael was safely returned to his family.

Gandalf, a search-and-rescue dog, is a trailing dog trained to pursue specific individuals by following their scent. When time is short and the situation is extreme, it is man's best friend who answers the call. Rescue dogs, bomb sniffing dogs, and drug dogs are always loyal to guide, reassure, rescue, and save us.

As Harry Truman once said: "Dogs are as necessary to the welfare of our country as Wall Street and the railroads." Dogs, man's best friend.

And that's just the way it is.

PROVIDING FOR CONSIDERATION OF H.R. 1433, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 260 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 260

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1433) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and twenty minutes of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1433 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 260 provides for consideration of H.R. 1433, the District of Columbia House Voting Rights Act of 2007, under a closed rule. The rule provides 1 hour and 20 minutes of general debate, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Oversight and Government Reform.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 and 10 of rule XXI. The rule provides that the amendment printed in the report shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill.

Mr. Speaker, this Nation was built upon the principle that it was patently unjust to require people to pay taxes to a government within which they had no direct involvement, what came to be familiarly called "taxation without representation." The fact that approximately 600,000 U.S. citizens live under taxation without representation within the United States today is repugnant to our very notion of democracy and to those who fought and died in creating this great Nation. How can the United

States deny democracy in its capital while it promotes democracy abroad?

These citizens pay billions of dollars in Federal taxes and have sacrificed their lives in Iraq and every other war since the American Revolution. This is taxation without representation at its worst, and it is completely undemocratic. No other democracy in the world denies to its citizens in its capital city the right to vote. We here in America, the symbol of democracy to so much of the world, must not deny that right to our citizens.

This bipartisan legislation would correct this injustice by granting the citizens of our Nation's capital with a voting representative in the House of Representatives.

Some of my colleagues have suggested that this legislation is unconstitutional, that we in Congress will be acting outside our power in enacting this bill. To this, I must respectfully and strongly disagree. Article I, section 8 of the Constitution clearly enumerates the powers of Congress. Among the powers listed in Article I, section 8 states that Congress shall have the power "to exercise exclusive legislation in all cases whatsoever over" the District of Columbia. Article I, section 8 also gives Congress the power "to make all laws which shall be necessary and proper" to execute its enumerated powers.

Further, in 1790, Congress passed the Residence Act, giving residents of the new District of Columbia the right to vote. Since the capital was still being established, citizens were allowed to continue voting in their States, Maryland and Virginia. Congress then took this right away by statute in 1800 when the Federal Government assumed control of the District of Columbia. In the political battles that followed, District residents were denied a vote in Congress. Certainly, if Congress can remove the right by statute, so too can it reinstate that right by statute.

In the landmark Supreme Court case McCulloch v. Maryland, Chief Justice John Marshall said: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Extending full representation in the House to residents of the District of Columbia is a legitimate end. It is within the scope of Congress' power to exercise exclusive legislation in matters concerning the District of Columbia and consistent with not only the letter of the Constitution but also the spirit in which the Constitution was written by our Founding Fathers, that is, "taxation without representation is tyranny."

I, for one, want to correct this grave injustice and provide the citizens of Washington, D.C. with the same rights afforded to every other citizen in this great Nation. Our actions today will do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule and to the blatantly unconstitutional measure that the Democrat majority is bringing to the House floor today.

There is not much to celebrate in this deeply flawed legislation that constitutional scholar and law professor Jonathan Turley has called "the most premeditated, unconstitutional act by Congress in decades."

□ 1030

But I am an optimist, and I have found a very small silver lining in what I think is a cynical political exercise that is designated for President Bush's veto pen, that is, if it ever makes it that far.

Today, the American taxpayer can be grateful that at least this week that the Democrat majority has trained its sights on simply trampling on the Constitution rather than propping up the fledgling ranks of big union bosses for the fourth week in a row. While this may not seem like much, it seems to be the best that the Democrat majority is willing to do at this time.

My opposition to this measure stems from its incompatibility with a pretty basic foundation of American Government, the Constitution. Section 2 of Article I clearly states that "the House of Representatives shall be composed of Members chosen every second year by the People of the several States." The way I see it, any fourth-grader in the country can tell you that D.C. is simply not a State.

Supporters of this legislation will claim that the "District Clause," which gives Congress the power to legislate over our Nation's government seat, also gives Congress the power to grant D.C. a Member of Congress. But this same clause makes it clear that by its very nature, D.C. is not a State, which brings us back to the original problem of this bill being completely unconstitutional.

But do not take my word for it. If the Democrat leadership will not listen to reason, one would hope that at least they would listen to one of our Founding Fathers, Alexander Hamilton, who offered an amendment to the Constitution that would have provided D.C. with a vote in the House. Unfortunately, that amendment was defeated on July 22, 1788.

But if neither my word nor the Constitution nor the actions of our Founding Fathers is good enough, I wonder if the Democrat majority would be willing to listen to an equal branch of our government for their opinion on this matter.

In 2000, the Federal district court in Washington, D.C., concluded that "the Constitution does not contemplate that the District may serve as a State for the purposes of apportionment of Congressional representatives." It seems pretty clear to me, but perhaps not every Member of this body.

So, for a moment, let us ignore my word, the Constitution, the actions of our Founding Fathers, and the decisions of the Federal judiciary.

What would it mean if Congress simply gave D.C. a seat in the House? Rather than going through the necessary process of passing a constitutional amendment, which, by the way, was attempted in 1978 and failed, it would create a precedent that said Congress would give the District three votes next year, or they could give them 10. It would mean that if Congress did not like the way the new Member from D.C. was voting, it could simply take the seat away, because if Congress has the power to create a seat, it certainly has the power to take that seat away, which it cannot do under the Constitution, the same Constitution that gives States those rights.

It would mean that Congress could deny D.C. voters the protection from, let us say, racial discrimination, given by the 15th amendment to the Constitution, or deny them protection from discrimination based on sex given to them in the 19th amendment. Is this the kind of precedent that we should be setting?

But rather than discuss the facts or logic of this approach, I suspect that the supporters of this legislation will come to the floor and simply talk about fairness. But I fail to see how it is fair that this would give every voter in Utah an unprecedented two votes, one for their Member of Congress and one for a new at-large Member, while keeping the one man, one vote principle in every other State.

Perhaps a Member on the Democrat side would be kind enough to come down to the floor and explain this logic to me, but I am sure I will not hold my breath.

Mr. Speaker, as Members of Congress, we take an oath to uphold and support the Constitution, not to trample on it. Personally, I think this is a fairly low bar that has been established. So last night in the Rules Committee, Congressman McHENRY and I offered a commonsense amendment to have this new Member from D.C. act to preserve the individual right to keep and bear arms of the residents of the District of Columbia as also provided in the second amendment to the Constitution and upheld on March 9, 2007, by the U.S. Court of Appeals for the D.C. Circuit.

No matter what the supporters of this bill may claim to the contrary, the Constitution is not a cafeteria. You simply cannot pick and choose which part you are going to respect and which part you are going to ignore.

That is why our Framers, in their infinite wisdom, created an orderly, lawful process for amending the Constitution, if you so choose. So despite the fact that this underlying bill is designated for history's trash can, I am attempting to improve it slightly by forcing this entire body to recognize that the rights given in the whole Constitution, not just certain parts, should be recognized by anyone who claims to uphold and defend our government's founding document.

Unfortunately, this amendment was defeated on a party-line vote in the Rules Committee, which is fast becoming the graveyard of good ideas in the U.S. House of Representatives.

Mr. Speaker, I urge all of my colleagues to reject this rule and the underlying assault on the Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respectfully disagree with my friend and colleague from Texas. I think he is trying to characterize this bill as an attempt to create statehood for the District of Columbia, which is not what this bill does. This bill attempts to do what the Constitution says that Congress can do, and that is, exercise exclusive legislation in all cases whatsoever over the District. That is what we are doing here, and there is precedent to that.

In 1949 in the Tidewater case, the Supreme Court upheld a decision which allowed Congress to give diversity jurisdiction to the District of Columbia, and now, generally, diversity jurisdiction only can occur between States, and despite the fact that clearly the District of Columbia was not a State, they were able, through an enactment by Congress, to be given that status of diversity jurisdiction.

The District of Columbia is not a State. It is not being treated as a State, but rather as a district for the capital, for the Federal capital. So it does have a special and unique treatment, and I think the Founding Fathers realized that it would be different, that it would not be like a State, and, in fact, it was part of the history why they came and created a capital.

When they were in Philadelphia, they were not happy with the fact that they had to constantly appeal to the Pennsylvania Legislature for the right to do different things, so they intended to create a capital that they would be able to have jurisdiction over.

That was the historical reason why the District of Columbia was created. So the fact that Congress then gave itself, or the Constitution gave Congress the right to make laws and make rules for the District of Columbia is the reason why today we are introducing this bill.

So I believe that we are not attempting to give D.C. statehood, but, rather, to give it a right to vote in this body, which is exclusively within the jurisdiction of Congress and within the right of Congress to do.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I am concerned that this bill was unconstitutional for the reasons stated by my friend from Texas (Mr. SESSIONS), but I am afraid that the way this bill treats the at-large seat in Utah makes it even more unconstitutional.

Not since the Supreme Court issued its string of one person, one vote decisions in the 1960s has Congress seen fit to amend the law to allow both at-large and district elections for Members of the House of Representatives. This bill does that and, in effect, gives the citizens of Utah the right to vote for two Representatives, one in the district and one at-large, which is something that is denied to every other citizen of the United States.

Even if this is not a violation of equal protection under the law, I think that it is extremely bad policy because it is in derogation from what those of us who have fought to enact and reenact the Voting Rights Act have attempted to do, and the Supreme Court has said on numerous occasions that at-large elections are in derogation of giving minorities effective representation not just in Congress, but for local legislative bodies like city councils and county commissions.

I fear that if this act is held constitutional with an at-large seat in Utah, that precedent will be used in jurisdictions covered by the Voting Rights Act to once again go back to at-large elections and to diminish the votes that minorities have enjoyed ever since the 1982 reauthorization of the Voting Rights Act.

Finally, having an at-large seat in Utah is going to make it probably more difficult to uphold this law, and the reason I say that is that if this law is held unconstitutional with four Members from Utah being elected by district, effectively a quarter of the people of Utah will be disenfranchised since the bill has a nonseverability clause, and thus, if D.C. brings the bill down, one-quarter of the people of Utah will have no representative in Congress. That would be a powerful argument to uphold the constitutionality of this bill, and one that cannot be avoided.

Unfortunately, the majority on the Rules Committee decided to play partisan politics. They are jeopardizing the litigation of this legislation. I would hope that they would think twice, and they would vote this rule down.

I was prepared to support this legislation both in this Congress and the last Congress if Utah had four Representatives elected by districts. What you have done here, you have lost me. There is still time to correct this, and I would hope that the rule would be rejected.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), a former member of the Rules Committee.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Texas for yielding.

I come here with a sense of disappointment, but, admittedly, not surprise. Last night in the Rules Committee, I had the opportunity of listening to a brilliant amendment that I thought was brilliantly presented. I did it, so it was brilliant. Unfortunately, that amendment, which was a new issue to this debate that has not been discussed in other venues or has not been discussed in another committee, is a technical amendment that was designed neither to inhibit nor to promote the passage of the underlying bill.

If Utah becomes part of this bill and it is passed, we would be required in some way, shape and form to have a special election, which would cost the State of Utah about $7 million and require the legislature to come into special session to create new rules for a special election, as well as to appropriate money that does not now exist for that.

We all know there will be lawsuits on this bill, and it will take time for those lawsuits to work the court. My amendment, a technical amendment, was simply to say let us start the process of the election in the 2008 election cycle, which would simply say there would be no extra cost to an entity for performance. There would be regular process, and that would give plenty of time for the lawsuits to have their way work through the courts. It seems ridiculous for the State of Utah to have to spend $7 million on a special election that may then be invalidated by a court action later on.

I have to admit that in some respects I feel frustrated the way the State of

Utah has been treated in this entire process, forced to have a special session to draw a map, a map in which the criteria was for incumbent protection, never before done, and now forced to spend money on a special election, when an alternate is completely there.

☐ 1045

Not to allow that to even be discussed on the floor does not help the body politic that is here.

I also notice that my friend from Georgia has come down here. Mr. WESTMORELAND had an amendment that was discussed in the committee and passed in the committee. Yet this Rules Committee has stripped his amendment and offered a closed rule, so they deny him the opportunity to even discuss the amendment that has already been passed.

Time after time in the last few years I sat where the gentleman from Texas sat and was denigrated by people who said we denied amendments that had failed in committee and were therefore stopping the democratic process. Here we have an example of someone who passed an amendment in committee that has now been stripped out and is no longer being allowed to discuss it on a bill that is purported to be expanding the concept of democracy in the first place.

I realize that when we talk about process, that is extremely boring to the American people. It's boring to us. Actually, most of what we say on this floor is boring to almost all of us.

But the real inconvenient truth is that poor process equates to poor policy. We will see another rule that comes out here today as well that would clearly illustrate how poor process, in an unprecedented fashion, would clearly result in poor policy.

When I was a young legislator, I one time was somewhat of a rebel, I redeemed myself and eventually became speaker, but in my second session I had a position that was at odds with my own leadership and was numerically outnumbered. But they allowed the process in Utah to work so I stayed at the table, and eventually we designed and came up with a product that was actually before for all of us. That is what we should be doing here today.

Somehow I heard, over the past 10 years, how the Rules Committee, when a different party was in charge, is where democracy goes to die. Unfortunately, this day the Rules Committee is once again where democracy goes to die. Mr. WESTMORELAND, who will be speaking in a few minutes, is living proof of how that happens.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, if I could inquire upon the time that remains on both sides.

The SPEAKER pro tempore. The gentleman has 16½ minutes remaining. The gentleman from New York has 23½ minutes remaining.

Mr. SESSIONS. If I could inquire from the gentleman from New York if he has any additional speakers, with the understanding that he has the right to close.

Mr. ARCURI. Yes, sir, we have two additional speakers.

Mr. SESSIONS. You do anticipate two additional speakers?

Mr. ARCURI. Yes, sir.

Mr. SESSIONS. Mr. Speaker, I yield to the gentleman to run down his time.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I would just like to point out, in listening to the debate, that when one looks at some of the decisions from the Supreme Court with respect to the steps that Congress, the powers of Congress, you can't help but think of Marbury v. Madison, which is one of the first great cases considered by Justice Marshall in the early Supreme Court.

In that case, the Supreme Court basically outlined what was the framework for the separation of power between the different branches of government. Basically, it set forth to Congress that it could not dictate to the Supreme Court or to the justice branch of government what the jurisdictions of or what their jurisdiction was.

Basically, what that decision came to recognize is the fact that within the particular branches of government, each branch has exclusive power and that only the Constitution can set jurisdiction.

Clearly, that is what we are doing here today. The Constitution makes it very clear that Congress has exclusive legislative right over the District. That is exactly what we are attempting to do today. We are attempting to give the District of Columbia the right to vote, as we are entitled to do, as the Constitution clearly enumerates that Congress has the right to do.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Texas for yielding.

Mr. Speaker, the gentleman from New York was making a great argument for the bill itself, but we are talking about the rule. We are talking about the ability of every Member of this body to be able to amend the bill. We go through a committee process here, well, I shouldn't say all the time, because in the 110th Congress, it has been very rare that we have gone through a regular order. But in this particular case we did go through a regular order as far as the bill going to Government Reform.

I had an amendment. The amendment was pretty simple. It said, notwithstanding the fact that the District of Columbia would get a vote on the floor of this body, but that the intention, and the end result, was for them not to have representation in the United States Senate.

Now, that was fairly simple. In fact, I believe it passed Government Reform unanimously. My 700,000 people that I represent in Georgia had an opportunity to amend this bill.

But because of the closed rule that we have today, an amendment that was passed, agreed to by both sides, put in the bill in Government Reform, has come to the floor without it.

You know, this was hyped up to be the most ethical Congress. I haven't seen any proof of that. It has been hyped up to be the most open Congress where all Members would have an opportunity to participate. We certainly haven't seen that.

This is government almost by gradualism. We are gradually getting to where the leadership of the majority party wants to go. I believe that is to give D.C. the ability to have Members of Congress.

Now, this little book right here, the gentleman from New York was quoting parts of the Constitution, but he didn't quote all of it. Because in here I think it lays out very plainly who is to vote on the floor of this House and who is to have representation in this House, and who is to have representation in the United States Senate.

I think this is the first step. I think my amendment made it clear that the intention of this bill was not to gradually give them the ability to have seats in the Senate. But because it made it so clear and described so clearly the legislative intent of this body, they won't allow it to be in the bill, because their intention is to go further.

I would hope that one day we would. I hear people's lips, I hear things coming out of people's mouths. I see lips moving, talking about bipartisanism: we are going to be bipartisan; we are going to let everybody participate.

I haven't seen that in action. Let me say this, I don't think anybody has ever written a perfect bill, a bill that couldn't be adapted or expanded or explained a little bit better, a bill that couldn't be made better, a bill that couldn't be perfected.

In fact, if you read the rules of this House, it talks about amendments and perfection and perfecting the amendment, perfecting the bill. That is all we want an opportunity to do. I think everybody in this body, all 435 of us, I think the people that we represent, all they want us to have is an opportunity to try to help perfect the bill or make it better.

So far, we have been shut out of that process. I think it is a shame. As my friend, Mr. BISHOP, said, a lot of people don't pay any attention to the process up here. But when the process is broken, the product is flawed.

I think the closed rule on this important bill is an example that this is a very broken process.

Mr. ARCURI. I thank the gentleman from Georgia for his remarks. He talks about bipartisanship. Frankly, I can't think of an issue that is more bipartisan than giving each and every American the right to vote. That is exactly what we are attempting to do here today.

You know, I can't help but think as a new Member of Congress that when we came down back in January to be sworn in, and my daughter and my family were here, one of the first things that my daughter said to me was noticing on a license plate "taxation without representation." She asked me what that meant and why they were talking about that because she remembered studying about it in school.

It is critical. It is so important to us as a Nation to practice what we preach. We are in other places in the world. We are fighting wars for freedom, and we talk about how important it is to give people the right to vote and to be free, and that is exactly what we are doing here today.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, if I could please inquire upon the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 12½ minutes, and the gentleman from New York has 21 minutes remaining.

Mr. SESSIONS. Mr. Speaker, if I could, I would like to try to get us back to a balance if we could. I would encourage the gentleman to run his time down.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. We anticipate having our Speaker, and we continue to reserve the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman, the ranking member of the Rules Committee from San Dimas, California (Mr. DREIER).

Mr. DREIER. I want to express appreciation to my very good friend from Dallas and my new friend from New York for their management of this rule.

Mr. Speaker, I want to say that to me it is very clear. Mr. SESSIONS' very able assistant just gave me a copy of the Constitution. Article 1, section 2 says: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Until we change the Constitution and make the District of Columbia a State or include it as a State or as a part of Maryland, it seems to me that this is unconstitutional.

I mean, I am not a constitutional expert, but I know that Mr. SENSENBRENNER stood here. We had a wide range of other people who have been arguing. I listened this morning to that great constitutional scholar Jonathan Turley from George Washington University on National Public Radio. He was talking about this exact line that I just read, arguing that it is unconstitutional.

I don't exactly understand why it is we are here. But there is something that hasn't been discussed at all in this debate, and that is how are we going to pay for this thing. We do know that we have got this structure that is put into place, PAYGO, as it's called.

Well, there was mandatory spending in this to establish a new Member of Congress; and under PAYGO, the rules that are adopted, the costs clearly have to be offset. The offset that is self-executed into this bill, by the rule, raises the requirement for income tax withholding by three one-thousandths of a percent. It's a pretty tiny one. But it has the potential for some real problems. Think about the self-employed computer programmer who earns $80,000 a year.

This computer programmer would have to calculate their estimated tax themselves and make quarterly payments to the government. If that computer operator misses that new three one-thousandths of 1 percent increase in withholding and underwithholds by as little as 6 cents per month, that person is subject to the Internal Revenue Service prosecuting them and seeking interest and penalties as if they were trying to evade paying their income taxes.

Basically, I concluded that if the government is going to require that they are going to take money that they say you could potentially get back from this, it is a tax increase, because if the government holds money that is mine, no matter how small it is, and I am not getting interest on that money, that, to me, is a tax increase. That is exactly what we are going to be doing when any Member votes to pass this rule that allows us to proceed in this matter.

I don't understand why it is that we are here. It is, to me, a very, very unfortunate thing. We now see how the Democrats intend to close the so-called tax gap, and it's on the backs of the average taxpayer in this country, and it is just plain wrong.

I urge a "no" vote on this rule. If, by chance, we pass this rule, which, from my perspective, self-executes a tax increase on the average hard-working taxpayer in this country, I urge a "no" vote on the bill itself.

One of the most ridiculous aspects of this rule is the mechanism used to pay for the mandatory spending in this bill.

The bill provides for a new Member of Congress, and as a constitutional officer, that Member's salary is a mandatory expense.

Under the PAYGO rules adopted by the House, those costs must be offset.

The offset self-executed into the bill by the rule raises the requirement for income tax withholding by three one-thousandths of a percent.

What does that mean to the average taxpayer? Well, for a married couple who both happen to be firefighters earning $80,000 a year, their interest-free loan to the government just went up by about $1.60. That's right, $1.60. But they do have to send approximately 13 cents per month more to the government to pay for a new congressional seat.

That's not the worst part, though. Take the self-employed computer programmer who earns $80,000 per year. She has to calculate her estimated tax herself and make quarterly payments to the government.

If she misses that new .003 percent increase in withholding, and under-withholds by as little as 6 cents per month she is subject to the IRS prosecuting her and seeking interest and penalties as if she were trying to evade paying her taxes.

Mr. Speaker, we now see how the Democrats intend to close the so-called "tax gap"—on the backs of average taxpayers, all to pay another Member of Congress.

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Mr. ARCURI. I thank the gentleman from California, my colleague from the Rules Committee. And he points out that, yes, I think a legitimate question, how are we going to pay for this? I can't help but think that when it comes to giving people freedom and the right to vote, we must find a way to pay for it. In fact, we have spent $400 billion attempting to give the people in Iraq freedom and the right to vote. And if we can spend $400 billion in Iraq, then we can spend some money here to give the 600,000 people here in the District of Columbia the right to vote.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I would simply argue, based on the point that has been made by that great expert Mr. Turley, we need to look at amending the U.S. Constitution before we go down that road. And we also have to look at how it is we are going to pay for this. Are we going to pay for it by basically imposing a tax on the average taxpaying citizen of this country by withholding dollars of theirs? I just think it is plain wrong.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Let me just ask my friend from California, what about the constitutional expert Ken Starr who has testified under oath that this is constitutional; or Viet Dinh, who was a chief counsel in the Justice Department under President Bush; and John Ashcroft, who wrote the PATRIOT Act and has written an opinion that this is constitutional? Aren't their views worth consideration as well?

Mr. DREIER. Would the gentleman yield so I can respond to my friend?

Mr. ARCURI. I yield to the gentleman from California.

Mr. DREIER. Absolutely. And I will tell you that when the distinguished chairman of the Judiciary Committee last night began his testimony before the Rules Committee, he quoted both Kenneth Starr, and frankly I will say that it was with a great deal of pain and it was precedent-setting that our distinguished Judiciary Committee chairman Mr. CONYERS and he said this, quoted for the first time, and I suspect maybe the last, Kenneth Starr, and he went on to refer to the fact that Viet Dinh had clearly concluded this.

There are conflicting views as to the constitutionality of this. I recognize that. And, in fact, Mr. SENSENBRENNER, when he was addressing the Rules Committee last night, said that he believed that this was a 50/50 call.

I think that there are a lot of different opinions on it. Jonathan Turley is one that has spent a great deal of time looking at this, and I just happen to think that he is right. And the way I read the Constitution, that is the way I see it.

Mr. ARCURI. I would just like to point out that the gentleman from California says that he is not clearly not an expert on the Constitution, but I think he has a much better understanding of the Constitution than he admits.

You sound like you are strictly attempting to interpret the Constitution, a strict constructionalist. And that being the case, I think it is clear, a close reading of the Constitution gives Congress under Article I, section 8 exclusive legislation over all aspects of the District. So I think that it is clear in a strict reading of the Constitution that Congress has this ability.

Mr. DREIER. If the gentleman would yield to me for a moment. I thank my friend for yielding, and I really do appreciate him, and he is my new friend on the Rules Committee.

Mr. Speaker, I would simply say that it is Article I, section 2, to which I point where it refers to the fact that this body, according to the Constitution, is to become comprised of Members elected from the several States. And that is why I argue that if, in fact, we are going to do this, we should look at a way in which the District of Columbia becomes a State so that it can, in fact, comply with the Constitution.

Mr. ARCURI. I just would point out what I stated earlier. In the Tidewater case, the Supreme Court upheld the ability of Congress to designate the District of Columbia, for purposes of diversity jurisdiction, as a special creature, as not a State, but standing in certain respects in the same way that a State does. I think it is clearly within the power of Congress to do this, and I yield.

Mr. DREIER. Again, this description of the District of Columbia as a special entity is absolutely right. That is what the Framers of our Constitution wanted to do in establishing the District of Columbia to ensure that it is not a State. That is the uniqueness of the District of Columbia. And I am arguing that if, in fact, we need to make this change so that it complies with Article I, section 2, it seems to me there needs to be a modification to the Constitution.

Mr. ARCURI. Reclaiming my time. And I think I just have to answer that by saying if you look at historically why Congress actually created the District, it was so that it would have jurisdiction over the area which it sat, not for the reason that you indicate.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to oppose the rule, and as well as I am in opposition of the underlying bill that we are considering today, and I do so because I am a strict constructionist. I am a believer and I am a defender of the Constitution. In fact, when I came to Congress, like all of us did, I took an oath to uphold the Constitution, and I intend to do so. And I believe that what the House is considering passing today in this legislation is simply unconstitutional.

Let me just say, I am not against the citizens of the District of Columbia having the right to vote for a Member of the House of Representatives. In fact, before I came to Congress, I had the privilege and pleasure to serve as the Michigan secretary of state for 8 years, and that is the chief elections officer in my State, and a principal advocacy of mine then as it is now was registering as many citizens who were eligible to vote, and then trying to get as many who were registered to actually participate in the elections process.

However, under the Constitution of the United States, it explicitly declares that representation in Congress can only be granted to States. Article I, section 2 states clearly that: Representatives shall be apportioned among several States.

Interestingly enough, even the District of Columbia recently argued that it was not a State and shouldn't be treated like one. And I am referring to the recent District Court of Appeals case about the long-time D.C. gun ban when the District argued that the second amendment did not apply to them because they are not a State. And I am not sure if the District actually believes that other parts of the Constitution don't apply to them for the same reasons. For instance, they might think that the first amendment doesn't apply to them. I am not sure.

But, Mr. Speaker, the Constitution applies to every American wherever you live, the first amendment, the second amendment, and the section that precludes the District from having a vote in this Chamber.

And if we are going to sacrifice the Constitution on the altar of politics, why are we stopping with just giving D.C. a vote in the House? Why not give them two Senators like every other State has? How about a Governor? A statehouse? A State senate as well as all the other constitutional officers that other States have, like the attorney general or secretary of state or whatever?

Also, by trying to buy a few votes by saying that we will expand the membership of this Chamber by giving D.C. one Member and Utah one Member so that we will hopefully have one Democratic vote or one Republican vote; since we are being completely political and arbitrary, how about just one vote for the District, and then give whatever Member has the most Republican district in the Nation, give them two votes?

Mr. Speaker, I cannot vote for a bill that clearly violates the Constitution. It will never be upheld by the courts. The District should either go back to being a part of the State of Maryland, as they were at our Nation's founding, or we should amend the Constitution. Asking Members to vote to violate our Nation's Constitution, I believe, is absolutely the wrong approach. I would urge a "no" vote on this rule and a "no" vote on the underlying bill.

Mr. ARCURI. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore. The gentleman from New York has 16 minutes, and the gentleman from Texas has 6 minutes.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Let me just say, a strict reading of the Constitution, if you look just at its face, if you read that, D.C. residents wouldn't have a right to a jury trial because that is only to residents of States. D.C. residents would have no right to sue non-D.C. residents in Federal courts under diversity jurisdiction, which is reserved to residents of States. The full faith and credit clause wouldn't apply to D.C. under the Constitution, because that only applies to States. But Congress, under the District clause, has allowed the District to be treated as a State for those purposes.

The previous speaker says, well, if they can do this, why can't they be treated as a State for other purposes? The city argued under the gun ban that they weren't a State because Congress hadn't specifically said they were a

State, but the District clause is all-inclusive and gives Congress the power to determine what the rights are. We have that right. It is not an inherent right to vote in the House of Representatives, but we have that right under the District clause.

The difference between the House and the Senate in the constitutional reading is the Senate represents States. Individuals represent States, and each State gets two Senators. And the District of Columbia is clearly not a State. But the House of Representatives is of the people among the several States, a different wording. In fact, at the time the Constitution was created, the people in the District were among the several States, and, in fact, the residents of what are now the District voted for Congress the first 12 years of the Republic.

But this is not a right that goes to the District of Columbia. This is a right that goes to the people of the District of Columbia, and Congress has the right to determine whether they have it or not. This was taken up in 1800 when the anti-Federalists won the Presidency by one electoral vote, if you remember, and in a lame duck session this was debated, and, as usually happens, they punted it to the succeeding Congresses.

I think the constitutionality of this thing is very, very clear that, under the District clause, we have the ability in Congress to determine if they get a vote in the House or not. And I just want to set the record straight on that. All of these other rights, jury trial, right to sue, full faith and credit, even the Federal Government would not be allowed to impose Federal taxes in the District under a strict reading of the Constitution. But under law and under the District clause, we have expanded it to the District. I just think the record should reflect that.

Mr. SESSIONS. Mr. Speaker, at this time I would like to inquire of the gentleman from New York if, due to the imbalance of time, if he would like to perhaps have some more of his speakers. If so, I would reserve the balance of my time if he chose to go that direction.

Mr. ARCURI. Yes, Mr. Speaker. I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, Mr. Speaker. And I really had not intended to come forward since I will be managing in a few minutes but I must say that I have been virtually driven to the floor by the abstractions of the discussion. I want to thank the gentleman from Virginia.

Would the gentleman from Virginia engage in a colloquy with me?

I will have more to say about the specific legal and constitutional issues, but I do want to say something to those who are such literalists that they would deny us of the right to vote citing the Framers and the Constitution. Is it not true that the State of Virginia and perhaps as many as half the Colonies were not States, but Commonwealths? And is "Commonwealth" mentioned anywhere in the Constitution?

Mr. TOM DAVIS of Virginia. That is correct in the case of Virginia, if the gentlelady would allow me.

Ms. NORTON. I yield to the gentleman.

Mr. TOM DAVIS of Virginia. The District of Columbia portion that came from Virginia went back to Virginia in 1846. And I think it is important for Members to understand the reason for the Virginia section of the District petitioned to go back to Virginia was because they were afraid that Congress was going to enact a ban on slaveholding in the District.

Ms. NORTON. I thank the gentleman. And the gentleman has clarified something further concerning the right to vote in the people's House.

The reason I come is not, frankly, to engage early in the discussion we will be having on the bill itself; but because the discussion has been such an abstraction. I have come because that discussion has been as if the Framers set up a place, not a city with real people. It is as if you can discuss these rights without referring to whom these rights would belong.

Members have come to the floor with the hubris to believe that the Framers intended their constituents to have full rights under the Constitution, but not my constituents because we happen to live in the Capital of the United States created by the Framers.

I do want to let you know who you are talking about so that this discussion will not be all about constitutional and legal abstractions that can only be settled by the courts of the United States. You are talking about Kathryn Ray, who lives here and is a mom and a librarian and a PTA president. You are talking about Larry Chapman, who is a D.C. firefighter, putting his life on the line for emergency response here and throughout the city. You are talking about Liz Allen, an attorney who has had her first child and has decided to raise this son here in the District of Columbia even though her family is denied a vote.

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You are talking about Wade Henderson, like me a native Washingtonian, president of the Leadership Conference on Civil Rights, who has fought every day for civil rights around the world but has never had a vote in Congress. Like me, he is an African American who grew up in this city when it was a segregated city. Like me, he understood that the composition of this city then and for centuries has had much to do with the denial of voting rights in this city. And so, like me, he has argued in these Halls that all citizens of the District of Columbia, of every background, finally have the rights that all other Americans now take for granted.

This bill is about Evelyn Curtis, a nurse at one of our hospitals, who would love to have a say on health care issues. She can talk to me, but I can't talk to you about what she believes by voting.

This bill is ultimately about 650,000 American citizens. When you are asked to vote on this bill in the middle of a war, when our citizens are among the troops on the ground in Iraq and Afghanistan, remember that you will be voting not for my vote but for the votes of the people who live in the District of Columbia and especially for the votes of those Washingtonians who as I speak are serving in Iraq, Afghanistan and throughout the world in service to the United States of America.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Texas for yielding and to have an opportunity to address this issue.

Mr. Speaker, I rise in opposition to the rule and the underlying bill. The first premise is that we all stand here on the floor of this Congress and take an oath to uphold the Constitution. Even the strongest advocates for this bill before the hearing in the Judiciary Committee testified that if we believe that a bill is unconstitutional before us, we are obligated to uphold our oath and vote "no" regardless of how much we might support the underlying policy. That is the stand that I take on this issue, Mr. Speaker.

I would declare this to be the first round, one step along the way in the D.C. statehood bill. But the discussion that has been here on the floor and the exchange and the colloquy with Mr. DREIER on Article I, section 2, article I, section 3 and then the reference was brought up also of article I, section 8, to address those, it works just like this: Article I, section 2 reads: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, if D.C. is not a State, we can't have Members that come from places that are not States. It's a pretty simple analysis here. Read the Constitution. It also says in the bill that this doesn't include Senators. That was an amendment that was offered by the gentleman from Georgia (Mr. WESTMORELAND). Statutory provisions aren't constitutional restraints. By the same rationale, and I mean exactly the same rationale that you can come to a conclusion that there could be a Member in this Congress that votes in full representation for D.C., you have to also conclude that there is a constitutional provision for two Senators as well, because I will argue that Article I, section 3, after the 17th amendment is applied to it reads this way: "The Senate of the United States shall be composed of two Senators from each State elected by the people thereof." So the only distinction between a District Representative, a Member in the House, and two Senators is the phrase "by the people of the several States" as applied to the Member and "elected by the people thereof" as applied to the Senators.

This is imperative and compelling. So if you accept a Member here constitutionally, you also accept two Senators here by the same constitutional rationale.

Mr. ARCURI. Mr. Speaker, I would agree with the gentleman that if something is unconstitutional, certainly I would not support it, but I believe that this bill is constitutional, and I believe again Article I, section 8 makes it constitutional for Congress to pass this legislation.

Mr. Speaker, I now yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me first of all add my appreciation to Congressman TOM DAVIS; maybe the constitutional teachers at the University of Virginia law school are owed a debt of gratitude as well; and, of course, the gentlelady who has persisted throughout her, I think, legal and legislative career, the Honorable Congresswoman ELEANOR HOLMES NORTON.

This is a historic moment and an historic day. I think the crucial-ness of this debate should not be lost on the American people. I rise to support this rule, this structured rule, that allows an amendment by Mr. WAXMAN and Mr. CONYERS, and I would like to give comfort to those on the other side of the aisle to read their Constitution and explore even some of the Supreme Court cases that document that the District of Columbia under Supreme Court law has been held as a State in certain purposes.

Now, what is lost in this debate is that this is not a singular legislative act that excludes a balance. Out of this provision comes a seat for the State of Utah, which has requested a seat for many, many years. Just recently, we added a seat for North Carolina so that citizens of the United States could vote. So it is being defined by my opponents on the other side, this rule that it is unconstitutional because they are not giving you the whole story. This, because of population concerns, adds a seat to Utah. But, more importantly, this is a constitutional approach. They are right. Article I, section 2 indicates that the House of Representatives shall be composed of Members from every State. But then there is an enunciation of the powers of Congress that goes under section 8, clause 17, that "the Congress has the power to exercise exclusive legislation in all cases whatever over such district that has been established as the capital of the United States." The Congress has all power.

Now, let me say this. We are not all powerful. We represent the people of the United States. But would you ask the question as we are debating soon the crisis in Iraq, where the policies of this Nation have been to export democracy, create an opportunity for those citizens of Iraq to vest in their country, to vote for their leadership, does it make any sense for individuals paying taxes, who are on the front lines of Iraq, Afghanistan, World War I, World War II, the Vietnam War, the Korean conflict, and any conflict around the world, to be denied the right to vote if the Constitution gives us the authority to do so?

I commend the Constitution to my colleagues. I might say that we welcome the distinguished gentleman from Iowa's amendment to work with Congresswoman ELEANOR HOLMES NORTON to get Senate provisions, if he desires to do so. It seems like he was concerned that the other body was not represented. But when we debate this question as we will soon, let us have the facts. You cannot quote one part, as one would say in the church, of the Bible and exclude the other part. You can't quote one part of the Constitution and ignore the powers of this Congress that has a right to exercise authority over the District of Columbia.

I think the other question that should be asked and answered, who will it harm? Who will be hurt by recognizing the voting rights of people that are here in the United States paying taxes and shedding their blood? Who would argue against the place that thousands and millions of Americans come as their capital that they love, and they leave behind those who care for and take care of this capital, the residents of the District of Columbia, and they leave them with no right to vote.

So I believe that this rule is the right rule. I have disagreed with rules, both Republican and, frankly, Democratic rules. Later today I will disagree with the rule that will be put forward. But frankly I think this rule that is structured makes a great deal of difference and it is important that we make sure that we abide by this book and we read it consistently with its language and that is to say that Congress has the power to move forward.

I would ask my colleagues to be reminded that there are citizens in this country that cannot vote, and I hope that you will view the work of the Congress as it is constitutional and right to give those citizens the right to vote, for they too are Americans.

I ask my colleagues to support the rule.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. I thank my friend for yielding.

We have Republicans quoting liberal professors and Democrats quoting conservative professors in support of where they are. At the end of the day I believe that if the District were a Republican enclave, our side would be getting up screaming for voting rights and the other side would be saying, no, the Constitution is strict. We are trying to take the politics out of this.

In the last Congress, both committees with jurisdiction under Republican chairmen cleared this bill for the floor and the Republican leadership denied it an opportunity to come to the floor. We could have had a full and open debate at that point. I think it would have been helpful to the process. Now the Democrats are in control and they are bringing this up, not for a full and open debate, unfortunately, but under a closed rule. We should have an open rule on this. At the time when we are spending billions of dollars and sacrificing thousands of lives to bring democracy to Baghdad, to Afghanistan and around the world, shouldn't we look right next door to our friends and neighbors here in the Nation's capital and give them the essence of democracy, the right to vote here on the floor of the House of Representatives? I think we should.

There are different views as to how we should do this. The former chairman of the Judiciary Committee says it's constitutional, but doesn't like the at-large aspect of the Utah seat but we are not able to debate that on the floor today. My friend from California (Mr. ROHRABACHER) who has long been a champion of voting rights here has a different mechanism under which this could be established.

I wish we could have a full and open debate on this. I think it would be helpful to the process. And I am really torn. Because on the one hand our side doesn't want the bill to come up at all, and the other side wants this to come up under very closed rules where we can't have full and open debate. I look forward to a spirited colloquy as we move through this. I am going to support the bill in its final form, of course, as it moves through because I think this is something that is long overdue for citizens of the Nation's capital and with a long line of legal precedents which treats the District of Columbia like a State when Congress says it can be treated like a State. Things like the right to trial by jury, paying Federal taxes, other issues that apply only to States under the Constitution but which under the District clause to the Constitution when we apply it to the District, it is treated like a State.

And once again, looking at such conservative jurists as Ken Starr, Viet

Dinh who wrote the PATRIOT Act for the Bush administration testified under oath as to its constitutionality. This shouldn't ultimately be locked up in this. This should be about basic voting rights for the capital of the Free World.

Mr. ARCURI. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from New York has 3 minutes. The gentleman from Texas has 2 minutes.

Mr. ARCURI. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. I thank the gentleman for inquiring. I would like to save my 2 minutes for my close and would like to ask if the gentleman would allow me 1 additional minute for a speaker that I have.

Mr. ARCURI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I just want to say, I will not object. I will not object, out of the sense of fairness that I hope that every Member will bring with them to the floor when the time comes to vote on this bill. I will not object, because Mr. ROHRABACHER, who may disagree with my bill, has at least understood that the Republic will not go on as long as the residents of the Nation's capital are denied a vote in the Congress and has himself introduced his own version of a voting rights bill.

Mr. ARCURI. Mr. Speaker, this is all about fairness. And in the spirit of fairness that the gentlewoman from the District of Columbia (Ms. NORTON) talks about, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS) for debate only.

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Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding me the time, and I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, my friend was very correct when she said we should all be concerned about the rights of the people who live here in the District of Columbia, the fact that they have taxation without representation and then lack the voting rights other people do. However, what is being offered today is clearly unconstitutional. If we just go through this whole procedure and it gets thrown out by the Court, what have we accomplished?

There is an alternative. Unfortunately, that substitute was not made in order. There is an alternative which would give the people in this State not only the right to vote for a Representative in the House, but for a Senator and 11 congressional electors as well. The substitute, which would be constitutional, simply grants the citizens of the District of Columbia their State citizenship rights in Maryland, which is what happened in Virginia, of course, in the past, 100 years ago. My substitute would give the people of this city the right to vote for two Senators as well as a Representative as well as electors, and yet this was not permitted to come to the House here today. It is a substitute, and we were not allowed to vote on it here or to even consider it.

I would say there are some political considerations that have limited this debate at the expense of the people of this city. I would like to place in the RECORD a further description of the substitute legislation that I have in mind. And I would suggest that what we do is get politics out of this. Let us give these people a right not only to vote for a Representative, here but for two Senators. We have it within our ability to do that.

The Rohrabacher substitute, essentially the text of H.R. 492, restores the full House, Senate, and Electoral College voting rights enjoyed by residents of the District of Columbia as citizens of Maryland from creation of the District in 1790 to the enactment of the Organic Act of 1801. By restoring the state citizenship rights of D.C. residents to vote for, run for, and serve as U.S. Representatives and Senators, the Rohrabacher substitute complies with the literal reading of Sections 2 and 3 of Article I of the Constitution requiring that Representatives and Senators come from states.

Like the base bill, the Rohrabacher substitute adds an additional Representative for the next state in line in the 2000 census (i.e., Utah), and permanently increases the membership of the House of Representatives to 437. The bill provides an additional Representative for Maryland, which for census purposes will include the population of the District of Columbia. Until redistricting is accomplished, D.C. would constitute the additional Maryland district by itself. When Maryland redistricts its congressional districts, its districts would have to be equal in population, but the District of Columbia could not be divided into more than one congressional district. Federal elections in D.C. would be conducted pursuant to Maryland election law, with the D.C. government treated as a local jurisdiction in Maryland for this purpose.

To avoid double counting in the Electoral College, the substitute exercises Congress's powers in both sections of the 23rd Amendment to provide that the D.C.'s own presidential electors not be appointed or cast votes. The bill would take effect with the 2008 election, with the new Representatives from Maryland and Utah taking office at the beginning of the 111th Congress, at which point the offices of D.C. delegate and D.C.'s shadow Representative and Senators would be abolished. Utah would be required to hold its 2008 and 2010 congressional elections in accordance with the four-district plan the state adopted in 2006.

Mr. SESSIONS. Mr. Speaker, I would like to, before I really begin, extend my thanks to the Members of Congress, including Mr. ARCURI, who has taken time and been very gracious in his professional nature today on the floor, as well as the other Members who have been here, and I want to thank them for working together with us.

Mr. Speaker, I will be urging Members to oppose the previous question so that I may offer an amendment to the rule which would make in order the constitutional amendment offered by Representative DANA ROHRABACHER, as described today, which was presented to the Rules Committee last night. At a minimum the House should be allowed to vote and debate on a practical, legal alternative.

Mr. Speaker, I urge all Members to reject the previous question. If the previous question is agreed to, I urge Members to reject the closed rule and the unconstitutional underlying measure.

Mr. Speaker, I ask unanimous consent to insert into the RECORD the amendment and extraneous material just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, the nearly 600,000 citizens of Washington D.C. have waited far too long for equal representation in this Chamber. They have sacrificed their lives defending this great Nation, paid their fair share in taxes, and helped to build and run this great Nation.

We have an opportunity to correct this grave injustice and provide the citizens of our Nation's capital with the most important right of all, and that is, of course, the right to vote.

I want to commend the Delegate from Washington, D.C., for her tireless efforts that have brought us together on this historic day. It is that type of passion and commitment that further strengthens our democracy.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 260 OFFERED BY REP. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, after conclusion of the time for debate on the bill it shall be in order without intervention of any point of order to consider the amendment in section 3, if offered by Mr. Rohrabacher of California or his designee. The amendment shall be considered as read, shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Voting Rights Restoration Act of 2007".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is no reason, either historically or by virtue of law, why the people of the District of Columbia, the capital of the United States of America, should not have full voting representation in the Congress of the United States.

(2) Article I, section 8, clause 17 of the Constitution of the United States, which authorized the creation of the District of Columbia, provides only that the Congress shall have "exclusive legislation in all cases whatsoever" over that District.

(3) The same clause of the Constitution provides that Congress "shall exercise like authority over" other Federal. territories that have been purchased from the States for Federal purposes. Residents of other Federal enclaves, though also denied voting rights after becoming subject to exclusive Federal jurisdiction, have had restored their right to vote for and serve as elected Federal officials from their respective States which ceded the Federal enclaves to the United States.

(4) Congress has exercised its authority to regulate Federal elections under article I, section 4 of the Constitution to set the legal requirements that States must follow in establishing Congressional districts. Congress has also exercised this authority to require States to allow United States citizens who are former residents, and their children who are United States citizens, who are living overseas to vote in Federal elections in the previous State of residence, notwithstanding the fact that such former residents and their children may have no intention of returning or establishing residence in that State, and notwithstanding the fact that such citizens are not subject to the laws of that State, including tax laws.

(5) The entire territory of the current District of Columbia was ceded to the United States by the State of Maryland, one of the original 13 States of the United States. The portion of the original District of Columbia ceded to the United States by the Commonwealth of Virginia was returned to the authority of that state in 1846, and the people who now reside in that area vote as citizens of the Commonwealth of Virginia.

(6) The Supreme Court of the United States has found that the cession of legislative authority over the territory that became the District of Columbia by the States of Maryland and Virginia did not remove that territory from the United States, and that the people who live in that territory are entitled to all the rights, guarantees, and immunities of the Constitution that they formerly enjoyed as citizens of those States. O'Donoghue v. United States, 289 U.S. 516 (1933); Downes v. Bidwell, 182 U.S. 244 (1901). Among those guarantees are the right to equal protection of the laws and the right to participate, equally with other Americans, in a Republican form of government.

(7) Since the people who lived in the territory that now makes up the District of Columbia once voted in Maryland as citizens of Maryland, and Congress by adoption of the Organic Act of 1801 severed the political connection between Maryland and the District of Columbia by statute, Congress has the power by statute to restore Maryland state citizenship rights, including Federal electoral rights, that it took away by enacting the Organic Act of 1801.

SEC. 3. RESTORATION OF RIGHT OF DISTRICT OF COLUMBIA RESIDENTS TO PARTICIPATE AS MARYLAND RESIDENTS IN CONGRESSIONAL ELECTIONS.

(a) In General.—Notwithstanding any other provision of law, for purposes of representation in the House of Representatives and Senate, the right of the people of the District of Columbia to be eligible to participate in elections for the House of Representatives and Senate as Maryland residents in accordance with the laws of the State of Maryland, is hereby restored.

(b) Eligibility To Hold Congressional Office.—Notwithstanding any other provision of law, for purposes of determining eligibility to serve as a Member of the House of Representatives or Senate, the right of the residents of the District of Columbia to be considered inhabitants of the State of Maryland is hereby restored.

(c) Effective Date.—This section shall apply with respect to elections for Federal office occurring during 2008 and any succeeding year.

SEC. 4. RESTORATION OF RIGHT OF DISTRICT OF COLUMBIA RESIDENTS TO PARTICIPATE AS MARYLAND RESIDENTS IN PRESIDENTIAL ELECTIONS.

(a) In General.—Notwithstanding any other provision of law, the right of the people of the District of Columbia to be eligible to participate in elections for electors of President and Vice President, and to serve as such electors as Maryland residents in accordance with the laws of the State of Maryland, is hereby restored.

(b) Eligibility To Serve as Electors.—Notwithstanding any other provision of law, for purposes of determining eligibility to serve as electors of President and Vice President, the right of the residents of the District of Columbia to be considered inhabitants of the State of Maryland is hereby restored.

(c) Termination of Appointment of Separate Electors by District of Columbia.—In accordance with the authority under sections 1 and 2 of the 23rd amendment to the Constitution and the authority under article I, Section 8, to legislate for the District of Columbia, and notwithstanding any other provision of law, Congress directs that no electors of President and Vice President shall be appointed by the District of Columbia and that no votes from such electors shall be cast or counted in the electoral vote for President and Vice President.

(d) Conforming Amendment.—

(1) In general.—Chapter 1 of title 3, United States Code, is amended by striking section 21.

(2) Clerical amendment.—The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 21.

SEC. 5. COMPOSITION OF HOUSE OF REPRESENTATIVES.

(a) Number and Apportionment of Maryland Members.—For purposes of determining the number and apportionment of the members of the House of Representatives from the State of Maryland for the One Hundred Eleventh Congress and each succeeding Congress, the population of the District of Columbia shall be added to the population of Maryland under the decennial census.

(b) Increase in Membership of House of Representatives.—

(1) Permanent increase in number of members.—Effective with respect to the One Hundred Eleventh Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members.

(2) Reapportionment of members resulting from increase.—

(A) In general.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the One Hundred Eleventh Congress".

(B) Effective date.—The amendment made by subparagraph (A) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) Revision of Apportionment Prior to Next Census.—

(1) Transmittal of revised apportionment information by president and clerk.—

(A) Statement of apportionment by president.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this section and the amendments made by this section.

(B) Report by clerk.— Not later than 15 calendar days after receiving the revised version of the statement of apportionment under subparagraph (A), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of the State (other than the State of Maryland) entitled to one additional Representative pursuant to this section a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report identifying that State to the Speaker of the House of Representatives.

(2) Composition of congressional districts for affected state.—Until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010, the Congressional districts of the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (1) shall be those districts established under a law enacted by the State during 2006 (without regard to any amendments made to such law after 2006) which established Congressional districts for the State but which did not take effect because the number of districts provided under the law was greater than the number of districts to which the State was finally entitled after the regular decennial census for 2000.

(d) Prohibiting Division of District of Columbia Into Separate Congressional Districts.—

(1) In general.—Notwithstanding subsection (a), in establishing Congressional districts after the effective date of this section, the State of Maryland shall ensure that the entire area of the District of Columbia is included in the same Congressional district (except as provided in paragraph (2)).

(2) Special rule if population of district equals or exceeds average population of maryland congressional districts.—If the population of the District of Columbia equals or exceeds the average population of a Congressional district in the State of Maryland under the decennial census used for the apportionment of the Members of the House of Representatives from the State of Maryland, the State of Maryland shall ensure that at least one Congressional district in the State consists exclusively of territory within the District of Columbia.

(3) Special rule for initial district.—Until the State of Maryland establishes Congressional districts to take into account the

enactment of this section, the Congressional district of the additional Representative to which the State is entitled under this section shall consist exclusively of the area of the District of Columbia.

SEC. 6. COORDINATION OF ELECTION ADMINISTRATION.

(a) APPLICATION OF MARYLAND ELECTION LAWS.—

(1) IN GENERAL.—Federal elections in the District of Columbia shall be administered and carried out by the State of Maryland, in accordance with the applicable laws of the State of Maryland.

(2) TREATMENT OF DISTRICT AS UNIT OF LOCAL GOVERNMENT.—For purposes of the laws of the State of Maryland which apply to Federal elections in the District of Columbia pursuant to paragraph (1), the District of Columbia shall be considered to be a unit of local government within the State of Maryland with responsibility for the administration of Federal elections.

(b) TREATMENT OF DISTRICT OF COLUMBIA AS PART OF MARYLAND UNDER HELP AMERICA VOTE ACT OF 2002.—Section 901 of the Help America Vote Act of 2002 (42 U.S.C. 15541) is amended—

(1) by striking "the District of Columbia";

(2) by striking "In this Act" and inserting "(a) IN GENERAL. In this Act"; and

(3) by adding at the end the following new subsection:

"(b) SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.—For purposes of this Act, the following shall apply:

"(1) The voting age population of the State of Maryland shall be considered to include the voting age population of the District of Columbia for purposes of sections 101(d)(4) and 252(b).

"(2) The District of Columbia shall be considered a unit of local government or jurisdiction located within the State of Maryland.

"(3) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.".

(c) CONFORMING AMENDMENTS TO OTHER FEDERAL ELECTION LAWS.—

(1) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(A) IN GENERAL.—Title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by adding at the end the following new section:

"SEC. 108. SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.

"For purposes of this title, the following shall apply:

"(1) An absent uniformed services voter or overseas voter who is a resident of the District of Columbia shall be considered to be a resident of the State of Maryland.

"(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

"(3) The State of Maryland, and the election officials of the State of Maryland, shall be responsible for carrying out the provisions of this title with respect to voters who are residents of the District of Columbia.".

(B) CONFORMING AMENDMENT.—Section 107(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6) is amended by striking "the District of Columbia,".

(2) NATIONAL VOTER REGISTRATION ACT OF 1973.—

(A) IN GENERAL.—The National Voter Registration Act of 1973 (42 U.S.C. 1973gg et seq.) is amended—

(i) by redesignating section 13 as section 14; and

(ii) by adding at the end the following new section:

"SEC. 12. SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.

"For purposes of this Act, the following shall apply:

"(1) The District of Columbia shall be considered a registrar's jurisdiction within the State of Maryland.

"(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

"(3) The State of Maryland, and the election officials of the State of Maryland, shall be responsible for carrying out this Act with respect to the District of Columbia, except that—

"(A) section 5 shall apply to motor vehicle driver's license applications and the motor vehicle authority of the District of Columbia in the same manner as that section applies to a State, and the State of Maryland shall provide the District of Columbia with such forms and other materials as the District of Columbia may require to carry out that section; and

"(B) the District of Columbia shall designate voter registration agencies under section 7 in the same manner as a State, and the State of Maryland shall provide the District of Columbia with such forms and other materials as the District of Columbia may require to carry out that section.".

(B) CONFORMING AMENDMENT.—Section 3(4) of such Act (42 U.S.C. gg—1(4)) is amended by striking "and the District of Columbia".

(3) VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.—

(A) IN GENERAL.—The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) is amended—

(i) by redesignating section 8 as section 9; and

(ii) by inserting after section 7 the following new section:

"SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA

"SEC. 8. For purposes of this Act, the following shall apply:

"(1) The District of Columbia shall be considered a political subdivision of the State of Maryland.

"(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

"(3) The State of Maryland shall be responsible for carrying out this Act with respect to the District of Columbia.".

(B) CONFORMING AMENDMENT.—Section 8(5) of such Act (42 U.S.C. 1973ee—6(5)) is amended by striking "the District of Columbia,".

(d) CONFORMING AMENDMENT TO HOME RULE ACT.—Section 752 of the District of Columbia Home Rule Act (sec. 1—207.52, D.C. Official Code) is amended by striking the period at the end and inserting the following: ", except to the extent required under section 5 of the District of Columbia Voting Rights Restoration Act of 2007.".

(e) OTHER CONFORMING AMENDMENT TO DISTRICT OF COLUMBIA ELECTION LAW.—The District of Columbia Elections Code of 1955 is amended by adding at the end the following new section:

"SEC. 18. APPLICABILITY OF MARYLAND ELECTION LAW FOR ADMINISTRATION OF FEDERAL ELECTIONS.

"Notwithstanding any other provision of this Code or other law or regulation of the District of Columbia

"(1) any election for Federal office in the District of Columbia shall be administered and carried out by the State of Maryland, in accordance with the applicable law of the State of Maryland; and

"(2) no provision of this Code shall apply with respect to any election for Federal office to the extent that the provision is inconsistent with the applicable law of the State of Maryland.".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to elections for Federal office occurring during 2008 and any succeeding year.

SEC. 7. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.

(a) REPEAL OF OFFICE.—

(1) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91—405; sections 1—401 and 1—402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from Maryland who is elected from a Congressional district which includes the District of Columbia takes office for the One Hundred Eleventh Congress.

(b) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—

(1) IN GENERAL.—The District of Columbia Elections Code of 1955 is amended—

(A) in section 1 (sec. 1—1001.01, D.C. Official Code), by striking "the Delegate to the House of Representatives";

(B) in section 2 (sec. 1—1001.02, D.C. Official Code)—

(i) by striking paragraph (6), and

(ii) in paragraph (13), by striking "the Delegate to Congress for the District of Columbia";

(C) in section 8 (sec. 1—1001.08, D.C. Official Code)—

(i) by striking "Delegate" in the heading, and

(ii) by striking "Delegate," each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1);

(D) in section 10 (sec. 1—1001.10, D.C. Official Code)—

(i) by striking subparagraph (A) of subsection (a)(3), and

(ii) in subsection (d)—

(I) by striking "Delegate," each place it appears in paragraph (1), and

(II) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(E) in section 15(b) (sec. 1—1001.15(b), D.C. Official Code), by striking "Delegate,"; and

(F) in section 17(a) (sec. 1—1001.17(a), D.C. Official Code), by striking "except the Delegate to the Congress from the District of Columbia".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to elections occurring during 2008 and any succeeding year.

SEC. 8. REPEAL OF OFFICES OF STATEHOOD REPRESENTATIVE AND SENATOR.

(a) REPEAL OF OFFICES.—

(1) IN GENERAL.—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1—123, D.C. Official Code) is amended by striking subsections (d) through (h).

(2) CONFORMING AMENDMENTS.—

(A) STATEHOOD COMMISSION.—Section 6 of such Initiative (sec. 1—125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking "27 voting members" and inserting "24 voting members",

(II) by adding "and" at the end of paragraph (4); and

(III) by striking paragraphs (5) and (6) and redesignating paragraph (7) as paragraph (5); and

(ii) in subsection (a—1)(1), by striking subparagraphs (F), (G), and (H).

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1—127, D.C. Official Code) is hereby repealed.

(C) APPLICATION OF HONORARIA LIMITATIONS.—Section 4 of D.C. Law 8—135 (sec. 1—131, D.C. Official Code) is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from Maryland who is elected from a Congressional district which includes the District of Columbia takes office for the One Hundred Eleventh Congress.

(b) CONFORMING AMENDMENTS RELATING TO ELECTIONS.—

(1) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1—135, D.C. Official Code) is hereby repealed.

(2) LIST OF ELECTED OFFICIALS.—Section 2(13) of the District of Columbia Elections Code of 1955 (sec. 1—1001.02(13), D.C. Official Code) is amended by striking "United States Senator and Representative,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to elections occurring during 2008 and any succeeding year.

SEC. 9. NONSEVERABILITY OF CERTAIN PROVISIONS.

If any provision of sections 3, 5(a), or 5(b) of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act may be construed—

(1) to permit residents of the District of Columbia to vote in elections for State or local office in the State of Maryland or to permit nonresidents of the District of Columbia to vote in elections for local office in the District of Columbia;

(2) to affect the power of Congress under article I, section 8, clause 17 of the Constitution to exercise exclusive legislative authority over the District of Columbia; or

(3) to affect the powers of the Government of the District of Columbia under the District of Columbia Home Rule Act (except as specifically provided in this Act).

Amend the title so as to read: "A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 260 will be followed by 5-minute votes, if ordered, on adopting House Resolution 260; and suspending the rules and agreeing to House Concurrent Resolution 66.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 7, as follows:

[Roll No. 179]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Davis, Jo Ann
Deal (GA)
Delahunt
Johnson, E. B.
Kanjorski
Radanovich
Young (FL)

☐ 1156

Mr. CARDOZA and Mr. PASTOR changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 180, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 12; as follows:

[Roll No. 180]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Davis, Jo Ann
Deal (GA)
Green, Gene
Gutierrez
Johnson, E. B.
Kanjorski
Lewis (GA)
Radanovich
Rush
Taylor
Whitfield
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMITTING USE OF ROTUNDA FOR A CEREMONY COMMEMORATING THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

The SPEAKER pro tempore (Mrs. TAUSCHER). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 66, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 66.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 181]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—9

Cramer
Davis, Jo Ann
Deal (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Larson (CT)
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1433, the District of Columbia House Voting Rights Act of 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 260, I call up the bill (H.R. 1433) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 260, the amendment printed in House Report 110–63 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1433

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia House Voting Rights Act of 2007".

SEC. 3. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) REPRESENTATION IN HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—Whereas the District of Columbia is drawn from the State of Maryland, notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(2) NO REPRESENTATION PROVIDED IN SENATE.—The District of Columbia shall not be considered a State for purposes of representation in the Senate.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

"(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.".

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking "come into office;" and inserting the following: "come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);".

(c) CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.—

(1) UNITED STATES MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking "the District of Columbia,".

(2) UNITED STATES NAVAL ACADEMY.—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

(B) in section 6958(b), by striking "the District of Columbia,".

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking "the District of Columbia,".

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office for the One Hundred Tenth Congress.

SEC. 4. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the One Hundred Tenth Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including any Members representing the District of Columbia pursuant to section 3(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the One Hundred Tenth Congress".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) SPECIAL RULES FOR PERIOD PRIOR TO 2012 REAPPORTIONMENT.—

(1) TRANSMITTAL OF REVISED STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of each State a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report to the Speaker of the House of Representatives identifying the State (other than the District of Columbia) which is entitled to one additional Representative pursuant to this section.

(3) REQUIREMENTS FOR ELECTION OF ADDITIONAL MEMBER.—During the One Hundred Tenth Congress, the One Hundred Eleventh Congress, and the One Hundred Twelfth Congress—

(A) notwithstanding the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), the additional Representative to which the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (2) is entitled shall be elected from the State at large; and

(B) the other Representatives to which such State is entitled shall be elected on the basis of the Congressional districts in effect in the State for the One Hundred Ninth Congress.

(d) ADJUSTMENT OF PERCENTAGE LIMITATION ON THE USE OF THE PRECEDING YEAR'S TAX.—

(1) IN GENERAL.—The table in clause (i) of section 6654(d)(1)(C) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by striking "110" and inserting "110.003".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.

(a) REPEAL OF OFFICE.—

(1) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office for the One Hundred Tenth Congress.

(b) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended as follows:

(1) In section 1 (sec. 1–1001.01, D.C. Official Code), by striking "the Delegate to the House of Representatives," and inserting "the Representative in the Congress,".

(2) In section 2 (sec. 1–1001.02, D.C. Official Code)—

(A) by striking paragraph (6); and

(B) in paragraph (13), by striking "the Delegate to Congress for the District of Columbia," and inserting "the Representative in the Congress,".

(3) In section 8 (sec. 1–1001.08, D.C. Official Code)—

(A) in the heading, by striking "Delegate" and inserting "Representative"; and

(B) by striking "Delegate," each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1) and inserting "Representative in the Congress,".

(4) In section 10 (sec. 1–1001.10, D.C. Official Code)—

(A) in subsection (a)(3)(A)—

(i) by striking "or section 206(a) of the District of Columbia Delegate Act", and

(ii) by striking "the office of Delegate to the House of Representatives" and inserting "the office of Representative in the Congress";

(B) in subsection (d)(1), by striking "Delegate," each place it appears; and

(C) in subsection (d)(2)—

(i) by striking "(A) In the event" and all that follows through "term of office," and inserting "In the event that a vacancy occurs in the office of Representative in the Congress before May 1 of the last year of the Representative's term of office," and

(ii) by striking subparagraph (B).

(5) In section 11(a)(2) (sec. 1–1001.11(a)(2), D.C. Official Code), by striking "Delegate to the House of Representatives," and inserting "Representative in the Congress,".

(6) In section 15(b) (sec. 1–1001.15(b), D.C. Official Code), by striking "Delegate," and inserting "Representative in the Congress,".

(7) In section 17(a) (sec. 1–1001.17(a), D.C. Official Code), by striking "the Delegate to the Congress from the District of Columbia" and inserting "the Representative in the Congress".

SEC. 7. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act, or any amendment made by this Act, is declared or held invalid or unenforceable, the remaining provisions of this Act and any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

The SPEAKER pro tempore. Debate shall not exceed 1 hour and 20 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes, and the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This is an historic moment indeed. I am honored to lead the floor management of a bill that we have been waiting so long to debate and hopefully move forward from the House of Representatives.

This is an important moment in American history. We must now act to discontinue the disenfranchisement of citizens in the Nation's Capital. We must act to complete the important unfinished business of our democracy.

All of you here are all too familiar with the struggle for D.C. voting rights. I remember Chairman Emanuel Celler, chairman of the House Judiciary Committee, when the House gave the District a vote in 1967. I remember Delegate Walter Fauntroy's and Senator Ed Brooke's pursuit of the District's representation in 1978. I have now had the privilege of working with the distinguished gentlewoman, the Delegate from the District of Columbia, ELEANOR HOLMES NORTON, a tireless, relentless, brilliant advocate of the effort that brings us here today.

Right now we are attempting to resolve what could not be resolved before, through the bipartisan efforts of so many. Mr. DAVIS of Virginia, Mr. CANNON of Utah, Mr. MATHESON and Mr.

BISHOP have gotten us this far today, but I would be remiss if I did not name the former chairman of the House Judiciary Committee, JIM SENSENBRENNER, who helped bring us so close to passage of this legislation in the last Congress. I thank all of you for the important work that has led us to this great and wonderful day.

Now, the bill before us today has a novel proposal, but it is one that we have seen before. We are now here today to finish the important work on this measure that we almost completed when we adjourned the last Congress. We are here today to finish the job.

As the only democracy in the world where citizens living in the capital city are denied their representation in the National Legislature, we come here to repair this obvious defect. Nearly 600,000 people who call the District of Columbia home, who pay taxes, who fight and die in the military, do not have a vote in the Congress. They do not have a vote in the Congress. That is what brings us here today. I am talking about people like one of its citizens, Andy Shallal, a local business owner and an Iraqi American.

Thousands of American soldiers, including District residents, have given their lives in fighting for democracy in Iraq. Because of their sacrifice, Andy can vote for the national legislature in Iraq but is denied a vote for his own Member of Congress in Washington, District of Columbia.

So District residents like Andy and all those who share the responsibilities of U.S. citizenship deserve voting representation in this Congress, and I believe that most in this body agree with me. I believe that H.R. 1433 is a sound policy response to this inequity. While some have raised questions and we have debated, we have had constitutional scholars from across the country join us in analyzing the way that we have put this measure together. I am totally and confidently satisfied that we have a bill that passes constitutional muster. We have a bill that can finally end the disenfranchisement of District residents.

The legislation relies obviously on Article I, section 8, clause 17, which provides Congress with the authority to give the District a vote. The Supreme Court has held that Congress's exclusive authority over the District is "national in the highest sense." The D.C. Circuit Court has held that the Congress has "extraordinary and plenary power" over the District. The District of Columbia Court of Appeals has found the District Clause to be "sweeping and inclusive in character."

Distinguished conservatives, we emphasize that this is not a partisan measure. Thoughtful scholars like Viet Dinh, judges and scholars like Ken Starr, whom I have never cited or quoted before now, and our former colleague Jack Kemp, just to name a few, agree that the Congress has the power through simple legislation to give the District of Columbia a vote.

We have used the District Clause to treat the District like a State repeatedly: for diversity jurisdiction, for 11th amendment immunity, for alcohol regulation, for interstate transportation, for apprentice labor, for the collection of State income taxes, the list goes on and on. Surely, we cannot say that we cannot give them, the District residents, a vote in the same way that we have handled so many other matters.

I am confident that we can pair the District of Columbia with Utah and give Utah an at-large seat. Article I, section 4 gives Congress ultimate authority over Federal elections. The one person, one vote principle will be left intact. No vote will be compromised or diluted. None of their vote will be lost, nor will it be expanded. Utah voters will be given an equal opportunity to elect an at-large Representative on a temporary basis and a District Representative.

This fight has been long, 200 years too long. We can debate this issue to no end, but at the end of the day, if District residents remain disenfranchised, we ought to be ashamed. We have a sound, bipartisan proposal before us, and I am happy to entertain the discussion on both sides of the aisle that will proceed at this time.

I want to thank those of our Republican colleagues in the House who have already seen fit to make it clear that they, too, will be joining with us to make this a bipartisan solution to an old problem. I am proud to think and hope that D.C. disenfranchisement will come to an end.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I oppose this legislation because it is clearly unconstitutional. While the bill may be well-intentioned, as Members of Congress, we swear an oath to support our Constitution. We cannot gloss over its deficiencies.

At the Judiciary Committee hearing on this bill, Professor Jonathan Turley, someone the majority consults frequently for his views, said, "Permit me to be blunt. I consider this act to be the most premeditated unconstitutional act by Congress in decades."

Supporters of this bill claim Congress owes the authority to enact this bill under a broad reading of the so-called District Clause in Article I, section 8. However, Article I, section 2 says, "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States." Since D.C. is not a State, it cannot have a voting Member in the House.

This was an issue that was clearly raised, debated and rejected by the Founding Fathers. Alexander Hamilton offered an amendment to the Constitution during the New York ratification convention that would have allowed Congress to provide the District with congressional representation, but his amendment was rejected by the convention on July 22, 1788.

More recently in 2000, a Federal district court here in D.C. spoke on the issue, stating, "We conclude from our analysis of the text that the Constitution does not contemplate that the District may serve as a State for purposes of the apportionment of congressional representatives."

The House Judiciary Committee has already spoken on this point as well in the 95th Congress. Under the leadership of Democratic Chairman Peter Rodino, the Judiciary Committee reported out a constitutional amendment to do what this bill purports to be able to do by statute. The report accompanying that constitutional amendment stated the following, "If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice."

Congress passed that constitutional amendment in 1978, but it failed to get the approval of three-quarters of the States over a 7-year period. In fact, only 16 of the 38 States required for its ratification supported the amendment.

So what is being attempted by the legislation before us today is something long recognized as requiring a constitutional amendment that the vast majority of States have already failed to approve. Proponents of this legislation cite a 1949 Supreme Court case called Tidewater, but the nonpartisan Congressional Research Service issued a report analyzing that case. It concluded that "at least six of the Justices who participated in what appears to be the most relevant Supreme Court case, National Mutual Insurance Co. of the District of Columbia v. Tidewater Transfer Co., authored opinions rejecting the proposition that Congress's power under the District Clause was sufficient to effectuate structural changes to the political structures of the Federal Government.

"Further, the remaining three judges, who found that Congress could grant diversity jurisdiction to District of Columbia citizens despite the lack of such jurisdiction in Article III, specifically limited their opinion to instances where there was no extension of anymore fundamental right," such as the right to vote for a Member of Congress.

□ 1230

The unconstitutional approach of this bill is completely unnecessary. Most of the District of Columbia, other than a few Federal buildings, could simply be returned to the State of Maryland. That process of retrocession is clearly allowed by the Constitution.

It would grant representation to those in Washington D.C., by a simple majority vote, and they would then have representation in both the House and Senate, an improvement over this bill that limits representation only to the House.

Any discrepancies regarding the number of electorates granted to D.C. by the 23rd amendment could easily be corrected through a constitutional amendment once D.C. Members were represented in Congress through retrocession. Madam Speaker, even conceding for purposes of argument the proponents' interpretation of the vast breadth of the District clause, this bill unfairly subjects many citizens to unequal treatment.

H.R. 1433 grants Utah an additional Representative that will run at-large or statewide. The at-large provision creates a situation this country has not seen since the development of the Supreme Court's line of cases affirming the principle of "one man, one vote."

Under this provision, voters in Utah would be able to vote for two Representatives, their district representative and the at-large representative, whereas voters in every other State would only be able to vote for their one district representative. The result would be that Utah voters would have disproportionately more voting power compared to the voters of every other State.

There is no question D.C. residents have fought bravely in wars and served their country in a variety of ways. That is interesting, even heartrending, but irrelevant to whether or not this legislation is constitutional.

I also ask this House to consider the serious, practical consequences of passing this legislation. The inevitable legal challenge to this bill could produce legislative chaos by placing into doubt any future legislation passed in Congress by a one-vote margin.

Madam Speaker, I urge my colleagues to oppose this bill because it is clearly unconstitutional, and, if enacted, could lead to years of protracted legislation.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 10 seconds, and I include for the RECORD the 25 legal scholars of constitutional authority who have already weighed in on this bill, plus the former elected officials and former Senators and Members of Congress and Presidential appointees that have all examined this with great care and find that it is not constitutionally defective.

DC VOTE,
Washington, DC, March 12, 2007.

25 LEGAL SCHOLARS SUPPORT CONSTITUTIONALITY OF DC VOTING RIGHTS

DEAR REPRESENTATIVE: DC residents pay federal income taxes, serve on juries and die in wars to defend American democracy, but they do not have voting representation in the Congress.

This lack of representation is inconsistent with our nation's core democratic principles. Justice Hugo Black put it well in Wesberry v. Sanders in 1964: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

Congress is currently considering granting voting rights to Americans living in Washington, DC. Lawmakers have been faced with questions about the constitutionality of extending the right to vote to residents of a "non-state."

As law professors and scholars, we would like to address these questions and put to rest any concerns about the constitutionality of extending the right of representation to residents of the District.

While the language of the Constitution literally requires that House members be elected "by the People of the Several states," Congress has not always applied this language so literally. For example, the Uniformed and Overseas Citizens Absentee Voting Act allows U.S. citizens living abroad to vote in congressional elections in their last state of residence—even if they are no longer citizens there, pay any taxes there, or have any intent to return.

To fully protect the interests of people living in the capital, the Framers gave Congress extremely broad authority over all matters relating to the federal district under Article I, §8, clause 17 (the "District Clause"). Courts have ruled that this clause gives Congress "extraordinary and plenary power" over DC and have upheld congressional treatment of DC as a "state" for purposes of diversity jurisdiction and interstate commerce, among other things. Article III provides that courts may hear cases "between citizens of different states" (diversity jurisdiction). The Supreme Court initially ruled that under this language, DC residents could not sue residents of other states. But in 1940, Congress began treating DC as a state for this purpose—a law upheld in D.C. v. Tidewater Transfer Co. (1949).

The Constitution also allows Congress to regulate commerce "among the several states," which, literally, would exclude DC. But Congress' authority to treat DC as a "state" for Commerce Clause purposes was upheld in Stoughtenburg v. Hennick (1889).

We believe, under the same analysis of the Constitution, that Congress has the power through "simple" legislation to provide voting representation in Congress for DC residents.

Sincerely,

Sheryll D. Cashin, Georgetown University Law Center; Viet D. Dinh, Georgetown University Law Center; Charles J. Ogletree, Harvard Law School; Jamin Raskin, American University Washington College of Law; Samuel R. Bagenstos, Washington University Law School; Brian L. Baker, San Joaquin College of Law; William W. Bratton, Georgetown University Law Center; Richard Pierre Claude, University of Maryland; Sherman Cohn, Georgetown University Law Center; Peter Edelman, Georgetown University Law Center; James Forman Jr., Georgetown University Law Center; David A. Gantz, The University of Arizona James E. Rogers College of Law.

Michael Gottesman, Georgetown University Law Center; Michael Greenberger, University of Maryland; Pat King, Georgetown University Law Center; Charles R. Lawrence III, Georgetown University Law Center; Paul Steven Miller, University of Washington School of Law; James Oldham, Georgetown University Law Center; Christopher L. Peterson University of Florida, Levin College of Law; Robert Pitofsky, Georgetown University Law Center; David Schultz, University of Minnesota; Girardeau A. Spann, Georgetown University Law Center; Ronald S. Sullivan Jr., Yale Law School; Roger Wilkins, George Mason University; Wendy Williams, Georgetown University Law Center.

DC VOTE,
Washington, DC, March 12, 2007.

Re 25 former elected and appointed officials support DC Voting Rights Act.

DEAR MEMBER OF CONGRESS: We are writing to ask you to extend the basic American right of voting representation in Congress to Americans living in our nation's capital.

Citizens living in Washington, DC pay federal taxes, serve on juries, and send their family members to protect our nation during times of war. They should no longer be denied the very essence of our democratic ideals.

Representative Tom Davis, Delegate Eleanor Holmes Norton, and many others have reached across party lines in crafting a bill, the District of Columbia House Voting Rights Act of 2007 (DC Voting Rights Act, H.R. 1433), which corrects this injustice by providing Washingtonians with a full voting member of the U.S. House of Representatives for the first time in the history of our country. These members of Congress should be congratulated for their principled courage and patriotism.

The time has come for all DC residents to have a vote in our national legislature. We ask that you support this bill so that Washingtonians will enjoy the fundamental, democratic right to representation—a right which, as a nation, we are promoting all around the world.

Sincerely,

Jack Kemp, Julius W. Becton, Jr., Ed Brooke, Lawrence Eagleburger, Eric Holder, Thomas P. Melady, Susan Molinari, J.C. Watts, Harris Wofford.

Clifford Alexander, Jim Blanchard, Dale Bumpers, Peter Edelman, Frank Keating, Kweisi Mfume, Sharon Pratt, Togo West.

John Anderson, Sherwood Boehlert, Tom Daschle, Alexis Herman, Timothy May, George Mitchell, Michael Steele, Anthony A. Williams.

Madam Speaker, I yield 1 minute to the distinguished majority leader.

Mr. HOYER. Madam Speaker, this important legislation, the District of Columbia House Voting Rights Act, is designed to do one thing, enfranchise Americans fully with a voting representative in the House of Representatives. I have the great honor of representing the great State of Maryland. Maryland, at the request of the Federal Government, gave some square miles of its State to our Federal Government and to the people of America.

At that time there were Marylanders living, just a few, but Marylanders living within the confines of what was to become the District of Columbia. Now, this was post-1787, so that the miracle in Philadelphia did not contemplate disenfranchising those voters in the various States, as my friend from Texas mentioned, because the residents that then became, because of the generosity of the State of Maryland, residents of that Federal district, were then residents of the several States.

Washington, D.C. is the only capital in a democracy in the world, in the entire world, that does not have a voting representative in its parliament, in the world. Clearly, the successor residents of the District of Columbia succeed residents of the several States. The continued disenfranchisement of more than half a million Americans is unconscionable, is indefensible and wrong.

Since 1801, when Washington, D.C. became this Nation's capital, the citizens of the District of Columbia have not had representation in the Congress, not in the House of Representatives and not in the Senate. It is wrong, as a matter of principle, because District citizens pay Federal taxes, sit on juries and serve on our Armed Forces, like all other Americans who enjoy full representation in this body do.

If they move tomorrow to Maryland or to Virginia or to Texas or to California, they will be fully enfranchised. They are not second-class citizens, but the area in which they live is being treated as a second-class area, this, the Nation's capital. You cannot cite another capital in the world that does that if they allow any of their voters to be represented in a true democratic institution.

It is wrong politically, because District citizens since 1801 have effectively been a ward of Congress without the opportunity to make their voice felt on the legislation that affects only them. Ironically on this bill, we are going to again have a motion to recommit, which affects only the residents of the District of Columbia.

It is wrong, I suggest to you, morally as well, because the United States professes to have the truest form of representative government in human history. We are proud of that, rightfully so. Yet we deprive the citizens of this Nation's capital of their voice in their national legislature.

Let me add, the United States is the only representative democracy, as I have said, that does that. The absence of representation in Congress for District citizens underscores the failure of the Congress to use the authority vested in it, by the Constitution, to correct an injustice.

I want to say to my friends in this body, so many of you have voted "aye" on propositions that only recently the Supreme Court of the United States has said are unconstitutional. You put in language to say, oh, well, it's constitutional because of X, Y and Z, to try to substitute our judgment for the judgment of the Supreme Court of the United States, but repeatedly you have voted for legislation which the Supreme Court has said is unconstitutional, and you know it.

We have spent $379 billion, 3,200 lives. We will vote tomorrow on a bill that seeks to spend $100 billion more so that the citizens of Baghdad, the citizens of Baghdad can have a parliament in which the citizens of Baghdad have a vote; but too many will vote not to give the same right to our sisters and brothers who live in the District of Columbia.

The authority I refer to for the constitutionality of this is, of course, Article I, section 8 of the Constitution, is the so-called seat of government clause, under which "The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever," exclusive legislation in all cases whatsoever, for as I remind you, those residents of the several States or their successors, who are now residents of the District of Columbia.

Plain and simple, this sweeping language gives Congress "extraordinary and plenary" powers over our Nation's capital city, including the authority to adopt legislation to enfranchise the District's 550,000 Americans with a full vote in this House.

I am far from alone in my view of Article I, section 8. Twenty-five legal scholars, which have just been entered into the RECORD, make that assertion.

As the chairman of the committee, I am not used to quoting Kenneth Starr, and I quote Kenneth Starr, not as the supreme expert, but certainly as not a partisan of my party.

In fact, I would remind every Member of this House, this bill was reported out of the Republican-chaired, Republican-majority Government Reform Committee just last Congress.

Mr. DAVIS is a cosponsor, not only a Republican leader, but the former chairman of a committee and former chairman of the Republican Congressional Campaign Committee, not just a back-bencher, but a leader in the party, who said this is constitutional, but in any event, it is the right thing to do.

Mr. Starr's tightly reasoned testimony before the House Government Reform Committee in 2004 in favor of the substance of today's measure should be required reading for every Member of the body who believes that somehow this may be a partisan vote. In fact, as we mentioned, we give to Utah as well, as has been historical practice, to usually do two at a time, as we did Alaska and Hawaii.

That doesn't unusually enfranchise, I would suggest, Utah's voters. I come from a State that had an at-large Representative for most of the 1960s. His name was Carlton Sickles. He lived in the county in which I grew up. He was an at-large Representative, yes, before Reynolds v. Sims and Baker v. Carr, but that was for the State legislature purposes. He was an at-large Representative in the State of Maryland. I am not sure that anybody here served with him.

We, the Members of this House, must never be seduced into thinking there is such a thing as settled injustice. Here me, settled injustice. The author of the Dred Scott decision was a Marylánder. There is a statue of him, a bust of him, as you enter the old Supreme Court Chamber.

That was the constitutional law. It was wrong. It was wrong legally, it was wrong ethically, and it was certainly wrong morally. It is time, my friends, in this body, today, to stand up, speak out for democracy and justice for our fellow Americans. If we can fight for democracy in Baghdad, we can vote for democracy in Washington, D.C.

Mr. SMITH of Texas. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I certainly agree with the majority leader on one point that he made and that is that Washington, D.C. is distinctive. However, it is especially distinctive because it is the only capital in the world that exists under the U.S. Constitution, and that is why this bill is unconstitutional.

Madam Speaker, I include for printing in the RECORD the Statement of Administration Policy in opposition to this bill.

STATEMENT OF ADMINISTRATION POLICY: H.R. 1433—DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

(DEL. NORTON (D) DISTRICT OF COLUMBIA AND 17 COSPONSORS)

The Administration strongly opposes passage of H.R. 1433. The bill violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if H.R. 1433 were presented to the President, his senior advisers would recommend that he veto the bill.

The Constitution limits representation in the House to representatives of States. Article I, Section 2 provides: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State legislature." The Constitution also contains 11 other provisions expressly linking congressional representation to Statehood.

The District of Columbia is not a State. Accordingly, congressional representation for the District of Columbia would require a constitutional amendment. Advocates of congressional representation for the District have long acknowledged this. As the House Judiciary Committee stated in recommending passage of such a constitutional amendment in 1975:

"If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State."

Courts have reached the same conclusion. In 2000, for example, a three-judge panel concluded "that the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representatives." *Adams* v. *Clinton*, 90 F. Supp. 2d 35, 46–47 (D.D.C. 2000). The Supreme Court affirmed that decision. And just two months ago, Congress's own Research Service found that, without a constitutional amendment, it is "likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia."

Recent claims that H.R. 1433 should be viewed as an exercise of Congress's "exclusive" legislative authority over the District of Columbia as the seat of the Federal government are not persuasive. Congress's exercise of legislative authority over the District of Columbia is qualified by other provisions of the Constitution, including the Article I requirement that representation in the House of Representatives is limited to the "several States." Congress cannot vary that constitutional requirement under the guise of the "exclusive legislation" clause, a clause that provides the same legislative authority over Federal enclaves like military bases as it does over the District.

For all the foregoing reasons, enacting H.R. 1433's extension of congressional representation to the District would be unconstitutional. It would also call into question (by subjecting to constitutional challenge in the courts) the validity of all legislation passed by the reconstituted House of Representatives.

Madam Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Madam Speaker, the Judiciary Committee is supposed to be the legislative guardian of the Constitution. Unfortunately in this instance, the majority gets an F. This bill is fraught with constitutional questions.

All I need to do is to go back to the report that was issued by then-Chairman Peter Rodino, a Democratic and a liberal icon, when he reported out a constitutional amendment enfranchising the District of Columbia in 1978. That committee report clearly said that giving a vote to the representative of the District of Columbia in this House could not be done statutorily.

□ 1245

And that is exactly what is happening today. And not only can't it be done statutorily, but the Rules Committee last night played a partisan card. It rejected all proposed amendments, including constructive amendments that eliminate some of the legal and constitutional problems relating to the at-large seat in Utah, as well as an amendment offered by my friend from Texas (Mr. SMITH) to have an expedited review of the United States Supreme Court, a review that we gave to the McCain-Feingold law on campaign finance.

There are constitutional questions on this issue. And in the year 2000, the Federal court of D.C. expressly said that, "We conclude from our analysis that the text of the Constitution does not contemplate that the District may serve as a State for purposes of apportionment of congressional representatives." That case was Adams v. Clinton that was decided in the year 2000. Now, that was the more recent case than the Tidewater case which is being used by the proponents of this legislation as saying that the District clause allows us to do this.

Now, rather than enfranchising the citizens of the District in a constitutionally questionable manner, why not do it in a way that is very clearly constitutional? There are three ways to do this, all of which have been rejected by the majority. One is to repropose the amendment to the Constitution which failed in 1978. Second is to admit the non-Federal part of the District as a separate State, with two Senators and two Representatives. That was rejected in 1993, but could be reintroduced. And the third is to retrocede the non-Federal part of the District to Maryland. We can do it the right way. Those are the right ways; this is the wrong way.

Mr. CONYERS. Madam Speaker, I yield myself 30 seconds to point out that a constitutional amendment could take 10 years, who knows, to have a part of a State ceded back. The three methods that have been suggested by the former chairman of Judiciary Committee, who has worked very hard on this, are, in effect, impractical.

Madam Speaker, I am pleased now to recognize the chairman of the Constitutional Subcommittee on the Judiciary, Mr. NADLER, who has done extraordinary work in this regard, 5 minutes.

Mr. NADLER. Madam Speaker, it is a disgrace, a blot on our Nation that the citizens of our Capital do not have a voice in Congress.

Whatever technical issues there may be with respect to rectifying this problem, we must never lose sight of the fact that our democracy is permanently stained by the disenfranchisement of a large group of our citizens who pay taxes, serve in our wars, work in our government, and bear all the responsibilities, but do not have all the rights of citizenship.

Whether you took a cab to work today or rode the Metro or bought a cup of coffee or walked down the sidewalk or were protected by a police officer, your safety, your livelihood, every aspect of your life was made possible by people who have no vote in our democratic society. There is no excuse for that.

Now, we have heard from people who say, well, we should change this, but let's amend the Constitution. We have tried that. Very difficult.

We have heard from people who say, well, we should change this, but let's do it another way that will take forever and that haven't worked. This way we are told, doing it by statute, giving the District of Columbia a vote in the House by statute, is unconstitutional.

Well, it is not unconstitutional. The fact is the Constitution says that the Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District, as may, by cession of particular States, become the seat of the Government of the United States. Exclusive jurisdiction. Very plenary power.

The Constitution also says in Article III, discussing the powers of Federal courts: The judicial power shall extend to controversies between citizens of different States, so-called diversity jurisdiction.

One of the earlier cases cited by the Supreme Court was that citizens of the District of Columbia have standing to go into Federal court and sue citizens of a different State, of any State under diversity jurisdiction, because the District of Columbia, for that purpose at least, is considered a State, and the Supreme Court was very clear on this. And if the District of Columbia is a State for purposes of diversity jurisdiction under Article III of the Constitution, there is no reason why Congress cannot take advantage of that fact and legislate under its exclusive jurisdiction clause that the District of Columbia is a State for purposes of representation in the House of Representatives.

The judicial cases are fairly clear. We have ample constitutional authority to do this, and we should take that up. Let those who are opposed to American citizens having taxation without representation, let those who are supportive of American citizens be subjected to taxation without representation, let those who are opposed to American citizens having the full rights of citizens, let them go to court and argue that it is unconstitutional. Let us assert our authority, because we believe it is constitutional. The courts will ultimately decide if the Bush administration continues to oppose this bill and has threatened to veto.

What I don't hear from the administration is any concern about the injustice of depriving D.C. citizens of the right to vote, which speaks volumes about the administration's hostility to voting rights.

If we are to have the audacity to hold ourselves out to the world as a beacon of freedom and democracy, if we want to lecture other countries about the importance of freedom and democracy, as this Congress and the President regularly seek to do, we need to clean up our own House. I urge passage of this bill.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California, Mr. DANIEL E. LUNGREN, a member of the Judiciary Committee and a former attorney general of the State of California.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, after listening to several Members on the other side of the aisle, I can only come to one conclusion; and that is, the U.S. Constitution is an inconvenient thing.

We have heard that it may take too long to do it the constitutional way. We have even heard suggested here that, if you oppose this, you are against voting rights.

Well, as a former prosecutor, I can tell you I am absolutely, morally convinced of certain people who are not convicted of crimes they committed because of constitutional protections given them during trial; the Constitution was inconvenient, the Constitution did not allow us to do justice. But the Constitution prevailed, because if we ignore the Constitution, we ignore the very compact which is the basis of our relationship with our government. The vote today is more about the representational status of the District of Columbia in this body. It goes to the heart of constitutional governance.

Some in this House would have us believe that the Constitution is so sophisticated, so foreign, so strange that the words used, that only a few people can define its meaning, that the people of America are not capable of understanding the words of the Constitution, and, therefore, we should genuflect at the altar of the elite.

Well, let's look at the words. Article I, section 2 states very simply: The House of Representatives shall be composed of Members chosen by the people of the several States. By the people of the several States.

It says in Article I, section 2: No person shall be a representative who shall not have attained the age of 25, been 7 years a citizens of the United States, and who shall not when elected be an inhabitant of the State in which he shall be chosen.

Madam Speaker, those words are so simple, and yet we try to make them so complicated. Let's at least uphold the Constitution in this debate.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds. I refer the former attorney general of the State of California to the list we have right now about 10 decisions in which reviews, under the constitutional authority, D.C. as a State.

Madam Speaker, I am pleased now to yield 5 minutes to the distinguished lady, a member of the committee and who has served with great distinction on the House Judiciary Committee for constitutional questions, SHEILA JACKSON-LEE of Houston, Texas.

Ms. JACKSON-LEE of Texas. Mr. CONYERS, may I pay tribute to you? It gives me such a privilege to be able to come to this floor with you as the chairperson of the House Judiciary Committee, along with the ranking member, who is a friend and colleague from Texas. But it is a special honor, and it humbles many of us, because a lot of us were not here for the debate on the Civil Rights Act of 1964 and the Voter Rights Act of 1965. Many Americans think that that bill only pertains and helps people of color, but really what it does is it restores that legislation, the value and the preciousness of the right to vote for all Americans. I am gratified that Chairman CONYERS, who has a history with restoring the rights of Americans to vote, now finds himself on the floor in the doorway of history to be able to reaffirm the Constitution.

And I heard my good friend, and I am glad that you will hear from my colleague from Texas, Congressman AL GREEN, who spent a few days on the bench and I think would recognize a Constitution when he would see it. But I think this is important, because if the American people are listening, there is some suggestion, what kind of irreverent actions are occurring on this floor? Why are we ignoring the Constitution? And I take great umbrage with that. I am sensitive to that. My very fabric of my existence is embedded in the 13th, 14th, and 15th amendment. I want the Constitution to be cherished, and I want it to be right.

So let me just recount for you why we can move from one section to the next, and it relates to the constitutionality of what we are doing. And I would only hope that my friends would not be rejecting this bill because, in fact, it is the District of Columbia. And let me remind America that Utah is given an opportunity for its citizens to be represented.

But in 1820, the Supreme Court held that Congress could impose Federal taxes on the District, and it was related to the provision in here that says representatives and direct taxes shall be apportioned among the several States. So we tax them based upon language in the Constitution that they equal the States.

Then in 1889, the Supreme Court found that the constitutional prohibition against State laws that interfere with commerce applies to States and the District of Columbia, again equating the District of Columbia to States.

And then in 1934, the Supreme Court found that Congress could treat the District of Columbia as a State.

So in the Constitution it says that: The House of Representatives shall be composed of Members chosen every second year by the people of several States.

But it also says that this Congress has jurisdiction in clause 17 under section 8 over the District of Columbia, and that is what we are doing here today. We are correcting a wrong, an ill. We are correcting a disease. We are equating this city to the rights of Iraqis, who are now able to vote for all of those they want to vote for, albeit it is in a troubled situation.

And so I would simply commend my colleagues to this, and to suggest that there was something wrong in the rule for not asking for an expedited Supreme Court review, my friends, the Supreme Court will be able to deliberate on this particular legislation in due time and be able to render a decision and expedited request warrants or suggests there should be a crisis. There was not an expedited request in the election of 2000, and the Supreme Court decided it in 4 or 5 days. For me, that was an emergency.

Mr. CONYERS. Madam Speaker, if the gentlelady will yield, I ask her, why would we be asking for special standing, we in the Congress? Why would we be asking for an expedited review? Can't the courts decide who gets either of those two special privileges to come to the front of the line?

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Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his inquiry. He made a very good point: can't the courts reconcile the issues between the two parties on their own expedited time. They can. And that is the example I used with the issue in the election of 2000. As you well know, that case, Gore v. Bush, went to the United States Supreme Court on their own expediting, and a decision was made between four or five days.

My friends, this is a smoke-and-mirror issue. We welcome the Supreme Court's review. But today, we are holding up the Constitution, and I hope that as we hold it up, we will reflect upon those whose blood has been shed on behalf of this country, that we are giving them the right to vote legally, and under the Constitution.

Madam Speaker, I rise in strong support of H.R. 1433, the District of Columbia House Voting Rights Act of 2007, and thank the chairman of the Judiciary Committee for his leadership in shepherding this important piece of legislation to the floor. Today we remove a stain that has blighted our Nation for more than 200 years of shame and correct an injustice to the citizens of the District of Columbia.

H.R. 1433 would permanently expand the U.S. House of Representatives from 435 to 437 seats, providing a new, at-large seat to Utah and a vote to the District of Columbia. Based on the 2000 Census, Utah is the State next in line to enlarge its congressional delegation. The bill does not give the District statehood, nor does it give the District representation in the Senate. Rather, in H.R. 1433 Congress is simply treating the District as a congressional district for the purposes of granting full House representation, as it can pursuant to the grant of plenary power over the District of Columbia conferred by the Constitution in article I, section 8, clause 17.

At the outset, let me address the claim that H.R. 1433 is a weak foundation upon which to base the District's voting rights in the House because it is a statutory rather a constitutionally based remedy. The argument should be rejected for the simple reason that it makes the perfect the enemy of the good. It is like asking a person to remain homeless while she saves to buy a house even though she has enough money to rent an apartment.

Madam Speaker, let us not lose sight of one indisputable and shameful fact: Nearly 500,000 people living in the District of Columbia lack direct voting representation in the House of Representatives and Senate. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, and assume other responsibilities of U.S. citizenship. For over 200 years, the District has been denied voting representation in Congress—the entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions.

Madam Speaker, if a person can be called upon to pay Federal taxes and serve in the Armed Forces of the United States, then he or she should at least have the opportunity to vote for a representative who could at least cast a symbolic vote in this Chamber on critical matters facing our Nation—issues like war and peace, equality and justice.

Madam Speaker, taxation without representation is tyranny. It is unconscionable that more than a half million American citizens are being unconscionably denied a vote and a voice in the most important legislative body in the world.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a Representative in Congress who can vote on the vital legislation considered in this body.

Madam Speaker, it is wrong that we must be reminded daily by license plates in the District of Columbia that "Taxation without representation is tyranny." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

The principle that political authority derives from the consent of the government is no less applicable when it comes to the District of Columbia. Let us be clear. There is no dispute that hundreds of thousands of American citizens reside in the District of Columbia. We all agree that universal suffrage is the hallmark of a democratic regime, of which the United States is the world's leading exemplar.

None of us believes it is fair that citizens of the District of Columbia pay Federal taxes, risk life and limb fighting wars abroad to protect American democracy and extend the blessings of liberty to people living in foreign lands. In short, there is no moral reason to deny the citizens of the District of Columbia the right to full representation in Congress. The only question is whether Congress has the will and the constitutional authority to do so. As I will discuss, Congress has always had the constitutional authority. For the last 12 years, we have not had the will; but now we do.

CONGRESS CAN GRANT VOTING RIGHTS TO THE DISTRICT UNDER THE DISTRICT CLAUSE

As Professor Dinh argued in his powerful testimony before this Committee, Congress has ample constitutional authority to enact H.R. 1433 under the Constitution's "District Clause." Art. I, §8, cl. 17. The District Clause empowers Congress to "exercise exclusive Legislation in all Cases whatsoever, over such District" and thus grants Congress plenary and exclusive authority to legislate all matters concerning the District. The text, history and structure of the Constitution, as well as judicial decisions and pronouncements in analogous or related contexts, confirms that this broad legislative authority extends to the granting of congressional voting rights for District residents.

The District Clause, which has been described by no less a constitutional authority as Judge Kenneth Starr as "majestic in its scope," gives Congress plenary and exclusive power to legislate for the District. Courts have held that the District Clause is "sweeping and inclusive in character" and gives Congress "extraordinary and plenary power" over the District. It empowers Congress to legislate within the District for "every proper purpose of government." Congress therefore possesses "full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end," subject, of course, to the negative prohibitions of the Constitution.

Although, the District is not a State for purposes of Congress's article I, section 2, clause 1, which states that Members of the House are chosen "by the people of the several States," this fact is not dispositive of Congress's authority under the District Clause to give residents of the District the same rights as citizens of a State. Since 1805, the Supreme Court has recognized that Congress has the authority to treat the District like a State, and Congress has repeatedly exercised this authority. No court has ever sustained a challenge to Congress's exercise of its power under the District Clause.

Two related Supreme Court cases illustrate this point. In *Hepburn* v. *Ellzey*, 6 U.S. 445 (1805), the Court held that the diversity jurisdiction provision of article III, section 2 of the U.S. Constitution excluded citizens of the District of Columbia. The Court observed, however, that it was "extraordinary" that residents of the District should be denied the same access to Federal courts provided to aliens and State residents, and invited Congress to craft a solution, noting that the matter was "a subject for legislative, not judicial consideration."

Congress accepted that invitation 145 years later and enacted legislation that explicitly granted District residents access to Federal courts on diversity grounds. That legislation was upheld by the Supreme Court in 1949 in *National Mutual Insurance Company* v. *Tidewater Transfer Company,* 337 U.S. 582 (1949). A plurality of the Court led by Justice Jackson held that Congress could for this purpose treat District residents as though they were State residents pursuant to its authority under the District Clause. The two concurring justices would have gone even further; they argued that Hepburn should be overruled and that the District should be considered a State for purposes of Article III.

Tidewater strongly supports Congress's authority to provide the District a House Representative via simple legislation. As the plurality explained, because Congress unquestionably had the greater power to provide District residents diversity-based jurisdiction in special article I courts, it surely could accomplish the more limited result of granting District residents diversity-based access to existing article III courts. Similarly, Congress's authority to grant the District full rights of statehood—or grant its residents voting rights through retrocession—by simple legislation suggests that it may, by simple legislation, take the more modest step of providing citizens of the District with a voice in the House of Representatives. Indeed, since Congress has granted voting representation to residents of Federal enclaves in *Evans* v. *Cornman*, 398 U.S. 419 (1970), and to Americans living abroad through the Overseas Voting Act, there is no reason to suppose that Congress has less ability to provide voting representation to the residents of the Nation's capital.

II. CONGRESS MAY DIRECT THE NEXT-ENTITLED STATE TO ELECT ITS ADDITIONAL REPRESENTATIVE AT LARGE

H.R. 1433 also grants an additional congressional seat to the State of Utah as the next-entitled State and directs that State to elect its additional Representative at large, rather than creating an additional single-Member district. Congress plainly has the authority to do so. This statutory scheme does not violate the "one person, one vote" principle.

As the Supreme Court held in *Wesberry* v. *Sanders*, 376 U.S. 1 (1964), "the command of Article I, Section 2 [of the Constitution], that Representatives be chosen 'by the People of the Several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." In that case the Court struck down a Georgia apportionment statute because it created a congressional district that had two-to-three times as many residents as Georgia's nine other congressional districts. The Court stated:

> The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

"One person, one vote" concerns arise when congressional districts within a State contain different numbers of residents, diluting the voting power of residents in the district with more residents. In contrast, here the proposed temporary "at large" district in Utah does not dilute the voting power of any Utah voter.

When Utah holds its at-large election for the new fourth seat, Utah voters may cast a vote in their existing district and in the statewide election for the fourth seat. While it is true that the statewide "at large" district will necessarily contain more residents than the other districts, the establishment of that "at large" district would create no constitutional dilution concerns. Each person's vote in the "at large" district would have equal influence, and the opportunity to cast that vote would not alter in any way the value of that person's vote in her own smaller district.

Nor does a potential "one person, one vote" challenge arise on the ground that Utah residents vote in two elections while residents of other States with single-member districts would vote only once. First, the Supreme Court has never held that the "one person, one vote" principle applies to the apportionment process. Indeed, the Court has held that Congress is entitled to substantial deference in its apportionment decisions. Second, the proposed at-large election does not give residents of the State more or less voting power than the residents of States with single-Member districts. The example cited by Richard Bress, one of the witnesses who testified before the Judiciary Committee in support of the bill, illustrates why this is so.

Suppose that State A and State B have roughly the same population and are each entitled to four Representatives. State A holds an at-large election for all four of its Representatives, while State B divides its Representatives and voters into four districts. State A's statewide district would have a population four times the size of each district in State B. As compared to the single-district voter in State B, the "at-large" voter in State A has a one-fourth interest in each of four Representatives. The single-district voter in State B has a whole interest in one Representative. But in both scenarios, each voter has, in the aggregate, one whole voting interest.

Similarly, as compared to a State with four single-Member districts, the voters in Utah's existing three districts would have proportionately less influence in the election of the Representative from their own district, but would gain a fractional interest in the State's at-large Representative. In short, Utah residents would have no more—and no less—voting power than residents of any other State.

III. CONCLUSION

For these reasons, I believe H.R. 1433 is constitutionally unassailable. Granting voting rights to the citizens of the District of Columbia is a matter of simple justice. I know it is morally right. It is also long overdue. Let us end this injustice and be true to the better angels of our nature. I urge all Members to join me in voting for H.R. 1433.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee and the deputy and ranking member of the Crime Subcommittee.

Mr. GOHMERT. Madam Speaker, it is important to look at the words of the Constitution themselves. It says very clearly, and this is Article I, section 2. This is what talks about who will comprise the House of Representatives, who will comprise the Congress. It says "it shall be composed of members that come from the several States." It is very clear.

Now, all of the people that testified before the Judiciary Committee who were supporting this amendment through legislation said, well, they base that on section 8, which says we can exercise exclusive legislation over the District. But once you open that door you have opened Pandora's box, because that same clause, that same paragraph says, exercise like authority over all places, that should include things like places where we have forts, magazines, arsenals, dark yards and other needful buildings. Once you go there, then every military institution in America could have a representative. Every needful Federal building in America could have a representative. That is what happens when you start bending and twisting the Constitution.

Now, these arguments were had when the Constitution was written. Alexander Hamilton lost. And there is a good position that people should be able to elect their representative, and that was discussed. But I would submit to you that Washington, D.C. is also the only city in the entire country that every Senator and every Member of Congress has a vested interest in seeing that it works properly, that water works, sewer works, and no other city in America has that.

In conclusion, let me just say, south of Columbus, Georgia, used to be an old blacksmith iron work shop with a sign above the door that said "All types of bending and twisting done here." And I would humbly submit the Constitution should not have the same sign on the front of it. The Constitution is clear. Let's don't bend and twist it.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute because the speaker from Texas, Mr. GOHMERT, a valuable member of Judiciary, a highly praised judge, and a supporter of gun rights too, incidentally ignores a decision that just came out of the federal court, just recently, within weeks, Parker v. Williams, which held that the second amendment renders the District's gun ban unconstitutional—which I was sorry to hear, but he probably wasn't—in that "a well regulated militia being necessary to the security of a free State, the right of the people to bear arms shall not be infringed."

The court held that D.C. was a State for purposes of the Constitution's second amendment.

Madam Speaker, I reserve the rest of my time.

The gentlelady from Los Angeles, California, has come upon the floor. I know she wants to speak on this, and I recognize MAXINE WATERS from California for 3 minutes on this subject.

Ms. WATERS. Thank you so very much, Madam Speaker, and Chairman JOHN CONYERS.

A lot of people want to know what difference does it make that Democrats are now in the majority. This is a fine example. Chairman CONYERS and others have been working on this issue for so very long.

And I rise in support of H.R. 1433, the District of Columbia House Voting Rights Act of 2007, of which I am a proud cosponsor.

In a country where basic human and civil rights were only incrementally given to similarly situated citizens throughout its history, I applaud my colleagues for their courage and integrity to consider this measure and support its passage after 200 years of injustice.

I thank the gentlelady from the District of Columbia (Ms. NORTON) and the gentleman from Virginia (Mr. TOM DAVIS) for their leadership and tenacity. Ms. NORTON has consistently fought for the 16 years since she was first elected to Congress as my classmate in the 102nd Congress.

Just like securing the right to vote, or securing civil rights, for that matter, for African Americans, women and other minorities was a long fight with slow rewards, seeking the franchisement of D.C. citizens has been equally as difficult.

Just as it was shameful and unconscionable for African Americans and women to not have a vote until the passage of the 19th amendment, and of the 1965 Voting Rights Act, it is unconscionable for tax-paying citizens in America not to have a vote in Congress in the 21st century.

It is even more ironic that D.C. citizens have no vote in Congress when it operates right in their back yard. To discriminate against tax-paying citizens for over 200 years is an embarrassment to our democracy and undermines fundamental constitutional principles.

Nowhere in the United States Constitution is the word "State" defined, but some of our colleagues now wish to gerrymander a definition that would somehow distinguish citizens of D.C. from citizens of every other voting State.

Furthermore, not only does the guaranty clause, which reads that "the United States shall guarantee a republican form of government," but the fifth amendment equal protection clause, which insures that all persons of the United States enjoy equal protection of the laws, make it clear that D.C. citizens should receive voting representation.

Article IV, section 4 of the Constitution guarantees us a republican form of government. And the Supreme Court has defined a republican form of government as one constructed on the principle that the superior power resides in the body of the people. Are D.C. citizens not a part of the people?

Mr. Chairman, in this new Congress we hope to rid America of all traces of disenfranchisement, of impediments to voting. And giving D.C. residents a vote in the Congress is a major part of this goal.

I thank you, Congressman JOHN CONYERS, for your leadership.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to my friend from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee.

Mr. GOODLATTE. Madam Speaker, I rise in opposition to H.R. 1433, the District of Columbia Voting Rights Act.

There is no doubt that citizens of the District of Columbia do not have a full voting representation in the House of Representatives. However, there are ways that these individuals can receive representation without trampling on the Constitution. Unfortunately, this bill is not one of them.

The Constitution does not mince words when it says that Members of

Congress may only be elected from the States. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

The Constitution also does not mince words when it distinguishes the District of Columbia from a State. In describing the powers of the Congress, Article I, section 8 describes the seat of Federal Government as a district, not exceeding 10 miles square, as made by cessation of particular States and the acceptance of Congress, become the seat of government of the United States.

Furthermore, the text of the 23rd amendment to the Constitution further illustrates that the District was never meant to have the same rights as States. Specifically, it grants D.C. the power to appoint a number of electors, a President and Vice President, equal to the whole number of Senators and Representatives in Congress to which the district would be entitled if it were a State.

The plain language of the Constitution is clear, that D.C. is not a State and that it is not granted the same rights as States. However, the constitutional problems with this bill do not end here. The bill would also establish an at-large representative for Utah, which would allow the citizens of Utah to vote twice, once for their local representative and another time for an at-large representative. This would clearly violate the constitutional principle of one man-one vote by granting Utah citizens disproportionately large voting power.

Finally, the procedure for bringing this bill to the floor is appalling. Debate has been eliminated on a bill that affects the relative voting power of citizens in each of our congressional districts. Ranking Member SMITH offered an amendment which would have provided for an expedited judicial review.

I urge my colleagues to vote against this legislation which is clearly unconstitutional.

I rise in opposition to H.R. 1433, the District of Columbia house voting rights act.

There is no doubt that citizens of D.C. do not have a full voting representative in the house of Representatives. However, there are ways that these individuals can receive representation without trampling on the Constitution. Unfortunately, this bill is not one of them.

The Constitution does not mince words when it says that members of Congress may only be elected from the states. Article I Section 2 states that "The House of Representatives shall be composed of members chosen every second year by the people of the several States." The Constitution also does not mince words when it distinguishes the District of Columbia from a State. In describing the powers of the Congress, Article I Section 8 describes the seat of Federal Government as a "District (not exceeding ten miles square) as may, by cessation of particular states, and the acceptance of Congress, become the seat of government of the United States."

Furthermore, the text of the 23rd amendment to the Constitution further illustrates that the district was never meant to have the same rights as States. Specifically, it grants D.C. the power to appoint "a number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State . . ."

The plain language of the Constitution is clear that D.C. is not a State and that it is not granted the same rights as States. However, the Constitutional problems with this bill do not end here. The bill would also establish an at-large representative for Utah, which would allow the citizens of Utah to vote twice—once for their local representative and another time for an at-large representative. This would clearly violate the Constitutional principle of "one man, one vote" by granting Utah citizens disproportionately large voting power.

Finally, the procedure for bringing this bill to the floor is appalling. Debate has been eliminated on a bill that affects the relative voting power of citizens in each of our congressional districts. Ranking member SMITH offered an amendment which would have provided for an expedited judicial review of the bill after it is enacted, to determine its constitutionality. It is revealing that the majority decided to block that amendment which would have settled the Constitutional concerns about this legislation.

For all these reasons, I urge my colleagues to oppose this ill-crafted legislation.

Mr. CONYERS. Madam Speaker, I reserve my time.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA), a member of the Judiciary Committee and also a member of its Constitution Subcommittee.

Mr. ISSA. Madam Speaker, it is an unusual day in which the cosponsor of a bill, not in just this Congress but in the previous Congress, comes to oppose the final passage. It is not that I object to the people of the District of Columbia gaining a vote in this body, just the opposite. For two Congresses I have worked with Chairman DAVIS, now Ranking Member DAVIS, to achieve that.

It is that, for whatever reason, in this Democratically controlled Congress, we have lost democracy. In the regular order of the two committees, amendments were offered, some were passed, some failed. One that was passed was one of mine. It intended to make clear the Maryland relationship to the District of Columbia. It was a fairly small technical amendment. The Democrat majority, led by Speaker PELOSI, chose to strip that out of what was brought to the floor, to my amazement, but not amusement. And then when I offered the same amendment to the Rules Committee, they voted not to allow it. So that which was voted in the committee of jurisdiction was stripped out by the leadership and then refused to be considered in the body of the whole. That is without any democratic fairness.

I am not here to complain about process. I believed it was an essential piece of language when this legislation was considered. So without it, I feel I am compelled not only to vote against it, but to seek alternate remedies for future legislation.

We cannot, in this body, Madam Speaker, allow the Speaker of the House or the House majority leader to simply eliminate the tradition of how we do business in order to reach democratically produced legislation. So I will be voting against this bill, and it will be a vote against the kind of heavy-handedness that led to this bill being less than it could have been.

Mr. CONYERS. Madam Speaker, we continue to reserve time.

Mr. SMITH of Texas. Madam Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. JORDAN), a valued member of the Judiciary Committee.

Mr. JORDAN of Ohio. Madam Speaker, the United States of America is the greatest Nation in human history. And that is due to a number of reasons, number of facts, number of truths that make that so. But certainly, one of those is the document we call the United States Constitution. And on giving the District of Columbia a voting Member in Congress, the United States Constitution could not be more clear. And let me just read what other Members have read: "Article I, section 2, the House of Representatives shall be composed of Members chosen every second year by the people of the several States. No person shall be a Representative who shall not have attained to the age of 25 years and have been 7 years a citizen of the United States and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. Further, when vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."

State, State, State. Three different times the word State is used. The District of Columbia is not a State. I can't help that inconvenient fact, as someone has said earlier. But those are the facts. You don't have to be a lawyer. You don't have to be a judge. You don't have to sit on the Supreme Court to understand what the Constitution says.

This bill is unconstitutional, and that is why I oppose it.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), another valued member of the Judiciary Committee, and also the ranking member of one of its subcommittees.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman, and ranking member, Mr. SMITH, for yielding and for his leadership on this issue.

I come to the floor here to stand up for this Constitution. That is my oath as it is all of our oaths here. We all stand here on the floor of Congress and take an oath to this Constitution, Madam Speaker. And the language in this Constitution has been many times stated. It is utterly clear. But I want to draw a distinction here that has not been emphasized very much and that is that if you can rationalize that the District of Columbia can constitutionally be conferred a Member by this Congress, then you also have to rationalize that same rationale that two Senators can be conferred upon the District of Columbia as well.

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And I point your attention to, Madam Speaker, Article I, section 2 and the operative language: "The House of Representatives shall be composed of Members chosen every second year by," and this is the distinct language, "by the people of the several States."

In Article I, section 3, when you incorporate the 17th amendment into it, reads: "The Senate of the United States shall be composed of two Senators from each State," just like a Member chosen by the State, but elected by the people thereof; elected by the people thereof in section 3; chosen by the people of the several States in section 2. They each reference "States." There is not a distinction. If you can constitutionally confer a Member of Congress, you can do the same thing for Senators.

And I would point out also that a couple of bright legal minds that have weighed in on this, Ken Starr and Viet Dinh, people whom I do respect, also I believe they made an argument that is taught in law school: How do you analyze both sides of the argument so you can make both sides or defend either side?

And I think it is just an utterly weak argument that they made. And the simple principle was that between 1791 and 1801, that 10-year period of time, Virginia and Maryland, those residents that existed and lived in this District that was contemplated by the Framers of the Constitution were granted temporarily the right to vote in their respective States until such time as this Federal jurisdiction was established.

Just because there is consensus agreement among the House, the Senate, and the President does not constitute a constitutional principle.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, as chairman of the Congressional Constitution Caucus and as a Representative of the State of New Jersey, I come to the floor to strongly oppose this unconstitutional taking away, diminution, and reducing of voting rights for citizens of my district in the State of New Jersey.

The sponsors of the bill do this in order to accommodate the equally unconstitutional creation of voting rights in an area of this country that is not a State. And it has been pointed out already that there is a legal and constitutional manner to enfranchise these people of the District of Columbia.

But in section 4.5 of the bill, the sponsor gives some citizens of another State, Utah, two votes in Congress for every one vote for my citizens in the State of New Jersey.

The Founding Fathers of this Nation never intended that one State would be more equal than another State. The Founding Fathers of this country never intended that Congress could strip away rights to vote from my State to give it to another. The Founding Fathers never intended that Congress would create a situation that one State would be second class to another State.

I urge my colleagues from New Jersey to vote against this bill.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to my colleague from Texas (Mr. POE).

Mr. POE. Madam Speaker, I am glad that we are finally discussing the U.S. Constitution. So much legislation goes through this House from both sides where the Constitution is never mentioned as to whether it is constitutional or not.

No question about it: the folks in Washington, D.C. ought to be represented in the House. But the Constitution does not allow it except by constitutional amendment. And history is on the side of what I say.

The 23rd amendment to the Constitution that was approved in 1961 gives the District of Columbia and the people here representation or voting in the Presidential election by giving them three electors. It took a constitutional amendment to give them that right. The arguments were made then that are being made now. D.C. was not a State in 1961 any more than it is a State today.

So let us proceed. Let us proceed with a constitutional amendment if need be and give the folks in Washington, D.C. a representation in this House of Representatives. But do it the right way. Do it the constitutional way, not by just some legislation of Congress.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), a senior Member of this body.

Mr. REGULA. Madam Speaker, I have a little bit different approach to this. I have been introducing a bill in several sessions which would provide for retrocession of the city of Washington, D.C. minus the Federal portion to the State of Maryland. This would give the people who reside in Washington, D.C. a chance to vote on Senators. It would give them a chance to vote on legislators. It would give the people who live here a chance to participate in the university system, the highway system, economic development. A lot of things would accrue to the benefit of the people if we would have retrocession of the city minus the Federal portion.

There is precedent for this in the fact that originally we had a portion of it retrocede to Virginia, and I think retroceding the balance to Maryland would make a lot of sense for the people. It would give them what they are seeking, which would be a vote not just for Congress but for Senators, for the legislators, and it would be a way in which they could more effectively participate.

Madam Speaker, I rise in opposition to this legislation. I want to be clear, however, that I have long been an advocate of voting rights for the residents of the District of Columbia. Beginning with my service on the DC Appropriations Subcommittee in 1987, I have been keenly aware of this unfair situation within our democracy. Virtually every Congress since then I have introduced legislation that would give the District of Columbia residents representation in Congress. Voting is a privilege that our founding fathers intended every American to have, and giving this right to DC residents is a matter of doing what is right. Yet 200 years have passed since DC residents lost their voting rights and they continue to express dissatisfaction over their lack of voting representation in Congress.

Because of this frustrating situation and the numerous failed attempts to grant DC either statehood or a voting representative, I have advocated for a simple, sound and proven process to give DC residents voting rights. This process is known as retrocession or reunion. Through this process, the District, barring a small Federal enclave, would be returned to the State of Maryland, which originally ceded the land in 1790.

Retrocession would be beneficial for both the District and Maryland. The voting rights issue would be resolved, as DC residents would gain not only a voting representative in the House of Representatives but also two in the United States Senate. The residents also would gain new representation on the State level and enjoy access to Maryland's State infrastructure, facilities and assistance programs. On a very local level, Washington, as a city in a state, would regain the local decision-making authority it has been seeking for so long.

Conversely, by gaining the District's nearly 600,000 residents, Maryland would gain a seat in the House and extend its influence in Congress. With the Nation's 2nd highest per capita income, District residents would enhance Maryland's tax base and help create the 4th largest regional market in the country.

Canada offers a prime example of how this proposal could work. Its capital, Ottawa, lies in the province of Ontario and sends representatives to the provincial parliament in Toronto as well as the federal parliament as part of the Ontario delegation. Also, in 1790, Alexandria, Virginia was in a similar position to DC. Alexandria was included in the area chosen by

George Washington to become the District of Columbia. A portion of the City of Alexandria and all of today's Arlington County share the distinction of having been originally in Virginia, ceded to the U.S. Government to form the District of Columbia, and later retroceded to Virginia by the Federal Government in 1846, when the District was reduced in size to exclude the portion south of the Potomac River.

I believe this framework is the most logical and constitutionally sound way to give DC residents the voting rights they deserve. Additionally, as I mentioned previously, the precedent already exists. Let's pursue a realistic solution to restore the rights of District residents and provide them with a better future.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. FEENEY), a former Speaker of the House in Florida.

Mr. FEENEY. Madam Speaker, I find almost a surreal debate going on with my friends on the left side of the House saying to us don't you like democracy. We have got soldiers fighting for democracy throughout the world, while we are saying to our friends on the left, don't you like the Constitution?

The question is are we a pure democracy or a constitutional republic? The Constitution is made up of powers delegated by the States, and the States alone, to the Federal Government. The States and the States alone, according to the language of the Constitution, are represented in the U.S. House.

If you believe in democracy, use the constitutional amendment process, use the retrocession process. If you have a quarrel with the Constitution, it is not because you don't like the position of the Republicans and the minority in this House. It is because your quarrel is with the Founding Fathers.

Hamilton tried to get this provision in the Constitution, representation for D.C. The Founding Fathers considered it and they rejected it.

So, again, we are for democracy within a constitutional republic status. We are not an unadulterated democracy. We are a constitutional republic.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Nevada (Mr. HELLER).

Mr. HELLER of Nevada. Madam Speaker, I thank the ranking member for yielding.

I rise in opposition to this legislation. The matter is a question of basic fairness, but also serious constitutional concern.

As a former Secretary of State for the State of Nevada, I have spent years trying to figure out ways to promote voting, and I support the voting rights of all Americans. I additionally understand the concerns of Utah for its population that lives abroad outside its borders and their desire for an extra seat.

But I will tell you until this year, Nevada has had a 20-year grip as the fastest-growing State in the Nation, and Nevada's population is about even to Utah's, but Nevada is growing significantly faster than our neighbor.

I understand the concerns of my Utah colleagues following the 2000 census; but to give Utah an extra seat at the expense of Nevada would, arguably, slight Nevada.

I know the intent is good, but the means by which we achieve them are just as important, and I urge a "no" vote.

Mr. CONYERS. Madam Speaker, I am proud to yield 1 minute to the most patient Member in the House of Representatives, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I thank the chairman for yielding.

I want to make it conspicuously clear that I love the Constitution. And I understand that there are constitutional scholars on both sides of this issue.

There were constitutional scholars on both sides of Dred Scott. There were constitutional scholars on both sides of Plessy vs. Ferguson. There were constitutional scholars on both sides of Brown vs. The Board of Education.

The question is which side are you on? Which side are you on today?

I stand with the half million people, more than a half million people, in the District of Columbia who do not have full representation in the United States Congress. Which side are we on today?

I stand with ending 206 years of injustice on people who are citizens of the United States who live in the District of Columbia. I stand on the side of ending taxation without representation. I stand with the chairman and I want to especially say that I stand with the majority leader, who stood here and made me proud of him today. Just when I think that the stock of the chairman of this committee and the majority leader can't go any higher, it goes up.

I stand for government of the people, by the people, and for the people.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am proud to yield 1 full minute to RUSH HOLT of New Jersey.

Mr. HOLT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the constitutional history of the United States has been the expansion of the voting franchise. Our history has been to expand the rights and responsibilities of citizenship.

With respect to the District of Columbia, the Constitution provides that the Congress shall have the power to exercise exclusive legislation. It does not say that the price is the loss of the franchise.

As a youngster who lived here in the District of Columbia, I was told by some that residents of D.C. were special. My colleague from Texas used the word "distinctive" awhile ago, that somehow we were honored to have Congress govern us even though we did not have representation.

What a strange honor. It is truly paradoxical and ironic that residents of the seat of government of the greatest democracy in the world should not themselves have the right of direct representation, 600,000 citizens, citizens without the complete basic rights of citizens. Giving D.C.'s 600,000 residents direct representation of Congress is long overdue.

I rise today in support of the District of Columbia House Voting Rights Act of 2007, and I would like to commend my colleagues ELEANOR HOLMES NORTON and TOM DAVIS for their tireless efforts to bring this important measure to the Floor for a vote.

The United States Constitution, a relatively short and simple document, has utterly transformed the world in its 200 year history. It has served as a model for fledgling democracies everywhere, because of its establishment of a system under which the citizenry grant limited powers to the government and choose the individuals who will represent them in that government. The Constitutional history of the United States has been the expansion of the voting franchise. Our history has been to expand the rights and responsibilities of citizenship.

As for the District of Columbia, however, the Constitution provides that Congress shall have the power "to exercise exclusive legislation over such District (not exceeding ten miles square) as may . . . become the seat of government of the United States." It does not say that the price is disenfranchisement.

The importance of creating a neutral jurisdiction for the seat of the federal government under the exclusive control of Congress made sense at the time. As a youngster who lived in the District of Columbia many decades ago, I was told by some that residents of DC were special, distinctive as the gentleman, Mr. SMITH, that we were honored to have Congress govern us even though Congress worked without representation from us. What a strange honor! It is truly paradoxical that the residents of the seat of government of the greatest democracy in the world should not, themselves, have the rights to direct representation. The District of Columbia was created in 1790 and, in 1800, it had a population of just over 8,000. Today, it is home to about 600,000 citizens—citizens without the complete basic rights of citizens.

If enacted, H.R. 1433 would treat the District of Columbia like a congressional district for the purposes of allowing direct representation within the House of Representatives. This measure was reported out favorably by the House Committee on the Judiciary Committee by a margin of almost two to one, and subsequently by the House Committee on Oversight and Government by a margin of 25 to four. [Giving Washington D.C.'s 600,000 residents direct representation in Congress is long overdue;] I fully support this measure and I urge my colleagues to do the same.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentleman from

Ohio, DENNIS KUCINICH, a distinguished Member of this body.

Mr. KUCINICH. Madam Speaker, I thank the chairman for yielding.

D.C. residents shoulder the burden of a colossal injustice. They live within a system of governance that extracts the full range of taxes paid by all other U.S. citizens without the benefit of voting representation in the United States Congress.

The history of D.C. is the history of democracy denied. Its citizens have given the full measure of their allegiance to the United States. They fought in wars for the United States. They have paid taxes. They have provided labor, resources, and space to the United States Government. Yet for 200 years District residents have been bystanders in the governance of their Nation and city.

"Taxation without representation" is not just a good slogan. It is a plight that sparked revolution. We attempt to create democracies around the globe, but to deny democracy in the shadow of the U.S. capital, it is now time to end that.

Voting rights, civil rights, human rights are all one. Support this resolution.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 1 minute to my good friend from Virginia, JAMES MORAN.

Mr. MORAN of Virginia. Madam Speaker, I listened carefully to the arguments against this bill, and no one has made the argument that this is not the right thing to do. The opposition is hiding behind the language of the Constitution. I say "hide" because there are any number of interpretations and any number of conservative constitutional scholars who have said this is fully constitutional.

But it is the right thing to do because there is no jurisdiction, no State, no local government that has had more legislation passed in this body affecting them than the onerous provisions directly affecting the citizens of the District of Columbia and uniquely affecting them.

Forty-four thousand veterans are in the District of Columbia. Every D.C. resident pays Federal taxes.

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They are solid American citizens and there are more of them than in the entire state of Wyoming. They deserve voting representation.

Let me say one further thing. I represent the area in Alexandria that used to be part of the District of Columbia. When that area retroceded back to Virginia, on the front page of the Alexandria Gazette they described the freed men and freed women on their knees begging for citizens of Alexandria not to do this—not to deprive every black person of all their rights. But the entitled white people of Northern Virginia voted to deny them their rights because of racism. The history of this disenfranchisement of D.C. residents is not a pretty one. It needs to be undone.

Mr. CONYERS. Madam Speaker, I am proud to yield 1 minute to my friend the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I rise in strong support for voting rights for residents of the District of Columbia.

I would note, Madam Speaker, that this month is Women's History Month, and it took women many, many long years to gain the right to vote. It took a constitutional amendment in 1920 to give women the right to vote. But today we can vote to give the vote to the residents of the District of Columbia.

I would note that it was not until 1965 that the landmark Voting Rights Act was signed into law to outlaw discriminatory practices like literacy tests and to ensure that all Americans, regardless of race, had access to the ballot. Today we have the opportunity to take another historic step in the right direction by ending the disenfranchisement of hundreds of thousands of tax-paying Americans.

The people of the District of Columbia contribute to our national economy, they fight in our wars, and it is simply wrong that they not have representation.

I rise in strong support of voting rights for these residents.

Madam Speaker, I rise today in strong support of H.R. 1433, the "District of Columbia House Voting Rights Act," introduced by my good friend and colleague, Representative ELEANOR HOLMES NORTON.

She has been a steadfast champion for her constituents on many issues, and has worked tirelessly to bring this legislation to the floor today.

I want to commend her for her commitment to the residents of the District of Columbia, who for too long have been denied a voice in the House of Representatives.

We have seen through our own history the great struggles that have been endured to win the right to vote.

For women, it took a constitutional amendment in 1920 to give us the right the vote.

It was not until 1965 that the landmark "Voting Rights Act" was signed into law to outlaw discriminatory practices like literacy tests and to ensure that all Americans, regardless of race, had access to the ballot box.

Today, we are taking another step in the right direction by ending the disenfranchisement of hundreds of thousands of tax-paying Americans.

It is undemocratic that we can determine the taxes that District residents pay to the Federal Government, but they have not been able to elect a representative who has a say in what those taxes will be.

The people of the District of Columbia contribute to our national economy and they fight in wars.

It is simply wrong that their representative in the House does not have full voting rights.

The House of Representatives is known as "the people's house" yet for the people living in the District of Columbia, their voices have been silenced for far too long.

It is sadly ironic that the citizens living in the Nation's Capital do not have full representation in the House.

With this legislation, we will change history.

I urge my colleagues to support his legislation.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me summarize the reasons we should oppose this legislation. D.C. is not a State, and the Constitution clearly limits representation in the House to States.

Supporters of this bill claim Congress has the authority to enact this bill under a broad reading of the so-called "District clause" in Article I, section 8 of the Constitution. However, Article I, section 2 clearly says, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

The bill unfairly subjects many citizens to unequal treatment as well. H.R. 1433 grants Utah an additional Representative who will run statewide or at large. The at-large provision violates the principles of one man, one vote. Voters in Utah would be able to vote for two Representatives, their district Representative and their at-large Representative, whereas voters in every other State would only be able to vote for their one district Representative. The result would be that Utah voters will have disproportionately more voting power than the voters of every other State, and that, too, is clearly unconstitutional.

In 2000, the Federal District Court in D.C. itself stated, "We conclude from our analysis of the text that the Constitution does not contemplate that the District may serve as a State for purposes of the apportionment of congressional representatives."

Furthermore, Madam Speaker, this unconstitutional approach is completely unnecessary. Most of the District of Columbia, other than a few Federal buildings, could simply be returned to the State of Maryland. That process of retrocession is clearly allowed by the Constitution. That process could grant representation in the House to those in Washington by a simple majority vote. D.C. voters could then be represented by both House and Senate Members, an improvement over the current legislation.

Madam Speaker, finally, and for many good reasons, the administration also opposes this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield to the gentlewoman from California (Ms. WATSON) for the purpose of a unanimous-consent request.

Ms. WATSON. Madam Speaker, I just want to say that this is long overdue.

Madam Speaker, I am elated that this bill is finally reaching the House floor for a vote—that we might finally be granting a voice in Congress to half a million patriotic taxpaying Americans. I know that my colleague, ELEANOR HOLMES NORTON, is elated as well.

Democracy for District residents is long overdue. There are over 500,000 residents living in DC and they pay some of the highest income taxes in the Nation, but they do not have full representation in Congress. This is unacceptable. DC residents should have the voice and voting rights that the other 50 States in this country share.

Voting is fundamental to the Democratic process. It is the one act that allows the widest participation of the American public in our political process. Every voter who goes to the polls should be assured that his or her vote will be counted and the candidates they put in office will be able to have the voting power to voice their needs in this House.

Madam Speaker, I am hopeful that when this bill passes, I will soon be able to call my colleague from the District of Columbia Congresswoman HOLMES NORTON and she will be joining me on the floor to vote and represent the people of Washington, DC to the fullest.

Mr. CONYERS. Madam Speaker, I yield 30 seconds to the distinguished former member of the Judiciary Committee, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman.

Madam Speaker, this bill is about justice, it is about fairness and about democracy. What a terrible message we send when the people in the capital of the world's greatest democracy do not have a vote in the people's House.

I have the privilege of representing the district right next to Washington, D.C., and it is simply wrong that when you cross the border from Washington, D.C., into my district, you go from a district where you have no voting representation in Congress to one where you do.

We need to make sure that all the people in this country share the right to a vote in the people's House. I urge adoption of this bill.

Mr. CONYERS. Madam Speaker, I yield 30 seconds to the distinguished gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and his leadership in bringing this very important legislation to the floor.

This is a happy day indeed. It is an historic day. It is a day when the people of the District of Columbia will finally have their voices heard and represented.

This is a personal joy for me as well, because when I was born all those many years ago, my father served in the Congress, and he became the Chair of the District of Columbia Appropriations Subcommittee. As such, that was a time when there was no Mayor, no home rule, no anything; that committee practically ran the District of Columbia. My father was a strong advocate for home rule for the District, and, of course, we had hoped eventually, and still do, statehood.

It took a long time, but at last today we will get a vote once again for Congresswoman ELEANOR HOLMES NORTON. She has really been a champion for the District. Even without the full vote, her impact is felt here, but it is the right thing to do for her to have the vote.

Congressman DAVIS, as Chairman DAVIS and now as ranking member, has always been a strong advocate for this, as has HENRY WAXMAN, the Chair of the Government Reform Committee, and you, Mr. Chairman, from the standpoint of the Judiciary Committee.

How impressive it was to see the Iraqi vets, these young people, coming back from the Iraq war, and those serving in Afghanistan, where they were willing to make any sacrifice for our country. Their courage and patriotism is honored by all of us. They came and pled to us for the District of Columbia to have the vote. They live here, they went to war from here, they wanted to come home to the fullness of democracy for the District of Columbia.

Today's vote affirms an enduring principle of our democracy, the right to be heard and represented. They fought for that in Iraq. They should have it here in the District.

For more than 200 years, the people of the District of Columbia have been denied full representation. This carefully crafted, bipartisan legislation corrects a serious flaw in our democracy. America is at its best honoring the cause of freedom and justice when all voices are fully represented.

The effort to politicize the issue of fundamental fairness disrespects the ideals of this Nation and the people of the District of Columbia. We must honor our democracy. House Democrats will not rest until full representation in the House is granted to the District of Columbia.

This is an important day on which I congratulate Congresswoman ELEANOR HOLMES NORTON and the people of the District of Columbia for having this right come due.

Mr. CONYERS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I will insert in the RECORD under yesterday's date, March 21, a CRS report handed to me by ELEANOR HOLMES NORTON that validates the fact that the one man, one vote principle is not violated by the Utah creation of an at-large district.

Madam Speaker, we have had a lot of predictions from Members of the Congress who may be on the Supreme Court someday. They predicted unconstitutionality and constitutionality. Let's leave it up to the Court. But, remember, those challenging on the basis of unconstitutionality have the burden.

I close with this observation: The three recommendations we have had, a constitutional amendment; retrocession, giving D.C. back to Maryland; or statehood, are not going to work.

I urge support for this measure before us today.

CRS REPORT FOR CONGRESS: CONGRESSIONAL REDISTRICTING: THE CONSTITUTIONALITY OF CREATING AN AT-LARGE DISTRICT

(L. Paige Whitaker, Legislative Attorney)

SUMMARY

Among other provisions, H.R. 1433 (110th Cong.), the District of Columbia House Voting Rights Act of 2007, would expand the U.S. House of Representatives by two Members to a total of 437 Members. The first of these two new seats would be allocated to create a voting Member representing the District of Columbia, and the second seat would be assigned in accordance with 2000 census data and existing federal law, resulting in the addition of a fourth congressional seat in the state of Utah, which would be a temporary at-large district. This report is limited to discussing only the constitutionality of the creation of an at-large congressional district. While it is not without doubt, based on the authority granted to Congress under the Constitution to regulate congressional elections and relevant Supreme Court precedent, it appears that federal law establishing a temporary at-large congressional district would likely be upheld as constitutional.

H.R. 1433 (110TH CONG.), THE DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Among other provisions, H.R. 1433 (110th Cong.), the District of Columbia House Voting Rights Act of 2007, would expand the U.S. House of Representatives by two Members to a total of 437 Members. It specifies that the first of these two new seats would be allocated to create a voting Member representing the District of Columbia, and that the second seat would be assigned in accordance with 2000 census data and existing federal law, which would currently result in the addition of a fourth congressional seat in the state of Utah. This report is limited to considering only the issue of the constitutionality of the creation of an at-large congressional district.

H.R. 1433 (110th Cong.) was introduced on March 9, 2007, and supersedes H.R. 328, which was introduced earlier in the 110th Congress. On March 13, the House Government Oversight and Reform Committee reported H.R. 1433, by a vote of 24–5, and on March 15, the House Judiciary Committee reported the bill by a vote of 21–13.

BRIEF CONSTITUTIONAL ANALYSIS

The U.S. Constitution provides the states with primary authority over congressional elections, but grants Congress the final authority over most aspects of such elections. This congressional power is at its most broad in the case of House elections, which have historically been decided by a system of popular voting. Article I, §4, cl. 1 provides that:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Supreme Court and lower courts have interpreted this language to mean that Congress has extensive power to regulate most elements of congressional elections, including a broad authority to protect the integrity of those elections.

The Constitution does not specify how Members of the House are to be elected once they are apportioned to a state. Originally, most states having more than one Representative divided their territory into geographic districts, permitting only one Member of Congress to be elected from each district. Other states, however, allowed House candidates to run at-large or from multimember districts or from some combination of the two. In those states employing single-member districts, however, the problem of gerrymandering, the practice of drawing district lines in order to maximize political party advantage, quickly arose.

Accordingly, Congress began establishing standards for House districts. Congress first passed federal redistricting standards in 1842, when it added a requirement to the apportionment act of that year that Representatives "should be elected by districts composed of contiguous territory equal in number to the number of Representatives to which each said state shall be entitled, no one district electing more than one Representative." (5 Stat. 491.) The Apportionment Act of 1872 added another requirement to those first set out in 1842, stating that districts should contain "as nearly as practicable an equal number of inhabitants." (17 Stat. 492.) A further requirement of "compact territory" was added when the Apportionment Act of 1901 was adopted stating that districts must be made up of "contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants." (26 Stat. 736.) After 1929, there were no congressionally imposed standards governing congressional redistricting; in 1941, however, Congress enacted a law providing for various redistricting contingencies if states failed to redistrict after a census—including at-large representation. (55 Stat 761.) In 1967, Congress reimposed the requirement that Representatives must run from single-member districts, rather than running at-large. (81 Stat. 581.)

Both the 1941 and 1967 laws are still in effect, codified at 2 U.S.C. §§2a and 2c. In Branch v. Smith, the Supreme Court considered the operation and inherent tension between these two provisions. It does not appear, however, that the question of congressional authority was in serious dispute in this litigation. Rather, the Court noted in passing that the current statutory scheme governing apportionment of the House of Representatives was enacted in 1929 pursuant to congressional authority under the "Times, Places and Manner" provision of the Constitution. Consequently, it seems likely that Congress has broad authority, within specified constitutional parameters, to establish how Members' districts will be established, including the creation of at-large districts.

It might be suggested that creating an at-large congressional district in a state could violate the "one person, one vote" standard established by the Supreme Court in Wesberry v. Sanders. In Wesberry, the Supreme Court first applied the one person, one vote standard in the context of evaluating the constitutionality of a Georgia congressional redistricting statute that created a district with two to three times as many residents as the state's other nine districts. In striking down the statute, the Court held that Article I, section 2, clause 1, providing that Representatives be chosen "by the People of the several States" and be "apportioned among the several States . . . according to their respective Numbers," requires that "as nearly as is practicable, one man's vote in a congressional is to be worth as much as another's."

While it is not beyond dispute, it does not appear that the creation of an at-large district under the circumstances outlined in H.R. 1433 would be interpreted to create a conflict with the "*one person, one vote*" standard. Under H.R. 1433, each Utah voter would have the opportunity to vote both for a candidate to represent his or her congressional district as well as for a candidate to represent the state at-large. Each person's vote for an at-large candidate would be of equal worth. Further, each person's vote for an at-large candidate would not affect the value of his or her vote for a candidate representing a congressional district. Accordingly, all Utah residents' votes would have equal value, thereby arguably comporting with the one person, one vote principle.

Based on the authority granted to Congress under the Constitution to regulate congressional elections and relevant Supreme Court precedent, it appears that a federal law establishing a temporary at-large congressional district would likely be upheld as constitutional.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Speaker, I yield my time to be managed by the gentlelady from the District of Columbia, soon to be, her voters willing, the actual Representative of the District of Columbia in every way possible.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. NORTON) will control 10 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

Ms. NORTON. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I thank the gentleman from California for yielding me his time.

Madam Speaker, this bill is covered with the full handprints of scores of Members, beginning on the other side of the aisle with Congressman TOM DAVIS, who planted and tirelessly cultivated the seed; and Utah Members CANNON and BISHOP, joined by Mr. MATHESON, the State's only Democratic Member.

However, it was leadership that got us to this historic day, especially Speaker PELOSI's personal insistence, Majority Leader HOYER's outspoken energy, Chairman CONYERS' decades of persistence and Chairman WAXMAN's indispensable guidance.

I am inspired daily by the citizens of this city, personified by Emory Kosh, a staff assistant in my office here in the House whose second child was born while he was serving in Iraq. Emory's military service follows in the tradition of D.C. residents, who first fought in the Revolutionary War to establish "the Republic for which we stand," have fought and died for their country in every war since, and, like other Americans, have always been obliged to pay Federal income taxes, today ranking second among the 50 States and the District of Columbia in taxes paid to support the Government of the United States. Today, I come forward in their name.

Our forefathers in this city were the three Virginians who signed the Constitution and the three signers from Maryland. Yet some seriously argue that the Virginians, the Marylanders and the other Framers fresh from the Revolutionary War, waged specifically to obtain representation, contributed land where thousands of their own residents resided, some of them veterans of the Revolutionary War, and then signed away their rights in the new Constitution.

However you vote on the District's voting rights, do not slander the Framers. For two centuries, the fault has been right here in the Congress, not the flawed vision of the Framers.

Madam Speaker, I reserve the balance of my time.

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Mr. TOM DAVIS of Virginia. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I come to the House today to express my support for the District of Columbia House Voting Rights Act of 2007.

I believe after much consideration that this legislation is a constitutional remedy to a historic wrong. Now, while many have focused on the political consequences of such a move, I believe the only question for a Member of Congress on such matters is this: What does justice demand and what does the Constitution permit this Congress to do about it?

The fact that more than half a million Americans live in the District of Columbia and are denied a single voting representative in Congress is clearly a historic wrong, and justice demands that it be addressed. At the time of the adoption of our present system of government, the Federal city did not exist apart from a reference in the Constitution. And when the District of Columbia opened for business in 1801, only a few thousand residents lived within her boundaries. Among our Founders, only Alexander Hamilton would foresee the bustling metropolis that the District of Columbia would become, and he himself was an advocate of voting representation.

The demands of history in favor of representation for the Americans living in Washington, D.C. are compelling. In establishing the Republic, the single overarching principle of the American founding was that laws should be based on the consent of the governed. The first generation of Americans threw tea in Boston Harbor simply because they were denied a voting representative in the British Parliament. Given their fealty to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.

But the demands of justice are not enough for Congress to act. As many of my colleagues have eloquently stated, under the principles of limited government, a republic may only take that action which is expressly authorized in its written constitution. In this regard, I believe that H.R. 1433 is constitutional. And I am not alone in this view.

In support of this legislation, Judge Kenneth Starr, former independent counsel and U.S. Solicitor General observed: "There is nothing in our Constitution's history or its fundamental principles suggesting that the framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded."

Now, opponents of D.C. voting rights understandably cite the plain language of Article I of the Constitution that the House of Representatives be comprised of representatives elected "by the people of the several States." Now if this were the only reference to the powers associated with the Federal city, it would be persuasive, but it is not. Article I, section 8, clause 17 provides that "Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

In 1984, it would be Justice Scalia who would observe that the seat of government clause gives the Congress "extraordinary and plenary power" over our Nation's capital.

And Congress has used this power to remedy the rights of Americans in the District of Columbia in the past. In 1949, the Supreme Court upheld legislation that extended access to the Federal courts to citizens of the district even though Article III expressly limited jurisdiction of those courts to citizens of States. As Judge Starr observed: "The logic of this case applies here," and I agree.

But one caveat, Madam Speaker. None of this argues for the District of Columbia ever to be granted a right to elect Members to the Senate. From the inception of our Nation, this House of Representatives was an extension of the people. The Senate, from the inception of our Nation, was an extension of the States. If the people of the District of Columbia would like two seats in the United States Senate, under the Constitution, they will have to become a State.

You know, the Old Book tells us what is required: do justice, love kindness, and walk humbly with your God. I believe that justice demands that we right this historic wrong. The American people should have representation in the people's House. I believe that kindness demands that we do the right thing for all Americans regardless of race or political creed, and I believe that humility demands that we do so in a manner consistent with our Constitution.

The D.C. House Voting Rights Act meets this test, and I am honored to have the opportunity to continue to play some small role in leading our constitutional Republic ever closer to a more perfect Union.

I commend the gentleman from Virginia and my colleague, the delegate from the District of Columbia, for their yeoman's work on this legislation.

Ms. NORTON. Madam Speaker, I am pleased to yield 1 minute to the chairman of the Oversight Committee without whose leadership we could not have come to this day, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, I thank my colleague for yielding to me.

Today, we are considering a bill that will bring democracy to the District of Columbia. This bill will grant the District of Columbia a full vote in the House of Representatives. They have been denied full representation in Congress for over 200 years, and this will help right this long-standing injustice.

But I want to use my time to point out that there have been two champions of this legislation who deserve recognition. One is Congresswoman NORTON who has been working tirelessly on behalf of her constituents to forge a compromise that has bipartisan support; and the second is the ranking member of the Oversight and Government Reform Committee, and its former Chair, the gentleman from Virginia (Mr. TOM DAVIS).

Last year as chairman of our committee, he led the charge for voting rights for the District. It was his inspiration that brought this compromise to the point now where I expect this bill will pass the House of Representatives and go on its way to the other body. This is a bill that is long overdue. I urge all of my colleagues to vote for this bill.

H.R. 1433, the District of Columbia House Voting Rights Act of 2007, will grant the District of Columbia a full vote in the House of Representatives.

District of Columbia residents have been denied full representation in Congress for over 200 years. District residents pay billions of dollars in federal taxes yet get no vote in Congress. This bill will help right this longstanding injustice.

There have been two champions of this legislation who deserve recognition. One is Congresswoman NORTON, who has worked tirelessly on behalf of her constituents to forge a compromise that has bipartisan support. The second is the Ranking Minority Member of the Oversight and Government Reform Committee, Representative DAVIS. Last year, as Chairman of the Committee, he led the charge for voting rights for the District.

The District of Columbia House Voting Rights Act includes a number of important provisions.

This bill will increase the size of the House by two seats. One of those seats will go to the District of Columbia and the other seat will go Utah, the next state in line to get a congressional seat. The bill prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until apportionment is conducted following the 2010 census.

H.R. 1433 also contains a nonseverability clause providing that if a court holds one section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable. This is an important safeguard because it means that no section of this legislation can have legal effect unless the entire bill has legal effect. Under this legislation, Utah cannot be granted a seat in the House without the District also being granted a seat or vice versa.

H.R. 1433 is a step in the right direction toward providing the residents of the District fair representation in Congress. I urge all of my colleagues to join me in supporting this legislation.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield to the gentleman from Georgia (Mr. PRICE) for the purpose of a unanimous consent request.

Mr. PRICE of Georgia. I thank the ranking member and appreciate his indulgence.

I strongly oppose the underlying bill, as I believe it to be unconstitutional.

The House of Representatives stands on the verge of voting on a flatly unconstitutional, historically egregious bill, the District of Columbia House Voting Rights Act of 2007. This bill would grant the District of Columbia a full voting seat in the House of Representatives by circumventing the Constitution. While I agree that it is an injustice that any United States citizens not have voting representation in Congress, the contorted logic some have used to justify this bill is quite troubling.

In supporting this proposal, Kenneth Starr wrote, "There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded." While this may be true, the fact remains that the Constitution exclusively affords House representation to the states. Just because the District of Columbia was denied a seat in the People's House does not mean that Congress can ignore the Constitution.

Advocates of the DC Voting bill are discounting as unpersuasive the "plain language" of Article I, Section 2 of the Constitution, which states, "The House of Representatives shall be composed of Members chosen every second Year by the People of the several states." As if that weren't enough, the next sentence declares, "No Person shall be a Representative who shall not . . . when elected, be an Inhabitant of that State in which he shall be chosen."

It is indisputable that House representation is constitutionally limited to the states. In fact, the Bush administration recently declared the bill unconstitutional, citing 12 provisions in the Constitution that expressly link congressional representation to statehood. Certainly, no one is claiming that the District of Columbia is one of the 50 states.

Sadly, constitutionality is not a concern of proponents of this legislation. The central argument from supporters of this bill is fairness. They argue that Members of Congress have a moral responsibility to right this wrong by any means. The Founding Fathers would be aghast at this brazen disregard for the Constitution in pursuit of a quick fix.

Supporters of this feel-good legislation frequently cite the "District Clause" of the Constitution as justification, which reads, "Congress shall have power . . . to exercise exclusive Legislation in all Cases whatsoever, over such District." It is correct that Congress has the power to govern the District of Columbia, but this does not mean that the residents of the District of Columbia have the right to a seat in Congress, giving them the power to legislate over the 50 states.

The District Clause is found in section 8 of article I, the same section that gives Congress the power to "establish Post Offices" and to "make Rules for the Government and Regulation of the land and naval forces." Surely no one would propose granting Fort Gordon a seat in the House, but the promotion of this would follow the same logic.

To be clear: I support representation for the residents of the District of Columbia but not under this bill's approach. It is truly unjust that these tax-paying citizens are denied the right to have their voice heard in the people's House. But Congress cannot create voting rights for D.C. residents by simply ignoring or contorting the Constitution because it is our will. There are two proper, constitutionally just courses of action to remedy this unfairness.

First, the Founders gave Congress and the people the authority to amend the Constitution. This course would provide for a 51st state of the District of Columbia. But as the constitutional amendment process can be protracted and complicated, I support the second course—retroceding the non-federal portion of Washington, D.C., to the State of Maryland. Following this plan, most of the residents would have full representation in the House and Senate, as residents of Maryland. This is a commonsense proposal with historic precedent. In 1846, the land west of the Potomac was ceded back to the Commonwealth of Virginia, and these people now enjoy full congressional representation.

There is a great responsibility in supporting the republican form of government that our Founders created. And where injustices lie in the Constitution, Congress is right to try to correct them. But the greatest respect is owed to our Founders and our Nation as the longest surviving democracy in history. There is a reason for that and it has much to do with respecting the genius of our founding document. We must not ignore the principles of the constitutional republic our Founders laid out.

It is fundamentally antithetical to pursue representative fairness while disregarding the Constitution. I am hopeful that supporters of this bill will see the great fault in their logic, and resolve the injustice of the residents of the District of Columbia not having a voting representative in Congress properly within the bounds of the Constitution.

Mr. TOM DAVIS of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I am pleased to yield 2½ minutes to the Chair of the subcommittee with jurisdiction over the District of Columbia, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, first of all, let me thank the gentlewoman from the District of Columbia for yielding me this time. I also want to commend the chairman of oversight, the Honorable HENRY WAXMAN, and the ranking member, TOM DAVIS, for their leadership on this tremendous legislation. But I also want to add accolades for the gentlewoman from the District of Columbia who has put her heart, mind and soul into this legislation; and without her leadership, we obviously would not be here this afternoon.

I have heard many people talk from both sides. I have heard individuals say that the Constitution denies the opportunity, and I am thinking of the Constitution as a living document. I don't want to keep the Constitution where it might have been. Representative AL GREEN made the most eloquent statement a few moments ago when he suggested there are always individuals on different sides of the Constitution. You can be on the right side, or you can be on the wrong side. You can be on the old side, or you can be on the new side; and the side that we are on this afternoon is the side that gives the residents of the District of Columbia the opportunity to help make more perfect this Union that we are a part of.

I stand firmly in support of this legislation. Again, I commend my colleagues on Oversight and Government Reform and urge all of the Members to vote in favor of giving the District of Columbia residents the right to vote.

Madam Speaker, I rise in support of H.R. 1433, the "District of Columbia House Voting Rights Act of 2007." I want to extend a thank you to Representatives TOM DAVIS and HENRY WAXMAN, and especially to Delegate ELEANOR HOLMES NORTON for their hard work and dedication in introducing and moving this legislation forward to provide the District of Columbia the right to vote with full representation in the House of Representatives.

The legislation before us today will give voting representation to over 500,000 District's residents and increase the size of the House from 435 to 437 voting members. The right to vote is the most basic act of citizenship. Voting representation for District residents who pay Federal taxes, defend our country during war, and contribute to the economic viability of other states, should not be disfranchised because they chose to live in the District of Columbia.

The Constitution, ratified in 1789, provided for the creation and government of a permanent home for the national government. Article I, Section 8, Clause 17, called for the creation of a Federal district to serve as the permanent seat of the national government and granted Congress the power, "to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States. . . ." The Constitution grants Congress plenary power to govern the District of Columbia's affairs. This includes granting voting representation in the House of Representatives for the District of Columbia.

On March 13, 2007, H.R. 1433 was passed by a decisive vote of 24 yeas to 5 nays in the Committee on Oversight and Government Reform and reflects bipartisan support for this legislation.

Madam Speaker, Congress is attempting to correct a longstanding inequity for residents in the Nation's Capital—taxation without representation. We in this body must up hold the Constitution by not denying a large mass of people their fundamental right to voting representation. Congress has the power to correct the wrongs of the past for District residents and it lies in our power to grant the people of DC the right to voting representation.

Madam Speaker, I urge all my colleagues to support this legislation.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it is often said that if opportunity doesn't knock, build a door. With this bill, we are doing just that.

Using the materials at hand today, we can open a portal to full democratic participation that for too long has remained locked. The circumstances are right, the stars are aligned, and the proposal is sound.

Four years ago, we saw a confluence of events that set the stage for the compromise we have before us today. Two injustices met to create this opportunity to correct both. On the one hand, a long-ignored historical anomaly denies the citizens of the District of Columbia voting representation in the House of Representatives. On the other hand, a more recent problem with the census denies the citizens of Utah the additional House vote that a true count would have yielded.

As it happens, one jurisdiction is predominantly Democratic, the other predominantly Republican. The circumstances opened the way to a politically neutral solution to both problems.

Throughout our Nation's history, it has been just this kind of win-win compromise that, however rooted in the fleeting circumstances of the day, provide enduring solutions to seemingly intractable problems.

Each of us swears to uphold the Constitution, its letter and spirit. That living document is at its heart the most fundamental right of citizens in a democracy. All the citizens. So we rely on the plenary power found in the District clause to restore the full right of citizenship to our disenfranchised countrymen and women.

After researching every possible avenue to right these wrongs and give the citizens of the District of Columbia and

Utah, the next State that is eligible for a vote under the formula, the representation to which they are entitled, we concluded the approach before us today is both constitutionally sound and politically viable.

The former is our sworn duty. The latter is a practical imperative.

In 4 years, I have found no evidence that any Member of this body seriously plans to attempt retrocession or campaign for a constitutional amendment. There is a good reason for that: they are politically not viable. Most Members, including me, don't waste their time tilting at windmills.

By now, every Member is aware of the constitutional arguments. I ask that you think carefully about what you hear today. Every first-year law student in this country learns that you can't just read the Constitution once over literally to figure out what it means. But that is what the other side's arguments are. That is where it stops, and that is where it starts.

Those opposing this bill ignore 200 years of case law and clear instruction from the Court that this is a congressional matter and requires a congressional solution. Under their literal reading of the Constitution, District residents would have no right to a jury trial under the sixth amendment because you have to be a State to have that right.

D.C. residents would have no right to sue people from outside D.C. in the Federal courts; only people from States have that right under Article III, section 2.

The full faith and credit clause would not apply to D.C. because that only applies to States under a literal reading of the Constitution.

And the Federal Government would not be allowed to impose Federal taxes on the District. The Constitution says direct taxes shall be apportioned among the several States. Article I, section 2, clause 3.

But in each of these cases, the Supreme Court has held that Congress can consider the District a State for purposes of applying these fundamental provisions. If Congress has the authority to do so regarding these lesser rights and duty, there should be no question we have the same authority to protect the most sacred right of every American: to live and participate in a representative Republic.

It should also be pointed out that Congress granted voting representation in 1790 when it accepted the land that would become the Federal city. It then removed those rights, by statute, 10 years later. Those facts are undisputed. No amendment to the Constitution was considered necessary then. And those opposing the bill today will not explain, only assert, the claimed need for a constitutional amendment to reverse a decision that was made through enactment of a statute.

This problem should be solved. A lot of people today will talk about the Framers and tell us that the Framers intended for the Federal city to have no direct representation.

Do you really believe that if the capital had stayed in New York, the city would have been disenfranchised? Do you believe that if the capital had stayed in Philadelphia, the city would have been disenfranchised? Of course not, and neither should the people of Washington, D.C.

What we know is men and women who fought and died to create this country were willing to die for people who might disagree with them politically. D.C. residents are paying Federal taxes. They are fighting and dying in the Middle East to bring democracy to that part of the world.

This is no mere legal or political science exercise. It's a crisis. Your fellow Americans are being denied the full rights and benefits of representative government. We have before us this unique moment in our history, the opportunity to fulfill the promise of the Constitution and make our democracy whole again.

☐ 1400

I hope we hear opportunity knocking, and I hope we hear the faint, but unmistakable whisper of conscience and of history, urging us all to seize the moment with courage and humility.

[From the Washington Post, Mar. 14, 2007]

RIGHTS AND WRONG

Historic legislation giving the people of the District a vote in their national government is being debated in the House of Representatives. Prospects for its passage have never been better. The Democrats who control the House have kept a promise to move the bill forward, but the disenfranchisement of American citizens shouldn't be about partisan politics. It should be about what is right and wrong.

Indeed, the legislation working its way through the House sprang from he sense of injustice of a Republican House member from suburban Virginia. Rep. Thomas M. Davis III believes it is grotesque that D.C. residents are denied congressional representation. he came up with an ingenious way to get politics out of the equation. Two seats would be added to Congress—one for the mostly Democratic District and the other for heavily Republican Utah. The bill is on a fast track thanks to House Speaker Nancy Pelosi (D-Calif.) and Majority Leader Steny H. Hoyer (D-Md.). The House Oversight and Government Reform Committee approved the measure yesterday, with every Democrat and six Republicans voting for it. The Judiciary Committee now takes it up, and a battle is expected.

It's hard to make a case for depriving people of a voice in Congress when they pay federal taxes, serve on federal juries and send family members off to war. It's also pretty embarrassing that the Untied States, while preaching democracy to the rest of the world, remains the only democratic country where people in the capital city are without representation. So opponents of D.C. voting rights have latched onto the only argument they can make with a straight face—that the bill is unconstitutional.

Former judges and constitutional scholars such as Kenneth Starr, Patricia Wald and Viet Dinh, not to mention the American Bar Association, believe the bill is constitutional. They argue that Congress has repeatedly treated the District as if it were a state and that this treatment has been upheld. For his part, Mr. Davis has delved into history to make a compelling argument that the lack of a vote was never the aim of the Founding Fathers but rather an "undemocratic accident."

We concede that serious people hold the contrary view. No court has ever weighed in on the D.C. Voting Rights Act, so the constitutional question is open. That, though, is an issue for the courts to decide, in the event of a legal challenge. It should not be an excuse for Congress to continue to deny a basic right to more than half a million people.

[From the Washington Times, Mar. 22, 2007]

D.C. DUE VOTING RIGHTS

(By Jack Kemp)

How's this for irony: Headlines recently proclaimed that the White House was opposed to giving the vote to the more than 600,000 residents of our nation's capital, who, incidentally, are paying federal income taxes to send members of their families to Iraq and Afghanistan so as to guarantee the right to vote for the residents of those nations' capitals.

Even as the Judiciary Committee of the House of Representatives was passing the bill, cosponsored by Reps. Eleanor Holmes Norton, D-D.C., and Tom Davis, R-Va., a spokesman for President Bush was saying the bill is unconstitutional without showing a modicum of sympathy or even a modest understanding of this irony.

The White House spokesman is putting the president in the position of outspoken opposition to expanding the democratic ideal here in the nation's capital, while simultaneously the White House argues the president has the constitutional authority to defend freedom and extend democratic rights to the people of Baghdad and Kabul.

I wrote last May: "Throughout our nation's history, District of Columbia citizens have given the full measure of their allegiance to the United States. They have fought in and died in every war in which the United States was engaged, they have paid billions in taxes, and they have provided labor and resources to the U.S. economy and government. Yet for 200 years, District residents have been bystanders in the governance of their nation."

With regard to the constitutional arguments, one of the leading conservative lights in the House of Representatives, Mike Pence of Indiana, recently wrote, "Opponents of D.C. voting understandably cite the plain language of Article I that the House of Representatives be comprised of representatives elected by 'the people of the several states.' If this were the only reference to the powers associated with the federal city, it would be most persuasive, but it is not. Article I, Section 8, Cl. 17 provides, 'The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever' over the District of Columbia."

Pence courageously and wisely voted yes against White House wishes and, sadly, those of the GOP leadership.

In 1984, Justice Antonin Scalia observed that the Seat of Government Clause of the Constitution gives Congress "extraordinary and plenary" power over our nation's capital. Scalia added that this provision of the Constitution "enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 states . . . There has never been any rule of law that Congress must treat people in the District of Columbia exactly the same as people are treated in various states." United States v. Cohen, 733 F.2d 128, 140 (D.C. Cir. 1984).

Chief Justice John Marshall acknowledged in the early 19th century that "It is extraordinary that the courts of the United States, which are open to aliens, and to the citizens of every state in the union, should be closed upon (district citizens)." But, he explained, "This is a subject for legislative, not for judicial consideration."

Marshall thereby laid out the blueprint by which Congress, rather than the courts, could treat the District as a state under the Constitution for the purposes of enfranchisement.

Neither I, nor Tom Davis nor Mike Pence, is arguing for the District of Columbia to become a state. Indeed, from the inception of our nation the founders believed the House of Representatives was the House of the people. I believe passionately that the architects of the American Constitution left us the tools to ensure that all American people should have a voice and vote in the "people's house."

I'm troubled by people in the White House who show compassion for the people of Baghdad and Kabul, as they should, but can't find it in their hearts to show anything but indifference to the cries for justice in the nation's capital.

What these presidential advisers are doing is rigidly interpreting the Constitution in such a way as to make the Party of Lincoln into a party that condemns the people of our nation's capital, including four of my 17 grandchildren, from ever participating in the great issues of the day as debated and decided in the House of Representatives.

Indeed, this is taxation without representation.

Republicans have historically supported civil, human and voting rights, including the passage of the 13th, 14th and 15th Amendments. We have a great history of bipartisan support for civil rights, but it was our presidential candidate in 1964 who refused to take a stand for civil and social justice for African-Americans.

My question is, does this president want to continue the legacy of Lincoln, Grant and Eisenhower, or that of Barry Goldwater in 1964?

[From the Washington Post, Feb. 7, 2007]

MORE THAN WORDS

National Democratic party leaders are on record with their unequivocal endorsement of the District's bid for full voting rights in the House of Representatives. Support is always welcome, but what's needed is action. It's time for the Democrats who control Congress to act on legislation to end the disenfranchisement of citizens living in the nation's capital.

The Democratic National Committee voted last weekend to support the measure, promising a grass-roots lobbying campaign. It's a welcome boost for a bill that has languished too long. Sponsored by Rep. Thomas M. Davis III (R–VA.) and the District's non-voting delegate, Eleanor Holmes Norton (D), the measure would add two seats to the House—one for the heavily Democratic District and the other for largely Republican Utah. The bill enjoyed widespread bipartisan support in the past Congress but was never scheduled for a floor vote, to what should be the everlasting embarrassment of the Republican leadership.

Democrats are in a position to push the bill for approval, but internal party squabbling has slowed its movement. Some Democrats balked at doing anything for Utah until they were convinced that the District seat wouldn't have a chance unless balanced against Utah, which probably would get an extra seat anyway after the next census reapportionment. In recent days, Rep. Henry A. Waxman (D–Calif.) has raised the concern that the bill would give Utah an extra electoral college vote in the 2008 presidential election and could hurt Democrats in a close race. The question is whether Democrats will allow that highly remote and partisan concern to stand in the way of their claimed support for fair representation for District residents.

Party insiders are confident that the disagreements will be ironed out, and they stress that, unlike the Republican leadership, House Speaker Nancy Pelosi (D–Calif.) and Majority Leader Steny H. Hoyer (D–Md.) are genuinely committed to voting rights for the District. We have no reason to doubt that. But the strength of the bill crafted by Mr. Davis and Ms. Norton is that it takes into account the self-interest of both parties while weighing the needs of the people of the District and Utah. Tinkering with that formula could doom the bill, and no matter how good the intentions of lawmakers, the District deserves results.

[From the Virginian-Pilot, Mar. 21, 2007]

SENSIBLE COMPROMISE ON D.C. VOTING

"Taxation without representation" has been a bedrock excuse for American political dissent since Boston Tea Party days.

Which brings us to the perennial crack in the teacup—the 600,000 residents of the District of Columbia, many of whom are required to pay taxes but none of whom gets to elect a voting member of Congress.

Now, Reps. Tom Davis, R–Va., and Eleanor Holmes Norton, the District's non-voting representative to Congress, have teamed to sponsor an innovative plan thought to have the best shot in years of closing the gap between principle and practice.

The D.C. Voting Rights Act of 2007 would expand the number of U.S. House seats from 435 to 437, balancing a predictably Democratic D.C. vote with one from a new, predictably Republican Utah district.

Previous expansions of congressional membership sought similar balance. At the last census, Utah came within a whisker of getting an additional seat. It fell short, Utahans claim, only because hundreds of young Mormon missionaries were on the road and weren't counted.

The Norton-Davis legislation passed both the House Government Operations Committee, which Davis used to chair, and the Judiciary Committee, but never made it to the floor when Republicans controlled the House.

Now, the Democrats in charge expect to bring the proposal to a floor vote, probably later this month.

Opponents of the bill question its constitutionality, noting that Article 1 says members should be chosen by "the people of the several states." Norton-Davis counters that the District actually had a voting representative for several years around the turn of the 19th century, so the precedent already is set.

Various constitutional scholars have opined that the framers clearly intended for all the nation's citizens to have voting representation at the highest levels of government. Conservatives ascribing to that view include former U.S. Circuit Judge Kenneth W. Starr, who served on the D.C. Circuit Court of Appeals.

So long as a reasonable constitutional reading supports the legislation, and it does, Norton-Davis ought to pass.

A large block of taxpaying citizens should not to be disenfranchised through no fault of their own. Tom Davis and Eleanor Holmes Norton have offered a reasonable fix.

[From the Columbian, Jan. 4, 2007]

IN OUR VIEW—FAIR IS FAIR

And D.C. residents are not getting a fair deal.

Here are 435 voting members of the U.S. House of Representatives. Washington, the 15th largest state with 6.3 million residents, has nine of them. That's 2.068 percent of the House.

Wyoming, the nation's smallest state with 509,000 people, has one House member—0.229 percent.

With 550,000-plus residents, the District of Columbia, which would rank one above Wyoming if it were a state, has zero voting members in the House.

That's 0.000 percent.

That's not fair.

Congress can rectify this inequality and fix a glitch in the Utah's House apportionment at the same time. Our federal lawmakers should enact a proposal to increase House voting members to 437. One new seat would go to the District of Columbia and one to Utah. The D.C. seat would almost certainly be won by a Democrat and Utah's by a Republican.

The reasons for D.C. being shorted on representation for more than two centuries are numerous and of debatable legitimacy. What is indisputable is that more than a half-million Americans living in the very city that is the seat of federal government face federal taxation without representation, and it isn't fair. Utah's two U.S. senators and the state's political establishment support this idea, which died in the Republican-controlled Congress last month. They make a convincing case that in the 2000 census, Utah was undercounted because many of the state's young Mormons were out of state doing missionary work. Had they all been counted, the argument goes, Utah would have earned a fourth House member and some other state would have lost one.

There are two legitimate concerns. One is that the Constitution says members of the House shall be chosen by "the people of the several states" and D.C. is not a state. But, many scholars say the Constitution also gives Congress power "to exercise exclusive legislation" over D.C. and therefore may give the District a voting member of the House.

Then there's the fear that if Congress starts down this road, it will add House members on political whims in the future. But that hasn't been the practice. In fact, Congress added two seats in 1959, giving one each to the new states of Alaska and Hawaii, but after the 1960 census cut the total back to 435. The new states kept one each and other states gave up the two, based on population.

A legitimate case can be made that D.C. should get one seat and Utah should get nothing until the next census. But this Utah-D.C. scenario is the best chance in decades for the District of Columbia to get rightful representation. In the name of fairness, Congress should make it happen.

[From the Battle Creek Enquirer (MI), Jan. 5, 2007]

PROPOSAL WOULD GIVE D.C. AND UTAH NEW HOUSE SEATS

For years, the fact that residents of Washington, D.C., have no voting representation in Congress has been a political hot potato. In 1961, the 23rd Amendment to the Constitution gave them the right to vote in presidential elections, and a decade later Congress voted to allow the district to send a nonvoting delegate to the House. That delegate currently is Eleanor Holmes Norton, who is allowed to vote on matters at the committee level, but not once they come to the House floor.

Now Congress may soon consider a bill that would increase the voting membership of the House from 435 to 437, adding new seats both for the District of Columbia and Utah.

The argument for giving Utah a fourth House seat is supported by those who insist the 2000 census undercounted Utah's population because of the many young Mormon men who travel out of that state as part of their missionary work.

Since D.C. is considered a Democratic stronghold and Utah is dominated by Republicans, the proposal has gained bipartisan support and could be taken up early in this congressional session.

The District of Columbia was created to provide an independent site for federal government that did not favor anyone state. Congress moved there from Philadelphia in 1800, and shortly thereafter the question of voting rights for D.C. residents became an issue. The lack of a voting representative long has been a sore point for many of the district's approximately 600,000 residents, who pay federal taxes and must abide by rules established by Congress.

Congress approved a constitutional amendment to provide a voting representative for district residents in 1978, but it failed to be ratified by three-fourths of the states.

There is debate among scholars as to whether increasing the number of House members requires a constitutional amendment, but supporters of this latest proposal insist that it does not. They say that all that is required is for Congress to revise a 1929 law that fixed House membership at 435 seats. That limit was boosted to 437 in 1959 in order to give representatives to the new states of Alaska and Hawaii, but then went back to 435 with the reapportionment after the 1960 census.

Washington, D.C., is the only national capital in any democratic nation where residents do not have full voting rights. We think district residents should have a voting representative in Congress, and there is merit to the D.C.-Utah proposal that we hope will be considered soon by federal lawmakers.

[From washingtonpost.com, Mar. 22, 2007]

D.C. VOTING: A GOP ISSUE—OPPOSITION TO A HOUSE SEAT GOES AGAINST PARTY TRADITION

(By Carol Schwartz)

Having personally written to President Bush and Congress numerous times over the years urging them to support voting rights for the citizens of our nation's capital, I was disheartened to learn that the Republican leadership is working to defeat legislation that would add a voting member from the District of Columbia and a voting member from Utah to the House of Representatives, and that the president is thinking about vetoing the bill. As a fellow Republican, I beseech them to reconsider.

News accounts indicate that Republican opposition is based largely on "constitutional concerns." However, respected constitutional scholars have argued that a congressional vote for the District is well within the bounds of the Constitution. Former solicitor general Kenneth Starr and Patricia M. Wald, a former chief judge of the U.S. Court of Appeals for the D.C. Circuit, jointly wrote, "There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded." Viet Dihn, a Georgetown University law professor and principal author of the USA Patriot Act, argued in a paper submitted to the House Committee on Oversight and Government Reform that it is constitutional to give the District a vote.

Regardless of the outcome of this debate, why would the president—who has committed so much to fighting for democracy around the world—and Republican members of Congress not stand on the side of democracy for the 572,000 residents of the District of Columbia? Who is going to challenge in court the rectification of this centuries-long injustice? And if someone is cruel enough to try, let the Supreme Court decide otherwise.

I want to remind my fellow Republicans that historically our party has been at the forefront of struggles to enfranchise citizens and expand basic rights. It was a Republican Congress, the 38th, that proposed the 13th Amendment to abolish slavery. It was a Republican Congress, the 39th, that proposed the 14th Amendment, guaranteeing due process and equal protection under the law. It was a Republican Congress, the 40th, that proposed the 15th Amendment, guaranteeing citizens the right to vote regardless of their race. And it was a Republican Congress, the 66th, that proposed the 19th Amendment, guaranteeing women the right to vote.

I had hoped that the recent Republican Congress would continue this admirable tradition. The introduction of a D.C. voting rights bill by a Republican, Rep. Tom Davis (Va.), was a good start. Although the bill made it out of committee, unfortunately it never went to the House floor. President Bush and Congress still have the opportunity to advance the democratic cause here at home. And they should, particularly since ours is the only capital city in any of the world's democracies where citizens do not have voting representation in their national legislature.

In doing so, Republican members would uphold a proud tradition as well as be in good company. For generations, respected Republican statesmen have expressed support for voting rights for D.C. residents. Former Senate majority leader Robert Dole, during an earlier voting rights effort, said, "The Republican Party supported D.C. voting representation because it was just, and in justice we could do nothing else." Former Senate minority leader Howard Baker, describing representation in the legislature as the "bedrock of our republic," said that Congress "cannot continue to deny American citizens their right to equal representation in the national government." Former president Richard Nixon said, "It should offend the democratic sense of this nation that the citizens of its capital . . . have no voice in Congress." And former senator Prescott Bush, the president's grandfather, said in 1961, "Congress has treated the District with slight consideration. We have treated it like a stepchild, in comparison with the way we have treated other States. . . . They should also be entitled to representation in the Congress."

It is obvious that this injustice has persisted far too long. Our country's leaders have within their power the ability to address it now. It is time to give the residents of the District of Columbia—who pay federal taxes and who were subject to the military draft—a fundamental right that all other Americans enjoy: our long overdue vote in the United States House of Representatives. I implore the president and Congress to do what I believe they know in their hearts is right.

[From the Washington Times, Mar. 20, 2007]

D.C. VOTING RIGHTS AND CONGRESSIONAL POLITICS

(By Tod Lindberg)

When I moved to Washington 21 years ago and decided to live in the District rather than Maryland or Virginia, I knew I was voluntarily choosing to forgo something most Americans take entirely for granted, namely, their say in choosing a representative in the House and two members of the Senate. In truth, I was not especially bothered by this lost opportunity for political participation then, nor am I now.

You could say, moreover, that no one lives in the District involuntarily. If voting for a member of Congress and senators is a sufficiently high priority for you, you can probably find your way to a location that allows you to do so. And you could remark, as well, the special constitutional status of the District as precisely not a state, equal among other states, but rather a place where the representatives of all the states, that is, Congress as a whole, has jurisdiction. One might even deem this constitutional provision to have been an innovative and admirable solution to the late 18th-century problem of the undue influence a state might have were it home to the nation's capital.

Nor is the District some sort of island of authoritarianism in a sea of democracies. D.C. residents have for more than a generation enjoyed substantial home-rule powers, including the ability to elect a legislative body, the D.C. Council, and a mayor who has genuine and not merely symbolic power. It is undeniable that Congress second-guesses these locally elected officials from time to time, and indeed reserves the right to intervene on a massive scale in case of local mismanagement, a judgment Congress alone will make, not subject to appeal by local residents. We saw this in the days of the Control Board. But in the ordinary course of events, substantial political decisions are the province of locally elected officials. And even at the national level, the District is not entirely cut out, since it has three votes in the electoral college that decides the presidency, the same number as the least populous states.

Nevertheless, how exactly is it a good thing that residents of the District, uniquely among American taxpayers, have no representation in Congress? I think critics of the proposal now emerging to replace the District's participation-limited delegate with a full-fledged voting member of Congress owe us an explanation of why it's better for the country for residents of the District not to be able to have a share in selecting a member of the national legislature. That includes the White House, which has expressed opposition to the legislation on constitutional grounds.

If the provision of the Constitution holding that members of Congress shall come from the states (by implication, not from anywhere that isn't a state) is dispositive, then why not let the Supreme Court be the body that says so? Since at least some legal scholars believe that the provision cited is not the last and dispositive word on the subject, why pre-empt the question? Or rather, please, let us hear the reason from the executive branch why the president would choose to pre-empt by asserting his view of the Constitution in his veto message when the legislation gets to his desk.

No, presidents and lawmakers shouldn't be casual about the responsibility they accept in their oaths of office to protect and defend the Constitution. But in this instance, we have a true anomaly, hundreds of thousands of people who lack what every other American taxpayer has, an equal say in the selection of a lawmaker.

It's not obvious that taking action to address this anomaly would harm any other interest the Constitution protects. Oh, one can spin out elaborate and paranoid scenarios, according to which the representative from the District of Columbia becomes the chairperson of a powerful committee and then, uh, well, what exactly? Earmarks federal dollars to construct bike paths in D.C.? Federally funded bike paths may be stupid, but they are no more stupid in the District than in any congressional district.

In fact, addressing this anomaly of disenfranchisement would fit into a centuries-long tradition of expanding the franchise to those whom contemporaneous reasoning now concludes are unreasonably excluded. If taking such action requires a constitutional amendment, let the Supreme Court say so.

It seems to me that the only other possible objection, besides the constitutional one, is politics. And it's a pretty serious one, in that the representative from the District would be a Democrat for the foreseeable future. Why would Republicans be willing to go along with an extra Democrat? But that's the beauty of the proposed legislation: In adding a seat to Republican-friendly Utah, thereby increasing the size of the House from 435 to 437, lawmakers came up with a reasonable way to address a longstanding injustice without harming anyone unduly. They devised a fair political solution to a fair political objection.

They don't do this so often, in the scheme of things, that we should neglect supporting them when they do.

[From Roll Call, Feb. 28, 2007]

VOTE FOR D.C.

Now that Democrats have control of the House, it's simply inexplicable that legislation to give voting rights to the District of Columbia's delegate is not moving rapidly toward passage.

Voting rights for D.C. has broad support in the majority party, including that of both Speaker Nancy Pelosi (Calif.) and House Judiciary Chairman John Conyers (Mich.). Yet no hearings have been scheduled on H.R. 328, co-sponsored by D.C. Del. Eleanor Holmes Norton (D) and Rep. Tom Davis (R-Va.), to give Norton voting rights while giving Utah a fourth Congressional seat and enlarging the House to 437 Members.

The bill does present constitutional problems, as a recent Congressional Research Service report details. Article 1, Section 2 of the Constitution stipulates that the House shall be made up of Members chosen every two years by the people of the several states. Since D.C. is not a state, but a constitutionally designated federal district, a CRS analysis concluded last month that "it is difficult to identify either Constitutional text or existing case law that would directly support the allocation by statute of the power to vote in the full House of the D.C. delegate."

On the other hand, Article 1, Section 8 grants Congress exclusive legislative authority "in all cases whatsoever" over the District. As another CRS report suggested last month, there is a conflict here. We suggest that Congress resolve it by passing the Norton-Davis bill promptly and then await a court test to determine its constitutionality. If the measure is struck down, Congress should look for other methods to grant voting rights to the District, which the principle of representative government demands.

The other options include a constitutional amendment; "retrocession," giving D.C. residents the right to vote in Maryland; and Congressional action making D.C. (or at least part of it) a state. Everyone of these solutions presents a political problem—the fact that D.C. is overwhelmingly Democratic—that the Norton-Davis bill neatly skirted by balancing a vote in D.C. with a vote in overwhelmingly Republican Utah.

Meanwhile, the House has taken symbolic action by giving D.C., as well as other U.S. possessions—Puerto Rico, American Samoa, Guam and the Virgin Islands—a vote when the House meets as a Committee of the Whole. But their votes don't count if they make the difference in the outcome of legislation. This amounts to the right to participate but not to have an effect.

D.C., with about 570,000 residents, has a larger population than Wyoming and is shy by only about 100,000 of matching three other states—which, of course, have two Senators and at least one House Member. We hope that the Democratic Congress will pass a measure granting D.C. full voting rights—and that President Bush will sign it. In the meantime, however, the Judiciary Committee and the House should get on with passing Norton-Davis as an interim step toward justice.

[From the Washington Post, May 3, 2005]

A VOTE IN THE HOUSE

WHEN THE HOUSE of Representatives votes on federal taxes or decides solemn questions such as when citizens must go off to war, the District's representative, Eleanor Holmes Norton, has to stand and watch as her Democratic and Republican colleagues decide the fate of her constituents. Despite having served and died in 10 wars and paid billions in federal taxes, D.C. residents are still voteless in Congress. That inexecusable situation exists despite polls showing that the American public favors congressional representation for D.C. residents. Today Rep. Thomas M. Davis III (R-Va.) will launch a second effort to rectify at least half of the problem by sponsoring a bill that gives the District a vote in the House. The measure would still leave the District unrepresented in the Senate. The Davis proposal, however, is a substantial advance in D.C. voting rights and deserves strong bipartisan support in Congress.

Mr. Davis's measure would achieve the goal of giving the district a single vote by increasing the size of the House by two and reapportioning seats. Given the most recent census, the likely result would be an extra seat for Utah along with the District. And given party registration and voting patterns in the two jurisdictions, the Utah seat is likely to be held by a Republican and the District's by a Democrat. The new arrangement would last, under Mr. Davis's proposal, until the regular 2012 reapportionment, at which time the House would revert to 435 members to be divided by population among the District and the states. No matter what happens to the size of Utah's delegation at that point, the District would keep its seat.

This should be a win-win situation. For those hoping to address the controversy over the last census count, when Utah just barely lost out on a fourth seat, Mr. Davis offers a remedy. As far as the District is concerned, the bill will most assuredly give D.C. residents what Mr. Davis has called "the primary tool of democratic participation: representation in the national legislature."

Unfortunately, blind partisanship may trump democracy unless members take a stand against the present injustice. Fear that the Republican-dominated Utah state legislature would redraw lines to doom a Democratic member of the House caused Democrats to balk at the Davis proposal in the last Congress. We have stated on other occasions our own dislike for the way redistricting is being conducted in most states—amounting to little more than state-sanctioned gerrymandering benefiting incumbents, the majority party or both—and have offered our own thoughts on a proper alternative. However, depriving more than half a million District residents of a fundamental right enjoyed by all other Americans because of partisan politics is neither a proper nor an acceptable response by the Democratic Party. A D.C. vote in the House is the right thing to do. We remain fully committed to the District having two senators as well as representation in the House. The Davis proposal takes the nation's capital halfway there.

[From the Hill]

LET D.C. PLAY

The people of the District of Columbia have finally gotten back their rightful representation in Major League Baseball; the Washington Nationals have swiftly become an established and moderately successful National League team. It now seems odd that there were people who argued the D.C. residents already had a local team—by which they meant the Orioles, beyond the Maryland state line in Baltimore. All that has changed; when there is a pennant to be won, the District will no longer have to sit on the sidelines.

Something like this happy event is now possible in the political arena, too, with Rep. Tom Davis's (R-Va) legislation that would temporarily increase House membership to 437 by giving D.C. one voting seat, and Utah an extra one. After the next census, the number would fall again to 435, but Washington would keep its seat, and the remaining 434 would be divided among the states according to population.

This as it should be. It is an injustice and an embarrassment that people who live in the nation's capital are disenfranchised. They have no less a moral right to a say in the policies that govern them than any other American citizens. It is pleasing that they now have another chance of acquiring the legal right as well. No partisan calculations should cloud principle when lawmakers vote on this issue. Davis's bill deserves to become law.

If the baseball analogy may be stretched yet further, however, it is also worth noting that the new team did not adopt the same name as the team that abandoned Washington a generation ago: the Senators. There are those who argue that the District should also have two senators in the upper chamber of Capitol Hill, but the case for this is less convincing than for voting representation in the House.

The House is a proportional body, in that seats are apportioned according to population numbers. But the Senate is not representative in that way—never was, and never was intended to be. Indeed it was, as is often being said these days, designed as a counter-weight to the power of the more purely representative body. Tiny states such as Delaware and Wyoming have two senators, just as huge ones such as California and Texas have two. Until the passage of the 17h Amendment in 1913, senators generally were chosen by state legislatures rather than directly elected by the people.

Senate representation is the preserve of formal statehood and there are reasonable arguments on both sides as to whether D.C. should become a state. Whatever the dispute in principle, however, there is no chance of D.C. statehood soon. Perhaps it will come, but for now it's enough that House representation is on the table again.

[From Roll Call, May 4, 2005]

GIVE D.C. A VOTE

If the District of Columbia were a state, it would rank third in per-capita income taxes paid to the federal government. In America's wars of the 20th century, the District suffered more casualties than several states did. So there is no excuse for the nation to continue to leave D.C. residents without any representation in Congress.

Ideally, the District should be represented in both the House and Senate, as called for in Democratic-backed legislation introduced by D.C. Del. Eleanor Holmes Norton (D) and Sen. Joe Lieberman (D-Conn.). Unfortunately, that bill has zero chance of passing and being signed into law. So, as an interim measure—and we acknowledge it may be a long interim—we urge leaders of both parties to get behind the bill just reintroduced by Rep. Tom Davis (R-Va.) to give D.C. a vote in the House. The measure would temporarily enlarge the House by two, adding one seat for the District and one for heavily Republican Utah—a constructive nod toward the partisan balance that seems to be a prerequisite for passage.

The Constitution gives Congress all the power it needs to give D.C. a vote in Congress. In fact, Congress has the power "to exercise exclusive legislation in all cases whatsoever" over the capital district. Legal scholars, including conservatives such as former federal appeals court judge Kenneth Starr, agree that the Constitution permits Congress free rein on the issue of representation. While statehood would require a constitutional amendment, voting representation would not.

We're glad to see that the idea of giving the District representation has attracted the support of Republicans. Davis' measure has 11 GOP co-sponsors, including two from Utah. Two other bills, both of which would give D.C. residents voting rights in Maryland by different means, are also sponsored by Republicans, Reps. Dana Rohrabacher (Calif.) and Ralph Regula (Ohio).

Unfortunately, the GOP sponsors have not been able to interest their party's leaders in their measures. In fact, when Republicans took control of the House in 1995, one of their first acts was to reverse a Democratic rule allowing the D.C. Delegate to vote in the Committee of the whole House when that vote was not decisive in the outcome. We hope that Davis, the influential chairman of the Government Reform Committee and former chairman of the National Republican Congressional Committee, can convince his leaders of the merits of the cause.

Some Democrats have been opposed, both because they support full representation and because they fear that Utah's GOP-dominated Legislature might eliminate the state's lone Democratic district in the process of a mid-decade reapportionment. The state's GOP Members should pledge not to pursue such a course.

There's not much that Republicans and Democrats are doing together in this Congress. One thing that they can do, however, is expand democracy right in their own backyard.

[From Human Events.com, Mar. 17, 2007]

WHY I VOTED FOR D.C. REPRESENTATION IN THE HOUSE

(By Rep. Mike Pence)

Last week in the House Judiciary Committee, I voted in favor of legislation granting the residents of the District of Columbia the right to full voting representation in the House of Representatives. I believe this legislation is a constitutional remedy to a historic wrong. While many have focused on the political consequences of such a move, the only question for a Member of Congress on such matters is this: what does justice demand and what does the Constitution of the United States permit Congress to do to remedy this wrong?

The fact that more than half a million Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong and justice demands that it be addressed. At the time of the adoption of our present system of government, the federal city did not exist apart from a reference in the Constitution. When the District of Columbia opened for business in 1801, only a few thousand residents lived within her boundaries. Among the founders, only Alexander Hamilton would forsee the bustling metropolis that Washington, D.C. would become and he advocated voting representation for the citizens of the District.

The demands of history in favor of representation for the Americans living in Washington, D.C. is compelling. In establishing the republic, the single overarching principle of the American founding was that laws should be based upon the consent of the governed. The first generation of Americans threw tea in Boston harbor because they were denied a voting representative in the national legislature in England. Given their fealty to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.

But the demands of justice are not enough for Congress to act. Under the principles of limited government, a republic may only take that action which is authorized by the written Constitution.

In this regard, I believe that the legislation moving through the Congress is constitutional. And I am not alone in this view. In support of this legislation, Judge Kenneth Starr, former independent counsel and U.S. solicitor general observed, "there is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded".

Opponents of D.C. Voting understandably cite the plain language of Article I that the House of Representatives be comprised of representatives elected by "the people of the several states". If this were the only reference to the powers associated with the federal city, it would be most persuasive but it is not. Article I, Section 8, Cl. 17 provides, "The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

Justice Antonin Scalia observed in 1984, that the Seat of Government Clause, gives Congress "extraordinary and plenary" power over our nation's capital. Scalia added that this provision of the Constitution "enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 states. . . . There has never been any rule of law that Congress must treat people in the District of Columbia exactly the same as people are treated in various states". United States v. Cohen, 733 F.2d 128, 140 (D.C. Cir. 1984)

And Congress has used this power to remedy the rights of Americans in the District of Columbia in the past. In 1949, the Supreme Court upheld legislation that extended access to the federal courts even though Article III expressly limited the jurisdiction of the federal courts to suits brought by citizens of different states. As Judge Starr observed, "the logic of this case applies here, and supports Congress's determination to give the right to vote for a representative to citizens of the District of Columbia".

None of which argues for the District of Columbia to ever be granted the right to elect members of the United States Senate. In the most profound sense, from the inception of our nation, the House of Representatives was an extension of the people. I believe our founders left us the tools in the Constitution to ensure that all the American people have a voice in the people's house.

The Senate, from the inception of our nation, was an extension of the states. Senators were appointed by state legislatures until 1915. The Senate was and remains the expression of the principle of federalism in the national legislature and should ever be so. If the people of the District of Columbia would like two seats in the United States Senate, they will have to become a state.

The old book tells us what is required, "do justice, love kindness and walk humbly with your God." I believe that justice demands we right this historic wrong. The American people should have representation in the people's house. I believe that kindness demands that, like Republicans from Abraham Lincoln to Jack Kemp, we do the right thing for all Americans regardless of race or political creed. And I believe humility demands that we do so in a manner consistent with our constitution, laws and traditions. The D.C. Voting bill meets this test and I am honored to have the opportunity to continue to play some small role in leading our constitutional republic ever closer to a more perfect union.

Ms. NORTON. Madam Speaker, has the gentleman yielded back his time?

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. NORTON. Madam Speaker, I want to end this debate by finally letting genuine constitutional scholars speak to this bill.

To guarantee the Framers' promise to the citizens of Maryland and Virginia, who contributed their land to form this Capital City, the very first Congress enforced the District clause of the Constitution by law, guaranteeing the status quo during the 10-year transition period, and they said, by law thereafter, as memorialized in the Constitution itself.

The Framers had left Congress fully armed with "exclusive jurisdiction in all cases whatsoever," which former Court of Appeals Judge Kenneth Starr, who testified in favor of the bill, said, left Congress with power "majestic in scope."

Professor Viet Dinh, President Bush's former Attorney General for Legal Policy, his point man on the Constitution in the Ashcroft Justice Department, testified in two separate committees that the bill is constitutional. He said that since the birth of the Republic, the courts and the Congress itself have treated the District as a State in treaties and in statutes and in applying the Constitution to the city. Members who reject the views even of conservative scholars and of the Supreme Court and the Federal courts supporting their views should be confident to send this bill to a conservative Supreme Court.

Members are elected officials who can neither run nor hide behind their personal and inexpert views on the Constitution. Another branch will be held fully accountable for that weighty decision. Our decision, in just a few minutes, is just as weighty, today when the world sees us at war, we say, to spread democracy and wants to know whether we practice democracy or merely preach it. Our decision comes down to whether this House wants to be remembered for granting the vote or denying it, and whether this place will be the people's House or the House for some of the people.

Mr. WYNN. Madam Speaker, I represent the 4th District of Maryland which abuts the District of Columbia. These citizens are our friends, neighbors, and relatives. It is time to give the citizens of the District of Columbia full representation in the House of Representatives. It is time to end the injustice of "taxation without representation" for the District and give these good citizens the right to vote.

For 206 years, the citizens of the District of Columbia have paid taxes, served in the military and worked hard for this great country and yet, for over 200 years these citizens have been denied the right to representation. The United States is the only democracy in the world that, to date, has deprived the residents of its capital city full voting representation.

We have sent thousands of soldiers overseas and spent billions of dollars fighting to bring democracy to the rest of the world. We must stand on the side of democracy in our country and give our own citizens in the District of Columbia the right to vote and an opportunity for full representation in this great democracy.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H.R. 1433, the District of Columbia Fair and Equal House Voting Rights Act of 2007.

Today, the House of Representatives has a chance to correct an injustice that affects the nearly 600,000 residents of the District of Columbia. These citizens pay Federal taxes, serve in our military and the Federal Government and graciously host millions of American and foreign tourists every year, yet they remain unable to have their views represented in Congress. It is indeed ironic that the capital of our Nation, where our government and many non-governmental organizations work to promote freedom and liberty in other countries, is not representative of the ideals that we urge others to value. We have the chance to rectify this glaring problem today.

One of the primary justifications of the American Revolution was our forefathers' opposition to "taxation without representation." Indeed, in my home town Warwick, angry Rhode Islanders attacked and burned the British customs ship H.M.S. *Gaspee* in 1772 to demonstrate their opposition to British rule—one of the earliest acts of rebellion leading to the American Revolution. Fortunately, the residents of the District of Columbia have not resorted to such extreme tactics to achieve justice, but they have been more than patient, waiting more than 200 years for a right that is enjoyed by 300 million other Americans.

The bipartisan legislation before us today would give the District of Columbia a voting member in the House, as well as create a second new seat for Utah, thereby raising the number of Members in the House to 437. It would finally grant Washingtonians a voice in Federal legislation involving health, governance, budgeting, taxes, gun control and other matters directly affecting their lives and livelihoods. Our current system of disenfranchisement for District residents does not befit a nation as noble as the United States, and it is time for change.

Madam Speaker, I encourage my colleagues to support H.R. 1433 so that we may grant fair representation to the residents of Washington, DC.

Mr. CANNON. Madam Speaker, today, the House is presented with a unique opportunity to address two prevailing problems with representation in the House.

One relates to whether the District is entitled to a Representative and the other whether Utah is owed an additional seat in Congress because of the illegitimate counting of residents after the 2000 census.

Utah lost out on a 4th seat because of a census bureau decision to count, and to enumerate to their respective home States, government employees residing temporarily abroad, but not count similarly situated missionaries.

Had the Bureau either not counted any Americans residing temporarily abroad, or counted all such Americans and not just those employed by the Federal Government, Utah would have been awarded a fourth seat.

Although this legislation provides Utah the seat it deserves and was denied in the 2000 census, I do have concerns with the language in the bill which ties the hands of the Utah legislature.

The preemption language is offensive and demeans the historic role of States in the reapportionment process.

I offered an amendment that was rejected by the Rules Committee on a 7–4 vote that would have simply removed the language of the bill mandating the "at large" seat in Section 4 and left it to the State to decide.

The amendment would have changed "shall" to "may", and would not have prohibited an at large seat, but rather would have provided Utah the opportunity to choose whether to redistrict or not.

The intent of my amendment was to reaffirm the role of the State in the decisionmaking process, but the Democrats treated the 10th Amendment of the Constitution as words without meaning by rejecting my amendment.

Although I will vote in favor of this legislation, as this bill moves forward I will continue my efforts to push for inclusion of my amendment to protect the State's role in the process.

Mr. SHAYS. Madam Speaker, as an original cosponsor of H.R. 1433, I am pleased we are moving quickly to consider this legislation, to finally give Washington, DC voting rights in the House of Representatives.

This bill would establish the District of Columbia as a congressional district and thus grant the citizens of the District representation in Congress.

The legislation also would grant an additional congressional seat to Utah based on the results of the 2000 Census.

Unlike some previous versions of this legislation, H.R. 1433 would make these two seats permanent.

The Oversight and Government Reform Committee has led the charge on granting the city of Washington, DC the right to have a full vote in the House of Representatives.

The citizens of the District pay Federal taxes, so it is only right they have a say in Federal affairs.

Madam Speaker, I urge the support of this important and historic legislation.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H.R. 1422, the District of Columbia House Voting Rights Act.

Our Constitution clearly states that Members of Congress should be chosen by residents of States.

However much we might revere our Nation's capital and appreciate its residents, our Founders decided not to make it a State.

In fact, Alexander Hamilton offered an amendment at the 1788 Constitution ratification convention to give D.C. representation in the House, but his amendment was rejected.

In 1978, the 95th Congress passed a similar amendment, but only 16 of the required 38 States ratified it in the 7 year time period before it expired.

The message from these votes is clear: only residents of States may have representation in Congress.

The Constitution lays out a method for adding a new State to our Nation.

If we truly want D.C. to have congressional representation, we can either work to make D.C. a State, make it part of an existing State, or we can either amend the Constitution, like the 95th Congress attempted to do.

And if we actually did this the right way, we wouldn't spend years in litigation while D.C. residents' votes hang in the balance.

Listen up America! This bill is merely a shortcut around the tools we have at our disposal, and is therefore blatantly unconstitutional.

I urge a "no" vote on this bill.

Mr. BLUMENAUER. Madam Speaker, I strongly support the DC House Voting Rights Act. It is long overdue to give the nearly two-thirds of a million residents of our Nation's Capital the fundamental right of representation.

This is not a partisan issue. Maintaining a fair and responsive government is a duty that transcends politics. This legislation fairly addresses both parties by granting one seat in the House to the District and one additional seat to Utah, which is next in line to receive an additional House seat based on its population. This elegant and equitable solution leaves the overall composition of the House unchanged as the District seat is anticipated to be Democratic and the Utah seat Republican.

Given this bipartisan spirit, I am disappointed that the administration is fighting to deny citizens their basic voting rights. I hope the President has the good sense to withdraw his veto threat. Any concerns this administration has regarding this bill's constitutional appropriateness are best left up to the judicial branch to clarify.

I am proud to support this important legislation and urge its speedy passage into law. Residents of the District have waited long enough.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of H.R. 1433, The District of Columbia House Voting Rights Act.

I want to encourage my colleagues to vote to extend full representation to the District of Columbia as well as to the state of Utah. The District of Columbia has long been recognized as one of the most Democratic jurisdictions in the Nation. Utah, by contrast, gave President Bush his largest margin of victory in the 2004 presidential elections. Extending rights to both sides of the spectrum would be the most politically neutral way to ensure proper and sufficient representation for all of our citizens.

Regarding the residents of the District of Columbia, they have the full burden of Federal taxation and military conscription. These reasons alone should give the residents of the District of Columbia equal voting rights. In addition, voting rights have been extended to overseas voters, as well as to those in Federal enclaves within a State. Fairness and justice demand that Congress do the same for the citizens of the District, who are subjected to all Federal laws.

Madam Speaker, some argue that the Framers never intended to give the District voting rights in Congress. In reality, however, the Founding Fathers never actually spoke about the District's rights because it was little more than a contemplated entity at the time. In fact, Congress has plenary power to address the welfare of the District and its residents.

Another concern voiced by those who oppose the bill claim that the residents of the District will demand more rights. This is not necessarily true. However, if the District were to demand more rights, then it would be strictly a legal question and should therefore be reserved for the courts—not the House—to decide what is permissible and what is not.

The District now has a little over half a million people, which was probably never contemplated by the Framers more than 200 years ago. It is my belief that the Framers of the Constitution would probably not support the idea that citizens of the United States are paying Federal taxes without fair and just representation in Congress.

Madam Speaker, it truly is telling and somewhat shameful when several prominent international groups such as the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE) and the U.N.'s Committee on Human Rights have all advocated for DC residents to obtain equal voting rights. Shouldn't we do the same? I think so. I hope the rest of my colleagues share in this belief and vote favorably on the passage of H.R. 1433.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 260, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am, Madam Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1433 to the Committee on Oversight and Government Reform with instructions to report the same back to the House promptly with the following amendment:

Add at the end the following new section:

SEC. 6. DISTRICT OF COLUMBIA PERSONAL PROTECTION.

(a) REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.—Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.".

(b) REPEAL D.C. SEMIAUTOMATIC BAN.—

(1) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.".

(2) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C. Official Code) is amended to read as follows:

"(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.".

(c) REPEAL REGISTRATION REQUIREMENT.—

(1) REPEAL OF REQUIREMENT.—

(A) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking "any firearm, unless" and all that follows through paragraph (3) and inserting the following: "any firearm described in subsection (c).".

(B) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

"(c) A firearm described in this subsection is any of the following:

"(1) A sawed-off shotgun.

"(2) A machine gun.

"(3) A short-barreled rifle.".

(C) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7—2502.01, D.C. Official Code) is amended by striking "Registration requirements" and inserting "Firearm Possession".

(2) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(A) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(B) Section 101 (sec. 7—2501.01, D.C. Official Code) is amended by striking paragraph (13).

(C) Section 401 (sec. 7—2504.01, D.C. Official Code) is amended—

(i) in subsection (a), by striking "the District;" and all that follows and inserting the following: "the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act."; and

(ii) in subsection (b), by striking "which are unregisterable under section 202" and inserting "which are prohibited under section 201".

(D) Section 402 (sec. 7—2504.02, D.C. Official Code) is amended—

(i) in subsection (a), by striking "Any person eligible to register a firearm" and all that follows through "such business," and inserting the following: "Any person not otherwise prohibited from possessing or receiving a firearm under Federal of District law, or from being licensed under section 923 of title 18, United States Code,"; and

(ii) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The applicant's name;".

(E) Section 403(b) (sec. 7—2504.03(b), D.C. Official Code) is amended by striking "registration certificate" and inserting "dealer's license".

(F) Section 404(a)(3) (sec. 7—2504.04(a)(3)), D.C. Official Code) is amended—

(i) in subparagraph (B)(i), by striking "registration certificate number (if any) of the firearm,";

(ii) in subparagraph (B)(iv), by striking "holding the registration certificate" and inserting "from whom it was received for repair";

(iii) in subparagraph (C)(i), by striking "and registration certificate number (if any) of the firearm";

(iv) in subparagraph (C)(ii), by striking "registration certificate number or";

(v) in subparagraph (D)(ii), by striking "or registration number"; and

(vi) in subparagraph (E), by striking clause (iii) and redesignating clauses (iv) and (v) as clauses (iii) and (iv).

(G) Section 406(c) (sec. 7—2504.06(c), D.C. Official Code) is amended to read as follows:

"(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.".

(H) Section 407(b) (sec. 7—2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law.".

(I) Section 502 (sec. 7—2505.02, D.C. Official Code) is amended—

(i) by amending subsection (a) to read as follows:

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.";

(ii) by amending subsection (c) to read as follows:

"(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.";

(iii) in subsection (d), by striking paragraphs (2) and (3); and

(iv) by striking subsection (e).

(J) Section 704 (sec. 7—2507.04, D.C. Official Code) is amended—

(i) in subsection (a), by striking "any registration certificate or" and inserting "a"; and

(ii) in subsection (b), by striking "registration certificate,".

(3) Other conforming amendments.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7—2531.01(2)(4), D.C. Official Code) is amended—

(A) in subparagraph (A), by striking "or ignoring proof of the purchaser's residence in the District of Columbia"; and

(B) in subparagraph (B), by striking "registration and".

(d) Repeal Handgun Ammunition Ban.—

(1) Definition of restricted pistol bullet.—Section 101(13a) of the Firearms Control Regulations Act of 1975 (sec. 7—2501.01(13a)) is amended to read as follows:

"(13a)(A) 'Restricted pistol bullet' means—

"(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

"(ii) a full-jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

"(B) The term 'restricted pistol bullet' does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General of the United States (pursuant to section 921(a)(17) of title 18, United States Code) finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.".

(2) Repeal of ban.—Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01, D.C. Official Code) is amended—

(A) by striking "ammunition" each place it appears (other than paragraph (4)) and inserting "restricted pistol bullets"; and

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) Restore Right of Self Defense in the Home.—Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

(f) Remove Criminal Penalties for Possession of Unregistered Firearms.—

(1) In general.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended—

(A) by striking "that:" and all that follows through "(1) A" and inserting "that a"; and

(B) by striking paragraph (2).

(2) Effective date.—The amendments made by paragraph (1) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

(g) Remove Criminal Penalties for Carrying a Firearm in One's Dwelling or Other Premises.—

(1) In general.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official Code) is amended—

(A) in the matter before paragraph (1), by striking "a pistol," and inserting the following: "except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,"; and

(B) by striking "except that:" and all that follows through "(2) If the violation" and inserting "except that if the violation".

(2) Treatment of certain exceptions.—Section 5(a) of such Act (47 Stat. 651; sec. 22—4505(a), D.C. Official Code) is amended—

(A) by striking "pistol" each place it appears and inserting "firearm"; and

(B) by striking the period at the end and inserting the following: ", or to any person while carrying or transporting a firearm used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a firearms or hunter safety class, trapping, or a dog obedience training class or show, or the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition while the person is engaged in, on the way to, or returning from that activity if each firearm is unloaded and carried in an enclosed case or an enclosed holster, or to any person carrying or transporting a firearm in compliance with sections 926A, 926B or 926C of title 18, United States Code.".

(3) Effective date.—The amendments made by this subsection shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

Mr. SMITH of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Madam Speaker, I object.

The SPEAKER pro tempore. The Clerk will read.

The Clerk continued reading the motion to recommit.

Mr. CONYERS (during the reading). Madam Speaker, I withdraw any objection.

The SPEAKER pro tempore. Without objection, the motion is considered as read and printed in the Record.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SMITH of Texas. Madam Speaker, the motion to recommit I have offered contains a bipartisan proposal by Representatives Mike Ross and Mark Souder, the District of Columbia Personal Protection Act.

My colleagues on the other side of the aisle have suggested today that District of Columbia citizens have the right to vote in Congress. If that is the case, then they must also agree that the citizens of the District should have a constitutionally guaranteed right to possess firearms.

Currently, D.C. citizens are prevented from owning any handgun at all. Even those who lawfully own and store a rifle or shotgun are prohibited from using them to defend themselves, their families or their homes.

District law threatens honest people with imprisonment if they unlock, assemble or load their guns even under attack. Although the District has the most stringent gun control laws in the Nation, they still suffer from one of the highest murder rates. Since January 1 of this year alone, 35 people have been murdered in the District. Last year over 150 people were murdered, and 2,000 suffered gun assaults.

This violence continues unabated, despite the strict gun control laws. It is time to restore the rights of law-abiding citizens to protect themselves and to defend their families.

On March 9, 2007, the U.S. Court of Appeals for the District of Columbia Circuit struck down some, but not all, of the District of Columbia's gun control laws as unconstitutional. The court agreed with the U.S. Court of Appeals for the Fifth Circuit, the Justice Department and constitutional scholars, present and past, that the second amendment protects the right of individuals to possess firearms. This court decision, which will continue to wind its way through the judicial system, compels Congress to act now to protect all second amendment rights.

Mr. Speaker, the prohibition of firearms in the District of Columbia is as ineffective as it is unconstitutional. It is high time we rectify this wrong.

I urge my colleagues to support this measure.

Madam Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER), who in the last Congress passed a piece of legislation very similar to the motion to recommit that we consider now.

Mr. SOUDER. I thank Mr. SMITH for his leadership on this motion to recommit and his long-standing leadership in the Judiciary Committee, and for including the Personal Protection Act in our motion to recommit.

This has been passed by the House in two different forms, in the appropriations bill and as a free-standing bill. It is the first clear gun control vote, and possibly the only one we will have this year. It is a matter of whether you believe the District of Columbia should have the second amendment.

We can dispute what the Constitution says in other areas, but clearly the Constitution says that people have the right to own and bear arms for self-protection. This legislation has been upheld now, in terms of homes, by the D.C. District Court, but it is only a district court ruling. This would codify it, make it clear that there are not second-class citizens on this second amendment.

D.C., while it has had a decline in the homicide rate, it is less than the rest of the country, it has led the country repeatedly. It is five times the national average in murders, in spite of having the most stringent gun control law that restricts the right to bear arms. Up until the D.C. court ruling, for a gun in your home you had to have it locked, disassembled, with a key in another location, without the bullets in it. And when a criminal came into your house, you would have to go find the key for the cabinet, put your gun together, go find a bullet to protect yourself. This needs to be codified by Congress that we passed multiple times.

The majority of Members of Congress are sponsors of this bill, and we need to make sure that the District of Columbia residents have this protection. There are many charges made, false charges, machine guns, all this type of stuff. This is the same right that people throughout America have that has been constitutionally upheld, and if we can pass this law, we will once again make the citizens of the District of Columbia have the same second amendment rights as the rest of America.

H.R. 1399, THE DISTRICT OF COLUMBIA PERSONAL PROTECTION ACT

WHAT WOULD THE LEGISLATION DO?

H.R. 1399 would allow law-abiding citizens of the District of Columbia (D.C.) to exercise their second amendment right to own rifles, shotguns and handguns by repealing the current draconian registration requirements and bans. More specifically, it would: repeal the registration requirements for firearms; eliminate criminal penalties for possession of firearms; repeal the ban on semi-automatic firearms; repeal the ban on the possession of ammunition; permit the storage of armed firearms in one's home or place of business; and eliminate the criminal penalties for carrying a handgun in a person's home or business.

H.R. 1399 would not affect any law directed at true criminal conduct, and would leave in place strict penalties for gun possession by criminals and for violent crime committed with guns.

WHAT ARE D.C.'S CURRENT GUN LAWS?

Washington, D.C. has perhaps the most restrictive gun control law in the United States. Yet, at the same time, Justice Department figures show that the District is usually "the murder capital" of the country. It's no coincidence that when law-abiding Americans are unable to defend themselves and their families, violent crimes and murder will increase. Here are some of the particulars of the current D.C. law:

All handguns are banned unless they were owned and registered in the District before 1977;

The citizens of the District—even the few remaining legal handgun owners—are prohibited from even carrying their handguns in their own homes;

All guns must be registered with the Metropolitan Police Department;

Even rifles and shotguns that can be legally registered and owned in the District, must be stored unloaded, and disassembled or locked—rendering them useless for self-defense—unless the gun is kept at a place of business. Apparently the D.C. government thinks it's more important to let people protect their business assets than to protect their homes and families;

The D.C. Code absurdly defines many (if not most) semi-automatic firearms as "machine guns" based on their ammunition capacity, rather than on how they work. This definition is totally inconsistent with federal law.

The "District of Columbia Personal Protection Act" would fix each of these injustices and restore constitutional self-defense rights to the law-abiding citizens of the District.

Under this bill, D.C. citizens would enjoy the same self-defense rights as residents of the 50 states. The bill would allow honest citizens to own rifles, shotguns and handguns, without the current bureaucratic registration requirements. And it would allow law-abiding people to use guns to protect their homes and families.

The bill would not affect any law directed at true criminal conduct, and would leave in place strict penalties for gun possession by criminals and for violent crime committed with guns.

HAS D.C.'S GUN BAN WORKED?

The "gun control capital" of the United States is repeatedly also the violent crime and murder capital of the nation—not coincidentally.

Prior to the enactment of the gun ban, the homicide rate in D.C. had been declining, but it increased after the ban was imposed in 1976. By 1991, D.C.'s homicide rate had risen more than 200 percent. By comparison, the U.S. homicide rate rose only 12 percent during the same period. As of 2002, D.C.'s homicide rate is almost double the rate when its handgun ban took effect. As of 2002, it is almost five times higher then the national average. (Source: FBI, Metropolitan Police of the District of Columbia).

According to Justice Department crime statistics, 2003 saw D.C. once again earn its infamous distinction as murder capital of America. It was the 15th time in 16 years that the District has earned this dubious distinction. (Source: Bureau of Justice Statistics).

A January 2004 Centers for Disease Control and Prevention (CDC) report found no conclusive evidence that gun control laws help prevent violent crime, suicides or accidental injuries in the United States. The national task force of healthcare and community experts found "insufficient evidence" that bans on specific guns, waiting periods for gun buyers and other such laws changed the incidence of murder, rape, suicide and other types of violence.

WHAT'S THE CONSTITUTIONAL JUSTIFICATION FOR H.R. 1399?

On March 9, 2007, the U.S. Court of Appeals for the D.C. Circuit overturned D.C.'s gun control law, ruling it unconstitutional. The majority wrote (in a 2–1 decision):

"To summarize, we conclude that the Second Amendment protects an individual right to keep and bear arms. That right existed prior to the formation of the new government under the Constitution and was premised on the private use of arms for activities such as hunting and self-defense, the latter being understood as resistance to either private lawlessness or the depredations of a tyrannical government (or a threat from abroad). In addition, the right to keep and bear arms had the important and salutary civic purpose of helping to preserve the citizen militia. The civic purpose was also a political expedient for the Federalists in the First Congress as it served, in part, to placate their Anti-federalist opponents. The individual right facilitated militia service by ensuring that citizens would not be barred from keeping the arms they would need when called forth for militia duty. Despite the importance of the Second Amendment's civic purpose, however, the activities it protects are not limited to militia service, nor is an individual's enjoyment of the right contingent upon his or her continued or intermittent enrollment in the militia."

The U.S. Appeals Court also concluded that the current D.C. law ". . . amounts to a complete prohibition on the lawful use of handguns for self-defense. As such, we hold it unconstitutional."

In addition, the Appeals Court rejected the argument that the second amendment does not apply to D.C. because it is not a state.

HOW DOES "HOME RULE" FIT INTO THIS?

Article I, Section 8 of the U.S. Constitution grants Congress the power "To exercise exclusive Legislation in all Cases whatsoever" over the District.

When Congress chose to delegate home rule to the District in the 1970s, it specified that legislation by the District must be "consistent with the Constitution of the United States" and "reserve[d] the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject". (District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198), secs. 302 and 601.) Numerous court cases have reaffirmed congressional authority over the District.

Mr. CONYERS. Madam Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. This is the most startling double hypocrisy I have ever heard of on a bill of this magnitude. Very clever, whoever dreamed this up. The motion to recommit would deny everyone in this House the right to vote on whether citizens would gain the right to vote, and at the same time arm them with military-type weaponry that is being used in Iraq right now to destroy aircraft and bring down helicopters.

We would also repeal the District's strong ban on handgun ammunition that can pierce body armor worn by police officers and other law enforcement officials at a time when security has become a top priority in the District, making military-style assault weapons readily available.

Now, the most important person I have ever met in my life, with due respect to all the great people I have had the honor of working with as a Member of Congress, is Martin Luther King, Jr. If he is looking down on us now to see if we are working for justice and peace in our country, in our Capital and throughout the world, I am sure he would be as dismayed as I am by putting a gun control vote up for a motion to recommit.

Madam Speaker, I yield 1 minute to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Let me just say to my colleagues, I think the gun ban in the District is ridiculous, and I would join with my colleagues in overturning it. The problem is this motion doesn't do that. Instead of bringing this motion back to the floor forthwith for a vote up or down to continue this resolution and send it to the Senate with the gun ban, it sends it back to the committee; is that correct, Mr. SMITH? It does not send it back to the floor, this sends it to committee. So essentially this vote doesn't go anywhere. You can get your vote on gun rights, but it kills the bill, and that is the intention of this. And it is put there to put Members in a difficult situation. If you want to get a vote on District voter rights, you have to vote against this.

I would hope that we can have a free vote on the District gun ban later on. The courts have overturned it. I don't think it is a good law. But this doesn't overturn it because this kills the bill, and with it kills the amendment.

I would urge my colleagues to reject it.

Mr. CONYERS. I thank the gentleman.

I now turn to the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, and recognize her at this time.

Ms. NORTON. I ask my colleagues not to be fooled. The House will give you plenty of times to vote on guns in the District of Columbia. This is not a motion to recommit, it is a motion to shoot the bill dead.

Most of the time you can vote for the motion to recommit and still save the bill. Not true here. If you vote for the motion to recommit, you will kill this bill. Please do not do it.

This matter is in the courts. No matter what we do here, it is a nullity because it is now in the Federal courts, and it is in the Federal courts, on a constitutional question, and that will rule the day.

These people are trying to kill voting rights for the District of Columbia. They have prevailed on guns here before, they will do it again. Those of you who are for guns and for voting rights for the District of Columbia, vote against the motion to recommit or else you are voting against voting rights for the residents of the District of Columbia.

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Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 260, further proceedings on the bill will be postponed.

PARLIAMENTARY INQUIRIES

Mr. SOUDER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOUDER. Did I understand because of the motion to recommit that the gentleman from Michigan has asked us to not vote and delay proceedings?

I didn't understand the ruling of the Chair.

The SPEAKER pro tempore. Further proceedings have been postponed.

Mr. LINDER. Parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. What I heard the Speaker say was under the rule it is postponed.

The SPEAKER pro tempore. The gentleman is correct.

Mr. LINDER. Is it in the rule that there will be no vote on this issue?

The SPEAKER pro tempore. Consideration of H.R. 1433 has been postponed under section 2 of House Resolution 260.

Mr. SOUDER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOUDER. Proceeding on this bill or on all things in front of the House?

The SPEAKER pro tempore. Further proceedings on this bill have been postponed.

Mr. CONYERS. Regular order, Madam Speaker.

Mr. BOEHNER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOEHNER. Madam Speaker, there is a motion to recommit that is under consideration on the floor at this moment. Wouldn't it be appropriate for the House to continue to finish the work on this motion before further legislative action is postponed? Because there is, in fact, a pending question before the House.

The SPEAKER pro tempore. The Chair is operating under section 2 of the rule, and will state it: "During consideration of H.R. 1433 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker."

Mr. BOEHNER. Madam Speaker, the Chair recognized the gentleman from Texas for a motion to recommit. The motion, in fact, has been debated. To stop before we complete action on that motion does not seem to be covered under the rule, as I understand it.

The SPEAKER pro tempore. Section 2 provides for further consideration to be postponed.

Mr. CONYERS. Regular order, Madam Speaker.

Mr. WAXMAN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WAXMAN. Madam Speaker, as I understand the Chair's ruling, this is no different than any other proposal on a bill where the vote could be postponed under the rule. That has been, I point out to my colleagues, done on numerous occasions.

The SPEAKER pro tempore. This postponement was enabled by section 2 of the rule, which has been stated.

Mr. PRICE of Georgia. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Section 2 of the rule states that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

What time would that be?

The SPEAKER pro tempore. It is within the discretion of the Chair.

Mr. PRICE of Georgia. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Can the Chair enlighten the Members of the House as to when the Chair might rule as to what time we would be voting on this?

The SPEAKER pro tempore. A decision will be forthcoming. The gentleman should check with his leadership.

Mr. PRICE of Georgia. Further inquiry.

The SPEAKER pro tempore. The gentleman from Georgia.

Mr. PRICE of Georgia. The gentleman from California mentioned that this was no different than any other rule. Isn't it true that this section 2, under the rule, is a new and unique section that has been added to this rule?

The SPEAKER pro tempore. Authority to postpone consideration is not new, but the gentleman is correct that it has not before been used in these circumstances.

Mr. PRICE of Georgia. I thank the Speaker.

Mr. McHENRY. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McHENRY. Madam Speaker, under the operational rule of the House today, it says, the rule specifies that notwithstanding the previous question. The previous question has already been ordered on this legislation. Therefore, the pertinent rule the Speaker is specifying is not operational under this rule; is that not correct?

The SPEAKER pro tempore. The gentleman is not correct.

Mr. McHENRY. Madam Speaker, additional parliamentary inquiry. Why am I incorrect?

The SPEAKER pro tempore. The Chair will read the rule again:

"Section 2. During consideration of H.R. 1433 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker."

The Chair was authorized to postpone further consideration notwithstanding the fact that the previous question was ordered to passage.

PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 261

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) four hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1591 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. TIERNEY). The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

□ 1430

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 261.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 261 provides for the consideration of the emergency supplemental, the U.S. Troops Readiness, Veterans' Health and Iraq Accountability Act. The rule provides 4 hours of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the amendment printed in the Rules Committee report shall be considered as adopted. The rule waives all points of order against the bill as amended and provides that the bill, as amended, shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, with a deep appreciation for how critical this bill is, the Rules Committee reported out a rule that allows for 4 hours of what will be a full debate. It allows for the consideration of clear and concise legislation that everyone in the Congress is familiar with. It is a responsible rule, and I urge all of my colleagues to support it.

But we are here today to debate much more than procedure, Mr. Speaker. We meet today on the fourth day of the fifth year of the war in Iraq, a conflict that has gone on longer than the Korean War, even longer than the Second World War, that war being fought against the greatest threat to world security.

The scenarios painted by politicians here about the war in Iraq don't affect the men and women fighting it or living it. They actually know what the world for them really is. And what is that reality? This is a war being fought by soldiers who often do not have the equipment they need or the care they are owed. And it is not improving security for the Iraqi people. It is depleting our military and endangering the security of this Nation; and that is to this day based on a flawed strategy that desperately needs to be changed.

Under such circumstances, for this Congress to support an open-ended commitment to this conflict, passing yet another blank check as past Congresses have done, would be a dereliction of duty. By contrast, passing a bill that has a chance of changing a stagnant situation in Iraq is not micromanaging; it is living up to what we owe our soldiers and the Iraqi people, to give them a fighting chance for success.

The supplemental makes America's continued involvement in Iraq conditional on the situation there improving. America's soldiers will no longer be asked to fight in an open-ended war whose goal line keeps moving. The bill would require Iraqi leaders to make the political compromises necessary to produce a working government, or risk losing the American military support. It will require the President's own security benchmarks to be met if American soldiers are to continue sacrificing their safety for that goal. And it will be the first step toward ending the war.

Ending this flawed conflict is crucial not just for Iraq, but also for the future of our own military and, hence, to our own national security.

This Congress was aghast when it learned of the conditions of Walter Reed. But every day, the men and women of our military are suffering beyond reason. Let me briefly share one story with you that I recently heard, the story of a young lieutenant awaiting his second deployment to Iraq.

His first tour saw him bravely patrolling dangerous streets north of Baghdad. He returned last December, expecting a year on base during which to rest and train a new platoon. Instead, with the escalation in place, he will be heading back months sooner. The soldiers under his command are not getting the time they need to train properly for their mission. The vehicles and equipment they use to train for war are failing and often break. They are physically weary, many still suffering from the lingering effects of leg and back injuries. Others are in counseling for post-traumatic stress disorder. Most of the soldiers who were married before the war are now divorced. Their lives outside the conflict are coming apart.

This lieutenant and his soldiers personify sacrifice. They never complain. When those in the military are given a mission, he told me, they find a way to complete it. That creed is why our Armed Forces are so strong.

But what this officer did tell me is that our Armed Forces cannot go on like this. He said that we are in danger of destroying our system of national defense. We see soldiers being sent back tour after tour, some too injured to wear the body armor. Our services are desperately trying to find a way to meet new troop requirements, sending back the wounded.

Mr. Speaker, this war is a dramatic misuse of our military. In the name of our national security, it is undermining the only true guarantor of national security that we have, our Armed Forces. And for years this Congress has let it happen, but not anymore.

Today the House will finally recognize that our military is at the breaking point, not because of any inherent weakness, but because it is being asked to complete a flawed mission. And so that mission itself must change.

Let me add as well that while our soldiers may stoically bear the burdens of short leaves and shoddy equipment, that in no way means that we in Congress should allow it to happen.

This bill respects our men and women in uniform enough to put their needs at the forefront of national priorities. From now on, if they are asked to go into battle without being fully armored, fully rested, and fully trained, then the President himself will have to stand before them, look them in the eye, and explain why he thinks our national safety is worth that level of sacrifice.

The legislation will also provide desperately needed funds for veterans' health care. Our country is seeing more wounded soldiers returning from abroad than at any point in 40 years, and yet our health care system has failed thousands of them. It is unconscionable, and it is long past time that that state of affairs is radically changed.

And, finally, this bill both increases funding for the ongoing conflict in Afghanistan and for a variety of other critically important national security objectives. Taken together, it represents the beginning of what will be a responsible and ethical shift in our national security priorities away from a war in Iraq that we can't end and back towards where it ought to be.

Mr. Speaker, this legislation is the first real chance that Democrats have had since 2003 to change the course of the war in Iraq, and we intend to do it. We will do it not because we are conceding anything to those who would do our Nation harm, not because we lack the will to fight for security, and not because, as some would have you believe, we are giving up. With this first step, we will change the course of this war because the future of the people of America depends on it, because a basic level of respect for our soldiers demands it, and because the long-term security of our Nation requires it.

This is an important and historic bill, and I am proud to support it. I urge all of my colleagues to do the same thing.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I thank my friend from New York, the distinguished Chair on the Committee of Rules for yielding me the time, and I yield myself such time as I might consume.

Mr. Speaker, I rise in the strongest possible opposition to this rule and the underlying legislation. I could start this debate by quoting my Democratic colleagues on the Rules Committee when they decried Republican tactics over the last few years, how they railed against closed rules and chided me personally. I am a big guy, I can handle it. But they attacked me personally constantly for denying amendments that were offered by both Democrats and Republicans. I could quote every instance that they promised to do better, to have the most open and fair Congress in the history of this country, and to not have late-night meetings. But today, Mr. Speaker, I am not going to do that. I am going to recognize that that would simply distract from this very, very important issue. Instead, I am going to simply provide the House, Mr. Speaker, and you witnessed much of this last night, with a factual account of what took place in the wee hours of this morning.

Shortly before 1 a.m., the Rules Committee on party-line votes reported out two self-executing closed rules, and denied the consideration of some 70 amendments submitted to the Rules Committee from both Republicans and Democrats as well. That is what happened. There is no denying it. You, Mr. Speaker, witnessed it yourself when you were upstairs in the Rules Committee.

So regardless of the process, this supplemental appropriations bill is a constitutionally dubious attempt at micromanaging the Iraq war into what I believe would be inevitable defeat if it succeeds. It enjoys such limited support on the other side of the aisle that it had to be ladened with unrelated pork in order to win enough votes to have any hope of passing. It is a cynical ploy that will leave dire consequences for the region, and for our own security, in its wake.

The Constitution lays out a very clear system of checks and balances derived from the ideas of the Framers of our Constitution. By giving the three branches of government distinct roles, we guard ourselves against tyranny; we guard ourselves as individuals against tyranny in each branch.

The President cannot wage war without authorization or funding from Congress. But if authorization and funding are granted, the President serves as the Commander in Chief with the authority to execute the war.

Mr. Speaker, this bill ignores the intentions of those Framers, and it attempts to turn the Constitution on its head. James Madison, Father of the Constitution, the author of the Constitution in Federalist No. 51, wrote, and I quote, "In framing a government that is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place oblige it to control itself."

Mr. Speaker, Madison recognized the inherent challenges in designing a government that is both effective and limited. He knew that, without checks and balances, tyranny would, in fact, ensue.

This bill attempts to diminish these checks and balances. It tries to turn Congress into a collection of 535 Commanders in Chief. This legislation of micromanagement is based on a disastrous strategy. Its authors fund the war, and then mandate its failure. They seek to tie the hands of our military commanders, and then force them to retreat when they are unable to meet impossible timetables. They mandate the withdrawal with no regard for the situation on the ground, and then they sweeten the deal with $15 billion in money that is unrelated spending that has got a little something in there for practically everyone: $283 million for the milk income lost contract program; $74 million for peanut storage costs; $1.3 billion for the Army Corps of Engineers. Billions and billions of dollars for these projects, some worthy, some not.

□ 1445

But none of them related to the troops, and what this is, this is a war funding supplemental. None of these are emergency items.

Their only connection to emergency supplemental appropriations for the war, Mr. Speaker, in Iraq, is that they are necessary to build support for this bill, a bill that trades victory for electoral gains. Make no mistake, this legislation is a political solution for Democrats, not a strategy for winning in Iraq.

And what would the consequences of defeat be? The National Intelligence Estimate, the 9/11 Commission, and our people on the ground have all made it very clear that a precipitous withdrawal would have catastrophic consequences. The carnage of the battle of Baghdad that we are witnessing today will be just the beginning. Violence will spill out across the country and spread to the entire region.

In our absence, Iran and Syria will be utterly unfettered in their ability to incite a regional war that threatens global security, with enormous casualties suffered by the people of the region.

Proponents of a policy of defeat often point to our diminished standing in the international community. But what about our standing with the Iraqi people? Terrorist attacks on our own soil have demonstrated that our security and their security are directly linked.

And, Mr. Speaker, Operation Iraqi Freedom has bound us even more closely. We have a commitment to help the Iraqi people establish lasting security through democracy. We have a commitment not to abandon them to be slaughtered by terrorists.

And if we retreat, we not only abandon the Iraqi people, we draw terrorism back to our own doorstep. Have we so soon forgotten the tragedy of attacks on our homeland?

We took the war on terror to the terrorists and have suffered not one attack since September 11 of 2001.

With this bill, we would bring the war on terror back home. Only this time we will have strengthened the terrorists ourselves with a road map for success. We will have demonstrated precisely what it takes to defeat the United States of America. We will have clearly signaled to them that they must simply bide their time until the mandated retreat, at which time they will be able to terrorize with impunity.

I, like many Americans, Mr. Speaker, have been discouraged by this war. We all feel the toll that it has taken. And we are keenly aware of the price that we are paying, especially in a human sense. Every one of my colleagues, Mr. Speaker, has, as I have, looked in the faces of constituents whose family and friends have made the ultimate sacrifice in this war. Their pain is very real, and their loss is profound.

I regularly talk to a man called Ed Blecksmith whose son J.P. was tragically killed 2 years ago this past November in the very famous battle of Fallujah. And he has, time and time again, said to me, if we don't complete this mission, my son J.P. will have died in vain.

But we do not honor those who have sacrificed by abandoning their mission. We do not honor those in the field who are fighting, as we speak, by tying their hands and depriving them of the means to succeed. We will honor them by winning the war in Iraq so that our men and women come home having completed their mission.

We know that their mission will not be complete in the immediate future. As President Bush and General David Petraeus have both acknowledged, success will take months, not days or weeks. But there are signs of hope that the President's new plans, under General Petraeus, are working.

As Brian Williams of NBC reported from the field in Iraq, he said, "This change in policy, getting out, decentralizing, going into the neighborhoods, grabbing a toehold, telling the enemy we are here, talking to the locals, that is having an obvious and palpable effect. There are hopeful signs." That was said by the NBC news anchor, Brian Williams.

Mr. Speaker, to abandon our mission now would be disastrous. I urge my colleagues to reject the policy of defeat, reject the return of terrorism to our homeland, and reject this unconstitutional power grab whose sole purpose is to cede victory to our enemies.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, let me begin by saying that this is a difficult day for me.

I voted against this war from the very beginning when this vote was not politically popular. I was an original member of the Out of Iraq Caucus.

As far back as 2005 I introduced legislation to end funding for the war, which I believe has been one of the worst political, military, diplomatic and moral blunders in our Nation's history.

My bill calls for the immediate, safe and orderly withdrawal of all of our troops from Iraq, and I urge my colleagues to join me in that legislation.

I want this war to come to an end today. Unfortunately, and to my deep disappointment, not enough of my colleagues, Democrat or Republican, believe as I do.

I have come to the conclusion that defeating the supplemental bill before us today would send a message to George Bush and DICK CHENEY that they will continue to have a free pass from this Congress to do whatever the hell they want to do.

The Bush administration, with their "Mission Accomplished" banners and their shifting rationales, must be held to account. We simply cannot trust them any longer. I lost my trust in this administration a long, long time ago.

I fear that defeating this bill would result in more of the same, more deceit and empty promises, more ignored benchmarks and missed deadlines, more American casualties, more debt passed on to our children and our grandchildren, more harm to our reputation around the world, and more war.

I cannot do that. I will not do that. So I will vote "yes."

This is not the bill that I want. This is not the bill that I would have written. But it is the bill that the Appropriations Committee has presented to us today, and it is a bill that reflects the hard reality that this is the toughest measure that we can get passed and get 218 votes for.

For the first time, we can mandate real and meaningful deadlines that clearly reflect the disgust so many of us have with how this war has been conducted.

This bill also provides $1.7 billion to address the health care needs of our veterans, particularly those suffering from traumatic brain injury and post-traumatic stress disorder. Too many of our veterans can't even get diagnosed, let alone treated. That is wrong, and this bill begins to fix it.

Quite frankly, I have concluded that this bill is the best that we can do, for now. I say that very deliberately, "for now," because those of us who oppose this war will continue our efforts to end it. I want all of our troops out of Iraq and back home with their families where they belong.

I will propose much stronger language and, indeed, continue to press for the immediate withdrawal of all of our troops in the defense bills that are coming in the weeks ahead.

My old boss, Joe Moakley, stares at me from his portrait every day in the Rules Committee. He used to say that if the Democratic Party were in Europe, we would be 16 different parties.

So I want to just take a moment to commend the leadership of DAVE OBEY and JACK MURTHA and STENY HOYER, JIM CLYBURN and RAHM EMANUEL for all of their hard work these past few weeks. They have anguished over this issue, as all of us have.

And I especially want to commend our Speaker, NANCY PELOSI. She has been a forceful and effective opponent of this war from the very beginning, and I know she will continue to do all that she can to bring all of us, Republicans and Democrats, together to finally bring this terrible war to an end.

I am grateful to my colleagues in the Out of Iraq Caucus for their continued and forceful leadership. And I also want to thank all of the national and grass-roots activists and organizations who have done so much to oppose this war. I truly believe that the American people are way ahead of the politicians in Washington on this issue, and it is my hope that some day soon Congress and the White House will catch up.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2½ minutes to a very hardworking member of the Committee on Rules, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in strong opposition to this closed rule and the underlying legislation.

Mr. Speaker, since the war on terror began, the Rules Committee has granted an open rule for every wartime supplemental spending bill brought to the floor, thus giving every Member an opportunity to offer an amendment and have their say on those supplemental bills.

In the Rules Committee last night, we heard passionate testimony from several Members on both sides of the aisle. Some Members spoke about the need to continuing funding our troops to complete our mission, while others offered hard deadlines for withdrawal, regardless of consequence.

In the end, over 50 amendments were offered to the Rules Committee to be made in order for consideration on the

House floor today. Regrettably, Mr. Speaker, not one single amendment, let me repeat that, not one of the 50 amendments will be allowed to be considered by the full House. And, Mr. Speaker, I am truly disappointed with that.

The bill we have before us today contains restrictions on funding and conditions on what our troops are able to do that are simply, to me, unacceptable. We have military leaders for a reason. Making 435 Members of Congress commanders in the field is a formula for failure, which I am deeply concerned will have a long-term consequence on our security here at home.

By placing restrictions on funds, hamstringing our military and calling for an arbitrary withdrawal, this bill will jeopardize the ability of our troops to do their jobs to defend America.

A wartime spending bill, Mr. Speaker, should have, above all else, to provide the support that our men and women in uniform need to accomplish their mission. By placing conditions on funding, this bill fails to do that. Conditions on funding make it impossible for our military leaders and our troops on the ground to respond to ever-changing conditions on the battlefield.

And finally, Mr. Speaker, this bill has more than just military funding. And I am disappointed now that it is only now, in an effort to attract votes for a bad bill that we know will never be signed into law, the Democrat leadership has decided to include in this bill an extension of rural county payments.

I tried earlier this year to attach an extension to another bill. That bill became law. I also tried to have a long-term extension brought up on a vote, but the Democrat leadership said no, time and time again. Allowing the extension to come to the floor only on a bill that we know will be vetoed amounts to nothing more than false promises.

So, Mr. Speaker, I urge my colleagues to oppose this rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Thank you very much, Ms. SLAUGHTER, and thank you very much for your leadership.

Mr. Speaker, I have appended to this podium the faces of 90 people who never should have lost their lives in this war.

Mr. Speaker, when I voted against using troops in Iraq more than 4 years ago, I believed then, and still believe today, that this was not a war of necessity, but rather for the Bush administration a war of choice and convenience. As we have learned since that vote, the concern that I and others had was, indeed, justified.

Today's vote is not a vote on supporting our troops. After all, there is no choice when it comes to supporting our military. We all stand by them, Republicans and Democrats alike, especially when they are in harm's way.

But should we send our troops into battle without proper body armor? For over 4 years the Bush administration has said "yes." Democrats have said "no."

Should we force our troops into second and third and fourth tours of duties with shortened times in between those tours? The Bush administration continues to say "yes." Democrats say "no."

Should we welcome home our troops with inhumane conditions at our VA hospitals around this Nation, not just at Walter Reed, and a shortchanged veterans health care system? The Bush administration says "yes." Democrats say "no."

Should we stay the course of rhetorical arguments filled with fear and deception, like I have heard here today? Or should we finally start holding this administration and the Iraqi Government accountable? For over 4 years the Bush administration has said "stay the course." Democrats and the American people demand accountability and a plan to bring our men and women home.

Choices arise only when we start asking ourselves the real questions about how we can best support and protect our troops. On these issues, there are very clear choices between the Bush administration's "stay the course" stubbornness and the Democratic plan for accountability.

☐ 1500

This bill is not the end-all-be-all when it comes to getting us out of Iraq. It is not the long-term solution which so many of us crave. But it is the first step, a very necessary step, on the road to holding the administration and the Iraqi Government accountable and bringing our troops home.

Many Democrats did not vote for this war, but make no mistake about it, one way or another we will end it. Incidentally, whatever happened to exit strategy? Most importantly, we will do so in a manner that enhances our security here at home and contributes to the restoration of order and stability in the Middle East region and throughout the world.

This is an excellent rule, Madam Chairman, and the bill that has been fashioned by the Speaker and the leadership of this House is a correct start to adhere to the wishes of the American people.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to another hardworking member of the Committee on Rules, the gentleman from Miami (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from California for the time.

I rise to strongly oppose this rule and the underlying legislation that is being brought to the floor. For obviously substantive grounds, I oppose the legislation being brought to the floor.

I think that we are at a decisive time, more even than a critical time, a decisive time in the conflict in Iraq. And I think that now to be substantively, as this legislation does, tying the hands of our military personnel and, in effect, saying, well, if things don't go totally appropriately, totally correctly, if they don't go right, then you must withdraw.

And I think about other wars in the past and what would have happened if we would have had those kinds of requisites. If we had tied the hands of the military leaders in the past, there would have been disaster then. There would be disaster now if this legislation passes.

And for procedural reasons also, Mr. Speaker, I am strongly against this legislation. As strongly as I oppose some of the amendments that were brought forth to the Rules Committee, I supported the right of Members to bring forth those ideas and have them considered, but the majority in the Rules Committee rejected them.

During the time that we were in the majority, we never brought a wartime supplemental bill to this floor with a closed rule. It is unfortunate that the majority is doing so today.

For the substantive reasons that I have mentioned and many others, Mr. Speaker, as well as the significant procedural reasons that I have touched upon, that this House is being closed down with regard to the ability to present amendments today, I urge rejection of this rule as well as of the legislation being brought forth today.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), member of the Rules Committee.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me time and her leadership on the committee.

Mr. Speaker, this Congress is on the cusp of an historic step, a first step to changing Iraq policy, enacting a fixed timetable to bring our troops home. The bill made in order under this rule is not perfect, but it deserves our strong support because it offers us our best chance at forcing a change of direction in Iraq after 4 long years of mismanagement.

Mr. Speaker, I opposed this war from the beginning, and I believe we must bring our troops home soon and in a responsible way. The President's reckless insistence on sticking to a failed policy in Iraq underlines the need for Congress to show leadership. This legislation gives us the chance for the first time to take a concrete step towards bringing the war to a close.

This bill does not go as far as I would like. I support a more rapid redeployment of our troops from Iraq. I also strongly believe the President should not be allowed to waive the legislation's troop readiness requirements. But it has become clear in recent weeks that this is the most aggressive approach that can obtain the necessary votes to pass this House. That is the reality here. This is, after all, the legislative branch. That means we can't change the policy if we can't pass the bill.

Enacting a fixed timetable to bring our troops home is a very significant leap forward in our Iraq policy. It provides a foundation for further action and increases pressure on the President. That is why the President opposes it so strongly. Defeating this bill would ultimately play into the President's hands, resulting in the eventual passage of a blank-check bill that places fewer restraints on the President.

Ultimately Congress faces a choice: Do we set a timetable to bring the troops home while providing for the troops in harm's way, or do we give the administration a blank check for a war without end?

I choose to begin steps to end the war. For that reason I urge all Members to support the rule and the underlying bill.

Mr. Speaker, I thank the gentlelady from New York, the distinguished chairman of our committee, Ms. SLAUGHTER for the time and for her leadership.

Mr. Speaker, in the next twenty-four hours, this Congress will undertake a historic first step to changing our Iraq policy.

The bill made in order under this rule is not a perfect bill. But it deserves our strong support because it will bring a critical change of direction in Iraq after four long years of mismanagement.

Mr. Speaker, I opposed this war from the beginning. And I believe we must bring our troops home soon and in a responsible way. Our men and women in uniform have done everything we have asked of them.

They have endured multiple deployments and extended separation from their loved ones. They have followed orders into combat often without the proper body armor or equipment.

These are signs of an inexcusable lack of leadership from the President. Rather than change direction, the President has chosen to send tens of thousands of additional troops to Iraq.

This goes against the advice of his generals . . . against the advice of the bipartisan Iraq Study Group . . . and against the expressed wishes of the voters.

The President's reckless insistence on sticking to a failed policy in Iraq underlines the need for Congress to show leadership.

I support Congress taking firm steps to change our Nation's direction in Iraq. And I have cosponsored legislation to establish a timetable for redeployment of our troops.

As I said at the beginning, Congress has a historic opportunity to demonstrate its responsible leadership with this bill. And that's the prism through which I evaluate my vote this week.

The decision comes down to this—do we want to enact a bill that has flaws but does contain a fixed timetable to bring our troops home? Or do we want to vote down the fixed timetable and endorse President Bush's ability to continue to wage this war without any limits?

This bill does not go as far as I would like. I support a more rapid redeployment of our troops from Iraq. I also strongly believe the President should not be allowed to waive the legislation's troop readiness requirements.

Because of his gross mismanagement of the conflict, I believe the President has abdicated any right to deference on that front.

Having said that, it has become clear in recent weeks that this is the most aggressive approach that can obtain the necessary votes to pass the House of Representatives.

That is disappointing to me, but that is the reality here. This is, after all, the legislative branch. That means we can't change the policy if we can't pass the bill.

Enacting a fixed timetable to bring our troops home is a very significant leap forward in our Iraq policy. It provides a foundation for further action and increases pressure on the President. That is why the President opposes it so strongly.

To defeat this bill would result in the eventual passage of a blank check bill that places even fewer responsibilities on the President.

I believe it is simply unacceptable to give the President permission to mismanage the war as he chooses.

Ultimately, Congress faces a choice: Do we set a timetable to bring the troops home while providing for our troops in the field at every moment?

Or do we give the Administration a blank check for a war without end? I believe Congress must choose the former.

This legislation, whatever its flaws may be, enacts a timetable to bring our troops home while giving them the resources they need for protection while they are still in harm's way. For that reason, I am voting yes on the supplemental appropriations bill.

I urge all Members to support the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to another hardworking member of the Rules Committee, the gentleman from Dallas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I want to inquire if the gentleman has notified the Blue Dog Caucus that it is time for them to rush out front of their offices and put an extra $25 billion on the national debt. Have we given that notice yet for their offices to begin doing that?

We will find out whether they are going to vote for this 25 extra billion dollars that I think is way too much in the emergency supplemental.

Mr. Speaker, once again the Democrats are refusing to operate under the rules they campaigned on to open up the political process and use PAYGO rules to fully fund and offset any new mandatory spending.

Today is a particularly egregious example of their irresponsible leadership as they threaten to leave our troops in the lurch by micromanaging the war against the United States by terrorists, while also leaving American taxpayers holding the bag by declaring hundreds of millions of dollars in new mandatory spending as an "emergency."

SCHIP is an important program where States are given a fixed annual allotment to assist them in providing health care coverage to near-poverty children and pregnant women. However, a few States want to use their SCHIP program to provide health care services to expanded populations that go well beyond the scope of the original program, even though they signed an agreement stating that they promised to pay for any additional costs with their own State funds or to offset those within the Medicaid program.

Despite this agreement, Mr. Speaker, a number of States have told Congress that overspending their Federal allotment was their intention all along. Once again they come to Uncle Sam to get a bailout.

Mr. Speaker, this is not an emergency. This is a loophole being exploited by the Democratic leadership. So today the Democrat leadership is telling these States. You don't have to keep your promises to the Federal Government, and you don't have to worry. We don't mind exploiting a loophole in the rules and calling this an "emergency" even though we have known for years that this would happen.

Mr. Speaker, I am voting against this.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of this rule and the underlying bill.

It is the responsibility of this Congress, ladies and gentlemen, to demand accountability from this President and insist on concrete results from the Iraqi Government. Ladies and gentlemen, our troops are laying their lives on the line every single day. The least we can do is demand and require Iraqi accountability. This bill embraces that responsibility and sets the stage for handing over control of security of Iraq to the Iraqis.

It is also the responsibility of this Congress to provide our troops with the resources they need to do their jobs. And let there be no confusion. This bill provides full funding for our men and women in uniform, who continue to serve the country with great courage and dedication.

This bill also provides $1.7 billion in new funding for veterans' health care, something that is direly needed. The state of veterans' health care in America is in crisis, and our troops deserve better.

In addition, this bill will help us refocus our efforts on those who attacked us on September 11 by increasing funding for the war against al Qaeda and the Taliban in Afghanistan.

It is deeply troubling to me that this war in Iraq has undermined our efforts to address the urgent threats in the war on terror. After failing to kill Osama bin Laden when we had the chance at Tora Bora, the administration turned its attention to Iraq, allowing the Taliban to regain lost ground in Afghanistan.

Finally, Mr. Speaker, our goals in Iraq must reflect reality. For far too long Congress served as nothing more than a rubber stamp for this President's disastrous policy in Iraq. Those days, Mr. Speaker, are over. Iraq has descended into a bloody civil war that cannot be resolved by the American military. Even our military commander in Iraq, General Petraeus, has said there is no military solution to this conflict.

The Sunni-Shia divide goes back 1,400 years. America alone cannot reverse 14 centuries of division and hate.

I support the rule, and I support the underlying bill.

Mr. DREIER. Mr. Speaker, at this time I am very pleased to yield 2 minutes to my good friend, member of the Appropriations Committee, the gentleman from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, this supplemental funding is one of the most important bills that Congress will be considering this year, and I am very disappointed that the Democrat leadership has mandated that this bill come to the floor under a closed rule.

I have heard the Democrats say that this is not a perfect rule. It is perfectly wrong; that is what it is.

What does a closed rule mean? It means voices will not be heard. It means ideas will be silenced. A closed rule means that no amendments will be allowed to the bill, that no alternative plan to fully fund the troops will be allowed.

I only have 2 minutes to discuss this, not enough time to explain to the American people how this puts our troops at risk or question why the Speaker believes she has the right to micromanage the war in Iraq.

We spent a whole week debating the nonbinding resolution on Iraq, and now we have only 4 hours of how to best fund and support our troops. It is not enough time to explain title IX, where the language of the bill prevents our troops from receiving reinforcements or replacements. It is not enough time to prove beyond a shadow of a doubt that the supplemental will fulfill the goals of al Qaeda's leader al-Zawahiri. It is not enough time to show the American people how this supplemental replaces the Iraqi National Congress by imposing on their government demands, demands to change their Constitution, demands to change their laws.

This is an unfair rule that represents broken promises for a more open Congress made by the Speaker. This is a rule that should be defeated.

I am going to vote "no" on this, and I encourage my colleagues to also vote "no" on this rule. It is an unfair bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, the President's Iraq policy has been a complete catastrophe. It must be challenged. It must be changed. We must end this war.

The question we face is clear: Will Congress rubber-stamp a fifth year of a failed policy, or will Congress finally, after 4 straight years of lock-step compliance with an incompetent administration, compel a new direction that ends the war?

The President has arrogantly asserted that he will veto any measure with a timetable. Mr. Speaker, I will not support any bill without a timetable. If I had a chance to write this bill, like my colleague from Massachusetts (Mr. McGOVERN), I would bring our troops home yesterday. But I did not write this bill, so I must measure it based on three criteria: Does it impose accountability on the President and Iraqis? Does it revoke the President's blank check? Does it establish a date certain with the force of law that will end this war?

☐ 1515

This bill meets each of these objectives. Regrettably if this bill fails, the war will continue, unchecked and unabated.

It is time for the Iraqis to accept responsibility for shaping their own future. Even President Bush has acknowledged the importance of imposing measurable benchmarks of success on the Iraqi Government. This legislation replaces Presidential lip service with congressional force of law.

There is a reason the President threatens to veto this bill: It is because Congress is finally revoking his blank check.

Mr. Speaker, there is no easy way to clean up the mess in Iraq or to avert further suffering. Our obligation remains to decide, at this time and place, whether to stay the President's course or to end this war as soon as possible.

I will support this bill because it finally puts us on the path to end the unconscionable war.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). All Members are reminded not to make improper references regarding the President's character.

PARLIAMENTARY INQUIRY

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAHOOD. Mr. Speaker, I want to say I thank you for admonishing the prior speaker. The words that he used could have been taken down. We don't need people out here on the floor calling the President names.

I appreciate what the Speaker said to him, and I hope other Members will listen.

The SPEAKER pro tempore. The gentleman has not posed a parliamentary inquiry.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a former member of the Committee on Rules, who works hard on the Armed Services Committee now.

Mr. GINGREY. Mr. Speaker, I rise today not only in strong opposition to this "our way or the highway" rule, but also to the underlying bill, which I believe encroaches on the constitutional principle of separation of power, particularly the President's authority as Commander in Chief.

Regretfully, this rule prevents every single Member of this body, both Democrats and Republicans, from offering an amendment to an emergency wartime supplemental appropriations act, a highly unprecedented attack on the democratic process.

Mr. Speaker, I recognize the majority is insistent on a force pullout from Iraq, but the language in this supplemental puts this war and the soldiers' lives on autopilot. This legislation makes a flash-point decision about the war, about our men and women on the ground, with little regard to the actual facts 6 months, a year, and indeed 17 months from now. It looks like "Magic 8-Ball" foreign policy.

Last night, Mr. Speaker, I offered an amendment to the Rules Committee. Unfortunately, it was not made in order, but it would have required this Congress to reevaluate the situation in Iraq at each of these timelines in the so-called Murtha language. So whatever the benchmarks, then we would have to come back and vote again, clean up or down vote, whether or not we want to bring the troops home.

Mr. Speaker, that is especially important at the drop-dead date of August of 2008, when this bill basically says no matter what, the troops come home, even if we have got the bad guys on the run. I think every Member of this body would want to support an amendment like this, so that we would once again be able to vote and reconsider, considering the situation on the ground.

So this legislation sets a dangerous precedent, and I respectfully ask my colleagues, oppose the rule, oppose the underlying bill. Let's work, both Republican and Democrat alike, let's produce a supplemental that will actually pass this House, pass the Senate and be signed by the President. Do right by our American soldiers, and our people and the people in Iraq.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank the distinguished Rules Committee Chair.

Mr. Speaker, the Iraq Accountability Act under this rule is the most responsible way to chart a new direction to the Bush-Cheney stay-the-course policy in Iraq, to bring our troops home and to protect our national security.

The American people are way beyond the politicians at both ends of Pennsylvania Avenue. Nevertheless, our government is at a crossroads. On the one hand, some want to continue to endorse the Bush-Cheney war without end, a war that the administration sought because they were blinded by the prospects of oil profits. They want to continue a blank-check, rubber-stamp, diplomatically impotent position.

On the other hand, I urge my colleagues to patriotically stand up for a greater Nation, be strategically smarter and support our brave men and women in uniform. That is the responsible course of action.

Ensuring that our troops in the field have all of the resources they require is the responsible thing to do. Focusing again in a meaningful way on al Qaeda and the Taliban is the responsible thing to do. Improving health care for injured soldiers and veterans is the responsible thing to do. And oversight of the misspending and waste by the executive branch is the responsible thing to do.

Requiring the Iraqi Government to provide for its own defense is the right and responsible thing to do, so that we can take our brave men and women in uniform out of the middle of the Iraqi civil war and bring our troops home.

As a member of the House Armed Services Committee, I am particularly concerned that the reckless Bush escalation will continue to undermine our country's readiness and ability to address other threats to our national security. Indeed, in recent testimony before our committee, the Army Chief of Staff testified that America will run a strategic risk by implementing the escalation and staying on the same course in Iraq.

The American people are demanding a new direction from the White House. This includes one of my neighbors in Tampa, Armando B. Arias.

Mr. Arias would meet anyone's definition of "patriot." He loves his country and has served in two separate wars—World War II and Korea. When I asked him a few months back when I knocked on his door in West Tampa what he most wanted his new Congresswoman to work on, he replied immediately, "get out of the war and ring our kids home."

I am proud to be here today to keep that commitment to Armando Arias and Americans everywhere who are demanding fundamental change.

I urge a "yes" vote on this rule and the Iraq Accountability Act.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the ranking Republican on the Committee on the Budget, the gentleman from Janesville, Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, this bill takes the cake. Let me tell you why this bill takes the cake. For all the talk about fiscal discipline we have received from the new majority, this bill represents an egregious violation of the budget rules that the Democrat majority set for itself just recently.

Last year in the 109th Congress, we decided to put in place a new tool of fiscal discipline, one that said if it is really an emergency, then it should be an emergency, but don't put pork and unrelated programs into emergency spending bills. So we set up a procedure, a procedure that set aside $6.45 billion to be reserved for domestic emergencies. If we had more money needed above that, the Budget Committee would meet, the Budget Committee would determine whether or not a particular program met the definition of a legitimate emergency, and then it would raise the corresponding amount, which then the Appropriations Committee could use.

Last night we met in the Budget Committee. We could have easily added a discussion or a vote on whether or not this extra $22 billion fit the definition of a legitimate emergency and raised the amount, but what did this new majority do, after putting in place these rules that we had from the 109th Congress to this 110th Congress? They waived them. They are gone. All of this talk about fiscal discipline, all this talk of PAYGO, of paying for things, what happened? Gone. Waived.

We added an amendment last night in the Budget Committee during the resolution markup to continue these rules next year so that we can't pork up emergency spending bills. Both parties have been guilty of this. Please note that I say that. What happened? They voted it down. So not only are we not living by the rules put in place just in January, we canceled the rules for next year.

So what happens? This bill puts $22 billion in unrelated, unrequested spending, having nothing to do with the war, in here. And the idea that we police emergencies, that we make sure that when you do an emergency spending bill with no offsets, that it really is an emergency, and that we police it and we look at it in the Budget Committee, gone.

The days of fiscal discipline have left. Last night in this budget, the Democrat majority passed the largest tax increase in American history. The reason they passed the largest tax increase in American history is because that is the only way they can balance the budget to also accommodate all the new spending they called for, because this budget had zero savings, no controls on spending, nothing but tax increases. And now they are waiving the rules so that they can bring any emergency spending bill they want without checking as to whether or not it truly is a legitimate emergency.

Mr. Speaker, for this, and many, many, many other reasons, fiscal discipline, using the rules and obeying the rules and not handcuffing our generals, I ask for a "no" vote on this rule and a "no" vote on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Speaker, I thank the distinguished chairwoman of the Rules Committee and fellow New Yorker for yielding.

Mr. Speaker, for months I have said that our country needs a plan to ensure the timely redeployment of our troops out of Iraq. The previous Congress failed in their duty to provide oversight and refused to ask the tough questions regarding the management of this poorly planned and ill-conceived war. To say, as some of my Republican colleagues have, that passage of this legislation would somehow embolden our enemies or send the wrong message to our allies is just a blatant distortion of the truth.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act lays out for the first time a responsible and realistic strategy for completing our mission in Iraq and bringing our brave troops home as soon as possible. This is a responsible and deliberate plan to change the direction in Iraq without jeopardizing the safety and well-being of our soldiers. The legislation sets a responsible timeline for the phased redeployment of U.S. troops in Iraq with a date certain by August 2008 at the latest.

The war in Iraq increasingly strains our military, creating a crisis in the U.S. troop readiness and decreasing our ability to respond to new threats. With more than 3,200 troops dead, more than 24,000 troops wounded, and more than $400 billion of taxpayer dollars spent, we have paid too high a price.

We have a choice: We can continue the administration's open-ended commitment to a civil war in Iraq, or we can finish the job and begin a responsible redeployment of U.S. forces.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act goes beyond a new direction for Iraq. It begins a new direction for our country, one in which veterans are taken care of, families provided for, and brave men and women in harm's way have the resources they need to get the job done.

The legislation provides $1 billion to fight the global war on terror by putting the focus back where it should have been all along, Afghanistan and Osama bin Laden. The legislation would also provide $2.5 billion in additional funding to ensure our troops are properly equipped.

I would recommend a "yes" vote.

The legislation would also provide $2.5 billion in additional funding to ensure that our troops are properly equipped and trained; $2.8 billion for Defense Health Care; and $1.7 Billion for veterans' health care—including millions to address the maintenance backlog at VA health care facilities like Walter Reed—ensuring our veterans and troops get the care they need and deserve.

I am proud to associate myself with this legislation because it will change our direction in Iraq, and provides the new direction for our country that the American people demanded last November.

My constituents did not send me to Washington to serve as a rubber stamp for the Administration. I was sent to Washington to stand up against the mismanagement of this war and misplaced priorities of the Administration.

True victory will be achieved when we bring all of our brave troops home—alive and uninjured. I would ask that if my children were serving in Iraq, and we as a nation should ask nothing less for our brave troops.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Bridgeport, Connecticut (Mr. SHAYS), the former chairman of the National Security Subcommittee, who has made 15 trips to Iraq.

Mr. SHAYS. Mr. Speaker, I thank the distinguished gentleman for yielding me time.

Mr. Speaker, this closed rule allows only an up-or-down vote on the Democrats' proposal regarding needed military spending, but it contains an unrealistic timeline for the withdrawal of troops, and it includes bloated spending for nonmilitary expenditures.

We all want to do the right thing for our troops in Iraq and the Iraqi people. This bill does not give us the opportunity to do either.

I offered three amendments to the Rules Committee, and none were made in order because it made no amendment in order. One was to increase funding for our community action programs in Iraq, like Mercy Corps, who hire Iraqis in their organizations, and then the Iraqis are hired to do the work.

A second amendment would have required the President to come in with a timeline and to then require the Iraqis to meet it, and needing a 60 percent vote of support of this timeline or we leave even sooner.

The third was to encourage this Congress to debate the Iraqi Study Group recommendations, which both Democrats and Republicans agree with.

We could have done something on a bipartisan basis. We expect Iraqis to work out their differences and are critical when the Sunnis and Shias are unable to find common ground. Yet we in this Congress, Republicans and Democrats, are unable to work out our differences, and we don't even have to fear a bomb being blown off or an assassination attempt.

We went into Iraq on a bipartisan basis. Two-thirds of the House and three-quarters of the Senate voted to go in. It is absolutely imperative we get out of Iraq on a bipartisan basis.

I encourage my colleagues on the other side of the aisle to allow us to have a bipartisan approach.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from Lafayette, Louisiana (Mr. BOUSTANY).

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Mr. BOUSTANY. Mr. Speaker, I thank the gentleman. I rise in opposition to the rule and to this underlying bill, and I will tell you that it gives me no satisfaction to vote against a bill that has so many things that are important to my State in terms of gulf coast recovery and the relief effort after the hurricanes.

But I cannot in good conscience vote for a bill that is going to do unspeakable harm to our troops in the field and to our national security. I want to point out the fiscal fantasy also in this bill. I want to point out one item. There is $15 million in this bill for rice farmers in my district for salt water mitigation. That is twice the number of dollars that we needed months ago for this. So if we have that kind of bloating in the bill on one small item, I can't imagine what this $28 billion extra in the bill is all about.

This bill is fiscal fantasy, and it does unspeakable harm to our national security. For those reasons, I oppose it vehemently.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the Chair and my good friend for yielding.

This bill will end the war in Iraq. This is the first enforceable challenge to the President's plan to escalate and continue a stay-the-course, open-ended commitment to a war, a war that was launched with massive deception, and an unnecessary war.

One gentleman questioned Congress' power. Congress' power under Article I, section 8 is very broad. We have the ability to modify the original authorization for war, and that is essentially what we are doing here by saying there will be an end to this war.

A year ago, just 1 year ago this March, the President said it will be up to "future Presidents," plural, not just the next one, plural, "and future governments of Iraq" to determine when our troops might come home. That is not acceptable.

Our troops are mired in the midst of a civil war. Oh, they have dragged out the old, If we don't fight them there, we'll fight them here. Well, unfortunately, the Republicans are contradicted by the Bush-appointed National Intelligence Director who says al Qaeda is not looking to have a base in Iraq and al Qaeda would be extraordinarily unlikely to attempt, and has no capability to attack the United States from Iraq; but they are looking to move back into Afghanistan, Afghanistan where we should have stayed focused, a legitimate war against the Taliban, al Qaeda, and Osama bin Laden. Remember him? Dead or alive; dead or alive. He is still planning attacks against the United States of American, and Bush wants to mire us down day after day in a civil war.

The Iraqis have to want to end this war. This bill will give them a motivation to begin to lay aside their ages' old grudges and begin to meaningfully cooperate and coordinate and share their oil wealth. That is the only way this is going to end. It is a civil war. They have been fighting it for 1,400 years. We need this bill. We need to motivate the Iraqis to bring an end to this war, and we need to refocus on the real threats to America.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to the former attorney general of California, my friend from Folsom, a hardworking member of the Judiciary Committee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, once again on this floor we have heard an argument stated much like was stated in the argument on the bill immediately preceding. Here we are dealing with a rule on a spending bill, and we are told by a number of speakers on the other side of the aisle that they would prefer that we do the constitutional thing, that is, that we exercise the power of the purse in the way we are allowed to; that is, to cut off funding for our troops to immediately get them home.

But we have heard the reason why they don't bring that to the floor: they don't have the votes. And they use that as a reason why they bring, therefore, unconstitutional restrictions on the power of the President as Commander in Chief. Much like we heard on the bill before this, because it is the right thing to do with respect to the District of Columbia, we should ignore the words of the Constitution.

The problem is, once again, we are being told by those on the other side of the aisle that the Constitution, the Constitution, is an inconvenient truth.

The fact of the matter is the Founding Fathers tried to create a delicate balance between the war powers in the House and the war powers in the executive branch. And they said the President is Commander in Chief and once we go to war, he makes those decisions. We have the power of the purse. We have the power of the purse. If you truly believe that we are in the wrong position in Iraq, have the courage to present to this floor that question which we are given the power to consider under the Constitution. But don't come to the floor and use as your excuse for bringing something which is unconstitutional that you don't have the votes to do the right thing.

This goes beyond this question of the war, as important as it is. It is whether or not we as Members of the Congress who swear an oath to uphold the Constitution can on a daily basis ignore that Constitution.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, this conversation is 4 years too late. If we had this conversation 4 years ago, we would have known that we had the wrong intelligence, the wrong country and the wrong war. This administration is now borrowing $10 billion a month with the help of my colleagues on the other side of the aisle. If they are truly concerned about fiscal responsibility, $10 billion should catch their attention. We borrow the money.

Let's talk about our troops and supporting our troops. If we were to support our troops, first of all we would take them out of a civil war. Secondly, we would care for them while they are here. Third, while they were there, we would make sure that they have the equipment they need. We know this administration has failed on all levels.

Our President says we need to listen to the generals. All of the generals are saying that we have weakened our military.

Let's support our country and let's support our defense. Make our military strong again so we can practice self-defense.

This administration and its allies have hurt us abroad, hurt our reputation, and will spend us into financial disaster if we allow them to. Fortunately, Congress has the power of the purse, and we will exercise it. I urge a "yes" vote.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Indianapolis, Mr. BURTON.

Mr. BURTON of Indiana. Mr. Speaker, people who are watching this debate across the country are getting confused with all of the rhetoric that is going on. It boils down to two things: the Democrats, who promised fiscal responsibility, in this bill are spending $31.5 billion more than the President requested. They are busting the budget already when they promised America fiscal responsibility. So America, remember that. Remember that. They said they are going to balance the budget and they are not going to raise your taxes. They are already trying to raise your taxes. So raising your taxes and spending $31.5 billion more than they said they would on this bill.

Finally, the second issue is capitulation. If we do what they want, if we redeploy, as they call it, it is a withdrawal, and the vacuum that is going to be filled in Iraq will be filled by the radicals, the radical terrorists, al Qaeda and their fellow travelers. It is capitulation and budget busting. That is what they are all about today.

Mr. DREIER. Mr. Speaker, I am happy at this time to yield 1 minute to my friend from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague for yielding.

This an Iraq war and an Afghanistan war supplemental bill to fund the troops in harm's way.

Now let me get this straight. The majority has put together a bill that will help defeat Islamic extremists in Iraq and Afghanistan by funding $283 million worth of pork barrel spending for a milk program, a domestic milk program in the United States.

They believe the key to victory in Iraq is setting aside $74 million for peanut storehouses in Iraq. No, I'm sorry, not Iraq, Georgia.

They believe they can defeat Islamic extremists by $25 million worth of spinach subsidies for United States farmers.

Beyond that, they think that we can fund the war by spending $25 million for United States livestock. Now, Mr. Speaker, the American people know what this is about. This $25 million of livestock is literally pork for pork. It is the most ironic thing in this bill.

I would say that the failure of the majority is they don't understand "emergency" and "war spending."

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of the rule for H.R. 1591. In fact, Madam Chair, you have set the rule, and we need rules of the road. That is why we need to pass H.R. 1591.

This is not the average spending bill taken up by the Congress. This legislation represents a very personal decision that needs to be made by each and every Member of this body about the future of our Nation. The fact is, and I address, if I may through the Chair, my respected brothers and sisters in the opposition.

The fact is that this bill was not necessitated by the acts of Congress. No, no. This supplemental is necessary because our Nation faces an emergency due to the multitude of failures from this administration. Why are you carrying their water?

Funding will be provided to make certain that the disgrace of Walter Reed will not be repeated. This supplemental makes certain that our troops are not redeployed in and out of Iraq without proper rest, without proper preparation. We all support that, don't we? And our support in Iraq will be brought to an end responsibly.

We recently observed the 4-year anniversary of the war in Iraq. And yet during those 4 years, Congress stood on the sidelines providing endless funding without questioning. No more; no more.

Today, Congress finally fulfills its constitutionally mandated responsibility, provides real oversight for the funding of this war, and holds this administration accountable for its actions. That is what this rule, that is what this legislation is all about.

We have the opportunity here, all of us, to undo some of the severe damage caused by the unnecessary war. I ask Members to vote for the rule and for the bill.

Mr. DREIER. Mr. Speaker, I would like to inquire of the gentlewoman if there are any further speakers on her side.

Ms. SLAUGHTER. I have no further speakers, and I will close.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman has 1 minute.

Mr. DREIER. Mr. Speaker, in 1859 that great philosopher and religious leader John Stuart Mill wrote: "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse."

We have yet to hear from the other side of the aisle about how we are going to win the global war on terror. We haven't heard, as my friend, Mr. LUNGREN, just said to me, the "V" word. How are we going to be victorious in this war?

I urge my colleagues to vote "no" on this rule. This is the largest supplemental spending bill in the history of this planet; and it is being brought up under a closed rule.

Our colleagues in the other body will have an opportunity to amend and discuss and debate this. Only a few Members of the Democratic leadership fashioned this measure, Mr. Speaker. It is unfair. It sends the wrong message to our troops. We must be victorious in this war.

With that, I urge a "no" vote on the rule and if they pass this rule, a "no" vote on the underlying legislation.

The SPEAKER pro tempore. The gentlewoman from New York has 30 seconds remaining.

Ms. SLAUGHTER. Mr. Speaker, I urge a "yes" vote on the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the rule governing the debate of H.R. 1591, "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act." There is no more important issue facing the Congress, the President, and the American people than the war in Iraq. It is a subject upon which no one is indifferent, least of all members of Congress. Beginning with the distinguished gentleman from Pennsylvania, Mr.

MURTHA, many good ideas have been advanced by members of Congress to bring to a successful conclusion the American military engagement in Iraq.

It is in that spirit that I commend the leadership and the Chairwoman of the Rules Committee, Ms. SLAUGHTER, for their patient and careful crafting of the Iraq Emergency Supplemental that will come before us later today. I support this rule and I support the supplemental because I support our magnificent servicemen and women in Iraq.

Mr. Speaker, nearly every decision reached by a legislative body is a product of compromise. The rule and bill before us are no different. If it was left solely to us, any of us could no doubt add or subtract provisions which we think would improve the bill. For example, I offered four amendments to H.R. 1591. Let me describe them.

AMENDMENT NO. 1

Jackson Lee Amendment No. 1 terminates the authority granted by Congress to the President in the 2002 Authorization for the Use of Military Force in Iraq. The resolution is terminated because the objectives for which the authorization was granted have all been achieved. Let me explain.

Congress authorized the President to use military force against Iraq to achieve the following objectives:

1. To disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region;

2. To change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors;

3. To bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001;

4. To ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and

5. To enforce all relevant United Nations Security Council resolutions regarding Iraq.

Thanks to the skill and valor of the Armed Forces of the United States we now know for certain that Iraq does not possess weapons of mass destruction. Thanks to the tenacity and heroism of American troops, Saddam Hussein was deposed, captured, and dealt with by the Iraqi people in such a way that neither he nor his Baathist Party will ever again pose a threat to the people of Iraq or its neighbors in the region. Nor will the regime ever acquire and provide weapons of mass destruction to international terrorists.

Third, the American military has caught or killed virtually every member of al Qaeda in Iraq remotely responsible for the 9–11 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced.

In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved, most with spectacular success thanks to the professionalism and superior skill of our service men and women. The point of my amendment was to recognize, acknowledge, and honor this fact.

AMENDMENT NO. 2

The Armed Forces of the United States have performed magnificently. They won the war they were sent to fight. Their civilian leadership has not succeeded in winning the peace. Rather than undertaking a misguided and futile surge in troops, the United States should surge diplomatically and politically.

That is why Jackson Lee Amendment No. 2 called for the creation and appointment of a high-level Special Envoy for National and Political Reconciliation in Iraq (SENPRI) to launch a new offensive on the diplomatic front. This Special Envoy—who would be an individual of the stature of former Secretary of State Colin Powell, Madeleine Albright, or James Baker—would be commissioned to undertake the peaceful reconciliation of the major stakeholders in a free and democratic Iraq, particularly the Sunnis, Shiites, and Kurds.

The SENPRI shall meet with any and all such persons, organizations, and entities, and make such recommendations as he deems necessary and expedient for bringing about national and political reconciliation in Iraq, including recommending the assistance of a bona fide international peacekeeping force where necessary.

A real diplomatic surge requires a full-court press designed to engage all six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—more constructively in stabilizing Iraq. These countries are already involved in a bilateral, self-interested but disorganized way.

As the Iraq Study Group report makes clear, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or a hemorrhage of millions more refugees streaming into their countries. To avoid this catastrophe, there needs to be national reconciliation between the contending factions in Iraq. A Special Envoy dedicated to achieving this goal would help a great deal in bringing about this reconciliation.

AMENDMENT NO. 3

Mr. Speaker, as I have stated, the Armed Forces of the United States have performed magnificently in Operation Iraqi Freedom. This fact is deserving of effusive praise and explicit acknowledgment in H.R. 1591. My third amendment did this.

The brave servicemen and women of the United States toppled the repressive Baathist regime, deposed one of history's greatest tyrants and gave the Iraqi people the chance to draft their own constitution, hold their own free elections, establish their own government, and build a future of peace and prosperity for themselves and their posterity.

But the cost of America's magnificent gift to the people of Iraq has been high. It has been paid for with the lives of more than 3,000 service members and the limbs of countless thousands of other. It has been paid for with the hard-earned tax dollars of the families of America.

The cost to the United States has also been high regarding the new and neglected needs of the American people. Operation Iraqi Freedom has exacerbated the backlog in Veterans Administration health care facility maintenance; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces. My amendment acknowledged the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States.

AMENDMENT NO. 4

Last, Jackson-Lee Amendment No. 4, changed the troop reference date for redeployment set forth in section 1904 from March 1, 2008, to December 31, 2007. What this means, Mr. Speaker, is that the Government of Iraq will have had more than three years since the United States turned over sovereignty to establish a sustainable government with secure borders that can protect its people. If the allied forces could win World War II in less than four years, certainly that is enough time for the Government of Iraq to provide for the security of its people, with the substantial assistance of the United States.

But Mr. Speaker, we ought not let the perfect become the enemy of the good. The emergency supplemental may not be perfect but it is better—far better—than any legislation relating to the war in Iraq that has ever been brought to the floor for a vote.

For the first time, Mr. Speaker, the Congress can go on record against an open-ended war whose goal line is always moving. The vote today will put the House on record as squarely against the Bush Administration's policy of looking the other way while the Iraqi government fails to govern a country worthy of a free people and with as much commitment and dedication to the security and happiness of its citizens and has been shown by the heroic American servicemen and women who risked their lives and, in the case of over 3,000 fallen heroes, lost their lives to win for the Iraqi people the chance to draft their own constitution, hold their own free elections, establish their own government, and build a future of peace and prosperity for themselves and their posterity.

But the cost of America's magnificent gift to the people of Iraq has been high. It has been paid for with the lives of more than 3,000 service members and the limbs of countless thousands of others. It has been paid for with the hard-earned tax dollars of the families of America.

The cost to the United States has also been high regarding the new and neglected needs of the American people. Operation Iraqi Freedom has exacerbated the backlog in Veterans Administration health care facility maintenance; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

The emergency supplemental acknowledges the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States. More than that, it makes a substantial down payment on that debt by providing substantial increases in funding for our troops. For example, the supplemental provides $2.8 billion for defense health care, which is $1.7 billion above the President's request. Additionally, another $1.7 billion is provided to address the maintenance backlog at VA health care facilities. We provide $2.5 billion to ensure that our troops are properly equipped and trained.

Because after all, when American troops are sent into harm's way, America has an obligation to do all it can to minimize the risk of harm to the troops. That is why I am pleased the bill directs the President to adhere to current military guidelines for unit readiness, time between deployments, and meeting benchmarks and ending our involvement in Iraq's civil war.

Although the bill may not be the best I might have hoped for, I have concluded that it is the best that can be achieved at this time, this moment in history. I support the rule and the bill because I believe it represents a change of course and a new direction in our policy on Iraq. This bill will place us on the road that will reunite our troops with their families and bring them home with honor and success. I urge all members to support the rule and the bill.

Mr. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 261 will be followed by 5-minute votes on suspending the rules and passing H.R. 545, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 201, not voting 7, as follows:

[Roll No. 182]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Johnson, E. B.
Kanjorski
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1609

Ms. LORETTA SANCHEZ of California and Mr. CARNEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 545, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 545, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 183]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono

Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—10

Cantor
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Radanovich
Scott (GA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

☐ 1617

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 160, answered "present" 2, not voting 15, as follows:

[Roll No. 184]

AYES—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kline (MN)
Kucinich
Lampson
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (PA)
Platts
Pomeroy
Price (NC)
Rahall
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wynn
Yarmuth

NOES—160

Akin
Altmire
Arcuri
Bachmann
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)

Campbell (CA)
Cantor
Capito
Carter
Chabot
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
English (PA)
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Goode
Granger
Graves
Hastert
Heller
Hensarling
Herger
Hobson
Holt
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kirk
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Smith (NE)
Smith (TX)
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—15

Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Honda
Johnson, E. B.
Jones (NC)
Kanjorski
Lantos
Lowey
Murphy, Tim
Nadler
Radanovich
Rangel
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1626

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1591, U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 261, I call up the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 261, the amendment printed in House Report 110-64 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR THE GLOBAL WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $450,000,000, to remain available until expended: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,750,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,736,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $118,260,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,468,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,878,899,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,100,410,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,495,828,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,229,334,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $173,244,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $82,800,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $15,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $14,100,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $552,725,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $24,600,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,897,672,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $5,115,397,000, of which up to $120,293,000 may be transferred to Coast Guard "Operating Expenses", for reimbursement for activities which support activities requested by the Navy: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,503,694,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,909,259,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,855,993,000, of which not to exceed $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $133,569,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $155,600,000, to remain available for transfer until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,500,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer funds provided herein only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further*, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $461,850,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $150,173,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,474,389,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $10,197,399,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $995,797,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $171,813,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $937,407,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,885,383,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $2,474,916,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $140,300,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $95,800,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,042,183,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $934,930,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $60,781,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $295,737,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $132,928,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $545,904,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $2,789,703,000; of which $2,289,703,000 shall be for operation and maintenance, which shall remain available until September 30, 2008; and of which $500,000,000 shall be for research, development, test and evaluation, which shall remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $259,115,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $57,426,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That funds made available pursuant to this section are designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this chapter under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $100,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Laws 106-398, 108-136, and 109-364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $456,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 9010 of division A of Public Law 109-289 is amended by striking "2007" each place it appears and inserting "2008".

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, FY 2007 (Public Law 109-364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(TRANSFER OF FUNDS)

SEC. 1312. (a) Of the funds appropriated or made available in this chapter under the heading "Operation and Maintenance, Defense-Wide", up to $100,000,000 may be made available for transfer to the Department of State "Economic Support Fund" account to support provincial reconstruction teams in Iraq and Afghanistan: *Provided*, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to assist in reconstruction efforts in Iraq and Afghanistan.

(b) The transfer authority in this section is in addition to any other transfer authority available to the Department of Defense.

(c) The Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of such transfer.

SEC. 1313. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations;

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148); and

(4) The limitation included in this section also applies to renditions.

SEC. 1314. (a) Not more than 50 percent of the amount of the funds appropriated by this Act under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" shall be available for obligation or expenditure until the Secretary of Defense submits the initial report required by subsection (b) and the Director of the Office of Management and Budget submits the initial report required by subsection (c).

(b) REPORT BY SECRETARY OF DEFENSE.—

(1) The Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection on a monthly basis until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(2) In this subsection, the term "congressional defense committees" means the Committees on Appropriations and Armed Services of the House of Representatives and the Committees on Appropriations and Armed Services of the Senate.

(c) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; the Commander, Combined Security Transition Command—Afghanistan; and the Committees on Appropriations of the House of Representatives and the Senate, shall submit to the Committees on Appropriations not later than 60 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the three month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(d) NOTIFICATION.—The Secretary of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 1315. None of the funds appropriated or otherwise made available by this chapter may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, FY 2007 (Public Law 109-364).

SEC. 1316. (a) Not more than 90 percent of the funds appropriated in this chapter for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of contracted services in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall prepare the report in consultation with the Director of the Office of Management and Budget and the Secretary of State: *Provided further*, That the report shall provide detailed information specifying the number of contracts, private contractors, and contractor personnel used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further*, That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007 with the associated number of contractors and contractor personnel, and provide information regarding the Federal department(s) or agency(s) responsible for executing these contracts: *Provided further*, That the report shall be submitted to the congressional defense committees not later than 90 days after enactment of this Act.

(b) Amounts appropriated for operation and maintenance in this chapter are hereby reduced by $815,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of contracts in the military departments: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each operation and maintenance account contained in this chapter: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making such reductions, notify the congressional defense committees in writing of the details of such reductions.

SEC. 1317. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A death gratuity" and inserting "Subject to subsection (d), a death gratuity";

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking "If an eligible survivor dies before he" and inserting "If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person" ; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).".

SEC. 1318. Section 9007 of division A of Public Law 109–289 is amended by striking "20" and inserting "170".

SEC. 1319. Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398), as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) and section 1073 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended by striking "September 30, 2007" and inserting "June 30, 2008".

SEC. 1320. There is appropriated to the Secretary of Defense such sums as may be necessary to implement the recommendations of the Army Inspector General with regard to trained military attorneys dedicated to representing soldiers who are pursuing claims before physical evaluation boards and earlier in the Army disability evaluation system process.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $150,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

ANALYSIS AND OPERATIONS

For an additional amount for "Analysis and Operations", $35,000,000, to remain available until September 30, 2008, to be used for expansion of the State and Local Fusion Center program: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $100,000,000, to remain available until September 30, 2008, to be used to increase the number of inspectors, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: *Provided*, That up to $1,000,000 shall be transferred to "Salaries and Expenses, Federal Law Enforcement Training Center" for basic training costs: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", $150,000,000, to remain available until September 30, 2008, to be used to complete and expand airwings on the Northern Border: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $1,250,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $1,000,000,000 shall be for explosive detection procurement and installation, $90,000,000 shall be for expansion of checkpoint explosive detection pilot systems, and $160,000,000 shall be for screening of cargo carried on passenger aircraft: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security", $25,000,000, to remain available until September 30, 2008, to be used for development of State and local interoperability plans in conjunction with the SAFECOM program office: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For salaries and expenses of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008, for regional disaster communications capability and support for mutual aid agreements: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $415,000,000, of which $190,000,000 shall be for port security grants and $225,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants",

$100,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Domestic Nuclear Detection Office

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", $400,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. (a) Limitation on Use of Funds.—

(1) In general.—None of the funds made available in this or any other Act shall be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards or requirements established for such a facility by the State or local government for the area where the facility is located.

(2) Definitions.—In this subsection, each of the terms "site security plan" and "chemical facility" has the meaning that the term has in section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1388).

(b) Amendments.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1388) is amended—

(1) in subsection (a), by striking "the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but";

(2) in subsection (c), by striking "consistent with similar" and inserting "identical to the protections given";

(3) in subsection (c), by striking ", site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material" and inserting "and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations)"; and

(4) in subsection (d), by striking ": *Provided*, That nothing in this section confers upon any person except the Secretary a right of action against an owner or operator of a chemical facility to enforce any provision of this section".

CHAPTER 6

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

Salaries and Expenses

For an additional amount for "Salaries and Expenses", $6,437,000, as follows:

Allowances and Expenses

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 7

DEPARTMENT OF DEFENSE

Military Construction, Army

For an additional amount for "Military Construction, Army", $1,329,240,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $168,200,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds provided under this heading, $25,600,000 shall not be obligated or expended until the Secretary of Defense submits an updated 1391 form that addresses the actual housing requirement for the Consolidated Compound in Kabul, Afghanistan, to the Committees on Appropriations of the House of Representatives and Senate and an approval is issued: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed spending plan, including a 1391 form for each project, to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate and an approval is issued: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Military Construction, Navy and Marine Corps

For an additional amount for "Military Construction, Navy and Marine Corps", $389,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $200,000,000 shall not be obligated or expended until the Secretary of Defense submits a detailed spending plan, including a 1391 form, for each project to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate and an approval is issued: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $60,200,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,900,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Department of Defense Base Closure Account 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and Pensions", $20,000,000, to remain available until expended, for a pilot program for disability examinations as authorized by law (38 U.S.C. 5101 note).

Veterans Health Administration

MEDICAL SERVICES

For an additional amount for "Medical Services", $414,982,000, to remain available until expended, of which $30,000,000 shall be for a new Level I comprehensive polytrauma center; $56,000,000 shall be for prosthetics; $100,000,000 shall be for contract mental health care when appointment waiting times exceed 30 days; and $228,982,000 shall be for treatment of veterans of the global war on terror: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $256,300,000, to remain available until expended, of which $6,300,000 shall be used for polytrauma support clinic teams for case management: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for upgrades to polytrauma care centers; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $35,000,000, to remain available until expended, which shall be used for research initiatives related to Operation Iraqi Freedom/Operation Enduring Freedom survivors: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $62,000,000, to remain available until expended, of which $1,250,000 shall be for digitization of records and $60,750,000 shall be for expenses related to hiring and training new claims processing personnel: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $35,000,000, to remain available until expended, for system development upgrades to address global war on terror requirements: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $23,800,000, to remain available until expended, which shall be for the authorized completion of a spinal cord injury center: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $260,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 8

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $966,954,000, to remain available until September 30, 2008, of which $102,155,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: *Provided further*, That $395,000,000 of the amount available for Iraq operations shall not be obligated until the Committee on Appropriations of the House of Representatives receives and approves a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That up to $50,000,000 may be made available to establish and maintain a civilian reserve corps: *Provided further*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $46,800,000, to remain available until December 31, 2008: *Provided*, That $45,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $288,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $135,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $10,700,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $3,500,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,953,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $239,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $334,500,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $111,500,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $35,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", $87,500,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $260,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $225,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1801. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452) is amended by striking "fiscal year 2006" and inserting "fiscal years 2006, 2007, or 2008".

SEC. 1802. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading "ECONOMIC SUPPORT FUND" for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations of the House of Representatives and the Senate on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.— None of the funds made available in this Act under the heading "FOREIGN MILITARY FINANCING PROGRAM" or "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations of the House of Representatives and the Senate a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

CHAPTER 9

GENERAL PROVISIONS—THIS TITLE

SEC. 1901. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1902. (a) Congress finds that it is Defense Department policy that Army, Army

Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1903. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1904. (a) The President shall make and transmit to Congress the following determinations, along with reports in classified and unclassified form detailing the basis for each determination, on or before July 1, 2007:

(1) whether the Government of Iraq has given United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias, and is making substantial progress in delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference; intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis; ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces; eliminating militia control of local security; establishing a strong militia disarmament program; ensuring fair and just enforcement of laws; establishing political, media, economic, and service committees in support of the Baghdad Security Plan; and eradicating safe havens;

(2) whether the Government of Iraq is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enactment of a hydro-carbon law; adoption of legislation necessary for the conduct of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects; and

(3) whether the Government of Iraq and United States Armed Forces are making substantial progress in reducing the level of sectarian violence in Iraq.

(b) On or before October 1, 2007, the President—

(1) shall certify to the Congress that the Government of Iraq has enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis; adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections; reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws; amended the Constitution of Iraq consistent with the principles contained in article 137 of such constitution; and allocated and begun expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; or

(2) shall report to the Congress that he is unable to make such certification.

(c) If in the transmissions to Congress required by subsection (a) the President determines that any of the conditions specified in such subsection have not been met, or if the President is unable to make the certification specified in subsection (b) by the required date, the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq and complete such redeployment within 180 days.

(d) If the President makes the certification specified in subsection (b), the Secretary of Defense shall commence the redeployment of the Armed Forces from Iraq not later than March 1, 2008, and complete such redeployment within 180 days.

(e) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the Armed Forces from Iraq, as specified in subsections (c) and (d).

(f) After the conclusion of the 180-day period for redeployment specified in subsections (c) and (d), the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

(1) Protecting American diplomatic facilities and American citizens, including members of the U.S. Armed Forces.

(2) Serving in roles consistent with customary diplomatic positions.

(3) Engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach.

(4) Training members of the Iraqi Security Forces.

(g) Notwithstanding any other provision of law, 50 percent of the funds appropriated by title I of this Act for assistance to Iraq under each of the headings "IRAQ SECURITY FORCES FUND", "ECONOMIC SUPPORT FUND", and "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" shall be withheld from obligation until the President has made a certification to Congress regarding the matters specified in subsection (b)(1).

(h) The requirement to withhold funds from obligation pursuant to subsection (g) shall not apply with respect to funds made available under the heading "ECONOMIC SUPPORT FUND" for continued support for the Community Action Program and Community Stabilization Program in Iraq administered by the United States Agency for International Development or for programs and activities to promote democracy in Iraq.

SEC. 1905. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the "Coordinator"), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) Developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) Coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) Working with the Government of Iraq in meeting the benchmarks described in section 1904(b) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) Coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) Ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) Resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) Coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

SEC. 1906. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center.

SEC. 1907. CONGRESSIONAL PLEDGE TO FULLY SUPPORT MEMBERS OF THE ARMED FORCES IN HARM'S WAY.

(a) FINDINGS.—Congress makes the following findings:

(1) On September 14, 2001, both the Senate and the House of Representatives passed S.J.

Res. 23 of the 107th Congress, which became Public Law 107-40 and authorized the use of military force in Afghanistan.

(2) On October 10, 2002, the House of Representatives passed H.J. Res. 114 of the 107th Congress, which authorized the use of military force in Iraq.

(3) After passage by the Senate, H.J. Res. 114 became Public Law 107-243, the Authorization for Use of Military Force Against Iraq Resolution of 2002.

(4) Members of the United States Armed Forces have served honorably in their mission to fight terrorism and protect the greater security of the United States.

(5) These members of the Armed Forces and their families have made many sacrifices, in many cases the ultimate sacrifice, to protect the security of the United States and the freedom Americans hold dear.

(6) Congress and the American people are forever grateful to the members of the Armed Forces for the service they have provided to the United States.

(b) FAITHFUL SUPPORT OF CONGRESS.—Congress will fully support the needs of members of the Armed Forces who the Commander in Chief has deployed in harm's way in support of Operation Iraqi Freedom and Operation Enduring Freedom, and their families.

SEC. 1908. SENSE OF THE CONGRESS REGARDING PRESIDENT AS COMMANDER IN CHIEF AND CONGRESSIONAL POWER TO DECLARE WAR.

(a) It is the sense of Congress that Congress acknowledges the President as the Commander in Chief, and that role is granted solely to the President by article II, section 2, of the United States Constitution.

(b) It is further the sense of Congress that Congress has the power solely to declare war under article I, section 8, clause 11, of the United States Constitution.

SEC. 1909. SENSE OF CONGRESS REGARDING CONDUCT OF IRAQ WAR BY COMMANDERS.

It is the sense of Congress that, because the commanders of the United States Armed Forces in Iraq have the training, experience, and first-hand knowledge of the situation on the ground—

(1) the commanders should be allowed to conduct the war and manage the movements of the troops; and

(2) Congress should remain focused on executing its oversight role.

TITLE II—ADDITIONAL HURRICANE DISASTER

RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. In addition to the funds provided elsewhere in this Act, $25,000,000 is appropriated to the Secretary of Agriculture, to remain available through September 30, 2008, to resume the 2005 Hurricanes Livestock Indemnity Program to provide additional compensation to livestock producers in the geographic area covered by the natural disaster declaration related to Hurricane Katrina or Hurricane Rita that suffered losses in excess of the maximum amount of assistance authorized under the 2005 Hurricanes Livestock Indemnity Program. The total amount of assistance that an eligible producer may receive for such additional livestock losses under this section, the 2005 Hurricanes Livestock Indemnity Program, or any other provision of law may not exceed twice the maximum amount of assistance authorized under the 2005 Hurricanes Livestock Indemnity Program. The amount provided under this section is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 2102. In addition to the funds provided elsewhere in the Act, $15,000,000 is appropriated to the Secretary of Agriculture, to remain available through September 30, 2008, for the purpose of providing assistance, in connection with the provision of emergency financial assistance for losses for 2005 or 2006 crops due to damaging weather or any related condition, to producers with respect to irrigated crops in the geographic area covered by the natural disaster declaration related to Hurricane Katrina or Hurricane Rita that, due to contamination by saltwater intrusion resulting from Hurricane Katrina or Hurricane Rita, were planted in 2006 and suffered a loss or were prevented from being planted. However, the factors otherwise applicable under section 1480.12(g) of title 7, Code of Federal Regulations, shall not apply to the provision of such assistance. The amount provided under this section is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 2103. In addition to the funds provided elsewhere in this Act, $100,000,000 is appropriated to the Secretary of Agriculture, to remain available through September 30, 2008, to resume the 2005 Hurricanes Citrus Program to provide additional compensation to citrus producers in the geographic area covered by the natural disaster declaration related to Hurricane Katrina or Hurricane Rita that suffered losses in excess of the maximum amount of assistance authorized under the 2005 Hurricanes Citrus Program. The total amount of assistance that an eligible producer may receive for such additional citrus losses under this section, the 2005 Hurricanes Citrus Program, or any other provision of law may not exceed twice the maximum amount of assistance authorized under the 2005 Hurricanes Citrus Program. The amount provided under this section is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricane Katrina on the shrimp and menhaden fishing industries, $120,000,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109-148 and Public Law 109-234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" to reduce the risk of hurricane and storm damage to the Mississippi coastal area, $37,080,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina, $1,300,000,000, to remain available until expended: *Provided*, That this amount shall be used to restore the flood damage reduction and hurricane and storm damage reduction projects, and related works, to provide the level of protection for which they were designed, and to accelerate completion of unconstructed portions of authorized hurricane, storm damage reduction and flood control projects in the greater New Orleans and south Louisiana area at full Federal expense: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2007: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. Up to $650,000,000 of the appropriations made available under the heading "Flood Control and Coastal Emergencies" in title II, Chapter 3 of Public Law 109-234, for projects in the greater New Orleans metropolitan area that remain available as of the date of enactment of this Act may be used by the Secretary of the Army to improve protection at the Inner Harbor Navigation Canal, as described under the heading "Flood Control and Coastal Emergencies", in Chapter 3 of Public Law 109-234: *Provided*, That the obligation of these funds may be made without regard to individual amounts specified in title II, Chapter 3 of Public Law 109–234: *Provided further*, That the expenditure of such funds shall not be considered a transfer or reprogramming under any provision of law and shall be carried out in accordance with the terms and conditions specified in an Act making appropriations for energy and water development or any other appropriations Act making additional funds available for energy and water development: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses": *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", $4,310,000,000, to remain available until expended: *Provided*, That $4,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance provided before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which project worksheets have been approved by the Federal Emergency Management Agency before the date of enactment of this Act.

SEC. 2502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking "*Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under the heading "Federal Emergency Management Agency Disaster Assistance Direct Loan Program Account" by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(c) The amounts provided in this section are designated as emergency requirements pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 2503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking "12 months" and inserting "24 months".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

DEPARTMENT OF EDUCATION

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama for the following costs: (1) recruiting and compensating teachers, principals, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided*, That the Secretary of Education shall allocate such funds among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 30 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local education agencies, giving priority to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1: *Provided further*, That not later than 60 days after the date of enactment of this Act, the State educational agency, in cooperation with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, shall develop a plan for a rating system for performance bonuses and if the State educational agency has failed to reach such an agreement that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately notify Congress of such failure and reasons for it and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

HURRICANE EDUCATION RECOVERY

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting and compensating teachers, principals, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided*, That not later than 60 days after the date of enactment of this Act, the State educational agency, in cooperation with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, shall develop a plan for a rating system for performance bonuses and if the State educational agency has failed to reach such an agreement that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately notify Congress of such failure and reasons for it and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Higher Education

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close for at least 30 consecutive calendar days between August 25, 2005, and January 1, 2006, as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISION—THIS CHAPTER

SEC. 2601. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.".

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for the purposes specified under, and subject to the provisions of, this heading in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779), $80,000,000, to remain available until December 31, 2007: *Provided*, That the third proviso under such heading in Public Law 109–148 shall be applied to amounts made available under this heading and under such heading in Public Law 109–148 by substituting "until December 31, 2007" for "for up to 18 months": *Provided further*, That $80,000,000 shall be rescinded from unobligated balances remaining from the amounts made available under such heading in Public Law 109–148: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

Office of Inspector General

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,240,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE III—AGRICULTURAL ASSISTANCE

SEC. 3101. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or for the 2007 crop before the date of the enactment of this Act, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been harvested before the date of the enactment of this Act or, in the case of prevented planting or other total loss, would have been harvested before the date of the enactment of this Act in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(3) DUPLICATIVE PAYMENTS.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 3102. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses during calendar years 2005 and 2006, and during calendar year 2007 before the date of the enactment of this Act, due to a disaster, as determined by the Secretary, including wildfire in the State of Texas and other States and blizzards in the States of Colorado, Kansas, Nebraska, New Mexico, and Oklahoma. However, the payment rate for compensation under this subsection shall be 75 percent of the payment rate otherwise applicable under such program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this subsection and another Federal program with respect to any loss.

(6) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term "disaster county" means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary during calendar year 2005 or 2006, or calendar year 2007 before the date of the enactment of this Act, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) a major disaster or emergency designated by the President during calendar year 2005 or 2006, or calendar year 2007 before the date of the enactment of this Act, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006, and during calendar year 2007 before the date of the enactment of this Act, due to a disaster, as determined by the Secretary, including hurricanes, floods, anthrax, wildfires in the State of Texas and other States, and blizzards in the States of Colorado, Kansas, Nebraska, New Mexico, and Oklahoma.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term "livestock" means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(c) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3103. SPINACH.

There is hereby appropriated to the Secretary of Agriculture $25,000,000, to remain available until expended, to make payments to growers and first handlers, as defined by the Secretary, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006. The payment made to a grower or first handler under this section shall not exceed 75 percent of the value of the unmarketed spinach crops.

SEC. 3104. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farmland damaged by freezing temperatures at any time during the period beginning on January 1, 2007, and ending on the date of the enactment of this Act.

SEC. 3105. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—

The amount of any payment for which a producer is eligible under sections 3101 and 3102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680); or

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary of Agriculture on January 26, 2006.

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) shall apply with respect to assistance provided under sections 3101, 3102, 3103, and 3104.

SEC. 3106. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 3101 and 3102.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 3101 and 3102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 3101 and 3102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 3101 and 3102 unless funds have been specifically appropriated for such purpose.

SEC. 3107. MILK INCOME LOSS CONTRACT PROGRAM.

Notwithstanding subsections (c)(3), (f), and (g) of section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982), there is hereby appropriated $283,000,000, to remain available until expended, for payments under such section, using the payment rate specified in subsection (c)(3)(B) of such section, from September 1, 2007, through September 30, 2008. Of such amount, $252,000,000 shall be available only on or after September 30, 2007, and only so long as an Act to provide for the continuation of agricultural programs for fiscal years after 2007, including such section 1502, is not enacted.

SEC. 3108. PEANUT STORAGE COSTS.

Notwithstanding subsection (a)(6) of section 1307 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957), there is hereby appropriated $74,000,000, to remain available until expended, for the payment of storage, handling, and other associated costs for the 2007 crop of peanuts to ensure proper storage of peanuts for which a loan is made under such section. Of such amount, $74,000,000 shall be available only on or after September 30, 2007, and only so long as an Act to provide for the continuation of agricultural programs for fiscal years after 2007, including such section 1307, is not enacted.

SEC. 3109. LOSSES DUE TO APHIS EMERGENCY ORDER.

There is hereby appropriated to the Secretary of Agriculture $5,000,000, to remain available until expended, to provide compensation to aquaculture operations and other persons in the United States engaged in the business of breeding, rearing, or transporting live fish to cover all or a portion of the economic losses incurred by the operation or person as a result of the emergency order issued by the Animal and Plant Health Inspection Service on October 24, 2006, prohibiting the importation of specified species of live fish from Ontario and Quebec, Canada, and the interstate movement of these same species of fish from New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Minnesota, or Wisconsin due to outbreaks of viral hemorrhagic septicemia. The operation or person seeking compensation shall be required to document to the satisfaction of the Secretary the economic losses so incurred as a result of the emergency order.

SEC. 3110. EMERGENCY DESIGNATION.

The amounts provided in this title are designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE IV—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $48,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 4102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used for a risk-based inspection program for poultry or meat unless the Secretary of Agriculture considers such program to be a rule under chapter 5 of title 5, United States Code.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", National Marine Fisheries Service, $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among fishing communities, Indian tribes, individuals, small businesses, including fishermen, fish processors, and related businesses, and other persons for assistance to mitigate the economic and other social effects caused by the commercial fishery failure as determined by the Secretary on August 10, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 3

SEC. 4301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "January 1, 2006" and inserting "January 1, 2008".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS

(RESCISSION)

SEC. 4401. Of the unobligated balances made available pursuant to section 505 of Public Law 109-90, $89,800,000 are rescinded.

SEC. 4402. The last two provisos under the heading "Department of Homeland Security, Customs and Border Protection—Salaries and Expenses" in Public Law 109-90 shall remain in effect through September 30, 2007.

SEC. 4403. (a) IN GENERAL.—Any contract, subcontract, or task order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement for independent cost estimates of major changes.

(4) A requirement for measurement of contractor and subcontractor performance based on the status of all work performed.

(b) CONTRACTS, SUBCONTRACTS, AND TASK ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract entered into by the Coast Guard;

(2) any subcontract entered into under such a contract; and

(3) any task order issued pursuant to such a contract or subcontract.

(c) PLAN FOR EXPENDITURE OF DEEPWATER FUNDS.—The funds appropriated in Public Law 109-295 for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure that—

(1) defines activities, milestones, yearly costs, and lifecycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies lifecycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies all Integrated Product Teams that are not chaired by Coast Guard personnel and explains why the Coast Guard does not chair;

(4) identifies competition to be conducted in each procurement;

(5) does not rely on a single industry entity or contract;

(6) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(7) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(8) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A-11, part 7;

(9) includes a certification by the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures to comply with all contracting requirements and that any apparent conflicts of interest have been sufficiently addressed;

(10) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations; and

(11) is reviewed by the Government Accountability Office.

SEC. 4404. (a) IN GENERAL.—With respect to contracts entered into after May 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives and the House Committee on Homeland Security that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than May 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be (1) a precise and comprehensive definition of the term "lead system integrator", modeled after that used by the Department of Defense, and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

U.S. GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. There is appropriated not to exceed $400,000,000 to the Department of Agriculture, to be used for one-time payments to be allocated, to the maximum extent practicable, in the same amounts and in the same manner as were paid to States and others in 2006 under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note): *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 4502. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $9,019,000 shall be available, in addition to amounts otherwise available, for contract support costs".

SEC. 4503. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which, not to exceed $5,000,000 shall be available, in addition to amounts otherwise available, for contract support costs; and of which, not to exceed $7,300,000 may be transferred to the 'Indian Health Facilities' account,".

SEC. 4504. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000 "of which $13,000,000 shall be for Save America's Treasures".

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount to make payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $200,000,000: *Provided*, That grantees may obligate the funds made available by this paragraph through September 30, 2008, to meet the home energy assistance needs arising from an emergency as defined in section 2603(1) of such Act (42 U.S.C. 8622(1)) or for energy crisis intervention under section 2604(c) of such Act (42 U.S.C. 8623(c)) except that, in carrying out this paragraph, the Governor of a State (or equivalent authority in the case of grantee other than a State) shall be treated as the Secretary for purposes of such section 2603(1): *Provided further*, That the amount provided by this paragraph is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

For an additional amount to make payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000: *Provided*, That the amount provided by this paragraph is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $969,650,000 to remain available until expended: *Provided*, That $870,000,000 shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools:

Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: *Provided further*, That not less than $34,650,000 shall be for the Centers for Disease Control and Prevention for laboratory diagnostics and analytical capabilities: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d-6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d-6d(b)), $50,000,000 to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 4601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking "of which no less than $5,000,000 shall be" and inserting the following: "of which $7,500,000 (together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost) shall be available when needed through September 30, 2008,".

SEC. 4602. Section 20608(a) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting "and which shall be available for obligation by the States through December 31, 2007," after "Public Law 103-353,".

SEC. 4603. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows: "(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows: "(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 4604. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

CHAPTER 7

LEGISLATIVE BRANCH

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $50,000,000, for asbestos abatement and other improvements, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

CHAPTER 8

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

For an additional amount for "International Boundary and Water Commission, United States and Mexico, Construction", $10,000,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4801. (a) MIDDLE EAST FOUNDATION.—Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

SEC. 4802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, "Administration of Foreign Affairs, Diplomatic and Consular Programs", in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

SEC. 4803. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

CHAPTER 9

SEC. 4901. Funds provided for the "National Transportation Safety Board, Salaries and Expenses" in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 on an obligation incurred in 2001 under a capital lease.

SEC. 4902. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 4903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended (prior to amendment by the preceding section of this chapter) by adding after the third proviso: ": *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies in the following categories shall receive renewal funding for calendar year 2007 equal to the amounts, prior to prorations, such public housing agencies were eligible to receive in calendar year 2006, prorated at the calendar year 2006 rate: (1) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that are located in any area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 1521 et seq.) with respect to hurricanes that occurred in calendar years 2004 and 2005; (2) public housing agencies participating in the Moving to Work Demonstration; (3) public housing agencies that, during calendar year 2007 but prior to June 1, 2007, are in receivership, or the Department of Housing and Urban Development has declared to be in breach of an Annual Contributions Contract; or (4) public housing agencies that overspent their allocation for calendar year 2006 and available housing assistance payments balance from calendar year 2005".

SEC. 4904. Chapter 10 of title II of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after section 21041 the following new section:

"SEC. 21041A. The provisions under the heading 'Department of Housing and Urban

Development, Office of Federal Housing Enterprise Oversight, Salaries and Expenses' in title III of division A of Public Law 109–115 shall be applied to funds appropriated by this division by substituting '$67,568,000' for '$60,000,000'.".

SEC. 4905. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended (prior to amendment by the preceding sections of this chapter) by striking the sixth proviso.

SEC. 4906. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

"(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.".

GENERAL PROVISION—THIS ACT

SEC. 4910. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TITLE V—CONTRACTING REFORM

SEC. 5001. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the head of each agency covered by chapter 137 of title 10, United States Code, shall develop and implement a plan to minimize the use of contracts entered into using procedures other than competitive procedures by the agency concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 5002. MINIMIZING COST-REIMBURSEMENT TYPE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) and the head of each agency covered by chapter 137 of title 10, United States Code, shall develop and implement a plan to minimize the use of cost-reimbursement type contracts by the agency concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

SEC. 5003. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

"(j)(1) In the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.".

(b) DEFENSE AGENCY CONTRACTS.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) In the case of a procurement permitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

"(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

"(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.".

SEC. 5004. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and other committees of jurisdiction.

(3) Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits or other reports described in paragraph (1) were issued during that quarter.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

TITLE VI—ELIMINATION OF SCHIP SHORTFALL

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $750,000,000 for fiscal year 2007, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

SEC. 6001. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6), by striking "and (3)" and inserting "(3), and (4)".

TITLE VII—MINIMUM WAGE INCREASE AND SMALL BUSINESS TAX RELIEF

CHAPTER 1

SEC. 7101. SHORT TITLE.

This chapter may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 7102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7103. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SEC. 7104. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA.

(a) APPLICABILITY.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa.

(2) CONFORMING AMENDMENT.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding subsection (a), the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), if an employee is employed in an industry in American Samoa that, on the date of enactment of this Act, is required to pay a minimum wage rate under section 697 of title 29, Code of Federal Regulations, that is higher than the minimum wage rate required under paragraph (1)(A), the minimum wage applicable to such employee shall be—

(A) the minimum wage rate required for such an industry under such section on the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to American Samoa under this subsection is equal to the minimum wage set forth in such section.

CHAPTER 2

SEC. 7201. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This chapter may be cited as the "Small Business Tax Relief Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this chapter an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this chapter is as follows:

Sec. 7201. Short title; amendment of 1986 Code; table of contents.
Sec. 7202. Extension and modification of work opportunity tax credit.
Sec. 7203. Extension and increase of expensing for small business.
Sec. 7204. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 7205. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 7206. Family business tax simplification.
Sec. 7207. Denial of lowest capital gains rate for certain dependents.
Sec. 7208. Suspension of certain penalties and interest.
Sec. 7209. Time for payment of corporate estimated taxes.

SEC. 7202. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2008".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, or renewal community.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE OR COMMUNITY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, or renewal community.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability, and—

"(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

"(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "ONLY FIRST $6,000 OF" in the heading and inserting "LIMITATION ON".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7203. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking "2010" and inserting "2011".

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking "$100,000 in the case of taxable years beginning after 2002" in paragraph (1) and inserting "$125,000 in the case of taxable years beginning after 2006", and

(2) by striking "$400,000 in the case of taxable years beginning after 2002" in paragraph (2) and inserting "$500,000 in the case of taxable years beginning after 2006".

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking "2003" and inserting "2007",

(2) by striking "$100,000 and $400,000" and inserting "$125,000 and $500,000", and

(3) by striking "2002" in clause (ii) and inserting "2006".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7204. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting "as in effect on January 1, 2007, and" before "determined without regard to".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7205. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking "and" at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

"(iii) the credit determined under section 45B, and

"(iv) the credit determined under section 51.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7206. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) QUALIFIED JOINT VENTURE.—

"(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7207. DENIAL OF LOWEST CAPITAL GAINS RATE FOR CERTAIN DEPENDENTS.

(a) IN GENERAL.—Subsection (h) of section 1 is amended by adding at the end the following new paragraph:

"(12) CERTAIN INDIVIDUALS NOT ELIGIBLE FOR LOWEST RATE.—

"(A) IN GENERAL.—In the case of an individual described in subparagraph (B)—

"(i) the amount determined under paragraph (1)(A)(ii)(II) shall not be less than the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 15 percent, and

"(ii) the sum of the amounts determined under subparagraphs (B) and (C) of paragraph (1) shall be an amount equal to the rate of tax specified in paragraph (1)(C) multiplied by so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the excess (if any) of—

"(I) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 15 percent, over

"(II) the taxable income reduced by the adjusted net capital gain.

"(B) INDIVIDUALS TO WHOM PARAGRAPH APPLIES.—

"(i) IN GENERAL.—For purposes of this paragraph, an individual is described in this subparagraph if—

"(I) such individual meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) such individual's earned income (as defined in section 911(d)(2)) for the taxable year does not exceed one-half of such individual's support (within the meaning of section 152) for such taxable year.

"(ii) SPECIAL RULES FOR JOINT RETURNS.—In the case of a joint return—

"(I) the taxpayer and the taxpayer's spouse shall be treated as a single individual for purposes of applying subclause (II) of clause (i), and

"(II) the taxpayer shall be treated as an individual described in this subparagraph only if the taxpayer and the taxpayer's spouse are described in clause (i) (determined after application of subclause (I)).".

(b) ALTERNATIVE MINIMUM TAX.—Section 55 is amended by adding at the end the following new subsection:

"(f) CERTAIN INDIVIDUALS NOT ELIGIBLE FOR LOWEST RATE.—In the case of an individual described in section 1(h)(12)(B), no amount shall be determined under subsection (b)(3)(B).".

(c) COORDINATION WITH SUNSET OF PROVISIONS OF THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.—Subparagraph (A) of section 1(h)(12), as added by this section, is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) no amount of qualified 5-year gain shall be taken into account under subparagraph (A) of paragraph (2) (as in effect after the application of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SUNSET OF JGTRRA.—The amendment made by subsection (c) shall apply to taxable years beginning after the date specified in section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 7208. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "22-month period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7209. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "112.75 percent".

This Act may be cited as the "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, 2007".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 2 hours.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, why are we here? We are here because 4 years ago the President plunged us into a preemptive war in Iraq, a country that had not attacked the United States, and we took that action on the basis of bad information, manipulated intelligence, with no visible plans for governing after the war was over.

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Mr. Speaker, that attack diverted us from the hunt for bin Laden, the person who did attack us.

The war has now gone on for 4 years and, as a result, we have seen chaos and carnage. We have seen over 3,000 American service men and women die, many times more wounded and maimed. We have seen our influence decimated throughout the Middle East. We have seen our reputation as the democratic hope of the world tarnished by stories about torture and rendition.

I voted against that war. There were 215 Republicans who voted for it and 6 that voted against it. There were 81 Democrats who voted for it and 126 Democrats who voted against it. We had 132 votes, in total, against going to war. And ever since that time, we have been trying to get to 218 votes so we can turn this country and this war around.

Over the last 4 years, this war has been fought with virtually no sense of shared sacrifice. Military families have done double and triple duty, while the rest of America has had to accept the sacrifice of a tax cut. That is about all that has been asked of most Americans.

We have spent a huge amount of our national treasure, and now the President is asking for another almost $100 billion for this war and asking for an additional $3.5 billion for his own domestic priorities.

This bill is our response. It says to the President: "Okay, you can have that money, but only under certain terms and conditions." And we try to do three things: number one, to redirect a greater effort to the right war in Afghanistan, rather than the wrong war in Iraq. Secondly, we try to protect our troops to the maximum extent possible and correct the neglect that they have suffered as they have returned from the battlefield. And, thirdly, we are trying to send a message to Iraq politicians that they need to change direction; that we will no longer tolerate an open-ended, interminable babysitting job; that they must get together and begin to resolve their own differences.

This bill sets a timetable for repositioning our troops out of Iraq. The exact timetable will be determined by the performance of the Iraqis and whether or not they meet important political and military benchmarks.

And this bill establishes a target for finishing our redeployment in any circumstance. It recognizes that our troops won the war, but it also recognizes that the President's plan calls upon troops to do something that they do not have the power to do, namely, to convince Iraqi factions to reach reasonable compromises on their own turf.

It sets reasonable conditions for moving our troops into a different posture. It holds Iraqis accountable to standards that the President himself has laid out. And it puts us on a new direction with respect to the war in Iraq.

And it does some other things, too. It completes action on a number of leftover pieces of business that the previous Congress left to this new incoming Congress.

The President himself asked for $3.4 billion to deal with the needs of FEMA. We are also finishing action on the BRAC action which requires $3.1 billion in additional funding. We are finishing action on the need to improve family military housing to the tune of $3.4 billion. We are finishing action on rebuilding the lives and providing other assistance to the Katrina victims after the most devastating natural disaster in the history of our country.

We are finishing the action on the agriculture disaster problem that Congress wrestled with for well over a year in the previous Congress without coming to resolution. And we are providing the final $1 billion in funds to combat a potential pandemic flu, funds which the President himself requested in an emergency appropriation in the year 2005.

And we are also finishing action on the action begun last year by the Congress in trying to deal with the fact that 14 States are going to run out of child health money; and we need, therefore, to provide $750 million to see to it that low-income families and children in low-income families are not pushed off those State health care rolls. This is a request that has come in from Republican and Democratic Governors alike.

And we have also provided some additional funding, above what the President asked for, items which are not last year's business, but which we think are important in terms of this year's business.

We are increasing funding for veterans health and defense health by $3.4 billion. We are, on the homeland security front, increasing funding substantially. The President, since days after 9/11, has been resisting virtually every congressional effort to add funding for homeland security, for border security, for cargo security and the like.

We are continuing the effort to provide significantly more money than the President has asked for. If anybody wants to argue with that, I would suggest they take it up with the 9/11 Commission. I would suggest they take it up with the Hart-Rudman Commission. I would suggest they take it up with the 9/11 families. Everybody but Anne Coulter, I think, would be responsive to what those families think.

And then we are also providing $1.2 billion in additional funding for our war in Afghanistan. Mr. Speaker, I sat at CIA headquarters and watched, right after 9/11, as our predator aircraft were searching Afghanistan for bin Laden. And I know what the people at that agency were saying when they expressed their frustration that the President was diverting a huge share of our resources in the hunt for bin Laden to prepare for the unilateral attack on Iraq.

What this bill is trying to do is to correct that by, again, refocusing additional attention on the war against Afghanistan. And I make absolutely no apology for the funds that we have in here.

Now, some will say this is not a perfect instrument. They will differ with the time line that we have for the repositioning of troops, and they will differ with the benchmarks. But what I would say to them is that what is important in this document today is not the exact wording. What is important is not the exact timetable. What is important is not the exact enumeration of benchmarks. What is important is that, for the first time, this Congress will be exercising its constitutional responsibilities to provide real oversight on the executive branch of government, and we will be trying to set this country on a new direction.

Someone in this House said last week that we are similar in our position to a board of directors for a corporation. He said the President is the CEO. The President's Cabinet represents his management team, and we are the board of directors. And when a board of directors of a corporation sees that the management of the corporation is leading it down a disastrous path, it has a fiduciary responsibility to its stockholders to step in and correct the problem. That is what we are trying to do in this legislation. In this case, we have a fiduciary responsibility and a representational responsibility to the taxpayers and to our constituents, and we are trying to meet that responsibility today.

Now, there are some who have criticized us for doing so, some in newspapers and some on this floor. Very frankly, I am getting a bit tired of those who were consistently wrong from the beginning on the issue of Iraq. I am getting tired of them lecturing those of us who were consistently right from the beginning in our opposition to this war.

And when people ask me why we don't have a better solution, I tell them of the old story about Eddie Stanky, who used to play second base for the New York Giants many years ago. And one day, Leo Durocher, the manager, was hitting ground balls to the infield, and Stanky dropped two in a row. And so Durocher grabbed a glove and said, "Here, kid, I'm going to show you how it's done." And he went out to second base, and the very first ball Durocher dropped. And he turned to Stanky, and said, "Kid, you got second base so screwed up, nobody can play it."

The fact is, if you substitute George Bush for Eddie Stanky and Iraq for second base, you have got the picture of what the problem is today.

Now, this Congress cannot run foreign policy, but it has an obligation to try to influence the policy and influence the conduct of that policy when we see it headed down the wrong path. Mr. MURTHA has tried to lead the way in seeing to it that we face up to those responsibilities, and this legislation will give us an opportunity to do that.

I would hope it would be supported on a bipartisan basis.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker and my colleagues, I rise today to express my opposition to this emergency supplemental. My colleagues know that I have the highest level of respect for my chairman, Mr. OBEY. Together we worked as partners in the 109th Congress, passing appropriations bills through the committee and through the House. Indeed, the Appropriations Committee is at its best when each of us works together across party lines and rises above purely partisan politics.

During the last Congress I was privileged to serve as chairman of this great committee, and Mr. OBEY was our distinguished ranking member. Today, our roles are reversed, and Mr. OBEY is now our chairman.

There is no question that if my friend from Wisconsin were permitted to write this bill on his own, this would be a much better product. Instead, the House is being asked to consider a spending bill that reflects the priorities of Speaker PELOSI and a deeply divided Democratic Caucus. It attempts to bridge these widening divisions over the war in Iraq by delivering billions of dollars in unrelated and unauthorized spending under an emergency designation.

This legislation ought to focus on our troops. It ought to focus on providing those in harm's way with the resources they need to complete their mission successfully. It ought to respect, not micromanage, our combatant commanders in whom we place the ultimate responsibility of prosecuting military actions.

Instead, this legislation ties the hands of our Commander in Chief during a time of war, places military decisions in the hands of politicians, and attempts to buy votes for its passage on the left and on the right by literally promising something to everyone.

If the majority's goal is to end the war or withdraw our troops, then that should be addressed in a separate piece of legislation. The majority cannot have it both ways, pretending, on the one hand, to support our troops, while on the other undercutting their ability to prosecute their mission.

Men and women of good conscience can disagree about the war in Iraq. But on one thing we must all agree, our men and women in uniform must continue to receive our unqualified support and the resources they need to complete their mission successfully.

My colleagues, consider carefully the consequences of our actions here today. Passage of this measure in its present form will signal to insurgents and terrorists that the United States doesn't have the political will to continue supporting this fledgling Iraqi democracy.

☐ 1645

Al Qaeda and other enemies of freedom will simply lay in wait until our troops are withdrawn. And with the collapse of this fragile democracy, our efforts, and the sacrifices of our troops, will have been for nothing.

The fight in Iraq is also critical to the future of Israel. A failure in Iraq will further destabilize the region, posing a direct threat to Israel. We must not let that occur to our friend and ally.

There should be no carrot big enough to force Members into choosing between their principled support for our troops in the field and funding for the many unrelated and parochial items sprinkled throughout this bill.

Republican Members in the House are simply not going to abandon our principles, and troops in the field, for the promise of pork back in our districts. To their credit, many Democrats also continue to express grave reservations about this approach and about this legislation.

Last year Congress sent the President a clean supplemental bill for our troops. This Congress, and our country, would be better served by producing a clean bill free of extraneous spending and unrelated legislative provisions.

There is no question that the President will veto this bill. In the meantime our troops will face the uncertainty resulting from the majority's mixed signals and lack of a clear commitment.

I am also deeply concerned that the Democrat leadership has brought this emergency supplemental to the House floor under a closed rule without opportunity for Members on both sides of the aisle to offer amendments.

During my tenure as chairman, the House considered six emergency supplemental appropriations bills. Of these six bills, the two largest bills, H.R. 1268, was $81.2 billion; the other was a $91.8 billion supplemental. Those two bills primarily focused on the global war on terror. In both instances I worked closely with my leadership and the Rules Committee in seeking rules that permitted open debate, including amendments, on the House floor. And in both instances, these supplemental bills were considered under an open rule. The remaining four bills were noncontroversial and bipartisan in nature and were considered by unanimous consent on the Suspension Calendar.

I assumed that Chairman OBEY would continue in the longstanding tradition and practice of the committee to advocate open rules on all appropriations bills. Members on both sides of the aisle benefit by a process that supports a fair, honest, open, and transparent debate on the House floor. I was disappointed that Mr. OBEY's first bill as chairman, the fiscal year 2007 continuing resolution, was considered under a closed rule, with only 1 hour of debate and no opportunity for amendments.

Consideration of this supplemental under a closed rule is unprecedented and leaves the minority little choice but to walk away from the tradition of comity that has marked our longstanding work on this committee.

By denying Members, both Democrats and Republicans, their right to offer amendments to this legislation, I can assure you that all bets are off on getting our committee work done this year. It simply will not happen. There will be no unanimous consent agreements on the fiscal year 2008 bills. I spoke personally with Mr. OBEY about this and asked him to carry that message directly to the Speaker.

This legislation is simply too important to have it rushed through the House with no debate and no opportunity for the body to consider amendments. Consideration of this legislation under a closed rule signals to the House, and to the public, that the Speaker has imposed martial law on the people's House.

Lastly, I would be remiss not to highlight my reservations about the budgetary aspects of this bill that proposes more than $22 billion in emergency spending items that are completely unrelated to the global war on terror or legitimate emergencies in the Gulf Coast region.

I ask my colleagues what does a $25 million bailout for spinach producers, $60 million for the salmon fishing industry, or $5 million for fish breeding have to do with the global war on terror?

This legislation also includes authorization language to increase the minimum wage. Again, I ask my friends why can't the committees of jurisdiction in the House and the Senate meet in open conference to resolve the differences between these bills? What place has this provision in a wartime supplemental?

In short, much of what is included in this bill is completely unrelated to the global war on terror and has no place in the bill. Sadly, many items are being designated as emergencies for no other reason than to make more room for additional spending on the part of the Democrats under the fiscal 2008 caps.

I ask my colleagues on both sides of the aisle to consider thoughtfully the precedent set by this legislation. Weigh in your conscience the effects of undermining the authority of the President, and future Presidents, and putting at further risk our men and women in uniform.

Our Congress, and our country, would be better served by sending the President a clean supplemental free of extraneous spending and unrelated legislative provisions.

While I respect Chairman OBEY, I cannot support this legislation as it is presently written. I strongly urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 12 minutes to the distinguished chairman of the Defense Appropriations Subcommittee, Mr. MURTHA.

Mr. MURTHA. Mr. Speaker, let me explain what is in this bill for the Members.

We have $4 billion over the amount requested by the President. The President requested a total of $12.1 billion for military personnel pay and benefits. The committee recommends increasing the funds for those programs by $1.4 billion. The committee adds $1.4 billion to cover the full cost of housing allowance for military members in fiscal year 2007; $2.3 billion to cover the full cost of fielding an additional 36,000 Army troops.

If everybody here remembers, we added 30,000 troops in the supplemental, which the White House did not ask for, argued about, and which the Defense Department did not want. And yet now we are short of troops, and they are trying to blame the Congress for being short of troops.

We also added money for 9,000 additional marines. The committee recommends $52.5 billion for military operations, $2.2 billion over the President's request.

In addition to fully funding the request for military operations, the committee proposes an additional $2.5 billion to address training and equipping shortfalls in forces not deployed. We will set up a Reserve Readiness fund.

The committee recommends adding funds for the war in Afghanistan, $1 billion. That is where the original war started, and that is what you vote against if you vote against this bill.

$5.9 billion for the Afghanistan Security Forces fund, $3.8 billion for the Iraq Security Forces fund, and a total of $2.4 billion is recommended for the joint IED task force.

The recommendations propose an increase of $17 million for DOD's Family Advocacy program. In other words, all of us hear, when we go talk with the families, the problems that they have. We add $17 million for that particular fund.

We have three significant reductions. We reduce some of the buys of hardware which we think ought to be in the base bill.

The committee bill recommends a total of $24.8 billion for equipment purchases, a slight decrease to the President's request of $86 million. The committees proposed an allocation of $1.4 billion to purchase what they call MRAP vehicles, that is, the vehicles with the V shape, which we need so badly. And that is what you are voting against if you vote against this bill: $311 million above the request of the White House.

For Army procurement accounts the committee approves a total of $15 billion: $994 million for tactical radios, $2.2 billion for tactical trucks, $867 million for up-armored Humvees, $636 million for Bradley fighting vehicle upgrades. And that is what you are voting against if you vote against this bill.

The committee bill includes $192 million not requested for three additional F/A–18s. We take care of the SEABEEs, something they have talked about that have been decimated by this war, and we put equipment in for the SEABEEs.

The committee is recommending reductions to several high-profile programs requested by the President. We deny funding for two Joint Strike Fighter airplanes because they ought to be in the base bill, and we will talk about that depending on what they authorize.

The President requested a total of $1.4 billion for research and development. The committee recommends a total of $1 billion.

Working capital funds: the committee bill provides a total of $1.3 billion for working capital.

Now let me talk about defense health programs. We just saw what we went through with Walter Reed. BILL YOUNG, who was chairman of the committee, and I went out to Walter Reed all the time. I had no idea, as most Members didn't, about what was going on at Walter Reed. And it really gets to me that every time we went out there, we asked them if you needed any help and they always told us everything is all right. We put more money in any way because we knew there would be some problems come about because of the fact that they were under BRAC. The committee decided unanimously to eliminate the closing of Walter Reed, especially during the time of war. We put $1.7 billion above the budget request.

The additional funding is for $450 million for post-traumatic stress. And that is not near enough, folks. That is not near enough. We figure there are going to be 65,000 military people who come back that are going to have post-traumatic stress. And that is what you are voting against if you vote against this bill.

We put $450 million in for traumatic brain injury care and research; $730 million to cover the funding shortfall created by Congress' having disapproved the Department's proposal to increase the health insurance premiums. And I am for that, but we didn't fund it. But we fund it in this bill, and that is what you vote against if you vote against this bill.

We put $62 million in for amputee care. Let me tell you something about amputee care. I went out to the amputee center in Brooks. Private industry put up a place in 18 months; $58 million they raised to put an amputee center up. We have been working on an amputee center at Walter Reed. It took us 3 years and it is still not built. JERRY LEWIS, BILL YOUNG, and myself, and it is still not done yet.

We are putting in $12 million for caregivers. The nurses called. They said, We have got a real problem here. We see these wounded. We see the people coming home all the time. It affects us mentally. It affects us emotionally. It affects us psychologically. We need help. So we put $12 million in; $6 million for Landstuhl, where they get the worst casualties; $2 million for Walter Reed; $2 million for Brooks; and $2 million for the hospital in California.

We put in $14.8 million for burn care. I want to tell you something, Members. You can go to all the hospitals. When you go to the burn care centers, you see the results of this war. We go to the hospitals. All of us go to the hospitals quite often. And let me tell you the burn centers are the worst when you go.

Now, we also took out 5 percent on contracting. Now, why did we do that? We did that because contractors are falling all over themselves and we asked the GAO and we asked the Inspector General of Iraq, How many contractors do you have? They couldn't tell us. They said, Help us find out how many contractors we have.

So we asked the Under Secretary of Defense. He couldn't tell us. He said, I will let you know in a week.

He still hasn't told us. So we took 5 percent out. They will tell us now how many contractors they have.

And we fenced 10 percent. So that is $800 million for the 5 percent and then $1.6 billion for the contractors to come out. So that is $2.1 billion we have taken out for the contractors.

We put in for CERP, which is a program in which there is $456 million provided under operations and maintenance for the commanders.

No permanent bases we said over and over again. We put in no torture, which has caused us so much problem when they didn't have the people trained when they were in Abu Ghraib.

Contracting oversight. We have a death gratuity amendment. Military attorneys, we put some money in for military attorneys.

Meeting readiness guidelines: let me tell you what we do to meet readiness guidelines. When you talk to these families, they need a year at home before they are redeployed. Is there anybody that thinks we should send these folks back before they have a year at home? Is there anybody that thinks we should extend them when they have 13 months in country? Is there anybody who thinks we should send troops into combat who aren't trained and ready? Is there anybody here?

□ 1700

We put benchmarks in for the Iraqi Government, as the chairman of the committee explained, because we need to give them the incentive. We need them to have some benchmarks so they understand that they have to get this done.

Every time something happens, and this is a problem we have, every time something happens, we step in. They started out, they said, with 80 percent of the people in the Iraqi units deployed in Iraq. Now it is 50 percent. Where are they? They are on leave. They deserted. They are not there. So who makes up the difference? Our troops are the ones making up the difference. We have to force the Iraqis to make up the difference.

Why are we even thinking about forcing the military to break their own guidelines because of this surge? Because of the fact they can't sustain the deployment. So the administration has decided, we are going to have to send people back with less than a year at home.

We are going to send people back that aren't trained and ready? That is unacceptable. That is unacceptable to every single Member of Congress. We have an obligation to the taxpayer under the Constitution to take care of defense.

We have an obligation to have oversight and auditing and accountability. We have had 14 hearings so far. We will have at least 40 more hearings before we have the base bill. I am going to put you on notice right now, the supplemental, the 2008 supplemental, is not going to come up with the base bill. The 2008 supplemental is going to be held, because we are going to see if there is going to be progress in this country before we bring up the 2008 supplemental. We are going to see if what they say is true. We are going to find out if this administration is giving us the facts.

We have said to them under the Moran amendment, you have to tell us how much oil production there is. Oil production is below prewar level. Electricity production is below prewar level. Unemployment is 60 percent.

Incidents have doubled since I spoke out here a year-and-a-half ago. Doubled. There are now 1,200 a week. And when I say "incidents," I am talking about 140,000 troops deployed to Iraq, individually. I heard Elizabeth Edwards the other day talk about breast cancer, before she knew it had come back, and she said to me, there is 40,000 people that have breast cancer every year, but it is one at a time.

What we are talking about are troops, 140,000 troops, one at a time; 140,000 troops with families; 140,000 troops that have wives and husbands and mothers and fathers that have to suffer during these deployments.

When you go to the hospital, you see figures. Don't think when you say you see 2,500 people who have been killed, 3,000 have been killed or 25,000 have been wounded. It is individuals that have been wounded, individuals that have been killed, and those families are suffering.

We have to put some benchmarks so the Iraqis, they have civil war, we have to put benchmarks in this bill so the Iraqis start to do it themselves, and the Americans aren't forced to make up the difference, but they do it themselves.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), our leader on the Homeland Security Subcommittee.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the distinguished ranking member for yielding time.

The supplemental before us today is a case study of what happens when one branch of the government tries to do the job assigned to another. It is hard to say what this will be known for, unconstitutional legislation that would allow Congress to micromanage a war, or a crude political compromise designed to win votes.

One thing though is perfectly clear: The bill is a sham. Don't be fooled by the rhetoric you will hear today. The managers on the other side of the aisle will try to convince you that we are addressing pressing needs, providing critical resources for our troops in the field and other so-called disasters here at home. But make no mistake, the bill will only hamstring our troops, provide fodder for our enemies abroad, cause a disastrous and precipitous cut and run, and indescribable damage to America's reputation in the vital Mideast and worldwide.

It also breaks the bank here at home by providing funds for pork-laden Democrat wish-lists. What does dollars for a spinach producer have to do with providing help for our troops in Iraq? What does money to a salmon farmer have to do with providing support for our troops in Iraq? What about aquaculture money? What has that got to do with troops in Iraq?

And for those Members who have surrendered their better judgment for pork for their districts, the majority adds $2.5 billion in so-called emergency homeland security items to sweeten the pot.

Don't get me wrong, many of the majority's homeland security adds are worthy and important items, such as nuclear and explosive detection systems and additional aircraft for the northern border, things I have supported in the past and continue to support, but they are in no way a 2007 emergency. They can be handled regularly in the 2008 bills. In every instance these bills could and should be addressed through the 2008 process.

By including them as 2007 emergencies, the majority is simply trying to look strong on security and buy down requirements to free up funds in fiscal 2008 for additional spending. While I support homeland security spending, I support it in a fiscally responsible way.

Let me turn to the real issue under debate today now. To the defense provisions that will cause the precipitous withdrawal of our forces from Iraq and take from a President his constitutional powers of Commander in Chief, there is a very good reason why our Founding Fathers gave the executive branch the responsibility to conduct war.

The House of Representatives is made up of 435 individuals; lawyers, doctors, teachers, farmers, some with military experience, some without. It is not made up of 435 military commanders who possess the ability to manage a war. We have military professionals to do that. Why are we attempting to insert our military judgment, which can cause the death or injury of our troops, when we are neither trained nor skilled to do so? Leave the management of the war to the trained professionals who know what they are doing.

If your aim is to end the war, and it is, this is the absolute wrong way to do it. The right way, bring forth a resolution or a bill to reverse the original authorization for the war. But as long as you have authorized the war, please don't tie the hands of our great soldiers and their commanders behind their backs in carrying out your authorization, still on the books, to fight this war against terror.

Mr. Speaker, this committee has lost its way on this one. It is a shameful turn of events. Handcuffing the authorities of the President, undermining our troops in harm's way and exploiting worthy government programs for political gain is beyond the pale. Our troops and our Nation deserve better. They deserve our undying support.

I urge a "no" vote.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), the chairman of the Financial Services Subcommittee of the Committee on Appropriations.

Mr. SERRANO. Mr. Speaker, I stand before you today in support of this bill, probably the most difficult decision I have made in my 33 year political career. But I do it because I want this war to end. I did not support this war. I did not vote for it. I still believe that we were lied to, that we were given at the minimum bad information, but I believe we were lied to, the link to al Qaeda, the weapons of mass destruction. We have been over that, but it can't be forgotten. We were not told the truth.

But here we are now, and most of us want the war to end now. What does "now" mean? There is no real now. Even if there was a vote "called out now," it would mean for 6, 7, 9, 10 months the military would, in a properly and orderly way, get the troops out. But there would be no end date, so "now" could be extended.

This bill, however, does speak to "now," because it sets a timetable so that "now" becomes the desire to end the war and "now" becomes the mechanism in process to end the war.

In the next few minutes, the e-mails will start to come in from some friends on my left, who think they are on my left, who tell me that I sold out. Well, you know something? Not to end the war is to sell out. To get dramatic and emotional about something without the reality of ending the war might be to sell out.

I will take this vote tomorrow fully understanding that my vote was a vote to end the war; fully understanding that I didn't pull the rug from under the troops, but I told them that I didn't want them there any longer; fully understanding that when there was a vote that spoke about immediate withdrawal, we all remember how the Republicans took Mr. MURTHA's desire to end the war and turned it into a resolution that said get out immediately. Interestingly enough, a lot of people who want to end the war now didn't vote for that. I was one of only three that voted to get out immediately.

So I have been there, and I have done that. This is the best vehicle for ending the war. That is why I support it. That is why we have to vote for it.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. WOLF), a member of our committee.

Mr. WOLF. Mr. Speaker, there are legitimate and important emergency funding needs for the troops and our Federal civilian corps on the ground in Iraq and elsewhere. The President requested $93.4 billion in emergency supplemental appropriations to continue the fight against terrorism, and that is what we should be doing.

Unfortunately, this bill offers, I think, a way of not doing that in an appropriate way. It is bloated with $124.3 billion in spending, $21 billion over what was requested. It is true we have provided funding for emergency supplementals before, but it would be hard pressed to convince the American people that $25 million for spinach producers, which may be important to do, but in the regular order; $74 million for peanut storage may be appropriate, but in regular order. It should not be done here. At the same time it does that, it restricts the civilian spending for the provincial reconstruction teams, which helps us do some of the civilian things that we should be doing in Iraq.

The larger issue, however, is this legislation before us has become a vehicle, unfortunately, for polarization on the fight to stabilize Iraq. I have been there three times. I believe tying the hands of our military commanders to adapt to the changing circumstances can only hurt our mission and our troops.

I don't believe it is a good policy to criticize the administration's strategy as failing, while at the same time cutting the very funding necessary for the administration and the troops to succeed, and then putting conditions on releasing the funding provided. They just don't all fit together.

We have to look no further than the report of the bipartisan Iraq Study Group to find "the way forward, a new approach for Iraq." Just last months when we debated the Iraq war resolution, 106 Members from both sides of the aisle mentioned the importance of the Iraq Study Group and how they supported it.

Last night Mr. SHAYS asked the Rules Committee to make in order an amendment that I was cosponsoring to do exactly that, and it was turned down, and just at the very time the diplomatic engagement that most of us wanted to see take place begins to take place. The meeting 2 weeks ago had us engaging with the Syrians and the Iranians. We accepted Mr. MORAN's amendment in the full committee, which was good, to really put the Congress on record in support of that diplomatic effort. But Mr. SHAYS was turned down again, as I was turned down several weeks ago.

The Iraq Study Group's Cochairmen Baker and Hamilton said in the group report, "The U.S. foreign policy is doomed to failure, as is any course in action in Iraq, if not supported by a broad, sustained consensus."

This bill is not a broad, sustained consensus. The recommendation of the Iraq Study Group could have brought us, and still may very well bring us, to a consensus that unites the Congress and the nation on Iraq. That is the policy both the Congress and the administration should embrace. This bill does not do it, and I urge a "no" vote on it.

There are some legitimate and important emergency funding needs for our troops and our Federal civilian corps on the ground in Iraq and elsewhere. The President requested some $93.4 billion in emergency supplemental appropriations to continue the fight against terrorism. That's what this bill should be addressing.

Unfortunately, this bill fails to offer a reasonable way forward in supporting our troops, and I cannot vote for it.

This is a bloated $124.3 billion spending bill—over $21 billion than what was requested.

It's true we've provided funding for emergencies in other supplementals, for example hurricane relief and planning for a flu pandemic. But I think we would be hard pressed to convince the people we represent that $25 million for spinach producers or $74 million for peanut storage costs qualify as emergency spending needed today. The debate on that kind of spending should be part of the fiscal year 2008 appropriations process where it belongs.

The larger issue, however, is that this legislation before us has become the vehicle for polarization on the fight to stabilize Iraq. It does not offer an alternative. Instead, it would ultimately mandate a retreat.

I have been to Iraq three times, and my concern for our troops has never been stronger. If I thought that this bill was in their best interests, I would support it.

Tying the hands of our military commanders to adapt to changing circumstances can only hurt our mission and our troops.

Within the State-Foreign Operations portion, it cuts funding necessary to support projects such as the Provincial Reconstruction Teams. PRTs are joint civilian-military teams living in the provinces among the Iraqi people. They work side-by-side with the Iraqis to identify development and governance programs and offer our best bet for improving stability and governance.

Cutting funding for these teams is cutting them off at their knees before they get a chance to stand up. These funds are essential for improving safety and stability—the very safety and stability which will enable our troops to withdraw more quickly.

I just don't believe it is good policy to criticize the administration's strategy as failing while at the same time cutting the very funding necessary for it to succeed and then putting conditions on releasing funds provided.

We have to look no further than the report of the bipartisan Iraq Study Group to find "the way forward—a new approach" for Iraq. They worked for more than 8 months, supported by expert working groups and senior military advisers in the areas of economy and reconstruction, military and security, political development, and strategic environment.

The study group's report released last December 6 was hailed as an important opportunity to chart a new course for Iraq. That is what we should be considering today.

Just last month when we debated the Iraq war resolution, 106 Members from both sides of the aisle mentioned the importance of the Iraq Study Group's recommendations as the way forward in Iraq.

Last night, Mr. SHAYS asked the Rules Committee to make in order an amendment, offered in partnership with me, to support the findings of the Iraq Study Group. By doing so, we believed the House would be working to meet our responsibility as political leaders to build bipartisan consensus on the issues of war and peace.

But his request was turned down. That was the second time in a month that the Rules

Committee has not allowed an amendment on the Iraq Study Group's report. Instead, we have before us a political statement that pulls us farther apart.

The ramifications of this polarization reach far beyond Washington; all the way to Baghdad and the Iraqi provinces. I want to read from the letter Secretary Baker and Congressman Hamilton wrote as the prelude to the Iraq Study Group's recommendations:

> Many Americans are dissatisfied, not just with the situation in Iraq but with the state of our political debate regarding Iraq. Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.

And it goes on to say:

> . . . U.S. foreign policy is doomed to failure—as is any course of action in Iraq—if it is not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

The bill before us does not move the country toward a consensus. The country must come back together. We must be united. That is the only way we will be successful.

The recommendations of this distinguished group could have brought us to consensus and united the Congress and the Nation on Iraq. That is the policy both the Congress and the President should embrace.

I urge my colleagues to vote against this bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

☐ 1715

Mr. MORAN of Virginia. I thank the chairman and thank the chairman of the Defense Appropriations Subcommittee who has put this together.

My colleagues, a short while ago when President Bush was asked how long will this war last, he said: "We will be in Iraq as long as the Iraqi people want us there."

Well, this bill says that we will be in Iraq as long as the American people want us there. And the American people realize this is a war that is not worthy of the sacrifice of those men and women in uniform who are bearing the whole cost of this war.

This bill is about that young son who was told by his daddy one day that he has to leave him to go off and fight for our country. And day after day he asks his mommy: When is daddy coming back? And finally one day his mommy, with tear-filled eyes, has to say: Daddy is not coming back.

Well, we have to ask ourselves: Is this war worthy of that sacrifice? This bill says it is not because there has never been a strategy for success. This bill will bring our troops home as soon and as safely as possible.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Speaker, I thank the ranking member, Mr. LEWIS, for his hard work in providing this response, this very, I think, respectful response.

I would submit to you that any sacrifice any American has made in Iraq is a worthy, worthy sacrifice.

Mr. Speaker, here we go again. Thus far in the 110th Congress, the House has considered two pieces of appropriations legislation. Thus far, we have twice done so under rules that stifle debate and amendment.

First, we operated under a closed rule on the 2007 continuing resolution, limited debate, no amendments, a bill that spend hundreds of billions of dollars. Now we are doing the same thing with a war supplemental. Let me be clear about what is happening here tonight.

The majority does not want a vote to remove the egregious and unconstitutional provisions restricting the Commander in Chief's authority over our Armed Forces. They do not want to allow us the opportunity to strike the unprecedented deadline for withdrawing our troops. Never before has a Congress in our history written into law a date for the withdrawal of American troops in a war.

They won't allow us that opportunity because Republicans and Democrats would vote bipartisanly to strike that deadline. They have proposed a rule that will prohibit Members from offering amendments that could modify the bill in such a way that the President could sign it.

Let's be clear: by proposing a closed rule, the Democratic leadership signals it wants this bill vetoed. In short, the majority would rather play politics than find a solution to the problem. And who will lose this game of political chicken? The troops who stand in harm's way as we talk; the troops, who are relying on this Congress to provide the necessary funds before the end of May so they can complete their mission successfully and as safely as possible.

This bill should be rejected out of hand and the majority should immediately bring back a clean supplemental so we can ensure that our troops will have the resources they need. Let's stop the posturing and pass a clean bill. That's the bottom line.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I want to voice my support for the supplemental, not because I agree with everything that is in it, but because I agree with one thing that is in it, and that is a binding deadline to end the war in Iraq and redeploy our troops to where they are truly needed, and that is to fight the real war on terror where the terrorists started to bomb our country and planned to bomb us on 9/11 and that is in the mountains of Afghanistan.

Why are we fighting a civil war in Iraq? Why are we fighting a civil war in Iraq when it is in Afghanistan where the war should be fought? Why are our Republican friends talking about protecting our national security in Iraq when in fact it is al Qaeda in Afghanistan that is posing the greatest threat to our national security?

It is this supplemental that talks about fighting the real national security threat to our Nation, and that is why I support this important supplemental, because it truly supports our troops and it supports our veterans as well.

Mr. Speaker, I want to voice my support for this supplemental, not because I agree with everything in it, but because I agree with the most important thing in it: a binding deadline to end the war in Iraq.

Mr. Speaker, we need to redeploy our troops from Iraq first and foremost because it is in our national security interest.

As someone who voted for the original resolution, I am particularly pained by the hardships and suffering our troops and their families endure. I want them to come home.

But I also know that the men and women in uniform, and the families behind them, are willing to make the sacrifices they do if that is what it takes to make America more secure.

The truth is policing a civil war in Iraq does not bring us closer to defeating the global network of extremists who wish to harm us.

But redeployment from Iraq will enhance our security by allowing us to properly address other challenges around the world, most importantly the fight in Afghanistan and Pakistan against a resurgent al Qaeda and Taliban, the enemies who actually did engineer 9/11.

The moral authority we've lost in the eyes of the world compromises our ability to lead multinational efforts against national security threats ranging from terrorism and nuclear proliferation to global warming and drug trafficking.

The sooner we begin redeployment, the sooner we begin unraveling the tremendous damage that this war and its mismanagement have wrought on our national security.

We need to restore America's leadership. We need to strengthen America's security. We need to pass this supplemental and begin the redeployment from Iraq.

I believe in a strong U.S. engagement around the world, including using military force when necessary. I also believe, as did Presidents Roosevelt, Truman, Kennedy, and Reagan, that America's greatest strength comes from its values and its ability to lead.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the committee.

Mr. KNOLLENBERG. Mr. Speaker, I want to thank the ranking member profusely for granting me this time.

It is with regret that I rise today in opposition to the defense supplemental bill. As a member of the House Appropriations Committee, I wanted to be able to support a bill that would provide our soldiers with the funding they need to carry out their mission in Iraq.

But I must oppose it because it presupposes our defeat in Iraq by tying the hands of the military leaders.

Further, it adds nonemergency spending, lots of spending, and sets new precedents. And of particular concern to me, fails to fix some major problems that were created in the continuing resolution with respect to rental assistance for our neediest families.

The continuing resolution changed the formula for distributing $16 billion in rental assistance under the section 8 program. The result is less funding, more uncertainty, a "use it or lose it" mentality, and a loss of any incentive to plan over the long run. It rewards excessive spending and punishes cost-effectiveness and will set public housing authorities against one another by creating new winners and losers every year.

The impacts on the program are staggering. Over 1,220 PHAs in 30 States will lose $460 million permanently. That means forever. I have here a list that I include for the RECORD of all the PHAs that are going to lose funds and how much they are going to lose. It also includes the name of the Member of this body who represents each of those PHAs.

So the supplemental bill before us today tries to fix some of the problems in the CR, but it fails to do that, and it distracts from the true purpose of this bill which is to support our troops in harm's way.

Mr. Speaker, I will be the first to admit that mistakes have been made in the execution of the war. No one is disputing that. Even Secretary of State Rice has admitted there are mistakes. But there is no sense in looking backward. Not now. We should give the administration's new policy a chance to work before presupposing its failure and our ultimate defeat in Iraq.

Let me be clear: I want our troops to come home as soon as possible, but I want them to return in victory, not defeat. It is time for the Iraqis to assume responsibility for the security of their nation. I am hopeful that the administration's new policy will bring to an end the sectarian violence in Baghdad and provide an opening for the Iraqi Government to step up to the plate.

It was a bipartisan vote of Congress that authorized this war 4 years ago. It is going to take bipartisan cooperation to bring about its successful conclusion. This bill, unfortunately, is anything but bipartisan. It is nothing more than a crafty way for the Democrat majority to set a hard-and-fast deadline for troop withdrawals before we have even given the new Iraq strategy a chance to succeed.

Let's give our troops a chance to stabilize Iraq and come home in victory. Let's pass a clean supplemental which gives the troops the resources they need to protect themselves. I strongly urge a "no" vote.

Member	Housing Authority	Net Loss
Ackerman, Gary	HA OF NORTH HEMPSTEAD	-$104,235
Aderholt, Robert	HA BOAZ	-$90,740
Aderholt, Robert	HA CULLMAN	-$7,882
Aderholt, Robert	HA HAMILTON	-$11,179
Akin, Todd	ST CHARLES HOUSING AUTHORITY	-$1,397
Alexander, Rodney	ALEXANDRIA HSG AUTHORITY	-$534,731
Alexander, Rodney	CALDWELL PARISH HOUSING AUTHORITY	-$8,561
Alexander, Rodney	CONCORDIA PARISH POLICE JURY	-$11,336
Alexander, Rodney	DELHI HOUSING AUTHORITY	-$14,894
Alexander, Rodney	EAST CARROLL PH. POLICE JURY,SEC.8	-$4,302
Alexander, Rodney	FRANKLIN PARISH POLICE JURY	-$5,524
Alexander, Rodney	IBERVILLE PARISH COUNCIL	-$7,219
Alexander, Rodney	JACKSON PARISH POLICE JURY	-$8,961
Alexander, Rodney	LINCOLN PARISH POLICE JURY	-$29,327
Alexander, Rodney	NEW ROADS (TOWN OF)	-$10,693
Alexander, Rodney	OBERLIN (TOWN OF)	-$39,514
Alexander, Rodney	RUSTON (CITY) SEC.8 HSG.AGENCY	-$105,526
Alexander, Rodney	TALLULAH (CITY OF) PHA	-$10,059
Alexander, Rodney	UNION PARISH POLICE JURY	-$9,225
Alexander, Rodney	WEST CARROLL PH. POLICE JURY HSG ASSIST OFFICE	-$660
Alexander, Rodney	WEST MONROE HSG AUTH	-$304,933
Alexander, Rodney	WINN PARISH POLICE JURY	-$53,837
Allen, Thomas	AUGUSTA HSG AUTHORITY	-$344,312
Allen, Thomas	WESTBROOK HOUSING AUTHORITY	-$6,015
Altmire, Jason	HOUSING AUTH CO OF LAWRENCE	-$98,809
Andrew, Robert	CAMDEN HOUSING AUTHORITY	-$701,623
Andrews, Robert	CLEMENTON HOUSING AUTHORITY	-$20,151
Andrews, Robert	GLASSBORO HOUSING AUTHORITY	-$22,788
Andrews, Robert	GLOUCESTER HOUSING AUTHORITY	-$208,716
Arcuri, Michael	DOLGEVILLE HOUSING AUTHORITY	-$384
Arcuri, Michael	HA OF CORTLAND	-$121,945
Arcuri, Michael	HA OF GENEVA	-$82,862
Arcuri, Michael	HA OF ILION VILLAGE	-$20,095
Arcuri, Michael	HA OF ROME	-$79,933
Arcuri, Michael	TOWN OF CAMDEN	-$283
Arcuri, Michael	TOWN OF FORESTPORT	-$28,674
Arcuri, Michael	TOWN OF NEW HARTFORD	-$24,212
Arcuri, Michael	TOWN OF VERNON	-$12,119
Arcuri, Michael	TOWN OF WHITESTOWN	-$3,313
Arcuri, Michael	VILLAGE OF CLINTON	-$5,038
Arcuri, Michael	VILLAGE OF NEW HARTFORD	-$29,473
Arcuri, Michael	VILLAGE OF WATERVILLE	-$8,711
Bachmann, Michele	STEARNS COUNTY HRA	-$37,325
Bachus, Spencer	HA COLUMBIANA	-$11,887
Bachus, Spencer	HA LEEDS	-$120
Bachus, Spencer	HA WALKER COUNTY	-$53,177
Baird, Brian	HOUSING AUTHORITY OF THE CITY OF KALAMA	-$19,519
Baird, Brian	HOUSING AUTHORITY OF THURSTON COUNTY	-$219,444
Baird, Brian	KELSO HOUSING AUTHORITY	-$22,566
Baker, Richard	BATON ROUGE (CITY OF) COMMUNITY	-$287,588
Baker, Richard	PORT ALLEN (CITY OF)	-$49,541
Baker, Richard	WEST BATON ROUGE PARISH COUNCIL, SEC.8	-$36,866
Baldwin, Tammy	MADISON CDA	-$418,911
Baldwin, Tammy	MIDDLETON HOUSING AUTHORITY	-$27,747
Barrett, Gresham	HA AIKEN	-$369,645
Barrett, Gresham	HA ANDERSON	-$45,323
Barrett, Gresham	HA SOUTH CAROLINA REG NO 1	-$15,249
Barrow, John	HA SAVANNAH	-$4,132,472
Bartlett, Roscoe	CITY OF WESTMINSTER	-$57,438
Bartlett, Roscoe	HAGERSTOWN HOUSING AUTHORITY	-$334,558
Bartlett, Roscoe	HOUSING AUTHORITY OF THE CITY OF FREDERICK	-$394,422
Barton, Joe	ARLINGTON HOUSING AUTHORITY	-$2,007,236
Barton, Joe	CORSICANA HOUSING AUTHORITY	-$315,663
Bean, Melissa	MCHENRY COUNTY HOUSING AUTHORITY	-$63,280
Becerra, Xavier	CITY OF LOS ANGELES HSG AUTH	-$22,635,747
Berkley, Shelley	CITY OF LAS VEGAS HSG AUTH	-$4,163,561
Berkley, Shelley	NORTH LAS VEGAS HOUSING AUTHORITY	-$1,369,839
Berry, Marion	PHILLIPS COUNTY PUBLIC HOUSING AGENCY	-$41,404
Berry, Marion	BLYTHEVILLE HOUSING AUTHORITY	-$78,404
Berry, Marion	BRINKLEY HOUSING AUTHORITY	-$114,558
Berry, Marion	CABOT PUBLIC HOUSING AGENCY	-$12,781
Berry, Marion	EARLE SECTION 8 HOUSING AUTHORITY	-$23,754
Berry, Marion	LEE COUNTY HOUSING AUTHORITY	-$67,981
Berry, Marion	MALVERN HOUSING AUTHORITY	-$60,653
Berry, Marion	MISSISSIPPI COUNTY PUBLIC FACILITIES	-$159,488
Berry, Marion	POCAHONTAS PUBLIC HSG AGENCY	-$1,614
Berry, Marion	WHITE RIVER REGIONAL HOUSING AUTHORITY	-$108,838
Berry, Marion	WYNNE HOUSING AUTHORITY	-$33,837
Bilbray, Brian	CITY OF CARLSBAD HOUSING &	-$313,608
Bilbray, Brian	CITY OF ENCINITAS HOUSING AUTHORITY	-$21,246
Bilirakis, Gus	CLEARWATER H/A	-$598,945
Bishop, Rob	HA OF CITY OF OGDEN	-$388,204

Bishop, Rob	DAVIS COUNTY HOUSING AUTHORITY	-$833,838
Bishop, Rob	HOUSING AUTHORITY OF SALT LAKE CITY	-$435,570
Bishop, Rob	LOGAN CITY HOUSING AUTHORITY	-$52,603
Bishop, Rob	WEBER COUNTY HOUSING AUTHORITY	-$33,825
Bishop, Sanford	ALBANY HOUSING AUTHORITY	-$6,154
Bishop, Sanford	HA COLUMBUS GA GEN FUND ACCT CONSL	-$605,724
Bishop, Timothy	NORTH FORK HSG ALLIANCE INC	-$522,590
Bishop, Timothy	TOWN OF EAST HAMPTON	-$299,066
Bishop, Timothy	TOWN OF SOUTHAMPTON	-$628,019
Bishop, Timothy	VILLAGE OF PATCHOGUE CDA	-$45,738
Blunt, Roy	DALLAS COUNTY PHA	-$78,072
Blunt, Roy	JASPER COUNTY PUBLIC HOUSING AUTHORITY	-$11,596
Blunt, Roy	JOPLIN HOUSING AUTHORITY	-$98,510
Boehner, John	BUTLER MET.HA	-$61,791
Boehner, John	MIDDLETOWN PUBLIC HOUSING AGENCY	-$1,321,001
Boehner, John	PREBLE METROPOLITAN HOUSING AUTH	-$13,937
Bonner, Jo	HA FOLEY	-$105,942
Bonner, Jo	HA MONROEVILLE	-$15,918
Bonner, Jo	HA PRICHARD	-$2,098,731
Bonner, Jo	MOBILE COUNTY HOUSING AUTHORITY	-$57,785
Bonner, Jo	MOBILE HOUSING BOARD	-$1,757,175
Boozman, John	CRAWFORD COUNTY PUBLIC FACILITIES BOARD NO 1	-$159,327
Boozman, John	FORT SMITH	-$271,371
Boozman, John	HARRISON HOUSING AGENCY	-$37,467
Boozman, John	HSG AUTH OF THE CITY OF SILOAM SPRINGS	-$226,495
Boozman, John	RUSSELLVILLE HOUSING AUTHORITY	-$41,799
Bordallo, Madeleine	GUAM HSG AND URBAN RENEWAL AUTH	-$3,753,269
Boren, Dan	BROKEN BOW HOUSING AUTHORITY	-$99,154
Boren, Dan	COALGATE HOUSING AUTHORITY	-$6,344
Boren, Dan	HENRYETTA HOUSING AUTHORITY	-$16,725
Boren, Dan	HUGO HOUSING AUTHORITY	-$59,576
Boren, Dan	MC ALESTER HOUSING AUTHORITY	-$20,354
Boswell, Leonard	ALBIA LOW RENT HOUSING AGENCY	-$19,914
Boswell, Leonard	CENTRAL IOWA REGIONAL HOUSING AUTH	-$37,875
Boswell, Leonard	CITY OF DES MOINES MUNICIPAL HOUSING AGENCY	-$488,619
Boswell, Leonard	MUNICIPAL HOUSING AGENCY	-$10,902
Boswell, Leonard	OSKALOOSA MUNICIPAL PHA	-$9,997
Boucher, Rick	BRISTOL REDEVELOPMENT HA	-$966
Boucher, Rick	NORTON REDEVELOPMENT & H/A	-$24,275
Boucher, Rick	PEOPLE INCORPORATED OF SOUTHWEST VIRGINIA	-$41,043
Boucher, Rick	SCOTT COUNTY REDEVELOPMENT & H/A	-$84,949

Boucher, Rick	WISE COUNTY REDEVELOPMENT & H/A	-$143,566
Boustany, Charles	CALCASIEU PARISH POLICE JURY	-$504,547
Boustany, Charles	EVANGELINE PH. POLICE JURY, SEC.8	-$47,858
Boustany, Charles	RAYNE (CITY OF) SEC.8 HOUSING AGENCY	-$4,366
Boustany, Charles	WASHINGTON PARISH HSG AUTHORITY, SEC.8	-$10,071
Boyd, Allen	HA MARIANNA	-$13,733
Boyd, Allen	HA TALLAHASSEE	-$141,930
Boyda, Nancy	ATCHISON HOUSING AUTHORITY	-$2,000
Boyda, Nancy	CHANUTE HOUSING AUTHORITY	-$10,298
Boyda, Nancy	ECKAN	-$159,969
Boyda, Nancy	HOUSING AUTHORITY OF THE CITY OF	-$53,013
Boyda, Nancy	RILEY COUNTY HOUSING AUTHORITY	-$164,437
Boyda, Nancy	SEK-CAP, INC	-$75,263
Boyda, Nancy	TOPEKA HOUSING AUTHORITY	-$154,405
Brady, Kevin	DEEP EAST TX COUNCIL OF GOVTS	-$141,149
Brady, Kevin	HOUSING AUTHORITY OF LIVINGSTON	-$7,105
Brady, Kevin	HOUSING AUTHORITY OF ORANGE	-$313,658
Brady, Kevin	WALKER COUNTY HOUSING AUTHORITY	-$2,794
Brady, Robert	CHESTER HOUSING AUTHORITY	-$618,126
Braley, Bruce	BETTENDORF HOUSING AUTHORITY	-$62,401
Braley, Bruce	CITY OF CEDAR FALLS, IOWA	-$254,090
Braley, Bruce	CITY OF DAVENPORT, IOWA	-$8,101
Braley, Bruce	DUBUQUE DEPT OF HUMAN RIGHTS	-$360,672
Braley, Bruce	EVANSDALE MUNICIPAL HOUSING AUTH	-$59,914
Braley, Bruce	WATERLOO HOUSING AUTHORITY	-$163,938
Brown, Corrine	HA ALACHUA COUNTY	-$121,596
Brown, Corrine	HA PALATKA	-$89,426
Brown, Corrine	HOUSING AUTHORITY OF JACKSONVILLE	-$2,299,671
Brown, Henry	HOUSING AUTHORITY OF MYRTLE BEACH	-$112,344
Brown-Waite, Ginny	HA LEVY COUNTY	-$21,970
Brown-Waite, Ginny	PASCO COUNTY HOUSING AUTHORITY	-$1,034,666
Brown-Waite, Ginny	SUMTER COUNTY HOUSING SERVICES	-$51,620
Buchanan, Vern	HA MANATEE COUNTY	-$213,464
Buchanan, Vern	HA SARASOTA	-$121,196
Burgess, Michael	GAINESVILLE HOUSING AUTHORITY	-$126,032
Burgess, Michael	TARRANT COUNTY HOUSING ASSISTANCE	-$751,114
Butterfield, G.K.	CHOANOKE AREA DEV ASSN	-$57,338
Butterfield, G.K.	HA GOLDSBORO	-$16,948
Butterfield, G.K.	HA ROANOKE CHOWAN REG HSG AUTHORITY	-$69,930
Butterfield, G.K.	HA ROCKY MOUNT	-$7,747
Butterfield, G.K.	HA WASHINGTON	-$186,970

Butterfield, G.K.	HA WILLIAMSTON	-$23,099
Butterfield, G.K.	HA WILSON	-$89,872
Butterfield, G.K.	KINSTON H/A	-$76,083
Butterfield, G.K.	TWIN RIVERS OPPORTUNITIES INC	-$40,344
Buyer, Steve	HA FOR THE CITY OF LAFAYETTE	-$105,892
Camp, Dave	EVART HOUSING COMMISSION	-$1,621
Camp, Dave	GREENVILLE HSG. COMM.	-$63,066
Camp, Dave	MONTCALM COUNTY HSG. COMM.	-$94,900
Camp, Dave	SAINT LOUIS HOUSING COMMISSION	-$13,865
Camp, Dave	TRAVERSE CITY HSG. COMM.	-$104,922
Cannon, Chris	BEAVER CITY HOUSING AUTHORITY	-$6
Cannon, Chris	HOUSING AUTHORITY OF THE CITY OF PROVO	-$80,974
Cannon, Chris	HOUSING AUTHORITY OF UTAH COUNTY	-$279,685
Capito, Shelley Moore	BUCKHANNON HOUSING AUTHORITY	-$10,095
Capito, Shelley Moore	JACKSON HOUSING AUTHORITY	-$213,959
Capito, Shelley Moore	MARTINSBURG HOUSING AUTHORITY	-$72,930
Capps, Lois	AREA HOUSING AUTHORITY OF THE COUNTY OF VENTURA	-$173,041
Capps, Lois	CITY OF PORT HUENEME HOUSING AUTHORITY	-$110,361
Capuano, Michael	CHELSEA HOUSING AUTHORITY	-$124,371
Capuano, Michael	SOMERVILLE HOUSING AUTHORITY	-$469,804
Caraway, Michael	HOUSING AUTHORITY OF BRADY	-$86,858
Caraway, Michael	HOUSING AUTHORITY OF BROWNWOOD	-$329,718
Cardoza, Dennis	COUNTY OF SAN JOAQUIN HOUSING AUTH.	-$2,987,378
Cardoza, Dennis	COUNTY OF STANISLAUS HOUSING AUTH	-$2,520,796
Carnahan, Russ	FRANKLIN COUNTY PUBLIC HSG AGENCY	-$397,841
Carney, Christopher	LYCOMING COUNTY HOUSING AUTHORITY	-$47,431
Carney, Christopher	MONTOUR COUNTY HOUSING AUTHORITY	-$74,361
Carney, Christopher	SHAMOKIN HOUSING AUTHORITY	-$16,164
Carney, Christopher	SNYDER COUNTY HOUSING AUTHORITY	-$111,573
Carney, Christopher	WYOMING COUNTY HOUSING AUTHORITY	-$12,108
Carson, Julia	DIVISION OF FAMILY AND CHILDREN	-$568,134
Carson, Julia	INDIANAPOLIS HOUSING AGENCY	-$4,289,723
Carter, John	CENTRAL TEXAS COUNCIL OF GOVTS	-$1,677,948
Carter, John	HOUSING AUTHORITY OF CAMERON	-$24,640
Carter, John	ROUND ROCK HOUSING AUTHORITY	-$74,326
Carter, John	TAYLOR HSG AUTHORITY	-$70,733
Castle, Michael	DOVER HOUSING AUTHORITY	-$74,434
Castle, Michael	NEW CASTLE COUNTY	-$408,372
Castle, Michael	NEWARK HOUSING AUTHORITY	-$66,172
Castle, Michael	WILMINGTON HOUSING AUTHORITY	-$389,640
Castor, Kathy	BRADENTON HOUSING AUTHORITY	-$218,630
Castor, Kathy	HA TAMPA	-$2,965,082
Castor, Kathy	ST. PETERSBURG H/A	-$2,927,882
Chandler, Ben	COMMUNITY DEVELOPMENT AGENCY	-$37,864
Chandler, Ben	FRANKFORT HOUSING AUTHORITY	-$151,640
Chandler, Ben	GEORGETOWN HOUSING AUTHORITY	-$20,561
Chandler, Ben	KENTUCKY HOUSING CORPORATION	-$1,760,894
Chandler, Ben	LEXINGTON-FAYETTE COUNTY HOUSING	-$653,188
Christensen, Donna	VIRGIN ISLANDS HOUSING AUTHORITY	-$2,781,536
Cleaver, Emanuel	HOUSING AUTHORITY OF KANSAS CITY,	-$4,169,792
Cleaver, Emanuel	INDEPENDENCE HOUSING AUTHORITY	-$1,815,022
Clyburn, James	CHARLESTON COUNTY HOUS REDVEL AUTH	-$584,151
Clyburn, James	HA GEORGETOWN	-$2,836
Clyburn, James	HA MARION	-$45,159
Clyburn, James	HA SUMTER	-$174,642
Cohen, Steve	HA MEMPHIS	-$2,243,591
Cole, Tom	NORMAN HOUSING AUTHORITY	-$248,162
Conoway, Michael	HOUSING AUTHORITY OF ABILENE	-$1,423,758
Conoway, Michael	HOUSING AUTHORITY OF MONAHANS	-$17,328
Conoway, Michael	HOUSING AUTHORITY OF ODESSA	-$106,828
Conoway, Michael	HSG AUTH CITY OF MARBLE FALLS	-$98,396
Conoway, Michael	KERMIT HOUSING AUTHORITY	-$30,396
Conyers, John	MELVINDALE HOUSING COMMISSION	-$127,752
Cooper, Jim	METROPOLITAN DEVELOPMNT & HSG AGNCY	-$1,976,164
Costa, James	KINGS COUNTY HOUSING AUTH	-$292,114
Costello, Jerry	FRANKLIN COUNTY HOUSING AUTHORITY	-$7,035
Costello, Jerry	JACKSON COUNTY HOUSING AUTHORITY	-$188,065
Costello, Jerry	WILLIAMSON COUNTY HSG AUTHORITY	-$109,869
Courtney, Joe	ENFIELD HSG AUTHORITY	-$66,598
Courtney, Joe	NEW LONDON HOUSING AUTHORITY	-$130,818
Courtney, Joe	PLAINFIELD H A	-$25,859
Courtney, Joe	ROCKVILLE HOUSING AUTHORITY	-$81,348
Cramer, Bud	HA DECATUR	-$115,085
Cramer, Bud	HA SO CENTRAL ALABAMA REGIONAL	-$267,202
Cubin, Barbara	HOUSING AUTHORITY OF THE CITY OF CASPER	-$162,964
Cublerson, John Abney	HOUSTON HOUSING AUTHORITY	-$7,252,416
Cuellar, Henry	DILLEY HOUSING AUTHORITY	-$9,581
Cuellar, Henry	FLORESVILLE HSG AUTHORITY	-$11,915
Cuellar, Henry	HIDALGO COUNTY HOUSING AUTHORITY	-$175,333
Cuellar, Henry	HIDALGO HOUSING AUTHORITY	-$11,168
Cuellar, Henry	JIM HOGG COUNTY HA	-$11,463
Cuellar, Henry	LAREDO HOUSING AUTHORITY	-$59,371
Cuellar, Henry	MC ALLEN HOUSING AUTHORITY	-$122,880
Cuellar, Henry	PEARSALL HOUSING AUTHORITY	-$28,790
Cuellar, Henry	POTEET HOUSING AUTHORITY	-$7,036
Davis, Arthur	FAIRFIELD ALABAMA H/A	-$122,158

Davis, Arthur	HA BESSEMER	-$7,009
Davis, Arthur	HA NORTHPORT	-$7,498
Davis, Arthur	HA TARRANT	-$68,803
Davis, Arthur	HA TUSCALOOSA	-$33,007
Davis, Danny	CITY OF N CHICAGO HOUSING AUTHORITY	-$51,638
Davis, Danny	HOUSING AUTHORITY OF COOK COUNTY	-$7,693,156
Davis, Danny	STATE OF ILL. DEPT OF COMMERCE & COMM AFFAIRS	-$177,606
Davis, David	BRISTOL, TN HOUSING & REDEVELOPMENT AUTHORITY	-$2,805
Davis, David	HA MORRISTOWN	-$12,901
Davis, David	KINGSPORT HOUSING AND REDEVELOPMENT AUTHORITY	-$365,373
Davis, Geoff	APPALACHIAN FOOTHILLS HA	-$143,955
Davis, Geoff	ASHLAND HOUSING AUTHORITY	-$75,578
Davis, Geoff	CAMPBELL COUNTY HOUSING AUTHORITY	-$51,079
Davis, Geoff	COVINGTON HOUSING AUTHORITY	-$197,321
Davis, Geoff	MAYSVILLE HOUSING AUTHORITY	-$71,274
Davis, Lincoln	HA PULASKI	-$10,259
DeFazio, Peter	COOS-CURRY HOUSING AUTHORITY	-$237,163
DeFazio, Peter	HOUSING AUTHORITY OF DOUGLAS COUNTY	-$38,481
DeFazio, Peter	LINN-BENTON HOUSING AUTHORITY	-$309,140
DeGette, Diana	CITY OF ENGLEWOOD HOUSING AUTHORITY	-$543,179
DeGette, Diana	COLORADO DIVISION OF HOUSING	-$29,130
DeGette, Diana	SHERIDAN HOUSING AUTHORITY	-$193,453
Delahunt, William	ABINGTON HSG AUTHORITY	-$98,396
Delahunt, William	BARNSTABLE HSG AUTHORITY	-$143,716
Delahunt, William	BOURNE HOUSING AUTHORITY	-$26,094
Delahunt, William	DENNIS HSG AUTHORITY	-$16,822
Delahunt, William	DUXBURY HSG AUTHORITY	-$4,500
Delahunt, William	FALMOUTH HSG AUTHORITY	-$122,864
Delahunt, William	HINGHAM HOUSING AUTHORITY	-$12,448
Delahunt, William	PEMBROKE HOUSING AUTHORITY	-$116,604
Delahunt, William	PLYMOUTH HOUSING AUTHORITY	-$160,114
Delahunt, William	SANDWICH HSG AUTHORITY	-$16,762
Delahunt, William	WEYMOUTH HOUSING AUTHORITY	-$292,134
Delahunt, William	YARMOUTH HSG AUTHORITY	-$144,797
DeLauro, Rosa	DERBY H A	-$182,050
DeLauro, Rosa	EAST HAVEN HSG AUTHORITY	-$4,239
DeLauro, Rosa	MILFORD HOUSING AUTHORITY	-$120,198
DeLauro, Rosa	NAUGATUCK HOUSING AUTHORITY	-$164,554
Dent, Charles	ALLENTOWN HOUSING AUTHORITY	-$943,335
Dent, Charles	LEHIGH COUNTY HOUSING AUTHORITY	-$226,690
Diaz-Balart, Mario	COLLIER COUNTY HA	-$76,272
Diaz-Balart, Mario	H/A CITY OF HOMESTEAD	-$1,223,651
Diaz-Balart, Mario	HA LEE COUNTY	-$39,834
Diaz-Balart, Mario	HIALEAH H/A	-$1,667,106
Dicks, Norm	HOUSING AUTHORITY OF THE COUNTY OF	-$173,241
Dicks, Norm	MASON COUNTY HOUSING AUTHORITY	-$183,077
Dingell, John	INKSTER HOUSING COMMISSION	-$611,538
Doggett, Lloyd	HALLETTSVILLE HOUSING AUTHORITY	-$11,634
Doggett, Lloyd	KYLE HOUSING AUTHORITY	-$11,147
Doggett, Lloyd	LA GRANGE HOUSING AUTHORITY	-$11,857
Doggett, Lloyd	TEXAS DEPT HOUSING & COMMUNITY AFFAIRS	-$1,538,531
Donnelly, Joe	LOGANSPORT HOUSING AUTHORITY	-$297
Donnelly, Joe	MARSHALL CO. HOUSING AUTHORITY	-$22,956
Donnelly, Joe	MICHIGAN CITY HA	-$54,314
Doolittle, John	CITY OF ROSEVILLE	-$56,022
Doolittle, John	PLACER COUNTY HOUSING AUTHORITY	-$34,054
Doyle, Michael	ALLEGHENY COUNTY HOUSING AUTHORITY	-$512,071
Doyle, Michael	MCKEESPORT HOUSING AUTHORITY	-$94,548
Drake, Thelma	ACCOMACK-NORTHHAMPTON REGIONAL H A	-$191,161
Drake, Thelma	CITY OF VIRGINIA BEACH	-$1,029,230
Duncan, John	EAST TN HUMAN RESOURCE AGENCY	-$161,653
Duncan, John	HA ETOWAH	-$5,574
Duncan, John	HA KNOX COUNTY	-$185,573
Duncan, John	HA MARYVILLE	-$126,890
Duncan, John	KNOXVILLE COMMUNITY DEVEL CORP	-$903,393
Duncan, John	SE TN HUMAN RESOURCE AGENCY	-$65,622
Edwards, Chet	BRAZOS VALLEY DEVELOPMENT COUNCIL	-$986,058
Edwards, Chet	CLEBURNE HOUSING AUTHORITY	-$37,760
Ehlers, Vernon	GRAND RAPIDS HSG. COMM.	-$986,186
Ehlers, Vernon	KENT COUNTY HOUSING COMMISSION	-$108,133
Ehlers, Vernon	ROCKFORD HOUSING COMMISSION	-$2,443
Ehlers, Vernon	WYOMING HOUSING COMMISSION	-$319
Ehteridge, Bob	COUNTY OF HARNETT	-$71,352
Ellison, Keith	RICHFIELD HRA	-$6,884
Ellison, Keith	MINNEAPOLIS PHA	-$3,690,568
Ellison, Keith	ST LOUIS PARK HRA	-$26,129
Ellsworth, Brad	BLOOMFIELD HA	-$20,260
Emerson, Jo Ann	CABOOL HOUSING AUTHORITY	-$1,975
Emerson, Jo Ann	HOWELL COUNTY PHA	-$85,373
Emerson, Jo Ann	NEW MADRID COUNTY HOUSING AUTHORITY	-$2,130
Emerson, Jo Ann	ORAN HOUSING AUTHORITY	-$25,819
Emerson, Jo Ann	PHELPS COUNTY PHA	-$130,282
Emerson, Jo Ann	RIPLEY COUNTY PHA	-$1,306
Emerson, Jo Ann	ROLLA HOUSING AUTHORITY	-$10,698

Emerson, Jo Ann	SIKESTON HOUSING AUTHORITY	-$62,002
Engel, Eliot	TOWN OF RAMAPO HOUSING AUTHORITY	-$74,405
Engel, Eliot	VILLAGE OF NYACK HOUSING AUTHORITY	-$76,242
English, Phil	CORRY HOUSING AUTHORITY	-$103,933
English, Phil	ERIE COUNTY HOUSING AUTHORITY	-$247,478
English, Phil	HSG AUTHORITY OF THE COUNTY OF WARREN	-$48,945
Ethridge, Bob	HA SANFORD	-$37,692
Everett, Terry	DOTHAN H/A	-$85,044
Everett, Terry	H/A CITY OF MONTGOMERY	-$2,806,999
Everett, Terry	HA ELBA	-$21,557
Everett, Terry	HA ENTERPRISE	-$169,113
Everett, Terry	HA EVERGREEN	-$17,262
Everett, Terry	HA GREENVILLE	-$55,706
Everett, Terry	HA MIDLAND CITY	-$18,310
Everett, Terry	HA OPP	-$51,574
Everett, Terry	HA OZARK	-$13,844
Everett, Terry	HA SAMSON	-$53,500
Everett, Terry	HA TROY	-$59,212
Everett, Terry	PRATTVILLE HOUSING AUTHORITY	-$5,345
Fallin, Mary	DEL CITY HOUSING AUTHORITY	-$32,574
Fallin, Mary	OKLAHOMA CITY HOUSING AUTHORITY	-$679,188
Fallin, Mary	OKLAHOMA HOUSING FINANCE AGENCY	-$1,746,840
Fallin, Mary	SEMINOLE HOUSING AUTHORITY	-$13,248
Fallin, Mary	SHAWNEE HOUSING AUTHORITY	-$58,897
Fallin, Mary	TECUMSEH HOUSING AUTHORITY	-$9,479
Fallin, Mary	WEWOKA HOUSING AUTHORITY	-$20,917
Farr, Sam	SAN JUAN BAUTISTA	-$61,265
Feeney, Tom	HA OF THE CITY OF TITUSVILLE	-$81,331
Ferguson, Mike	EDISON HOUSING AUTHORITY	-$118,473
Ferguson, Mike	HUNTERDON HOUSING AUTHORITY	-$28,738
Ferguson, Mike	MANVILLE HOUSING AUTHORITY	-$4,384
Ferguson, Mike	WOODBRIDGE HOUSING AUTHORITY	-$168,757
Filner, Bob	IMPERIAL VALLEY HOUSING AUTHORITY	-$433,008
Flake, Jeff	CITY OF MESA	-$235,530
Forbes, Randy	CHESAPEAKE REDEVELOPMENT & H/A	-$253,820
Forbes, Randy	FRANKLIN REDEVELOPMENT & H/A	-$46,018
Forbes, Randy	HOPEWELL REDEVELOPMENT & H/A	-$187,781
Forbes, Randy	PETERSBURG REDEVELOPMENT & H/A	-$940,839
Forbes, Randy	SUFFOLK REDEVELOPMENT & H/A	-$164,551
Fortenberry, Jeff	NORFOLK HOUSING AUTHORITY	-$16,312
Fortuno, Luis	MUNICIPALITY OF VIEQUES	-$33,462
Fortuno, Luis	MUN OF GUAYANILLA	-$52,330
Fortuno, Luis	MUNICIPALITY OF BARCELONETA	-$25,548
Fortuno, Luis	MUNICIPALITY HUMACAO	-$271,550
Fortuno, Luis	MUNICIPALITY LUQUILLO	-$432
Fortuno, Luis	MUNICIPALITY OF ADJUNTAS	-$1,510
Fortuno, Luis	MUNICIPALITY OF AGUAS BUENAS	-$125,161
Fortuno, Luis	MUNICIPALITY OF AIBONITO	-$25,501
Fortuno, Luis	MUNICIPALITY OF ARECIBO	-$546,645
Fortuno, Luis	MUNICIPALITY OF BAYAMON	-$975,273
Fortuno, Luis	MUNICIPALITY OF CAGUAS	-$302,508
Fortuno, Luis	MUNICIPALITY OF CANOVANAS	-$7,083
Fortuno, Luis	MUNICIPALITY OF CAROLINA	-$330,154
Fortuno, Luis	MUNICIPALITY OF CIALES	-$18,190
Fortuno, Luis	MUNICIPALITY OF COAMO	-$6,715
Fortuno, Luis	MUNICIPALITY OF COMERIO	-$10,416
Fortuno, Luis	MUNICIPALITY OF DORADO	-$78,525
Fortuno, Luis	MUNICIPALITY OF FAJARDO	-$42,667
Fortuno, Luis	MUNICIPALITY OF GUANICA	-$4,307
Fortuno, Luis	MUNICIPALITY OF GURABO	-$25,137
Fortuno, Luis	MUNICIPALITY OF ISABELA	-$34,293
Fortuno, Luis	MUNICIPALITY OF JUANA DIAZ	-$27,694
Fortuno, Luis	MUNICIPALITY OF LARES	-$46,891
Fortuno, Luis	MUNICIPALITY OF MARICAO	-$17,266
Fortuno, Luis	MUNICIPALITY OF MOCA	-$10,100
Fortuno, Luis	MUNICIPALITY OF NARANJITO	-$70,146
Fortuno, Luis	MUNICIPALITY OF PATILLAS	-$6,053
Fortuno, Luis	MUNICIPALITY OF PENUELAS	-$242,475
Fortuno, Luis	MUNICIPALITY OF QUEBRADILLAS	-$84,386
Fortuno, Luis	MUNICIPALITY OF RIO GRANDE	-$90,252
Fortuno, Luis	MUNICIPALITY OF SABANA GRANDE	-$9,616
Fortuno, Luis	MUNICIPALITY OF SALINAS	-$11,412
Fortuno, Luis	MUNICIPALITY OF SAN LORENZO	-$46,005
Fortuno, Luis	MUNICIPALITY OF TOA ALTA	-$21,027
Fortuno, Luis	MUNICIPALITY OF VEGA BAJA	-$44,735
Fortuno, Luis	MUNICIPALITY OF YABUCOA	-$21,577
Fortuno, Luis	MUNICIPALITY OF YAUCO	-$250
Fortuno, Luis	MUNICIPALLITY OF VEGA ALTA	-$40,064
Fortuno, Luis	PUERTO RICO HOUSING FINANCE CORP	-$356,396
Foxx, Virginia	STATESVILLE HOUSING AUTHORITY	-$468,931
Frank, Barney	DARTMOUTH HA	-$53,467
Frank, Barney	HALIFAX HSG AUTHORITY	-$3,311
Frank, Barney	MANSFIELD HSG AUTHORITY	-$23,476
Frank, Barney	MIDDLEBOROUGH HSG AUTHORITY	-$160,707
Frank, Barney	TAUNTON HOUSING AUTHORITY	-$8,191
Frank, Barney	WELLESLEY HSG AUTHORITY	-$8.514
Franks, Trent	CITY OF PEORIA	-$41,382
Franks, Trent	MOHAVE COUNTY HSG AUTH	-$8,743
Frelinghuysen, Rodney	MADISON HOUSING AUTHORITY	-$47,007
Frelinghuysen, Rodney	MORRIS COUNTY HOUSING AUTHORITY	-$350,066

Frelinghuysen, Rodney	MORRISTOWN HOUSING AUTHORITY	-$125,839
Garrett, Scott	WARREN COUNTY HOUSING AUTHORITY	-$181,367
Gerlach, Jim	BERKS COUNTY HOUSING AUTHORITY	-$217,498
Gerlach, Jim	MONTGOMERY COUNTY HOUSING AUTHORITY	-$1,344,529
Giffords, Gabrielle	CITY OF DOUGLAS HSG AUTH	-$34,164
Giffords, Gabrielle	COUNTY OF COCHISE PHA	-$74,772
Gilchrest, Wayne	HARFORD COUNTY HOUSING AGENCY	-$173,288
Gilchrest, Wayne	QUEEN ANNE'S COUNTY HSG AUTHORITY	-$48,475
Gilchrest, Wayne	ST. MICHAELS HOUSING AUTHORITY	-$7,648
Gilchrest, Wayne	WICOMICO COUNTY HOUSING AUTHORITY	-$178,658
Gillibrand, Kirsten	CITY OF HUDSON	-$12,728
Gillibrand, Kirsten	HA OF HOOSICK FALLS	-$43,844
Gillibrand, Kirsten	HA OF MECHANICVILLE	-$35,325
Gillibrand, Kirsten	HA OF SARATOGA SPRINGS	-$15,025
Gillibrand, Kirsten	TOWN OF DAVENPORT	-$263
Gillibrand, Kirsten	TOWN OF KORTRIGHT	-$15,209
Gillibrand, Kirsten	VILLAGE OF DELHI	-$11,877
Gillibrand, Kirsten	VILLAGE OF DEPOSIT	-$4,595
Gillibrand, Kirsten	VILLAGE OF HANCOCK	-$70
Gillmor, Paul	SANDUSKY MHA	-$208,260
Gingrey, Phil	CITY OF MARIETTA	-$488,978
Gingrey, Phil	HA MARIETTA	-$1,716,197
Gohmert, Louie	HOUSING AUTHORITY OF TATUM	-$3,708
Gohmert, Louie	HOUSING AUTHORITY OF THE CITY OF BECKVILLE	-$147,359
Gohmert, Louie	MARSHALL HOUSING AUTHORITY	-$262,932
Gohmert, Louie	TYLER HOUSING AUTHORITY	-$148,435
Gonzales, Charles	BEXAR COUNTY HSG AUTHORITY	-$517,643
Goode, Virgil	COUNTY OF ALBEMARLE/DEPT.OF FINANCE	-$223,401
Goode, Virgil	MARTINSVILLE REDEV. & HOUSING AUTHORITY	-$145,130
Goodlatte, Bob	COVINGTON REDEV & HSG AUTHORITY	-$8,236
Goodlatte, Bob	HARRISONBURG REDEVELOPMENT & H/A	-$312,013
Goodlatte, Bob	ROANOKE REDEVELOPMENT & H/A	-$89,623
Goodlatte, Bob	STAUNTON REDEVELOPEMENT & HOUSING AUTHORITY	-$30,720
Gordon, Bart	HA MURFREESBORO	-$74,020
Graves, Sam	ABCD HOUSING AGENCY	-$54,882
Graves, Sam	CARROLLTON HOUSING AUTHORITY	-$2,697
Graves, Sam	EXCELSIOR SPRINGS HOUSING AUTHORITY	-$61,734
Graves, Sam	GRUNDY COUNTY HOUSING AUTHORITY	-$27,097
Graves, Sam	HOUSING AUTHORITY OF THE CITY OF SAINT JOSEPH	-$280,384
Graves, Sam	NODAWAY COUNTY PHA	-$55,195
Graves, Sam	WESTON HOUSING AUTHORITY	-$59,935
Green, Al	HARRIS COUNTY HSG AND COMMUNITY DEV.	-$61,403
Green, Gene	BAYTOWN HOUSING AUTHORITY	-$945,289
Grijalva, Raul	CITY OF TUCSON	-$1,451,001
Grijalva, Raul	PIMA COUNTY	-$840,483
Grijalva, Raul	SOUTH TUCSON CITY HOUSING AUTH	-$33,377
Hall, John	CITY OF PEEKSKILL	-$372,815
Hall, John	HA OF BEACON	-$213,596
Hall, John	PORT JERVIS COMMUNITY DEVELOPMENT	-$68,449
Hall, John	TOWN OF POUGHKEEPSIE	-$107,993
Hall, John	TOWN OF YORKTOWN	-$6,680
Hall, Ralph	ARK-TEX COUNCIL OF GOVTS	-$1,012,266
Hall, Ralph	COMMERCE HOUSING AUTHORITY	-$270,068
Hall, Ralph	CRYSTAL CITY HSG AUTHORITY	-$57,004
Hall, Ralph	GREENVILLE HOUSING AUTHORITY	-$188,049
Hall, Ralph	HOUSING AUTHORITY OF ROCKWALL	-$41,056
Hall, Ralph	HOUSING AUTHORITY OF TEXARKANA	-$191,205
Hall, Ralph	HOUSINGG AUTHORITY OF PARIS	-$47,760
Hall, Ralph	TEXOMA COUNCIL OF GOVERNMENTS	-$72,461
Hare, Phil	CHRISTIAN CTY HA	-$43,792
Hare, Phil	DECATUR HOUSING AUTHORITY	-$104,608
Hare, Phil	GREATER METROPOLITAN AREA HSG OF ROCK	-$98,198
Hare, Phil	HENDERSON COUNTY HOUSING AUTHORITY	-$37,162
Hare, Phil	HOUSING AUTH.CITY OF ROCK ISLAND	-$323,750
Hare, Phil	KNOX COUNTY HOUSING AUTHORITY	-$143,338
Hare, Phil	MCDONOUGH COUNTY HOUSING AUTHORITY	-$58,690
Hare, Phil	MERCER COUNTY HOUSING AUTHORITY	-$15,588
Hare, Phil	MONTGOMERY COUNTY HOUSING AUTHORITY	-$9,383
Hare, Phil	QUINCY HOUSING AUTHORITY	-$289,401
Hare, Phil	SPRINGFIELD HOUSING AUTHORITY	-$1,283,772
Hare, Phil	WARREN COUNTY HOUSING AUTHORITY	-$3,240
Harman, Jane	CITY OF LOMITA HOUSING AUTHORITY	-$23,625
Harman, Jane	CITY OF TORRANCE	-$276,966
Harman, Jane	REDONDO BEACH HOUSING AUTHORITY	-$95,413
Hastert, Dennis	AURORA HOUSING AUTHORITY	-$208,837
Hastert, Dennis	ELGIN HA	-$735,241
Hastert, Dennis	KENDALL COUNTY HSG AUTH	-$46,825
Hastings, Alcee	HA FORT LAUDERDALE CITY	-$1,725,387
Hastings, Alcee	HA PALM BEACH COUNTY	-$1,148,960
Hastings, Doc	HA OF CHELAN COUNTY/CITY OF WENATCHEE	-$80,874
Hastings, Doc	HOUSING AUTHORITY CITY OF KENNEWICK	-$1,010,390
Hastings, Doc	HOUSING AUTHORITY OF GRANT COUNTY	-$4,931
Hastings, Doc	HOUSING AUTHORITY OF THE CITY OF	-$269,551

Hastings, Doc	HOUSING AUTHORITY OF THE CITY OF YAKIMA	-$129,668	Hill, Baron	SELLERSBURG HA	-$18,200
Hastings, Doc	HSG AUTH OF THE CITY OF PASCO & FRANKLIN COUNTY	-$187,339	Hill, Baron	TELL CITY HA	-$3,627
Hayes, Robin	HA MONROE	-$164,091	Hinchey, Maurice	CITY OF BINGHAMTON	-$24,255
Hayes, Robin	HA OF THE TOWN OF LAURINBURG	-$84,509	Hinchey, Maurice	CITY OF POUGHKEEPSIE MUNICIPAL BLDG	-$10,965
Hayes, Robin	HA ROCKINGHAM	-$13,014	Hinchey, Maurice	HA OF ITHACA	-$239,730
Hayes, Robin	HA WADESBORO	-$9,258	Hinchey, Maurice	HA OF MONTICELLO	-$357,482
Hensarling, Jeb	ANDERSON COUNTY HOUSING AUTHORITY	-$523,816	Hinchey, Maurice	KINGSTON COMMUNITY DEVELOPMENT	-$242,869
Hensarling, Jeb	ATHENS HOUSING AUTHORITY	-$43,169	Hinchey, Maurice	POUGHKEEPSIE HOUSING AUTHORITY	-$1,028
Hensarling, Jeb	HOUSING AUTHORITY OF ALTO	-$9,370	Hinchey, Maurice	TOWN OF UNION	-$182,122
Hensarling, Jeb	HOUSING AUTHORITY OF EDGEWOOD	-$32,658	Hinjosa, Ruben	ALAMO AREA COUNCIL OF GOVERNME	-$12,209
Hensarling, Jeb	HOUSING AUTHORITY OF WILLS POINT	-$13,828	Hinjosa, Ruben	BEEVILLE HOUSING AUTHORITY	-$123,413
Hensarling, Jeb	MESQUITE HOUSING AUTHORITY	-$256,339	Hinjosa, Ruben	CUERO HOUSING AUTHORITY	-$2,681
Hensarling, Jeb	RUSK HOUSING AUTHORITY	-$52,585	Hinjosa, Ruben	DUVAL COUNTY HSG AUTHORITY	-$230
Herger, Wally	COUNTY OF BUTTE HSG AUTH	-$601,376	Hinjosa, Ruben	EDCOUCH HOUSING AUTHORITY	-$32,506
Herger, Wally	COUNTY OF SHASTA HSG AUTH	-$228,074	Hinjosa, Ruben	EDINBURG HOUSING AUTHORITY	-$6,412
Herger, Wally	COUNTY OF SUTTER HSG AUTHORITY	-$454,293	Hinjosa, Ruben	ELSA HOUSING AUTHORITY/LA HACIENDA	-$1,208
Herger, Wally	YUBA COUNTY HOUSING AUTHORITY	-$320,343	Hinjosa, Ruben	FALFURRIAS HOUSING AUTHORITY	-$71,822
Herseth, Stephanie	BROOKINGS HOUSING & REDEVELOPMENT COMMISSION	-$78,875	Hinjosa, Ruben	HSG AUTH CITY OF DONNA	-$40,337
Herseth, Stephanie	CANTON HOUSING & REDEVELOPMENT COMMISSION	-$15,787	Hinjosa, Ruben	MATHIS HOUSING AUTHORITY	-$5,624
Herseth, Stephanie	CITY OF LENNOX HOUSING & REDEVELOPMENT COM.	-$3,065	Hinjosa, Ruben	MERCEDES HOUSING AUTHORITY	-$30,223
Herseth, Stephanie	CITY OF MITCHELL HOUSING & REDEVELOPMENT COMM	-$10,225	Hinjosa, Ruben	ODEM HOUSING AUTHORITY	-$55,620
Herseth, Stephanie	CLARK HOUSING & REDEVELOPMENT COMMISSION	-$15,072	Hinjosa, Ruben	YOAKUM HOUSING AUTHORITY	-$7,942
Herseth, Stephanie	HURON HOUSING AUTHORITY	-$38,939	Hirono, Mazie	COUNTY OF HAWAII	-$174,217
Herseth, Stephanie	LAWRENCE COUNTY HOUSING AUTHORITY	-$84,291	Hodes, Paul	LANCASTER HOUSING AUTHORITY	-$9,811
Herseth, Stephanie	MADISON HOUSING & REDEVELOPMENT COMMISSION	-$16,265	Hodes, Paul	LEBANON HOUSING AUTHORITY	-$39,815
Herseth, Stephanie	MILLER HOUSING & REDEVELOPMENT COMMISSION	-$9,840	Hodes, Paul	NORTHUMBERLAND HSG AUTHORITY	-$4,081
Herseth, Stephanie	REDFIELD HOUSING AND REDEVELOPMENT COMMISSION	-$25,601	Hoekstra, Peter	MUSKEGON HEIGHTS HSG. COMM.	-$70,127
Herseth, Stephanie	VERMILLION HOUSING & REDEVELOPMENT COMMISSION	-$64,593	Hoekstra, Peter	MUSKEGON HOUSING COMMISSION	-$24,909
Herseth, Stephanie	WATERTOWN HOUSING & REDEVELOPMENT COM.	-$113,668	Holden, Tim	HARRISBURG HOUSING AUTHORITY	-$55,620
Herseth, Stephanie	WESSINGTON SPGS HSG & REDEV COMM	-$3,481	Holden, Tim	LEBANON COUNTY HOUSING AUTHORITY	-$334,294
Higgins, Brian	BUFFALO MUNICIPAL HOUSING AUTH	-$55,351	Holden, Tim	POTTSVILLE HOUSING AUTHORITY	-$84,725
Higgins, Brian	CITY OF BUFFALO	-$759,973	Holt, Rush	MIDDLETOWN HOUSING AUTHORITY	-$17,029
Hill, Baron	CANNELTON HOUSING AUTHORITY	-$7,869	Holt, Rush	OLD BRIDGE HOUSING AUTHORITY	-$19,322
Hill, Baron	HOUSING AUTH. CITY OF JEFFERSONVILL	-$82,976	Hooley, Darlene	HOUSING & URBAN RENEWAL AGENCY OF	-$52,056

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Hooley, Darlene	HOUSING AUTHORITY OF LINCOLN COUNTY	-$106,446	Kennedy, Patrick	BURRILLVILLE HOUSING AUTHORITY	-$32,451
Hooley, Darlene	HOUSING AUTHORITY OF THE CITY OF SALEM	-$410,201	Kennedy, Patrick	EAST PROVIDENCE H A	-$56,271
Hooley, Darlene	MARION COUNTY HOUSING AUTHORITY	-$1,010,129	Kennedy, Patrick	LINCOLN HOUSING AUTHORITY	-$14,004
Hoyer, Steny	COUNTY COMMISSIONERS CHARLES COUNTY	-$125,750	Kennedy, Patrick	NEWPORT HOUSING AUTHORITY	-$932,363
Hoyer, Steny	HSG AUTHORITY OF CALVERT COUNTY	-$30,439	Kennedy, Patrick	PORTSMOUTH HOUSING AUTHORITY	-$126,806
Hulshof, Kenny	FULTON HOUSING AUTHORITY	-$2,990	Kennedy, Patrick	SMITHFIELD HOUSING AUTHORITY	-$54,971
Hulshof, Kenny	LINCOLN COUNTY PUB HSG AGENCY	-$1,312,015	Kennedy, Patrick	TIVERTON HOUSING AUTHORITY	-$28,755
Hulshof, Kenny	MACON HOUSING AUTHORITY	-$8,020	Kildee, Dale	FLINT HOUSING COMMISSION	-$396,696
Hulshof, Kenny	MEXICO HOUSING AUTHORITY	-$162,809	Kildee, Dale	SAGINAW HOUSING COMMISSION	-$224,223
Hulshof, Kenny	VANDALIA HOUSING AUTHORITY	-$26,402	Kilpatrick, Carolyn	DETROIT HOUSING COMMISSION	-$2,150,154
Hunter, Duncan	COUNTY OF SAN DIEGO	-$4,765,305	Kilpatrick, Carolyn	LINCOLN PARK HSG. COMM.	-$142,152
Inglis, Bob	CITY OF SPARTANBURG H/A	-$1,212,511	Kind, Ron	CRAWFORD COUNTY HSG AUTH	-$22
Inglis, Bob	HA GREENVILLE	-$671,768	Kind, Ron	DUNN COUNTY HA	-$45,942
Israel, Steve	HA OF HUNTINGTON	-$748,364	Kind, Ron	EAU CLAIRE COUNTY HA	-$81,481
Israel, Steve	HA OF OYSTER BAY	-$48,210	Kind, Ron	EAU CLAIRE HOUSING AUTHORITY	-$10,393
Israel, Steve	WILLIAMSPORT HOUSING AUTHORITY	-$86,708	Kind, Ron	LAFAYETTE CO. HSG AUTH	-$17,114
Issa, Darrell	CITY OF OCEANSIDE COMM DEV COMMISSION	-$855,653	Kind, Ron	MAUSTON HA	-$17,356
Jackson, Jesse	HOUSING AUTHORITY OF PARK FOREST	-$197,450	King, Peter	GLEN COVE CDA	-$264,429
Jindal, Bobbie	KENTWOOD (TOWN 0F) SEC.8 HOUSING AGENCY	-$16,215	King, Peter	HA OF LONG BEACH	-$329,926
Jindal, Bobbie	PEARL RIVER (TOWN OF) HOUSING AUTHORITY	-$201,541	King, Peter	TOWN OF BABYLON HOUSING ASSISTANCE	-$1,750,956
Johnson, Eddie	DALLAS COUNTY HOUSING ASSISTANCE PROGRAM	-$260,106	King, Peter	VILLAGE OF SEA CLIFF	-$4,095
Johnson, Eddie	HOUSING AUTHORITY OF DALLAS	-$1,348,276	King, Steve	COUNCIL BLUFFS MUNICIPAL HOUSING	-$128,691
Johnson, Henry	H/A DEKALB COUNTY	-$307,777	King, Steve	SOUTHERN IOWA REG HSG AUTHORITY	-$10,400
Johnson, Henry	HA DECATUR	-$77,695	Kingston, Jack	HA OF THE CITY OF BRUNSWICK	-$651,163
Johnson, Henry	HA LITHONIA	-$10,545	Kirk, Mark	WAUKEGAN HOUSING AUTHORITY	-$330,903
Johnson, Timothy	CHAMPAIGN COUNTY HOUSING AUTHORITY	-$1,131,802	Klein, Ron	HA DEERFIELD BEACH	-$166,120
Johnson, Timothy	CITY OF DANVILLE HOUSING AUTHORITY	-$139,691	Knollenberg, Joe	PONTIAC HOUSING COMMISSION	-$904,190
Johnson, Timothy	CLARK COUNTY HOUSING AUTHORITY	-$16,939	Knollenberg, Joe	ROYAL OAK HOUSING COMMISSION	-$1,872
Johnson, Timothy	FORD CTY HA	-$36,109	Kuhl, John	VILLAGE OF HORSEHEADS	-$12,003
Johnson, Timothy	HOUSING AUTHORITY OF THE COUNTY OF CUMBERLAND	-$1,230	LaHood, Ray	EAST PEORIA HOUSING AUTHORITY	-$15,846
Johnson, Timothy	LIVINGSTON COUNTY HOUSING AUTHORITY	-$8,185	LaHood, Ray	MASON COUNTY HOUSING AUTHORITY	-$85,403
Johnson, Timothy	VERMILION COUNTY HOUSING AUTHORITY	-$34,536	LaHood, Ray	MENARD COUNTY HOUSING AUTHORITY	-$51,467
Jones, Stephanie Tubbs	CUYAHOGA MHA	-$2,466,061	LaHood, Ray	PEORIA HOUSING AUTHORITY	-$1,339,551
Jordan, Jim	ALLEN MHA 160001003 A/C #	-$238,524	LaHood, Ray	WOODFORD COUNTY HOUSING AUTHORITY	-$15,772
Jordan, Jim	DELAWARE METRO HOUSING AUTHORITY	-$30,664	Lamborn, Doug	EL PASO COUNTY HOUSING AUTHORITY	-$31,527
Jordan, Jim	HANCOCK MHA	-$808,499	Lampson, Nick	ROSENBERG HOUSING AUTHORITY	-$79,850
Jordan, Jim	HURON MHA	-$51,732	Langevin, James	EAST GREENWICH H A	-$335,038
Kagen, Steve	BROWN COUNTY HA	-$1,350,060	Langevin, James	PROVIDENCE HOUSING AUTHORITY	-$161,707
Kagen, Steve	KAUKAUNA HA	-$4,771	Langevin, James	RHODE ISLAND HSG MORT FIN CORP	-$1,227,258
Kaptur, Marcy	ERIE MHA	-$108,504	Langevin, James	SOUTH KINGSTON HOUSIN AUTHORITY	-$10,165
Kaptur, Marcy	LUCAS MHA	-$151,145	Langevin, James	TOWN OF WESTERLY H A	-$111,368
Keller, Ric	ORANGE CO SECTION 8	-$624,641	Langevin, James	WARWICK H A	-$250,659

Larsen, Rick	HOUSING AUTHORITY CITY OF EVERETT	-$822,343
Larsen, Rick	HOUSING AUTHORITY OF SKAGIT COUNTY	-$73,768
Larson, John	BRISTOL HOUSING AUTHORITY	-$1,046,191
Larson, John	EAST HARTFORD HOUSING AUTHORITY	-$21,776
Larson, John	GLASTONBURY HOUSING AUTHORITY	-$22,097
Larson, John	NEWINGTON H A	-$16,485
Larson, John	WETHERSFIELD H A	-$6,800
Larson, John	WINDSOR H A	-$21,734
Latham, Tom	CHARLES CITY HOUSING AND REDEV. AUTHORITY	-$9,326
Latham, Tom	CITY OF AMES DEPT. OF PLANNING & HS	-$39,932
Latham, Tom	FORT DODGE HOUSING AGENCY	-$11,204
Latham, Tom	LRHA OF DECORAH IOWA	-$1,908
Latham, Tom	MID IOWA REGIONAL HOUSING AUTHORITY	-$5,407
Latham, Tom	NEW HAMPTON MUNICIPAL HOUSING AGCY	-$48,939
Latham, Tom	NORTH IOWA REGIONAL HOUSING AUTH	-$237,475
Latham, Tom	UPPER EXPLORERLAND REGIONAL	-$91,845
LaTourette, Steven	ASHTABULA MHA	-$115,189
LaTourette, Steven	LAKE MHA	-$425,587
Levin, Sander	EASTPOINTE HOUSING COMMISSION	-$158,911
Levin, Sander	FERNDALE HOUSING COMMISSION	-$1,243,389
Levin, Sander	MADISON HEIGHTS HSG COMMISSION	-$84,382
Lewis, Jerry	CITY OF NEEDLES HOUSING AUTHORITY	-$7,499
Lewis, John	GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS	-$6,286,018
Lewis, John	HA EAST POINT	-$207,264
Lewis, Ron	BARDSTOWN HOUSING AUTHORITY	-$39,783
Lewis, Ron	CAMPBELLSVILLE HOUSING AUTHORITY	-$38,262
Lewis, Ron	GREENSBURG HOUSING AUTHORITY	-$34,167
Lewis, Ron	OWENSBORO HOUSING AUTHORITY	-$6,729
Lewis, Ron	SPRINGFIELD HOUSING AUTHORITY	-$4,432
LoBiondo, Frank	ATLANTIC CITY HOUSING AUTHORITY	-$469,836
LoBiondo, Frank	MILLVILLE HOUSING AUTHORITY	-$12,084
LoBiondo, Frank	SALEM HOUSING AUTHORITY	-$37,254
LoBiondo, Frank	VINELAND HOUSING AUTHORITY	-$68,582
Loebsack, David	AREA XV MULTI-COUNTY HOUSING AGENCY	-$69,748
Loebsack, David	CITY OF CEDAR RAPIDS	-$733,060
Loebsack, David	CITY OF IOWA CITY	-$559,526
Loebsack, David	CITY OF MUSCATINE HOUSING AUTHORITY	-$209,900
Loebsack, David	FT MADISON HSG AUTH	-$17,936
Loebsack, David	KEOKUK LOW RENT HOUSING AGENCY	-$55,810
Loebsack, David	OTTUMWA HOUSING AUTHORITY	-$39,202
Lowey, Nita	HA OF GREENBURGH	-$176,088
Lowey, Nita	HOUSING AUTHORITY OF TUCKAHOE	-$29,448
Lowey, Nita	THE CITY OF WHITE PLAINS	-$83,190
Lowey, Nita	TOWN OF MAMARONECK PHA	-$232,660
Lowey, Nita	VILLAGE OF OSSINING	-$392,325
Lowey, Nita	VILLAGE OF PELHAM HOUSING AUTHORITY	-$70,951
Lowey, Nita	VILLAGE OF PORT CHESTER COMMUNITY DEVELOP. DEPT	-$209,056
Lucas, Frank	PONCA CITY HOUSING AUTHORITY	-$7,151
Lynch, Stephen	BRAINTREE HSG AUTHORITY	-$10,961
Lynch, Stephen	EASTON HOUSING AUTHORITY	-$11,322
Lynch, Stephen	HANSON HOUSING AUTHORITY	-$29,404
Lynch, Stephen	MILTON HSG AUTHORITY	-$40,135
Lynch, Stephen	NORWOOD HSG AUTHORITY	-$18,345
Lynch, Stephen	STOUGHTON HOUSING AUTHORITY	-$76,686
Lynch, Stephen	WALPOLE HSG AUTHORITY	-$36,033
Mahoney, Tim	HA AVON PARK	-$104,828
Mahoney, Tim	HENDRY CO PUBLIC H/A	-$25,868
Manzullo, Donald	BOONE COUNTY HOUSING AUTHORITY	-$211,477
Manzullo, Donald	FREEPORT HOUSING AUTHORITY	-$8,255
Manzullo, Donald	ROCKFORD HOUSING AUTHORITY	-$2,142,206
Manzullo, Donald	WINNEBAGO COUNTY HOUSING AUTHORITY	-$185,691
Marchant, Kenny	HOUSING AUTHORITY OF GRAPEVINE	-$7,529
Markey, Edward	ARLINGTON HSG AUTHORITY	-$183,312
Markey, Edward	BELMONT HSG AUTHORITY	-$13,131
Markey, Edward	FRAMINGHAM HOUSING AUTHORITY	-$119,659
Markey, Edward	LEXINGTON HOUSING AUTHORITY	-$46,290
Markey, Edward	MALDEN HOUSING AUTHORITY	-$298,393
Markey, Edward	MEDFORD HOUSING AUTHORITY	-$909,187
Markey, Edward	MELROSE HSG AUTHORITY	-$137,224
Markey, Edward	NATICK HSG AUTHORITY	-$13,235
Markey, Edward	REVERE HOUSING AUTHORITY	-$72,036
Markey, Edward	WALTHAM HOUSING AUTHORITY	-$409,216
Markey, Edward	WATERTOWN HOUSING AUTHORITY	-$29,695
Markey, Edward	WINCHESTER HSG AUTHORITY	-$46,248
Marshall, Jim	HA MACON	-$922,688
Matheson, Jim	HOUSING AUTHORITY OF CARBON COUNTY	-$25,135
Matheson, Jim	HOUSING AUTHORITY OF THE COUNTY OF	-$52,047
Matheson, Jim	ROOSEVELT CITY HOUSING AUTHORITY	-$3,908
Matsui, Doris	COUNTY OF SACRAMENTO HOUSING	-$7,789,722
McCarthy, Carolyn	HA OF FREEPORT	-$43,697
McCarthy, Carolyn	HEMPSTEAD HOUSING AUTHORITY	-$174,112
McCarthy, Carolyn	TOWN OF HEMPSTEAD DEPT OF URBAN	-$40,120
McCarthy, Kevin	HOUSING AUTHORITY COUNTY OF KERN	-$159,052
McCaul, Michael	ELGIN HOUSING AUTHORITY	-$21,748

McCollum, Betty	SOUTH CENTRAL MULTI COUNTY HRA	-$106,872
McCollum, Betty	WASHINGTON COUNTY HRA	-$119,385
McCotter, Thaddeus	DEARBORN HEIGHTS HSG. COMM.	-$180,436
McCotter, Thaddeus	LIVONIA HOUSING COMMISSION	-$68,913
McCotter, Thaddeus	PLYMOUTH HOUSING COMMISSION	-$28,909
McCotter, Thaddeus	WESTLAND HOUSING COMMISSION	-$85,638
McCrery, Jim	BIENVILLE PARISH POLICE JURY	-$3,627
McCrery, Jim	BOSSIER PARISH POLICE JURY	-$3,444
McCrery, Jim	CADDO PARISH COMMISSION	-$14,475
McCrery, Jim	GRANT PARISH HOUSING AUTHORITY	-$26,081
McCrery, Jim	KINDER (TOWN OF) SEC.8 HOUSING AGENCY	-$27,959
McCrery, Jim	MINDEN HOUSING AUTHORITY	-$3,649
McCrery, Jim	NATCHITOCHES (CITY OF) HSG. AUTHORITY	-$41,473
McCrery, Jim	NATCHITOCHES PARISH HSG AUTH	-$86,762
McCrery, Jim	SHREVEPORT HSG AUTHORITY	-$1,389,239
McCrery, Jim	WEBSTER PARISH POLICE JURY	-$68,887
McGovern, James	ATTLEBORO HSG AUTHORITY	-$58,656
McGovern, James	HOLLISTON HSG AUTHORITY	-$32,282
McGovern, James	MARLBOROUGH COMM DEV AUTHORITY	-$9,680
McGovern, James	SHREWSBURY HOUSING AUTHORITY	-$6,147
McGovern, James	WORCESTER HOUSING AUTHORITY	-$108,885
McHenry, Patrick	HA LINCOLNTON	-$79,045
McHenry, Patrick	WESTERN PIEDMONT COUNCIL OF GOVT	-$156,791
McHugh, John	BOONVILLE HOUSING AUTHORITY	-$10,946
McHugh, John	CANASTOTA HOUSING AUTHORITY	-$13,894
McHugh, John	HA OF HARRIETSTOWN	-$11,762
McHugh, John	HA OF OGDENSBURG	-$1,217
McHugh, John	VILLAGE OF PHOENIX	-$63,717
McIntyre, Mike	BRUNSWICK COUNTY PUBLIC HOUSING AGENCY	-$154,691
McIntyre, Mike	HA BLADENBORO	-$18,015
McIntyre, Mike	PENDER COUNTY HOUSING AUTH.	-$126,489
McNulty, Michael	HA OF COHOES	-$79,433
McNulty, Michael	HA OF RENSSELAER	-$14,348
McNulty, Michael	HA OF SCHENECTADY	-$201,583
McNulty, Michael	HA OF TROY	-$459,793
McNulty, Michael	HA OF WATERVLIET	-$32,207
McNulty, Michael	TOWN OF BETHLEHEM	-$616
McNulty, Michael	TOWN OF COEYMANS	-$72,637
McNulty, Michael	TOWN OF COLONIE	-$141,998
McNulty, Michael	TOWN OF CORINTH	-$889
McNulty, Michael	TOWN OF DUANESBURG	-$10,075
McNulty, Michael	TOWN OF GLENVILLE	-$7,628
McNulty, Michael	TOWN OF HADLEY	-$11,617
McNulty, Michael	TOWN OF KNOX	-$6,547
McNulty, Michael	TOWN OF STILLWATER	-$30,075
McNulty, Michael	VILLAGE OF CANAJOHARIE	-$18,015
McNulty, Michael	VILLAGE OF COBLESKILL	-$18,627
McNulty, Michael	VILLAGE OF FORT PLAIN	-$8,455
McNulty, Michael	VILLAGE OF GREEN ISLAND	-$3,261
Meehan, Martin	ACTON HSG AUTHORITY	-$39,100
Meehan, Martin	ANDOVER HSG AUTHORITY	-$38,959
Meehan, Martin	CONCORD HOUSING AUTHORITY	-$39,692
Meehan, Martin	TEWKSBURY HOUSING AUTHORITY	-$14,885
Meehan, Martin	WAYLAND HOUUSING AUTHORITY	-$179,953
Melancon, Charlie	IBERIA PH. GOVERNMENT,SEC. 8 PROGRAM	-$41,889
Melancon, Charlie	JEANERETTE SECTION 8 HOUSING AGENCY	-$743
Melancon, Charlie	LAFOURCHE PH. HOUSING COUNCIL, SEC.8	-$94,598
Melancon, Charlie	MORGAN CITY HOUSING AUTHORITY	-$36,726
Melancon, Charlie	NEW IBERIA (CITY OF)	-$25,020
Melancon, Charlie	ST. MARTIN PARISH GOVERNMENT HOUSING	-$149,985
Melancon, Charlie	ST. MARY PARISH SECTION 8 HOUSING	-$37,313
Melancon, Charlie	THIBODAUX (CITY) COMM. DEVELOPMENT,	-$52,797
Merchant, Kenny	GRAND PRAIRIE HSNG & COMM DEV.	-$495,814
Mica, John	ORMOND BEACH HSG AUTH	-$62,229
Mica, John	VOLUSIA COUNTY SECTION 8	-$30,146
Michaud, Michael	AUBURN HSG AUTHORITY	-$4,440
Michaud, Michael	ELLSWORTH HOUSING AUTHORITY	-$14,745
Michaud, Michael	TREMONT HOUSING AUTHORITY	-$1,055
Michaud, Michael	VAN BUREN HOUSING AUTHORITY	-$14,748
Millender-McDonald, Juanita	CITY OF COMPTON	-$1,014,320
Millender-McDonald, Juanita	CITY OF LONG BEACH HSG AUTH	-$2,701,640
Miller, Brad	GREENSBORO HOUSING AUTHORITY	-$1,018,687
Miller, Candice	LAPEER HOUSING COMMISSION	-$68,964
Miller, George	CITY OF BENICIA HSG AUTH	-$3,871
Miller, George	CITY OF PITTSBURG HSG AUTH	-$1,099,661
Miller, George	CITY OF RICHMOND HSG AUTH	-$1,441,752
Miller, George	CITY OF VACAVILLE	-$182,700
Miller, George	CITY OF VALLEJO	-$2,822,374
Miller, George	COUNTY OF SOLANO HSG AUTH	-$71,210
Miller, Jeff	CITY OF PENSACOLA SECTION 8	-$3,655,682
Miller, Jeff	CRESTVIEW HOUSING AUTHORITY	-$41,778
Miller, Jeff	HOLMES COUNTY HOUSING AUTHORITY	-$90,893
Miller, Jeff	WALTON COUNTY HOUSING	-$71,134
Mitchell, Harry	CITY OF SCOTTSDALE	-$73,080
Mitchell, Harry	CITY OF TEMPE	-$497,845
Mollohan, Alan	HARRISON COUNTY HOUSING AUTHORITY	-$50,059
Mollohan, Alan	HOUSING AUTHORITY CITY OF KEYSER	-$64,946
Mollohan, Alan	THE CITY OF FAIRMONT HSG AUTH	-$170,107

Mollohan, Alan	WEIRTON HOUSING AUTHORITY	-$197,465
Moore, Dennis	JOHNSON COUNTY HOUSING AUTHORITY	-$259,702
Moore, Dennis	KANSAS CITY HOUSING AUTHORITY	-$2,076,311
Moore, Gwen	HA OF THE CITY OF MILWAUKEE	-$1,363,546
Moran, James	ALEXANDRIA REDEVELOPMENT & H/A	-$621,339
Moran, James	ARLINGTON CO DEPT OF HUMAN SERVICES	-$1,574,753
Moran, Jerry	ELLIS COUNTY C/O DEVELOPMENTAL SERVICES OF NW KS	-$43,702
Moran, Jerry	GREAT BEND HOUSING AUTHORITY	-$21,310
Moran, Jerry	HSG AUTH CITY OF HUTCHINSON KS	-$39,698
Moran, Jerry	JUNCTION CITY PUBLIC HOUSING AGENCY	-$26,871
Moran, Jerry	SALINA HOUSING AUTHORITY	-$63,726
Murphy, Chirstopher	CANTON HOUSING AUTHORITY	-$13,893
Murphy, Chirstopher	DANBURY HOUSING AUTHORITY	-$621,071
Murphy, Chirstopher	FARMINGTON H A	-$16,271
Murphy, Chirstopher	TORRINGTON HOUSING AUTHORITY	-$90,533
Murphy, Chirstopher	WATERBURY HOUSING AUTHORITY	-$767,962
Murtha, John	ARMSTRONG COUNTY HOUSING AUTHORITY	-$108,946
Murtha, John	FAYETTE COUNTY HOUSING AUTHORITY	-$212,440
Murtha, John	JOHNSTOWN HOUSING AUTHORITY	-$176,538
Murtha, John	SOMERSET COUNTY HOUSING AUTHORITY	-$33,487
Myrick, Sue Wilkins	HA OF THE CITY OF CHARLOTTE	-$1,252,729
Nadler, Jerrold	NEW YORK CITY HOUSING AUTHORITY	-$54,489,034
Napolitano, Grace	CITY OF PICO RIVERA	-$252,468
Napolitano, Grace	NORWALK HOUSING AUTHORITY	-$23,061
Neal, Richard	BELLINGHAM HSG AUTHORITY	-$1,916
Neal, Richard	MILFORD HOUSING AUTHORITY	-$33,889
Neal, Richard	OXFORD H A	-$67,923
Neal, Richard	WARREN HSG AUTHORITY	-$32,750
Neal, Richard	WEBSTER HOUSING AUTHORITY	-$17,825
Neugebauer, Randy	CISCO HOUSING AUTHORITY	-$17,554
Neugebauer, Randy	HALE COUNTY HOUSING AUTHORITY	-$24,487
Neugebauer, Randy	HOUSING AUTHORITY OF BRECKENRIDGE	-$38,884
Neugebauer, Randy	HOUSING AUTHORITY OF FLOYDADA	-$58,489
Neugebauer, Randy	HOUSING AUTHORITY OF LUBBOCK	-$247,145
Neugebauer, Randy	HOUSING AUTHORITY OF MERKEL	-$9,407
Neugebauer, Randy	HOUSING AUTHORITY OF SLATON	-$12,737
Neugebauer, Randy	SOUTH PLAINS REGIONAL HSG AUTH	-$307,343
Oberstar, James	AITKIN COUNTY HRA	-$24,263
Oberstar, James	CASS COUNTY HRA	-$20,090
Oberstar, James	MORA HRA	-$32,231
Obey, David	BURNETT CTY HA	-$9,394
Obey, David	PORTAGE COUNTY HA	-$24,120
Obey, David	STEVENS POINT HA	-$6,885
Obey, David	WISCONSIN RAPIDS HA	-$17,181
Obey, David	WITTENBERG HOUSING AUTHORITY	-$7,674
Olver, John	ATHOL HSG AUTHORITY	-$28,544
Olver, John	FITCHBURG HSG AUTHORITY	-$65,797
Olver, John	GREENFIELD HSG AUTHORITY	-$188,446
Olver, John	LEOMINSTER HSG AUTHORITY	-$120,164
Olver, John	PITTSFIELD HOUSING AUTHORITY	-$239,608
Olver, John	STOCKBRIDGE HSG AUTHORITY	-$727
Olver, John	WARE HSG AUTHORITY	-$122,184
Olver, John	WINCHENDON HOUSING AUTHORITY	-$3,851
Ortiz, Solomon	CORPUS CHRISTI HOUSING AUTHORITY	-$477,019
Ortiz, Solomon	GREGORY HSG AUTHORITY	-$56,166
Ortiz, Solomon	LOS FRESNOS HSG AUTHORITY	-$25,302
Ortiz, Solomon	WILLACY COUNTY HSG AUTHORITY	-$20,255
Pallone, Frank	ASBURY PARK HOUSING AUTHORITY	-$73,675
Pallone, Frank	FRANKLIN TOWNSHIP HOUSING AUTHORITY	-$10,256
Pallone, Frank	HIGHLAND PARK HOUSING AUTHORITY	-$25,975
Pallone, Frank	NEPTUNE HOUSING AUTHORITY	-$20,368
Pallone, Frank	NEW BRUNSWICK HA	-$581,869
Pascrell, Bill	BLOOMFIELD HOUSING AUTHORITY	-$81,434
Pascrell, Bill	CLIFTON HOUSING AUTHORITY	-$305,028
Pascrell, Bill	PATERSON DCD HOUSING AUTHORITY	-$1,486,493
Pascrell, Bill	PATERSON HOUSING AUTHORITY	-$480,033
Pastor, Ed	MARICOPA COUNTY HSG AUTH	-$299,765
Paul, Ron	BAY CITY HOUSING AUTHORITY	-$97,675
Paul, Ron	BRAZORIA COUNTY HOUSING AUTHORITY	-$276,515
Paul, Ron	EDNA HOUSING AUTHORITY	-$16,259
Paul, Ron	LA MARQUE, CITY OF	-$91,286
Paul, Ron	PORT LAVACA HOUSING AUTHORITY	-$9,289
Paul, Ron	TEXAS CITY HSG AUTHORITY	-$175,136
Paul, Ron	VICTORIA HOUSING AUTHORITY	-$57,252
Payne, Donald	ORANGE CITY HOUSING AUTHORITY	-$26,143
Payne, Donald	UNION TOWNSHIP HOUSING AUTHORITY	-$65,993
Pearce, Stevan	DONA ANA HSG AUTHORITY	-$158,355
Pearce, Stevan	LAS CRUCES HSG AUTHORITY	-$272,428
Pearce, Stevan	LOS LUNAS (VILLAGE OF) HSG AUTH	-$43,596
Pearce, Stevan	REGION V HOUSING AUTHORITY	-$415,836
Pearce, Stevan	TRUTH OR CONSEQUENCES HSG AUTHORITY	-$40,717
Pelosi, Nancy	SAN FRANCISCO HSG AUTH	-$1,361,959
Pence, Mike	ANDERSON HA	-$349,086
Pence, Mike	FAYETTE COUNTY HA	-$180,094
Perlmutter, Ed	ADAMS COUNTY HOUSING AUTHORITY	-$336,400
Perlmutter, Ed	ARVADA HOUSING AUTHORITY	-$41,481
Peterson, Collin	BECKER COUNTY HRA	-$67,391
Peterson, Collin	BIG STONE COUNTY HRA	-$6,706

Peterson, Collin	CLEARWATER COUNTY HRA	-$21,801	Pomeroy, Earl	STUTSMAN COUNTY HOUSING AUTHORITY	-$59,114
Peterson, Collin	FERGUS FALLS HRA	-$10,826	Pomeroy, Earl	TOWNER COUNTY HOUSING AUTHORITY	-$3,878
Peterson, Collin	GRANT COUNTY HRA	-$2,883	Price, David	ORANGE COUNTY	-$36,776
Peterson, Collin	KANDIYOHI COUNTY HRA	-$172	Pryce, Deborah	COLUMBUS METRO. HA	-$2,216,654
Peterson, Collin	MCLEOD COUNTY HRA	-$31,067	Putnam, Adam	CITY OF HAINES CITY	-$5,744
Peterson, Collin	MEEKER COUNTY HRA	-$14,056	Putnam, Adam	CITY OF LAKELAND H/A	-$247,975
Peterson, Collin	MOORHEAD PUBLIC HOUSING AGENCY	-$31,474	Putnam, Adam	HA BARTOW	-$16,354
Peterson, Collin	NW MN MULTI-COUNTY HRA	-$137,585	Putnam, Adam	HA LAKE WALES	-$168,786
Peterson, Collin	OTTER TAIL COUNTY HRA	-$22,583	Putnam, Adam	HA PLANT CITY	-$82,602
Peterson, Collin	STEVENS COUNTY HRA	-$22,325	Putnam, Adam	HA PUNTA GORDA	-$954,785
Peterson, Collin	YELLOW MEDICINE COUNTY HRA	-$23,663	Putnam, Adam	HA WINTER HAVEN	-$37,354
Peterson, John	BRADFORD COUNTY HOUSING AUTHORITY	-$19,777	Rahall, Nick	HOUSING AUTHORITY CITY OF BLUEFIELD	-$149,049
Peterson, John	CLARION COUNTY HOUSING AUTHORITY	-$3,355	Rahall, Nick	HOUSING AUTHORITY OF MINGO COUNTY	-$178,441
Peterson, John	ELK COUNTY HOUSING AUTHORITY	-$78,227	Rahall, Nick	HUNTINGTON WV HOUSING AUTHORITY	-$317,670
Peterson, John	MCKEAN COUNTY HOUSING AUTHORITY	-$6,482	Regula, Ralph	WAYNE MHA	-$267,992
Peterson, John	OIL CITY HOUSING AUTHORITY	-$2,238	Rehberg, Dennis	BUTTE HOUSING AUTHORITY	-$18,851
Peterson, John	TIOGA COUNTY HOUSING AUTHORITY	-$10,431	Rehberg, Dennis	GREAT FALLS HOUSING AUTHORITY	-$138,541
Peterson, John	TITUSVILLE HOUSING AUTHORITY	-$3,521	Rehberg, Dennis	HELENA HOUSING AUTHORITY	-$182,021
Peterson, John	VENANGO COUNTY HOUSING AUTHORITY	-$262,872	Rehberg, Dennis	MT DEPARTMENT OF COMMERCE	-$976,480
Petri, Thomas	OSHKOSH HA	-$47,968	Rehberg, Dennis	RICHLAND COUNTY HOUSING AUTHORITY	-$3,560
Petri, Thomas	OSHKOSH/WINNEBAGO COUNTY HA	-$67,038	Rehberg, Dennis	WHITEFISH HOUSING AUTHORITY	-$11,880
Pickering, Charles	HA MISSISSIPPI REGIONAL NO 7	-$242,795	Reichert, David	HA OF THE CITY OF RENTON	-$93,150
Pitts, Joseph	LANCASTER COUNTY HOUSING AUTHORITY	-$141,093	Renzi, Rick	CITY OF ELOY	-$59,772
Platts, Todd Russell	ADAMS COUNTY HOUSING AUTHORITY	-$153,645	Renzi, Rick	CITY OF FLAGSTAFF HOUSING AUTHORITY	-$21,221
Platts, Todd Russell	YORK CITY HOUSING AUTHORITY	-$228,681	Renzi, Rick	PINAL COUNTY HOUSING AUTHORITY	-$459,056
Poe, Ted	HOUSING AUTHORITY OF BEAUMONT	-$916,421	Renzi, Rick	WILLIAMS HOUSING AUTHORITY	-$34,682
Poe, Ted	HOUSING AUTHORITY OF PORT ARTHUR	-$2,355,267	Renzi, Rick	WINSLOW HOUSING AUTHORITY	-$11,916
Poe, Ted	SAN BENITO HSG AUTHORITY	-$334,555	Reyes, Silvestre	HOUSING AUTHORITY OF ANTHONY	-$237,704
Pomeroy, Earl	BENSON COUNTY HOUSING AUTHORITY	-$25,232	Reyes, Silvestre	HOUSING AUTHORITY OF EL PASO	-$2,050,610
Pomeroy, Earl	CAVALIER COUNTY HOUSING AUTHORITY	-$19,939	Reynolds, Thomas	HA OF LOCKPORT	-$576,816
Pomeroy, Earl	DICKEY/SARGENT HOUSING AUTHORITY	-$7,737	Rodgers, Cathy McMorris	HOUSING AUTHORITY OF ASOTIN COUNTY	-$14,946
Pomeroy, Earl	DUNN COUNTY HOUSING AUTHORITY	-$21,923	Rodgers, Cathy McMorris	HOUSING AUTHORITY OF THE CITY OF WALLA	-$65,051
Pomeroy, Earl	EDDY COUNTY HOUSING AUTHORITY	-$7,694	Rodgers, Cathy McMorris	SPOKANE HOUSING AUTHORITY	-$38,664
Pomeroy, Earl	EMMONS COUNTY HOUSING AUTHORITY	-$3,033	Rodriguez, Ciro	DEVINE HOUSING AUTHORITY	-$515
Pomeroy, Earl	FARGO HOUSING AND REDEVELOPMENT AUTHORITY	-$135,240	Rodriguez, Ciro	HOUSING AUTHORITY OF ALPINE	-$176,309
Pomeroy, Earl	GRAND FORKS HOUSING AUTHORITY	-$632,272	Rodriguez, Ciro	HOUSING AUTHORITY OF MARFA	-$11,287
Pomeroy, Earl	HOUSING AUTHORITY OF CASS COUNTY	-$95,061	Rodriguez, Ciro	UVALDE HOUSING AUTHORITY	-$6,623
Pomeroy, Earl	HOUSING AUTHORITY OF THE CITY OF COOPERSTOWN	-$11,862	Rogers, Harold	CUMBERLAND VALLEY HOUSING AUTHORITY	-$422,780
Pomeroy, Earl	MCKENZIE COUNTY HOUSING AUTHORITY	-$17,801	Rogers, Harold	LAUREL COUNTY HOUSING AUTHORITY	-$2,305
Pomeroy, Earl	MERCER COUNTY HOUSING AUTHORITY	-$8,820	Rogers, Harold	LAWRENCE COUNTY HOUSING AUTHORITY	-$7,148
Pomeroy, Earl	RICHLAND COUNTY HOUSING AUTHORITY	-$17,853	Rogers, Harold	PIKE COUNTY HOUSING AUTHORITY	-$66,887
Pomeroy, Earl	ROLETTE COUNTY HOUSING AUTHORITY	-$12,138	Rogers, Harold	PIKEVILLE HOUSING AUTHORITY	-$60,506
Pomeroy, Earl	STARK COUNTY HOUSING AUTHORITY	-$204,010	Rogers, Mike	HA AUBURN	-$169,752

Rogers, Mike	HA JACKSONVILLE	-$7,060
Rogers, Mike	HA LINEVILLE	-$26,141
Rogers, Mike	HA OPELIKA	-$26,485
Rogers, Mike	HA PHENIX CITY	-$127,721
Roskam, Peter	DUPAGE COUNTY HOUSING AUTHORITY	-$957,334
Ros-Lehtinen, Ileana	CITY OF MIAMI, DEPT. OF COMMUNITY DEVELOPMENT	-$924,530
Ros-Lehtinen, Ileana	HA MIAMI BEACH	-$1,663,105
Ros-Lehtinen, Ileana	KEY WEST H/A	-$286,637
Ros-Lehtinen, Ileana	MIAMI DADE HOUSING AUTHORITY	-$9,678,408
Ros-Lehtinen, Ileana	MONROE CO HA	-$242,619
Ross, Mike	ASHLEY COUNTY HOUSING AUTHORITY	-$18,790
Ross, Mike	CALHOUN COUNTY PUBLIC HOUSING AGENCY	-$15,131
Ross, Mike	DALLAS COUNTY PUBLIC HOUSING AGENCY	-$253
Ross, Mike	HOUSING AUTHORITY OF STAR CITY	-$5,004
Ross, Mike	HOUSING AUTHORITY OF TEXARKANA	-$8,463
Ross, Mike	HOUSING AUTHORITY OF THE CITY OF PINE BLUFF	-$451,408
Ross, Mike	HOWARD COUNTY PUBLIC HOUSING AGENCY	-$4,641
Ross, Mike	HSG AUTHORITY OF THE CITY OF HOT SPRINGS	-$164,782
Ross, Mike	MCGEHEE PUBLIC RESIDENTIAL FACILITIES BOARD	-$34,034
Ross, Mike	POLK COUNTY HOUSING AUTHORITY	-$74,495
Ross, Mike	SEVIER COUNTY PUBLIC HOUSING AGENCY	-$12,589
Ross, Mike	UNION CO.	-$60,184
Rothman, Steven	EDGEWATER HOUSING AUTHORITY	-$57,289
Rothman, Steven	ENGLEWOOD HOUSING AUTHORITY	-$440,943
Rothman, Steven	FORT LEE HOUSING AUTHORITY	-$383,841
Rothman, Steven	SECAUCUS HOUSING AUTHORITY	-$157,961
Ryan, Paul	RACINE COUNTY HA	-$148,526
Ryan, Paul	WALWORTH COUNTY HA	-$75,846
Ryan, Tim	TRUMBULL MHA	-$557,145
Ryan, Tim	YOUNGSTOWN MHA	-$1,398,962
Salazar, John	ARCHULETA COUNTY HOUSING AUTHORITY	-$86,430
Salazar, John	CENTER HSG AUTH	-$13,692
Salazar, John	GARFIELD COUNTY HOUSING AUTHORITY	-$126,717
Salazar, John	HOUSING AUTHORITY OF THE COUNTY OF MONTEZUMA	-$16,912
Salazar, John	HSG AUTH OF TRINIDAD	-$16,737
Salazar, John	ROCKY FORD HOUSING AUTHORITY	-$26,316
Sanchez, Linda	CITY OF HAWAIIAN GARDENS HSG AUTH	-$138,111
Sanchez, Linda	CITY OF PARAMOUNT HOUSING AUTHORITY	-$130,763
Sanchez, Linda	CITY OF SOUTH GATE	-$236,286
Sanchez, Loretta	CITY OF SANTA ANA HSG AUTH	-$844,190
Sarbanes, John	HOUSING AUTHORITY OF THE CITY OF	-$222,793
Saxton, Jim	BERKELEY HOUSING AUTHORITY	-$13,681
Schiff, Adam	CITY OF BURBANK HOUSING AUTHORITY	-$111,448
Schiff, Adam	CITY OF PASADENA COMMUNITY DEVELOPMENT COMMISSION	-$157,998
Schmidt, Jean	ADAMS MET.HA	-$50,236
Schultz, Debbie Wasserman	BROWARD COUNTY HOUSING AUTHORITY	-$259,995
Schultz, Debbie Wasserman	DANIA HA	-$124,052
Scott, Robert	HAMPTON REDEVELOPEMENT & HSG AUTH	-$972,943
Scott, Robert	NEWPORT NEWS REDEVELOPMENT & HA	-$595,813
Scott, Robert	NORFOLK REDEVELOPMENT & H/A	-$3,168,068
Scott, Robert	PORTSMOUTH REDEVELOPMENT & H/A	-$3,585,497
Scott, Robert	RICHMOND REDEVELOPMENT & H/A	-$1,343,365
Scott, Robert	VIRGINIA HOUSING DEVELOPMENT AUTHORITY	-$3,108,957
Sensenbrenner, James	HARTFORD CDA	-$20,469
Sestak, Joe	DELAWARE COUNTY HOUSING AUTHORITY	-$1,208,267
Shays, Christopher	BRIDGEPORT HOUSING AUTHORITY	-$856,741
Shays, Christopher	FAIRFIELD HSG AUTHORITY	-$150,778
Shays, Christopher	GREENWICH HOUSING AUTHORITY	-$265,360
Shays, Christopher	NORWALK HOUSING AUTHORITY	-$128,866
Shays, Christopher	STAMFORD HOUSING AUTHORITY	-$2,567,891
Shea-Porter, Carol	PORTSMOUTH HOUSING AUTHORITY	-$2,056
Shimkus, John	HOUSING AUTHORITY OF THE COUNTY OF	-$20,497
Shimkus, John	HSG AUTHORITY OF THE COUNTY OF SHELBY	-$9,372
Shimkus, John	RICHLAND HA	-$23,792
Shuler, Heath	MACON PROGRAM FOR PROGRESS	-$2,954
Shuler, Heath	WESTERN CAROLINA COMM ACTION	-$82,385
Shuster, Bill	FRANKLIN CITY HOUSING AUTHORITY	-$22,432
Shuster, Bill	FULTON COUNTY HOUSING AUTHORITY	-$5,732
Shuster, Bill	HUNTINGDON COUNTY HOUSING AUTHORITY	-$20,798
Shuster, Bill	LUZERNE COUNTY HOUSING AUTHORITY	-$143,427
Simpson, Michael	ADA COUNTY HOUSING AUTHORITY	-$279,014
Simpson, Michael	BOISE CITY HOUSING AUTHORITY	-$76,980
Simpson, Michael	IDAHO HOUSING AND FINANCE ASSOCIATION	-$40,896
Simpson, Michael	SOUTHWESTERN IDAHO COOPERATIVE HOUSING AUTHORITY	-$107,882
Sires, Albio	BAYONNE HOUSING AUTHORITY	-$98,143
Sires, Albio	GUTTENBERG HOUSING AUTHORITY	-$19,618
Sires, Albio	HOBOKEN HOUSING AUTHORITY	-$151,184

Sires, Albio	JERSEY CITY HOUSING AUTHORITY	-$1,730,612	Stupak, Bart	MARQUETTE HOUSING COMMISSION	-$13,171
Sires, Albio	NEWARK HOUSING AUTHORITY	-$1,452,191	Stupak, Bart	MENOMINEE HOUSING COMMISSION	-$7,467
Sires, Albio	NORTH BERGEN HOUSING AUTHORITY	-$223,520	Stupak, Bart	SAULT STE MARIE HSG. COMM.	-$27,229
Sires, Albio	PERTH AMBOY HOUSING AUTHORITY	-$728,029	Sullivan, John	TULSA HOUSING AUTHORITY	-$220,424
Sires, Albio	WEEHAWKEN HOUSING AUTHORITY	-$124,250	Sutton, Betty	AKRON MHA	-$1,369,847
Skelton, Ike	JEFFERSON CITY HOUSING AUTHORITY	-$51,369	Tauscher, Ellen	CITY OF FAIRFIELD	-$584,346
Skelton, Ike	MARSHALL HOUSING AUTHORITY	-$8,843	Tauscher, Ellen	SUISUN CITY HOUSING AUTHORITY	-$98,638
Skelton, Ike	NEVADA HOUSING AUTHORITY	-$4,576	Terry, Lee	OMAHA HOUSING AUTHORITY	-$1,006,438
Skelton, Ike	PHA OF THE COUNTY OF RAY	-$130,741	Thompson, Bennie	HSG AUTH CITY OF GREENWOOD MS	-$53,775
Skelton, Ike	RICHMOND HOUSING AUTHORITY	-$114,695	Thompson, Bennie	NORTH DELTA REG HSS AUTH	-$414,871
Slaughter, Louise	CITY OF NIAGARA FALLS	-$19,084	Thompson, Mike	MENDOCINO COUNTY	-$51,852
Slaughter, Louise	CITY OF NORTH TONAWANDA	-$119,788	Thompson, Mike	YOLO COUNTY HSG AUTHORITY	-$192,356
Slaughter, Louise	HA OF ROCHESTER	-$1,026,717	Thornberry, Mac	ELECTRA HOUSING AUTHORITY	-$3,314
Smith, Adrian	CENTRAL NEBRASKA JOINT HSG AUTH	-$2,846	Thornberry, Mac	HOUSING AUTHORITY OF HASKELL	-$1,167
Smith, Adrian	CHADRON HOUSING AUTHORITY	-$5,083	Thornberry, Mac	HOUSING AUTHORITY OF MINERAL WELLS	-$21,428
Smith, Adrian	GOTHENBURG HOUSING AUTHORITY	-$3,273	Thornberry, Mac	HOUSING AUTHORITY OF QUANAH	-$13,558
Smith, Adrian	HA SOUTH DELTA	-$854,303	Thornberry, Mac	HOUSING AUTHORITY OF STAMFORD	-$28,968
Smith, Adrian	HALL COUNTY HOUSING AUTHORITY	-$73,667	Thornberry, Mac	HOUSING AUTHORITY OF TULIA	-$13,552
Smith, Adrian	HASTINGS HOUSING AUTHORITY	-$364,802	Thornberry, Mac	WICHITA FALLS HOUSING ASSISTANCE	-$872,497
Smith, Adrian	MCCOOK HOUSING AUTHORITY	-$1,427	Tiahrt, Todd	COWLEY COUNTY PUBLIC HOUSING	-$43,965
Smith, Adrian	WEST CENTRAL HOUSING AUTHORITY	-$10,713	Tiahrt, Todd	NEWTON HOUSING AUTHORITY	-$25,205
Smith, Adrian	YORK HSG AUTHORITY	-$29,518	Tiahrt, Todd	WICHITA HOUSING AUTHORITY	-$162,377
Smith, Christopher	LAKEWOOD HOUSING AUTHORITY	-$185,237	Tierney, John	AMESBURY HSG AUTHORITY	-$19,902
Snyder, Vic	CONWAY COUNTY HOUSING AUTH	-$82,890	Tierney, John	BURLINGTON HSG AUTHORITY	-$64,244
Snyder, Vic	HOUSING AUTHORITY OF THE CITY OF LITTLE ROCK	-$98,434	Tierney, John	IPSWICH HSG AUTHORITY	-$15,639
Snyder, Vic	HSG AUTHORITY OF THE COUNTY OF LONOKE	-$86,932	Tierney, John	MERRIMAC HSG AUTHORITY	-$10,728
Snyder, Vic	PULASKI COUNTY HOUSING AGENCY	-$259,926	Tierney, John	NEWBURYPORT HOUSING AUTHORITY	-$65,924
Solis, Hilda	CITY OF BALDWIN PARK HOUSING AUTH	-$618,786	Tierney, John	NORTH READING HSG AUTHORITY	-$20,622
Solis, Hilda	COUNTY OF LOS ANGELES HOUSING AUTH.	-$24,640,103	Tierney, John	READING HSG AUTHORITY	-$78,514
Souder, Mark	FORT WAYNE HA-CITY OF FORT WAYNE	-$2,583,322	Tierney, John	SAUGUS HSG AUTHORITY	-$98,010
Souder, Mark	WARSAW HOUSING AUTHORITY	-$52,800	Tierney, John	WILMINGTON HSG AUTHORITY	-$12,575
Space, Zachary	CHILLICOTHE MET HA	-$52,597	Turner, Michael	CLINTON METROPOLITAN HOUSING AUTH.	-$173,845
Space, Zachary	COSHOCTON MET.HSG AUTH	-$18,915	Udall, Mark	COLORADO SPRINGS HOUSING AUTHORITY	-$244,574
Space, Zachary	HARRISON MHA	-$16,032	Udall, Tom	CUBA (VILLAGE OF) HOUSING AUTHORITY	-$4,011
Space, Zachary	NOBLE METROPOLITAN HA	-$28,238	Udall, Tom	GALLUP HSG AUTHORITY	-$30,461
Space, Zachary	ZANESVILLE MET HA	-$78,939	Udall, Tom	HSG AUTH CITY OF ESPANOLA	-$111,478
Spratt, John	HA CHESTER	-$58,033	Udall, Tom	MORA COUNTY HSG AUTHORITY	-$17,531
Spratt, John	HA DARLINGTON	-$6,144	Udall, Tom	REGION II HOUSING AUTHORITY	-$2,337
Spratt, John	HA FORT MILL	-$9,153	Udall, Tom	SAN JUAN COUNTY HSG AUTHORITY	-$138,579
Spratt, John	HA HARTSVILLE	-$84,394	Udall, Tom	SANTA FE CIVIC HOUSING AUTHORITY	-$51,927
Spratt, John	HA NEWBERRY	-$74,769	Udall, Tom	TUCUMCARI HOUSING AUTHORITY	-$18,684
Stark, Fortney Pete	CITY OF ALAMEDA HOUSING AUTHORITY	-$1,795,123	Upton, Fred	BENTON HARBOR HSG. COMM.	-$103,572
Stupak, Bart	BARAGA HOUSING COMMISSION	-$9,569	Upton, Fred	BENTON TWNSHP. HSG. COMM.	-$64,581
Stupak, Bart	MANISTIQUE HSG. COMM.	-$16,680	Upton, Fred	DOWAGIAC HOUSING COMMISSION	-$46,618

Vacant	HA AUGUSTA	-$1,203,679
Vacant	MARIANA ISLANDS HOUSING CORP.	-$494,088
Visclosky, Peter	EAST CHICAGO HA	-$155,573
Visclosky, Peter	GARY HA	-$511,618
Walberg, Timothy	BATTLE CREEK HSG. COMM.	-$168,358
Walberg, Timothy	POTTERVILLE HOUSING COMMISSION	-$31,499
Walden, Greg	HOUSING AUTHORITY OF THE COUNTY OF UMATILLA	-$6,003
Walden, Greg	JOSEPHINE HOUSING COMMUNITY DEV. COUNCIL	-$405,631
Walden, Greg	KLAMATH HOUSING AUTHORITY	-$77,345
Walsh, James	HOUSING AUTHORITY OF NORTH SYRACUSE	-$137,710
Walsh, James	NEWARK HOUSING AUTHORITY	-$49,492
Walz, Timothy	ALBERT LEA HRA	-$109,764
Walz, Timothy	AUSTIN HRA	-$35,540
Walz, Timothy	FARIBAULT COUNTY HRA	-$11,164
Walz, Timothy	LE SUEUR COUNTY HRA	-$72,636
Walz, Timothy	MOWER COUNTY HRA	-$27,519
Walz, Timothy	NEW ULM EDA	-$11,850
Walz, Timothy	OLMSTED COUNTY HRA	-$40,815
Walz, Timothy	OWATONNA HRA	-$74,851
Walz, Timothy	PIPESTONE HRA	-$3,921
Walz, Timothy	WORTHINGTON HRA	-$116,679
Wamp, Zach	CHATTANOOGA H/A	-$2,512,956
Wamp, Zach	HA DAYTON	-$77,797
Wamp, Zach	HA OAK RIDGE	-$39,711
Waters, Maxine	CITY OF INGLEWOOD	-$778,548
Watson, Diane	CULVER CITY PUBLIC HOUSING AGENCY	-$475,256
Watt, Melvin	TOWN OF EAST SPENCER HOUSING AUTHORITY	-$13,070
Watt, Melvin	HA THOMASVILLE	-$20,656
Watt, Melvin	HA WINSTON-SALEM	-$240,415
Watt, Melvin	NORTHWEST PIEDMONT CO OF GOV	-$144,518
Waxman, Henry	CITY OF SANTA MONICA	-$392,943
Welch, Peter	BRATTLEBORO HOUSING AUTHORITY	-$57,605
Welch, Peter	HARTFORD HOUSING AUTHORITY	-$10,087
Welch, Peter	SPRINGFIELD HOUSING AUTHORITY	-$4,065
Weldon, Dave	HOUSING & NEIGHBORHOOD DEVELOP	-$39,176
Weldon, Dave	NW FLORIDA REGIONAL HA	-$403,073
Weller, Jerry	HA BLOOMINGTON	-$1,314
Weller, Jerry	HOUSING AUTHORITY OF JOLIET	-$1,111,858
Weller, Jerry	HSG AUTHORITY FOR LASALLE COUNTY	-$56,319
Weller, Jerry	KANKAKEE COUNTY HOUSING AUTHORITY	-$404,193
Westmoreland, Lynn	H A CARROLLTON	-$17,498
Westmoreland, Lynn	HOUSING AUTHORITY OF NEWNAN	-$7,329
Whitfield, Ed	LAKE CUMBERLAND HOUSING AUTHORITY	-$140,728
Whitfield, Ed	MADISONVILLE HOUSING AUTHORITY	-$69,996
Whitfield, Ed	MAYFIELD HOUSING AUTHORITY	-$109,990
Whitfield, Ed	PADUCAH HOUSING AUTHORITY	-$241,818
Wilson, Charles	BELMONT METRO HSG AUTHORITY	-$12,229
Wilson, Charles	CITY OF MARIETTA	-$14,331
Wilson, Charles	GALLIA METRO HA	-$41,336
Wilson, Charles	JEFFERSON MHA	-$84,996
Wilson, Heather	BERNALILLO (TOWN OF) HSG AUTH	-$15,076
Wilson, Heather	MOUNTAINAIR HOUSING AUTHORITY	-$124,321
Wolf, Frank	LOUDOUN COUNTY HOUSING SERVICES	-$244,269
Wu, David	HOUSING AUTHORITY OF WASHINGTON	-$507,871
Wu, David	HOUSING AUTHORITY OF YAMHILL COUNTY	-$260,478
Wu, David	NORTHWEST OREGON HOUSING AGENCY	-$277,975
Young, Don	AK HSG FINANCE CORP	-$881,598

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank Mr. OBEY for yielding.

I have been against this war since day one, and I am outraged by the President's attempts to escalate it. I want this war to end now, and I want to bring our troops home immediately.

I mourn the loss of 3,228 Americans dead, and countless Iraqi civilians, and extend my deepest sympathies to the families. I repeat, I want this war to end, and I want to bring the troops home now.

Whether we like it or not, this bill before us is the first serious binding legislation to come before the House since the war began 4 years ago. This bill contains benchmarks and time lines for withdrawing our troops.

Even so, in my opinion, this bill does not go far enough. I think it should prohibit U.S. military action in Iran without explicit congressional authorization. But without this bill, the alternative is not acceptable. A supplemental without benchmarks is stay the course.

I have received thousands of letters from my district in support and opposition to this bill. The only way to bring the troops home is to vote "yes." I encourage my colleagues to do the same.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, 1 month ago, we gathered in this Chamber to debate what was called a symbolic resolution on the war in Iraq. I never subscribed to the notion it was symbolic because I believe any official act of this body has consequences. When Members speak, the world listens, friends and enemies alike.

Two weeks ago after that vote, I traveled again to Iraq and Afghanistan to observe conditions in these two fronts on the global war on terror and to meet again with our soldiers. I was the only Republican on the trip, but I view opportunities like these to travel to war zones with colleagues from the other side of the aisle as invaluable.

We all saw that the plans to stabilize Baghdad by reinforcing U.S. troops and integrating them with larger Iraqi units around the city are already under way. Our military commanders in Iraq are already executing their plans to clear, hold, and build; and early reports point towards some progress.

And yet tomorrow, in fact, we vote on a bill, portions of which could potentially affect the safety of our brave young soldiers in Iraq, the lives of millions of Iraqis, and damage our national interest in the Middle East and elsewhere. That is why I oppose this bill in its current form.

Every Member of this House, Republican and Democrat alike, should be working together to achieve some level of success in Iraq and to give our soldiers the dollars they need. We should not be tying the hands of our battlefield commanders, nor undercutting our brave soldiers and marines as they work to secure the peace as we debate here this afternoon and tomorrow.

Make no mistake about it, withdrawal from Iraq before that peace is better secured will have wide and important ramifications. We could potentially have an explosion of sectarian violence in Iraq, killing and bloodshed on a larger, more barbaric scale. Al Qaeda and other jihadists could get a new and more dangerous base of operations. The influence of Iran would grow. The Saudis and moderate Arab states themselves could be threatened. Turkey, a strong NATO ally, could be drawn into the war. And Iraq's neighbors could see even more waves of refugees.

Mr. Speaker, we are a Nation at war, and the stakes are extremely high for America. Our troops need this money now. They deserved it yesterday. But the Congress has decided to make them compete with nonmilitary, nonemergency, politically motivated spending.

We must give our commanders on the battlefield, and our brave young war fighters, the resources they need to protect themselves and fight the enemy.

Mr. Speaker, I urge my colleagues to join together to honor the service of these young men and women and to find a way forward in Iraq that protects our Nation and results in a stable Iraq that can govern and protect itself.

Mr.. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, by refusing to take responsibility for their failed policy in Iraq, the Bush administration has effectively forced Congress to intervene to bring it to a responsible end.

Speaker PELOSI, Chairman OBEY, Majority Whip CLYBURN, Chairman MURTHA and the Democratic leadership do deserve credit for recognizing this and for doing something that the Republican Congress refused to do over the last 4 years, namely, that is to confront the Bush administration over their failed policy and to commit to bring that policy to an end in Iraq.

But that is a very important step. However, for some of us the question of voting for funds to continue this war with strings attached and no real enforcement really does keep our troops in harm's way. I am disappointed we will not have the opportunity to vote on the Lee-Woolsey-Waters-Watson amendment which would fully fund the safe withdrawal of U.S. troops and contractors by December 31, 2007.

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The American people want this, and I will continue to push to fully fund the safe withdrawal of our troops from Iraq and for timelines for withdrawal that are backed up, mind you, backed up by the appropriations power, and that is the power of the purse which the Constitution grants to the Congress. Too many lives have been lost, too many lives have been shattered.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a member of our committee.

Mr. WICKER. Mr. Speaker, we should be standing together today in bipartisan support for our troops and for the resources they need to be successful in Iraq and the global war on terror. Instead, we have a proposal before us today that micromanages the war from Capitol Hill with ill-advised timelines for withdrawal that jeopardize our chances for success.

This plan is "an unruly mess, bad public policy, bad precedent and bad politics." Those are not my words. They come from a Los Angeles Times editorial. The Times is right on target. The editorial goes on to say that by interfering with the discretion of the Commander in Chief and military leaders, "Congress undermines whatever prospects remain of a successful outcome."

The L.A. Times is a lot like most American people. They are unhappy with the war. They are unhappy with the way it has been waged, but they still want to give our generals and our troops the best chance for success. That is in stark contrast to the defeatism we see in this proposal today.

Some of our colleagues on the Democratic side of the aisle have quoted approvingly from the bipartisan Iraq Study Group. Here is a quote they have not used: "The Study Group sets no timetables, and we set no guidelines. We believe that military commanders must have the flexibility to respond to events on the ground."

The National Intelligence Estimate carries a strong warning against an early troop pullout. It said, "If coalition forces were withdrawn rapidly during the term of this estimate, we judge that this would almost certainly lead to a significant increase in the scale and scope of sectarian conflict in Iraq."

Despite these cautions, the proponents of this legislation are intent on taking us down a path that would lead to failure and defeat. Setting a date certain for withdrawing from Iraq is a dangerous idea. Our enemies will simply adjust their tactics and wait us out. The consequences of such a withdrawal will be far-reaching. It would signal defeat for the United States and embolden the terrorists in Iraq and throughout the world. It would enable al Qaeda to establish a beachhead in Iraq from which to operate, and it would be a catastrophe for the people of Iraq and the region.

There are signs that the new strategy is taking hold in Iraq. General Petraeus believes it will work, and he has our coalition forces engaged fully in this effort to succeed. It would be a grave and irresponsible mistake to undercut our soldiers by passing this measure before the strategy has time to be implemented.

The message we send here today should not be one to the terrorists to bide their time and wait for the U.S. to pull out. The message should be one of complete and total support for our troops and for an appropriation of the resources they need to succeed.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, let me say to the Members what hurts our troops.

I found our troops, 44,000, without body armor. I found our troops with a shortage of jammers. I found our troops with a shortage of up-armored Humvees. I find our troops now, because of the policy, having to go back to Iraq before they have a year at home. I find our troops now because of the policy of this White House having to extend troops that have been there 13 months, and I find our troops having to go into combat untrained or not trained as well as they should, not going to the desert where they have this tremendous training area, going right into Iraq.

That is what hurts our troops. That is what hurts the morale of the troops when you send them without training, without the additional training they need, without the equipment they need and without the resources they need.

We are putting in the resources. If you vote against this bill, you are voting against the resources they need to go into combat.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, this bill is a terrible bill. It is only allowed 4 hours of debate. We could have had more debate, but according to the Congress Daily P.M., the Speaker of the House is in New York City tonight at a fund-raiser. So we could have spent the time debating tonight. Instead, we are waiting until tomorrow and the time is limited.

Our soldiers are in need of our support, and they have sacrificed greatly and given their support to us, and they have kept us safe. We have been safe since September 11, 2001, but instead of providing only what the troops need in this bill, it funds domestic spending with $24 billion.

In addition in Title IX of this bill, the language will effectively deny our troop reinforcements or replacements. The language says that no unit may be deployed without being fully mission-capable. If this language were law during World War I, none of the troops would have been fully mission-capable, and we could not have deployed our troops to rescue Europe, and the world would be a very different place.

If this language had been law during World War II, our troops would not be fully mission-capable, and they would not have been available for the victories in D-Day or Iwo Jima, and the world would have been a very different place.

If this language were law during the Korean War, our troops would not have been able to leave the country because they were never fully mission-capable. They were using broken-down World War II equipment, and if they had not gone to rescue the South Koreans, the world would be a different place.

Mr. Speaker, this bill will not let our troops in Iraq receive the reinforcements and replacements they need, and let me tell you why.

To be fully mission-capable, there are three areas of judgment: personnel, equipment and training. Personnel, we can be fully mission-capable. We have the best soldiers in the world, and our units have the right number of people.

Training is a little more subjective. Most people say that they would be ready to be fully mission-capable. However, they do not train on the very same equipment that they use in the field. So there is some contention whether they are actually fully mission-capable or not. Some would say they are not, but definitely in the area of equipment we are not fully mission-capable. The reason: We take the best equipment we have and we put it in the field to protect or troops. We know it is the right thing to do, but our troops do not train on the same equipment they operate in the field. In fact, they could not leave the United States under this language. Right now, they go to Kuwait and they train on equipment. It is not the same equipment but it's close, it is not the same level of protection that they have when they get in field in Iraq. So they will never be fully mission-capable.

According to the Congress Daily A.M. this morning said Pentagon leaders have repeatedly told Capitol Hill they need additional war funds by the end of April. If they do not receive those funds by April, it will delay repairs, would exacerbate the readiness problem facing nondeployable units which already have equipment shortfalls. In other word, they would not be fully mission-capable, and the results of that, of not being fully mission-capable, is that our troops cannot receive the reinforcements and they cannot receive replacements. Our troops will be stuck in Iraq. Vote "no" on this bill.

The language in this bill ties the hands of our military, and it says that none of the troops that are in America today will ever have the ability to leave this country because they cannot be "fully mission-capable." The Title IX language must be struck from the bill because it is very clear that if we do not strike the language, we cannot get any reinforcements out of the country, we cannot get any replacements out of the country, and therefore, our troops will be stuck in Iraq.

I thank the gentleman from California for yielding me the additional time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, Speaker PELOSI, Chairman OBEY, and Chairman MURTHA have put together a very solid piece of legislation. This bill puts us on a path to end this war. This legislation holds the Iraqi Government accountable, and it holds President Bush accountable. Let us not forget, this is an Iraqi Government that refuses to pursue national reconciliation.

This bill takes President Bush's benchmarks and puts them into law. This is a bill about accountability. Others have said we are handcuffing, micromanaging. No, this is a bill about setting a policy to extract us from a misguided war.

I ask my colleagues, vote for this bill because it tells the Iraqis it is time for you to step up and defend your country.

I rise today in support of this important legislation and would like to thank Chairman OBEY and Chairman MURTHA for their work in crafting this critically important bill. There are no easy choices to be made regarding Iraq, but the choices they have made are the right ones.

I believe there are two fundamental issues we must address concerning the on-going war in Iraq. First, we must provide the resources necessary for our troops on the ground so they can protect themselves and our allies. Second, we must redeploy them as soon as we can, and bring to an end American involvement in ill-conceived, poorly planned, and mismanaged war.

I believe this legislation achieves both of these goals. The bill provides more funding for the equipment and training of our troops than the President's request. It offers a new direction that promises to finally bring closure to our open-ended commitment in Iraq. And Mr. Speaker, this bill promises to give our returning troops the health care that they need, with the honor they deserve for honoring us with their service.

As the people's body, it is imperative that the House of Representatives listens to the will of the people. Equally important, it is imperative that the President listen to the will of the people.

After four years, $400 billion dollars, and the tragic loss of 3,200 service men and women, every survey of public opinion shows a clear majority of Americans disapprove of the President's handling of the Iraq War. And more Americans believe Congress, not the President, should be primarily responsible for setting policy in Iraq.

Mr. Speaker, with passage of this legislation, we are taking the first steps to end our involvement in a war that currently has no end in sight.

I urge my colleagues to support this important legislation and move us in a new direction in Iraq.

Mr. LEWIS of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding and rise in opposition to the bill.

I want to say this: We have had a lot of good, sincere debates in the Defense Subcommittee of Appropriations, but one of the things that, in our honest disagreement about, that we have not talked about as much is the effects that the surge has already had. I wanted to bring up some statistics.

The 4 weeks prior to the surge which began on February 15, we had 1,440 civilian deaths; since that time, 265. That is a reduction of about 500 percent.

In terms of bombings, prior to the surge, we had 163. Then from February to March, it is down to 102.

Similar with car bombings, down 35 percent from 56 to 36.

The surge is already showing a significant impact. Two-thirds of the Iraqis polled by a British polling firm, 5,000 people which were sampled, the largest poll in the history of Iraq, two-thirds of the people say they are better off now than they were under Saddam Hussein. Seventy-three percent say they are not in a civil war. Al-Maliki, the Prime Minister's approval rating has gone from 29 percent in September to 49 percent now.

We are making progress. We are not defending the status quo. We are changing the course, and the Petraeus plan needs to be given time to work, and that is very, very important.

The second point that I want to make is there are so many extracurricular things in the $23 billion in spending that have nothing to do with the war in Iraq. Now, I serve on the Ag Committee, and I want to mention some of those.

There is a $100 million increase in the PL-480 program, but there is not a single word of it in the report as to why this is justified, why this is considered an emergency, $100 million.

Secondly, we have $25 million in there for spinach recall. The USDA did what they were supposed to do, but I want you to know you are setting a precedent for recall. We are not in the product compensation business on recalls.

Finally, we have $5 million in the bill because of a Canadian fish import issue.

All of these things are good, debatable topics, but they do not belong in an emergency appropriation bill. I think they should come back through the committee process on regular order where we can have a good debate and look at them on a separate piece of legislation.

While some of the provisions I support, such as the peanut storage and handling provision and some type of agriculture disaster assistance, this bill is not the appropriate place for them to be considered.

Title II–P.L. 480 Grants—The bill contains $100,000,000 above the President's request for Title II–P.L. 480 Grants.

There is not a single word of explanation in the report as to what or where the additional funds are to be used for.

The President's request included $350,000,000 of which approximately $150,000,000 would go to Sudan and for populations in Chad affected by the violence in Darfur; $30,000,000 for Afghanistan; $95,000,000 for Southern Africa; and $75,000,000 for the Horn of Africa.

Just last month the Congress included $1,215 billion for this program in the Joint Resolution to fund this program for the remainder of fiscal year 2007.

The bill provides $140,000,000 in additional relief for loses related to Hurricanes Katrina and Rita of which $25,000,000 would go to provide additional compensation to livestock producers and $100,000,000 would go to provide additional compensation for citrus producers—it appears that these additional funds are included in the bill only for the reason of doubling the $80,000 payment that livestock and citrus producers have already received, taking their payments up to $160,000.

The need for agriculture disaster assistance has been debated for the last several months.

While disaster assistance is clearly needed in some areas of the country, this bill provides $25 million for spinach producers who had losses due to a nationwide spinach recall last fall.

The FDA did what is was supposed to do, and initiated the recall to protect consumers.

This assistance is unprecedented, and there will be pressure put on this Committee to compensate producers whenever other food products are recalled.

Can you imagine the cost if we get in the business of compensating producers for losses that they incur because of food recalls? The latest list of some of the food recalls from FDA and USDA include: bread; peanut butter; corn chips; olives; oysters; milk; fresh cut fruit; summer sausage; ground beef; and the list goes on.

The reason foods were recalled is because they presented a health risk to the public, and the FDA or the USDA did what they were supposed to do.

The bill includes $5,000,000 for compensation to aquaculture operations who may have incurred a loss due to a restriction on imports from certain fish from Canada.

The emergency order, put on by the Animal and Plant Health Inspection Service, on these fish from Canada was due to outbreaks or potential outbreaks of a destructive pathogen responsible for several large-scale fish deaths in the Great Lakes region—the reason APHIS put the order in place was to protect aquaculture in the Great Lakes states, and somehow $5,000,000 makes it into this bill to compensate for possible losses without any justification. Where did this number come from?

Finally, there are no funds for USDA to administer any of the disaster assistance provisions in the bill that total nearly $4,500,000,000. Members are already reacting to proposed FSA office closures that are occurring all over the country. This will only exacerbate the problem.

IRAQI GOVERNMENT PROGRESS

According to the U.S. Embassy in Iraq, over the last 30 days they have seen important developments in the history of Iraq. The Iraqi government has taken steps to improve security, governance, economic development and economic opportunities.

Iraq's Prime Minister is actively leading the latest plan in Baghdad.

Prime Minister Maliki created six committees to oversee the non-security pieces of the Baghdad plan, with oversight of economic development, essential services, communications, community outreach and related functions.

Prime Minister Maliki's first trip to Anbar Province was a clear gesture and attempt to involve Sunni tribal sheiks into the government.

Anbar's tribal sheiks are switching allegiances away from the insurgents and towards the government of Iraq.

The tribal sheikhs have started providing police and army recruits to support stability in the region.

At the end of February, the Iraqi parliament's Council of Ministers passed a hydrocarbon law that outlines the equitable sharing of Iraq's oil wealth.

The Iraqi government hosted the Neighbors' Conference, the first international conference in Baghdad since 1990. The conference ended with regional and international partners pledging to fight terrorism and to enhance security in support of the goal of peace and security for the people of Iraq.

Iran and Syria along with Saudi Arabia, Kuwait, Jordan, Turkey and the five permanent members of the U.N. Security Council attended the conference.

MILITARY PROGRESS

SecDef stated (Mar 21) the deployment of Iraqi troops into Baghdad is right on schedule—10 brigades total.

Operational strength of the Iraqi Brigades in Baghdad has vastly improved.

First Brigade reported at 61 percent; Second came in at 65 percent; and the third came in at 85 percent. Other brigades on their way are reporting in the high 90s to more than 100 percent strength.

The problem was not related to fighting, but rather an issue with getting pay to families. Iraq does not have a financial system that provides for electronic transfer of monies—it is a cash transaction society. The Iraqi Government found that troops were trying to take money to their families and that is the reason they were absent.

They fixed the problem by paying deploying forces a bonus upfront so they could leave money with their families and not have to worry about them.

Overall, violence directed against Iraqi Civilians is down about one-third and murders/assassinations are down 50 percent.

Civilian deaths down more than 500 percent: mid-Feb to mid-March, 265; previous four weeks, 1,440.

Bombings down nearly 40 percent: mid-Feb to mid-March, 102; previous 4 weeks, 163.

Car bombs down nearly 35 percent: mid-Feb to mid-March, 36; previous 4 weeks, 56.

NOTES FROM SECDEF'S TALK AT ARMY CAUCUS—MAR 22

Active Army has met every retention and recruiting goal since 9/11

Need to grow Army and we're doing so by 7,000 a year

Vital to meet Active Army's goal of 1 year deployed and 2 years home; Guard/Reserve goal is 1 year deployed and 5 years home

Need to include Guard and Reserve in all of our plans

Modernization and putting them in Joint billets

We have programmed $46.4B for reset in FY 07/08

Modernization is also required—started $56B short

Need the FY07 Sup by April or we will have to take Draconian measures and begin to reprogram money, impacting all facets of the Army

Need $2B for BRAC this year and stated that we need to expedite the construction of the medical facility on Ft Belvoir and make Bethesda the premier medical facility

COMMONLY ASKED QUESTION IRAQ

Q: What is your view of the timetables and provisions that have been attached to the FY07 Supplemental?

A: It's important to elevate the level of debate. . . . question is how we incentiveize the Iraqi government. But, specific dates and strict conditionally would make it impossible for commanders to complete the mission.

Q: Do you think the operations in Iraq will be over on October 1?

A: Decisions need to be based by conditions on the ground. Setting a date tells your adversary all he has to do is wait. I think debate on the hill has been helpful; there is no military solution, it has to be a political solution and we are providing them the time they need.

Q: How is the deployment of Iraqi troops going? We have heard they are reporting at low strength rates?

A: In Afghanistan, there are about 12 financial centers that enable movement of money. Iraq has no such system yet, so troops have to take cash home to their families. First Brigades came in around 60 percent but other brigades are reporting in the high 90s to more than 100 percent strength. The problem was not related to fighting, but rather an issue with getting pay to families—troops were trying to take money to their families and that is the reason they were absent. They fixed the problem by paying deploying forces a bonus upfront so they could leave money with their families and not have to worry about them.

Q: Are we neglecting Afghanistan?

A: After I visited Afghanistan, I made the decision to extend the deployment of one Brigade and move the other Brigade in. We will be adding 3,400 trainers and overall about 6–7,000 soldiers. Britain and Australia are also providing more troops as we prepare for a Taliban offensive this spring. We think they may make a run at Khandahar and we want to hit them hard.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

The gentleman talks about how we need to support General Petraeus. Let me quote from Thomas Friedman, who has had years of experience in understanding the Middle East. He said: I hope the Democrats under Speaker NANCY PELOSI keep pushing to set a deadline for withdrawal from Iraq because they are providing two patriotic services that the Republicans failed to offer in the previous 4 years. The first is policy discipline. The other useful function Speaker PELOSI and her colleagues are performing is to give the President and General David Petraeus, our Commander in Iraq, the leverage of a deadline without a formal deadline. How so? The surge cannot work without political reconciliation among Iraqi factions, which means Sunni-Shiite negotiations, and such negotiations are unlikely to work without America having the leverage of telling the parties that if they do not compromise, we will leave. Deadlines matter. At some point Iraqis have to figure this out themselves. Since Mr. Bush refuses to set a deadline, Speaker PELOSI is the next best thing. Do not underestimate how useful it is for General Petraeus to be.

Mr. Speaker, I reserve the balance of time.

Mr. LEWIS of California. Mr. Speaker, can I inquire how much time we have on each side.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 1 hour, 25½ minutes. The gentleman from Wisconsin (Mr. OBEY) has 1 hour, 28½ minutes.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

□ 1745

Mr. WAMP. I thank the distinguished ranking member.

Mr. Speaker, for over 12 years in this House and over 10 years on the Appropriations Committee, I have worked really hard to try to be fair, bipartisan, cooperative.

I have to say, though, here today that campaign rhetoric is one thing but when the rubber meets the road on this huge, important bill to have this kind of a process in this kind of a bill is not right. To have over $21 billion of extraneous spending added to this bill, under a closed rule, which is not the regular way here in the House, especially on appropriations, and, frankly, to then even violate your own budget rules is not right.

I have to say that first. It is kind of insider talk, but it is important to know that this is not the regular order and not the way this should be done.

Then I respect all the Members in this House that have served in the military, and I respect so much the gentleman from Pennsylvania and his expertise here. But I disagree that if you vote against this bill, you are not supporting the troops, and you are not supporting the veterans, because I am going to do both, and I always do both.

I do believe that this bill needs to be changed dramatically. I hope to serve on the conference committee, and I hope that the product that comes back from the conference committee is very different, that it is more about supporting the troops and not all these extra things, and that we don't micromanage the war through the appropriations process.

Now, let me also say this. When the President said mission accomplished, he was talking about removing Saddam Hussein. We agreed as a Congress, over half the Democrats in the Senate voted to do it, almost half the Democrats in the House voted to remove Saddam Hussein. I wish that wouldn't have sent the signal that it was accomplished because the mission wasn't accomplished. The mission is not accomplished, and the mission may not be accomplished in August of 2008.

As a matter of fact, this threat is not going away. One thing I know a lot about is this threat of jihadism. I have read 20 books. I have been to lectures. We cannot retreat from this threat. We must stand against this threat.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), chairman of the Agriculture Appropriations Subcommittee.

Ms. DELAURO. Mr. Speaker, this week Congress takes up its obligation to finally change course in Iraq. This week as we enter the fifth year of the Iraq war, more than 3,200 American lives have been lost, tens of thousands more are wounded, and sectarian violence threatens to spill over into the entire Middle East with no prospect for a stable, constitutional democracy in Iraq in sight. We must judge this war not for what we wish it were, but for what it has so clearly and tragically become, a mistake of historic proportions.

I believe America should be sending a clear signal by beginning to reduce our troop levels now so the Iraqi Government takes responsibility and diplomacy can begin for real. I support phased redeployment over the next year and will seek every opportunity to mandate such change in law. Let us serve our men and women fighting overseas and recognize their sacrifices by charting a new course in Iraq.

By voting for this supplemental appropriations bill, we vote for accountability in Iraq. We vote to force a change in policy and in law, requiring a phased, responsible redeployment of our troops over 12 to 18 months. There are too many lives at stake here, and, personally, I have crossed the Rubicon on this war.

Regardless of whether this bill is blocked by a filibuster from Senate Republicans or a threatened veto from President Bush, we must support this bill today. Passing this bill in the House will be the first formal act, the first step toward requiring a new course in Iraq. We all know our troops will do anything their country asks. But let us make sure their courage and their sacrifices advance a mission that enhances our security and our interests.

We need to begin reducing our troops and pursuing a new strategy in order to achieve a stable Iraq, a peaceful Middle East, and a more secure America.

That is our obligation. Let us honor it by voting in favor of this supplemental bill.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to my colleague from Illinois, the ranking member of the subcommittee of the Permanent Select Committee on Intelligence, RAY LAHOOD.

Mr. LAHOOD. Mr. Speaker, I rise in strong opposition to H.R. 1591.

The bill is a bonanza for numerous factions of the majority party and many special interest groups. You want an increase in the minimum wage? If you pass this bill, it is done. You want agricultural disaster relief that occurred more than 2 years ago? You pass this bill, it gets done. You want billions of dollars for homeland security initiatives without going through the regular process? Pass this bill, and it is done.

Let me be clear, I supported an increase in the minimum wage, and I supported it in the appropriations committee last year. I have voted to support relief for our farmers, and I do believe we have to increase our ability to secure airports and our ports, but not through this bill.

I do want to say a word of support and thanks to Chairman MURTHA and Chairman OBEY for highlighting Walter Reed and sending a message that we are not going to close the hospital. We are going to keep it open. We are going to fix it up. We are going to provide the money. That was an important provision in this bill.

I have constituents who are leaving Illinois shortly and will soon be back in harm's way. I have never voted against legislation that provided funding for them to safely execute their missions. I trust they recognize what is happening here tonight. They know that we will always work to give them the resources they need, but we will not undercut their efforts by telling our enemies that the United States does not have the fortitude nor the political will to continue our support for the Iraqi people and their government.

What is the benefit to giving our enemies a troop withdrawal date that they can circle on their calendar? Why would we give them the aid and comfort of knowing that if they continue their attacks for just 11 more months, the U.S. military will leave Iraq, and it will be under their control?

We must pass a clean supplemental that is focused on meeting military needs. We must quit. We must quit being 435 Commanders in Chief and allowing our military leaders on the ground in Iraq to continue to use their skills and expertise to prosecute the war free of political interference. We must acknowledge that the needs of our men and women in uniform are more important than deals made here, campaign sound bites and political grandstanding. We must remember those who sacrificed so much for this war effort and allow their fellow soldiers to continue the mission.

We have a job to do here. I urge my colleagues to vote against this bloated, misguided bill and return our focus to where it should have been all along, the needs of our troops.

Even with $25 billion in extraneous, non-emergency spending added to sweeten the pot, a big problem remains. You can dress it up all you want, but Members, regardless of party affiliation, know a bad bill when they see it. Leadership may be able to lard up this bill to gain votes, but apparently it hasn't been enough because they still don't have the votes.

I am very disappointed, but not surprised, that really surprised, that we are operating here today under a closed rule. I know Members of both parties would like to be able to offer amendments to try to salvage this legislation, but too many arms have been twisted and too many promises have been made to allow any changes now. One amendment passes, and the whole bill unravels. Apparently, one vote, up or down, is all you get when you consider a $125 billion package.

Let me be clear. I support an increase in the minimum wage. I support providing relief to farmers when disaster strikes. I support increased funding to improve the airport security process. However, none of these things is worth my supporting a bill that I truly believe will put the lives of our troops in danger.

During the Appropriations Committee markup of this bill last week, Chairman MURTHA included in his Manager's amendment the text of my amendment that prohibits the use of funds to close the Walter Reed Army Medical Center. I am grateful for his assistance about this issue that I consider to be vital to the care of our returning wounded military personnel. But even the inclusion of my own amendment in this bill is not enough to make me hold our troops in combat hostage to political grandstanding.

It is unconscionable to me that this House assumes that we can manage the war better than our military leaders. We cannot stand here in the protected environment of the House Chamber and tie the hands of our President and our combatant commanders on the ground in Iraq. We cannot promise our troops the operational money they need to safely do their jobs while announcing their withdrawal date to our enemies. Congress cannot and must not micromanage the war effort.

I have constituents who are leaving Illinois shortly and will soon be back in harm's way. I have never voted against any legislation that provided funding for them to safely execute their missions. I trust that they recognize what is happening here today. They know that I will always work to give them the resources they need, but I will not undercut their efforts by telling our enemies that the United States does not have the fortitude or political will to continue our support for the Iraqi people and their new government.

What is the benefit to giving our enemies a troop withdrawal date that they can circle on a calendar? Why would we give them the aid and comfort of knowing that if they continue their attacks for just 11 more months, the U.S. military will leave and Iraq will be theirs to control?

If enough votes are gained and enough arms are twisted and this legislation reaches the President's desk, he will veto it, with my strong support. Our troops will suffer while the majority continues to try to unite their deeply divided caucus. Our troops will continue their missions as best they can, but how long do you plan on making them wait for the funding they need?

We must pass a clean supplemental that focuses on meeting military needs. We must quit trying to be 435 Commanders-in-Chief and allow our military leaders on the ground in Iraq to continue to use their skill and expertise to prosecute the war, free of political interference. We must acknowledge that the needs of our men and women in uniform are more important than backroom deals, campaign sound bites, and political grandstanding. We must remember those who sacrificed so much for this war effort and allow their fellow soldiers to continue their mission.

We have a job to do here. I urge my colleagues to vote against this bloated, misguided bill and return our focus to where it should have been all along: the needs of our troops.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. One of the Members said, how many less Iraqis have been killed? I don't know how many less Iraqis we killed. I know 62 individual American soldiers or marines have been killed this last month.

I want to say about equipment, I have got a chart here with the Army National Guard. Every single National Guard unit in this Nation, all 50 States, doesn't have the Humvees they need.

Every State, they don't have the 7-ton trucks they need. Every State, they don't have other equipment, the equipment they need for jammers and so forth.

When you say they are training on equipment and are not fully trained, they don't have the equipment to train on. This bill provides that. When you vote against this bill, you are voting against the extra money to fix that problem.

Mr. LEWIS of California. Mr. Speaker, I am pleased to recognize for 2½ minutes the ranking member of the Armed Services Committee, Mr. HUNTER of California.

Mr. HUNTER. Mr. Speaker, I want to address my good friend, Mr. MURTHA, who pointed out that there was a shortage of Humvees back here, particularly up-armored Humvees. Well, let me show you how many Humvees we had at the end of the Clinton administration: Up-armored Humvees, zero.

We didn't have any up-armored Humvees for the National Guard to train on, for the Army to train on, for the National Guard to deploy or for the Army to deploy. We had zero. Actually, we had 1,300 at the end of 2000, 1,300. We now have 18,400 up-armored Humvees. We have got roughly 15 times as many up-armored Humvees as we had at the end of the Clinton administration.

Now, let me remind my colleagues how much body armor we had at the end of the Clinton administration, body armor. If I hear another parent call up because they are listening to this debate and they are listening to information which is erroneous, I think it is important for us to remind them, there was nobody armored at the end of the Clinton administration, not one stitch of bulletproof armor at the end of the Clinton administration. Today there are just under 1 million sets of body armor for our troops.

Now, let's talk about what we didn't fund in this bill. We didn't fund the ambush protection vehicles to the full extent that the Army asked for. The Army asked for $4.75 billion worth of ambush protection vehicles. Those are vehicles with the V-shaped hulls so that land mines will be deflected and they have strong enough sides so that IEDs will be deflected.

Now, my colleagues, I will tell you why everybody, Democrats and Republicans, should vote against this particular supplemental, and it is because of one of the restrictions that is placed on this. There is a 15-day notice and wait period in this bill that says that no unit can deploy until notice is given 15 days before that deployment. We have not done that since our birth as a Nation, saying you can't deploy reinforcements, you can't deploy an emergency unit. It could be a bomb-clearing unit; it could be an IED unit. It could be a medical unit. You can't deploy it for the men and women of the Armed Forces who are engaged in combat until 15 days have expired. We have gone over this with the lawyers and they say it is a 15-day notice and waiver. You can't do it.

Vote "no" on this very bad, very defective bill.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman can have charts, but the charts don't change facts. I would also observe that the important thing is not what happened 7 or 8 years ago. The important thing is what we are going to do today and tomorrow.

Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, in Kosovo we had 30,000 sorties. We never lost one person to combat in Kosovo. Let me read the figures for you in 2001. All active duty Army divisions were rated highest readiness level. Do you know what they are today? Almost all are rated lowest level. Every National Guard unit today is rated the lowest level.

Mr. Speaker, we could not deploy our ground forces overseas for any threat. Our national security has been significantly increased because the depletion of our strategic reserve, our national strategic reserve. We got a problem here. We are trying to fix the problem. If you vote against this, you are voting against helping us to restore the equipment that we have lost in this country.

Mr. HUNTER. Would the gentleman yield briefly?

Mr. MURTHA. I will yield.

Mr. HUNTER. I thank my friend for the courtesy of yielding.

Mr. Speaker, let me just say we took a 1999 101st Airborne battalion. We compared them today with the 100,000 pieces of new equipment that they have got. The 1999 Airborne Battalion today, if it was rated C–1 in 1999, would be rated unready today, not because they are not good warfighters or capable, but because there is brand-new equipment. If you don't have your flu shot, you are rated unready for combat.

Mr. MURTHA. I take my time back.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. MURTHA. Let me just say to the gentleman from California, when President Clinton was President, Bush as a candidate was running against him. He said, look, you are not ready to go to war. He said, two entire divisions of the Army would not have had to report until they are ready.

Let me tell you what it would be today. Almost no division in the United States is ready to report for duty if we had to send them out someplace else to a national threat. That is the difference today. Today we are trying to fix this. Today we put money in the bill to fix this.

Mr. HUNTER. Would the gentleman yield just briefly?

Mr. MURTHA. Yes.

Mr. HUNTER. I thank the gentleman. I think the gentleman would agree that 28,000 up-armored Humvees today is a lot better than the 1,300 that we had before. The body armor, you have 1 million sets of body armor today, much better than we had before.

Mr. MURTHA. The gentleman has to realize, we put it in. They didn't ask for much of this. I found the 44,000 shortage of body armor. I found the shortage of Humvees. We came back, and we put it in. BILL YOUNG, JERRY LEWIS and I put it in. The Armed Services is the one that is causing the problem.

Mr. HUNTER. The Armed Services Committee put in 10,000 jammers.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. Again, we can debate yesterday until the cows come home. What Mr. MURTHA and I are trying to focus on is what we do in this bill today to make tomorrow better for our servicemen and our country. That is the issue, and that is the issue that this bill tries to address.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to Mr. HOEKSTRA, the ranking member of the Intel Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, I rise in opposition to this bill, a bill that burdens our troops with conditions and dangerous timetables while simultaneously rewarding politicians with heaping helpings of pork.

☐ 1800

Providing full funding to our troops standing in the breach in the war against militant radical Islamists should be easy, and it should come without strings attached.

The bill before us today sends a terrible message to our brave men and women in the Armed Forces, those who are serving our Nation in harm's way, and gives radical jihadists vital intelligence on potential future troop plans and intentions of the U.S. rather than offering a clean bill with emergency funding for our troops in combat, or allowing an up-or-down vote on the Sam Johnson bill that pledges Congress will not cut off funds for our troops on the front lines.

We are being forced to consider a muddled supplemental, replete with pork-barrel spending, risky timetables and other items that do nothing to ensure America's success in the long-term war against radical militant Islam.

Rather than the House debating how to win the war against radical militant Islam, with a focus on the current fronts in Iraq and Afghanistan, we are engaged in political theater and not debating national security.

The bill before us ties the hands of our military commanders with timetables and measurements that supposedly force troop withdrawal, yet the bill before us contains provisions for targeting al Qaeda and training Iraqi security forces that could leave thousands of troops behind without the authority or the funding to take the fight to enemy insurgents. This is not a good plan. It is not a good place to be. Let's be committed to defeating radical militant Islam, and let's do it today. Vote "no" on this bill.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you, Mr. OBEY.

Mr. MURTHA is right; it wasn't Bill Clinton that sent our troops into Iraq without appropriate equipment and without a plan to win the peace, it was the Bush administration. The war against Saddam Hussein was over in a few weeks, yet for over 3 years they have been trapped in a deadly crossfire of an Iraqi war. This bill is not micromanaging the war, it is the next logical step as Congress rediscovers its voice and its constitutional responsibility as a coequal branch of government.

This weekend 15,000 Oregonians made clear that this day cannot happen too soon. This is hard for me. I have never voted for a supplemental appropriation on this war, but I will vote tomorrow for the first enforceable deadline. It is what Americans want, and it is what our troops and their families deserve.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from New York (Mr. REYNOLDS) for 2¼ minutes.

Mr. REYNOLDS. Mr. Speaker, I rise today in strong opposition to the Democrats' supplemental appropriations measure currently before this House.

I am extremely disappointed before at the dramatically different tack this Democratic leadership has taken with regard to the emergency war supplemental.

Congress, instead of acting on a supplemental request that would support our troops, has introduced legislation to withdraw our troops. This bill, by attempting to micromanage the war on terror and implement a congressional war strategy, will tie the hands of the generals in the field.

Frankly, this bill crosses into dangerous territory for Congress. For if this bill passes, its supporters will have decided to take over war strategy, and we will have 535 Commanders in Chief. This is wrong for America's national security, and it is wrong for the troops serving bravely overseas.

Our troops deserve better than this, Mr. Speaker. And under a Republican leadership in the House, our troops got the funding they needed without the gimmicks found in this bill. They deserve for this House and this Congress to stand ready to assist them by providing the resources needed for victory.

And let me be perfectly clear, I will not support legislating the micromanagement of this war from Capitol Hill. Members of Congress cannot and should not legislate defeat by passing this ill-conceived measure. And the Democrat leadership has decided to play politics by tying more than $31.5 billion in domestic spending provisions into a bill to secure votes.

Sure there are many domestic provisions in the underlying bill that I wholeheartedly agree with. For example, I fought side by side in bipartisan fashion for extension of the MILC program. And our cold winters in western New York make LIHEAP essential for our communities. But the House deserves the opportunity to make these domestic programs through regular order, not by discussing them as emergency spending.

Mr. Speaker, in closing, we have a choice to make, a choice to support our troops by giving them the resources they need, or a choice to pay lip service to our soldiers and make generals and Commanders in Chief out of the 535 Members of Congress.

The right choice is obvious; and hopefully the Members of this body have the courage and the integrity to make that choice, support our troops. Vote "no."

Mr. OBEY. I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. Thank you, Mr. OBEY.

Mr. Speaker, I rise to support the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

For the past 4 years, the previous leadership in this Congress has given the President a blank check for his misguided and mismanaged war in Iraq. That war has taken the lives of more than 3,200 of our brave troops, wounded tens of thousands more; countless Iraqis have died.

Congress refused to fulfill its constitutional obligation for oversight and its moral obligation to end the war. So today, we take the first step toward meeting those duties.

Mr. Speaker, I have opposed the Iraq war from the beginning; I voted against it in 2002. And as a member of the Out of Iraq Caucus, I want to bring our troops home sooner than the fall of 2008. But tomorrow, with this bill, we all will make a decision. Either we will continue to give this President a blank check in Iraq on a never-ending war, or we will have established a responsible timetable for withdrawing our troops. Bring this war to an end. The choice is clear for me, I will vote to bring this war to an end.

Mr. LEWIS of California. Mr. Speaker, it is a privilege to yield 2 minutes to the marine from the Armed Services Committee, Mr. KLINE of Minnesota.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I am saddened and, frankly, appalled that today in this House of Representatives we are debating a bill to put "retreat and defeat" into law at a time when we have our young men and women engaged in combat. There are many things, Mr. Speaker, which affect the morale of men and women in uniform and men and women in combat, but putting into law mandating their defeat is certainly one of them.

Mr. Speaker, on February 10, 2007, General Petraeus addressed the soldiers, sailors, airmen, marines and civilians under his command in a short letter. In that letter, General Petraeus explained quite clearly that "the way ahead will not be easy. There will be difficult times in the months to come. But hard is not hopeless, and we must remain steadfast to help improve security for the Iraqi people."

Mr. Speaker, this bill makes hard hopeless.

As a 25-year veteran of the Marine Corps and the father of a soldier recently returned from Iraq, it is with great hardship that I now oppose this emergency supplemental. This supplemental does not support our military; it undermines the best opportunity to prevent the dire predictions of our Intelligence Community when they put out that NIE saying that this course of action which will be driven by this bill will increase sectarian violence, cause massive civilian casualties, create a terror safe haven and a potential for wider conflict that would draw in other regional powers.

Again, General Petraeus said, in talking to his soldiers, sailors, airmen and marines, "Success will require discipline, fortitude and initiative, qualities that you have in abundance." Would that we have more of that here.

> FEBRUARY 10, 2007.
>
> TO THE SOLDIERS, SAILORS, AIRMEN, MARINES, AND CIVILIANS OF MULTI-NATIONAL FORCE—IRAQ:
>
> We serve in Iraq at a critical time. The war here will soon enter its fifth year. A decisive moment approaches. Shoulder-to-shoulder with our Iraqi comrades, we will conduct a pivotal campaign to improve security for the Iraqi people. The stakes could not be higher.
>
> Our task is crucial. Security is essential for Iraq to build its future. Only with security can the Iraqi government come to grips with the tough issues it confronts and develop the capacity to serve its citizens. The hopes of the Iraqi people and the coalition countries are with us.
>
> The enemies of Iraq will shrink at no act, however barbaric. They will do all that they can to shake the confidence of the people and to convince the world that this effort is doomed. We must not underestimate them.
>
> Together with our Iraqi partners, we must defeat those who oppose the new Iraq. We cannot allow mass murderers to hold the initiative. We must strike them relentlessly. We and our Iraqi partners must set the terms of the struggle, not our enemies. And together we must prevail.
>
> The way ahead will not be easy. There will be difficult times in the months to come. But hard is not hopeless, and we must remain steadfast in our effort to help improve security for the Iraqi people. I am confident that each of you will fight with skill and courage, and that you will remain loyal to your comrades-in-arms and to the values our nations hold so dear.
>
> In the end, Iraqis will decide the outcome of this struggle. Our task is to help them gain the time they need to save their country. To do that, many of us will live and fight alongside them. Together, we will face down the terrorists, insurgents, and criminals who slaughter the innocent. Success will require discipline, fortitude, and initiative—qualities that you have in abundance.
>
> I appreciate your sacrifices and those of your families. Now, more than ever, your commitment to service and your skill can make the difference between victory and defeat in a very tough mission.
>
> It is an honor to soldier again with the members of the Multi-National Force—Iraq. I know that wherever you serve in this undertaking you will give your all. In turn, I pledge my commitment to our mission and every effort to achieve success as we help the Iraqis chart a course to a brighter future.
>
> Godspeed to each of you and to our Iraqi comrades in this crucial endeavor.
>
> DAVID H. PETRAEUS.
> *General, United States Army Commanding.*

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. I first want to commend Speaker PELOSI for her leadership and tenacity, for doing the right thing for America; to Chairman OBEY and Chairman MURTHA for working together to bring this bill to the floor.

In my 30 years of public service, this is probably one of the most difficult votes I will make, but it is the right vote. I will vote "yes" to support the supplemental.

This war has lasted longer than World War I and World War II. More than 3,200 young men and women have lost their lives, over 30,000 amputees and the like, mental health services that we don't yet know we will have to endure from this ill-advised war.

It is a good supplemental. Is it perfect? No. But it does begin to change course, to change course that this Nation needs that we begin to invest in America, to take care of our children, to bring our soldiers home. I wish we could bring them home tomorrow, but there is a process, and this bill begins that process by using the President's own benchmarks that the Iraqis would rise up and take care of their own country, their own people. This is a civil war; we ought not be in it.

I ask you to vote "yes" on the supplemental.

The Americans who live in the 13th Congressional District of Michigan want our women and men in our military home now. As a Member of Congress who has opposed the war from the very beginning, so do I. In my three decades of public service to the citizens of Michigan and all Americans, this is one of the most difficult votes I have had to cast as an elected official.

As you know, I voted against the resolution authorizing the use of force in Iraq. I did not support the pretext nor the context for our involvement in Iraq. I felt then, and I feel now, that we did not exhaust all of our diplomatic, political or military options. Regrettably, I have been proven correct.

In January of this year, we will have been involved in Iraq longer than we have been involved in World War I and longer than we were involved in World War II. We will have lost over 3,200 lives, over 25,000 women and men wounded and maimed, and over $500 billion dollars in a conflict that, as of today, is only getting worse and worse day by day. I want our women and men fighting in Iraq home now.

Three decades of public service teaches you that Americans do not do revolutions, Americans do evolutions. As steadfast, as earnest, as honest as I, and the vast majority of my constituents, want our troops home immediately, I support this bill and will support this bill enthusiastically. Why? This bill does three things—first, it finally establishes and demands that the President of the United States be held accountable for our troops in Iraq and how our tax dollars are being spent. Second, it has a deadline for our troops to come home. Third, it provides some emergency support for some of the programs decimated by the permanent tax cuts for the rich and by the fiscal demands of the war.

As my colleagues who have been to battle in Iraq and who have borne the burden of war and its concomitant issues, I am not merely anti-war; I am anti-failure. This bill will get our women and men home, and it will require that Iraqis bear the responsibility for ultimately managing the country that is theirs.

Under this bill, the President will have to send troops to war under the same rules, regulations and guidelines established by the Pentagon. Rules that say that troops need adequate rest between tours of duty. Rules that say that no soldier or Marine will be sent without adequate training, equipment, or supplies. Rules that allow infantry commanders to have the final say in the welfare and safety of their troops. If the President chooses not to follow these long-established rules, he is to let Congress and the American people know why not following these rules is a national emergency.

Under this bill, accountability is demanded from contractors who are in Iraq. It cuts all of their contracts by ten percent, to allow Congress to see if taxpayer dollars are being spent on what these contractors say they are. For four years, there has been no accountability, no oversight, no responsibility in how the $500 billion that has been spent in Iraq—currently, we are spending an estimated eight billion dollars per month in Iraq—and finally, this bill establishes that accountability. As a Member of the august Appropriations Committee, this is not only my privilege, but my responsibility, to all of the taxpayers of America.

Under this bill, by July 1, 2007, the President must certify that Iraq is making meaningful and substantial progress in meeting political and military benchmarks, including a militia disarmament program and a plan that equitably shares oil revenues among all Iraqis. If the President does not provide this certification then U.S. forces must begin an immediate redeployment to be completed no later than December 2007, or 180 days.

This bill does not ignore the fact that it is everyday Americans who have also paid a price for this war. Senior citizens who could go without heat in the winter or air conditioning in the summer. Children who could go without health care. And it has been 191 days since Katrina landed, and over half of the houses, hospitals and businesses have still not been rebuilt. As much of an emergency as Iraq is, these are equally important emergencies.

I requested that the Committee add $1 billion in funding for the Low Income Home Energy Assistance Program (LIHEAP); along with the Chairman, I was able to get $400 million. I requested that the Committee add $1 billion in funding to rebuild houses in the Gulf region; the Committee was able to commit $2.9 billion to Katrina relief. The bill also ensures the long term health of our warriors at home and abroad. It adds funds for those veterans who are disabled by Post Traumatic Stress Disorder; it provides for the hiring of more staffers at the Veterans Administration to speed up medical claims; it ensures that those veterans who have severe brain injuries have the therapy and care that they need; and it makes sure that Walter Reed Hospital remains open and that Walter Reed, as well as other VA hospitals, receives the funds they need to take care of our warriors.

Thirty years as a legislator will teach you that no bill is perfect, and that compromise and negotiation is the hallmark of this country. If this bill fails, the President is further empowered to do what he has been doing for the past 4 years—a process of failed promises, fratricide among warring factions in Iraq, and fomenting doom. Compromising your tactics is not compromising your principles. My principle is to bring all of our troops home as soon as possible; end this war; and rebuild America's reputation as the standard for human rights, freedom and dignity.

It seems ludicrous to this Member of Congress that our President has threatened to veto legislation that contains his own benchmarks for success in Iraq, ensures our troops have the training they need, and supports our veterans. For months, conservative and Republican commentators and elected officials asked "what is the Democratic plan for Iraq"? Ladies and gentlemen, this is that plan. While Democrats have offered a plan to support our troops and change direction in Iraq, Republicans are preparing to oppose legislation that funds protection and equipment for our troops and supports our veterans. Instead of working to change direction in Iraq, opponents to this bill are turning their backs on our troops and our veterans, and backing the stay-the-course strategy in Iraq.

I am a warrior for peace. I am a supporter of our women and men who serve our military throughout the world. I will vote for this bill because it provides emergency help to our Nation's senior citizens and children, who have borne a different burden from this war; it brings our troops home; and it demands, for the first time in four years, accountability, credibility, and responsibility from our President.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished gentleman for yielding, and I thank him for his leadership on this and so many other issues affecting our national defense throughout his career in Congress.

I rise in opposition to this supplemental bill because, simply put, it is fiscally irresponsible and constitutionally flawed.

Mr. Speaker, emergency war spending bills should be about emergency war spending. This bill, with $124 billion in spending, only includes $111 billion in spending that is actually related to the war on terror in Afghanistan and in Iraq.

Thirteen billion dollars in this legislation will be spent on unrelated domestic spending; $25 million for spinach, $125 million for shrimp, $75 million for peanuts, $5 million for shellfish. That is not a war spending bill, that is the salad bar at Denny's.

Mr. Speaker, we all know that with the deadlines for withdrawal, retreat and defeat, this bill is constitutionally flawed. Congress can declare war. Congress can choose to fund or choose not to fund military operations. But from the very inception of this Nation, no truth has been more evident, Congress cannot conduct war. In fact, the fear of war by committee was debated and rejected in Philadelphia in 1787.

The Democrats have a plan to end the war. Our Commander in Chief has a plan to win the war. The problem with the Democrat plan is, as Orwell said, "The quickest way to end a war is to lose it."

Let's reject the Democrat plan for withdrawal, retreat and defeat. Let's give our soldiers a clean bill, no pork, no strings attached, and let's unite this Nation behind our Commander in Chief's plan to win a victory for freedom in Iraq.

Mr. OBEY. I yield myself 1 minute.

I would say to the gentleman who just spoke, for the last 4 years we have tried it your way. For the last 4 years we have had a Congress that did whatever George Bush wanted it to do, rubber-stamp, lock-step all the way.

Today is different. Today we have a Congress that is responding to what the public asked for in the last election. What you are seeing today is the new world of checks and balances. Get used to it. It is what the public asked for, and it is what they are going to get out of this Congress.

Mr. LEWIS of California. Mr. Speaker, I am proud to call upon the gentlelady from Florida (Ms. ROS-LEHTINEN) for 2 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the House is poised to vote on legislation that, if passed, will cripple our foreign policy for many years to come and place our troops and all American citizens in great danger. It is a bill that seeks to abandon the Iraqi people, that seeks to abandon our closest friends and allies in the Middle East, leaving them to fend for themselves against radical Islamic militant jihadists. It is a bill that provides a roadmap for the insurgents, giving them a detailed account of the benchmarks they need to focus on in order to ensure an American withdrawal from Iraq.

Regardless of victory or failure, this bill demands withdrawal from Iraq. It demonstrates very little confidence in the ability of our troops to get the job done in Iraq and defeat the terrorists there.

My stepson Doug and my daughter-in-law Lindsey have served proudly as marine fighter pilots in Iraq, and Lindsey will soon head back to another tour of duty in Iraq. They do not believe that you can separate the soldier from the mission. They do not believe that we have an option to simply walk away. Doug and Lindsey and many others like them do not want Congress to add to the burdens and the dangers that they face by legislating restrictions, deadlines and arbitrary instructions that only benefit the enemy.

The obvious danger of this legislation has been demonstrated by the desperate measures that the majority has resorted to in order to overcome fierce resistance in their own caucus. An emergency war funding measure should not be used to pay for programs that benefit narrow, favored constituencies.

I doubt that this ambition by the majority to micromanage the war will be their last attempt. Are they envisioning assuming command and control of the positioning and movement of our troops; of setting daily targets for air strikes; of determining our negotiation strategy with allies and opponents?

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Perhaps a war room should be set up outside this Chamber so that they can make it easier to offer instructions on the battlefield.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to thank Mr. OBEY for yielding me this time. I want to thank Mr. MURTHA for his leadership. And I assure them that I agree with them in principle. I just disagree in process.

The American public knows a simple truth: you cannot be against this war and vote for $100 billion to continue it.

The Democrats were elected in November because, as recent polls consistently show, the American people want us, are actually expecting us and are demanding of us that we, the Congress, bring our troops home as soon as possible. They do not trust the President to do the right thing. They want us to hold him accountable. The public didn't elect Democrats to bring our troops home in 2008. They elected us to be bold, to bring our troops home now.

Let me make myself very clear. I will not stop, I will not rest and I will not back down in my fight until every last American soldier is home safely with their families.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to this irresponsible spending bill.

Mr. Speaker, we owe it to our brave service men and women who are fighting for freedom and democracy in Iraq to make sure that they are the best equipped and most successful troops in the world. While the Democrats would have you believe that this legislation does just that, it couldn't be further from the truth.

This supplemental is a prescription for defeat in Iraq by tying the hands of our military leaders and setting a date certain for withdrawing our troops. If we fail in Iraq, the resources now devoted by terrorist organizations and nations sponsoring terrorism there would be turned to spreading terror around the globe, including, again, on American soil.

It is through the hard work and sacrifice of our American troops that the ideals of freedom continue to be spread. We owe them the resources they need to complete their mission, but this bill does not meet that threshold.

Mr. Speaker, I am also alarmed that the Democrats are treating a wartime, let me repeat, wartime funding bill as a collection cup for pet projects.

Many Members have already mentioned the litany of pet projects in the bill, so I do not need to repeat these so-called domestic emergency spending provisions. I would like to mention, though, how ridiculous this bill must seem to troops and their families listening or watching us on C–SPAN.

Mr. Speaker, I am not sure how I will respond when asked by constituents why funding for some $15 billion in pet projects is necessary when attempting to fund the global war on terror.

Mr. Speaker, I have no doubt that some of these extraneous provisions may be worth examining, but how would we know? We did not hold oversight hearings on these issues and have, therefore, abdicated our responsibility to the taxpayer. If there is a problem, I am sure we can make the necessary fixes in regular order.

I urge my colleagues to vote down this legislation and fund our troops with a clean supplemental bill.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. LARSON), the caucus vice chairman.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation, and I commend Chairman OBEY, Chairman MURTHA, and Speaker PELOSI for putting it before us today.

I come here also to speak to my colleagues on the other side of the aisle. With all sincerity, no one questions your patriotism or love of country. And yet we hear you come down here and belittle the proposal that we have before us and call Democrats defeatists, when it is you who have surrendered your judgment. You surrendered that judgment when you didn't listen to Scowcroft or Eagleberger or Baker or Kissinger or even Powell or Shinseki.

When you don't listen to the generals or even the soldiers in the field, you mock men when they stand up here and in principle, like JACK MURTHA, who you know have always stood on behalf of the troops of this country, and today offers more than $4 billion more that the President has put forward. But because of your blind, myopic allegiance to a failed policy, you have surrendered your judgment to what is the right thing.

Chairman DREIER asked us what is victory. Victory is joining with us in this proposal. Victory is once again standing on the Capitol steps hand in hand, as we all were against the war in Afghanistan, and once again fighting terrorists by going after the guys who actually took down the buildings, who hit the Pentagon.

Stand with us in the war against terrorism. End this God-awful situation in Iraq. Provide the Iraqis with the back bone that they need to stand up by giving them the tough love and the deadlines that this legislation requires.

Mr. LEWIS of California. Mr. Speaker, could I ask how much time we have remaining on both sides.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). The gentleman from California has 1 hour and 6½ minutes. And the gentleman from Wisconsin has 1 hour and 16 minutes.

Mr. LEWIS of California. Mr. Speaker, I will reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1¼ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), a distinguished graduate of the University of Wisconsin and featured in the Wisconsin alumni magazine.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman, the fine chairman of our Appropriations Committee, and say he would know that because he also is featured in the same magazine.

Mr. Speaker, I rise today in support of this first counteroffensive to the Bush administration's reckless approach to the global war on terrorism that has yielded an Iraqi civil war, over 3,200 U.S. dead, nearly 25,000 injuries, the evaporation of the coalition of the willing, tens of thousands of dead Iraqis, growing terrorism, hatred of America across the Islamic world, and shock and dismay among America's closest democratic allies globally.

The Bush administration has no answers. In fact, their budgets for this war reveal how lost at sea they are. Every single year they have asked for more in emergency add-ons than they planned to spend in the base budget bill itself.

Yet our brave troops fight on to hold the military edge. And this bill helps us fight harder for them by not asking them to bear the full burden of this war, because it sets a timetable for progress and requires the President to meet benchmarks he, himself, has set.

Our vote today funds our troops but, importantly, signals that victory means one-third military and two-thirds diplomacy and good governance and sets a timetable to get there, not just militarily, but strategically and diplomatically.

If they knew what they were doing, these expenditures would have been built into the base budget, not afterthoughts. Look how out of touch they are with what was required: FY 2001 (Emergency Supplemental); $13.9 billion; FY 2002 (Supplemental): $3.4 billion; FY 2002 (Supplemental): $14.1 billion; FY 2003 (Supplemental): $66.0 billion; FY 2004 (Supplemental): $86.1 billion; FY 2005 (Supplemental): $79.0 billion; FY 2006 (Supp): $69.3 billion.

Additionally, there is the critical money appropriated by Congress that the Administration did not even think to ask for: FY 2005 Defense Appropriations Act: $25.7 billion; FY 2006 Defense Appropriations Act: $50 billion; FY 2007 Defense Appropriations Act: $70 billion.

Despite Congress voting all the funding that was requested, and even adding some additional where necessary, how is that our soldiers across the theatre don't have the right equipment? Just today, I received a call from an uncle of a Marine about to be deployed to Anbar Province:

"His Kevlar vest isn't the right size, he has no visor to properly sync with his laser-guided weapon. The Marines are having to pay for supplies themselves like fire retardant gloves, duct tape, 550 cord, oil lubricants for the weapons, not enough boots, two sets of uniforms rather than the five they should be issued, and they are too big."

Our vote today funds our troops. But importantly signals that victory means ⅓ military and ⅔ diplomacy and good governance and sets a timetable to get there, not just militarily but strategically and diplomatically.

It falls to the Democrats to pick up the pieces of a failed foreign policy. And that is exactly what we are doing with this vote. No one here is operating under the illusion that we are presented with good choices. Importantly, this vote funds the troops we have in theatre. Although this bill holds the hope of redeploying our troops more effectively no later than a year from now, it continues to impose almost the entire burden of the mission in Iraq on our military. Meanwhile, U.S. policy is exacerbating terrorism and begetting violence that could spill over into Jordan, Turkey, Bahrain, Kuwait, Pakistan, Lebanon, and Saudi Arabia—all while the Afghan war is becoming more challenging.

Whatever happened to the coalition of the willing?

Where are the neighbors of Iraq?

Where are the diplomats to address the Israel-Palestinian standoff?

In Egypt, 70 percent of the public unfavorably views the United States. In Jordan, U.S. favorability has fallen to 15 percent. In Saudi Arabia, from where the majority—9–11 terrorists emerged, the U.S. is disliked by 76 percent of it citizens. Gallup polls tell us why: America is viewed as not on the side of rising popular expectations for a more democratic way of life. The United States is viewed as a promiscuous culture in moral decay. Abu Ghraib affirmed them in their views.

Granted, no single vote here will quickly repair the damage to our nation's prestige, mend the broken hearts, or put back together the broken lives of thousands of American and Iraqi families.

No single vote will invigorate Iraq's neighbors to promote regional stability.

No single vote will win the war on terrorism.

No single vote will free America from her dangerous dependency on imported oil from dictatorships.

America faces a strategic challenge much larger than Iraq. It requires aligning America on the side of democratic dreams of underprivileged people, not just the super-rich, in the vast undemocratic places where terrorists are being spawned. The Bush Administration's proclivity to support the aristocrats of the world at the expense of everyone else is raining havoc down on our world as Big Oil lines up to pump out Iraq's oil—Exxon Mobil, Conoco Phillips, Chevron Texaco, even foreign companies as Total, Royal Dutch Shell, and BP.

I am not entirely comfortable with this vote.

I imagine no Member is entirely comfortable with spending another $100 billion, on top of $379 billion, on the war in Iraq, a war that has now lasted longer than World Wars I and II combined.

In my congressional district in Northern Ohio, communities are struggling to revive an unresponsive economy. Families are having trouble making ends meet.

In Ohio, we desperately need new roads and bridges and sewers. We need health care and education. But the Bush Administration is obsessed with Iraq. Billions of dollars for Iraq—pennies for Ohio. We are shortchanging our citizens and our children in the name of a failed policy.

This vote, however, marks the beginning of the end of the Bush Administration's colossal foreign policy debacle.

Our vote today will ensure a beginning to an end of this failed foreign policy that decouples our military from a failed foreign policy, of the immense drain on our purse, an end to the injuries to, and deaths of, our brave soldiers. And an end to the growing disrespect of our great country in every corner of the world.

I have opposed this war from the beginning. I said on this same floor in October 2002 that war against Iraq "will not make America safer, because unilateral military action without broad international support will isolate America further. It will thrust us into the position of becoming a common enemy in a volatile region where anti-western terrorism grows with each passing year. It will not make the region more stable either. The Bush approach will yield more terrorism and instability, not less."

How I wish that I could say I was wrong in 2002.

But what I feared most has come to pass.

In December 2005, General Abizaid said: "The battle against Al Qaeda will not be primarily military. It will be political, economic and ideological. If you look at the geography of Al Qaeda, there is not a place to put a military solution."

Since returning from Iraq, I have repeated what Generals Petraeus and Odierno said to us: "Victory is one-third military, two-thirds diplomacy and good governance." America has focused all of our efforts on our military campaign, while the Commander-in-Chief has failed to support our soldiers with diplomatic and political efforts to wrap around their operations. Instead, these valiant men and women fall victim to a Commander-In-Chief who has not only bungled the war on terrorism, but utterly failed in his role as Diplomat-In-Chief for our nation. He is isolating America. Why should our soldiers bear the heavy burden of winning when the good governance piece is completely absent?

President Bush refuses to listen, refuses to change course. His obstinate attitude is shocking.

I am voting for this supplemental precisely because it turns up the pressure on President Bush and forces him to account for his disastrous strategy. The status quo is not an option.

This war must end. Although this emergency supplemental spending bill is not a perfect solution to this vast problem, the legislation points the way to a long-overdue course correction.

It is important to note: it does so without endangering the courageous and patriotic soldiers serving us in the Middle East. It is an exquisite response to the false choices the Bush Administration specializes in offering to us.

Mr. LEWIS of California. Mr. Speaker, I reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Ladies and gentlemen, let me just say this: the American people are waiting on this Congress to finally stand up and be Congress. This is one of the reasons why we are in the position that we are in right now is because Congress has not done its job.

One of the most sterling moments of that was 2 years ago when it came to attention on this floor that our young men and women were over in Iraq without body armor. Every news cast had it where they were going into dung heaps, into landfills, trying to get body armor.

It was Democrats, at that time, that stepped forward and put the amendment in the resolution to make sure that our troops have body armor. And that is the genesis of this legislation.

This is a big ball game, and you have got to get to first base first. And what we are saying is, when we move out with this resolution, paramount is taking care of our troops, making sure that they have the body armor.

I am here to tell you the American people know that this war has had a tremendous drain on our American economy. The importance of this measure, ladies and gentlemen in this House, is that we cannot go forward without the confidence of the American people. Passage of this bill gives us that confidence.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I come to the floor here, Mr. Speaker, to stand up for this Constitution, for our United States military, for our Commander in Chief and for the future and the destiny of America, because we need to take another level up along on our destiny.

But this Constitution gives this Congress only three things we can do with regard to war. One of them is to declare war, which we have not done since World War II, one of them is to raise an Army and a Navy, and by implication, an Air Force, and the next one is to fund it. There are no provisions in there for micromanaging the war, and that has been clear, and it is a historical precedent, and there is no precedent throughout the last century, at least, that allows this Congress to assign 435 generals to this task.

And so, Mr. Speaker, I would submit that this is an unconstitutional appropriations bill. And if it should go to the President's desk, he should veto it in its entirety and bring it back here. Force this Congress to do the right thing that is constitutional and not be micromanaging in this war.

This is not a General Pelosi war to fight. This is a Commander in Chief, George W. Bush, fight.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the committee.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of this legislation, in support of our troops, in support of our veterans, and in strong support of ending the Iraq war.

After 4 years of mismanagement, mistakes and excuses, the Bush administration and their supporters in Congress continue to be comfortable with a "stay the course" policy, while American troops are in the middle of an Iraq civil war.

Passing this supplemental appropriation requires leadership. It will be the Democrats passing this bill, taking the first historic step towards ending President Bush's Iraq war.

It will be Democrats who hold President Bush and President Maliki accountable for achieving the political conditions that will allow U.S. troops to come home safe and soon.

Speaker PELOSI, Chairman OBEY, Chairman MURTHA all deserve to be recognized for their courage and their leadership in bringing this war to an end.

And I urge all my colleagues to support this bill and take the first important step towards ending the war in Iraq.

Mr. LEWIS of California. Mr. Speaker, I yield my colleague, BOB INGLIS from South Carolina, 2 minutes.

Mr. INGLIS of South Carolina. Mr. Speaker, I rise today to say that setting deadlines for withdrawal from Iraq is unacceptable. I am in agreement with the concept of adding a series of success checkpoints, and I suggested as much in a letter to the President 2 weeks ago. It worked before when we set deadlines for a new constitution and elections, and I think it could work again.

But withdrawal is the Democratic leadership's only solution if the Iraqis fall short of the benchmarks. That is simply too simplistic. It is too limiting. It is tying the hands of the President and the Pentagon.

We should have benchmarks, but the response shouldn't be all or nothing. These benchmarks should carry a gradation of consequences, rather than an all-or-nothing withdrawal.

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Pulling back to the perimeter is an obvious step between surging and withdrawal. There are other gradations that our military leaders could propose to the President.

To begin an immediate withdrawal upon failure of a benchmark is like writing a lease with an eviction-only remedy for a late payment. It makes sense to have a section in the default paragraphs calling for a late payment fee before you begin the eviction.

The leadership in Iraq needs to know that they don't have forever to make the decisions regarding dividing up the oil fairly and regarding returning Baathists to positions of public service. They need to know they don't have forever in coming up with a working model of pluralism. We are providing their protection. We have the right to tell them to hurry. We have an obligation to our servicemen and women to tell the Iraqi factions to hurry.

But we don't need to tie the hands of our field commanders and our President with an arbitrary withdrawal date, predetermined by some political purposes and not by what is happening in the Iraq.

The circumstances on the ground in Iraq have changed at least three times since we went in—from an action against a dangerous regime, to an action against insurgents, to a civil war between Iraqi Shias and Iraqi Sunnis.

The circumstances may change a couple of more times before we get Iraq to reasonable stability, and, who knows, the Iraqis may ultimately want us to retain a base or two.

This bill overreaches. This bill improperly limits the options open to our commanders and our troops. This bill makes no provision for any number of successes in Iraq, which are still quite possible. And I urge its defeat.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY), a member of the committee.

Mr. HINCHEY. Mr. Speaker, the bill before us provides an honest and sensible solution to one of the most complex and volatile problems ever to confront our Nation.

More than 4 years ago, this administration engaged in an unnecessary and illegal invasion of another sovereign country, and that has now been followed by almost 4 years of an increasingly disastrous occupation. All during that time, the Republican Party held the majority in this House, and they conducted no oversight of this activity whatsoever, and the consequences have been disastrous for our Nation.

This bill now provides us with the means and the direction to change these disastrous decisions made by this administration and the failure of oversight of the Republican Party. It enables us to help our troops. It provides them with the equipment that they need to carry out their obligations and responsibilities now theirs. And it provides us with a means to remove ourselves in the appropriate way.

Anyone with any sense is going to vote for this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Wisconsin (Mr. OBEY) for yielding.

And, Mr. MURTHA, you were right, and the leadership.

I rise here today because I stand next to those who have lost their lives, so many of them around the country, but so many in Houston, Texas.

I said I would travel with this board from Houston to Washington, and I said that I would do what was right to make their sacrifice one that we continue to honor. We mourn them. Their families mourn them.

This is the right direction because the military goes to battle, but we go to war, and the Constitution does say that this Congress can declare war. It was not declared. And, frankly, it is not an interference. The generals are working, but we are redirecting policy.

In fact, we are providing for unit readiness, length of deployment, time between deployments, money for Afghanistan, money for prosthetics, money for brain injury. We are providing for a new life for these soldiers when they return home. And like the former member of the Intelligence Committee says, this bill is right. I quarreled with it. I fought with it. But I believe it is the right thing, though many of us want a different direction.

Vote for this supplemental.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, as a founding and active member of the Out of Iraq Caucus, someone who identifies closely with the peace movement and a "no" vote on the war itself, I rise in support of this measure because for the first time we have a date certain for the war to end, a date when U.S. combat troops must be out of Iraq.

It is not the bill I would have written, but it moves us closer to the goal, as clearly stated by Speaker PELOSI, of ending the war in Iraq.

Like many progressives, I have consistently voted against funding for this war. We have withstood Republican critics who say we are hurting the troops, because we know the way to care for them is to get them out of the meat grinder that is Iraq.

This vote draws a clear line between those who want to stay indefinitely in an unwinnable war and those of us who, along with the majority of Americans, want to end it. After 4 horrifying years of war, finally the issue before us now is when, not if, we will leave Iraq.

We aren't going to end the war with any one vote, but this vote should be the beginning of the end of this tragic chapter in our history. It will have my support.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think perhaps this is the single worst bill to come to the floor since I have been in Congress.

It is likely unconstitutional. It creates 435 Commanders in Chief. It attempts to micromanage the war. It threatens our national security. It contains billions in unrelated spending. It wraps old-fashioned pork in the American flag. . . .

Twenty-five million dollars handed out to spinach growers, $74 million for peanut storage, $35 million for NASA.

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. OBEY. The gentleman referred to us as producing "bribe-as-you-go" legislation.

Mr. HENSARLING. Mr. Speaker, in the interest of having the House have its proceedings move forward, I ask unanimous consent to withdraw the offending word or words.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). Is there objection to the request of the gentleman from Texas?

Mr. OBEY. Mr. Speaker, reserving the right to object, let me simply congratulate the gentleman for withdrawing those words.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for the remainder of his time.

Mr. HENSARLING. Mr. Speaker, again, $74 million for peanut storage, $35 million to NASA, $283 million for dairy products.

I question, is this the Democrats' version of fiscal responsibility? Is this their version of reform? Our national security should not be handled so frivolously. The cost of fighting this war obviously is high. The cost of fighting this war is obviously high, but the cost of losing this war is even higher.

I would say to my Democrat colleagues, if you don't believe in the mission, if you don't believe that our troops can win, then you have the power to bring them home, and bring them home today. But we shouldn't employ this slow-bleed strategy that could deny our troops vital reinforcements and vital equipment and open up pork-barrel spending to finance it.

A great Nation deserves better. We should vote this bill down.

□ 1845

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, the main responsibility of leadership is to lead, and that is exactly what Speaker PELOSI, Chairman OBEY, Chairman MURTHA and other members of the Democratic leadership team are doing, and they are doing it with a plan.

My constituents who want this war ended as quickly as possible can take heart in the fact that this supplemental sets a time certain to begin to pull our troops out of Iraq and bring them to a peace-loving home, a home where we value peace, a home where the will of the people is listened to and heard, a home where we will continue to protect and promote democracy.

I support our troops, I support leadership, I support peace, and I support this legislation.

Mr. LEWIS of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I know that good people disagree on this war, but, in my heart, this bill betrays our troops, ensures defeat and guarantees that when our fighting men and women come home to America, the terrorists will follow.

This bill cannot stand on its merits, but is brought with promises of spinach and peanuts and pork.

Not content to let our soldiers win this war, this bill instead substitutes a brilliant military strategy that gives our enemies this timetable: America will raise a white flag next year, but if you fight harder, we will quit sooner.

Thank God General George Washington wasn't hamstrung with such brilliance.

After the attacks of 9/11, I recall our enemies predicting America did not have the backbone or the will to persevere in this war. This bill proves them right.

On Monday, we buried one of our heroes in our community, Private First Class Cory Kosters. As I witnessed the remarkable courage and faith of his family, as I watched his flag-draped coffin presented at the National Veterans Cemetery surrounded by his friends and airborne brothers saying their final good-bye, I promised myself I will not quit on our soldiers, I will not quit on their mission. I will not guarantee America's defeat, nor allow future generations of Americans to live in terror because we lack the courage and conviction of the greatest generations that preceded us.

Mr. MURTHA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of the amendment.

It is time to give the best fighting men and women in the world the policy that they deserve instead of the failed policy we have thrust them in the middle of.

After years of a blank check, the House of Representatives is finally representing the American people. They have told us to fund these troops, and we do in this bill. But they told us to make the Iraqis stand up and negotiate an end to their civil war, and this bill has in it the benchmarks and the leverage necessary to do that.

We have sent the best men and women in the world to execute the worst policy in the world, and finally this House of Representatives is representing the will of the American people. They say fund the troops, and we do. They say change the policy, and we do. And they say let the Iraqis take responsibility for ending their own civil war, and we do.

This is a policy as good as the men and women who are doing the fighting.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, this is supposed to be a war supplemental bill, but there is so much nonwar spending in this bill. For example, one portion of the bill dumps millions of dollars in Liberia. The last I saw, Liberia is not even on the same continent as Iraq. And why does this bill have anything to do with funding Liberia and their needs?

But more importantly, this bill puts our troops at risk, because it sows the cloud of defeatism and cynicism that seems to be predominant in Washington, D.C.

Congresses before us have tried to run the war, even as far back as the Continental Congress. They were so upset with George Washington, they wanted to get rid of the Commander in Chief and replace him with somebody else. His comments to the Continental Congress then are worth noting today. He said, "We should never despair. Our situation before has been unpromising and has changed for the better. So it will again."

And that is what we must do. Support our troops. Give them the troops that they need to finish the mission that we have asked them to accomplish on behalf of national security.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, the American people have paid a tremendous price for our 5-year occupation of Iraq. Over 3,100 U.S. lives have been lost and more than 23,000 wounded, and nearly half a trillion taxpayer dollars have been spent. In my own congressional district, nine servicemembers have given their lives to the conflict in Iraq.

I am committed to bringing our troops home safely and as soon as possible. The legislation before us today holds the Iraqi government accountable by imposing strict benchmarks for success. If the President cannot show that the Iraqis have met these standards by July 1, 2007, a troop withdrawal will begin immediately and must be completed within 180 days.

These measures not only provide the support our troops need and deserve, but they also force this President to think twice before asking our brave military men and women to serve a third or fourth tour in Iraq, and requires and provides the resources our troops need when they come home.

But this bill also honors our veterans by investing billions of additional dollars for their health care. And, for the first time since this war began, Congress is not giving the President a blank check.

Mr. Speaker, I believe we can bring a reasonable, timely end to the war in Iraq, and if this bill does that, we will also protect our troops.

I urge my colleagues to cast their important vote for this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, this is an unusual spending bill, because we are voting to spend money for the military while putting conditions on the use of that money that will make it highly likely that our military will fail. That doesn't make any sense.

This bill is also an example of the wisdom of the Constitution that was written so many years ago, and we would be well advised to respect the wisdom of that Constitution that separates the powers among the branches.

We need to understand our role here as a Congress. It is not to micromanage dwell times and to put limits on deployments so that the sergeants and the captains who are jumping through enough hoops as it is have one more set of hoops to jump through, courtesy of the United States Congress.

History will not end on your schedule. We need real leadership from this House to focus on what America's vital national interests are and how we will pursue those interests for the long term.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I am glad to be down here, and I am glad that the chairman brought this bill up.

I can tell you the only thing that I can see in this bill is ultimate accountability and oversight by this Congress, which hasn't happened in the last two emergency supplementals, those that I voted on and those that I voted in the affirmative on.

But the good thing about this bill is that we have the troops back. We are saying that they have to be prepared, just like the Department of Defense says that they have to be when they go off to war. This is actually in this bill.

We look at this bill dealing with health care for our veterans, we look at planning, we look at the needs of our troops. Once they get back here to the United States, this bill covers and starts that investment that we have to make to make sure that we take care of our troops in the field and when they get back here at home.

So this is very, very important, Members. I would hate for my Members on either side of the aisle to be on the other side of this bill, because you have a lot of explaining to do when you get back home, the reason why you voted against this bill. You can call Members of Congress, General X and General Y, but the bottom line is accountability is in this bill and funding.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I would suggest that this is an extraordinary moment in American history. Indeed, I would suggest that this is an unprecedented moment in world history.

I know of no example in the history of mankind where a Nation at war with troops in the field has announced that on a date certain almost 2 years off it will simply unilaterally stop the war. I don't believe that has ever happened before in human history, and I believe it is a stunning moment.

What I do not understand is how you can explain that or defend that to either the soldiers you are asking to fight for the next year and a half or to their families. And I am not the only one who finds this to be a strange policy, a dangerous policy, a risky policy, an ill-advised policy.

The Los Angeles Times wrote just a few weeks ago, "It is one thing for the House to pass a nonbinding vote of disapproval. It is quite another," they said, "for it to set out a detailed timeline." It then went on and said, "This is the worst kind of congressional meddling in military strategy." Those are the words of the Los Angeles Times.

Then let's look at another source. In 2005, now majority leader of the U.S. Senate HARRY REID said, "As far as setting a timeline, that is not a wise decision, because it only empowers those who don't want us there."

The chairman of the Senate Foreign Relation Committee, JOE BIDEN, said a deadline for pulling out "will only encourage our enemies."

Senator HILLARY RODHAM CLINTON said, "I don't believe it is smart to set a deadline for withdrawal."

This is a policy that makes no sense, and this is a policy that can do nothing but harm our troops and our Nation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. I thank the chairman.

Mr. Speaker, I rise in support of this bill. But it is not the bill I wanted. I think we should begin an immediate troop withdrawal, but this is a good compromise bill that has the virtue of setting a date certain.

Now, I hear my colleagues on the other side of the aisle talking about "micromanagement." Well, I will tell you, we have great United States troops who perform admirably in spite of the incompetence and lack of planning by this administration. And I will tell you what our troops deserve. Number one, they deserve that we meet the readiness standards that our military has established, and this bill says it. We will meet our readiness standards, and we will make sure our troops are adequately trained and adequately prepared before we deploy them.

The second thing they deserve, and this is very important, they deserve accountability by the Iraqi people. The Iraqis need to disarm their militias. The Iraqis need to come up with a political solution. The Iraqis need to divide the oil revenues. That is not something the military can do.

Third, our troops deserve a date certain not because we are "losing the war," but because we are going to take a new direction that relies on negotiation and diplomacy, rather than warfare and bloodshed.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. REGULA), a member of our committee and the ranking member of the Financial Services Subcommittee.

□ 1900

Mr. REGULA. Mr. Speaker, I rise today with regret to express my opposition to this supplemental appropriations bill. I oppose this bill because rather than the bill before us, we need a bill that cleanly has as its objective providing support for our troops, not a bill that is saddled with all kinds of extraneous programs, programs that should stand on their own merits, not be used to gain support. We need a bill that will have as its goal stability in Iraq, that will enable the Iraqi people to take responsibility for the future of their country.

The Iraq Study Group report has one recommendation that summarized the need for a clean supplemental that will provide the funds necessary to achieve the goals we all want for the future of our forces in this conflict, and I quote from this report: "If the Iraqi Government demonstrates political will and makes substantial progress towards the achievement of milestones on national reconciliation, security and governance, the United States should make clear its willingness to continue training, assistance and support for Iraq's security forces and to continue political, military and economic support for the Iraq Government." And this is important: "As Iraq becomes more capable of governing, defending and sustaining itself, the U.S. military and civilian presence in Iraq can be reduced."

That is really what the goal of this supplemental is. I think it is vitally important that we have a clean bill that makes clear our goal of success in Iraq, that will reflect honorably on the sacrifices that have been made by the Armed Forces of our Nation, that is part of securing for the people of our country freedom from terrorist threats.

I urge my colleagues to vote against this collection of unrelated expenditures. Vote instead for a clean bill to support our troops.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished caucus chairman, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank the gentleman very much for yielding me this time.

As we work to craft this legislation and build consensus, Americans read headlines that said something like: "Democrats divided, Democrats in disarray." But the truth is we were being deliberative.

We spent weeks listening to the diverse members of our caucus, folding their input into this bill, and I am confident we have produced a strong and pivotal piece of legislation because we drew from the broad spectrum of all of our Members. We are a diverse caucus and our diverse experiences and backgrounds reflect the priorities and perspectives of all Americans. I am proud of our caucus and this legislation we have produced.

We all seek to heal our Nation by ending the Iraq war. For the first time in 4 years, almost to the date, we have an opportunity to vote for binding legislation that changes the course in the Iraq war. This legislation ensures that the United States forces in the field have all the resources that they require, directs more resources to the war against al Qaeda and the Taliban in Afghanistan, improves health care for returning servicemembers and veterans. But most of all, it sets benchmarks and time lines for ending our participation in Iraq.

We all seek to heal our brothers and sisters in the gulf coast who have been struggling for 18 months against the solid indifference of this administration. The emergency supplemental bill waives the 25 percent match required by the Stafford Act so that the victims of Hurricanes Katrina, Rita and Wilma can get the service they deserve.

This supplemental is also good medicine for the children in 14 States who have lost their health care. It contains $750 million to fix that problem.

This bill also is good tonic for our veterans and active military who in many instances are suffering as much from broken promises as they are from broken limbs.

This legislation includes money to fix Walter Reed Hospital, gives better military health to our military men, improves veteran housing, and I want to say, Mr. Speaker, I do not quarrel with those people who see this as a vote of conscience. I believe it is unconscionable to ignore children without health care. It is unconscionable to leave survivors of Hurricanes Katrina, Rita and Wilma without disaster assistance. It is unconscionable to ask our soldiers to fight a war and not provide them adequate training and equipment, and I sincerely believe it is unconscionable to allow this open-ended war to continue, when with this bill, we can begin its ending.

Mr. LEWIS of California. Mr. Speaker, may I have a time check.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 54½ minutes, and the gentleman from Wisconsin (Mr. OBEY) has 61½ minutes.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to one of the finest members of our Armed Services Committee, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, my concern with this supplemental is that it is designed to fail.

In section 1904, funding for the Iraqi security forces will be cut if the new government does not pass a constitutional amendment to "promote reconciliation," whatever that is, to ethnic groups, I suppose. In short, to amend the Constitution in a way that is not defined in a period that cannot be completed.

Now, earlier on this floor, Representative CONYERS stated that it would take 10 years to pass an amendment to the U.S. Constitution to protect D.C. voting rights, and yet we expect Iraqis to pass a constitutional amendment to fix ethnic tensions in 6 months, not to mention the other tough challenges imposed by this bill.

This supplemental is like a promise written in disappearing ink: it is designed to fail.

During World War II, the Japanese stole blueprints of some U.S. submarines. They built a submarine, but when it launched, it turned upside down and sunk because it was designed to fail.

This substitute is designed to fail. It is designed to fail because it is going to defund the Iraqi security forces which are our best hope of success. Of all of the blood and the sweat and the tears that has been spilled in the desert of Iraq, is this how it is going to end, by a bill that is designed to fail by not funding the Iraqi security forces?

The trouble with the submarine, Mr. Speaker, is that my son and the sons and daughters of Americans across this Nation are inside. We cannot allow this substitute to pass because it is designed inherently to fail.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I thank the gentleman.

I rise in opposition to the supplemental as it stands now. There are multiple reasons for opposing this measure. The first reason is that in my view we overly tie the hands of our Commander in Chief and those in the field who are leading our troops.

We cannot have a situation where this body micromanages what our Armed Forces are doing. It is a bad precedent, and I hope that we do not set it with a vote on this tomorrow.

A second reason for opposing this measure is some of the additional added spending. I fully support spending for our Armed Forces and for our veterans, and I am pleased with the work of the committee in plussing up funds for our troops and for our veterans for things that they need. But in some other areas, such as $25 million for spinach, which has been mentioned before, it may be needed but that should be done through the regular appropriations process.

We have an appropriations subcommittee that deals with foreign aid. That subcommittee can deal with the issue of whether Liberia should get additional funding. We have added too much to this bill when you add almost $25 million to an emergency military supplemental.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 61½ minutes, and the gentleman from California (Mr. LEWIS) has 51 minutes.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, thank you for allocating the time for me to come and basically disagree with you on this floor, but that is what democracy is all about.

I don't believe that this bill will do what it is intended to do. I don't believe it makes good sense to say that our troops should be well trained and well equipped, and then give the President the right to waive that.

I don't believe that the President will report to us in any fashion that we can rely on in July, which will determine whether or not we get out by December or whether we continue to give assistance to the Iraqis.

I don't believe that it is enforceable, and I don't believe that this war will end by next August even though I think that is what the leadership intends for it to do.

This war has been mismanaged. We have been misled. We have been made to believe we would be welcomed with open arms. There were no weapons of mass destruction. That the troops were getting trained and success was right around the corner, and even last week when carnage was taking place in Iraq and our soldiers were being killed, this administration was out in the media talking about we were succeeding. And we will continue to be misled. This war has been mismanaged.

We don't have any friends in Iraq. The Sunnis do not want us there. The Shiites don't like the occupation, and the Kurds don't like us. We are undermined on a daily basis.

Even Mr. Maliki, who is supposed to be our ally, is working with Sadr over in Sadr City, who controls the militias. The police departments that are supposedly working to secure the people are part of the undermining that is going on. Our soldiers, when they are in confrontations, are deserted by the very people that they are supposed to train.

General said this cannot be won militarily, it must be done diplomatically. I don't see the diplomatic effort.

I don't believe that giving $100 billion to the President of the United States to continue this war will achieve the goal that we intend for it to achieve. I oppose this legislation. I will continue to work with the Out of Iraq Caucus, and I am hopeful we can end this war and bring our soldiers home.

Ms. SOLIS. Mr. Speaker, just a few weeks ago I visited our servicemen and women in Iraq. My visit confirmed my belief that we must support our troops and redeploy them. That is why I will vote for the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

When I met with the troops in Iraq, they told me that they lacked the basic equipment needed to do their job, like body armor, light bulbs for vehicles, and scissors for bandages and gauzes. In some cases, they told me that the equipment they use is unreliable due to excess use. Our troops are also concerned with the lengths of their tours in Iraq; they told me that they are not only demanding, but exhausting. Our troops are being overextended. For many of them, it is not their first tour, but their second or third. Many of them have missed the birth of their children or the death of their parents.

It is time for a new direction in Iraq. The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act does that—it gives the American people the first step in a new direction to what our troops properly deserve. A new direction, with benchmarks for success in Iraq, with benchmarks that ensure our troops have the equipment and training they need, and a benchmark that guarantees a fully funded deployment out of Iraq. This bill makes it clear, and sends the message that the majority of Americans want—an end to the war.

In the last 4 years, we have spent close to $400 billion on the war in Iraq. The war on Iraq has claimed the lives of nearly 3,200 and more than 24,000 servicemen and women have been injured or permanently disabled. More than half of those will not be able to lead a normal life because of the severity of their injuries, impacting not only them but also their families. In the 32nd Congressional District of California which I represent, we have lost 13 sons to combat. Despite all this, the Administration has failed to outline concrete steps to end the war and has left our servicemen and women without adequate equipment and our veterans without proper care.

The U.S. Troops Readiness, Veterans' Health and Iraq Accountability Act will provide our troops with the equipment they need, require Iraqis to take control of their own country, help fight the real war on terror in Afghanistan, and establish a strategy for the redeployment of U.S. troops no later than March 1, 2008. This bill provides $1.7 billion more for military health care, including Walter Reed, and includes $1.7 billion more for our veterans, so those who served before and those recently serving have access to adequate care. It includes $2.5 billion to improve troop readiness and helps servicemen and women afford housing. This bill also represents help for those at home, including uninsured children and farmers whose emergent needs were ignored under the Republican leadership.

I don't support this war. I voted against authorization of force in 2002 and have repeatedly called for the redeployment of troops out of Iraq. The Bush Administration's failed policies in Iraq and Afghanistan have gone unchecked—until now. I'm voting for this bill because it will—for the first time—set a date for the war to end—a date when U.S. combat troops must be out of Iraq. The bill isn't perfect, but it draws a clear line between those who want to stay indefinitely in Iraq, and those like me who, along with the majority of Americans, want to end it. Passage of this bill is the beginning of the end for our soldiers not being prepared and not knowing when they will come home.

Let us not forget that these last 4 years so many of our sons and daughters and their families have given the greatest sacrifice. I remain supportive of our troops and know that they will continue to do a great job and we in Congress must do ours this week. I support the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act because I know it is the first real step to the redeployment and safe return home of all of our servicemen and women.

Mr. Speaker, I rise in strong support of the U.S. Troop Readiness, Veterans' Health, and Accountability Act H.R. 1591. Four years ago, I voted against the resolution giving the President the authority to go to war with Iraq because I had serious doubts about the need to rush into military action. U.N. inspectors were still doing their work examining Iraq's nuclear weapons program and had not found weapons of mass destruction. Our allies who supported President George Bush, Sr. for Desert Storm were not supporting us! All diplomatic efforts had not been exhausted and there seemed to be no clear goals or strategy. There was no exit strategy to bring back our troops. There was no evidence that taking action in Iraq was urgent when the fight in Afghanistan was still underway. A proposed budget for the war was never presented to Congress.

Now we are entering our 5th year of this conflict and my concerns have been proven correct. Most important, there were no weapons of mass destruction. The Taliban is resurging in Afghanistan because we diluted our efforts.

We still have no goals or strategy in Iraq and our reputation around the world has been seriously undermined. Thousands of young Americans have been killed, disabled or wounded. we will have spent half a trillion dollars on this war and there is no end in sight.

It's time to heed the recommendations of the Baker-Hamilton Iraq Study Group and take a new direction in Iraq. The legislation before us sets definite benchmarks and timelines that put the Iraqi government on reasonable notice that they must assume responsibility for their own destiny.

This Supplemental Appropriations Bill lets the American people know when our troops will begin coming home.

Many of my colleagues oppose setting a deadline because they believe the insurgents will just outwait us. But unless we are prepared to be in Iraq forever, this fear will always be a concern. History has shown that insurgents and terrorists are very, very patient.

The religious and secretarian hatred in the Middle East has been present for centuries and our presence in Iraq for a few more years is not going to change that. Our presence in Iraq will just get thousands more of our servicemen and women, caught in the middle of their civil war, killed and wounded.

My Republican colleagues had no qualms about mandating to President Clinton when our forces had to come out of Kosovo. It seems to me that this is not any different.

I urge my colleagues to support this legislation that will bring an orderly, responsible end to the war in Iraq.

Mr. MARKEY. Mr. Speaker, the war in Iraq is a disaster. We are engaged in a war that should never have been fought and that was presented to the American people and this Congress over 4 years ago wrapped in falsehoods and mendacity. Our military is being drained of personnel and materiel in an occupation that, we were told, would never occur because we would be greeted as liberators.

To say that the President's prosecution of this war has been mismanaged misses the much more important point that President Bush exercised extraordinarily poor judgment in initiating an unnecessary war of choice. Our soldiers, their families, and indeed the entire country, now bears the legacy of the President's headstrong rush into this quagmire.

The President, with the Iraq War supplemental appropriations request, has again asked the Congress to give him a blank check to continue an endless and bottomless war. But that is not what the President will get with this bill. Instead of a blank check, the Congress is providing a much needed check and balance to the Executive Branch.

The bill before us today requires the President to certify to the Congress that certain tough benchmarks have been met. If he cannot so certify, an immediate redeployment of U.S. forces must commence. Under the bill, by July 1, 2007, the President must certify that Iraq has met political and military benchmarks, including the implementation of a program to disarm the militias. By October 1, 2007, the President must make another certification of Iraq's progress, including that militia control of local security has been eliminated. And even if the President is able to make both certifications to Congress, this bill requires that U.S. forces begin withdrawing from Iraq by March 1, 2008 and complete that withdrawal no later than by the end of August 2008.

These limitations on the President are important, as they will pave the way for the United States to finally withdraw from Iraq.

This bill also prohibits permanent U.S. military bases in Iraq, which is an essential precondition for the reestablishment of public trust in the United States within the Middle East and especially Iraq.

Particularly significant to me is a prohibition included in this bill which bars the use of funds from this supplemental in contravention of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I have had to fight to include this provision in previous appropriations bills under the Republican Congress and I would like to thank and commend Chairman MURTHA for his leadership and courage on this issue. In this bill, my restriction on the use of funds for torture also includes a specific ban on the use of funds to carry out renditions, which the President has used to transfer detainees for interrogation or other purposes to countries known for the use of torture.

Mr. Speaker, I don't want to see the war continue another day. I want our troops home immediately, and I am frustrated beyond words by the President's continued intransigence in the face of overwhelming evidence and opinion. The bill that this House is debating today will take us closer to the moment when every American soldier, sailor, airman or Marine in Iraq can be brought home.

I urge adoption of the bill.

Ms. HIRONO. Mr. Speaker, the majority of Americans do not support the President on Iraq. Yet he persists.

Our caucus is united in our desire to end this war and bring our troops home safely despite our genuine disagreements as to how and when to bring this about. Within this disagreement, we reflect the broad spectrum of opinion in our country. Yet, as Members of Congress, we must take action to change the trajectory of this war, to come closer to the goal of ending the war.

By setting deadlines for the President to meet his own articulated benchmarks, this bill places us firmly on that path.

This bill is not perfect. There will be "no" votes because there are deadlines and "no" votes because the deadlines are too distant. The "perfect" bill that all of us can support will not materialize and we will be no closer to ending this war.

At the same time, until their safe return, we must support our troops and provide them with the equipment and protective gear they need while they are in harm's way.

With this bill, Congress for the first time since the war began is not handing the President a blank check or rubber stamping his failed conduct of this war.

I strongly urge passage of this bill.

□ 1915

Mr. OBEY. Mr. Speaker, I reserve the balance of my time for tomorrow.

Mr. LEWIS of California. That is agreeable to us.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 261, further proceedings on the bill will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ WAR SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to follow up on the debate which we have just temporarily postponed until tomorrow morning on the supplemental appropriations bill for the Iraq war, and I wanted to start off by reiterating the statement made by Mr. SHADEGG of Arizona in which he said he knew of no point in history where a country at war declared an end date for when they would be getting out of that war, the point being that most countries fight wars until the war is finished, based on the war situation, and not based on a calendar and an arbitrary date at that.

I think that is very important as we have this vote tomorrow because we are, in fact, hurting our troops if we make the announcement right now to the enemy that by March of 2008 we will be leaving. We know particularly in the Middle East and in Iraq that in cities such as Tikrit and Fallujah, as we have been there the last 3 or 4 years, that whenever the enemy wants to, it can lay low and wait till our troop situation or troop level shifts, and then they come out of the woodwork. I think if we do announce that we are going to be gone in March 2008, no matter what happens on the field of battle, then that enemy is going to use that same tactic to just wait until the Americans are out of town.

If we do leave that country before the job is done, then what happens, Mr. Speaker, is it could cause chaos. A civil war could erupt, and a lot of people say, well, I do not care if a civil war erupts. But how do you know it is going to stay in the boundaries of Iraq? Why would not the Shiites in Iran, for example, get involved in it? We already know they are getting involved in supplying the Shiites in Iraq with things. We do not know what will happen in that volatile area.

What happens to our ally Israel? We know that the Arab countries want to wipe Israel off the map. Are we doing Israel any favors if we abruptly withdraw and arbitrarily withdraw from Iraq?

And what happens to the oil reserves? I know it is interesting, everybody likes to say no war for oil, but the reality is you cannot fight a war without oil, and you cannot run our economy without oil, and petrodollars can stir up a lot of trouble around the globe. Just ask Hugo Chavez in Venezuela what he has done with his petrodollars, street money, and here we would be turning over the second or third largest oil reserves in the world over to a terrorist anti-American state.

Think about this for a minute in that context. America drilling and tapping into all the reserves that we have, we control 3 percent of the world's oil reserves. We use 25 percent. We import 60 percent. If you wanted to declare war on America, you would look at our oil supply, as countries have always looked at the energy or food supply of any country that they have planned to invade.

I want to say this. I represent Fort Stewart. This week the 3rd Infantry Division starts on its third deployment to Iraq. General Lynch, the commanding general, just left on Tuesday. But back in Hinesville, Georgia, there are 318 memorial trees that have been planted in memory of 3rd Infantry soldiers who have lost their life in Iraq. I have gone to some of the ceremonies. It is a sad thing, but even as you leave the field, the memorial field, soldiers say, we want to complete this job.

I have visited soldiers in the hospitals in Baghdad and at Walter Reed and in Ramstein, Germany, in Landstuhl, and they all say they want to go back and finish the job. But I do not want to tell you that I can speak for the troops because there is thousands of them, and I always resent when people come here and say this is what the troops want, because the troops are just like the rest of America, we want a lot of things, and America is divided on this.

But I want to say to the Democrats, I think that you have done the right thing. This war has needed more oversight. I believe we as Republicans were remiss in not having more oversight. I think putting up goals in the form of what we would like the Iraqi Government to do. I think that that is fitting and proper, but I think to have hard and fast deadlines is unreasonable.

We, in this over 200-year constitutional government, cannot do things that we should do. Last year, for example, we were not able to pass a budget. We did not pass all of our appropriation bills. The important thing is the Republican Party, certainly as the majority party, we are guilty, but the point is we could not even do that in our own government. How do we expect the Iraqis to do it by an arbitrary date set?

So I recommend that we recommit this bill, hammer out some of the differences, and then bring it back to the floor in a different and improved product.

Mr. Speaker, I thank you for the time.

IRAQ SUPPLEMENTAL FUNDING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, those elected to serve in the people's House sometimes must decide matters of war and peace, in other words, matters of life and death, and nothing is more important.

Today we stand at the crossroads of one such momentous decision, and let no one doubt that the lives of American soldiers and Iraqi civilians hang in the balance.

This is a vote of conscience and one of the most important votes I will ever cast in the House of Representatives.

I wish we were debating the language of the 1970 McGovern-Hatfield amendment. It called for directing funds only for the safe and orderly withdrawal of U.S. troops from Indochina. I enter into the RECORD at this point the Iraq version of the McGovern-Hatfield that I want to offer.

PROPOSED McDERMOTT AMENDMENT TO H.R. 1591, MODELED ON McGOVERN-HATFIELD

After April 30, 2007, funds herein appropriated may be expended in connection with the activities of American Armed Forces in or over Iraq, Iran or Syria bordering Iraq only to accomplish the following objectives:

(1) the orderly termination of military operations and the safe and systematic withdrawal of remaining armed forces by December 31, 2007 and

(2) provision of humanitarian and reconstruction assistance to the people of Iraq.

SENATOR GEORGE McGOVERN'S SPEECH IN FAVOR OF THE McGOVERN-HATFIELD AMENDMENT, SEPTEMBER 1, 1970:

"Every senator in this chamber is partly responsible for sending 50,000 young Americans to an early grave. This chamber reeks of blood. Every Senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval and all across our land—young men without legs, or arms, or genitals, or faces or hopes."

"There are not very many of these blasted and broken boys who think this war is a glorious adventure. Do not talk to them about bugging out, or national honor or courage. It does not take any courage at all for a congressman, or a senator, or a president to wrap himself in the flag and say we are staying in Vietnam, because it is not our blood that is being shed. But we are responsible for those young men and their lives and their hopes."

"And if we do not end this damnable war those young men will some day curse us for our pitiful willingness to let the Executive carry the burden that the Constitution places on us."

"So before we vote, let us ponder the admonition of Edmund Burke, the great parliamentarian of an earlier day: "A contentious man would be cautious how he dealt in blood.""

I wish the legislation before us was that direct, but we do have legislation before us and a momentous decision to make.

Over 4 years ago, a vote in this House enabled this President to take America to war. Earlier today I told Speaker PELOSI that I will cast my vote to bring America home to peace. I want to get all of the soldiers out of Iraq tomorrow, but safely extracting over 140,000 U.S. troops cannot be done overnight, and the safety of our soldiers in leaving Iraq must be paramount.

I want to end this incomprehensible war tomorrow, but as a medical doctor, I know that no matter what we do today, this war will go on for decades in the minds of psychologically wounded soldiers and in the bodies of severely injured soldiers.

What we have before us today is a first step, and despite my serious misgivings about it, it is a step in the right direction, which is out of Iraq.

Speaker PELOSI has given America a plan, a timetable and a course of action demonstrating the leadership we have not seen from the President on Iraq. The President has lost the trust of the American people, and he deepens the mistrust at home and around the world every time he speaks about Iraq.

Instead of confronting reality, the President stubbornly adheres to a fiction of his own creation that a military victory will be achieved in a nation in the throes of a full-scale civil war, with an American presence inciting unspeakable violence against our soldiers from all sides.

The Iraqi people have seen their lives sink into misery. Millions have fled their country or been displaced from their homes. Those remaining live in terror that a trip to the market will end their life, and very often it does.

The Iraqi people want us out because they see the U.S. as an occupier. They want the U.S. out because it is their country and their oil, not ours.

This war should never have started, and Americans at the end of the 21st century will still be paying for this Presidential misadventure.

Preying on the fears of the American people, this President devised a war-first policy, unheard of in American history. The President implemented his chilling foreign policy in Iraq. When just cause for a war did not exist, the administration made it up, preying on America's vulnerabilities after 9/11.

They called it a war against terror, but now we know it was a war of revenge and a war to control oil. It was never about exporting democracy. It was always about exploiting the fears of the American people to do what the White House had been planning long before 9/11: Invade Iraq, control its government, and enable foreign oil companies to reap a bonanza of profits by extracting Iraq oil and perpetuating America's addiction to oil.

Speaker PELOSI has given us a plan, not as strong as I want, but one I will support as a bare minimum because it has a timetable and demands accountability from Iraq leaders; bare minimum, but dramatically better than what we have, a war without end from a President incapable of only escalation, not negotiation.

The heroes of our Nation, the soldiers fighting and dying on the front lines, deserve to come home. The Iraq people deserve to decide the future of their own country.

With this legislation, we acknowledge the wisdom and the will of the American people. We realize that the Iraq war is a fraud, and perpetuating it by sacrificing more innocent U.S. and Iraq lives is a tragedy we can no longer tolerate.

I urge my colleagues to vote with Speaker PELOSI and vote for peace.

☐ 1930

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, today I proudly rise to celebrate a remarkable anniversary, that which marks a day of Greek independence which took place 186 years ago on March 25. It is also a celebration which recognizes the strong ties that bind together the United States of America and Greece.

What a blessing to be able to straddle two brilliant cultures that have been the beacon of liberty and justice for humankind. Nothing makes me prouder than to call myself American, for it was the United States that welcomed my grandparents and allowed them to bring their morals, their values, their faith, their rich ethnic traditions and work ethic to this great land of opportunity and freedom.

God, indeed, shed his grace on America, as he has on Greece, the prototype for the democratic republic that became the United States. Imagine, what a curious notion it may have seemed thousands of years ago when the ancient Greeks put forth the idea, a man being able to engage in self-rule. The originality of ideas articulated by Plato, Socrates, and all the great thinkers of ancient Greece served as an inspiration to America's colonial leaders like Jefferson, Washington, Madison, and Hamilton.

It is the American revolution in turn that likely served as an inspiration for the Greeks that were suffocating under the Ottoman rule. 186 years ago the people began a journey that would mark the symbolic rebirth of democracy in the land where those principles to human decency were first espoused.

March 25, 1821, is a historic day for all people who treasure freedom. Greece rose up in arms, fought brilliantly and finally overthrew the Ottoman rule, showing the world their deep and abiding commitment to democracy. The flag of revolt was raised by Bishop Germanos of Patras. Cries of Zito I Ellas, "Long Live Greece," and Elefteria I Thanatos, "Liberty or Death," could be heard from the mountains of Suli to the shores of Crete.

In fact, the bravery of the Suliotes demonstrated that acts of courage were not limited to the men of Greece. The fierce patriotic villagers of Suli fought the Ottomans in several battles. News of their victories spread to nearby villages and inspired others to revolt. When the women, who were left alone, learned the Ottoman troops were approaching their village, they began dancing the Syrtos, which we still do today, a patriotic Greek dance. One by one with the children in arms, the Suliote women sacrificed themselves for the cause of liberty. They chose death rather than oppression.

Stories of sacrifice like that of the Suliotes are plentiful. These actions, as well as the exploits and victories of the Greek Navy under Miaoulis, Kanaris, Bubulina, and Kolokotronis inspired the people of Europe, who finally brought pressure upon their governments to intervene in the fighting and compel the Sultan to recognize Greek independence, which finally secured the Treaty of Adrianople in 1829.

We commemorate Independence Day each year for the same reasons we celebrate our 4th of July. It proved that a united people through sheer will and perseverance can prevail against tyranny. Both of our nations share an illustrious history in defense of this cherished ideal. Both countries have shared a common commitment to the principles of equality and freedom. In many ways, the American experiment might not have been possible without the Greek experience.

Indeed, as Thomas Jefferson noted: "To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of the Gothic darkness." Democracy and freedom are the guiding beliefs that give hope to millions around the world.

Remembering the sacrifice of the brave Greeks who gave their lives for the cause of liberty helps us all realize how important it is to be an active participant in our own democracy.

As Plato noted: "The penalty good men pay for indifference to public affairs is to be ruled by evil men." Greeks, like Americans, have never been indifferent to the welfare of mankind. We share a belief that citizens must be engaged in governmental affairs and must work to promote liberty and justice throughout the world. That is why we honor those who secured independence for Greece nearly two centuries ago. Let us always remember their commitment to freedom. God bless America and Zito I Ellas.

H. RES. 106 AND THE INTERNATIONAL ASSOCIATION OF GENOCIDE SCHOLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to urge my colleagues this evening to support House Resolution 106, a resolution that reaffirms the Armenian genocide.

I also wish to express my support for its swift passage in the House of Representatives. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

The resolution, which I introduced with Representatives SCHIFF, RADANOVICH and KNOLLENBERG, has over 180 cosponsors. It's also the exact same resolution that passed the International Affairs Committee last Congress by an overwhelming majority.

I strongly believe it is important for Members to understand that this is a matter of historical fact. Many Turkish deniers have been meeting with Members of Congress and sending correspondence, discouraging this resolution. They are claiming that passage of such a resolution would be untimely and counterproductive.

Mr. Speaker, for 92 years this has not been reaffirmed here in this Congress. I think 92 years is far too long for a proper recognition to be made, and its reaffirmation is a matter of conscience.

In the meantime, the Turkish Government has threatened to close supply routes to U.S. troops in Iraq if this resolution is considered. It's appalling that a country who claims to be our ally would put the lives of soldiers at risk in the pursuit of its desperate campaign to deny the systematic slaughter of 1.5 million Armenians.

The highly reputable International Association of Genocide Scholars recently wrote to Members of Congress urging support for the Armenian genocide resolution, and I request permission to insert their letter in the RECORD.

INTERNATIONAL ASSOCIATION OF
GENOCIDE SCHOLARS
March 7, 2007.

DEAR MEMBERS OF THE UNITED STATES CONGRESS: We write to you as the international organization of scholars who study genocide. We strongly urge you to co-sponsor H. Res. 106, the House Resolution recognizing and commemorating the Armenian Genocide.

In three previous statements of the International Association of Genocide Scholars—first, a unanimous resolution declaring that the Turkish massacres of Armenians in 1915-1918 constituted genocide; second, an Open Letter to Turkish Prime Minister Erdogan calling upon him to acknowledge the Armenian Genocide; and third, an Open Letter concerning scholars who deny the Armenian Genocide—we have made our position clear: the historical record on the Armenian Genocide is unambiguous and documented by overwhelming evidence. It is proven by foreign office records of the United States, France, Great Britain, Russia, and perhaps most importantly, of Turkey's World War I allies, Germany and Austria-Hungary, as well as by the records of the Ottoman Courts-Martial of 1918–1920, and by decades of scholarship.

We believe it is important for Members of Congress to understand that Turkey's nine-decade-long campaign to deny the facts of the Armenian Genocide is driven by a government that has yet to engage in the honest historical self-critique that is a vital part of the democratic process. The numerous trials and imprisonments of Turkish intellectuals and journalists and the assassination of the Armenian-Turkish journalist Hrant Dink in January make this clear. It should be noted that there are Turkish scholars who are urging their government to acknowledge the Armenian Genocide, and many parts of Turkish society share this pro-democratic perspective. We would note, however, that a government that still encourages extreme, uncritical nationalism has created a false narrative about the Armenian Genocide in order to absolve its predecessors of responsibility for the extermination of the Armenian people and their culture in the Ottoman Empire in 1915.

We are aware that you may be pressured by a small number of academics who support Turkey's denialist stance for often self-interested reasons. Such academics willingly falsify, distort, and manipulate the evidence in sometimes subtle ways to present a false view of history. These academics violate the ethical obligations of historical scholarship. We have noted that academics who deny the Armenian Genocide are no different than academics who deny the Holocaust, the Rwandan Genocide, or the Cambodian Genocide. The recent conference in Teheran devoted to Holocaust denial is a case in point. "Where scholars deny genocide in the face of decisive evidence . . . they contribute to false consciousness that can have the most dire reverberations. Their message, in effect, is . . . mass murder requires no confrontation, but should be ignored, glossed over. In this way scholars lend their considerable authority to the acceptance of this ultimate crime" (Roger Smith, Eric Markusen, Robert Jay Lifton "Professional Ethics and the Denial of the Armenian Genocide," Journal of Holocaust and Genocide Studies, vol. 9, Spring, 1995).

We urge you to reject the Turkish campaign of denial, as you may be meeting with groups and individuals who are ardent deniers. We would underscore that the Armenian Genocide is not controversial, but rather is denied only by the Turkish government and its apologists.

We urge you to pass H. Res. 106:

(1) It is a recognition of an historical turning point in the twentieth century, the event that inaugurated the era of modern genocide. In spite of its importance, the Armenian Genocide has gone unrecognized until recently, and warrants a symbolic act of moral commemoration. The Armenian-American community first arrived in the United States as refugees and survivors of this great catastrophe and of earlier massacres in the late 19th century.

(2) Congress will honor America's extraordinary foreign service officers (among them Leslie A. Davis, Jesse B. Jackson, Oscar Heizer, and Ambassador Henry Morgenthau) who often risked their lives rescuing Armenian citizens in 1915. These courageous American diplomats left behind some 4,000 reports totaling 37,000 pages, now in the National Archives, documents that prove the Armenian mass murders were government-planned, systematic extermination—what Raphael Lemkin named genocide. By this resolution the U.S. Congress would demonstrate that the moral principles and courage of those foreign service officers continues to represent a powerful example of American leadership. It is in the interest of the United States to support the principles of human rights that are at the core of American democracy.

(3) Inasmuch as the popular effort in the United States to rescue and bring relief to the Armenians, first from massacres in the 1890s and then from genocide in 1915, set the stage for the era of modern human rights activism, H. Res. 106 would honor this significant contribution to United States history.

(4) We expect that the United States would not permit foreign governments to intrude on its own legislative process. We also expect that the U.S. government would not be influenced by threats to close American military bases or cut off sales of military hardware, especially when that pressure comes from a country with a deeply disturbing human rights record today, including violence and repressive measures against writers, minorities, intellectuals, and scholars.

(5) As crimes of genocide continue to plague the world, Turkey's policy of denying the Armenian Genocide gives license to those who perpetrate genocide everywhere. Just as we would not sanction denying the Holocaust, we cannot give credence to Turkey's falsification of the facts of 1915. Denial is the final stage of genocide, as it seeks to demonize the victims and rehabilitate the perpetrators.

We believe that it is in the interest of the Turkish people and their future as proud participants in the international democratic community to acknowledge the responsibility of a previous government for the genocide of the Armenian people, just as the German government has done in the case of the Holocaust.

We would be happy to meet with you in person, and would gladly supply you with the scholarly evidence that has led to the unanimous resolution of the International Association of Genocide Scholars that the Turkish massacre of over one million Armenians from 1915 to 1918 was a crime of genocide.

Sincerely,

ISRAEL CHARNY, PH.D.,
President, International Association of Genocide Scholars.
GREGORY H. STANTON, J.D., PH.D.,
Vice President, International Association of Genocide Scholars.

I would say, if I could quote some sections of that letter, in that letter the scholars state their position clearly, noting that the Armenian genocide "is proven by foreign office records of the United States, France, Great Britain, Russia and even of Turkey's World War I allies, Germany and Austria-Hungary."

They also say: "Just as we would not sanction denying the Holocaust, we cannot give credence to Turkey's falsification of the facts of 1915; denial is the final stage of genocide." They are unanimous in their findings.

Mr. Speaker, the American people and this Congress should deserve a full and truthful account of the role of the Turkish Government in denying the Armenian genocide. Congress should be allowed to reaffirm that genocide was orchestrated by the Ottoman Empire in 1915 to exterminate its Armenian citizens.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 5 minutes.

Ms. SCHWARTZ. Mr. Speaker, tomorrow this body will vote on the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act.

After 4 years of failed policies from the Bush administration, and absolutely no accountability demanded by the previous Republican-led Congresses, this body has the opportunity to say enough. We say enough to continuing the open-ended war with no end in sight. We say enough to giving away hard-earned taxpayer dollars to the Iraqi Government without any real mechanisms for accountability. We say enough to ignoring the will of the American people who have overwhelmingly demanded a new direction and a new course in Iraq.

This week the Iraq war will enter its fifth year. It has already eclipsed the length of the U.S. participation in the Civil War, World War I, World War II, and the Korean War. More than 3,200 American heroes have paid the ultimate sacrifice, while more than 24,000 have been injured, and tens of thousands of Iraqis have been killed, just as millions have been fleeing the country.

Despite this immense sacrifice and hardship, the President's war strategy has not made the Middle East or our Nation safer.

Today the Middle East is less stable than it was in 2003. An Iraq in chaos and an emboldened Iran has fundamentally changed the balance of power in the region in a way that undermines the security of our Nation and the entire region. The war has caused us to lose sight of the mission in Afghanistan where the Taliban is resurgent and Osama bin Laden, Ayman al Zawahiri, and other key members of al Qaeda, the terrorist group responsible for killing 3,000 Americans on 9/11, are still at large and still plotting against us.

Our own National Intelligence Estimate tells us that the war in Iraq estimate has increased, and the threat of terrorism globally has increased.

Just 2 weeks ago, I visited Iraq, and I met with the brave servicemen and -women. I deeply admire these individuals and their families. Out of pure selflessness and a profound love of our Nation, they have volunteered to serve. They do so humbly and honorably.

The Bush administration owes them a strategy that is worthy of their sacrifice. When they failed to provide it, we must hold them accountable. Our Nation can no longer afford the failed policies put forward by President Bush.

We must step forward, abandon the rubber-stamp policies of the previous Congress, and reassert our place as a coequal branch of government. Tomorrow we will have the opportunity to meet this obligation and put the administration on notice. The days of writing a blank check for the mistaken and mismanaged war are over.

When we send our men and women into Iraq without the proper equipment, training and rest, as the President continues to, we expose them to greater danger. This legislation we will vote on tomorrow recognizes this fact by requiring the President to honor his own standards and the standards the Department of Defense has set for the troop readiness, training and equipment.

When our own wounded warriors return to the United States, we as a Nation have an obligation to ensure that they are taken care of. There is simply no excuse for the deplorable conditions of neglect that our soldiers have faced at Walter Reed medical center. That is a national disgrace.

This legislation addresses our veterans health care crisis by adding $1.7 billion to treat the growing number of veterans, to address the maintenance backlogs at the VA health care facilities, and to ensure a significant level of personnel to deliver quality services. This legislation recognizes that the only solution in Iraq is political and diplomatic.

As General Petraeus, the top military commander in Iraq, has said: "There was no military solution to a problem like that in Iraq."

This legislation will hold the Iraqi Government accountable by requiring them to meet their own benchmarks for political progress.

We are putting them on notice that they must take the political steps necessary to achieve stability, including disarming the militia and a plan that equally shares oil revenues around the country.

We are also sending a strong clear message to the Bush administration that they must engage in tough diplomacy needed to ensure that Iraq's neighbors do not continue to undermine the efforts of our troops or they undermine the hope for stability in Iraq.

Most significantly, this legislation will lead to the responsible end of our military engagement in Iraq through a phased redeployment of U.S. combat troops.

Instead of continuing the President's policy of open-ended commitment, strategically redeploying combat troops from Iraq, while maintaining a small presence to train Iraqi troops and engage in counterterrorism operations is the most responsible strategy in Iraq.

We will move our troops from direct engagement. It will require the Iraqis to protect Iraqis, and it will allow our Nation to be better prepared for other contingencies affecting the security of our Nation.

Let there be no mistake: this is the President's war, and the President must be held accountable for its military and diplomatic failures. With this vote, we are demanding that the President meet his obligations to our men and our women and to our Nation.

With this vote, we are fulfilling our promise to the American people that we set a new direction in Iraq.

And, with this vote we are putting forward the leadership needed to bring the war in Iraq to a responsible conclusion and bring our troops home.

□ 1945

SUPPORTING THE IRAQ ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. HODES). Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, the stay-the-course strategy in Iraq has failed. The war in Iraq is entering its fifth year, longer than U.S. involvement in World War I and World War II. It is time to stop the open-ended commitment there. It is time for the Government of Iraq to take responsibility for their own security. It is time to start the process of bringing our troops home. It is time to refocus our military efforts to combat terrorism. It is time to send a clear message that Congress will no longer provide a blank check to fund this war. It is time to pass the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act.

Supporting this bill supports the troops before, during, and after they are deployed. This bill enforces the Department of Defense's current standards for military readiness and provides $2.5 billion in additional funding to ensure that our troops are properly equipped and trained; it provides $1.7 billion in additional funding for health care for our troops, and another $1.7 billion to ensure our veterans receive the care they need and that they deserve. We must support our troops in the theater and when they come home.

This bill is tough on terrorism, tougher than the President's current plan that pays little attention to the war in Afghanistan. It adds $1 billion to the Department of Defense efforts there. We have lost our focus in the war on terror. We must redirect our military efforts on thwarting terrorism in Afghanistan and eliminating al Qaeda. This bill does that.

The current strategy has not worked largely because the Iraqi leadership has no real motivation to make it work. This bill holds both the President and the Iraqi Government accountable by ensuring that real progress is made. It is time to turn over the control of Iraq to their people.

Our troops have done their part, and they have done it magnificently. The American people have done their part as well by giving us their sons and daughters who ousted Saddam Hussein. With the cost of this war approaching one-half trillion dollars, it is time for the people of Iraq to spend their dollars, supply their troops, and setting their differences. The destiny of Iraq is now in Iraqi hands.

SUPPORTING THE IRAQ ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, tomorrow the House will vote on legislation to set a path for the responsible redeployment of American troops from Iraq. I will support this bill because it will end American involvement in the Iraqi civil war and bring our troops safely home.

This week marks the fourth anniversary of a war born in deceit and prolonged by mismanagement. I voted against the invasion in 2002; I will vote now to end this war by supporting the Iraq Accountability Act with its benchmarks and timetables for redeploying U.S. forces from Iraq.

For 4 years, previous Congresses neglected their oversight responsibilities while the administration made mistake after mistake. The congressional majority failed to conduct thorough investigations, demand accountability, or offer policy alternatives. We have paid a steep price for that neglect, including the lives of more than 3,200 American Armed Forces, with another 24,000 wounded, many critically.

The new Congress is providing long overdue leadership, taking action to end U.S. involvement in a civil war with no end in sight. Responsible military disengagement from Iraq is in the national security interests of the United States. There are no easy, cost-free options. But our perpetual presence in Iraq has sapped our military strength, undermined our credibility around the world, and limited our investments in domestic priorities like health care and education.

This week, the House of Representatives has a choice: Either endorse the President's open-ended commitment, or adopt a plan that demands accountability, sets a timeline for redeployment, and restores the readiness of our Armed Forces.

The President's strategy of indefinite intervention is simply not sustainable. The situation in Iraq has moved beyond our military's ability to shape events in a positive direction. Extending our presence merely delays our ability to recover the ground we have lost, our diplomatic initiative, our global reputation, and the broken state of our ground forces.

The Iraq Accountability Act has three key components:

First, it uses President Bush's own benchmarks to require the Iraqis to assume responsibility for their own security. If they meet those benchmarks, all American forces would leave Iraq by the summer of 2008. If they do not, American forces will leave as early as the end of this year.

Second, the bill supports our Armed Forces by requiring the President to certify that any troops deployed to Iraq are fully and properly equipped, and that their deployment follows Department of Defense standards for readiness and rest between deployments.

Third, it provides funds needed to ensure that returning troops and veterans receive the best possible health care and other services they deserve.

The American people expect us to say where we stand on the war in Iraq. By supporting the Iraq Accountability Act we are voting to use the long-neglected powers of Congress to bring U.S. involvement in the Iraqi civil war to an end. I urge, Mr. Speaker, I urge my colleagues to support the Iraq Accountability Act when it comes to the floor tomorrow.

FRESHMEN DEMOCRATS PROMOTE ACCOUNTABILITY AND OVERSIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. KLEIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KLEIN of Florida. Mr. Speaker, I am RON KLEIN, and I represent Florida's 22nd Congressional District in Congress, which is southeast Florida, Fort Lauderdale to West Palm Beach area, and I have the privilege of anchoring tonight's freshmen's Special Order. We decided as a group of freshman, and there was a large group of us that were elected this year, to meet on a regular basis and to discuss policy, those of us who had contested races, those of us who did not have contested races, but all of us new with this process coming in with a fresh perspective and the belief that hopefully we could influence the process in a way that would move things along, which is, I think, the loud message we heard from the people that elected all of us, both Democrats and Republicans this year.

Tonight our Special Order is going to focus on the importance of accountability and oversight within our Nation's government. There is no question that the ability to exercise accountability and oversight among the executive and legislative branches, that is our branch and the President's branch, is vital to making sure that our government is operating and governing within the highest ethical and moral standards, and makes sense. It is also important to make sure our government is doing the right thing for our people.

It seems that every time we are turning on the news lately or pick up the newspaper, there seems to be some story about where there is no accountability. And the oversight and lack of accountability seems to be the prime topic of conversation back home in our districts, in our offices, in our supermarkets, in our churches and synagogues. If you just think about the most recent one, the United States attorney scandal, where a number of U.S. attorneys were fired; and, of course, there is a question about for what purpose they were fired and whether there is a reason, and now there is a question of getting all the information out on the table.

The ongoing concerns over Valerie Plame and the outing of Valerie Plame. And, of course, I think most of us as Americans understand, when someone works for this country as a member of our intelligence services, we owe that person the highest degree of respect and integrity and make sure that their position is held confidential. And certainly anybody who is responsible for outing that person should be held accountable and punished.

Conditions at Walter Reed Hospital. And we are going to talk about that a little more tonight, and, unfortunately, other veterans hospitals. And I am happy to say that in my area and in many other parts of the country that there are some very good things going on in our veterans hospitals and our veterans outpatient clinics, but many times it is a matter of having the resources to have enough doctors in place. And I know I have heard from time to time about long waiting lines. But there are places like Walter Reed and other places that have now been identified where you had mold and you had ceilings falling in and lack of care, and people that were working there that were overworked and unfortunately not providing the type of treatment that should be awarded. The highest level of respect should be awarded to our men and women who are our heroes in this country.

And, of course, the no-bid government contracts being awarded to companies doing business in Iraq to the tune of billions of dollars of waste, and certainly not accomplishing the major goals. One of the goals we went in there with, of course, was to take out Saddam Hussein, but I think everybody understood very quickly that if we were going to be successful in changing the hearts and minds, that some of the rebuilding activities, getting electricity on, getting hospitals up, creating jobs, those kinds of things would be very, very important to making the people of Iraq feel that this was a worthy cause to set up their own government. Unfortunately, we have spent billions of our money over there, and, unfortunately, the condition is in many ways worse today than it was with the fall of Saddam Hussein.

The news on these subjects is everywhere. So tonight we are going to talk about accountability and oversight, and my colleagues who are going to join me tonight as freshman Members recently elected are going to be talking about how we are working to restore those features of accountability and oversight to Washington and our government.

A couple things I just want to touch on before I turn over to my colleague Congressman HODES. On November 7, which was last year's election, we believe that the American people, I know we all heard this as we walked door to door and heard from the American people, they wanted change. It wasn't necessarily Democrat or Republican; they wanted people to come together, find common ground, and move forward. And fortunately for this country, this House has, in fact, started that process. There were six items very quickly that were passed in the beginning called the 100 Hours, the Six for '06, everything from fixing the Medicare prescription drug program, which I know many of our seniors are concerned about making it easier to use, less costly to the taxpayers; minimum wage, making the minimum wage higher, of course, is a key issue; lower student loan rates; and a number of other issues like energy policy. These are the things that we came to work on and that were done.

We also passed the lobbying reform bill and a full disclosure bill which has already significantly reduced the influence that lobbyists have on this legislative process. We need to do more, but we certainly took a lot of the right steps by not allowing lobbyists to take Members of Congress out to lunch. We had that in Florida, we changed that, and I am glad we changed that here, too.

And, of course, the earmark process. And for those of you who don't know what earmark is, that is this idea: In the past, Congressmen, Members of the Senate and House, would go behind closed doors and add millions and tens of millions of dollars, even hundreds of millions in some cases, of special projects in the dark of night to the budget without any consideration by all the Members of Congress. And that needs to change, and I am very happy to say that with new earmark reforms in place, that will change.

The way it is changing is very clear: Anything that is presented needs to be presented in the light of day. It needs to be publicly disclosed and laid out for the Members of the Congress so that a legitimate project in Alaska should be a legitimate project in Florida. Even though it may benefit one State, we all represent this country, but it has got to be done the right way.

This week we passed important legislation which curbs waste in Federal contracting; strengthens protection for whistleblowers, and those are, of course, people that discover and come forward when there is waste and corruption in government; and also provides long overdue of the veterans health care crisis and other Federal issues. We are going to talk about accountability of tax dollars. We are going to talk about a number of other things.

I am joined by some colleagues here, and I would like to introduce them. We have got Congressman ELLISON, who is going to join us and talk to us a minute; Congressman HODES. Congressman WELCH is going to join us for a few minutes.

You look like you are poised and ready to go, Congressman HODES, so why don't you kick off and give us a little oversight on what you are going to talk about on oversight and accountability.

Mr. HODES. Madam Speaker, I thank the gentleman for being here with us tonight. I am delighted to be a new Member in the House of Representatives, the people's House, sent by my constituents to help restore the fabric of our democracy, which, during the past 6 years, has really been torn and undermined by a rubber-stamp Congress which refused to ask questions of an administration conducting its policies largely in secret, taking the American people down a path with counterfeit leadership, a leadership that used fear and intimidation to lead, instead of real leadership which helps people face reality, come together and seek common ground and solutions.

And for many people, when they think of the United States House of Representatives, they think of Congress as a body which raises revenue and figures out how to spend it. It sets taxes and sets a budget. And that is how a lot of folks think about Congress, and sure we spend a lot of our time doing that.

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But there is another very important function of the United States Congress in our constitutional scheme, and it is completely independent of what party is in the White House, what party is in the majority in Congress, what party is in the majority in the Senate. It is the way that, in the wisdom of the Founding Fathers, they set up this great government of ours so that there would be checks and balances, there would be controls. And the accountability and oversight function of Congress is what we have restored with this Democratic majority.

There have been great leaders who have recognized that important feature and that important job of Congress. And I have got a chart here, a little board and a quote that is really important and talks a lot about what it means for Congress to exercise its function of accountability.

President Woodrow Wilson said, "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice and to embody the wisdom and will of its constituents. The informing function of Congress should be preferred, even to its legislative function."

So here is President Wilson, some years ago, recognizing that the oversight and accountability function of Congress is perhaps even more important than the legislative function.

So for this Congress, while the last Congress might have been called "the rubber-stamp Congress" or the last Congress might have been called "the Katrina Congress" because they presided over such a disaster for us, I bet that this Congress, under Democratic majority, is going to be "the accountability Congress."

Now, one thing that is interesting, I want to take us back for a moment as we sort of set the tone for tonight to talk about something that happened in ancient times. It has been said that the ancient Romans had a tradition. Whenever one of their engineers constructed an arch, at the capstone was hoisted into place, the engineer assumed accountability for his work in the most profound way possible, he stood under the arch. In the President's war on terror, the capstone he chose is Iraq, but it is everyday Americans, and especially our veterans, returning soldiers who are wounded and our veterans who stood under the arch as it crumbled.

Over the past few weeks, we have sustained blow after blow as the President's plan fell apart. But it is not the President who will pay the billions necessary to stabilize Iraq, it is not the President who slept in molding infested rooms at Walter Reed Hospital, it is not the President who lost his job because of a political decision. But maybe it ought to be.

The confluence of events of recent weeks, the Valerie Plame scandal, the Walter Reed scandal, the politically motivated firing of U.S. Attorneys, is the result of an administration that went too far for too long without any meaningful oversight, without any meaningful accountability, without a Congress to hold it accountable. It has been said that absolute power corrupts absolutely. And for years, absolute power is what our Republican colleagues, who were in control until November of 2006, gave to this administration.

Tonight, I come to the floor with my colleagues to talk about restoring accountability to government because the arch has fallen on us, and we are going to repair it.

Mr. KLEIN of Florida. Thank you, Mr. HODES. I think you laid it out very well.

I think the average American believes very strongly in accountability and oversight because they understand, that's how they live their lives. If you have a business, you can't do anything without keeping track of your books, keeping track of you inventory, keeping track of your personnel, your employees, and knowing that there is an end-point. And you will make money or not make money by running it efficiently with oversight. And I think that nobody is asking for any more than that in government. And, unfortunately, as you have pointed out very eloquently, that is exactly what has gone on without anybody looking after it. And many of the committees were either not operating or were abolished in the last number of years, and that just doesn't make any sense.

So I think you pointed out very appropriately that we are glad I think in a way that the Democrats are leading, but I think the Republicans are now joining us. And, again, this is a bipartisan approach to fixing this.

Mr. ELLISON, I know that you have been leading and talking about this as well, so give us some of your thoughts, please.

Mr. ELLISON. Madam Speaker, let me thank my colleagues, the gentlemen from Florida and New Hampshire, both for their eloquent remarks. I am looking to my colleague, Congressman WELCH and his remarks, but I would like to say that the bedrock idea behind accountability in government is trust in government. If somebody is not accountable, if they are not answerable, if they don't have to tell you whatever you want to know, if they can tell you to take a hike, take a walk and they don't have to listen to you and they are not answerable to you and not accountable to you, as the public, then what you cannot have is trust.

Trust goes away when accountability goes away. Trust leaves the room when there is no one to answer the question about what happened. Trust leaves the room when you cannot have a public official look you in the eye and say here is what happened, the good, the bad and the ugly.

Accountability is not about perfection because when you have a human endeavor, there is no such thing. But accountability is about being able to say, you know what, those folks up there on Capitol Hill, I believe that they are doing the best they can because when I asked my question, they gave me an answer. When I came forward with my concerns, they gave me a reply. They had the documents. They were able to say, here is what is going on.

But when government, Madam Speaker, will not answer, we have problems, we have a lack of trust, and unfortunately sometimes people disengage. But this Congress is here to turn that around. This Congress is here to say, no, there will be accountability. You can trust your government. You can expect that your government is going to be operating on your behalf.

Let me turn to an example. One example is that for the last several years we have had prosecutors, United States Attorneys, trying to do the best they could in many instances at ferreting out corruption in government. We saw prosecutions go on, former Congressman Cunningham and others, and we saw prosecutors who were appointed by a Republican administration to essentially do their job. As you know, Madam Speaker, prosecutors are not like other attorneys. Their job is to seek justice, find the truth. They are ministers of justice, whereas other attorneys, very correctly, have, within the rules, no other obligation than to zealously represent their client. But prosecutors have a higher calling than that, and that is because it is their job to protect the public.

But what we found out recently is that eight of them have been fired, and it appears very clearly that the reasons were entirely political. Eight of them have been fired, and the evidence that has been unearthed so far in only 3 months of this "accountability Congress," as the distinguished gentleman from New Hampshire is calling the phrase, in this accountability Congress, the first 3 months we have seen getting to the bottom of this question of justice being undermined.

The Democrats have brought back accountability. And what we have seen that is unfolding right now is that the Justice Department has released thousands of pages of e-mails based on the demands of the accountability Congress, and internal documents as well, related to this U.S. Attorney scandal. These documents would not be in the public domain. They wouldn't be in front of the people. They wouldn't be available for questions to get to be asked and answered but for this accountability Congress.

I am so proud to be associated with this accountability Congress because what it means is that the U.S. Attorneys, whether they be U.S. Attorneys or food inspectors or people who work at the hospitals taking care of our veterans, they now can know that there is not going to be an intolerable condition that exists for too long before some inquiring person in Congress says, what is going on over there. Thank heavens for it.

And I just want to point out, and I will get back to this in a little while, I just want to point out that even Patrick Fitzgerald, who was a prosecutor in a recent case that you may have heard of, the Scooter Libby trial, in which he obtained four convictions out of five counts, he himself was rated as "not distinguished." He was not distinguished in the eyes of the Bush administration officials. And I can see why they would find such a gentleman as "not distinguished," because he did not evidence enough loyalty and obedience to the administration, but he certainly did bring forth some real accountability in government.

I am going to yield back now, but I am going to be sticking around because I have more to say about this. I am going to yield back now; but before I do, I just want to say that accountability breeds trust in government and trust in government promotes an active, engaged citizenry which is fundamental to democracy.

Mr. KLEIN of Florida. Thank you, Mr. ELLISON.

I think that, again, the example you gave is something that is on our front pages. We are hearing about it and we are listening.

Some people have said, well, what is the difference if someone is coming forward or if they are coming forward under oath. Well, I like to see, when someone comes forward, that they put their hand up and say, I swear to tell the whole truth. I can't imagine somebody wouldn't want to do that and what are they hiding if they are not prepared to do that. That seems to be a little battle going on between the Congress and its investigative authority and the President. But, again, I think you put your hand up, we are expecting the truth anyway, and I think that is an appropriate thing to do.

Mr. WELCH, our representative from Vermont in our class, why don't you share with us some of your thoughts on this.

Mr. WELCH of Vermont. You know, it is very elemental: you get what you pay for, you account for what you buy, you are responsible to the people that hire you, you are responsible to the voters.

The opportunity that I have had about addressing some of these issues of accountability, maybe I can just tell a few stories about some of the hearings we have had, because it is worse than I expected. I come from Vermont, where we don't know how to waste things. We do it over recycle, reuse, do all of those things. But, you know, I am on the Oversight and Government Operations Committee, and we have had a number of hearings. And let me just tell a few stories, because I think rather than have me give some conclusions, let people just hear what some of the facts are.

We had some hearings on Iraq expenditures, Iraq relief money. And the Government Accountability Office has come up with an audit that suggests that a minimum of $10 billion was wasted. But a couple of graphic examples came forward that just stunned me, frankly. One was that our Federal Reserve, at the orders of the government, sent $12 billion in taxpayer money, in cash, loaded in skids, shrink wrapped in plastic cellophane over to Iraq. Now, why did that happen? It wasn't accounted for, but it was sent over there to pay salaries for people who were working in Iraqi ministries. And of course it happened at a time when there was a desperate effort on the part of the administration to show some progress in Iraq. And one of the ways of trying to show progress is that we have these ministries up and running and we have employees who are working and doing the basic jobs of providing electricity, of dealing with pensions, and the things that are the functions of government.

Most of that money went missing because it turned out that some of it was literally handed out from the back of pick-up trucks in Baghdad, and it went to employees who were ghost employees. There were these various ministers in the Iraq Government who had a position of influence and saw an opportunity and they took it and made millions and millions of dollars of taxpayer money.

Now, you know, there is no Republican, there is no Democrat, there is no Independent who can fathom the idea of literally loading 347 tons of 100-dollar bills on C–147 transports and sending it to a foreign country to be handed out on street corners. At home, when I go to Vermont and I tell this story, I almost pinch myself because it is so astonishing that I am wondering whether it is true. Unfortunately, it is true. That is something that is happening with taxpayer dollars.

Another example: $57 million was spent, Madam Speaker, awarded a contract to a Falls Church company that was going to construct housing in Baghdad, I think it was outside of the airport, it was going to be for, Congressman HODES is on that committee, so if I get some of these details wrong, you can correct me. But basically it was a housing contract that was going to provide housing for trainees of the Baghdad police. Not a bad idea. One problem: the housing was never built. The only residue of the $57 million are hundreds of mobile homes that are now parked, unoccupied, on a tract of land outside the Baghdad Airport.

Now, even our government got embarrassed at this. And someone in the State Department suggested that what we should do, since we had all these homeless people in Baghdad but they couldn't live there, we didn't have housing units set up, we just had these facilities, the suggestion was why don't we donate these mobile homes to the victims of Katrina. And I had the opportunity to ask the question everybody else would ask, was it their plan to move the folks in New Orleans to

Baghdad or was it their plan to move the mobile homes from Baghdad to New Orleans? That actually happened, all right.

A third example: this isn't so much about wasting taxpayer dollars; it is about violating basic rules of political integrity really.

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This whole question of global warming that people now recognize is real, it is urgent, and it is immediate. And I believe it is becoming a bipartisan consensus. We are not arguing whether it is true.

Well, we were arguing whether it was true. In our committee we had before us a press person that worked for the administration, and his job was to edit reports. Editing apparently included taking scientific conclusions that were reached by scientists doing a scientific method, experimentation, drawing conclusions, maintaining academic integrity, and then putting them through what was an edit that was a political filter that actually changed the outcome of the scientific conclusions. And it was all intended to meet the political agenda of the administration that wanted to resist the conclusion that global warming was real, urgent, and immediate.

There are certain lines you can't cross, and that is one of them. The people of this country, obviously, are entitled to the benefit of honest science. Then we have to make a decision, all of us, about what to do with it, what policies should we pursue. But, bottom line, we have to have that integrity.

So these are just a few examples that I was exposed to as a Member of Congress serving on committees. And I think it reinforces the point that you are making because every American wants and is entitled to accountability, honesty in whatever element of the government we are working in, with our finances, with the services of scientists, and every other sector.

So my friend, Mr. KLEIN, those are a few of the experiences I have had serving on a committee here.

Mr. KLEIN of Florida. The examples obviously go right back to what I think we all believe in strongly as Americans: common sense. Use common sense when you do anything. When you make decisions, use common sense. When you follow up, use common sense. I mean, the examples that you have cited are so extraordinary, they defy common sense.

Mr. WELCH of Vermont. It is really true. And it is not a partisan thing. I am trying to figure this out because all these things did happen on the Republican watch. And it is a Congress that I think turned its back on its responsibility. But I sometimes wonder whether that concentration of all power and a reliance on ideology meant that if you had an ideology and you had a set of facts and if they didn't fit, you would throw the facts out and stick with the ideology. But it is not a productive and winning strategy. So I have been mystified by it.

And, Ron, you and I come out of State legislatures that are smaller, where Republicans and Democrats tend to work together. You have this close relationship and a lot of this stuff just doesn't happen there. So it is mystifying to me how it happens here. But I think it is a lot less likely to happen now that there is a cop on the beat and that our committees are just checking under the covers to see what is going on.

Mr. KLEIN of Florida. I am glad to see, Mr. WELCH, some of the legislation coming forward. Mr. WAXMAN and others have proposed eliminating or limiting no-bid contracts and putting all this out there. And I think this is a bipartisan issue. Nobody seems to have any problem with it. But I think, as you said, it is long overdue.

Madam Speaker, we are joined by another Member of our freshmen group, and it is Mr. PERLMUTTER from Colorado. We are now geographically dispersed from the Southeast to the East to the Midwest and the West.

So why don't you give us some of your thoughts from the Colorado perspective.

Mr. PERLMUTTER. Good evening to my friends from the freshmen class. And I just want to say I listened to my friend from Minnesota as well as my friend from Vermont, and the reason we are here, the reason Mr. ELLISON is here, the reason Mr. WELCH is here, Mr. KLEIN is here, Mr. HODES is here is because this Nation wanted checks and balances, and checks and balances means accountability.

There has been no accountability in Washington for the last 6 years; and as a result, we have had a variety of problems that have continued to arise again and again and again and again. And we can start with the no-bid contracts in Iraq, and the fact that there is some $10 billion that has evaporated into the ether. That is the kind of thing that we have to stop, and that is the kind of thing that the people of America voted to bring a Democratic Congress into being so that there were checks and balances to these no-bid contracts; checks and balances to a loss, a complete loss, of $10 billion, the whereabouts of which we are going to try to find, as the Congress of the United States of America is supposed to do, so that we act as a counterbalance to the executive branch. We aren't just here as a rubber stamp.

So start with Iraq. Let us talk about Katrina and the response that was just a horrible failure by this administration to a massive disaster in the United States of America, and the response after the disaster occurred has also been a disaster. As a member of the Financial Services Committee, it is clear that now we are 19 months after the hurricane which basically decimated New Orleans and many cities along the gulf coast, and yet we have not reconstructed, renovated, rebuilt much of the housing that was completely obliterated in that storm. So not only was the initial response a poor one, but after that the response has been very minimal and has to be improved. That is what checks and balances are about.

Checks and balances are when an administration, for whatever reason, releases the name of a CIA agent to punish her, to punish her husband, to whatever. It is completely wrong and needs to be stopped. And that is why people expect accountability in our government and they like checks and balances.

We have had revelations, Mr. KLEIN, over the past 2 or 3 weeks as to some of the conditions, particularly at Walter Reed but other veteran hospitals. Again, checks and balances and accountability would rein in excesses or neglect, one or the other. We have seen far too much of it. And we, as part of this freshmen class, are bringing those checks and balances back.

Now, obviously the other side doesn't like it. My friends on the Republican side, today they have been complaining with no end as to the approach we are taking to bring benchmarks to this war in Iraq. And they are complaining and complaining and complaining. But, finally, there are going to be checks and balances on this President and the way he has conducted the war in Iraq.

We are supporting our troops. We are supporting the veterans, and we are bringing conditions and accountability to the administration and accountability to the Iraqi people, as it is time for them to pick up what we have been carrying now for the last 4 years.

The American people understand checks and balances. They were tired of one-party government that led to excesses and neglect. We are here to provide accountability. That is exactly what we are doing. The administration doesn't like it. My friends across the aisle don't like it. But that is what the people sent us here to do, and that is precisely what we are doing.

And with that, Mr. KLEIN, my friend from Florida, I would like to yield back to you or to any of our other friends who are on the floor with us tonight to talk about why we are here.

Mr. KLEIN of Florida. Thank you, Mr. PERLMUTTER. And I think we have heard from some of our friends and we have a lot of others within the Democratic side of the freshmen class. There are 41 of us. It is a big class this year, along with the rest of them, Republicans as well. And I think the message is pretty clear, the things you are talking about, the checks and balances. And, by the way, we have our checks and balances with the President. There are also checks and balances with all the agencies. And those are some of the things we are talking about tonight, to be sure things are operating the way they should. A big budget. A lot of money. It has to be spent properly. We feel very committed to that.

Mr. HODES, I know you want to add another thought here.

Mr. HODES. Madam Speaker, I was thinking about what our colleague Mr. WELCH talked about in terms of the investigation into the way in which the administration may have interfered for political purposes with the administration of justice by the United States Attorneys, causing the firing of United States Attorneys for political purposes. And it is interesting to me.

I come from New Hampshire, a small State. And probably many of the folks who may be listening tonight and many people in this Chamber, although there aren't too many, have heard of the name Daniel Webster. And Daniel Webster said a very important thing. He said: "There is nothing so powerful as the truth." And, really, that is what we are talking about.

Our colleague Mr. ELLISON talked about trust, and what we are really talking about is bringing truth to government, bringing integrity to government, bringing openness, bringing transparency, authentic honesty back into the Halls of Congress and wherever oversight and accountability take us. And in terms of what is happening with the United States Attorney scandal, if we have learned one thing about this administration, it is how it responds to its critics. When someone says something they don't like, they get rid of them. The current U.S. Attorney scandal is really just the latest example.

And now folks are probably seeing that there is a conflict. The White House doesn't want people from the White House to come to Capitol Hill in the open light of day under oath to tell the truth to committees in Congress and committees in the Senate. And the question you have got to ask is, what is there to hide? Why not come, take an oath, tell the truth, and deal with the issues?

I started my legal career in New Hampshire as a prosecutor. I was hired by a good Republican, a man named David Souter, who is now sitting on the United States Supreme Court. And what I learned as a prosecutor from David Souter was that the critical thing about the prosecutor's role was that the prosecutor serves the people. My job was to stand up and serve the people of my State. The job of the U.S. Attorney is to stand up and represent the people of the United States. U.S. Attorneys don't represent the President. They don't represent any particular politician. They represent all of the people. And so their judgment has to be independent judgment in order to see that justice is done because what we are after is justice, not political retribution.

So you can imagine what happens in our great system of justice if instead of thinking about truth and justice, the United States Attorney is motivated by political influence. It perverts the system of justice. It means no justice can be had. So the investigations that are going on now, the accountability and oversight over the administration having the folks come down and talk to our committees is absolutely critical. It is fundamental to the preservation of the democratic fabric of this country, because if an administration, if White House officials can exert pressure on the United States Attorneys and remove their independence, then the people can't depend upon our system of justice.

So this may be one of the most important of the investigations and the new accountability that we are seeing in Congress. And, frankly, what I have said to folks back home is we are not going to let this go by without getting the answers. So when folks see the battle over the subpoenas, when they see the White House resisting having its people come down, folks are asking why. What are you afraid of? Let the truth come out. Let's find out what happened. Now, that is accountability. That is oversight, and that is why the American people sent us here.

Mr. KLEIN of Florida. Well said. I know that Mr. ELLISON wanted to add something to that also.

Mr. ELLISON. Madam Speaker, I thank the gentleman for yielding.

I would like to see if the gentleman from New Hampshire would yield to a question.

Mr. HODES. Absolutely.

Mr. ELLISON. Are you familiar with the terminology "a chilling effect"?

Mr. HODES. Absolutely, sir.

Mr. ELLISON. If a prosecutor, a minister of justice, is required to make sure he doesn't step on any toes of the administration or a particular political power or to make sure that he is not supposed to offend a particular party and if such a prosecutor were to do so, they might lose their job, could that have a chilling effect on the zealous prosecution of anybody who might violate the law?

Mr. HODES. Mr. ELLISON, that is called a Siberian express. That is not just a chilling effect. That is ice cubes in your shoes. That puts the fear in the prosecutor. Now, prosecutors are brave people, and these U.S. Attorneys were brave people standing up to do their job. But it has to have a chilling effect, and it is exactly what we are talking about. The independence of our United States Attorneys is the hallmark, the foundation of the Federal system of justice, and it has to be preserved. And that is why it doesn't matter whether the White House is Republican or Democrat. If this was a Democratic administration that was doing this, we would be doing the same thing if we were following Woodrow Wilson's advice and doing our job here in the Congress.

Mr. KLEIN of Florida. Mr. PERLMUTTER is about to jump through the microphone.

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Mr. PERLMUTTER. Madam Speaker, I do have a point that I want to make. The power of the Federal Government is awesome, and if anybody is on the receiving end of the power of the Federal Government, you have a tough hill to climb. So the reason the people expect their U.S. attorneys and their government to operate in truth and honesty and in justice is because that power is so great, and when it is abused, the trust of the people goes right out the door, and without the trust of the people, we don't have much of a government here.

The people, in their unbelievable wisdom, maybe that is a little over the top, but the people in their wisdom chose to elect a Democratic Congress and a Democratic Senate because they know checks and balances can stop that kind of abuse. And we are seeing it now.

It is a shame that we see that U.S. attorneys, who could have been fired for any reason except for reasons that might ultimately be unethical, were being let go and were being threatened. That is just wrong, because the administration wanted to see the power of the Federal Government come down on somebody they didn't like.

Mr. KLEIN of Florida. Madam Speaker, we have one of our senior Members present, you can tell because the rest of us freshmen have dark hair, one of the senior Members who is a mentor to all of us. Mr. LARSON of Connecticut is one of the people that truly all of us look up to. Please join us.

Mr. LARSON of Connecticut. Madam Speaker, I thank the gentleman for pointing out my age, but I am here primarily to salute you for continuing to do this kind of work.

I think, as Mr. PERLMUTTER pointed out, that the American public, who is always further ahead than the Congress is, found its voice in the November election, and you have given voice to the American people here in the people's Chamber, especially in the area of accountability. Because, quite frankly, as we debate today and throughout the remainder of this year, what we hear from our colleagues on the other side, and I don't question their patriotism or their love of country, and hopefully they don't question ours, but I do question their judgment.

Prior to you getting here, there has been a surrender of judgment on issues of oversight and review. So you are a breath of fresh air. You are the sunshine that needs to shine into every corner of this great institution of ours, because the people you are sworn to serve and who you have come here to represent, we are clearly proud in the leadership, of the efforts of this majority-making class that has set a new direction and a new course for this great country of ours.

I thank each and every one of you. Thank you for the opportunity to speak here.

Mr. KLEIN of Florida. We appreciate your guidance and counsel. As we are listening to many of the things, we are glad to add a new energy to the process here. You can see it here tonight.

I want to bring Mr. ELLISON back in. He was really making a passionate statement.

Mr. ELLISON. I also want to add my voice to great things to our leadership, which includes Mr. LARSON from the great State of Connecticut. He is an able and well-qualified leader, and it is just great to see him setting the proper tone for our class.

My question was this. We have several Members of the bar who are now in Congress, and I just wanted to throw a question out.

The President has offered to make a deal, and the deal is that the Democrats could interview, not under oath, not on the record, certain White House aides about this scandal regarding the firing of the U.S. attorneys who have been, it appears, perhaps fired for prosecutions they did do and for prosecutions that in their discretion they did not do that could somehow benefit somebody who was running on the other side.

My question is, how does this deal stand in the light of this new spirit of accountability? This deal that would say, yes, White House aides can come in, no going on the record, no under oath, no transcript, behind closed doors, how does that deal stand in the light of this new spirit of accountability?

Mr. HODES. You know, I can give you a perspective on that. I won't take too long to do that.

My experience, and I had many years as a prosecutor and also many years as an attorney in court, is that the oath that you take to tell the truth is a powerful thing. It is a meaningful thing, and it is an important thing, because when a person swears to tell the truth, it has the effect of opening one's eyes to the importance and the majesty of the process that is involved in coming before a body, whatever body that is, and holding up your right hand and swearing to tell the truth.

What happens then is, frankly, the person who is going to tell the truth and swears to tell the truth is subjected to a host of requirements and possible penalties if they don't tell the truth. That also turns out to be a powerful motivator.

In this country we have trial by jury where witnesses come to tell the truth. We have investigations by Congress where witnesses come to tell the truth. And that really has proven to be the best, clearest, most open way in an open, transparent democratic government, like the one that we want to have and want to preserve, to get to the truth.

That is all we are asking. We are not intending to ask folks to say or do anything they didn't do or to tell us something that isn't so. We just want to get to the truth.

So a deal that has people behind closed doors without a transcript of the proceedings, with no way to review what has been said and no ability to do anything if they don't tell the truth, just doesn't cut it.

Mr. KLEIN of Florida. Obviously there are so many things to talk about in terms of the oversight and accountability. One of the things that I think really hit hard for a lot of the people, particularly if you served in the military, was the Walter Reed Hospital revelation.

Many of us have not served in the military. We may have some family members that receive veterans benefits and things like that. We think of people we ask to serve our country or may have served in the past. They are American heroes on so many levels, and they deserve the highest level of care. So it was shocking, and then shocking even more so when we found out this has been going on for a while.

I think this oversight we have been talking about, the accountability, the proper funding, the proper level of care, doctors, nurses, things like that, so many people in the system are doing good jobs, but there are clearly deficiencies.

Mr. WELCH, you have some thoughts on that.

Mr. WELCH of Vermont. Yes, I do. Every American is appalled at what was revealed, the degrading circumstances for our troops at Walter Reed. There were many things that were obviously disturbing about it, the vermin, the rodents, the peeling paint, the unsanitary conditions.

But that is the tip of the iceberg. What was really heartbreaking when you met the veterans was that they were completely lost and abandoned. We had people with head injuries that had very severe cognitive problems who were in an administrative morass and nightmare. They were abandoned really for 4 months before anyone knew that they were there.

We had amputees who were a mile away from where they needed to be without prosthetics and were supposed to somehow find a way to walk to where their doctors' appointments were. The administrative breakdown was enormous, and it really reflected a culture of disregard.

One of the things that came out as we started investigating this situation out at Walter Reed was that the breakdown of services was very predictable because there was a substantial reduction in the number of personnel that were needed to provide the services.

Step one, you know that if you are having significant increased military activity in Iraq and Afghanistan, you have to anticipate you will have an increasing need for services to treat injured soldiers.

Two, in response to that, the government, the Bush administration, following its ideological hard line about privatization, put to bid certain services that were being offered at Walter Reed. It turned out that the government workers who were government workers had an opportunity to bid on that. They had the lowest bid. Mysteriously, and we still haven't gotten to the bottom of this, Madam Speaker, their bid was adjusted upward $7 million, not by them, but by the reviewer of bids. They then came in second, and the contract was awarded to a private company, IAP Worldwide Services.

Now, we don't know what the bottom-line connection is. What we do know is the following: Number one, what had been personnel of 300 went to 50. Now, it is cheaper to have 50 people on the payroll than it is to have 300, but you also don't get the job done, especially when the number of wounded soldiers is increasing. So that is shocking right away.

Number two, this company, IAP, had all kinds of problems, even though it received millions and millions of dollars doing Katrina relief.

Number three, the head of the IAP Company is a former very high executive in Halliburton, a company that I just have to say has ripped off the American taxpayer and made billions of dollars on this war in Iraq.

Now, how is it that there is a disposition that is so powerful that you put privatization and ideology ahead of a bottom line, the nonnegotiable bottom line that you are going to provide the services that our men and women in the service returning from Afghanistan, returning from Iraq need? It is absolutely and completely unacceptable. That shouldn't be a bipartisan thing. We ought to be doing whatever it takes to make certain that our men and women do get the services that they need.

Lack of accountability makes people lax. They are not looking over their shoulder knowing that somebody is going to be checking to find out if they are getting the job done, if they are ripping off taxpayers, if they are performing up to standards.

That is a major responsibility. We are candid with one another. We know that people are pretty fed up with government. The reason, there are a lot of reasons for it, but one of them is they don't have confidence that we are taking care of their taxpayer dollars. That gets so embedded in people's sense that they lose faith that the government will be there when there is a Katrina, when our soldiers are coming home from Iraq. Our job, together, is to restore that confidence by performance, not by talk; by accountability.

Mr. KLEIN of Florida. I agree with that.

Mr. PERLMUTTER, I think you wanted to add something to that as well.

Mr. PERLMUTTER. I think I was elected to bring change to this Nation, a new direction to the Nation and positive things to this Nation, whether it is energy independence or assist with a whole variety of things concerning change in the direction in Iraq. I did not come looking to go on a witch hunt and to continue to do that.

The people obviously wanted checks and balances. They wanted oversight and accountability. Something like Walter Reed or something like we have just had with the Justice Department, those are things that just appeared now. These are not us going back and trying to dredge up old issues. These are things that have happened because of the neglect of the administration. These are things that appear, and we need to deal with them now.

I think the question is judgment. Before there wasn't good judgment. There wasn't oversight. There wasn't accountability. There weren't checks and balances. The people expect this from its Congress and from its Senate with respect to the White House.

Walter Reed is a shame. It is a shame. It is supposed to be one of our finest medical institutions anywhere in America or the world. It is there for our bravest men and women who have served us valiantly and have been harmed and hurt in a variety of ways, psychologically, physically, and we need to make sure that a place like Walter Reed really does provide the care and the service and the best quality of medical services that we can provide, and not what has occurred.

The Congress today is something that gives Americans a chance for accountability, gives us a chance to deal with this administration on a straight-up basis, and the fact we are here, we are going to see improvements, just the fact that we are here, because it isn't just a rubber stamp anymore. There really is oversight.

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Mr. ELLISON. Madam Speaker, let me say in these final few moments tonight, I want to say there have been over 91 hearings on Iraq alone. But we have also had oversight hearings on Hurricane Katrina. Several of them, in fact. Subcommittee Chair Waters went down to New Orleans to get the real story from people who are living it.

On the Committee on Financial Services, we are going to be talking about predatory lending. Today we talked about executive pay and shining some light on that issue.

On the Judiciary Committee, Subcommittee Chairman NADLER held a hearing on civil rights enforcement, what is the Attorney General's civil rights division doing in the area of civil rights enforcement.

I have participated in hearings on the increase in immigration fees and how those fees are going up in a precipitous manner and questions were asked and officials were made to answer.

So as I said before, this is a time of accountability. We are slowly trying to restore the public's faith in government. They have a right to believe that their government is honest, fair dealing, accountable and transparent. I couldn't have been prouder in the committee hearings I personally have been a part of on issues from the National Security Letters and the FBI executive pay, civil rights enforcement, immigration; there has been a whole range.

I think the story is not necessarily one thing like the Valerie Plame incident or Walter Reed or the U.S. Attorneys; but there is a prevailing, systematic reexamination of how government does business. I am proud to be associated with it.

Mr. KLEIN of Florida. Thank you, Mr. ELLISON. Mr. HODES.

Mr. HODES. Thank you, Mr. KLEIN. It has been a pleasure to be with you here tonight and have this conversation with the people of this country about what oversight and accountability brings to government.

I started my remarks this evening with a quotation from former President Woodrow Wilson. And I want to go back further in time to end my remarks with a quote from John Stuart Mill who said: "The proper office of a representative assembly is to watch and control the government, to throw the light of publicity of its acts, to compel a full exposition and justification of all of them which anyone considers questionable."

And it is that light of publicity, the light that we shine with accountability that helps preserve this government and leads to an open and transparent government. I am privileged to serve on the Information Subcommittee of the Government Oversight and Reform Committee. One of the things that we did which is essential in terms of the accountability of government, we brought to the floor and passed in this Congress in a bipartisan way much-needed reforms to the Freedom of Information Act. It is an act which every citizen can take advantage of to gain information about the government, to hold the government accountable, find documents and information that is the citizens' right to have.

What we did was we restored the Freedom of Information Act to its rightful place where there is now once again a presumption in this government that the government should be open and disclose to its citizens what is going on, what it has for information and documents unless those documents fit into certain narrow exemptions. This has been a critical thing that we have done in this Congress.

I am proud to be a new Member and working hard for accountability. And when the American people see that they truly have an accountability Congress working for them to eliminate waste, fraud, abuse and corruption, to save taxpayer money, they will once again regain trust in their elected officials and in the people's House.

Mr. KLEIN of Florida. I thank you, Mr. HODES, for being part of our freshman class and our working group that is going to be here every week. The 110th Congress is strengthening oversight, and the proof is in the pudding.

People can say, I have lost confidence in Congress, but look at what we are doing. We have had dozens of hearings in the Foreign Affairs Committee just on the ability of working with our diplomatic efforts and all of the strategies in dealing with Iraq on the nonmilitary side. In the past, there have not been enough opportunities to do that.

We've had hearings on the veterans health care crisis and Walter Reed, the politicalization of the Justice Department and how wrong that is and that needs to be cleaned up, the Hurricane Katrina response and the things we are doing right now, passing legislation to truly get people back up on their feet. Global warming and energy independence was mentioned, and the fact is that we are getting down to the things we need to do as Americans to deal with our energy needs and the fact that there is an environmental impact. And, of course, upcoming hearings of oversight on everything from Valerie Plame to oil and gas royalties and National Guard and intelligence.

This is part of the mandate of the last election. I look forward to working with our freshman class. We will be doing this every week. We certainly want input from our constituents back home. Tell us what you think we can be doing. We look forward to working with both Republicans and Democrats to build on this theme of accountability and oversight.

DEMOCRAT BUDGET AND TAX INCREASE

The SPEAKER pro tempore (Ms. SCHWARTZ). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I want to talk about two issues tonight. I am going to start out by talking about the Democrat budget and the tax increases that they are proposing, and I want to talk a little bit about the emergency supplemental. The two are tied together in many ways in terms of the hypocrisy we are seeing come forth from the Democratic leadership.

The House Budget Committee is in the midst of marking up the fiscal year 2008 budget resolution. As it currently stands, the proposed budget assumes the expiration of the 2001 and 2003 tax cuts, which have given us this vibrant economy that we have. It is going to create, therefore, a $392.5 billion tax increase, the largest tax increase in American history.

It proposes no changes to slow the exploding growth of Social Security, Medicare and Medicaid that would result in deficit reduction.

Those 2001 and 2003 tax cuts, as I have said, have helped create a very vibrant economy. They produced real tax decreases in the tax burden on North Carolina's married couples, single parents and families. Almost every taxpayer in North Carolina, low income, single, married or self-employed would lose valuable tax cuts under the assumption in the Democrat budget proposal.

It is not a real surprise, though. We knew this was going to happen. It is business as usual for the Democrats and proves that their promises to be fiscally responsible are just empty rhetoric. I have said before this is a smoke-and-mirrors Congress, and that is exactly what it is.

It would return us to the Democrats' beloved tax-and-spend model for government. They have willfully abandoned their pledge for fiscal responsibility. They pledged to do PAYGO budget rules and spending restrain to curb the deficit, and they have done none of that.

Last year, Republicans rejected $14 billion in nonemergency spending that the Senate tried to attach to the emergency troop funding bill, but the Democrats are doing just the opposite.

Now I want to talk about the supplemental. The emergency supplemental, the Democrats said they would never try to coerce people into voting for legislation they didn't want to vote for. Last week they said they weren't whipping this bill, they were just trying to talk people into voting for it. Well, if this is gentle persuasion, I would hate to see what whipping a bill is. The Members on the Democrats are being threatened and coerced into voting for this. Their votes are being bought with millions and millions of dollars of pork barrel spending that has been put in the supplemental. It is really a slam against our troops.

The proper role of the Federal Government is the defense of this Nation. We may not be completely happy with every way the dollar is being spent on defense, but if that is the case, then what we need to do is have true accountability. Using the word "accountability" doesn't make it so. We heard our colleagues here talking about that. If we wanted true accountability, we would be holding the kinds of hearings that would give us accountability. Instead, we have "gotcha" kinds of hearing. Every hearing here now is a gotcha kind of hearing.

Don't take my word for the fact that this is a terrible bill that they are bringing up, what they are calling the emergency supplemental. The Los Angeles Times called for the bill to be vetoed. It said: "It is absurd for House Speaker NANCY PELOSI to try to micromanage the conflict and the evolution of Iraqi society with arbitrary timetables and benchmarks."

So in addition to the wasteful spending that is going into the emergency supplemental, we are hearing from even the liberal press that this bill does not deserve to pass.

They are using our troops as bargaining chips. The Politico said: "Democrat leaders see this emerging strategy as a way to encourage their liberal members to vote for the supplemental budget bill."

They have willfully abandoned their pledge of fiscal responsibility, and we should not be allowing our troops to be used as a pawn in the hands of the Democrats to get funded programs they want to fund that they take off the budget because it is in the emergency supplemental. It is not a part of pay-as-you-go.

Even the Democrat leaders concede that their own bill is flawed. Democrat whip JAMES CLYBURN has described his party's proposal as a "bitter pill to swallow," again in the Politico.

We should reject this bill. I believe we will reject this bill. We need to support our troops. We need to give them the reinforcements they deserve. We need to win this war on terror. The Democrats never talk about winning; they only talk about losing. That is not the American way. The American way is to take the challenges presented to us, face them squarely, and win and do the things that are right.

REPUBLICAN STUDY COMMITTEE

The SPEAKER pro tempore (Mr. HODES). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, as always, it is a privilege and an honor to be recognized to speak on the floor of the United States House of Representatives. I bit my tongue over the last hour and listened attentively to some of the dialogue that was taking place. It is important, I believe, to correct the record at least on the portion I was paying attention.

The issue that was being discussed by the six or seven on the other side of the aisle was about the eight U.S. Attorneys who were fired by the President. There are great, huge, yawning gaps in the description that came out. For the benefit of the people listening to that portion of it, I will attempt to fill in the gaps.

One is the President dismissed eight U.S. Attorneys. That runs about 85 short that were fired summarily by President Clinton. Talk about a chilling effect on your ability to prosecute if you happened to have been looking into Whitewater or if you happened to have been the prosecutor of Dan Rostenkowski and you found yourself immediately fired, and then subsequent to that, your successor achieving a conviction in the case of Rostenkowski, and then watching President Clinton pardon the very subject of your investigation, I would think that would be a chilling effect on a prosecutor.

But the allegation was made that "the independence of our U.S. Attorneys is the hallmark of justice." Well, yes, I think that is true, but they serve at the pleasure of the President, and the President has the authority and he has the responsibility, Mr. Speaker, to ensure that those U.S. Attorneys are conducting their job, that they are actually prosecuting cases, locking people up in prison and not only taking them out of the crime job market, but also providing an example that keeps other people from committing crimes. When those prosecutions are not taking place at the pace they need to, if they are failing to distinguish themselves, then it is the responsibility and the duty of the President and subsequently the Attorney General to direct that they be removed.

The allegation that the firing of U.S. Attorneys for political purposes was a statement made by the gentleman from New Hampshire. Political purposes. There is no evidence that has been submitted on either side of the aisle that says they were fired for political purposes. There has been speculation, but that is an allegation that I think is a heavy allegation and it is an unjust allegation, and the people who make those kinds of allegations have a responsibility to come forward with some shred of evidence that they base their opinion on rather than wishful thinking.

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This is no scandal, Mr. Speaker. It is not a scandal because it is eight U.S. attorneys. Eight U.S. attorneys, and there is not a partisan divide here that can be seen. It is not like there were eight Democrat U.S. attorneys that were investigating Republicans in office. There is no evidence of that. It is more like there were Republicans and Democrats who have been admonished in the past and challenged by Members of this Congress, at least in one particular case, for not being aggressive enough, for not providing the kind of prosecutions necessary to enforce our borders.

Now, that is something that is essential to our national security, and if the allegations that are made here on the floor of this Congress and the statements that are made in committee and the witch hunt that is going on by submitting and requesting, subpoenaing the White House's closest advisers whom the President relies upon to be able to give him unfettered counsel, and they cannot be intimidated. Talk about intimidation, a subpoena to come before Congress and be questioned on the record about your most private advice to the Commander in Chief of the United States of America is what is going on here.

This is an unjust, unbalanced overreach, and it is my advice to the new majority to start acting like the majority because you are going to have to take responsibility for governing. You have not shifted gears from demagoguery of the past into the responsibility to provide policy that is going to direct this country into the future. It is high time that that happened. Break the mold. Let us go forward with good policy, and remember, if you have the gavels, you have the responsibility to make statements that are precisely correct, accurate all the way, truthful in every way possible, and move this country forward in the right direction and provide solutions, not just criticism.

I expect that subject will come up a little bit more, Mr. Speaker, within the next 53 minutes or so. Hopefully that will dispatch that subject for tonight.

But I would raise also there are two more issues before us tonight, Mr. Speaker, and one of them is hanging in the balance here in an unprecedented move, and that is the effort to provide a voting Delegate for the District of Columbia here in the United States Congress. It is an astonishing thing for me. It is an astonishing thing for me to be one of 435 Members of this House of Representatives who comes down to this floor every 2 years, and I bring my own Bible down here to make sure I am not short a Bible because I want my oath to go before God and country, for God and country, and take an oath to uphold the Constitution of the United States, so help me God. I add those words to my oath, and I have done so every time that I have been here to take that oath.

I believe that if there is a bill before this Congress, and as we analyze it constitutionally, if any of us come to the conclusion that it is an unconstitutional piece of legislation, it is our responsibility or our duty, our obligation, our oath to uphold such unconstitutional legislation. We have taken an oath to do so. Vote "no" and clearly articulate the reasons why that bill is unconstitutional.

So Mr. Speaker, I have clearly articulated that before the Rules Committee, before the Rules debate here on the floor, and with the case of the bill on the floor, and I will seek to do that again for the edification of those that were not paying attention and still think that they can come around here tomorrow or next week or whenever it is that the majority gets the votes lined up and vote for an unconstitutional bill because they think it fits their politics. That is not what this oath is about, and so this D.C. district sets this way.

The first unconstitutional provision is this. Article I, section 2 of the Constitution says that the Representatives shall be Representatives of the States chosen by the people of the States. So if D.C., the District of Columbia, is not a State, it is a clear constitutional provision that prohibits this Congress from bestowing a Member, a voting Member representing the District of Columbia into this Congress because the District of Columbia simply is not a State.

Now, there are a couple of ways to resolve this issue. One would be to adopt the District of Columbia as a State, in which case they would get a Representative for the House of Representatives and two Senators. If that could be done and this Congress could pass it and we adopt District of Columbia as a State, that would be a constitutional solution.

Another constitutional solution would be to simply to take the populated areas outside our Federal buildings, just a little bit outside the Mall, from the Potomac River all the way up here around to the east side of the Capitol, set that aside as the District, and the balance of the District then could be ceded back to Maryland. That then could be incorporated into the redistricting process, and the people that lived in the District would be able to vote for a Representative in Congress.

But the arguments made on the other side go something like this, Mr. Speaker, and that is, well, we think that it is a violation of the 14th amendment, a violation of the equal protection clause, for people to live in the District of Columbia and not have a vote, be able to elect a Member of Congress.

I would submit, if that is so compelling that one can ignore the Constitution's clear language, then, Mr. Speaker, it is equally compelling to demand two Senators for the same region, and some will acknowledge that that is the goal, and some will deny it.

But this Constitution has always been kind of an inconvenient thing, Mr. Speaker. What is inconvenient about it is it provides constraints, constraints for both sides, Democrats and Republicans, constraints for all of us who have a political reason or a policy need that does not consider the long-term best interests of the people of the United States.

This Constitution is the law of the land, Mr. Speaker, and I will submit that our Founding Fathers considered this when they established this constitutional Republic that we are in, and as they considered this, they looked at the democracies, the relatively pure democracies that they had in the Greek city-states 2,000 and 3,000 years ago, and they concluded that in the case of the pure democracy, the result was the same effect as if you had two wolves and a sheep taking a vote on what is for dinner. The majority rules, and the sheep is dinner.

So are we going to get let those kind of whims wave back and forth across the floor of this Congress, Mr. Speaker, or are we going to adhere to a Constitution that we have sworn an oath to uphold? I will submit that what I am seeing is the two wolves are taking a vote on what is for dinner, and the sheep is the Constitution here, and the minority in the United States House of Representatives, and I have pledged to uphold this Constitution, I will stand in the way to the last breath of an unconstitutional provision, no matter what it is.

But the arguments that were made here on the other side of the aisle primarily, Mr. Speaker, came down to this: That there are two very well-respected attorneys that have written opinions that will take the position that it is not unconstitutional for this Congress to ignore the Constitution and confer a voting right on a Member from the District of Columbia. Yet, as I look at those two names, they are high and stellar names, Mr. Ken Starr and Mr. Viet Dinh. I have worked to some degree with both of them and read their opinions, and I recognize that when one goes off to law school, one of the first things they teach you, Mr. Speaker, is argue this side of the case, now argue this side of the case, take the position on the right side, take the position on the left side.

There are two reasons for being able to argue both sides of every issue, Mr. Speaker, and one of them is so if you are hired to argue one side, you are prepared to do so; you are not stuck in an individual ideology. The other one is, if you want to survive in the attorney business, you can provide for billable hours because you are a lot more flexible to be able to go on either side of an issue.

Well, I do not allege that these legal opinions that have been produced by Mr. Starr and Mr. Viet Dinh do not have a basis. They do. I just submit that it is a weak basis, Mr. Speaker, and as I read through that, there is the foundation of the Tidewater case. Their argument there is that because a court found in favor of allowing the people in the District to have the Federal court protection and conferred that kind of utilization of the court on the residents here in the District of Columbia, that that implies that they are citizens of a State. Well, that is an utterly weak analysis, Mr. Speaker.

Then the second argument, and that seemed to be even an argument that they hung their hat on even more, was the argument that, and believe me, the Framers understood there was going to be a District of Columbia. When this Constitution was ratified, they knew that. They defined it within the Constitution itself in Article I, but what they provided for was for the 10-mile-by-10-mile section that was laid out to become the District of Columbia for a period of time, that was from 1791 until 1801, that roughly 10-year period of time, until the Federal jurisdiction was applied here in this District, they allowed the people that before that time had been residents of Virginia to vote as residents of Virginia, and they allowed the people that had been residents of Maryland to continue voting as residents of Maryland.

So nothing changed for the people that were residents of the District for 10 years until the Federal jurisdiction was established, at which time then they did not have a Representative here in this Congress, and have not had all this time for this 200-plus years.

Well, the argument that was made by the two stellar legal scholars was because Congress allowed the people that lived here in this District to vote as residents of Maryland or Virginia, as the case may be, for 10 years, somehow that established a precedent or a constitutional right to have a Representative in the United States Congress, an utterly weak argument, and a precedent it was not.

Mr. Dinh admitted what the analysis comes down to, because there was an agreement between the House and the Senate, and the President signed the bill and let them vote conditionally for a 10-year period of time, that it was no precedent like you would get if the Supreme Court had made a decision. The only decision was no one disagreed with, so there was no constitutional argument to be resolved. In fact, no constitutional precedent was established either.

We go forward, and now equal protection under the law, Utah, to give a resident or a Member at-large so that if you are a resident of Utah, you can go and vote for your Representative in your district and the Representative that would be the Representative at-large in Utah. In fact, if you are a Member or a candidate, you could vote for yourself and somebody else to come here and do the same job. That is not equal protection under the law.

There was a case in 1961 called Baker v. Carr that tied this down to as close to an individual population balance as you could possibly get. That was the beginning of one man, one vote. There was a subsequent case in 1964 that speaks to it as well, but Utah also blows this Constitution sideways.

There are many reasons to vote "no" on this, and the difficulty that the majority has, and now unprecedentedly pulling a bill down as it was to go up for final passage and refused to allow a vote after days of building up to this with no explanation is unprecedented in this Congress, and that violates, I believe, the right of the people to be heard and the right of their judgment to be recorded here in a recorded vote on whether the District of Columbia will have an unconstitutional Member in this Congress or whether they will not, Mr. Speaker.

So that kind of cleans up the air here and gets us to this point where we are at the subject matter we came here to talk about, and what I would like to do to kick that subject matter off would be to yield to the gentlewoman from Tennessee, the tenacious Marsha Blackburn.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Iowa so much, and I thank him for hosting our Republican Study Committee hour this evening so that we can come here and talk a little bit about what those of us in the Republican Study Committee are doing, and certainly how we feel about the supplemental budget that is before us, a vote that we will take tomorrow. I appreciate the context that Mr. KING has brought to our debate tonight.

It is so very interesting to listen to our colleagues across the aisle. They talk about how they are going to change things, and when we talk, Mr. Speaker, about the change the American people wanted to see in November, they were not talking about subpoenas and hearings and vilifying people. The Democrats said that was not what they were going to do, and we know there are many who would like to make the President responsible for every single thing that has gone wrong.

We understand that, and we accept that, but it is unfortunate that when they come down here and they talk about honesty and accountability and trustworthiness and oversight and responsibility, their actions do not match their words. Their actions do not match their words at all.

What we continue to see in the supplemental budget, in the D.C. voting bill that they pulled from the floor today, and the budget that they will bring before us next week are a lot of accounting gimmicks, trying to move spending off line, hiding dollars, budget manipulation and deception. My goodness, this does not match up to what we hear from their rhetoric at all.

We know that there was all this talk about trying to be certain that we kept the spending low, and, Mr. Speaker, it took our colleagues across the aisle, as they took the majority, it took them 2 days to increase spending and 2 weeks to increase taxes on the American taxpayer, on the middle-class families working so hard to make ends meet, 2 days to increase spending.

□ 2115

They have spent well over an additional $50 billion so far. Two weeks to increase taxes, and as this budget that the Democrats are working on comes to the floor next week, they are going to invoke the largest tax increase in U.S. history, $400 billion over 5 years. That does bring us to the point of talking about the supplemental, and that is before us. Because as we hear all of this rhetoric, what we see is a budget, a supplemental bill that is to be there for our troops.

We all know that there is a lot that our troops need. When it comes to meeting their needs, when it comes to meeting their readiness, there is a lot they need. One of the reasons for that, when you go in and you look at the decade of the 1990s, budget after budget after budget, the military was cut. Funding to the military was cut. Funding to veterans, funding to veterans health care, funding to programs for the military retirees, funding for the active duty, funding for equipment, funding for artillery, funding for research and development, cut, cut, cut, cut, cut, year after year after year. The Democrats chose to cut that.

Bill Clinton chose to cut that because they had other priorities. They were do the dot-com boom. They were into issues that were other domestic issues, but the Nation's security was not a priority. Certainly, even the current Speaker of the House was quoted in last year's campaign as saying national security shouldn't be a campaign issue.

There is nothing more important than the security of our families in this Nation. There is not one thing more important.

I have so many places I could go to talk about what has happened to this budget, to this supplemental bill that is before us tomorrow. It is to be the emergency spending bill for the war on terror, for our issues in Iraq. USA Today even had an editorial calling this a bad bill, because they don't see, and I agree with them, I agree with USA Today on this, they don't see an additional $500 million for the Forest Service as an emergency spending. They don't see $283 million for the Milk Income Loss Contract Program an emergency, or $120 million to compensate for the effects of Hurricane Katrina on the shrimp and fish industry, or $100 million for citrus assistance, or $74 million for peanut storage costs or $64.4 million for salmon fisheries or $54 million for asbestos mitigation, or $48 million in salaries and expenses for the Farm Service Agency, or $35 million for NASA risk mitigation or $25 million for spinach growers or $25 million for live stock.

Even USA Today doesn't see that as emergency spending. I agree with them, because it's not.

I bet that many Members of this House had a wonderful mother like my mom has always been. My mother was always very good at saying, when I was doing something that maybe wasn't appropriate, she would say not here, not now, this is not the place.

Well, as good as some of these programs may be, not here, not now, this is not the place. The men and women in the US military are worth more. They are worth more than the actions, the actions and the conduct that is being carried forward in this budget. It is the wrong place, and this is the wrong time to spend $21 billion on discretionary spending that the Democrat majority does not want to carry to the floor and debate. They want to hide it. They want to keep it out of sight. They don't want anybody to know this. They just want to get the spending in there. Because, why? They want to circumvent their own PAYGO rules and their own budget rules. It is not the time; it is not the place.

Now, if the leadership of the Democrat Party is so into instant gratification that they cannot wait to take it to committee and go through the proper channels, then I think they need to have a reevaluation about what is important. I can tell you what is important to my constituents. It is knowing that when they put their head on the pillow at night, they are safe. It is knowing when they drop their children off at school, they are safe. It is knowing that when those children graduate from high school and from college, they are going to have a brighter future. It is knowing that as they work hard to build a business, that they are going to have the opportunity to grow that business. It is knowing that when they retire, that they are going to be able to enjoy every single day of that retirement.

It is knowing that, yes, indeed, they are going to be accountable, they are going to support their government, and it is knowing that their government is going to be there to support the fundamental values, the underpinning of this Nation, and to support the men and women who put their lives on the line every single day to go and defend this country and defend their freedom.

You know what, if it were not for those men and women in uniform, if it were not for them doing their job, if it were not for the fact that they have done their job time and again during the course of this Nation's history, you and I would not be standing here tonight having this debate.

There is a price that is paid for freedom. Every penny we appropriate in an emergency bill deserves to be spent on the men and women wearing the uniform defending that freedom.

Mr. KING of Iowa. I thank the gentlelady from Tennessee. Certainly I wish to associate myself with all of her remarks, and I appreciate the consistency and the persistence with which Mrs. BLACKBURN comes here to the floor and participates in committee in every way possible to move the right agenda here in America.

I reflect upon a thought that crossed my mine a week or so ago or maybe 2 weeks ago in committee, as I was listening to the kind of argument and debate that was coming from the other side of the aisle, and the discussion was about people who have food anxiety. We established food stamps for people who were suffering from malnutrition, and then we extended those benefits to those that were hungry, and now the effort is to extend those benefits, not to just those that, we can't make the argument that people don't know where their next meal is coming from any longer, so now the argument is made that people wonder where their second, third, fourth and fifth meal is coming from, and that is called food anxiety. Food insecurity is the more appropriate term they likely use, food insecurity.

It occurred to me, this Constitution, I waved it around a little earlier, provides some constitutional rights: life, liberty, and the pursuit of happiness. But as I read back through my history and recognize that FDR back in the 1930s made another speech, and it's called the Four Freedoms speech. Those four freedoms, as he defined them, are etched into stone down in FDR's monument. First is freedom of speech, the second is freedom of religion. Those are constitutional rights. Speech and religion are one and two, third and fourth are freedom from want and freedom from fear.

Now, those aren't constitutional rights. They are extra-constitutional rights, as articulated by FDR. But they were used to advance an agenda that grew government more dramatically than ever before, and it eclipsed the vision of most Americans. But they are really not rights. They are not constitutional rights. It's a vision or an image to have freedom from want and freedom from fear. Now, I don't know how you ever get to that point where you are free from fear. I don't think that can be guaranteed.

But we have gone another step now with the food anxiety or the food insecurity part. Now we have gone from our real freedoms, freedom of speech and religion, all of our Bill of Rights, to freedom from want and freedom from fear as articulated by FDR. Now, because of food insecurity language, now the argument is we need to make sure that people are free from the fear of want, freedom from fear of want.

So you should never have to wonder about whether you could pay your rent. You should never have to wonder about where your next meal is coming from. You should never have to wonder if you are going to have a job or if you are going to get fired, because government can be all things to all people. Government can take this safety net and turn it into a hammock, and no one has any anxiety. Perhaps we could cure ulcers if we could just have enough Federal money to do that.

If we are free from fear of want, we will also be free of the ambition to provide for our future wants and needs. If that's the case, the productivity in America will go down dramatically, and we will watch this work ethic in our culture collapse. One of the things that drove me to work my entire life was fear of want and not knowing, necessarily, even where my next meal was coming from, not knowing if I was going to be in business the next week or next month, but knowing I was the one in charge, I was the one in control. I had to not only work hard; I had to work smart.

That has given millions of Americans to succeed, freedom from fear of want, a new right in this new Pelosi administration. I offer that thought for edification and consideration.

But I also recognize that the gentleman who represents the vast majority of the State of Nebraska and some of those spaces out there are, indeed, vast, Mr. SMITH. I appreciate your arrival in this Congress, the values that you bring here, and the principled stand that you take. Often there are many things that tie western Iowa to all of Nebraska, and particularly western Nebraska. I appreciate you being here on the floor.

Mr. SMITH of Nebraska. Thank you to the gentleman from Iowa. It's great to be here. I take this responsibility, not only this evening, very seriously, but being elected as a Member of the United States House of Representatives very seriously.

My primary responsibility, I believe, is to protect the freedoms that so many Americans enjoy and, perhaps, have taken for granted for a time. I think back to the terrorist acts leveled on our country, and that is a constant reminder that we cannot sit idly by, that we cannot let division sway us from our goal. I believe that one of the fundamental sources of our freedom is through economic freedom, and that is why I requested a spot on the Budget Committee.

Incidentally, last night, we had a long markup of the budget. It was very enlightening to me as a new Member, and it was very enlightening to me, I think, some of the rhetoric and the objectives of a budget. We know that so often we want to tell people, yes, in terms of the of new programs, of new spending. There comes a time, though, when we are going to have to pay for that.

There was a lot of rhetoric exchanged in terms of what tax relief has done for our economy, some would say what it hasn't done for the budget. But I don't know if it's just coincidence that the economy turned around with tax relief. I don't think it's coincidence, to be quite honest with you. But it is interesting how the allegations are leveled that the Bush administration tax relief or the Reagan tax relief or, quite honestly, the President John F. Kennedy tax relief had nothing to do with a rebounding economy subsequently.

It was very enlightening to me, in fact, when I was visiting the JFK Library in Boston, or outside of Boston. This is not the Ronald Reagan Library; this is not the Bush 41 or the Bush 43 library. This is the John F. Kennedy Library that has an entire exhibit devoted to the economic policies of tax relief leading to economic prosperity.

I believe that it has to do with the very basics of economic freedom that individuals, families, you name it, when they have those dollars in their hands, they can spend it more wisely on the economy, rather than paying it into the government, and then the government doling it out as a redistribution of wealth or whatever the case might be.

□ 2130

But it does amaze me that we are here listening to the need for so much more spending. In fact, a high level of spending wasn't enough to get enough support, so they made it even higher to bring on more support. That concerns me, and I know that it concerns many Americans as well.

But as we were marking up the budget last night in committee well into the night, it was interesting how we heard that the majority wants to maintain the tax relief relating to the marriage penalty, tax relief relating to the child tax credit, but yet the budget doesn't show that. The budget does not show that. And it just spoke volumes, I guess, in terms of sound budgeting according to the principles I think of economic freedoms that should be instilled there.

But when we talk about something, we politicians kind of get a bad name now and then, or maybe more often than that, for saying one thing and doing another. That is unfortunate, because this budget says one thing and does another, and that is my concern.

It is interesting that there were amendments proposed for the budget resolution last night that would have solidified the tax relief one measure at a time. So there was the option of cherry-picking, if you will, good parts, bad parts, whatever the case might have been for others wanting to support these amendments. If they like the child tax credit, but didn't like the dividends reduction in taxes, they have the option to choose one without the other. Every single amendment was rejected. Every single amendment. That concerns me a great deal because, like I said, it eats away at what I believe is a fundamental freedom that we should enjoy in America, that being economic freedom.

Mr. KING of Iowa. If the gentleman would yield, and just inquire as you were working through that budget last night, what kind of message did you get from the majority party on how much support there was for the Department of Defense budget and how much support for military spending? We are having this debate here on the floor today and starting again tomorrow morning. Did you sense that there was a commitment to support our military financially, our troops, and their mission?

Mr. SMITH of Nebraska. I did not sense that commitment. It would be hard for me to speak or to speculate. And I am not here to beat up on those with whom I disagree. That is not my job.

I do believe, though, that this supplemental spending bill, and I don't want to take up all of your time, but I do want to touch briefly on the fact that this supplemental spending bill with the caveats that many would call micromanaging the war is the wrong thing to do. I don't think we want to give our enemy any hint of what our plans are. A date certain withdrawal is the wrong thing to do. Certainly that was not discussed, especially in the spending context that we have heard so much here today about and well into the future.

There is a lot we can worry about in the past, but if we don't focus on the future, we are not doing our jobs. And as we look at protecting the freedom, I can't help but think how productive we could be with a more unified approach. And I believe that military generals are trained highly, and that we should entrust in their abilities the objective of doing what they need to do so that we can see success overseas. And I cannot say that enough, but I truly believe that turning a spending bill into a bill to micromanage the war is the wrong thing to do.

Constitutionally the President is the Commander in Chief. No one else is the Commander in Chief. And the Commander in Chief makes the tough decisions. And we can again look at the past and perhaps learn from the past and apply those lessons to the future, which we must do and can do. And if we pay attention to really look at the information and the facts and the data, we can do the right thing, and that is availing the resources to our military, to those most highly trained, those closest to the situation, and allow those folks to make the right decision.

I yield back, but I certainly appreciate this opportunity and would certainly encourage my friend from Iowa to continue his pursuits here, because I think it is helpful, and I hope to join again. Thank you.

Mr. KING of Iowa. I thank the gentleman from Nebraska, a Mr. SMITH who has come to Washington to stand up for middle-American values, and to hold the line on the spending in the Budget Committee, hold the line on the constitutional issues with the micromanagement that is coming out of here with this supplemental spending bill, this emergency supplemental spending bill.

And I will make no such pledge that it isn't my job to challenge the people with whom I disagree with. In fact, I believe it is my job to do that, and I intend to step up every time and draw those bright lines when I think it is imperative that those bright lines be drawn.

So here we are with this bill on the floor being debated several hours today, with 1 or 2 hours left in the debate for tomorrow. And maybe it will go to final passage, maybe the votes won't be there, maybe the vote will get pulled down just like D.C. voting was pulled down today. They take it all the way through the process, and, at the time it is supposed to go up on the board, realize, we lost the debate, so now we can't allow a vote. That is exactly what happened here in the House of Representatives today. The people's voice wasn't heard.

We have got a little debate to go tomorrow. People are going to sleep on this tonight, and they are going to think about the President asking for $99 billion to provide for Afghanistan and Iraq, the surge in Iraq, the strategy that was part of the Iraq Study Group's recommendation, the bipartisan Iraq Study Group's recommendation, and the effort to succeed in Iraq.

And it is interesting that the President has retooled our approach here. We have a new Secretary of Defense, Secretary Gates; we have a new Secretary, at least an Acting Secretary of the Army, Mr. Geren; and we have a new Commander at Walter Reed Hospital, we have a new Commander of CENTCOM. And this is a new plan, a new plan put together by the individual who wrote the book on counterterrorism and the most successful general that I believe that we have seen come out of the Iraq theater, and that is General David Petraeus, I believe the most impressive military individual I have met in my time here, in fact in my life. And his strategy is part of the same strategy that the Iraq Study Group put out. And having written the book on counterterrorism and being endorsed without opposition for his confirmation for a fourth star by the United States Senate, and within a week the United States Senate is back trying to jerk the rug out from underneath his plan, trying to oppose the surge in Iraq and trying to oppose the 21,500 extra troops that go in there. And now we are seeing a little wavering, a little quavering, and some people going a little wobbly because they are starting to see the positive signs in the effort in Baghdad.

Now, the situation there is kind of interesting, Mr. Speaker. Baghdad and

30 miles around outside of Baghdad is where 80 percent of the violence in Iraq is taking place. And it occurred to me, it was actually back in December, I was reflecting back upon the 101st Airborne 62 years earlier had been surrounded at Bastogne during the Battle of the Bulge in World War II. Bastogne, a city that had seven roads leading to it and through it, was the centerpiece of the transportation link. It was the key to success or failure in the Battle of the Bulge, and maybe it was the key to victory or defeat for either side in World War II, at least in the European theater.

And so, as the 101st Airborne was surrounded at Bastogne, mercilessly being shelled by the Germans, and the Germans demanded the surrender of the 101st, General McCollum's response is famous, and it should echo throughout all of American history when he said in his response to the Germans, "Nuts." We understood what that meant, being Americans. The Germans didn't. They had to go get their linguists to try to understand what it meant, and they still, I don't think, have figured out to this day. Well, that was in one word, four letters, the American spirit of defiance, the American spirit of perseverance.

And there they were surrounded at Bastogne, hopelessly surrounded, and their response was, "Nuts." We are hanging on and we are going to defend Bastogne. And shortly thereafter we had General Patton and the 3rd Army that came and relieved the 101st Airborne. They argue to this day that they didn't need the help of the 3rd Army, that they had the Germans right where they wanted them.

That was the American spirit 62 years ago, Mr. Speaker, and today 80 percent of the violence is within Baghdad or 30 miles from Baghdad. Baghdad is essentially surrounded; it is not a stronghold. We have always gone wherever we wanted to go in Baghdad, or any other city in Iraq for that matter, even though the press calls it a stronghold. We went wherever we wanted to go, and we go more now than we did before. Baghdad is significantly pacified, but Baghdad was surrounded by peace, a relative peace at least, and the violence was in there.

Now, if we had pulled out, or if sometime in the future this side of the aisle is successful in shutting off the resources so that our military can't succeed in their mission, and we pull out of there, I believe history will judge us nuts if we do such a thing, Mr. Speaker.

There is too much at stake. There is no discussion on this side of the aisle here about the consequences for pulling out. No one has a plan for victory. No one over there will utter the "V" word, the victory word. No one will define it. They are just a group of "defeatocrats" that can't get it out of their head that America's destiny is worth more than marking political points against your opposition.

So we sit here with more than 3,000 lives sacrificed for the freedom of the Iraqi people and the destiny of the world, because if we don't defeat this enemy here in Iraq, as Prime Minister Maliki said right here behind where I am standing right now, he said, "If the terrorists can't be defeated in Iraq, they can't be defeated anywhere."

Now, if Mr. MURTHA gets his way and troops are deployed out of Iraq, the bill doesn't say where, but he has said where: Okinawa. Okinawa. Over the horizon is Okinawa, and we can put our troops over there, and then we can fly them wherever we need them whenever we need them. I would say we might as well take them right to Afghanistan. And I am going to explain the reason for that, Mr. Speaker.

First, this is a poster of Muqtada al-Sadr. He is quite an interesting character. He started out in this conflict as a militia general, and he wasn't doing very well down south of Baghdad a couple of years ago when he suffered huge, huge casualties in the Madhi militia. In fact, the casualties were so heavy that he decided to become a politician instead of a general, and so he entered into and built a little coalition and picked up 30 seats in the Iraqi Parliament. He also took over the security on the civilian side of Baghdad International Airport, along with one portion of the Shia region of Baghdad and some of the area to the south. Muqtada al-Sadr, not a friend of the United States, an individual who has empowered himself by attacking the United States and denigrating the United States and inspiring his followers the same way, and this is how he did it.

And I was sitting in Kuwait City, the date is right here, June 11, 2004, waiting to go into Iraq the next day, and I was watching al-Jazeera TV, Mr. Speaker. Now, Muqtada al-Sadr came on, this burly face, and he was speaking in Arabic, so I was looking at the crawler underneath in English, and it read just like this: "If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu." That was Muqtada al-Sadr, June 11, 2004. Al-Jazeera TV. I attest to that; I was there, I wrote it down; I saw it; I heard it. And that is the statement that he made.

Now, I went back and picked up the book written by General Vo Nguen Giap, and it is, "How We Won the War." And he is writing about the Vietnam war, how they won the war. And very early in the book he takes the position that because the United States did not win a clear victory in Korea, they understood that we would maybe not have the will to win a clear victory in Vietnam. So their strategy from the beginning was to fight the war in such a way that it would break down and defeat American public opinion and encourage the antiwar activists all across this country and around the world. That was a part of their calculated strategy that is in the book, "How We Won the War" by General Giap.

Now, it hadn't occurred to me that because we settled for a truce at the 38th parallel in Korea at the place, the same line as the beginning of the war was the end of the war. But because we didn't push the Communists all the way out of North Korea and draw a new line, they believe that we could be defeated because we didn't demonstrate the will to succeed.

Carl Von Clausewitz wrote the treatise on war, and the name of the book is, "On War." And he states in there, "The object of war is to destroy the enemy's will and ability to conduct war." To destroy the enemy's will and ability, Mr. Speaker. And I believe Clausewitz lists will ahead of ability because it is more important here. Your will to succeed, your will to prevail is more important than your ability to conduct war.

In other words, if you are fighting an enemy, and you destroy their airplanes and their navy and their tanks and their guns and their ammunition, and they still have the will to fight you, they will come at you with IEDs or rocks or fists or boots or clubs, because they still have the will to take you on.

But here in this Congress, there have been dozens, there are scores, there, in fact, may be more than 100, there may be more than 200 that don't understand that when they stand here on this floor and they speak against our military's mission, they are encouraging people like Muqtada al-Sadr when he is inspiring his people by saying, "All we have to do is keep attacking Americans, and they will pull out of Iraq the same way they did Vietnam, Lebanon and Mogadishu."

□ 2145

And if we should do that, Mr. Speaker, I can show you the next poster you will see on this floor, the next quote that will show up in the news media.

This is another notorious individual: Osama bin Laden. Where is he? We are looking diligently for him. One day we will find him.

But the lesson from Muktadr al-Sadr, the lesson that needs to be understood by the Defeatocrats is that if we pull out of Iraq, we don't win there. You have al Qaeda taking over. You have Iran coming in and taking over 70 to 80 percent of the Iraqi oil. You have Iran with their hand on the valve that could shut off at the Straits of Hormuz, 42.6 percent of the world's export oil. Doing so let's them control the world economy, including that of the United States, including that of China, empowering Russia, empowering Iran, intimidating and controlling the entire

Middle Eastern oil supply by Ahmadinejad. That is what is in store for us if we don't prevail.

And so Maktadr al-Sadr has laid it out, and he has got a clear vision. His vision isn't hard to figure out. General Giap has figured it out, just from seeing that we would settle for a truce at the 38th Parallel, and we have got Maktadr al-Sadr seeing that and Vietnam and Lebanon and Mogadishu, and several others, by the way.

But if we pull out of Iraq, our troops aren't going to be deployed to over the horizon, Mr. MURTHA, or over to Okinawa, Mr. MURTHA. They may get to go home for a little while and polish their boots, but they are going to Afghanistan, because that is the next stop for these terrorists that are going to keep coming at us until we defeat them or capitulate.

And so this will be the next quote you will see if we pull out of Iraq. It will be Osama bin Laden this time, and he will be saying, if we keep attacking Americans they will leave Afghanistan the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu, the same way they left Iraq. That is what is in front of us if we don't have the will to prevail, Mr. Speaker.

And these kinds of unconstitutional supplemental or emergency spending bills that tie so many strings on to the hands of the Commander in Chief, that if he adheres to the language that is in here, ties his hands so he can't win.

Now, why would you not be for victory? Why would you send money over there and not provide a way for the troops to win?

This bill pulls us out of Iraq. That is the goal and they have said so. Their goal is not victory. Their goal has been defeat for a long time so they can say I told you so. To put a stain on this administration perhaps. To try to gain political favor, perhaps. But whatever is their motivation, I will submit that this appropriations bill is unconstitutional because it is micromanagement of the duties of the Commander in Chief.

And so I will submit that this Constitution gives this Congress three responsibilities when it comes to war. The first one is to declare war. We haven't done that since World War II. The second one is constitutionally to raise and equip an Army and a Navy, and by implication an Air Force. The third one is to fund the war. That is it. No other constitutional responsibilities. Declare a war, raise a military, fund military. But the President is Commander in Chief because our founders lived through the mistakes of trying to run a war with a whole series of micromanagers and trying to do so by consensus or majority rule within the Continental Congress.

The Continental Congress tried to micromanage the war that was fought by the Continental Army. And they were so stung by that painful effort, and the only thing that preserved them was they had the will for victory. They carried themselves through the hardest of times, barefoot at Valley Forge, because they were determined that they were going to defeat the British and establish a new nation. And that is the legacy that the founders have passed along to us. And they drew bright lines in this Constitution because they understood you couldn't fight a war by committee. You couldn't fight a war if a Congress was going to micromanage the Commander in Chief. So they drew the line clearly, and there is no equivocation, and there is no historical record about the founders wondering about who had what responsibility when it came to fighting a war. No. It was the Commander in Chief. And they gave Congress the authority, declare a war, raise the Army and the Navy, and then, I said by implication, the Air Force, and fund it.

So if you don't want to support our military, and if you don't want to support their mission, then you ought to have enough intestinal fortitude to come down here with a bill that unfunds our military and face the wrath of the American people and the wrath of the United States military, who, by the way, are 100 percent volunteers, not just to join the military and put on the uniform, but for the mission that they are on.

Everyone there has had an opportunity to retire from the military in such time since the beginning of this conflict. Yet, Mr. Speaker, they step forward and they re-up and they volunteer in greater numbers than one ever anticipated. These are brave souls that are on a mission. And to say to them, after they have volunteered for one or two or three or more deployments, well, thanks a lot for the effort, but we are not going to let you finish the job, we are going to drag you home.

Well, I would say to that that I could quote a colonel that I went to Iraq with not that long ago, and he said, and I don't know if I will find it so I will speak from off the cuff and this will be close. It won't be probably an exact quote. He said, don't save me. I volunteered for this mission. Don't save me. I am here because I volunteered for my children. I am here to fight this war so my children don't have to fight this war. You are not doing me any favors if you try to pull me out of this mission that I am committed to. And I have children at home that I am here to defend.

Now, I would say, also, that probably the most profound statement that I heard from a military person over there was a major from Kentucky. And he is a farmer, a father, loved his cows, worried about his bull, wanted to see the digital picture of his new bull, and loves God. And he said to me, he said, we have everything we need. So when you pray for us, meaning the military, pray for the American people. Pray they understand the threat, and pray they do not lose their resolve. We will not lose ours.

That is the kind of personnel we have that put their lives on the line for the future of freedom in the world, for the safety of the American people so that we can ultimately prevail in this long, long war against these global terrorists who believe that their path to salvation is in killing us.

It is not going to be easy. It is not going to be over quickly. And, in fact, every time we step back and show weakness, it empowers the enemy and we are more likely to hear this statement sooner.

But this is not over if we pull out of Iraq, as General Pelosi and Mr. MURTHA would like to do. It is not over. They will follow us here. And they will be more empowered. They will have a base that is protected that they can operate from out of Iraq. And you hand over that oil money to the Iranians, they will be spending it to buy missiles to deliver nuclear weapons, not just to Tel Aviv, not just to Western Europe, but within a few short years to the United States. And we will face an enemy that is a lot tougher than the one we are facing right now.

We need to resolve this issue in the Middle East now. This is the time to do so. Put the cross hairs on Iran's nuclear and tell them cease fighting this proxy war against the United States within Iraq. Resolve and pacify Iraq, and turn our focus over to Afghanistan. Because if we don't do so, this man and his allies turn Iraq into a terrorist base camp, and they turn their effort to Afghanistan to try to drive us out of there and destroy the freedom that has been established there, where people voted for the first time on that soil in all of history.

That is what we are faced with. This is a long war. We need to step up to it. We need to understand that. We need to let our voluntary military perform their mission and stand with them, because not only do we stand with our military, but we stand with them in their mission. I do so on this side of the aisle. I challenge everyone on that side of the aisle to do the same.

It is intellectually inconsistent to take a position that you can support the troops and not their mission. And it is constitutionally inconsistent, in fact unconstitutional, to micromanage a war from the floor of Congress and tie so many strings in there that they can't be met, so that it is certain that if this language passes and the President adheres to it that there will be an end to this sort of victory.

And I ask the President, Mr. Speaker, to stand on this constitutionally. He has the authority to do intra-departmental transfers. If the money goes to DOD and it is directed to an aircraft carrier and we need armored Humvees and Strykers and bulletproof vests, he can mothball that aircraft carrier and put the money where it is needed. That is why he is Commander in Chief. That is constitutional. This bill is not. And I urge that all Members stand up and vote "no" on this when it comes to the floor tomorrow.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come back before the House this evening. And I must say that tomorrow is going to be the judgment day as it relates to Members that are willing to lead on behalf of the men and women in uniform and those that have worn the uniform, and even making sure that we take care of some of the issues as it relates to homeland security.

Today there was a 3-hour, 4-hour-or-so debate on the emergency supplemental that is coming up tomorrow. And you know, part of the mission of the 30-Something Working Group is to come to the floor to make sure the Members have accurate information and to make sure that we provide good information, not only to the Members, but also to the American people. And having Members come to the floor that may represent one view or another is a part of our democracy, and I embrace it 110 percent.

I think it is also important for the Members to be able to receive up-to-date information and also talk a little bit about the past. And I think the past is something that we should embrace from time to time to allow the Members to be able to make a good assessment on how they should vote.

A couple of days ago, Mr. Speaker, I came to the floor and I recommended to some of the Members that it is important on both sides of the aisle that maybe some of us need to go see the wizard and find some courage and also find a heart when it comes down to standing up for the men and women in uniform.

And I talked a little bit about what is in this supplemental bill, emergency supplemental, which is over $125 billion and which will be, from what I understand, the last supplemental outside of the budget.

Now, when we talk about this emergency supplemental, this is for a war that we are going into the fifth year of. And I just want to say that again: a war that we are going into the fifth year of. It has lasted longer than any other conflict in U.S. history. And I just want to make sure the Members understand that.

We have heard statements on the floor. Members come to the floor, especially on the other side of the aisle, saying, well, we just need to give the troops what they need and then, you know, not have any oversight or any language in the bill that may bring about accountability.

Well, I voted for two past supplementals. I said that the other night. I will say it again. Some parts of that supplemehtal I did not like, but the last thing, the last thing that I wanted to do was to vote against the troops having what they need that are in harm's way. And I think that is important.

I don't know how I would have been able to go home to talk to my constituents and say that I voted against the supplemental because there was a part in it that I didn't agree with, while we have folks that are in a forward area, while we have men and women on the ground in Afghanistan, while we have men and women that are patrolling the streets of Baghdad now because the Commander in Chief sent them there to do so.

We want to support those men and women in harm's way and their families while they are here, and in this supplemental we are going to support them when they come back.

We are in the majority now. The Democrats are in the majority. But we have a minority spirit, to make sure that there is no Member in this House left behind because of a lack of information on what they are going to vote on. And that is the reason why I am here.

□ 2200

I returned back to the Capitol tonight to talk a little bit about what is in this supplemental and what has happened in the past. Now, we had a number of Members on both sides of the aisle that talked a lot about what is not in this supplemental and what should be in this supplemental in the future. And I can tell you right now, it is far beyond what the President has called for as it relates to emergency dollars.

And when I see my friends on the other side, and I do say friends, I can tell you every Member that is in leadership now on the Republican side voted for a timeline for Bosnia. I mean, I just want to make sure that Members understand that, because there may be some Members who weren't here at that time, including myself, and it is important.

When we start to close out on this bill tomorrow, you are going to have Members of the Republican leadership that are going to come to this floor and call the Speaker of the House "General" what have you, call the majority leader "General" whatever they want to call him, call the whip "General" this, that, and the other. Meanwhile, here is the CONGRESSIONAL RECORD where they voted for the very same thing when President Clinton was in office.

Bosnia didn't have half of the conflict that Iraq has now. Not even a quarter of the money that has been spent in Iraq was spent in Bosnia. I am a member of the Armed Services Committee. There is a difference when you come to the floor and speak a cappella and when you come to the floor with the CONGRESSIONAL RECORD.

Let us talk about what the CONGRESSIONAL RECORD says because I want to make sure that Members understand. And if that was all about politics, I would be home right now doing whatever, reading a book or spending some time with the family right now, because if it was about politics, I would say I want the Republican minority to vote "no." I want them to vote "no" so that they have to go home and tell their constituents that they voted against increasing veterans' health care funding, they voted against making sure that out of the 100 Stryker Brigades that we have in the Army, that they voted to make sure that some bureaucrat from the Department of Defense can waive their own rules and not make sure that those men and women have what they need to go to battle. And in every Stryker Brigade and every Stryker unit, you have to have a driver, a gunner. You have to have three individuals in that vehicle. And it is very, very important that everyone understands that we have to give our men and women what they deserve when they go into harm's way.

Let me just talk about the CONGRESSIONAL RECORD here. June 24, 1997, House Republicans brought to the floor an amendment that would set a timeline, a date certain, to withdraw from the U.S. peacekeeping mission in Bosnia, a mission that was only 18 months old. Mr. Speaker, I said this mission now in Iraq is in its 5th year. That was 18 months old.

Now, if my colleagues on the other side want to call someone General, Colonel, four-star, Secretary of Defense, whatever they want to call them, we are, as Members of Congress, to make sure that we carry out the oversight of any action of the U.S. taxpayer dollar. They don't want to talk about the investment that U.S. taxpayers have made in this war. They don't want to talk about the sacrifice of the over 3,222-plus members of the Armed Forces that are not coming home again, Mr. Speaker. They don't want to talk about the 10,000-plus members who were injured in Iraq that cannot return back to battle because of their injury. The Republicans do not want to talk about the casualties of this war as it relates to families that will no longer have their loved one back home, and they don't want to talk about the accountability that they did not put forth when they were in charge of this U.S. House of Representatives to say, Department of Defense, if you have regulations saying that military personnel that are going into harm's way, that they have to have armor, that they have to have the support staff, that they have to have everything they need to go to battle; if you aren't willing to stand by that, then don't criticize what we are doing.

I hope that my Republican colleagues follow and come along and join us because this is national security. This is not an issue of partisanship, or I am a Republican and you are a Democrat. That should not be the issue.

Mr. Speaker, I have said personally I voted for the supplemental that the Republican majority put forth two times in a row, not saying, I am a Democrat and, because they are Republican, I am going to vote against it.

Yes, I want to see redeployment in this war, but I do not want to leave our men and women without what they need to be able to fight the battle. There won't be a lack of ammunition or a lack of food or a lack of support or a lack of backup when there is a patrol out on the streets of Baghdad.

Do I support the President's surge? No, I do not. And I voted in the affirmative for the nonbinding resolution that came before this House that said that we do not support the surge that the President has put forth. Just because I disagree with the President doesn't mean that I need to disagree with the men and women in harm's way.

Now, some Members may have problems with this. They may not like a word over here or something that is said over there. But the bottom line is when you start looking at the morale of the men and women in uniform, the worst message that we can send to them is that because of partisanship, because someone is a Republican or someone is a Democrat, that I am voting against it because my party leader said that I need to vote against it. I am here as an American, not as a Democrat here tonight, because I think it is important that we think about those families that cringe to hear about another casualty in Iraq of a U.S. military personnel or a nonforeign personnel that is in Iraq. And by Members saying, I don't want to vote for that because there is certain language in there that I disagree with, I think it is not a good enough reason for Members to say that I am not going to vote for it.

We talked about a commander. We talked about a gunner. We talked about a driver in a Stryker force vehicle. We talked about 100 brigades that are out there now. I have been to Iraq twice. I don't need to come to the floor and say, I am a member of the Armed Services Committee and I have been to Afghanistan, and I have been to many of the other "stans" in the Middle East to understand what our men and women are facing in harm's way. I have been to military bases. I have met with military families before. I don't need to come to the floor and talk about that. We have some Members saying, well, I love the troops.

Well, I love the troops more than you.

No, I have a tattoo saying that I love the troops more than you.

I believe we can come to the floor and talk tough and talk about what we believe in. But when it comes down to it, Mr. Speaker, Members are going to have to take out their voting card come tomorrow, and they are going to have to vote if they support the troops or not, period, dot. They can say, well, I support them, or what have you, go home, talk to the VFW and march in the Veterans Day parade and write letters back to their constituents that I support them 110 percent. The bottom line is that there is nothing in this bill that the Democratic majority has put forth that has not already been recommended.

Think about the policy. Okay. Readiness. It comes from the Department of Defense regulations. Who can argue with that? Who can complain about that? Who can argue, saying we are micromanaging?

No, not micromanaging. We are just saying if you have rules and regulations that have been set forth for the men and women in uniform, follow them, period, dot.

Being a member of the Armed Services Committee, I have watched individuals sit at a table testifying before Congress in committee, saying that the troops have what they need, and, yes, they all have body armor, and, yes, they all have up-armed vehicles, and, yes, they have the jammers to stop the improvised explosive devices; and better yet, you go to Iraq and you talk to the men and women in uniform, and they say they don't have it.

So what should we do? Should we just say we trust the bureaucrats over at the Department of Defense because they say they have what they need? Or do we come to this Congress and put in a language of legislation that not may or if you get around to it, or if you think about it, that you make sure that you live by your own standards. No. We say "shall" in this bill. We say, yes, readiness is important. Yes, we say that what General Schoomaker has asked for as it relates to additional soldiers, we said yes to it in this supplemental. You will be voting against readiness if you vote against the emergency supplemental.

The Commandant of the Marines asked for three new brigades. That is in this supplemental bill. If you vote against this supplemental, you are voting against the readiness of the U.S. Marines.

There are a number of issues that are in this bill that I think are important. But I think when you look at House amendment 302 by Representative BUYER, Republican from Indiana, and the timeline of December 15 of 1997, President Clinton was required to report to Congress on the political and military conditions in Bosnia and by a date certain, by June 30 of 1998, all troops to be withdrawn. Mr. Speaker, that actually came to the floor. And the Republican leadership that was here at that time voted in the affirmative for the amendment. And so for Members to come here and start talking about it as though this is some new idea like "never before."

I heard that today. I was sitting in my office. I could not believe that Members on the Republican side of the aisle were saying never before, that this never happened, that we have micromanaged generals and commanders and all the men and women that are in uniform and from this Congress we have 135 generals. Here is the CONGRESSIONAL RECORD right here.

One guy once said, "I am not talking about anybody. I am just talking about what I am talking about." And the bottom line is in the CONGRESSIONAL RECORD, just as clear as I am speaking now, 20 years, 200 years from now, someone can unearth what I have said here tonight. And we have unearthed, to my colleagues on the Republican side, what took place, and guess what? Only four Republicans voted "no." Here is the voting record right here. I have it. Of all the Republican Members that voted at that time, only four Republicans voted "no" when it came down to a timeline for Bosnia.

Now, this is not something that came from the Democratic National Committee or from the Democratic Congressional Campaign Committee or from my office because it sounded good. This came out of the CONGRESSIONAL RECORD.

So I want to make sure that the Members know and their constituents know that when Members come to the floor and give inaccurate information to the American people and to Members of the House, it is a disservice. And I am not calling any names. I am just saying that here is the CONGRESSIONAL RECORD. For those Members who said never before in the history of the House of Representatives, you have got to know what you are saying before you say it, and if you said it, you should come to the floor and correct yourself so that individuals are not misled.

This is 18 months in Bosnia, let alone going into a 5th year in Iraq. No matter how you feel about the war, whether you voted against it or voted for it, I am not going to editorialize or have an opinion on how you voted when you voted. We are talking about right now. We are talking about tomorrow, less than 12 hours from now, you are going to have an opportunity to say if you are with the troops or you are not with the troops. And it is not going to be a floor speech, and it is not going to be a press release. It has to be if you vote "yes" or "no" tomorrow.

And I am speaking to every Member of the House. This is something that you have to live with. You cannot go to Iraq or Afghanistan or even write a letter or answer an e-mail from a troop if you found yourself in a situation where you said, no, I don't agree with what you are doing; that is fine, but to defund the mission while it is ongoing, our men and women that are in harm's way right now, is something that you are going to have to answer to your constituents. You don't have to answer to me, you just have to answer to your constituents. And I think that it is something you should take into consideration. And one of the great reasons why we come to the floor is to make sure that the Members know exactly what they're voting for.

And, Mr. Speaker, if I can, and Members, if they will indulge me, I would just like to talk a little bit about what is in this bill, what is in the emergency supplemental, because I want to make sure that the CONGRESSIONAL RECORD reflects it when you have some voters that may go into the archives of what took place at this time right now. Mr. Speaker, I used to see all the time in 109th Congress where we had some rough, rocky water, in the 109th Congress.

□ 2215

We had Members that are no longer Members of this House, not by vote but by the fact they had to leave the Congress because of unethical behavior, not unethical, criminal behavior, and we never once called the names of those individuals. But we said we have to do away with the K Street Project and other projects like it, because once upon a time this House, when the other side was in control, you had to pay to play. Either you were on a list or you didn't get access to this House.

Now we have returned this House to the people of the United States of America. We are going to continue to move in that direction, and I think it is important that we make sure that every Member of the House has the opportunity to vote on good legislation.

We are going to consider H.R. 1591, which is the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act of 2007.

I am sorry, I was just corrected, not only four Republicans will vote against it, only two Republicans will vote against it. We are checking while we are on the floor. I want to make sure the RECORD reflects the accurate information.

I think it is important that Members understand the defense healthcare is $1.7 billion more than what the President has requested. I want to just outline that. The President put forth his recommendations which should be in this emergency supplemental. We have on top of that, as it relates to the Appropriations Committee, which I commend not only the chairman but the chairman of the subcommittee and the members of the Appropriations Committee giving us an opportunity to vote on $1.7 billion more for healthcare, defense healthcare, above what the President has called for.

$450 million for posttraumatic stress, which is going to happen. This vote is going to come up tomorrow. That is very, very important. And counseling. We talk about families, you have to remember that there are men and women that have seen a lot, an awful lot, some things that we would never see. Members of this House, a few Members serve in the Reserves, some have served in the Guard, some have seen some of this. But the majority of Members of the Congress has not seen what these men and women have seen or gone through what they have gone through, seeing someone in the mess hall one day and not seeing them the next day, and hearing about what took place with them, that happened to them.

Sniper fire, improvised explosive devices, we could never understand that. But they come home with those real issues, and we have a number of members of our armed services that have admitted that they have issues mentally that they need help with. Now, let's think about it. We are talking about men and women of the armed services that admitted they have issues. How many of those have not?

We talk about preparation for when our troops come home. It is not just when you are in harm's way that some Members may say well, you know, it is important we take care of them. No, when they get home, we need to be there for them. $450 million in traumatic brain injury care and research.

$730 million for prevention healthcare.

$20 million to address the problems at Walter Reed Hospital. I think it is important, and I think we have that chart here dealing with Walter Reed, that is so very, very important. The Washington Post broke the story saying that Walter Reed wasn't up to par. Then you had U.S. News and World Report. We have a specialist here. We have troops, men and women in need, and I think it is important that you look at this Newsweek cover. If you have this at home, take a look at it. It just came out March 5, 2007. I think it is important that everyone pays attention and focuses on this.

We have to make sure we are here for them. $14.8 million for burn care. For veterans care, $1.7 billion more than what the President requested.

I want to stop there to say we put I believe $3.7 billion in the continuing resolution. What do we mean when we say continuing resolution? We mean that the Republican Congress did not finish their work in passing all of their appropriations bills on time. The fact that they weren't able to do so, we were able to meet that shortfall.

Let me correct myself. $2.7 billion that was a shortfall for that. We were able to put $3.6 billion in January 31. The Democrats increased the veterans healthcare budget by $3.6 billion. And that was prior to the story coming out about Walter Reed. We had several amendments on the floor where we tried to increase veterans healthcare because we knew already there were issues in VA hospitals, VA clinics, our veterans getting what they need, leave alone the number of troops and soldiers and also their families that we are going to put into the system of active and those that have left the military, the strain on it. That is when it comes down to planning, and that is already there.

But when you look at the $1.7 billion more than the President asked for, we are talking about $550 million to address the backlog of maintaining VA health care facilities that were intended to prevent veterans from experiencing a situation similar that they found at Walter Reed.

$250 million for medical administration to be able to bring on sufficient personnel to support the growing number of Iraq and Afghanistan veterans and to maintain the level of service at all VA facilities and for veterans.

$229 million for treatment for a growing number of Iraq and Afghanistan veterans.

$100 million for contracting mental healthcare, with the funding to allow the VA to contract with private mental healthcare providers to ensure that Iraq and Afghanistan veterans are seen in a timely manner. I think this is an important point.

We have veterans now, Members, that are waiting, not hours, not weeks, but months, and it is real really unfortunate they have to do so. I told the story about a friend of mine that was in a VA hospital that had my cellular number in his cell phone, and he called me and said, "Kendrick, things are not going the way they are supposed to go. I am waiting to see a specialist, and I have been here for some time and I haven't seen one and I don't think I am going to see one." He was admitted.

Of course, my office called. We were in a truck moving around. My office called the administrator of the hospital, Mr. Speaker, and I am sure not only did he have the specialist, he had the head of the department of the area that he needed assistance in, and he got what he needed.

But, guess what? Every American, every American, every family member of a veteran, doesn't have the cell number of a Member of Congress. That shouldn't be the requirement for service, and that is why we are trying to respond to it.

It is also important, as I talk about readiness and support for our troops, $2.5 billion more to address the current readiness crisis that is the situation on stateside for our troops, including those that are better equipped and trained.

It is important that we make sure that our National Guard units are equipped. Mr. MURTHA, the chairman of the Subcommittee on Defense Appropriations, has said there is not a National Guard unit that is at a point of readiness right now, Mr. Speaker. They are not ready? Why? Because half of their equipment is in Iraq. Why? Because the training has not been taking place because of the lack of funding to be able to allow them to be battle ready. I think it is a disservice for those who have volunteered to serve our country.

You have $1.4 billion more for military housing allowance, $311 million more to make sure that you have the mine resistant ambush protection, which we call MRAP, for the vehicles in Iraq at this time. Everything that the military has asked for to make sure that our men and women don't come back in a way that this specialist had to come back.

She didn't have a choice, Mr. Speaker. Members, by voting for this supplemental, you are going to give her and many other people like her an opportunity to know that we have done everything possible that we can do here in the Congress to avoid what has happened to so many of our men and women that are going in for treatment, physical therapy, to make sure that we can avoid misfortune from happening to them, even though they keep the spirit that we ask them to keep, and these are the most resilient men and women in our society that are citizens.

I think it is important also to look, when I talked about the size of the military, $2.3 billion for the full cost of fielding an additional 36,000 Army troops and 9,000 Marines, and also $720 million as it relates to military construction costs. I think it is important that we look at this.

This is exactly what I was stating earlier. Members want to talk about readiness for voting against this bill? You are saying you are fine with the status quo. We don't know when the next conflict is going to take place. We don't know when. We asked the Army, why do you have soldiers rotating in in 120 days when they just served several months, almost a year, and beyond a year in Iraq?

We don't have the troops. That is what the Army is saying. The Marines are saying we are stretched thin. They are asking for help, and we are saying we are there to help them, and it is in this bill, and I think it is important that Members understand that.

I could not go to Iraq, which I am going to be going again for the third time, and look a marine, soldier, sailor, airman, Coast Guard person, in the face and say that I am there for you if I voted against the supplemental.

Mr. Speaker, I go back to say that I voted for the Republican version of the supplemental. I believe we should have redeployment, but the last thing that I want to do as a Member of Congress, the last thing that I want to do is vote against our men and women having what they need when they are in harm's way. That is the last thing I want to do. There has to be a really rough day for me not to vote to support these troops.

I know that there are some Members that are going to do what they need to do, but I just want to make sure, especially for my colleagues on the other side of the aisle, those conversations that I have had with many of my friends, they say, "Our leadership tells us that we need to vote against it." In the Appropriations Committee, some of my good friends on the other side of the aisle, the leadership said that.

Well, what about what our troops are saying? What about what their families are saying? What about our responsibility as men and women of the U.S. Congress?

Of course, I am not a general. I am not even a sergeant. I am not even a specialist in the Army. But I have been elected and federalized by my constituents to come here and represent them and the United States of America and make sure that we carry out our responsibility as Members of Congress to have oversight.

It is not making decisions here in the Chamber. It is oversight. What is wrong with the Iraqi government having to meet benchmarks? Let's just put it this way, Members. How long have we been talking about, and I do mean talking, about the training of Iraqi troops to secure their own country? How long? I just want to know how long. We have been talking about it I know for at least 3 years, which this is a war in its fifth year.

For at least 3 years there has been a strong conversation about training Iraqi troops, taking over patrols. They have a brigade now taking over a city. We look the next couple of months, U.S. troops are riding side-by-side with Iraqi troops, and in some cases it is a U.S. patrol, because that is what we are down to. A coalition of the few. Great Britain has already said, you know, guess what, folks? We are out of here. We have done our mission. Saddam Hussein is gone, has gone on to another place. His two sons are gone. And they know it is a civil war going on right now in Iraq and they know full well that the key to Iraq, using the Iraq Study Group, I must add, and also every other expert as it relates to Iraq, will not be solved militarily.

□ 2230

It will not be solved militarily. Diplomacy is going to play a big role. Unless we start to endorse diplomacy, and Members are coming to the floor and saying, by passing this bill, we are saying we are surrendering.

Let me go back to what President Bush said. He was asked during the last campaign when would there be a victory. Well, there won't be a victory.

What he meant by that by saying there will not be a time when someone will go and hand a flag over to the United States and say "you won." That is not going to happen. That is not going to happen. So for Members thinking there is going to be some big conversation at Little Big Horn or whatever the case may be for those historians that are around, that is not going to happen.

If you are waiting for an insurgent to come up and say let's sign an agreement and say, let me borrow this pen. This pen is fine. I will sign right here to say we surrender to the great U.S. military. That is not going to happen, ladies and gentlemen, and every Member of Congress has to know that. So to say we are going to hang around officiating a U.S. war, and losing two to three troops on average to sniper fire and IEDs, just to say we are tough and we are going to keep riding until we can't ride any more, we are moving into $525 billion-plus, with a B, in spending in Iraq and Afghanistan.

Afghanistan is a worthy cause because they had everything to do with 9/11. Because of Iraq, the Taliban and al Qaeda still live in Afghanistan, and they are getting stronger because of the lack of oversight by this Congress and the White House saying we need to send more troops because we have the coalition of the few who are leaving Iraq. So we have to continue to send brigades and troops into Iraq. This supplemental is moving in a new direction. It is moving in the direction of oversight saying that the President of the United States put benchmarks on the Iraqi Government, and in this bill it addresses that. If they don't meet those benchmarks, we start reversing our troops out. If we have an unwilling government in Iraq saying we can continue to do what we are doing because the Americans are going to be here, that is not so. The American people are far beyond several Members of Congress on this issue. Democrats and Republicans and Independents know full well that the reaction in Iraq of saying we are going to continue to send military in and some bureaucrat over at the Department of Defense saying, well, regardless of the fact that they had enough downtime, we are going to send them anyway because we have to keep over 140,000 troops in harm's way, just in Iraq. In this bill it goes against that theory.

Now, Mr. Speaker, let me just clarify. Does it tie the hands of the administration? No, it doesn't. It says if it is within the national interest of national security, you have to come before Congress and justify stepping out of what we want to pass here in this House. It doesn't do anything to the President. It doesn't tie the hands of the military. It says if you are going to do something outside of the rules that you have already set, you have to come before Congress and let us know what you are doing. What's wrong with that?

Newsweek, Time, and other periodicals that are weekly, and some daily, have asked, Is the President listening? What is the President thinking?

The American people are saying they want to do certain things as it relates to Iraq, but they don't want to be in the middle of a civil war.

The Department of Defense 2 weeks ago admitted there is a civil war in Iraq. They said that 2 weeks ago, and it has been going on for over a year. The media 6 months ago said we are now calling it a civil war. And the Department of Defense just came to grips with that.

I am going to tell you, there are four star generals that are friends of mine that know full well and have told me, Just between you and I, Congressman, we are in a civil war.

But the administration had to give the okay. So, you know, things are getting tough now, and you go ahead. You can say it, yeah.

That is the kind of DOD that we have right now. When I say DOD, the Department of Defense. This bill unearthed that kind of philosophy. We want the Department of Defense to be professionals. We want our three and four star generals and our people in harm's way to make the decisions and come before Congress and tell us the truth, not because someone in the White House or someone in the Department of Defense said if you tell it, there is going to be a price to pay.

Mr. Speaker, I have a list of generals that have paid that price that have said otherwise than what the Department of Defense wanted them to share.

One thing that is good, Secretary Rumsfeld is gone, and that is good. I am glad he is gone from the Department of Defense. I asked him politely, Maybe you want to consider retiring after Abu Ghraib. When you have the kind of power over DOD, it smothers other ideas. This is not something in DOD. This was printed in newspapers. If you disagreed with the Secretary of Defense, you had a problem. We want to fight against that.

I want to talk about my colleagues on the other side. My good friend who used to be the chairman of the Armed Services Committee, he said he never felt stronger against what was going on as relates to the surge. They are going to have an opportunity to vote on the supplemental.

You had Senator HAGEL who is also a Republican and I consider a good person. He said: "I think the speech that was given last night," and this was after the President presented his plan for the surge, "by the President represents the most dangerous foreign policy blunder in this country since Vietnam. If it is carried out, it will be resisted." That is Senate Foreign Relations Committee testimony of 1–11–07. It goes on and on. Senator SNOWE, Senator COLLINS, Senator COLEMAN, Senator SMITH, Senator BROWNBACK, Senator SPECTER, Senator BUNNING, and on and on and on. Senator SUNUNU.

So we can go on and on talking about the justification of third-party validators that are here. And then we have generals, Mr. Speaker, that have said otherwise against what this administration is proposing. The President has threatened to veto this supplemental. I wonder why. It is his words that he said here at that podium that the Iraqi Government has to be held accountable because we will not be there.

We used his words and put it on paper, put it into law. Here is the bill. It is on the Internet. Folks can read it. Every Member has a copy. There is no secret. It is not in some back room, it is not like, I have not seen the bill yet. H.R. 1591. You can read about all of the good things that are in here that are already Department of Defense regulations. That is what the President said when he made his surge speech and the accountability that is being placed on the Iraqi Government.

The Iraq Study Group, it is in here. Their recommendations are in here. It is nothing new. They were bipartisan, appointed by the President of the United States.

All we are saying is we are going to hold you to your word. What is wrong with that? Whatever happened to those good old days, if you say it, you are going to do it? What is wrong with that?

I don't know what the problem is, Members, but the only problem I can find with holding you to your word is probably politics, partisan politics. When we look at national security, there is no room for that.

Let's talk about some of these military leaders that have raised a concern about the escalation.

General Colin Powell, can't say enough about him, former chairman of the Joint Chiefs of Staff, former Secretary of State. That is some resume. "I am not persuaded that another surge of troops in Baghdad for the purpose of suppressing this continued violence, this civil war will work."

That is General Colin Powell. It is not Kendrick Meek. And he is a Republican. He is just being an American when he said this. I know General Powell, and he is a friend.

General Wesley Clark, retired, former Supreme Allied Commander of Europe of NATO. This is a man who led us in Bosnia. He said troops surge and accountability will be seen as rhetoric. The bottom line of what he is saying is that the accountability of what we say that we want to be accountable for in Iraq as it relates to security is not going to see itself through.

General McCaffrey, who is retired, he said: "It is a foolish idea. Our allies will leave us."

Mr. Speaker, that is what has happened.

"Make no mistake about that, most will be gone by the summer." This is what he said. And sure enough, they are going to be gone by the summer.

These are our decorated members of the military that are saying this. So when Members come to the floor and start calling Members names and calling the Speaker names and calling the Speaker "general" and carrying on and trying to make a point and trying to sensationalize the obvious, it is not serving our troops well and it is not serving our country well.

Mr. Speaker, I am going to close with this: we have a responsibility as Americans and also as Members of the House to make sure that we follow through on what we said and told our constituents that we would do, that we would come as thinkers to this process and that we would represent them in the best way possible.

For the men and women that allow us to salute one flag, for those who have served in the past, we thank them and honor them. Let's honor them tomorrow when we come to this floor and vote for this emergency supplemental. We had a nonbinding resolution a couple of weeks ago that said we were against the escalation of troops in Iraq. This bill and this emergency supplemental is binding, and it has meat and teeth on it on behalf of those in harm's way, and even those that have served. In this bill we are taking care of the needs of not only military but military families. We are providing homeland security with the necessary funding that they need. And so when you think about, when you pray about what you are going to do tomorrow, think about those that are counting on us to represent them.

Mr. Speaker, I thank the Speaker and majority leader for allowing me to come to the floor tonight. I want to thank the Members of the House for listening. It is always a true honor to address the House.

Ms. WATERS. I yield to the gentleman from Mississippi (Mr. TAYLOR) for 2 minutes.

Mr. TAYLOR. First let me tell the gentleman from Georgia I appreciate him trying to save some money. I think his efforts, though, are a year late. If you want to look for Katrina fraud, look for Katrina fraud that was perpetrated by the Bush administration.

In south Mississippi we had 40,000 people at one point living in FEMA trailers. We are grateful for every one of them, but those trailers were delivered by a friend of the President, Riley Bechtel, a major contributor to the Bush administration. He got $16,000 to haul a trailer the last 70 miles from Purvis, Mississippi down to the gulf coast, hook it up to a garden hose, hook it up to a sewer tap and plug it in; $16,000.

So the gentleman never came to the floor once last year to talk about that fraud. But now little towns like Waveland, Bay Saint Louis, Pas Christian, that have no tax base because their stores were destroyed in the storm, a county like Hancock County where 90 percent of the residents lost everything, or at least substantial damage to their home, he wants to punish Bay Saint Louis, he wants to punish Waveland, he wants to punish Pas Christian.

* * *

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would ask Members to address their remarks to the Chair.

Mr. PRICE of Georgia. Mr. Chairman, I would inquire as to whether or not those words are eligible to be taken down.

The Acting CHAIRMAN. The Chair cannot render an advisory opinion on that point.

Mr. PRICE of Georgia. Mr. Chairman, I demand that his words be taken down.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. DEAL of Georgia (at the request of Mr. BOEHNER) for today until 4:30 p.m. on account of attending a memorial service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLEIN of Florida) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. SCHWARTZ, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today and March 23.

Mr. PEARCE, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, March 27.

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 23, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

921. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2006, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Mariner Licensing and Documentation Program Restructuring and Centralization; Correction [USCG-2006-25535] (RIN: 1625-ZA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Amendments [USCG-2001-10881] (RIN: 1625-AA36) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding M/V TONG CHENG, HI [COTP Honolulu 07-001] (RIN: 1625-AA87) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

925. A letter from the Attorney Advisor, USCG, Department of Homeland Security, transmitting the Department's final rule — Rates for Pilotage on the Great Lakes [USCG-2006-24414] (RIN: 1625-AB05) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Technical Amendments; Marine Safety Center Address Change [USCG-2007-26953] (RIN: 1625-ZA12) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Savannah River, Savannah, GA [CGD07-05-138] (RIN: 1625-AA11) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, and Miami Beach Channel, Miami-Dade County, FL [CGD07-07-010] (RIN: 1625-AA09) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

929. A letter from the Program Analyst, Department of Transportation, transmitting Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2006-23734; Directorate Identifier 2005-NM-174-AD; Amendment 39-14827; AD 2006-23-15] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-502, AT-502A, AT-502B, AT-602, AT-802, and AT-802A Airplanes [Docket No. FAA-2006-25260; Directorate Identifier 2006-CE-37-AD; Amendment 39-14826; AD 2006-23-14] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. FAA-2006-25970; Directorate Identifier 99-NE-12-AD; Amendment 39-14829; AD 2006-23-17] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2006-25437; Directorate Identifier 2006-NM-136-AD; Amendment 39-14828; AD 2006-23-16] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

933. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce, plc RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines [Docket No. FAA-2006-26052; Directorate Identifier 2006-NE-30-AD; Amendment 39-14823; AD 2006-23-11] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

934. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2006-25388; Directorate Identifier 2006-NM-086-AD; Amendment 39-14824; AD 2006-23-12] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Airplanes [Docket No. FAA-2006-25337; Directorate Identifier 2006-NM-138-AD; Amendment 39-14825; AD 2006-23-13] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. FAA-2006-26352; Directorate Identifier 2006-NM-231-AD; Amendment 39-14830; AD 2006-24-01] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22812; Directorate Identifier 2005-NM-134-AD; Amendment 39-14811; AD 2006-22-14] (RIN: 2120-AA64) received 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines. [Docket No. FAA-2006-25855; Directorate Identifier 2006-NE-29-AD; Amendment 39-14819; AD 2006-23-07] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-26388; Directorate Identifier 2006-NM-234-AD; Amendment 39-14834; AD 2006-24-05] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. 2001-NM-381-AD; Amendment 39-14832; AD 2006-24-03] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

941. A letter from the Attorney Advisor, PHMSA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. PHMSA-06-25476(HM-2151)] (RIN: 2137-AE16) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

942. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; jointly to the Committees on Armed Services and Foreign Affairs.

943. A letter from the General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Oversight and Government Reform, Education and Labor, Veterans' Affairs, the Judiciary, Small Business, Natural Resources, Ways and Means, the Budget, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1401. A bill to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes; with an amendment (Rept. 110–65 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1401 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. FOSSELLA, Mr. SERRANO, Mr. SHAYS, Mr. HINCHEY, Mr. MCHUGH, Mr. HALL of New York, Mr. MCNULTY, Mr. CROWLEY, Mr. GRIJALVA, and Mr. MCCOTTER):

H.R. 1638. A bill to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi):

H.R. 1639. A bill to provide that no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems, and for other purposes; to the Committee on Homeland Security.

By Mr. PEARCE (for himself, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. DAVIS of Kentucky, Mr. WOLF, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. MCKEON):

H.R. 1640. A bill to provide liability protection for individuals who report suspicious behavior to law enforcement agencies; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. FILNER, Mr. BUYER, Ms. HERSETH, Ms. LORETTA SANCHEZ of California, Mr. REYNOLDS, Mr. BOOZMAN, and Mr. LATHAM):

H.R. 1641. A bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. FILNER):

H.R. 1642. A bill to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS (for himself, Mr. CASTLE, Mr. PASCRELL, and Mr. KUHL of New York):

H.R. 1643. A bill to prohibit termination of employment of volunteers firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDREWS (for himself, Ms. DELAURO, Mr. ELLISON, Mr. ENGEL, Mr. HOLT, Mr. KILDEE, Mrs. MALONEY of New York, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. STARK, Mr. WAXMAN, and Mr. YOUNG of Alaska):

H.R. 1644. A bill to amend the National Labor Relations Act to clarify the definition of "supervisor" for purposes of such Act; to the Committee on Education and Labor.

By Mr. GUTIERREZ (for himself, Mr. FLAKE, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EMANUEL, Mr. RADANOVICH, Ms. JACKSON-LEE of Texas, Mr. LAHOOD, Mr. CROWLEY, Mr. MARIO DIAZ-BALART of Florida, Ms. GIFFORDS, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr. FORTUÑO, Mr. BECERRA, Mr. CARDOZA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SERRANO, Mr. SIRES, and Ms. SOLIS):

H.R. 1645. A bill to provide for comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1646. A bill to amend the Help America Vote Act of 2002 to require States to implement procedures for tracking ballots which are transmitted by mail, and for other purposes; to the Committee on House Administration.

By Ms. DEGETTE (for herself, Mr. Castle, Mr. Becerra, and Mr. Kirk):

H.R. 1647. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 1648. A bill to prohibit the Secretary of Agriculture from closing Farm Service Agency offices in Appomattox, Virginia, and Lunenburg, Virginia; to the Committee on Agriculture.

By Ms. HERSETH:

H.R. 1649. A bill to prohibit the closure or relocation of any county office of the Farm Service Agency until at least one year after the enactment of an Act to provide for the continuation of agricultural programs for fiscal years after 2007; to the Committee on Agriculture.

By Ms. BALDWIN (for herself, Mr. Alexander, Mr. Pomeroy, Mr. Walz of Minnesota, and Mr. Baker):

H.R. 1650. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH (for herself, Mr. Walden of Oregon, and Mr. Pomeroy):

H.R. 1651. A bill to provide for the establishment of the Rural Health Quality Advisory Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 1652. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to establish a requirement to prohibit any telemarketing calls during the hours of 5:00 p.m. to 7:00 p.m; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. Shays, Ms. Schakowsky, Ms. Linda T. Sánchez of California, Ms. Berkley, Mr. McDermott, Mr. Allen, Mr. Israel, Mr. Wu, Mr. Al Green of Texas, Mr. Davis of Alabama, Mr. Fattah, Mr. Emanuel, Mr. Berman, Mr. Farr, Mr. Grijalva, Ms. Woolsey, and Ms. Watson):

H.R. 1653. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 1654. A bill to amend the Indian Gaming Regulatory Act to require that the Secretary of the Interior determine that a gaming establishment on certain newly acquired Indian lands would be in the best interests of certain Indian tribes and not detrimental to the surrounding community before such lands would be eligible for certain exceptions to the general prohibition on gaming on such lands; to the Committee on Natural Resources.

By Mrs. McCARTHY of New York (for herself, Mr. Tiberi, Mrs. Maloney of New York, Mr. Gordon, Mr. McDermott, Mr. Inslee, Mr. Coble, and Ms. Hooley):

H.R. 1655. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself and Ms. Ginny Brown-Waite of Florida):

H.R. 1656. A bill to amend title 5, United States Code, to permit access to databases maintained by the Federal Emergency Management Agency for purposes of complying with sex offender registry and notification laws, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 1657. A bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; to the Committee on Science and Technology.

By Mr. SALAZAR:

H.R. 1658. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself, Mr. Udall of Colorado, Mr. Perlmutter, and Mrs. Musgrave):

H.R. 1659. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Transportation and Infrastructure.

By Mr. SALAZAR:

H.R. 1660. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. Platts, Mr. Stupak, Mrs. Jo Ann Davis of Virginia, Mr. Moran of Virginia, and Mrs. Drake):

H.R. 1661. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H. Con. Res. 97. Concurrent resolution expressing the sense of Congress that the Government of the United States should submit to the Government of Iraq a draft bilateral status-of-forces agreement by not later than September 1, 2007; to the Committee on Foreign Affairs.

By Mr. TIAHRT (for himself, Mrs. Drake, Mr. Miller of Florida, Mr. Smith of Texas, Mr. Moran of Kansas, Mr. Conaway, Mr. Hayes, Mr. Kline of Minnesota, and Mr. Calvert):

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress that provisions that provoke veto threats from the President should not be included on bills that appropriate funds for the implementation of recommendations of the Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself, Mr. Stupak, Mr. Walberg, and Mr. McCotter):

H. Res. 262. A resolution honoring Ellen May Tower who, while an United States Army nurse during the Spanish-American War, became the first Army nurse to die on foreign soil; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 180: Mr. Gutierrez, Mr. Lantos, Ms. Matsui, Ms. McCollum of Minnesota, Mr. Crowley, and Mr. Hastings of Florida.

H.R. 216: Mr. Gordon.

H.R. 237: Mr. Nunes.

H.R. 249: Mr. Platts, Mr. Grijalva, Ms. Woolsey, Mr. Wolf, Mr. Wu, Mr. George Miller of California, Ms. Eshoo, Mr. Abercrombie, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 281: Ms. Kilpatrick, Mr. Hastings of Florida, Mr. Cleaver, Ms. Carson, and Mr. Al Green of Texas.

H.R. 357: Mrs. McMorris Rodgers and Mr. Kagen.

H.R. 395: Mr. Walsh of New York.

H.R. 402: Mr. Porter.

H.R. 411: Mr. Roskam, Mr. Lamborn, Mr. Weldon of Florida, and Mr. Hensarling.

H.R. 493: Mr. Inslee.

H.R. 511: Mr. Ramstad and Mr. Simpson.

H.R. 518: Mr. Gilchrest.

H.R. 526: Mr. Lampson.

H.R. 549: Mr. Grijalva, Ms. Schakowsky, Mr. LoBiondo, Mr. Walberg, and Mr. Lampson.

H.R. 551: Mr. Baca, Mrs. Napolitano, Mr. Thompson of California, and Mr. Stark.

H.R. 562: Mr. Ryan of Ohio.

H.R. 579: Mr. Wolf, Mr. Arcuri and Ms. Shea-Porter.

H.R. 592: Mr. Shimkus, Mr. Ruppersberger, and Mr. Carney.

H.R. 620: Mr. Courtney.

H.R. 634: Mr. Grijalva, Mr. Knollenberg, Mr. Brady of Texas, Mr. Cole of Oklahoma, Mr. Crenshaw, Ms. Eshoo, Ms. Fallin, Mr. Ferguson, Mr. Forbes, Mr. Herger, Mr. Inslee, Mr. Sam Johnson of Texas, Mr. Jordan of Ohio, Mr. King of Iowa, Mr. Linder, Mrs. Maloney of New York, Mr. McDermott, Mr. Mica, Mrs. Miller of Michigan, Mrs. Musgrave, Mr. Nadler, Mr. Pitts, Mr. Ramstad, Mr. Renzi, Mr. Terry, Mr. Tierney, Mr. Wicker, Mr. Weiner, and Mr. Altmire.

H.R. 667: Mr. MCNERNEY and Mr. BARTLETT of Maryland.

H.R. 690: Mr. WYNN.

H.R. 729: Mr. MOORE of Kansas and Mr. DELAHUNT.

H.R. 741: Mr. PLATTS.

H.R. 758: Mr. GILCHREST and Mr. FRELINGHUYSEN.

H.R. 769: Mr. DAVIS of Kentucky and Mr. SAM JOHNSON of Texas.

H.R. 771: Mr. DREIER.

H.R. 784: Mr. JINDAL, Mr. FORBES, and Mrs. MCMORRIS RODGERS.

H.R. 819: Ms. CARSON and Mr. BRALEY of Iowa.

H.R. 881: Mr. HINCHEY, Mr. MCNULTY, and Mr. OLVER.

H.R. 887: Mr. LEWIS of Georgia.

H.R. 960: Mr. LANGEVIN.

H.R. 1022: Mr. KENNEDY, Mr. PASTOR, and Ms. WASSERMAN SCHULTZ.

H.R. 1034: Mr. DICKS.

H.R. 1061: Mr. GILLMOR and Mr. ABERCROMBIE.

H.R. 1076: Mr. UDALL of Colorado.

H.R. 1102: Ms. JACKSON-LEE of Texas, Ms. CARSON, Ms. HOOLEY, Ms. DELAURO, Mr. GRIJALVA, Mr. ALEXANDER, and Mr. BOSWELL.

H.R. 1108: Mr. HALL of New York.

H.R. 1119: Mr. MURTHA.

H.R. 1142: Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. GOODE, Mr. BERMAN, Mr. SHAYS, Mr. HILL, Mrs. DRAKE, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, and Mr. GRIJALVA.

H.R. 1147: Mr. LEWIS of Kentucky and Mr. HINOJOSA.

H.R. 1152: Mr. REICHERT.

H.R. 1172: Mrs. WILSON of New Mexico, Ms. HARMAN, Mr. KIND, Mr. EDWARDS, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SPRATT, Mr. TERRY, Mrs. JONES of Ohio, Mr. BRADY of Pennsylvania, and Mr. KILDEE.

H.R. 1187: Mr. BERMAN.

H.R. 1188: Mr. GOODE, Ms. ZOE LOFGREN of California, and Mr. BOUCHER.

H.R. 1192: Mr. PASTOR.

H.R. 1211: Ms. SCHAKOWSKY and Mr. MCNERNEY.

H.R. 1225: Mr. PASTOR, Mr. OLVER, and Mr. DAVIS of Illinois.

H.R. 1228: Mr. CAPUANO and Mr. MORAN of Kansas.

H.R. 1229: Mr. CARNEY, Mr. SOUDER, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1232: Mr. SCOTT of Georgia.

H.R. 1261: Mr. GARRETT of New Jersey and Mr. PUTNAM.

H.R. 1289: Mr. HONDA.

H.R. 1307: Mr. PORTER.

H.R. 1330: Ms. HOOLEY.

H.R. 1335: Mr. INGLIS of South Carolina.

H.R. 1350: Ms. KAPTUR, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. SUTTON, Mrs. MALONEY of New York, and Mr. PAYNE.

H.R. 1353: Mr. BERRY.

H.R. 1355: Mr. KNOLLENBERG.

H.R. 1363: Ms. HOOLEY.

H.R. 1365: Mr. SENSENBRENNER.

H.R. 1366: Mr. BUCHANAN, Mr. SENSENBRENNER, and Mr. MCCAUL of Texas.

H.R. 1371: Mr. PITTS.

H.R. 1415: Mr. PASTOR, Mr. SERRANO, Mr. FILNER, and Ms. MCCOLLUM of Minnesota.

H.R. 1416: Mr. PASTOR, Mr. SERRANO, Mr. FILNER, and Ms. MCCOLLUM of Minnesota.

H.R. 1429: Ms. WOOLSEY, Mrs. DAVIS of California, Mr. SIRES, Mr. STARK, Mr. EMANUEL, Mr. TIM MURPHY of Pennsylvania, Mr. HOLT, Mr. GRIJALVA, and Mr. CROWLEY.

H.R. 1456: Mr. CAPUANO.

H.R. 1467: Mr. MILLER of North Carolina.

H.R. 1491: Mr. FRANK of Massachusetts and Mr. BLUMENAUER.

H.R. 1533: Mr. GRIJALVA.

H.R. 1539: Mr. HUNTER and Mr. CARTER.

H.R. 1551: Mr. BERMAN.

H.R. 1560: Mrs. CUBIN and Ms. LORETTA SANCHEZ of California.

H.R. 1576: Ms. MATSUI, Mr. PORTER, and Mr. PUTNAM.

H.R. 1586: Mr. PEARCE, Mr. SOUDER, Mr. ROGERS of Michigan, Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. SHUSTER, Mr. ROGERS of Alabama, Mr. WESTMORELAND, Mr. CULBERSON, Mr. CARTER, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. MACK, Mr. BLUNT, Mr. CHABOT, Mr. KELLER, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. PITTS, Mr. CONAWAY, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mrs. MUSGRAVE, Mr. MILLER of Florida, Mr. CANNON, Mr. HALL of Texas, Mr. POE, Mr. MCHUGH, Mr. SESSIONS, Mr. GOODE, Mr. FERGUSON, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. NEUGEBAUER, and Mr. ADERHOLT.

H.R. 1595: Mr. YOUNG of Alaska, Mr. CONYERS, and Mr. REHBERG.

H.R. 1600: Mr. TOWNS, Mrs. GILLIBRAND, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. HASTINGS of Florida.

H.R. 1609: Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Ms. MATSUI, Mr. SHAYS, Mr. MORAN of Virginia, Mr. SARBANES, Ms. BORDALLO, Mr. HARE, and Ms. JACKSON-LEE of Texas.

H.R. 1636: Mr. ENGLISH of Pennsylvania.

H.J. Res. 37: Mr. LANTOS.

H. Con. Res. 81: Mr. BILBRAY.

H. Res. 37: Mrs. DAVIS of California.

H. Res. 100: Mr. JINDAL.

H. Res. 121: Mr. RUSH, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, and Mr. KENNEDY.

H. Res. 137: Mr. CAPUANO.

H. Res. 179: Mr. LAMBORN, Mr. KING of Iowa, and Mr. WALZ of Minnesota.

H. Res. 208: Mr. WATT.

H. Res. 224: Mr. SAXTON and Mr. FRANKS of Arizona.

H. Res. 233: Ms. WATSON, Mr. SULLIVAN, and Mr. CHANDLER.

H. Res. 257: Mr. DENT.

HOUSE OF REPRESENTATIVES—*Friday, March 23, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. HOOLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2007.

I hereby appoint the Honorable DARLENE HOOLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Alan Keiran, Office of the Chaplain, United States Senate, offered the following prayer:

God of grace and glory, we pray this day for our distinguished Representatives and the Nation they so ably serve. Equip them with the wisdom, strength and perseverance needed to bring important issues to closure. Bless those they love in their times of separation from family and friends. Bless their staff members as they labor to support the honorable men and women they so gallantly serve. For military men and women deployed in harm's way and their families, we pray Your Providential protection, comfort and peace.

O Lord, our precious Savior and eternal King, equip leaders across this great land with the wisdom and endurance to meet the challenges ahead.

In Your holy Name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minutes on each side.

H.R. 1234 IS THE VEHICLE FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Four years ago, Congress was told we had no alternative but to go to war; that was wrong. Now Congress is telling the American people we have no alternative but to continue the war, and that by continuing the war for just another year or two we will then be able to end the war. War equals peace. I don't think so.

This war has achieved a momentum that has swept up into its tragic hold people of otherwise good will who would vote to continue a war when they really want peace and when the American people want peace.

I believe you cannot say you are for peace and vote to keep this war going. You cannot say you are for peace and facilitate the theft of Iraqi oil. You cannot say you are for peace and give the President enough money not just to keep this war going, but to attack Iran if he so chooses. If you want peace, vote for peace now. If you want peace, stop funding this war. If you want peace, stand for the truth.

What America must do and what Congress has the power to do is to stop the war now, use the money in the pipeline to bring the troops home, set in motion a diplomatic process that would involve the world community in moving into Iraq as our troops move out. We need to stand for peace. H.R. 1234 is the vehicle to do that.

WE WILL NOT RUN FROM DUTY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, today we vote on the "Iraq surrender bill." Approval of it means we vote to abandon Iraq at an arbitrary time, no matter the situation. We vote to retreat even if it means defeat. We vote to quit while our troops are in the field. And we vote for peace at any price.

This bill will put American troops at risk. And for some odd reason, this emergency Iraqi bill is loaded with squealing pork that has nothing to do with our troops or the war. One provision is to give $3 billion to farmers hurt by bad weather, like my rice farmers in southeast Texas that were devastated by Hurricane Rita. But I will not barter my position. I will not betray our troops for 30 pieces of silver or $3 billion of squealing pork.

The troops in Iraq need our total commitment, not total defeatism. Ronald Reagan put it best, "Men cry 'peace, peace,' but there can be no peace as long as there is one American somewhere dying for the rest of us."

And that's just the way it is.

DEMOCRATS ADDRESS VETERANS' HEALTH CARE IN IRAQ ACCOUNTABILITY ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we owe our Nation's freedom and quality of life to America's veterans. These brave men and women left their families behind and risk their lives for us and their country. Our government promised to take care of them when they returned home; this is a promise we simply must not break.

Today, the House has an opportunity to live up to these promises. The emergency supplemental bill provides $1.7 billion more than the President's request to fund veterans' health care needs. The bill provides $550 million to address the maintenance backlog at VA health care facilities, preventing situations like the one at Walter Reed. $250 million for medical administration to ensure sufficient personnel to maintain a high level of service for the rising number of veterans. $100 million to allow the VA to contract with private mental health care providers to offer veterans timely mental health care. And $62 million to speed up claims processing for returning veterans.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, those who put their lives on the line for our country deserve not only our respect, but also the best medical care we can provide. This bill will ensure that they receive just that, while beginning a process to bring our troops home.

DEMOCRATIC SUPPLEMENTAL IS DANGEROUS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the supplemental bill is dangerous for our troops and dangerous for America.

Defense Secretary Robert Gates restated yesterday to the bipartisan Army Caucus that timetables will stop the military from completing its mission. The Washington Post has criticized the proposal, saying it could lead to massive civilian casualties, to al Qaeda establishing bases to attack America and our allies, and to a regional war of disastrous consequences.

Al Qaeda spokesman Zawahiri has identified Iraq and Afghanistan as the central fronts in the global war on terrorism. Bin Laden has specifically referred to Iraq as the "Third World War."

As a 31-year veteran with four sons in the military, including one Iraq veteran, I understand the importance of supporting our troops in combat. I hope my colleagues of both parties will join me to support former Vietnam POW SAM JOHNSON's bill to fully support and fund our men and women in uniform.

In conclusion, God bless our troops, and we will never forget September 11.

TODAY CONGRESS WILL END THE WAR IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, today we will demonstrate that this Nation is not doomed to repeat the mistakes of the past.

Forty years ago we were in another war. We had lost just about as many soldiers, about 3,000 young men, at this point in the Vietnam War. Our President urged the Congress to stay the course so that he could save face, and the Congress did, as the President demanded, until we had lost another 55,000 soldiers before we eventually accepted the fact that it, too, was an inconceivable war.

Today, the Congress is going to end this war, this fiasco that we never should have begun. It is going to focus on our priorities of strengthening our military, going after the people who actually did attack us in 2001 and reinvesting in our nation's true priorities. We will bring our troops home as soon and as safely as possible. We will not repeat history. This is an important vote, and all of the American people should be proud of their Congress.

THE BUDGET IS WRONG FOR OUR NATION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, this week, the Budget Committee marked up the budget for fiscal year 2008. Unfortunately, instead of a commonsense balanced budget that lowers spending, reforms unsustainable entitlement programs and encourages economic growth without raising taxes, it is full of a lot of empty promises, with the exception of two, higher taxes and more spending.

My Republican colleagues and I believe that government should limit its taxing and spending, ease the burden on the economy and let the country grow. This Democratic budget trusts government more than it trusts the people. Those are the guys paying the bills.

As a result of Republican support of tax policies passed in 2001 through 2005, every taxpayer who paid income taxes will get tax relief this year. If these tax policies are eliminated, as the Democratic budget calls for, these taxpayers will see a tax hike.

Mr. Speaker, for these and many other reasons, the budget put forth this week is just plain wrong for our Nation.

SUPPORT THE SUPPLEMENTAL APPROPRIATION BILL

(Mr. SARBANES asked and was given permission to address the House for 1 minute.)

Mr. SARBANES. Mr. Speaker, let this be the day that, respectful of the sacrifice of our men and women overseas, inspired and emboldened by the clarion call of the American people on November 7, 2006, and determined to show a decent respect for the opinions of thoughtful and caring people the world over, this Congress says to an administration that has been arrogant in its bearing and incompetent in its execution, no longer shall you turn a blind eye to the readiness of our troops. No longer shall you ignore the needs of our veterans. At long last, you are being called to account for a failed policy in Iraq.

Mr. Speaker, I urge my colleagues to support the supplemental appropriation bill, which marks the return of sanity and wisdom in the conduct of American foreign policy.

SONG TITLES FOR 110TH CONGRESS

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. You know, Mr. Speaker, Alan Jackson lives in my district, a great country singer, and I was thinking of some songs for him. One of them was "I Would Rather Be in New York Raising Money Than Funding the War in Iraq." The other one was "How I Turned the Blue Dogs Yellow."

Then there is also an author in my district, Ferrell Sams; he writes a lot of books; you may have read some of them, but a good book is "How to Lose a War and Store Peanuts."

Let me say this, Mr. Speaker, for Alan Jackson to look at the rules. And he could do a whole album on the rules here. "We Only Change Them When We Have To" would make a great title for that rules album. "We Only Leave the Vote Open When We Are Losing, When the Time is Up," would be another good one. And the last one would be, "We Only Change Them When We Have To."

IRAQ SUPPLEMENTAL

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, in any endeavor, one must set achievable goals and benchmarks. As a teacher, I found that it was critical to provide guidance to students whose reports were not proceeding on schedule.

President Bush definitely needs some help in his work in Iraq. His initial research was terribly flawed and cut corners in disturbing ways. He ignored the advice of learned experts in his stubborn pursuit of a flawed hypothesis. When he brainstormed an outline for pursuing the war, he never planned for how it would end. His incoherent strategy in Iraq rambles on and on without any movement towards a successful conclusion. I personally would have failed this student long ago.

The question we face today, however, is on whether we should set a strategy for redeploying our troops out of Iraq or continue giving the President a blank check to continue an open-ended war in Iraq. I voted against the war and I want our troops out now.

Now that Democrats have been voted in as the majority in the House and Senate, we have responsibilities to our constituents to exercise constitutional and congressional oversight in Iraq. To fulfill that responsibility, I stand in support of the Iraq Accountability Act, which would establish a definite date to end this awful war.

☐ 0915

FUNDING PORK

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. $120 million for shrimp, how does that help our men and women in harm's way? $100 million for citrus growers, what does that do to help our fighting men and women? $74 million for peanut storage. That may be grand for some Washington politicians and peanut growers, but how does that help and protect our American way of life and our men and women in harm's way? $25 million for spinach. Even kids don't like spinach, but Washington politicians do, so they can take that pork-barrel project home.

But here is the kicker in this supplemental appropriations bill: Billions for livestock. That is the kicker because livestock is literally pork for pork.

It is the most hypocritical bill we have seen in decades here on the House floor. It is wrong for our troops in battle, but it is a great gift for Washington Democrat politicians.

All the while we debate here on the floor, the Speaker of the House goes to raise money with fat cats in New York City. That is wrong for America, and the American people should know it, Mr. Speaker.

THE JOURNAL

The SPEAKER pro tempore (Mr. CAPUANO). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 263, nays 146, answered "present" 2, not voting 22, as follows:

[Roll No. 185]

YEAS—263

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (PA)
Petri
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wynn
Yarmuth

NAYS—146

Akin
Altmire
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chandler
Cole (OK)
Conaway
Courtney
Crenshaw
Culberson
Davis (KY)
Davis, David
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Granger
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sessions
Shays
Shuster
Smith (NE)
Smith (TX)
Souder
Stupak
Sullivan
Terry
Thompson (CA)
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Wu

ANSWERED "PRESENT"—2

Gohmert
Tancredo

NOT VOTING—22

Berkley
Carson
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Engel
Harman
Jones (OH)
Kanjorski
Lampson
LaTourette
Linder
Marchant
McCaul (TX)
McCrery
Millender-McDonald
Nadler
Pitts
Spratt
Young (AK)
Young (FL)

☐ 0942

Messrs. SHUSTER, GINGREY and CULBERSON changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 261, proceedings will now resume on the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, March 22, 2007, the gentleman from Wisconsin (Mr. OBEY) had 59½ minutes remaining and the gentleman from California (Mr. LEWIS) had 51 minutes remaining.

Who yields time?

☐ 0945

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Yesterday, a number of Members on the Republican side of the aisle sought to belittle the legislation before us because, in addition to funding the needs of the troops in Iraq, it contains money to address a number of domestic priorities. To ridicule that legislation, they tried to belittle items such as funding for levees in New Orleans, and agriculture disaster payments. In that they have been joined by editorial writers at papers such as the Washington Post.

Like the Post, the Republican speakers of yesterday indicated that their main objection to this legislation is the way it tries to create pressure to end our military involvement in an Iraq civil war. Those speakers and the Washington Post editorial writers make no effort to understand why these additional items are there. They simply ridicule them for their own purposes. This bill has my name on it, and I take full responsibility for each and every item in the bill.

Despite the comments of my good friend from California suggesting that if I could have written this bill, it would have been quite different, this is not a bill that was imposed from NANCY PELOSI's Speaker's Office. Oh, yes, she was consulted. But every last provision in this bill was not included until I personally approved of it, and I take full responsibility for it.

I want to be very clear about some of the items that the editorial writers and certain Members of this House have been criticizing.

Let's start with agriculture. I haven't voted for a farm bill in the last 10 years because I believe that existing farm programs provide way too much funding for large farmers and way too little funding for family farmers. But the fact is that over the past 2 years, over 70 percent of the counties in this country were declared disaster areas, not by me, but by the President of the United States. That entitles farmers who have suffered that weather-related disaster to certain forms of compensation.

The previous Congress tried to work its way through that problem for well over a year and failed. We at one time this year were looking at a bill in the Senate costing $6 billion. Thanks to the efforts of Chairman PETERSON on this side of the Capitol, the cost of those agriculture disaster programs have been cut by one-third, by tightening up eligibility requirements.

I applaud him for making those changes.

There is a second criticism being made about the fact that there is some money in here for dairy. You bet there is. Because under the Republican stewardship, during the last Congress, or two Congresses ago, actually, in order to use an accounting gimmick, the then majority on the Agriculture Committee arranged to have the dairy program expire one month before every other farm program. That was done only for budget fiction purposes, to hide the true cost of the farm bill 5 years ago. You bet, in this legislation there is a 1-month fix so that when we go into writing the next farm bill, dairy will have a chance to compete with other farm programs.

I find the Washington Post criticism of this especially interesting, since they often squawk about the fact that farm programs give too much to large farmers. The MILC Program happens to focus on small farmers, which is why so many big farmers don't like the program. I make no apology for recognizing that is an inequity that needs to be fixed.

Then we have a squawk about spinach. Let me tell you why spinach is in here. You can laugh about it now, but people were dying last year because of an E. coli outbreak.

Now, the FDA did not have the authority to require mandatory recalls of spinach. What some of these companies did, despite the fact that their product was clean, they voluntarily withdrew their product from the market. That cost them a bundle and brought a lot of people to near bankruptcy.

I have heard a lot of conservatives on this floor talk about how outrageous it is when the government engages in an unconstitutional taking. They usually are talking in terms of land or environment. Doesn't the government that required or that asked these people to participate in the withdrawal in order to protect public health, doesn't that government have an obligation to people who exercise their patriotic duty and did what they were asked? I think they do. That is why this is in here.

Then they are squawking about aquaculture. Well, let me explain why that item is in the bill. In eight States in the union, fish farmers woke up one morning and discovered that the Federal Government had issued an edict which prevented them from transferring their product across State lines because lake trout, in the Great Lakes region, had been discovered to have viral hemorrhagic septicemia, a highly virulent fish disease. If it was allowed to get into lakes, in the Great Lakes, it could have ruined the entire fish supply. So, the government said you can't sell your fish across State lines.

Again, the problem was that the fish that they were prohibited from shipping across State lines was all healthy. In a catch-22 situation, if their fish had been diseased, they could have collected under disaster programs. But because they were healthy, they couldn't collect. So the government put those people out of business.

Does the government have an obligation to correct that problem? You better bet you they do. That is why it is in this bill.

There are some other items in the bill as well that people don't like. But the main frustration on the part of the opponents of this bill is because people don't like the way that we are going about trying to end our military participation in an Iraqi civil war.

Let me submit to you the problem we have today is not that we didn't listen enough to people like the Washington Post, it is that we listened too much. They endorsed going to war in the first place. They helped drive the drumbeat that drove almost two-thirds of the people in this Chamber to vote for that misbegotten, stupid, ill-advised war that has destroyed our influence over a third of the world. So I make no apology if the moral sensibilities of some people on this floor, or the editorial writers of the Washington Post, are offended because they don't like the specific language contained in our benchmarks or in our timelines.

What matters in the end is not what the specific language is. What matters is whether or not we produce a product today that puts pressure on this administration and sends a message to Iraq, to the Iraqi politicians, that we are going to end the permanent, long-term babysitting service. That is what we are trying to do.

If the Washington Post is offended about the way we do it, that is just too bad. But we are in the arena, they are not. This is the best we can do, given the tools we have, and I make absolutely no apology for it.

I would say one thing, those of us who voted against the war in the first place wouldn't have nearly as hard a time getting us out of the war if people like the Washington Post and those who criticized us on the floor yesterday hadn't supported going into that stupid war in the first place.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I would not want the gentleman from Wisconsin to think, since I don't have an opening statement, that I don't feel as passionately about this issue as he does. We just happen to disagree about how we support the troops, whether we make an effort to support them by providing adequate and flexible funding for the commanders, or have a mandatory withdrawal.

Mr. Speaker, I am pleased to recognize the gentleman from Florida (Mr. WELDON) a member of the committee, for 2 minutes.

Mr. WELDON of Florida. Mr. Speaker, I thought freedom was worth fighting for. I thought, when we saw all those Iraqis risk their lives to go and vote and establish a government and establish a Constitution and to have, possibly, freedom of speech, that was something worth our level of effort. If you actually go over there and talk to those people, you find out that it is a minority that is trying to break the will of this body. That is what is going on.

What I object to in this bill is the way you have brought this to the floor. You have got subsidies for spinach. You know, my constituents are asking, who put that in the bill, Popeye? Why don't you let us have a vote on whether or not we want to attach funding for peanut farmers and funding for spinach farmers to a war supplemental?

Yes, why don't we have a vote on the Murtha language? Why are you denying us an opportunity, this body, a

Democratic institution, the ability to say collectively as a majority, we think this kind of language is what we want to have?

I don't deny the gentleman from Pennsylvania, as the chairman of the Subcommittee on Defense, to put forward his plan. Even though he is not the Commander in Chief, the way I read the Constitution, he can do that. But the way I also read the Constitution and the Federalist papers, we are supposed to have some kind of a vote, and you are just bringing this thing forward under a closed rule.

I personally think that is a disgrace, what is going on here. I am going to vote against this bill. I hope, as we move forward in this process, democracy, which the Iraqis are willing to risk their lives for, will someday be reinstituted in this body here.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, 4 years ago President Bush sent our troops to war without a plan for success in Iraq, and without a plan to care for our wounded soldiers returning home.

During those 4 years, the old Congress rubber-stamped the failed policies of the Bush administration. The American people know well that when you ignore failure and bad decisions, you simply get more of them.

Today, we are demanding accountability for a change, accountability to ensure that our troops get the training and equipment they need, accountability to ensure that our wounded soldiers returning home are treated with a dignity that they deserve. We hold the Iraqi government accountable for taking the steps toward political reconciliation which they, themselves, have said are necessary to achieve stability.

The accountability measures in this bill track the recommendations made by the independent bipartisan Baker-Hamilton Commission. The President chose to reject those recommendations and, instead, to escalate the war in Iraq.

At the same time, the President has not paid adequate attention to those who were responsible for the attacks of September 11, 2001, al Qaeda, operating out of Afghanistan.

This bill provides additional resources for completing that mission and for holding those responsible who did attack us on September 11. Al Qaeda is still plotting against us. It demands accountability, it supports our troops, and it strengthens our national security.

Mr. Speaker, it is time for a change and direction in Iraq. It is time to bring some accountability to the history of failed decisions we have made so we don't continue to make the same bad decisions going forward. The American people asked for and deserve a change in direction. That is what this bill does.

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Mr. OBEY. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of this legislation, thanking both Congressman MURTHA and Congressman OBEY for their work.

It has now been 4 years since this war started, over 3 years since we heard the phrase "mission accomplished," and almost a year and half since the Iraqi elections for a permanent government—it is time for the Iraqi government to police, govern, and run its country. This bill also provides more support for our veterans and military healthcare.

This legislation will provide funding for our troops, but it will also force the Iraqis to take control of their own country, and bring our troops home within the next 18 months—possibly sooner, if the Iraqis do not meet benchmarks that demonstrate they are making progress.

Our commitment in Iraq, which grew under the President's surge plan last month, has strained our military, cost thousands of U.S. and Iraqi lives, and has created serious readiness problems in the Army and Marine Corps.

I don't like the idea of setting a timeline, but for 4 years we have had an open-ended commitment, and after those 4 years, we are still seeing some of the bloodiest attacks, and highest casualty numbers to date. We need to set benchmarks to force the Iraqis to take over their own country, and this bill does that. It is not pulling our troops out immediately—if Iraqis rise to this responsibility, we will have troops there for another 18 months, but if they don't, we will begin redeployment this year.

After 4 years, it is time Congress exercise authority over the way this war is being run. Congress is not 535 commanders in chief, but we must provide guidance on what we will ask the American taxpayers to fund. We have held dozens of hearings this year, and passed a non-binding resolution opposing the escalation or surge in U.S. troops. Our vote on this Supplemental will be another step in bringing a resolution to this conflict and will let the Iraqis know our commitment is not open-ended.

I applaud the leadership and Appropriations committee on bringing this bill to the floor, and I urge my colleagues to join me in supporting it.

Mr. LEWIS of California. Mr. Speaker, it is my honor to yield time to my Speaker, the gentleman from Illinois, DENNIS HASTERT, 3 minutes.

Mr. HASTERT. I thank the chairman, and I rise today in strong opposition to 1591.

Mr. Speaker, I just want to say to my friend from Wisconsin, I have a great deal of respect for the fights that he has fought on this floor for over 30 years, but we do disagree.

Supplemental spendings are intended to provide additional funding for programs and activities that are too urgent and pressing to wait for the regular appropriations process. To be clear, only emergency funds should be included in this supplemental. Period. So if Democrats are looking for an avenue to send money back to their districts, they should look to regular order.

Last year when the Senate tried to include over $14 billion in nonemergency funds in the supplemental, House Republicans demanded a clean bill. And when the House sat down with the other body to negotiate a final bill, we accepted nothing less than a supplemental free of unrelated and nonemergency funding.

Why did we do that? Because we wanted to pledge the faithful support of this Congress to the members of the armed services serving in harm's way. This legislation should remain focused on the needs of the troops and not become a vehicle for extraneous spending and policy proposals.

In yet another show of a different way, the same Members who screamed for a straight up or down vote on minimum wage legislation just 1 year ago are today trying to attach that legislation to a wartime supplemental. And the very Members who voted to reinstitute PAYGO rules just 2 months ago are here today casting fiscal responsibility to the wind.

This bill should be limited to necessary funding for our troops serving bravely in Iraq and around the world in the war on terror. I ask my honorable Democratic friends how the Democrats can on the one hand say they support our troops by providing them with money, but on the other undermine them by telegraphing a date for their withdrawal from Iraq.

Congress should under no circumstances micromanage the war and have politicians making decisions that should be left to our Commander in Chief and generals on the ground. Even The Washington Post and the Los Angeles Times, hardly supporters of this administration, have editorialized that this legislation oversteps the bounds of Congress and both support a Presidential veto of the bill.

Mr. Speaker, I urge my colleagues to oppose this legislation and think long and hard about its consequences. This bill is fiscally irresponsible; it holds our troops hostage to nonemergency spending and policy proposals, and it signals to the insurgents and terrorists around the world a lack of American will to do what is necessary to win the war on terror.

Vote "no" on H.R. 1591.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me simply say that we could do as the distinguished speaker has indicated and simply rubberstamp what the administration asks for and do nothing else. But the fact is, what we are doing is exercising our responsibilities to provide checks and balances; Congress has every right to limit the terms and conditions under which appropriations are made, especially in wartime.

I would also point out that lest there be any doubt for the support of the troops, in addition to all of the funding that Mr. MURTHA has put in his section of the bill to meet the everyday combat and readiness needs of the troops, we have $1.7 billion above the President's request for veterans health care; we have another $1.7 billion above the President's request for defense health care. I think that makes quite clear that if you are concerned about the troops and concerned about the veterans, you will vote for this bill.

I will now yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, we have a moral obligation to support our troops while they are in combat and when they come home. That is why we fully fund our troops in Iraq and Afghanistan, and why we commit $3.1 billion in this bill to build better barracks, housing, and training facilities here at home for our troops returning from war.

We also believe that supporting our veterans is a real cost of war, just as real as guns, tanks, and bullets. That is why we had $1.7 billion in high-priority health care and benefits programs for our veterans, with a special focus on taking care of those who need us the most, those suffering from traumatic brain injury, PTSD, or loss of arms and legs. Our veterans' sacrifices don't end after they return home, and neither should our commitment to them.

For members of the Guard and Reserves in rural areas, we provide $100 million for contracting out mental health care services so these brave citizen soldiers don't have to suffer even more by waiting weeks or months for health care they desperately need and deserve. For some, that timely care could mean the difference between health and depression; for other, the difference between life and death.

To prevent a Walter Reed Annex 18 tragedy from occurring in VA hospitals, we commit $550 million to address serious maintenance and repair needs at those hospitals. Not one soldier, not one veteran, not one, should ever again have to endure the indignity of living in rat-infested, moldy housing.

The needs addressed in this bill are real, and our troops and veterans deserve no less. A vote for this bill is a vote for better health care and housing for America's heroes. By voting for this bill, we can honor and respect our troops, our veterans, and their families, not just with our words, but with our deeds.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from Indiana (Mr. BURTON) for 1 minute.

Mr. BURTON of Indiana. Mr. Speaker, I understand my Democrat colleagues have the votes. I guess there was a lot of arm twisting last night. So congratulations on getting the votes necessary to pass this. But I am sad because this bill spends $31 billion more than the President requested. It is a budget buster. And also I am kind of sad because I think a little bit about history.

You know, if George Washington had a Congress with the attitude of this Congress, we might very well have lost the Revolutionary War. If Abraham Lincoln had a Congress with the attitude of this Congress, we might very well have lost the Civil War. And I am sad for our valiant troops who you are going to jerk out of Iraq. It is a withdrawal bill. That is what you want to do, withdraw. And I am sad for our troops, our valiant troops, who want to win. Who want to win. And you are not going to let them if you have your way.

So I would just like to say, if I were talking to the President of the United States today, Mr. President, hang tough. Hang tough.

Mr. OBEY. I yield 1 minute to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Let me just say that the Revolutionary War, my great-great-grandfather fought in it. We fought our own war. In the Civil War, I have my great-grandfather's hat in my office. He fought against the South in the Civil War. We fought our own war. What we are trying to do in this legislation is force the Iraqis to fight their own war. That's what it's all about. Sixty-two Americans have died this month. We want to force the Iraqis to fight their own war.

PARLIAMENTARY INQUIRY

Mr. FLAKE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FLAKE. Mr. Speaker, is it true that House Rule XXI, clause 9(d) defines an earmark as report language included primarily at the request of a Member recommending a specific amount of spending authority for an entity or targeted to a specific State, locality, or congressional district?

The SPEAKER pro tempore. The gentleman is correct.

Mr. FLAKE. Mr. Speaker, does the language in the committee report directing $35 million to risk mitigation project at NASA's Stennis facility constitute an earmark, as defined in rule XXI, clause 9(d)?

The SPEAKER pro tempore. The Chair discerns no question of order with respect to the statement that is included in the report. Questions concerning the content of that statement may be addressed by Members by engaging in debate.

Mr. FLAKE. So I can understand this, if the chairman of the committee simply says there are no earmarks, then the Chair is obligated to say there are no earmarks for the purpose of the rule?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. FLAKE. Is it accurate to say that a Member could request an earmark through the chairman of the committee and have that earmark funded, and then the report come to the floor claiming that there are no earmarks in fact in the bill?

The SPEAKER pro tempore. The gentleman has stated a hypothetical question. The Chair does not respond to such questions.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, we have passed some good rules with regard to earmark reform and transparency, but we have found a way around them already, because when a report comes to the floor the rule states that it has to state if there is an earmark there, which Member requested it, and what it is for. Yet here we have something that is clearly an earmark for the Stennis facility and not an emergency by any definition. And my office actually called NASA, called the administration, asked was this requested. No, it wasn't; the request came from Congress. Clearly, an earmark request.

Yet the report comes to the floor; and because it says there are no earmarks, we have to take it for the purpose of the rule that there are no earmarks.

I am just wondering if this is how the appropriations cycle is going to go this year? Do the earmark rules mean anything? Or simply, can we get around them this way? What is to stop every Member from going to the chairman and saying, I have a request for this for my district. Will you simply put it in the overall request? Therefore, my name won't be attached to it.

We need to clean up these rules. If the chairman of the Appropriations Committee would clarify this, I would be most appreciative.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The fact is that an earmark is something that is requested by an individual Member. This item was not requested by any individual Member; it was put in the bill by me. And it is there because we are simply doing the same thing with this facility that we are doing throughout the gulf coast, which is to make investments that mitigate against risk because of hurricanes.

This is a valuable Federal facility, and it certainly does not pass any definition of earmark that I know. I know the gentleman wants to see earmarks in every closet that he can find, but the fact is it is not an earmark. It was not asked for by any Members of Congress.

Mr. LEWIS of California. Mr. Speaker, I can count on one hand the number of times I voted with this gentleman. He is on the other side of the aisle, but he couldn't get any time on that side. So I am pleased to recognize that all of us have the right to speak regardless of whether we agree with one or not.

I recognize Mr. KUCINICH of Ohio for 1 minute.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman. I rise in opposition to the bill.

Four years ago, Congress was told we had no alternative but to go to war. That was wrong. Now Congress is telling the American people, we have no alternative but to continue the war for just another year or two, and then we will be able to end the war. So war equals peace. I don't think so.

This war now has a momentum of its own, which has captured even people of good will who say they want peace but are going to vote to keep us at war. The same false logic that trapped Members into voting for the war is trapping Members into voting to continue the war.

I believe you cannot say you are for peace and vote to keep this war going. You cannot say you are for peace and facilitate the theft of Iraqi oil. You cannot say you are for peace and give the President money not just to keep this war going but to attack Iran if he so chooses.

If you want peace, vote for peace now. If you want peace, stop funding the war. If you want peace, stand for the truth.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind visitors in the gallery that they are here as guests of the House, and any manifestation whatsoever of approval or disapproval of these proceedings is in violation of the rules of the House.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. Mr. Speaker, the characterization just placed on the previous speaker is flat out wrong.

Last night we had plenty of time for a lot of Members who didn't show up before the session expired. We called the gentleman from Ohio's office twice to inform him he had time available last night even though he was opposed to our position. He wasn't in a position to take it last night. So I would suggest that we have a different set of speakers today. We called on four Members of the caucus last night who were opposed to our position. And if the gentleman is suggesting that we have not called on Members who are opposed to our position, he is just flat out wrong.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. KUCINICH. I want the gentleman to know that my office did make an attempt to get me time, that we were told that he didn't think there was any time, and that I came down here this morning seeking the opportunity.

Mr. OBEY. With all due respect, we called your office twice last night, and we were informed that you had already gone home.

Mr. KUCINICH. Actually, I was there until very late.

I want to thank my friend from California for yielding 1 minute and thank the gentleman from Wisconsin.

Mr. OBEY. I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

□ 1015

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I rise in very strong support of this bill, and I want to thank Chairman OBEY and Chairman MURTHA for all of their hard work to put this legislation together.

I believe it is time to bring our troops home, to come home from Iraq, and I believe it is time for this Congress to support this legislation.

As the American soldiers begin their fifth year in this war of choice in Iraq, we confront the tragic fact that the Bush administration's preparation, planning and execution of this war has not kept faith with the enormous sacrifices our men and women in uniform and their families have made.

More than 3,200 American soldiers have died in Iraq, and close to 25,000 more have been seriously wounded. And Iraq is mired in a civil war, with tens of thousands of civilians killed, or even more internally displaced. Hundreds of billions of taxpayers dollars have been squandered in this war that has left our military readiness in jeopardy, the All-Volunteer Army is at a breaking point, and the world's faith in America's leadership is gravely shaken.

The American people recognize President Bush's approach in Iraq for what it is, a failure. That is why we sent a message to Washington this past November to change the course, to end this war, to get out of Iraq. That is what the American people said in November.

Instead, this President, in all of his arrogance and all of his lying, chose to choose a surge.

Well, the time is now for the Congress to do something about that because the American people do not support a war in Iraq, and has no end in sight, and continues the tragic, unnecessary loss of life. And given the President's unwillingness to change course, it is incumbent upon the Congress to act. With this bill the Democrats in Congress are taking a stand against the President on behalf of the soldiers in this country and the American people.

The bill before the House would protect our troops on the battlefield and at home, and require accountability from the Bush administration and the Iraqi Government, and set a responsible timeline for the phased redeployment of U.S. troops with a date certain by September 2008 at the latest. We must support this legislation. And again, I thank the authors of this legislation.

I rise in strong support of this bill and I encourage all of my colleagues who believe it is time for our troops to come home from Iraq to support it.

As American soldiers begin their fifth year of this war of choice in Iraq, we confront the tragic fact that the Bush Administration's preparation, planning, and execution of this war has not kept faith with the enormous sacrifices our men and women in uniform and their families have made.

More than 3,200 American soldiers have died in Iraq and close to 25,000 more have been seriously injured. Iraq is mired in a civil war, with tens of thousands of civilians killed and even more internally displaced. Hundreds of billions of taxpayer dollars have been squandered in this war that has left our military readiness in jeopardy, the all-volunteer Army at the breaking point, and the world's faith in America's world leadership gravely shaken.

The American people recognize President Bush's approach in Iraq for what it is—a failure. That's why they sent a message to Washington this past November to change course.

Americans do not support a war in Iraq that has no end in sight and continues the tragic and unnecessary loss of life. Given the President's unwillingness to change course, it is incumbent on Congress to act. With this bill, Democrats in Congress are taking a stand against the President but on behalf of our soldiers and the American people.

The bill before the House would protect our troops on the battlefield and at home, require accountability from the Bush Administration and the Iraqi government, and set a responsible timeline for a phased redeployment of U.S. troops—with a date certain, by September 2008 at the latest, for U.S. combat troops to be redeployed from Iraq.

Adoption of our plan is the answer to America's plea to bring this war to an end and turn away from the President's bottomless commitment to U.S. participation in the Iraqi civil war. Our plan provides a responsible, phased plan for requiring the Iraqis to take responsibility for their own future. And voting yes on this bill will clearly show to the American people that a majority in Congress clearly stand with them in their desire to bring an end to the tragic U.S. occupation of Iraq.

My colleagues must understand that if they oppose the war, if they oppose spending more money on the war, if they oppose continuing the tragic loss of life in Iraq, then they must support this bill.

The only alternative to this bill that could garner enough votes to pass would be a supplemental appropriations bill to fund the war with no accountability, no timetables, and no end. That is the reality.

I know that the majority of the House opposes the continuation of the war. There are differences over strategy, on how best to achieve our goal on behalf of the country, on behalf of the soldiers, and on behalf of their families.

Defeating this bill would prolong the war. Defeating this bill would enable the President to continue to his irresponsible and deadly failures. Defeating this bill would send a message to the American people that Congress is not listening to them.

The President has run out of excuses for his failures in Iraq.

The American people have correctly run out of patience waiting for him to change course.

And America's soldiers have done everything asked of them and everything that could be expected of them.

It is time for a new direction.

The bill before the House provides a new direction for America. And it is the only bill that can take us in that direction.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President.

PARLIAMENTARY INQUIRY

Mr. McHENRY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, how is it in order to continue to consider H.R. 1591 when rule XXI, clause 9 of the House clearly states that, and I quote, "it shall not be in order to consider a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits and limited tariff benefits in the bill or in the report, and the name of any Member, Delegate or Resident Commissioner who submitted a request to the committee for each respective item included in such list, or a statement that the proposition contains no congressional earmarks, limited tax benefits or tariff benefits"?

The SPEAKER pro tempore. No Member rose to a point of order at the appropriate point in time.

POINT OF ORDER

Mr. McHENRY. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. McHENRY. Mr. Speaker, is there a list of congressional earmarks with this?

The SPEAKER pro tempore. Is the gentleman stating a point of order?

Mr. McHENRY. Point of order. House rule XXI, clause 9 states, and if I shall repeat, or if the gentleman would, if the Speaker would look at House rule XXI, clause 9, is there not cause for action?

The SPEAKER pro tempore. The gentleman's point of order is not timely.

PARLIAMENTARY INQUIRIES

Mr. McHENRY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, at what time would it be timely for consideration?

The SPEAKER pro tempore. It would be timely at the outset of consideration of the matter.

Mr. McHENRY. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. McHENRY. Am I correct to interpret the Chair's statement to mean that even if an earmark is clearly present in the bill under consideration today, that the mere inclusion of a statement certifying that there are no earmarks within the provision effectively neuters the rule?

The SPEAKER pro tempore. The gentleman has posed a hypothetical question. The Chair does not respond to such questions.

Mr. McHENRY. Mr. Speaker, with all due respect, it is a fact, not a hypothetical. This bill contains earmarks. And the rule under the House is that——

The SPEAKER pro tempore. The gentleman is engaging in debate and not stating a point of parliamentary inquiry.

Mr. McHENRY. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, it simply takes a waiver submitted by the chairman to make this rule, this no earmark rule, in fact, noneffective; is that not correct?

The SPEAKER pro tempore. The gentleman is reminded again he is engaging in debate and not stating a point of parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. How does the Chair understand the definition term of "earmark" as it relates to rule XXI, clause 9?

The SPEAKER pro tempore. The Chair does not provide advisory opinions.

Mr. McHENRY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Under the rules of the House, what is an earmark?

The SPEAKER pro tempore. The Chair does not respond to requests for advisory opinions.

Mr. McHENRY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman shall state his point of parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, according to the definition of an earmark, as I interpret it, because the Chair won't provide a definition, how does section 2101 of the legislation before us today——

The SPEAKER pro tempore. The gentleman is engaging in debate and not stating a point of parliamentary inquiry. The gentleman is no longer recognized.

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, today this Congress, the 110th Congress, faces an historic vote, a vote to truly change the direction of the Iraqi conflict.

Let us review the cost America has borne in 4 years: 3,200 lives have been lost, 25,000 of our citizens have been injured, and nearly a half a trillion dollars have been spent, and America's reputation around the world has been sullied.

And under the President's leadership, his Iraqi policy comes down to something very simple: more troops, more money, more time, more of the same. That is it.

Now, there is a lot of rhetoric going around. We fund our troops. You fund the troops. There is one fundamental difference: We require the Iraqis to bear responsibility for Iraq, and you provide them and the President another blank check for another year. And that is the fundamental difference, whether you will bring accountability and responsibility to the Iraqis to stand up for Iraq.

Now, some bemoan and say we are micromanaging. I would say to you, you rubber-stamped 4 years of mismanagement. Not enough troops, not a plan for the occupation and elimination of the Iraqi Army has brought us in from in search of WMD to policing a sectarian civil war.

And when you talk, as the President said on January 10, that he wants the Iraqis to meet his benchmarks, but you don't have any benchmarks or any accountability for Iraq, I can only say one thing, as we say in Chicago, "You're all hat and no cattle."

It is time, after 4 years and an unbelievable cost across America, borne mostly by our troops and their families and our military, that we ask the Iraqis to do for Iraq what they have asked us to do for them for 4 years, and that is to be accountable for their own future.

And I am proud that we have finally done something. We will fund the troops, and we will also demand that Iraq stand up for Iraq's future and stop leaning on America alone.

And we have done something that is so important that has been missing in this policy, and that is not only a new direction, but fundamentally bringing the responsibility and accountability to the Iraqis, which is why many in the Armed Forces are happy we are forcing Iraqis to do for Iraq's future what they have asked us to do, which is stop policing their civil war, but demand accountability, bring a new direction to this, because after 4 years, more troops, more money, more time is only rubber-stamping more of the same.

Mr. LEWIS of California. Mr. Speaker, could I request the amount of time on each side?

The SPEAKER pro tempore. The gentleman from California has 42½ minutes. The gentleman from Wisconsin has 40 minutes.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from Georgia (Mr. PRICE) for 1 minute.

Mr. PRICE of Georgia. Mr. Speaker, it is truly incomprehensible that there are those who believe that the best course of action in the face of a determined enemy is to tell them that we are less determined. Yet that is exactly what this Iraq supplemental financing bill does.

What message do we send our brave military men and women when we won't guarantee them the resources and the equipment that they need without including a litany of restrictive and arbitrary timetables?

What will our soldiers on the front lines of this war think when they hear they have been sold for salmon fisheries and spinach growers, money used to buy votes?

This Iraq supplemental bill is just one more step in what has become a long list of unprecedented attempts by this majority to accept defeat at any cost.

For those of us in Washington, we get to face this moment in the warmth and the comfort of our homes and offices. For so many Americans, they will face this moment in the harsh reality of a war zone. We must not forget what is at stake. Our military will not, and the American people will not.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to rise to commend my colleagues, Mr. OBEY and Mr. MURTHA, for the excellent work on the supplemental appropriations bill that they have brought to the House floor. The House leadership has worked hard to put together the votes to pass this legislation.

This bill funds the troops. We have given them extra funds to deal with the critical issues of traumatic brain injury and post-traumatic stress disorder. We need to clean up the mess at Walter Reed and the other hospitals around the country, including the VA hospitals. There is money in this bill to provide extra staff, nurses and to clean up these facilities.

It is critical that we put pressure on the Iraqi Government to end the civil war. The Maliki government must get the message that the American people do not have unlimited patience. General Petraeus has said that we cannot end this war with only a military solution. We need the Iraqis to resolve the conflict amongst themselves. We need them to fix their Constitution, pass necessary oil legislation, and end the sectarian violence. The benchmarks in this bill will help them to accomplish these objectives.

I hope that General Petraeus is successful in reducing the violence in Baghdad and the surrounding area. I hope that U.S. forces embedded with Iraqi forces can stop the sectarian killing. Without political reconciliation, we cannot stop the sectarian violence and the al Qaeda-led terrorist attacks. We also need an economic recovery program across Iraq to create badly needed jobs.

This bill sets a timetable. It puts pressure on the Maliki government, and I think it is the right bill at the right time to change our Iraq policy and to bring the troops home in a reasonable period of time.

I hope we can stabilize Iraq, but we can only do it with the effort of the Iraqi Government and their people.

[From the New York Times, Mar. 22, 2007]

CONGRESS'S CHALLENGE ON IRAQ

The House of Representatives now has a chance to lead the nation toward a wiser, more responsible Iraq policy. It is scheduled to vote this week on whether to impose benchmarks for much-needed political progress on the Iraqi government—and link them to the continued presence of American combat forces. The bill also seeks to lessen the intolerable strains on American forces, requiring President Bush to certify that units are fit for battle before sending any troops to Iraq. Both of these requirements are long overdue. The House should vote yes, by an overwhelming, bipartisan margin.

It is normally the president who provides the leadership for American foreign policy and decides when there needs to be a change of course. But Mr. Bush stubbornly refuses to do either, and the country cannot afford to wait out the rest of his term. Given Mr. Bush's failure, Congress has a responsibility to do all it can to use Washington's remaining leverage to try to lessen the chaos that will likely follow an American withdrawal—no matter when it happens—and to ensure that the credibility and readiness of the United States military is preserved.

House Democrats have wisely moved beyond their earlier infatuation with mere deadlines. The benchmarks spelled out in this legislation, which also provides the next round of money for the war, require that the Iraqi government stop shielding and encouraging the Shiite militias that are helping drive the killing. United States and Iraqi security forces must be allowed to pursue all extremists, Shiite and Sunni, disarm sectarian militias and provide "evenhanded security for all Iraqis."

The benchmarks also require the Iraqi government to take measurable steps toward national reconciliation: equitably distributing oil revenues, opening up more political and economic opportunities to the Sunni minority and amending the constitution to discourage further fragmentation.

The legislation does not settle for more empty promises—from Mr. Bush and the Iraqis. It would require the president to provide Congress, by July, with an initial detailed report on Iraq's efforts to meet these benchmarks. By October, the Iraqi government would have to complete a specific set of legislative and constitutional steps. Failure to meet these deadlines would trigger the withdrawal of all American combat forces—but not those training Iraqis or fighting Al Qaeda—to be concluded in April 2008. If the benchmarks were met, American combat forces would remain until the fall of 2008.

The measure would also bar sending any unit to Iraq that cannot be certified as fully ready. It sets a reasonable 365-day limit on combat tours for the Army and a shorter 210-day combat tour limit for the Marines. As for how many troops can remain in Iraq—until the House's deadlines for withdrawal—the legislation imposes no reduction on the level of roughly 132,000 in place at the start of this year.

Critics will complain that the House is doing the Pentagon's planning. But the Pentagon and Mr. Bush have clearly failed to protect America's ground forces from the ever more costly effects of extended, accelerated and repeated deployments.

If Iraq's leaders were truly committed to national reconciliation and reining in their civil war, there would be no need for benchmarks or deadlines. But they are not. If Mr. Bush were willing to grasp Iraq's horrifying reality, he would be the one imposing benchmarks, timetables and readiness rules. He will not, so Congress must. American troops should not be trapped in the middle of a blood bath that neither Mr. Bush nor Iraq's leaders have the vision or the will to halt.

[From the New York Times, Mar. 21, 2007]

THE TROIKA AND THE SURGE

(By Thomas L. Friedman)

President Bush's Iraq surge policy is about a month old now, and there is only one thing you can say about it for certain: no matter what anyone in Congress, the military or the public has to say, it's going ahead. The president has the authority to do it and the veto power to prevent anyone from stopping him. Therefore, there's only one position to have on the surge anymore: hope that it works.

Does this mean that Democrats in Congress who are trying to shut down the war and force a deadline should take the advice of critics and shut up and let the surge play out?

No, just the opposite. I would argue that for the first time we have—by accident—the sort of balanced policy trio that had we had it in place four years ago might have spared us the mess of today. It's the Pelosi-Petraeus-Bush troika.

I hope the Democrats, under Speaker Nancy Pelosi, keep pushing to set a deadline for withdrawal from Iraq, because they are providing two patriotic services that the Republicans failed to offer in the previous four years: The first is policy discipline. Had Republicans spent the previous four years regularly questioning Don Rumsfeld's ignorant bromides and demanding that the White House account for failures in Iraq, we might have had the surge in 2003—when it was obvious we did not have enough troops on the ground—rather than in 2007, when the chances of success are much diminished.

Because the Republicans controlled the House and Senate, and because many conservatives sat in mute silence the last four years, the administration could too easily ignore its critics and drag out policies in Iraq that were not working. With the Democrats back in Congressional control, that is no longer possible.

The other useful function Speaker Pelosi and her colleagues are performing is to give the president and Gen. David Petraeus, our commander in Iraq, the leverage of a deadline without a formal deadline. How so? The surge can't work without political reconciliation among Iraqi factions, which means Sunni-Shiite negotiations—and such negotiations are unlikely to work without America having the "leverage" of telling the parties that if they don't compromise, we will leave. (Deadlines matter. At some point, Iraqis have to figure this out themselves.)

Since Mr. Bush refuses to set a deadline, Speaker Pelosi is the next best thing. Do not underestimate how useful it is for General Petraeus to be able to say to Iraqi politicians: "Look guys, Pelosi's mad as hell— and she has a big following! I don't want to quit, but Americans won't stick with this forever. I only have a few months."

Speaker Pelosi: Keep the heat on.

As for General Petraeus, I have no idea whether his military strategy is right, but at least he has one—and he has stated that by "late summer" we should know if it's working. As General Petraeus told the BBC last week, "I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change."

We need to root for General Petraeus to succeed, and hold him to those words if he doesn't—not only for the sake of the soldiers on the ground, but also so that Mr. Bush is not allowed to drag the war out until the end of his term, and then leave it for his successor to unwind.

But how will General Petraeus or Congress judge if the surge is working? It may be obvious, but it may not be. It will likely require looking beneath the surface calm of any Iraqi neighborhood—where violence has been smothered by the surge of U.S. troops—and trying to figure out: what will happen here when those U.S. troops leave? Remember, enough U.S. troops can quiet any neighborhood for a while. The real test is whether a self-sustaining Iraqi army and political consensus are being put in place that can hold after we leave.

It will also likely require asking: Are the Shiite neighborhoods quieting down as a result of reconciliation or because their forces are just lying low so the U.S. will focus on whacking the Sunnis—in effect, carrying out the civil war on the Shiites' behalf, so that when we leave they can dominate more easily?

When you're sitting on a volcano, it is never easy to tell exactly what is happening underneath—or what will happen if you move. But those are the judgments we may soon have to make. In the meantime, since Bush is going to be Bush, let Pelosi be Pelosi and Petraeus be Petraeus—and hope for the best. For now, we don't have much choice.

Mr. LEWIS of California. Mr. Speaker, I yield 1¼ minute to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I hope today, as we take this vote, that people will understand really what is at stake here.

I have heard a lot of discussion today, and some Members are going to go back home and say, well, I voted for this bill and against the troops because I brought home some things for the people in my district.

But today this vote is not about bringing home bacon for the people in your district. It is about American security.

My family was in New York on 9/11, and my daughter-in-law and her mother were supposed to be at the World Trade Center on 9/11. So when I take this vote this afternoon or at noon, whenever we have this, let me tell you the reason why RANDY NEUGEBAUER is going to be voting "no." Because I am looking forward, not at what we are doing today and what is going to, who is going to be able to take what projects home, but I am looking forward to the security of America. I am looking into the eyes of my grandsons Nathan and Noah and saying, Nathan and Noah, I didn't leave America safe and secure for you.

This is about security. 9/11 is a real event. America was attacked. We have been attacked before. We know this enemy is going to come back and attack us again.

This bill, this vote, is about keeping America safe. So when Members go home and brag about their vote on this, I hope that they go home and brag about the fact that they cast a vote that will ensure a safe and secure America because, you see, if you take all of these projects home, and there is no security in America, there is no America.

I urge my colleagues not to vote for this bill.

I rise today in strong support of our troops and their mission in Iraq.

Ten days ago, I returned from my third trip to Iraq. From the generals to the privates, the message I heard from our troops in Iraq was "let us do our job so we can win." And that is precisely what we should be doing here today.

Today, we should be working to provide our military with the tools and resources needed to attain victory . . .

Today, we should be showing our troops that we are behind them 100 percent . . . And today, we should be showing the world that America has the resolve to stand up to terrorist threats even when the going gets tough.

Instead, this ill-advised legislation does just the opposite. By putting restrictions on our military commanders and the President . . . and setting a firm timeline and final date for withdrawal, this bill undermines the war effort, sends the wrong message to our troops, and telegraphs our war strategy to the enemy.

Our Constitution is clear in that it places the responsibility for conducting the war in the hands of a single Commander-in-Chief, not Congress. Our Founding Fathers wisely understood that having 535 politicians in Washington attempt to micromanage a war is a recipe for disaster.

I am further disappointed that the majority has jeopardized the success of the drought relief package for farmers and ranchers.

I strongly support drought relief and have been calling for federal assistance since last summer. However, as much as I know producers in my district support disaster assistance, I cannot in good conscience support this supplemental because of the flawed military strategy that the majority is pursuing in this bill.

☐ 1030

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the subcommittee Chair on Foreign Operations.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 1591 and commend Chairman OBEY, Chairman MURTHA, and our Speaker for putting together a bill that protects our troops, responds to the will of the American people, and preserves our Nation's interests.

Our men and women in uniform have served with honor and courage, but we are not doing our part. Our Armed Forces are not battle-ready, nor is their mission clear and achievable. There is no definition of victory. The nature of the battle has changed, and our troops now find themselves policing a bloody civil war. It is well past time to set clear parameters for this war.

Since the beginning, this war and reconstruction efforts have been ill-managed. Just yesterday the Iraq IG reported yet again on how unprepared the administration was for the task of reconstruction. The Defense Department had no strategy for restoring government institutions, establishing security, or rebuilding infrastructure, and the State Department was cut completely out of the work.

There continues to be a lack of coordination and strategy to achieve our objectives. Putting billions of dollars more into this war without any parameters and risking the lives of more of our brave men and women is not only foolish; it is immoral. As the New York Times editorial noted on Thursday, if the President won't step up to the task of setting benchmarks and ensuring the safety of our troops, then it falls to us, this Congress.

Mr. Speaker, this bill does just that. We are stepping up to our responsibilities. This legislation does not micromanage the war, as many of my colleagues on the other side of the aisle claim. It is a very carefully considered approach to bringing accountability to the execution of the war and to the reconstruction efforts. Moreover, it sets a date certain for the end of this war so we can bring our troops home.

No amount of American blood or treasure can help Iraq if the Iraqis don't help themselves. The Maliki government must exhibit the political will to confront extremists on both sides of the Sunni-Shia divide, to give all segments of society a stake in Iraq's future, and to put Iraqi revenues towards the hard task of reconstruction. Congress didn't pull these benchmarks from the air. They were put forth by the Iraqis and by President Bush in his January 10 speech.

Mr. Speaker, we are already into the fifth year of this war. The bill provides the funding the President requested, but it does not do so unconditionally. This bill sets benchmarks, provides a date certain for withdrawal.

The days of open-ended commitment and unilateral check-writing privileges are over. This bill deals with Iraq responsibly, and I urge my colleagues to support it.

PARLIAMENTARY INQUIRY

Mr. McHENRY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, is a point of order in order against page 87, the subsection appropriating $35 million to NASA, which I believe to be an earmark?

The SPEAKER pro tempore. The time for making a point of order on this issue has passed. The Chair does not provide advisory opinions.

POINT OF ORDER

Mr. McHENRY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. McHENRY. Mr. Speaker, according to the definition of an earmark under rule XXI, clause 9, the section 3103 of this legislation which appropriates $35 million to spinach growers, does this not qualify as an earmark under rule XXI, clause 9?

The SPEAKER pro tempore. The gentleman has not stated a point of order.

PARLIAMENTARY INQUIRY

Mr. McHENRY. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McHENRY. Mr. Speaker, according to the definition of an earmark under rule XXI, clause 9, which the Chair recognizes from the House rules, how does section 3104, which appropriates $20 million to a particular agricultural interest in a particular district, not qualify as an earmark?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry. The gentleman may engage in debate on that subject if yielded to, but the Chair will not recognize a Member for debate under the guise of a parliamentary inquiry.

The gentleman is no longer recognized.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, on Monday I spoke on this floor about a conflict I had in supporting this measure because I want peace in our world and I want our troops to come home. I asked for my constituents to let me know how they felt.

Hundreds of people responded with e-mails and phone calls, and I appreciate each of them. They want us to support our troops. They want to bring our troops home from Iraq, and they want to take care of our veterans.

The most effective way to accomplish those things is to vote for this bill. This will be the first step in ending the war in Iraq, taking care of our veterans, but at the same time, supporting our troops.

I am proud to be a Member of this Congress and to vote "aye" today on this bill.

Mr. LEWIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, first let me compliment my friend from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee; and the subcommittee chairman, the gentleman from Pennsylvania (Mr. MURTHA), for the excellent work that they have done. And we thank our minority for working with us on this bill.

The purpose of the Members of Congress front and center is to provide for the common defense of our country. I must tell you how concerned and worried I am about the readiness and state of readiness of the United States Army based upon testimony and briefings that we have had within the Armed Services Committee.

Readiness is based upon equipment and based upon people able to do their job as defenders in uniform. This is a serious situation in which we find ourselves. This bill is a major step toward helping our readiness.

It is our job not just to appropriate money for today's concerns, whether it be in the Middle East or elsewhere. It is our job to make sure that those in uniform can protect the interests of America in the days and years ahead.

In the last 30 years, we have had 12 military conflicts in which our military associates have been involved. What does the future hold? We don't know. But as sure as God made little green apples, there will be threats that we need to deter or challenges that we need to fight in the days and years ahead. We must have a ready force in all services and my deep concern for the United States Army causes that to come into question in our capability.

In this we provide money for the real war in Afghanistan, the Strategic Reserve Fund, which supports training, not just operations but repair of equipment, purchase of equipment, and expenses to improve the readiness of the nondeployed military forces.

I am deeply concerned about the readiness of our forces in the days and years ahead. This bill will help immeasurably in that first step toward restoring readiness for our United States Army. And this is no small thing. A vote against this is a vote against those uncertainties of the future as well as where we are today involved in conflict.

Military health care is very important, and we look at that in this bill solidly. Veterans' health care, military housing allowances. We do so many good things in this bill for our military.

Let us not let the readiness of our United States Army suffer as a result of not passing this all-important legislation.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2½ minutes to the ranking member of the Ways and Means Committee, the gentleman from Louisiana (Mr. MCCRERY).

Mr. McCRERY. Mr. Speaker, I thank Mr. LEWIS for yielding me this time.

In my almost 19 years in the United States House of Representatives, I have cast many difficult votes. And I have often spoken to groups of constituents over the years, and in the course of their asking me questions, inevitably one of the questions will be, What is the most difficult vote you have taken as a Member of the House?

And I am always quick to respond, even though there have been many difficult votes, clearly the most difficult vote I have had to make as a Member of the House is to vote to send our troops into war.

And certainly the vote that this House made to authorize the President to send our troops to Iraq this most recent time was a very difficult vote for all of us. Some of us, it seems, have changed our minds and wish we hadn't cast that vote. But the fact is we did cast that vote. We voted in the majority to start this war.

I believe, based on my reading of history, my studies of past engagements, military engagements, it would be a tremendous mistake for the Congress of the United States to attempt to micromanage this war and bring it to a conclusion through artificially constraining decisions on the battlefield.

I have spoken face to face with the President of the United States about this war. I know he is trying his best to bring this war to a conclusion. He is trying his best to make sure that the interests of the United States, as well as the interests of the people of Iraq, are served as he plans strategy and works with our military leaders to plot the best course for ending this war and preserving and serving the interests of the United States.

He has a new strategy in play. It seems to be working. We are getting favorable reports from the commanders in the field.

Let us give this Commander in Chief and his military leaders a chance to serve this country, to serve Iraq, and end this in the best possible way for the United States. Let us not try to micromanage from the Congress, with 435 in the House and 100 in the Senate, telling our leaders how to conduct this war and when to end it. That is the wrong course of action for this country.

Mr. OBEY. Mr. Speaker, the gentleman from California has quite a bit more time remaining. I suggest he run some off the clock.

Mr. LEWIS of California. Mr. Speaker, may we hear what the time left is on both sides, please.

The SPEAKER pro tempore. The gentleman from California has 38 minutes, and the gentleman from Wisconsin has 31½ minutes.

□ 1045

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from California.

Mr. Speaker, we have an interesting bill before us here today. It appropriates $100 million for shrimp, it appropriates $100 million for citrus growers, it appropriates $74 million for a particular type of peanut storage and $25 million for spinach. It even appropriates $50 million for a Capitol Hill power plant. And they do this in the name of funding the troops. I think this is, again, Washington hypocrisy at work.

The most egregious part of this bill, I find, is that there are billions of dollars in this bill for livestock, which the American people, Mr. Speaker, should know is literally pork for pork.

And it is all about getting votes together to fund the troops in harm's way, but instead of funding the troops in harm's way, they are funding pork-barrel projects here in the United States.

I believe, Mr. Speaker, this is wrong for our troops in battle, but it is a great gift for Washington Democrat politicians who are in power here in the House today.

This is a failure to understand what "emergency" means, what "war" means and the fight we have going in Iraq.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and for his hard work on this and other work that we do here.

I believe, Mr. Speaker, that the debate on this emergency spending bill has provided the service of reminding Americans exactly what is at stake in Iraq, the prospects of victory, the consequences of defeat, and a better appreciation of how it is we do everything we possibly can to secure and support our men and women in harm's way.

House Republicans, Mr. Speaker, asked the Speaker and her colleagues on the Appropriations Committee to produce a clean and straightforward supplemental emergency bill, a package worthy of our troops' hard work and dedication, with help we could deploy to the front lines as quickly as possible.

What we got instead was a poorly assembled wish-list of nonemergency spending requests wrapped in a date-certain declaration of defeat, a confirmation to our enemies that if they hang on just a bit longer, we will be out of their way soon.

I happen to believe the stakes in Iraq are too high and the sacrifices made by our military personnel and their families too great to be content with anything but success. But the bill brought before us today isn't written with victory in mind. Its prevailing tone is one of defeat, and its abiding premise is that America's mission in Iraq is over and our troops' continued status there is without merit. And just to drive the point home, it forces on General Petraeus and his commanders on the ground constant status and reporting requirements, designed not only to undermine their basic operational authority, but to hasten a withdrawal of troop support from the region.

When the leaders of the majority were offered the opportunity for a secure briefing from General Petraeus a few days ago, they said no. When the majority was offered a briefing from Secretary Gates, Secretary Rice and Secretary Pace in the last few days, they said no again.

Does anyone think that demoting our best generals to administrative assistants represents our best chance of achieving our goals in this region? Does anyone believe our commanders in the field have been given too much authority and too much flexibility to get the job done?

Ultimate victory in Iraq is a proposition that is far from guaranteed, Mr. Speaker, but ultimate failure in Iraq is, if this attempt to co-opt the essential command-and-control responsibilities of our commanders in the field ever actually becomes law.

Mr. Speaker, this emergency supplemental includes billions of dollars in nonemergency spending, offered as an excuse to vote for a bill that guarantees our defeat in Iraq and Afghanistan.

I urge a "no" vote on this bill and ask my colleagues to join me in sending a message of strength and resolve to our friends and our enemies and, most importantly, to our troops in the field.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of this bill as chairman of the Homeland Security Appropriations Subcommittee, advocating for the bill's acceleration of programs critical to the integrity of our borders and the safety of the American people. These are carefully crafted, legitimate emergency security measures, and there is no good reason to wait further to make this country more secure.

Today, however, I want to address the broader bill, speaking colleague to colleague, mindful and respectful of the struggles with conscience so evident among us in recent days.

I did not support originally giving the authority to the President to wage war in Iraq. I have introduced legislation calling for an end to that authorization. But I understand there is a wide range of opinion on where we should go from here, and there are many who believe that this bill, which takes a major step towards changing our course in Iraq, either goes too far or not far enough.

Our discussions on this issue have brought to mind lessons from my days in divinity school and as a teacher of ethics, lessons I believe are helpful in sorting out what it means and should mean to follow one's conscience on a matter such as this.

On the first day of Ethics 101, we learn that we often face two kinds of moral choice in life. One has to do with the morality of an act itself, which is what many colleagues are referring to when they say they are "voting their conscience" on what we know is an imperfect bill.

The second kind of moral choice requires us to consider the consequences of our acts. That is also an exercise of conscience, perhaps an even more demanding one.

Think about the consequences. What if the consequence of voting "no" is to let slip away the best chance we may have for a long time to compel a change of course in Iraq? What if a consequence is the further crippling of this House's influence in this country's foreign and defense policy? What if the consequence of a "no" vote is to allow the President to continue on the same failed policy course? Are those not matters of conscience?

Some talk as though we should simply square the contents of this bill against an ideal and vote accordingly. No, I am afraid moral choice and our obligations as public servants run deeper than that.

Please, don't sell short a vote in favor of this bill as though it were a mere practical or political accommodation. By all means, treat this vote as an act of conscience, but an act based on a searching consideration of the full range of consequences that may result.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HOBSON), a member of the Defense Subcommittee.

Mr. HOBSON. Mr. Speaker, I rise today in opposition to H.R. 1591, the Fiscal Year 2007 U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Supplemental Appropriations Act, because, in my opinion, it sends the wrong message to our troops, our allies and the Iraqi people, who really want to take care of and control of their own country.

In my opinion, this bill will tie the hands of the commanders in the field by micromanaging from Washington the military decisions that those commanders ought to be making on the ground. Further, by setting a date-certain timeline requirement for withdrawing our troops, in my opinion it will endanger U.S. personnel and give our enemies a date to wait us out.

Mr. Speaker, this bill not only sends the wrong message to our troops about their efforts to bring stability to Iraq, it sends the wrong one to our allies throughout the world. In my opinion, it says that if you bloody us enough, we are going to walk away.

If we walk away, our credibility is gone in the world. We will be abandoning the thousands of Iraqis who risked their lives and voted for freedom, and risk bringing dishonor to the men and women who have fought and died in this war.

One thing that strikes me about the debate of this bill and the recent one on H. Res. 63, the Iraqi war resolution, is that there is little or no discussion on what the Iraqis are willing to do to bring themselves closer to taking control of their own country.

Earlier this year I went on a bipartisan congressional delegation trip to Iraq, Afghanistan and Pakistan. While we met with U.S. troops and commanders, we also had a chance to meet with the leaders of those countries, including Iraqi Prime Minister al-Maliki. He told us if his country had the command and control, equipment and our backing, the Iraqis could begin to take over their own security in 3 to 6 months and that we could be able to redeploy 50,000 U.S. troops at that time.

Mr. Speaker, we need to make sure that President Maliki has the tools and resources to be successful. For those who are looking for a timely withdrawal of troops, why shouldn't we be focusing on giving him and his plan a chance, rather than setting arbitrary withdrawal deadlines? The quicker that the Iraqi people take control of their country, the quicker U.S. troops can begin to withdraw with dignity. This bill, I don't believe, moves us further in that direction.

Mr. Speaker, I urge my colleagues to send our own message to the leadership of this body that our troops and commanders in the field deserve a bill that will support them in their efforts to bring stability to Iraq.

Finally, I am troubled by the way the new majority has restricted the debate, for even while we are encouraging the Iraqi people and their leaders to become more democratic, the House of Representatives, in my opinion, is moving in the opposite direction.

During the last elections, much was made about maintaining a fair and open process in the people's House, and I shared that. Frankly, I don't think we did when we were in the majority enough on that. This bill, however, is back to even worse than that because it is being considered under conditions that are neither fair nor open. Specifically, no amendments are allowed, and no alternatives can be considered on this most important bill.

Mr. Speaker, a bill with such historical importance needs to have open and fair debate. That is the way this type of bill has always been considered, I thought, before. That is what the American people were promised last fall. I, frankly, deeply regret that this is not now occurring today.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the chairman of the Appropriations Subcommittee on Defense.

Mr. MURTHA. Mr. Speaker, I keep hearing people say that we have got to give this a chance. For 4 years we have given this a chance. For 4 years we have had our troops overseas.

Here is the problem that we face. Every time that we give them a chance, they disappear. For instance, they said that the Iraqis are going to lead this surge. Let me tell you, 50 percent of the Iraqis in the units aren't showing up. So the Americans have to take over. We have to pay the bill.

The Europeans, this is just as important to the Europeans as it is to us, and the Europeans benefit from the oil that comes from Iraq, yet they are not really participating to any significant amount, versus the first war where they participated significantly. George Bush I got a coalition together.

The problem we have with what is going on, this is not General Petraeus' war, this is the administration's war. This administration has put us in a position where the military has to actually violate their own guidelines in order to get troops to Iraq.

I knew over an a year ago we didn't have the numbers of troops we needed to sustain this deployment, and the surge makes it worse. The worst thing we can do is send troops, and if you vote against this, you are going to vote for sending troops into war without being fully mission-capable, without the training and equipment they need, and that is absolutely unacceptable.

I note to the Congress and I note to the people sitting on that side who worked so hard to fund the military, we put $70 billion in last time that the administration did not even ask for.

We have 36,000 additional troops in here for the overall picture. So if you vote against this, you are voting against those 36,000 troops, for the total number of troops that need to be not deployed, but need to be available to be deployed.

Our reserves are in desperate shape. Our Strategic Reserve, when we started this war with C–1, they are now in the lowest state of readiness. They couldn't be deployed. Only two divisions would be deployed. So we have a lot of work to do.

And I say to the Members, you are voting against supporting the troops if you vote against the money that goes to the troops and the money that has already been sent or is going to be sent. They are going to run out in April, and we need to get this bill through.

Mr. Speaker, I urge the Members on both sides of the aisle to vote for this legislation.

□ 1100

Mr. LEWIS OF California. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

I don't know what to say. I will say this, H.R. 1591, when it comes up in 1 hour or 45 minutes, I'm going to vote against it. But I want to say two things to two groups out there. Number one, to the American people, I want to say, I'm sorry. I'm sorry that I can't stop runaway fiscal spending. I can't stop a House that is out of control. I'm sorry for that. But more importantly, I want to say I'm sorry to my soldiers, because I cannot do enough to protect you.

Men and women halfway across this world laying their life on the line for me and my family and my children and my country and everything I believe in, I can't do enough to help you, and I'm sorry. I'm sorry.

I will fight today, I will fight tomorrow, I will fight every day I am a United States Congressman for my soldiers and my people and my country. I will not give up. All I ask is don't give up on them; don't give up on me; and don't give up on us.

Mr. OBEY. I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I share the previous speaker's sorrow. I'm sorry that the policies pursued by this administration have not done what he wanted to do, support our troops. We sent too few, we equipped them too little, and we have left them too long and trained them for too short a time. Yes, I'm sorry.

The American public expects us, the Congress of the United States, to do something, not simply to say yes to failed policies, but to, on their behalf, speak out and try to take us in a new direction.

Mr. Speaker, there is not a Member of this body on either side of the aisle who does not pray for our success in

Iraq and who does not pray for the safe return of our brave service men and women. However, after the loss of more than 3,200 American soldiers and more than 24,000 injured and after the expenditure of more than $400 billion on a war now entering its fifth year that Secretary Rumsfeld told us would take just a few months. With open arms and cheering in the streets, this war would be over and the mission would have been accomplished almost 4 years ago, said the President of the United States, who now asks us to rubber-stamp, no strings attached. Do it, as Mr. PUTNAM said, before supper. That is not what the American public expects of us. They expect better. They expect a new direction. They expect us to think, not simply say, amen, Mr. President.

The Defense Department says: "Some elements of the situation in Iraq are properly described as a civil war." None of us who voted for the original authorization voted to put our troops in the middle of a civil war, not one of us.

The Iraq Government has failed to meet political goals. It is our responsibility to ask them to do so because we want to support our troops. And if the Iraqis do not meet their responsibilities, our troops will not be supported. A National Intelligence Estimate concludes that this war is increasing, this is the National Intelligence Estimate, increasing the global war on terror. The Army Chief of Staff has issued strong warnings about the effect of the war on America's overall military readiness. Mr. MURTHA has talked about that for at least the last 2 years.

My friend, the ranking member of the Appropriations Committee, with whom I served for a quarter of a century on that committee, he must share the concern about military readiness that all of us share and know that we are eroding our military readiness every day. Thus, the question before the Members today is this: Will we change direction in Iraq, or will we continue to stay the course with a failing policy?

Mr. Speaker, I believe the answer is clear. It is long past time that this Congress assert itself and assist on accountability and a new direction in Iraq. More blank checks from this Congress would constitute an abdication of our responsibility and our duty. Four years of abdication is enough. It is time, my fellow Members, for Congress to assert its support of our troops by adopting policies that will keep them safe and enhance their success.

This legislation, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, will protect our troops, requiring deployments to adhere to existing Defense Department standards, not our standards, Defense Department standards, standards for training, equipment and armor, while allowing the President to waive these standards, which are his own, the administration's standards, if he believes it necessary. That is the right thing for us to do.

The bill also holds the Iraqi Government accountable, measuring its performance by the standards President Bush outlined in his January 10 speech, not our standards for Iraq, but the benchmarks that the President of the United States has set. But if they are only rhetorical benchmarks with nothing behind them to require that action, then we are wasting our time in supporting our troops because that will not do it.

The bill provides a responsible strategy for a phased redeployment of U.S. forces and refocusing our efforts on fighting al Qaeda. That is who attacked us, not the Sunni or Shia, but al Qaeda.

Some claim that this legislation will micromanage the war. That assertion is absolutely false and without ground. Our Commander in Chief, General Petraeus and our military commanders on the ground will retain all the flexibility they need to succeed. This legislation in no way undercuts their discretion on the ground. The only strings attached concerning troop readiness and the Iraq Government's progress have been endorsed by President Bush. Others assert that inclusion of a timeline for responsible redeployment is tantamount to capitulation. Mr. HOBSON spoke on this floor just a few minutes ago. He voted to set a time line in Bosnia. Mr. LEWIS sits as the ranking member of this committee; he voted on June 24, 1997, to set a timeline. Mr. HASTERT, Speaker of the House, set a timeline. Mr. Delay voted for a timeline. Mr. BLUNT voted for a timeline. Mr. BOEHNER voted for a timeline.

Every one of them voted for a timeline, and what were the circumstances? We hadn't lost a single troop, not one. We had spent $7 billion, not $379 billion. We had brought genocide to a stop, ethnic cleansing to a stop, and we were not losing people and we had a stable environment, yet they voted for a timeline.

Here, Secretary Gates says in testimony at his confirmation hearing: "We are not winning." If that is the case, it is time for us to have a new strategy, a new direction, a new paradigm, if you will. That is what this bill does.

Mr. BOEHNER said just a few weeks ago, in terms of timelines, he said, "I think it will be rather clear in the next 60 to 90 days as to whether this plan, the current escalation, is going to work." "We need to know," Mr. BOEHNER said, "as we are moving through these benchmarks that the Iraqis are doing what they have to do." Nothing in this bill will undermine that 60- or 90-day expectation that the minority leader, the Republican leader, has articulated. Under this legislation, if the Iraqis meet their benchmarks for progress, the redeployment of American forces will not begin until a year from now. This is not any precipitous withdrawal. And, indeed, if there is total success, it will be more than a year from now.

Finally, let me point out, as I have said earlier, that timelines were supported in July of 1997. 220–2. Only two Republicans voted against setting a timeline. I voted against that timeline. And I said "at this time." Why did I say that? Because we were succeeding. We were not losing troops. We had stopped genocide. We had stopped ethnic cleansing. We had a stable government in Serbia. We were winning and our strategy was succeeding. And under those circumstances, I thought timelines were not appropriate. But there is not a military general I have talked to who has said that we are succeeding. Today, this very day, the Deputy Prime Minister of Iraq lies deeply wounded, life at risk. If a Member of Congress goes to Baghdad, they will not drive you from the airport to the Green Zone. Why? Because they do not believe it is safe, almost 50 months after we started this operation.

My friends, it is time for a new direction. I urge my colleagues on both sides of the aisle support the troops, represent America, represent your people who want to win but do not want to leave our troops in the middle of a civil war. Support this well-thought-out crafted piece of legislation, which in no way undermines the ability of our troops to manage this war, but says to them, we will expect the Iraqis to perform and we will give you a time frame in which the world will know that they must themselves take responsibility.

Mr. LEWIS OF California. Mr. Speaker, I recognize my colleague from California (Mr. ROYCE) for 2 minutes.

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, as The Washington Post says today: "Altogether, the House Democratic leadership has come up with more than $20 billion of new spending, much of it wasted subsidies. And it makes us wonder how $74 million to extend peanut storage payments or $250 million for MILC subsidies will aid our troops."

Perhaps my colleagues believe that these agricultural subsidies are necessary, but I don't see how they are going to help us defeat Islamist terrorists. Is this really what General Petraeus needs? Is this what he asked for? No, it is not. And it is bad policy to start, and it is worse by mixing it without backing of our forces in the field.

It is not just the language that gives us pause here. If it is our mission to win in Iraq, then we should not be making it more difficult for our troops to succeed. Cutting off funding and micromanaging a war does that, according to our commanders in the field.

And as The Post adds: "The bill excludes the judgment of General Petraeus, excludes the judgment of the U.S. commanders who would have to execute the retreat that the bill mandates."

And as The Post goes on to say: "Democrats should not seek to use pork to buy a majority for an unconditional retreat that the majority does not support."

□ 1115

Mr. OBEY. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for a unanimous consent request.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 1591. It will bring our troops home, take care of our veterans, and begin to address critical needs here at home.

I applaud the leadership of the House—our Democratic leadership team—for bringing this important and far reaching bill before us today.

I, like many of my colleagues, would have preferred to have a bill before us that would get our troops out of Iraq tomorrow, or even in 3 months. I most certainly would like not to have to send the 100 members of the V.I. National Guard out to Iraq next month. But that is not doable, it is not realistic.

What is realistic is setting some benchmarks—actually the president's benchmarks as goals and legally holding him to them, while planning for the complete re-deployment by summer of next year!

More than that though, it provides what the soldiers and their families have been crying for, for the past 5 years. Equipment, training, protective gear and armor and all that adds up to troop readiness. It is negligent to send our men and women into the middle of a civil war where they become targets without the proper preparation and equipment.

H.R. 1591 sets guidelines for length of deployment, and it does something that I think will go a long way to reducing the violence against our troops, and that is it establishes that there will be no permanent bases in Iraq. It further restores our values and principles in combat by prohibiting torture.

More funding is also channeled to Afghanistan where the war needs to be brought back on track and we need to make up lost ground in the real war on terrorism.

But this bill goes further. For all these 5 long years we have also complained that funds needed here at home were not only being spent but wasted in Iraq—there is still over 9 billion that is unaccounted for and we are losing.

Well what we do in H.R. 1591 is begin to take better care of our soldiers when they return home. The stories about conditions at Walter Reed, and of persons in need of mental health care being turned away are not only heartbreaking, they border on criminal.

And we also begin to take care of some long overdue issues here at home:

Agriculture disaster assistance, State Children's Health insurance payments for rural schools, better homeland security preparedness, improving oversight and accountability and finally doing what we ought to have done 2 years ago for the victims we left behind in Katrina, Rita and Wilma.

And we help some countries with whom we have close ties and who need our help—Jordan, Afghanistan, Liberia and several other African nations.

This bill sends funding to our defense needs on the two major fronts at which our troops need us, takes care of critical needs at home, and begins to rebuild our reputation for leadership and our moral authority in the world.

I support it, the people of the Virgin Islands support it, and I urge my colleagues to support and pass H.R. 1591.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, so much has been said, and I think we are very clear on the purpose of this bill and the importance of it as far as the war in Iraq is concerned.

But there is another aspect to this bill. There are literally 2 million children who are without health care. I want to at this point recognize and give due thanks and appreciation to Congressman JOHN MURTHA. No State has suffered because of the CHIP program as the children of Georgia's 273,000 children who would be without their health insurance if it were not for this war supplemental.

When the issue was taken to the White House, he said no. All hope was gone. I went to JOHN MURTHA, and JOHN MURTHA said, we will help you, and we will attach it to the Iraqi war supplemental. And he took it to Mr. OBEY and to the Speaker.

Ladies and gentlemen, I make this plea to you, as the Scripture says clearly, suffer not the little children. This is the only hope for getting our insurance for our children in the SCHIP program. I urge you to not let the children of the United States of America go down the drain. Vote for the children of this Nation and for this bill.

Thank you, Mr. MURTHA.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, before we vote on this bill, we need to remind ourselves one more time, the jihadist terrorism is what this debate is all about.

Brink Lindsey put it in such succinct terms when he said, "Here is the grim truth: We are only one act of madness away from a social cataclysm unlike anything our country has ever known. After a handful of such acts, who knows what kind of civilization breakdown might be in store?"

Mr. Speaker, as we anticipate future actions of jihadists and our place in Iraq, we would do well to consider their words very carefully. Al Qaeda's al-Zawahiri said this: "The jihad movement is growing and rising. It reached its peak with the two blessed raids on New York and Washington. And now it is waging a great heroic battle in Iraq, Afghanistan, Palestine, and even within the crusaders' own homes."

Osama bin Laden himself said: "The most important and serious issue today for the whole world is this third world war. It is raging in the land of the two rivers," Iraq. "The world's millstone and pillar is in Baghdad, the capital of the caliphate."

Mr. Speaker, if Democrats are correct that the struggle in Iraq is not crucial to winning the war against jihadism, then for God's sake, I wish they would explain that to the terrorists. Instead, we hear the most senior Democrat in this House quoted as saying, "I don't take sides for or against Hezbollah, or for or against Israel."

Mr. Speaker, a blind relativism that deliberatively ignores all truth and equates merciless terrorism with free nations defending themselves and their innocent citizens is more dangerous to humanity than terrorism itself, and it is proof that liberals completely misunderstand the enemy that we face.

Because of this kind of relativist neutrality, jihadists now believe they have a crucial advantage over the free world and its people. They believe their will is far stronger than ours, and that they need only to persevere to prevail.

Mr. Speaker, the passage of this bill will only encourage them in that belief. And if liberals in this body are willing to see freedom defeated in Iraq, they must also be willing to take responsibility for almost certainly what will follow.

Mr. Speaker, finally, we can have peace with jihadists tomorrow if we are willing to surrender today. And that kind of surrender will be on their terms, and it will ultimately bring a nuclear jihad to our children. Future American generations will despise this one.

Mr. Speaker, there is still time to defeat this bill. Let us not take this ominous step in this direction.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I understand that at the end of the debate the closing speech on the Republican side will be given by our good friend from Texas Mr. JOHNSON. I think everyone in this place respects him and loves him.

I must say that having gone through this for the last 3 weeks trying to talk to each and every person who I could reach about this measure has given me a profound respect for a good many Members of this institution whom I had not known before, especially the newcomers.

The caucus that we had this morning was one of the most moving experiences that I have ever felt in my 38 years in the Congress. I heard Member after Member stand up and discuss this issue as a matter of high principle; but they also discussed it in terms of what the impact of their votes would be, not on themselves, but on the people of this country, on the soldiers who are fighting in the field, on the people in Iraq, and on our country's ability to influence the world.

This is a very tough issue. There are many considerations that each of us brings to this judgment, but in the end, I think we have a choice. As I said earlier today, we have a choice in determining what kind of Congress this is going to be. We can continue the practices of the past which rubberstamped virtually everything the President wanted on Iraqi policy. We can continue to do what he wants and only what he wants and only when he wants to do it and only in the way he wants to do it; or we can do what our Founding Fathers envisioned when they created the Congress. We can exercise checks and balances in order to try to move policy into a more constructive direction for this country.

If you oppose this bill today, and if you take the position that all it should contain is what the President sent down, then you would be saying that you wanted to finance BRAC, the base-closing program, by gutting key education programs as the President recommends. You would be opposed to additional border security, additional port security and additional cargo security.

You would be opposed to finally, after all of the horrendous pictures and all of the horrendous human suffering, you would be opposed to finally meeting our total obligations to the victims of Katrina.

You would be opposed to asking for the money which the President himself asked that we provide in 2005 on an emergency basis to prepare this country to meet the pandemic flu epidemic which will surely at some time come.

You would be opposing the additional $3.5 million that we have provided in this bill for veterans' health care and defense health care, and you would be opposing the timelines and the benchmarks which we place in this legislation, not because they are so perfect, but because they are the instrument by which we communicate to the Iraqi politicians that they must begin to resolve their differences, they must step up, because we are not going to run our baby-sitting service forever.

It is imperative that we finally send that signal. The President cannot send that signal, but we can help General Petraeus. We can help our own government by sending the signal that this Congress is going to play bad cop until the Iraqis get the message.

That is what Mr. MURTHA's efforts have been about, that is what mine have been about, that's what the Speaker's efforts have been about, and that's what the efforts have been about by virtually every person in this caucus and this House who has had a say in what this bill was going to contain. I strongly urge an "aye" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I recognize the chief deputy whip, the gentleman from Virginia (Mr. CANTOR) for 2 minutes.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, some 6,000 miles from here a new plan is underway to secure Baghdad and stabilize an Iraq that 2 months ago was sliding into chaos. Indeed, we should be encouraged by declining levels of violence in Baghdad as well as the beginning of a restoration of trust between ordinary Iraqis and coalition and Iraqi forces.

Unlike the gentleman before me, I disagree that this sends the right message. This supplemental undermines General Petraeus' plan before our troops have an opportunity to achieve success.

Instead of reaffirming our commitment to victory, this bill concedes defeat while piling on billions in unrelated pork. So while tropical fish get $5 million, our troops get a steady Democratic diet of limitations and pull-out deadlines. We should have few doubts that, if passed, this bill will be a rallying cry for terrorists recently dismayed by our resolve.

Our troops march to the order of one Commander in Chief, not 535. While the current Commander in Chief has a plan for victory, it is apparent that the majority party in this House has already thrown in the towel.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The gentleman is entitled to his own opinions; he is not entitled to his own facts.

There is nothing in this bill whatsoever that has anything to do with tropical fish, unless he thinks that Lake Erie is in the Tropics.

Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Let me tell you what is in this bill and what you are voting against. There is $1.7 billion of this bill request for military health care. If you vote against this bill, you are denying our troops $1.7 billion.

There is $450 million for post-traumatic stress. There is $450 million for brain injury care. It is insufficient, but that is the money we put in the bill; $62 million for amputee care at Walter Reed, $20 million to fix up Walter Reed. That is what is in this bill for health care.

If you vote against this bill, the military families will be denied $17 million to help prevent child-spouse abuse.

The bill increases accountability over contractors. When I was in Iraq a month and a half ago, the contractors were falling all over each other. GAO and the inspector general of Iraq said to us, help us get this under control. I asked or one of the Members in the subcommittee asked the GAO what we could do to help. And I asked the Under Secretary of Defense: How many contractors do you have in Iraq? He couldn't tell me. He said, we will tell you within a week. We still haven't heard, and that has been over a month ago. We have had 11 hearings, and we are going to have 35 more hearings before this year is over. We are going to hold the Department of Defense accountable for the money that they are spending and the strategy that they are using.

This bill bans permanent bases in Iraq. This bill bans torture in Iraq. We have sent troops to Iraq that were not trained in their specific MOSs, and that is exactly why Abu Ghraib happened. We had people that were untrained, National Guard members who were untrained who went into that prison, didn't know how to handle it, and it caused a natural disaster, a public relations disaster.

The way the military is doing the job, and there is nobody that regards the military higher than I do. Nobody is more inspired by the troops that I have talked to and I have seen. But let me tell you something. With the type of tactics that they have to use, by knocking down doors and by using overwhelming force, it makes enemies. That is the problem we have, and we are not winning the hearts and minds of the people when we do that.

☐ 1130

Let me talk about the readiness of our troops. Every unit in the United States, except two National Guard units, went into this war with the highest state of readiness. Now, there are only two units in the United States that are at the highest state of readiness.

This provides money to take care of that. If you vote against that, you are voting against money to take care of readiness for our strategic reserve.

Let me tell you what General Craddock says. General Craddock is the European commander, the NATO commander, American commander. Listen to what I am saying. This is what General Craddock says: "We have very little capacity left after we source the global force pool, if you will, for these ongoing European Command missions. Our ability to do that now is limited because we don't have the forces available since they are in the rotation to the other missions."

He is saying what I have been saying for a year and a half. This is a failed policy wrapped in illusion. We do not have the troops. We do not have a strategic reserve to be able to react to a future national threat to this great country. The troops can only do so much.

This bill includes $1.4 billion for new armored vehicles. If you vote against this, you are voting against the new armored vehicles which we need so badly. We put an extra $313 million above what the Defense Department requested for those vehicles. That is the V-shaped vehicles which resist the IEDs. If you vote against this bill, you will be denying the troops better protection and better equipment.

The bill also includes billions to reset the forces. What I have been saying is the equipment, somebody said the other day, well, they train on old equipment. Well, why does that mean anything? Those of you who have been in the military knows what it means. It means when you go into combat, you do not have the type of equipment you need. You are risking the lives of these people by training on inadequate equipment. We have two units that will not go to the desert because they have to rush them out over to Iraq.

It is not the military's fault. The administration has forced the military to break their own guidelines in order to send troops over to supply this surge and to sustain this deployment.

Finally, we are saying in this bill, you cannot send troops back into battle unless they have the appropriate training, they are fully trained, mission capable. Is there anybody that is going to vote against that? If you vote against this bill, you vote against that. If you vote against this bill, you vote against sending troops back in less than a year at home. That is unacceptable.

You can sit here and say we are fighting this war, oh, yes, you can sit here in Washington and say you are fighting this war. But let me tell you something, those young people sometimes went back three and four times; their families are suffering. These are not 140,000 people. These are each individuals with families and relatives that are bearing the brunt of this fighting that are sent back.

This bill forces the administration to live up to the guidelines they have set for their military and not to extend them. A psychologist told us in a hearing that if you spend 3 months in combat that there is a good chance you will start to develop PTSD three months in this intensive combat in Baghdad.

Now, you can sit here and talk about us fighting this war on terrorism. We put an extra billion dollars for Afghanistan in this bill so we could fight terrorism where it started in Afghanistan. That is where it started.

Let me tell you something. We set benchmarks. We set benchmarks because it has not worked. Every time something happens over there, what he says is, well, we will send American troops; we will send American troops back before they have their time at home. We will extend American troops. The Iraqis have to start to bear this responsibility for themselves, and that is why we are putting it in the bill.

The American people in the last election sent a message. They said we want the Iraqis to solve their own problems in Iraq. The Americans have borne the brunt. We are spending $8.4 billion a month, $2 billion to get people and equipment and supplies over to Iraq, $2 billion a month, 8,000 miles away.

I will tell you what hurts the troops; I will tell you what hurts them. It hurts them when they extend it beyond 13 months or the marines, beyond 7 months. What hurts the troops, if you send the troops back before they have a year at home. That is what hurts the morale of the troops. I am the person that found the 44,000 shortage of body armor in the initial invasion of Iraq. We had troops in danger because they did not have the equipment they needed. We cannot send troops back into combat without equipment and fully being trained.

Let me just say this in the end. My grandfather's Civil War hat is in my office. He lost his arm in the Civil War fighting for the North, some of you Southerners here. My great-grandmother lived to be 96. I was 6-years-old when she died. She said you are on this Earth to make a difference. We are going to make a difference with this bill. We are going to bring those troops home. We are going to start changing the direction of this great country.

Mr. Speaker and distinguished Members of this body, the United States currently has 145,000 troops on the ground in Iraq and over half a trillion dollars has been expended in the war. More than 3,200 of our sons and daughters have lost their lives and close to 25,000 have been wounded; hundreds with amputated limbs and thousands with traumatic brain injuries.

The Pentagon reports that the Iraqi Security Forces have grown in number, reaching their goal of 325,000 trained and equipped. The Iraqis have a Constitution and have held national elections. These milestones have been met, yet lack of security and stability continues. The war in Iraq has been plagued by mischaracterization based on unrealistic optimism instead of realism. Reality dictates that conditions on the ground are simply moving in the wrong direction.

There are limits to military power. There is no U.S. military solution to Iraq's civil war. It is up to the Iraqis.

Beginning in May 2005, after two years of mischaracterizations and misrepresentations by this Administration, the Defense Appropriations subcommittee required the Department of Defense to submit quarterly reports to Congress on the facts necessary to measure stability and security in Iraq. Since July 2005, we have received these reports. They are dismal and demonstrate a clear lack of progress in vital areas of concern. Electricity, oil production, employment and potable water remain at woeful levels.

The average weekly attacks have grown from 430 in July 2005 to well over 1000 today. In fact, attacks throughout the country have increased 10 percent over the last 4 months. Iraqi casualties have increased from 63 per day in October 2005 to over 125 per day.

Recent polls show that more than six in 10 Iraqis now say their lives are going badly, double the percentage who said so in late 2005. Sixty-nine percent of the Iraqis surveyed said the presence of U.S. forces in the country makes the overall security situation worse. In January 2006, 47 percent of Iraqis approved of attacks on U.S.-led forces. When the same polling question was asked just 8 months later, 61 percent of Iraqis approved of attacks on U.S-led forces.

The support of the American public continues to erode and there is little confidence in the current strategy. Today less than 30 percent of Americans approve of the way the President is handling the war, and only 11 percent support the President's plan to increase troop levels in Iraq. A February 2006 poll showed that 72 percent of American troops serving in Iraq believed the U.S. should exit Iraq within the year and 42 percent said their mission was unclear.

Wars cannot be won with slogans. There must be a clear and reachable plan and a defined way to measure the success of that plan. The President says he has a new plan for a way forward in Iraq. General Peter Schoomaker, Chief of the United States Army, said in a recent hearing that in order for a plan to be effective we "have to be able to measure the purpose." But the President sets forth a plan with no defined matrices for measuring progress and no consequences if progress is not made. This new plan is simply more of the same open ended commitment in Iraq that has not worked.

A new strategy that is based on redeployment rather than further U.S. military engagement, and one that is centered on handing Iraq back to the Iraqis, is what is needed. I do not believe that Iraq will make the political progress necessary for its security and stability until U.S. forces redeploy.

In order to achieve stability in Iraq and the Region, I recommend:

(1) The redeployment of U.S. forces from Iraq

(2) The execution of a robust diplomatic effort and the restoration of our international credibility

(3) The repairing of our military readiness and the rebuilding of our strategic reserve to face future threats.

REDEPLOYMENT OF U.S. FORCES FROM IRAQ

To achieve stability and security in Iraq, I believe we first must have a responsible phased redeployment of U.S. forces from Iraq. General William Odom (U.S. Army, Retired) recently testified, "We are pursuing the wrong war."

Stability and security in the Region should be our overarching strategy, not a "victory in Iraq." I agree with General Odom and believe that Regional Stability can only be accomplished through the redeployment of U.S. forces from Iraq.

Who wants us to stay in Iraq? In my opinion, Iran and Al Qaeda, because we intensify the very radical extremism we claim to be fighting against, while at the same time depleting our financial and human resources.

As long as the U.S. military continues to occupy Iraq, there will be no real security. Maintaining U.S. troop strength in Iraq or adding to the strength in specified areas, has not proven effective in the past nor do I believe it will work in the future. The Iraq war cannot be won by the U.S. military, predominantly because of the way our military operates. They use overwhelming force, which I advocate to save American lives, but it is counter to winning the hearts and minds of the people.

HOW TO RE-DEPLOY

I recommend the phased redeployment of U.S. forces, first from Saddam's palaces, then from the green zone. Next, from the prime real estate of Iraq's major cities, out of the factories and universities, and finally out of the country all together. We need to give communities back to the Iraqis so they can begin to self govern, begin economic recovery and return to some type of normality. I recommend the adoption of a U.S. policy that encourages and rewards reconstruction and regional investment and one that is dictated and administered not by the United States, but by the Iraqis themselves.

RESTORATION OF INTERNATIONAL CREDIBILITY

I believe that a responsible redeployment from Iraq is the first step necessary in restoring our tarnished international credibility. Since the U.S. invasion of Iraq, our international credibility, even among allies, has plummeted. Stability in Iraq is important not only to the United States, but it is important to the Region and to the entire world. The BBC recently released a poll showing that nearly three-quarters of those polled in 25 countries disapprove of U.S. policies toward Iraq. More than two-thirds said the U.S. military presence in the Middle East does more harm than good. Just 29 percent of respondents said the United States has a general positive influence in the world, down from 40 percent two years ago.

HOW DO WE RESTORE OUR INTERNATIONAL CREDIBILITY

In order to restore international credibility, I believe it is necessary for the U.S. to completely denounce any aspirations of building permanent U.S. military bases in Iraq; I believe we should shut down the Guantanamo detention facility; and we must bulldoze the Abu Ghraib prison. We must clearly articulate and demonstrate a policy of "no torture, no exceptions" and directly engage countries in the region with dialogue instead of directives. This includes allies as well as our perceived adversaries.

REPAIRING OF OUR MILITARY READINESS AND REBUILDING OUR STRATEGIC RESERVE TO FACE FUTURE THREATS

Our annual Defense spending budget is currently in excess of $450 billion. Above this amount, we are spending $8.4 billion dollars a month in the war in Iraq and yet our strategic reserve is in desperate shape. While we are fighting an asymmetric threat in the short term, we have weakened our ability to respond to what I believe is a grave long term conventional and nuclear threat.

At the beginning of the Iraq war, 80 percent of ALL Army units and almost 100 percent of active combat units were rated at the highest state of readiness. Today, virtually all of our active-duty combat units at home and ALL of our guard units are at the lowest state of readiness, primarily due to equipment shortages resulting from repeated and extended deployments to Iraq. In recent testimony given by a high ranking Pentagon official it was reported that our country is threatened because we lack readiness at home.

Our Army has no strategic reserve, and while it is true that the U.S. Navy and the U.S. Air Force can be used to project power, there is a limit to what they can achieve. Overall, our military remains capable of projecting power, but we must also be able to sustain that projection, and in this regard there is no replacement for boots on the ground.

HOW DO WE REPAIR READINESS AND REBUILD OUR STRATEGIC RESERVE

We must make it a national priority to re-strengthen our military and to repair readiness. I advocate an increase in overall troop strength. The current authorized level is below what I believe is needed to maintain an optimal military. In recent testimony to the Defense Subcommittee that I chair, the Army and Marine Corps Commanders testified that they could not continue to sustain the current deployment practices without an adverse effect on the health and well-being of service members and their families.

For decades, the Army operated on a deployment policy that for every one year of deployment, two years were spent at home. This was considered optimal for re-training, re-equipping and re-constituting. Without relief, the Army will be forced to extend deployments to Iraq to over one year in country and will be forced to send troops back with less than one year at home. The Army reported that a 9-month deployment was preferable. Medical experts testified that in intensive combat, deployments of over 3 months increased the likelihood for service members to develop post traumatic stress disorders. A recent report by the Harvard University School of Government put the total cost of providing medical care and disability benefits to veterans of Iraq and Afghanistan at $350 to $700 billion.

We must invest in the health and well being of our service members by providing for the right amount of troops and for appropriate deployment and rotation cycles. Our military equipment inventories are unacceptably low. The Services report that at least $100 billion more is needed to get them back to ready state. In doing so, we must not neglect investment in military technologies of the future. While we remain bogged down in Iraq, the size and sophistication of other militaries are growing. We must not lose our capability to deter future threats.

Let me conclude by saying historically, whether it was India, Algeria or Afghanistan, foreign occupations do not work, and in fact incite civil unrest. Our military remains the greatest military in the world, but there are limits to its ability to control a population that considers them occupiers.

I have said this before and I continue to say that there are essentially only two plans. One is to continue an occupation that has not worked and that has shown no progress toward stabilization. The other, which I advocate, is to end the occupation of Iraq, redeploy and re-strengthen our military and turn Iraq over to the Iraqis.

THE WATERS-BOEHNER COALITION

(By Scott Lilly, Senior Fellow, Center for American Progress)

The U.S. House of Representatives is an unusual place and politics makes strange bedfellows. But the coalition to block funding for U.S. troops in Iraq and Afghanistan and improve the deplorable state of medical care for our returning veterans is one for the record books.

Led by House Minority Leader John Boehner on the right and Los Angeles Congresswoman Maxine Waters on the left, the coalition is striving to put together enough votes to block passage of the $124 billion spending package expected to go to the House Floor on Friday. Boehner, hoping to get nearly all House Republicans to vote against the measure, contends:

> . . . there is only one way to do the right thing: fully-fund the troops without strings attached . . . Setting timelines is no different than handing the enemy our war plan itself. It serves as a road map for the terrorists to plot maneuvers against American men and women in uniform. Micromanaging the war from Capitol is, by any standard or definition, a recipe for disaster.

Boehner also opposes "incomprehensible spending" on "unrelated, non-emergency" items not requested by the White House. This includes among other things, $2.8 billion to address the health care problems confronting returning veterans—funds to address the problems at Walter Reed; improve treatment of Post Traumatic Stress Disorder and Traumatic Brain Injury; speed the processing of veteran requests for entry into the VA medical system and clean up the $550 million maintenance backlog at VA health facilities. Boehner also objects to more than $3 billion in unrequested funds to cope with other military needs, primarily correcting the shortfall in the readiness of military units being sent into combat.

Waters reaches the same conclusion as Boehner based on an entirely different assessment of the facts:

> Not only did the American public speak loudly and clearly last Nov. 7, but poll after poll reinforces the message that Americans want their troops home now. The president's supplemental request is just what the word "supplemental" implies—additional funds to expand and continue this war. I believe that there is enough money available in the pipeline to fund a planned exit. I will vote against the supplemental unless the additional funds are used to fully fund the safe, secure and timely withdrawal of our troops by Dec. 31

Boehner wants no strings attached and Waters not only wants strings, but shorter and stronger strings. Boehner does not like the pressure that the bill places on the President to bring an end to the U.S. military presence in Iraq and Waters does not want to end U.S. presence through pressure but rather mandate it by law. As a result both want to defeat money needed for fuel, ammunition, spare parts and medical care for those presently in harms way.

Both also in my judgment misread the mood of the American people and are wrong on the best course for the country. The American people overwhelmingly oppose the war but they even more overwhelmingly oppose anything that would put the brave men and women we have called into service at greater risk. No war in American history has ended as the result of a legislative fiat. Even Vietnam, which is the closest parallel, was ended because of political pressure rather than legislative direction. The right way to end our presence in Iraq is for the Executive and Legislative branches of our government to reach an accommodation on Iraq policy.

The Bush Administration needs Congress to support its military and foreign policy objectives and the language in the Supplemental now pending sends a clear message that such support will be contingent upon a plan for an ordered withdrawal—a withdrawal that protects our troops and American interests in the region.

But what Waters and her supporters seem to fail to recognize is that the Congress needs the White House. That may be hard for some to accept but extracting U.S. forces from the violence now besieging much of Iraq will be a complex and hazardous process. It will take the best planners that the Defense Department can find; it will take strong leadership on the part of commanders and hard choices in terms of both military and political priorities. Equally important it will take extensive diplomatic consultation on both a regional and global basis. None of those things can be accomplished by the Congress. It is not the way our government was designed and it is not the way it works. If the two branches cannot reach accommodation there will be hell to pay and those who have already been asked to pay the most will be forced to pay again.

The language contained in the supplemental demands that the Iraqi government meet certain bench marks and provided those benchmarks are achieved, begins redeployment of American forces in March of next year. It also requires that if the White House believes that it must violate long standing Pentagon policies on the readiness of military units sent into combat, the length of deployments into combat zones and the length of time between deployments the President must fully explain why he is ordering a violation of those policies.

This is very strong pressure on a President that is very strong willed. It is the beginning of a process which will either bring the two powerful branches of our government together in mutual accommodation or push the country closer to a Constitutional crisis. It is the first step in a process that will either fortunately or unfortunately continue all year.

Following the Friday House vote on the Supplemental, that legislation will come before the Senate and the final version will be crafted in a conference committee in April and presented to both houses for final approval by the end of that month. Within weeks the House will begin deliberation on the Fiscal 2008 Defense Appropriation which will remain under various stages of consideration until September. There will be numerous opportunities for Congress to strengthen its demands with respect to Iraq and for the Administration to respond. What opponents of the War cannot do at this juncture is overplay their hand and slow the growth of public sentiment and political pressure against the current Iraq policy and its supporters.

Boehner is also playing a high risk game. He is putting the Congressional wing of his party on record as opposing measures to require that the troops are well trained and well equipped before they are sent into deadly conflict. He is opposing funds his own President says the troops need now and he is opposing medical care for the troops once they return. Simultaneously, he is saying that the Congress should not apply pressure to the White House for a new strategy to pull us out of Iraq. That is a position that is not only opposed by nearly all Democrats but by an overwhelming majority of independents and a substantial share of Republicans. It is not a particularly smart way to redefine the Republican Party in the wake of the drubbing his part took in last fall's elections.

The supplemental is not perfect. There is probably no one who supports every provision. But there is much that is good in the bill and begins the process by which the Congress and the White House can come together on a solution that is best for the country. It is not as simple or straight forward as many would like but it is the process that our founding fathers bestowed on us and it is the only approach that can bring an ordered end to this catastrophic engagement.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, you all know that I have worked over the years very, very closely with Mr. MURTHA and our chairman Mr. OBEY. I think most would agree that some of us make a significant effort to reach out on both sides of the aisle to solve problems where that is possible.

In this case, we have a major, major disagreement. I do not presume others to be insincere in their disagreement, but I feel very strongly that we must make absolutely certain that we do nothing to undermine the mission of our troops by way of this debate.

There is absolutely no doubt that the message that we will be sending as this bill passes today, in part, will say to the terrorists of the world, including Iraq, that America is not willing to stay and complete the mission.

I rarely refer to newspaper items in addressing the House, but I cannot help but note that the Los Angeles Times, USA Today, the Atlanta Journal, et cetera, those newspapers all have expressed grave concerns about combining this supplemental funding for a war with huge amounts of pork.

As a result of that, I am going to use an item several times mentioned today as a part of my own close. The item is entitled: "Retreat and Butter. Are Democrats in the House Voting for Farm Subsidies or Withdrawal from Iraq?"

"Today, the House of Representatives is due to vote on a bill that would grant $25 million to spinach farmers in California. The legislation would also appropriate $75 million for peanut storage in Georgia and $15 million to protect Louisiana rice fields from saltwater. More substantially, there is $120 million for shrimp and menhaden fishermen, $250 million for milk subsidies, $500 million for wildfire suppression and $1.3 billion to build levees in New Orleans.

"Altogether the House Democratic leadership has come up with more than $20 billion in new spending, much of it wasteful subsidies to agriculture or pork barrel projects aimed at individual Members of Congress. At the tail of all this log rolling," and by the way I would not use this next phrase so that Mr. OBEY knows that, "log rolling and political bribery lies this stinger: Representatives who support the bill, for whatever reason, will be voting to require that all U.S. combat troops leave Iraq by August 2008, regardless of what happens during the next 17 months or whether U.S. commanders believe a pullout at that moment protects or endangers U.S. national security, not to mention the thousands of American trainers and Special Forces troops who would remain behind.

"The Democrats claim to have a mandate from voters to reverse the Bush administration's policy in Iraq. Yet the leadership is ready to piece together the votes necessary to force a fateful turn in the war by using tactics usually dedicated to highway bills or the Army Corps of Engineers budget. The legislation pays more heed to a handful of peanut farmers than to the 24 million Iraqis who are living through a maelstrom initiated by the United States, the outcome of which could shape the future of the Middle East for decades.

"Congress can and should play a major role in determining how and when the war ends. Political benchmarks for the Iraqi Government are important, provided they are not unrealistic or inflexible. Even dates for troop withdrawals might be helpful, if they are cast as goals rather than requirements, and if the timing derives from the needs of Iraq, not the U.S. election cycle. The Senate's version of the supplemental spending bill for Iraq and Afghanistan contains nonbinding benchmarks and a withdrawal date that is a goal; that approach is more likely to win broad support and avoid a White House veto.

"As it is, House Democrats are pressing a bill that has the endorsement of MoveOn.org but excludes the judgment of the U.S. commanders who would have to execute the retreat the bill mandates. It would heap money on unneedy dairy farmers while provoking a constitutional fight with the White House that could block the funding to equip troops in the field. Democrats who want to force a withdrawal should vote against war appropriations. They should not seek to use pork to buy a majority for an unconditional retreat that the majority does not support."

At this point, I include for the RECORD the Statement of Administration Policy.

STATEMENT OF ADMINISTRATION POLICY, H.R. 1591—U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT

(Sponsor: Obey (D), Wisconsin)

The Administration strongly opposes the "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act." The Administration seeks prompt enactment of the President's request to support our armed forces and diplomatic corps as they implement the new strategy to achieve America's strategic objective of a democratic Iraq that can govern, defend, and sustain itself and be an ally in the war on terror.

This legislation would substitute the mandates of Congress for the considered judgment of our military commanders. This bill assumes and forces the failure of the new strategy even before American commanders in the field are able to fully implement their plans. Regardless of the success our troops are achieving in the field, this bill would require their withdrawal. In addition, the bill could withhold resources needed to enable Iraqi Security Forces to take over missions currently conducted by American troops. Many policy makers agree that the Iraqi Security Forces must assume responsibility in defending Iraqi democracy, and it is unconscionable that funds for the Iraqi Security Forces be subject to conditions that may threaten our full support. These Congressional mandates would place freedom and democracy in Iraq at grave risk, embolden our enemies, and undercut the Administration's plan to develop the Iraqi Security Forces and the Iraqi economy. This bill would impose inappropriate, operationally unsound, and arbitrary constraints on how the Department of Defense should prepare units to deploy. Prohibiting the deployment of units to combat unless a Chief of Service certifies the units as fully mission-capable 15 days prior to deployment is unnecessary, since the Department of Defense will not send into battle troops that are not fully capable of performing their assigned missions. It is unwise to codify in law specific deployment and dwell times, since this would artificially limit the flexibility of our commanders to conduct operations in the field and infringe on the President's constitutional authority as Commander in Chief to manage the readiness and availability of the Armed Forces. If this legislation were presented to the President, he would veto the bill.

The war supplemental should remain focused on the needs of the troops and should not be used as a vehicle for added non-emergency spending and policy proposals, especially domestic proposals, that should be fully vetted and considered on their own merits, such as minimum wage, various tax proposals, and changes in contracting policy. This bill adds billions in unrequested spending that is largely unjustified and non-emergency. Because of the excessive and extraneous non-emergency spending it contains, if this legislation were presented to the President, he would veto the bill.

Congress should reject this legislation, and promptly send the President a responsible bill that provides the funding and flexibility our troops need, without holding funding for the troops hostage to unrelated spending.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

Title I—Global war on terror

Base Realignment and Closure. The Administration submitted a budget amendment on March 9, 2007, that would fully offset the $3.1 billion shortfall needed to implement the recommendations of the 2005 Base Realignment and Closure Commission. Including this funding as an emergency request without offsets is inappropriate and unnecessary. The Administration urges passage of its request instead.

Additionally, the Administration opposes any amendment to the bill that would alter the approved recommendations of the 2005 BRAC Commission. The BRAC process, as authorized by Congress, requires that both the President and Congress approve or disapprove the Commission's recommendations in their entirety to allow the process to remain apolitical. Legislating a specific change to a BRAC Commission recommendation would adversely affect the integrity of the BRAC 2005 process.

Operation and Maintenance (O&M). The Administration objects to cuts of almost $1.9 billion for priority O&M activities while increasing areas less critical to the war effort. Such reductions (including reductions for contracting) could damage the military's ability to execute wartime operations and the readiness of U.S. forces as they prepare to deploy to Afghanistan and Iraq. The Administration urges Congress to support the President's amended request.

In addition, the bill does not fund the President's $350 million request for training, equipping, transporting, and sustaining our partners in the Global War on Terror. Our allies are critical to our success in combating extremists across the globe and providing this support reduces the burden on U.S. forces. We strongly urge the House to restore these funds.

General Transfer Authority (GTA). The Administration appreciates the Committee's approval of the requested $3.5 billion in GTA for this bill, but urges that GTA for the FY 2007 DoD Appropriations Act be increased from $4.5 billion to $8.0 billion, as included in the March 9 revised request. This increase is essential for the Department of Defense to reallocate funds to sustain critical operations and to address the needs of our field commanders.

International Affairs Programs. The Administration commends the Committee for providing the President's request for important international affairs funding for avian influenza, assistance to Afghanistan and Lebanon, peacekeeping in Somalia, Chad, and East Timor, and unanticipated needs to help relieve human suffering, including in Sudan and other parts of Africa.

While the Administration appreciates the House's support of the request for Iraq-related funding, it objects to the reductions to Iraq assistance programs and Provincial Reconstruction Team (PRT) expansion. The bill reduces funding for democracy programs, building national capacity, strengthening local governing capacity and delivery of essential services, creating jobs to help stabilize the country, and supporting Iraqi rule of law programs—the very things that must be done for Iraq to become self-reliant and assume responsibilities from the United States. The reduction in funding for PRT expansion will also impede our ability to get civilians into PRTs to support Iraqis at the local level. The Administration also opposes the reductions to the request for Kosovo which could inhibit our effort to support economic growth, security, and political stability during and after the resolution of its status. Given the reductions to Iraq and Kosovo, the Administration is especially concerned that the House bill provides over $600 million in unrequested international programs. The House is urged to redirect funds from unrequested programs to fully fund the Iraq and Kosovo requests.

The Administration also does not support section 1905 of the bill, which establishes a Presidentially appointed, Senate-confirmed position to oversee Iraq assistance programs. This position is not necessary since the Secretary of State has already appointed a coordinator for reconstruction.

The Administration also opposes the $2.5 billion in unrequested emergency funding provided to the Department of Homeland Security (DHS). This funding does not meet the standard for emergency funding and should be considered within the regular annual appropriations process.

Title II—Hurricane recovery

Department of Homeland Security. The bill provides the States of Louisiana, Mississippi, Florida, and Texas with a 100-percent Federal match for FEMA public and individual assistance related to Hurricanes Katrina, Rita, Wilma, and Dennis and would eliminate the prohibition on forgiving Community Disaster Loans. The bill also extends utility assistance for an additional 12 months. The Administration opposes a waiver of the State match requirement. The Administration also notes that the Administration is funding, at the President's direction, 90 percent of Gulf Coast rebuilding costs for public infrastructure and that the Federal Government has provided—following negotiations with the State governments of Louisiana and Mississippi—sufficient Community Development Block Grant funding to meet the Federal match requirements for Louisiana and Mississippi, in essence federally funding 100 percent of such costs.

Corps of Engineers. The Administration opposes the $1.3 billion in unrequested funding the bill provides to address increased costs for certain ongoing levee restoration projects that were provided supplemental funding in P.L. 109-234. These funds are unnecessary because the Administration proposed FY 2007 supplemental language to allow the Corps to reallocate $1.3 billion of previously appropriated emergency funding to address these needs. The Administration plans to consider the need for additional funding once the Corps completes its revised cost estimates for all planned work this summer.

Constitutional concerns

The Administration urges the House of Representatives to strike provisions of the bill that infringe upon the President's constitutional authorities, interfere with the President's ability to conduct diplomatic, military, and intelligence activities or supervise the unitary executive branch effectively, or violate the constitutional principle of separation of powers, such as sections 1311, 1314(c)(1), 1901, 1902, 1903, 1904, 4403(c), and 5004(b) and language in title I relating to committee approval under the headings in chapter 7 for "Military Construction, Army" and "Military Construction, Navy and Marine Corps" and in chapter 8 under the heading "Diplomatic and Consular Programs." The Administration notes that, while the legislation includes authority to waive restrictions relating to readiness and deployment periods (sections 1901, 1902, and 1903), it does not include authority to waive the all-or-nothing restrictions relating to benchmarks for performance of the Iraqi government. Moreover, several provisions of the bill purport to require approval of the Committees prior to the obligation of funds. These provisions should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court's ruling in INS v. Chadha.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining. The gentleman from California (Mr. LEWIS) has 17 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Republican leader.

Mr. BOEHNER. Mr. Speaker, I think the moment is here, a moment that we have been debating over the last 2½ months and an issue that I think the American people care deeply about.

It is an historic moment, and I thought to myself this morning how will history judge what it is that we are doing on the floor of the House today. What will they write 50 years from now about the decisions that we are making here today?

When I handed Ms. PELOSI, our new Speaker, the gavel back in January, I said that the battle of ideas should be fought on the floor of the House, but as we do it, we should respect each other's opinion. We can disagree without being disagreeable.

I have great respect for Mr. MURTHA and Mr. OBEY, those that have brought this bill to the floor today, along with Mr. YOUNG and Mr. LEWIS, and we should respect all of our opinions and each other's opinions when we get into this difficult decision.

All of us wish that Iraq had gone better. We all wish that the mistakes had not been made and that the terrorists would not have shown up and made this a central front in our war with them.

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The fact is, we are in Iraq. We are in the midst of a fight with an enemy that is just not in Iraq, that is all over the world, and we are there. You begin to think about the bill that we have before us to pay for the war in Afghanistan, and the war in Iraq. Somehow we have room for $10 billion worth of nonmilitary spending.

I don't need to go through all the details for the money for spinach, the money for the Capitol Hill power plant. That is a real emergency, things that don't belong in this bill.

But I think all of us know what the greater issue is here, and the bigger issue. That is that the ideas of our friend from Pennsylvania, to put his benchmarks in there, which are very different than the benchmarks that I proposed. The benchmarks I proposed were to measure progress, for trying to help ensure that we win. The benchmarks I see in this bill are intended to bring about failure, to bring about stumbles.

If you look at all of the handcuffs, all of the hoops and hurdles that are in here, I believe there is only one outcome, only one outcome if we support all this brings and the handcuffs, and that outcome is failure. I don't believe that failure in Iraq is an option. There is a lot riding on this.

Just think for a moment what signal, what signal this sends to our enemies. What does it say to them, we are not willing to stand behind our troops, that there is a hard deadline out there, that we are going to withdraw our troops; what signal does it send to them?

Our enemies understand what happened in Vietnam. When this Congress voted to cut off funding, we left Vietnam. We left chaos and genocide in the streets of Vietnam because we pulled the troops out and didn't have the will to win.

Our enemies know what happened in 1983 after the Marine barracks were bombed in Lebanon, and we pulled out. What did we see? Chaos and genocide all through Lebanon, and continuing to this day. Then in 1993, we decided to pull out of Somalia; left chaos and genocide in our wake that continues to this day.

Who doesn't believe, who doesn't believe that if we go down this path, we are going to leave chaos and genocide in Iraq, and we are going to tell our enemies all around the world that you can take on the United States, you can push them to the edge? At the end of the day, they will just go home.

The spread of radical Islamic terrorism is a threat to our Nation and is a threat to the free world, not just in the Middle East. They are in Asia, they are in Europe, they are in Africa. Cells are growing right here in America, people dedicated to killing Americans, killing our allies, and ending freedom and wanting to impose some radical Islamic law on the entire world.

I ask you, what are we to do, just walk away from the fight? What message does this action that we take today, what does it send, what kind of message does it send to our allies, to people who have worked with us over the course of the last 50 years, 100 years, to bring freedom around the world, to end tyranny around the world? What message do we send to them, that we are there as long as it doesn't get too tough?

Think about what Franklin Roosevelt must have felt like in the midst of World War II when things weren't going so well either in Europe or over in the South Pacific. I am sure there was a big debate here in Congress, the same way, same time. But Franklin Roosevelt knew that the world had no choice but to stop Imperial Japan and to stop Hitler's Germany, because he knew that the consequences of failure in World War II were going to lead to more tyranny and less freedom all around the world. He didn't shrink from that challenge.

But more importantly, think about what this message sends to our troops. Our troops are on the ground in Iraq and Afghanistan doing their duty to protect freedom and to end tyranny. They are there watching this debate that we are having in the House today and wondering, will Congress do its duty? Will Congress stand up and support the mission that I am in?

Think about the soldiers right this moment who are on a mission somewhere in Baghdad trying to bring safety and security to those people while this debate goes on and this vote is about to occur as to whether we are going to support what they are doing. This is an important moment.

Our forefathers, our forefathers had this moment many times before. Whether it was George Washington or Abraham Lincoln in the middle of the Civil War, when it wasn't going very well, they had a decision to make. Was failure an option for any of them? No, it wasn't.

I know this is difficult, and I know there are deeply held opinions on both sides of the aisle and amongst both sides of the aisle, but I would ask all of my colleagues, is failure an option? Do we want to give victory a chance?

We sent General Petraeus over there, 84–0, was confirmed by the Senate. The plan is under way. What this bill will do will be to undercut his opportunity at success.

Ladies and gentlemen, I am here to say to you that we have no choice but to win, because if we fail in Iraq, you will see the rise even further and faster of radical Islamic terrorism all around the world. We will see chaos in Baghdad. We will see genocide there. We will provide safe haven for our enemies. We will destabilize the moderate Arab countries in the Middle East. If anybody doesn't believe that this won't end Israel as I know it, you are kidding yourself. If you don't believe that these terrorists won't come here and fight us on the streets of America instead of the streets of Baghdad, I think you are kidding yourself.

So we have our moment of truth. We have our opportunity to do what our forefathers have done, and that is to stand up, support our troops and to win, because the outcome of failure is actually too ominous to even think about.

So I ask my colleagues today, let's not vote for spinach, let's not vote for more money for the power plant and all the other silly things in here. We all know what this bill is about, and it is about whether we have got the courage to give victory a chance, or whether we are just going to bring our troops home and give up.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I regret that the minority leader has chosen to trivialize one item in this bill, which represents our direct responsibility to people who work in the most outrageous conditions on Capitol Hill. Roll Call itself, in describing the funding that we have in this bill on the Capitol heating plant, which the majority leader just trivialized, wrote that "what we have on our hands is a 'horrific scandal'. The working environment for the 10-member Capitol tunnel shop team resembles that of hell."

One of our own Republican colleagues in this House is mentioned in the editorial as describing the conditions in that heating plant as, quote, "inhumane and unprofessional," and said of the tunnel workers, that they are "probably going to end up dying because of their exposure to asbestos."

The money in this bill is for cleaning up the asbestos problem, which people in that tunnel have to work in every day. I make no apology whatsoever for providing that funds. The minority leader ought to be standing side by side with us to meet our obligations to clean up that mess. I am surprised he doesn't recognize that.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you to the gentleman from Wisconsin.

Mr. Speaker, there are 435 Members of Congress, and I know there are many people on the other side of the aisle who don't know who I am. I am PATRICK MURPHY, and I am from Bucks County, Pennsylvania. Back home, my wife and my daughter Maggie are watching, probably on C-SPAN right now.

Over 13 years ago, I wore the United States Army uniform for the first time. I was able to live the American dream. I was able to rise through the ranks and become a captain and a paratrooper in the 82nd Airborne Division. We had a saying in the Army: Lead, follow or get out of the way.

Well, in the past 4 years, the Republican-led Congress followed. They had their chance, and they followed lockstep as this President led our country into an open-ended commitment refereeing a religious civil war.

For the last 4 years, this Republican Congress followed lockstep as my fellow soldiers continued to die in Iraq without a clear mission, without benchmarks to determine success, without a clear timeline for coming home. In the last 4 years, the Republican Congress followed this President as thousands of brave American soldiers returned home in coffins with our American flag. Nineteen of those coffins had soldiers that I served with in Iraq, 19 paratroopers.

Mr. Speaker, with this bill, with this vote, we mark the end of that error.

Many of the 49 new freshmen, both Democrats and Republicans, were elected a few months ago on the promise of new leadership, and that is what this bill does. It leads our way out of Iraq. It leads the way to rebuild our overextended Army, and leads the way to win the war on terror.

To those on the other side of the aisle who are opposed, I want to ask you the same questions that my gunner asked me when I was leading a convoy up and down Ambush Alley one day. He said, "Sir, what are we doing over here? What's our mission? When are these Iraqis going to come off the sidelines and stand up for their own country?"

So to my colleagues across the aisle, your taunts about supporting our troops ring hollow if you are still unable to answer those questions now 4 years later.

Mr. Speaker, to vote "no" on this bill is to stand idly by, to let our commitment to Iraq remain open-ended and to let countless more American soldiers be killed in the sands of al-Anbar and the streets of Baghdad.

Short-term political peril may sidestep those who cast their vote for the status quo, but our children's history books will not treat them kindly, nor should they.

Mr. Speaker, the 110th Congress will be judged whether we have the political courage to put forth a plan to restore accountability and oversight, to bring our troops home from Iraq and, most importantly, to win the war on terror.

This is our opportunity. This is our chance to lead. For too long, the American people have been craving leadership, craving accountability and craving a new direction in Iraq. Let's give that to them today.

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Mr. LEWIS of California. Mr. Speaker, it is my honor to yield the balance of my time to my hero of the United States Congress, SAM JOHNSON of Texas.

Mr. SAM JOHNSON of Texas. Thank you, Members. NANCY, JOHN, DAVID, I appreciate you all.

I rise today in support of a clean emergency spending bill for our troops, but this one is all smoke and mirrors. We must give our men and women in uniform everything they need to thwart the insurgency in Iraq and come home safely and soon.

You know, we can't tie the hands of the guys on the ground with time lines or benchmarks. And, worse, we shouldn't be using the emergency troop spending bill as the way to finance the political gimmickry of special interest projects. It is just exasperating that the Democrat leaders have turned the emergency troop spending bill into a pork barrel project giveaway.

This bill gives piles of money to shrimpers, spinach farmers, and peanut storage. You know, what does throwing money at Bubba Gump, Popeye the Sailorman, and Mr. Peanut have to do with winning a war? Nothing.

The special interest projects added to increase the likelihood of this bill passing are really an insult to the troops who want, need, and deserve our full support. The Democrats are trying to buy the majority vote today one pork project at a time, perhaps because the majority does not support their slow bleed surrender strategy.

Since the President announced his new plan for Iraq in January, there has been measured, steady progress. He changed the rules of engagement and removed political protections. Coalition forces nabbed more than 50 suspects and dismantled a bomb factory in Iraq over the past few days. Coalition forces in Iraq detained seven suspects with reported ties to foreign fighter groups. In Ramadi, troops nabbed four other suspects with alleged ties to al Qaeda. In Mosul, coalition forces captured a former paramilitary leader who allegedly is responsible for setting up al Qaeda terrorist training camps in Iraq and Syria. During another operation, troops captured a suspected terrorist with alleged ties to al Qaeda car bomb and assassination cells.

We must seize this opportunity to move forward and not stifle future success and harm troop morale.

More importantly, I want to know, how many of you have ever asked your constituents, Do you want to lose in Iraq? I think if you ask that question, do you want to lose in Iraq, Americans will wholeheartedly say no.

We have smart, strong men and women serving in Iraq, and they need our help, and they need the full support of their country and their Congress.

Our troops don't need 435 generals in Washington declaring, we will send you money for bullets, but we won't send you bulletproof vests. Our troops don't need folks in suits sitting in wood paneled rooms on Capitol Hill saying, we will send you armored tanks, but we won't send you gas.

Literally, this bill forces our guys on the ground to fight a war with one arm tied behind their backs. That just smacks of defeat.

Most of you in the Chamber know that I spent nearly 7 years as a prisoner in Vietnam, more than half of that time in solitary. Well, that was during my second tour in Vietnam. During my first tour, I worked for General Westmoreland at MAC-V Headquarters, that is the Military Assistance Command Vietnam.

While working late at night, we had a bunch of men involved in the first real hand-to-hand combat using bayonets. You may remember that, JOHN. That was war. It turns out someone sent back footage to Washington that would match the opening scene of "Saving Private Ryan." In the middle of the night, the red phone rang and I answered it. I heard an earful that is not fit for this House Chamber, something like, This is the White House. What the heck is going on over there? I replied, I'll wake up General Westmoreland. They slammed the phone down and hung up. That was the control they had over our guys.

Starting in 1965, we had folks in Washington trying to tell the generals how to run things on the ground in Vietnam. A generation ago, we saw what happens when you stop the funding and America stiffs its friends. As a matter of fact, we all know just this morning Iran captured 15 British sailors. This bill prevents us from responding from Kuwait to help our strong allies of British in an emergency. We show weakness, and the world knows it.

Just think back to the dark day in history when we saw visions of American marines airlifting Vietnamese out of the U.S. embassy. You remember that. That is what happens when America makes a commitment; Congress cuts the funding, and we go home with our tails between our legs.

The brave marines who died on that day in 1975 while innocent people desperately clung to life on a rope tied to a helicopter are a testimony to what happens when Congress cuts the funding and we leave without finishing the job.

We can't let that happen again. And I don't think any of you on either side in this Chamber wants that to happen. Frankly, we all want our troops to come home, when the job is done. We want to win. Internationally announcing our timelines for withdrawal literally hands the enemy our war plan and gives them hope that they will win if they just wait it out. What world superpower would do such a thing?

We are the United States of America. We are the premier military force on the globe. We are the land of the free and the home of the brave. Surely we do not go around announcing to the world how we will conduct and win a war. Surrendering is not an option, and neither do I think abandoning our troops is an option.

Look around you. We are all America. Do you want to lose in Iraq? Voting to set a hard exit date for U.S. troops in Iraq and imposing strict standards for deploying forces gives hope to the enemy, and it is a prescription for failure. Worse, forcing Members of Congress to decide on this issue when the bill is cluttered with excess money for spinach and peanuts is abhorrent, infuriating, and ill-advised.

My dear colleagues, if you really want to debate the merits of a time withdrawal, give each Member in Congress an up or down vote so we can vote our conscience. The sweeteners in this bill are political bribery, and our troops deserve more than this.

Ladies and gentlemen, we cannot abandon our men and women in uniform for politically charged benchmarks wrapped up in fat-cat constituent projects. If we learned anything from the brave Marines who died trying to save innocent people that day at the embassy in Vietnam, and JOHN, you know this, it is that the marines never quit. Neither should we.

Mr. OBEY. Mr. Speaker, to close the debate I yield the remainder of our time to the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I want to acknowledge the extraordinary leadership of Mr. DAVID OBEY, who understands that the strength of our country is indeed measured in our military might but also in the health and well-being of the American people.

Thank you for bringing this important legislation to the floor.

Mr. Speaker, today is indeed an historic day. Today, this new Congress will take the first step: it will vote to end the war in Iraq.

Any statement on the war in Iraq must begin with a tribute to our troops. Today and every day we thank our troops for their courage, for their patriotism, for the sacrifice that they and their families are willing to make.

For 4 years and under the most demanding and dangerous conditions imaginable, they have worked together to do everything that was asked of them. As Members of Congress, our first responsibility under the Constitution, the preamble to the Constitution to which we take an oath of office, is to provide for the common defense. We here in this body have an obligation to work together to do that for the American people.

Mr. JOHNSON, our colleague, you, PATRICK MURPHY, and everyone in between who has served our country have helped make it the home of the brave and the land of the free. I salute you both.

I would like to also acknowledge two people who have been the champions of our troops and experts on our national security in this body. The two of them are the leading proponents on the legislation that is on the floor today: the Chair of the Armed Services Committee, IKE SKELTON; and the Chair of the Defense Appropriations Committee, JACK MURTHA. The two of them care deeply about the well-being of our troops, the readiness of our troops and its importance to our national security, and they are proposing that we pass this legislation today.

I have said from the beginning of this war, this war is a grotesque mistake. Last year's bipartisan Iraq Study Group said: "The situation in Iraq is grave and deteriorating." They called for action.

The facts on the ground are these: after 4 years, Iraq is in chaos and the government is not being held accountable. The administration is sending troops into the battle who are not mission-ready.

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And when they come home, our veterans are not being honored as the heroes they are. The revelation of appalling conditions at Walter Reed Hospital and VA facilities across the Nation remind us, once again, that our troops are being sent into a war without the right preparation to welcome them home when they return. What kind of message does that send to our troops?

In terms of the chaos in Iraq, our Commander in Iraq, General Petraeus, recently said, "There is no military solution to a problem like that in Iraq." General Petraeus. Yet, the President's response to escalating levels of violence is to deploy more troops, a strategy that has been tried and failed, tried and without success three times already.

In the short time since the escalation began, disturbing facts have come to light.

The admission by General Peter Pace, the Chairman of the Joint Chiefs of Staff, that he is, "not comfortable" with the readiness of Army units in the United States.

The declaration whereby the Department of Defense has finally admitted that elements of a civil war do exist in Iraq; in fact, it is even worse than that.

Yesterday, in terms of reconstruction, the conclusion of the Special Inspector General that the failure of the reconstruction effort in Iraq was caused by a lack of planning, coordination and oversight. In fact, more than $10 billion has disappeared, with no accountability. Waste, fraud and abuse are rampant in the reconstruction in Iraq.

How are we going to win the hearts and minds if the money is disappearing in thin air? We must address those and other facts about the war in Iraq.

The bill we debate today, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act, does that by rebuilding our military, honoring our promises to our veterans, holding the Iraqi Government accountable, and enabling us to bring our troops home.

Rather than sending more troops into the chaos that is the Iraqi civil war, we must be focused on bringing the war to an end. We can do that by passing this bill that transforms the performance benchmarks that have already been endorsed by President Bush and the Iraqi Government into requirements.

When those benchmarks are met, or when it becomes clear, after a reasonable amount of time, that they will not be met, the bill requires that our troops leave Iraq on a schedule that our former colleague, Lee Hamilton, a cochair of the Iraq Study Group, called responsible, not precipitate.

Benchmarks without deadlines are just words. And after 4 years of this war, words are not enough.

As Former National Security Advisor Brzezinski wrote in a letter endorsing this bill, "It is clear that a different approach is needed if the Iraqis are to be encouraged to make the political accommodations necessary to promote stability and national reconciliation." That should have been happening a long, long time ago.

Bring the troops home too soon? It is too late for that, 4 years into a war, a war in which we have been engaged longer than we were in World War II.

This bill, in its wisdom, calls upon the Defense Department to adhere to its own readiness standards. The benchmarks were endorsed by the President and the Iraqi Government. The guidelines for the readiness standards are the Defense Department's own. Those standards are intended to assure that before our troops are sent into harm's way, they have the training and the equipment they need to enable them to perform their missions successfully. That simply is not happening.

The war in Iraq has produced a national security crisis, well described by Mr. MURTHA and Mr. SKELTON and others in the course of the day. Our readiness is at its lowest level since the Vietnam war. By addressing that crisis, the bill supports the troops, supports the troops, and protects the American people.

How do we support the troops by sending them into harm's way without the proper training and equipment, without the proper dwell time at home, and taking them there and overextending their stays and redeploying them over and over again? This bill says, adhere to your own guidelines.

Over and over again, Senator REID, the Democratic leader in the Senate, and I have appealed to the President to have a new direction in Iraq, change the mission from combat to training, enabling us to redeploy our troops for limited purpose in Iraq. Engage in diplomacy, encourage the Iraqis to engage in the regional diplomacy so necessary to bring stability to the region. Have real reconstruction. Real reconstruction, reform it; reconstruction, not corruption. And have the political change that is necessary, amend the Constitution to relieve the civil unrest and strife that has produced so much violence.

When we do that, we can bring our troops home. We can redeploy them out of Iraq, and we can turn our attention to the real war on terror in Afghanistan.

A matter of weeks ago I was in Afghanistan with some of our colleagues, and the commander of the coalition forces there told us, flat out, that if we had not taken our attention away from Afghanistan, if we had stayed focused there, the al Qaeda and the Taliban would not have the opportunity that they have there now to make a comeback. That is where the war on terror is. The war in Iraq is a separate war from the war on terror. It is a separate war.

Again, the American people have lost faith in the President's conduct of this war. The American people see the reality of this war. The President does not.

Today, the Congress has an historic opportunity to vote to end the war in Iraq. Each Member of Congress will make a choice. The world is watching for our decision. The choice is clear. Will we renew the President's blank check for an open-ended war without end, or will we take a giant step to end the war and responsibly redeploy our troops out of Iraq?

The American people want a new direction in Iraq. Today the Congress will provide it. The American people do not support a war without end, and neither should this Congress. I urge an "aye" vote.

Mr. WAXMAN. Mr. Speaker, today we have an opportunity to begin the end of American military involvement in Iraq.

I am so troubled by the war that I'm tempted to vote no on the supplemental spending bill (H.R. 1591) and claim a moral victory.

But our actions have consequences. If the war's opponents side with its proponents to defeat this bill, we will have won a moral victory at an unacceptable cost. It will give the President and our Republican colleagues the result they're hoping for. They know if the bill fails, the House will pass legislation to give the President a blank check to do whatever he wants in Iraq.

H.R. 1591 contains legally binding language that will force the President to begin redeploying troops by March 2008 and to completely withdraw them by September 2008. It is the only legislation with a realistic chance of passing that will extract us from the war.

H.R. 1591 makes sure that we give our troops and veterans support they desperately need. It includes significant increases in funding for healthcare services, troop readiness and protection, and military housing. It will fix the scandalous situation at Walter Reed Hospital. And, it requires overdue reforms in Iraq contracting.

The Bush Administration is pursuing a failed, delusional policy. We cannot stabilize Iraq alone and we cannot do so militarily. We must find a diplomatic solution with Iraq's neighbors and the international community. H.R. 1591 puts us on that path, and I urge Members to vote for it.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans Health and Iraq Accountability Act of 2007.

There is no doubt that the conflict in Iraq is now a civil war marked primarily by sectarian violence, pitting Sunnis against Shias, with our troops caught in between. This bill is in fact the most responsible means to get our men and women out of this quagmire.

This legislation does not call for an immediate withdrawal. Instead, the legislation gives Iraq's government a timeline to achieve political and military progress, a timeline already set by President Bush and Iraqi leaders. If Iraq's government fails to meet the benchmarks outlined in the legislation, U.S. forces must be redeployed by March 2008. If the benchmarks are met by the deadlines established in the legislation, U.S. forces must be redeployed by September 2008. In doing this, the legislation creates leverage that the U.S. can use to hold Iraq's government accountable and make it ultimately responsible for creating a political solution to this conflict that will result in American troops coming home.

I acknowledge that Congress should generally avoid trying to micro-manage a war. When decisions need to be made, there is no time for committee hearings or floor votes; the Commander-in-Chief may need to act immediately. However, this Administration, contrary to the facts of the situation on the ground, continues to claim that success is around the corner. The then-Republican Chairman of the Senate Armed Services Committee stated that "in two or three months if this thing hasn't come to fruition and this level of violence is not under control" then we would need to rethink our policy—he made that statement six months ago.

Some have suggested that any deadline is problematic. However, the Administration's original time estimate for the war was 'six days, six weeks, no more than six months,' so a firm deadline 18 months from now, after four years of this open ended conflict, cannot create any more problems than we already have and in fact sets a date that we can begin to bring our troops home.

Mr. Speaker, today's legislation, for the first time in the four year history of this conflict, finally puts real pressure on the President and Iraq's leaders to bring this war to an end. This bill will begin a responsible process to remove our forces from Iraq.

Foreign Policy Experts Support H.R. 1591. Former National Security Adviser Zbigniew Brzezinski has stated that "only a political solution will end this war," and that the plan approved by the House today provides "a means to hold the Iraqi government accountable for its performance by conditioning U.S. support to the meeting of benchmarks already endorsed by President Bush and Iraqi leaders."

Former Secretary of State Madeline Albright recently stated, "the bottom line is that there must be a political settlement in Iraq that will end the civil war and reduce the level of insecurity to something that can be managed. With a settlement, we could withdraw gradually, with mission accomplished. Without a settlement, our troops can do little good and might as well come home sooner rather than later."

In a letter to House Appropriations Committee Chairman DAVID OBEY, former Congressman, 9/11 Commissioner and co-chair of the Iraq Study Group, Lee Hamilton said that "a strategy of sustained pressure on the Iraqi government to meet benchmarks on national reconciliation, security, and improving the lives of the Iraqi people—backed by clear conditionality of U.S. support—has the best chance of advancing stability in Iraq." Congressman Hamilton added under the House proposal, "the President retains his flexibility and authority as commander-in-chief."

High Ranking Military Officials have questioned our current policy in Iraq.

Former Supreme Allied Commander of NATO Gen. Wesley Clark (Ret.), former President of the National Defense University Lt Gen. Robert G. Gard, Jr. (Ret.), former Deputy Commander of Multinational Force Iraq Lt. Gen. Peter Chiarelli, current Deputy Commander of Multinational Force Iraq Lt. Gen. Raymond Odierno, and First Head of Training of Troops in Iraq Maj. Gen Paul Eaton (Ret.), have all pointed out that the solution in Iraq is primarily political, diplomatic and economic.

In an open letter to Congress, several retired generals and other high ranking military officials stated that the situation in Iraq is "grave and deteriorating" and that top military officials have "consistently acknowledged that the repeated and lengthy deployments are straining" the U.S. military.

General David Petraeus, the new Commander of Multinational Force Iraq, recently declared that "there is no military solution to a problem like that in Iraq."

I urge my colleagues to support the bill.

Mr. MITCHELL. Mr. Speaker, today, I voted for the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act because it provides our Nation's returning troops and veterans with the care they need and deserve, and makes our country more secure by setting forth a new, responsible course in Iraq and Afghanistan.

The people of my District have told me that after four years and thousands of lives lost, they are looking to Congress to ensure that our commitment in Iraq is not open-ended, that there is not a blank check on American lives, and that the Iraqi government will be held accountable.

While I have serious concerns about some aspects of this legislation, and, in general, do not support an absolute, Congressionally-mandated timetable in Iraq, I believe that, on balance, this legislation does more good than harm. Ideally, I would have preferred a more bipartisan approach, especially on an issue of this magnitude.

I am deeply disappointed in my Party's leadership for insisting on a timetable instead of working with our colleagues on the other side of the aisle. I am also disappointed that leadership saw fit to include millions of dollars for unrelated spending projects for shrimp farmers and peanut storage facilities. I will be working with my colleagues to remove these provisions as this bill goes to conference.

Our sons and daughters are in harm's way, however, and I cannot in good conscience withhold the resources they need while we continue what is likely to be a lengthy debate in Washington.

I also believe that as the Chairman of the Veterans' Affairs Subcommittee on Oversight and Investigation, I have a unique responsibility to our veterans.

I am working hard to make caring for our veterans a national priority, and this legislation is a good start. It secures a much-needed $1.7 billion for veterans' health care, including $550 million to get rid of the maintenance backlog that will help ensure veterans' facilities are clean and well-maintained.

This bill provides $20 million to clean up the mess at the Walter Reed Army Medical Center. These funds, combined with the Dignity for Wounded Warriors Act of 2007—which I introduced last month—are an important first step.

By voting this emergency supplemental down, Congress would send a distressing and insulting message to our injured soldiers, veterans and their loved ones that its years of neglectful under-funding and failed oversight of Walter Reed would go on and on.

This bill also makes our country more secure. It provides our troops with the resources they need to fight al Qaeda and other terrorists in an increasingly hostile situation in Afghanistan. For too long, the situation in Afghanistan has gone under the radar while al Qaeda and elements of the Taliban have grown stronger.

In Iraq, we are setting forth a new, responsible course that demands that the Iraqis take responsibility for their own security and stability. That requires the Iraqi government to meet its own benchmarks.

This is precisely the type of plan the bipartisan Iraq Study Group outlined just a few months ago. The distinguished members of that panel, including James Baker, Lee Hamilton and Arizona's own Sandra Day O'Connor, believed, as I do, that benchmarks are an appropriate way to chart the Iraqi government's progress, or lack thereof.

Among these benchmarks are quelling sectarian violence, disarming sectarian militias and developing a plan to share oil revenues equitably among all Iraqis. Holding the Iraqi government accountable is imperative because they have not always lived up to their promises.

Mr. REYES. Mr. Speaker, this week we lost another four soldiers from Fort Bliss to an IED attack in Iraq. That makes a total of 35 troops from El Paso who went to Iraq and didn't come home.

Remember, 35 is not just a number. It's not an abstract concept. Thirty-five is the number of families suffering—aunts and uncles, grandparents, mothers and fathers, brothers and sisters, children. There are friends, classmates, teachers, coaches, fellow soldiers, colleagues, and so many others who are connected to the lives of our lost heroes.

The cost of this war has been too high not just in terms of lives lost and warriors wounded. We have poured taxpayers' money into Iraq. We have spent 500 billion—half a trillion!—dollars to that country. And as we have increased our investment in Iraq, we have less and less to show for it. Rather than progress, our billions of dollars have produced civil war.

Mr. Speaker, when it comes to the Iraq War, my colleagues know two things about me. One, I opposed this war from the beginning. It was a mistake. Two, since the Iraq War began, I have been committed to our troops and to supporting the best possible outcome.

As a Vietnam veteran I know what combat is about. I have visited Iraq seven times. I have been to Afghanistan many times. I know what our troops require. I have worked out of the spotlight behind the closed doors of the Intelligence Committee and in the Armed Services Committee. My focus has been providing our soldiers with the tools they need to complete their mission and return home safely—body and vehicle armor, IED jammers, and timely, accurate intelligence.

And I'm proud of that work. I'm saddened that our troops didn't have the protection they needed right off the bat, and I'm ashamed we went to war with bad intelligence, but I'm proud of the work we've done in committee to set things right when we could.

But today we send a strong message, that it is long overdue for the Iraqis to stand up for their country, for the Iraqis to assume responsibility for their security and for their political decisions.

If Iraq is to become a democracy—and we're willing to stay and help them with training, other support functions—but after four years it's time that they accept responsibility for their own future. And that's what this legislation is about.

More importantly, this bill takes care of our troops. It brings them home. And once our troops are home, this bill commits our government to caring for our troops and veterans in a fashion that reflects the sacrifices they have made for our country.

Mr. Speaker, I've been listening to the arguments of my colleagues on the other side. One thing I'm struck by is how similar the arguments I'm hearing today are to what they've been saying for the past four years. Every step of the way, my colleagues on the other side have been wrong on our policy in Iraq. Yet they pony up the same rhetoric, the same rationale for the same policies that have gotten us nowhere but into the middle of a civil war.

For four long years, our troops have made immeasurable sacrifices in Iraq, and now it is time for the Iraqis to step up and take responsibility for their own security.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this letter from Connecticut Governor Rell for the RECORD. This letter to Chairman SKELTON echoes the sentiment that has been debated in this Chamber and reaffirms why the bill before us today is so important. As we move forward with a new direction in Iraq, we must address the readiness of our military; we must provide the necessary support and equipment to our troops—this includes the National Guard in Connecticut and across the country.

STATE OF CONNECTICUT,
HARTFORD, CONNECTICUT,
March 21, 2007.

Hon. IKE SKELTON,
Chairman, House Armed Services Committee, Washington, DC.
Hon. DUNCAN HUNTER,
Ranking Member, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN SKELTON AND RANKING MEMBER HUNTER: I am writing to express my concern regarding the consequences of continued, long-term equipment shortages facing the Connecticut Army National Guard. This issue impacts Connecticut's ability to respond to domestic emergencies as well as meet the requirements of the Global War on Terrorism.

At this time the Connecticut Army National Guard only has 48 percent of its authorized equipment, with 10 percent of that in the possession of Soldiers deployed overseas to Afghanistan and Iraq. Connecticut's shortfall is unfortunately representative of the equipment shortages facing Governors and their Guard units across this Nation. Currently the national average stands at 40 percent of authorized National Guard equipment on-hand within the 54 states and territories.

The equipment shortages in the Connecticut Army National Guard exceed $200 million. The specific shortages include the following:

Over 200 High-Mobility Multi-Purpose Wheeled Vehicles (HMMWV).

One CH–47D Chinook cargo helicopter.

21 Large Support Vehicles (wreckers, tankers, heavy cargo vehicles).

Over 600 Weapons (rifles, pistols, and crew-served weapons).

Over 1,500 Night Vision Goggles.

The Secretary of Defense's new mobilization policy now requires that units of the Army National Guard meet training requirements and certification prior to mobilization. The certification of these units is now the responsibility of the State Adjutant General. To fully implement this policy, the Army National Guard needs a reasonable density of equipment in order to adequately train and certify Soldiers and their units for war. With the current lack of equipment making this task nearly impossible, this long-awaited policy change is sure to fail.

It is foreseeable that units with less than 40 percent of their authorized equipment will experience significant difficulties and delays in certification and validation for deployment. This delay could extend the length of mobilization of units and the redeployment of units in theater, thus disrupting the deployment cycle. The shortage of equipment on-hand not only impacts the Army National Guard's ability to train for deployment, but also directly impacts its ability to respond to state emergencies and disasters.

The Army National Guard is a proven, cost-effective, capable combat force in the Global War on Terrorism and an essential state force provider when called to respond at times of domestic disaster and emergency. It is for these reasons, I respectfully request that you consider the urgent need to fully fund and equip our Army National Guard. When the next natural disaster or terrorist act hits, the Nation will be counting on us all to get the response and recovery right. We could make no better investment toward delivering against that expectation than to ensure our National Guard's capabilities are appropriately resourced and robust.

Sincerely,

M. JODI RELL,
Governor.

Mr. CASTLE. Mr. Speaker, regrettably, I rise in opposition to the Fiscal Year 2007 Emergency Supplemental Spending bill.

Earlier this year, our military submitted a request to Congress for emergency funding to protect our brave soldiers, and it is our duty to respond to this important request in a timely fashion. Unfortunately, the legislation before us today includes billions of dollars in non-emergency spending and numerous provisions relating to troop withdrawal not requested by the Administration, which have the potential to delay passage of this vital emergency funding.

Much of the extra spending included in this bill will go to wasteful pork barrel projects and non-emergency subsidy programs, including millions of dollars for spinach farmers in California and peanut storage in Georgia. While I have strongly supported some of the policy provisions added to this bill, such as the minimum wage increase and expanded funding for homeland security, I am concerned that the Democratic leadership is attempting to hold critical resources for our soldiers in limbo in order to force political votes.

Our military leaders on the ground in Iraq have warned that disruptive changes in day-to-day operations will occur without immediate supplemental funding. In fact, the acting Secretary of the Army recently stated that if it does not receive additional funding by the end of April, the military will be forced to start making difficult decisions, such as postponing repairs on equipment. Sadly, rather than providing our military with the tools it has requested, the Democratic leadership is forcing a political agenda, which is certain to lead to an impasse with the Administration and further delay this important funding.

I have disagreed with many aspects of our strategy in Iraq, and I have worked hard to convince our government to change its course in the region and begin pursuing robust diplomacy to end the conflict. Indeed, I am hopeful that my efforts, and those of my colleagues, have prompted the Administration to begin engaging in an intense diplomatic initiative to establish peace and stability, so that our troops may return home to their families. However, when it comes to funding for our soldiers who are serving in harm's way, it is not appropriate for Congress to set arbitrary timelines for withdrawal or condition military resources based on partisan objectives. It is important that our strategy in Iraq include goals for bringing the troops home, but excluding the judgment of U.S. commanders and mandating an exact deadline for withdrawal—regardless of the situation on the ground—would endanger our brave soldiers.

Mr. Speaker, the President has pledged to veto this legislation due to the inclusion of non-emergency spending and policy provisions. We can not afford to waste precious time arguing over disingenuous political proposals and extraneous pork barrel spending projects. I intend to vote against this bill and I will adamantly oppose any attempts to play politics with funding for our soldiers.

Ms. BALDWIN. Mr. Speaker, the matter before us today, the Iraq Supplemental, is before us for the first time. However, this is not the last time that we will vote on this bill. This bill will go to the Senate and from the Senate to a Conference Committee and from there back to the floor of this house. If the President exercises his veto power, we may ultimately vote on this matter as many as three or four times.

Today, I make no commitments about what I will do or how I will vote when this matter comes back to this house. How could I? I don't know what this bill will look like when it comes back . . . I don't know what it will say. Rather, I rise to explain how I will vote today, as this bill comes before this house for the first time.

It is clear to me that today, we have only two options. We can send to the Senate the bill before us, with binding language to end the war or, should this bill fail, we will send a bill that gives the President unchecked power to continue his misguided, mismanaged war without end.

That is the choice today. And my vote will be "yes" to advance the bill which begins to end the war. Reaching this decision has been difficult. My deliberation has been long and thoughtful. The difficulty of the decision may seem somewhat surprising given the rather stark description I just provided of the choice before us. However, there are several reasons why this decision has been hard.

First, the bill before us, despite its binding language to end the war, is far from perfect. It does not end the war soon enough. It mishandles the issue of Iraqi oil. It fails to address necessary safeguards to prevent this President from taking military action in Iran without Congressional authorization. The bill's shortcomings are reason enough for a no vote.

Second, until today . . . until this vote . . . I have played a different role. My job yesterday, and the day before (like so many war opponents) was to fight to make the language in this bill stronger and to make this legislation better. And having failed to accomplish all I sought to achieve provides me with another reason to vote no.

Third, until this day I have voted against all of the Iraqi war spending bills. I strongly favor using the power of the purse to end the war. That this binding language to end the war is attached to a war funding bill provided me with yet another reason to vote no.

Many on the left have invoked the words of Saul Alinsky in describing today's vote: ". . . I start from where the world is, as it is, not as I would like it to be," he says in his book Rules for Radicals. "That we accept the world as it is does not in any sense weaken our desire to change it into what we believe it should be—it is necessary to begin where the world is if we are going to change it to what we think it should be," Alinsky continues. So today we start where this congressional world is, with this imperfect bill as the vehicle to begin to end the war.

The choice is clear, today we can begin to end the war, or we can stand in the way of doing so. I will vote to end the war.

Mr. STARK. Mr. Speaker, today's vote is very difficult for me.

I support the immediate withdrawal of American troops from Iraq.

The U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act is a significant improvement over the President's failed Iraq policies. For years, Bush has sent our troops into harms way without the proper equipment. Today's legislation aims to hold the Administration accountable for its own readiness standards—and for the benchmarks President Bush himself proposed for Iraqi government performance. This bill also goes farther toward providing an actual end date for this war than any other legislation that has reached the House floor.

I applaud Speaker PELOSI, JACK MURTHA, and DAVE OBEY for this significant achievement. I wish I could support my Speaker today and vote with the overwhelming majority of my Democratic colleagues. But, I can't vote "yes."

I ran for Congress because of my strong opposition to our government's unyielding commitment to the Vietnam War. I didn't think it made sense for American men and women to die for the half-truths of the Johnson and Nixon Administrations. Today, I don't think it makes any more sense for lives to be lost for the outright lies of the Bush regime.

I voted against the original resolution authorizing the President to take military action against Iraq. At the time, I said I didn't trust this president and his advisors.

During the war's four long years, nothing has happened to convince me otherwise. On the contrary, the Bush Administration has repeatedly misled the American people about Iraq. They lied to Congress about Iraqi weapons of mass destruction, about the cost and length of the war, and about meeting arbitrary benchmarks.

Their goalposts keep moving. The amount of money they requested for this supplemental alone is nearly twice the amount they initially projected the war would cost in its entirety.

Throughout my career in Congress, I've voted against defense spending and against war. Building new weapons systems and waging war doesn't solve problems. If the last four years are any indication, it actually makes them worse.

The longer we stay in Iraq, the higher the cost of this senseless war. Unless we withdraw immediately, the Shiite-Sunni civil war will continue taking the lives of additional American troops and Iraqi civilians. Education, health care, and other domestic needs will go under-funded in America while additional billions are spent in Iraq. And our international allies will further doubt our actions and intentions around the world.

Despite my utmost respect for my colleagues who crafted this bill, I can't in good conscience vote to continue this war. Nor, however, can I vote "no" and join those who think today's legislation goes too far toward withdrawal.

That's why I'm making the difficult decision to vote "present." My vote should be interpreted as opposing the war's continuation while permitting this Congress—under Speaker PELOSI's leadership—to deliver a strong message to President Bush that his blank check to wage war has been canceled.

I urge my colleagues to vote their consciences and help end the war in Iraq.

Mr. BAIRD. Mr. Speaker, no votes in Congress are more wrenching or difficult than those involving war; whether that vote involves initiating combat, or in this instance, steps to bring about the end. The consequences are profound, uncertainty about the right course is great, and there are strong feelings on all sides.

Every member of Congress is committed to the security of this Nation and to supporting our troops and their families. There are legitimate differences about how best to achieve those goals, but the core commitment to security and to support of our troops should not be doubted or questioned, regardless of where one stands on this matter.

Before the first vote authorizing force in Iraq in 2002, I asked fundamental questions of the President: 'What will the cost be in human casualties on all sides? What are the international and potential regional scenarios that might be developed? What is our long term strategy for the region?' I also asked about the economic costs to our Nation and the world, and about the likelihood of religious conflicts leaving our soldiers caught between warring religious factions with grievances that are centuries old. I asked what provisions had been made to care for the wounded and their families when they return? I called for greater commitment to resolving the Israeli/Palestinian issues and for reducing our Nation's dependence on petroleum. Finally, knowing well the history of the region, I asked how long our commitment was expected to last if hostilities were initiated.

Not one of these questions was answered by President Bush, Secretary Rumsfeld or any member of the administration. That is why I voted "no" on that initial resolution. Sadly, the same questions remain today and they have still not been answered by the President, which is why I will vote "yes" on the bill before the House today.

For the sake of our Nation's security, for the safety or our troops, for the sake of our economy at home, for the sake of our international standing, we must say to the Iraqi leaders and to the world, 'We have removed a dictator from power, we have disarmed a tyrant, elections have been held, and a constitution is in place. We have shed the blood of our finest, we have indebted our children, we have tried to help rebuild infrastructure and put in place the basis of a democratic republic. Now, it is up to the Iraqi people themselves to find a political solution that is in everyone's interest and will lead to an end to the bloodshed.' Our Nation cannot and should not attempt to impose that solution indefinitely; it must come from the Iraqis themselves.

Today's bill says just that. It provides the necessary funds to continue to support our soldiers in the field. It adds much needed resources to ensure they receive care when they come home. It addresses needed priorities within our own Nation. And, most importantly, it says affirmatively, there will be an end to our role in combat in Iraq and it is time for our Nation, for the Iraqis, and for the world, to begin to prepare for that time. This cannot go on forever.

Those who talk about staying the course without end, as well as those who would call for opposing this bill because they want the war to end tomorrow, must all recognize that in the process of this conflict, our overall military readiness has been profoundly impaired and our Nation is now vulnerable should other, more severe, threats emerge elsewhere in the world. At the same time, our local preparedness of the National Guard is in tatters. Our Guard lacks key resources, equipment, and manpower to respond to fires, floods, or other disasters or to join in serious conflicts elsewhere if called upon to do so. This bill, quite rightly, seeks to correct these deficits.

The reality before us today is that we cannot immediately stop funding for our forces or neglect the readiness deficits that now endanger our Nation. That would be irresponsible and would leave our soldiers on the ground and our citizens at home and abroad in greater danger. It would also endanger the lives and hopes of the Iraqi people themselves and leave them vulnerable to extremists and chaos.

At the same time, however, it would be equally irresponsible to allow this hemorrhaging of blood and money, this neglect of our own Nation's needs here at home, to continue unchecked. This legislation changes the direction for our Nation and says the Iraqi's must change the direction of their Nation. They must take responsibility for their own security, share their oil wealth equitably with their own citizens, arid establish fundamental constitutional reforms. This bill requires that our President must certify that such things are being done.

Far from 'tying the hands' of the President, this legislation gives him much needed direction. If it becomes law, President Bush must at long last say that his own people, the American people, in the constitutional democratic republic that is our Nation, and that he is sworn to defend, have spoken through their representatives and have said it is time for change. It will soon be up to the Iraqi's themselves to determine the fate of their own Nation so that we can, at long last, may again determine the fate of ours.

If you care about the security of this Nation, vote "yes" to restore our military readiness. If you care about our soldiers, vote "yes" to give them the equipment they need while deployed and the care they need when they return home. If you want to see an end to this conflict, vote "yes" to begin the process that will at last bring that about.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

I voted against this war 5 years ago and believe we should never have gone into Iraq.

But as a veteran, I stand by our troops and have always committed to providing for them regardless of politics.

And H.R. 1591 supports our troops before, during, and after service. It mandates proper training and equipment, it requires that our troops get the rest they need between deployments to stay sharp, and provides for our wounded as they return from battle.

This bill also sets deadlines for the Iraqi government so that we can start shifting responsibility to the Iraqi people and bring our troops home by 2008 at the very latest.

Mr. Speaker, we have 160,000 American troops on the ground in Iraq right now, many of which lack proper equipment and training.

We also have 32,000 wounded soldiers from the Iraq conflict who need medical attention and assistance to get back on their feet.

Unfortunately, we have a veteran healthcare system that is failing. Report after report indicates under funding, neglect, improper conduct, and almost no accountability.

If the tragedies at Walter Reed Army Medical Center have taught us anything, it is that wartime spending shouldn't just stop with tanks and guns.

It needs to extend to taking care of our wounded heroes and their families after they return from the battlefield.

Mr. Speaker, I recently visited our returning veterans at Walter Reed Medical Center. And what I saw there just broke my heart.

Some of our wounded told me their doctors weren't giving them the attention they needed and that they even had to prove to the medical staff that they were injured!

One man in particular really touched my heart. I met a wounded soldier from my home State of California who told me about his father who had dropped everything, closed his business, and flew to Washington so that he could take care of his son full time.

This young man's family not only had to risk their son for this war, they're now sacrificing their livelihood to help him recuperate.

And yet sadly, he's one of the lucky ones.

What about the majority of military families who simply can't afford to quit their jobs, move cross-country and take care of their husbands, wives, and children?

The fact is, Mr. Speaker, the American people shouldn't have to put up with these hardships.

They shouldn't have to worry that their family members in uniform are getting the best care possible.

How poorly does it reflect on us as a Nation when we don't adequately take care of our veterans when they come back home?

Veterans healthcare is one of the most neglected and underfunded programs in this country.

This isn't just embarrassing, it is unconscionable.

We have a duty to minimize the risk to our troops and their families by making sure they have the very best training, the finest equipment, and stay deployed only as long as absolutely necessary.

Furthermore, we have a moral obligation to take care of each and every soldier who has been injured in the line of duty in defense of our great Nation.

H.R. 1591 addresses these responsibilities and that's why I will vote in favor of this bill today.

The American people have already paid too high a price for this war.

3,233 soldiers have died in Iraq, including 10 men from my own district.

We owe it to these heroes to set a deadline for withdrawal and let our soldiers move on with their lives.

We owe it to our families who are praying for the safety of their loved ones to take care of our troops every step of the way.

That's why I urge my colleagues to support H.R. 1591.

Mr. MURPHY of Connecticut. Mr. Speaker, 9 years ago on this floor, Congressman Floyd Spence, the Republican Chairman of the Armed Services Committee, had this to say about the bill withdrawing American forces from Bosnia: "The time is long overdue for Congress to express its will on behalf of the American people."

I couldn't say it better myself. In this place, the People's House, the will of the people must mean something. Elections must mean something. And if the 2006 election represented anything, it was that the American people were tired of the lack of oversight and accountability from this Congress, and they were tired of a war with growing numbers of casualties, and mounting costs with no end in sight. They asked for a new direction from this Congress, and The U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, is the answer to their call.

There are many of us who feel uncomfortable giving this President another dime to spend to perpetuate this misguided and shortsighted strategy in Iraq. But I come here to support this legislation because for the first time since the start of this disastrous engagement, Congress is making sure that any further spending on this war comes with unprecedented support for our troops and veterans, and a real plan to redeploy our forces and resources to fights that we can still win.

This Administration has been wrong on just about everything about Iraq—there were no weapons of mass destruction, we were not welcome as liberators, the country has plunged into a civil war, and we have no exit strategy.

The days of issuing a blank check to this Administration with no questions asked are over. As we enter the fifth year of this war, people in Connecticut and across the country demand a change in our policy in Iraq. This bill is the change that they asked for.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

This legislation will support our troops and veterans, hold the Bush Administration and Iraqi government accountable and bring our soldiers home by August 2008 or sooner. It will also provide emergency funding for critical programs that have suffered from years of neglect.

This supplemental appropriations bill provides emergency funding for critical programs that have long been underfunded by the Republicans. It includes $750 million to correct the funding shortfall in the State Children's Health Insurance program so that hundreds of thousands of children will not lose their health care. It provides $2.9 billion for Katrina relief and recovery. The bill also includes $2.6 billion for homeland security needs left unaddressed by Congressional Republicans, as well as $1.7 billion to remedy the unconscionable state of our military and veterans' health care systems. All of these issues are emergencies in their own right and rise to the level of inclusion in this emergency supplemental spending bill.

The U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act requires the Iraqi government to meet the security, political and economic benchmarks established by the President in his address of January 10th, including improvements in the performance of the Iraqi security forces, a greater commitment by the Iraqi government to national reconciliation, and reductions in the levels of sectarian violence in Iraq.

If the Iraqi government is unable to meet these benchmarks by July 7 of this year, redeployment of U.S. troops from Iraq would begin immediately and must be completed by January of 2008. If the benchmarks are met, the latest possible starting date for redeployment would be March 1 of next year, with complete withdrawal by August 31.

The bill ensures that our troops have the tools and resources they need to do the job they have been asked to do. It prohibits the deployment of troops who are not fully trained, equipped and protected according to current Department of Defense standards. The President can only deploy unprepared troops if he certifies, in writing, to Congress, that deploying those troops in the national interest. The bill also provides funding so the Veterans Administration can meet the obligations of a new generation of veterans, particularly by ensuring that they will have the medical care they need.

I have been an outspoken opponent of military action against Iraq since the day the administration started beating the war drums. My preference would have been to vote for a stronger bill that would bring our troops home even sooner than this one. I am disappointed that the bill includes waivers to allow the President to send less than fully-equipped troops into battle. I am also unhappy that the provision requiring the president to get Congressional approval for an attack on Iran was removed from the bill. I have additional concerns about the section of the bill that allows an unspecified number of U.S. troops to remain in Iraq after the August 2008 deadline to train Iraqis and fight terrorism.

However, I support this legislation in spite of these deficiencies because I believe it is an affirmative step towards our ultimate goal of ending the war. This bill is not everything that I would have liked, but it represents a critical turning point. No longer will this body uncritically hand over billions of dollars for the President to wage endless war. For the first time, Congress is considering binding legislation that sets a date certain for the end of the Iraq war. I will not help the Republicans defeat it.

The President and most Congressional Republicans ask that we continue to fund this war with "no strings attached." But the United States cannot afford an open-ended commitment to a war without end. It is the responsibility of this Congress to devise a means to end the U.S. combat role in Iraq so that we can reclaim our position of leadership in the world and direct our resources back towards urgent needs here at home. I believe that this bill moves us towards these goals in an effective and responsible way.

Mr. RUSH. Mr. Speaker, today marks an historic vote, one that will go down in history and signal a turning pointing in the war in Iraq. Much like the vote authorizing the President to go to war in 2002, this vote will be a defining moment, and one that will be discussed and debated for years to come.

While I do not believe this is a perfect bill, I personally would vote to bring our troops home today if that was an option, in fact this bill is the best compromise that could be adopted. Finally, there is an end in sight to this ill-conceived war, and Congress is sending a message to the Iraqis, that our sons and daughters will not continue to shed blood to defend their country indefinitely.

We are sending the Iraqi government a message, that the time to step up their own efforts to bring peace and stability to their own land is fast approaching.

Mr. Speaker, this vote is one of conscience and the decision to vote for or against it is deeply personal. But let us make no mistake, the consequences of our actions here today will be widely felt and the impact will be broad and far-ranging. The American people are watching closely, and the eyes of the world are on us as well.

Today's vote is an example of what makes America great and what makes our democracy so strong. The fact that we, as elected Members of Congress, can express the will of the American people and compel the Administration to alter its misguided policies of war, demonstrates the essence of American society.

After years of having a free reign, with no accountability, consultation, or oversight from Congress, the President will now be compelled to listen to the will of Congress, and therefore the will of the American people.

Winning the war in Iraq will require a political and diplomatic offensive, not sending more of our men and women into harm's way to facilitate a civil war. With a clear conscience, but a heavy heart I cast my vote for the Iraq supplemental. My only solace is that we finally can see an end to this ill-fated war.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 1591, legislation that would chart a new course for the United States in Iraq. I commend the gentleman from Wisconsin, Mr. OBEY, and the gentleman from Pennsylvania, Mr. MURTHA, for their leadership and for drafting a measure that answers Americans' calls for real change.

Four years after our nation initiated military operations in Iraq, America demands a new approach to this open-ended conflict that has resulted in the deaths of more than 3,200 service members, including at least 25 with strong ties to Rhode Island. Our operations in Iraq have endangered the ability of our armed forces to respond to other crises, distracted from efforts to fight al Qaeda and the Taliban, and damaged our international reputation. Our military now finds itself in the middle of a civil war, and it is time to bring our troops home.

Despite calls by the Iraq Study Group for a new approach to the "grave and deteriorating" situation in Iraq, President Bush has proposed escalating military operations, sending more troops to prosecute a war mismanaged from the start by the civilian leadership. Fortunately, we have another choice. The House of Representatives will vote today on an emergency spending bill that would, for the first time, set a clear deadline to end U.S. combat operations in Iraq. As one who originally voted against giving the President authority to invade Iraq, I will proudly support this Democratic measure as the first real step to end the war.

Last November, an American public dissatisfied with President Bush's Iraq policy elected a Democratic Congress that promised a new direction. Having heard frustration from so many Rhode Islanders, I have worked with the Democratic leadership to develop a better strategy. I spoke of my conversations with military families and advocacy groups to underscore the sincerity and passion of Rhode Islanders' call for change. Meanwhile, Democratic leaders consulted with an array of current and former military commanders, foreign policy experts and advocates, with committees holding more than 100 hearings on operations in Iraq.

The bill before us is the direct result of those efforts and reflects the will of the American people. Not only does it demand accountability by establishing clear benchmarks for Iraqis to take control of their own security, but it also sets a deadline to bring our troops home—no later than August 2008. This measure sends a clear signal to the President and the world that we do not intend to remain an occupying force in Iraq.

The bill also addresses other serious problems facing our military andf their families. President Bush has recommended sending more troops into harm's way, but has not provided the resources they need upon their return home, as demonstrated by reports of substandard care at facilities such as Walter Reed Medical Center. With nearly 25,000 American troops—among them 93 Rhode Islanders—injured in Iraq thus far, the House spending bill provides an additional $2.8 billion for military health care and $1.7 billion for veterans' health care to ensure that those who have sacrificed for our nation get the support and treatment they deserve.

Furthermore, the bill adds critical funds to restore our military readiness and re-equip National Guard and Reserve forces, which face major shortages as a result of operations in Iraq. Lt. General H. Steven Blum, Chief of the National Guard Bureau, has stated that 88 percent of Army Guard units and 45 percent of Air Guard units are unprepared for deployment as a result of equipment shortages. We depend on our National Guard to protect us in the event of catastrophes or natural disasters, and we must ensure they are fully prepared to defend the Nation they serve.

In Congress, I have constantly strived to protect our national security and to support our military, which has served valiantly in some incredibly challenging missions. At this point, though, the Iraqis' problems no longer require a U.S. military solution. The underlying causes of violence are primarily political and must be addressed as such. Unlike the President's plan, which promises more of the same failed policy, the Democratic approach will support the political process to end sectarian divisions in Iraq, help rebuild the economy and infrastructure, and promote maximum diplomatic efforts to bring an end to the violence.

Some have argued that the bill does not go far enough. Like them, I support an even earlier exit for our troops and have co-sponsored legislation to redeploy them out of Iraq by December 31, 2007. However, there is no question that the Democratic measure being offered marks a major turning point and answers Rhode Islanders' pleas by setting a firm deadline for withdrawal. This is a tremendous step—one which serves our troops, our constituents, and our conscience—and I will wholeheartedly support it.

Mr. ISRAEL. Mr. Speaker, I rise in support of this resolution.

Is this the perfect solution? No. But how can there be a perfect solution to a war so imperfectly devised, so catastrophically planned, so horribly managed by the Bush administration?

This resolution turns in a better direction. It provides health care to our veterans.

It provides support to our warfighters.

It demands accountability from our President.

And it creates the process to redeploy our troops.

I voted for the use of force in Iraq, Mr. Speaker. I believed then, as I believe now, that the Middle East is an exceedingly dangerous region on the brink of an eruption that threatens global security.

But the war in Iraq did not stabilize the Middle East. It has destabilized it.

Before the war in Iraq, Iran was concerned about Israel. Today, Israel is concerned about Iran.

Before the war in Iraq, there was no such thing as "Al Queda in Iraq". Today, there is.

Before the war in Iraq, our military was capable of swiftly and decisively responding to multiple threats, foreign and domestic. Just yesterday, the New York National Guard reported to my office that it has only 37 percent of the mission critical transportation it needs to respond to a homeland security emergency in my state: whether it's a terrorist attack or a severe hurricane.

This resolution reinvests in the priorities we need. And it says to both the Iraqi government and the Bush Administration:

"No more blank checks. No more endless commitments."

Many are troubled with the inclusion of a strategic withdrawal of our troops between December of this year and August of next. Mr. Speaker.

And I must be honest. I have struggled with this as well. The decision should be hard. It should be contentious. It should torment us all. Because no matter what we do, the stakes are high. The consequences are great.

If you lean to the right, an August 2008 redeployment is way too soon.

If you lean to the left, an August 2008 redeployment is way too long.

I reached my own judgment a few months ago. Based not on polls, not on politics, not on the convenience of sound-bytes on either side of the aisle and not on righteous absolutism that can only be formulated in a vacuum. I formed it after listening to the Commanding General of CENTCOM testify to the Armed Services Committee that we had until the middle of this year before Baghdad spins out of control. Shortly after that, the Iraq Study Group, after months of non-partisan work and study, reached the judgment that: "By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq."

The middle of this year to the middle of next year.

Those are the benchmarks, Mr. Speaker. Those are the nonpartisan, nonpolitical, balanced and reasoned benchmarks.

And those benchmarks are contained in this resolution.

Finally, Mr. Speaker, let me say this: Today Republicans and Democrats will disagree. Fair enough. But it's time to stop thinking about our disagreements and begin working together on our agreements.

Last week, several members of the House Center Aisle Caucus, which I have the privilege of co-chairing, met to discuss cooperating on several Iraq initiatives. This week. I introduced the first of these bipartisan measures with the gentleman from Kentucky (Mr. DAVIS), the gentleman from Pennsylvania (Mr. CARNEY), the gentleman from Louisiana (Mr. BOUSTANY). Our resolution requires the President to submit a Status Of Forces Agreement to the Iraq government, just as we have with other governments where we have a military presence. This will send the message that we are not occupiers of Iraq. And we follow the rule of law.

I mention this now, Mr. Speaker, in the hopes that my colleagues who wish to join us in constructive ways forward will join us. That the debate will turn from left and right to forward.

That is what our troops want. That is what our constituents want. That is our obligation.

Mr. TERRY. Mr. Speaker, I rise in strong opposition to H.R. 1591, a pork-laden $124.3 billion war supplemental that would force U.S. troops to withdraw from Iraq.

I strongly support benchmarks and high accountability for military and political progress in Iraq, but not in a manner that hurts our chances of accomplishing those goals. Under this legislation, U.S. troops would be withdrawn from Iraq unless the President's benchmarks for progress are met by July. This unreasonable requirement would not give General Petraeus enough time to show if the new "troop surge" is effective.

In addition, this bill would force U.S. troops to withdraw by August 2008 regardless of whether the benchmarks are met. Members of Congress should not be dictating strategy to our generals in the field.

The authors of this bill are talking out of both sides of their mouths. In attempting to reach a compromise, they would fund the troop surge while dooming it to failure by not allowing enough time to see if it works. It is clear that a forthright and honest vote on withdrawing U.S. troops would fail. The Majority Party's Leadership has instead chosen to entice Members of Congress with pork-barrel spending in exchange for their vote on this bill.

The Washington Post reported: "House Democratic leaders are offering billions in federal funds for lawmakers" pet projects large and small to secure enough votes this week to pass an Iraq funding bill that would end the war next year."

This so-called "emergency" war supplemental includes non-defense spending such as $283 million in milk subsidies, $474 million in peanut subsidies, and $25 million in spinach subsidies.

This legislation abandons the Majority Party's supposed leadership on fiscal discipline. It is a hypocritical and blatant attempt to gain votes from Members of Congress through special interest spending. The bill includes non-military items such as an increase in the minimum wage, tax relief for small businesses, drought aid, hurricane relief, agricultural subsidies and funds for child health insurance. Each of these items should be debated under regular order in the House.

I strongly support the defense-related spending items in this legislation, including critical equipment for our troops and health care improvements for our veterans such as funding for Walter Reed Army Medical Center. I was also proud to sign the discharge petition to vote on Congressman SAM JOHNSON's legislation to ensure full funding of our troops.

We must demand meaningful progress in Iraq to curb sectarian violence, disarm militias, train security forces and strengthen the arm of the new Iraqi government until Iraq can govern itself. However, H.R. 1591 is clearly not the answer. Immediately withdrawing U.S. troops would be an irresponsible display of politics that would endanger future generations of Americans.

I urge all of my colleagues to join me in voting against this legislation, and to demand a "clean" war supplemental that meets the needs of our troops without pork-barrel politics.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this important legislation.

This supplemental appropriations bill contains vitally important funding for critical priorities and unmet needs. For example, this bill includes $1.7 billion more than the President requested for military health care, including funds to correct the scandalous conditions at Walter Reed and other military hospitals. It includes another $1.7 billion for veterans' health care, $2.5 billion for improving the readiness of our stateside troops and $1.4 billion for military housing allowances. A nation at war simply must provide necessary funds to support our troops.

In addition, this legislation includes $3.1 billion for military construction to implement the BRAC mandates that impact Fort Bragg in my Congressional District and military communities all across the country. It is important to note that the former Republican Congressional Majority failed to pass the military construction appropriations and imperiled these priority projects. This legislation corrects that failure.

Mr. Speaker, the standards and benchmarks in this legislation will assert some measure of oversight and accountability to a war policy that has been tragically mismanaged by this administration for too long. I have resisted supporting date certain language for troop redeployment because it is preferable that the executive branch have the lead in foreign policy in partnership with the legislature. Unfortunately, this Administration has mistakenly interpreted that deference as a blank check for its go-it-alone approach. No more.

The President's speech this week calling for "courage and resolve" demonstrated a continued state of denial. The American people do not need more lectures from this President about resolve. Our troops do not need more lectures about courage. What we need is a new direction to rebuild our military and refocus on the true threat to America from al Qaeda and the Islamic jihadists who attacked us on 9/11. We must deploy our military might to Afghanistan, Pakistan and elsewhere to eliminate Osama bin Laden and the true "grave and gathering threat" to America.

We must pass this legislation to send a wake-up call to the President that "Stay The Course" is no longer an option. Denial is no longer an acceptable policy. I urge my colleagues to support a new direction and vote for this bill.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this Defense Supplemental appropriations bill.

Whatever some may say, I think it would be grossly irresponsible to vote against it. That would be to vote against providing America's men and women in uniform with the equipment and resources they need and against providing them the best health care they may require when they come home.

I understand why some are urging a vote against the bill. Many Americans are frustrated and angry because we are four years into a war the Bush Administration assured us would be short and decisive. The Administration's misjudgments, lack of planning and poor leadership have made a bad situation worse. So there are many who do not trust the Bush Administration to find a way to end this war, and who believe Congress should simply act to cut off additional funds.

But whatever may be said about the wisdom of invading Iraq four years ago—and I am one who believed it was a mistake to do so—the fact is that we are still deeply engaged in Iraq. We also must finish the job of securing Afghanistan and defeating the Taliban and al-Qaeda. So long as our troops are in the field, we must provide them what they need even as we move to change the mistaken policies of the Administration in Iraq.

This bill begins that change. It includes important language to hold the president accountable to the benchmarks set by his own administration and the Iraqi government.

Those benchmarks were outlined in January, when President Bush announced that the Iraqi government had agreed to pursue all extremists, Shiite and Sunni alike; to deliver Iraqi Security Forces to Baghdad to join in the "surge"; and to establish a strong militia disarmament program. President Bush also announced that Prime Minister Maliki and his government agreed to pursue reconciliation initiatives, including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

By holding the president and the Iraqi government accountable for achieving these benchmarks, this bill will provide General Petraeus and the Administration with the leverage necessary to help the Iraqi government forge a political solution. And we all know that it will take a political solution—not a military one—to end this war.

The bill is an important step toward what I think must be our goal—a responsible end to the war in Iraq, based on a strategy of phased withdrawal of troops, accelerated diplomacy and redeployment that is based on Iraqi stability and not arbitrary deadlines.

It is true that this legislation includes a date certain for withdrawing U.S. combat troops from Iraq. I do not believe this language is wise and were it up to me, this provision would not be included in the bill. As a matter of national security policy, we should steer clear of arbitrary public deadlines and focus instead on realistic goals. Our military needs flexibility to be able to link movements of U.S. troops to the realities of the situation on the ground.

The deadline established in this bill—August of 2008—is far enough away that I believe we may be able to revisit it if need be, and while I find its inclusion troubling, I do not believe in letting the perfect be the enemy of the good. And the bill's language does give the president flexibility to protect U.S. interests, since it allows sufficient troops to remain to protect U.S. military and civilians in Iraq, conduct counterterrorism operations, and train Iraqi Security Forces.

The bill also protects our troops by limiting deployment schedules and setting minimum readiness standards—based on current Defense Department standards—for U.S. troops deploying to the region. The president could waive these requirements but only by certifying in writing to Congress that waiving them would be in the interest of national security.

The bill also includes many provisions important to our troops, such as funds for military personnel for imminent danger pay, family separation allowances, and basic allowances for housing; funds for recruiting and retention in the Army Reserve and National Guard; and funds to develop countermeasures to prevent attacks from improvised explosive devices. The bill recommends the creation of a new Strategic Readiness Reserve fund, and provides $2.5 billion for the program, which is intended to improve readiness, training and equipping of U.S. forces not already deployed.

Given the recent revelations about problems with the defense health system at Walter Reed and other facilities across the system, I am very pleased that the bill provides $2.8 billion for military health care costs and $1.7 billion for initiatives to address the health care needs of Iraq and Afghanistan war veterans, particularly those suffering from traumatic brain injury and post traumatic stress disorder. Funding is also included to address facility deficiencies so the Department of Veterans Affairs does not have to defer facility maintenance and upkeep in order to provide quality health care services.

The bill also provides $52.5 billion for military operations in Iraq and Afghanistan and funds the $5.9 billion request for the Afghan Security Forces and the $3.8 billion request for Iraq Security Forces.

And the bill includes $3.1 billion to fully fund the Pentagon's FY07 request for the 2005 Base Realignment and Closure Commission's recommendations, which is vitally important for Ft. Carson as it prepares to expand and for other military installations in Colorado.

On the non-military side, the bill includes critically important funding for farmers and ranchers in southeastern Colorado who were recently hit hard by winter storms. Thousands of cattle were killed in storms worse than the October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million. The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities. So I am pleased that the Colorado delegation was successful in persuading the House leadership to include financial assistance for farmers and ranchers, including for those affected by Colorado's recent blizzards, and I am hopeful that the funding will be included in the final conference report.

Mr. Speaker, we have entered the 5th year of the war in Iraq. Already, more than 3,200 of our men and women in uniform have made the ultimate sacrifice in the performance of their duty. More than 24,000 others have been wounded. The Iraqi death toll is at least 60,000, with more than 650,000 other Iraqis displaced and at least one million who have fled to Syria and Jordan and other countries.

Even these heavy costs are not the whole story, because nation-building in Iraq has degraded our ability to counter other threats to our national security around the globe. As a member of the Armed Services Committee, I am all too aware of the pressures on our active duty and National Guard and reserve soldiers, including a lack of equipment and training, multiple or extended deployments, and limited time at home between deployments. To be successful, U.S. forces must be trained, equipped, and ready to quickly deploy worldwide. Shortfalls in personnel, equipment, or training increase the risk to our troops and to their mission.

Mr. Speaker, many of us who voted against authorizing the President to rush to war in Iraq were worried that while it would be easy to eliminate the Saddam Hussein regime, the aftermath would be neither easy nor quick. Sadly, our fears have proven to be justified. And now, as the Pentagon has finally admitted in its most recent quarterly report, the situation in Iraq is "properly descriptive of a civil war."

Insisting on keeping our troops in the middle of that kind of internecine war is not a recipe for victory; it is only a prescription for quagmire. And as a new Foreign Relations Council report notes, we bear responsibility for developments within Iraq, but are increasingly without the ability to shape those developments in a positive direction.

We need to be scaling back our military mission in Iraq. We need to make the U.S. military footprint lighter—not in order to hasten defeat or failure in Iraq, but to salvage a critical measure of security and stability in a region of the world that we can ill afford to abandon.

But as we do so, we must work to avoid a collapse in the region—not only because we have a moral obligation to the people of Iraq, but also because our national security has been so badly compromised by the Bush administration's failures there. The President's decision to take the nation to war has made our country less safe. We need to change course and chart a path that enhances our national security and sets the right priorities for the war on terrorism and struggle against extremists.

This bill begins to chart this path, and I will support it.

Mr. DONNELLY. Mr. Speaker, I support our men and women serving in harm's way, I support America's veterans, and I support of establishing clear benchmarks for progress in Iraq.

Our men and women in Iraq are in the middle of what is becoming an increasingly dangerous civil war. Despite their best efforts to provide security, train Iraqi forces, and pursue terrorists, the violence in Iraq ultimately must be ended by the Iraqi people. The Iraqis must step up, once and for all, and take responsibility for their future.

The Iraq war funding bill is the only proposal on the table that sets enforceable benchmarks for the Iraqi government and makes clear to the Iraqi government that we will not have our soldiers in the middle of a religious civil war indefinitely. Distinguished Hoosier and co-chairman of the Iraq Study Group, Lee Hamilton, has said that tying continued U.S. support, including the presence of our troops, to benchmarks is the strongest leverage we have to force the Iraqis to act. He, too, has said that this supplemental—despite its imperfections—should move forward.

In an ideal situation, the President, and not the Congress, would hold the Iraqi government accountable for improving the political and security conditions in its country. However, the Bush Administration has not held the Iraqi government accountable even while the security situation has steadily deteriorated to the point of open civil war between rival religious sects.

In early January, I wrote the President. I asked him what the consequences would be if the Iraqi government failed to meet the benchmarks the President articulated, benchmarks the Iraqi government has agreed to meet, in a nationally televised speech. To this day, I have received no response from the Bush Administration.

In addition to forcing Iraqi accountability, the Iraq war funding bill provides desperately needed funds to ensure that current and future veterans and wounded military personnel receive the care and attention their service and sacrifice deserve. H.R. 1591 includes $1.3 billion in new funding for veterans' health care. This bill also improves our ability to care for our wounded warriors, with an additional $2.8 billion for post-traumatic stress disorder, traumatic-brain injuries, and burns and amputee rehabilitation. Finally, the Iraq war funding bill provides $20 million to fix Walter Reed Army Medical Center so that the embarrassingly substandard living conditions can be quickly remedied.

This legislation also reaffirms our commitment to fighting terrorism in Iraq and around the globe. Even if the Iraqis fail to meet our benchmarks for progress in Iraq, American forces can still fight and pursue terror groups operating in Iraq while continuing to help train Iraqi security and counter-terrorism forces. The Iraq war funding bill also provides crucial funds to fight a resurgent Taliban and Al Qaeda in Afghanistan, and it provides much-needed money for FBI counter-terrorism initiatives, secures at-risk nuclear materials in other countries and provides money to install radiation detection equipment at overseas ports that are shipping to the United States.

Mr. Speaker, I said numerous times during the campaign that Congress must continue providing full funding for our troops in the field—this bill does that by investing $95.5 billion in our military, including almost $900 million for new Humvees and $2.4 billion to improve protections against Improvised Explosive Devices (IEDs). Though I do not like the idea of setting a timeline for the redeployment of our troops, I will not vote against our troops on the field, period. This bill moves us in the right direction by sending a message to the President—and to the Iraqi government—that the situation in Iraq is unacceptable and must change.

The President has previously stated that he hoped Iraqi troops would be serving on the front line and that U.S. troops would primarily be in a training role before the end of this year. This funding bill extends our offensive mission almost one year past the President's own date. We are essentially asking the Iraqis to take ownership of their own country again. That is critical for both Iraq and the United States.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise in support of H.R. 1591, the "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act." I commend the leadership of the Speaker and her team and Chairman OBEY and Defense Subcommittee Chairman MURTHA for their patient and careful crafting of the bill.

I stand in strong support of our troops who have performed magnificently in battle with a grace under pressure that is distinctively American. I stand with the American people, who have placed their trust in the President, the Vice-President, and the former Secretary of Defense, each of whom abused the public trust and patience.

I stand with the American taxpayers who have paid nearly $400 billion to finance the misadventure in Iraq. I stand with the 3,222 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country.

For these reasons, Mr. Speaker, I stand fully, strongly, and unabashedly in support of H.R. 1591, which for the first time puts the Congress on record against an open-ended war whose goal line is always moving.

Mr. Speaker, I voted against the 2002 Iraq War Resolution. I am proud of that vote. I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities.

The vote today will put the House on record squarely against the Bush Administration's policy of looking the other way while the Iraqi government fails to govern a country worthy of a free people with as much commitment and dedication to the security and happiness of its citizens as has been shown by the heroic American servicemen and women who risked their lives and, in the case of over 3,000 fallen heroes, lost their lives to win for the Iraqi people the chance to draft their own constitution, hold their own free elections, establish their own government, and build a future of peace and prosperity for themselves and their posterity.

Mr. Speaker, there is no more important issue facing the Congress, the President, and the American people than the war in Iraq. It is a subject upon which no one is indifferent, least of all members of Congress. Many good ideas have been advanced by members of Congress to bring to a successful conclusion the American military engagement in Iraq.

Mr. Speaker, nearly every decision reached by a legislative body is a product of compromise. The bill before us is no different. If it was left solely to us, any of us could no doubt add or subtract provisions which we think would improve the bill. Indeed, more than fifty amendments were offered to H.R. 1591, including four submitted by me. In fact, the only amendments voted on by the Rules Committee were two of the amendments I offered, although neither was made in order this time.

The first of these amendments, Jackson-Lee Amendment No. 1, would terminate the authority granted by Congress to the President in the 2002 Authorization for the Use of Military Force in Iraq because the objectives for which the authorization was granted have all been achieved. Specifically, Congress authorized the President to use military force against Iraq to achieve the following objectives:

1. To disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region;

2. To change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors;

3. To bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001;

4. To ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and

5. To enforce all relevant United Nations Security Council resolutions regarding Iraq.

Thanks to the skill and valor of the Armed Forces of the United States we now know for certain that Iraq does not possess weapons of mass destruction. Thanks to the tenacity and heroism of American troops, Saddam Hussein was deposed, captured, and dealt with by the Iraqi people in such a way that neither he nor his Baathist Party will ever again pose a threat to the people of Iraq or its neighbors in the region. Nor will the regime ever acquire and provide weapons of mass destruction to international terrorists. Also, the American military has caught or killed virtually every member of al Qaeda in Iraq remotely responsible for the 9/11 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced.

In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved, most with spectacular success thanks to the professionalism and superior skill of our service men and women. The point of my amendment was to recognize, acknowledge, and honor this fact.

My second amendment, Jackson-Lee Amendment No. 4, would change the troop reference date for redeployment set forth in section 1904 from March 1, 2008, to December 31, 2007. What this means is that the Government of Iraq will have had more than 3 years since the United States turned over sovereignty to establish a sustainable government with secure borders that can protect its people. I believe that if the Allied Forces could win World War III in less than 4 years, certainly that is enough time for the Government of Iraq to provide for the security of its people, with the substantial assistance of the United States.

While there are many good proposals that have been advanced which are not included in the bill, we ought not to let the perfect become the enemy of the good. This emergency supplemental may not be perfect but it is better—far better—than any legislation relating to the war in Iraq that has ever been brought to the floor far a vote. Let me count the ways.

First, H.R. 1591 ensures that U.S. forces in the field have all of the resources they require. Second, the bill directs more resources to the war against al-Qaeda and the Taliban in Afghanistan. Third it improves healthcare for returning service members and veterans. Fourth, it establishes a timeline for ending the United States participation in Iraq's civil war. Last, it demands accountability by conditioning continued American military involvement in Iraq upon certification by the President that the Iraq Government is making meaningful and substantial progress in meeting political and military benchmarks, including a militia disarmament program and a plan that equitably shares oil revenues among all Iraqis.

Mr. Speaker, I want to take a few minutes to discuss why the American people believe so strongly that the time has come to an end the policy of not placing any demands or conditions on American military assistance to the Government of Iraq.

As Kenneth M. Pollack of the Brookings Institution, and a former senior member of the NSC, brilliantly describes in his essay, "The Seven Deadly Sins Of Failure In Iraq: A Retrospective Analysis Of The Reconstruction," in Middle East Review of International Affairs (December 2006), our trust and patience has been repaid by a record of incompetence unmatched in the annals of American foreign policy.

The Bush administration disregarded the advice of experts on Iraq, on nation-building, and on military operations. It staged both the invasion and the reconstruction on the cheap. It did not learn from its mistakes and did not commit the resources necessary to accomplish its original lofty goals or later pedestrian objectives. It ignored intelligence that contradicted its own views.

It is clear now that the Administration simply never believed in the necessity of a major reconstruction in Iraq. To exacerbate matters the Office of the Secretary of Defense (OSD) and the White House Office of the Vice President (OVP) worked together to ensure that the State Department was excluded from any meaningful involvement in the reconstruction of Iraq.

The Administration's chief Iraq hawks shared a deeply naive view that the fall of Saddam and his top henchmen would have relatively little impact on the overall Iraqi governmental structure. They assumed that Iraq's bureaucracy would remain intact and would therefore be capable of running the country and providing Iraqis with basic services. They likewise assumed that the Iraqi armed forces would largely remain cohesive and would surrender whole to U.S. forces. The result of all this was a fundamental lack of attention to realistic planning for the postwar environment.

As it was assumed that the Iraqis would be delighted to be liberated little thought was given to security requirements after Saddam's fall. The dearth of planning for the provision of security and basic services stemmed from the mistaken belief that Iraqi political institutions would remain largely intact and therefore able to handle those responsibilities.

But there were too few Coalition troops, which meant that long supply lines were vulnerable to attack by Iraqi irregulars, and the need to mask entire cities at times took so much combat power that it brought the entire offensive to a halt.

It was not long before these naive assumptions and inadequate planning conjoined to sow the seeds of the chaos we have witnessed in Iraq.

The lack of sufficient troops to secure the country led to the immediate outbreak of lawlessness resulting in massive looting and destruction dealt a stunning psychological blow to Iraqi confidence in the United States, from which the country has yet to recover. We removed Saddam Hussein's regime but we did not move to fill the military, political, and economic vacuum. The unintended consequence was the birth of a failing state, which provided the opportunity for the insurgency to flourish and prevented the development of governmental institutions capable of providing Iraqis with the most basic services such as clean water, sanitation, electricity, and a minimally functioning economy capable of generating basic employment.

Making matters worse, the Administration arrogantly denied the United Nations overall authority for the reconstruction even though the U.N. had far more expertise and experience in nation building.

The looting and anarchy, the persistent insurgent attacks, the lack of real progress in restoring basic services, and the failure to find the promised weapons of mass destruction undercut the Administration's claim that things were going well in Iraq and led it to make the next set of serious blunders, which was the disbanding of the Iraqi military and security services.

Mr. Speaker, counterinsurgency experts will tell you that to pacify an occupied country it is essential to disarm, demobilize, and retrain (DDR) the local army. The idea behind a DDR program is to entice, cajole, or even coerce soldiers back to their own barracks or to other facilities where they can be fed, clothed, watched, retrained, and prevented from joining an insurgency movement, organized crime, or an outlaw militia.

By disbanding the military and security services without a DDR program, as many as one million Iraqi men were set at large with no money, no means to support their families, and no skills other than how to use a gun. Not surprisingly, many of these humiliated Sunni officers went home and joined the burgeoning Sunni insurgency.

The next major mistake made in the summer of 2003 was the decision to create an Iraqi Governing Council (IGC), which laid the foundation for many of Iraq's current political woes. Many of the IGC leaders were horribly corrupt, and they stole from the public treasury and encouraged their subordinates to do the same. The IGC set the tone for later Iraqi governments, particularly the transitional governments of Ayad Allawi and Ibrahim Jaafari that followed.

Finally, by insisting that all of the problems of the country were caused by the insurgency rather than recognizing the problems of the country were helping to fuel the insurgency, the Bush administration set about concentrating its efforts in all the wrong places and on the wrong problems.

This explains why for nearly all of 2004 and 2005, our troops were disproportionately deployed in the Sunni triangle trying to catch and kill insurgents. Although our troops caught and killed insurgents by the hundreds and thousands, these missions were not significantly advancing our strategic objectives. Indeed, they had little long-term impact because insurgents are always willing to flee temporarily rather than fight a leviathan. Second, because so many coalition forces were playing "whack-a-mole" with insurgents in the sparsely populated areas of western Iraq, the rest of the country was left vulnerable to take-over by militias.

Finally, Mr. Speaker, a cruel irony is that because the Iraqi Government brought exiles and militia leaders into the government and gave them positions of power, it is now virtually impossible to get them out, and even more difficult to convince them to make compromises because the militia leaders have learned they can use their government positions to maintain and expand their personal power, at the expense both of their rivals who are not in the government and of the central government itself.

All of this was avoidable and the blame for the lack of foresight falls squarely on the White House and the Office of the Secretary of Defense.

Mr. Speaker, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

Mr. Speaker, H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act provides real benchmarks and consequences if the Iraqi Government fails to live up to its commitments. First, it requires the President to certify and report to Congress on July 1, 2007 that real progress is underway on key benchmarks for the Iraqi government. If the President cannot so certify, redeployment of U.S. troops must begin immediately and be completed within 180 days. If the President fails to certify that Iraq has met the benchmarks on October 1, 2007, a redeployment of U.S. troops would begin immediately at that time and must be completed within 180 days. In any case, at the latest, a redeployment of U.S. troops from Iraq must begin by March 1, 2008, and must be completed by August 31, 2008.

Since the benchmarks the Iraqi Government must meet are those established pursuant to President Bush's policies, it is passing strange indeed that he would threaten to veto the bill since it necessarily means he would veto his own benchmarks for the performance of the Iraqi government. He would veto his own readiness standards for U.S. troops. The President demands this Congress send him an Iraq war bill with "no strings." But the only "strings" attached, Mr. Speaker, are the benchmarks and standards imposed by the President himself.

Mr. Speaker, in addition to the enormous financial cost, the human cost to the men and women of the United States Armed Forces has also been high but they have willingly paid it. Operation Iraqi Freedom has exacerbated the Veterans' Administration health care facility maintenance backlog; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

The emergency supplemental acknowledges the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States. But more than that, it makes a substantial down payment on that debt by providing substantial increases in funding for our troops.

The supplemental includes a total appropriation of $2.8 billion for Defense Health Care, which is $1.7 billion above the President's request. The additional funding supports new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members. Included in this new funding is $450 million for Post Traumatic Stress Disorder/Counseling; $450 million for Traumatic Brain Injury care and research; $730 million to prevent health care fee increases for our troops; $20 million to address the problems at Walter Reed; and $14.8 million for burn care.

Unlike the Republican leadership of the 109th Congress and the Bush administration, the new Democratic majority is committed to America's veterans. What's more, we back up that commitment by investing in their well-being. For example, the bill includes $1.7 billion above the President's request for initiatives to address the health care needs of Iraq and Afghanistan veterans and the backlog in maintaining VA health care facilities, including $550 million to address the backlog in maintaining VA health care facilities so as to prevent the VA from experiencing a situation similar to that found at Walter Reed Medical Center.

The bill includes an additional $250 million for medical administration to ensure there are sufficient personnel to support the growing number of Iraq and Afghanistan veterans and to maintain a high level of services for all veterans; $229 million for treating the growing number of Iraq and Afghanistan veterans; $100 million for contract mental health care, which will allow the VA to contract with private mental health care providers to ensure that Iraq and Afghanistan veterans are seen in the most timely and least disruptive fashion, including members of the Guard and Reserve; and $62 million to speed up the processing of claims of veterans returning from Iraq and Afghanistan.

Mr. Speaker, when American troops are sent into harm's way, America has an obligation to do all it can to minimize the risk of harm to the troops. That is why I am pleased the supplemental includes additional funding above the President's request to support our troops. We are providing $2.5 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained. We include $1.4 billion more for military housing allowances and $311 million more for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq. And there is included in the supplemental $222 million more for infrared countermeasures for Air Force aircraft to address the growing threat against U.S. air operations in Iraq and Afghanistan.

Equally important, Mr. Speaker, the supplemental contains language directing the President to adhere to current military guidelines for unit readiness, deployments, and time between deployments.

The supplemental requires the Defense Department to abide by its current Unit Readiness policy, requiring the chief of the military department concerned to determine that a unit is "fully mission capable" before it is deployed to Iraq. The President may waive this provision by submitting a report to Congress detailing why the unit's deployment is in the interests of national security despite the assessment that the unit is not fully mission capable.

The Defense Department is also required to abide by its current policy and avoid extending the deployment of units in Iraq in excess of 365 days for the Army and 210 days for the Marines. The provision may be waived by the President only by submitting a report to Congress detailing the particular reason or reasons why the unit's extended deployment is in the interests of national security.

Mr. Speaker, to reduce the incidence of combat fatigue and enhance readiness, it is important that our troops have sufficient time out of the combat zone and training between deployments. The supplemental requires the Defense Department to abide by its current policy and avoid sending units back into Iraq before troops get the required time away from the war theater. The President may waive this provision by submitting a report to Congress detailing why the unit's early redeployment to Iraq is in the interests of national security.

Last but not least, Mr. Speaker, it must be noted that the cost of the war in Iraq to the United States has also been high regarding the new and neglected needs of the American people. Americans have been exceedingly tolerant and patient with this Administration's handling of the situation in Iraq. We have postponed, foregone, or neglected needed investments in education, infrastructure, housing, homeland security.

That is why I am very pleased that the supplemental includes the following $4.3 billion for Federal Emergency Management Agency (FEMA) disaster recovery grants, including $910 million to cover the cost of waiving the matching fund requirements in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5174 (Public Law 93–288) (Stafford Act) for state and local government meaning the Federal government will finance 100 percent of the grants.

Waiving the Stafford Act's matching fund requirement is critically important to the Gulf Coast states devastated by Hurricanes Katrina and Rita. Based on my multiple listening trips to New Orleans and the Gulf Coast region, and my numerous meetings and discussions with government officials at all levels in the affected states and with survivors of Hurricanes Katrina and Rita, many of whom now are relocated to my Houston congressional district, the most important lesson I have learned is that the Stafford Act is in its present form is simply inadequate to address the scale of devastation and human suffering wrought by a disaster the magnitude of Hurricanes Katrina and Rita. I thank Mr. OBEY and Mr. MURTHA for responding to concerns I expressed to President Bush about the need to modernize the Stafford Act so that it remains relevant to the 21st Century.

I believe the Stafford Act must be amended to grant the federal government explicit authority and flexibility to provide long-term recovery assistance to communities devastated by disasters of the magnitude of Hurricane Katrina and Rita. Such authority currently does not exist and the Stafford Act's emphasis on temporary assistance to affected individuals and communities is simply inadequate to address the scope of human suffering we witnessed last August and which is still with us today. I will continue my efforts to modernize the Stafford Act. But I very strongly approve of the nearly $1 billion included in the bill to waive the matching fund requirements for hard-pressed state and local governments coping with emergencies of the scale of Hurricane Katrina.

Social Services Block Grant (SSBG) funding has been extended to September 30, 2010. SSBG funding provides critically needed social services, including programs for mental health, child welfare, and the treatment of addictive disorders.

Also allocated is $1.3 billion for east and west bank levee protection and coastal restoration systems in New Orleans and surrounding parishes.

There is included $25 million for Small Business Administration (SBA) disaster loans and $80 million for U.S. Department of Housing and Urban Development (HUD) tenant-based rental assistance. The supplemental also adds $400 million to restore partial cuts to the Low Income Home Energy Assistance Program (LIHEAP). This funding will bring much needed relief to many States that are running out of LIHEAP funds just as many utility shut-off moratoriums are set to expire.

The supplemental adds $750 million to the State Children's Health Insurance Program (SCHIP) to ensure continued healthcare coverage for children in 14 States that face a budget shortfall in the program. By taking prompt action now, these States will not be forced to stop enrolling new beneficiaries or begin curtailing benefits.

Finally, Mr. Speaker, the supplemental provides $30 million for K–12 education recruitment assistance; $30 million for higher education assistance; and $40 million in security assistance for Liberia. It also includes an additional $1 billion to purchase vaccines needed to protect Americans from a global pandemic. Development of production capacity for a pandemic vaccine must be accelerated so that manufacturers can quickly produce enough quantities to protect the population.

In conclusion, Mr. Speaker, let me say that although the bill may not be the best I might have hoped for, I have concluded that it is the best that can be achieved at this time, this moment in history. I support the bill because I believe it represents a change of course and a new direction in our policy on Iraq. This bill will place us on the road that will reunite our troops with their families and bring them home with honor and success.

Mr. Speaker, the bill before is not asking us to expand or extend the war in Iraq. I would not and will not do that. On the contrary, this bill offers us the first real chance to vote to end the war. This bill puts us on the glide path to the day when our troops come home where we can "care for him who has borne the battle, and for his widow and orphan." This bill helps to repair the damage to America's international reputation and prestige. This bill brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

Most important, Mr. Speaker, this bill offers us the first real chance to vote to end the war. We should take advantage of this opportunity. I urge my colleagues to support H.R. 1591, the "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act."

Mr. BECERRA. Mr. Speaker, I rise in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act. Today, Madam Speaker, we have a chance to take our country in a new direction to bring coherence and accountability to America's Iraq war policy.

As we enter our fifth year in the Iraq war, Americans have paid a high price for our involvement. Over 3,200 U.S. troops have died, approximately 25,000 U.S. troops have been wounded, and President Bush has squandered more than $350 billion of taxpayer dollars with his misadventure. Our troops have been fighting and dying in Iraq longer than American soldiers did in World War II, World War I, the Korean war, or the Civil War. This important legislation imposes long overdue accountability on the administration's war policy and will bring an end to President Bush's commitment to an open-ended war.

Specifically, the benchmarks and timelines contained in this legislation will hold both the president and the Iraqi Government accountable in how they conduct the war and the transition to a self-sufficient, democratic Iraq. This bill has taken into account both the administration's and experts' advice on how to proceed in Iraq. Many of the benchmarks are similar to provisions that President Bush has publicly supported. The bipartisan Iraq Study Group recommended many of the goals and target dates in H.R. 1591.

Importantly, this bill protects our troops deployed in Iraq and Afghanistan and the troops and veterans returning home. H.R. 1591 provides sufficient funding to ensure that our troops have the equipment to protect themselves from harm while they defend many of the innocent citizens of Iraq. We should all agree that never again will America send its troops into battle without the best equipment to accomplish their mission.

For our troops returning home, this legislation reverses years of neglect and moves us toward a comprehensive effort to address their needs. There is an extra $1.7 billion for military health care to be spent on military hospitals and a provision that prevents the closing of Walter Reed hospital—the first stop for so many of our wounded troops returning home. The bill also appropriates $1.7 billion additional funding for veterans' health care, $2.5 billion for improving the readiness of our stateside troops and $1.4 billion more for military housing allowances.

Mr. Speaker, when an Iraqi Shiite soldier is ready to defend an Iraqi Sunni civilian and an Iraqi Sunni soldier is ready to defend an Iraqi Shiite civilian, then perhaps we will know that the people of Iraq are ready to live in peace with security. But until such time, our troops have no business sitting in the crosshairs of a bloody civil war. By creating benchmarks and timelines for U.S. troop involvement in Iraq, this bill sends a message to Iraqis that they need to resolve their conflicts at the negotiation table and not through violence. We can help, but they must first prove that they are willing and prepared to help themselves.

I urge my colleagues to support H.R. 1591 and start the process of bringing our troops home. Our men and women in uniform have done all we have asked of them. They won the war against Saddam Hussein and fought valiantly and timelessly to secure the peace in Iraq. Now, it is time for us to do our job: remove our soldiers from the insanity of the Iraq civil war and return them home. Only then can we rededicate ourselves and refocus our efforts to fight against the threat of terrorism.

Mr. LEVIN. Mr. Speaker, I rise in support of the legislation before the House, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. This measure supports our troops in the field. It provides more resources to ensure that our wounded service members and veterans receive the health care and support they need. And it sets a responsible timeline for the phased redeployment of our troops.

Our Nation continues to pay a high price for the administration's reckless invasion of Iraq and the President's open-ended commitment of U.S. military forces in that country. Our troops are entering their fifth year in Iraq, and there is no end in sight. The situation is deteriorating. Iraq is descending into a civil war. For the last 4 years, the former Republican majority in the Congress sat on its hands and followed the President's policy like robots. The American people elected a new majority in the House and Senate so that Congress would stand up and stop being a rubber stamp for the President.

The President's open-ended policies of committing U.S. troops in Iraq for as long as it takes is not working. We need a new way forward. The only chance to salvage the situation in Iraq is to put real pressure on the Iraqis to take responsibility for their own future.

Last January 10, President Bush addressed the Nation and admitted that the situation in Iraq was descending into a vicious cycle of sectarian violence. He laid out a series of actions that the Iraqi Government would have to take; benchmarks that the Iraqis would have to follow through on or lose the support of the American people. The President said that Iraq would approve legislation to share oil revenue among the Iraq people; that Iraq would spend $10 billion of its own money on reconstruction and infrastructure projects; that Iraq would reform the laws governing de-Baathification and allow more Iraqis to re-enter their nation's political life; that Iraq would establish a fair process for considering amendments to Iraq's constitution; and that Iraq would set a schedule to conduct provincial and local elections. The President said, "America will hold the Iraqi Government to the benchmarks it has announced."

Since President Bush made that speech two months ago, 217 American soldiers have been killed in Iraq. More than 3,200 American soldiers have died since the war began. More than 23,000 have been wounded. Until the Iraqis step up to the plate and make the difficult political decisions that need to be made, the sectarian violence will continue and American military men and women will continue to be killed and wounded. Either the factions in Iraq are going to come together and make these decisions, or they are not. We should not leave our troops in harm's way indefinitely and just hand the President another blank check to continue an open-ended policy with no end in sight.

The legislation before the House supports the troops, both in Iraq and Afghanistan. It holds the Iraqi Government to the benchmarks for progress that the President outlined in his January 10 speech. Under this bill, if the President cannot certify that Iraq has achieved these benchmarks by October 1 of this year, a redeployment of U.S. troops begins immediately and must be completed within 180 days. Absent this pressure, the Iraqi Government will continue to postpone action on achieving the benchmarks. If the Iraqi Government does, indeed, meet the benchmarks by October 1, redeployment of U.S. forces would begin next March and be completed within 180 days.

After more than 4 years, this legislation would end the open-ended commitment to this war. It would set a clear timeline for the phased redeployment of U.S. troops. Without this pressure, there is little chance that the Iraqi leaders will make the decisions necessary to end civil war and build one nation. Our country cannot make these decisions for them. I urge passage of this legislation by the House.

Mr. TANNER. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act, which sends the message to the Iraqis that we will not commit open-endedly our blood and tax dollars if they are not willing to step up and take control of their own country.

We have lost more than 3,200 of our best men and women over the last 4 years and 4 days we have been in Iraq, and more than 24,000 others have come home wounded. We are spending about $200,000 a minute in Iraq. The Iraqi people need to know that we will not continue to do all the work if they are unable or unwilling to put aside their religious differences and come together to build a civil society.

Mr. Speaker, I feel that this legislation has been mischaracterized as a timeline on our troops. The true intention of this measure, as I see it, is to put a timeline on the Iraqi people to meet the benchmarks that have already been established by the President. The bill we will vote on today will not withhold a single dollar from our men and women on the ground in Iraq, and it will not tie our commanders' hands but simply holds the Iraqis accountable for taking command of their own country.

As chairman of the U.S. delegation to the NATO Parliamentary Assembly, I have talked at length with our allies who are helping us fight the war on terror in Afghanistan, where we are in a very critical year, with the Taliban planning a new series of attacks on U.S. and NATO troops there. I fear we are threatening our work on that very important effort if we continue to focus most of our resources to a deteriorating sectarian conflict that General Petraeus has said cannot be won with military might alone if there is not timely political and diplomatic progress.

I served 4 years in the United States Navy and 26 years in the Tennessee Army National Guard. During that time, it was my duty to carry out the orders handed me by the civilian leadership. Now that you and our colleagues and I are part of that civilian leadership, it is our responsibility to help shape military policy and hold the civilian leadership at the Pentagon and elsewhere accountable for the way they have managed—or mismanaged—operations in Iraq.

To that end, Mr. Speaker, I am not willing to keep asking our military families and the American taxpayers to commit their lives and tax dollars forever. The only alternative to this bill is an open-ended bleeding of our blood and tax dollars with no end in sight and no pressure on the Iraqi government to make the changes necessary.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 1591, Health, and Iraq Accountability Act of 2007.

It is time for a new direction in Iraq. We cannot continue to ask our troops to baby-sit a civil war. With our help, the Iraqis have established a coalition government, and we have trained more than 250,000 Iraqi security forces. We must now send a message to them that the patience of the American people is not endless, and that the Iraqi people must take control of their future by making the tough political compromises essential to living in peace. In short, it is time to take the training wheels off.

The bill before us today achieves the goal of redeployment of U.S. forces by setting specific benchmarks of progress using for the Iraqis and President's own benchmarks for success. If these benchmarks cannot be met, then the bill provides for a systematic approach for withdrawal of our troops.

Although I have had concerns about setting a date certain for withdrawal, a responsible timeline will work to hold the Iraqi Government accountable for much-needed and overdue progress. Essentially, this is a timeline on the Iraqis to come together and take control of their country.

The proposals included in this bill are truly a new direction, rather than just more of the same. By calling for a responsible, phased redeployment of our troops out of Iraq, this bill allows us to re-focus our military efforts in Afghanistan.

I am increasingly concerned that the main threat against the United States, al Qaeda, is still a global threat with global reach, and that the person who was directly responsible for 9/11, Osama Bin Laden, is still at large. The President has taken his eye off the ball in Afghanistan and is not doing everything in his power to bring those responsible for 9/11 to justice. It sends a terrible message to would-be terrorists who may be interested in striking us that all they have to do is go in hiding and lie low until we get distracted on another adventure. I am hopeful that this supplemental appropriations bill sends a signal to the President that he needs to reassess his priorities.

Our men and women in the Armed Forces are to be commended for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. They deserve a clearer mission, they deserve to have the training and equipment they need to complete that mission, and they deserve the best care when they return home with physical and emotional wounds. The supplemental provides for all these needs.

During my three visits to Iraq, I met with our military command, troops in the field, and numerous Iraqi leaders and civilians. I can honestly say that nothing has made me prouder to be an American than seeing the performance of our troops in the field. They are well-trained, well-motivated and an inspiration to us all. They are, in short, the best America has to offer.

In particular, active military, Guard, and Reserve forces from western Wisconsin have answered the call to service. I have been to many deployment ceremonies and witnessed the anguish in the hearts and faces of family and friends as they say goodbye to their loved ones being sent abroad for lengthy stays. I have also been to several welcome home ceremonies to honor their service and to thank them for their sacrifice.

Sadly, I have also had 18 military funerals in my congressional district alone, most of which I have personally attended. If I don't have to attend another military funeral, if I don't have to pick up the phone to call another grieving family, I will be one of the happiest people in the world. They are a constant reminder of the human toll this war is having, not only with our troops but also with their families and our communities. There is not a day that goes by when I am not concerned about the safety and welfare of our troops.

A new direction, not an escalation, is what is needed in Iraq. We have now been in Iraq longer than the entire Second World War. The supplemental provides that new direction—one where the Iraqis assume responsibility for their future, and the U.S. starts to redeploy our troops and strengthen our military that is stretched too thin and on the verge of breaking. "More of the same," or "staying the course," is not an option.

Once again I would like to offer my heartfelt thanks and undying admiration for our men and women in uniform for their service to our country. May God bless them and their families during this difficult time. May God provide his special blessings and care for those who fell in the line of duty. And may God continue to bless these United States of America.

Mr. STEARNS. Mr. Speaker, I rise today in opposition to the Democrats' so-called emergency supplemental. This cynical bill uses our troops as a political bargaining chip for additional billions in unrelated, pork barrel spending, which has nothing to do with winning the global war on terrorism. This bill has become a Christmas tree of pork.

I ask my colleagues on the other side of the aisle, what does $25 million for spinach growers, $74 million for peanut storage, and $50 for the Capitol Power Plant have to do with winning the wars in Iraq and Afghanistan?

Unfortunately, Mr. Speaker, the list of unrelated spending goes on longer than I have time.

Spinach producers and peanut farmers may very well need and deserve the money. And I am sure the Capitol Power Plant needs improvements, but why in this bill? Why is this money not being considered through regular order or subjected to normal budgetary rules, like PAYGO? And most importantly, why at the expense of our troops?

This important spending bill is being used as a vehicle to micromanage the war and score political points. Our troops deserve better. We need to focus on getting the equipment to our troops on the front lines and get away from political posturing.

However, this bill is not about the troops. It is about politics. It is about tying the hands of the commander-in-chief because some in this body do not agree with his policies.

People on both sides of the aisle can certainly agree that mistakes have been made in Iraq and a change of strategy is long overdue. However, what should this change of strategy be? Should the U.S. immediately pull out of Iraq, leave the terrorists emboldened and potentially put more Americans at risk? Or do we need a new strategy to win the war and finish the job?

While no proposal guarantees success, a precipitous withdrawal of U.S. support would guarantee failure. The stakes are too high to fail in Iraq. It remains in America's strategic interests to ensure regional stability in the Middle East and to deny terrorists a safe haven in Iraq.

I urge my colleagues to vote against this bill. Furthermore, I hope that the House leadership will bring up a clean bill that focuses solely on supporting our troops and not one filled up with pork and unrelated spending.

Mr. DAVIS of Alabama. Mr. Speaker, I will vote today for a resolution that would finally draw the war in Iraq to a close, and that would for the first time put conditions of self-determination on the Iraqi government that has benefited from our country's generosity. While I was not yet in Congress at the time of the original authorization debate in 2002, I have concluded that the authorization decision was wrong and that too many American lives have been sacrificed for the dubious cause of advancing the interests of one side of an Iraqi civil war over the other.

It is also my belief that Congress has the unmistakable authority to put time limits on the commitment of American forces and to attach strings to the manner in which military funds are spent: Congress has used this power before in Lebanon, Vietnam, and Somalia, and most recently, during the second term of the Clinton Administration, when Republican congressional majorities imposed restrictions on the use of ground forces and on the duration of the force commitment made during the Balkan conflict.

Some of my colleagues who share my opposition to the war have suggested that this resolution has the defect of not going far enough in that it does not require an immediate withdrawal of American forces. I disagree: for the sake of regional stability, any withdrawal should be more orderly and more measured than the haphazard way American forces were deployed in the first place.

Other anti-war critics argue that a Democratic Congress has a moral imperative to take a bolder course, such as repeal of the 2002 authorization or a pledge to impound funding for additional deployments. While I agree that the test of Democratic legislation cannot be whether it would attract a Presidential veto (if that is the standard, Democrats would be immobilized this next 2 years), it is reasonable for the Democratic leadership to pursue a bill that can win overwhelming Democratic support, including those members from more conservative districts whose opposition to the war comes at some political cost.

Finally, I respect the concern of some Alabamians that any withdrawal from Iraq is a loss of prestige that will embolden our enemies. While this is not a trivial argument, the reality is that radical Islamic fundamentalism has exploded into a civil war in Iraq and that Al Queda will be a generation-long threat. These conflicts will rage on regardless of whether we are in combat in Iraq because they are rooted not in an assessment of our strength but in a permanent disdain for our values.

We need to engage Islamic terrorism on a different ground, such as Afghanistan, where Al Queda is resurgent, and we should use the leverage from a withdrawal from Iraq to cement international resistance to the Iranian nuclear program. Lines should be drawn in the sand around Israel's security, and the steady work of cultivating Arab moderates and isolating Arab radicals should continue. But it is time to end our active engagement in the disaster that is Iraq.

Mr. JOHNSON of Georgia. Mr. Speaker, simply put, I strongly oppose this war and have done so since its inception.

I stand ready to do whatever needs to be done to bring this conflict to a responsible end—and I have been working toward that goal since the first day I stepped onto this floor.

As a Progressive, my first inclination was to vote against this supplemental.

I still believe it's important to loudly proclaim that this war should end, but I've come to the conclusion that a vote against this bill is not the most effective way to make that statement.

Even though this supplemental does not push for an immediate end, it is our best hope in the Progressive struggle to bring our troops home and finally allow the Iraqis to determine their own future.

I am also strongly supportive of the funds provided in this bill to fund the S–CHIP shortfall.

Georgia's PeachCare program needs immediate relief and this bill will ensure children in need in my state continue to receive the health insurance we promised them, at least for the short term.

Make no mistake, I do not consider this bill to be the final statement on the war in Iraq—or the PeachCare program for that matter. But it is a good start and I will support it today.

Mr. KENNEDY. Mr. Speaker, I want to voice my support for this supplemental, not because I agree with everything in it, but because I agree with the most important thing in it: a binding deadline to redeploy our troops from Iraq.

We need to redeploy our troops from Iraq, first and foremost, because it is in our national security interest.

As someone who voted for the original resolution, I am particularly pained by the suffering of the thousands of our servicemembers killed and tens of thousands wounded. I'm glad this bill begins to put the appropriate resources into caring for those coming home with traumatic brain injuries and post-traumatic stress disorder, and beginning to fix the problems at Walter Reed Medical Center and other facilities. It is outrageous that this Administration has allowed our uniformed men and women to be treated so shabbily.

I also have enormous sympathy for the families of servicemembers killed and injured in Iraq. I agonize about those on the home front who worry every day about getting that horrible visit, and who struggle to raise children, pay bills, and lead some semblance of normal life with family members in a combat zone. I want our troops to come home.

Yet the hardships they and their families endure are not the reason to bring our troops home. I know that the men and women in uniform, and the families behind them, are willing to make the sacrifices they do if that is what it takes to make America more secure.

But the truth is, this war is not making us more secure.

By manipulating the intelligence and rushing to war, ignoring our allies, grossly mismanaging the occupation, and basing this entire war on ideology and hope rather than expertise and pragmatism, the Administration has torn our national security fabric.

Staying in Iraq, policing their civil war, does not bring us closer to defeating the global network of extremists who wish to harm us. To the contrary, in order to improve national security and best address our other strategic interests around the world and here at home, we must dramatically change our current direction in Iraq.

Redeployment from Iraq will enhance our security by allowing us to properly address other potential challenges around the world, from Afghanistan, North Korea, and Iran to the Western Pacific, the Horn of Africa, and the greater Middle East. In particular, it will allow us to put our attention back on Afghanistan and Pakistan and the fight against a resurgent al Qaeda and Taliban, the enemies who actually engineered 9/11.

Bringing troops home also allows us to resolve the concerns about the readiness of our Armed Forces, which have been strained to the breaking point because of this Administration's careless management of the war in Iraq.

Perhaps most importantly, only by extricating ourselves from the mess of Iraq can we begin moving our country back to a commonsense policy of strength through leadership. Every day our military is in Iraq our standing in the international community erodes further.

Already we've seen respect for the United States plunge from record highs after 9/11 to record lows now. This loss of moral authority compromises our ability to lead multinational efforts to fight national security threats from terrorism and nuclear proliferation to global wanning and drug trafficking.

We cannot begin rebuilding our international credibility and leadership until we have redeployed from Iraq. We cannot restore the flexibility to meet the real, potentially existential threats of nuclear terrorism that were used to justify the invasion of Iraq until we exit Iraq.

We hear dire warnings about the awful results if we leave Iraq. It is true that bad things may happen when our Armed Forces leave if the Iraqis cannot or will not choose reconciliation over conflict. But that will be true if we leave at the end of this year, the end of next year, or in 2015. Delaying redeployment only delays the Iraqis' moment of responsibility.

The sooner we begin redeployment, the sooner we begin unraveling the tremendous damage that this war and its mismanagement have wrought on our national security. Given the Administration's history of manipulation and deceit, the interim deadlines of December 2007 and March 2008 may not prove binding, since the President can make certifications that waive those deadlines. I will support this supplemental, however, because it does set a binding deadline on withdrawal no later than August of next year. I would like the deadline to be sooner, but most important is that we bring finality to this war.

Our men and women in uniform have served our country courageously and performed brilliantly—just as they always do. But asking them to stand between warring factions is not only unfair, it's counterproductive.

I believe in a strong U.S. engagement around the world, including using military force when necessary. I also believe, as did Presidents Roosevelt, Truman, Kennedy, and Reagan, that America's greatest strength comes from its values and its ability to lead. We need to restore America's leadership. We need to strengthen America's security. We need to pass this supplemental and begin the redeployment from Iraq.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in opposition to H.R. 1591. This is not an Emergency War Supplemental; it is the Partisan Repayment Act. Indeed, this legislation is less about supplying the troops than feeding the base.

There is desperate need for a new Iraq policy, and we should be using this opportunity to have a serious discussion. It is unseemly, even embarrassing, to use pork to buy support for bad policy on a bill as important as this one. It makes us look as trifling and greedy as our enemies claim. The well-being of our men and women in uniform is in the balance, as is the future of the Middle East. If ever there was a time to win on the strength of one's ideas, this is it.

I share the concerns of my colleagues regarding the progress of the war, and I believe there is value in setting benchmarks. Ours should not be an open-ended, unquestioning commitment to the Iraqis. They do need to assume more responsibility for their own affairs. It is not the job of our troops to referee partisan quarrels, nor is it our job to baby-sit the Iraqi government.

It is foolish, however, to make such milestones public. It is even more foolish to announce a date for withdrawal. Doing so gives the enemy too much information and too many options.

It is also foolish to codify deadlines. Who's to say the Iraqi government won't make a good faith effort to accomplish the tasks required of them? It would be wise to allow them flexibility, not give them a drop-dead date. We ourselves are working under a continuing resolution because we could not pass more than two appropriations bills last year. Our 5-day workweeks are often 4 days long—who are we to set a deadline in statute?

There is a pressing need to formulate a new policy for Iraq. I am disappointed the Democrats have yet to allow a serious debate on this, the most important issue facing the Congress today. Rather, we have wasted time with a non-binding resolution regarding tactics—not even strategy. Now we send the Iraqis a laundry list of errands and a pre-determined result.

Success in Iraq will require a broad based policy shift. The Iraq Study Group report includes 79 recommendations covering all facets of public policy—military, diplomatic, economic, and social. This report should form the basis of a productive discussion. Unfortunately, the Democratic leadership has opted for a hodge-podge of sound bites masquerading as serious legislation. They have stifled debate rather than encouraged it by refusing to allow any amendments.

Mr. Speaker, this is but the first act in the play. Our own servicemen and women do need the funding this bill would provide. I am confident once we get beyond this charade we will be able to craft responsible legislation to give it to them.

Mr. YARMUTH. Mr. Speaker, we began this week by solemnly marking the fourth anniversary of the war in Iraq, the more than 3,200 brave soldiers who have been killed there, and the 378 billion dollars that have been appropriated thus far. But we end the week with the historic opportunity to bring about an end to this catastrophe.

Over the last 4 years, the President not only failed to provide a plan to win in Iraq, he failed to offer our troops concrete and attainable objectives. Where he has let down our forces and the American people, Congress has a Constitutional obligation to step in, and this, "The U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act," is our chance. It is our only real chance, to see this war end, to comply with the stated will of the American people, and to bring our troops home.

It is important to remember that this bill does more than set benchmarks and a timeline; it also provides much needed funding to protect our troops abroad and care for our veterans at home. A vote against this bill is a vote for the President but against our soldiers; it supports the war but abandons our young men and women in uniform.

That being said, whether we authorize it or not, the President will find the funding to prolong this war, even if it is at the expense of our soldiers, our veterans, and other crucial programs. This country cannot afford another Walter Reed, nor can it afford to send the President another blank check to indefinitely extend this occupation.

The President has asked for a bill without strings attached. He doesn't deserve a bill without strings. In 4 years of acting without strings, this war has never had an end in sight. We have before us today the opportunity to bring finality into view, and I urge my colleagues, members of the Senate, and President Bush not to squander this opportunity. I ask that we unite in support of Iraqi independence, U.S. troops, and H.R. 1591.

Mrs. MALONEY of New York. Mr. Speaker, 4 years that have been difficult for our country, we have had to watch the administration bungle the war in Iraq in just about every way imaginable. As war became civil war in Iraq, we watched our colleagues on the other side of the aisle act as a rubber stamp for this misguided war while refusing to ask the pertinent questions, the questions we were asking, the questions the American people were asking. And we watched as 3,200 of our brave troops lost their lives in another country's civil war, while 24,000 came home with permanent injuries and billions upon billions of our taxpayers' dollars have been sunk into the quicksand Iraq has become.

This will be the case no more.

With the scores of oversight hearings our leadership has already conducted this year and now with this legislation, we are, for the first time, bringing accountability, timelines and end to the mismanaged war in Iraq.

Congress is no longer a rubber stamp.

The President has asked us time and again for money for this war without any strings. This, despite the fact that they let many of our troops go to battle without the proper equipment, and that they can't even account for $12 billion of taxpayer money for reconstruction.

With this bill, we will bring accountability as well as money for our injured soldiers who have been neglected. We are adding a total of $3.4 billion for the military health care system, including money to address the problems at Walter Reed and money for head injuries and post-traumatic stress disorder.

For 4 years, the administration's war policies have been risking lives and spending this country's treasure without any accountability.

This legislation will end the free ride and it will end the war.

I urge my colleagues to vote in favor.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1591, but with some reservations. While I appreciate the care with which Speaker PELOSI, Chairman OBEY and the Democratic leadership have approached this supplemental appropriations bill, we are left, as we often are, with a flawed product. But I do believe, in regard to Iraq, that it is the best we are able to do right now.

The legislation for the first time establishes performance benchmarks for the Iraqi military and government, and firmly states that it is time to bring the troops home sooner rather than later. I did not vote to authorize the Iraq war, and I do not support President Bush's troop surge, but if this bill does not pass we will be forced to pass a funding bill that does not have these benchmarks, and that would be nothing more than the status quo, which is a blank check for President Bush. I say again, I do not support everything in this legislation, but it is the best alternative available to us at the present time.

I am particularly troubled by the non-military and non-veteran spending in this bill. While I support more funding for some of the important needs addressed here, particularly domestic spending priorities that have been severely neglected by the Bush administration over the last 6 years, they would be better considered elsewhere. The bill does address serious deficiencies in our veterans' health care system, and I whole-heartedly support this funding. We have a great deal more work to do to ensure that the brave men and women who defend this country are fully supported upon their return home, but this is a good start.

Mr. Speaker, this legislation, like the war itself, presents us with tough choices. I will support the bill, and by doing so send a signal that it is time for the Iraqis to also make tough political decisions and take control of their own destiny. My thoughts and prayers are with our troops and their families, and I will continue to work for their speedy return.

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act. I concede that the legislation we are voting on today is by no means perfect, but I do believe it is a step in the right direction and deserves the support of those Americans who want to bring this misguided and mismanaged war to a responsible and timely conclusion.

In an ideal world, we would bring our troops home today, but that doesn't match the reality of our struggle in Iraq. We have an even smaller chance of accomplishing that goal in the Senate. The bill before us represents the best opportunity to affect the conduct of this war.

The benchmarks established within the supplemental are the same as those proposed by the President in January, the Iraq Study Group, and endorsed by Iraqi leaders. They include real consequences for the Iraqi government and a definite timeline for a phased and deliberate redeployment of American combat forces from Iraq by no later than August 2008. The bill provides what is currently missing in the President's policies—a plan to redeploy our troops from a situation that cannot be improved by their continued presence.

It's unmistakable that our presence in Iraq has weakened our Armed Forces and jeopardized our standing in the world. It has also diverted valuable resources away from fighting al Qaeda in Afghanistan, tracking down Osama bin Laden, and preventing another terrorist attack against America. The supplemental not only provides a new direction in Iraq, but also redirects resources to fight the real global war on terrorism.

To all of those who argue that passage of this legislation would mean conceding defeat to the terrorists, I would say both that they are wrong, and that the alternative they endorse is unacceptable. For what they propose is simply "stay the course;" more of the same—more deaths, more life altering injuries, more destruction, more squandered opportunity, more debt, and more diminished standing in the world. This legislation is about sending a message to the President that he cannot pursue the same failed strategy of the past 4 years and receive a blank check from this Congress.

Mr. Speaker, I am opposed to this war. I believe the decision to invade Iraq is the single most devastating and misguided foreign policy decision our Nation has ever made. I will vote for the supplemental because I believe it is the best course available to us at this time to bring our involvement in this misguided tragedy to an end.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. This legislation would make emergency supplemental appropriations for the fiscal year ending September 30, 2007.

H.R. 1591 would provide funding for many purposes. This funding would support our military personnel who are fighting our country's enemies. This funding also would support our civilian personnel who are trying to establish a lasting peace for beleaguered citizens of some of the world's most troubled countries. Of particular note, this legislation includes much needed funding for healthcare for wounded warriors who have returned home, having given all but their lives in service to our country.

Debate with respect to this legislation will focus on the war in Iraq. Iraq is today's signature issue and it is also one of the most divisive and complex ones before this Congress. The choices we make regarding Iraq will establish a legacy for the United States that will define our policy toward the Middle East region for a generation or longer. For that reason, it is my hope that we, as an institution and, indeed, as a country can agree upon a policy that protects our national interests and those of our allies and supports those servicemembers and civilians—and their families—who so bravely serve our country today in Iraq and elsewhere around the world.

It is true the government of Iraq must work to better fulfill its obligation to govern from moderate positions, with uniformity, and with regard to the rule of law. On January 31, 2007, I introduced H.R. 744, the Iraq Policy Revitalization and Congressional Oversight Enhancement Act. H.R. 744 would take a different approach to the challenge of setting metrics to measure progress in Iraq and to define the terms for completion of the mission in that country than what is called for in H.R. 1591, the legislation that is currently before this body.

I am a member of the Committee on Armed Services and I have traveled to Iraq eight times since taking office in 2003. These trips have allowed me to observe our operations in Iraq and to personally speak with our commanders, servicemembers, and civilian personnel in the field. I have also had the opportunity to speak with Iraqi leaders during these visits. As a result, I have learned a great deal about the accomplishments made in Iraq to date. I have also learned of the many challenges that remain there.

I believe that an honest and open exchange of views on the substance of what our country and our allies must achieve in Iraq in order to complete Operation Iraqi Freedom is needed. Finding an achievable, expeditious, and honorable way to complete Operation Iraqi Freedom should be a primary goal for all of us. We owe this to those who have sacrificed so much for this mission. But the situation in Iraq will not yield a solution easily. Nevertheless, we must endeavor to find one. In doing so, we will be helping shape in the best way possible the legacy future generations of Americans will inherit and the one that we will have to defend to history. Like it or not, the United States assumed a moral obligation to bring order to Iraq when we, in a pre-emptive manner, attacked that country four years ago this month. History will judge us harshly if we act in a way that would abandon this obligation.

It is for this reason and others that I strongly support the funding called for by this legislation that supports our wounded warriors who are embarking on their long but hopeful roads to recovery, that supports our servicemembers who continue to pursue our enemies worldwide, and that supports our civilian personnel who work to stabilize and reconstruct countries that are now home to disturbing violence and heartbreaking loss of life. I urge my colleagues to support the funding called for by this legislation.

Ms. ESHOO. Mr. Speaker, our country has just begun the fifth year of war in Iraq. By overwhelming numbers, the American people want a new direction and I believe this bill contains the policy and the plan to help bring an end to the misguided policies of the Administration.

Military leaders, Generals Abizaid, Odom and Powell, as well as former National Security Advisor Zbigniew Brzezinski, have all come forward to observe that the Administration's war-without-end policy is not a strategy for success.

Today's legislation directs itself to important change. It sets a new course for ending the war.

The bill requires accountability: It puts the Iraqis in charge of Iraq. If they cannot or will not bring their country under control, if conditions continue to worsen and political and military benchmarks are not met, beginning in July 2007 (less than four months from today), our troops will begin an immediate redeployment.

The bill begins a redeployment: It sets a firm timeline to pull U.S. troops out of Iraq and in legally-binding terms declares that all U.S. troops will be out of Iraq by August 31, 2008, if not sooner.

It requires the Iraqis—not our soldiers—to reign in the militias, aggressively pursue the insurgents and provide "evenhanded security for all Iraqis."

The bill prohibits the establishment of any permanent military bases. It bans the use of torture. It redirects resources back to the fight against terrorism and Al-Qaeda, and recommits us to creating a stable state in Afghanistan.

The bill takes care of our troops. It provides over $3 billion more than the President's request to meet the neglected needs of our returning soldiers and veterans around the country.

The following are quotes from respected national leaders:

Retired General William Odom, former Director of the National Security Agency under President Reagan and member of the National Security Council under President Carter stated recently: "Getting out of Iraq is the pre-condition for creating new strategic options."

According to former National Security Advisor Zbigniew Brzezinski:

"The United States cannot afford an open-ended commitment to a war without end. A means must be devised to end the U.S. combat role in Iraq and reduce our troop levels, so that we can begin to rebuild our military and reclaim our position of leadership in the world. The bill the House will consider this week does that in an effective and responsible way."

Former NATO Commander Wesley Clark:

"The conflict must be resolved politically—military efforts alone are insufficient—and this legislation strongly promotes that political solution."

Mr. Speaker, I will vote for this supplemental legislation. For the first time the debate about Iraq is not "if" or "how." It is about "when" . . . when our troops will come home.

It is binding language.

It is sensible language.

It is language that will change the direction of the war.

It is language that will help to heal our wounded troops.

It is language that will help heal our Nation.

I urge my colleagues to support the bill.

Mrs. McCARTHY of New York. Mr. Speaker, today, I will vote in favor of H.R. 1591, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007 to fully fund our troops and end the war in Iraq.

This legislation will fully fund the troops serving in Iraq. It is imperative that they have the necessary equipment to conduct their mission as safely and swiftly as possible.

Today's vote marks a major shift in the strategy for Iraq by imposing real responsibility on the Iraqi government. President Bush outlined several benchmarks for the Iraqi government in his January 10 address. Unfortunately, there were no real consequences for the Iraqi government if these benchmarks were not met. Today's vote put real pressure on Prime Minister Maliki and the Iraqi government to meet these benchmarks. If the Iraqis do not step up and take control of their own security, U.S. forces will begin a phased redeployment as early as July 1, 2007. All U.S. troops must begin their redeployment by March 1, 2008, by which time, the Iraqis will have had ample opportunity to be trained and take control of their situation.

The U.S. cannot remain in Iraq indefinitely. During the past 4 years, the U.S. has suffered over 3,000 casualties and countless injuries attempting to curb the violence in Iraq. The time has come for the Iraqis to stand up and make a real investment in the security and future of their nation.

I will continue to support our troops and ensure they are trained and properly equipped for battle. But the course in Iraq must be changed, and that change has begun today.

Mrs. BIGGERT. Mr. Speaker, I rise today in opposition to H.R. 1591, the so-called U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007.

That's what my Democratic colleagues are calling the bill. And while I support the funding in the bill for troop readiness and veterans' health care, I wonder why the bill's title ends with Iraq Accountability. Why not mention hand-outs to dairy interests, spinach farmers, citrus growers, or for storing peanuts? Yes, $74 million for storing peanuts.

Why not mention the unrequested funding for fighting wildfires in the west, or the doubling of so-called "emergency" funds for the long-known and well planned Base Realignment and Closure effort—funding that the new majority knew was needed, but wouldn't provide in the continuing resolution just last month? Why not mention the increase in the minimum wage or funding for asbestos abatement in the Capitol contained in this alleged emergency wartime supplemental appropriations bill?

"Clean" is not a word I would use to describe this bill, which includes more than $21 billion in spending that is completely unrelated to troop readiness, veterans' health, or Iraq. Sure, I've heard of Christmas in July, but Christmas in March? What happened to the other party's promise to end business as usual? This bill is worse than usual. As the editorial in USA Today put it yesterday, "It's hard to believe which is worse: leaders offering peanuts for a vote of this magnitude, or members allowing their votes to be bought for peanuts."

Don't get me wrong. I agree that Congress has a responsibility and an obligation to ensure the Veterans Administration and the Department of Defense have the resources necessary to care for our veterans from all wars and our wounded soldiers returning from Iraq, Afghanistan, and elsewhere.

I agree that Congress has a responsibility and an obligation to see that American troops are ready and able to fulfill their mission. That's why I am a cosponsor of a bill introduced by my distinguished and decorated colleague from Texas, Mr. JOHNSON. H.R. 511 pledges, "Congress will not cut off or restrict funding for units and members of the Armed Forces that the Commander in Chief has deployed in harm's way" in Iraq and Afghanistan.

I also agree that we must do a better job holding the Iraqi government accountable. For too long, we pursued an open-ended commitment without well-defined goals and clear benchmarks for success.

That's why I am a cosponsor of legislation, H.R. 1062, that will hold the Administration—and the Iraqi government—accountable in achieving clear benchmarks.

It requires the President to report to Congress, every 30 days, on the extent to which the Government of Iraq is moving forward on more than a dozen fronts, from troop training and security to rebuilding, reconciliation, international cooperation and enforcing the rule of law.

It also requires progress reports on the implementation of strategies that will prevent Iraqi territory from becoming a safe haven for terrorist activities.

But the bill we are considering today goes beyond funding and benchmarks and crosses a constitutional line that has long kept Congress from micromanaging military and foreign affairs.

Instead of sweeping away bureaucratic obstacles to success, this bill creates 435 new armchair generals.

Instead of giving General Petraeus and our diplomatic leaders the flexibility to fulfill their mission, it saddles them with bureaucratic requirements and arbitrary timetables.

Instead of ensuring that our troops in harm's way have the resources and equipment they need, this bill uses our military men and women as pawns in a dangerous political game.

Instead of giving our troops, the Iraqi people, and their fledgling government one last chance, it gives them one last mandate—to retreat in defeat.

As if the bill wasn't wasteful enough, it starts a perilous countdown to a vacuum in leadership and security that threatens any prospect for peace or stability in the Middle East for years to come. And it does a great disservice to our men and women in uniform and their commanders in the field who have already sacrificed so much for our freedom and security and that of the Iraqi people. They deserve better.

I urge my colleagues to oppose this irresponsible bill.

Ms. SLAUGHTER. Mr. Speaker, we meet on what is the fourth day of the fifth year of the war in Iraq. It is a war that has gone on longer than the war in Korea. America has been fighting longer in Iraq than we did during World War II—even though that was an international conflict fought on two fronts against some of the most dangerous threats to our national security ever known.

Too many Members of this Congress and of this Administration have for years seen what they wanted to see in Iraq, and believed what they wanted to believe. But their conceptions couldn't matter less to the men and women of that nation, or to the men and women of the American military who are fighting there.

Civilians and soldiers don't live in the world as politicians say it is. They live in the world as it really is. And they live, every day, with the consequences of the decisions made here in this chamber.

During the first 4 years of the Iraq war, they had to live with an Administration and a Congress that either could not, or would not, see this conflict for what it really was: a war that was not being won, that was being fought by soldiers who often did not have the equipment they needed or the care they were owed, that was not improving the security of the Iraqi people, that was depleting our military and, as a result, endangering the long-term security of this nation, and that was based on a flawed strategy that desperately needed to be changed.

They lived with the former Secretary of Defense dismissing persistent equipment shortages by telling us that our nation had gone to war with the Army it had. By the time Mr. Rumsfeld had uttered those words, on December 9th, 2004, 1,288 U.S. soldiers had been killed.

They lived with predictions that the insurgency in Iraq was in its last throes, a statement made 6 months later. Four hundred thirty-seven more soldiers had lost their lives in those months.

And now, they live with more calls for patience from the Administration and its allies, and more denunciations of anyone who would seek a different course in Iraq.

As of today, more than 3,200 soldiers have died in this war. The civilian death toll is astonishing, with estimates now running as high as 1 million Iraqi men, women, and children killed as a direct or indirect result of the conflict and the chaos it has unleashed. Millions more have been dislocated, driven out of their homes and into refugee camps.

It is long past time for this institution to join with our soldiers and with the people of Iraq in seeing this war for what it really is.

The legislation before us today represents the first real chance Democrats have had since 2003 to change the course of the war in Iraq. And we intend to do it.

We will do it not because we are conceding anything to those who would do our Nation harm, not because we lack the will to continue the fight, and not because, as some would have you believe, we are giving up.

Instead, we are going to change the course of this war because the future of the people of Iraq hinges on it, because a basic level of respect for our soldiers demands it, and because the long-term security of our Nation depends on it.

Mr. Speaker, the simple reality is that the situation in Iraq is stagnant at best, and deteriorating at worst. Politically, economic and military goals are not being met there. Faced with such truths, why should this House pass yet another blank check for the war, as past Congresses have done?

Instead, this bill is based on a simple and logical idea: it makes America's continued involvement in Iraq conditional on the situation there improving.

America's soldiers will no longer be asked to fight in an open-ended war whose goal line keeps moving. This legislation requires Iraqi leaders to make the political compromises necessary to produce a working government that will function for all of Iraq—or else risk losing America's military support. And it will require security benchmarks to be met if American soldiers are to continue sacrificing their own safety for that goal.

But what is more, this bill represents the first step Congress has ever taken towards ending the war in Iraq.

A clear majority of the American people want this body to take decisive steps toward that end. A clear majority of our global allies want the same thing. A significant number of generals and military officials think that ending this conflict must be achieved sooner rather than later.

This bill is a response to their words, and to their counsel. It will not end the war immediately, nor will it end it recklessly.

Instead, it rejects the idea of a war in Iraq without end.

To continue funding this conflict without requiring any tangible progress to be made in Iraq makes no sense. It would achieve neither peace in that nation, nor security here.

But what it would achieve, Mr. Speaker, is the continued depletion and degradation of our military beyond all.reason. It would continue to render our armed forces unable to fight in other parts of the world against other threats. And it would continue to force suffering soldiers to return to the battlefield time and again, despite physical and mental injuries.

We know the statistics: in addition to the 3,223 soldiers that have died, tens of thousands more have been injured, some permanently. And there are more than 32,000 Iraq veterans—32,000—who who every day suffer silently from the scourge of mental health problems. More than 13,000 of those men and women have been diagnosed with post-traumatic stress disorder, PTSD.

And yet, they are afforded no relief. The President's escalation of this conflict is forcing more soldiers back into combat sooner, with less rest, with less training, and with less time to heal. There are even reports of men and women being sent back to Iraq who are too injured to wear body armor.

Mr. Speaker, it is important not to view these realities in the abstract. I want to share with you a story I recently heard, the story of one young lieutenant currently awaiting his second deployment to Iraq.

Though he trained as an engineer, his first tour of duty saw him bravely patrolling dangerous streets north of Baghdad. He returned last December, and was initially expecting a year on base during which to rest and train a new platoon.

Instead, he will be heading back months sooner. He says that the soldiers under his command are not going to get the time they need to train properly for their mission. The vehicles and equipment they now use to train for war are failing and often break They are physically weary, with many still suffering from the lingering effects of leg and back injuries. Others are battling more elusive damage, and are in counseling for PTSD. He even told me that the vast majority of the once married soldiers in his unit are now or will soon be divorced. Their lives outside of the war are coming apart.

And yet, if you ask him, he will never complain about these difficulties. They are all part of the life of the soldier, he says, a few of the many challenges he and his men will confront every day they are deployed. When those in the military are given a mission, he told me, they find a way to complete it. That creed is the foundation of the strength of our Armed Forces.

It is the personification of the word sacrifice, Mr. Speaker. This young soldier and those under his charge are going back to Iraq again, even though they are wounded, and tired, and lacking in training and equipment. They miss their families. They miss their lives back home. But they are going all the same—going simply because this body has given the President the right to send them into battle.

But what this soldier did tell me is that our Armed Forces cannot go on like this. He said that if the foundation of our military's strength—its refusal to admit defeat—is misused, then we will end up destroying our system of national defense.

We hear the reports of the 82nd Airborne, for decades able to respond anywhere in the world within 72 hours, now struggling to respond to anything besides deployment orders sending its soldiers to Iraq.

We see men and women in uniform being sent back for tour after tour after tour, our services desperately trying to find a way to meet new troop requirements.

Mr. Speaker, this war represents a dramatic misuse of our military. In the name of our national security, it is undermining the only true guarantor of national security that we have: our Armed Forces. And for 4 years, this Congress let it happen.

But not any more. Today, the House will finally recognize that our military is at the breaking point—not because of any inherent weakness, but because it is being asked to complete a mission no army could succeed at.

And so, that mission must change.

The new strategy this bill sets forth has nothing to do with surrender, Mr. Speaker. Instead, it has everything to do with doing what must be done to work toward a secure Iraq. And it has everything to do with refusing to allow those who would do us harm fool us into defeating ourselves—in the process, attaining a victory that they will never be able to achieve on their own.

Let me say as well that this funding bill also respects our soldiers enough to put their needs at the forefront of our national priorities, instead of leaving them behind. From now on, if they are asked to go into battle without being fully armored, fully rested, and fully trained, then the President himself will have to stand before this country and explain why it is necessary to do so.

This bill will also provide desperately needed funds for veterans' health care. Our country is seeing more wounded soldiers returning from abroad than at any point in 40 years, and yet for years, our health care system has failed thousands of them. It is unconscionable, and it is long past time that it was changed.

Finally, this bill both increases funding for the ongoing conflict in Afghanistan and for a variety of other critically important national security objectives.

Taken together, it represents the beginning of what will be a responsible and ethical shift in our national security priorities away from a mistaken conflict in Iraq and back toward other concerns—the continued rise of the Taliban in Afghanistan, for example, and the needs of wounded soldiers at home.

By changing a flawed strategy that has weakened our military for years without getting us any closer to a stable Iraq, this legislation represents our country's best chance to shake both of our nations free from the shackles of a stalemate benefiting neither.

It is an important and historic bill, one that the people of Iraq deserve, that the American people deserve, and that our troops most certainly deserve. I am proud to support it, and I urge all of my colleagues to do the same.

Mr. MELANCON. Mr. Speaker, I rise today in support of the Katrina-Rita supplemental.

The President was quoted yesterday as saying we needed a clean bill to fund the rebuild of Iraq. I disagree with that statement and suggest that we need the comprehensive bill put forth by the majority, so that the people of the Gulf Coast States can rebuild. For too long we are funding the rebuilding of foreign communities. While this is admirable, the American people deserve first call on the rebuilding money, and help when it is their very tax dollars that are being spent.

My Caucus leadership took me seriously when I challenged them to put forth action rather than words. The supplemental appropriation bill we are debating tonight is the first and only vehicle available to Katrina-Rita affected citizens! Because of budgetary rules, there is no other opportunity to address the unfinished levees, the rebuilding needs of local governments, affordable housing so people can return, and help for the coastal fisheries and farmers who have, to date, been virtually ignored.

My colleagues in the affected Gulf Coast States need to decide where they stand. If we let this one chance for $1.3 billion in levee assistance pass us by, every Member of Congress who votes against this should be held accountable for putting South Louisiana's citizens in harms way.

Are you in support of your Party, or are you for helping Louisianians, Mississipians and taxpaying Americans?

I support the Americans!

I would also like to submit the following clarification for the record:

This supplemental will provide funding for agriculture and fisheries disaster assistance along the Gulf Coast. For livestock producers, our intent is to increase the payment limit for those who lost hundreds of cattle as a result of Hurricanes Katrina and Rita. These cattlemen have been inadequately compensated as a result of previously underfunded USDA programs. Our citrus growers—whose groves were destroyed from up to a month of saltwater several feet deep—should receive an increase in the payment rate for USDA's hurricane assistance program.

Additionally, this bill contains desperately needed assistance for our shrimp, menhaden, as well as other fisheries that were devastated by the storms and, unfortunately have been forgotten for the past 18 months by the Administration and Congress.

Mr. McNULTY. Mr. Speaker, in the spring of 1970, during my first term as Town Supervisor of Green Island, I testified against the War in Vietnam at a Congressional Field Hearing in Schenectady, New York.

Several months after that testimony, my brother, HM3 William F. McNulty, a Navy medic, was killed in Quang Nam Province.

I have thought—many times since then—that if President Nixon had listened to the voices of reason back then, my brother Bill might still be alive.

As a Member of Congress today, I believe that the Iraq War will eventually be recorded as one of the biggest blunders in the history of warfare.

In October 2002, I made a huge mistake in voting to give this President the authority to take military action in Iraq. I will not compound that error by voting to authorize this war's continuation.

On the contrary, I will do all that is within my power to end this war, to bring our troops home, and to spare other families the pain that the McNulty family has endured every day since August 9, 1970.

Mr. SHULER. Mr. Speaker, earlier this week, we entered the fifth year of the war in Iraq. Throughout that this Congress has provided the President with all the resources needed to wage this war. However, this body failed to provide any of the oversight he needed. Today, this Congress will correct that lack of oversight, while still providing our troops the funding they need and our military leaders the flexibility they require.

Today we say an open-ended commitment to this war is no longer acceptable. We say that we will no longer grant the President a blank check.

The war in Iraq has already lasted longer than World War I, World War II, and the Civil War. Continuing this war in the same manner with no accountability from the Administration or requirements on the Iraqi government is unacceptable.

Today, we stand up for our men and women in uniform; we honor our veterans, and we begin a new course to securing Iraq by passing H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

Passing this emergency funding guarantees our troops will have the equipment and resources they need. This bill demands that our troops are fully mission capable and meet the readiness standards set by the Department of Defense before we send them to war. And this bill demands the Iraqis get off the sidelines and begin fighting for their country.

The people of Western North Carolina sent me to Congress to ask the tough questions and demand accountability on this war. I have attended briefings at the White House and the Pentagon where I have been able to ask those questions. I have spoken to generals and troops on the ground, veterans and the families of those fighting. I have listened to my constituents, and I have prayed. I am confident that supporting this bill is the proper course of action. Soldiers support this bill. Generals support this bill. Veterans support this bill. The families of those fighting support this bill. A vote against this bill is a vote against our troops.

I am confident that this bill is a step in the right direction towards promoting a just and stable Iraq, and in bringing our nation closer to the day when all of our troops can return home to the warm welcome of a grateful Nation. May God bless our troops and their families, and may God bless the United States of America.

Ms. DeGETTE. Mr. Speaker, I rise in support of H.R. 1591.

In considering what to say about H.R. 1591, I looked back at what I said in the CONGRESSIONAL RECORD about House Resolution 861, an Iraq resolution from the 109th Congress in June of last year. I lamented the fact that 2,500 soldiers had died, 18,000 had been wounded, and 320 billion dollars had been spent or appropriated. I said that enough was enough and that it was time to begin redeploying troops to the periphery of the conflict and bring some of them home.

Sadly, in the last nine months, we have lost over 700 more troops and seen more than 5,000 additional soldiers wounded. We have little to show for our efforts, as Iraq is still in chaos and there is no peace in sight. I am afraid that if we do not take a different approach that this pattern will continue—progress in Iraq will not be made and increasing numbers of American soldiers will suffer. H.R. 1591 is a new, reasonable approach.

Like most Americans, I want Iraq to succeed as a stable democracy. But Iraqis have to want this too and actually work towards this goal in a meaningful way. H.R. 1591 encourages the Iraqi government to do this by offering our continued assistance, if it meets certain political and military benchmarks. These markers were laid out by President Bush in January. A further incentive for Iraq to take more responsibility for its own security is the knowledge that, under H.R. 1591, we will not be there forever. There will now be a date certain, August 2008, after which the Iraqi government could not longer rely on our soldiers for its security.

This is not just the right course for Iraq, it is the right course for America. After 4 long years, thousands dead and wounded, and hundreds of billions spent, it is time that this war comes to an end.

Ending the war in Iraq will stop the losses and devastating injuries inflicted on our troops. It will also allow us to redirect the billions that would otherwise be spent on Iraq to meet needed priorities here at home, such as providing health insurance to low-income children. I ask my colleagues to keep in mind this tremendous opportunity cost should we not stop the war.

While the legislation before us today will bring the war in Iraq to close over a reasonable period of time, it also supports our troops in the field. H.R. 1591 appropriates almost $100 billion for ongoing military operations in Iraq and Afghanistan. I strongly support our troops who have done everything asked of them with dignity, courage, and skill. It is with their safety and security in mind that I will vote in favor of this bill.

Beyond Iraq, H.R. 1591 contains over $20 billion to meet other emergency priorities. These include resources for veterans' health care, recovery from the devastation of Hurricanes Katrina and Rita, relief for farmers and ranchers from years of drought, and money to states for the State Children's Health Insurance Program (SCHIP).

Enacting H.R. 1591 is thus important to address these emergencies, support our troops in the field, and end our involvement in the war in Iraq. I strongly encourage all Members of the House to support its passage.

Mr. HOLT. Mr. Speaker, I rise today in support of this bill.

If the President of the United States were a rational decision maker, a bill of this kind would not be necessary in the first place. Unfortunately, the President continues to cling to the illusion that the situation in Iraq will improve if only we're willing to sacrifice still more American lives. But we cannot solve Iraq's civil war any more than we could solve Vietnam's civil war 40 years ago.

By unleashing forces he does not understand and cannot control, the President has put our military forces in an impossible situation. Our troops cannot referee Iraq's sectarian conflict. The longer our forces remain in Iraq, the more they become identified with a government that is seen as increasingly repressive, and incapable—or unwilling—to take the steps necessary to resolve Iraq's internal conflict politically and peacefully. It is for all these reasons that it is past time for Congress to take steps in forcing the President to change course and withdraw our combat troops.

This course correction is far slower and more difficult than I would like. I share the frustration of many of my colleagues that the President is not moving quickly enough or boldly enough to end our military involvement in Iraq. I for one do not expect the President to provide the Congress with accurate assessments of the readiness of our forces or of the Pentagon's ability to meet some key needs of the troops.

Existing DoD readiness assessments already show that our forces are overworked and overstretched. My friend from Pennsylvania, Mr. MURTHA, has included provisions in this bill that seek to limit the President's ability to deploy our ground forces to Iraq that are not truly ready and therefore less effective and more at risk. I believe zealous oversight of these provisions will be required if this bill becomes law. The President has shown he is willing to say or do anything to try to get his way when it comes to Iraq policy. He must not be allowed to politicize readiness assessments the way he has politicized intelligence assessments.

One bogus criticism of this measure is that setting a date certain for withdrawal is bad policy or micromanagement by the Congress. My colleagues on the other side of the aisle have been trotting this argument out frequently of late. Their position is undercut by the fact that they voted to impose time lines and benchmarks on President Clinton during our effort in the Balkans a decade ago.

By the way, I am pleased that this measure contains significantly increased funding for two critical areas of veterans health care: traumatic brain injury and post-traumatic stress disorder. We are only beginning to come to grips with the true costs of this conflict for our veterans, and we must take aggressive measures to ensure that they receive the follow up care they need to have the best possible chance of leading full, productive lives.

Mr. Speaker, we should be under no illusions regarding this bill. It is only the first concrete step in our effort to redirect our nation's policy in Iraq. Some weeks ago, we passed a non-binding resolution that pointed us in a new direction with respect to the occupation and war in Iraq. That was the right thing to do, even though it was non-binding on the President. Similarly, this supplemental appropriation is beneficial, although the actual withdrawal of troops will require, I believe, additional forceful action by Congress to fulfill the provisions of this bill.

It is important to move forward with this measure now and force this President to make America's combat occupation of Iraq history rather than a limitless, open-ended future.

Mr. CAPUANO. Mr. Speaker, I rise today to share my thoughts on H.R. 1591: the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act of 2007. After a great deal of reflection, I have decided to support this legislation. With today's vote, we are taking an important step toward ending the war in Iraq and bringing our troops home.

This legislation does not go far enough for me. I pushed for a vote on a course of action that would have gotten us out of Iraq much sooner and stipulated that all funding go toward drawing down troops. The House Rules Committee did not allow a vote on this position, and even if they had, I know that there are not enough votes to support it.

Today's vote was a very difficult one for me and I have been carefully weighing the impact of this legislation for weeks. In the final analysis, I decided that H.R. 1591 carried enough practical and symbolic weight that if it needed my vote to pass the House, then I should support it.

For me, the most important component of this legislation is that it stipulates the withdrawal of troops must begin no later than March 1, 2008 and be completed within 180 days. It also establishes specific benchmarks that the Iraqi government must meet, benchmarks that mirror the criteria President Bush himself set forth in his 2007 State of the Union address. If real progress on these benchmarks is not made by July 1, 2007, then U.S. troop redeployment will begin immediately and must be completed within 180 days.

President Bush has been threatening to veto this bill for weeks and I fully expect he will do so if it reaches his desk in its current form. Regardless, the House is sending an important message to the President today by passing this legislation. In the weeks and months ahead, I will continue to do everything I can to end this war. There may not have been enough votes today to bring a faster end to this war, but there were enough to establish a date certain for withdrawal. With today's vote in the House we are closer than we have ever been to ending this war.

Mr. JEFFERSON. Mr. Speaker, I rise today in support of H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act.

In order to have an open and honest debate on the war in Iraq, we must differentiate between the situation that existed in Iraq when we first arrived there, and the situation that exists today. No longer do we find ourselves facing a united front, the clearly identifiable enemy of insurgents and Saddam loyalists. The current instability in Iraq has become a sectarian civil war, a war in which we have no business participating. We cannot use the parameters of a war that have since changed. We are not aiding the enemy in any way by setting responsible, logical benchmarks, nor are we 'micromanaging' our war effort. The situation has changed, and so must the course we take.

This bill gives us the framework needed to focus our efforts on those who actually mean us harm, and extricate us from a situation in which we are nothing more than a police force, caught in the middle of a sectarian conflict. By committing to a gradual plan of benchmarks and a firm date of withdrawal, we create an environment in which the Iraqi people themselves become responsible for their future. No longer will they be reliant upon our presence to establish their own nation. The United States will be an important ally of the new Iraq, not an enforcer of the status quo in their nation.

I am also pleased that this bill includes several measures to aid our communities along the Gulf Coast. Waiving the local match requirements and forgiving Community Disaster Loans will help the city of New Orleans recover financially from the effects of Katrina. These financial troubles have since been compounded by the Administration's stubborn refusal to treat our disaster, the worst the Nation has ever seen, the same way that all others have been treated. For all previous localities receiving Community Disaster Loans, ranging from Hurricane Andrew to 9/11, 97 percent have been forgiven. This bill would take the long overdue step of forgiving the loans that were extended to communities along the Gulf Coast. Free of this burden that has been unfairly put upon them, our communities can continue their extensive rebuilding efforts.

Our hurricane protection system, battered by Hurricanes Katrina and Rita, is still not in the condition it was in before the storm. With hurricane season beginning again just a few months from now, we cannot afford to leave the city unprotected for another year. The money included in this bill for the Corps of Engineers ensures the safety of all citizens in the New Orleans area. The Corps should not be forced to delay action on critical hurricane protection projects because they lack the necessary funding. We have already seen the devastation that can be wrought by a hurricane; it is crucial that the Corps have the resources it needs to protect our city.

I also wish to highlight several other important programs within this bill whose importance cannot be overstated. We face a housing crisis in New Orleans, with public units drastically reduced in number, and no suitable plan for replacing such units in the short term. Eighty million dollars is provided in this bill for HUD tenant rental assistance so that our citizens can return home as soon as possible. Our elementary education system is in dire need of experienced teachers and administrators. Our colleges and universities were closed for months, and sustained significant physical damages. Sixty million dollars has been provided in this bill, and represents another step in the rejuvenation of our educational establishments. Additional funding for the Small Business Administration's disaster loan program has been provided, and is sorely needed for future disasters. The slow pace at which such loans were administered in the immediate months after Katrina was shameful, and by supporting this bill we have committed to ensure that it never happens again.

I urge my colleagues to support this supplemental appropriations bill, which provides everything needed by our troops in Iraq, while setting a course for our necessary disengagement. The people of this great country eloquently expressed their disapproval regarding the course of this war in the November elections and, on their behalf, we should do no less than heed their wishes.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H.R. 1591.

On May 1, 2003, on the U.S.S. *Abraham Lincoln* off the coast of San Diego, President Bush announced to the American public and the world that the mission in Iraq had been accomplished.

Now, nearly 4 years later, our military is still deeply involved in Iraq—with no end in sight.

This spending measure puts pressure on the Iraqi government to follow through on their political and security promises and ensures that our government will take the necessary steps to scale down our military involvement in Iraq.

In fact, it actually gives the Iraqis the leverage they need to push the agenda beyond a military solution.

This legislation may not be the preferred way to end this conflict, but not one good choice remains.

Up until now, Congress has been AWOL in its oversight responsibility. As a result, our military readiness has suffered.

Without this legislation, the readiness and strength of United States military will continue to degrade.

As a member of the House Armed Services Committee, I cannot sit idly by and watch our Army and our National Guard be stretched to the brink.

Nor can we tolerate the strategic risk posed by devoting so much of our military's time, training and equipment to the conflict in Iraq.

Mr. Speaker, without this legislation, the administration will not be held accountable to achieve progress and success.

Now is the time to exert oversight of this conflict and make the difficult, but necessary choice of establishing requirements and expectations.

From the deck of the U.S.S. *Lincoln* President Bush said, "Other nations in history have fought in foreign lands and remained to occupy and exploit. Americans, following a battle, want nothing more than to return home."

Mr. Speaker, Americans have bravely fought for 4 years to protect the United States and bring hope to the people of Iraq. For the sake of our military readiness, international credibility and safety of Americans in harm's way in Iraq, it is time to make plans to bring them home.

I urge my colleagues on both sides of the aisle to take a hard look at where we are today in Iraq, and vote for legislation that will provide the funding our troops badly need and accountability for success and results in Iraq.

Mr. JORDAN. Mr. Speaker, I stand in opposition to H.R. 1591, a measure that would set dangerous and unprecedented timelines for U.S. troop withdrawal from Iraq.

On September 11, 2001, terrorists attacked the United States of America, killing thousands of innocent people in a horrific fashion and forever changing America's role in the fight against global terrorism.

Just days later, President Bush and leaders of this Congress together affirmed America's commitment to leading a global war on terrorism. Our goals are to bring those responsible for 9/11 to justice while working to prevent future acts of terrorism.

Since then, the bravery of our troops, the courage of our leaders, and most importantly the vigilance of the American people have helped prevent further attacks on American soil.

Our strategy of taking the fight to the terrorists is working. Our continued efforts in Operation Enduring Freedom and Operation Iraqi Freedom are making a real difference, both there and here at home. We are moving closer to the day when the Iraqi army and police force will be adequately prepared to take full control of their country.

What day will they be prepared to do so? Our military commanders might have a good idea. Leaders of the Iraqi military might know. Neither have set a date certain—neither have published a time line for withdrawal, because they understand the danger in doing so.

As a Member of Congress, I do not know the exact day this withdrawal should happen. In short, I believe it should be on the day when we have achieved our objective. As a Congressman, I expect continued, measurable progress toward that day—and, like every American, I hope that day is soon. But it is too early to tell what day that is; if telling emboldened our enemy and put our troops in harm's way, I wouldn't tell.

Yet according to the measure before us today, a majority of my colleagues apparently believe they know the exact day. They've picked a day when—whether the job is finished or not—we will pack up and go home.

This is bad public policy, it is bad military strategy, and it cuts the very legs out from under the soldiers who have so bravely fought the battles to keep America safe. The road to this day has been long, sometimes difficult, but largely successful. If we remain committed to leading the fight to keep the American people safe from terrorism, then we owe it to our military commanders to help them finish their job without arbitrary and capricious intervention from politicians.

Mr. Speaker, the timelines for troop withdrawal are not the only bad idea in this legislation. Woven into a bill that is designed to fund our military is more than $20 billion in non-emergency spending on such items as peanut storage and spinach farmers.

Millions of Americans wake up and go to work each morning to provide for their families and help make America a better place. As the saying goes, they work hard, play by the rules, and pay their taxes.

These are the families I keep in mind each time I cast a vote on public policy.

This measure contains hundreds of millions in taxpayer dollars being diverted from national defense to pork-barrel spending to benefit the pet projects of certain interests.

Like many Americans, I am outraged by the reports that Democrat leaders are promising this and additional pork-barrel spending in exchange for Democrat votes for this measure.

Each of these dollars came from taxpayers, and taxpayers deserve better.

Mr. Speaker, there are good things in this bill, like funding for our troops in battle, improved health care for our soldiers and veterans—things I am proud to support.

However, when weighing the good and bad in this measure, the pro-family, pro-troop, pro-American vote is easy to identify. That vote, in this case, is "no," and I urge my colleagues to join me in opposing the measure.

Mr. WYNN. Mr. Speaker, today, the House takes up the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, a bill that ensures that our troops are properly trained and equipped, that sets strong standards for accountability in Iraq, and that sets a date certain for the withdrawal of U.S. combat troops from Iraq.

Our servicemen and women have performed courageously in Iraq, and we are deeply grateful for their sacrifice and unflagging commitment. They have served our Nation admirably, despite inadequate planning and incompetent management by this administration. There is nothing more we could ask of them. They have risen to every challenge, and carried out their mission faithfully, in the highest traditions of military service.

This bill honors that service, by ensuring that our men and women in uniform are properly equipped, and properly trained, before they are deployed to combat duty. It sets strong readiness standards, to protect our troops by requiring that their deployment is consistent with Department of Defense guidelines for equipment and training, and that they are fully "mission-capable." It also ensures that they do not serve longer deployments than is the tradition of their service—while including provisions that grant flexibility in the case of a real national-security need.

The Bush administration has extended troop stays, brought back our troops for tour after tour, time and again. But the time for more tours, and more troops, and more war, is finished.

It is time to bring our troops home.

While I'd like to see our troops begin an immediate withdrawal from Iraq, concluding by the end of the year, I have become convinced that the bill before us is the best we can achieve. I commend Speaker PELOSI, for her hard work to build consensus in this House for a new direction in Iraq, and for her efforts to bring our troops home.

This bill is a historic step in the right direction in that it sets a date-certain for the withdrawal of troops. After four years of war in Iraq, it is evident that this conflict is not amenable to a military resolution. Rather, we must withdraw, and engage Iraq and its neighbors in the region in a diplomatic initiative, rather than a military conflict. I also believe we must give the Iraqi people an incentive to take responsibility for their own security, to disarm the militias and reduce sectarian violence. This bill gives them that incentive in no uncertain terms.

Under this bill Iraq, and the Bush administration, must begin to show real progress, and will be held accountable by this Congress for that progress. The bill requires the President to certify that the Iraqi government is meeting the political and military benchmarks he laid out in January, and hold the Iraqis accountable for making progress towards those benchmarks. The bill offered by this Democratic Congress requires the Iraqi government to take steps to disarm the militias, pursue extremist groups, and start delivering Iraqi Security Forces to protect Baghdad. It requires the Iraqi government to fairly share oil revenues, ensure that elections are free and fair, and begin to responsibly allocate and spend Iraqi government funds to rebuild the nation of Iraq.

If the Iraqi government does not take action to disarm the militias, and has not taken steps towards political reconciliation and responsibility for its own security by July of this year, Americans will begin to come home, and will be out of Iraq within 180 days. Most importantly, under this bill, American combat troops will begin to leave Iraq by March 2008, and will be out of Iraq by August of 2008.

This is not the bill that many of us want, but it is the best bill we are likely to get, and I am agoing to support it.

It is not a perfect bill. But it is a step in the right direction—towards ending the war. I urge my colleagues to join me in voting for this bill, and for a timeline for withdrawal from Iraq. This war has cost us 3,225 American lives to date and almost half a trillion dollars. It's time for a new direction. It's time for our troops to come home.

Mr. TURNER. Mr. Speaker, you cannot legislate victory in a military conflict—but you can legislate failure. This legislation abandons our troops and sets an arbitrary timetable for our withdrawal.

Although America's commitment in Iraq is not unlimited, this legislation sends the wrong message to our troops. Also, this bill contains unrelated spending such as subsidies for spinach farmers, and payments to citrus and peanut farmers.

I fully support the funding for BRAC and I was disappointed when the majority stripped $3 billion from the FY07 continuing resolution and replaced it in this legislation.

We have a Commander in Chief, who has replaced the military leadership, from the Secretary of Defense down to the Commanders on the ground. A new military strategy has been developed, based upon a strategy and commitments made by the Iraqi Government. Additional forces are being provided to support the Iraqi forces. This supplemental pulls the rug out from under the feet of our military commanders—and our troops. This legislation does not give the new commanders, the chance to succeed. It imposes restrictions and a deadline for withdrawal.

We've talked about supporting the troops. We need to provide the troops with tools, equipment, and moral support necessary for success. The legislation tells the troops, despite your sacrifices, we will not wait for you to get the job done. It tells our enemies to be patient, you only have to wait until August 2008. It tells our allies that the United States is not committed to peace and stability in the Middle East. I, for one, am opposed to sending that type of message.

Mr. MEEHAN. Mr. Speaker, I rise today in support of this supplemental funding bill which will for the first time assert the will of Congress and the American people to change the President's failed plan of "Stay the Course." For far too long, the President has ignored the will of the American public. In passing this bill, we will send a message to the President that this is no longer acceptable.

This legislation includes meaningful benchmarks and deadlines that provide the Iraqis with incentives to take responsibility for their own security and makes way for the return of our troops. The bill also requires the Iraqi government to take meaningful steps towards national reconciliation by distributing oil revenues fairly, providing opportunities to the Sunni minority, and amending the constitution to discourage further fragmentation.

We can no longer afford to give the President a blank check for the war in Iraq. There are thousands of brave men and women deployed overseas in harm's way right now who are depending on us. We need to put Iraqis up front, so that we can remove Americans from the front lines. This legislation will encourage the Iraqis to stand up and be accountable for the security of their country. I urge my colleagues to support this emergency supplemental funding bill.

The SPEAKER pro tempore (Mr. CAPUANO). All time for debate has expired.

Pursuant to House Resolution 261, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 212, answered "present" 1, not voting 3, as follows:

[Roll No. 186]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—212

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Watson
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Stark

NOT VOTING—3

Davis, Jo Ann
Kanjorski
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

☐ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATT. Mr. Speaker, I was unavoidably detained and was not able to get here to cast my vote on H.R. 1591. Had I been here, I would have voted for the bill.

☐ 1251

AMENDMENT PROCESS FOR CONSIDERATION OF THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008; AND H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, the Rules Committee intends to meet on Tuesday, March 27, at 4 p.m. to report a rule that may structure the amendment process for floor consideration of the Concurrent Resolution on the Budget for the Fiscal Year 2008. The Committee on the Budget ordered the concurrent resolution reported on March 22, 2007, and is expected to file its report with the House later today.

Members who wish to offer an amendment to the concurrent resolution must submit 55 copies of the amendment and a brief description to the Rules Committee in H–312 in the Capitol no later than 10 a.m. on Tuesday, March 27. As in past years, the Rules Committee intends to give priority to amendments offered as complete substitutes. The text of the concurrent resolution should be available on the Rules Committee Web site later today.

Substitute amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the substitute amendments comply with the rules of the House.

The Rules Committee is also scheduled to meet on Tuesday, March 27, at 4 p.m. to grant a rule which may structure the amendment process for floor consideration of H.R. 1538, the Wounded Warrior Assistance Act of 2007.

Members who wish to offer an amendment on this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 3 p.m. on Monday, March 26.

Amendments should be drafted to the bill as ordered reported by the Committee on Armed Services. A copy of the bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman will state it.

Mr. PRICE of Georgia. Mr. Speaker, on the bill that was just passed, H.R. 1591, which passed, as I understand it, by a vote of 218–212, was rule XXIII, clause 16, applicable?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. PRICE of Georgia. Mr. Speaker, so it is my understanding the rule under which we operated on H.R. 1591 did not waive House rule XXIII, clause 16. Is that correct?

The SPEAKER pro tempore. The gentleman is referencing the Code of Official Conduct, the operation of which was not affected by House Resolution 261.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1227, GULF COAST HURRICANE HOUSING RECOVERY ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to correct a clerical error in the passage of the recommittal amendment to H.R. 1227.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, could the gentleman explain his request?

Mr. FRANK of Massachusetts. Mr. Speaker, I will explain it. We had talked to members of the minority. In the engrossment of H.R. 1227, the Clerk made some clerical errors. We were notified; the staff of the Committee on Financial Services talked to the minority staff. This is a request to correct some errors that were made in the recommit.

It is not in any favor to us. If you want the thing uncorrected, go ahead and object.

Mr. PRICE of Georgia. If I may, Mr. Speaker, I am just not recalling that.

Mr. FRANK of Massachusetts. Well, I don't expect the gentleman to recall it. I did not recall it either. We didn't know they made clerical errors. They didn't tell us they made clerical errors.

Mr. PRICE of Georgia. Mr. Speaker, it is an innocent question. And the clerical error was?

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield to me, I don't know what the clerical error was. We were notified that there was an error in the transcription. We did not know what the error was. Members of our staff spoke to the minority staff on the Financial Services Committee and explained it. I don't know how they mistyped it. I wasn't there when they did it. I don't know what the clerical error is. I wasn't particularly concerned. We thought it was routine.

If the minority wants the bill to go uncorrected, that is the minority's choice. We did speak to the staff beforehand.

Mr. PRICE of Georgia. Would the gentleman be willing to withdraw the unanimous consent request?

Mr. FRANK of Massachusetts. I will withdraw it, but I am not sticking around to make it again.

Mr. Speaker, I withdraw the request, and let it stand uncorrected.

The SPEAKER pro tempore (Mr. WILSON of Ohio). The request is withdrawn.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my good friend, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30 p.m. on that Monday.

On Tuesday next, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of these bills will be available by the end of the week. We also expect to consider H.R. 1401, the Rail Security Act, out of the Homeland Security Committee.

On Wednesday and Thursday the House will meet at 10 a.m. On Friday, no votes are expected. We will consider H.R. 1538, the Wounded Warriors Assistance Act, and the fiscal year 2008 budget resolution.

Mr. BLUNT. The gentleman said he expected that budget resolution to be on Friday?

Mr. HOYER. On Thursday. I do not expect that we will be meeting on Friday, unless debate occurs longer than I expect. But otherwise we will not be meeting on Friday.

Mr. BLUNT. Does the gentleman have a sense on the rule on the budget? Will there be substitutes allowed? What is the gentleman's sense on that?

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Mr. HOYER. I will tell the gentleman my sense is that substitutes will be allowed.

Mr. BLUNT. Well, we traditionally have allowed substitutes. I will express to the gentleman my disappointment in the rule on the bill we just passed, which as far as I know is the first closed rule on an appropriations bill since 1992. And the previous appropriations bill was largely closed, and I hate to see us headed down that path. I think it is going to be much harder to get our appropriations work done. I know our appropriators are concerned that a long-standing tradition on appropriations bills has been violated, and I hope we don't see that same thing happen on the budget resolution coming to the floor next week.

Mr. HOYER. I appreciate the gentleman's observations. I understand his concern. Although I do observe that there was no motion made to either add or subtract from the bill that we just considered in a motion to recommit. But I do expect substitutes will be made in order.

Mr. BLUNT. I think the gentleman's suggestion that if we don't take advantage of whatever small parliamentary procedure we are allowed, that somehow that justifies not allowing us any amendments on the bill is not a very good excuse for that. I hope that we don't continue to see that happen.

I was concerned about the CR and the way it was handled. I was concerned about this bill. The next logical step, when we get to the appropriations bills, is that they, too, would not have the opportunity for debate and amendment as this was, in violation of long-standing traditions in the House. The last time this happened was when the gentleman's party was in the majority, and I hate to see us revert back to that lack of debate. I hope the gentleman will work with me and others to try to do everything we can to move the process along, not only rapidly, but also appropriately.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank the gentleman for yielding.

Having been in the gentleman's position for too long, I honestly empathize with his position. It is my expectation that the appropriation bills, as they have historically, will come to this floor starting mid-May and continuing through June, and we hope to complete our appropriations bills by the end of June. My expectation is they will be, as they are traditionally, on the floor with open rules, or at least structured rules. Obviously, open rules, if you have 500 or 600 amendments from all the folks, we may not get finished, which is why we have structured rules. But certainly the gentleman is correct that that is the tradition. I would expect us to follow that tradition.

On supplementals, over the last 15 supplementals, I was looking around to see if I had it immediately in front of me, I don't, but on the last 15 supplementals there have been a variety. Seven of them were open, eight of them were less than open, some more structured than others.

I understand the gentleman's representation, and I certainly look forward to working with the gentleman.

Mr. BLUNT. Well, I think to make the gentleman's point, none of them were closed, and none of the wartime supplementals came in the fashion that this one did today, and I am disappointed with that.

What is the gentleman's sense on when the work that was stopped in the middle, right before a vote yesterday on the D.C. bill, when will we see that again?

Mr. HOYER. As soon as possible.

Mr. BLUNT. Do you think we will see it next week?

Mr. HOYER. I don't know that we will see it next week, although I would like to see it next week.

As the gentleman knows, I was very concerned and remain concerned about the interpretation of germaneness. And, frankly, that wouldn't have been a problem either had the minority been willing to offer the traditional motion, which was to recommit and have it immediately reported back to the floor. I will tell my friend we would have had a vote on that. I think you would have probably prevailed on the motion itself, and we would have prevailed on the bill. It would have carried that rider with it, of course. But the minority, frankly, from our perspective, chose to try to defeat the bill by not just making the motion to recommit to adopt the proposition that you offered, but sending it back to committee for that purpose, which was obviously not necessary, which leads me to believe, I want to tell you honestly, my friend, that this was a procedural device to kill the bill rather than let it come to a vote on its merits.

As the gentleman knows, I feel very strongly personally, others do as well, but I feel very strongly personally that we ought to extend a full voting franchise to the Representative who sits on this floor and represents 600,000 of our fellow Americans. The answer to your question is, I hope to bring that to the floor as soon as possible under conditions where we will protect ourselves from procedurally losing a bill which has the majority of votes on this floor.

Mr. BLUNT. I thank my friend for that response. On the issue of merit, I suggest that the use of the procedural availability to the minority wouldn't be nearly as necessary if this bill is meritorious and has a majority of votes on the floor to actually have a debate where the bill is amendable, where there are substitutes available, where the other side of this debate has an opportunity to truly offer other ideas. And so far in this year we have not really seen an openness on any bill that was a bill that didn't pass in the last Congress on suspension to competition of real ideas and debate. I think that is what we saw on that bill. That is one of the reasons that that is one of the few alternatives we had to push back a bill that was not adequately debated, that has significant constitutional questions. We look forward to the bill being on the floor again.

Mr. HOYER. I appreciate the views. Although, as the gentleman knows, that bill was reported out of the Government Reform Committee chaired by a Republican, with a Republican majority, with a majority of Republicans voting for the bill to report it out of the committee in the last session. So while I understand your view, it is not as if we were taking up a bill that hadn't already been processed by your committee in the last Congress, reported out of that committee, and because obviously there is opposition to it on your side of the aisle, not brought to the floor.

I understand the gentleman's point; but very frankly, the only reason it has not passed, because it has the majority of votes on this floor, was because the motion that was made was not the traditional motion of adopting a proposition, in this case the gun control issue, and reporting it immediately back out with that amendment attached.

I appreciate what the gentleman is saying, but I can't feel too guilty about bringing to the floor a bill that was reported out of a Republican-chaired committee with a Republican majority.

Mr. BLUNT. I appreciate my friend's sense of that. But I would also say that if this bill has such broad support and such unquestioned merit, there shouldn't be any fear in having a full and open debate where the bill is amendable, where alternatives can be proposed, and where the only opportunity to slow this process down would not be to take advantage of the only possible rule available to us under a rule that was otherwise closed. That is my view of that.

I thank my friend for his comments. We look forward to the budget debate next week.

ADJOURNMENT TO MONDAY, MARCH 26, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROTECTING AMERICANS FIGHTING TERRORISM ACT

(Mr. PEARCE asked and was given permission to address the House for 1 minute.)

Mr. PEARCE. Mr. Speaker, ever since 9/11, law enforcement agencies have been telling the American people they should immediately report suspicious activities. This important step is one of the best ways we have to stop terrorism. Sadly, last week, Americans who were simply trying to protect themselves in their country have now found themselves subject to a lawsuit for reporting suspicious activity.

In a lawsuit filed against US Airways, 60 moms removed from planes in Minneapolis have named "John Does" as defendants. These are simply people who were watching suspicious activities and called to report those suspicious activities, and now they are going to be terrorized in our court system in this country.

Mr. Speaker, I think that that is unconscionable, and so I am presenting the Protecting Americans Fighting Terrorism Act to keep people safe who report suspicious activity in this country to law enforcement officials to protect the American people.

I urge my colleagues to support this important measure to help us be able to police ourselves and report suspicious activity.

SUPPLEMENTAL BILL PASSED FOR PEANUTS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, today the House passed a bill claiming to be the U.S. Troop Readiness Act that included billions in pork barrel spending unrelated to the needs of our troops. The funding restrictions included in the bill were so unpopular that the congressional leadership loaded a $25 million bailout for spinach farmers, a $74 million payment for peanut storage, and a $283 million subsidy for milk producers, all to attract votes for the unpopular bill.

As USA Today stated: "Votes were won for peanuts, or to be more accurate, for peanut subsidies." The bill also declares all of this spending, for spinach, for milk and peanut subsidies, as emergency wartime supplemental appropriations.

This bill passed $23 billion over budget. It only passed by four votes. Calculating a pork-to-vote ratio, that means that the Congress spent over $5 billion in pork spending per vote just to win passage for this legislation. And it is only March. How much more will the taxpayer be charged to pass other unpopular bills?

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING CALDWELL COUNTY SHERIFF GARY CLARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Today, I rise with a heavy heart. Recently a good friend of mine, Sheriff Gary Clark of Caldwell County, passed from this Earth.

Caldwell County lost a true leader and public servant, and many of us lost a dear and beloved friend when Sheriff Clark went home to be with his Lord after a brief, but valiant, fight against cancer.

Those of us who knew and loved Gary grieve the loss of his friendship. We are also grateful to know that he is no longer in pain and no longer suffering.

Sheriff Clark cared deeply for the needs of families and relentlessly pursued drug dealers and criminals in Caldwell County. He made a career of that.

It was Sheriff Clark's passion for fighting against the scourge of methamphetamine and drugs that brought the White House drug czar to Caldwell County. His progressive innovative vision for law enforcement will create enormous benefits for years to come, not just in Caldwell County, but across western North Carolina.

Caldwell County lost a hero and heaven gained a treasure. My prayers are with his family and with his friends in this time of loss. He lived a determined life, a proud life. And the legacy he leaves continues on because the good a man does lives long after he is gone.

Mr. Speaker, we mourn the loss of Gary Clark, a great public servant and leader in North Carolina, a true law enforcement leader and a hero to those of us from western North Carolina.

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THE FUTURE FOR CONGRESS AND IRAQ

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today is a very solemn day for our Nation. The House just voted to pass a bill that will continue to fund the ongoing occupation of Iraq. I know all too well how my colleagues anguished over their decision, but we must be clear what this vote means.

The supplemental, the largest in the history of our country, will pay for the President's escalation, an escalation that he calls a surge that we voted against just a few weeks ago.

It will include benchmarks and requirements that the administration can waive with the bat of an eye; and, most importantly, it could keep our troops on the ground for another year and a half at least.

Let's remember that the public did not elect Democrats to bring our troops home in 2008. They elected us to bring them home now.

I am truly and sincerely sad to say that as we debate the future of our troops, our troops are being targeted by terrorists, are being wounded by IEDs, and the most tragic and heartbreaking part of all, they are dying, and they are killing.

The American public knows the simple truth, Mr. Speaker: You can't be against the occupation and vote for this supplemental of at least $100 billion. The Democrats were elected in November because the American people want us, are expecting us, and are demanding of us that we bring our troops home as soon as possible. They do not trust the administration to do the right thing. They want us to hold the administration accountable.

We must stand up to an administration that has lied to get us into this war and will keep lying to keep us in it. It is sad when a Nation cannot trust its Commander in Chief to put the lives of the troops above his political legacy. But in that position, a Congress must take real and enforceable steps to bring an end to the occupation.

I have come to this spot over 195 times to speak about the unmitigated disaster that is Iraq. This is my moral obligation and that of our country.

To those who are watching and wondering about the future of our Iraq policy, I say: I will not stop, I will not rest, and I will not back down in my fight until every single last soldier and marine is home safe with his or her family.

This fight is far from over. Over the next several months, we will revisit this issue many, many times. I will work with my colleagues to make each measure stronger and each measure more effective and to bring our troops home to their families earlier rather than later. It is with their families that they belong. Today will be marked in history. I know that the future of our standing in the world and the future of Iraq depends on us being bold and brave and taking the actions that will bring our troops home.

DEPORTING AFTER SIXTH OFFENSE FIVE TOO MANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, according to a memo that was just released from the U.S. Justice Department from 2005 and reported in the Houston Chronicle today, it reveals procedure and criteria for arresting, detaining, prosecuting and deporting illegals that come into the United States.

It is a very interesting memo. Apparently the Department of Justice did not want to make this memo public for some time. Now we understand why. According to this memo, Texas prosecutors along the Texas-Mexico border generally do not prosecute illegals until the sixth offense. In other words, they have to come over, get caught; come over, get caught; come over, get caught; come over, get caught; come over, get caught; come over, get caught, and the sixth time our Federal Government decides, okay, we get the message, we are going to prosecute you for your sixth illegal entry into the United States.

So we don't prosecute them the first time like most Americans would want. And, of course, the illegals on the other side of the border from whatever country they come from know this is our procedure.

According to this Department of Justice memo, it says because of a "lack of resources and bed space to detain and prosecute every illegal entry violator," we are not able to prosecute them the first time.

Mr. Speaker, this ought not to be. This is bad American policy. According to the border agents who work on the Texas-Mexico border and throughout the South, they arrest 1 million illegals a year coming into the United States; and we are telling them you have to work six times harder because the first time just doesn't count.

According to T.J. Bonner, the head of the Border Patrol Association, he said: "It's devastating on morale. Our agents are risking their lives out there, and then they're told, Sorry, that doesn't meet the criteria," and they must be released.

So what does this mean? This means that the Federal Government and the Justice Department and the Federal prosecutors along the Texas-Mexico border and the entire border with Mexico need to get their act together and prosecute people that illegally come into the United States.

They need to quit prosecuting the border protectors and spending all of the American money going down into Mexico and finding drug smugglers and giving them immunity for bringing drugs into the United States and prosecuting border agents like Ramos and Compean. They need to quit making deals with seven or eight illegals who came into Texas and were caught by Deputy Gilmer Hernandez, and then they were given a deal to stay in the country, given green cards, all to prosecute Deputy Hernandez because he fired his gun.

We need to find the resources to protect our border. Whatever it takes, we have to protect the border. It is the duty of our government to protect the sovereignty of this Nation.

Today this House just spent billions of dollars dumping money for spinach farmers and peanut farmers and for all kinds of little special pork projects in this country. Maybe that money would have been better spent to find more facilities to detain the illegals, to find more immigration judges to hear these cases, and to find more prosecutors who will do their job and prosecute the illegals in this country and deport them back where they came from no matter where they are.

Mr. Speaker, it is the first duty of government to protect its people, and that includes the people that live in the United States. Part of that protection is to keep us protecting from the unlawful invasion of foreigners who come to this country without permission. Whether they come here just for illegal reasons, criminal intent, whether they are human smugglers or drug smugglers, or whether they are terrorists, they need to stay out. And when caught, they need to be deported the first time, not the sixth time. This six time rule, five get-out-of-jail-free cards by our Federal Government, and this absurd policy needs to be eliminated immediately.

I yield back the remainder of my time saying that's just the way it is.

MEETING OUR MORAL OBLIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, just a few days ago we commemorated the fourth anniversary of the United States' invasion of Iraq. Today we pause, and we voted for the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act, and we took a pivotal step in responding to the mandate issued by the American people.

I have opposed this war from the very beginning; however, I voted for this legislation because I am realistic about our circumstances. As long as our brave men and women are serving in this country, we have a moral obligation to ensure that they are trained, equipped and rested when they go into battle. Supporting this measure was not easy, especially in light of the fact that a young man from Baltimore, Kendall Waters-Bey, who lived only a few blocks from me, was the first to die in the Iraq war.

However, after many discussions with my constituents and much contemplation, I strongly believe that H.R. 1591 was in the best interest of our brave men and women, the people of Iraq, and the people of these great United States.

Although I am opposed to the war, I have a responsibility to vote my conscience and a responsibility to help protect the servicemembers while they are risking their lives in Iraq. However, it is more important that we take care of those wounded warriors when they return home. When they have risked so much, we much respect them enough to provide the quality of medical treatment that they deserve.

Of the $124 billion to be spent, $900 million will be dedicated to two areas that I feel are of utmost importance, injuries which some military doctors say have become the signature wounds of the Iraq war: traumatic brain injury and post-traumatic stress disorder. This is in addition to the $20 million dedicated to addressing the problems that we saw at Walter Reed.

While H.R. 1591 provides $2.8 billion for military health care, this is not nearly enough for the thousands who have already returned or for those who are expected to need that care in the future. However, it is my hope and my intention to revisit this issue at a later date.

This legislation is monumental because it marks the first time during our efforts in Iraq that Congress will hold the President accountable. No more blank checks. We have established benchmarks for the war in Iraq that the President himself has repeatedly stated must be reached to resolve this crisis. If these benchmarks are not met, this legislation requires the troops to be fully redeployed by August 2008.

I know that there are many reasons that others oppose the legislation; however, the reality of the situation is very simple. Our troops will be in Iraq. In fact, more troops are being mobilized as we speak. We can no longer remain silent. We do not have the right to remain silent. Failing to pass this legislation was no option, because if we had failed to pass the legislation, we would have been in a situation where we would have sent to the President the possibility of a stripped-down supplemental. So we have a moral obligation to provide the equipment and the adequate health care that our troops need. We have done that with the passage of H.R. 1591.

I congratulate the Democratic leadership, our Speaker NANCY PELOSI, certainly to STENY HOYER, and to our whip JIM CLYBURN and all of the leadership members.

SUPPORTING OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, today we passed H.R. 1591, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007.

Mr. Speaker, in so doing, we will do at least three things: We will help our troops and support those troops who are in the field; we will provide assistance and care for our veterans who are at home; and we will also provide some assistance for the friends, the family, and the people who are in this country at the same time we are helping our troops.

I do want to remind people that the troops are there risking their lives so we can have a better life here.

□ 1330

In so doing we want to make sure that we take care of them, but we should also be mindful that their families and their friends back home have needs as well. This bill addresses troops in the field and family and friends who are left behind.

Let us just talk for a moment, if we may, about what happened today. We had a bipartisan bill to pass the House. Democrats and Republicans supported this effort. Members of Congress voted their consciences, and I do not begrudge any Member for any vote that a Member took. I do want to talk for a moment about what this bill will mean to the American people and especially to our soldiers who are in the field.

This bill provides $1.2 billion approximately for Afghanistan. It provides $2.8 billion for defense health; for veterans health, $1.7 billion; for readiness, military readiness which is important, we want our men and women, our soldiers, to be prepared, $2.5 billion.

But at home, we have some needs as well, and this bill addresses many of our needs at home. Aviation security is important to us, $1.25 billion. Port, transit and border security is important to us, $1.25 billion. Disaster relief is important to people who were left behind, $910 million.

There are those who have made comments about agriculture and the assistance that we are providing. Many of those persons who are in the field, who are in harm's way, came from the farm lands of America, and they have relatives who are still in need here. We must support the troops, but we can also do it and support the friends, relatives and family members that they left behind. So, yes, for agriculture disaster we have $140 million.

We also have many children in this country who are not getting the proper health care, many children without health care in the richest country in the world. If we truly want to leave no child behind, we have to do more than fund schools. If we want to leave no child behind, we have got to make sure every child that goes to school is healthy, that every child is mentally ready to embrace the learning process. We have $750 million for the CHIP program. This will help children have good health care.

There are wildfires in this country. Many family members and friends of our troops may have to suffer from an incident that could be prevented. So we do have wildfire suppression, $500 million.

But there are people who may not be related to the troops, who may not be a friend of a member of our armed services in harm's way, and they, too, deserve some assistance, $400 million for the energy assistance program.

I will close with this, Mr. Speaker, and I thank you for the time. We must protect and defend our country and we have to protect our military in harm's way and the people who are left behind.

CELEBRATING NATIONAL AGRICULTURE WEEK

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Nebraska (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor our Nation's agricultural producers. U.S. agriculture is innovative, adaptive and certainly responsive. I am here today to celebrate National Ag Week which ends tomorrow, as well as celebrate National Ag Day, which we celebrated on Wednesday.

It goes without saying that agriculture is tremendously important to my district and the Nation as a whole. I hope you join me in celebrating everyone who works so hard to provide nutrition for the world.

I represent one of the largest agriculture districts in the country. My district ranks first in the value of sales of grains and oil seeds, second in total value of agricultural products sold, and first in cattle and calf inventory. According to the Nebraska Department of Agriculture, my State ranks first in the Nation in commercial red meat production as well.

In 2005, agriculture industry cash receipts contributed more than $11 billion to Nebraska's economy. Over 20 percent of all Nebraskans are employed in farm or farm-related jobs. Every dollar in agriculture exports generates $1.48 in additional economic activity such as transportation, financing, warehousing and production. Cash receipts from farm marketings contributed more than $11 billion to Nebraska's economy in 2005.

As impressive as those facts are, I do want to make sure that the rural way of life is enhanced and certainly encouraged to grow. As a member of the House Agriculture Committee, I look forward to helping draft the reauthorization of the next farm bill before it expires in September. My goal is to create a workable, comprehensive package which will strengthen American agriculture and provide long-term stability for our Nation's producers. Any attempt to make major reforms of the current farm program must be in the long-term interests of American agriculture. We know that we need good, sustainable policy. Taxpayers appreciate that, markets appreciate that, and we can achieve that with a good, hearty discussion. We must also aggressively pursue new markets and break down barriers to trade with other countries.

In doing so, we must remain mindful of other aspects of rural life, and that is, the shrinking communities throughout Nebraska and other rural areas. I serve as a member of the House Agriculture Subcommittee on Rural Development, as well as the House Rural Caucus, and I know we must do all we can to strengthen and protect our rural communities, the backbone of our values and way of life. I look forward to helping create strong, sustainable world economies and responsible tax policies to encourage economic development for these areas.

As a member of the House Science and Technology Committee, I am also putting a priority on expanding modern technology in our district to support new and existing businesses, attract new employers and make our rural communities more competitive in the modern economy.

So what are we really celebrating this week? National Ag Day is a day to recognize and celebrate the abundance provided by agriculture and our Nation's agriculture industry. Every year, producers, agriculture associations, corporations, universities, government agencies and countless others across America join together to recognize the contributions of agriculture during this week.

This year, National Ag Day was celebrated on March 21, 2007, the first day of spring, and National Ag Week of course runs through the rest of the week. Ag Day was first celebrated in 1973, and this is the 34th year of celebrating Ag Day on the first day of spring. I am proud to have this opportunity to make these remarks to take part in this celebration.

The Agriculture Council of America hosts the campaign on a national level; however, awareness efforts in communities across America are as influential, if not more, than the broad scale effort. If you are interested, I recommend checking out www.agday.org, once again www.agday.org. The Web site has a tremendous amount of information, and I thank the ACA for letting me use their information here today.

Ag Day is about recognizing and certainly celebrating the contribution of agriculture in our everyday lives. The National Ag Day program encourages every American to understand how food and fiber products are produced, to value the essential role of agriculture in maintaining a strong economy, appreciate the role that agriculture plays in providing safe, abundant and affordable products.

Why do we celebrate agriculture? Certainly, agriculture provides almost everything we eat, use and wear on a daily basis, but too few people truly understand this contribution and certainly may not appreciate it as we should.

This is particularly the case in our schools where students may only be exposed to agriculture if they enroll in the very specific and related vocational training. By building awareness, the Agriculture Council of America is encouraging young people to consider career opportunities in agriculture.

Each American farmer feeds nearly 130 people, a dramatic increase from 25 people in the 1960s. Let me repeat that: each American farmer feeds nearly 130 people and certainly a dramatic increase from the 25 people that each American farmer fed in the 1960s. Quite simply, American agriculture is doing more and doing it better; and as the world population soars, there is an even greater demand for the food and fiber produced in the United States.

From a team of horses in the early 1900s to tractors with the power of 40 to 300 horses today, American farmers provide consumers with more and certainly better quality food than ever before. In fact, one farmer now supplies food, as I mentioned earlier, for about 129 people very specifically in the U.S. and abroad, compared to just 25.8 people in 1960.

The efficiency of the American farmer pays off in the price American consumers pay for food as well. The United States consumers spend roughly 9 percent of their income on food, compared with 11 percent in the United Kingdom, 17 percent in Japan, 27 percent in South Africa, and 53 percent in India. That is a pretty good deal.

This great value is due in large part to improved equipment efficiency, enhanced crop and livestock genetics through biotechnology and conventional breeding, and advances in information management.

All Americans are asked to enjoy and admire the wonders of American agriculture as National Agriculture Day is celebrated on the first day of spring as it was this last week.

Today's farmers work nearly 3½ times more land than their predecessors from the 1900s. Their needs are different, the crops are different, and the rules governing production practices are different. Most American farms are still family farms. Today, almost 99 percent of all U.S. farms are owned by individuals, family partnerships, or family corporations. Less than 1 percent of America's farms and ranches are owned by non-family corporations according to the Census of Agriculture.

Biotechnology certainly increases capacity and product quality. It is another factor in efficiency of American farmers in their ability to provide more and certainly higher quality food and livestock. Biotechnology provides benefits similar to traditional plant and livestock breeding but does so in a more controlled environment and with faster results.

Advancements made in plant biotechnology provide consumers with better quality products in many areas, and those benefits are just beginning.

There are many products in the biotechnology research pipeline that will provide better livestock feeding, resulting in leaner meat for consumers. Many of these same products will lessen the environmental impact of livestock production by reducing waste and/or the chemicals found in animal waste.

Pharmaceutical companies are actively working with farmers to develop crops that can go directly from the field to pharmaceutical production, eliminating some of the processing steps that occur in today's operations. This research will significantly reduce the costs required to produce many life-saving drugs.

Research and technology advancements have also resulted in new uses for commodity crops like corn, soybeans and various grains. Use of products like ethanol and soy diesel will reduce American dependence on fossil fuels and improve air quality throughout the United States and the world. Ethanol is the largest industrial use of these commodity crops, but soy diesel and other uses are emerging every year.

When it comes to ethanol, America's farmers do not just produce fuel for our bodies. Crops such as corn and soybeans are used to produce fuel for our vehicles. Renewable fuels contribute to a cleaner environment, reduce pollution and reliance on foreign oil and contribute to the stability of the world farm economy by creating commercial markets for crops.

With the record production of 2.81 billion gallons of ethanol in 2003, 1 billion bushels of corn and 12 percent of the grain soybean crop were used to produce fuel for our vehicles. In 2003, 73 ethanol plants were in operation in the United States, several in my district and in Nebraska. In fact, according to the USDA, one in every 10 rows of corn went into ethanol production in 2003. In both his 2006 and 2007 State of the Union addresses, President George Bush called for making renewable energy sources a national priority.

□ 1345

His recent call for 35 billion gallons of renewable fuels, including ethanol and biodiesel, has led to crop producers and customers alike asking how we will meet the challenge without disrupting traditional markets.

The demand for corn, for ethanol production grew rapidly in 2006, and it will grow rapidly again this year. That has caused concern among corn and other end users, including the livestock industry and importers, like Japan. There is no question that a big transition is taking place. As producers will have to react more quickly to the market, so will our customers, the livestock industry, importers and ethanol industry.

There are new markets for ethanol 85, or E85, as we call it. Ethanol today is largely a blend component with gasoline. E85 is a mix of 85 percent ethanol and 15 percent gasoline. The ethanol blend adds octane and displaces toxics, which helps refiners meet Clean Air Act specifications. There are about 600 E85 refueling stations across the country. New market opportunities include E85 and ethanol fuel cells. Today there are millions of flexible fuel vehicles capable of using E85, but they make up less than 3 percent of the total U.S. motor vehicle fleet.

A valuable coproduct of ethanol is dried distillers grain solubles, a high-protein feedstock. A bushel of corn used in the dry-grind ethanol process yields 2.8 gallons of ethanol, 17 pounds of carbon dioxide and 16 pounds of distillers grains. Wet grains go to dairy and cattle rations; dry goes to hog and poultry, or when it is shipped. A majority of DDGs is fed to beef and dairy;

however, swine and poultry consumption is increasing, although a very small percentage can be used now as the feed industry gains a better understanding of how best to utilize that product in those rations.

According to commodity specialist companies, dairy accounted for 45 percent of 2005 distillers grains consumption in North America, while beef accounted for 37 percent. Swine accounted for 13 percent of the North American distillers grains use, while poultry made up 5 percent.

In the 2005–2006 marketing year, 8.35 million metric tons of distillers grains were produced. In 2006 and 2007, more than 10.8 million metric tons will be produced. By 2011 and 2012, the industry is expected to produce more than 20 million metric tons.

The supply of distillers grains has a displacement on the corn feed market. In 2005 and 2006, distillers grains displaced an estimated 3.89 million bushels of corn from feed markets, making that corn available for other uses.

Ethanol and biodiesel are just the beginning. Research continues to find new uses for agriculture commodities and waste. For example, livestock manure is being used to create electricity. Commodities such as soybean and canola are being developed as lubricants to replace petroleum-based products. Corn starch is replacing petroleum-based plastics. It's exciting to see these advancements.

American agriculture can also be celebrated for its effort in environmental conservation. Farmers and ranchers provide food and habitat for approximately 75 percent of this Nation's wildlife. The current farm bill has provisions for farmers to create environmental habitats that will ensure protection of the land and water resources of this country.

Farmers use computer and satellite technology to map the fields for production inputs. This increases yields and reduces crop inputs like fertilizer and crop-protection chemicals. With today's technology, farmers are better able to match seed production characteristics and production practices to soil type and climate conditions. The result is higher yields with lower input costs for more efficient use of chemicals, fertilizers and tillage. Ultimately, that results in more food at a lower cost for consumers.

Today's farmers understand the importance of improving the quality and quantity of food available to the world. According to the U.S. Census Bureau, it is estimated that there will be 7.5 billion people in the world by the year 2020. We currently are at 6.2 billion. It's agriculture's job to find a way to feed those people.

Advancements in crop technology, equipment technology and information management will make that possible. American farmers and others involved in the agriculture industry have met and will continue to meet this challenge again and again. World population growth is creating needs for food and fiber, obviously. World population is at 6.2 billion today, and expected again to reach 7.5 billion by the year 2020. There will be millions of new mouths to feed, many of whom rely on the United States' food production to meet this need.

The United States is best positioned to meet this growing need, as agriculture is America's number one export. Again, agriculture is America's number one export. About 17 percent of raw U.S. agriculture products are exported yearly.

U.S. farmers and ranchers produce more than 200 raw commodities yearly for domestic and export markets. One-fourth of the world's beef and nearly one-fifth of the world's grain, milk and eggs are produced in the U.S.

Through research and changes in production practices, today's food producers are providing Americans with the widest variety of foods ever. Research and advancements in biotechnology are now in the marketplace with tastier fruits and vegetables that stay fresh longer and are not damaged by insects. Consumers derive health benefits from changes in farm production, including less fat in meat, longer-lasting fresh fruits and vegetables, as well as tofu, a soybean product which has been shown to reduce the risk of some cancer and heart disease.

Certainly technology leads the way in today's agriculture protection. Precision farming boosts crop yields and reduces waste by using satellite maps and computers to match seed, fertilizer and crop-protection applications to local soil conditions. Sophisticated global positioning systems, as we call GPS, can be specifically designed for spraying herbicides and pesticides. A weed detector equipped with infrared light identifies specific plants by the different rays of light they reflect and then sends a signal to a pump to spray a preset amount of herbicide onto the weed.

Biogenetics is another technology that is being utilized in crop production. A particular trait is implanted directly into the seed to protect the seed against certain pests. Artificial insemination of livestock is producing more and certainly better meat supplies.

Farmers are utilizing four-wheel-drive tractors with up to 300 horsepower, requiring fewer passes across fields, saving energy and time. Huge combines are speeding the time it takes to harvest crops. That leads to more efficient use of energy.

With modern methods, 1 acre of land in the U.S. about the size of a football field can produce 42,000 pounds of strawberries, 11,000 heads of lettuce, 25,400 pounds of potatoes, 8,900 pounds of sweet corn, or 640 pounds of cotton lint. America is producing not only more food, but certainly higher quality and lower costs.

Two out of every three bushels of corn in the world originate in the United States. In 2001, 45 percent of the world's soybeans were grown in the United States. American consumers spend the lowest percentage of their annual income on food, just 9.3 percent. Nearly 19 billion pounds of pork, the most widely eaten meat, were processed in 2001. Cotton is by far the most dominant fiber produced in the United States, and, as you know, is used for apparel, home fabrics, as well as industrial uses.

Fertilizer and pesticides contribute to increases in production, as crop-production products have tripled the output of resource-intensive food like cooking oil, meat, fruits and vegetables. Crop-production products have doubled the production of world food calories since 1960. Without synthetic crop-production chemicals, American farmers certainly cannot feed the world.

Farmers are good stewards of the land's environment as well. Farmers and ranchers are the first environmentalists, maintaining and improving the soil and natural resources to pass on to the future generations. Farmers use reduced tillage practices on more than 72 million acres to prevent erosion. Farmers maintain over 1.3 million acres of grass waterways, allowing water to flow naturally from crops without eroding soil. Contour farming, planting crops, which is planting crops on hillsides instead of up and down, keeps soil from washing away. About 26 million acres in the United States are managed this way. Cattle ranchers and others control water run-off with sod waterways and diversions, erosion-control structures and catch basins.

Just as urban families recycle grass, newspaper and aluminum, farm families have practiced recycling for a long time by applying manure to fields to replace nutrients in the soil. Food service food scraps are used to make animal feed. Agriculture land provides habitat, again, for 75 percent of the Nation's wildlife.

Let's discuss the profile of the farmer. More than 3 million people farm or ranch in the United States. Individuals, family partnerships or family corporations operate almost 99 percent of U.S. farms. Over 22 million people are employed in farm or farm-related jobs, including production agriculture, farm inputs, processing and marketing, and wholesale and retail sales.

According to the 2002 Census of Agriculture, 50 percent of the farmers are 55 years of age or older, up only 3 percent from 1997. The average age of the principal operator is 55.3 years. Forty-one percent of U.S. total land area is farmland. In 1900, the average farm size was 147 acres, compared to 441 acres today.

The top five agriculture commodities are cattle and calves, dairy products, broilers, corn and soybeans. U.S. farmers produce 46 percent of the world's soybeans, 41 percent of the world's corn, 20.5 percent of the world's cotton and 13 percent of the world's wheat.

Let me repeat that, because I believe that we are losing sight of how important these markets are. U.S. farmers produce 46 percent of the world's soybeans, 41 percent of the world's corn, 20.5 percent of the world's cotton and 13 percent of the world's wheat.

Farmers and ranchers are independent business people who provide for their families by growing and producing food and fiber. Farmers and ranchers are producing meat lower in fat and cholesterol. This has resulted in retail cuts that are 15 percent leaner, giving consumers better value for their dollar. For example, a pork tenderloin now has only one more gram of fat than a skinless chicken breast, one of the true fat lightweights, so to speak. Also much leaner beef cuts are being produced much more now than 20 years ago, resulting in 27 percent less fat reaching the retail case than in 1985.

Research and advancements in biotechnology are now in the marketplace with better fruit and vegetables that stay fresh longer and are not damaged by insects. A new technology called precision farming boosts the crop yields and reduces waste by using satellite maps in computers to match seed, fertilizer and crop-protection applications to local soil conditions.

As the amount of mechanization and horsepower and farm machinery has increased, the time needed to complete tasks has decreased. Combines, these huge machines used to harvest grains such as corn, soybeans and wheat, have dramatically changed agriculture. In the 1930s, before the machines were available, a farmer could harvest an average of 100 bushels of corn by hand in a 9-hour day. Today's combines can harvest 900 bushels of corn per hour, or 100 bushels of corn in under 7 minutes.

The efficiency of U.S. farmers benefits the United States consumer in the pocketbook. Americans spend less on food than any other developed Nation in the world. On average, again, in 2004, Americans spent only 2 percent of their disposable income on meat and poultry compared to 4.1 percent in 1970.

I think it's important, as we reflect on all of these numbers, it can be a little overwhelming. But it's important to reflect the importance of agriculture, as we look at National Agriculture Week, and certainly as we look to the future. Hopefully we can learn from our past, the policies that, perhaps, discourage trade or policies that come down in a Draconian manner on farmers and ranchers. I will get to more of that in a few minutes.

Meanwhile, I would like to yield to my friend from Iowa, as he would like to discuss American agriculture as well.

Mr. KING of Iowa. I thank the gentleman from Nebraska (Mr. SMITH) for bringing the highlight on agriculture here, because this is Agriculture Week. I am confident there have been some Agriculture Weeks go by here in this Congress without mention of such an important event.

I would like to take this discussion, if I could, I would like to take this discussion to a broader point, an overall point over the components that Mr. SMITH has laid out here and try to put it into a perspective of where we are today in agriculture, and what it means for the future of agriculture, and what it means for the future of the world.

□ 1400

And I look back upon some of the great movements that have taken place in the history of humanity. And those movements being, for example, we go back to the stone age, and then from the stone age we move into the bronze age, and then the iron age, and then the industrial age.

In the industrial age we figured out how we could have labor that would be compartmentalized in its approach so that it wasn't one person that made all the components of a machine and put it together, but it was mass production. And in the industrial era, when we took to mass production, we raised the level of the standard of our living and raised the level of our technology dramatically. That was the Industrial Revolution.

And then we came along into the information age, where we figured out with the invention of the microchip that we could store and transfer information faster and more efficiently than ever before. And it took both the industrial era and the information age, took our society, took our culture to a higher level. A quantum leap in our economy.

Well, agriculture has really sat here, and since the inception of agriculture, the first time I think it was a cavewoman, planted some seeds outside the cave or recognized that they were growing, and they figured out how to cultivate crops thousands of years ago. What agriculture has done for thousands of years has just produced food and fiber. Produced it a lot better than they ever did before, more efficiently than ever before, as Mr. SMITH has articulated very well about the increase in our production and our production capability, nearly an entire semi-load in a single hour today. But it is still food and fiber. Food and fiber for thousands of years the foundation of agriculture. But today we are going the next level up. We are food, fiber, and renewable fuels. A third level now for agriculture.

And I believe that the fuel components, the ethanol, the biodiesel in particular, and then the way we are able to render animal fats back into biodiesel, so now we have taken this next level not just for energy and not just for fuel, but at the same time where biotech has moved agriculture up to another level to where we are really in the middle of science at the same time.

But I think that agriculture has gone from that level of food and fiber and has taken the kind of quantum leap up into food, fiber, renewable fuel, and biotech products, the same kind of quantum leap that our society took when we went into the information age or when we went into the Industrial Revolution. Those are huge, huge things that we need to contemplate here, the efficiencies that have come into agriculture and the technology.

So today I have the privilege of representing one of the top ethanol production and biodiesel, actually wind generation of electricity production, renewable fuels production congressional districts in America. And I have watched that capital be invested. Private capital last year invested over $1 billion in infrastructure to produce renewable energy just in my congressional district, one out of 435 congressional districts, Mr. Speaker. And that is a huge investment, but it also says a lot about an industry that is being developed and an industry that is growing, and it is making us less dependent on Middle Eastern oil.

And as we move forward into cellulosic, and we are very confident that we can develop the technology to produce cellulosic ethanol, that opens up vast acres for the production of cellulose that has not been used in that kind of an efficient fashion before. And, again, that will produce a significantly larger portion of our ethanol that will go then to reduce our dependency on Middle Eastern gas.

But that is the energy side of this. And I talk about the energy side a lot, and I would like to maybe stretch our minds a little bit on what can happen with the biotech side, what is happening with the biotech side.

For example, there is biotech research that recognizes that there are 25 million little babies in the world each year that die unnecessarily due to the dehydration that is associated with diarrhea. And if the lactopheron, the component of mother's milk, can get into that little baby, that little baby that is on its last gasp and if we can put lactopheron in that baby, within 3 to 4 days that baby has its health back, its vigor back, and the baby is ready to go home with its mother. Well, we can't find enough and produce enough lactopheron by going to the mothers to extract it from their milk. But what we have done with biotech is spliced that lactopheron genetic chain into rice; and so then when we harvest the rice, we bring the rice back in and we extract the lactopheron, that genetic chain of lactopheron from the rice, and turn it into a little powder lactopheron that is a little piece of powder in a packet like maybe the sugar you put in your coffee. You tear that, drop that into a little vial of water, stir it up, warm it a little, give it to that baby that would be dead in a few hours, and that baby springs back to life and in 3 to 4 days that baby is ready to go home. That is science and technology.

And today we can save the lives of 6 million babies on 60 acres of rice. And we are extracting that lactopheron up there in our neighborhood, not very far from the Missouri River, I would add, Mr. SMITH. It is on my side. That is one of the great things that we can do and are doing with science.

Another one is trypsin, and that is a component that you find in your tears. And as those tears wash across the eyeball, they are an antiseptic that keeps your eyes from getting infection in them, and one of the things from that would be pink eye. So we have also learned how to synthesize trypsin. And you see the pictures, especially Africa and in poor countries, of flies walking across little children's eyeballs. Well, the trypsin cures the blindness that comes from that kind of an affliction. That is another piece of biotech science that we have going on.

Another one, and I would say, Mr. Speaker, this is the most impressive and fantastic development and I am going to call it also agriculture. Of all the presentations that I have heard, of all the briefings that I have had the privilege to receive, this one is I believe the most impressive and has tremendous implications for all of humanity, and that is that today we have spliced through transgenics, and we can clone and use transgenics in the same operation, and it goes on thousands of times a day in America, at least the attempts to do, but splice through transgenics the human immune system into that of a hog. Now, we raise a few hogs in our neighborhood, too, so we are paying attention to those things. But it happens that not very far from where I live there is only one person in the country that is, at least for profit, bringing pigs by cesarean in a sterile environment. And this is Dr. Rexanne Struve, Manning, Iowa. She is working with a doctor from Pennsylvania who is working out of Blacksburg, Virginia, Virginia Tech University. And there they have spliced the immune genetics from a baboon into that of a hog, and raised that hog up until the hog was of adequate size that they could go in and harvest the heart from that hog and transplant it into a baboon.

Now this being an experiment, the baboon lived for 6 months. Now, that is a little better than the first human heart transplant; I think significantly better.

But what they have proven now is that they are confident that they can transplant through transgenics this human immune system into a hog. And in doing so, and we are only 3 years, maybe 4 years away from being able to do this effectively, they can also custom build the organ rejection genetics. There are 12 major indicators, and they can put together the configuration of those 12 major indicators so they have the highest possibility of organ acceptance on a transplant and the lowest possibility of rejection for an organ transplant. So we will be able to very soon custom raise human organs in hogs. And today we are transplanting out of hogs anterior cruciate ligaments, knee ligaments, Mr. Speaker, and also heart valves. And we have done that for years. And the reason we can do that is that cartilage, and so there is not a rejection factor for cartilage.

But organs themselves; so I brought up we can raise in hogs 28 different organs. Not just hearts, but lungs, esophagus, stomach, bladder. One of the important ones, kidneys, pancreas, liver. Name your organ. Except for the brain; we really don't plan to transplant that hog's brain in there. I think there are some folks in this Congress that might have had that already happen, Mr. SMITH. At any rate, we would limit that organ. But there are 28 organs that we believe we can utilize in transplanting those organs from a hog into a human being. We had success doing that with anterior cruciate ligaments and with heart valves. We can surely do that with all the other organs.

And one of the most important is skin transplants. The burn victims that we have, the burn victims coming back from Iraq, to be able to give them a new skin that is custom raised in the feed lot in a sterile, sterile environment. And then the next step after that is to match your identical DNA, Mr. Speaker, so you can have your own customized hog there that has got customized organs that are identical as if they happened to have been your twin brother.

We will get there with this science, and it won't be there very long from now, 2 to 3 years on the first part of this matching the DNA chains exactly to take a sample. And raising those organs will happen within about, I am going to say, 12 to 15 years. But those are some of the things that we can do with biotechs in both the plant and animal science. And couple that with the renewable fuels, couple that with the tremendous production that we have provided. At the same time, we have more soil conservation, better water conservation, more fertilizer conservation, better land management, better processing and handling of our manure, for example.

There is no better steward for the environment than the American farmer. No one cares more about their water quality. No one cares more about their air quality. They live right in the middle of that every day, and they care about their land. They want to hand that along to the next generation and the next generation. The best stewards are the ones in charge, and they are in Iowa, they are in Nebraska, they are all across the Corn Belt, all across the soybean area, and they go from coast to coast with the specialty crop farmers.

This is a tremendous production system that we have in the United States, with outstanding and impressive people that commit their lives to feeding the world. And we need to honor them today on Ag Week here on the floor of Congress. And I certainly appreciate and respect the gentleman from Nebraska for raising this issue and being here tonight and for the opportunity to say a few words.

Mr. SMITH of Nebraska. I thank the gentleman from Iowa (Mr. KING). I appreciate the fact that you speak to the future. As we look at so many of the aspects of agriculture, I think sometimes we forget about the future and how far we have come.

We have water challenges in Nebraska. And it is interesting, in the middle of about a 7-year drought, I don't think enough credit is given to the better practices that have been engaged in Nebraska relating to irrigation, that we are seeing record amounts of yields, record yields amidst about 50 percent reduction in irrigation.

Now, there are also those critics out there, they tend to be critical of the fact that there aren't return flows from the former flowing of irrigation perhaps that many would consider waste. But it is interesting that as farmers become more and more efficient, they are also criticized along the way, and I think that that is unfortunate. When you talk about energy, it is absolutely vital that we realize that, even amidst corn prices that are strong, we have unprecedented costs of inputs especially related to energy, whether it is the fertilizer or whether it is the diesel for the tractor.

And that is what makes me nervous about these urges to regulate industry even more, that it will drive up the cost. And not only electricity for the consumer in their residence, but it will drive up the cost of energy, as we see it on farms and ranches. And that will drive up the cost of food, plain and simple. And as I stated earlier, we have come a long way in terms of producing food in an affordable format.

I was reading through, and I noticed part of the essay contest winner from the Ag Council of America, and this is the 2007 winner, LaTasha Cote, a 12th grader from Myrtle, Missouri Couch High School. And students from 7th to 12th grade submitted original essays of 450 words about the importance of agriculture in the United States. Under the theme, "American Agriculture in 2025," students were encouraged to focus their essays on the potential landscape of American agriculture in 2025 based on where we are today and the opportunities that lie ahead. And Ms. Cote read her essay to industry representatives, Members of Congress, Federal agency representatives, media and others in a celebration of agriculture; and let me share with you just an excerpt:

"The alarm sounds off at about 8:00 a.m. A young man reaches over to turn it off, gets up, jumps in the shower, eats his breakfast, and then heads out the door toward the milk barn. There is no rush to get to the cows because they have already been milked.

"He begins to check the computer system to see the amount of milk produced from the third milking of the day. Immediately, a very precise chart pops up and gives the percentage of milk given per second, the amount of butter fat, and accurately tells the farmer the exact weight of the milk.

"Wait, where is the reality check? Well, there isn't one. This is only one example of how far the industry in all farms has come since the year of 2007."

And I haven't had a chance to read the entire piece, but I wanted to take this opportunity to congratulate Ms. Cote and every student who submitted an essay in the contest. I think that it may be even sooner than 2025 when we see these things come about, but it is great to see young people looking to the future.

As we look at the big picture of agriculture, certainly globally we always think of trade, and I think the unfortunate situation with the closure of our beef, the rejection of our beef in many cases to Asia, but it does I think send a message to the larger issue of where we are at with livestock in America. It is interesting that we do find ourselves with a bit of a shortage of grain to feed our livestock.

□ 1415

And as we try to address this shortage, certainly, I think it can be best if the government stays out of the way. But when I hear concerns of this and the livestock industry, perhaps, getting a little worried, it worries me, too, because the livestock industry has been absolutely crucial to economies of rural America. And the fact that these economies are not, I think, appreciated like they should be, it is interesting to note how further regulations of the recent past have led to many livestock operations having to become much, much larger. And as they become much larger, certainly, others become concerned about the livestock waste.

And it was encouraging to me last year to finally see some understanding that we don't want policies that force the producer to get larger. We want them to have the options of getting larger should they pursue that. Should they feel comfortable with their current status, that is fine, too.

It is interesting, though, as we see large operators, small operators, middle-size, medium-size operators, we have to realize that I believe our fundamental responsibility is to create opportunities. Government can create opportunities, not through a check necessarily, but we can create policy opportunities so that the little guy has the option of getting larger and can prosper and pursue the economic dreams that they wish to.

And the gentleman from Iowa certainly pointed out the fact that there are a lot of promising scenarios out there. As I go across the Third District of Nebraska and I visit operators, whether they are small or large, it is so encouraging to see people engaged in the economy. And as they are engaged, whether it is at a beef cattle processing plant or a pork processing plant, or an ethanol plant, or whether they are even creating biodiesel in their garage, I think there is just tremendous opportunity, and that I believe it is my responsibility to maybe not protect that opportunity, but to expand that and to make sure that every producer, every taxpayer has that opportunity to grow and, hopefully, make a greater living, and the government won't take it all away from them, and they can reapply that through available capital back into the economy.

And if the gentleman from Iowa would like to participate, go ahead.

Mr. KING of Iowa. I appreciate the gentleman from Nebraska yielding. And as you discussed, the future of agriculture, and especially the young families, the families that are going to be raising their families on the farm and working in agribusiness in the towns, and it occurs to me that we often don't discuss about entrepreneurial agriculture. And it used to be that that was all we had was entrepreneurial agriculture. The traditional agriculture that I grew up with and in the middle of was purely, almost purely, entrepreneurial.

And yet we went through the farm crisis in the 1980s, and I recall those days. I lived for 3½ years with a knot in my gut, Mr. Speaker, wondering if I was going to make it through from week to week. And sometimes your identity of your life's work is what you do. And I was in an ag-related business.

But the point that I want to make is that I saw this happen. And I saw producers, our bank closed April 26, 1985, Friday afternoon, 3 o'clock, not too far from where this clock sits right now. And the red tag went on the door of the bank, and the Highway Patrol guarded the doors. And everybody's account was frozen; my account, the accounts of my customers. And I had a payroll to meet, and I literally had two pennies in my pocket was all I had to work with. I could rub them together and, in fact, I did rub them together and think about the symbolism of what had happened.

Also, we had pretty good balanced ag operations going on at that time, with a significant commitment to the livestock industry. And, so we had row croppers there raising soybeans and corn, and also cattle, hogs and some turkey feeders.

And as the new owner in the bank, which was identified over the weekend, began to take up the loan applications and the financial applications, now this is right in the middle of prime corn-planting time, April 26 in 1985. To have your account shut down, have your credit line shut down, and if you didn't have your inputs all purchased and delivered, no one knew if you had any credit or if they would ever be paid or not or how it would unfold.

So what happened was loan applicant after applicant that had been financed the day before began to line up to get applications, get their application reconsidered by the new owners. And the new owners, being prudent financiers, took a look at those balance sheets and the list of assets, and they asked the question, where are we the most vulnerable? Where are we most likely to lose our money? Well, that would be the livestock because it can die. And what is the most liquid commodity you have that you can turn it into cash the most quickly? That would also be the livestock.

And so the livestock was loaded up, hauled to the sale barn, ordered to slaughter, and farmer after farmer, neighbor after neighbor was taken out of the livestock business. And then they could set up so that these same producers could stay in the row crop business, and, because of the programs we had and the risk management tools that were in place then, and we have better ones in place today, because of that, they could lock them into the point where if they had a reasonable yield and not too much bad luck, they could stay in business another year and maybe another year.

So these balanced risk-spread operations, diversified ag operations, became row-crop operations. Livestock went on the truck and was shipped. And then so went the equipment that was necessary to support the livestock. Often the best combine was lined up and sold, and maybe even the best tractor, or even the best pickup, also sold, shrunk the operation down to where they could stay in business.

Now, that was a good thing to keep them in business, but we lost the livestock tradition. And we are rebuilding that now, and the industry has changed so much. But the entrepreneurialism that came with that, much of that disappeared at the same time, Mr. Speaker. And so what we need to have is people that can make a good living by taking risks and by investing in new ideas and new approaches.

Now, livestock has been a traditional approach, and it has been the mortgage lifter for years. Especially the hog production has been the mortgage lifter. But then to broaden that out and to raise specialty crops today with some of the biotech industry we had that I mentioned a little bit earlier.

Or I happened to come across, about 4 years ago, during a political campaign, a family in my district that had 1,300 acres. Presumably they were crop acres. I would suspect they were not all crop acres. But one of those 1,300 acres, it was all to corn that year except 1 acre, and that 1 acre was set aside to what I would call a glorified garden. And they had six kids, and these six kids must have turned out a lot of good, healthy development child labor. But that single acre, that acre of corn that that year that it went in was only penciled out at $300 an acre. This single acre of this glorified garden, high labor-intensive, highly managed type of an operation produced $27,000 worth of crop on that single acre. Now, they might have put $40,000 worth of child labor into that, but they learned a work ethic, and they learned marketing, and they learned rotation, and they learned irrigation, and they learned weed management. But $27,000 per acre.

So when I found out about this, and I am sure there are other similar stories out there. It occurs to me that someplace between that, it is more than $300 an acre now, of course, but on that day, about $300 an acre for that field of corn versus $27,000 for that single acre of garden.

Between those two are all kinds of alternatives that are there for the entrepreneurs. So if they want to go the route of a lot of hard stoop labor and a lot of intense management and take on that labor to do that and try to pull that $27,000 out of that acre, or if they want to add some other things like organic, or if they want to raise specialty crops, all of these things need to be open for the young producers, and that is where they will find their extra margin profit. Not raising so much program crops; that is a baseline income that maintains the value of the land. But to up the ante, take a little more risk, put more management skill in, more labor in, and raise these specialty crops that, some of which I have talked about, and the organics on top of that, we will see young producers take that on because it is more labor-intensive, and young people are usually short of capital, and so what can they do? Well, they have got more labor that they can provide. They can do the work.

So I am looking forward to watching and hoping to provide the tools for the young agricultural entrepreneurs in both the crop and in the animal sciences for them to develop high-value commodities. And as they begin to feed the world, species after species, crop after crop, and we haven't gone anywheres near touching the surface of the things that we can do with biotech.

One of the other points, this is another scientific mind-stretcher, and that is that about, let's see, the years now come, about 32 years ago there was a rather dangerous species of an Asian animal, a bovine-related animal called a gaur, spelled G-A-U-R. And that animal had been in the San Diego Zoo for years. This poor gaur was getting old and had gone down, and it looked like it was going to die. Well, the zookeepers there or the scientists took a punch out of the ear of that gaur, froze it in liquid nitrogen at about, I think, 421 degrees below zero Fahrenheit, and kept that little piece of that ear of that endangered species animal that had died frozen for 28 years. And they picked that up and they sent it, then, about, oh, I am going to say 6 years ago on up to a town, a lab in Sioux Center, Iowa, called Trans Ova. There Dr. Jan Schietemann took that frozen piece of tissue, and he cloned that gaur animal by implanting the nucleus of that that he could take from that cell and cloning that into the egg of a cow, and implanted that embryo that was created, the cloned embryo of the gaur, into the uterus of the cow, where this gaur, this rare animal, kind of looks like a yak if you look him up on the Google image page.

This animal then was cloned and raised up, and the cow had this calf, a genetic copy of the animal that had died more than 28 years earlier. And about a year later, they shipped that young juvenile gaur back to the San Diego Zoo, where I presume he is still walking around and living happily ever after.

Now, that is a space age, Star Wars kind of a thing. But when you think about what we can do with that kind of science and how we can improve our herds, how we can improve productivity, how we can improve the meat quality and the feed conversion factors, how we can reduce and eradicate and in some cases eliminate disease, how we can work with all of that, at the same time opening up the field so that the ag producers across this country can continue to make a living and feed America is a very, very optimistic story. And I think we are in the best position right now in agriculture that we have ever been in the history of the United States and, in fact, the history of the world, and I am just sorry I am not going to be around long enough to see where it is going to take the next generation of humanity.

But I wanted to express those things. And I appreciate it. And I yield back to the gentleman from Nebraska and thank him.

Mr. SMITH of Nebraska. I thank the gentleman from Iowa. As I wrap this up, I certainly want to thank the gentleman for really focusing on the future, and I think the sky is the limit when we can focus on the benefits of agriculture and perhaps the things we take for granted.

But as we talk about the future and younger generations engaging in agriculture, I find it unconscionable that the so-called death tax, or, in a more technical sense, the estate tax, would go back up to 55 percent, and that a subsequent generation on a farm or ranch would have to come up with cash to inherit that farm or ranch. That is sad. That is un-American. I think it is insensitive to taxpayers, and I think it has an immense disregard for the future and economic impact that that would have.

I think too many people think that only certain departments of the grocery store really come from agriculture, as we would think of it. But the fact is it is involved in health care, whether it is pharmaceutical, surgical sutures, ointments, X-ray film, latex gloves, gelatin for capsules and heart valves, or with construction, lumber, paint, brushes, tar paper, other things. And I could go on a list that would take much more time than I can consume here today.

But the fact is, we have come a long way, and we can go a lot further as we focus on opportunities, as we look at the fact that we need each other. Farmers need consumers. Consumers need farmers. And in between those entities, there is opportunity, whether it is processing, whether it is research. I think we can go a lot further than we have already come as we look to the future.

☐ 1430

Again I would like to thank the Agriculture Council of America for providing a lot of this information and the very hands-on approach that they take and certainly look forward to working with them as I serve the people of the Third District of Nebraska and as farmers of the Third District of Nebraska and farmers and ranchers continue to feed the world.

Thank you, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. LOEBSACK). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. Speaker.

I want to thank the Speaker, NANCY PELOSI, and our entire Democratic leadership for the opportunity for the 30-Something Working Group to once again come to the floor and talk about the priorities of the Democratic Caucus and the new direction for America that we are humbled to be able to lead this country in.

On November 7 of last year, the American people spoke loudly and clearly, Mr. Speaker, that it was imperative that we move this Nation in a new direction on a variety of issues, not the least of which is the direction that we are going in in this war in Iraq. And I am so proud today to be able to stand here knowing that the vote that I cast personally and that the 217 other Members that passed that legislation off this floor this afternoon cast so that we can now finally begin to ensure that our troops will have the armor that they need, the armor and equipment that they need, a plan to get them home most importantly, and to ensure that we can begin to transition in Iraq so that the Iraqi people will be able to stand on their own, run their democracy and make sure that they can focus on solving the civil war and the strife that is going on in the midst of their country, because that is essentially what we have been doing for them. What we have been doing for them that we can no longer continue to do is inserting ourselves in the middle of their chaos without plans to be able to withdraw, without a single brigade of their army completely trained to stand on their own. It is time and the American people have insisted that it is time to begin to move in the direction where we can shift the mission from combat to training, where we can focus our troops that will remain there by the end of next year on counterterrorism, on putting down the insurgency and on making sure that the Iraqi troops are well trained so that they can continue to move forward with their experiment in democracy. That is what the legislation that we passed today will do, and I am so proud of our caucus and of our colleagues and of our leadership for the work that we have done together, for the unity that we showed, for the courage that so many of our colleagues showed, Mr. Speaker. We have a very diverse caucus, a very diverse group of Democratic Members who for a variety of reasons, for a variety of soul searching were able to come together from all of the different facets of the philosophical spectrum, to come together today and pass this extremely important legislation.

Mr. Speaker, I have been in public office for 14 years. I have only served in the U.S. House of Representatives for 2 years, but that was one of the most emotional experiences and the most difficult experiences that I know I have gone through. And I cast that vote knowing that I had the support of my constituents, knowing and confident that my constituents want to make sure that we can bring those American troops home.

I had an opportunity to travel and spend some time with our troops at Walter Reed Army Medical Center a few weeks ago before we voted on the resolution opposing the President's escalation proposal. I have said this the last few times we have talked about this on the floor. I had a chance to speak to a number of different troops individually. One young man who has stayed with me, and I think I've thought about him and his family every single day since then. As a mom with little kids. I have 7-year-old twins and a 3-year-old little girl. Almost every major vote I cast, I cast with them in mind. There is another generation of Americans who we are going to protect from that vote that we cast today. And this young man who I had a chance to meet with, he had just gotten home from his third tour of duty. Each was a year. His third tour and his 6-year-old little boy was in the room along with his wife and his little boy was so excited and just full of vibrancy and life. He shook my hand. It was just so neat to be able to talk to him. He told me that his daddy was finally going to be coming home for good, forever, in August. He had come down with a really inexplicable illness and was convalescing at Walter Reed. And when the young man told me that he had been through his third tour of duty and that his boy was 6, it was not lost on me that he had missed half of his son's life, a 6-year-old little boy with his dad gone for 3 separate years. That is just unacceptable. That is not what the procedures are supposed to require of our men and women in uniform. There is supposed to be at least 365 days of noncombat duty in between tours. The legislation that we passed today will ensure that that will happen. The legislation that we passed today will ensure that our troops have the equipment that they need. It will ensure that $1.7 billion in funding will provide the health care that our veterans need.

I listened to a lot of the speeches on the floor, almost all of them, today. What we continually heard from our friends on the other side of the aisle was almost as if maybe they didn't read the bill, maybe they weren't paying attention, but more likely they were just being political. I heard comments about how our legislation didn't provide the equipment for the troops, when up until now it is this President, with the acknowledgment of the military leadership, that has sent our troops into harm's way without the proper training. We have the least trained, least prepared Army that we have ever had at this point, spread as thin as they possibly could be spread, and then they have the nerve on the other side of the aisle to suggest that it is us that is not providing the protection for our troops. That is ludicrous. I'm not sure whether they're not listening to their constituents when they're home or not having a chance like I did and like I know you have to sit down with troops who have been in the line of duty. Maybe they're listening with different ears or maybe more likely they're listening with a different heart, because the heart that I listened with knows that we can't allow the pointless loss of human life anymore, not for our men and women in uniform and not for the Iraqi people who are also losing their lives in the midst of chaos. If we are going to focus on the war on terror, we should be shifting our approach to the war in Afghanistan, where we provide a significant infusion of funding, badly needed funding so that we can turn Afghanistan back around.

If you recall, Mr. Speaker, after the tragedy of 9/11 and we initially went in to respond to that tragedy, to stand up for America, we went into Afghanistan and we got rid of the Taliban and we made sure that we could restore human rights in that country and we could restore the rights of women to go to school and to walk in public without a burqa and to really shine the light of freedom on a country that lived in darkness for decades. Instead, this President and this Republican leadership shifted our focus, lost our purpose, lost their way, or gave up is really a better way to put it, and invaded Iraq under false pretenses, provided this Congress, many of our colleagues who voted "yes" relying on the information from this administration that it was out of necessity. This wasn't a war of necessity. This was a war of choice. We don't have the luxury of going into wars of choice, Mr. Speaker, when we have wars of necessity like Afghanistan, when we have a situation like we have in Iran, where we have a leader in that country who has threatened the very existence of the State of Israel, our closest ally in the Middle East, where we have nations in the Middle East who truly want to see democracy fail. Instead, we have created an incubator for terrorism in Iraq.

I heard colleagues on the other side of the aisle speak today about how we were going to lose the war on terror if we passed this legislation today. Well, the administration has made the war on terror worse, has made the likelihood of being attacked greater by creating the cesspool that exists in that nation. We must take the steps that the legislation that I proudly supported and that you proudly supported today, that that legislation will do so that we can put some benchmarks in place, so that we can make sure, just like the President said on January 10, so that we can establish some benchmarks, make sure that the Iraqi leadership meets those benchmarks, and if they don't, then the blank check and the open-ended commitment to this pointless war will end. That is the direction that we are now moving in.

I am pleased to be joined by my good friend and neighbor from the State of Florida, my colleague, Mr. KENDRICK MEEK.

Mr. MEEK of Florida. I can tell you, Congresswoman WASSERMAN SCHULTZ, it was definitely a pleasure hearing you speak as we were talking before in the cloakroom, in the back here, Mr. Speaker, we were talking about what happened here on this floor less than 2 hours ago. A major vote that took place here in this House. And it didn't pass by one or two votes. It only takes one vote to win as it relates to a bill or what have you, a resolution moving through the floor here. I just want to say that I am proud of the Members that voted in the affirmative for this bill. The emergency supplemental funding bill has started a new era as it relates to how Americans think about the war in Iraq, how our troops are being treated in Iraq and Afghanistan and even here back at home on health care services. And also it gave voice to those individuals that went to the voting booth looking for representation, looking for a new direction, looking for the Congress to carry out the kind of oversight that we should carry out as Members of Congress on behalf of any action that will involve the American taxpayer and in many cases involve foreign nations loaning money to the United States of America. We have to pay all of that back. We have to be accountable to the U.S. taxpayer. And we have to make sure that we provide the oversight for the American people.

Now, I heard Ms. WASSERMAN SCHULTZ speak to the point. As some members came to the floor to vote against the bill, some voted against the bill because that's just what they do. They vote against war. They vote against whatever their philosophy may be as it relates to war, but also you had people that voted for the bill that is against war, that want to see an end to war. No other emergency supplemental up until the one that came before this House today actually put forth benchmarks for the Iraqi government to meet, actually hold the feet to the fire of the executive branch saying that if you are going to send additional troops, then the parameters that you put on the Iraqi government will actually be enforced. Department of Defense regulations as it relates to how troops can be deployed and the readiness of our troops before they go into theater. They wrote that in the Department of Defense, the administrator, bureaucrats, Secretary, what have you, in the Bush administration wrote those regulations. We put it inside this piece of legislation and enforced it. And also we made sure that Members had the opportunity to show their constituents where they stand.

Now, let's talk a little bit about that, because I heard the gentlewoman from Florida mention something, folks coming to the floor, saying things like, "never before in the history of the country that we've ever voted to micromanage." They would use words like "micromanage." "We've never come to the floor to limit anything as it relates to war."

And when will we have a victory?

And that has never, ever, ever happened.

□ 1445

You know, I am in my office, Ms. WASSERMAN SCHULTZ, and I am watching these Members on the floor, and I spoke to this point last night, because last night I was here after 10, 10:30, I actually closed the House last night, moved to adjourn the House last night, and I couldn't help but try to get the evidence to show that it has happened.

As a matter of fact, timelines have been set by some of the very Republican leaders that are now in the Republican leadership right now that came to this well here today and had issue with what the majority of the Members of the House wanted to do and ultimately did in the vote.

Mr. Speaker, I just want to make sure, because this is what this whole 30-Something Working Group is about, making sure that we shed light where it needs to be. Let's look at this.

Bosnia, June 24, 1997, the House brought to the floor an amendment that would set a timeline and a date certain for withdrawal of U.S. peacekeepers from the mission in Bosnia. Pay attention to these dates.

On December 13, 1995, an attempt to prohibit funds from being used for the deployment of ground troops in Bosnia. It actually failed 210–218, which I have the names of those individuals that are in the Republican leadership now that voted in the affirmative to try to stop that from happening.

December 13, 1995, a resolution passed expressing serious concerns in opposition to the deployment of troops in Bosnia, where ethnic cleansing was taking place. Some of our same Members in the Republican leadership voted to pass that piece of legislation.

Again, June, there was also another vote that was taken on June 24, 1997, voted to set a timeline, date certain for withdrawal of troops from Bosnia, and that passed 278–148. The date certain that troops had to leave was June 30, 1998.

I am going to say it again. Some of the same individuals that voted today against, their reason for voting against this emergency supplemental for the men and women in harm's way and the veterans to be able to receive the kind of healthcare they deserve, voted for a timeline in Bosnia.

Let's talk about the comparisons here. The Bosnia conflict was 18 months, Mr. Speaker. This conflict is 48-plus months, moving well into its fifth year. The cost of Bosnia to the United States of America, $7 billion. The cost of the war in Iraq, $379 billion and counting, well beyond $379 billion in U.S. taxpayer dollars and loan money.

Casualties in Bosnia, casualties in Bosnia, I repeat, zero of U.S. troops. Zero. Casualties as of 10 a.m. today in Iraq of U.S. personnel, troops, men and women in uniform, 3,229. I would even go further to say 13,415 wounded in action and have returned to duty. I would even go further by saying 10,772 wounded in action who cannot return back to duty.

I think it is important that we look at the facts. Again, I want to say we didn't come down here to play around, we came down here to share the facts, because we are both very busy people and we have things to do and this is the end of the workweek and Members are heading back to their districts. We want to go back to our districts too. But we want to make sure this moment of leadership, this moment of courage, is in the CONGRESSIONAL RECORD, to let it be known that we did have Members that stood up on behalf of our men and women in uniform and we had the men and women of this House that were in the majority that were willing to put their name and their vote on the line on behalf of the men and women that serve our country and their families.

I have the vote sheet here from the Bosnia vote. Every Republican voted yes for the timeline, with the exception of two. It is right here. Any Member that wants to run down to the floor and take a look at that, they can.

Also we have here the vote as it relates to passing the resolution that we had today, which is the emergency supplemental, roll call vote 186. I can say for the two Republicans who voted in opposite of the Republican leadership, when we took the vote on June 24, 1997, were consistent today of the only two Republicans that voted in the affirmative with the majority of the House to make sure that we place benchmarks and a timeline in Iraq. Consistency for those two Members, that anyone can find in the CONGRESSIONAL RECORD, and we commend them for their consistency.

So I think it is important, Ms. WASSERMAN SCHULTZ, that we look at the hard facts here and the tough votes that need to be taken. Does everyone agree with what is in the emergency supplemental? I don't agree with everything that is in the emergency supplemental. But for the greater good of the men and women in harm's way, I voted for it.

There are Members in here who had a rough time and it was also very tough vote for them. But they didn't want to continue to look in the eyes of their constituents as they go to high school programs and junior high school programs and they are asked a question, as I am asked a question, and I don't ask folks for their voter registration, I don't ask, well, are you a constituent of mine or not?

The prevailing question is, Congressman, how long are we going to be in Iraq? I can't answer the question, because the President says we are going to be there as long as we need to be there. And, guess what? Those very same individuals, Democrat, Republican, independent, some individuals never voted before in their lives, went last November and voted for a new direction, voted for leadership, voted for an opportunity to have this Congress stand in the position that it should be standing, and that is oversight and accountability on behalf of the men and women that are in harm's way.

So I feel that the Members that voted in the affirmative, voted for outstanding healthcare, moving in the direction of outstanding healthcare for our veterans, making sure that our men and women when they are deployed, some of them are deployed 120 days after they return back to their family because some bureaucrat in the Defense Department says, well, we got to make sure we keep our rotation and our troop numbers, levels, up to over 143,000 troops on the ground. I know this brigade has only been home for a couple of months, three months, we have to get them back in the fight, when the Department of Defense regulations rule against that.

But I must add, Mr. Speaker, to make sure since we are having a moment of clarity, in this bill it allows the President, if it is within the national security interests that these troops go back into theater, he has the ability to do that, but report to Congress on that action.

So anyone that says we are binding the President, we are endangering the troops, the general can't do what he wants to do, that has nothing to do with it. That is nothing but rhetoric. That is nothing but good talking points for a crowd that you may want to get a cheer out of based on where you are.

But the reality and the hard-core facts are we have been sent up here to legislate and to bring about oversight, and that the President of the United States is not the only person that can make decisions on accountability and oversight. It is the U.S. Congress constitutionally and also it is our duty.

We are not in the forward area. We don't wear a uniform. But we have been sent here to make sure things go the way they are supposed to go on behalf of the men and women in harm's way.

Ms. WASSERMAN SCHULTZ. I wanted to take off on the point you just made about the ability we give for the President to make a decision that he thinks is in the national interest, of national security.

Mr. Speaker, this legislation provides benchmarks, the same benchmarks that this President came before the country and said were essential on January 10; that we have unit readiness; that we have a length of deployment.

We have two sets of benchmarks here. We have benchmarks that this Democratic Congress put in this legislation to make sure we can protect our troops, to make sure we weren't sending them into harm's way unprepared. Then we have benchmarks in this bill to ensure that the Iraqis meet their obligations. Those obligations, those benchmarks, are the same ones that the President indicated to the American people were essential when he spoke to the Nation on January 10.

When this Congress switched from Republican to Democrat after November 7, the main reason it happened is because the American people were sick and tired of being sick and tired. They had lost their confidence in their government. Their confidence in this Congress was badly shaken. We had scandals. We had a culture of corruption. We had a situation where the American people couldn't believe that their Congress was doing right on their behalf, and that the majority, Republican at the time, was here for the right reasons. That is why there was a wholesale shift and we won 33 seats on November 7.

We are exercising Congress's appropriate oversight role and reasserting the system of checks and balances that the Founding Fathers envisioned, particularly by putting language in this bill that ensures that units have to be ready. They have to be prepared. The chief of the military department concerned has to determine that a unit is fully mission capable before it is deployed to Iraq.

The reason that I wanted to interject during Mr. MEEK's remarks is because you, Mr. MEEK, mentioned that the President can certify to the Congress that sending a unit into harm's way in Iraq in spite of the fact that they are not fully mission capable would be in the national interest.

He is the commander-in-chief. There is no question that the President is the commander-in-chief. But it is our responsibility as Members of Congress that we look out for the American people, specifically and especially in this case our men and women in uniform who are going over to defend this country. We provide the funding to send them over. We provide the funding to ensure that they are fully equipped and prepared. And the President should have to come back to us and say in spite of the fact that this unit, these women and men are going over there unprepared and aren't fully mission capable, it still is in the national interest to send them. That is the least that he can do.

He can maintain his role as commander-in-chief in this legislation, but he has to make sure that he is doing right by our troops, and he has to own up to what he is doing in this legislation, including in their length of deployment.

There is a Defense Department policy, Mr. Speaker, that requires the Department of Defense to abide by its current policy, which is that you shouldn't deploy a unit to Iraq or any region more than 365 days for the Army and more than 210 days for the Marines. The President in this legislation can waive that provision too, but he has to say that it is in the national interest to do so, to send troops on another tour with less than a year's rest, less than 210 days in the case of Marines.

Again, he has to actually say to that young man, whose 6-year-old boy I met, it is okay to miss half your son's life, because we need you, it is in the national interest, instead of being able to sort of duck and cover and do it in a clandestine way without the American people really knowing and without him owning up to it.

The same with time between deployments. It requires the Defense Department, besides length of deployment, the time between deployment is essential as well. The President can waive that provision, but he has to say to the Congress that it is in the national interests to do so.

We also have benchmarks related to the Iraqi people as well. By July 1, 2007, the President has to certify that Iraq is making meaningful and substantial progress in meeting political and military benchmarks, including a militia disarmament program and a plan that equitably shares oil revenues among all Iraqis. After all, they are in the midst of civil war. They are killing each other over things like that.

The President has to certify there is progress being made. Otherwise, we are going to be there forever, with no end in sight, with no pressure on the Iraqi leadership to get the job done. Why would they feel the need to move in the direction of progress if they know that there is a never-ending, open-ended commitment for us to be there and for the money to keep flowing.

☐ 1500

They also have to achieve political and military benchmarks. By October 1, 2007, the President has to certify that Iraqis have achieved political and military benchmarks, and if he doesn't provide that certification, then U.S. forces will begin immediate deployment completed by March 2008. There are steps toward progress that the Iraqi leadership must take or we are not going to continue to put our men and women in harm's way, and we shouldn't.

And, finally, we need to eventually end our participation in this war. Our commitment there should be finite, not open-ended. The President should not have a blank check, and this legislation that we passed today ensures that.

I would be happy to yield to the gentleman.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, when you think about it, you can't help but think about the debate that took place, and the vote has now happened. And again, Mr. Speaker, I commend those that worked very hard day in and day out to make sure that Members felt comfortable in voting for this legislation.

I think it is also mindful for us to remember, because so many times here in Washington, D.C., and even when we return back to our districts, I return back to sunny south Florida; Ms. WASSERMAN SCHULTZ does the same. Some of us go to the far West. Some of us go to the Northeast, where it is very cold and frigid. Some of us go down to the Southwest and Arizona and Texas and some of the other areas of the great part of our country. Some of us from the gulf coast, some of us from the great Blue Mountains.

I think it is very, very important for us to remember that over 56 of our men and women in uniform died this month alone, and we are not even out of this month yet. Over 55 men and women wearing the uniform, some citizens, some non-citizens, some are from the west coast, some are from the east coast, some are from urban areas, some of them are from rural America. They are not coming back home. Their memory will ever be in our minds and in our hearts. And we appreciate their paying the ultimate sacrifice. We pray for their families. And we stand on their behalf here today in making sure that we can bring the kind of accountability forward to this government and to the Iraqi Government, and to make sure that those that are in harm's way have what they need when they need it.

Also, what is in this bill, and I think it is very, very important because I want Members to not only go home and talk about that they voted for, the majority of this House, which was good, but for those who voted against it, I want not only them, but I want their constituents to know what they voted against. This is serious business. I have a lot of friends here in this Chamber. I don't know of a Member of the House that I have a negative relationship with that I don't talk to that person or that person doesn't talk to me. I get along. I am second generation here in this House of Representatives; my mother served here. But this is serious business when we start talking about the sacrificing that U.S. families are making to bring about some sort of harmony in the middle of a civil war in Iraq.

So the vote that took place today, Mr. Speaker, is a vote in the right direction and in a new direction, to let it be known that this House of Representatives is willing to play a role in the oversight of the U.S. taxpayer dollar, and also on behalf of those that are in harm's way right now.

Ms. WASSERMAN SCHULTZ, I am glad that she is a member of the Appropriations Committee because they spent a lot of time with this legislation, this emergency supplemental. It is probably going to be the last time that we have an emergency supplemental outside of the regular budget process. And speaking of the budget, Mr. Speaker, we are going to be debating the budget here on this floor next week. We are going to have a great discussion about where our priorities are as Americans and the things that are important to the financial standing of the country and where we are going to make the kind of investments that we need to make on behalf of this great country of ours.

It is also important to understand next week that is tied in with this bill that we are going to also consider the Wounded Warriors bill that is going to be coming up next week, which is 1538, for consideration before this House that I must add that passed Armed Services Committee this week with a unanimous vote, to make sure that we correct some of the issues that are dealing with our veterans. And we are going to deal with H.R. 1401, that is the Rail Security Act that will be coming up next week.

This is serious business, and we have to be very serious about what we do here. And I want to make sure that this vote will be seen as one of the many.

Now, we had a vote, Ms. WASSERMAN SCHULTZ, about a month ago that folks criticized, the vote to say that we are against the escalation, against the President's escalation of troops in Iraq. Seventeen Republicans voted with the majority of the House Members on that. Obviously, 15 of those Republicans decided to vote against the binding resolution. Remember all those, oh, it's nonbinding, it really doesn't mean anything; why are you doing this? Why are you spending a whole week of debate? Even the President said, oh, it's nonbinding. And the President said at that time a binding resolution will be coming which will be the emergency supplemental. I want to know the House of Representatives' stand on the binding resolution.

Well, that message is clear today where we stand. And I think that in the Senate, with the passage of the legislation even has a shorter time line passed the Appropriations Committee last night than what the House is calling for, I think the issue of a time line and benchmarks are going to be in that legislation when it goes to the President. Now, the President is saying that he is going to veto it. Well, that is all a part of his right to do so. But I think the American people and Members of this Congress have to rise up. If the President is not willing to lead us in a new direction as it relates to Iraq, then we may need to lead the ,President. That is the reason why we have a democracy. That is the reason why we have an executive branch and a legislative branch. That is the reason why men and women who no longer can walk on two legs now paid the price for us to have this democracy that we celebrate here today, which I don't take lightly. That is the reason why this specialist here, that covers the page of Newsweek, paid with her legs. She is a patriot.

So if Members or anyone has a problem with the way our democracy is working, then you have a problem with America. I am glad that I am free and able to stand here on this floor to say that what took place here today is a great testimonial to that democracy. And just because you said that you are going to do one thing doesn't necessarily mean that you have to follow through on it to show folks that you are tough.

You have folks coming to the floor saying, well, by passing this emergency supplemental, it will waive the white flag. What white flag? Okay. Continuing to do the same thing expecting different results? The Speaker of the House took the well here earlier, Ms. WASSERMAN SCHULTZ, and said there have been three other escalations of troops in Iraq and the same outcome is the fact that we lost more troops in the middle of the battle, in the middle of a civil war, and that did not turn the security situation around on the ground.

What did the Iraq Study Group say? They said that diplomacy is going to be the number one key in dealing with this. What did Mr. MURTHA say, a decorated marine and chairman of the Defense Appropriations Subcommittee? This is a diplomacy issue, and we need to make sure that the Iraqi Government stands up not only on behalf of their country, but for the region and provide the kind of leadership that they deserve.

For every day we are in Iraq, Mr. Speaker and Members, that is a day that a U.S. city will not receive the kind of appropriations that it needs to be able to provide the quality of life that the U.S. taxpayers deserve. It is another day that we won't be able to fully implement all the 9/11 recommendations and be able to provide the kind of funding to secure the homeland. It means that what we pay now on the debt that the Republican Congress and the Bush administration has given us, that we will not have enough money to pay down on that debt, just on the debt of the money that this country has borrowed, and which is more than what we invest in education, more than what we invest in homeland security, more than what we invest in veteran affairs.

So I think it is important that this paradigm shift that took place here today is recognized as one of the great days of the U.S. House of Representatives and moving in a new direction, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. You know, there are students of history, our esteemed Speaker in the Chair is a former college professor, and he certainly knows that the origin of this country was one where our Founding Fathers and the people that came before them that colonized this nation were escaping from tyranny, essentially, were escaping so that they could be free, so that they could be free from one individual telling them how their lives would be run, so they could be free from persecution about their religious choices that they made, so they could be free from taxation without representation, so that they could be free. And the reason that our democracy was set up as it is, with a Commander in Chief, with an executive as well as a legislative and judicial branch, was so that there would be a system of checks and balances.

I am baffled by our friends on the other side of the aisle when they seem to be saying that the Congress weighing in with binding legislation, with benchmarks, and with a time line so that we can ensure that there is not a never-ending commitment and a blank check being written to folks fighting a civil war in another country, our friends on the other side of the aisle seem to be saying that we should only care about the opinion of one person, the person in the White House, that the decisions that the executive of this Nation makes are the only ones that matter.

Well, if you go back to the origin of this Nation, Mr. MEEK, you go back to the origin of this Nation, that is why our power was diffused. That is why our Founding Fathers created three branches of government, because they experienced the tyranny of one individual. They had decisions forced on them by a king, by a monarch, who told them exactly what was going to happen. And there was no place to turn, there was nowhere to go. Well, the American people and our men and women in uniform can turn to us because they have a Congress, they have a representative body that can rescue them when the executive makes the wrong decision, and that is what has happened here.

That is also what has happened with our veterans, Mr. MEEK, because it is incredibly important that we emphasize that, while we have made some very important, significant and essential decisions about the direction that we are going to continue to go in this war in Iraq, we also made some significant decisions to help our veterans, the ones that have already fought and have come back and have been left behind, have been forgotten, the ones that this administration and the Republican leadership before us had callous disregard for.

And we are always about third-party validation in the 30-Something Working Group, so people just shouldn't take it from me or take it from you. Let's just walk through what happened before and what has happened leading up to today with the vote that we cast on this floor.

So, Mr. Speaker, before I got here, Mr. MEEK, you were here, but before I got here, this is right when you got here, in January 2003, the Bush administration cut off veterans health care for 164,000 veterans. That is right in the Federal Register. It is documented on January 17, 2003.

In March of 2003, the Republican budget, crafted then by this Republican Congress at the time, cut $14 billion from veterans health care that was passed by the Congress with 199 Democrats voting against it.

In March of 2004, the Republican budget shortchanged veterans health care by $1.5 billion, and that was passed by a Congress with 201 Democrats voting against it.

Fast forward to March of 2005. President Bush shortchanged veterans health care by more than $2 billion in 2005 and cut veterans health care by $14 billion over 5 years, and that had 201 Democrats voting against it.

But that is not all. Mr. Speaker, in the summer of 2005, after Democratic pressure, the Bush administration finally acknowledged, when I got here, Mr. Speaker, the Republican administration was denying, Mr. MEEK, you remember this, they were denying there was a shortfall in the Veterans Administration budget, repeatedly denying it. There were articles about the dispute. The Veterans Administration insisted there wasn't a problem; but finally in the summer of 2005, after constant pressure from the Democrats in the minority, they finally had to acknowledge that the fiscal 2006 shortfall in veterans health care totaled $2.7 billion. We had to fight all summer to fix that.

□ 1515

We had to do an emergency supplemental during that summer to make sure that we could fund that shortfall.

I remember when we were doing the 30-Something Working Group during that time, I remember Mr. MEEK put the picture of the Secretary of the Department of the Veterans Administration up on that table there because what seemed important to the Secretary of the VA at the time was that his picture be hanging in every building run by the VA, and he was all the while denying there was a shortfall in his budget, and he couldn't adequately provide for the veterans under his care; but he was going to make darn sure his picture was hanging in every building.

In March of 2006, President Bush's budget cut veterans' funding by $6 billion over 5 years, and that was passed by a Republican-controlled Congress.

Finally, after November 7, 2006, and the American people voted for a new direction, the Democratic Congress increased the veterans' health care budget by $3.6 billion in the joint funding resolution. And in the supplemental legislation we passed, we provide an additional $1.7 billion to fund veterans' health care and to address the significant problems we have at Walter Reed Army Medical Center, which were also denied and not acknowledged until the Washington Post exposed the travesty. We have since had heads roll, the Secretary of the Army, the general that headed up Walter Reed and numerous others. The only reason we had accountability there, finally, is because we have a check and balance. We have oversight and hearings going on. Congress is asking questions. We are not allowing one person to make all of the decisions and impose them on the people that he represents. Finally.

Mr. MEEK of Florida. Mr. Speaker, we have all worked very hard this week to see the positive outcome of the legislation today.

As I started, I would like to close in my comments today by saying that I am glad that the Members voted in the affirmative for this legislation that passed. I think the American people will reflect on this day, and historians will reflect on this day that this has been the first day by the House of Representatives since the start of the war in Iraq that there were true accountability measures in there. There is reporting back to the Congress that the troops were protected by the language that the Department of Defense used as relates to its own policy of deploying troops, of sending troops back into theater on another rotation of what they have to have. I think men and women in uniform and their families will be forever appreciative of our action here today.

It is like when you are working at a work site, not at headquarters, you are working in a subsidiary, and you know there are certain policies management is supposed to meet, but because nobody is watching, they decide to waive the policy manual and have you work overtime without being paid overtime, or have you working in conditions that you should not be working in just to keep their numbers up so they don't get in trouble with their bosses.

Well, with the emergency supplemental that we passed here today, we have the backs of those workers. In this case, we have the backs of the men and women who wear the uniform.

Furthermore, I think it is important for those who have served in a battle zone that we have started down the track of making sure that we provide the kind of funding so when they get back, they will be able to get the counseling that they deserve. There is money in here to prevent abuse as it relates to children and families when they get back to military bases, and there is money to make sure that veterans don't have to wait months to be able to see a specialist. I think it is very, very important because there is a back end to this war, and there is a reality to this war, and it is our responsibility to ensure there is assistance to those who need it when they come back.

Mr. Speaker, I want to commend the American people for the role that they have played during this whole war. This week here at the Capitol we had people that were supporting the war, and against war but saying we have to support our troops. And I commend both of them for exercising their rights as Americans to be able to speak to their government about their feelings. I am glad that we live in a country that you can do that.

I am glad that Members did come to the floor. Some of them voted their conscience, some voted partisanship, and some voted because it was the right thing to do on behalf of this legislation.

As we move on with this process of bringing accountability to the war in Iraq and bringing an end to the war in Iraq with troops on the ground, that Members continue to pay attention to what our democracy is all about. I commend the Speaker for standing in the wind, getting bugs in her teeth on this issue and being tough on this issue even when we were in the minority. Now we are in the majority, and I think the American people are going to be very appreciative.

I thank the gentlewoman from Florida for hosting this hour today. It is always an honor to come to the floor and talk about the actions of today and look forward to tomorrow.

Ms. WASSERMAN SCHULTZ. We have locked elbows for 12 years, Mr. MEEK, worked together and fought together. As we close, I was thinking as you were closing that you and I, we were born 3 weeks apart. The Vietnam war, when the Vietnam war was ending, we were less than 10 years old. We were little kids. I don't remember much about how the Vietnam War closed out, but that was the beginning part of the history lessons that we had in public school.

I remember learning about, and I have read articles and read textbooks and studied for exams learning about what happened to our men and women in uniform when they came back from that war. As they came back, they were spat upon and disrespected and unappreciated. We see sadly the results of that with so many of the homeless and mentally disabled veterans that scatter on our Mall and who stand up for the rights of veterans.

I have to tell you, I am also proud of the American people because as we grew up, and as we spent the balance of our lives until this point without there being war, that is not how our troops are treated any longer. The American people grew, and they learned, and that is what I am incredibly proud of.

I am proud that our colleagues today did two things that are important: We used our heads, and we listened with our hearts, and we will be able to bring our men and women in uniform home from this war. Until then, we will make sure that they have the funding that they need, the equipment that they deserve, and the plan to get them home.

Mr. Speaker, the 30-Something Working Group is always proud to be able to come to the floor at the pleasure of the Speaker of the House and our leadership team. If anyone wants to contact us or see any of the charts or see any of the information that we have talked about on the floor this afternoon, they can e-mail us at 30SomethingDems@mail.house.gov or visit us at our Web site, www.speaker.gov/30something.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, MARCH 22, 2007 AT PAGE 7411

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 21, 2007 AT PAGE 7076

Ms. WATERS. I yield to the gentleman from Mississippi (Mr. TAYLOR) for 2 minutes.

Mr. TAYLOR. First let me tell the gentleman from Georgia I appreciate him trying to save some money. I think his efforts, though, are a year late. If you want to look for Katrina fraud, look for Katrina fraud that was perpetrated by the Bush administration.

In south Mississippi we had 40,000 people at one point living in FEMA trailers. We are grateful for every one of them, but those trailers were delivered by a friend of the President, Riley Bechtel, a major contributor to the Bush administration. He got $16,000 to haul a trailer the last 70 miles from Purvis, Mississippi down to the gulf coast, hook it up to a garden hose, hook it up to a sewer tap and plug it in; $16,000.

So the gentleman never came to the floor once last year to talk about that fraud. But now little towns like Waveland, Bay Saint Louis, Pas Christian, that have no tax base because their stores were destroyed in the storm, a county like Hancock County where 90 percent of the residents lost everything, or at least substantial damage to their home, he wants to punish Bay Saint Louis, he wants to punish Waveland, he wants to punish Pas Christian.

* * *

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would ask Members to address their remarks to the Chair.

Mr. PRICE of Georgia. Mr. Chairman, I would inquire as to whether or not those words are eligible to be taken down.

The Acting CHAIRMAN. The Chair cannot render an advisory opinion on that point.

Mr. PRICE of Georgia. Mr. Chairman, I demand that his words be taken down.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

(The following Member (at his own request to revise and extend his remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today and March 26, 27, 28, and 29.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Monday, March 26, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

944. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Advertising by Commodity Pool Operators, Commodity Trading Advisors, and the Principals Thereof (RIN: 3038-AC35) received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

945. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations ("SROs") (RIN: 3038-AC28)received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

946. A letter from the Executive Director, Commodity Futures Trading Commission,

transmitting the Commission's final rule — Membership in a Registered Futures Association (RIN: 3038-AC29) received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

947. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. APHIS-2006-0149] received March 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

948. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Mangoes From India [Docket No. APHIS-2006-0121] (RIN: 0579-AC19) received March 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

949. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Organization; Definitions; Disclosure to Shareholders; Accounting and Reporting Requirements; Regulatory Accounting Practices; Title IV Conservators, Receivers, and Voluntary Liquidations; and Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC11) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

950. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7961] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

951. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

952. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

953. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-23921; Directorate Identifier 2005-NM-205-AD; Amendment 39-14812; AD 2006-22-15] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes, Equipped with General Electric CF6-50 Series Engines [Docket No. FAA-2006-24958; Directorate Identifier 2006-NM-075-AD; Amendment 39-14818; AD 2006-23-06] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B300, and B300C Airplanes [Docket No. FAA-2006-25157; Directorate Identifier 2006-CE-34-AD; Amendment 39-14814; AD 2006-23-02] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2006-24877; Directorate Identifier 2005-NM-253-AD; Amendment 39-14831; AD 2006-24-02] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. FAA-2006-26242; Directorate Identifier 2006-NM-229-AD; Amendment 39-14817; AD 2006-23-05] (RIN 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. AG Model STEMME S10-VT Sailplanes [Docket No. FAA-2006-24956; Directorate Identifier 2006-CE-32-AD; Amendment 39-14835; AD 2006-24-06] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Model AT-602 Airplanes [Docket No. FAA-2004-20007; Directorate Identifier 2004-CE-50-AD; Amendment 39-14821; AD 2006-23-09] (RIN: 2120-AA64) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 1562. A bill to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to hosing in the GO Zones; with an amendment (Rept. 110-66). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 1429. A bill to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes; with an amendment (Rept. 110-67). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. H.R. 1538. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; with an amendment (Rept. 110-68, Pt. 1). Ordered to be printed.

Mr. SPRATT: Committee on the Budget. House Concurrent Resolution 99. Resolution revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012 (Rept. 110-69). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII, the Committee on Veterans' Affairs discharged from further consideration. H.R. 1538 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 493. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than March 26, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. NAPOLITANO (for herself, Mrs. MCMORRIS RODGERS, Mr. FRANKS of Arizona, and Mr. RENZI):

H.R. 1662. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; to the Committee on Natural Resources.

By Mr. STARK (for himself, Mr. RAMSTAD, and Mr. KENNEDY):

H.R. 1663. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 1664. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself, Mr. BACHUS, Mr. GARRETT of New Jersey, Mr. KILDEE, Mrs. EMERSON, Mr. WALSH of New York, Mr. LAMPSON, Mr. EHLERS, Ms. HERSETH, Mr. PAUL, Ms. DELAURO, Mr. YOUNG of Florida, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. MCGOVERN):

H.R. 1665. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 1666. A bill to amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 1667. A bill to establish a Vote by Mail grant program; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DAVIS of Tennessee (for himself, Mr. FARR, Mr. FILNER, Ms. NORTON, Mr. MICHAUD, and Mr. COHEN):

H.R. 1668. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Ms. ROS-LEHTINEN):

H.R. 1669. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California:

H.R. 1670. A bill to amend title 10, United States Code, to require that advance notice of the results of any Department of Defense review of the circumstances surrounding the death of a member of the armed forces by friendly fire be given to the primary next of kin of the member before public release of the review; to the Committee on Armed Services.

By Mr. MORAN of Virginia (for himself, Mr. SHAYS, Mr. GONZALEZ, Ms. MATSUI, Mr. ORTIZ, Mr. DOGGETT, Mr. HINOJOSA, Ms. NORTON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. LAMPSON, Mr. THOMPSON of Mississippi, and Mr. LEWIS of Georgia):

H.R. 1671. A bill to establish the United States Public Service Academy; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts:

H.R. 1672. A bill to amend the Internal Revenue Code of 1986 to deny qualified dividend income treatment to certain foreign dividends; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. TANCREDO, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLDEN, Mr. MACK, Mr. GARY G. MILLER of California, Mr. REYES, Mr. DENT, Mr. MCCOTTER, Mr. GALLEGLY, Mrs. MUSGRAVE, Mr. COBLE, Mr. REGULA, Mr. SMITH of New Jersey, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. TAUSCHER, Mr. FILNER, Mr. SOUDER, Mr. CUMMINGS, Ms. CARSON, Mr. RAMSTAD, Mr. CANTOR, Ms. HARMAN, Mrs. CHRISTENSEN, Mr. SHULER, Mr. PASTOR, Ms. SCHWARTZ, Mr. HOLT, Mr. MCKEON, Mr. HINOJOSA, Mr. BROWN of South Carolina, Mr. FOSSELLA, Mr. MCCAUL of Texas, Mr. PETERSON of Pennsylvania, Mr. CARNEY, Mr. KUHL of New York, Mrs. DRAKE, Mr. LAHOOD, Mr. TIAHRT, Mrs. MCMORRIS RODGERS, Mr. BOSWELL, Mr. CONAWAY, Mr. HALL of Texas, Mrs. LOWEY, Mr. SHAYS, Mr. NUNES, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. PRICE of North Carolina, Ms. ESHOO, Mr. PITTS, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. PATRICK MURPHY of Pennsylvania, Ms. GRANGER, and Mr. DICKS):

H.R. 1673. A bill to posthumously award a Congressional Gold Medal on behalf of passengers and crew members aboard United Airlines Flight 93 who resisted the hijackers and caused the plane to crash; to the Committee on Financial Services.

By Mr. SPRATT:

H.R. 1674. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CARDOZA:

H. Res. 263. A resolution recognizing National Foster Care Month as an opportunity for Congress to improve the foster care system throughout the United States; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDEN (for himself, Mr. LOBIONDO, and Mr. ELLSWORTH):

H. Res. 264. A resolution supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. ISSA, Mr. JONES of North Carolina, Mr. MEEHAN, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CONYERS, Mr. HAYES, Mr. HINOJOSA, Mr. LAHOOD, Mr. LAMBORN, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. ROTHMAN, Mr. RYAN of Ohio, Mr. POE, Mr. HARE, Mr. MCHUGH, Ms. KAPTUR, Ms. CASTOR, Mr. CALVERT, and Mr. MCINTYRE):

H. Res. 265. A resolution honoring military children during "National Month of the Military Child"; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 199: Ms. GIFFORDS.

H.R. 269: Mr. CARNEY and Mr. PORTER.

H.R. 281: Mr. STARK and Mr. KIND.

H.R. 303: Ms. FOXX and Mr. PORTER.

H.R. 354: Mr. CUELLAR.

H.R. 473: Mr. MILLER of Florida.

H.R. 493: Mr. UDALL of Colorado.

H.R. 522: Ms. CARSON.

H.R. 552: Mr. LOBIONDO, Mrs. WILSON of New Mexico, Mr. WALSH of New York, Mr. PERLMUTTER, Mrs. BONO, and Mr. MICHAUD.

H.R. 553: Mr. RYAN of Ohio, Ms. KILPATRICK, and Mr. HOBSON.

H.R. 566: Mr. REYES and Ms. LINDA T. SÁNCHEZ of California.

H.R. 594: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 628: Mr. JORDAN and Mr. WICKER.

H.R. 642: Mr. WALSH of New York.

H.R. 643: Mr. FLAKE, Mr. GRIJALVA, Mr. JINDAL, Mr. CHANDLER, Mr. BURTON of Indiana, Ms. CARSON, Ms. WOOLSEY, and Mr. LAMPSON.

H.R. 680: Mr. PICKERING.

H.R. 683: Mr. WAMP.

H.R. 692: Mr. GRIJALVA.

H.R. 694: Mrs. MCCARTHY of New York, Mr. DAVIS of Alabama, and Mrs. JONES of Ohio.

H.R. 698: Mr. JOHNSON of Illinois, Mr. DEFAZIO, Mr. WALZ of Minnesota, and Mr. LOEBSACK.

H.R. 790: Mrs. MCMORRIS RODGERS and Mr. RODRIGUEZ.

H.R. 804: Mr. BAIRD.

H.R. 861: Mr. PICKERING.

H.R. 868: Mr. ELLISON and Mr. UDALL of Colorado.

H.R. 890: Mr. KUCINICH, Mr. KIND, and Mr. AL GREEN of Texas.

H.R. 891: Mr. SNYDER, Ms. WOOLSEY, Mrs. LOWEY, Mr. WALZ of Minnesota, and Mr. SMITH of Washington.

H.R. 917: Mr. DAVIS of Kentucky and Mr. ROGERS of Kentucky.

H.R. 969: Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, Mr. MARKEY, Mr. LOEBSACK, Ms. SOLIS, and Ms. BALDWIN.

H.R. 970: Mr. TERRY.

H.R. 971: Mr. MCNULTY, Mr. GINGREY, and Mr. ALEXANDER.

H.R. 980: Mr. FOSSELLA, Mr. PRICE of North Carolina, Mr. FERGUSON, and Mr. LAHOOD.

H.R. 988: Ms. LINDA T. SÁNCHEZ of California.

H.R. 989: Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. HENSARLING, and Mrs. MUSGRAVE.

H.R. 1002: Mr. BURTON of Indiana.

H.R. 1010: Mr. MCGOVERN, Mr. RUPPERSBERGER, Mrs. CAPPS, Mr. MCNULTY, Mr. SIRES, Ms. SUTTON, Ms. HIRONO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1023: Mr. MCCAUL of Texas, Mr. CHABOT, and Mr. BLUMENAUER.

H.R. 1029: Mr. MCCAUL of Texas, Mr. RENZI, Mr. NEUGEBAUER, Mr. CALVERT, and Mr. CLAY.

H.R. 1051: Ms. GIFFORDS.

H.R. 1061: Mr. COHEN and Ms. MCCOLLUM of Minnesota.

H.R. 1076: Mr. KIRK, Mr. ROSKAM, Mr. CAMP of Michigan, and Mr. PLATTS.

H.R. 1105: Mr. MCHUGH.

H.R. 1108: Mr. ELLSWORTH, Mr. STUPAK, and Mr. UPTON.

H.R. 1110: Mr. GOHMERT, Mr. ROTHMAN, Mr. GARRETT of New Jersey, Mr. JINDAL, Mr. PAYNE, Mrs. MCCARTHY of New York, Mr. BOREN, Mr. YOUNG of Florida, Mr. SHAYS, Mr. SCOTT of Virginia, Mr. LOBIONDO, Mr. BILIRAKIS, Mr. PLATTS, Mr. FORBES, Mr. RYAN of Ohio, Mr. RAHALL, Ms. WASSERMAN SCHULTZ, Mr. WAMP, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. SIRES, and Mr. GENE GREEN of Texas.

H.R. 1125: Mr. DENT, Mr. BROWN of South Carolina, and Mr. KIRK.

H.R. 1153: Mr. DAVID DAVIS of Tennessee, Mr. ALEXANDER, Mrs. CUBIN, Mr. SMITH of New Jersey, Mr. ROSKAM, Mr. SESSIONS, Mr. SULLIVAN, Mr. PUTNAM, Mr. RENZI, and Mr. FLAKE.

H.R. 1177: Mr. KANJORSKI.

H.R. 1192: Ms. LEE.

H.R. 1228: Mr. POMEROY.

H.R. 1239: Ms. CASTOR, Mr. RUPPERSBERGER, Mr. SOUDER, and Mr. MCHUGH.

H.R. 1252: Mr. REYES and Mr. KAGEN.

H.R. 1268: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. PLATTS, Mr. CARNEY, and Mr. ALLEN.

H.R. 1302: Mr. PAYNE, Mr. MORAN of Virginia, Mr. JEFFERSON, Mr. CROWLEY, Ms.

WATSON, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. REICHERT, Mr. LANTOS, Mr. MILLER of North Carolina, Mr. ENGEL, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. ZOE LOFGREN of California, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. WEXLER, Mr. CLEAVER, Mr. GRIJALVA, Mr. OBERSTAR, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Mr. DICKS, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, and Mr. SHAYS.

H.R. 1306: Mr. PORTER and Mr. MILLER of Florida.

H.R. 1331: Mr. BAIRD, Mr. COHEN, Mr. DOYLE, Mr. ETHERIDGE, Mr. GRIJALVA, Mr. HONDA, Mrs. LOWEY, Mr. MCNULTY, Mr. ORTIZ, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Ms. SUTTON, and Mrs. JONES of Ohio.

H.R. 1343: Mr. GRIJALVA, Mr. MCCOTTER, Ms. HIRONO, Mr. KENNEDY, Mr. SALAZAR, Mr. PRICE of North Carolina, Mr. RENZI, and Mr. FARR.

H.R. 1350: Mr. DAVIS of Illinois.

H.R. 1391: Mr. WAXMAN.

H.R. 1398: Mr. LINDER, Mr. KINGSTON, Mr. MCHUGH, and Mr. REHBERG.

H.R. 1399: Mr. SALAZAR, Mr. WALBERG, Mr. MARIO DIAZ-BALART of Florida, Mr. PENCE, Mr. PORTER, Mr. BOUCHER, Mr. PITTS, Mr. SHULER, Mr. SMITH of Nebraska, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. GENE GREEN of Texas, Mr. CARDOZA, Mr. KELLER, Mr. MICHAUD, Mr. BOYD of Florida, Mr. DAVIS of Alabama, and Mr. SESSIONS.

H.R. 1400: Mrs. BONO, Mr. ANDREWS, Mr. WOLF, Mr. BERRY, Mr. COLE of Oklahoma, Mr. MATHESON, Mrs. NAPOLITANO, Mr. SENSENBRENNER, Mr. DENT, Mr. PORTER, Mr. MAHONEY of Florida, Ms. PRYCE of Ohio, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. HIGGINS, Mr. MACK, Ms. ESHOO, Mr. ALLEN, Mr. WESTMORELAND, Mr. BOSWELL, and Mr. CLAY.

H.R. 1415: Mr. CLAY, Mr. STARK, and Mr. ROTHMAN.

H.R. 1416: Mr. THOMPSON of California, Mr. CLAY, Mr. STARK, and Mr. ROTHMAN.

H.R. 1439: Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1459: Mr. PITTS, Mr. OLVER, Mr. MCCOTTER, Mr. SIMPSON, Mr. GRAVES, Mr. DAVID DAVIS of Tennessee, Mr. FORTENBERRY, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. AKIN, Mr. RODRIGUEZ, and Mr. CONYERS.

H.R. 1462: Mrs. CUBIN and Mr. PERLMUTTER.

H.R. 1469: Mr. PAYNE, Ms. WATSON, Mr. SHIMKUS, Mr. HOLT, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1475: Mr. CUELLAR.

H.R. 1497: Ms. SOLIS, Mr. HINCHEY, Mrs. MALONEY of New York, and Mr. MCDERMOTT.

H.R. 1498: Mr. CLAY, Mrs. TAUSCHER, Mr. EHLERS, and Mr. BERMAN.

H.R. 1524: Mr. SHAYS and Mr. LEWIS of Kentucky.

H.R. 1532: Mr. WAXMAN and Ms. MCCOLLUM of Minnesota.

H.R. 1533: Mr. KIRK.

H.R. 1536: Ms. ZOE LOFGREN of California, Mr. REYES, Mr. MITCHELL, and Ms. ESHOO.

H.R. 1538: Mrs. JO ANN DAVIS of Virginia, Mr. HAYES, Mr. DELAHUNT, Mr. GRAVES, Mr. BILBRAY, Ms. BERKLEY, Mr. SOUDER, Mr. GINGREY, Mr. WALBERG, Mr. AKIN, Mr. PORTER, and Ms. HARMAN.

H.R. 1551: Mrs. MALONEY of New York.

H.R. 1558: Mr. PASTOR.

H.R. 1567: Mr. WAXMAN.

H.R. 1594: Mr. FATTAH.

H.R. 1600: Mr. RENZI, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. GOODE, Mr. HINOJOSA, and Ms. CLARKE.

H.R. 1608: Mr. BLUMENAUER, Mr. SARBANES, Mr. OLVER, Mr. HARE, Mr. KENNEDY, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Mr. PETRI, Mr. HONDA, and Mr. KIND.

H.R. 1616: Mr. MARSHALL, Mr. DOYLE, Mr. BOSWELL, and Mr. CLAY.

H.R. 1620: Ms. BORDALLO.

H.R. 1638: Mr. ISRAEL.

H.J. Res. 9: Mrs. BLACKBURN.

H. Con. Res. 4: Mr. KLEIN of Florida.

H. Con. Res. 25: Mr. RENZI, Mr. SMITH of Nebraska, and Mrs. CHRISTENSEN.

H. Con. Res. 71: Mr. DENT.

H. Con. Res. 72: Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. HIGGINS, Mr. OBERSTAR, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Mr. WALZ of Minnesota, Ms. SUTTON, Mrs. MCCARTHY of New York, Mr. DOYLE, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. WILSON of Ohio.

H. Con. Res. 80: Mr. MCCOTTER.

H. Con. Res. 92: Mr. BOSWELL.

H. Res. 132: Mr. CROWLEY and Mr. HONDA.

H. Res. 233: Mr. DELAHUNT and Mr. GALLEGLY.

H. Res. 259: Mr. GRIJALVA, Mr. DOYLE, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. REYES, Mr. GARRETT of New Jersey, Ms. BORDALLO, Mr. PETRI, Mr. LINCOLN DAVIS of Tennessee, and Ms. GIFFORDS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Bennie G. Thompson or a designee to H.R. 1401 the "Rail and Public Transportation Security Act of 2007," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY: MR. BOB GOODLATTE

I certify that neither I or my spouse has financial interest in legislation I introduced today (H.R. 1664) that would authorize grants from the National Archives and Records Administration toward the establishment of the Woodrow Wilson Presidential Library located in Staunton, Virginia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 1, March 20, 2007, by Mr. SAM JOHNSON of Texas on House Resolution 220, was signed by the following Members: Sam Johnson, Jerry Lewis, John Kline, Candice S. Miller, Roy Blunt, John R. Carter, Joseph R. Pitts, Ted Poe, Joe Wilson, Tom Price, Jim Saxton, Lincoln Diaz-Balart, Ileana Ros-Lehtinen, David Davis, Kay Granger, K. Michael Conaway, Rick Renzi, Thaddeus G. McCotter, Eric Cantor, Donald A. Manzullo, Michele Bachmann, Kevin Brady, Jerry Weller, John Campbell, F. James Sensenbrenner, Jr., Ginny Brown-Waite, Patrick T. McHenry, John T. Doolittle, Tom Cole, Jeb Hensarling, Thelma D. Drake, Michael T. McCaul, Mary Fallin, Jo Bonner, J. Dennis Hastert, Peter J. Roskam, Virginia Foxx, Mary Bono, Connie Mack, Stevan Pearce, Gus M. Bilirakis, Adam H. Putnam, Mark E. Souder, Rob Bishop, Scott Garrett, James T. Walsh, Mario Diaz-Balart, Dennis R. Rehberg, Ralph M. Hall, Jon C. Porter, J. Randy Forbes, Trent Franks, Ken Calvert, Lynn A. Westmoreland, Ron Lewis, Elton Gallegly, Dana Rohrabacher, Sue Wilkins Myrick, Jeff Miller, Zack Wamp, Henry E. Brown, Jr., Mac Thornberry, Paul Ryan, Tom Feeney, Bill Sali, Doc Hastings, John A. Boehner, Daniel E. Lungren, Harold Rogers, Ander Crenshaw, David Dreier, Patrick J. Tiberi, Jeff Flake, Joe Knollenberg, Lamar Smith, Howard P. "Buck" McKeon, Randy Neugebauer, Darrell E. Issa, Spencer Bachus, Cathy McMorris Rogers, David G. Reichert, Phil Gingrey, Tim Walberg, John Abney Culberson, Frank D. Lucas, Jean Schmidt, Peter Hoekstra, Paul E. Gillmor, John R. "Randy" Kuhl, Jr., Charles W. Dent, Thomas E. Petri, Devin Nunes, Bill Shuster, Greg Walden, John B. Shadegg, Wally Herger, Roger F. Wicker, Michael K. Simpson, Louie Gohmert, Doug Lamborn, Lee Terry, Jim Gerlach, Marsha Blackburn, Vern Buchanan, John Boozman, John E. Peterson, Judy Biggert, Deborah Pryce, Jack Kingston, Chris Cannon, Jim Jordan, Thomas M. Reynolds, Charles W. Boustany, Jr., Ray LaHood, Adrian Smith, Terry Everett, Barbara Cubin, Dan Burton, Bob Goodlatte, Nathan Deal, Todd W. Akin, Gary G. Miller, Howard Coble, Steve King, Bob Inglis, Brian P. Bilbray, Kenny Marchant, George Radanovich, Michael N. Castle, Roscoe G. Bartlett, Phil English, Mark Steven Kirk, Dave Camp, Bobby Jindal, Geoff Davis, Robert B. Aderholt, Todd Russell Platts, Steven C. LaTourette, Jim McCrery, Charles W. "Chip" Pickering, Rodney Alexander, Frank R. Wolf, Todd Tiahrt, Mike Rogers, Ric Keller, Joe Barton, Edward R. Royce, Jim Ramstad, Richard H. Baker, Rodney P. Frelinghuysen, Christopher Shays, Tom Latham, J. Gresham Barrett, Virgil H. Goode, Jr., Fred Upton, John Sullivan, Kevin McCarthy, Dean Heller, Michael C. Burgess, John Shimkus, Jeff Fortenberry, Heather Wilson, John L. Mica, Vernon J. Ehlers, Kenny C. Hulshof, Michael R. Turner, Mike Pence, Pete Sessions, Marilyn N. Musgrave, Sam Graves, Mike Ferguson, Ed Whitfield, and Peter T. King.

SENATE—*Friday, March 23, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Barry C. Black, offered the following prayer:

Let us pray.

Spirit of the living God, fix our thoughts on You. Let not arrogant or impure thinking distract us from listening to You. Focus the attention of our Senators on serving You as they seek to do Your will. Make them wise to discern what they don't know.

Lord, today, enable our lawmakers to debate without quarreling. May they strengthen their friendships with each other. Inspire them to become disciplined followers, always ready to obey Your commands. May their lives be open letters for You that people can receive blessings from reading. Guide, teach, and strengthen our Senators until they reflect Your image of purity, gentleness, honesty, humility, generosity, and love.

We pray in Your blessed Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 2007.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will immediately resume consideration of the budget resolution, and only 30 minutes remains for debate. That time is equally divided between the two managers of the bill.

It is my understanding that the staffs of the chair and ranking member have been in discussions about establishing some order in the way the amendments will be voted on during the early stages of this vote-arama.

Members are asked to stay near the Chamber once the voting begins. There will be 10-minute votes all day long, and that time will be enforced for both sides.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 21, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for the fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

Pending:

Kyl/Thune amendment No. 583, to reform the death tax by setting the exemption at $5 million per estate, indexed for inflation, and the top death tax rate at no more than 35 percent beginning in 2010, to avoid subjecting an estimated 119,200 families, family businesses, and family farms to the death tax each and every year, to promote continued economic growth and job creation, and to make the enhanced teacher deduction permanent.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the chairman and ranking member of the Budget Committee.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first, I thank the Chaplain for the most excellent prayer that he offered today. I think it set the right tone for today's discussions. I hope very much that while we may disagree strenuously, we can do so in a civil way. I thank especially the ranking member, Senator GREGG, for the way he has conducted this debate on the other side throughout. As is always the case with him, it has been thoroughly professional. It has set an excellent tone. We have vigorous disagreements on policy from time to time, but there are many areas where we actually agree. With him in leadership, it has always been done in a professional way. We especially appreciate the cooperation from all of our colleagues and especially from the ranking member and his outstanding staff.

The budget, as it stands at this moment, takes us in a new direction. It takes us back to fiscal responsibility. It takes us toward a balanced budget by 2012. Here is where the budget stands as of the latest numbers that we have after action last night. Every year of the 5-year budget the deficits will be reduced until we are in balance in 2012, albeit just barely.

The next chart. The debt under the budget resolution, the gross debt of the United States as a percentage of GDP, will finally start to head down instead of increasing year after year after year. Under this budget resolution, the gross debt of the United States as a share of GDP will start going down in 2009. We will see a slight reduction in 2010. It is somewhat improved, in terms of reduction, in 2011 and 2012.

Spending under this budget resolution is going down as a share of gross domestic product—from 20.5 percent in 2008 down to 18.8 percent in 2012. So we have spending going in the right direction.

The budget resolution is only slightly above baseline for nondefense discretionary funding. The baseline is $438.8 billion. The spending in the 2008 budget resolution is $445 billion, a 1.4-percent difference. That is spending in dollar terms. I was talking about spending previously as a share of GDP. The previous chart showed spending as a share of GDP actually going down.

We do have a number of very significant priorities addressed in this budget. First and foremost is children's health care. We have up to $50 billion allocated over 5 years for children's health care to make possible the coverage for every child who would be eligible in the country. That is 25 times as much as in the President's budget for that same period.

We have also improved on the President's education numbers by 2008. In 2008, the budget resolution provides $62.3 billion compared to the President's budget for education of $56.2 billion for that year.

Another key priority is veterans health care. I am especially proud of what we have done. We have matched, or exceeded, the independent budget prepared by the Nation's veterans organizations. We have matched or exceeded it in every single category except construction, where the Veterans' Affairs Committee tells us they could not spend the amount of money in the independent budget because they simply could not let the contracts in time. In comparison to the President, we are at $43.1 billion for veterans funded, compared to the President's number of $39.6 billion.

On the alternative minimum tax, the old millionaires' tax that is rapidly becoming a middle-class tax trap, we prevent the number of people being swept up into the AMT from increasing from 3.8 million last year. If we didn't take action, that would increase to over 23 million in 2007. We prevent that increase from 3.8 million to over 23 million.

Similarly, in 2008, we prevent an increase to over 25 million people—largely the middle class—and to the upper side of the middle class from being caught up in the alternative minimum tax. That, by the way, is completely offset. Key priorities are the child health and family tax relief amendment. There is $15 billion in the budget resolution itself for children's health care. There is up to $35 billion in a deficit-neutral reserve fund. We also now in the resolution, after the Baucus amendment, extend middle-class tax relief.

We fully provide for marriage penalty tax relief, child tax credit, and the 10-percent bracket. We also provide for estate tax reform. Members will recall that we have this anomalous situation where we are going to go from $3.5 million of exemption per person under the estate tax in 2009—in 2011 it goes back to a million. We prevent that from occurring. So under the budget resolution, a couple could shield $7 million in assets without paying a penny of tax, and it is indexed for inflation.

The revenues in this resolution now, compared to the President's, are depicted on this chart. The green line is our revenues; the red line is the President's revenues. There is a difference of 1.8 percent now.

Seen in a different way, if you look back at what the President initially proposed for revenue, the President proposed $14.826 trillion of revenue. We have in this resolution almost the identical amount; we have $14.827 trillion.

So let me make clear that there is almost no difference in the revenue in this proposal compared to what the President initially proposed. Where would we get that slight difference in revenue? In the first place, there is no tax increase. We don't propose any tax increase in this budget resolution at all. I read some of the stories saying we have all these tax increases. We do not.

We do believe more revenue can be gained. The first place to go is the tax gap. That is the difference between what is owed and what is paid. In 2001 alone, the Internal Revenue Service tells us the tax gap was $345 billion.

Also, offshore tax havens. I have shown this picture many times. There is a five-story building in the Cayman Islands that is the home to 12,748 companies. Mr. President, this is a tax dodge. There are not over 12,000 companies doing business out of this building. They are doing monkey business out of this building. They are engaged in a massive tax evasion. This is the kind of thing we ought to shut down.

Another committee of Congress has told us that there is $100 billion a year—over $500 billion over 5 years—being lost to the U.S. Treasury to these offshore tax haven scams. We suggest cutting that off, stopping it, recovering that revenue. In fact, that would more than cover, by a substantial amount, the revenue difference between us and what is in the President's proposal.

Here is another example. This is a picture of a sewer system in Europe. What does a sewer system in Europe have to do with the budget of the United States? Unfortunately, a lot because wealthy investors and companies bought this sewer system in Europe, depreciated it on the books in the United States to reduce their tax in America, and then they leased the sewer system back to the European city that built it in the first place.

There are hundreds of billions of dollars involved in these tax scams. It is growing, and it is a cancer that has to be stopped.

This budget resolution also makes a beginning at addressing our long-term fiscal challenges. We have $15 billion in Medicare savings. We have major program initiatives to crack down on waste, fraud, and abuse. We have a requirement that tax cuts and new mandatory spending be paid for with a tough pay-go provision. We have a long-term deficit increase point of order. We have a "save Social Security first" point of order. We have a health information technology reserve fund. The Rand Corporation told us that alone could save $81 billion a year.

Finally, we have a comparative effectiveness reserve fund so that we go out and look at what are the most effective technologies and treatments in the medical area that work in one part of the country but have not yet been applied elsewhere. Health experts tell us massive savings could come from that initiative.

Let me end as I began. This budget resolution takes us in a new direction, a better direction. This is a budget resolution which restores fiscal discipline. It will balance the books by 2012; it will meet the high-priority needs of the United States; it fully funds the President's defense request and his request for war costs; it has major tax reductions for those in the middle class so that we assure that middle-class tax breaks continue. It also provides for estate tax reform and, at the same time, begins to address the long-term fiscal challenges facing our Nation.

I don't assert that this is a perfect budget. If I had a totally free hand, I am certain it would be different. But at the end of the day, the test for us is, can we write a budget for our country? In 3 of the last 5 years, there has not been a budget for the United States of America. Let me repeat that. In 3 of the last 5 years, there has not been a budget for the United States. It is our obligation and our responsibility to put a budget in place to begin the difficult task of balancing the books while meeting the priority needs of our Nation.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I begin by returning the courtesies of the chairman and doing it with sincerity. The chairman and his staff have been gracious and fair with us and, obviously, they are always professional. It is a pleasure to work with him and his staff.

We do, obviously, have philosophical differences, but hopefully it is a reflection of how this place should work, which is we do it professionally, we don't game each other, we don't yell at each other—sometimes we yell at each other—we basically air our views, make our points, go to our votes, and allow everybody to get their 2 cents in. That is the way this place should work, and it works because the chairman is courteous enough to allow us to accomplish that. I thank him for that and his staff. They have done a great job here, as well as mine.

I do agree the country needs a budget. That is critical. But regrettably, the budget he has brought forward is not a good budget for this country. It is a budget that is inconsistent in many areas, but at its essence is the fact that it spends a lot more money, grows the size of the Government, increases taxes a great deal, increases the debt a great deal and, regrettably, does not address the most essential issue we face today, which is the fiscal meltdown this country is going to face when we put on our children the cost of the Government as we head into the retirement of the baby boom generation.

This chart reflects that situation. It is a little outdated because it was done earlier, and we don't have a chart machine like the chairman, but it essentially captures the concept that this budget has $700 billion in tax increases. That is the one number which is wrong on this chart because of the Baucus amendment being adopted—$700 billion of tax increases. That is the largest tax increase in the history of the country. There is $144 billion minimum in nondefense discretionary spending, $2 trillion of new debt, and it does nothing in the entitlement area.

The inconsistencies in this budget are palpable. In the tax area, for example, this budget, as I mentioned, will be the largest tax increase in the history of the country and will take us down the road toward what is essentially a European tax system where essentially we are going to be looking at a total tax burden on the American people that will head toward the tax burden of the nation of France. When this budget reaches its end, it will be about a 19-percent to 19.5-percent tax burden on the American people. Historically, the Federal Government tax burden has been about 18.2 percent. That is a huge increase.

The chairman holds up these charts which show the lines are very close between the President's tax increases and his tax increases. But his tax increases, as he says, recalculated now are about 2 percent higher than the President. Two percent is real money when you are talking a base of $3 trillion. In fact, 2 percent represents approximately a little more than a quarter of a trillion dollars in new taxes above what the President would have suggested.

Those are huge tax increases which the American people are going to have to bear. The concept that keeps being put out here, that these are not going to be tax increases, that they are going to be found behind a curtain somewhere, is simply not defensible. It doesn't pass what I call the duck test. It is ducking the issue, basically. But it doesn't pass the duck test; that is, if it looks like a duck, walks like a duck, and talks like a duck, it must be a duck. When you put $700 billion of new taxes into a budget, you are talking about raising taxes dramatically, you are talking about increasing taxes on working Americans dramatically, and that is what this budget does.

In the pay-go area, this budget is also totally inconsistent. It says we are for pay-go. In fact, pay-go has become a solemn oath of the other side of the aisle. I read a New York Times editorial the other day that says pay-go is wonderful. Somebody tell the New York Times that the Democratic leadership, under this budget, has exempted most of their favorite programs from pay-go. They have pay-go for programs that maybe the Republican side of the aisle would support, such as not allowing taxes to increase—yes, they apply pay-go to that issue. But when they have their programs they think are important, they don't apply pay-go to it. In fact, they specifically exempt it. For example, the agriculture language is exempted from pay-go. It looks as if SCHIP may be exempted from pay-go. The Baucus tax proposal which came to the floor was exempted from pay-go. The AMT amount in this bill is exempted from pay-go. The simple fact is, pay-go has become Swiss cheese-go under this bill. There is no relevance at all because it is an arbitrary effort to keep one side from doing what they philosophically agree with while the other side ignores it or basically overrules it for what they like to do.

The argument is that they haven't increased spending that much. Well, $144 billion in nondefense discretionary spending is a lot of money when you put it on top of the base. That is a big number. At least in New Hampshire it is a big number. I mean, $144 billion would run the State of New Hampshire for probably 20 years. Yet they claim it is not a big number.

Then there is no talk again of the inconsistency in this, there is no talk about the fact that there are over 27 reserve funds representing a $200 billion cost in new programs should they be instituted. That is a growth of the Government—which, I am sure, not all of those will be instituted, but the game plan is there to institute them—$200 billion of potential expansion in the size of the Government.

They take the position that they have added other programs by using the 920 account. There was an interesting debate yesterday where the chairman of the committee said to the Senator from Minnesota: We can't use 920 to address the extension of renewable tax credits relative to wind energy and issues such as that because that would cut veterans and it would cut health care and education. But he failed to mention to the Senator from Minnesota that there was already about $38 billion of the 920 account in here. Mr. President, 920 is a euphemism for, well, we really don't know how we are going to pay for this, so we are going to use the 920 account, and that is allegedly a cut across the board. So there is another $40 billion of spending in this bill that probably, in the end, is going to occur and not get paid for.

There are huge expenditures, huge expansion in the size of the Government, tremendous growth in the size of the Government in this bill.

Then we have entitlement accounts. The chairman of the committee continues to allege he has $15 billion in entitlement savings in this bill. That is an impossible statement to make unless you are only willing to look at one part of the bill because in the other section of the bill, they spend $50 billion in new entitlement programs. So you can't claim you are saving money when you are expanding entitlement programs and not net the two out. It is totally inconsistent.

This bill expands entitlement spending. It does not restrict entitlement growth. Ironically, it does it in a way that makes those programs probably not subject to pay-go when they are expanded.

This is the biggest failure of this bill. The spending is pretty bad and the taxes have improved a little, but basically this is the biggest failure of this bill, the failure to address what the chairman has talked about—I agree with his discussions, I agree with his hearings—has talked about the most severe problem we face as a nation; that is, the fact that when this baby boom generation retires, this Government becomes unaffordable for our children. The cost of three major entitlement programs—Social Security, Medicare, and Medicaid—will actually exceed the total Federal Government cost as a percentage of gross national product by 2025, and we will have nothing available to do anything else or, alternatively, will have to tax our children into oblivion so they cannot enjoy a quality lifestyle. Yet this bill does nothing on that.

We offered a reasonable amendment on this subject. We suggested that people earning more than $80,000 as individuals and $160,000 jointly should not be subsidized in their drug benefit by people working in restaurants across this country or working at gas stations or working on assembly lines, and it was rejected by the other side of the aisle.

We suggested that hospitals and provider groups that are getting an inflated payment under the COLA by about 1.2 percent should have that inflated COLA payment reduced by about half. They will still be getting an extra half a percent, six-tenths of a percent in benefits, and that was rejected.

If either of those had been accepted, we would have moved toward some semblance of getting under control this outyear instability in our Medicare fund. Those two amendments would have done more to make Medicare solvent than anything else we could do around here and thus make it available to seniors when they retire and have our children able to afford it. But that was rejected. There was no action at all in that area.

The tax issue—have to come back to this issue. The idea that there is not a tax increase in this bill is so patently absurd on its face that the first amendment out of the box offered by the Democratic leadership was to extend the tax cuts for certain tax cuts they felt they didn't want to have go up, and the reverse of that, of course, is they are willing to let the other tax cuts go up. That is obvious. That is just A follows B or 1 and 1 makes 2. So there is no question they are taxing.

This idea that there is a comparison between the President's numbers and their numbers in tax increases, again is a total inconsistency. They use OMB to score the President's numbers and they use CBO to score their numbers. But if we score it apples to apples and oranges to oranges, we see the difference is significant. This was calculated before the Baucus amendment was adjusted, so these would be adjusted down somewhat, but the differences are still significant, somewhere in the range of $250 billion of difference if we compare apples to apples and oranges to oranges.

When we peel everything away from this bill—I understand we are going to start voting at 9:30—all these inconsistencies, the fact that they don't use pay-go for programs they like but they do apply to positions which the Republicans might take, the fact that the tax increase in this budget is the largest in history and yet they claim there is no tax increase, the fact that the spending goes up dramatically and they claim spending doesn't go up, the fact that there is virtually—there are no savings in entitlements on a net basis and there is actually significant aggravation of the cost of entitlements for our children in this bill as a result of new programs which they anticipate, this bill is going to do significant damage to our economy, and it is going to grow the Government and make us larger.

It comes down to a very simple fact, really, when we take everything away: This bill essentially is a classic Democratic tax-and-spend bill. That is all it is. Bigger taxes, bigger spending, bigger debt, larger Government, and as a practical matter, it is not going to be a constructive event for us as a nation. So I hope my colleagues, when we get to final passage, will vote against it. We are going to have a lot of votes here, but in the end, what is going to pass, if this bill passes, is your classic tax-and-spend bill.

Mr. President, I believe we are supposed to start voting at this time.

Mr. CONRAD. Mr. President, might I say the Senator now has hurt my feelings. Would the Senator's staff put up the caveman chart? That now has hurt my feelings. I don't know how I am going to be able to get through the day after the caveman chart. I don't think that is even a good likeness of the Senator from North Dakota.

Mr. GREGG. I think this is actually the likeness of somebody from Nevada.

Mr. CONRAD. OK.

Mr. President, I think we now need to establish the order of the votes, or at least the first several votes, and for that purpose, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 622

Mr. GREGG. Mr. President, I send an amendment to the desk, and I ask that it be reported.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 622.

Mr. GREGG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Point of order against using reconciliation to create new mandatory programs and 20% limitation on spending reconciliation)

SEC. . POINT OF ORDER—20% LIMIT ON NEW DIRECT . SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be accepted.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CONRAD. Mr. President, I will not object. This, frankly, is a complicated amendment. I am not sure I fully understand all the implications or ramifications of it, but the basic notion that we try to make certain that reconciliation is used for deficit reduction is one I embrace and, in fact, one that is in the budget resolution before us.

We have a requirement in this budget resolution that reconciliation only be used for deficit reduction. The amendment of the Senator from New Hampshire is an attempt to send that signal even more clearly, if I understand it correctly, and the Senator can correct me if I misinterpret it. That is my interpretation, and on that basis I would accept the amendment.

Mr. GREGG. Mr. President, I say to the Senator from North Dakota the purpose of this amendment is to make it absolutely clear we do not make reconciliation a stalking-horse to spend money. You have to use it to reduce the deficit.

Mr. CONRAD. Maybe we should explain what the term means. Reconciliation is a special process here in the Senate that gets around the regular order. It creates a superhighway to pass something. Reconciliation was designed and implemented to permit a fast-track basis for reducing deficits. Unfortunately, it can be abused and it has been abused in the past and used to actually increase deficits. That was never the intention.

We have prevented that from occurring in the budget resolution. So this is an attempt to prevent something that would have minimal deficit reduction from being used as a stalking-horse for a significant expansion of spending.

On that basis, I accept the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is adopted.

The amendment (No. 622) was agreed to.

Mr. CONRAD. Mr. President, the Senator from Arkansas has an amendment, but do we have an order that indicates on every amendment that there be 2 minutes evenly divided and that there be no second degrees?

The ACTING PRESIDENT pro tempore. The order provides that once voting begins, there is 2 minutes between each amendment.

Mr. CONRAD. And do we have an agreement that there be no second degrees, but that we would reserve the right, based on the managers' decision, to have side-by-sides in any case where that is required? Do we have that as an order?

The ACTING PRESIDENT pro tempore. The order is not for second degrees.

Mr. CONRAD. Mr. President, I ask unanimous consent that both those provisions be in order, that we have 2 minutes of debate equally divided on a vote, that there be no second degrees, that at the discretion of the managers there be the opportunity for side-by-sides, and that we order rollcall votes at this juncture on all those votes that are presented.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and, it is so ordered.

The Senator from Arkansas is recognized.

AMENDMENT NO. 601

Mr. PRYOR. Mr. President, I believe I am limited to 1 minute; is that correct?

The ACTING PRESIDENT pro tempore. Is the Senator offering an amendment?

Mr. PRYOR. Yes, I offer amendment No. 601.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, and Mr. NELSON of Florida, proposes an amendment numbered 601.

The amendment is as follows:

(Purpose: To establish a reserve fund to provide additional training for physicians and attract more physicians in States that face a shortage of physicians in training)

At the end of title III, insert the following:

SEC. ___. RESERVE FUND TO PROVIDE ADDITIONAL TRAINING FOR PHYSICIANS AND ATTRACT MORE PHYSICIANS IN STATES THAT FACE A SHORTAGE OF PHYSICIANS IN TRAINING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides additional training for physicians and attracts more physicians in States that face a shortage of physicians in training, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 1 minute.

Mr. PRYOR. Mr. President, I rise today to offer amendment No. 601, and I encourage my colleagues to look at it and vote for it.

The statistics are that by the year 2020 this country will be tens of thousands—tens of thousands—short on doctors providing the medical care we need around this country. What this amendment does is it creates a reserve fund that would provide additional training for physicians and help to attract more physicians in States that face a shortage of physicians for training. It does not impose a prescriptive solution but creates a deficit-neutral reserve fund the Finance Committee can use to find the best way to help ensure citizens and States will have the number of physicians they need over the long term.

I thank Senator BILL NELSON for cosponsoring the amendment, and also the majority leader and the chairman of the Finance Committee for supporting this amendment. This goes back to the mid 1990s, where there were some caps imposed. This doesn't change that, but it allows the Finance Committee the room during this budget cycle to try to help resolve that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who requests time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I suggest we do this amendment on a voice vote, and I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The question is on agreeing to amendment No. 601.

The amendment (No. 601) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

AMENDMENT NO. 581

Mr. BROWNBACK. Mr. President, I have an amendment to the bill that creates a BRAC-type process for the rest of Government. I think this is one where we have a lot of priorities that people are interested in, yet nobody is for wasteful spending. So here is a process where we can actually reduce Federal spending in low-performing areas and be able to get the resources to spend in places we want to. It would be a BRAC-type system, which we are familiar with, and it would apply it to the rest of Government.

The commission of reports gives us one vote, up or down, without amendment, limited timeframe. This is a way we can responsibly, both parties, look at ways we can fund priorities in the future without raising taxes, and I hope that is what we are all about.

We are familiar with how that BRAC process works. A lot of people aren't particularly happy when the report comes out, but it has worked and eliminated some $50 billion worth of lower priority military base spending. I don't know anybody who runs for Federal office or public office anywhere who is for wasteful Government spending. Here is a way of getting at it. Because the system is built to spend, this would actually change that system to give us a process that can be fair to both sides of the aisle, and ongoing in its effort to be able to get this allocation on a more appropriate basis.

Mr. President, I urge my colleagues on both sides to vote for the amendment, and I call up amendment No. 581 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 581.

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 24, line 12, increase the amount by $3,000,000.

On page 24, line 13, increase the amount by $3,000,000.

On page 24, line 16, increase the amount by $6,000,000.

On page 24, line 17, increase the amount by $6,000,000.

On page 24, line 20, increase the amount by $8,000,000.

On page 24, line 21, increase the amount by $8,000,000.

On page 24, line 24, increase the amount by $8,000,000.

On page 24, line 25, increase the amount by $8,000,000.

On page 25, line 3, increase the amount by $4,000,000.

On page 25, line 4, increase the amount by $4,000,000.

On page 26, line 12, decrease the amount by $3,000,000.

On page 26, line 13, decrease the amount by $2,000,000.

On page 26, line 16, decrease the amount by $6,000,000.

On page 26, line 17, decrease the amount by $6,000,000.

On page 26, line 20, decrease the amount by $8,000,000.

On page 26, line 21, decrease the amount by $8,000,000.

On page 26, line 24, decrease the amount by $8,000,000.

On page 26, line 25, decrease the amount by $8,000,000.

On page 27, line 3, decrease the amount by $4,000,000.

On page 27, line 4, decrease the amount by $4,000,000.

Mr. CONRAD. Mr. President, might I inquire of the Senator whether he will accept a voice vote?

Mr. BROWNBACK. Yes.

Mr. CONRAD. Mr. President, I urge my colleagues to vote aye on the Brownback amendment.

The ACTING PRESIDENT pro tempore. The question is on amendment No. 581.

The amendment (No. 581) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 623

Mr. CONRAD. Mr. President, I send an amendment to the desk for immediate consideration. This is a technical amendment, agreed to by both sides.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 623.

The amendment is as follows:

(Purpose: To clarify the treatment of certain provisions in conference reports)

On page 36, line 15, strike beginning with "If" through line 19 and insert "When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.".

On page 39, line 19, strike beginning with "If" through line 23 and insert "When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order."

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is to safeguard minority rights on a conference report. It was suggested by Senator GREGG and his staff. It is very well taken. It should be adopted.

Mr. GREGG. I ask unanimous consent the amendment be adopted.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The amendment (No. 623) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 513

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, may I inquire, is amendment No. 513 next?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DEMINT. I have a minute to speak?

The ACTING PRESIDENT pro tempore. Is the Senator offering the amendment?

Mr. DEMINT. Yes.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 513.

The amendment is as follows:

(Purpose: To provide for true deficit reduction in appropriations bills)

At the end of title III, insert the following:

SEC. ___. DEFICIT REDUCTION PROTECTION POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations bill that does not include the following provision:

"SEC.   . For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt $________.".

(b) ENFORCEMENT.—For purposes of enforcing allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, any amendment that transfers budget authority (and the outlays flowing therefrom) into the debt reduction account provided by subsection (a) shall be scored so that the budget authority continues to count towards the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

(c) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, this amendment is called the Debt Reduction Appropriation Account. Currently, while all of us, on both sides, are talking about the need to cut wasteful spending and try to trim the size of Government, our appropriations process does not allow for cutting spending and using it for debt reduction. This amendment establishes a debt reduction account for every appropriations bill so if during the debate of that appropriations bill we cut something in it, it will not be put back in the pot to be spent on something else. This account will be used for debt reduction, so if all of us have a debate about an item that should not be in a bill, it will go to debt reduction. It is a very simple debt reduction account for every appropriations bill.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Might I inquire from the Senator how this works? Perhaps this is something we could accept, but I need to understand how it works. Could the Senator tell me, as I looked at the amendment, on the bottom of the first page there is a blank, at least in the copy I have. It says, "For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt"—and then there is a blank. Is that filled in on the amendment of the Senator?

Mr. DEMINT. No, it is not. There is no dollar amount although there is a dollar sign here. I will have to inquire how that ended up there, but this is not a requirement to put anything in the account. This is an account, a designated account. If an amount of money is actually cut from an appropriations bill, then it will reduce the 302(b) amount. That amount will effectively be in that account which goes to debt reduction.

Mr. CONRAD. I see.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am constrained to resist this amendment because, as I understand it, what it does is, if the Appropriations Committee would cut in a certain area they would then be prevented from using that money in some other perhaps higher priority area. If there were savings in one area of the budget and Homeland Security needed additional funding, they would not be able to transfer the money.

On that basis I urge my colleagues to vote no.

Mr. DEMINT. Will the Senator yield for a clarification? His explanation, I am afraid, is not the amendment. We can still do what we normally do here, which is take money from one account and put it in another. But if a Senator wishes to reduce the amount of spending in a given area and does not designate it, there is an opportunity for it to go into a debt reduction account. So if we want to take money from any account and shift it to military or Defense, there is no prohibition in this amendment, so we do not change what we are able to do now. What we are not able to do now is, if we cut something and want that money to go to debt reduction—this amendment would simply allow, in the future, for us to designate it to an account rather than to additional spending.

Mr. CONRAD. Mr. President, that is not my reading of how this amendment would function. I wish I had more time to analyze it. This is the first time I have seen it so I am in a very awkward position here. That is my reading of the amendment, so I have no alternative but to ask my colleagues to oppose it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

Mr. CONRAD. The yeas and nays have already been ordered. I ask the yeas and nays be ordered on all these amendments so we don't have to go through that every time.

The ACTING PRESIDENT pro tempore. It is not appropriate to order the yeas and nays by unanimous consent.

Is there a sufficient second on the yeas and nays on the DeMint amendment?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—38

Allard
Bayh
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Sessions
Sununu
Thomas
Thune
Vitter
Voinovich

NAYS—61

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin

Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 513) was rejected.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that succeeding votes be 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator GREGG and I have now visited about the number of outstanding amendments. There are over 60 outstanding amendments. We can do three an hour. That means, unless some of our colleagues relent, we are going to be voting for 20 hours. That is the simple math.

I ask my colleagues on both sides, please, if you can withhold on your amendment and wait for another vehicle, we urge you to do that. We simply cannot spend the next 20 hours voting.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I agree with the Senator from North Dakota. I would note, in our batting order, we have Senator BUNNING on Social Security, Senator DOLE on IRAs for soldiers, Senator ALLARD on mandatory spending, Senator SMITH on SCHIP, Senator THOMAS has one on extraneous items in the supplemental.

Then we will have, potentially, Senator GRASSLEY and—Senator SESSIONS on AMT first. Then Senator HATCH is going to get in here. We are going to get Senator HATCH taken care of. That is the lineup on our side so people have some type of idea.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

AMENDMENT NO. 621

Mr. BUNNING. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 621 at the desk be called up for immediate consideration. I have sent a copy of the amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 621.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for a repeal of the 1993 increase in the income tax on Social Security Benefits)

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on Social Security benefits, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

Mr. BUNNING. Mr. President, my amendment would repeal an unfair tax that affects 15 million seniors. I have brought this issue before the Chamber before, so it should be familiar to many of my colleagues.

When the Social Security Program was created, benefits were not taxed. In 1983, Congress decided that 50 percent of the benefits to seniors should be subject to tax. In 1993, we raised the amount to 85 percent of Social Security benefits. This tax affects supposedly wealthy seniors with incomes of $34,000 for single seniors and $44,000 for a couple.

My amendment is fairly simple. It creates a deficit-neutral reserve fund to allow Congress to drop the tax back to its pre-1993 levels. This means that 85 percent of the tax would be eliminated.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Senator from Kentucky has done us all a favor by the way he has modified his amendment. It is an amendment we can accept. I ask if the Senator could accept a voice vote.

Mr. BUNNING. Absolutely.

Mr. GREGG. Mr. President, in my statement earlier, I failed to mention we have an agreement that Senator KYL's vote will come before 11 o'clock.

Mr. CONRAD. Correct. We will need to insert that.

I ask unanimous consent that we accept the Bunning amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 621) was agreed to.

Mr. CONRAD. We would like to proceed to Senator DOLE for the purpose of offering her amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized for 1 minute.

AMENDMENT NO. 553

Mrs. DOLE. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 553.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend financial relief for our reservists and national guard deployed in Afghanistan and Iraq by allowing them to make penalty free withdrawals of their retirement funds through the year 2012)

On page 3, line 14, decrease the amount by $1,000,000.

On page 3, line 15, decrease the amount by $1,000,000.

On page 3, line 23, decrease the amount by $1,000,000.

On page 4, line 1, decrease the amount by $1,000,000.

On page 5, line 2, increase the amount by $1,000,000.

On page 5, line 3, increase the amount by $1,000,000.

On page 5, line 10, increase the amount by $1,000,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 18, increase the amount by $1,000,000.

On page 5, line 19, increase the amount by $2,000,000.

Mrs. DOLE. The amendment I offer today is critical to our National Guard and reservists serving in Iraq, Afghanistan, and elsewhere. It fixes a problem in the Pension Protection Act of 2006. Section 827 of that act allows National Guardsmen and reservists called into active duty for at least 6 months to make penalty-free early withdrawals from their IRA, 401(k), or 403(b) retirement accounts. This provision expires at the end of 2007. My amendment, which is fully offset, corrects this by extending this important provision through 2012.

Our National Guardsmen and reservists always stand ready to put their lives on hold and answer the call of duty. They are putting themselves into harm's way to protect our freedoms and security. They can face lengthy deployments that cause major financial strains for their families. These outstanding men and women should continue to have penalty-free access to their retirement savings if they find themselves in a deployment-related financial crunch.

I urge passage of the amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are prepared to accept the amendment of the Senator from North Carolina. We urge our colleagues to accept it.

I ask unanimous consent to agree to the amendment offered by Senator DOLE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 553) was agreed to.

Mr. CONRAD. Mr. President, next up is Senator FEINSTEIN. She has an amendment.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 574

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. I call up amendment No. 574.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KYL, and Mrs. BOXER, proposes an amendment numbered 574.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $543,000,000 for the State Criminal Alien Assistance Program)

On page 23, line 12, increase the amount by $543,000,000.

On page 23, line 13, increase the amount by $119,000,000.

On page 23, line 17, increase the amount by $163,000,000.

On page 23, line 21, increase the amount by $109,000,000.

On page 23, line 25, increase the amount by $81,000,000.

On page 24, line 4, increase the amount by $71,000,000.

On page 26, line 12, decrease the amount by $543,000,000.

On page 26, line 13, decrease the amount by $119,000,000.

On page 26, line 17, decrease the amount by $163,000,000.

On page 26, line 21, decrease the amount by $109,000,000.

On page 26, line 25, decrease the amount by $81,000,000.

On page 27, line 4, decrease the amount by $71,000,000.

At the end, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the budgetary totals in this resolution assume that $950,000,000 should be made available for SCAAP for fiscal year 2008.

Mrs. FEINSTEIN. I ask unanimous consent to add Senator BOXER as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, this amendment is cosponsored by Senator KYL.

SCAAP is a vital program to the States and localities to reimburse them for the costs associated with housing undocumented criminal aliens. Funding for SCAAP is authorized in the amount of $950 million for each of the fiscal years 2008 through 2011, but we have never fully funded SCAAP.

Instead we have paid only pennies on the dollar for these costs. In my home State of California, there are currently over 20,000 criminal alien inmates. It costs California approximately $715 million per year to house these aliens.

In 2007, Congress appropriated $399 million for SCAAP. In this budget resolution, SCAAP is funded at $407 million.

In 2005, a total of 758 applications from 50 different States and the U.S. territories were submitted for fiscal year 2005 SCAAP funds.

The real problem here is that the problem of illegal immigration is a Federal responsibility. Yet the Federal Government consistently shifts the costs for enforcing immigration laws onto our States. This cost-shifting is not fair to State governments.

My amendment makes SCAAP funding whole by providing an additional $543 million to this program.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. I ask unanimous consent to adopt the Feinstein amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 574) was agreed to.

AMENDMENT NO. 473

Mr. CONRAD. Mr. President, next we have Senator SESSIONS to offer an amendment.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I call up amendment No. 473 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is the amendment at the desk?

Mr. SESSIONS. Yes.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. DEMINT, proposes an amendment numbered 473.

The amendment is as follows:

(Purpose: To save families from the Alternative Minimum Tax (AMT) first by permitting a deduction for personal exemptions for purposes of computing the AMT)

On page 3, line 10, decrease the amount by $6,494,000,000.

On page 3, line 11, increase the amount by $2,594,000,000.

On page 3, line 12, increase the amount by $9,100,000,000.

On page 3, line 13, decrease the amount by $59,600,000,000.

On page 3, line 14, decrease the amount by $51,000,000,000.

On page 3, line 15, decrease the amount by $31,100,000,000.

On page 3, line 19, decrease the amount by $6,494,000,000.

On page 3, line 20, increase the amount by $2,594,000,000.

On page 3, line 21, increase the amount by $9,100,000,000.

On page 3, line 22, decrease the amount by $59,600,000,000.

On page 3, line 23, decrease the amount by $51,000,000,000.

On page 4, line 1, decrease the amount by $31,000,000,000.

On page 4, line 5, increase the amount by $106,000,000.

On page 4, line 6, increase the amount by $255,000,000.

On page 4, line 7, decrease the amount by $12,000,000.

On page 4, line 8, increase the amount by $1,174,000,000.

On page 4, line 9, increase the amount by $3,822,000,000.

On page 4, line 10, increase the amount by $5,934,000,000.

On page 4, line 14, increase the amount by $106,000,000.

On page 4, line 15, increase the amount by $255,000,000.

On page 4, line 16, decrease the amount by $12,000,000.

On page 4, line 17, increase the amount by $1,174,000,000.

On page 4, line 18, increase the amount by $3,822,000,000.

On page 4, line 19, increase the amount by $5.934,000,000.

On page 4, line 23, increase the amount by $6,600,000,000.

On page 4, line 24, decrease the amount by $2,339,000,000.

On page 4, line 25, decrease the amount by $9,112,000,000.

On page 5, line 1, increase the amount by $60,774,000,000.

On page 5, line 2, increase the amount by $54,822,000,000.

On page 5, line 3, increase the amount by $37,034,000,000.

On page 5, line 6, increase the amount by $6,600,000,000.

On page 5, line 7, increase the amount by $4,261,000,000.

On page 5, line 8, decrease the amount by $4,852,000,000.

On page 5, line 9, increase the amount by $55.923,000,000.

On page 5, line 10, increase the amount by $110,745,000,000.

On page 5, line 11, increase the amount by $147,779,000,000.

On page 5, line 14, increase the amount by $6,600,000,000.

On page 5, line 15, increase the amount by $4,261,000,000.

On page 5, line 16, decrease the amount by $4,852,000,000.

On page 5, line 17, increase the amount by $55,923,000,000.

On page 5, line 18, increase the amount by $110,754,000,000.

On page 5, line 19, increase the amount by $147,779,000,000.

On page 25, line 8, increase the amount by $106,000,000.

On page 25, line 9, increase the amount by $106,000,000.

On page 25, line 12, increase the amount by $255,000,000.

On page 25, line 13, increase the amount by $255,000,000.

On page 25, line 16, decrease the amount by $12,000,000.

On page 25, line 17, decrease the amount by $12,000,000.

On page 25, line 20, increase the amount by $1,174,000,000.

On page 25, line 21, increase the amount by $1,174,000,000.

On page 25, line 24, increase the amount by $3,822,000,000.

On page 25, line 25, increase the amount by $3,822,000,000.

On page 26, line 3, increase the amount by $5,934,000,000.

On page 26, line 4, increase the amount by $5,934,000,000.

Mr. SESSIONS. Mr. President, this is an important amendment. It is not related to partisan votes that we have been casting, but it is a technical amendment that amends the nature of the AMT patch.

The AMT patch is a huge tax reduction. It does eliminate about three-fourths of the people who would pay taxes under the AMT. My amendment is fairer. It would include 87 percent as many, but the way it would fix the AMT and give relief would be to allow families to utilize their personal exemptions and their children's exemptions under the AMT accounting. That is not done today. As a result, seven times as many families with children are caught by AMT as are single persons. It is definitely striking at children and families. I urge that this be adopted because it is fairer, and it would reduce costs and save $82 billion.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized for 1 minute.

Mr. CONRAD. Mr. President, the Sessions amendment would increase taxes in fiscal year 2008 by $2.6 billion. It would increase taxes in fiscal year 2009, for a total in those 2 years of $11.7 billion of tax increases. In later years, the Sessions amendment would provide additional revenue loss of $148 billion over 5 years. That busts the budget and takes us back into deficit. It is sort of the worst of all worlds. It increases taxes in the front end and then blows a hole in the budget.

I urge colleagues to vote against the Sessions amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 473.

Mr. CONRAD. I ask for the yeas and nays on the Sessions amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 473) was rejected.

The ACTING PRESIDENT pro tempore. Who requests time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next is the Nelson amendment. I say to colleagues, on the Nelson amendment and the succeeding Kyl amendment, there will be 6 minutes evenly divided.

Mr. President, I ask Senator GREGG to remind Senators of whom we have left in terms of what is the rest of the order.

Mr. GREGG. Unfortunately, it is not whom we have left, but it is what the order is. I wish it was what we had left. Anyway, we go to Senator NELSON and Senator KYL, which are under a prior agreement to have both those votes before 11 o'clock; then Senator HATCH, Senator ALLARD, Senator SMITH, Senator THOMAS, Senator SPECTER, and Senator GRAHAM on our side. We are picking up other people as they come along and ask for time. That is the order now. All those will require votes potentially.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

AMENDMENT NO. 626

Mr. NELSON of Nebraska. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON of Nebraska], for himself, Mrs. LINCOLN, Mr. BAUCUS, Ms. LANDRIEU, Ms. STABENOW, Mr. SALAZAR, Mr. NELSON of Florida, and Mr. PRYOR, proposes an amendment numbered 626.

The amendment is as follows:

(Purpose: To reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax, and to promote continued economic growth and job creation)

At the end of title III, insert the following:

SEC. ___. ESTATE TAX REFORM INITIATIVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for estate tax reform legislation that addresses the current flaws in the estate tax law by establishing an estate tax exemption level of $5,000,000, an estate tax rate of 35 percent, and a 5 percent surcharge on the largest estates, provided that such legislation does not increase the deficit over the total of fiscal years 2007 through 2012.

Mr. NELSON of Nebraska. President, this amendment provides a fiscally sound alternative for estate tax reform. It represents a fiscally sound approach to protecting family farms, ranches, and small businesses from the onerous estate tax. It is cosponsored by Senators LINCOLN, BAUCUS, LANDRIEU, STABENOW, SALAZAR, BILL NELSON, and MARK PRYOR.

The amendment provides for an estate tax reform initiative; the necessary next step to improving the estate tax component of the Baucus amendment adopted by an overwhelming margin of 97 to 1. This amendment gets us to a $5 million exemption and a 35 percent rate.

I hope the day will come when we can fully repeal the estate tax forever, but unfortunately today is not that day. Unfortunately, the fiscal realities we face do not at this time allow for a permanent solution. That is why we must adopt this amendment to provide peace of mind for thousands of families who are planning to pass their business, farm, or ranch on to the next generation.

Like the Kyl amendment, our amendment will allow us to accommodate the Landrieu proposal of a $5 million and 35 percent with a surcharge for the largest estates. Unlike the Kyl amendment, this amendment is fiscally responsible and deficit neutral.

I look forward to working with the cosponsors of this amendment and my colleagues on both sides of the aisle to enact meaningful estate tax reform this session, and eventually finding a permanent solution.

I urge my colleagues to support this amendment, and join me in following through on the promise made in this amendment to extend estate tax relief with an exemption of $5 million and a top rate of 35 percent.

Mr. President, I yield the floor to Senator LINCOLN from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank my colleague, Senator NELSON, as well as Chairman BAUCUS and Ranking Member GRASSLEY, who have helped us in the direction of moving forward to something that is realistic in terms of estate tax reform. We will have the opportunity in the Finance Committee to be able to craft something that makes sense. But without what Senator NELSON and I and others are doing here, we will not have the direction to do that.

Many of us know we have outlived the boundaries of the current estate tax law. We know in 2010 it may go away, but the fact is in 2011 it comes back at an old and arcane number.

What we do is take what Senator BAUCUS has already done in the first amendment we voted on and adopted, and we increase it to a realistic and balanced level of a $5 million exemption and a 35-percent rate, and we do it with a reserve fund that will allow us to make sure we pay for it in a fiscally sound way when it comes through the Finance Committee.

I have worked diligently on this issue since I have come to the Senate, recognizing that for our small businesses, our family businesses, and our family farms this is an essential component for them to be able to be aware of how they can plan for their finances to keep those family businesses in working order.

So we appreciate it. I urge our colleagues, this is a great opportunity to have the Senate on record as moving forward on this issue. I encourage all of my colleagues to take a look at it and support us because it gives us an opportunity to get moving on this issue.

Mr. President, I yield to my colleague, the Senator from Louisiana, Ms. LANDRIEU.

Ms. LANDRIEU. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 10 seconds.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds, please, and to have the same amount of time added to the other side.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, this is the right compromise on the estate tax at the right time. It is going to bring order to this tax that should be paid. It is about what Kent Conrad has done, by generating a budget that generates surpluses, enabling us to give tax relief, so we can give tax relief to small businesses and farms and people who have built their businesses. That is what this amendment does: a $5 million exemption, a 35-percent rate, and we will continue to take it down as the money comes forward to do so.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Arizona.

Mr. KYL. Mr. President, I am glad we are having the debate about the death tax. I regret the amendment I proposed a couple days ago was voted down. There were some suggestions it was because of the capital gains and dividends provisions that were tied to it. So I brought an amendment back with Senator THUNE that would eliminate the capital gains and dividends part of it and simply have us vote, along with one education tax credit, for real reform to the death tax.

Now, I want my colleagues on the Democratic side to appreciate—and I have certainly appreciated working with all three of them.

Mr. BUNNING. Can we have order, please.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is correct. Please take conversations out of the Chamber.

Mr. KYL. Thank you, Mr. President. I prefer not to be raising my voice, but I cannot hear myself.

Let's understand what voting for the Democrat "cover" amendment would do. First of all, when we had a $5 million exemption we were talking about last year, all of the groups came to us and said: You have to index it for inflation or pretty soon it will not mean anything. The Kyl-Thune amendment is indexed for inflation, the $5 million exempted amount. The amendment that is being proposed on the Democratic side is not indexed for inflation, and you will hear from groups such as the Farm Bureau and the NFIB and other groups that understand it has to be indexed for inflation.

Secondly, you say the rate is 35 percent, but there is a surcharge for "large" estates. How are they defined? They are not defined. A majority of Americans, according to surveys, say rates above 35 percent are confiscatory. So the 40-percent top rate in this Democratic proposal is going to be a big problem for a lot of Americans, both those who have to pay and those who do not have to pay.

Finally, with respect to the idea this is paid for, appreciate the big expenses for estate tax are after the year 2011. So it is folly to say this is paid for. Yes, you will have raised taxes by about $60 billion to "pay" for this for the 5 years covered by the budget, but the reality is, it is not going to be paid for in the future.

Do you know what. All of us—the Senator from Arkansas, the Senator from Nebraska, the Senator from Louisiana, and other Senators on the Democratic side—have in the past appreciated the fact that when it comes to death tax reform, we should not raise taxes on some taxpayers to provide this relief for the people who have to pay the death tax.

The reality is, we should not have to raise money from one group of taxpayers to pay for the relief granted to this group. The reality is probably it is going to be the same group of folks.

So I say to my friends who would want to suggest this is a "cover" amendment, that they can be just fine on this issue of death tax if they will vote for the proposal that is before us right now. That is not the case. If you want the real cover, that is to say the appreciation of the American people, reserve your aye vote for the Kyl-Thune amendment which will come next.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 626.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 74, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—25

Akaka
Baucus
Bayh
Byrd
Cardin
Casey
Collins
Feingold
Inouye
Klobuchar
Kohl
Landrieu
Leahy
Lincoln
Lugar
Mikulski
Nelson (FL)
Nelson (NE)
Pryor
Salazar
Snowe
Stabenow
Tester
Voinovich
Wyden

NAYS—74

Alexander
Allard
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Lautenberg
Levin
Lieberman
Lott
Martinez
McCain
McCaskill
McConnell
Menendez
Murkowski
Murray
Obama
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner
Webb
Whitehouse

NOT VOTING—1

Johnson

The amendment (No. 626) was rejected.

AMENDMENT NO. 583

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized for 3 minutes.

Mr. KYL. Thank you, Mr. President. I appreciate my colleagues not supporting this proposition. There are two main—

The ACTING PRESIDENT pro tempore. Does the Senator have an amendment at the desk?

Mr. KYL. I am sorry, Mr. President. I thought my amendment was at the desk. It is pending.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. There are two main differences between the amendment that was just rejected and the one which I hope we will all support. The first difference was that the $5 million exempted amount for estates was not indexed for inflation. In the Kyl-Thune amendment, it is indexed for inflation. I think if you will all check with your folks, you will find they want this indexed for inflation.

This is a little like AMT. At first it didn't hit very many people, but after awhile, it begins to hit a lot of people, primarily because of inflation. The same thing will occur here. The whole point of an exemption is so people would not have to worry about spending all the money on insurance and lawyers and accountants, and so on, to plan against the estate tax. That is why you want an exempted amount such as the $5 million, but it is important it doesn't get eroded over time. Again, one of the key differences between the amendment that was just rejected and this amendment, which I hope you will support, is this amendment is indexed for inflation.

Secondly, most Americans believe that a 40- or 45- or 50-percent rate is confiscatory.

The other difference between the amendment that just failed and the one I hope you will now support is that the maximum rate under this is 35 percent. I still think that is too high.

The amendment just agreed to had a maximum rate of 40 percent. I think 35 percent is too high, if you look at the various polls that have been taken. In any event, that is the maximum rate under this amendment. It has been supported by a bipartisan group on both sides of the aisle, which is why we sit at 35 percent, because the reality is that in order to have the estate tax reform, we are going to need a bipartisan coalition.

My concluding remarks are to reach out to my friends on the other side of the aisle. My final plea is that we can demonstrate in a bipartisan way by supporting this amendment, which has enough flexibility in it because it is a budget amendment rather than a specific proposal, to accommodate nuances that Members on both sides of the aisle would like to see in estate tax reform.

The time for reform has come. Adopting this amendment will make that point in a general way. Then we can sit down and work together to try to work something out that we can get passed. I would appreciate our colleagues expressing support for death tax reform by voting aye on the Kyl amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, there have been a number of statements about the previous amendments that are factually wrong. The previous amendment had a $5 million exemption per person, plus a top effective rate of 35 percent. My colleagues on the other side have misread the previous amendment. It had a top effective rate of 35 percent. I wanted to state that for the RECORD.

The fundamental difference between the two is that the previous amendment was paid for. This amendment, by Senator KYL, whom I respect, is not paid for. I would say to my colleagues, if this is a priority, why not pay for it? The hard reality is that if this amendment before us now is adopted—the Kyl amendment—it blows a hole in the budget, puts us back into deficit, after we have worked so hard all these hours to get a balanced budget by 2012. This proposal would put us back into deficit by over $15 billion in 2012. It would add $35 billion to the deficit.

I urge my colleagues to reject this amendment. In the previous Baucus amendment, we provided for all of the middle-class tax cuts and fundamental and significant estate tax reform. It was paid for. This amendment is not. It ought to be rejected.

Mr. KYL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. KYL. I would like to make sure my colleagues don't think I was misstating a fact. The top effective rate is 35 percent, but there is a 5-percent surcharge on the largest estates. Am I wrong in that?

Mr. CONRAD. The Senator is wrong. I know why the Senator is reading it to conclude that. My tax experts tell me that the way the interactive effect occurs, the top effective rate is never more than 35 percent. I know why the Senator is reaching that conclusion. I would be glad to have my tax counsel visit with him because they assure me that in the previous amendment, the top effective rate was 35 percent. I know the Senator agreed about the 5-percent surcharge. I think time has expired.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GREGG. Mr. President, I wish to make a point. I have talked to the chairman and this will be a 10-minute vote, not a 15-minute vote. From here on out, they will all be. Anybody who is not here, you are going to miss it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 583.

Mr. KYL. Mr. President, I ask unanimous consent for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—48

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 583) was rejected.

The PRESIDING OFFICER. Who seeks time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator GREGG has indicated repeatedly that the 10-minute votes are just not being abided by. The only way they can be abided by is, No. 1, if people stay in the Chamber or very close to the Chamber. We are not going to finish this resolution unless we change the way we are doing business. We still have dozens and dozens of amendments remaining. We are going to be here until 1 o'clock this morning unless we change the way we do business.

I have to ask the leadership if they will support going to 10-minute votes.

Mr. REID. With no 5 minutes. That is fine with me.

Mr. CONRAD. Does the leadership support that request?

Mr. MCCONNELL. We have been doing it.

Mr. CONRAD. No, we have gone over.

Mr. REID. We have gone 15 minutes.

Mr. CONRAD. Will the leadership support us going to 10-minutes votes?

Mr. MCCONNELL. I certainly think that is a good idea.

Mr. CONRAD. Then the word has to go out that we are going to 10-minute votes.

I have to try to make amends on a previous debate. Senator KYL indicated on the Nelson amendment that it appeared to be higher than a 35-percent rate. There was reason for him to believe that, looking at the amendment. I want to make clear that while we believe the Nelson amendment had a top effective rate of 35 percent, just looking at the amendment, one could easily conclude that is not the case. So I want to make that clear. In no way were we denigrating Senator KYL's honor with respect to accurately and honestly depicting that amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the chairman for his remarks. I appreciate it. Certainly, I knew there was no attempt to suggest that I was misrepresenting. I try to read things very closely. This is one of the situations where apparently it could have been read both ways.

I appreciate the comments of the chairman.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the clerks have a difficult time going through these votes in 10 minutes. They can do it, but it would be a lot easier if people will stay here and when their name is called answer "yea" or "nay." The way it is, they have to go back and forth so many times that it is like a jigsaw puzzle they have to work out every time.

The votes will be 10 minutes. There will be a 1-minute grace period. That is the way it is going to be. That is what everybody should acknowledge will happen. It is approaching noontime. We have a lot to do. We can condense this quickly, but people have to cooperate.

Mr. GREGG. Mr. President, for the information of Members on our side, the amendments, as they are presently lined up, are Senator HATCH, Senator ALLARD, Senator SMITH, Senator THOMAS, Senator SPECTER, Senator GRAHAM, Senator GRASSLEY, Senator LOTT, myself, Senator DEMINT, and Senator THUNE.

AMENDMENT NO. 508

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I call up amendment No. 508.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 508.

The amendment is as follows:

(Purpose: To establish a reserve fund for protecting coverage choices, additional benefits, and lower cost-sharing for Medicare beneficiaries)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not—

(i) lead to fewer coverage choices for Medicare beneficiaries, especially for those beneficiaries in rural areas; or

(ii) result in reduced benefits or increased cost-sharing for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII, especially for low-income beneficiaries who depend on their Medicare Advantage plan for protection from high out-of-pocket cost-sharing; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

Mr. HATCH. Mr. President, I have offered amendment No. 508 to ensure that Congress continues to protect Medicare beneficiaries' coverage choices, especially for those living in rural areas and low-income Medicare beneficiaries.

My amendment establishes a budget-neutral reserve fund so that if Congress implements improvements to Medicare, Medicaid, or CHIP, it may not do so in a way that leads to fewer coverage choices for Medicare beneficiaries. It also may not reduce the benefits of those beneficiaries who are enrolled in Medicare Advantage plans.

Medicare Advantage plans provide a range of benefits not available in traditional Medicare such as vision and dental care, physical exams, and hearing aids.

Medicare Advantage plans also have chronic care management programs to help beneficiaries with chronic illnesses such as diabetes or congestive heart failure better manage their conditions and stay healthy.

I conclude by urging my colleagues to keep in mind the following:

Beneficiaries across the Nation—whether they live in a rural State such as Utah or urban area such as New York City—now have more coverage choices.

These choices offer beneficiaries more benefits and lower out of pocket costs.

Beneficiaries are satisfied.

Let's not forget that it was through policy decisions supported by Members on both sides of the aisle that helped achieve those results.

And those results, in my opinion, are worth protecting for beneficiaries' sake. I urge my colleagues to support my amendment.

I ask unanimous consent that letters from the NAACP and LULAC opposing cuts to the Medicare Advantage Program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE,
Washington, DC, March 23, 2007.

Re NAACP support for the Medicare Advantage Program.

MEMBERS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest, and most widely recognized grassroots civil rights organization, I would like to express our deep concern about efforts to reduce funding for the Medicare Advantage (MA) program.

The NAACP has a long history of working to ensure that African Americans and other racial and ethnic minorities have access to high-quality, affordable health care. That is why we strongly support maintaining adequate funding for the Medicare Advantage program that serves as a "critical link" for accessing health care services, particularly for low-income and minority Medicare beneficiaries.

MA plans—private health plan options that provide coverage to 8.3 million Medicare beneficiaries—disproportionately provide coverage to low-income and racial and ethnic minority beneficiaries. Specifically, 40 percent of African Americans without Medicaid or employer coverage rely on comprehensive health insurance coverage provided by MA plans. By providing more comprehensive benefits and lower cost-sharing than traditional Medicare, MA plans help racial and ethnic minority populations gain access to health care services that are critical to their long-term health and well-being.

Moreover, minorities also benefit from the care and disease management offered by MA plans. These programs help assure that members with chronic conditions such as heart disease, diabetes, and asthma receive high-quality care by encouraging timely and regular check-ups, access to preventive services, and chronic care management programs. Access to coordinated care and disease management services are especially critical to minorities who are more likely to suffer from common chronic health conditions, such as diabetes, asthma, respiratory disease, and certain forms of cancer.

Reduced funding for the MA program would have a negative impact on the health and health care of millions of Medicare beneficiaries—particularly for low-income and minority beneficiaries. A study by Emory University's Kenneth Thorpe, Ph.D., found that without MA, 2 million Medicare beneficiaries would lose all supplemental coverage. Racial and ethnic minorities would be especially hard hit, with the number of African-Americans without supplemental coverage rising to 59 percent.

As Congress continues to debate efforts to expand access to high-quality, affordable care, we urge you not to backtrack on these priorities by cutting funding for the MA program. This program is vitally important to the health and well-being of racial and ethnic minorities who rely on MA to provide them with the comprehensive, affordable, and coordinated care they need.

Thank you in advance for your attention to the NAACP position on this matter. Should you have any questions or comments, I hope that you will not hesitate to contact me.

Sincerely,

HILARY O. SHELTON,
Director.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, March 14, 2007.

MEMBER OF CONGRESS,
U.S. Senate and House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: I am writing on behalf of the League of United Latin American Citizens (LULAC)—the oldest and largest Hispanic membership organization in the United States—to urge your opposition to efforts by some Members of Congress to reduce funding for the Medicare Advantage (MA) program.

LULAC's mission is to advance the economic condition, educational attainment, health and civil rights of Hispanic Americans. Ensuring access to high quality, affordable health care is one of our top priorities, and one that is especially critical in the Hispanic community. We firmly believe Medicare Advantage is helping meet this challenge for Hispanic seniors.

Medicare Advantage is vital to the well-being of Hispanic Medicare beneficiaries. According to a 2005 study by Ken Thorpe, Ph.D., of Emory University, Hispanics rely disproportionately on the Medicare Advantage program. According to this study, more than half (53 percent) of Hispanic beneficiaries without Medicaid or employer-based coverage are enrolled in an MA plans where they are available.

MA plans are important because they provide enhanced benefits and lower cost-sharing than traditional Medicare. According to CMS, MA enrollees save $86 per month when compared to beneficiaries in traditional Medicare. We are concerned that additional cuts in funding for Medicare Advantage will threaten access to comprehensive benefits, result in higher out-of-pocket health care costs, and create financial barriers to care that will be particularly harmful for Hispanic seniors.

The coordinated care and disease management offered under Medicare Advantage plans is especially critical for Hispanic Medicare beneficiaries, who are more likely to suffer from chronic conditions such as diabetes, asthma, and certain forms of cancer. These programs help assure that members with chronic conditions benefit from care management and coordination initiatives, which promote appropriate treatment and medication use, reduce the risk of adverse events, and optimize therapeutic outcomes.

LULAC calls upon your leadership to oppose these cuts and fund MA programs to sustainable levels.

Sincerely,

ROSA ROSALES,
LULAC National President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, on April 11, the Finance Committee is going to be holding a hearing on Medicare Advantage plans and other providers' plans that affect Medicare. We want to do this right. We want to do this in a very thoughtful, considerate way.

There are Medicare Advantage plans that are doing a lot of good work. That is clear. Certainly, the Finance Committee, of which Senator HATCH is a member—and we have the April 11 hearing—is going to deal with this issue. I urge Members to do this the right way, and the right way is to figure out what to do generally with all Medicare providers, including managed care. Again, there are managed care companies that are very good and provide benefits for seniors. Dental has already been mentioned by the good Senator from Utah. The more thoughtful way is to not hamstring the committee by preventing the committee from making any changes to these programs. Rather, let's be thoughtful, flexible.

I urge Members not to approve this amendment.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 508. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—49

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint

Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain

McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin

Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin

Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)

Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders

Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 508) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are making progress, but we are not making progress fast enough. If we stick to this current pace, and people insist on the number of amendments that are still outstanding, we are going to be here all night. Staff just informed me that is the reality.

Please, if you can withhold and offer them on a separate vehicle, do that.

Senator ALLARD is next.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 521

Mr. ALLARD. Mr. President, I call up amendment No. 521 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 521.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the economy, efficiency, and effectiveness of Federal programs and reduce the Federal debt by eliminating waste, fraud, and abuse)

At the end of the resolution, insert the following:

TITLE IV—RECONCILIATION

SEC. 401. SPENDING RECONCILIATION INSTRUCTIONS FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, not later than June 29, 2007, the Senate committees named in this section shall submit their recommendations to the Senate Committee on the Budget. After receiving those recommendations, the Senate Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO SENATE BUDGET COMMITTEE.—If a reconciliation bill is enacted under this section, the Congressional Budget Office, pursuant to section 202 of the Congressional Budget Act of 1974, shall send a report to the Chairman of the Committee on the Budget—

(A) whether that measure contains provisions that decrease budget authority or outlays from the elimination of waste, fraud, and abuse; and

(B) the amount of budget authority or outlays reduced each year attributable to the elimination of waste, fraud, and abuse in the bill, including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any budget authority or outlays reduced from provisions eliminating waste, fraud, and abuse (as detailed in the report required by paragraph (1)) shall not count as offsets for purposes of section 201 of this resolution.

(c) COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $686,000,000 in outlays for fiscal year 2008 and $3,577,000,000 in outlays for the period of fiscal years 2008 through 2012.

(2) COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $113,000,000 in new budget authority for fiscal year 2008 and $529,000,000 in new budget authority for the period of fiscal years 2008 through 2012.

(3) COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $110,000,000 in outlays for fiscal year 2008 and $545,000,000 in outlays for the period of fiscal years 2008 through 2012.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $48,000,000 in outlays for fiscal year 2008 and $250,000,000 in outlays for the period of fiscal years 2008 through 2012.

(5) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $18,000,000 in outlays for fiscal year 2008 and $97,000,000 in outlays for the period of fiscal years 2008 through 2012.

(6) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $10,406,000,000 in budget authority for fiscal year 2008 and $58,820,000,000 in outlays for the period of fiscal years 2008 through 2012.

(7) COMMITTEE ON FOREIGN RELATIONS.—The Senate Committee on Foreign Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $148,000,000 in outlays for fiscal year 2008 and $665,000,000 in outlays for the period of fiscal years 2008 through 2012.

(8) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.—The Senate Committee on Homeland Security and Governmental Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,063,000,000 in outlays for fiscal year 2008 and $5,784,000,000 in outlays for the period of fiscal years 2008 through 2012.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $81,000,000 in outlays for fiscal year 2008 and $406,000,000 in outlays for the period of fiscal years 2008 through 2012.

(10) COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $145,000,000 in outlays for fiscal year 2008 and $778,000,000 in outlays for the period of fiscal years 2008 through 2012.

Mr. ALLARD. Mr. President, this is an amendment that puts in reconciliation language a 1-percent reduction in spending in the mandatory programs that have been identified as having fraud, waste, and abuse. It excludes Armed Services, Veterans, and Social Security.

The amendment comes about because of the 2004 budget resolution, where Congress directed the Comptroller General to submit a comprehensive report identifying instances in which the committees of jurisdiction may make legislative changes to improve the economy, efficiency, and effectiveness of Federal programs in their jurisdiction.

In compliance with our request, the GAO submitted a 300-plus-page report full of specific examples of legislative changes with potential to yield budgetary savings. This will reduce the debt by $13 billion the first budget year and $71 billion over 5 years.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment, if it were adopted, would cut Medicare and Medicaid by $58.8 billion. It would cut the Homeland Security Committee by $5.8 billion. It would cut the Agriculture Committee by $3.6 billion.

Beyond that, Mr. President, the pending amendment is not germane. Therefore, I raise a point of order that the amendment violates section 305(b)2 of the Congressional Budget Act of 1974, and I urge a "no" vote.

Mr. ALLARD. Mr. President, I ask that we waive the point of order, and I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—39

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment fails.

The Senator from North Dakota is recognized.

AMENDMENT NO. 510, AS MODIFIED

Mr. CONRAD. Mr. President, the next amendment is the Smith amendment.

Let me just say we have to get colleagues to cooperate a little more on reducing the number of amendments they are insisting on or we are going to be here late into the night. That is just what the reality is. Please, colleagues, withhold.

Senator SMITH is next.

Mr. SMITH. Mr. President, I call up amendment No. 510 and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 510, as modified.

Mr. SMITH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 301, add the following: "Among the policy changes that could be considered to achieve offsets to the cost of reauthorizing the State Children's Health Insurance Program and expanding coverage for children is an increase in the tobacco products user fee rate with all revenue generated by such increase dedicated to such reauthorization and expansion.".

Mr. SMITH. Mr. President, I also ask that Senator KENNEDY, at his request, be added as an original cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, since the beginning of this Congress, I have heard colleagues on both sides of the aisle, Republicans and Democrats, talk about their determination to reauthorize and fund SCHIP to keep its promise to America's children, especially those with low income. This amendment is the one amendment that proposes a real policy that will raise real dollars so we can take a meaningful step in keeping the promise of SCHIP. It proposes a reasonable increase in the tobacco tax that would provide up to $35 billion to help in this reauthorization, keeping this very important promise to millions of America's children.

I believe this is a defining moment. Put politics aside and do something the American people can be proud of.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, we would be pleased to accept this amendment on a voice vote.

Mr. BUNNING. I object.

Mr. CONRAD. If objection is heard—Senators can vote however they think is the right way. We certainly always have that right; Senators always have that right.

On this side, I urge Senators to vote aye.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 510, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Hatch
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
McCain
McCaskill
McConnell
Nelson (NE)
Reid
Roberts
Sessions
Shelby
Sununu
Thomas
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—1

Johnson

The amendment (No. 510), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENTS NOS. 519, 499, 528, 546, 602, 619, 490, 616, 620, 615, AND 614, EN BLOC

Mr. CONRAD. Mr. President, Senator GREGG and I have worked through a number of amendments, and I will now send that package to the desk and ask that the amendments be agreed to, and the motions to reconsider be laid on the table.

The list of amendments includes: Lieberman-Collins No. 519; Burr No. 499; Biden No. 528; Thune No. 546; Kennedy No. 602; Chambliss-Feinstein No. 619; Reid-Sanders No. 490; Kerry-Sanders No. 616; Webb-Warner No. 620; Kerry No. 615; and Graham No. 614.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 519

(Purpose: To increase funding for vital first responder homeland security programs, including $400,000,000 to establish a dedicated interoperability grant program and $331,000,000 for Emergency Management Performance Grants)

On page 16, line 10, increase the amount by $731,000,000.

On page 16, line 11, increase the amount by $156,000,000.

On page 16, line 15, increase the amount by $232,000,000.

On page 16, line 19, increase the amount by $181,000,000.

On page 16, line 23, increase the amount by $133,000,000.

On page 17, line 3, increase the amount by $28,000,000.

On page 26, line 12, decrease the amount by $731,000,000.

On page 26, line 13, decrease the amount by $156,000,000.

On page 26, line 17, decrease the amount by $232,000,000.

On page 26, line 21, decrease the amount by $181,000,000.

On page 26, line 25, decrease the amount by $133,000,000.

On page 27, line 4, decrease the amount by $28,000,000.

AMENDMENT NO. 499

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 18, line 12, increase the amount by $140,000,000.

On page 18, line 13, increase the amount by $84,000,000.

On page 18, line 17, increase the amount by $42,000,000.

On page 18, line 21, increase the amount by $14,000,000.

On page 26, line 12, decrease the amount by $140,000,000.

On page 26, line 13, decrease the amount by $84,000,000.

On page 26, line 17, decrease the amount by $42,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

AMENDMENT NO. 528

(Purpose: To increase funding by $100 million for the Violence Against Women Act (VAWA) programs administered by the Department of Justice and the Department of Health and Human Services, with an offset of an unallocated reduction to non-defense discretionary spending and/or reduction to administrative expenses)

On page 18, line 12, increase the amount by $40,000,000.

On page 18, line 13, increase the amount by $11,000,000.

On page 18, line 17, increase the amount by $18,000,000.

On page 18, line 21, increase the amount by $9,000,000.

On page 23, line 12, increase the amount by $60,000,000.

On page 23, line 13, increase the amount by $13,000,000.

On page 23, line 17, increase the amount by $18,000,000.

On page 23, line 21, increase the amount by $12,000,000.

On page 23, line 25, increase the amount by $9,000,000.

On page 24, line 4, increase the amount by $8,000,000.

On page 26, line 12, decrease the amount by $100,000,000.

On page 26, line 13, decrease the amount by $24,000,000.

On page 26, line 17, decrease the amount by $36,000,000.

On page 26, line 21, decrease the amount by $21,000,000.

On page 26, line 25, decrease the amount by $9,000,000.

On page 27, line 4, decrease the amount by $8,000,000.

AMENDMENT NO. 546

(Purpose: To provide for a total of $99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 23, line 12, increase the amount by $29,000,000.

On page 23, line 13, increase the amount by $26,100,000.

On page 23, line 17, increase the amount by $2,900,000.

On page 26, line 12, decrease the amount by $29,000,000.

On page 26, line 13, decrease the amount by $26,100,000.

On page 26, line 17, decrease the amount by $2,900,000.

AMENDMENT NO. 602

(Purpose: To increase funding for drug safety oversight at the Food and Drug Administration by $40,000,000 in fiscal year 2008)

On page 18, line 12, increase the amount by $40,000,000.

On page 18, line 13, increase the amount by $36,000,000.

On page 18, line 17, increase the amount by $4,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 13, decrease the amount $36,000,000.

On page 26, line 17, decrease the amount by $4,000,000.

AMENDMENT NO. 619

(Purpose: To provide Edward Byrne Memorial Justice Assistance Grant Program finding as authorized in the Violence Against Women and Department of Justice Reauthorization Act of 2005)

On page 23, line 12, increase the amount by $376,000,000.

On page 23, line 13, increase the amount by $338,400,000.

On page 23, line 17, increase the amount by $37,000,000.

On page 26, line 12, decrease the amount by $376,000,000.

On page 26, line 13, decrease the amount by $338,400,000.

On page 26, line 17, decrease the amount by $37,000,000.

AMENDMENT NO. 490

(Purpose: To provide funding to eliminate the offset between military retirement pay and disability compensation for America's veterans)

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING MILITARY RETIREMENT AND DISABILITY OFFSET.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would extend eligibility for concurrent receipt of military retirement pay and veterans' disability compensation or would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

AMENDMENT NO. 616

(Purpose: To increase funding for small business programs at the Small Business Administration such as microloans, Women's Business Centers, and Small Business Development Centers)

On page 14, line 9, increase the amount by $97,000,000.

On page 14, line 10, increase the amount by $75,000,000.

On page 14, line 14, increase the amount by $16,000,000.

On page 14, line 18, increase the amount by $4,000,000.

On page 14, line 22, increase the amount by $1,000,000.

On page 26, line 12, decrease the amount by $97,000,000.

On page 26, line 13, decrease the amount by $75,000,000.

On page 26, line 17, decrease the amount by $16,000,000.

On page 26, line 21, decrease the amount by $4,000,000.

On page 26, line 25, decrease the amount by $1,000,000.

AMENDMENT NO. 620

(Purpose: To provide funding for NASA aeronautics at the fiscal year 2007 levels)

On page 15, line 9, increase page 26, line 12, decresae the amount by $163,000,000.

On page 15, line 10, increase the amount by $163,000,000.

On page 26, line 12, decrease the amount by $163,000,000.

On page 26, line 13, decrease the amount by $163,000,000.

AMENDMENT NO. 615

(Purpose: To include in the veterans' reserve fund services for low-vision and blinded veterans)

On page 59, line 7, after "erans," insert "including services for low-vision and blinded veterans,".

AMENDMENT NO. 614

(Purpose: To increase the budgetary totals for the Department of Commerce to provide additional trade enforcement capability and to provide an offset)

On page 9, line 8, increase the amount by $10,000,000.

On page 9, line 9, increase the amount by $8,000,000.

On page 9, line 12, increase the amount by $.

On page 9, line 13, increase the amount by $1,000,000.

On page 9, line 16, increase the amount by $.

On page 9, line 17, increase the amount by $1,000,000.

On page 14, line 9, increase the amount by $10,000,000.

On page 14, line 10, increase the amount by $8,000,000.

On page 14, line 13, increase the amount by $.

On page 14, line 14, increase the amount by $1,000,000.

On page 14, line 17, increase the amount by $__________.

On page 14, line 18, increase the amount by $1,000,000.

On page 23, line 12, increase the amount by $10,000,000.

On page 23, line 13, increase the amount by $8,000,000.

On page 23, line 16, increase the amount by $__________.

On page 23, line 17, increase the amount by $1,000,000.

On page 24, line 20, increase the amount by $.

On page 23, line 21, increase the amount by $1,000,000.

On page 14, line 17, increase the amount by $__________.

On page 14, line 18, increase the amount by $.

On page 24, line 12, increase the amount by $10,000,000.

On page 24, line 13, increase the amount by $8,000,000.

On page 24, line 16, increase the amount by $__________.

On page 24, line 17, increase the amount by $1,000,000.

On page 24, line 20, increase the amount by $.

On page 24, line 21, increase the amount by $1,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 13, decrease the amount by $32,000,000.

On page 26, line 16, decrease the amount by $__________.

On page 26, line 17, decrease the amount by $4,000,000.

On page 26, line 20, decrease the amount by $.

On page 26, line 21, decrease the amount by $4,000,000.

AMENDMENT NO. 619

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of an amendment to the budget resolution that Senator CHAMBLISS and I have offered to increase FY2008 funding for the Edward Byrne Memorial Justice Assistance Grant program to $900 million.

The need for this amendment is clear. This country is currently experiencing a violent crime surge unlike anything we have seen in more than a decade. Just a few weeks ago, the Police Executive Research Forum reported that their survey of 56 cities and sheriffs' departments showed that, from 2004 to 2006, homicides increased overall by 10 percent, aggravated assaults with guns rose 10 percent, and robberies rose 12 percent. In just 2 years.

Of course, these updated survey results mirror the FBI's own statistics, which showed that in 2005 violent crime rose in every region of the country, and by 2.5 percent overall—the largest reported increase in 15 years. For the first 6 months of 2006, the surge in violent crime was even worse—3.7 percent overall, according to the FBI.

Let me put these numbers in human terms. The International Association of Chiefs of Police equates this 2.5 percent rise to 31,479 more victims of violent crime in 2005. And a 3.7 percent increase for all of 2006, it says, equates to about 47,000 more Americans murdered, robbed, assaulted, raped, or subjected to violent crimes last year.

Unfortunately, despite these disturbing numbers, the President's budget proposal for FY2008 continued to propose drastic cuts in the Federal assistance traditionally available to State and local law enforcement.

Listen to the warning cry that the International Association of Chiefs of Police recently issued:

> [T]he cuts contained in the proposed FY 2008 budget have the potential to cripple the capabilities of law enforcement agencies nationwide and force many departments to take officers off the streets, leading to more crime and violence in our hometowns and, ultimately, less security for our homeland.

These are strong words, but they make sense in the wake of the drastic Federal cuts we have seen to State and local law enforcement, especially in the last few years.

In FY2007, the total funding level for State, tribal and local law enforcement assistance was $2.316 billion. That was already more than $1.5 billion below the level given only 5 years earlier, when DOJ funded programs for state and local law enforcement totaled $3.831 billion.

Last year's $2.316 billion amount included not only Byrne/JAG, but also the COPS program and 17 other State and Local Law Enforcement Assistance grant programs, including the State Criminal Alien Assistance Program, SCAAP; Tribal Courts Initiative, and other programs to promote Drug Courts, Prescription Drug Monitoring, Cannabis Eradication, and State and Local Intelligence Capabilities.

For FY2008, however, the President remarkably proposed to eliminate all 17 of these programs. In their place, it proposed only two consolidated programs, one of which would be called the Byrne Public Safety Program, or BPSP. Unfortunately, even when BPSP was combined with the President's other proposed programs, its total budgeted amount for FY2008 was only $582 million—a $1.7 billion cut from the already-depleted FY2007 number.

In other words, the President's budgeted $582 million represented an 85 percent cut in these funds in just 6 years. And to make matters worse, the President's FY2008 budget also proposed more than $500 million in cuts to the DHS grant programs traditionally available to State and local law enforcement.

During the 1990s and earlier years in this decade, our Federal Government vigorously funded grants programs for State and local law enforcement. And we saw results—violent crime went down year after year. But with the recent cuts, violent crime rates have now turned back up. Literally tens of thousands of additional Americans each year have become victims of violent crime.

It is time for the Senate to add substantial Byrne/JAG funding to this year's budget resolution—just as we have done in the past 2 years. In FY2006 and again in FY2007, this Senate voted to increase Byrne/JAG to $900 million—even after President Bush and previous Budget Committees tried to "zero out" this program.

I recognize and appreciate that Senator CONRAD and his Budget Committee in the new Congress have taken a very different view of Byrne/JAG. I applaud their decision to reject the much smaller budget figure for Byrne/JAG that was contained in the President's Budget, as well as the decision to reject the President's proposal to consolidate Byrne/JAG with other grant programs and eliminate its formula funding. This is a major step forward.

Unfortunately, however, it just is not enough. At a time when this country is seeing the biggest surge in violent crime it has experienced in more than a decade, using FY2007 levels that are $1.5 billion below FY2002 levels will not do the trick. The Senate must do more—just as we rose to the occasion and voted to do more in the past.

After a Byrne/JAG amendment was offered on the budget resolution last year, we were confronted in June with the sharply higher 2005 violent crime numbers reported by the FBI. And in December, the FBI gave us even worse violent crime numbers for the first half of 2006. Given these disturbing trends, the Senate needs to restore these needed funds to the Byrne/JAG program.

I understand that this budget is tight, and I appreciate the difficult tradeoffs involved. But at a time when we are about to consider a Supplemental Appropriations bill that may add more than $100 billion so that we can try to secure the streets of Baghdad against violence, I do not think that it's asking too much for us to spend the funds we need to secure our own streets from the violence that the FBI says we are increasingly seeing.

Homeland security is undoubtedly important, but so is home town security.

The Byrne/JAG program, named after slain New York Police Officer Edward Byrne, is a time-tested program run by DOJ that has proven its effectiveness over the course of more than 20 years. It is a key source of funding for multi-jurisdictional task forces. And because 40 percent of a State's Byrne/JAG funds must be set aside for local governments, smaller and rural law enforcement agencies are often especially dependent on Byrne/JAG to meet their needs.

Increased funding for Byrne/JAG has been endorsed by a wide array of law enforcement groups, and I urge my colleagues to support this important amendment.

AMENDMENT NO. 616

Mr. KERRY. Mr. President. I want to thank my colleagues for supporting the amendment Senator SNOWE and I offered to provide an additional $97 million to the Small Business Administration. This amendment was necessary because the President's budget request of $464 million was inadequate to fund the agency's core programs.

This, unfortunately, is nothing new. Since the President took office in 2001, he has cut the SBA, the only Federal agency dedicated to the startup and growth of small businesses, more than any other agency. If we exclude disaster loan funding, the President has cut the SBA by more than 30 percent.

As a result of the President's cuts, SBA's loans and venture capital are more expensive, shifting more than $100 million in fees to the small business community, businesses are getting less counseling, and they are losing out on opportunities to do business with the Federal Government, a very serious problem since the Federal Government spends about $370 billion on contracting for services and goods each year.

Consequently, the baseline funding for the SBA is so low that it has made it very hard for Congress to reverse the President's cuts. Nevertheless, Senator CONRAD and his Committee were able to increase by $635 million the account—referred to as function 370—that provides funding for the SBA and other agencies. I congratulate them, and thank them. They have demonstrated that it is possible to provide reasonable funding for effective initiatives and still put the country back on track to a balanced budget.

Among the most disturbing proposed cuts to the SBA in fiscal year 2008, the President has for the fourth year in a row eliminated all funding for the Microloan program and for Microloan Technical Assistance. This is very hard to justify given that the administration is willing to spend so much on micro-credit in other countries. In 2005, the administration provided approximately $211 million for the development of foreign microenterprise programs through the Agency for International Development. In fiscal year 2006, we are told by Ambassador Zalmay Khalilzad, the U.S. Ambassador to Iraq, that the administration provided more than $54 million for microloans in Iraq. And for fiscal year 2007, the administration has requested supplemental funding for Iraq that includes at least $160 million for micro-credit programs.

Our amendment restores the Microloan and Microloan technical assistance programs to the levels they were at in 2001—$3.2 million to leverage $30 million in loans and $20 million in technical assistance. Our amendment also restores the proposed cuts to the Women's Business Centers, the Small Business Development Centers, the Office of Veterans Business Development, and programs for the development of minority businesses and Native Americans. It restores $10 million in funding for the New Markets programs, which have never received support from this administration, in spite of claims about targeting areas of high unemployment.

My one big regret is that this amendment does not provide funding for the 7(a) Loan Guaranty Program. My original budget amendment, No. 515, did include $79 million in order to reduce fees on borrowers and lenders, which could have gone a long way to making these loans more affordable. Right now, on the largest loans, borrowers are paying around $50,000 in fees when a conventional loan would only cost around $20,000 in fees. We need to get that cost down. I am very disappointed that the Republican leadership would not allow any funding for the 7(a) loans to be included in our amendment. I am hopeful that Senator SNOWE and I, with our colleagues in the House, can continue to work on this and get funding for fee relief during the appropriations process.

Aside from that one disappointment, I am very pleased with our amendment. It is reasonable and realistic. By restoring $97 million to the SBA, we bring its funding for fiscal year 2008 to $561 million. This is still $125 million—or 18 percent—less than SBA's funding in fiscal year 2001, and it is a fraction of the $2.9 trillion budget President Bush proposed for fiscal year 2008, but it will go a long way to fostering small business growth and sparking innovation.

I thank Senator SNOWE and our colleagues Senators LIEBERMAN, ENZI, CANTWELL, and PRYOR for joining in this bipartisan effort.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise to draw attention to funding for our Nation's small businesses, which has systematically declined over the last 6 years and is inadequate in both the President's budget and this budget resolution before us. I first commend my colleage, Senator KERRY, for working with me on this bipartisan amendment to restore this critical funding for small businesses.

This amendment would restore $97 million in funding to the Small Business Administration, an agency that contributes substantially to our economic growth. Since 2001 the SBA's overall budget has declined by an unacceptable 31 percent. Especially when one considers that small businesses are the backbone of our economy, breathing life into areas once devastated by manufacturing closures, disasters, and economic recessions, it is frankly beyond me why we continue to shrink the resources that actually help our Nation's job creators grow.

Just last month, I heard firsthand from over 90 Maine small business manufacturers about the barriers that hinder their success and the programs that have helped manufacturers grow and expand their business like the SBA's 504, 7(a), SBDC and HUBZone programs. However, this budget falls short of providing the very programs that have helped revitalize Maine's and our Nation's communities devastated by over 20,700 manufacturing job losses since 2000.

This amendment is about the 25.8 million small businesses and small manufacturers across the country, which are vital to the economic growth and job creation in each of our States. In every State, small businesses are the engine that drives our economy. Small businesses use SBA loans to expand and hire new workers; they receive vital advice from Women's Business Centers, Small Business Development Centers, and Veterans Business Development Centers; and they survive and thrive by obtaining contracts with the Federal Government. These are the people and the businesses my amendment assists. So why does this budget handcuff the very programs that have allowed our businesses and economy to expand?

The SBA has helped create and retain over 5.3 million jobs since 1999. It is clear that our economic future depends on the success of small firms, which constitute over 98 percent of our Nation's manufacturing enterprises, create nearly three-quarters of new jobs, and produce 50 percent of the gross domestic product. However, we cannot, on the one hand, state how much we value small businesses, and on the other hand, neglect to provide the assistance that small businesses so desperately need to compete.

This bipartisan amendment provides funds for the SBA's Microloan Program, which provides loans of up to $35,000 and technical assistance to new and growing small businesses. The administration proposes to eliminate the subsidy for microloans and transfer the technical assistance duties to the entrepreneurial development programs. However, this relatively inexpensive program is critical to our next generation of entrepreneurs. In fact, in my own State of Maine, the Microloan Program has made 94 loans over the last 2 years, for a total of $1.7 million. The elimination of this subsidy will increase interest rates for our Nation's microlenders and micro-entrepreneurs located in rural and underserved communities that have no other resource for financing.

Additionally, this amendment provides the critical funding for Small Business Development Centers, SCORE and Women's Business Centers, which served over 1.2 million clients in 2006. Not only has funding for these programs decreased over the last 5 years but the SBA proposes to increase their responsibility to take on microloan technical assistance. These critical programs need and, quite frankly, deserve the resources to reach and assist more small businesses.

Moreover, this amendment provides the resources necessary for our small businesses to access prime contracting and subcontracting opportunities. The SBA has failed to fix regulatory loopholes identified by the GAO that allows large contractors to keep small business set-asides. To address a contracting market that has increased to nearly $400 billion a year, the SBA budget needs to increase its resources and provide proper oversight.

I would like to point out the irony that the administration's budget supports and funds microloans and assistance for foreign microenterprises, but eliminates, yes, eliminates, all funding for domestic microloans and assistance for American microenterprises. While I fully support aid and assistance to foreign microenterprises, what are we saying with this imbalance? Is this fair? Is this the message we want to send to our Nation's small businesses?

How can we justify repeated cuts in funding for loans and assistance here at home? Is this our priority? I think it is not, and this amendment reflects our priorities and our commitment to American small businesses. The $97 million provided for here would make a significant difference to our job-creating small firms and helps them grow, flourish and thrive.

My amendment is absolutely necessary for America's small businesses and is an investment in the entrepreneurship and future of this country. I urge my colleagues to support it for the SBA and our small business job creators. If we fail to provide sufficient support to SBA's core lending and business development programs, we threaten to reduce small businesses' ability to compete. The American economy needs a strong and vibrant Small Business Administration.

Mr. SANDERS. Mr. President, the amendment the majority leader and I are offering today is the first step in our effort this Congress to undo a fundamental unfairness that affects over 300,000 disabled veterans in this country who also happen to be military retirees. In short, this amendment creates a reserve fund that will allow this Congress to once and for all eliminate the offset that exists between military retiree pay and VA disability benefits.

At a time when we have men and women in harm's way in Iraq, Afghanistan and in other locations around the globe, it is appropriate that the budget resolution we pass out of the United States Senate acknowledge and seriously address the unmet needs of our Nation's veterans.

It is wrong that our veterans are enduring long waiting lines to receive health care from the VA due to inadequate funding. It is wrong that the Bush administration slammed the doors of the VA health care system on hundreds of thousands of so-called "higher income" veterans—veterans who in reality make as little as $28,000 a year. And it is wrong for this administration to try to impose higher copayments and enrollment fees on our veterans. As someone who sits on both the Budget Committee and the Veterans Affairs Committee, I am incredibly proud that on all these issues, this budget resolution is on the side of veterans and rejects administration proposals that short-change and nickel and dime those who have served.

The scandal at Walter Reed has highlighted that even here in Washington, only a short distance from this chamber, some of our servicemembers were living in sub-standard conditions with moldy walls, rodents, and holes in the ceilings. Thankfully, this budget resolution also addresses this outrage.

In addition, this budget resolution also provides for substantial, new investments in mental health services for our veterans to help us treat the thousands of veterans returning from the Iraq War with Post Traumatic Stress Disorder, PTSD. Also this budget resolution recognizes that we need to significantly increase funding to treat the large number of servicemembers returning with traumatic brain injury.

Finally, this budget resolution includes an amendment I added in committee that will allow us to make other important improvements to veterans' programs later this year. In short, the budget resolution we are considering is a huge step in the right direction when it comes to veterans' health care and benefits. Chairman CONRAD and his staff deserve tremendous credit for recognizing the very serious needs of our veterans and moving boldly to address them. I also want to commend Chairman AKAKA of the Veterans' Affairs Committee and his staff for their work and support throughout this budget process.

Even with the tremendous strides forward we have made for veterans in this budget resolution there is one additional issue that needs to be addressed. Today, Senator REID and I are offering this amendment to take care of that very important issue. Before getting into the details first let me start off by saying that I am honored to be working with the majority leader on this issue. I know that, year after year, he has been the leading voice in the Senate to eliminate the Disabled Veterans Tax. And today, he continues that leadership with this amendment.

This amendment would create a reserve fund to allow for the elimination of the remaining offset between military retiree pay and VA disability payments. In my view, this is an issue of basic fairness. Military retirees earned their retiree pay based on their longterm service to the Nation. They earn their VA disability benefits based on the disability they acquire or aggravate in the service of their country.

The current offset between these separately-earned benefits originates from a 19th century law that required a dollar-for-dollar offset of military retired pay for VA disability compensation. In my view and the view of millions of veterans across the country, it is clear that veterans deserve to receive both their military retirement which they receive for their service and their VA disability payments as additional compensation for the injuries and lost earning power due to their service-connected disabilities.

Let me provide just a bit of background on some of the progress Congress has made on this issue in recent years, thanks in large part to the work of Senator REID. In the fiscal year 2003 Department of Defense Authorization, Congress created a special benefit called "combat-related special compensation" or CRSC. It expanded it in the fiscal year 2004 DoD Authorization. CRSC gives certain combat disabled veterans a cash benefit equivalent to what they would receive if full concurrent receipt were allowed.

In the fiscal year 2004 DoD Authorization bill, Congress approved phasing-in concurrent receipt for military retirees rated as at least 50 percent disabled. The fiscal year 2005 DoD Authorization ended the phase in for 100 percent disabled veterans.

So, today we find ourselves in a situation where retirees who are less than 50 percent disabled are getting no relief from the Disabled Veterans Tax and veterans at least 50 percent disabled but less than 100 percent disabled are in the middle of the phase period that will not be complete until 2014. Frankly, if Congress has made the determination that the ban on concurrent receipt of military retiree pay and VA disability compensation is wrong—and I think the legislation passed so far demonstrates that Congress has made that determination—there is no excuse for making veterans wait for the benefits that we have acknowledged they are due. Now is the time—once and for all—we need to eliminate the disabled veterans tax.

The Reid-Sanders amendment is just one important step we need to take to keep faith to the promises we made to our veterans. I look forward to working with the majority leader on this issue as it moves through the legislative process and I would ask that my colleagues to support this amendment.

Mr. CONRAD. Mr. President, next we go to the Thomas amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I note on this amendment, when we get into the rollcall, Senator STEVENS and Senator INOUYE wish to be deemed as paired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, did the desk get that?

On this next amendment, Senator STEVENS and Senator INOUYE are paired?

The PRESIDING OFFICER. The desk got that.

The Senator from Wyoming.

AMENDMENT NO. 515

Mr. THOMAS. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes amendment No. 515.

Mr. THOMAS. Mr. President, I ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the adding of extraneous earmarks to an emergency war supplemental)

On page 34, line 9, after the period insert "In a nonregular appropriations bill designated to supplement funding for ongoing combat operations, the authority to designate under this subsection shall only apply to war-related items that meet the criteria provided in subsection (f)."

Mr. THOMAS. Mr. President, very quickly, this is a very simple vote, actually. What it has to do with is limiting the amount of additions that can be put on supplementals that are designed for Defense spending. The amendment I am offering would attempt to bring some discipline back into the emergency spending process.

It simply holds to a supplemental those things that a supplemental was designed for. The very nature of emergency spending is above and beyond the approved budget. If we want to control spending and control the deficit, then we need to control what we put on these kinds of supplemental bills we are seeing worked out right as we speak.

However, too often the emergency supplementals are larded with all kinds of pet projects and spending that Members cannot pass in the regular process or others put it in there to get theirs passed.

It is an abuse of the process. We are going to end up holding our troops hostage because of extraneous spending. I ask that Members support the amendment, that we hold spending in the supplemental to the military for which it is designed.

The PRESIDING OFFICER (Mr. TESTER). The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment, while well intended, would create a serious problem for the body. This amendment prevents the Appropriations Committee from reporting a bill with more than one type of emergency designation. Let me give my colleagues a concrete example. Last year Congress enacted an appropriations bill that included funding for the war effort in Afghanistan and Iraq, as well as disaster relief for the gulf coast. This amendment would prevent that kind of legislation. That would reduce the effectiveness and efficiency of this Chamber already noted for lacking efficiency. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is agreeing to amendment No. 515.

Mr. THOMAS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—39

Alexander
Allard
Bayh
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign

Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Stevens
Sununu
Thomas
Voinovich
Warner

NAYS—59

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—2

Johnson
Lott

The amendment (No. 515) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, was the last vote announced?

The PRESIDING OFFICER. Yes.

Mr. GREGG. Then I believe we are going to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 613, AS MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 613, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 613, as modified.

The amendment is as follows:

On page 63, after line 24, insert the following:

SEC. 326. DEFICIT-NEUTRAL RESERVE FOR ASBESTOS REFORM LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report regarding asbestos reform, that (i) either provides monetary compensation to impaired victims of mesothelioma or provides monetary compensaton to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substanial contributing factor in causing their condition, (ii) does not provide monetary compensation to unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition, and (iii) is estimated to remain funded from non-taxpayer sources for the life of the fund, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2057.

Mr. SPECTER. Mr. President, after very considerable negotiation, it is my understanding this amendment is acceptable. I thank Senator CONRAD, Senator GREGG, Senator REID, and Senator ENSIGN for their cooperation.

What this amendment does is eliminate a highly technical point of order that might have been available on asbestos reform legislation, to give the discretion to the chairman of the Budget Committee to approve a reserve fund. The bill will have to be revenue neutral. There are other points of order which could lie, but I think we will be able to establish revenue neutrality when we produce the bill.

It has been necessary because some $30 billion to $40 billion have been lost on bankruptcy proceedings to retool the reform bill to cover mesothelioma and other deadly illnesses. We are in the process of working it out.

I also thank my colleagues Senators LEAHY, FEINSTEIN, and CARPER for their work on this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we thank the Senator from Pennsylvania for the alterations he has made to this amendment. It is acceptable on this side.

I ask unanimous consent we agree to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, the Senator has reserved the right to object.

Mr. GREGG. Maybe we should move on.

The PRESIDING OFFICER. The Senator has objected.

Mr. SPECTER. Mr. President, it is agreeable with me to move on briefly.

Mr. GREGG. Mr. President, I ask unanimous consent that this amendment be set aside and that we move to the amendment from Senator GRAHAM, who would be next.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina.

AMENDMENT NO. 478

Mr. GRAHAM. Mr. President, I call up amendment No. 478 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 478.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the 35, 33, 28, and 25 percent income tax rate structure and protect nearly 28,000,000 families and individuals, including small business owners, from having their tax rates increase to 39.6, 36, 31, or 28 percent)

On page 3, line 14, decrease the amount by $46,000,000,000.

On page 3, line 15, decrease the amount by $66,900,000,000.

On page 3, line 23, decrease the amount by $46,000,000,000.

On page 4, line 1, decrease the amount by $66,900,000,000.

On page 4, line 9, increase the amount by $1,081,000,000.

On page 4, line 10, increase the amount by $3,785,000,000.

On page 4, line 18, increase the amount by $1,081,000,000.

On page 4, line 19, increase the amount by $3,785,000,000.

On page 5, line 2, increase the amount by $47,081,000,000.

On page 5, line 3, increase the amount by $70,685,000,000.

On page 5, line 10, increase the amount by $47,081,000,000.

On page 5, line 11, increase the amount by $117,766,000,000.

On page 5, line 18, increase the amount by $47,081,000,000.

On page 5, line 19, increase the amount by $117,766,000,000.

On page 25, line 24, increase the amount by $1,081,000,000.

On page 25, line 25, increase the amount by $1,081,000,000.

On page 26, line 3, increase the amount by $3,785,000,000.

On page 26, line 4, increase the amount by $3,785,000,000.

Mr. GRAHAM. Mr. President, this amendment extends the marginal tax rate relief first passed in 2001. We lowered taxes in 2001. Simply put, if you vote against this amendment, the tax rates will revert back to the 2001 levels. You would be voting to increase taxes on 28 million families and small businesses. You would be voting to increase taxes on small businesses, on an average, by more than $3,600 per year. Mr. President, 78 percent of the benefit of this amendment goes to small business owners. I urge my colleagues to vote for this amendment. Tax policy in this country is about being globally competitive. We need to keep our tax rates down to keep our jobs in America. I urge everybody to vote for this amendment to make us competitive globally.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the fact is, none of those rates change until 2010. No. 1. No. 2, the Senator's amendment also would not have the effect described by the Senator. The effect the amendment would have is to reduce revenue by $117 billion. It would put us back into deficit in 2012 by $71 billion. This amendment is a budget buster.

I urge my colleagues to vote no.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Graham amendment No. 478.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. McCONNELL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. LOTT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—2

Johnson
Lott

The amendment (No. 478) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 490, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 490 previously agreed to be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 490), as modified, is as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING MILITARY RETIREMENT AND DISABILITY OFFSET.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

AMENDMENT NO. 613

Mr. GREGG. Mr. President, I ask unanimous consent that we agree to the Specter amendment No. 613 and the Thune amendment No. 465.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I want to be sure, regarding amendment No. 613, as modified, that the Senator from Oklahoma has withdrawn his objection that it be included in the amendment package.

Mr. CONRAD. Mr. President, let's make certain we have the modified version of the Specter amendment. So before we approve that, let me have a chance—it has gone through a number of modifications. Let's make sure the version at the desk is the version we have been advised is at the desk.

Mr. GREGG. That is correct.

Mr. CONRAD. OK. That is fine.

Mr. GREGG. I renew the request, Mr. President.

The PRESIDING OFFICER. Without objection, the Specter amendment, as modified, is agreed to.

The amendment (No. 613), as modified, was agreed to.

AMENDMENT NO. 465

The PRESIDING OFFICER. The Chair notes that amendment No. 465 has not yet been proposed.

Mr. GREGG. I ask that amendment No. 465 be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 465.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a budget point of order against legislation that increases income tax rates on small businesses, family farms, or family ranches)

At the end of title II, insert the following:

SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized). In this subsection, ,the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 465) was agreed to.

Mr. GREGG. I believe Senator GRASSLEY has the next amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Do I have to wait for my amendment to be reported?

The PRESIDING OFFICER. The Senator may use his time and then call up the amendment.

AMENDMENT NO. 471

Mr. GRASSLEY. Mr. President, my amendment repeals the AMT. Except for the telephone tax, the alternative minimum tax is the phoniest tax we have ever passed. The AMT, in 1969, was meant to hit 155 taxpayers who used legal means to avoid taxation, under the theory that everybody ought to pay some income tax.

This very year, more than 2,000 people who are very wealthy are not paying any income tax or alternative minimum income tax. So it is not even working and hitting the people it is supposed to hit. Right now, this year, 2007, the year we are in, there are 23 million families that are going to be hit by this tax. It is a phony revenue machine, over 5 years, $467 billion dollars. We are going to have to have a point of order this year to keep these 23 million taxpayers from paying this tax. We might as well do away with it right now, once and for all, and be honest about it.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 471.

The amendment is as follows:

(Purpose: To amend the budget resolution for fiscal year 2008 in order to accommodate the full repeal of the Alternative Minimum Tax preventing 23 million families and individuals from being subject to the AMT in 2007, and millions of families and individuals in subsequent years)

On page 3 line 10, decrease the amount by $30,700,000,000.

On page 3, line 11, decrease the amount by $82,500,000,000.

On page 3, line 12, decrease the amount by $96,300,000,000.

On page 3, line 13, decrease the amount by $112,200,000,000.

On page 3, line 14, decrease the amount by $93,900,000,000.

On page 3, line 15, decrease the amount by $51,400,000,000.

On page 3, line 19, decrease the amount by $30,700,000,000.

On page 3, line 20, decrease the amount by $82,500,000,000.

On page 3, line 21, decrease the amount by $96,300,000,000.

On page 3, line 22, decrease the amount by $112,200,000,000.

On page 3, line 23, decrease the amount by $93,900,000,000.

On page 4, line 1, decrease the amount by $51,400,000,000.

On page 4, line 5, increase the amount by $500,000,000.

On page 4, line 6, increase the amount by $3,450,000,000.

On page 4, line 7, increase the amount by $7,727,000,000.

On page 4, line 8, increase the amount by $12,984,000,000.

On page 4, line 9, increase the amount by $18,436,000,000.

On page 4, line 10, increase the amount by $22,732,000,000.

On page 4, line 14, increase the amount by $500,000,000.

On page 4, line 15, increase the amount by $3,450,000,000.

On page 4, line 16, increase the amount by $7,727,000,000.

On page 4, line 17, increase the amount by $12,984,000,000.

On page 4, line 18, increase the amount by $18,436,000,000.

On page 4, line 19, increase the amount by $22,732,000,000.

On page 4, line 23, increase the amount by $31,200,000,000.

On page 4, line 24, increase the amount by $85,950,000,000.

On page 4, line 25, increase the amount by $104,027,000,000.

On page 5, line 1, increase the amount by $125,184,000,000.

On page 5, line 2, increase the amount by $112,336,000,000.

On page 5, line 3, increase the amount by $74,132,000,000.

On page 5, line 6, increase the amount by $31,200,000,000.

On page 5, line 7, increase the amount by $117,151,000,000.

On page 5, line 8, increase the amount by $221,178,000,000.

On page 5, line 9, increase the amount by $346,362,000,000.

On page 5, line 10, increase the amount by $458,698,000,000.

On page 5, line 11, increase the amount by $532,830,000,000.

On page 5, line 14, increase the amount by $31,200,000,000.

On page 5, line 15, increase the amount by $117,151,000,000.

On page 5, line 16, decrease the amount by $221,178,000,000.

On page 5, line 17, increase the amount by $346,362,000,000.

On page 5, line 18, increase the amount by $458,698,000,000.

On page 5, line 19, increase the amount by $532,830,000,000.

On page 25, line 8, increase the amount by $500,000,000.

On page 25, line 9, increase the amount by $500,000,000.

On page 25, line 12, increase the amount by $3,450,000,000.

On page 25, line 13, increase the amount by $3,450,000,000.

On page 25, line 16, increase the amount by $7,727,000,000.

On page 25, line 17, increase the amount by $7,727,000,000.

On page 25, line 20, increase the amount by $12,984,000,000.

On page 25, line 21, increase the amount by $12,984,000,000.

On page 25, line 24, increase the amount by $18,436,000,000.

On page 25, line 25, increase the amount by $18,436,000,000.

On page 26, line 3, increase the amount by $22,732,000,000.

On page 26, line 4, increase the amount by $22,732,000,000.

Mr. CONRAD. Mr. President, the reality of the budget resolution is this may not have anything to do with eliminating the alternative minimum tax. The one thing it will do is reduce the revenue of the Government over the next 5 years by $533 billion, plunging us right back into deficit. Look, we can deal with the AMT. We have dealt with it in the underlying budget resolution for the next 2 years. There will be no increase in the number of people affected by the AMT for the next 2 years under the budget resolution, and that is paid for. Unfortunately, this amendment is not paid for. It would plunge us back into deficit. I urge my colleagues to vote no.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Ms. McCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—3

Johnson
Lott
Sessions

The amendment (No. 471) was rejected.

Mr. CONRAD. Madam President, next, we are going to go to a Bingaman amendment. He will discuss it briefly, and we will have a colloquy.

I yield to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 587, WITHDRAWN

Mr. BINGAMAN. Madam President, I call up amendment No. 587.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Ms. CANTWELL, Mr. SALAZAR, Mr. FEINGOLD, Mr. MENENDEZ, Mr. SANDERS, Mr. TESTER, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. DURBIN, and Ms. KLOBUCHAR, proposes an amendment numbered 587.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the scoring of any amount realized from the sale or lease of land or interests in land that are part of the National Park System, the National Forest System, or the National Wildlife Refuge System)

On page 48, between lines 14 and 15, insert the following:

SEC. 210. PROHIBITION ON SCORING OF AMOUNTS FROM SALES OR LEASES OF CERTAIN FEDERAL LAND.

Any amount realized from the sale or lease of land or interests in land (other than a sale or lease authorized by statute, as of the date of adoption of this concurrent resolution by both Houses) that are part of the National Park System, the National Forest System, or the National Wildlife Refuge System shall not be scored with respect to the level of budget authority, outlays, or revenues.

Mr. BINGAMAN. Madam President, the purpose of this amendment is to take away any incentive to sell off our National Park System, or forests or wildlife system, by ensuring that we not count revenues from those sales in order to get a balanced budget. That is the idea behind it.

I am informed by the chairman of the Budget Committee that he would have to oppose the amendment in this form but he is not necessarily in disagreement about the purpose I am trying to accomplish. So I ask him his views on it before taking any further action.

Mr. CONRAD. Madam President, I would have to resist this amendment in its current form because it requires directed scoring. It requires the Congressional Budget Office to score something in a way mandated by Congress. I think that is a slippery slope. I don't think that is the way we want to go. We don't want to start requiring CBO to score things in a certain way. That would impede the impartiality of the CBO.

We are happy to work with the Senator to try to find other ways to address the concerns he has expressed in this amendment.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I am pleased that the amendment is going to be withdrawn. I will be happy to work with the chairman on this issue. I understand their concern. We should not be selling off our public land treasures for the purpose of balancing the budget. At the same time, if you sell a surplus vacant piece of property, should it not go in and be counted as revenue of our Government if it was once an asset? I think the answer is yes.

Mr. BINGAMAN. Madam President, this amendment would preclude the sale of National Park, National Wildlife Refuge and National Forest lands as a means of paying ongoing operating expenses of the Federal Government. The amendment would have reinstated the budget treatment of these land sales as it existed prior to 1995 and would preclude the sell-off of our national heritage to balance the budget.

On too many occasions over the past several Congresses, controversial land sales and leasing proposals have been advanced within the context of the Federal budget process. These provisions have complicated the consideration of the budget and have frustrated the efforts of the Energy and Natural Resources Committee to ensure responsible stewardship of our Federal lands.

I understand that the chairman of the Budget Committee has concerns about changing the scoring rules in the context of this budget resolution. I have agreed to withdraw my amendment, with the understanding that the chairman of the Budget Committee will work with me and with the leadership of the Congressional Budget Office to address this important issue during the course of this year. It is my hope and expectation that this serious problem can be addressed prior to consideration of the next budget resolution. I ask unanimous consent that several letters in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKCOUNTRY HUNTERS AND ANGLERS, BERKLEY CONSERVATION INSTITUTE, IZAAK WALTON LEAGUE OF AMERICA, NATIONAL WILDLIFE FEDERATION, ORION—THE HUNTERS INSTITUTE, TROUT UNLIMITED,
March 21, 2007.

DEAR SENATOR: On behalf of the undersigned organizations and the millions of hunters, anglers and outdoor enthusiasts we represent, we urge you to support an amendment that Senator Jeff Bingaman (D–N.M.) will offer to the Senate Budget Resolution this week to prohibit the scoring for budget purposes of revenues associated with the sale of public lands.

In recent years the budget and reconciliation process has been abused to promote the sale of public lands and interests in public lands under the guise of deficit reduction. Last Congress, the House passed a reconciliation bill that included a mining law measure which would have resulted in a fire sale of millions of acres of our public lands. A draft of the same bill included a provision to sell off units of the National Park System such as Theodore Roosevelt Island. The President's budget proposals in Fiscal Years 2007 and 2008 included the sale of nearly $1 billion of lands managed by the U.S. Forest Service and the Bureau of Land Management. These controversial measures require a fair and open debate and are not appropriate to be considered in the budget process.

Millions of Americans enjoy hunting, fishing and the many other recreational opportunities that our magnificent public lands provide. It is irresponsible to sell our cherished public lands and interests in lands to balance the federal budget. Our public lands are a legacy for future generations that must be conserved. Unfortunately current budget rules provide an incentive to sell public lands for short-term revenues.

Budget reconciliation procedures are inappropriate for legislation regarding public lands sales and leasing. Senator Bingaman's amendment would reinstate the rule on the sale of assets as it applied to federal lands from 1987 through 1995. We respectfully urge you to stand for our public lands by supporting Senator Bingaman's amendment to the Budget Resolution.

Sincerely,

JIM LYON,
Senior Vice President for Conservation, National Wildlife Federation.

CHRIS WOOD,
Vice President for Conservation, Trout Unlimited.

JIM POSEWITZ,
Executive Director, Orion—The Hunters Institute.

STEVEN K. KLEIN,
Associate Conservation Director, Izaak Walton League of America.

JIM MARTIN,
Conservation Director, Berkley Conservation Institute.

MIKE BEAGLE,
Chairman, Backcountry Hunters and Anglers.

ALASKA WILDERNESS LEAGUE, AMERICAN LANDS ALLIANCE, DEFENDERS OF WILDLIFE, EARTH JUSTICE, EARTHWORKS, LEAGUE OF CONSERVATION VOTERS, NATIONAL ENVIRONMENTAL TRUST, NATURAL RESOURCES DEFENSE COUNCIL, SIERRA CLUB, THE WILDERNESS SOCIETY,
March 21, 2007.

DEAR SENATOR: We write today to urge your support for Senator Bingaman's amendment to the FY2008 Budget Resolution to protect important land resources administered by the National Park Service, the Fish and Wildlife Service and the Forest Service.

Senator Bingaman's amendment would reinstate the rule on the sale of assets as it applied to these lands from 1987 through 1995, and in so doing, would prohibit the scoring of revenues from the sale or lease of certain Federal lands or interests in lands. It is our hope that this change will bring an end to what has become an all-too-frequent push to parcel off and dispose of the nation's priceless natural resources and use the projected revenues as an offset during the budget debate.

The budget and reconciliation process has been used to promote the sale of public lands and interests in public lands under the guise of deficit reduction. For example, oil and gas leasing on the Arctic National Wildlife Refuge has been proposed as part of the budget reconciliation process, as have the sales of National Park System units and so-called mining law "reforms" to sell off vast tracts of public lands. In addition, the Administration has—for two years running—pressed proposals to sell huge acreages of public lands as part of its yearly budget package.

The outcry generated by these proposals could not have been clearer: The American public values its land heritage and expects members of Congress to act as stewards of these irreplaceable resources. We believe that most Americans would consider it irresponsible to sell off their homes and investments to cover household operating expenses, but the current budget scoring rules encourage Congress to do just that. Senator Bingaman's amendment would remove that incentive and move the consideration of important public land management policies out of the budget venue and back to the committees of jurisdiction.

Thanks to the foresight of preservation pioneers such as Teddy Roosevelt and a continuing tradition of conservation, this generation has inherited a rich natural heritage. We urge you to stand up for that heritage and to join Senator Bingaman with a vote to protect public lands.

MARCH 21, 2007.

DEAR SENATOR: During consideration of the Budget Resolution on the Senate floor this week, Senator Bingaman plans to offer an amendment to prohibit scoring of revenue from the sale or lease of federal lands which are part of the National Park System, National Forest system or the U.S. Fish and Wildlife Service refuge system. We urge you to support Senator Bingaman's amendment.

Over the past several years, various ideas about gaining revenue by selling federal land have surfaced in the budget and reconciliation process. Thankfully, these proposals have generally met with stiff opposition from Members of Congress on both sides of the aisle. Clearly, selling off public assets to obtain a one-time credit toward reducing the deficit is bad public policy; but the possibility of addressing the deficit by selling pieces of the National Park System—places set aside by Congress as the most important examples of our natural and cultural heritage, and the part of the federal government most highly valued by the American people—is simply indefensible.

As unlikely as it might appear, there have been such poorly conceived proposals to sell off some of our most precious national treasures for budget purposes as recently as in the 109th Congress. In light of these attempts to pursue such ill-advised and untenable approaches to deficit reduction, it is imperative that Congress makes clear such options are foreclosed. By returning to the rule followed under previous budget resolutions, that is what Senator Bingaman's amendment will do.

Again, we urge you to support Senator Bingaman's amendment. NPCA considers this a significant vote to protect America's priceless heritage found in our national parks, and may use it in our biennial "Friend of the National Parks" scorecard for the 110th Congress.

Sincerely,

THOMAS C. KIERNAN,
President, National Parks Conservation.

Mr. BINGAMAN. Madam President, in light of the position of the chairman of the Budget Committee, I will withdraw the amendment and work with him in the coming months to see if we can get this issue addressed in another way so we don't have this incentive—not for the sale of all lands, of course, but for the sale of these particular lands to which we give a special designation.

With that, I withdraw amendment No. 587.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CONRAD. Madam President, Senator DEMINT is next.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 578

Mr. DEMINT. Madam President, I call up amendment No. 578.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, and Mr. KYL, proposes an amendment numbered 578.

The amendment is as follows:

(Purpose: To repeal the death tax)

On page 3, line 11, decrease the amount by $2,100,000,000.

On page 3 line 12, decrease the amount by $1,400,000,000.

On page 3, line 13, decrease the amount by $2,900,000,000.

On page 3, line 14, decrease the amount by $35,000,000,000.

On page 3, line 15, decrease the amount by $31,000,000,000.

On page 3, line 20, decrease the amount by $2,100,000,000.

On page 3 line 21, decrease the amount by $1,400,000,000.

On page 3, line 22, decrease the amount by $2,900,000,000.

On page 3, line 23, decrease the amount by $35,000,000,000.

On page 4, line 1, decrease the amount by $31,000,000,000.

On page 4, line 6, increase the amount by $50,000,000.

On page 4, line 7, increase the amount by $133,000,000.

On page 4, line 8, increase the amount by $240,000,000.

On page 4, line 9, increase the amount by $1,142,000,000.

On page 4, line 10, increase the amount by $2,747,000,000.

On page 4, line 15, increase the amount by $50,000,000.

On page 4, line 16, increase the amount by $113,000,000.

On page 4, line. 17, increase the amount by $240,000,000.

On page 4, line 18, increase the amount by $1,142,000,000.

On page 4, line 19, increase the amount by $2,747,000,000.

On page 4, line 24, increase the amount by $2,150,000,000.

On page 4, line 25, increase the amount by $1,533,000,000.

On page 5, line 1, increase the amount by $3,140,000,000.

On page 5, line 2, increase the amount by $36,142,000,000.

On page 5, line 3, increase the amount by $33,747,000,000.

On page 5, line 7, increase the amount by $2,150,000,000.

On page 5, line 8, increase the amount by $3,683,000,000.

On page 5, line 9, increase the amount by $6,823,000,000.

On page 5, line 10, increase the amount by $42,966,000,000.

On page 5, line 11, increase the amount by $76,713,000,000.

On page 5, line 15, increase the amount by $2,150,000,000.

On page 5, line 16, increase the amount by $3,683,000,000.

On page 5, line 17, increase the amount by $6,823,000,000.

On page 5, line 18, increase the amount by $42,966,000,000.

On page 5, line 19, increase the amount by $76,713,000,000.

On page 25, line 12, increase the amount by $50,000,000.

On page 25, line 13, increase the amount by $50,000,000.

On page 25, line 16, increase the amount by $133,000,000.

On page 25, line 17, increase the amount by $133,000,000.

On page 25, line 20, increase the amount by $240,000,000.

On page 25, line 21, increase the amount by $240,000,000.

On page 25, line 24, increase the amount by $1,142,000,000.

On page 25, line 25, increase the amount by $1,142,000,000.

On page 26, line 3, increase the amount by $2,747,000,000.

On page 26, line 4, increase the amount by $2,747,000,000.

Mr. DEMINT. Madam President, we have had several votes regarding the death tax today. Some have reduced it a little bit. We have gotten into a lot of details about who would win and who would lose.

My amendment would eliminate the death tax, would continue what we will achieve in 2010. This Congress voted to phase out the death tax. In 2010, it will be gone. My amendment will keep it that way throughout the budget process.

I believe, as many do, this is the most immoral and un-American tax we can possibly have in this country. Yesterday, I was distressed to hear colleagues on the other side were concerned that some children might inherit wealth from a family farm or business they didn't earn. Yet we say the Government earned it even though these businesses have already paid taxes on their profit, payroll, sales taxes, and property taxes throughout the person's life.

We need to eliminate this death tax. It is un-American. This is our opportunity to vote for it today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, I urge colleagues to resist this amendment. If we want to blow a hole in the budget, this is the way to do it. We have already addressed dramatic, important estate tax reform. This completely eliminates the estate tax and blows a total hole in the budget.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Sununu
Thomas
Thune
Vitter

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 578) was rejected.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 529

Mr. BIDEN. Mr. President, I send amendment No. 529 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 529.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the COPS Program to $1.15 billion for FY 2008 to provide state and local law enforcement with critical resources necessary to prevent and respond to violent crime and acts of terrorism and is offset by an unallocated reduction to non-defense discretionary spending and/or reduction to administrative expenses)

On page 23, line 12, increase the amount by $598,000,000.

On page 23, line 13, increase the amount by $72,000,000.

On page 23, line 17, increase the amount by $167,000,000.

On page 23, line 21, increase the amount by $150,000,000.

On page 23, line 25, increase the amount by $120,000,000.

On page 24, line 4, increase the amount by $90,000,000.

On page 26, line 12, decrease the amount by $598,000,000.

On page 26, line 13, decrease the amount by $72,000,000.

On page 26, line 17, decrease the amount by $167,000,000.

On page 26, line 21, decrease the amount by $150,000,000.

On page 26, line 25, decrease the amount by $120,000,000.

On page 27, line 4, decrease the amount by $90,000,000.

Mr. BIDEN. Mr. President, this amendment reinstates the COPS Program. I remind everyone, when the COPS Program was functioning, violent crime in America reduced 8.5 percent a year for 7 years in a row.

Mr. President, throughout the 1990s, we funded the COPS Program at roughly $1.2 billion, and it drove down crime. Now crime is rising again. In every one of our States it is up. Violent crime is up across the board. The Police Investigative Research Forum released a report which found that murders were up 10.6 percent in 2004.

The COPS Program in the crime bill worked, and the Government Accounting Office found a statistical link between the COPS grants and a reduction in crime. The Brookings Institution reported the COPS Program is one of the most cost-effective programs we have ever had in this country. Local officials urgently need this support.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: LIEBERMAN, CLINTON, SALAZAR, OBAMA, KOHL, HARKIN, BOXER, KERRY, WHITEHOUSE, DORGAN, DODD, SCHUMER, and all Democrats on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, the COPS Program has some history here. It was started by President Clinton. His position was, and he asked for, 100,000 police officers. He said that when we got to 100,000, the program would stop. We got to 110,000 police officers and the program continues on and on and on.

This program should have ended 5 years ago or 6 years ago, but it continues. It is similar to so many Federal programs that get constituencies that go on well past what their original purpose was. It may be well intentioned, but we cannot afford it and we shouldn't continue it. It was never thought it would be continued this long.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—65

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold

Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray

Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Thune
Vitter
Voinovich
Whitehouse
Wyden

NAYS—33

Alexander
Allard
Bennett
Bond
Brownback
Bunning

Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo

DeMint
Dole
Domenici
Ensign
Enzi
Graham

Gregg
Hagel
Inhofe
Isakson
Kyl

Lott
Lugar
Martinez
Sessions
Shelby

Stevens
Sununu
Thomas
Warner
Webb

NOT VOTING—2

Johnson
McCain

The amendment (No. 529) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 530

Mr. GREGG. Mr. President, at this time, I believe we can agree by unanimous consent to the DeMint amendment, as modified, amendment No. 530, which deals with Social Security.

Mr. CONRAD. Mr. President, that amendment is acceptable on this side.

Mr. GREGG. Do you have the modification at the desk?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, they are now telling us we may not have seen the modification.

Mr. DeMINT. The amendment has not been modified.

Mr. CONRAD. It has not been modified.

Mr. DeMINT. It is the same amendment.

Mr. CONRAD. So let's just be clear. It is not modified. It is the amendment that was previously at the desk.

I thank the Chair, and I thank the Senator.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DeMINT] proposes an amendment numbered 530.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the point of order to save Social Security first, not discretionary spending)

On page 47, line 25, strike "direct spending" and all that follows through "or revenue" on page 48, line 1.

Mr. CONRAD. I ask unanimous consent that we agree to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 530) was agreed to.

AMENDMENT NO. 534

Mr. GREGG. Senator DeMINT has another amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DeMINT. I call up amendment No. 534, hoping I have the number right this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DeMINT] proposes an amendment No. 534.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the adding of earmarks for spinach producers to an emergency war supplemental appropriations bill)

On page 34, line 9, before the period at the end, insert the following: ", except that the authority to designate shall not apply to funding for spinach producers on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations".

Mr. DEMINT. Mr. President, this amendment really is symbolic of a lot of the things we are trying to work on. What it does is it focuses on extraneous funding that is directed toward supplemental spending bills, supplemental funding for combat operation spending, which we expect to be coming over from the House.

There are dozens and dozens of non-defense-related earmarks on this bill. We had a number of amendments which we have agreed not to vote on, but just to vote on this one to make the point. We should not be adding $20 billion of extra spending on an emergency bill for our combat operations. We certainly should not be adding $25 million for spinach growers. This amendment would eliminate, as part of our budget process, the accepting of spending for spinach in relation to emergency supplemental spending for combat operations.

Mr. GREGG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I ask that we just accept this amendment.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the amendment is agreed to.

The amendment (No. 534) was agreed to.

AMENDMENT NO. 594, AS MODIFIED

Mr. GREGG. We are now to Senator BUNNING.

Mr. BUNNING. Mr. President, I send a modification of amendment No. 594 to the desk. I add as cosponsors Senator GRASSLEY and Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING], for himself, Mr. GRASSLEY and Mr. MCCONNELL, proposes an amendment numbered 594, as modified.

Mr. BUNNING. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for protecting State flexibility in Medicaid)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING STATE FLEXIBILITY IN MEDICAID.

If the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that implements improvements to Medicare, Medicaid, or the State Children's Health Insurance Program, but that does not reduce the ability of States to provide coverage to Medicaid recipients through flexible benefit options that provide greater opportunities to provide health benefits coverage for Medicaid recipients, or alter the guarantee in section 1937 of the Social Security Act of coverage of early and periodic screening, diagnostic, and treatment services for children, then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2008 and the period of fiscal years 2008 through 2012.

Mr. BUNNING. My amendment is very simple. It gives Members a chance to go on record about supporting States' flexibility in Medicaid which Congress provided under the Deficit Reduction Act. My State and several others have already used this flexibility to improve their Medicaid programs. A vote for my amendment supports allowing States to designate benefits that fit the specific needs of their State and population. A vote against it is support of a one-size-fits-all model for Medicaid.

Some people have tried to say this amendment tries to undercut the mandatory child care benefits under Medicaid. That is not true and could not be further from the truth. In fact, the amendment we are voting on clarifies that legislation could not alter Medicaid's mandatory coverage benefits for children.

Mr. GRASSLEY. Mr. President, I want to lend my support to the Bunning amendment No. 594.

In the Deficit Reduction Act of 2005, we gave the States the ability to create flexible benefit plans. Section 6044 of the Deficit Reduction Act established a new section 1937 in title XIX, which allows States the option to provide a benefit package that meets a benchmark standard or benchmark equivalent standard of coverage for certain Medicaid beneficiaries. Under this section, States are required to provide Early and Periodic Screening Diagnostic and Treatment, EPSDT, services to children enrolled in benchmark coverage or benchmark equivalent coverage.

Specifically, section 1937(a)(1)(A) contained two related provisions. First, section 1937(a)(1)(A)(i), provides that States choosing to provide coverage under this section must provide benchmark coverage or benchmark equivalent coverage in the case of beneficiaries for whom a benchmark is an option. Second, section 1937(a)(1)(A)(ii), provides that in the case of children under age 19 receiving benchmark coverage or benchmark equivalent coverage, States must cover "wraparound" benefits to the benchmark coverage or benchmark equivalent coverage consisting of EPSDT services and benefits specified in section 1905(r). In other words, an EPSDT "wraparound" consisting of all benefits and services enumerated in section 1905(r) is a requirement for States electing the benchmark option or benchmark equivalent coverage. The use of the term "wraparound" in this section should not be confused with the optional "wraparound" flexibility afforded states under section 1937(a)(1)(C). This section allows States to offer one or more "wraparound" benefits to enrollees, who otherwise would be limited to benchmark or benchmark equivalent coverage. EPSDT is not made optional but remains a required benefit.

On March 31, 2006, the Center for Medicare and Medicaid Services, CMS, issued guidance to states in a Dear State Medicaid Director letter on the implementation of the benchmark coverage. The CMS letter stated the following:

> Individuals under age 19 who are covered under the State plan under section 1902(a)(10)(A) of the Act must receive wrap-around benefits to the benchmark, or benchmark-equivalent plan, consisting of early and periodic screening, diagnostic, and treatment (EPSDT) services defined in section 1905(r). Wrap-around benefits must be sufficient so that, in combination with the benchmark or benchmark-equivalent benefits package, these individuals receive the full EPSDT benefit. The State plan must include a description of how wrap-around benefits or additional services will be provided to ensure that these beneficiaries receive full EPSDT services.

It is my belief that the requirement of the provision of ESPDT to all children receiving benefits through a benchmark benefit package is a settled issue, both as a matter of law and of implementation of the law.

Giving States the ability to design benefit packages that are appropriate to the people receiving the benefits is key to Medicaid's future. The purpose of this important provision is to free States from a one-size-fits-all approach to Medicaid. Several States, including Kentucky, West Virginia, Idaho and Kansas, are taking the lead with these innovative plans to cover Medicaid recipients. We should resist any effort to limit the ability of the States to develop and implement these flexible, benchmark benefit plans. This flexibility will strengthen the long-term viability of the Medicaid Program and thereby protects coverage for low income children, pregnant women and families.

A vote against the Bunning amendment is a vote against the tools that

States desperately need to manage their Medicaid Program. To me, the vote here is obvious. Vote to protect the Medicaid Program and state flexibility in Medicaid. Vote to protect the EPSDT benefit for children. Vote for the Bunning amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment does undermine the basis of Medicaid today, which is "medically necessary services." The effect of this amendment is to allow States to lower health care coverage for low-income kids. That is the effect of this amendment. Why do States want more flexibility, especially with respect to this program? So basically they can lower benefits. They can save money. There has been a longstanding principle under Medicaid that Medicaid should provide medically necessary services, such as immunizations or checkups, to low-income kids, and that is the basis. We have to keep it. The effect of this amendment is to undermine that. If we stand for anything here, it is making sure low-income kids do not have less health care benefits, at least. They should have more. This amendment would undermine that and allow States to have lower benefits for kids, and for that reason it should be rejected.

Mr. GRASSLEY. Mr. President, do we have any time on this side?

The PRESIDING OFFICER. No.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 594) as modified, was rejected.

AMENDMENT NO. 536

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 536.

Mr. CHAMBLISS. Mr. President, I ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for the reauthorization of the State Children's Health Insurance Program (SCHIP) that eliminates enhanced Federal matching payments for coverage of nonpregnant adults and permits States to offer supplemental dental and mental health benefits for children enrolled in SCHIP)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REAUTHORIZATION OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).

If the Committee on Finance reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that provides for reauthorization of the State Children's Health Insurance Program (SCHIP), eliminates enhanced Federal matching payments for health benefits coverage under SCHIP of nonpregnant adults, and permits States to offer supplemental dental and mental health benefits for children enrolled in SCHIP, then, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2008 and the period of fiscal years 2008 through 2012.

Mr. CHAMBLISS. Mr. President, this is an amendment that relates to the SCHIP program we enacted 10 years ago that is designed to cover uninsured children.

Today there are 12 States that cover nonpregnant adults with SCHIP funding. CBO has estimated that eliminating the differential match on nonpregnant adults saves $400 million over 5 years, and $900 million over 10 years. This is a program for children, not adults.

I yield the rest of my time to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, this is budget neutral and kid friendly. It allows children to have access to health care and dentistry, and health care and mental health. It is a positive move at the expense of no one and for the benefit of children.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the underlying budget resolution expands SCHIP coverage. This amendment goes the other direction; it restricts coverage. It creates a false choice saying we will take away here, we will give there. The net effect of it is it restricts coverage for kids.

It is similar to—it is not exactly the same as, but it is similar to the Cornyn amendment on SCHIP, which we defeated with a vote of 38 to 59.

The long and short of it is, this does restrict SCHIP benefits. I urge us not to go in the direction of restricting SCHIP coverage. I want to actually go in the other direction and expand. I urge that we not adopt this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficent second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 536.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 536) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 522

Mr. CONRAD. Mr. President, the next amendment is the Coleman amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I call up amendment No. 522.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] offers an amendment numbered 522.

The amendment is as follows:

(Purpose: To extend a provision allowing veterans to qualify for low interest mortgage programs)

On page 3, line 11, decrease the amount by $1,000,000.

On page 3, line 12, decrease the amount by $6,000,000.

On page 3, line 13, decrease the amount by $14,000,000.

On page 3, line 14, decrease the amount by $22,000,000.

On page 3, line 15, decrease the amount by $30,000,000.

On page 3, line 20, decrease the amount by $1,000,000.

On page 3, line 21, decrease the amount by $6,000,000.

On page 3, line 22, decrease the amount by $14,000,000.

On page 3, line 23, decrease the amount by $22,000,000.

On page 4, line 1, decrease the amount by $30,000,000.

On page 4, line 8, increase the amount by $1,000,000.

On page 4, line 9, increase the amount by $2,000,000.

On page 4, line 10, increase the amount by $3,000,000.

On page 4, line 17, increase the amount by $1,000,000.

On page 4, line 18, increase the amount by $2,000,000.

On page 4, line 19, increase the amount by $3,000,000.

On page 4, line 24, increase the amount by $1,000,000.

On page 4, line 25, increase the amount by $6,000,000.

On page 5, line 1, increase the amount by $15,000,000.

On page 5, line 2, increase the amount by $24,000,000.

On page 5, line 3, increase the amount by $33,000,000.

On page 5, line 7, increase the amount by $1,000,000.

On page 5, line 8, increase the amount by $7,000,000.

On page 5, line 9, increase the amount by $22,000,000.

On page 5, line 10, increase the amount by $45,000,000.

On page 5, line 11, increase the amount by $78,000,000.

On page 5, line 15, increase the amount by $1,000,000.

On page 5, line 16, increase the amount by $7,000,000.

On page 5, line 17, increase the amount by $22,000,000.

On page 5, line 18, increase the amount by $45,000,000.

On page 5, line 19, increase the amount by $78,000,000.

On page 25, line 20, increase the amount by $1,000,000.

On page 25, line 21, increase the amount by $1,000,000.

On page 25, line 24, increase the amount by $2,000,000.

On page 25, line 25, increase the amount by $2,000,000.

On page 26, line 3, increase the amount by $3,000,000.

On page 26, line 4, increase the amount by $3,000,000.

Mr. COLEMAN. Mr. President, this amendment deals with veterans. Many States have first-time home-buy programs. They have tax-exempt programs that allow people of low income to get access to mortgages at low interest rates. By the wisdom of the Congress in 2006, the Tax Relief and Health Care Act of 2006 allowed veterans to participate, even if they are not first-time home buyers. It is a benefit that expires January 1, 2008. It allows veterans to participate in first-time home buyer mortgage programs, even if they are not a first-time home buyer. This is not the time to cut benefits for our returning heroes. I hope my colleagues agree.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent to accept the Coleman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 522) was agreed to.

AMENDMENT NO. 606

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. The next amendment is the Lott amendment.

Mr. LOTT. Mr. President, I call up amendment No. 606.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment number 606.

The amendment is as follows:

(Purpose: To repeal section 13203 of the Onmibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto)

On page 3, line 10, delcrease the amount by $13,800,000,000.

On page 3, line 11, decrease the amount by $36,600,000,000.

On page 3, line 12, decrease the amount by $41,700,000,000.

On page 3, line 13, decrease the amount by $46,900,000,000.

On page 3, line 14, decrease the amount by $39,300,000,000.

On page 3, line 15, decrease the amount by $23,900,000,000.

On page 3, line 19, decrease the amount by $13,800,000,000.

On page 3, line 20, decrease the amount by $36,600,000,000.

On page 3, line 21, decrease the amount by $41,700,000,000.

On page 3, line 22, decrease the amount by $46,900,000,000.

On page 3, line 23, decrease the amount by $39,300,000,000.

On page 3, line 24, decrease the amount by $23,900,000,000.

On page 4, line 5, increase the amount by $225,000,000.

On page 4, line 6, increase the amount by $1,539,000,000.

On page 4, line 7, increase the amount by $3,413,000,000.

On page 4, line 8, increase the amount by $5,653,000,000.

On page 4, line 9, increase the amount by $7,944,000,000.

On page 4, line 10, increase the amount by $9,809,000,000.

On page 4, line 14, increase the amount by $225,000,000.

On page 4, line 15, increase the amount by $1,539,000,000.

On page 4, line 16, increase the amount by $3,413,000,000.

On page 4, line 17, increase the amount by $5,653,000,000.

On page 4, line 18, increase the amount by $7,944,000,000.

On page 4, line 19, increase the amount by $9,809,000,000.

On page 4, line 23, increase the amount by $14,025,000,000.

On page 4, line 24, increase the amount by $38,139,000,000.

On page 4, line 25, increase the amount by $45,113,000,000.

On page 5, line 1, increase the amount by $52,553,000,000.

On page 5, line 2, increase the amount by $47,244,000,000.

On page 5, line 3, increase the amount by $33,709,000,000.

On page 5, line 6, increase the amount by $14,025,000,000.

On page 5, line 7, increase the amount by $52,164,000,000.

On page 5, line 8, increase the amount by $97,278,000,000.

On page 5, line 9, increase the amount by $149,831,000,000.

On page 5, line 10, increase the amount by $197,075,000,000.

On page 5, line 11, increase the amount by $230,784,000,000.

On page 5, line 14, increase the amount by $14,025,000,000.

On page 5, line 15, increase the amount by $52,164,000,000.

On page 5, line 16, increase the amount by $97,278,000,000.

On page 5, line 17, increase the amount by $149,831,000,000.

On page 5, line 18, increase the amount by $197,075,000,000.

On page 5, line 19, increase the amount by $230,784,000,000.

On page 25, line 8, increase the amount by $225,000,000.

On page 25, line 9, increase the amount by $225,000,000.

On page 25, line 12, increase the amount by $1,539,000,000.

On page 25, line 13, increase the amount by $1,539,000,000.

On page 25, line 16, increase the amount by $3,413,000,000.

On page 25, line 17, increase the amount by $3,413,000,000.

On page 25, line 20, increase the amount by $5,653,000,000.

On page 25, line 21, increase the amount by $5,653,000,000.

On page 25, line 24, increase the amount by $7,944,000,000.

On page 25, line 25, increase the amount by $7,944,000,000.

On page 26, line 3, increase the amount by $9,809,000,000.

On page 26, line 4, increase the amount by $9,809,000,000.

Mr. LOTT. Mr. President, this amendment would repeal the 1993 AMT tax increase that generally increased the AMT rates from 24 percent to a two-tiered 26 and 28 percent. This is one last opportunity on this resolution to correct the mistake we made in 1993, which began in 1969 with the so-called alternative minimum tax. This was the guarantee that the wealthy paid their fair share, ostensibly, but it has morphed into a terrible tax on the middle class. This is not a full repeal like the earlier amendment. This is the one that actually addresses the problem we created in 1993, the creeping rate increase that went from 24 to 26 percent. I urge colleagues to take this action to effectively deal with the AMT problem.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me alert colleagues, if this amendment is adopted, we will be here until 2 o'clock this morning. I hope that sobers everybody's consideration on this matter.

On a serious note, the Lott amendment blows a hole in the budget because it is not paid for. It is not offset, $231 billion not paid for. I urge colleagues to vote no. Let's not give up the gains we have made in these hours of work to balance the budget by 2012. Please, reject the Lott amendment.

Mr. GREGG. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 606.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—49

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The amendment (No. 606) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have another package of cleared amendments that Senator GREGG and I have agreed to.

AMENDMENT NO. 638

Mr. CONRAD. Mr. President, I ask unanimous consent that the Gregg-Conrad amendment No. 638 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 638) was agreed to, as follows:

(Purpose: To create a point of order against increasing mandatory spending in appropriation bills)

At the end of Title II insert the following:

SEC.___POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTES CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, which includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) DETERMINATION.—For purposes of this section, the determination of whether a provision violates paragraph (a) shall be made by the Committee on the Budget of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the chair on a point of order raised under this section.

(d) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or

Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

AMENDMENT NO. 518

Mr. CONRAD. Mr. President, I ask unanimous consent that the Smith amendment No. 518 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 518) was agreed to, as follows:

(Purpose: To fund the State Department, USAID, and other foreign affairs agencies and their programs at the level requested by the President)

On page 9, line 8, increase the amount by $2,200,000,000.

On page 9, line 9, increase the amount by $1,049,400,000.

On page 9, line 13, increase the amount by $567,600,000.

On page 9, line 17, increase the amount by $224,400,000.

On page 9, line 21, increase the amount by $149,600,000.

On page 9, line 25, increase the amount by $121,000,000.

On page 26, line 12, decrease the amount by $2,200,000,000.

On page 26, line 13, decrease the amount by $1,049,400,000.

On page 26, line 17, decrease the amount by $567,600,000.

On page 26, line 21, decrease the amount by $224,400,000.

On page 26, line 25, decrease the amount by $149,600,000.

On page 27, line 4, decrease the amount by $121,000,000.

Mr. DODD. Mr. President, I want to take a moment to explain why I offered an amendment with Senator SMITH to increase the international affairs budget. Prior to the Budget Committee's consideration of the 2008 international affairs budget, Senator SMITH and I, along with many of our colleagues on both side of the aisle, circulated a letter to the Budget Committee asking for a significant increase in the international affairs budget.

I feel very strongly that given the myriad challenges facing the United States around the world, the international affairs budget needs be more robustly funded.

As my colleagues know, this budget supports the people and programs devoted to strengthening alliances, promoting peaceful relationships among nations, boosting economic development, eliminating poverty, and explaining and representing U.S. policy abroad.

As my colleagues also know, the international affairs budget constitutes just over 1 percent of Federal spending, yet it funds some of the most essential components of America's foreign policy, including our diplomatic service, foreign aid, international health programs, and emergency relief operations among others.

The international affairs budget provides the funding for the most important tools we have to implement our foreign policy. Robust funding is necessary to implement these critical programs and policies to fund American diplomacy and global development, so that we can continue to expand our leadership in the fight for freedom, prosperity and peace throughout the world.

Mr. LEVIN. Mr. President, I am pleased to vote for this budget resolution today. I believe this blueprint for the government's spending and revenues will help put us back on a fiscally responsible path.

Before I turn to the merits of this resolution, I want to address the fact that my amendment to establish a deficit neutral reserve fund to promote American manufacturing has been included in this resolution. I thank Senators CONRAD and GREGG for accepting this amendment, and I look forward to working with them and other Members to carry out its intent.

I believe that we must take strong and dramatic actions in this Congress to revitalize and support our domestic manufacturing sector. We need to enhance our research and development programs, provide tax incentives to encourage and sustain domestic manufacturing, and level the playing field for our domestic manufacturers in the global marketplace. My amendment will be helpful as we fight in this Congress to take these important steps.

We need to stop the hemorrhaging of manufacturing jobs from the United States. Our economy and well-being are directly linked to the health of our manufacturing sector, yet we continue to lose manufacturing jobs in this country. Since 2001, we have lost 3 million manufacturing jobs nationwide—including more than 200,000 in my home State of Michigan.

Millions more manufacturing jobs hang in the balance. Our companies face enormous pressure in competing in the global marketplace without sufficient support from the U.S. government. Our companies are not competing against other companies overseas—they are competing against other governments that strongly support their manufacturing sectors.

We need to provide significant federal support for technology initiatives and advances that will help keep our companies on the cutting edge of technology development and competitive in the global marketplace. All of this requires a bold and comprehensive effort across many segments of our federal government. It will involve many committees and many federal agencies, but I believe it is critical to stem the tide of the domestic manufacturing crisis occurring in this country.

My amendment points us in the direction we need to take. It will support legislation that would revitalize our domestic manufacturing sector in four critical ways—by increasing Federal research and development; by expanding the scope and effectiveness of manufacturing programs across the Federal Government; basing support for development of alternative fuels and leap-ahead automotive and energy technologies; and by establishing tax incentives to encourage the continued production in the U.S. of advanced technologies and the infrastructure to support them.

There are many other parts of this resolution to be pleased with as well. For too long now we have been digging deeper and deeper into a ditch of debt. President Bush's budget submitted to Congress in February would continue that trend by increasing the gross Federal debt by nearly $3 trillion to $11.5 trillion by 2012. That's $38,000 per person. The budget resolution we are considering today should start to reverse that trend.

First, this resolution reestablishes a strong pay-go rule, which would require any new spending or tax cuts to be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. This concept is common sense for most families, who work to live within their means by balancing what goes out with what comes in. I heartily welcome its return.

This budget also takes the positive steps of establishing a new budget point of order against long-term deficit increases and allowing the Senate's unique budget reconciliation process, which was abused in recent years by the Republican majority, to be used for deficit reduction only, not to increase the deficit with measures which otherwise could not pass the Senate.

This budget also sets a blueprint for going after our country's massive $350 billion tax gap, which is the difference between the amount of taxes owed by taxpayers and the amount collected. One of the primary tax gap areas I hope Congress will focus on this year is the offshore tax haven and tax shelter abuses that are undermining the integrity of our tax system. There are many ways Congress can go about tackling these problems, and I commend Chairman CONRAD and the Budget Committee for their willingness to take on and push Congress to address these complicated areas. Cracking down on these abuses which shift the tax burden onto ordinary taxpayers is a critical step toward achieving fairness in our tax system.

Additionally, I am pleased that this budget assumes an extension of alternative minimum tax, AMT, relief for 2 years. This is relief we know is needed to avoid imposing this unintended tax increase on millions of middle income families. This time frame gives the Finance Committee time to work out a fix that is appropriate and, I hope, paid for.

The two AMT amendments offered to this resolution which we considered today were not paid for. The amendment offered by Senator LOTT would add $231 billion to the debt over the next 5 years, and Senator GRASSLEY's amendment would have cost $533 billion over that same time. We must not only fix AMT, we must fix it responsibly.

Furthermore, I am pleased that this budget resolution supports our men and women in uniform by providing all the funding requested by the President for national defense, for both the underlying national defense program and the additional costs of operations in Iraq and Afghanistan. I believe our policy in Iraq must change, but I do not support attempts to cut off funds for our troops in the field. This resolution fully funds our forces at home and overseas, at the levels I and Senator McCAIN, the ranking member of the Armed Services Committee, requested in our letter to the Budget Committee.

I also believe funding for these ongoing operations in Iraq and Afghanistan should be accounted for in our budget, and that it was past time the President and Congress stop treating these costs as if they were unanticipated "emergency" expenditures. I am pleased that this resolution supports the request Senator McCAIN and I made to build these costs into the budget.

This has two beneficial effects. First, it makes this budget more honest about the cost of this war and the impact it has on our federal deficit. Second, putting this spending into the regular budget process helps ensure that funding requested for operations in Iraq and Afghanistan will receive greater congressional oversight. I commend Senator CONRAD for his continuing leadership on fiscal responsibility and accountability.

On the issue of funding for our Nation's veterans, I am pleased that this resolution includes the resources needed to ensure that our veterans get the health care they deserve. In total, the resolution provides more than $43 billion for the Veterans Affairs healthcare system—$3.5 billion more than President Bush's budget. Again, this year, the Senate has rejected President Bush's proposal to raise copayments and to impose new fees and higher copayments on certain veterans.

I am also pleased that this budget affirms the Senate's commitment to authorize at an appropriate level the Children's Health Insurance Program, SCHIP, before it expires in September 2007. Making sure children have adequate health care should be one of our nation's top priorities. However, President Bush's budget would lead to the loss of critical coverage in many states. It is imperative that we reject that inadequate proposal, and this budget resolution does that.

This budget also represents a significant improvement over the President's budget for education. There are more funds for Pell grants, IDEA, and No Child Left Behind Act than the President requested. It would be shameful to fail in our responsibility to our children to adopt a spending blueprint that does not provide our schools the resources they need.

I am also pleased that this budget rejects the broad array of cuts to environmental protection programs that were included in the President's budget. This budget resolution fully funds the Environmental Protection Agency's programs to support clean and safe drinking water, and increases funding for the Superfund program by $211 million over the level in the President's budget. The budget also provides about $900 million more for the EPA than the President's budget. This bill also protects Federal lands by rejecting President Bush's proposal to assume revenues from proposals to sell Federal lands.

I am also heartened that the budget rejects the President's proposal to drill in the Arctic National Wildlife Refuge, ANWR.

Further, I also support the Senate's adoption of an amendment to fund the Low-Income Home Energy Assistance Program, LIHEAP, at $3.2 billion, which will ensure that more households can be served by this very important program. Unfortunately, this program has been woefully underfunded by President Bush's budget, as well as in past years.

I also want to talk a bit about a couple more of the amendments we voted on today. I support extending tax cuts for low- and middle-income taxpayers. However, I opposed Senator GRAHAM's amendment because it would have extended the excessive tax cuts for those in the highest income bracket which I have opposed from the first time we voted on it in 2001, and which we simply can't afford.

I also opposed an estate tax amendment offered by Senator BEN NELSON. I would support legislation to prevent a return to the 2001 exemption level, which is too low and no longer appropriate. The current law estate tax exemption level for 2009 of $3.5 million, $7 million for couples, is appropriate and results in only one-third of one percent of estates owing any estate tax. I also had concerns about the Nelson amendment because it proposed a reduction of the rate to 35 percent, which would be a huge loss to the treasury and the amendment does not specify how the revenue needed to keep these changes from increasing the deficit would be raised.

It is a welcome change to be voting for a budget resolution that I believe can change the failed fiscal policies and irresponsible tax cuts pushed by this administration. This resolution paves the way for important investments in America's future to put our country back on track and to begin the long process of climbing out of the ditch of debt.

Mr. President, during this budget debate there have been different views expressed regarding the amount of revenue that would result if Congress will go after the offshore tax haven and tax shelter abuses that are undermining the integrity of our tax system. There are many ways Congress can go about tackling these problems, and I commend Chairman CONRAD and the Budget Committee for their willingness to take on and push Congress to address these complicated areas. Cracking down on these abuses is a critical step toward achieving fairness in our tax system.

If Congress addresses these inequities, it would also bring in billions of dollars needed to pay for many important national priorities. These priorities are recognized in this budget resolution itself, such as education, children's health care, veterans medical care, community development block grants, and law enforcement. We can go a long way toward paying for these critical programs by stopping these tax dodges that rob the Treasury of up to $100 billion a year, and shift the tax burden from high-income persons and companies who are principal users of offshore tax havens onto the backs of middle-income families who pay their taxes.

For many years, the Permanent Subcommittee on Investigations, of which I am chairman, has been looking at the problem of offshore corporate, bank, and tax secrecy laws and practices that help taxpayers dodge their U.S. tax obligations by preventing U.S. tax authorities from gaining access to key financial and beneficial ownership information.

The subcommittee has also spent years looking at abusive tax shelters, which are complicated transactions promoted to provide tax benefits unintended by the Tax Code. They are very different from legitimate tax shelters, such as deducting the interest paid on home mortgages or congressionally approved tax deductions for building affordable housing. Some abusive tax shelters involve complicated domestic transactions; others make use of offshore shenanigans. All abusive tax shelters are marked by one characteristic: no real economic or business rationale other than tax avoidance.

I would like to talk briefly about what we found during those investigations. I think the specifics help make clear that if we have the political will, these are areas ripe with abuses that we can put an end to.

Offshore Investigation. During its year long investigation into offshore tax haven abuses, the subcommittee issued more than 70 subpoenas, conducted more than 80 interviews, and reviewed more than 2 million pages of documents. In the resulting hearing held in August 2006, the subcommittee showed through case studies that offshore tax haven countries have, in effect, declared economic war on honest U.S. taxpayers by giving tax dodgers a way to avoid their U.S. tax bills and leave them for others to pay. Offshore tax havens attract these tax dodgers by shrouding their financial transactions in a "black box" of secrecy that is extremely difficult to penetrate. They sell secrecy to attract customers and reward them with low or no taxes.

This legal black box allows tax dodgers to hide assets, mask who controls them, and obscure how their assets are used. An army of "offshore service providers" lawyers, bankers, brokers, and others then joins forces to exploit the impenetrable curtain of secrecy and help clients skirt U.S. tax, securities, and antimoney laundering laws. Many of the firms concocting or facilitating these schemes are respected names here in the United States.

These schemes require the secrecy of tax havens because they can't stand the light of day. Our investigation laid out six case studies that illustrated the scope and seriousness of the problem. In one case, two U.S. citizens moved about $190 million in untaxed stock option compensation offshore to a complex array of 58 offshore trusts and corporations and utilized a wide range of offshore mechanisms to exercise direction over these assets and hundreds of millions of dollars in investment gains. These untaxed earnings were then used to finance business ventures, acquire real estate, provide loans, and buy art, furnishings and jewelry for the personal use of the family members.

Much of this elaborate scheme involved an offshore bank and an administrative services firm for offshore entities, both housed in a building in the Cayman Islands that we have shown a few times on the Senate floor during this budget debate, the Ugland House. Believe it or not, the building is the official address of 12,748 companies. Just having a post office box in the building enables these shell companies to shift profits that otherwise should be reported as taxable income in the country where it is actually earned.

In another case study, two offshore shell corporations engaged in fake stock transactions, seeming to trade stock back and forth as if it were fantasy baseball to create the illusion of economic activity. The shell corporations pretended to run up hundreds of millions of dollars in fake stock losses and then used these phantom losses to offset about $2 billion in real capital gains of the promoters' U.S. clients. The result was $300 million in lost tax revenues to the Treasury. This offshore scheme would be comical because of its complexity but for the sobering fact that these tax haven abuses are eating away at the fabric of the U.S. tax system and undermining U.S. laws intended to safeguard our capital markets and financial systems from financial crime.

Our investigation shone a needed spotlight into the black box of offshore tax havens. It revealed a system that is corrupt and corrupting. Honest Americans are footing the bill for tax haven abuses, and it is long past time for Congress to shut those abuses down.

Abusive Tax Shelters. In addition to offshore shenanigans, there are plenty of homegrown tax shelters being used to dodge taxes. For 5 years, our subcommittee has also been conducting investigations into the design, sale, and implementation of these complex transactions that have no economic or business rationale other than to avoid tax. Our first hearing on this topic in recent years was held in January 2002, when the subcommittee examined an abusive tax shelter purchased by Enron. In November 2003, the subcommittee held 2 days of hearings and released a staff report that pulled back the curtain on how even some respected accounting firms, banks, investment advisors, and law firms had become engines pushing the design and sale of abusive tax shelters to corporations and individuals across this country. In February 2005, the subcommittee issued a bipartisan report that provided further details on the role these professional firms played in the proliferation of these abusive shelters. Our subcommittee report was endorsed by the full Committee on Homeland Security and Governmental Affairs in April 2005. Most recently, a 2006 subcommittee staff report entitled, "Tax Haven Abuses: The Enablers, the Tools, and Secrecy," disclosed how financial and legal professionals designed and sold yet another abusive tax shelter known as the POINT Strategy, which depended on secrecy laws and practices in the Isle of Man to conceal the phantom nature of securities trades that lay at the center of that tax shelter transaction.

The subcommittee investigations have found that many abusive tax shelters are not dreamed up by the taxpayers who use them. Instead, most are devised by tax professionals, such as accountants, bankers, investment advisors, and lawyers, who then sell the tax shelter to clients for a fee. In fact, as our 2003 investigation widened, we found a large number of tax advisors cooking up one complex scheme after another, packaging them up as generic "tax products" with boiler-plate legal and tax opinion letters, and then undertaking elaborate marketing schemes to peddle these products to literally thousands of persons across the country. In return, these tax shelter promoters were getting hundreds of millions of dollars in fees, while diverting billions of dollars in tax revenues from the U.S. Treasury each year.

For example, one shelter investigated by the subcommittee and featured in the 2003 hearings has since become part of an IRS effort to settle cases involving a set of abusive tax shelters known as "Son of Boss." Following our hearing, more than 1,200 taxpayers have admitted wrongdoing and agreed to pay back taxes, interest, and penalties totaling more than $3.7 billion. That is billions of dollars the IRS has collected on just one type of tax shelter, demonstrating both the depth of the problem and the potential for progress. The POINT shelter featured in our 2006 hearing involved another $300 million in taxes lost to the Treasury on transactions conducted by just six taxpayers.

Tax Levies on Federal Contractors Who Don't Pay Their Taxes. That is not all. For the last 4 years, our subcommittee has been focusing attention on another sector of the tax gap involving Federal contractors who don't pay their taxes. These contractors are stuffing their pockets with taxpayer dollars, while stiffing Uncle Sam by not paying their taxes.

Past subcommittee hearings have exposed the fact that there are about 27,000 defense contractors with $3 billion in unpaid taxes; 33,000 contractors with other Federal agencies who owe $3.3 billion in unpaid tax debt; and 3,800 GSA contractors with $1.4 billion in unpaid tax debt. Earlier this week, another subcommittee hearing put the spotlight on 21,000 Medicare physicians and related medical suppliers with $1.3 billion in unpaid tax debt. These mind-boggling numbers represent tens of thousands of companies putting their hand in the taxpayers' wallet, while dodging billions of dollars in tax obligations.

A key program designed to stop this type of abuse is the Federal Payment Levy Program. This program was enacted about 10 years ago to enable the Federal Government to identify Federal payments being made to tax deadbeats, and to withhold a portion of those taxpayer dollars to pay off a portion of the person's tax debt. For the last 4 years, our subcommittee has conducted an intensive effort to strengthen the tax levy program for Federal contractors who don't pay their taxes. As a result, over the past 3 years, tax levy collections as a whole have more than doubled, increasing from about $136 million in 2004 to nearly $340 million in 2006. Of these totals, tax levy collections from Federal contractors in particular have also more than doubled, increasing from about $28 million to $62 million. But $62 million is only a fraction of the billions of uncollected taxes owed by Federal contractors getting paid hundreds of billions in taxpayer dollars. Much more can and should be done to reduce the Federal tax gap by increasing tax levy collections.

The first step would be to require the Center for Medicare and Medicaid Services to move as quickly as possible to make all $450 billion Medicare and Medicaid payments each year subject to the tax levy program, so that all of these taxpayer dollars are screened for repayment of tax debt. The next step would be to strengthen the tax levy program as a whole. In 2006, for example, the Federal Government identified a total of about $122 billion in assessed tax debt that could be collected, in part, through the tax levy program. At the same time, it determined that only about 45 percent of that uncollected tax debt was actually matched against the Federal payments being made that year. In other words, in 2006, some $67 billion in tax debt was never "turned on" for actual collection under the tax levy program.

Simple reforms could ensure that a lot more of that $67 billion is set up for collection under the tax levy program. One key barrier right now, for example, is an elaborate series of tax levy notices, mandated by law, that currently have to be issued by the IRS before tax debt can be collected through the tax levy program. While the tax levy notices make sense if the Federal Government is targeting payments being provided by a third party, such as an employer, they make a lot less sense when the levy is targeting taxpayer dollars going to the very people who owe the tax debt. For that reason, Senator COLEMAN and I plan to introduce legislation to reform the tax levy notice process for Federal payments. We also plan to strengthen other aspects of the tax levy program to start narrowing that multibillion-dollar tax gap.

IRS Enforcement Efforts to Reduce the Tax Gap. In our efforts to reducing the tax gap, it will be critical that we give the IRS the funds it needs to go after tax dodgers. For every dollar invested in the IRS's budget, the service yields more than $4 in enforcement revenue. Beyond the additional revenues collected, increased IRS enforcement deters those who might otherwise have dodged their tax obligations and reassures honest taxpayers that compliance with the law is broadly achieved.

I am pleased that this budget resolution fully funds the President's budget request for the IRS, and includes an additional $399 million available for IRS enforcement activities. I can't think of many better investments to recover revenues wrongfully lost to the U.S. Treasury and to build respect for the law and respect for the honest Americans who play by the rules and meet their tax obligations.

Scope of Problem. The abusive tax shelters and offshore case studies that the subcommittee has delved into are merely a handful of examples that can be used to better understand the details behind these widespread problems.

Because secrecy is such a key component of offshore abuses, it is incredibly difficult to estimate just how much income is sheltered offshore. Recent estimates from tax experts, Joe Guttentag and Reuven Avi-Yonah, estimate that offshore tax haven abuses by individuals cost the U.S. Treasury between $40 billion and $70 billion a year in taxes that are owed but not collected.

Corporations are also using tax havens to avoid payment of U.S. taxes. Preliminary results from a study to be released soon by Kimberly Clausing of Wellesley College show that $50 billion in U.S. revenue was lost in 2002 from profit-shifting by corporations to low-tax countries. A GAO report Senator DORGAN and I released in 2004 found that nearly two-thirds of the top 100 companies doing business with the U.S. Government had one or more subsidiaries in a tax haven. One company, Tyco International, had 115. Enron, in its heyday, had over 400 Cayman subsidiaries.

Data released by the Commerce Department further demonstrates the extent of U.S. corporate use of tax havens, indicating that, as of 2001, almost half of all foreign profits of U.S. corporations were in tax havens. A study released by the journal, "Tax Notes" in September 2004 found that American companies were able to shift $149 billion of profits to 18 tax haven countries in 2002, up 68 percent from $88 billion in 1999.

A 2004 study by Professor John Zdanowicz found that transfer pricing abuses by corporations cost the U.S. Treasury $53 billion a year. Last year the IRS settled a transfer pricing dispute with one company alone, drug giant Glaxo SmithKline, for $3.4 billion. The size of this settlement with just one company indicates that it is worth looking to see if there are ways to improve the relevant portions of the Tax Code. Treasury has proposed regulations in this area, and I urge the administration to finalize those rules in as strong a form as possible. I also urge the Finance Committee and others to make it a priority to stop these transfer pricing abuses that are hurting average taxpayers as well as disadvantaging U.S. companies that play by the rules.

How to Address the Problem. One of the big questions that surrounds all of this is how to start addressing these problems. I have a bill that would be a huge step in the right direction. We can't let the offshore tax havens hide $100 billion in U.S. tax revenues which are needed to protect our troops, fund health care and education, and meet the other needs of American families. We cannot tolerate high-priced accountants, lawyers, and banks concocting ways for tax cheats to offload their unpaid taxes onto the backs of honest taxpayers. That is why earlier this year I introduced the Stop Tax Haven Abuse Act, along with Senators Coleman and Obama. This bill provides a powerful set of new tools to clamp down on offshore tax and tax shelter abuses.

Among other measures, our bill would:

Establish Presumptions to Combat Offshore Secrecy by allowing U.S. tax and securities law enforcement to presume that nonpublicly traded, offshore corporations and trusts are controlled by the U.S. taxpayers who formed them or sent them assets, and to presume that money moving between U.S. taxpayers and offshore entities is taxable income, unless the taxpayer proves otherwise;

Impose Tougher Requirements on U.S. Taxpayers Using Offshore Secrecy Jurisdictions by listing 34 jurisdictions which have already been named in IRS court filings as probable locations for U.S. tax evasion;

Authorize Special Measures to Stop Offshore Tax Abuses by giving Treasury authority to take special measures against foreign jurisdictions and financial institutions that impede U.S. tax enforcement;

Strengthen Detection of Offshore Activities by requiring U.S. financial institutions that open accounts for foreign entities controlled by U.S. clients, open accounts in offshore secrecy jurisdictions for U.S. clients, or establish entities in offshore secrecy jurisdictions for U.S. clients, to report such actions to the IRS;

Close Offshore Trust Loopholes by taxing offshore trust income used to buy real estate, artwork and jewelry for U.S. persons, and treating as trust beneficiaries those persons who actually receive offshore trust assets;

Strengthen Penalties on tax shelter promoters by increasing the maximum fine to 150 percent of their ill-gotten gains, and on corporate insiders who hide offshore stock holdings by increasing the maximum fine on them to $1 million per violation of U.S. securities laws;

Stop Tax Shelter Patents by prohibiting the U.S. Patent and Trademark Office from issuing patents for "inventions designed to minimize, avoid, defer, or otherwise affect liability for Federal, State, local, or foreign tax".

This is only a partial list of a host of innovative measures we have included in our bill to strengthen the ability of Federal regulators to combat offshore tax haven and tax shelter abuses. We believe these new tools merit congressional attention and enactment this year if we are going to begin to make a serious dent in the $100 billion in annual lost tax revenue from offshore tax abuses that forces honest taxpayers to shoulder a greater tax burden than they would otherwise have to bear.

Tax cheats make it harder to maintain our highways, protect our borders, advance medical research, and inspect our food. They make it difficult to give needed tax relief to small businesses and middle-income victims of the alternative minimum tax. They also deepen the deficit ditch that threatens the economic well-being of our children and grandchildren. The assumptions made in this budget resolution that we can raise ample revenues by shutting them down are not only reasonable, they are crucial to maintaining the integrity of our tax system. I applaud Chairman CONRAD and the Budget Committee, as well as the Finance Committee and Chairman BAUCUS, for their hard fought efforts on this front, and I look forward to working with them and other allies on this issue as we address these problems later this year.

Mr. KERRY. Mr. President, I support this budget resolution. For the last few years, I have not been able to support the budget resolution because it focused on the wrong priorities. I would like to commend Senate Budget Committee Chairman CONRAD for crafting a budget resolution that focuses on the right priorities.

Today, we have before us a resolution that restores fiscal sanity to the budget process. It recognizes the realities of our current and future financial situation. This resolution eliminates the deficit by 2012 and unlike the Bush administration's budget it does not leave out important costs like the funding of the wars in Iraq and Afghanistan and addressing the individual alternative minimum tax, AMT.

This budget resolution returns discipline to the budget process. It restores the pay-as-you-go-rule which was essential to reducing the deficit in the 1990s. It includes a provision which requires the reconciliation process to be used for deficit reduction. The reconciliation process was designed to setup a procedure to expedite the passage of legislation. It was used successfully to reduce the deficit, but in recent years it was used to pass debt-financed tax cuts. Today, we are restoring the reconciliation process to its original purpose—deficit reduction.

The priority of the Administration's budget is to make permanent the 2001 and 2003 tax cuts—at the expense of hard working families. This budget puts families first; it puts education first; it puts health care first. It is a resolution we can and should be proud of, particularly because we will be reauthorizing the Higher Education Act and No Child Left Behind this year. Now we know we will have enough money to make a difference with our legislation.

This resolution specifically and substantially addresses one of my legislative priorities—providing health insurance to children. In 2005, 361,000 children under the age of 18 were added to the rolls of the uninsured, the first time in almost a decade that the number of children without insurance in this country increased. This brings the total number of uninsured children under the age of 21 to a staggering 11 million. Thankfully, this budget begins to put kids first.

Under the resolution, the State Children's Health Insurance Program, S-CHIP, will be funded with an additional $50 billion over the next five years. This will maintain coverage for all currently enrolled children and enable coverage to be expanded to the estimated six million children that are eligible for, but not enrolled in, public health insurance programs. I will continue to work on this issue to ensure that every child in America gets the health care coverage they deserve: Their health and our future depend upon it.

This budget resolution includes many deficit-neutral reserve funds which will allow us to address our priorities in a fiscally responsible manner, including a fund for small business health care. Recently, Senator SNOWE and I held a hearing on this issue in the Committee on Small Business and Entrepreneurship. This hearing provided a blueprint for how we can move forward to provide small business owners the relief they need from rising premium costs while also ensuring that more employees of small firms have access to affordable, meaningful health care coverage.

I have introduced legislation that would provide small businesses with refundable tax credits to help with the cost of providing their employees with coverage. I am also working on reinsurance legislation that would help small businesses with catastrophic costs. Small business health care needs to be addressed this year. I look forward to working with my colleagues on this issue.

This budget makes veterans a priority. Our veterans have admirably served their country and should receive the best health care that we can provide them. To follow through on this promise this budget resolution includes a deficit-neutral reserve fund to make sure that veterans receive necessary treatments and services.

I offered an amendment which ensures that this reserve fund addresses the needs of low-vision and blinded veterans. More and more of our brave soldiers returning from Iraq are coming home with serious eye injuries, mainly caused by traumatic brain injury. We must do our best to provide vision rehabilitation and screening services to try and save the sight of these veterans. The statistics are staggering: from March 2003 to April 2005, 16 percent of all causalities from Iraq had direct eye injuries. Between Walter Reed and Bethesda Naval Hospital they have performed over 1,200 emergency eye surgeries. I am pleased that my amendment passed so that low-vision and blinded veterans will get the services they deserve.

I am pleased that this budget resolution puts an end to the myth that tax cuts pay for themselves. During the debate on this budget resolution, many of my colleagues argued that this resolution represents a tax increase. That is wrong. This budget provides a deficit-neutral reserve fund for tax relief. This will give the Finance Committee the opportunity to evaluate the tax cuts and extend them in a revenue neutral manner.

This budget addresses the individual AMT for 2007 and 2008. The Administration's budget only addresses this AMT for 2007. The resolution will prevent new taxpayers from being impacted by the AMT for the next 2 years and gives us time to work on a fiscally responsible solution. We need to address the AMT so it no longer punishes families with children that live in high tax States. Without addressing the AMT, there will be a hidden tax increase on the middle class.

I urge my colleagues to vote for this fiscally responsible budget resolution that puts families first.

Mr. ENZI. Mr. President, as the Senate concludes debate on the fiscal year 2008 budget resolution, I would like to thank Chairman CONRAD and Senator GREGG for all of their hard work at the mark-up last week. We had a constructive debate, and while I did not vote for the product, I respect the process and way he ran the committee mark-up. I know that crafting an annual budget is a difficult task. I also want to acknowledge the importance of writing and passing a budget resolution. This document is a vital part of the operation of Congress. It sets a fiscal blueprint that Congress will follow for the year, and establishes procedural hurdles when these guidelines are not adhered to.

As an accountant, I think it is a valuable exercise to review our Nation's overall priorities. I was disappointed to learn that the committee-reported resolution, adopted on a party-line vote, doesn't do more to promote economic growth and limit overall government spending. This is a tax-and-spend, big-government budget. It assumes that the tax cuts will expire as scheduled under current law, resulting in $900 billion in tax increases for Americans. The Democratic budget also far outspends the President's discretionary budget request. The committee-reported resolution allows for $949 billion in regular, nonemergency budget authority to the appropriations committee, $18 billion more than the President's requested level of $933 billion.

It also does nothing, on net, to reduce mandatory spending. Our Nation's mandatory health programs are growing each year by more than 6 percent—an unsustainable level—and last week the Budget Committee rejected, on party-line votes, two amendments that would have included reconciliation instructions to the Finance Committee to contain this spending.

I have a legislative track record of fiscal responsibility and meaningful deficit reduction. In 2005, under the Deficit Reduction Act, the Republican Congress was able to produce nearly $40 billion in spending cuts. I am proud that under my chairmanship, the HELP Committee led the entire Congress in deficit reduction, and produced $15.5 billion in savings—that is 40 percent of the entire law.

But that was then. Let me restate that now, the budget resolution we are debating on the floor of the Senate does nothing to reduce net mandatory spending. It's not right to overspend now—and pass the bill on to our children and grandchildren to pay later. I challenge the Senate to work across party lines and do more to shore up our economic future. If one-half of the Senate authorizing committees equal the level of deficit reduction this year that the HELP Committee achieved in 2005, the deficit would be reduced by an additional $100 billion. But this week, similar to the mark-up last week, the Senate rejected multiple amendments to reform our Nation's largest entitlement programs and slow the growth in mandatory spending.

In my role as lead Republican on the HELP Committee, I will continue to use the reauthorization process to stretch Federal dollars the farthest—ensuring that programs are cost effective and not duplicative, so that precious Federal funds touch as many people as possible.

I will also look for an avenue this year to address health care access and affordability. As my colleagues know, last year Senator BEN NELSON and I introduced legislation that would allow business and trade associations to band their members together in small business health plans, and offer group health coverage on a national or statewide basis. This legislation, The Health Insurance Marketplace and Modernization and Affordability Act, was a direct response to the runaway costs that are driving Americans and small businesses away from the health insurance marketplace.

The HELP Committee has a role to play in making employer-sponsored health care more accessible and affordable. Employer-provided health insurance is voluntary—and it is in critical condition. Sixty percent of the country's employers offer insurance today, down 9 percent from just 5 years ago. And the cost of health insurance for companies has nearly doubled in that same period—with employers expected to pay an average of $8,167 per employee family, versus $4,248 5 years ago.

Progress on this critical issue is moving forward, and bipartisan discussions are promising. Last year we built a very solid foundation, which continues to grow.

We are continuing to move forward on this issue and to deal with outstanding concerns. I am actively engaged in negotiations with other members of this body on how best to craft that proposal.

Rather, the best way to achieve real small business health care reform is to proceed forcefully to build on the significant progress we made last year. Development of small business health legislation is a process that is well along, and I believe success is in sight. We are on a promising track, and we should stick with it. America's small businesses deserve no less than our sincere commitment to make this effort a success.

I also want to mention progress on another HELP-related bill, mental health parity legislation. In February, the HELP Committee favorably reported the Domenici-Kennedy-Enzi compromise parity bill on a bipartisan vote of 18-3. It is the product of more than 2 years of bipartisan negotiations and supported by more than 60 organizations. I am pleased that Senator DOMENICI authored a deficit-neutral reserve fund for mental health parity legislation at the mark-up last week. This reserve fund will serve as a placeholder in the budget for our compromise legislation, which focuses on a benefit, not a mandate.

Lastly, I would like to call attention to an amendment that I offered at the Budget mark-up last week, and reoffered on the floor. The amendment is very simple: it establishes a 60-vote threshold for legislation that imposes unfunded mandates on the private sector, in excess of the $131 million threshold for fiscal year 2007 established in the Unfunded Mandates Reform Act of 1995, UMRA.

A 60-vote point of order currently applies to legislation that imposes unfunded mandates on State and local governments. I think the Senate should have a new 60-vote point of order that applies to legislation that creates unfunded private sector mandates. We here in Washington must stop thinking that we have a monopoly on good ideas. This is a commonsense proposal, and should have been approved.

I also want to take this opportunity to mention a few programs that are important to Wyoming.

As our Nation's most abundant energy source, coal must play a central role in electrical generation for years to come. In order for that to happen, we need to continue finding ways to make coal generation cleaner. Programs like the Clean Coal Power Initiative will play a major role in making that happen and so I support increased funding of this program.

We also need to see proper funding of the Federal loan guarantee program. Federal loan guarantees can play an important role in developing new energy projects. It is my hope that we can provide enough funding to get some of these projects off the drawing board, and most specifically, I hope that we provide funding to the Department of Energy to move forward with loan guarantees for coal-to-liquids projects. Coal-to-liquids technology has the potential to help reduce our Nation's dependence on foreign energy barons and should be explored.

In addition, funding for rural air service and maintenance is essential for states like Wyoming. Without Federal support through essential air service and airport improvement programs, many rural communities would have no commercial air service and extremely limited general aviation. I hope this issue will be part of the debate on the reauthorization of the Federal Aviation Administration this year. I encourage my colleagues to recognize the importance of this funding, not only as a matter of dependability, but also as a public safety issue.

I want to mention two additional issues of great importance to Wyoming and other rural States; housing and homelessness. The McKinney Vento Homelessness Assistance Act is the primary law through which Congress funds homelessness programs in the United States. Unfortunately, rural States have historically received very little of this money. Yet rural States must confront homelessness too, and the geographic size of our States further complicates our efforts. In response to this, Congress authorized the Rural Homelessness Grant Program in 1992 under the McKinney-Vento Act. This program provides funding for transitional housing and education services in rural States, as well as rental or down-payment assistance. The intent of this program is to level the playing field between rural and urban States. Unfortunately, this program has never been appropriated funds since its creation, so the purpose of this program has never been fulfilled, and rural states continue to suffer. This can be a valuable program for rural States like Wyoming.

I would like to briefly call attention to the Small Business Administration. I serve on the Small Business Committee and enjoy using my small business experience to help make a difference in the lives of many people in Wyoming and throughout the country. We are working in Wyoming to stabilize and steadily grow our small businesses through the utilization of the Small Business Innovation Research, SBIR, program. The risk and expense of conducting serious research and development efforts are often beyond the means of many small businesses, especially rural small businesses. By reserving a specific percentage of Federal R&D funds for small business, SBIR enables small businesses to compete on the same level as larger businesses and stimulate high-tech innovation in their rural States.

The FAST and Rural Outreach programs are congressionally authorized programs that provide technical assistance that helps Wyoming's small businesses utilize the SBIR program.

Finally, the Agriculture Committee has a big task in reauthorizing the farm bill this year. Writing a tight budget that will help us reach our long-term fiscal goals is a priority for me. However, we also need to provide adequate funding in the budget for the farm bill. Though you cannot tell by the name, the farm bill affects the lives of many unsuspecting Americans. Policies and projects for distance learning, conservation, food assistance, renewable fuels, and our forests are provided for in the farm bill, in addition to the well-known commodity programs.

The Senate should reject this tax and spend budget. It increases taxes on working families by $900 billion, creates a spending spree on the Government's credit card and does nothing to contain runaway entitlement spending.

Mr. ROCKEFELLER. Mr. President, I rise today to support the fiscal year 2008 budget resolution and our Budget chairman, Senator CONRAD, who has done an extraordinary job in developing such a thoughtful resolution.

This budget resolution helps to get our country back on the right fiscal track, and it highlights many priorities for American families that were neglected or ignored over the last few years. For example, this resolution increases discretionary education funding by about $9 billion so that we can invest in title 1, IDEA and improving Pell grants and student aid.

Another important change is the investment in our veterans by providing $3.5 billion more for the VA. This resolution approximately matches the funding request of the veteran's organizations, known as the independent budget. It is a travesty that VA has been underfunded in the past as veterans are returning from Iraq and Afghanistan. In West Virginia, I host confidential roundtables to listen in private to our returning veterans. I want to hear from them personally about their experience in combat, and their care and treatment after they come home. I am deeply disturbed by stories of hassles to get medical appointment and lengthy delays in processing claims for benefits. Every veteran who has bravely served our Nation deserves timely and quality care and benefits. Because of the violence and intense combat, many of our returning veterans want and need mental health care. We have a moral obligation to care for our veterans, both those coming home today and the aging veterans of WWII, Korea and Vietnam. This budget resolution is a meaningful downpayment to fulfill our obligations. It will let us investment in mental health care, and begin to improve our VA benefits system so that wounded soldiers do not have to wait ridiculous amounts of time to get their benefit claims resolved.

One part of this resolution that is deeply important to me is the investment of $50 billion for reauthorization of the Children's Health Insurance Program, CHIP. In 1997, I fought hard to create this program, and I am enormously proud of the success of CHIP in providing insurance coverage to children. In my own State of West Virginia, there are nearly 40,000 children covered through CHIP each year. This budget resolution will allow us to move CHIP forward in two important ways: first, to maintain coverage for children currently enrolled in the program today and, second, to expand coverage to children who are eligible but not yet enrolled in the program. This provision is a strong signal of the new priorities of the leadership in the 110th Congress. I would like to particularly thank Senator CONRAD and his staff for the commitment this resolution makes to CHIP. I know this budget wasn't easy. I know that there are many competing priorities for limited Federal resources and an ever escalating demand. But, I am so proud that Democrats are taking a stand for children and making CHIP reauthorization the top health care priority this year.

This budget resolution is responsible. It restores pay-as-you-go rules. But it also includes deficit-neutral reserve funds so that Congress can move forward on important areas like reauthorization of the Higher Education Act, competitiveness and other domestic priorities that have been ignored for too long. I have been proud to support this budget resolution throughout a long day of votes, and I want to thank and commend our chairman, Senator CONRAD, for a job well done.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my support for the fiscal year 2008 budget resolution.

This budget resolution provides Congress with a $2.9 trillion spending blueprint for the upcoming year. It establishes a process and guidelines by which Congress will determine the revenues and spending for the Federal Government.

I support this resolution. It puts our Nation on the road back to fiscal responsibility. Nevertheless, I am deeply concerned about our Nation's fiscal health.

We have moved a long way from where we were 6 years ago. When President Clinton left office, he left with a projected 10-year surplus of $5.6 trillion. That surplus could have allowed Congress to eliminate the Nation's debt by 2010.

But today, the Nation faces a $248 billion deficit and the debt has grown to $8.9 trillion. This translates to roughly $30,000 owed by each and every United States citizen.

It took almost 200 years for every President from George Washington to George H.W. Bush to amass $2.6 trillion in debt. President Bush matched their $2.6 trillion in debt in just 5 years.

And, over the next 10 years, the Congressional Budget Office projects the interest payments on the debt will be more than $3 trillion. That is $3 trillion that cannot be spent on priorities like healthcare, education or homeland security.

This should be a major concern to the American people.

Our Nation is in this situation because of the misplaced policies of the Bush administration and the Republican Congress.

The President's tax cuts have cost this Nation over $1 trillion. Over the next 10 years, these tax cuts will cost over $3 trillion more.

The vast majority of these tax cuts have gone to benefit the very wealthy.

Additionally, the War in Iraq and Afghanistan has cost $510 billion to date. And there is no end in sight.

This has squeezed the budget and made it difficult to fund all those programs that deserve funding.

Let me tell you what this means.

When the President submitted his budget proposal to Congress on February 5, it was deeply flawed.

It cut or eliminated 141 programs, programs that are of great importance to the American people.

My home State of California was especially hard hit.

The President's budget proposed cutting Community Development Block Grants by 21 percent. This would have meant that California's CDBG funding would be cut by almost $140 million from its 2006 funding level.

This would be devastating.

In the City of Victorville, CDBG funds have helped revitalize areas of the city 3000 residents call home.

In Los Angeles, these funds have allowed 8,500 housing units to be rehabilitated. CDBG funds have preserved over 2,000 jobs and removed over 41 million square feet of graffiti.

Yet the President's budget did not support this important program.

The President's budget also shortchanged the law enforcement programs that Americans rely on for their continued safety.

The Community Oriented Policing Services, COPS, program was eliminated under the President's budget, as was the State Criminal Alien Assistance Program, SCAAP. As a border State, these programs are essential to California.

Additionally, under the President's budget, the State Children's Health Insurance Program, SCHIP, was given only half of the funding that is necessary to continue to serve the children already enrolled in this program.

The good news is the budget before us today restores many of the President's cuts. For instance:

It funds CDBG at 2007 levels, plus an adjustment for inflation. California

State and local governments can continue to work for housing and community development in low-income areas.

The budget also restores funding to the COPS program. It allocates $522 million for COPS, a program that has put over 100,000 police officers on the streets in communities across the country. And we have adopted an amendment by my colleague Senator BIDEN to increase COPS funding to its authorized level of $1.5 billion. I was proud to support this increase.

This budget also restores $407 million for SCAAP. And through an amendment I offered and the Senate has adopted, will increase the funding for SCAAP to its authorized level of $950 million. California has the highest number of undocumented aliens in the country. And California prisons house over 20,000 criminal aliens, incurring tremendous costs. Last year alone, California spent over $715 million keeping criminal aliens off the streets.

This budget increases spending on SCHIP from $2 billion in the President's budget to $50 billion. The $48 billion increase will allow for continued coverage of all currently enrolled children in SCHIP. This budget then goes one step further. It expands SCHIP, insuring an additional six million children who are currently eligible for this program but are not enrolled. Young Americans should not suffer as a result of the President's misplaced priorities.

Additionally, this budget provides critically needed funding for vital Veterans' care programs. Specifically, it provides over $43 billion for Veterans, $3.5 billion more than the proposal offered by President Bush. This money will allow our brave troops to obtain the medical care they deserve.

After the alarming revelations at Walter Reed Army Medical Center and other Veterans' facilities around the country, it is clear that we need to ensure that VA facilities provide the highest level of care. This proposal funds medical and prosthetic research and information technology; and it ensures that baseline operating expenses are met.

In addition, the proposal provides middle-income taxpayers relief from the alternative minimum tax.

Absent congressional action, nearly 20 million more Americans will be forced to pay the AMT next year. This proposal adds 2 years of relief from the AMT, where the President could only find room for 1.

Congress faced many restrictions and tough choices in crafting this budget. And lawmakers' hands were tied due to years of fiscal mismanagement.

The budget resolution is far from perfect. It fails to provide permanent relief from the AMT for middle-class families and, while it restores much needed funds in critical areas, it does not fully fund critical programs. But it refocuses our priorities. And it takes important steps to restore fiscal responsibility.

Unlike the President's budget proposal, this budget will create a surplus in 2012 and is nearly balanced a year before that.

Change will take time. And there is no cure-all for the years of fiscal irresponsibility and misguided policies that we have seen.

As I said before, this budget is far from perfect. However, it initiates much needed change and I believe will put us back on the path from which the President and Republican Congress strayed.

Mr. President, I encourage my colleagues on both sides of the aisle to act in the best interest of Americans who have entrusted us with a great responsibility. I hope that they will join me today in meeting this responsibility by voting for the fiscal year 2008 budget resolution.

Mr. BUNNING. Mr. President, I wish to speak today as a member of the Senate Budget Committee.

I had hoped that the budget that was presented before the Committee last week was going to be fiscally responsible. Chairman CONRAD had said earlier this year that he was prepared to get savings out of long-term entitlement programs. He had made similar statements in the past. So I had some hope that this budget would take a serious look at what we could do to address the issue of out-of-control entitlement growth.

Unfortunately, I was not able to support this budget in Committee and I will not be able to support it here on the Senate floor.

This budget does not take seriously the out-of-control entitlement spending looming on the horizon. This budget resolution fails to show that Congress is willing to make the difficult choices necessary to ensure that the Social Security, Medicare and Medicaid programs will continue into the future.

This country faces $67 trillion in unfunded liabilities over the next 75 years. Thirty two trillion dollars of that is in the Medicare program, $20 trillion is in the Medicaid program and the remaining $15 trillion is in the Social Security program and other liabilities.

As Senator GREGG pointed out yesterday, $67 trillion represents more than the entire amount of revenues received by the Federal Government since the beginning of the republic.

How are our children supposed to pay for that?

We don't have to wait 75 years for the problem to blow up in our faces. In about 2032—almost 25 years from now—the cost of just Medicare, Medicaid and Social Security, if left unchecked, will exceed the 18.2 percent of GDP that is the historic level of our Federal revenues. So every single penny of what should be received by the Federal Government in revenue will be spent on just three programs.

Where is the money for defense to come from? Where is money for education to come from? LIHEAP? NASA? Worker training? Border enforcement? Name any program that you support and tell me just where the money is to come from? This is the future we face.

And yet this budget resolution doesn't move a toe toward fixing it. It includes not one penny in net entitlement reform.

President Bush presented Congress with a budget that makes strides in this direction by attempting to slow the rate of growth in these programs. I'm not talking about wholesale reform here—although I feel that such reform is needed. Just implementing incremental changes can make a huge difference simply because of the enormous amounts of money that we are dealing with here.

For example, in Medicare the President proposed reducing the growth in the program from 6.5 percent to 5.6 percent over 5 years. This change, just a 1 percent reduction from how Medicare would otherwise grow over the same time period, is estimated to reduce Medicare's 75-year unfunded liability by 25 percent—or $8 trillion. For Medicaid, the President proposed reducing the growth rate from 7.3 percent to 7.1 percent.

Keep in mind that this means we will still have spending increases in these programs—pretty substantial increases in fact. However, these increases just won't be as big as originally projected.

The President's budget calls for some commonsense reforms to both Medicare and Medicaid to reduce spending. In Medicare, for example, the President's budget makes several suggestions to ensure that the program is adequately paying providers for the cost of care without overpaying.

In Medicaid, the President has proposed ensuring Medicaid prescription drugs are reimbursed fairly and by improving the financial integrity of the program.

As a member of the Finance Committee, I would obviously need to take a close look at these reforms before any are implemented. However, it is vitally important that the American taxpayer does Not overpay for health care services or products.

The President's budget also requires wealthy seniors to pay more for Medicare by reducing the Federal subsidy for Medicare Part D premiums for these seniors. This means that seniors who have incomes over $80,000 for an individual or $160,000 for a couple would be required to pay more for their Medicare drug benefit.

To me, this just makes sense. Today's working middle-class American taxpayers should not be subsidizing the health care of Bill Gates' father. Also, we already do this for Medicare Part B. Such a change would only affect about 5 percent of seniors.

These are the types of changes that we need to be making. Yet this budget resolution before us today makes no net changes to entitlement programs. This, despite the fact that the Big 3 entitlement programs currently account for over 41 percent of the Federal budget, and that number will grow to almost 57 percent in 10 years.

A budget that does not seriously address entitlement spending is not responsible. This budget is not responsible.

Again, I am not asking for wholesale reforms here. I am very supportive of looking at comprehensive reforms and I support the efforts of Chairman CONRAD and Senator GREGG to set up a bipartisan group to take a look at recommending them.

But that is not what I am asking for in this budget before us today. We should not let the perfect be the enemy of the good. Maybe we don't have a perfect way to fix our entitlement challenge right now. But we could have made a good start this year and started on some incremental changes. However, the authors of this budget chose not to do that.

We face a demographic tidal wave in this country. As the baby-boom generation grows older, the number of people in the United States ages 65 and over is expected to roughly double by 2030. But instead of saving for a rainy day, we continue to spend, spend, spend.

Hard choices have to be made. Spending has to be controlled. Entitlements have to be reigned in.

We are saddling our children and grandchildren with an unfair burden.

The President's budget started us in the right direction. Unfortunately, the Democratic budget has dropped the ball, and pushed off the inevitable hard decisions until another day.

I am profoundly disappointed with the budget I see before us today, and I urge my colleagues to oppose it.

Mr. DODD. Mr. President, I rise in support of S. Con. Res. 21, the budget resolution currently before this body. This budget restores fiscal discipline on both the spending and revenue sides of the ledger, reinstates the pay-as-you-go rules that were so successful during the late 1990s in helping us achieve budget surpluses, and provides a responsible framework for meeting our Nation's most important priorities. With these accomplishments, it represents a major improvement over the budgets of recent years and the budget submitted by the President last month. It puts our country in a much better position to address the major long-term fiscal challenges looming just around the corner.

We as Americans are fortunate to be a part of the world's largest and most prosperous economy. America is, by many measures, doing well but I defy anyone to say we that we cannot do better. We must ensure our national security and restore our moral authority in the world. We must address growing middle class insecurity, reflected in falling incomes coupled with rising costs and record low personal savings coupled with record high household debt. We must stem the backward slide of rising poverty of recent years.

As a Nation, we must take this opportunity to lay a strong foundation for the future: to constructively respond to the accelerating pace of globalization, to secure clean and renewable sources of energy, and to rein in the skyrocketing health care costs that threaten to overwhelm the budgets of households, businesses, and the Government.

Our ability to effectively address any of these challenges, Mr. President, depends on properly managing our fiscal resources. This budget takes an important step towards restoring fiscal responsibility, reversing the profligate trend of the last several years. Since the current President took office, fiscal discipline has been thrown to the wind. Since 2000, we have seen our nation go from a $236 billion budget surplus to a projected $244 billion deficit, from a National debt of $5.6 trillion to $8.8 trillion today, with the share of that debt held by foreign lenders doubling. Critical investments in education and infrastructure have been shortchanged, and middle-class tax cuts have been passed over in favor of more lavish, budget-busting tax breaks for the wealthiest Americans who needed them least.

Instead of continuing these irresponsible policies and passing the costs on to our children and grandchildren, the budget now before us would restore fiscal discipline and renew investments in our nation's critical priorities. First and foremost, it reinstates commonsense pay-as-you-go rules that require any new spending or tax cuts to be paid for up front, rather than added to the debt. And because of this commitment to pay-as-you-go, it balances the federal budget within 5 years and reduces the debt as a share of the economy. It requires honest budgeting for the cost of ongoing military operations. The resolution also imposes discipline on both spending and revenue, lowering spending every year as a share of the economy and cracking down on abusive tax shelters that cost American taxpayers an average of $2,000 apiece every year, according to the Internal Revenue Service's National Taxpayer Advocate.

Within the context of fiscal responsibility, this budget also allocates our resources to our Nation's most important priorities.

Mr. President, few priorities are more important than investing in our Nation's children. The budget before us recognizes this commitment by rejecting the President's proposed cuts to education. Instead, it provides a funding increase of $9.2 billion above the president's request for education and training, from birth through post-secondary education, including Head Start, the Individuals with Disabilities Education Act (IDEA), programs authorized under the No Child Left Behind Act, and Pell Grants. The increased investment will ensure that more preschool children from disadvantaged backgrounds will be ready for school. It will help elementary schools, middle schools, and high schools close achievement gaps; increase graduation rates; and reduce the need for remedial education at a later time. It will ensure that schools can attract, train, and retain high-quality teachers. It will keep our commitment to educate students with disabilities. And it will make college more affordable so that eligible students can gain the skills and experience they need to compete in the global marketplace. Simply put, this budget gives more Americans the tools they need to fulfill their potential, including their college dreams. Mr. President, we can be confident of one thing: the investment we make here will be returned to us, many times over.

In addition to investing in our human capital, this budget also makes important investments in our physical capital. Specifically, it honors the funding levels for highways and transit that were authorized for fiscal year 2008 in the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA), funding that will help States and communities conduct critical maintenance and make needed improvements in their transportation infrastructure. It more than doubles funding for transit security an important start, although more still needs to be done and rejects the Bush administration's continued attempts to zero out funding for Amtrak, which serves so many people in Connecticut and across the country.

With the number of Americans without health insurance on the rise, this budget provides up to $50 billion to help cover uninsured children through the State Children's Health Insurance Program, or SCHIP, which is up for reauthorization this year. We also know that this administration has failed to meet its commitments to the health of our veterans, as revealed by the recent reports on the disgraceful conditions at Walter Reed Army Medical Center. As an answer to this major shortfall, the budget before us provides more than $3.5 billion for veterans above the level proposed by the administration. And where previous budgets have cut funding for first responders, this budget restores the administration's proposed cuts to Firefighter Grants, the COPS program, and Local Law Enforcement and Terrorism Prevention Grants. Finally, this budget also rejects the administration's proposed cuts to low-income heating assistance and to the Community Development Block Grants an absolutely vital source of federal grant assistance for economic development in our local communities.

Mr. President, I would also add and I have already spoken on this matter—that I am pleased that the Senate voted to adopt the Smith-Dodd amendment to add $2.2 billion to Function 150 for the International Affairs budget, which will provide important funds for international aid, poverty reduction, and other critical foreign policy priorities.

Mr. President, the priorities in this budget set a positive course for our Nation. In its lists of numbers we read a statement of our values. We can all speak in unlimited praise of responsibility and education and opportunity in the abstract but for the first time in several years, I'm proud to say we have a budget in front of us that puts flesh on our words. It restores discipline. It confronts the challenges of a struggling middle class and an aging population, promoting opportunity, prosperity, and security across the board. And it puts the American people's money towards the wisest priority of all: investing in the years to come. In sum, I think we have a budget that reflects the best values of the American people, and I am proud to give it my support.

Mr. SMITH. Mr. President, I rise today to express my disappointment with this year's budget resolution. This budget is putting us on a very dangerous path in terms of our economy. A huge tax hike is not the right direction for our country.

The Republican progrowth tax policies that have been implemented over the past few years have had a tremendous impact on our economy. Since August 2003, more than 7.5 million jobs have been created. Our unemployment rate remains low at 4.5 percent—which is well below the 5.1 percent average rate for 2005 and below the average of each of the past four decades. Thanks to our strong economic growth, tax revenues continue to pour in. Tax receipts were up about 12 percent in 2006, on top of 2005's 14.6 percent increase. Receipts have grown another 8 percent so far in fiscal year 2007.

But instead of building on this success, this budget takes us in a completely different direction. The resolution would raise taxes by $900 billion—the largest tax hike in history. This tax increase will have real consequences on American families. An Oregon family of four with $50,000 in earnings will see their taxes go up 132 percent to $3,675 in 2011 if the Republican tax relief is not made permanent, and 15 million seniors would see their taxes increase if current tax policy is not extended.

We are heading in the wrong direction with this budget. Therefore, I will be voting against the budget resolution.

Mr. BYRD. Mr. President, after many long years of flawed budget policies that have eroded our Nation's infrastructure and recklessly taken from the health and safety of American working families, the Senate finally has an opportunity to change course.

The President has submitted a grossly inadequate budget request for the fiscal year 2008, built around the erroneous premise that tax cuts are sacrosanct. I reject that argument. I hope that my colleagues will reject that argument.

The President's budget includes $2 trillion of new tax cuts, many of which will benefit those who least need them. In order to fund those tax breaks, the President cuts the programs that working Americans rely on the most. The President proposes to cut the Medicare and Medicaid Programs, which provide health care to seniors and children. He proposes to cut funding for housing for the elderly in rural America. He proposes to cut funding for first responder programs, jeopardizing the safety of our firefighters and law enforcement officers, and those of us whom they protect. He proposes to cut funding for our children and schools, for health care research and rural hospitals, and for our communities and economic development.

The President is proposing to take an awful lot from working American families in order to pay for his tax breaks. His budget cuts are not funding the troops overseas, or being used to pay down the national debt. The president's own budget tables show that the gross federal debt will continue to increase to record levels, $12 trillion in the next five years, even if his spending cuts are enacted into law.

I reject the argument that seniors must give up their health care, and that children must give up funding for their schools, in order to fund tax breaks for the wealthiest of the wealthy in America.

The President's budget continues the dangerous practice of chipping away at domestic priorities, and trying to get away with spending as little as possible on critical infrastructure. There are consequences—sometimes significant consequences, and sometimes deadly consequences—when the administration tries to hide the impact of its budget cuts in order to fund more tax cuts.

H.G. Wells wrote that human history is a race between education and catastrophe.

The Congress must get into the race to avert the next catastrophe. The squeeze on domestic discretionary spending these past years has done a lot of damage to the infrastructure of our Nation. It has resulted in budgetary shortfalls that are wholly irresponsible, and they must be addressed.

Look at FEMA's inability to respond to natural disasters. Look at the shortfalls in the Low-Income Home Energy Assistant Program, LIHEAP, affecting so many of our States. Look at the shortfalls in our homeland security, where glaring vulnerabilities along the border are left to linger year after year after year. Look at the shortfalls in the funding for our veterans. The problems at Walter Reed did not happen because our military is not committed to caring for its wounded. It happened because we have an administration that is trying to cut corners in order to pay for its tax breaks for wealthy Americans.

Look at the Department of Labor, where the administration chipped away at the mine safety budget for 6 years until it had lost 217 inspectors, undermined the enforcement of the Mine Act, and left coal miners underground with inadequate safety equipment. It is no coincidence that mining deaths increased to record numbers last year, while the administration cut the coal enforcement budget, reduced the number of safety inspectors, and reduced the severity of enforcement actions against habitual violators.

Gas and energy prices are on the rise again, and, still, the President's budget does not adequately address our Nation's congested roads, our overcrowded transit and rail systems, or the energy bottlenecks causing higher prices and electricity failures and power outages. These are the festering signs of our Nation's infrastructure slowly being starved.

When the catastrophes come, they are Hurricanes that brutalize our cities and people, or scandals that surface at our Nation's veterans facilities, or tragedies that take the lives of our coal miners underground due to lack of sufficient Federal inspections.

I reject the administration's tactics of cutting funds and hiding the consequences until a catastrophe hits. I reject that kind of Russian roulette. I reject the notion that the health and safety of the American people is less important than extending a tax cut. Today, the Congress has an opportunity to reject that approach, and I hope that it does reject it.

We must have a budget that sets realistic spending levels. That is the only way to real budget enforcement and discipline. The last Congresses pinned their expectations to pie-in-the-sky, fantasy spending levels that were totally disconnected from reality. When those budgets proved inadequate and the appropriations process stalled, the Congress was forced to consider massive off-budget supplementals and end-of-the-year continuing resolutions and omnibus spending bills that exempted hundreds of billions of dollars of spending from the oversight of the regular appropriations process. The result was always higher deficits, and less accountability to the American people.

The budget before the Senate today rejects that approach. It sets realistic spending levels that would allow the Congress to consider the annual appropriations bills in a timely manner, and subject those bills to debate and amendments in the Senate. That is the best kind of enforcement mechanism—full and open debate and amendments. This budget sets a discretionary spending level of $949 billion in the fiscal year 2008, $16 billion above the President's request, and above the President's requested freeze at fiscal year 2007 levels for domestic programs. The Congress must address the unacceptable cuts in health care, veterans programs, and other critical priorities that have been proposed by the President.

This budget is practical, and it is tough. This is not a budget lacking in enforcement mechanisms, and they would apply equally and fairly to all pieces of the budget revenues, mandatory entitlements, and discretionary spending. This budget caps discretionary spending in the fiscal year 2008, subject to a 60-vote point of order. It caps advance appropriations in the fiscal years 2009 and 2010, and it creates a 60-vote point of order against both emergency defense and nondefense spending, to limit the kind of budget gimmickry that has been used in the past to circumvent the discretionary spending caps. On the revenue and mandatory entitlement side of the ledger, this budget restores pay-go budget enforcement, subjecting new mandatory spending and tax cuts that are not offset to a 60-vote point of order. It also creates a 60-vote point of order against reconciliation legislation that worsens the deficit, causes a deficit, or reduces a surplus by decreasing revenues or increasing spending. Here, more than anywhere else, is where the budget process has been abused the most. Budget reconciliation has been used to shield controversial tax cuts from debate and amendments in the Senate, which have added trillions of dollars to the national debt. This budget will stop such egregious practices from continuing.

This budget gives the Congress the flexibility it needs to address the gross deficiencies in the president's request, and it demands savings from every piece of the budget—revenues, discretionary, and mandatory—in order to do it. This budget is evenhanded and fair, and its spending levels can be enforced.

I commend the chairman of the Budget Committee for writing a budget that sets a new course. I hope that the Senate follows the lead of our chairman. He is trying to address the next catastrophe before it happens. He is trying to set enforceable spending limits to rein in this administration's budget deficits. He is doing the right thing with this budget. It deserves the support of the Senate.

Mr. McCONNELL. Mr. President, the great untold story of the post-9/11 period is the recovery of America's will to move on, despite new threats, and build an even stronger economy, an even stronger America than before. We gave the American people the tools they needed to help themselves and then we got out of the way.

We eliminated the marriage penalty and doubled the child tax credit. We created a tuition tax deduction. We increased the deduction on charitable gifts and put the death tax on the road to extinction. We slashed the tax on capital gains and dividends.

The American people took care of the rest. They took all these things and unleashed a flood of economic activity that is still lifting the tide for tens of millions of working families and retirees. We look out at the American economy today with amazement. Despite 9/11, despite a recession, despite Katrina, despite a war, we see: 4.5 percent unemployment—lower than the average of the last four decades. An economy that is grown at 3.4 percent over the last four quarters. More than 7.2 million new jobs since August '03

That is more jobs over the last 4 years than the European Union and Japan—combined.

China may have the world's fastest growing economy. But its entire GDP is less than the amount that ours has grown in the last 5½ years.

New jobs create new revenue, and it's been pouring into the U.S. Treasury at a staggering clip. Since we cut taxes on capital gains, tax revenues exceeded government estimates by more than two-thirds.

President Bush looked out over this economic landscape too, and he gave us a budget that builds on it, that advocates discipline and anticipates continued strong revenues by keeping tax cuts in place.

That is the formula for continuing to shrink the deficit and leading us to a surplus. And we had reason to think the Democrats would embrace it, even on taxes, when my good friend the senior Senator from Nevada said back in November that raising taxes would be, "Unacceptable."

Well, we should have known better. Budget week is like an annual debutante ball for the Democrats. They step out so everybody can take a good look at them, but their budgets never look good in the lights.

The budget they proposed this week was a disaster. It restored the marriage tax, cut the child credit in half, lowered deductions on everything from charitable gifts to college tuition, and raised taxes on capital gains and dividends. It wasn't just a tax increase. It was the mother of all tax increases. Nearly four times bigger than the previous record.

It reversed every tax cut we passed, and its passage would have resulted in a tax increase on every single taxpayer in America.

A family of four with two kids and an annual income of $56,300 would pay an extra $2,000

Nearly 50 million married couples would pay an extra $2,700 each year in taxes.

More than 10 million single mothers would see their tax bill go up by more than $1,000.

Seventeen million seniors would see their taxes go up by more than $2,000.

Spending wasn't any better.

Here too, we thought the Democrats might be coming around. The day before the President's budget was released, my good friend, the Senior Senator from North Dakota, said:

> We need to be tough on spending. The week after that, he went even farther, saying we should sharply inhibit the growth of spending.

But then the curtain fell, and we saw the reality. The Democrats proposed to increase nonessential spending over the President's budget by nearly $150 billion.

And as if that wasn't enough, in addition to the tax hikes we could see, they set up 20 new accounts that they planned to fill up with money they had raised from a raft of new taxes they didn't even specify. Most of these funds are for worthy purposes. But let's be honest with the American people and pay for these programs by trimming waste, fraud, and abuse instead of open-ended tax hikes down the road.

Republicans opened this Congress with a pledge to work with Democrats. We gave them a soaring economy and an offer to take advantage of divided government to do big things, as divided governments have in the past. One of the big things we proposed was entitlement reform. Every Member of this Chamber knows Social Security is unsustainable in its current form. Yet the budget writers ignored the problem altogether. They proposed to raise $916 billion in new taxes—and to spend it. Budget week is when the rhetoric meets reality: and one of the sad realities this budget revealed was that Democrats weren't serious about reform this week.

Oh they will deny it. Just like they have tried to deny that the tax hikes in this budget are tax hikes.

After I and my colleagues pointed out the new taxes in this budget, the senior Senator from North Dakota rose to say that we were letting our imaginations get the better of us. He said the Democratic budget contained "no proposed tax increase."

But then, one day after rising on the floor to insist that there were no new taxes in this budget, he and his Democratic colleagues admitted as much. They voted for an amendment that would reduce some of the more unsavory tax increases in their budget.

Well, you don't need to be Einstein to know that you can't lower a tax increase that doesn't exist.

The upshot of that amendment is that the budget we are now being asked to vote on no longer represents a tax hike four times larger than the previous record.

We are being asked to vote on a tax hike nearly three times bigger than the previous record—and, in the process, to get in the way of an economic expansion, increase nonessential spending by tens of billions of dollars, and do absolutely nothing about a pending entitlement crisis.

Republicans wouldn't do any one of those things, let alone all four. And we urge our colleagues on other side to reconsider the damage they plan to inflict on Americans who have worked hard to rebuild and reenergize this country over the last 5 years.

Their current budget would squeeze three-quarters of a trillion dollars out of the American taxpayer without shaving so much as a dime from a single government program. This is the very definition of tax and spend. It represents a tremendous missed opportunity. And it is a terrible disappointment.

When Republicans proposed to accomplish big things, this isn't what we had in mind.

This budget is a big mistake. Republicans can't support it.

Mr. CONRAD. Mr. President, let me say for the colleagues who are waiting, we are working on a final package of amendments to be adopted by unanimous consent. That package has many amendments by many colleagues. It has to go through a vetting process. It is not quite complete. As soon as it is, we will move to that and then to final passage.

I thank my colleagues for their extraordinary cooperation. So many colleagues have agreed to withhold amendments. It has been very helpful. We have to have this final process complete before we can go to final passage.

While we are awaiting that package, I would like to take this opportunity to thank the staffs who have made truly an extraordinary effort. Mary Naylor, my staff director; John Righter, my deputy staff director; the counsel, Lisa Konwinski; Kobye Noel, who is the one who does all of our charts. I know my colleagues enjoy them; Joel Friedman, my other deputy staff director; Steve Bailey, who does the tax work; and Jamie Morin, who does defense. I thank all of the others on my staff who have done such an extraordinary job working nights and weekends for weeks—Steve Posner, Stu Nagurka, David Vandivier, Mike Jones, Jim Esquea, Sarah Kuehl, Jim Miller, Joan Huffer, Cliff Isenberg, Brodi Fontenot, Robyn Hiestand, Susan Reeves, Jim Klumpner, Anne Page, Ben Soskin, and Josh Ryan. I thank each and every one of my staff.

I also wish to recognize the extraordinary professionalism of Senator GREGG's staff. They are absolutely first rate and absolutely dependable—people whose word you can count on. Of course, no one is better than the ranking member, Senator GREGG. He has demonstrated over and over his willingness to cooperate; more than that, his professionalism and also his extraordinary knowledge of the budget. I wish to thank all of those who have participated.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I wish to join Senator CONRAD in thanking both our staffs. They are exceptional. They are incredibly talented people. They work extraordinary hours: Mary Naylor and her team on that side. Scott Gudes, Denzel McGuire on our side, including Allison Parent, Jim Hearn, Cheri Reidy, Dan Brandt, Dave Fisher, Conwell Smith, Jay Kholsa, Richie Weiblinger, Seems Mittal, Vanessa Green, Winnie Cheung, Betsy Holahan, Jeff Turcotte, David Myers, Jason Delisk, Dave Pappone, Jennifer Pollum, Mike Lofgren, Kevin Bargo, Matt Giroux, Liz Wroe, and Lynne Seymour, our team that works so well over here. They are special people who put in an extraordinary amount of effort on behalf of the American people. We thank them for it. This is a complex bill. It involves many nights of work and takes a lot of time to work it up into a final package. As you can see from the amount of paper that is being run around right now, it is extraordinary that we are able to keep it straight, and it is because of their extraordinary ability.

I also wish to thank the staff on the dais, the Senate staff. This is probably the most difficult bill the Senate deals with because there are so many votes that come so quickly in such rapid succession and they always do an exceptional job and I very much appreciate it.

Finally, I wish to thank the chairman, Senator CONRAD, who treats us with dignity, respect and fairness and runs an extremely professional shop as chairman of the Budget Committee and who is committed to making sure the integrity of the Senate and the process of the Senate remains professional. We thank him for that, and we thank him for his assistance.

Mr. REID. Mr. President, I so appreciate the two managers of this bill. A year ago the roles were reversed. Senator JUDD was the chairman. Senator CONRAD was the ranking member. Mr. President, the way they operate it doesn't matter. They truly set an example of how the Senate should operate. I say—and I say this without any reservation or qualification—these two fine Senators deserve a hand.

Mr. GREGG. Actually, last year Senator GREGG was in charge. This year, Senator JUDD is in charge.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, following morning business, the Senate proceed to the consideration of H.R. 1591.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, this being the case, there will be no votes on Monday. We have done such a great job here, and we are moving to the supplemental on Monday. There will be no votes Monday. We will have a tough week on Tuesday, Wednesday, Thursday, and Friday perhaps, but we made great progress, and I think the Senate should feel good about the work we have accomplished.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Let me add my word of thanks to Chairman CONRAD and Senator GREGG. They have done a spectacular job on this budget, and I wish to thank my Senators on this side of the aisle for cooperating in such a way that we are going to finish this bill at midafternoon on Friday, one of the earliest completion times we have had.

Finally, with regard to next week, it is the view of the Republican side of the aisle that we need to finish that bill next week. The troops need the money. There is a veto threat out against the bill potentially if it is not fixed on the floor of the Senate. So we need to wrap up that bill up next week, and we will be working cooperatively on this side of the aisle to achieve that goal.

I yield the floor.

AMENDMENTS NOS. 580; 599; 632; 617; 540; 611, AS MODIFIED; 544; 524; 596; 600; 537; 627; 639; 589; 470, AS MODIFIED; 572; 551, AS MODIFIED; 629, AS MODIFIED; 636; 633; 635; 506; 548; AND 640.

Mr. CONRAD. Mr. President, I ask unanimous consent that the following managers' amendments be considered en bloc, that they be agreed to en bloc, and the motions to reconsider be laid upon the table: Senator Nelson, No. 580; Senator Obama, No. 599; Senator Levin, No. 632; Senator Casey, No. 617; Senator Carper, No. 540; Senator Pryor, No. 611, with a modification; Senator Dorgan, No. 544; Senator Obama, No. 524; Reed-Collins, No. 596; Bingaman-Domenici, No. 600; Webb, No. 537; Pryor, No. 627; 639; Baucus-Grassley amendment, which is at the desk; Dorgan-Snowe, No. 589, with Senator Stabenow; Senator Voinovich, No. 470, with a modification; Senator Coleman, No. 572; Senator Murkowski, No. 551, with a modification; Snowe, No. 629, with a modification; Senator Grassley, No. 636; Senator Dole, No. 633; Senator Enzi, No. 635; Senator Specter, No. 506; Senator Grassley, No. 548; and the Dole amendment 640, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 580

(Purpose: To make funds available to ensure that Survivor Benefit Plan annuities are not reduced by the amount of veterans' dependency and indemnity compensation received by military families)

On page 49, line 17, insert after "disabled military personnel" the following: "or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)".

AMENDMENT NO. 599

(Purpose: To add $200 million for Function 270 (Energy) for the demonstration and monitoring of carbon capture and sequestration technology by the Department of Energy)

On page 11, line 9, increase the amount by $200,000,000.

On page 11, line 10, increase the amount by $50,000,000.

On page 11, line 14, increase the amount by $70,000,000.

On page 11, line 18, increase the amount by $50,000,000.

On page 11, line 22, increase the amount by $10,000,000.

On page 12, line 1, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $200,000,000.

On page 26, line 13, decrease the amount by $50,000,000.

On page 26, line 17, decrease the amount by $70,000,000.

On page 26, line 21, decrease the amount by $50,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

On page 27, line 4, decrease the amount by $10,000,000.

AMENDMENT NO. 632

(Purpose: To provide for a deficit-neutral reserve fund for manufacturing initiatives)

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

AMENDMENT NO. 617

(Purpose: To establish a deficit neutral reserve fund for extending preschool opportunities to children)

After section 322, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate, reports a bill or a joint resolution, or an amendment is offered in the Senate to such a bill or joint resolution, or a conference report is submitted to the Senate on a such a bill or joint resolution, that augments or establishes a Federal program that provides assistance to States that offer or expand preschool to children of low-income families, the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

AMENDMENT NO. 540

(Purpose: To reduce the deficit through he use of recovery audits)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act for FY2002) and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

AMENDMENT NO. 611, AS MODIFIED

(Purpose: To increase the budgeting totals for the National Nanotechnology Initiative for environmental, health and safety research and development for fiscal years 2008 through 2012)

On page 10, line 9, increase the amount by $40,000,000.

On page 10, line 10, increase the amount by $40,000,000.

On page 10, line 13, increase the amount by $40,000,000.

On page 10, line 14, increase the amount by $40,000,000.

On page 10, line 17, increase the amount by $40,000,000.

On page 10, line 18, increase the amount by $40,000,000.

On page 10, line 21, increase the amount by $40,000,000.

On page 10, line 22, increase the amount by $40,000,000.

On page 10, line 25, increase the amount by $40,000,000.

On page 11, line 1, increase the amount by $40,000,000.

On page 26, line 12, decrease the amount by $40,000,000.

On page 26, line 13, decrease the amount by $40,000,000.

On page 26, line 16, decrease the amount by $40,000,000.

On page 26, line 17, decrease the amount by $40,000,000.

On page 26, line 20, decrease the amount by $40,000,000.

On page 26, line 21, decrease the amount by $40,000,000.

On page 26, line 24, decrease the amount by $40,000,000.

On page 26, line 25, decrease the amount by $40,000,000.

On page 27, line 3, decrease the amount by $40,000,000.

On page 27, line 4, decrease the amount by $40,000,000.

AMENDMENT NO. 544

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief for enhancing charitable giving from individual retirement accounts)

On page 50, line 8, insert ", such as enhanced charitable giving from individual retirement accounts," before "and".

AMENDMENT NO. 524

(Purpose: To provide $100 million for the Summer Term Education Program supporting summer learning opportunities for low-income students in the early grades. Program will lessen summer learning losses that contribute to the achievement gaps separating low-income students from their middle-class peers)

On page 17, line 12, increase the amount by $100,000,000.

On page 17, line 13, increase the amount by $2,000,000.

On page 17, line 17, increase the amount by $58,000,000.

On page 17, line 21, increase the amount by $30,000,000.

On page 17, line 25, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $100,000,000.

On page 26, line 13, decrease the amount by $2,000,000.

On page 26, line 17, decrease the amount by $58,000,000.

On page 26, line 21, decrease the amount by $30,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

AMENDMENT NO. 596

(Purpose: To increase LIHEAP spending by $703 million in FY 2008 for a total LIHEAP level of $3.2 billion, divided between the regular and contingency grant funds at FY2006 levels)

On page 20, line 12, increase the amount by $703,000,000.

On page 20, line 13, increase the amount by $527,000,000.

On page 20, line 17, increase the amount by $162,000,000.

On page 20, line 21, increase the amount by $14,000,000.

On page 26, line 12, decrease the amount by $703,000,000.

On page 26, line 13, decrease the amount by $527,000,000.

On page 26, line 17, decrease the amount by $162,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

AMENDMENT NO. 600

(Purpose: To establish a deficit-neutral reserve fund to provide for a delay in the implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and SCHIP)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR A DELAY IN THE IMPLEMENTATION OF A PROPOSED RULE RELATING TO THE FEDERAL-STATE FINANCIAL PARTNERSHIPS UNDER MEDICAID AND SCHIP.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program and SCHIP in a similar manner, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

AMENDMENT NO. 537

(Purpose: To include in the veterans' reserve fund a provision for GI educational benefits)

On page 59, line 7, after "erans" insert ", including GI educational benefits".

AMENDMENT NO. 627

(Purpose: To provide additional funding for the Consumer Product Safety Commission to enhance its mission of protecting the public from unreasonable risks of serious injury or death from consumer products)

On page 18, line 12, increase the amount by $10,000,000.

On page 18, line 13, increase the amount by $10,000,000.

On page 18, line 16, increase the amount by $10,000,000.

On page 18, line 17, increase the amount by $10,000,000.

On page 18, line 20, increase the amount by $10,000,000.

On page 18, line 21, increase the amount by $10,000,000.

On page 18, line 24, increase the amount by $10,000,000.

On page 18, line 25, increase the amount by $10,000,000.

On page 19, line 3, increase the amount by $10,000,000.

On page 19, line 4, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $10,000,000.

On page 26, line 21, decrease the amount by $10,000,000.

On page 26, line 24, decrease the amount by $10,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

On page 27, line 3, decrease the amount by $10,000,000.

On page 27, line 4, decrease the amount by $10,000,000.

AMENDMENT NO. 639

(Purpose: To establish a reserve fund to improve the health care system)

At the end of title III, add the following:

SEC. . RESERVE FUND TO IMPROVE THE HEALTH CARE SYSTEM.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

AMENDMENT NO. 589

(Purpose: To establish a reserve fund for the safe importation of FDA-approved prescription drugs)

On page 62, between lines 7 and 8, insert the following:

SEC. 322A. DEFICIT-NEUTRAL RESERVE FUND FOR THE SAFE IMPORTATION OF FDA-APPROVED PRESCRIPTION DRUGS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

AMENDMENT NO. 470, AS MODIFIED

At the end of title II, insert the following:

SEC. ___. DISCLOSURE OF INTEREST COSTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that is required to contain the statement described in section 308(a) of the Congressional Budget Act of 1974, unless such statement contains a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such legislation for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 572

(Purpose: To increase funds for the implementation of the forest management plans developed for the States of Minnesota, Michigan, and Wisconsin, with an offset)

On page 12, line 9, increase the amount by $50,000,000.

On page 12, line 10, increase the amount by $40,000,000.

On page 12, line 14, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $50,000,000.

On page 26, line 13, decrease the amount by $40,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

AMENDMENT NO. 551, AS MODIFIED

On page 11, line 9, increase the amount by $125,000,000.

On page 11, line 10, increase the amount by $56,000,000.

On page 11, line 14, increase the amount by $50,000,000.

On page 11, line 18, increase the amount by $13,000,000.

On page 11, line 22, increase the amount by $6,000,000.

On page 26, line 12, decrease the amount by $125,000,000.

On page 26, line 13, decrease the amount by $56,000,000.

On page 26, line 17, decrease the amount by $50,000,000.

On page 26, line 21, decrease the amount by $13,000,000.

On page 26, line 25, decrease the amount by $6,000,000.

AMENDMENT NO. 629, AS MODIFIED

On page 50, line 8, insert "and including the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional 5 years" after "refundable tax relief".

AMENDMENT NO. 636

(Purpose: To establish a reserve fund to improve payment accuracy for hospitals under the Medicare program)

At the end of title III, insert the following:

SEC. ___. RESERVE FUND TO IMPROVE MEDICARE HOSPITAL PAYMENT ACCURACY.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses the wide and inequitable disparity in the reimbursement of hospitals under the Medicare program;

(B) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(C) includes a transition to the reform described in subparagraph (B); and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2008 through 2012.

AMENDMENT NO. 633

(Purpose: To provide the Secretary of Agriculture with the necessary funding to effectively address the critical water and waste water needs of rural communities in the United States)

On page 16, line 10, increase the amount by $50,000,000.

On page 16, line 11, increase the amount by $7,500,000.

On page 16, line 14, increase the amount by $50,000,000.

On page 16, line 15, increase the amount by $15,000,000.

On page 16, line 18, increase the amount by $50,000,000.

On page 16, line 19, increase the amount by $30,000,000.

On page 16, line 22, increase the amount by $50,000,000.

On page 16, line 23, increase the amount by $40,000,000.

On page 17, line 2, increase the amount by $50,000,000.

On page 17, line 3, increase the amount by $50,000,000.

On page 26, line 12, decrease the amount by $50,000,000.

On page 26, line 13, decrease the amount by $7,500,000.

On page 26, line 16, decrease the amount by $50,000,000.

On page 26, line 17, decrease the amount by $15,000,000.

On page 26, line 20, decrease the amount by $50,000,000.

On page 26, line 21, decrease the amount by $30,000,000.

On page 26, line 24, decrease the amount by $50,000,000.

On page 26, line 25, decrease the amount by $40,000,000.

On page 27, line 3, decrease the amount by $50,000,000.

On page 27, line 4, decrease the amount by $50,000,000.

AMENDMENT NO. 635

(Purpose: To provide for a deficit-neutral reserve fund to improve health insurance)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE HEALTH INSURANCE.

If a Senate committee reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, reduces growth in the number of uninsured Americans, improves access to affordable and meaningful health insurance coverage, improves health care quality, or reduces growth in the cost of private health insurance by facilitating market-based pooling, including across State lines, and a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, provides funding for State high risk pools or financial assistance, whether directly, or through grants to States to enhance the effectiveness of such pooling or to provide other assistance to small businesses or individuals, including financial assistance, for the purchase of private insurance coverage, the Chairman of the Committee on the Budget may make appropriate adjustments in allocations and aggregates for fiscal year 2007 and for the period of fiscal years 2008 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

AMENDMENT NO. 506

(Purpose: To increase funding for the National Institutes of Health, the Centers for Disease Control and Prevention, and the health professions)

On page 18, line 12, increase the amount by $2,200,000,000.

On page 18, line 13, increase the amount by $2,200,000,000.

On page 26, line 12, decrease the amount by $2,200,000,000.

On page 26, line 13, decrease the amount by $2,200,000,000.

AMENDMENT NO. 548

(Purpose: To ensure that Medicare payments to physicians include incentives to improve the quality and efficiency of care furnished to Medicare beneficiaries)

On page 53, line 22, insert "and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures" after "Act".

AMENDMENT NO. 640

(Purpose: To provide the Secretary of Agriculture with the necessary funding to implement a pilot program authorized by the Richard B. Russell National School Lunch Act to study the elimination of the reduced-price category for school lunches)

On page 20, line 12, increase the amount by $10,000,000.

On page 20, line 13, increase the amount by $10,000,000.

On page 20, line 16, increase the amount by $10,000,000.

On page 20, line 17, increase the amount by $10,000,000.

On page 20, line 20, increase the amount by $3,000,000.

On page 20, line 21, increase the amount by $3,000,000.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $3,000,000.

AMENDMENT NO. 596

Mr. REED. Mr. President, I would like to thank the Chairman of the Budget Committee for his efforts to include my bipartisan amendment to increase the allocation for LIHEAP, the Low-Income Home Energy Assistance Program, to $3.2 billion in the budget resolution. As the chairman knows, this is the level that was recommended in a bipartisan letter signed by 35 governors and is the minimum level of funding needed to allow States to provide the same level of assistance as in fiscal year 2006.

The rise in energy prices has led to an increase in the number of families seeking and receiving assistance. In fiscal year 2006, with an additional $1 billion, over 500,000 additional households were served by LIHEAP, increasing the total to 5.6 million. However, that represents less than 15 percent of the eligible households.

LIHEAP is not only a heating program, it is also a cooling program. The number of households receiving cooling assistance increased to 540,000 in fiscal year 2006, up from 315,000 in 2005.

LIHEAP provides a vital safety net for our Nation's low-income households by helping them remain healthy and secure during bitterly cold winters in the North and hot summers in the South. For many low-income families, disabled individuals, and senior citizens living on fixed incomes, home energy costs are unaffordable. Low-income families pay close to 18 percent of their income on energy. The average family only pays 4 percent.

According to a recent survey conducted by the National Energy Assistance Directors Association, NEADA, families who receive LIHEAP are very poor and have few choices but to cut back on food, medicine, and other essentials in order to pay their home energy costs when funding is inadequate to meet the need. Sixty-four percent of those surveyed said that without LIHEAP, they would have had to keep their home at an unsafe or unhealthy temperature. Fifty-four percent said that they would have had their electric or gas service disconnected if LIHEAP benefits had not been available.

Increasing funding for this vital and valuable program remains a top priority for me. I am grateful that the Senate has accepted this bipartisan amendment.

I also want to reiterate my comments from yesterday about this budget resolution. Chairman CONRAD has worked tirelessly to ensure that this resolution meets the pressing needs of the American people and restores the fiscal discipline that has been lacking for several years.

We have been charting an unsustainable fiscal policy course over the last 6 years. Instead of a $505 billion surplus in 2006, Republican fiscal policies left us with a deficit of $248 billion. Reversing this course and restoring balance is essential to our economic well-being. This budget takes the necessary steps toward equilibrium by achieving a balanced budget by 2012 and providing funding for essential programs that improve the lives of hardworking Americans who have been struggling during this sluggish economic recovery.

It includes necessary funding for the State Children's Health Insurance Program, SCHIP; a program that provides a vital safety net to millions of families who do not earn enough to buy health insurance for their children.

The budget also includes language that allows for the establishment of an affordable housing fund financed by government-sponsored enterprises. This affordable housing fund will provide grants for the production, preservation, and rehabilitation of affordable housing for very low-income families.

The budget resolution reinforces our commitment to America's veterans by including $43.1 billion for discretionary veterans' programs and rejecting the President's proposed increases in fees on veterans enrolled in the VA health care system.

I was also pleased to see that this budget rejects the President's proposed cuts in funding for education and training programs and instead appropriately invests in these necessary endeavors, in part by including significant increases in funding for the Department of Education—$6.1 billion above the President's request and $4 billion above the FY07 inflation-adjusted level.

I thank Chairman CONRAD and his staff for their hard work in producing this budget, which is both supportive of the needs of the American people and fiscally sound. I will support this resolution and urge my colleagues to do the same.

Ms. SNOWE. Mr. President, last year on March 20, the President signed S. 2320, which augmented funding for the Low Income Home Energy Assistance program. In light of the historically high energy costs, it was prudent to shift funding to accommodate for the reduced purchasing power of the vital program. As many of us know, disaster was narrowly averted last winter and the summer of 2006.

With heating oil at $2.45 a gallon in Maine, we must recognize that energy prices will continue to burden the citizens who are most susceptible to heat and cold in the coming fiscal year. As we know in each of our states, energy is a necessity of life during extreme weather. In fact, it has been found that 73 percent of households have been forced to cut back on, and even go without other necessities such as food, prescription drugs and mortgage and rent payments. The LIHEAP program is, for many low-income families and our Nation's elderly, is the only barrier from nature's elements.

This program is a national program. In fiscal year 2006 LIHEAP assisted 5,710,000 households in the United States, including 48,000 households in Maine. In Fiscal Year 2006, the nearly 6 million households that received funding only represented 25 percent of the households eligible for assistance. Unfortunately, that figure illustrates that with the exponential rise in energy prices, this program has become an even more vital program.

This is also reflected in level of support from our Nation's governors. On February 15th, a bipartisan group of 35 governors wrote the leadership of the House and Senate stating that "In 2006, we were grateful that Congress made a significant investment in LIHEAP, recognizing that soaring energy prices required additional funding for the program." The letter further reads that, "We urge you to use the 2006 funding level of $3.2 billion as a base to build from in the future—not a one time emergency investment in energy assistance." The letter was signed by governors with diverse political views and from a distinct regions including Georgia, Louisiana, Maine, North Carolina, Oklahoma, and South Dakota. This is a national program and, accordingly, it has national support.

It is incumbent on us to prepare the Nation's budget in light of the year's perceivable threats facing the United States and with our citizens in mind. Current energy prices present an impending crisis for the United State's most vulnerable. The LIHEAP program does not stem the effects of winter, but it quells the effects of energy prices and allays the fears of our Nation's most vulnerable citizens.

I believe that our Nation's budget should prioritize the Low Income Home Energy Assistance Program, and believe that an increase of an additional $703 million represents a responsible and vital investment. I urge my colleagues to support this program.

AMENDMENT NO. 635

Mr. ENZI. Mr. President, I rise today, joined by Senators BEN NELSON, BAUCUS, GRASSLEY, KENNEDY, and SALAZAR, to offer a bipartisan amendment which creates a deficit neutral reserve fund that recognizes the significance of market-based pooling as a tool in addressing rising health insurance costs, and health care quality.

Market-based pooling is especially important for small businesses, which now have virtually no ability to use strength in numbers across State lines to negotiate better and more affordable coverage for their workers.

America faces an ever-widening gap between health care "haves" and "have nots." Without effective market pooling power, ever-growing numbers of small businesses and uninsured and underinsured Americans are slipping into the "have not" column. This is a tragic gap we can and must close.

Senator NELSON and I are actively discussing with our colleagues possible bipartisan approaches. As the wide bipartisan support for today's amendment shows, we are on a promising track, and we intend to stick with it. Market-based pooling must be a part of any comprehensive health reform solution.

I urge my colleagues to support my amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the adoption of the concurrent resolution, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Johnson

The concurrent resolution (S. Con. Res. 21), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

Mr. CONRAD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we have now taken the next step on the journey to having a budget resolution in place for the Nation. It passed the committee and has now passed the Senate. This is an important turning point for the Congress, certainly for the Senate. Three of the last five years, our country has not had a budget. It is important—critically important—for the Congress of the United States to agree on a budget. I would be the first one to say this is an imperfect budget, but it does advance the cause of having the discipline of a budget for our country.

I thank all of our colleagues who have worked to this end, even those who voted against it but who cooperated in the process. I especially thank Senator GREGG again and his outstanding professional staff. I see his staff director, Scott Gudes, who has been a true professional.

I very much appreciate having the chance to work with people of that caliber. And again, to my own staff director, Mary Naylor, who has worked such extraordinary hours, weekend after weekend, night after night until 10, 11, sometimes 2 in the morning, this has truly been an extraordinary effort, and I thank her, and I thank all of my staff. To many of them who are here, I say thank you. You have done this institution proud, and I appreciate it deeply.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINGTIME ARTISTRY

Mr. BYRD. Mr. President, once again, we welcome in the Spring.

Blows the thaw-wind pleasantly,
Drips the soaking rain,
By fits looks down the waking sun:
Young grass springs on the plain;
Young leaves clothe early hedgerow trees; Seeds, and roots, and stones of fruits, Swollen with sap put forth their shoots; Curled-headed ferns sprout in the lane; Birds sing and pair again.

There is no time like Spring,
When life's alive in everything . . .
—*Christina Rossetti.*

March 21 is the vernal equinox, when the day and night are, briefly, in perfect balance. It is the first day of spring. This year, of course, the early switch to daylight savings time has created the illusion of an earlier spring with the artificial and arbitrary establishment of darker mornings and longer evenings. I, for one, am happy to welcome an early spring. It is my favorite season, full of new hope and untarnished promise.

West Virginia has seen some snow this winter. The snow was welcomed by skiers and farmers, but those of us who neither ski nor plow view snow more as a nuisance—something to be moved out of the way, something that complicates our commutes and closes the schools. Snow makes the world monochromatic, a palette that ranges along a single line from blinding white through the shades of gray to the tired black of grime-crusted snow along the roadways. We are ready for spring, ready for some light and for lots of vibrant color around us.

This year, the March winds again worked their artistry, blowing away the flotsam and jetsam of winter to uncover a clean canvas with just the sweeping curves of earth and the angular armature of tree limbs sketched in charcoal, awaiting the Master's hand to apply delicate springtime washes of color. Over the past weeks, we have seen the Master's skill at work in the first creeping stain of green across the lawns and fields, the soft blush of blossoms in the wild plum trees, the deepening blue of the sky. Each day, the colors have grown darker, richer, and more vibrant, as if the warm breezes carried them to us from some distant sunny clime. Bright details have begun to take shape in the scattered spangles of violet and yellow crocus and the bright accents of hardy daffodils amid their grass green leaves. Oh, daffodils—the poets write of you! The Boston poet Amy Lowell (1874–1925) wrote of you:

Thou yellow trumpeter of laggard Spring!
Thou herald of rich Summer's myriad flowers!
The climbing sun with new recovered powers
Does warm thee into being, through the ring
Of rich, brown earth he woos thee, makes thee fling
Thy green shoots up, inheriting the dowers
Of bending sky and sudden, sweeping showers,
Till ripe and blossoming thou art a thing
To make all nature glad, thou art so gay;
To fill the lonely with a joy untold;
Nodding at every gust of wind to-day,
To-morrow jeweled with raindrops.
Always bold
To stand erect, full in the dazzling play
Of April's sun, for thou has caught his gold.

Mr. President, spring would not be spring without the daffodils. Their delicate beauty and seemingly fragile petals belie their toughness. Year after year, the daffodils spread, competing with the grass and the tree roots to expand their beds. They manage to deter the onslaught of determined squirrels and other wild creatures who unearth and consume dainty and expensive spring bulbs like so many canapés at a reception. They push their way up into the sun through frozen ground and choking mats of fallen leaves. They defy howling winds and frigid nighttime temperatures. They survive people and houses to bloom on around the decaying foundations of long ago farmsteads. And they do it all with effortless beauty, inspiring us and filling us with joy. The first daffodil, like the first robin, is akin to the dove that brought the olive branch back to Noah—a reassurance to worried man from God that the spring, like the land, will return.

I do not want to take up too much of the Senate's time. We have important matters before us, matters of war and peace, matters of spending and accounting. But even in the heat of debate, we can each find joy in those first spring days. We can each feel peace in the steady warmth of the springtime sun, calm in the soft breeze that carries the scent of hyacinths, and delight in springtime flowers. The first day of spring is truly a time to stop and smell the flowers.

There is no time like Spring,
When life's alive in everything,
Before new nestlings sing,
Before cleft swallows speed their journey back
Along the trackless track—God guides their wing,
He spreads their table that they nothing lack,
Before the daisy grows a common flower
Before the sun has power
To scorch the world up in his noontide hour.
—*Christina Rossetti.*

STOPPING OVERSEAS SUBSIDIES ACT

Ms. COLLINS. Mr. President, our Nation's manufacturers and their employees can compete against the best in the world, but they cannot compete against nations that provide huge subsidies and other unfair advantages to their producers. Time and time again, I hear from manufacturers in my State whose efforts to compete successfully in the global economy simply cannot overcome the practices of illegal pricing and subsidies of nations such as China. The results of these unfair practices are lost jobs, shuttered factories, and decimated communities.

Consider this one example that affects my home State. The American residential wood furniture industry has experienced devastating losses due to surges of unfairly priced furniture imports from China. According to the U.S. Bureau of Labor Statistics, 146,600 jobs, or about 22 percent of the workforce, have been lost in the U.S. furniture industry since 2000. Unfairly priced imports from China are a leading cause in these job losses. China's wooden bedroom furniture exports to the U.S., which amounted to just $169 million in 1999, reached an estimated $1.8 billion in 2006. By subsidizing investments in furniture manufacturing facilities, China is exploiting the U.S. market to the benefit of its producers and putting our employees at an unfair advantage.

One fine furniture manufacturer in Maine, Moosehead Manufacturing, struggled for years to cope with the onslaught of unfair imports from China. Despite the company's quality products and attempts to survive through several rounds of layoffs and participation in the Federal Trade Adjustment for Firms program, Moosehead was not able to keep its doors open in the face of unfair Chinese imports. The company announced its closing on February 8, 2007. This is a tragic development—for this family-owned business, for its skilled employees, and for the community and State.

It is because of the experience of manufacturers such as Moosehead that I reintroduced the Stopping Overseas Subsidies Act. I am pleased to be joined by my friend and colleague from Indiana, Senator BAYH, who has worked closely with me on this legislation. The core provision of this bill revises current trade remedy laws to ensure that U.S. countervailing duty laws apply to imports from nonmarket economies, such as China.

Our Nation's trade remedy laws are intended to give American industries and their employees relief from the effects of illegal trade practices. Unfortunately, some countries in the world choose to cheat instead of compete fairly. In these cases, U.S. industries can file petitions under U.S. trade remedy laws for relief.

Up until recently, the practice of the Department of Commerce was to accept an antisubsidy petition against any market economy—such as Canada or Chile—but not against a nonmarket economy such as China. As a result, nonmarket countries that subsidize their industries the most heavily and cause the most injury to U.S. industries and workers, such as China, were exempt from the reach of American countervailing duty laws.

The countervailing duty statute on its face in no way limits the application of the law to any country. There is nothing in the countervailing duty provisions per se, or anywhere else in the statute, that limits the broad language applying countervailing duty remedies to every "country." Unfortunately, the Department's interpretation of this statute for the last two decades has been that it does not apply to nonmarket economies, and this policy was upheld by a 1986 Federal court decision that maintained that Congress needs to clarify the statute on this issue.

The good news is that, on November 22, 2007, the Department of Commerce finally accepted the first countervailing duty petition against a nonmarket economy since the 1986 court decision. The case was filed against China by New Page Corporation, a coated free sheet paper company with operations in Maine, Ohio, and Maryland. Despite its efficient, state-of-the-art mills, skilled and dedicated employees, strong relationships with customers, strategically located mills and distribution facilities and growing markets for its products, New Page had to shut down an entire paper line as a result of unfair foreign competition.

Jim Tyrone, senior vice president of New Page Corporation, testified before the Ways and Means Committee on February 15, 2007, regarding the illegal subsidies that China is providing to its paper industry. Starting in the late 1990s the Government of China targeted its domestic coated paper industry for rapid development. As part of this development plan, the Chinese Government provides low-cost policy loans through government-owned banks. It also provides grants for the development of new paper capacity, and tax breaks based on export performance and domestic equipment purchases. Moreover, Tyrone testified, government banks in China forgave at least $660 million in loans they had provided to China's largest paper producer, Asia Pulp & Paper, when that company declared bankruptcy in 2003.

The result is that in the United States, Chinese coated free sheet market share has increased by an average 75 percent annually over the past four years based on publicly available data, despite having to ship their products thousands of miles to reach the U.S. market. Ironically, and in contrast to U.S. paper producers, China has no natural advantage in the production of paper. It does not have an abundant supply of the requisite inputs, and must import much of the pulp that it uses to make paper. It is only because of illegal subsidization that China can compete in the paper products market in the U.S. and Europe.

According to a 2005 study by the American Forest and Paper Products Association, China is using an array of subsidies to promote the development of timber and pulp production in China. These include government loans and loan subsidies for technology renovation, promotion of foreign investment in state-owned enterprises, and protection of debt-ridden state-owned enterprises that maintain excess or idle production capacity through local government "soft" loans and loan forgiveness.

In its 2006 Report to Congress, the U.S.-China Economic and Security Review Commission, a bipartisan organization established by Congress in 2000 to provide recommendations to Congress on the relationship between the United States and China, noted:

> China has a centralized industrial policy that employs a wide variety of tools to promote favored industries. In particular, China has used a range of subsidies to encourage the manufacture of goods meant for export over the manufacture of goods meant for domestic consumption, and to secure foreign investment in the manufacturing sector.

Similar conclusions are contained in the United States Trade Representative's 2006 Report to Congress, which concludes:

> China continues to pursue problematic industrial policies that rely on trade-distorting measures such as local content requirements, import and export restrictions, discriminatory regulations and prohibited subsidies, all of which raise serious WTO concerns.

These practices run counter to China's obligations under its 2001 World Trade Organization accession agreement. In its accession protocol, China explicitly agreed that it would be subject to the subsidy disciplines of other member countries. In fact, it agreed to specific provisions in article 15 of the protocol which permit WTO countries to use alternative benchmarks for measuring subsidies in China. Yet, unbelievably, the Government of China is arguing in the New Page case that the Department of Commerce is legally prohibited from applying countervailing duty laws to imports from China.

This is exactly why our legislation is still needed, despite the Department of Commerce's acceptance of New Page's case. If U.S. law is clear on the subject of whether anti-subsidy petitions can be filed against nonmarket economies, countries such as China cannot use U.S. courts to dispute that fact. In addition, the Department of Commerce will not be able to summarily reject future antisubsidy petitions against nonmarket economies due to a change in leadership in the department or for political reasons.

I want to point out that this bill also includes a number of new provisions that are designed to strengthen our government's ability to hold our trading partners accountable for their illegal trade practices. The bill makes clear that the United States can use information from third countries and alternative methodologies when calculating China's subsidies. This is consistent with what China itself agreed to in its WTO accession protocol. The bill provides that a determination by the Department of Commerce to revoke a country's status as a nonmarket economy under U.S. antidumping law must be approved by Congress. Finally, the bill requires the U.S. International Trade Commission to conduct a study regarding how the People's Republic of China uses government intervention to promote investment, employment, and exports.

Unfair market conditions cannot continue to cause our manufacturers to hemorrhage jobs. No State understands this more than my home State of Maine. According to the United States Department of Labor, 10,400 manufacturing jobs in Maine have been lost since 2001, a 14.8 percent decline. This is why organizations such as the Maine Forest Products Council and the Maine Wood Products Association have strongly endorsed our proposal to extend U.S. countervailing duty laws to nonmarket economies.

The stopping overseas subsidies bill is a bipartisan, bicameral bill that has a broad range of support across many industries and geographical areas. A companion bill has been introduced in the House by Representatives ARTUR DAVIS of Alabama and PHIL ENGLISH of Pennsylvania.

U.S. industries don't want protection—they want fair competition. Illegal subsidies distort fair competition, regardless of the economic system in which they are used. Our legislation simply levels the playing field by allowing antisubsidy petitions to be brought against nonmarket economies in addition to market economies.

Some countries, such as China, want to have all the benefits of engaging in international trading institutions and systems yet continue to cheat on the system with no penalties. It is time these countries were held to the same standards as other countries around the world. I ask you to join me in supporting the SOS bill to ensure that all countries are held accountable for their trade practices.

ADDITIONAL STATEMENTS

HONORING THE MADISON HIGH SCHOOL GYMNASTICS TEAM

• Mr. THUNE. Mr. President, today I rise to honor the Madison High School gymnastics team. On February 16, 2007, the Lady Bulldogs won the South Dakota Class A State Gymnastics Title. This impressive accomplishment allowed the Lady Bulldogs to tie the national record of 13 consecutive championship wins. They currently share the national record with Sehome High School in Bellingham, WA, who set the record from 1973 to 1985.

The Lady Bulldogs finished the season with an outstanding performance at the South Dakota Class A State Gymnastics Meet. With a final score of 141.893 points they not only tied the national record for consecutive State championships, but also set a South Dakota Class A State record. These two records highlight the talent and dedication that has characterized Madison's gymnastics team for the past 13 years.

Head Coach Maridee Dossett has demonstrated her allegiance to the Lady Bulldogs both as an athlete and a coach. She was a senior on the team that brought home the first State title for the Madison gymnasts in 1995. Since that time, she has continued to contribute to the success of the team through her dedication and strong leadership.

Leading Madison to victory was Katie Finck in the uneven bars and floor exercise categories, and Katie Breuer in the balance beam, vault and all around categories. Following the example set by these two gymnasts, the Lady Bulldogs illustrated their extraordinary teamwork and successfully dominated each category of the competition.

I would like to take this opportunity to honor and thank all those dedicated to the Madison Central School District: Head Coach Maridee Dossett, Assistant Coach Kindra Norby, Athletic Director Bud Postma, Principal Sharon Knowlton, and Superintendent Dr. Frank Palleria. The time and effort put forth by these individuals have made it possible for the Lady Bulldogs to be one of the most successful gymnastics teams of all time.

I would also like to recognize the gymnast's parents for their support and devotion to the team. This great honor was made possible by your encouragement and dedication to your daughters and their teammates.

Most of all I would like to congratulate the women who won the State championship this year and all the athletes who have been a part of this record-tying streak. The gymnasts of the 2006–2007 Lady Bulldog team, in alphabetical order, are as follows: Katie Breuer, Kassie Finck, Theresa Knapp, Katie Mackenzie, Heidi Mogck, Mara Riedel, Sara Rogers, Kaitlyn Walker, and Heather Williams.

These student-athletes should be very proud of their remarkable achievements over the past years. The inspiration of the gymnasts that began this record success in 1995 has empowered those who have followed in their footsteps and will continue to bring motivation to Madison's student-athletes in the future.

On behalf of the city of Madison and the State of South Dakota, I am pleased to say congratulations Lady Bulldogs on this impressive national accomplishment and keep up the great work.•

HONORING DEPAUW UNIVERSITY'S WOMEN'S BASKETBALL TEAM

• Mr. BAYH. Mr. President, I wish to pay tribute to the DePauw University women's basketball team for winning the 2007 NCAA Division III National Championship. The Tigers defeated Washington University in St. Louis on Saturday at the "Birthplace of Basketball," Springfield College. This is DePauw University's first national athletic championship and a proud moment for our State.

In being told of their victory, I was reminded of what people say about teamwork, that at the end of the day we are only as strong as the shoulders we lean on. The talent of the Tigers was apparent throughout their school record 31–3 season, but it was their extraordinary teamwork that brought the championship trophy back to Greencastle. These young women are a testament to what student athletes should be, and they should be commended for winning with class, courage, and character.

While the members of the team have put in countless hours practicing and developing their skills, the parents and coaching staff dedicated should also be recognized for their role supporting and preparing the team. As a father of two young boys who love to play sports, I know how rewarding it can be to watch my sons' games. I also know how dedicated parents must be to drive their children to practice every day, make it to the games, and cheer the whole game through. It is this kind of dedication that builds a support network worthy of a national championship.

Throughout the season, the Tigers' true character shined as they never lost faith in themselves and prevailed as a team. Their conduct this season should be an example for all other student athletes to follow. I congratulate the DePauw University Tigers on their National Championship and commend them for the example they set for all student athletes who I hope are inspired by their example.

The 2006–2007 DePauw University Tigers are; Kristy Mahon, Suzy Doughty, Tina Frierson, Cassie Pruzin, Kalei Lowes, K.C. Stoll, Kelsey Flanagan, Caitlin McGonigal, Adedrea Chaney, Liz Bondi, Gretchen and Gwen Haehl, Kristin Barrow, Jenna Fernandez, Tegan Krouse, Bridget Bailey, Andrea Travelstead, Emily Marshall, Meghan Warner, Katie O'Connor and Sarah Merkel. They are coached by Kris Huffman, Mary Smith, Tria Yoder and Brian Kern.•

MESSAGE FROM THE HOUSE

At 1:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 545. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

H.R. 1227. An act to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina.

H.R. 1591. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 66. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1227. An act to assist in the provision of affordable housing to low-income families affected by Hurricane Katrina; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1591. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 545. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1162. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation intended to authorize the Secretary to dispose of certain National Forest System land and retain the receipts for certain purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1163. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Nunn-McCurdy Unit Cost thresholds for the Warfighter Information Network-Tactical Program; to the Committee on Armed Services.

EC–1164. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Congressional and Intergovernmental Relations, received on March 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1165. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications of License Exception Availability, License Requirements and Licensing Policy for Certain Crime Control Items" (RIN0694-AD47) received on March 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1166. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Access to HUD Records Under the Freedom of Information Act and Production of Material or Provision of Testimony by HUD Employees" ((RIN2501-AD18) (FR-5015-F-02)) received on March 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1167. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Third Extension of the South Pacific Tuna Treaty" (RIN0648-AP61) received on March 22, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1168. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC-1169. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the American Crocodile Distinct Population Segment in Florida from Endangered to Threatened; Final Rule" (RIN1018-AI41) received on March 22, 2007; to the Committee on Environment and Public Works.

EC-1170. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the exercise of the President's waiver authority with regard to the prohibition on military assistance provided to Chad; to the Committee on Foreign Relations.

EC-1171. A communication from the Acting Executive Secretary, United States Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, received on March 22, 2007; to the Committee on Foreign Relations.

EC-1172. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, 2 reports relative to vacancy announcements within the Department, received on March 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1173. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Audit of Advisory Neighborhood Commission 8A for Fiscal Years 2004 Through 2006, as of March 31, 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-1174. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Auditor's Examination of Privatization of Parking Meters Operations and Contractor's Performance Billing Under Parking Meter Services Contract"; to the Committee on Homeland Security and Governmental Affairs.

EC-1175. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities with regard to prison rape abatement during calendar year 2005; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-30. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to authorize local governments to accept restrictive covenants with regard to certain properties; to the Committee on Banking, Housing, and Urban Affairs.

POM-31. A resolution adopted by the Lauderdale Lakes City Commission urging Congress to increase funding for the Community Development Block Grant Fund; to the Committee on Banking, Housing, and Urban Affairs.

POM-32. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the State of Florida to expand the use of its Department of Elder Affairs Optional State Supplementation Assistance Program Payments; to the Committee on Banking, Housing, and Urban Affairs.

POM-33. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to establish a program to provide matching funds for solar and other energy saving water heater installations for low-income homeowners; to the Committee on Energy and Natural Resources.

POM-34. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to designate part of the Florida Turnpike Homestead Extension in South Miami-Dade County the "John F. Cosgrove Highway"; to the Committee on Environment and Public Works.

POM-35. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to reinstate the property tax exemption currently authorized in the Florida Constitution for certain energy systems; to the Committee on Finance.

POM-36. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to continue and expand the Hurricane Sales Tax Holiday; to the Committee on Finance.

POM-37. A resolution adopted by the Miami-Dade County Board of County Commissioners approving the 2007 Tri-County Commission Legislative Package; to the Committee on Finance.

POM-38. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to pass legislation eliminating a certain tax "loop hole"; to the Committee on Finance.

POM-39. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to pass legislation as soon as possible implementing the Double Homestead Exemption for Low-Income Seniors Constitutional Amendment; to the Committee on Finance.

POM-40. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to impose a letter-grading system for restaurant inspection reports and to require the posting of that letter grade; to the Committee on Health, Education, Labor, and Pensions.

POM-41. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to fund the South Florida Holocaust Survivors Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

POM-42. A resolution adopted by the Lauderdale Lakes City Commission requesting Congress to increase funding for the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

POM-43. A resolution adopted by the Lauderdale Lakes City Commission establishing a specific fund for targeted healthcare for children and pregnant women beginning 2008; to the Committee on Health, Education, Labor, and Pensions.

POM-44. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to repeal the preemption of local government regulation of generators at gasoline stations, food stores and pharmacies; to the Committee on Homeland Security and Governmental Affairs.

POM-45. A resolution adopted by the City Council of the City of Watsonville opposing the Citizenship and Immigration Services Citizenship Fee increase; to the Committee on the Judiciary.

POM-46. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature to increase the sentencing requirements for persons who commit crimes with assault weapons; to the Committee on the Judiciary.

POM-47. A resolution adopted by the Miami-Dade County Board of County Commissioners urging the Florida Legislature and the Florida Department of Law Enforcement Commissioner to develop and fund an outreach and public awareness campaign regarding unsolved violent crimes and unsolved criminal drug cases; to the Committee on the Judiciary.

POM-48. A resolution adopted by the Lauderdale Lakes City Commission requesting Congress to fully fund the Community Oriented Policing Program; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. ENZI, Mr. THOMAS, Mr. ALLARD, and Mr. SALAZAR):

S. 975. A bill granting the consent and approval of Congress to an interstate forest fire protection compact; to the Committee on the Judiciary.

By Mr. OBAMA (for himself and Mr. BURR):

S. 976. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 977. A bill to amend chapter 11 of title 18, United States Code, to ensure United States attorneys are able to act impartially, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. THUNE, and Mr. CONRAD):

S. 978. A bill to authorize the awarding of the Medal of Honor to Woodrow W. Keeble for his acts of valor during the Korean conflict; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 979. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 980. A bill to amend the Controlled Substances Act to address online pharmacies; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 981. A bill to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

By Mrs. CLINTON (for herself, Ms. COLLINS, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 982. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 121. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in support of the appellee in Office of Senator Mark Dayton v. Brad Hanson; considered and agreed to.

By Mr. HAGEL (for himself, Mr. MCCAIN, Mr. KERRY, Mr. WARNER, Mr. ALLARD, Mr. BIDEN, Mr. GRASSLEY, Ms. LANDRIEU, Mr. LUGAR, Mr. HARKIN, Mr. INHOFE, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. ROBERTS, Mr. REED, Mr. DOMENICI, Mr. SALAZAR, Mr. VOINOVICH, Mr. LEVIN, Mr. VITTER, Ms. MIKULSKI, Mr. BURR, Mr. NELSON of Nebraska, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. SCHUMER, Ms. CANTWELL, Mr. BROWN, Mr. DURBIN, Ms. MURKOWSKI, Mr. KENNEDY, Mr. SPECTER, Mrs. MCCASKILL, Mr. BROWNBACK, Mr. OBAMA, Mr. CRAPO, Mr. PRYOR, Mr. STEVENS, Mr. NELSON of Florida, Mr. SUNUNU, Mr. TESTER, Mr. CRAIG, Mr. CONRAD, Mr. GRAHAM, Mr. BYRD, Mr. LAUTENBERG, Mr. INOUYE, Mr. AKAKA, Mr. BAUCUS, Mrs. FEINSTEIN, Mrs. BOXER, Mr. COLEMAN, Mr. CHAMBLISS, Mr. ENSIGN, Mr. CORKER, Mr. MCCONNELL, Ms. STABENOW, Mr. LOTT, Mr. CARDIN, Ms. SNOWE, Mr. DORGAN, Mr. ENZI, Mr. ALEXANDER, and Mr. BUNNING):

S. Res. 122. A resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial; considered and agreed to.

By Mr. REID (for himself and Ms. SNOWE):

S. Con. Res. 24. A concurrent resolution authorizing the use of Capitol grounds for the Live Earth Concert; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 254

At the request of Mr. ENZI, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mr. SCHUMER), the Senator from Arizona (Mr. MCCAIN), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Oklahoma (Mr. COBURN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Nebraska (Mr. HAGEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 434

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 434, a bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures.

S. 474

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 502

At the request of Mr. CRAPO, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. CORKER) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 549

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 549, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 634

At the request of Mr. DODD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 773

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Idaho (Mr. CRAPO) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 890

At the request of Mr. INOUYE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 890, a bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

S. 893

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 893, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 909

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 909, a bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 949

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 949, a bill to amend the Plant Protection Act to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment the efforts of the States to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 971

At the request of Mr. BOND, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 971, a bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 117

At the request of Mr. HAGEL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 117, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

AMENDMENT NO. 494

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 494 intended to be proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 506

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 506 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 508

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 508 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 510

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 510 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 510 proposed to S. Con. Res. 21, supra.

AMENDMENT NO. 518

At the request of Mr. SMITH, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Washington (Ms. CANTWELL), the Senator from Tennessee (Mr. CORKER), the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 518 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 518 proposed to S. Con. Res. 21, supra.

AMENDMENT NO. 528

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 528 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 528 proposed to S. Con. Res. 21, supra.

AMENDMENT NO. 529

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. KOHL), the Senator from Iowa (Mr. HARKIN), the Senator from California (Mrs.

BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 529 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 529 proposed to S. Con. Res. 21, supra.

AMENDMENT NO. 542

At the request of Mrs. LINCOLN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Colorado (Mr. SALAZAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 542 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 544

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 544 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 548

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 548 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 574

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 574 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 587

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 587 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 596

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 596 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 600

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 600 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 607

At the request of Mr. CHAMBLISS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 607 intended to be proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 615

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 615 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

AMENDMENT NO. 616

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Ms. CANTWELL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 616 proposed to S. Con. Res. 21, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA (for himself and Mr. BURR):

S. 976. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomic research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today joined by my colleague Senator RICHARD BURR, to reintroduce the Genomics and Personalized Medicine Act of 2007. This bill will expand and accelerate scientific advancement in the field of genomics, which is already beginning to change the paradigm of medical practice as we know it, and has profound implications for health and health care in this nation.

The "miracles of medicine" have been demonstrated since early man. Many of the traditional medicines used today, such as aspirin and morphine, are derivatives of plants ancient people used to treat illnesses and injuries centuries ago. Since those ancient times, our knowledge of medicine and disease has expanded tremendously. Today, modern breakthroughs in the fields of genetics and genomics have uncovered another layer of complexity in the way we treat and prevent disease.

Over the past decade, we have unlocked many of the mysteries about DNA and RNA, their structure, and how their code is translated into the proteins that make up the tissues and organs of the human body. Researchers have also made discoveries about the various functions of DNA such as replication, genetic recombination and regulation, just to name a few, and have developed the necessary technologies to do all of this work.

This knowledge isn't just sitting in books on the shelf nor is it confined to the work benches of laboratories. We have used these research findings to pinpoint the causes of many diseases, such as sickle cell anemia, cystic fibrosis, and chronic myelogenous leukemia. Moreover, scientists have translated this genetic knowledge into several treatments and therapies prompting a bridge between the laboratory bench and the patient's bedside.

We've made so many achievements and come a long way in our understanding and application of genetics knowledge. And yet, we are just beginning to realize the full potential of this science to predict the onset of disease, diagnose earlier, and develop therapies that can treat or cure Americans from so many afflictions.

Just 4 years ago, scientists at the National Institutes of Health and the Department of Energy reached another major landmark, with the completion of the sequencing of the entire human genome, our genetic blueprint described by many as the Holy Grail of biology and hailed as one of the greatest scientific achievements to date.

The completion of the Human Genome Project has paved the way for a more sophisticated understanding of disease causation. The HGP has expanded focus from the science of genetics, which refers to the study of single genes, to include genomics, which describes the study of all the genes in an individual, as well as the interactions of those genes with each other. The role environmental factors play in promoting disease and the potential influence they have at the genetic level is also an area of interest.

We know that all human beings are 99.9 percent identical in genetic makeup, but differences in the remaining 0.1 percent hold important clues about the causes of disease and response to drugs. Simply put, the study of genomics will help us learn why some people get sick and others do not, and use this information to better prevent and treat disease.

The relatively new field of genomics is key to the practice of personalized medicine. Personalized medicine is the use of genomic and molecular data to better target the delivery of health care, facilitate the discovery and clinical testing of new products, and help determine a patient's predisposition to a particular disease or condition. Personalized medicine represents a revolutionary and exciting change in the fundamental approach and practice of medicine

Pharmacogenomics, or the study of how genes affect a person's response to drugs, is a critical component of personalized medicine. Currently, so-called blockbuster drugs are typically effective in only 40 to 60 percent of patients who take them. Other studies have found that up to 15 percent of hospitalized patients experience a serious adverse drug reaction, causing an estimated 100,000 deaths each year. Pharmacogenomics has the potential to dramatically increase the effectiveness and safety of drugs, both of which are major health care concerns.

We have a growing number of examples of how pharmacogenomics research has helped to save lives. For example, the chemotherapy Purinethol is a lifesaver for kids with leukemia, but in some cases, patients suffer severe, sometimes fatal, side effects. In the 1990's, researchers identified the gene variant that prevents affected patients from properly breaking down Purinethol, allowing doctors to screen patients and adjust dosages for safer use of the drug.

Herceptin, another example, is a breast cancer drug that initially failed in clinical trials. However, researchers discovered that 1 in 4 breast cancers have too many copies of a certain gene, which helps cells grow, divide and repair themselves. Extra copies of this gene cause uncontrolled and rapid growth resulting in tumor formation. As it turns out, Herceptin is an effective drug for patients with this type of cancer, with significantly improved survival for affected women. Herceptin offers a clear illustration of the power of personalized medicine and highlights the importance of incorporating genetic analysis in the development and application of new therapies.

Realizing the promise of personalized medicine will require continued Federal leadership and agency collaboration; expansion and acceleration of genomics research; a capable genomics workforce; incentives to encourage development of genomic tests and therapies; and greater attention to the quality of genetic tests, direct-to-consumer advertising and use of personal genomic information.

The Genomics and Personalized Medicine Act of 2007 will address many of these issues. The bill requires the Secretary of the Department of Health and Human Services to establish the Genomics and Personalized Medicine Interagency Working Group to expand and accelerate genomics research through enhanced communication, collaboration and integration of relevant activities.

Genetic and genomics research will be expanded, to increase the collection of data that will advance both fields, through the support of the biobanking initiative aimed at increasing and improving genomic screening tools, diagnostics and therapeutics. The Secretary will also establish a national distributed database so data finding can be shared.

This bill requests that the Secretary support efforts to improve the adequacy of genetics and genomics training through modernized curricula and review of relevant certifications, and by identifying alternative education options such as distance or on-line learning programs. In addition, the Secretary will promote initiatives to increase the integration of genetics and genomics into all aspects of medical and public health practice, with specific focus on training and guideline development for providers without expertise or experience in the field of genomics.

This bill also requests the National Academies of Science to formally study the development of companion diagnostic tests and to provide expert guidance about the level of incentives and potential approaches to really move this area forward.

Last but not least, the bill focuses on the safety, efficacy and availability of information about genetic tests, including pharmacogenetic and pharmacogenomics tests. The Secretary will contract with the Institute of Medicine to conduct a study and make recommendations regarding Federal oversight and regulation of genetic tests. After this study is complete, the Secretary will develop a decision matrix to help determine which types of tests require review and the level of review needed for such tests as well as the responsible agency. The Secretary will also establish a specialty area for molecular and biochemical genetics tests at CMS and direct a review by the CDC of direct-to-consumer marketing practices.

In conclusion, we stand at this new and expansive frontier of personalized medicine we must explore and test the hypotheses and innovations in the area of genomics that can protect and promote our health. Genomics holds unparalleled promise for public health and for medicine, and the Genomics and Personalized Medicine Act of 2007 will help us to fulfill this promise. I urge my colleagues to support me in passing this critical legislation.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 979. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, on Election Day 2006 in Tillamook County, OR, 13 inches of rain fell. Roads were closed. Parts of the county became unreachable. Governor Kulongoski declared a state of emergency. And yet—70 percent of the voters in the county still cast their ballots.

Why? Because Oregonians in Tillamook County and all over the State cast their votes by mail.

Even without weather like this, folks in other States around the country had trouble casting their votes.

In Denver, CO, hundreds of voters were turned away when the database of registered voters crashed.

Nearly a quarter of precincts in Indianapolis, IN. resorted to paper ballots when poll workers couldn't figure out how to connect optical scan voting machines with the new touch-screen models.

In Johnson County, KS, poll workers used hand lotion to prevent the county's touch-screen voting machines from spitting out cards.

In Missouri, poll workers were demanding photo identification despite a court ruling barring the practice.

In Shaker Heights, OH, voters were turned from the polls when electronic voting machines failed to work.

Voters in Washington State received phone calls instructing them to vote at the wrong precinct.

A polling location in New Mexico received 150 ballots instead of 1,500.

The list goes on and on.

The point is, vote by mail has worked in Oregon and not just in this election, but in every election it has been used.

It's a pretty simple system. Voters get their ballots in the mail. Wherever and whenever they would like, right up to Election Day, voters complete their ballots and return them.

Vote by mail makes polling place problems a thing of the past—no more polls opening late and no more long lines.

There's no more confusion about whether you are on the voter rolls. Either you get the ballot in the mail, or you don't and if you don't, you have ample time to contact your election officials to sort it out.

Vote by mail dramatically reduces the chance of voter fraud. Trained election officials match the signature on each ballot against the signature on each voter's registration card and no ballot is processed or counted until officials are satisfied that the two signatures match.

Vote by mail ensures a paper trail—each voter marks up their ballot and sends it in. That ballot is counted and then becomes the paper record used in the event of a recount.

There's less risk of voter intimidation and that's why a 2003 study of Oregon voters showed that those groups that would likely be most vulnerable to coercion, including the elderly, actually prefer vote by mail.

Vote by mail leads to more educated voters. Because folks get their ballots weeks before the election, they have the time they need to get educated about the candidates and the issues, and deliberate in a way not possible at a polling place.

And vote by mail generates costs savings that can be spent on other priorities like education, law enforcement and roads. Because there is no longer any need to transport equipment to polling stations and to hire and train poll workers, Oregon has reduced its election-related costs by 30 percent since implementing vote by mail.

I think the Oregon experience can be copied elsewhere and that's why I am introducing my Vote by Mail Act of 2007 today, which creates a three year, $18 million grant program to help states adopt vote by mail election systems like the one that Oregon voters have been successfully using for some time now.

To participate in the grant program, States must demonstrate that the vote by mail system they intend to implement includes the same elements that have made Oregon's system so successful, including a system for recording electronically each voter's registration and signature and a process for ensuring that the signature on each VBM ballot is verified against that voter's electronically recorded signature. States that decide to participate in the program have the option of adopting vote by mail State-wide, within a group of selected counties, or even in a single county. States transitioning to vote by mail State-wide will receive $2 million. States transitioning to VBM less than State-wide will receive $1 million.

I think that vote by mail will improve the elections in every State that adopts it. But to be sure, my bill instructs the Government Accountability Office to evaluate the benefits of vote by mail and to produce a study comparing traditional voting methods and vote by mail.

I urge my colleagues to lend their support to the Vote by Mail Act of 2007. I believe it can help ensure hassle-free elections and help rebuild confidence in our election system.

Because right now, some folks feel like they are so powerless to do anything to fix things that they throw their hands in the air and walk away. And society suffers. For democracies to work there needs to be public engagement. But that requires a sense of investedness—unless I think of the government as my government, which means it's considering my interests and, more importantly, trying to solve them, it's pretty hard to stay invested.

The sense of resignation, of frustration, even dislocation, expressed by some folks troubles me. And I consider it my job to foster a greater sense of public investment. This means making sure that the government works for everyone and that there are tangible results that you can show people so that they understand that it's their government and that it works for them.

I think election reform like my vote by mail bill accomplishes this goal at the most basic level. Without fair, trouble-free elections, you've got serious problems. You don't even get past go. The public can't have confidence in its government if it doesn't have confidence in the system that elected that government. As we saw in 2000 in Florida, it is extremely difficult to untangle problems after Election Day so you really have to get it right the first time. Vote by mail helps ensures this.

I am pleased to have my esteemed colleague from Massachusetts, Senator KERRY as an original co-sponsor. I am also pleased that Congresswoman SUSAN DAVID of California is introducing the House companion bill. I am also happy to announce that the American Association of People with Disabilities, the American Postal Workers Union, Common Cause, and the National Association of Postal Supervisors are publicly supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vote by Mail Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Supreme Court declared in Reynolds v. Sims that "[i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their votes counted.".

(2) In the 2000 and 2004 presidential elections, voting technology failures and procedural irregularities deprived some Americans of their fundamental right to vote.

(3) In 2000, faulty punch card ballots and other equipment failures prevented accurate vote counts nationwide. A report by the Caltech/MIT Voting Technology Project estimates that approximately 1,500,000 votes for president were intended to be cast but not counted in the 2000 election because of equipment failures.

(4) In 2004, software errors, malfunctioning electronic voting systems, and long lines at the polls prevented accurate vote counts and prevented some people from voting. For instance, voters at Kenyon College in Gambier, Ohio waited in line for up to 12 hours because there were only 2 machines available for 1,300 voters.

(5) In 2006, election day problems plagued voters in a number of States as well. For instance, in Denver, Colorado, hundreds of voters were turned away when the database of registered voters crashed. In Allegheny County, Pennsylvania, malfunctioning machines and an inadequate number of provisional ballots generated long lines, causing many voters to leave without casting a vote.

(6) Under the Oregon Vote by Mail system, election officials mail ballots to all registered voters at least 2 weeks before election day. Voters mark their ballots, seal the ballots in both unmarked secrecy envelopes and signed return envelopes, and return the ballots by mail or to secure drop boxes. Once a ballot is received, election officials scan the bar code on the ballot envelope, which brings up the voter's signature on a computer screen. The election official compares the signature on the screen and the signature on the ballot envelope. Only if the signature on the ballot envelope is determined to be authentic is the ballot forwarded on to be counted.

(7) Oregon's Vote by Mail system has deterred voter fraud because the system includes numerous security measures such as the signature authentication system. Potential misconduct is also discouraged by the power of the State to punish those who engage in voter fraud with up to five years in prison, $100,000 in fines, and the loss of their vote.

(8) Oregon's Vote by Mail system promotes uniformity and strict compliance with Federal and State voting laws because ballot processing is centralized in county clerk's offices, rather than at numerous polling places.

(9) Vote by Mail is one factor making voter turnout in Oregon consistently higher than the average national voter turnout. For example, Oregon experienced a record voting-age-eligible population turnout of 70.6 percent in the 2004 presidential election, compared to 58.4 percent nationally. Oregon's turnout of registered voters for that election was 86.48 percent.

(10) Women, younger voters, and homemakers also report that they vote more often using Vote by Mail.

(11) Vote by Mail reduces election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. Oregon has reduced its election-related costs by 30 percent since implementing Vote by Mail.

(12) Vote by Mail allows voters to educate themselves because they receive ballots well before election day, which provides them with ample time to research issues, study ballots, and deliberate in a way that is not possible at a polling place.

(13) Vote by Mail is accurate—at least 2 studies comparing voting technologies show that absentee voting methods, including Vote by Mail systems, result in a more accurate vote count.

(14) Vote by Mail results in more up-to-date voter rolls, since election officials use forwarding information from the post office to update voter registration.

(15) Vote by Mail allows voters to visually verify that their votes were cast correctly and produces a paper trail for recounts.

(16) In a survey taken 5 years after Oregon implemented the Vote by Mail system, more than 8 in 10 Oregon voters said they preferred voting by mail to traditional voting.

SEC. 3. DEFINITIONS.

In this Act:

(1) Election.—The term "election" means any general, special, primary, or runoff election.

(2) Participating state.—The term "participating State" means a State receiving a grant under the Vote by Mail grant program under section 4.

(3) Residual vote rate.—The term "residual vote rate" means the sum of all votes that cannot be counted in an election (overvotes, undervotes, and otherwise spoiled ballots) divided by the total number of votes cast.

(4) State.—The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(5) Voting system.—The term "voting system" has the meaning given such term under section 301(b) of the Help America Vote Act of 2002 (42 U.S.C. 15481(b)).

SEC. 4. VOTE BY MAIL GRANT PROGRAM.

(a) Establishment.—Not later than 270 days after the date of enactment of this Act, the Election Assistance Commission shall establish a Vote by Mail grant program (in this section referred to as the "program").

(b) Purpose.—The purpose of the program is to make implementation grants to participating States solely for the implementation of procedures for the conduct of all elections by mail at the State or local government level.

(c) Limitation on Use of Funds.—In no case may grants made under this section be used to reimburse a State for costs incurred in implementing mail-in voting for elections at the State or local government level if such costs were incurred prior to the date of enactment of this Act.

(d) Application.—A State seeking to participate in the program under this section shall submit an application to the Election Assistance Commission containing such information, and at such time, as the Election Assistance Commission may specify.

(e) Amount and Awarding of Implementation Grants; Duration of Program.—

(1) Amount of implementation grants.—

(A) In general.—Subject to subparagraph (B), the amount of an implementation grant made to a participating State shall be, in the case of a State that certifies that it will implement all elections by mail in accordance with the requirements of subsection (f), with respect to—

(i) the entire State, $2,000,000; or

(ii) any single unit or multiple units of local government within the State, $1,000,000.

(B) Excess funds.—

(i) In general.—To the extent that there are excess funds in either of the first 2 years of the program, such funds may be used to award implementation grants to participating States in subsequent years.

(ii) Excess funds defined.—For purposes of clause (i), the term "excess funds" means any amounts appropriated pursuant to the authorization under subsection (h)(1) with respect to a fiscal year that are not awarded to a participating State under an implementation grant during such fiscal year.

(C) Continuing availability of funds after appropriation.—An implementation grant made to a participating State under this section shall be available to the State without fiscal year limitation.

(2) Awarding of implementation grants.—

(A) In general.—The Election Assistance Commission shall award implementation grants during each year in which the program is conducted.

(B) One grant per state.—The Election Assistance Commission shall not award more than 1 implementation grant to any participating State under this section over the duration of the program.

(3) Duration.—The program shall be conducted for a period of 3 years.

(f) Requirements.—

(1) Required procedures.—A participating State shall establish and implement procedures for conducting all elections by mail in the area with respect to which it receives an implementation grant to conduct such elections, including the following:

(A) A process for recording electronically each voter's registration information and signature.

(B) A process for mailing ballots to all eligible voters.

(C) The designation of places for the deposit of ballots cast in an election.

(D) A process for ensuring the secrecy and integrity of ballots cast in the election.

(E) Procedures and penalties for preventing election fraud and ballot tampering, including procedures for the verification of the signature of the voter accompanying the ballot through comparison of such signature with the signature of the voter maintained by the State in accordance with subparagraph (A).

(F) Procedures for verifying that a ballot has been received by the appropriate authority.

(G) Procedures for obtaining a replacement ballot in the case of a ballot which is destroyed, spoiled, lost, or not received by the voter.

(H) A plan for training election workers in signature verification techniques.

(I) Plans and procedures to ensure that voters who are blind, visually-impaired, or otherwise disabled have the opportunity to participate in elections conducted by mail and to ensure compliance with the Help America Vote Act of 2002. Such plans and procedures shall be developed in consultation with disabled and other civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(J) Plans and procedures to ensure the translation of ballots and voting materials in accordance with section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)).

(g) Best Practices, Technical Assistance, and Reports.—

(1) In general.—The Election Assistance Commission shall—

(A) develop, periodically issue, and, as appropriate, update best practices for conducting elections by mail;

(B) provide technical assistance to participating States for the purpose of implementing procedures for conducting elections by mail; and

(C) submit to the appropriate committees of Congress—

(i) annual reports on the implementation of such procedures by participating States during each year in which the program is conducted; and

(ii) upon completion of the program conducted under this section, a final report on the program, together with recommendations for such legislation or administrative action as the Election Assistance Commission determines to be appropriate.

(2) Consultation.—In developing, issuing, and updating best practices, developing materials to provide technical assistance to participating States, and developing the annual and final reports under paragraph (1), the Election Assistance Commission shall consult with interested parties, including—

(A) State and local election officials;

(B) the United States Postal Service;

(C) the Postal Regulatory Commission established under section 501 of title 39, United States Code; and

(D) voting rights groups, voter protection groups, groups representing the disabled, and other civil rights or community organizations.

(h) Authorization of Appropriations.—

(1) Grants.—There are authorized to be appropriated to award grants under this section, for each of fiscal years 2007 through 2009, $6,000,000, to remain available without fiscal year limitation until expended.

(2) Administration.—There are authorized to be appropriated to administer the program under this section, $200,000 for the period of fiscal years 2007 through 2009, to remain available without fiscal year limitation until expended.

(i) Rule of Construction.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act(42 U.S.C. 1973ff et seq.).

(5) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

SEC. 5. STUDY ON IMPLEMENTATION OF MAIL-IN VOTING FOR ELECTIONS.

(a) Study.—

(1) In general.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study evaluating the benefits of broader implementation of mail-in voting in elections, taking into consideration the annual reports submitted by the Election Assistance Commission under section 4(g)(1)(C)(i) before November 1, 2009.

(2) Specific issues studied.—The study conducted under paragraph (1) shall include a comparison of traditional voting methods and mail-in voting with respect to—

(A) the likelihood of voter fraud and misconduct;

(B) the accuracy of voter rolls;

(C) the accuracy of election results;

(D) voter participation in urban and rural communities and by minorities, language minorities (as defined in section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)), and individuals with disabilities and by individuals who are homeless or who frequently change their official residences;

(E) public confidence in the election system;

(F) the residual vote rate, including such rate based on voter age, education, income, race, or ethnicity or whether a voter lives in an urban or rural community, is disabled, or is a language minority (as so defined); and

(G) cost savings.

(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall consult with interested parties, including—

(A) State and local election officials;

(B) the United States Postal Service;

(C) the Postal Regulatory Commission established under section 501 of title 39, United States Code; and

(D) voting rights groups, voter protection groups, groups representing the disabled, and other civil rights or community organizations.

(b) REPORT.—Not later than November 1, 2009, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report on the study conducted under subsection (a), together with such recommendations for legislation or administrative action as the Comptroller General determines to be appropriate.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 980. A bill to amend the Controlled Substances Act to address online pharmacies; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senator SESSIONS to re-introduce the Online Pharmacy Consumer Protection Act. Our legislation protects the safety of consumers who wish to fill legitimate prescriptions over the Internet, while holding accountable those who operate unregistered pharmacies.

This legislation imposes basic, commonsense requirements on an industry that presents both promise and peril.

First, this bill establishes disclosure standards for Internet pharmacies.

Second, this bill prohibits an Internet pharmacy from dispensing or selling a controlled substance without an in-person examination by a physician.

Third, it allows a State Attorney General to bring a civil action in a federal district court to enjoin a pharmacy operating in violation of the law, and to enforce compliance with the provisions of this law.

The disclosure requirements contained in this bill will allow patients to differentiate between shady off-shore pharmacies and legitimate licensed ones. Under this legislation, pharmacies must clearly disclose: the name and address of the pharmacy. Contact information for the pharmacist-in-charge. A list of States in which the pharmacy is licensed to operate.

They must also clearly post a statement that they comply with the requirements in this legislation.

The bill states that pharmacies can dispense to patients only if they have a valid prescription from a practitioner who has performed an in-person examination. This requirement will ensure that doctors can verify the health status of a patient and ensure that the drug he or she will receive from the pharmacy is medically appropriate.

This legislation recognizes that in the case of an emergency, a patient may not always be able to see his or her typical physician. For that reason, it allows a doctor to designate a covering practitioner to write a valid prescription if he or she is not available.

Finally, this bill contains real penalties to hold accountable those who continue to operate pharmacies in violation of these requirements.

First, for Internet sales of controlled substances, the bill makes clear that such activities are subject to the current Federal laws against illegal distributions and the same penalties applicable to hand-to-hand sales.

Second, the bill increases the penalties for illegal distributions of controlled substances categorized by the DEA as Schedule III, IV and V substances, with new penalties if death or serious bodily injury results, and longer periods of supervised release available after convictions.

The bill also allows a State's Attorney General to file a Federal motion to stop these pharmacies from operating illegally, no matter where the entity is headquartered. Previously, this type of enforcement would require a filing in every state.

Prescription drug abuse is a growing front on the War on Drugs, with 15.1 million adults admitting to abuse of prescription drugs in a 2003 study. That's a 94 percent increase in the last decade.

Last month, the Centers for Disease Control and Prevention reported that deaths from accidental drug overdoses nearly doubled from 1999 to 2004, increasing from 11,155 in 1999 to 19,838 in 2004. Accidental drug overdoses are now the Nation's second-leading cause of accidental death, behind automobile crashes.

The CDC attributed the rise in drug overdose deaths to a higher use of prescription painkillers and increasing numbers of overdoses of cocaine and prescription sedatives. These increases did not occur in our inner cities; instead, the increase was described as being fueled by prescription drug abuse in middle-class, rural America—with overdose death rates doubling in 23 States, mostly in the South and Midwest.

Ready access to controlled substances over the Internet is helping to fuel these addictions. A study conducted by the National Center on Addiction and Substance Abuse at Columbia University found at least 344 websites offering controlled substances.

89 percent of these pharmacies do not require a prescription from a physician, accepting either an online consultation or no prescription at all.

38 percent of these pharmacies claim their drugs are shipping within the United States, putting them within the reach of U.S. law enforcement.

We also know that internet pharmacies fill a disproportionate number of prescriptions for controlled substances. According to data from the National Community Pharmacy Association (NCPA)-Pfizer Digest, controlled substances account for only 11 percent of the business at community "brick and mortar" pharmacies. 89 percent of their business consists of noncontrolled prescription drugs. In contrast, approximately 95 percent of the business done by internet pharmacies is controlled substances.

To understand how many of these Internet pharmacy websites exist, just visit any Internet search engine. Type in the name of any controlled substance, like Vicodin, Oxycontin, codeine, or even anabolic steroids. Several websites will appear, offering to sell you these drugs without a prescription and without a medical examination. Some of these websites simply ask patients to send copies of medical records, with no verification of their validity. Patients use these pharmacies to obtain addictive drugs like Vicodin and Oxycontin. They can receive these dangerous drugs without a doctor performing a physical exam to ensure that an underlying health condition will not cause a dangerous side effect. Often, a credit card is all that is required.

Law enforcement officials are well aware of this growing problem but face many challenges in trying to find and prosecute rogue pharmacy operators. Last year, Attorney General Alberto Gonzales appeared before the Senate Judiciary Committee and warned at that time how "the purchase of . . . controlled pharmaceuticals on the Internet is of great concern." He said that the Internet's wide accessibility and anonymity "give drug abusers the ability to circumvent the law, as well as sound medical practice, a[s] they dispense potentially dangerous controlled pharmaceuticals," and said that, with "no identifying . . . information on these websites, it is very difficult for law enforcement to track any of the individuals behind them."

In January of this year, Attorney General Alberto Gonzales again appeared before the Senate Judiciary Committee. The problem had only grown worse. He described the non-medicinal use of controlled substance prescription drugs as "the fastest rising category of drug abuse in recent years." He noted how "[r]ogue pharmacies operating illicitly through the Internet increasingly have become a source for the illegal supply of controlled substances," and offered to work with Congress to try to adopt additional enforcement tools that may be appropriate.

I believe that the bill I introduce today will address many of these problems that the Attorney General has identified.

At the same time, receiving medications from a legitimate, licensed Internet pharmacy is one of the new conveniences ushered in by the Internet age. This bill preserves the ability of well run pharmacies and well intentioned patients to access controlled substances by means of the Internet.

In closing, I want to share with you the story of Ryan T. Haight of La Mesa, CA. Ryan was an 18-year-old honor student from La Mesa, CA, when he died in his home on February 12, 2001.

His parents found a bottle of Vicodin in his room with a label from an out-of-state pharmacy.

It turns out that Ryan had been ordering addictive drugs online and paying with a debit card his parents gave him to buy baseball cards on eBay.

Without a physical exam or his parents' consent, Ryan had been obtaining controlled substances, some from an Internet site in Oklahoma. It only took a few months before Ryan's life was ended by an overdose on a cocktail of painkillers.

Ryan's story is just one of many. Internet pharmacies are making it increasingly easy for teens like Ryan to access deadly prescription drugs. That is why I support this legislation. It creates sensible requirements for Internet pharmacy websites that will not impact access to convenient, oftentimes cost-saving drugs.

I urge my colleagues to join me in supporting this legislation and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Pharmacy Consumer Protection Act of 2007".

SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

"(47) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

"(48) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

"(49) The term 'online pharmacy'—

"(A) means a person, entity, or Internet site, whether in the United States or abroad, that delivers, distributes, or dispenses, or offers to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

"(B) does not include—

"(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances;

"(ii) nonpharmacy practitioners who are registered under section 303(f);

"(iii) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance; or

"(iv) a person, entity, or Internet site which is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States.

"(50) The term 'homepage' means the first page of the website of an online pharmacy that is viewable on the Internet.".

(b) REGISTRATION REQUIREMENTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(i) DISPENSER OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) A pharmacy that seeks to deliver, distribute, or dispense by means of the Internet a controlled substance shall obtain a registration specifically authorizing such activity, in accordance with regulations promulgated by the Attorney General. In determining whether to grant an application for such registration, the Attorney General shall apply the factors set forth in subsection (f).

"(2) Registration under this subsection shall be in addition to, and not in lieu of, registration under subsection (f).

"(3) This subsection does not apply to pharmacies that merely advertise by means of the Internet but do not attempt to facilitate an actual transaction involving a controlled substance by means of the Internet.".

(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—

(1) designating the text as paragraph (1); and

(2) inserting after paragraph (1), as so designated by this Act, the following new paragraph:

"(2) A pharmacy registered under section 303(i) shall report to the Attorney General the controlled substances dispensed under such registration, in such manner and accompanied by such information as the Attorney General by regulation shall require.".

(d) ONLINE PRESCRIPTION REQUIREMENT.—Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following new subsection:

"(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—(1) As used in this subsection—

"(A) the term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General under this part;

"(B) the term 'qualifying medical relationship'—

"(i) means a medical relationship that exists when the practitioner—

"(I) has conducted at least one medical evaluation with the user in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals; or

"(II) conducts a medical evaluation of the patient as a covering practitioner and is not prescribing a controlled substance in schedule II, III, or IV; and

"(ii) shall not be construed to imply that one medical evaluation described in clause (i) demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice; and

"(C) the term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation, without regard to whether the medical evaluation of the patient involved is an in-person evaluation, at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient.

"(2) In addition to the requirements of subsections (a) through (c), no controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

"(3) Nothing in this subsection shall apply to—

"(A) the dispensing of a controlled substance pursuant to telemedicine practices sponsored by—

"(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act; or

"(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

"(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation.".

(e) ONLINE PRESCRIPTION REQUIREMENTS.—The Controlled Substances Act is amended by adding after section 310 (21 U.S.C. 830) the following:

"ONLINE PHARMACY LICENSING AND DISCLOSURE REQUIREMENTS

"SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

"(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet.

"(c) COMPLIANCE.—No online pharmacy or practitioner shall deliver, distribute, or dispense by means of the Internet a controlled substance without a valid prescription (as defined in section 309(e)) and each online pharmacy shall comply with all applicable requirements of Federal and State law.

"(d) INTERNET SITE DISCLOSURE INFORMATION.—Each online pharmacy site shall post in a visible and clear manner on the homepage of its Internet site or on a page directly linked from its homepage the following:

"(1) The name of the owner, street address of the online pharmacy's principal place of business, telephone number, and email address.

"(2) A list of the States in which the online pharmacy, and any pharmacy which dispenses, delivers, or distributes a controlled substance on behalf of the online pharmacy, is licensed to dispense controlled substances or prescription drugs and any applicable license number.

“(3) For each pharmacy identified on its license in each State in which it is licensed to engage in the practice of pharmacy and for each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy:

“(A) The name of the pharmacy.

“(B) The street address of the pharmacy.

“(C) The name, professional degree, and licensure of the pharmacist-in-charge.

“(D) The telephone number at which the pharmacist-in-charge can be contacted.

“(E) A certification that each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

“(4) The name, address, professional degree, and licensure of practitioners who provide medical consultations through the website for the purpose of providing prescriptions.

“(5) A telephone number or numbers at which the practitioners described in paragraph (4) may be contacted.

“(6) The following statement, unless revised by the Attorney General by regulation: ‘This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner, which includes at least one prior in-person medical evaluation. This online pharmacy complies with section 309(e) of the Controlled Substances Act (21 U.S.C. 829(e)).’.

“(e) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

“(2) The notification required under paragraph (1) shall include—

“(A) the information required to be posted on the online pharmacy's Internet site under subsection (d) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under to subsection (d) is true and accurate;

“(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

“(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (d), as applicable.

“(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

“(f) DECLARATION OF COMPLIANCE.—On and after the date on which it makes the notification under subsection (e), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

“(g) REPORTS.—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.”.

(f) OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “1 gram of” before “flunitrazepam”;

(B) in subparagraph (D), by striking “or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam”; and

(C) by inserting at the end the following:

“(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

“(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

“(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment”;

(2) in paragraph (2) by—

(A) striking “3 years” and inserting “5 years”;

(B) striking “6 years” and inserting “10 years”;

(C) striking “after one or more prior convictions” and all that follows through “have become final,” and inserting “after a prior conviction for a felony drug offense has become final,”; and

(3) in paragraph (3) by—

(A) striking “2 years” and inserting “6 years”;

(B) striking “after one or more convictions” and all that follows through “have become final,” and inserting “after a prior conviction for a felony drug offense has become final,”; and

(C) adding at the end the following “Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.”

(g) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(g) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally cause or facilitate the delivery, distribution, or dispensing by means of the Internet of a controlled substance.

“(2) Violations of this subsection include—

“(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by a pharmacy not registered under section 303(i);

“(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of subsection 309(e);

“(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(i) or 309(e); and

“(D) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

“(3) This subsection does not apply to—

“(A) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

“(B) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

“(C) any activity that is limited to—

“(i) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

“(ii) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

“(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.”.

(h) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

“(2)(A) It shall be unlawful for any person to use the Internet, or cause the Internet to be used, to advertise the sale of, or to offer to sell, distribute, or dispense, a controlled substance except as authorized by this title.

“(B) Violations of this paragraph include causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered under section 303(i).

“(C) This paragraph does not apply to material that either—

“(i) advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

“(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.”.

(i) INJUNCTIVE RELIEF.—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding to the end of the section the following new subsection:

“(c) STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(i), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

"(A) to enjoin the conduct which violates this section;

"(B) to enforce compliance with this section;

"(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

"(D) to obtain such other legal or equitable relief as the court may find appropriate.

"(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

"(B)(i) Not later than 120 days after the later of the date on which a State's complaint is served on the Attorney General and the appropriate United States Attorney, or the date on which the complaint is filed, the United States shall have the right to intervene as a party in any action filed by a State under paragraph (1).

"(ii) After the 120-day period described in clause (i) has elapsed, the United States may, for good cause shown, intervene as a party in an action filed by a State under paragraph (1).

"(iii) Notice and an opportunity to be heard with respect to intervention shall be afforded the State that filed the original complaint in any action in which the United States files a complaint in intervention under clause (i) or a motion to intervene under clause (ii).

"(iv) The United States may file a petition for appeal of a judicial determination in any action filed by a State under this section.

"(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of Federal Rule of Civil Procedure 4(i)(1).

"(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

"(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(5) No private right of action is created under this subsection.".

(j) Forfeiture of Facilitating Property in Drug Cases.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

"(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.".

(k) Import and Export Act.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4) by—

(A) striking "or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)";

(B) inserting ", or" before "less than one kilogram of hashish oil"; and

(C) striking "imprisoned" and all that follows through the end of the paragraph and inserting "sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).";

(2) by adding at the end the following:

"(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

"(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

"(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3)."; and

(3) in paragraph (3), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(l) Effective Date.—The amendments made by this Act shall become effective 60 days after the date of enactment of this Act.

(m) Guidelines and Regulations.—

(1) In general.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this subtitle, including any interim rules necessary for the immediate implementation of this Act, on its effective date.

(2) Sentencing guidelines.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the guidelines and policy statements to this Act and the amendments made by this Act, may not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as requiring an amendment to, or establishing a new, guideline or policy statement.

Mr. SESSIONS. Mr. President, after working together with Senator FEINSTEIN, I am pleased to help introduce the Online Pharmacy Consumer Protection Act of 2007. I have worked to take the lead in protecting consumers specifically as it relates to the sale and distribution of controlled substances over the internet and holding liable those who do so via unregistered online pharmacies. I commend Senator FEINSTEIN for her leadership on this issue and look forward to working with her to pass this important piece of legislation.

This bill would prohibit the distribution of controlled substances by means of the Internet without a valid prescription and provides for the legitimate online distribution of those drugs in certain circumstances. This past January, Attorney General Gonzalez testified to the Judiciary Committee that abuse of controlled substances is being fed by "the proliferation of illicit Web sites that offer controlled substances for sale, requiring little more than a cursory online questionnaire and charging double the normal price." Gonzales further testified that "[w]e must preserve legitimate access to medications over the Internet while preventing online drug dealers from using cyberspace as a haven for drug trafficking. I look forward to working with the Congress to ensure that controlled substances are dispensed over the Internet only for legitimate medical purposes." The sale and distribution of controlled pharmaceuticals on the Internet of great concern because is gives those who abuse drugs the ability to circumvent the law, and sound medical practice. This bill would go a long way in addressing the concerns expressed by Attorney General Gonzalez by reigning in a practice that has gone unregulated for far too long.

Recently, there has been an explosion in the number of online pharmacies that provide controlled substances to users without valid prescriptions. Most illegal drug abuse involving prescription drugs is associated with Internet purchases, where users are given a prescription without ever seeing a doctor. The most prominent abuse occurs with regard to controlled substances such as Hydrocodone, Valium, Xanax, OxyContin, and Vicodin.

A 2006 study reported that "a staggering 89 percent of sites selling controlled prescription drugs have no prescription requirements." According to the study, 15.1 million adults admitted to abusing prescription drugs, including 2.3 million abusers between the ages of 12 and 17. Currently, there is no way to police this illegal activity.

The ease with which consumers may purchase controlled substances from online pharmacies without a prescription is shocking. Often consumers can obtain a prescription from physicians employed by the online pharmacy by simply filling out a brief questionnaire on the pharmacy's website. Most online pharmacies have no way to verify that the consumer ordering the prescription is actually who they claim to be, or that the medical condition the consumer describes actually exists. Thus, drug addicts and minor children can easily order controlled substances and prescription drugs over the internet simply by providing false identities or describing non-existent medical conditions.

In 2001, Ryan Haight, a California high school honors student and athlete, died from an overdose of the painkiller hydrocodone that he purchased from an online pharmacy. The doctor prescribing hydrocodone had never met or personally examined Ryan. Ryan simply filled out the pharmacy's online questionnaire, and described himself as a 25-year-old male suffering from chronic back pain. Ryan's death could have been avoided. I believe that Congress is in the best position to help prevent teenagers from purchasing controlled substances and prescription drugs from online rouge pharmacies.

I also believe that Congress has the ability to help prevent adult prescription drug abuse by making it harder to purchase these drugs online without a valid prescription. The Online Pharmacy Consumer Protection Act would: (1) provide criminal penalties for those who knowingly or intentionally (unlawfully) dispense controlled substances over the Internet, (2) give state attorneys general a civil cause of action against anyone who violates the Act if they have reason to believe that the violation affects the interests of their state's residents, and (3) allow the Federal Government to take possession of any tangible or intangible property used illegally by online pharmacies.

The Online Pharmacy Consumer Protection Act would also require online pharmacies to: (1) file a registration statement with the Attorney

General and meet additional registration requirements promulgated by him/her, (2) report to the Attorney General any controlled substances dispensed over the Internet, and (3) comply with licensing and disclosure requirements.

The Online Pharmacy Consumer Protection Act of 2007 takes a substantial step towards plugging a loophole in our drug laws by regulating the practice of distributing controlled substances via the internet.

By holding unregistered online pharmacies accountable for their activity, we are ensuring that those who seek to purchase prescription drugs by using the internet are protected from those engaged in reprehensible business practices.

Once again I thank Senator FEINSTEIN for her leadership in addressing this serious issue. I commend this bill to my colleagues for study and I urge them to support this important legislation.

By Mrs. CLINTON (for herself, Ms. COLLINS, Mr. BINGAMAN, and Ms. MIKULSKI):

S. 982. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, Senator COLLINS and I are reintroducing the Positive Aging Act, to improve the accessibility and quality of mental health services for our rapidly growing population of older Americans. I want to thank Senator COLLINS for her leadership on aging issues, and for partnering with me on numerous pieces of legislation and initiatives related to these and other important health issues.

We are pleased to be reintroducing this important legislation in anticipation of reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA).

I want to acknowledge and thank our partners from the mental health and aging community who have collaborated with us and have been working diligently on these issues for many years, including the American Psychological Association, the American Association for Geriatric Psychiatry, the National Association of Social Workers, the Alzheimer's Association, the New York City Chapter of the Alzheimer's Association, the American Association of Homes and Services for the Aging, the American Academy of Child and Adolescent Psychiatry, the American Mental Health Counselors Association, the American Society on Aging, the Depression and Bipolar Support Alliance, the Geriatric Mental Health Alliance of New York, the Gerontological Society of America, Mental Health America, the National Association of State Mental Health Program Directors, the National Council on Aging, Psychologists in Long Term Care, the Older Women's League, the Society of Clinical Geropsychology, the Suicide Prevention Action Network USA, and all the other groups who have lent their support.

American society today has benefited tremendously from advances in medical science that are helping us to live longer than ever before. In New York State alone, there are an estimated two and a half million citizens aged 65 or older. And this population will only continue to grow as the first wave of Baby Boomers turns 65 in less than ten years.

According to a December 2006 report from the U.S. Census Bureau, the number of older Americans aged 65 and over is expected to double over the next 25 years, and nearly 20 percent of citizens will be 65 years or older by the year 2030. Further, the fastest growing segment of the U.S. population is the age group of Americans who are 85 and older.

Although it is encouraging that our Nation's citizens are living longer than ever before, mental and behavioral health challenges accompany this increased longevity. So as we look forward to leading longer lives, we must also acknowledge the challenges that we face related to the quality of life as we age.

Although most older adults enjoy good mental health, it is estimated that nearly 20 percent of Americans age 55 or older experience a mental disorder. In New York State alone, there are an estimated 366,000 adults aged 55 or older with mental health or substance abuse disorders. Nationally, it is anticipated that the number of seniors with mental and behavioral health problems will almost quadruple, from 4 million in 1970 to 15 million in 2030.

Among the most prevalent mental health concerns older adults encounter are anxiety, depression, cognitive impairment, and substance abuse. When left untreated, these problems can have severe physical and psychological implications. In fact, men age 85 and older have the highest rates of suicide in our country and depression is the foremost risk factor.

The physical consequences of mental health disorders can be both expensive and debilitating. Depression has a powerful negative impact on ability to function, resulting in high rates of disability. The World Health Organization projects that by the year 2020, depression will remain a leading cause of disability, second only to cardiovascular disease. Even mild depression lowers immunity and may compromise a person's ability to fight infections and cancers. Research indicates that 50–70 percent of all primary care medical visits are related to psychological factors such as anxiety, depression, and stress. Further, evidence suggests that an estimated 75 percent of seniors who commit suicide have visited a primary care professional within a month of their death.

Mental disorders do not have to be a part of the aging process because we have effective treatments for these conditions. But despite these effective treatments, too many American seniors go without the services they need and deserve because of poor integration of physical and mental health care. As of 2006, only 37 percent of New Yorkers who suffer from depression had obtained mental health treatment.

The current divide in our country between health care and mental health care manifests itself in many ways. Too often physicians and other health professionals fail to recognize the signs and symptoms of mental health problems. Even more troubling, knowledge about treatment is simply not accessible to many primary care practitioners. As a whole, we have failed to fully integrate mental health screening and treatment into our health service systems.

These missed opportunities to diagnose and treat mental health disorders are taking a tremendous toll on seniors and increasing the burden on their families and our health care system.

It is within our power and our responsibility to bridge the gap between physical and mental health care and help promote the well-being of older Americans.

In last year's reauthorization of the Older Americans Act, Senator COLLINS and I successfully enacted Title I of the Positive Aging Act of 2005, which authorized grants for the delivery of mental health screening and treatment services for older adults and grants to promote awareness and reduce stigma regarding mental disorders in later life.

While this took an important step toward improving mental health services for older adults, significant efforts are necessary to ensure comprehensive geriatric mental health care.

That is why I am reintroducing the Title II provisions of the Positive Aging Act of 2005 as the Positive Aging Act of 2007 with my cosponsor Senator COLLINS. This legislation would amend the Public Health Service Act to improve access to mental health services for our nation's seniors by integrating mental health services into primary care and community settings.

Specifically, the Positive Aging Act of 2007 would fund demonstration projects to support integration of mental health services in primary care settings.

It would fund grants for community-based mental health treatment outreach teams to improve older Americans' access to mental health services.

This legislation would also ensure that these geriatric mental health programs have proper attention and oversight by: mandating the designation of a Deputy Director for Older Adult Mental Health Services in the Center for Mental Health Services; including representatives of older Americans or their families and geriatric mental health professionals on the Advisory Council for the Center for Mental Health Services; and requiring state plans under Community Mental Health Services Block Grants to include descriptions of the states' outreach to and services for older individuals.

And because substance-related disorders require the same attention as mental health conditions, the Positive Aging Act of 2007 will target substance abuse in older adults in projects of national significance.

Today, we are fortunate to have a variety of effective treatments to address the mental health needs of American seniors. I believe that we owe it to older adults in this country to do all that we can to ensure that they have access to high quality mental health care, so they can enjoy their golden years.

The Positive Aging Act of 2007 takes a critical step in this direction, and I look forward to working with my colleagues to enact this legislation during the upcoming SAMHSA reauthorization.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF SOCIAL WORKERS,
Washington, DC, March 23, 2007.

SENATOR HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.
Senator SUSAN M. COLLINS,
Dirkson Senate Office Building,
Washington, DC.

DEAR SENATORS CLINTON AND COLLINS: The National Association of Social Workers (NASW) is the largest professional social work organization, with 150,000 members nationwide. NASW promotes, develops, and protects the practice of social work and social workers, while enhancing the well-being of individuals, families, and communities through its work, service, and advocacy.

NASW fully supports the Positive Aging Act of 2007, which you are introducing today, along with Representatives Patrick Kennedy (D-MA) and Ileana Ros-Lehtinen (R-FL). Many older adults are currently unable to obtain much-needed mental health services for a variety of reasons, including lack of access and the stigma attached to mental illness. The Positive Aging Act of 2007 will help integrate primary care with mental health care for older adults, particularly those with low incomes, living in community settings.

Social workers are aware of the problems older people encounter in obtaining necessary mental health care. Frequently, they are called upon to address older adults' mental health needs only after crises arise, when the emotional toll on clients and their families is much higher, and the costs to Medicare are much more significant.

Clinical social workers assess and treat many older Americans with mental health needs. In fact, more than 39,000 social workers now participate in Medicare, delivering mental health services and enabling many thousands of older beneficiaries to lead more fulfilling and healthier lives.

NASW is particularly supportive of the multidisciplinary teams of mental health professionals envisioned in this bill as an integral part of primary care services. These teams, which include professional social workers, will have the training and competence to meet older Americans' diverse physical and behavioral health needs. The Association commends the senators and representatives for raising these vital health issues, and urges Congress to move quickly to enact this legislation.

Thank you for your leadership on this vital health care issue.

Sincerely,
CAROLYN POLOWY,
General Counsel.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
March 23, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.
Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND COLLINS: On behalf of the 148,000 members and affiliates of the American Psychological Association (APA), I am writing to applaud your ongoing commitment to the mental and behavioral health needs of older Americans and express our strong support for the Positive Aging Act of 2007. This important legislation will improve access to vital mental and behavioral health care for older adults by supporting the integration of mental health services into primary care and community settings.

An estimated 20 percent of community-based older adults in the U.S. have a mental health problem. These disorders can have a significant impact on both physical and mental health, often leading to increases in disease, disability, and mortality. Evidence suggests that up to 75 percent of older adults who commit suicide have visited a primary care professional within 30 days of their death. Although effective treatments exist, the mental health needs of many older Americans go unrecognized and untreated because of poorly integrated systems of care to address the physical and mental health needs of seniors.

The Positive Aging Act of 2007 takes an important step toward improving access to quality mental and behavioral health care for older adults by integrating mental health services into primary care and community settings where older adults reside and receive services. By supporting collaboration between interdisciplinary teams of mental health professionals and other providers of health and social services, this legislation promotes an integrated approach to addressing the health and well being of our nation's growing older adult population.

We commend you for your leadership and commitment to the mental and behavioral health needs of older adults and look forward to working with you to ensure enactment of the Positive Aging Act. If we can be of further assistance, please feel free to contact Diane Elmore, Ph.D., in our Government Relations Office at (202) 336-6104 or *delmore@apa.org.*

Sincerely,
GWENDOLYN PURYEAR KEITA,
Executive Director,
Public Interest Directorate.

POSITIVE AGING ACT OF 2007 ORGANIZATIONAL SUPPORTERS—MARCH 2007

Alzheimer's Association; Alzheimer's Association, New York City Chapter; American Academy of Child and Adolescent Psychiatry; American Association for Geriatric Psychiatry; American Association of Homes and Services for the Aging; American Association of Pastoral Counselors; American Group Psychotherapy Association; American Mental Health Counselors Association; American Occupational Therapy Association; American Psychological Association; American Psychotherapy Association; American Society on Aging; Anxiety Disorders Association of America; Association for Ambulatory Behavioral Healthcare; Bazelon Center for Mental Health Law; Clinical Social Work Association; Clinical Social Work Guild 49, OPEIU; Depression and Bipolar Support Alliance; Geriatric Mental Health Alliance of New York; Gerontological Society of America.

Kansas Mental Health and Aging Coalition; Mental Health America; Mental Health and Aging Coalition of Eastern Kansas; National Alliance for Caregiving; National Association for Children's Behavioral Health; National Association of Mental Health Planning and Advisory Councils; National Association of Psychiatric Health Systems; National Association of Social Workers; National Association of State Mental Health Program Directors; National Council on Aging; Oklahoma Mental Health and Aging Coalition; Older Adult Consumers Alliance Older Women's League; Pennsylvania Behavioral Health and Aging Coalition; Psychologists in Long Term Care; Society of Clinical Geropsychology; Suicide Prevention Action Network USA.

American Association
for Geriatric Psychiatry,
Bethesda, MD, March 20, 2007.

Hon. Hillary Rodham Clinton,
U.S. Senate,
Washington, DC.

Dear Senator Clinton: The American Association for Geriatric Psychiatry (AAGP) is pleased to endorse the "Positive Aging Act of 2007."

The "Positive Aging Act" will improve the accessibility and quality of mental health services for the rapidly growing population of older Americans. Through projects administered by the Substance Abuse and Mental Health Services Administration, this legislation will integrate mental health services with other primary care services in community settings that are easily accessible to the elderly.

Dementia, depression, anxiety and substance abuse among Americans over age 65 are growing problems that result in functional dependence, longterm institutional care and reduced quality of life. Missed opportunities to diagnose and treat mental diseases are taking a tremendous toll on the elderly and increasing the burden on families and the health care system. The "Positive Aging Act" will increase opportunities for effective diagnosis and treatment of mental disorders among the elderly.

AAGP is a professional membership organization dedicated to promoting the mental health and well-being of older people and improving the care of those with late-life mental disorders. AAGP's membership consists of 2,000 geriatric psychiatrists, as well as other health professionals who focus on the mental health problems faced by senior citizens. In addition, AAGP has an active Foundation which focuses on reducing the stigma of mental disorders in the aging population.

AAGP appreciates your leadership in addressing the mental health needs of older Americans, and we look forward to working with you on this legislation.

Sincerely,

Christine deVries,
Executive Director.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 121—TO DIRECT THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE IN THE NAME OF THE SENATE IN SUPPORT OF THE APPELLEE IN OFFICE OF SENATOR MARK DAYTON V. BRAD HANSON

Mr. REID (for himself and Mr. McConnell) submitted the following resolution; which was considered and agreed to:

S. Res. 121

Whereas, in the case of Office of Senator Mark Dayton v. Brad Hanson, No. 06-618, pending in the Supreme Court of the United States, the application of the Speech or Debate Clause, Article I, section 6, clause 1 of the Constitution to suits brought under the Congressional Accountability Act, Pub. L. No. 104-1,109 Stat. 3 (1995), has been placed in issue; and

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in support of Appellee Brad Hanson in Office of Senator Mark Dayton v. Brad Hanson, to protect the Senate's interest in the proper application of the Speech or Debate Clause to civil actions brought under the Congressional Accountability Act.

SENATE RESOLUTION 122—COMMEMORATING THE 25TH ANNIVERSARY OF THE CONSTRUCTION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. HAGEL (for himself, Mr. McCain, Mr. Kerry, Mr. Warner, Mr. Allard, Mr. Biden, Mr. Grassley, Ms. Landrieu, Mr. Lugar, Mr. Harkin, Mr. Inhofe, Mrs. Clinton, Ms. Collins, Mr. Dodd, Mr. Roberts, Mr. Reed, Mr. Domenici, Mr. Salazar, Mr. Voinovich, Mr. Levin, Mr. Vitter, Ms. Mikulski, Mr. Burr, Mr. Nelson of Nebraska, Mr. Bingaman, Mr. Lieberman, Mr. Feingold, Mr. Schumer, Ms. Cantwell, Mr. Brown, Mr. Durbin, Ms. Murkowski, Mr. Kennedy, Mr. Specter, Mrs. McCaskill, Mr. Brownback, Mr. Obama, Mr. Crapo, Mr. Pryor, Mr. Stevens, Mr. Nelson of Florida, Mr. Sununu, Mr. Tester, Mr. Craig, Mr. Conrad, Mr. Graham, Mr. Byrd, Mr. Lautenberg, Mr. Inouye, Mr. Akaka, Mr. Baucus, Mrs. Feinstein, Mrs. Boxer, Mr. Coleman, Mr. Chambliss, Mr. Ensign, Mr. Corker, Mr. McConnell, Ms. Stabenow, Mr. Lott, Mr. Cardin, Ms. Snowe, Mr. Dorgan, Mr. Enzi, Mr. Alexander, and Mr. Bunning) submitted the following resolution; which was considered and agreed to:

S. Res. 122

Whereas 2007 marks the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas the memorial displays the names of more than 58,000 men and women who lost their lives between 1956 and 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of people in the United States visit the monument to pay their respects to those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas the memorial has come to represent a legacy of healing and demonstrates the appreciation of the people of the United States for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who served honorably in the Armed Forces of the United States in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all people in the United States who suffered the loss of friends and family in Vietnam;

(3) encourages the people of the United States to remember the sacrifices of our veterans; and

(4) commemorates the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

SENATE CONCURRENT RESOLUTION 24—AUTHORIZING THE USE OF CAPITOL GROUNDS FOR THE LIVE EARTH CONCERT

Mr. REID (for himself and Ms. Snowe) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 24

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR LIVE EARTH CONCERT.

(a) In General.—The Live Earth organization and the Alliance for Climate Protection (in this resolution referred to as the "sponsors") may sponsor the Live Earth Concert (in this resolution referred to as the "event") on the Capitol Grounds.

(b) Date of Event.—The event shall be held on July 7, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) In General.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) Expenses and Liabilities.—The sponsors shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) Structures and Equipment.—Subject to the approval of the Architect of the Capitol, the sponsors may cause to be placed on the Capitol grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) Additional Arrangements.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. SECURITY AND ENFORCEMENT OF RESTRICTIONS.

(a) In General.—Subject to subsection (b), the Capitol Police Board shall provide for—

(1) all security related needs at the event, and

(2) enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

(b) Agreement for Reimbursement of Security Related Costs .—

(1) In general.—The sponsors shall enter into an agreement with the Architect of the Capitol and the Capitol Police Board under which the sponsors agree to—

(A) reimburse the United States Capitol Police for all costs incurred (including additional personnel costs and overtime) in meeting the security related needs at the event, and

(B) comply with the requirements of this section.

(2) FAILURE TO ENTER INTO AGREEMENT.—If the sponsors fail, or are unable, to enter into the agreement under paragraph (1) before the date which is 14 days before the scheduled date of the event, the authority under section 1 to hold the event on the Capitol Grounds is revoked.

(3) TREATMENT OF REIMBURSED AMOUNTS.—Any amounts received by the Capitol Police for reimbursement under paragraph (1) shall be credited to the accounts established for the expenses that are being reimbursed and shall be available to carry out the purposes of such accounts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 621. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

SA 622. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 623. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 624. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 625. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 626. Mr. NELSON of Nebraska (for himself, Mrs. LINCOLN, Mr. BAUCUS, Ms. LANDRIEU, Ms. STABENOW, Mr. SALAZAR, Mr. NELSON of Florida, and Mr. PRYOR) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 627. Mr. PRYOR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 628. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 629. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra.

SA 630. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 631. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 632. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 633. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra.

SA 634. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 635. Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. SALAZAR, Mrs. LINCOLN, Mr. DURBIN, Ms. SNOWE, Mr. VITTER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 636. Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 637. Mrs. DOLE (for herself and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, supra; which was ordered to lie on the table.

SA 638. Mr. GREGG (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, supra.

SA 639. Mr. CONRAD (for Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. GREGG, and Mrs. CLINTON)) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

SA 640. Mr. CONRAD (for Mrs. DOLE) proposed an amendment to the concurrent resolution S. Con. Res. 21, supra.

TEXT OF AMENDMENTS

SA 621. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, add the following:

SEC.___. DEFICIT-NEUTRAL RESERVE FUND FOR REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on Social Security benefits, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 622. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

SEC.___. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a) (1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SA 623. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 36, line 15, strike beginning with "If" through line 19 and insert "When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.".

On page 39, line 19, strike beginning with "If" through line 23 and insert "When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order."

SA 624. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $17,300,000.

On page 23, line 13, increase the amount by $15,570,000.

On page 23, line 17, increase the amount by $1,730,000.

On page 9, line 8, decrease the amount by $17,300,000.

On page 9, line 9, decrease the amount by $15,570,000.

On page 9, line 13, decrease the amount by $1,730,000.

SA 625. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 41, strike lines 9 through 11 and insert the following:

(2) for fiscal year 2008,

(A) for the National Defense function (050) and the Veterans function (700), $541,899,000,000 in new budget authority and $549,693,000,000 in outlays; and

(B) for all other functions, $400,413,000,000 in new budget authority and $471,714,000,000 in outlays.

On page 62, insert after line 7 the following new section:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR GI BILL OF RIGHTS AND BENEFITS.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would enhance benefits and rights for returning members of the military serving in wars and all other military personnel who have provided a service to their country, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SA 626. Mr. NELSON of Nebraska (for himself, Mrs. LINCOLN, Mr. BAUCUS, Ms. LANDRIEU, Ms. STABENOW, Mr. SALAZAR, Mr. NELSON of Florida, and Mr. PRYOR) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, insert the following:

SEC. ___. ESTATE TAX REFORM INITIATIVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for estate tax reform legislation that addresses the current flaws in the estate tax law by establishing an estate tax exemption level of $5,000,000, an estate tax rate of 35 percent, and a 5 percent surcharge on the largest estates, provided that such legislation does not increase the deficit over the total of fiscal years 2007 through 2012.

SA 627. Mr. PRYOR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 18, line 12, increase the amount by $10,000,000.

On page 18, line 13, increase the amount by $10,000,000.

On page 18, line 16, increase the amount by $10,000,000.

On page 18, line 17, increase the amount by $10,000,000.

On page 18, line 20, increase the amount by $10,000,000.

On page 18, line 21, increase the amount by $10,000,000.

On page 18, line 24, increase the amount by $10,000,000.

On page 18, line 25, increase the amount by $10,000,000.

On page 19, line 3, increase the amount by $10,000,000.

On page 19, line 4, increase the amount by $10,000,000.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $10,000,000.

On page 26, line 21, decrease the amount by $10,000,000.

On page 26, line 24, decrease the amount by $10,000,000.

On page 26, line 25, decrease the amount by $10,000,000.

On page 27, line 3, decrease the amount by $10,000,000.

On page 27, line 4, decrease the amount by $10,000;000.

SA 628. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 50, line 8, insert "and including the reduction of the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 with no inflation adjustment" after "refundable tax relief".

SA 629. Ms. SNOWE (for herself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 50, line 8, insert "and including the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional 5 years and $17,000,000,000 in tax credit authority" after "refundable tax relief".

SA 630. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 50, line 8, insert "and including the creation of SIMPLE cafeteria plans as provided in section 2 of S. 555 of the 110th Congress" after "refundable tax relief".

SA 631. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 31, after line 11, insert the following:

(d) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, provisions of any appropriations bill, act, joint resolution, an amendment thereto, or a motion or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts for any fiscal year after 2008 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under this section.

SA 632. Mr. LEVIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 633. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

On page 16, line 10, increase the amount by $50,000,000.

On page 16, line 11, increase the amount by $7,500,000.

On page 16, line 14, increase the amount by $50,000,000.

On page 16, line 15, increase the amount by $15,000,000.

On page 16, line 18, increase the amount by $50,000,000.

On page 16, line 19, increase the amount by $30,000,000.

On page 16, line 22, increase the amount by $50,000,000.

On page 16, line 23, increase the amount by $40,000,000.

On page 17, line 2, increase the amount by $50,000,000.

On page 17, line 3, increase the amount by $50,000,000.

On page 26, line 12, decrease the amount by $50,000,000.

On page 26, line 13, decrease the amount by $7,500,000.

On page 26, line 16, decrease the amount by $50,000,000.

On page 26, line 17, decrease the amount by $15,000,000.

On page 26, line 20, decrease the amount by $50,000,000.

On page 26, line 21, decrease the amount by $30,000,000.

On page 26, line 24, decrease the amount by $50,000,000.

On page 26, line 25, decrease the amount by $40,000,000.

On page 27, line 3, decrease the amount by $50,000,000.

On page 27, line 4, decrease the amount by $50,000,000.

SA 634. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by $17,300,000.

On page 23, line 13, increase the amount by $15,570,000.

On page 23, line 17, increase the amount by $1,730,000.

On page 9, line 8, decrease the amount by $17,300,000.

On page 9, line 9, decrease the amount by $15,570,000.

On page 9, line 13, decrease the amount by $1,730,000.

SA 635. Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. GRASSLEY, Mr. KENNEDY, Mr. SALAZAR, Mrs. LINCOLN, Mr. DURBIN, Ms. SNOWE, Mr. VITTER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE HEALTH INSURANCE.

If a Senate committee reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, reduces growth in the number of uninsured Americans, improves access to affordable and meaningful health insurance coverage, improves health care quality, or reduces growth in the cost of private health insurance by facilitating market-based pooling, including across State lines, and a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, provides funding for State high risk pools or financial assistance, whether directly, or through grants to States to enhance the effectiveness of such pooling or to provide other assistance to small businesses or individuals, including financial assistance, for the purchase of private insurance coverage, the Chairman of the Committee on the Budget may make appropriate adjustments in allocations and aggregates for fiscal year 2007 and for the period of fiscal years 2008 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SA 636. Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of title III, insert the following:

SEC. . RESERVE FUND TO IMPROVE MEDICARE HOSPITAL PAYMENT ACCURACY.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses the wide and inequitable disparity in the reimbursement of hospitals under the Medicare program;

(B) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(C) includes a transition to the reform described in subparagraph (B); and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2008 through 2012.

SA 637. Mrs. DOLE (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; which was ordered to lie on the table; as follows:

On page 20, line 12, increase the amount by $10,000,000.

On page 20, line 13, increase the amount by $10,000,000.

On page 20, line 16, increase the amount by $10,000,000.

On page 20, line 17, increase the amount by $10,000,000.

On page 20, line 20, increase the amount by $3,000,000.

On page 20, line 21, increase the amount by $3,000,000.

On page 20, line 24, increase the amount by $0.

On page 20, line 25, increase the amount by $0.

On page 21, line 3, increase the amount by $0.

On page 21, line 4, increase the amount by $0.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $3,000,000.

On page 26, line 24, decrease the amount by $0.

On page 26, line 25, decrease the amount by $0.

On page 27, line 3, decrease the amount by $0.

On page 27, line 4, decrease the amount by $0.

SA 638. Mr. GREGG (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows:

At the end of Title II insert the following:

SEC. . POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTES CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, which includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) DETERMINATION.—For purposes of this section, the determination of whether a provision violates paragraph (a) shall be made by the Committee on the Budget of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the chair on a point of order raised under this section.

(d) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SA 639. Mr. CONRAD (for Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. GREGG, and Mrs. CLINTON)) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows;

At the end of title III, add the following:

SEC. . RESERVE FUND TO IMPROVE THE HEALTH CARE SYSTEM.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SA 640. Mr. CONRAD (for Mrs. DOLE) proposed an amendment to the concurrent resolution S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012; as follows;

On page 20, line 12, increase the amount by $10,000,000.

On page 20, line 13, increase the amount by $10,000,000.

On page 20, line 16, increase the amount by $10,000,000.

On page 20, line 17, increase the amount by $10,000,000.

On page 20, line 20, increase the amount by $3,000,000.

On page 20, line 21, increase the amount by $3,000,000.

On page 26, line 12, decrease the amount by $10,000,000.

On page 26, line 13, decrease the amount by $10,000,000.

On page 26, line 16, decrease the amount by $10,000,000.

On page 26, line 17, decrease the amount by $10,000,000.

On page 26, line 20, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $3,000,000.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Monday, March 26, 2007 at 2:30 p.m. for a hearing entitled, Understanding the Realities of REAL ID: A Review of Efforts to Secure Drivers' Licenses and Identification Cards.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, March 29, 2007 at 10 a.m. for a hearing entitled, Eliminating and Recovering Improper Payments.

UNANIMOUS CONSENT REQUEST—S. CON. RES. 24

Mr. REID. I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 24, and the Senate then proceed to its immediate consideration; that the concurrent resolution be agreed to, and the motion to reconsider be laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection.

Mr. MCCONNELL. Reserving the right to object, and I will object, I don't believe the Rules Committee has had a chance to review this yet. So for the time being, I object.

The PRESIDING OFFICER. Objection is heard.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Colorado, Mr. ALLARD, as a member of the United States Capitol Preservation Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–696, appoints the following Senators as members of the United States Capitol Preservation Commission: the Honorable RICHARD J. DURBIN of Illinois, the Honorable MARY L. LANDRIEU of Louisiana.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to consideration of the following calendar items: Calendar No. 28, S. Res. 47; Calendar No. 29, S. Res. 49; Calendar No. 62, S. Res. 78; Calendar No. 63, S. Res. 84; and Calendar No. 64, H. Con. Res. 44.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the resolutions and concurrent resolution be agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid on the table en bloc, that the consideration of these items appear separately in the RECORD, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE AND ACHIEVEMENTS OF GEORGE C. SPRINGER

The resolution (S. Res. 47), honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers, was considered and agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 47

Whereas George C. Springer, Sr., formerly Northeast regional director of the American Federation of Teachers (AFT), president of AFT Connecticut, and AFT vice president, was an accomplished union leader, a pillar of the civil rights community, a high school teacher and athletics coach, and a dedicated family man and devoted friend;

Whereas George Springer was known by those who worked with him as a generous mentor, a conciliator, and a skilled problem-solver;

Whereas George Springer, as president of AFT Connecticut, helped strengthen and expand the statewide organization to include not only teachers but also paraprofessionals and other school-related personnel, higher education faculty, healthcare professionals, and public employees, and united them around his vision of a shared destiny and a common commitment to quality services and professional integrity;

Whereas George Springer was an AFT vice president for 13 years and served for 4 years as the chair of the AFT's human rights and community relations committee;

Whereas George Springer cared deeply about the cause of civil rights, was a leader in the National Commission for African American Education, a board member of Amistad America, Inc., vice president of the John E. Rogers African American Cultural Center, and president of the New Britain, Connecticut chapter of the National Association for the Advancement of Colored People;

Whereas George Springer was born in the Panama Canal Zone in 1932, attended Central Connecticut State University, formerly Teachers College of Connecticut, and received a graduate degree from the University of Hartford;

Whereas George Springer was a union activist throughout his 20-year teaching career in New Britain;

Whereas George Springer succumbed on December 19, 2006, at the age of 74, after a long battle with cancer; and

Whereas George Springer is survived by his wife, Gerri Brown-Springer, 4 children, 10 grandchildren, and 4 great-grandchildren: Now, therefore, be it

Resolved, That the Senate honors George C. Springer, Sr. as a dedicated and pioneering leader, and a man of generous spirit who took on tough challenges with courage and compassion.

RECOGNIZING AND CELEBRATING ALASKA STATEHOOD

The resolution (S. Res. 49), recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 49

Whereas July 7, 2008, marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;

Whereas the land once known as "Seward's Folly" is now regarded as critical to the strategic defense of the United States and important to our national and economic security;

Whereas the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;

Whereas Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;

Whereas the State of Alaska has an abundance of natural resources vital to the Nation;

Whereas Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;

Whereas Alaska's 34,000 miles of shoreline form a gateway to one of the world's greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;

Whereas over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;

Whereas over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;

Whereas Alaska Natives, the State's first people, are an integral part of Alaska's history, and preserving the culture and heritage of Alaska's Native people is of primary importance;

Whereas the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;

Whereas Alaska's Native people have made major contributions to the vitality and success of Alaska as a State;

Whereas the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and

Whereas the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska's entry into the Union: Now, therefore, be it

Resolved, That Congress recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

NATIONAL AUTISM AWARENESS MONTH

The resolution (S. Res. 78), designating April 2007 as "National Autism Awareness Month" and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 78

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2007 as "National Autism Awareness Month" will increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2007 as "National Autism Awareness Month";

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespans, and promote understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) supports the Federal Government's more than 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(6) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(7) recognizes the importance of worker training programs that are tailored to the

needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

200TH ANNIVERSARY OF THE ABOLITION OF SLAVERY IN THE BRITISH EMPIRE

The resolution (S. Res. 84), observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world, was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas, at the age of 21, William Wilberforce was elected to the House of Commons of Great Britain;

Whereas Mr. Wilberforce and his colleagues actively engaged in many initiatives with the sole purpose of renewing British culture at the turn of the 19th century in order to bring about positive social change;

Whereas Mr. Wilberforce advocated prison reform that equally respected justice and human dignity, and encouraged reconciliation;

Whereas Mr. Wilberforce sought to improve the conditions for, and minimize the use of, child laborers;

Whereas Mr. Wilberforce dedicated his life to ending the British slave trade and the abolition of slavery despite forceful opposition;

Whereas Mr. Wilberforce was mentored by former slave trader and author of the hymn "Amazing Grace," John Newton, on the horrors and inhumanity of the slave trade;

Whereas approximately 11,000,000 human beings were captured and taken from Africa to the Western Hemisphere to be sold as commodities and forced into slavery and bondage;

Whereas Mr. Wilberforce fought for 20 years in the House of Commons to pass legislation banning the slave trade;

Whereas, on February 23, 1807, Parliament passed a bill banning the slave trade in the British Empire as a direct result of the efforts of Mr. Wilberforce;

Whereas Mr. Wilberforce inspired and encouraged those who opposed slavery in the United States, including political leaders like John Quincy Adams, and spread a message of hope and freedom throughout the United States;

Whereas Mr. Wilberforce labored for 46 years to abolish the institution of slavery in the British Empire, ceaselessly defending those without a voice in society;

Whereas, in 1833, Mr. Wilberforce was informed on his death bed that the House of Commons had voted to abolish slavery altogether;

Whereas section 102(a) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101(a)) states that human trafficking is "a contemporary manifestation of slavery whose victims are predominantly women and children";

Whereas the scourge of human slavery continues to pollute our world and assault human dignity and freedom;

Whereas, in 2006, the United States Department of State estimated that between 600,000 and 800,000 men, women, and children were trafficked across international borders for use as bonded laborers or sex slaves, or for other nefarious purposes;

Whereas the International Labour Organization estimates that there are more than 12,000,000 people in forced labor, bonded labor, forced child labor, and sexual servitude around the world, a number that is greater than the number of slaves that existed at the time of Mr. Wilberforce's death;

Whereas all people must continue to fight, as Mr. Wilberforce fought, for the true abolition of slavery and for respect for human dignity in all aspects of modern culture; and

Whereas the people of the United States should carry on the legacy of William Wilberforce by working to end the modern slave trade, human trafficking, and the degradation of human dignity: Now, therefore, be it

Resolved, That the Senate—

(1) observes February 23, 2007, as the 200th anniversary of the ban of the slave trade in the British Empire;

(2) recognizes the positive impact William Wilberforce had on renewing the culture of his day and ending the inhumane practice of human slavery;

(3) commends to the people of the United States the example of William Wilberforce and his commitment to the values of inherent human dignity and freedom, which reside in each and every human being;

(4) encourages the people of the United States to—

(A) observe the 200th anniversary of the ban of the slave trade in the British Empire;

(B) reflect on William Wilberforce's selfless dedication to the fight against slavery and his commitment to the neediest in society; and

(C) commit themselves to recognize the value of human life and human dignity; and

(5) unequivocally condemns all forms of human trafficking and slavery, which are an assault on human dignity that William Wilberforce would steadfastly resist.

HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

The resolution (H. Con. Res. 44), honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary, was considered and agreed to.

The preamble was agreed to.

DIRECTING SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 121 that was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in support of the appellee in Office of Senator Mark Dayton v. Brad Hanson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns an appeal pending before the Supreme Court of the United States in an action brought by a former Senate employee against his employing office, the Office of former Senator Mark Dayton. In 2003, the former employee sued the office under the Congressional Accountability Act of 1995. As a defense to the suit, the office asserted that the Speech or Debate Clause of the Constitution barred a suit by the employee, because during his time with the office his job included legislative duties.

The lower courts denied this argument and refused to dismiss the suit on that ground. The office has now appealed this case to the Supreme Court, placing directly before the High Court the question of the application of the Speech or Debate Clause to suits brought under the Congressional Accountability Act.

As the scope of the Speech or Debate Clause will now be considered in the merits of an appeal by the Supreme Court for the first time in almost 30 years, it is important that the Senate as an institution have a voice in those proceedings to protect the Senate's interests in that important constitutional privilege that secures the independence of this body from the other branches of Government.

It is also important that the legal counsel appear on the Senate's behalf in this action so that the Court can be presented with the Senate's understanding of the proper application of the Speech or Debate Clause to the Congressional Accountability Act. Congress passed the act to apply to Congress the same Federal workplace and employment laws that applied to the private sector and the executive branch, giving our employees the same protections enjoyed by employees elsewhere. That was done with the understanding that suits by congressional employees, even employees with legislative duties, were not automatically barred by the Speech or Debate Clause privilege of Members.

Accordingly, as the Supreme Court is now being urged to bar all Congressional Accountability Act suits that are brought for adverse personnel actions by employees with any legislative duties, it is important that the Senate present to the Court the position that suits under the Congressional Accountability Act can proceed consistent with the Speech or Debate Clause. While that Clause would provide Members with a robust evidentiary and testimonial privilege concerning their legislative activities in these lawsuits and may limit permissible relief, it does not automatically block all such suits at the outset.

In addition, the Supreme Court has directed the parties to brief the additional questions of whether the case has become moot because Senator Dayton has left office, and whether the office of Senator Dayton could appeal the case directly to the Supreme Court. On these questions, the legal counsel will describe why suits brought under the Congressional Accountability Act against the office of a Member of Congress do not become moot after the Member departs from Congress. Indeed, the contrary position would undermine the act's important protections for employees whose Members are soon to end their congressional service. The legal counsel will also argue that the appeal is not within the jurisdiction of the Supreme Court as the provision of the Congressional Accountability Act that provides for direct appeal to the Supreme Court is not satisfied here.

In sum, this resolution would direct the Senate legal counsel to appear in this action on behalf of the Senate to protect the Senate's interests in the proper application of the Speech or Debate Clause to civil suits brought under the Congressional Accountability Act.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas, in the case of Office of Senator Mark Dayton v. Brad Hanson, No. 06-618, pending in the Supreme Court of the United States, the application of the Speech or Debate Clause, Article I, section 6, clause I of the Constitution to suits brought under the Congressional Accountability Act, Pub. L. No. 104-1, 109 Stat. 3 (1995), has been placed in issue; and

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978,2 U.S.C. 288b(c), 288e(a), and 288*l*(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in support of Appellee Brad Hanson in Office of Senator Mark Dayton v. Brad Hanson, to protect the Senate's interest in the proper application of the Speech or Debate Clause to civil actions brought under the Congressional Accountability Act.

COMMEMORATING THE 25TH ANNIVERSARY OF THE CONSTRUCTION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 122

Whereas 2007 marks the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas the memorial displays the names of more than 58,000 men and women who lost their lives between 1956 and 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of people in the United States visit the monument to pay their respects to those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas the memorial has come to represent a legacy of healing and demonstrates the appreciation of the people of the United States for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who served honorably in the Armed Forces of the United States in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all people in the United States who suffered the loss of friends and family in Vietnam;

(3) encourages the people of the United States to remember the sacrifices of our veterans; and

(4) commemorates the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

MEASURE READ THE FIRST TIME—H.R. 545

Mr. REID. Mr. President, it is my understanding that H.R. 545 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 545) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Mr. REID. Mr. President, I ask for its second reading but then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR MONDAY, MARCH 26, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2:30 p.m. Monday, March 26; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate proceed to the consideration of H.R. 1591, the supplemental, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if there is no further business today, I turn to the Republican leader.

Mr. McCONNELL. Mr. President, I think we completed the week's business. As the majority leader indicated, we will turn to the supplemental appropriations bill for the troops in Iraq next Monday, and hopefully we will be able to wrap that bill up next week.

Mr. REID. The distinguished Republican leader and I have talked on a number of occasions. We have a divided Government, with a Republican in the White House and a Democratic Senate and House. Divided Government oftentimes has allowed us to get a lot done. The Republican leader and I hope that is the case, and we will continue to try to work with the White House and accomplish things. We have been able to do a pretty good job the first 3 months. We have a lot more to do. Hopefully, what the Republican leader and I have talked about will allow us to get a lot more done.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 2007, AT 2:30 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:25 p.m., adjourned until Monday, March 26, 2007, at 2:30 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO TRACEY A. LYNCH

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Tracey A. Lynch, of Bronx, NY. Ms. Lynch is being honored for her leadership and service to the community by the Committee for Effective Leadership and the New York State Democratic Committee. Born and raised in the Throgs Neck/Silver Beach community, Ms. Lynch has been an active member of the community for over twenty-five years. She is a graduate of St. Helena's Business School, The Wood Secretarial School, and attended Pace University as an undergraduate. She has been married to Thomas Lynch for 20 years and is the proud mother of three.

Ms. Lynch has been the President of the Silver Beach Association (SBA) for the past 12 years and has coordinated a number of activities within the community to bring families together. Some of those events have included Irish step dancing classes, sign language classes, chess clubs, book clubs, and arts and crafts. Other organizations with which Ms. Lynch is involved are Throgs Neck Community Action Partnership, the Throgs Neck Homeowners Association, the Schuyler Hill Civic Association, and the 45th NYPD Precinct.

Ms. Lynch has been working for the Department of Education since 2003 and is a Parent Coordinator for P.S. 14, the Senator John D. Calandra High School. In this role she serves as a liaison between the Department of Education and parents and guardians and assists parents with education, social, medical and community needs. Ms. Lynch also organizes and facilitates workshops and meetings in conjunction with the principal, teachers, staff and community-based organizations.

Madam Speaker, I join to wish Ms. Lynch best wishes and good fortune in her future projects.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 177, passage of H.R. 1130—Judicial Disclosure Responsibility Act, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "yea."

CELEBRATING MASTERFOODS USA GREENVILLE FACILITY EXPANSION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to commemorate the $15 million expansion of the Masterfoods USA Mississippi Delta facility located in Greenville, Mississippi.

For nearly 30 years, the Greenville facility has produced America's favorite branded rice, Uncle Ben's®, in its many variations. This facility currently produces more than 100,000 tons of rice per year. As part of the expansion, Masterfoods USA will install state-of-the-art processing equipment which will improve capacity to produce the line of Uncle Ben's® 90-second microwaveable Ready Rice®.

The facility is a significant contributor to the state and local economy, employing approximately 200 associates and contributing millions of dollars in salaries and taxes. Moreover, each year, Masterfoods USA purchases and processes more than 156,000 tons, or $18 million, of Delta-grown rough rice through this facility.

Of equal importance is the commitment of Masterfoods USA and the Greenville facility to local community and charitable endeavors. For many years the company has been actively involved with the Greater Greenville Chamber of Commerce and many local charities including, the United Way, the American Heart Walk, the March of Dimes, the Salvation Army, the Boys and Girls Club, and America's Second Harvest. Through its long-standing partnership with the Mississippi Area Food Network, Masterfoods USA donates a large number of Uncle Ben's® products to regional food banks. For example, following Hurricane Katrina, Uncle Ben's® donated 150 tons of food to support relief efforts in the Gulf Region.

Through its partnership with America's Second Harvest, the company recently agreed to co-sponsor the construction of a Kids Café at the local Boys and Girls Club. Kids Café, the most expansive child feeding program in the United States, provides free meals and snacks to low-income children through a variety of existing community locations. In addition to providing hot meals to hungry kids, some Kids Cafe programs also offer a safe place, where under the supervision of trustworthy staff, a child can get involved in educational, recreational and social activities that draw on existing community programs and often include family members.

I am honored that the Masterfoods USA Greenville facility is located within my district. I ask you, Madam Speaker, and my colleagues to join me in commending Masterfoods USA, and in particular, its Greenville facility and its officials, for their many years of service and commitment to the Mississippi Delta region. I look forward to applauding their continued growth and success for many years to come.

HONORING THE 25TH ANNIVERSARY OF THE HISPANIC COMMUNITY AFFAIRS COUNCIL'S SCHOLARSHIP AWARDS PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. STARK. Madam Speaker, I rise today to honor the 25th Anniversary of the Hispanic Community Affairs Council's Scholarship Awards Program. On May 3, 2007, members of the community will gather at Chabot Community College in Hayward, California to honor this milestone achievement.

The Hispanic Community Affairs Council (HCAC) is a community-based organization in Alameda County, California. It was organized in 1978 by a group of individuals interested in providing a forum to debate issues of interest to the Latino/Hispanic communities, to share information regarding employment opportunities and to develop a broad network of concerned individuals. The overall purpose of HCAC is to promote the value of education, cultural diversity, community involvement and political awareness.

A primary focus of the HCAC is the promotion of higher education in the Hispanic community through its annual Scholarship Awards Program. Since the establishment of this program, HCAC has awarded more than one million dollars to over 1,200 students for their pursuit of higher education. Scholarship recipients will attend 4-year colleges and universities, community, colleges, vocational training schools, or engage in graduate studies.

In 1983 HCAC awarded two scholarships. As the program continued to progress, HCAC celebrated its 20th year by awarding 100 scholarships. In 2005 HCAC awarded over 1,000 scholarships and in 2006, the organization reached a milestone of over one million dollars in scholarship awards.

One hundred percent of the money HCAC raises goes into its scholarship program. The organization does not have paid staff and everyone working on the scholarship program is a volunteer. Scholarships of $1,500 to students attending a 4-year college or post graduate program and $750 awards to students attending a community college are based on academic achievement, financial need, and a commitment by the students to give back to their respective communities after completing their education and achieving their career goals.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Hispanic Community Affairs Council is an exemplary non-profit organization providing invaluable opportunities for Hispanic students to pursue their higher education. I applaud the efforts of the partners of HCAC who contribute financially to the scholarship program and the volunteers who also work tirelessly to ensure the success of this model scholarship awards program.

TRIBUTE TO AUTUMN NICOLE MITCHELL OF KNOXVILLE, TENNESSEE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize an outstanding young woman, Autumn Nicole Mitchell. Audi, as she is known to her friends and family, made a decision about 18 months ago to help support the Wigs 4 Kids cancer support network by growing her hair and then donating it to other children without hair of their own.

Wigs 4 Kids is a charitable organization that provides wigs and services to children who have lost their hair due to illness or disease. Wigs 4 Kids' main focus is on cancer patients, but also includes other young people who face similar challenges that cause hair loss, including: alopecia, trichotillomania, lupus, hydrocephalus, burns and other disorders. When donating their hair, young girls like Audi must go to special salons that know how the hair must be cut in order to be made into wigs for others.

Audi is a typical, healthy young girl who genuinely cares about her friends and neighbors. Hearing about the thousands of other children who lost their hair to cancer and other diseases, Audi decided on her own that she would grow out her hair so that she could donate it to Wigs 4 Kids. It takes an exceptional type of young person to recognize the needs of others, and then to take affirmative action to help them in their time of need.

Madam Speaker, I have seen the before and after photos of young Audi. Once her long, straight hair is made into a wig, I know that her beautiful hair will look great on another young child looking to regain some of their self-esteem following their hair loss. Audi is to be commended for her selfless act and for being an example to other children in her school and neighborhood. I know that her generosity will be appreciated by the Wigs 4 Kids program, and trust that this act of compassion will follow Audi throughout her life.

TRIBUTE TO BISHOP ANGELO ROSARIO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Bishop Angelo Rosario, of Bronx, NY. Bishop Rosario is being honored for his leadership and service to the community by the Committee for Effective Leadership and the New York State Democratic Committee. Bishop Angelo M. Rosario has been in pastoral ministry for the past 44 years and embarked on this path at the age of 18 while working with youth at a storefront church in the South Bronx. His ministerial work was guided by the leadership of the late Rev. Clemente Repollet. Bishop Rosario was the youngest person to be ordained at the Assembly of Christian Churches and remained there for over 25 years. He studied and eventually taught at the A.I.C. Theological Institute and the Latin American Bible Institute.

Bishop Rosario and his wife, Rev. Nancy, founded and presently preside over Church of God's Children in the highly populated housing complex of Co-Op City in the Bronx. This institution presents a wide variety of year-round educational, spiritual and community-minded programs ranging from quality after-school care and pastoral counseling to job placement and health services. Bishop Rosario has organized many activities in the Co-Op City and Bronx Community, among them the Somalia Relief Fund, United Day of Prayer, Youth Day, and job and health fairs.

He is a co-chair of Community Board 10 in the Bronx and is the CEO of the Borough President's Bronx Clergy Task Force whose mission is to bring all faiths together to work for the betterment of the community through quality education health care and financial stability through the houses of worship and community organizations.

From the streets of South Bronx to the pulpit, Bishop Rosario has dedicated himself to helping the community. He is an advocate for community development according to biblical principles. He believes in one race—the human race.

Bishop Rosario and his wife share a family of 10 children and 22 grandchildren.

Madam Speaker, I join to wish Bishop Rosario best wishes and good fortune in his future projects.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 176, passage of H.R. 1284—Veterans' Compensation Cost-of-Living Adjustment Act of 2007, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "yea".

COMMENDING WEYERHAEUSER'S DISASTER RELIEF EFFORTS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize Weyerhaeuser Corporation and its wonderful community service in assisting in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying what community service is.

The Weyerhaeuser Company was incorporated in 1900, and is one the world's largest integrated forest product companies, headquartered in Federal Way, Washington, employing over 49,000 people in 18 countries. In 2005, they recorded sales of $22.6 billion, and the company manages more than 6.5 million acres of timberlands in nine States. I am pleased to note that 14 locations of the Weyerhaeuser Corporation are in Mississippi including several around the Second District.

In recognition of their outstanding community service and dedication to helping those who need it most, Weyerhaeuser Corporation has been recognized with the Ron Brown Award. This is the only Presidential award to honor companies "for their exemplary quality of their relationships with employees and communities." This award is presented to companies that have set forth strong initiatives to strengthen their employees and the community that surrounds them, as well as promote pioneering business initiatives. The Ron Brown Award was originally established by President Bill Clinton after the late Secretary of Commerce, Ron Brown, who believed that "businesses do well by doing good." In my opinion, there is no better choice for this award than the Weyerhaeuser Company for its outstanding work and dedication to our country.

On November 29, 2006, chairman, president and CEO of Weyerhaeuser, Steve Rogel, accepted the Ron Brown Award from U.S. Secretary of Commerce Carlos M. Gutierrez at a ceremony at the White House. Mr. Rogel accepted the award and dedicated it to Weyerhaeuser's disaster relief coordinator, Katy Taylor, along with the partners and volunteers who attended the ceremony.

Also recognized in the White House ceremony was the North Carolina Baptist Builders, with whom Weyerhaeuser teamed up in the gulf coast relief efforts. The North Carolina Baptist Builders is a faith-based organization that set forth a large mission to rebuild 600 homes along the coast. To the credit of the Baptist Builders, the Weyerhaeuser Company recognized their "smoothly run rebuilding operation to keep projects moving." It is this kind of forward thinking and teamwork that makes the Weyerhaeuser Company so deserving of the Ron Brown Award.

I am honored to have such a wonderful and dedicated company that operates in Mississippi in places such as Magnolia, Philadelphia, and Richland. Weyerhaeuser Company has been operating in Mississippi since 1956 with approximately 1,700 employees and 776,000 acres of timberland.

The dedication of Weyerhaeuser to the community is astounding and sets a shining example to other businesses about the importance of community service and helping the less fortunate. To date, over 300 employees and retirees from across the United States and Canada have volunteered more than 42,000 hours of their time and helped rebuild

50 plus homes. Weyerhaeuser has a truly generous policy of allowing employees 2 to 4 weeks' paid leave to help volunteer in the rebuilding efforts of the gulf coast. Not only does it pay its employees while they are volunteering their time, but it also pays their way and their spouses' way for the rebuilding efforts. Now, over a year later, Weyerhaeuser employees are still participating in reconstruction efforts and have contributed a combined disaster relief to date totaling more than $2.8 million. This is nothing short of extraordinary.

While I can only mention some of the accomplishments of Weyerhaeuser Company's contribution, it is the people of Weyerhaeuser have that truly made the difference to individuals, families and the community as a whole. As one family wrote in response to the help from Weyerhaeuser volunteers, "Because of all your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyerhaeuser family." This shows how the assistance of strangers can surely touch one's life and make their life better and give true meaning for caring in the community.

A sign of the high caliber of individuals Weyerhaeuser employs is some of the comments that went to the gulf coast to help. One man noted, "The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget." Another volunteer employee commented, "This experience was such a blessing. I got so much more from it than I felt I gave." Even Weyerhaeuser's retirees participated and one reflected of the occasion to assist those in need saying, "Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again."

Testimonies such as these speak volumes of Weyerhaeuser Company and its dedication to its employees and others. It goes beyond helping those who are under its employment, but it extends a helping hand to strangers to make the world a better place to live.

I am pleased that Weyerhaeuser has had a long standing tradition in Mississippi and especially in the Second District. It is without question an admirable and outstanding company that lives up to the highest meaning of community service.

Weyerhaeuser's dedication to helping others is immeasurable and I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized by the administration. The work of their employees and retirees shows that there is no one more deserving.

HONORING THE 50TH ANNIVERSARY OF THE EDEN AREA LEAGUE OF WOMEN VOTERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. STARK. Madam Speaker, I rise to pay tribute to the Eden Area League of Women Voters celebrating their 50th Anniversary on April 13, 2007. The Eden Area League serves the communities of Castro Valley, Hayward, San Leandro and San Lorenzo, California.

The Hayward Area League joined with the San Leandro League in 1988 to become the Eden Area League of Women Voters.

The Hayward Area League of Women Voters was founded in 1957 by a group of Hayward, California women interested in non-partisan study of local and broader issues, and non-partisan voter education. The Hayward Area League is an expression of the National League of Women Voters founded in 1920. The League is dedicated to enfranchising all voters, educating its members and the public on local, state and national issues, providing non-partisan public forums for candidate interviews and ballot measure discussions.

Members of the Eden Area League have devoted thousands of hours to their communities to improve voter knowledge of local, state and national issues. The members encourage community members to become involved with a special focus on educating voters on state ballot propositions, local issues and understanding governance structures.

The League, at all levels, has a well-deserved reputation for educating themselves and the public about critical public policy issues and events that shape our democratic process.

Over its 50 years of existence, the Eden Area League of Women Voters can point to a number of successful projects with pride. They have become an integral part of the cities they serve and provide an invaluable public service to our communities.

I express my heartiest congratulations to the Eden Area League of Women Voters on reaching a milestone 50th Anniversary.

RECOGNIZING MRS. CAROL AYER OF SPRING HILL, FLORIDA ON THE OCCASION OF HER RETIREMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Mrs. Carol Ayer, the outgoing director of the Nature Coast Festival Singers in Spring Hill, Florida. Carol has served the Singers for nearly 6 years with honor and distinction. Soon, she is leaving Florida to retire with her family in Wisconsin.

Carol Ayer has dedicated her life to music. After earning her degree in Music Education, Music Performance, and English Literature from Beloit Fine Arts College in Beloit, Wisconsin, Carol taught English and music to students of various ages throughout her career. First moving to Hernando county in 1990, Mrs. Ayer joined the alto section of the Nature Coast Festival Singers in 1996. The Singers were originally founded to sing The Messiah at Christmas pageants, but have since expanded to perform Christian music throughout the year.

Carol's late husband Peter served as director and conductor from 1998 until his tragic death in an airplane crash in 2001. Following his death, Carol was named the Director and Conductor of the Nature Coast Festival Singers, and during her tenure, the number of members increased every year, with nearly one hundred members performing in this spring's concert. As Conductor the musical emphasis on The Messiah maintained the sacred or classical nature of the Nature Coast Festival Music's charter.

The Nature Coast Festival Singers also established a scholarship in memory of Peter in thanks to Carol for her years of dedication. The group adds to this scholarship fund through the generous offerings made at concerts. The singers fund three types of scholarships, two in conjunction with the Chocochatti Magnet School and the Brooksville Music Club, and one related to the members of the Nature Coast Festival Singers. These scholarships provide funds for the study of music to elementary age children, and high school and college students.

Madam Speaker, Carol Ayer's dedication to music and the community has served as an inspiration to thousands throughout Hernando County. It is clear from the attendance at local performances that Carol's love of music has been shared by many others. Carol is to be commended for her years of service, her commitment to the Lord, and for giving back to the community and its musically inclined children. Carol Ayer is a shining example of the good that serving Jesus Christ can bring to our friends and families, and she will be sorely missed.

TRIBUTE TO YETTA G. KURLAND

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Yetta G. Kurland, of Bronx, NY. Ms. Kurland is being honored for her leadership and service to the community by the Committee for Effective Leadership and the New York State Democratic Committee. She has been an active proponent of civil rights in the New York City area for over a decade and is a lawyer who has dedicated her life to righting wrongs and truly creating a society based on "equal justice for all." The founder of her own law firm, Ms. Kurland has won some landmark victories, including those that deal with family child protections as well as a settlement against a major airline company for HIV discrimination.

She currently serves as Vice President for Communications for the Stonewall Democrats of New York City and chaired their First Annual Women's Event in June 2006. She has worked with many other organizations including the Gay Men's Chorus, Live Out Loud, and Gay Officers Action League and also sits on the executive committee of the National Lawyers Guild.

Ms. Kurland is involved in many legal associations, including the Lesbian, Gay, Bisexual, and Transgender Law Association of New York (LeGaL), the American Bar Association (ABA), the New York State Bar Association (NYSBA), the New York County Lawyers Association (NYCLA), and the City Bar of New York. Additionally, she is the founder of Hello World Language Center, an alternative language and culture resource center, and is an adjunct professor at New York University where she teaches at the Steinhardt School of Education.

Madam Speaker, I join to wish Ms. Kurland best wishes and good fortune in her future projects.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 178, passage of H.R. 740—Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I was not able to attend a number of votes that took place March 21, 2007 on the House floor. I take my responsibility to vote very seriously and had I been present I would have voted: "Yea" on rollcall 167, Motion to Permit to Proceed in Order on This Day; "Nay" on rollcall 168, Neugebauer of Texas Amendment; "Nay" on rollcall 169, Price of Georgia Amendment; "Yea" on rollcall 170, Al Green of Texas Amendment, as Modified; "No" on rollcall 171, On Motion to Recommit with Instructions; "Aye" on rollcall 172, On Passage, Gulf Coast Hurricane Housing Recovery Act of 2007; "Yea" on rollcall 173, On Motion to Suspend the Rules and Pass, Hawaiian Homeownership Opportunity Act; "Yea" on rollcall 174, On Motion to Suspend the Rules and Pass, as Amended, Joshua Omvig Veterans Suicide Prevention Act; "Yea" on rollcall 175, On Motion to Suspend the Rules and Pass, as Amended, Dr. James Allen Veteran Vision Equity Act; "Yea" on rollcall 176, On Motion to Suspend the Rules and Pass, Veterans' Compensation Cost-of-Living Adjustment Act of 2007; "Yea" on rollcall 177, On Motion to Suspend the Rules and Pass, Judicial Disclosure Responsibility Act; and "Yea" on rollcall 178, On Passage, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007.

IMMIGRANT ENTREPRENEURSHIP FUELS AMERICAN ECONOMIC GROWTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. RANGEL. Madam Speaker, the Center for an Urban Future recently released a report titled, "A World of Opportunity." The "report reiterates the fact that immigrant entrepreneurs are key engines of growth for many cities in the United States. Every census taken from 1880 to 1990 has revealed that immigrants were self-employed significantly more than American-born natives. The number of immigrant entrepreneurs in 2005 was 350 out of 100,000, compared to 280 of 100,000 for those born in the United States. Research maintains that immigrant entrepreneurs have made positive contributions to the U.S. economy for more than a century.

Nowhere are the contributions of self-employed immigrants, to urban economies, more visible than in New York City, where people migrate from almost every part of the world. Despite ethnic differences, New York City immigrants often arrive with an entrepreneurial determination. Over the past 10 to 15 years, immigrant entrepreneurs have fueled much of the overall growth in new businesses across the City and have triggered dramatic turnarounds in neighborhoods. Communities such as Sunset Park, Flushing, Richmond Hill and Washington Heights have all reaped from the seeds of growth powered by immigrant owned businesses. There is no doubt that Immigrants will continue to make significant contributions to the City's economic growth in the future.

There are several reasons why immigrants start their own businesses and in such record numbers. The risk of a business venture appears comparatively minimal to the surmountable risk immigrants have already taken when packing up their homes and moving to a country where the majority of the people do not speak their native language. Another motivation for immigrants to open up their own businesses is the recognition that they can offer a variety of products and services that many other entrepreneurs cannot. Similarly, many immigrants prefer the solace that comes with owning a business instead of having to deal with the numerous struggles and frustrations of participating in the large business work force where immigrants are often discriminated against, paid unfairly and required to work uncommon hours.

The stereotype that immigrant businesses represent small "mom-and-pop shops" such as restaurants and local grocery stores no longer holds true. Immigrant entrepreneurs have a growing presence in several vital sectors of the New York City's economy such as: biotechnology, construction, food manufacturing, mass transportation, telecommunications and restaurant equipment sales. Every year, Inc. Magazine publishes what they call the "Inc. 500," a list of America's fastest growing privately owned businesses. In 2005, 55 of Inc. Magazine's 500 business owners were immigrants. Collectively their companies employed more than 14,000 individuals and contributed almost $1.4 billion to the U.S. economy.

At a time in which outsourcing and corporate mergers are on the rise, it is likely that small, home-grown businesses will only become more integral to New York City's future economic success. However, while celebrating these successes and contributions it is important to remember that many immigrants face considerable challenges when deciding to open a business. New York's regulatory environment can be daunting to any entrepreneur. The addition of language and cultural barriers, in many cases, exacerbate this process. Nonetheless, there are numerous organizations dedicated to educating entrepreneurs about how to start a business and overcome obstacles to growth, such as Seedco and the Economic Development Corporation, which offer classes on how to start a business, in Spanish and Chinese.

I commend all of those who have migrated to the United States in search of the American dream, pursuing happiness by establishing their own businesses and contributing positively to the fabric of our country's economy.

TRIBUTE TO PAMELA BATES

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to one of my constituents, Pam Bates, of Bronx, NY. Ms. Bates is being honored for her leadership and service to the community by the Committee for Effective Leadership and the New York State Democratic Committee. Ms. Bates is the mother of one daughter and two sons and the grandmother of nine wonderful additions to her family. She is a Graduate Student at Queens College pursuing a Master's Degree in Political Science and belongs to the CUNY Coalition for Disabled Students and the Queens College Committee for Disabled Students.

Ms. Bates is president of 504 North Star Democratic Club and sits on the executive board of the 504 Democratic Club which focuses on disability issues and rights. She is also on the Board of Directors of Center for Independence of the Disabled in New York and is a member of the executive board of Disabled in Action.

Ms. Bates serves on the Paratransit Advisory Committee and the Taxi and Limousine Advisory Commission, two positions which are appointed by the New York City Council. She is a member of the Manhattan Borough President's Disability Task Force and the Disability Network of New York City where she devotes much of her time conducting press conferences and attending hearings concerning disability rights and issues. She has testified at all levels of government on issues impacting the rights of the disabled. Additionally, Ms.

Bates lobbies in Albany on behalf of the rights of disabled students.

Ms. Bates is a devout activist and advocate for the rights of people with mobility, sight, hearing, and mental impairments. As a result of her personal experiences as an African American, a woman, and a wheelchair user, she has given public lectures and written papers on the topics of disability and activism and our legislative process.

Madam Speaker, I join to wish Ms. Bates best wishes and good fortune in her future projects.

INTRODUCTION OF FEDERAL HOMELAND SECURITY PROCUREMENT LEGISLATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. CARNEY. Madam Speaker, as chairman of the Homeland Security Committee's Subcommittee on Management, Investigations and Oversight, I am very concerned with the potential for waste, fraud and abuse at the Department of Homeland Security (DHS).

As we have heard all too often in recent months, the Department is spending increasing amounts of its resources on outside contractors to help fulfill its job of preparing, preventing and mitigating any future large-scale catastrophic events on our soil.

Unfortunately, the contracts are numerous, as are the dollars being doled out. Congress has discovered that, government-wide, Federal agencies have had help developing requests for proposals (RFPs) for any number of goods and services from industry insiders, all in the interest of expediency.

While it is certainly reasonable for the government to consult with industry insiders during RFP development, it is deplorable for these industry insiders to make recommendations to the government that would result in only one selectable proposal: that from the company of the insider who assisted with the initial RFP.

Such action is wrong, yet it has happened on numerous occasions.

For example, starting in late 2003, DHS issued an RFP for "eMerge2," an effort to finish the consolidation of all of the financial systems of the DHS components into one new system. The eMerge2 RFP was drafted in large part by a single contractor. When the contract was awarded, it was split between two contractors, one of them being the company that helped write the RFP. Long story short: eMerge2 was a failure.

The questions raised by eMerge2 run deeper than "just" the federal dollars that were doled out without seeing any return. Indeed, the eMerge2 fiasco raised serious questions about whether more needs to be done, both by DHS and by contractors, to ensure that the "firewalls" contractors are using are actually working. This legislation answers some of those questions.

Similarly, when the Coast Guard (USCG) realized that the majority of its marine and aviation fleet was in desperate need of upgrade, it relied upon only two contractors to design the entire Deepwater project, without nearly enough consultation from USCG personnel. Now the Coast Guard has had to pull ships from service and is borrowing boats from the Navy. Our waters are less secure now than before 9/11 because of the fiasco that is Deepwater.

Surely, there have been examples of unnecessary government largesse resulting in waste. That said, while private industry as a contracting partner can save taxpayer dollars, I am skeptical that a business that helped to write an RFP and was the only business qualified to receive it really has the taxpayers' best interests in mind. In fact, this type of malfeasance is criminal, in my opinion.

This legislation seeks to eliminate the potential for future abuses of Federal homeland security procurement dollars. It would require that any contract entered into after May 1, 2007 is not awarded to companies who played a role in constructing the RFP for said contract. If the company is awarded the contract, the Secretary of Homeland Security must certify to Congress that the contract was issued through a competitive process and that DHS took all appropriate measures to ensure that during the RFP design stage, any potential contractor could not influence the RFP to favor itself. Additionally, it would allow for contractors who had input in the process to be hired as subcontractors if they had input designing the RFP but were not ultimately selected as the lead contractor.

I would encourage my colleagues to join me in supporting this necessary legislation, which has the potential to save the Federal Government hundreds of millions of dollars, if not more annually. The financial resources of the Federal Government are limited. It should not be as easy as it currently is to game the system and bilk tens of millions of dollars at a time out the Department of Homeland Security's budget.

A TRIBUTE TO MR. JOHN S. NIGRELLI, SR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the accomplishments of Mr. John S. Nigrelli, Sr., Chairman of the United Savings Bank. Mr. Nigrelli has been chosen as the recipient of the 2007 Achievement Award sponsored by the Association Regionale Calabrese of Philadelphia, Pennsylvania.

Mr. Nigrelli's lifetime of excellence and achievement began at the Lawrence Savings and Loan Association. During his time there, he began night school to further his education and completed an Associate degree in business administration from the Wharton School of The University of Pennsylvania.

While attending night school, Mr. Nigrelli dedicated himself to Albert Lawrence Savings and Loan in an effort to continue his advancement through the bank. These tremendous efforts, both educational and professional, were recognized. In 1963, Mr. Nigrelli was elected as an officer of the bank. Throughout his career, he continued to conquer his professional goals and continued his quest for education and knowledge. In 1970, he was elected Executive Vice President and in 1977, he was named President and C.E.O. He continued to hold that position until 2006 when he was named Chairman and C.E.O. As Albert Lawrence Savings and Loan transformed into United Savings Bank throughout the years, Mr. Nigrelli's experience has always guided the bank to unparalleled success.

The bank flourished under Mr. Nigrelli's leadership, knowledge, and experience. His efforts were recognized not only by the community of Philadelphia but by several publications, as one of the most established and stable banks in the city.

Even today, Mr. Nigrelli's kindness is felt through the organizations and charities in which he is a part. Throughout his professional success, this great man was supported by his wife, Marie Pedano. Although she passed away in August 10, 2002, her inspiration continues to contribute to Mr. Nigrelli's continued success. John's endeavors have also been supported by his four beloved children and seven grandchildren.

Madam Speaker, I ask that you and my distinguished colleagues join me in congratulating Mr. John Nigrelli, Sr. on his 2007 Achievement Award sponsored by the Association Regionale Calabrese. This great honor could not go to a better man.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. GRAVES. Madam Speaker, on Tuesday, March 20, 2007, I was traveling with the President of the United States to attend a meeting back in the district and thus missed rollcall votes #160 through 163. Had I been present, I would have voted "Yea" on rollcall votes 161 and 162 and "Nay" on rollcall votes 160 and 163.

RECOGNIZING THE 42ND ANNIVERSARY OF MAUI ECONOMIC OPPORTUNITY, INC.

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. HIRONO. Madam Speaker, I rise today to recognize the 42nd Anniversary of Maui Economic Opportunity, Inc. (MEO), which was chartered as a community action agency on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964.

The motto of MEO is "Helping People. Changing Lives." And for these past 42 years, MEO has maintained a successful record of service by providing basic tools for living, for earning, for self-reliance, and for community involvement.

MEO has initiated many important programs on the Valley Isle, which include specialized bus transportation for seniors, persons with disabilities, and youth; Head Start; Enlace Hispano; community reintegration of prison former inmates; micro-enterprise loans; business education for low income entrepreneurs; employment training and placement programs; Low Income Home Energy Assistance; and energy conservation and home energy assistance for low-income persons. Most impressively, MEO is able to serve all three islands that comprise the County of Maui: Maui, Lanai, and Molokai.

MEO is one of only a handful of agencies—out of over 1,000 community action agencies nationwide—selected by the National Community Action Partnership to receive an Agency of Excellence Award, highlighting superior administrative operations and program excellence. This translates into advocacy and outstanding services tailored to the needs of the Maui community.

I would like to extend a sincere mahalo nui loa (thank you very much) to the staff of MEO for their hard work and dedication. May the next four decades prove to be as successful.

HONORING THE LIFE OF CHRISTOPHER JAMES CEPEDA FERNANDEZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. BORDALLO. Madam Speaker, I rise with heavy heart to mourn with my constituency the loss of Guam, Army National Guardsman Specialist Christopher James Cepeda Fernandez.

On March 5, 2007, Specialist Fernandez, a 28-year-old father of one, was killed while serving on deployment in support of the Combined Joint Task Force in the Horn of Africa. Due to Christopher's patriotism and sacrifice to our country, he was posthumously promoted to Sergeant.

Service men and women from Guam have always been willing and ready to answer the call to arms to defend this great Nation, and we—their families, friends and neighbors—have always supported them, knowing the risk. As people of a small island community, the ties among us are very deep.

Sgt. Chris Fernandez was the son of Joseph Mendiola Fernandez and Marie Cepeda Fernandez of the "Golo" and "Chungi" clans. He was the brother of John, Carmela, Stephanie and Michelle Fernandez, and the doting father of six-year-old Kaenani Lei Guyal Fernandez, whom he adored. According to his family, Chris loved to take Kaenani to the movies, shopping—almost everywhere she wanted to go. He made the most of the time he could spend with her.

When not with Kaenani, Chris enjoyed playing basketball and baseball, among other sports. He also liked fishing, drag-racing, and barbequing with friends. He attended John F. Kennedy High School and graduated from Guam Community College. Madam Speaker, I offer these bits of personal information because Sergeant Christopher James Cepeda Fernandez deserves to be remembered as more than a name on a casualty list. He was a son of Guam, a proud soldier, willing and prepared to defend his country and his home island, no matter what the price. And he paid that price.

Christopher James Cepeda Fernandez lost his life in the noble effort to rebuild a nation in freedom so that others might some day know the joys of liberty and justice.

With heavy but proud hearts, I extend heartfelt condolences and profound sympathy to Chris's family on behalf of the People of Guam and a grateful Nation. Chris was a caring son, a loving brother and friend, a devoted father, and a proud American patriot.

TRIBUTE TO THE LIBRARY OF THE CHATHAMS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Library of the Chathams serving Chatham Borough and Chatham Township, Morris County, New Jersey, vibrant communities that I am proud to represent! On June 9, 2007, the good citizens of the township and borough will celebrate their library's 100th Anniversary with an old fashioned ice cream social.

On June 1, 1907, the Chatham Public Library opened in the new Borough Hall and Fire House at 10 Fairmount Avenue and the first library card was issued. In 1920, the library moved to the corner of Fairmount Avenue and Main Street because there was a trolley stop there and display windows for books. The library moved again in 1924, this time to the Fairview Hotel site, where it remains today.

By 1932, there were 2,415 registered borrowers, more than 50 percent of the population. In 1957, the library held 27,500 books, 100 periodicals, foreign language records, musical and dramatic recordings, art reproductions, a Great Books Club, Home Reader service, Storyhour, Storytime, and a playpen.

Two wings were added to the original 1924 building in the early sixties, the first was the west wing to house the Children's collection and the second was the east wing to house the Adult and Young Adult collections.

A major change took place in 1975. After several years of discussions, meetings and presentations, a referendum was placed on the November, 1975 ballot, asking for approval of jointure—to form a library serving both towns. It passed and on January 1, 1975, the Chatham Public Library became the Joint Free Public Library of the Chathams. All residents and those working in the Chathams are entitled to free borrowing privileges. The Library is tax supported on a per capita basis by both municipalities, and administered by six jointly appointed trustees with 5 year terms, a representative of the school system and both mayors or their representative.

1985 saw the Library become fully automated in MAIN (Morris Automated Information Network) which joins all Morris County libraries by computer database. Renovations and additions have occurred on a regular basis, the last being one for more than $4 million, which opened to the public on January 11, 2004. Today approximately 182,000 items are circulated annually, and 9,668 cards are in existence!

Madam Speaker, I urge you and my colleagues to join me in congratulating the Library of the Chathams on the celebration of its 100th Anniversary!

TRIBUTE TO SPECIALIST BRYAN ANDERSON

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. RENZI. Madam Speaker, a good friend of mine, Neill Sachs, recently wrote me about a co-worker of his, an Iraq veteran, Specialist Bryan Anderson. In late 2005, Specialist Anderson's Humvee was struck by a roadside bomb while driving in Baghdad. Specialist Anderson lost both of his legs and most of his left arm as a result of the blast.

Anderson was sent to Walter Reed Army Medical Center for rehabilitation. After spending over a year of intensive and grueling 6 hours a day, 5 days a week therapy sessions, Specialist Anderson has returned home to Illinois to a heartfelt hero's welcome.

He will undoubtedly require treatment for the rest of his life, and he will need our financial and medical support. As we begin our work in the 110th Congress, I urge my colleagues on both sides of the aisle to work together and ensure that our servicemembers, such as Specialist Anderson, are given the medical care, benefits, and the tools they need to succeed in civilian life.

I am deeply grateful for Specialist Anderson and the other men and women in our Armed Services.

HONORING ALEX HALBERSTEIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to thank the Southeast Region of the Boys Town Jerusalem for their initiative to honor Alex Halberstein. I am very pleased that on March 28, 2007 we will express our respect and appreciation for the one of the most outstanding members of the Greater Miami Jewish community.

More than 32 years ago, Alex Halberstein immigrated to the United States. He started working for the Pan Amco Finance Cooperation that is involved in transactions on behalf of Florida/Latin American importers and exporters. Following, he became the head of the International Division and Executive Vice President of Capital Bank. Alex is currently an International Bank Consultant.

Throughout his career, Alex has always been active in community service. Alex gives much of his time and energy to enrich the lives of the members of our community. He serves as a member on the boards of the Jewish Community Services, Florida Friends of Hebrew University; Hillel Council and the greater Miami Jewish Federation. He also serves as a member of the National Executive Board and the Miami Dade County Executive board of AIPAC. In addition, Alex is the chairman of the Florida Congressional Committee, co-chair of the North Dade Campaign, chairman of the Latin America Migration Campaign and vice president of the international division of the Israel and Overseas, and Allocation Committee past treasurer and secretary.

In addition to his tremendous service to our community, Alex also demonstrates a passionate commitment to make the lives of economically disadvantaged Israelis better and their futures brighter. By embracing the mission of the Boys Town Jerusalem Foundation, he enables many young Israelis to become leaders in the fields of technology, commerce, education, the military and public service.

As Americans and citizens of humanity, we owe a debt of gratitude for his invaluable contributions to build a better future for our Nation and our world. Alex is leading an example for others in our community. He is a successful banker and a truly remarkable community leader. But above all else, Alex Halberstein is a wonderful human being.

Without reservation, I support the Southeast Region of the Boys Town Jerusalem in recognizing the great honor being bestowed upon Alex Halberstein and wish him continued happiness in the future.

TRIBUTE TO JUNE BUCHANAN CRUSADERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the players and coaches of the 2006–2007 June Buchanan Crusaders basketball team.

In Kentucky, basketball is something of an institution. It embodies a tremendous spirit of teamwork and dedication, and the Crusaders have shown that they possess both characteristics. The Bluegrass State is widely known for producing great basketball teams, and the June Buchanan Crusaders are no exception. Making it to the state tournament marks a tremendous milestone in their journey for excellence, and I am proud of their accomplishment.

June Buchanan School is located in the small town of Pippa Passes, Kentucky and has 74 students in grades 9 through 12. After winning the regional championship in Southern Kentucky (26–6), the team is playing in the first round of the Kentucky state basketball tournament at Rupp Arena tonight.

Madam Speaker, I want to congratulate the Crusaders for their tremendous success throughout the entire season and wish them the best in the boy's state basketball tournament. Through their hard work, determination, and skill they have made Southeastern Kentucky very proud. I ask each of my colleagues to join me in honoring the June Buchanan basketball team.

RECOGNIZING THE IMPORTANCE OF THE INDONESIAN GOVERNMENT TO THE UNITED STATES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. BURTON of Indiana. Madam Speaker, since the United States embarked on a mission to rid the world of terrorism, many of our friends around the world have distanced themselves from America, hoping that will shield them from the wrath the terrorists will one day bring to their countries. Indonesia has done the opposite: the government of the country home to the world's largest population of Muslims has instead forged stronger ties with the United States.

Recognizing Indonesia's importance on the global stage, its government—first under Megawati Soekarnoputri, and since then, under the leadership of Susilo Bambang Yudhoyono—has worked closely with the United States to fight terrorism, and the spread of radical Islamism. This alliance has come at no small cost to the Indonesians, as terrorists have repeatedly punished Indonesia by targeting hotels, nightclubs and other tourist attractions with deadly acts of terrorism. Nevertheless, the government of Indonesia has not wavered in its commitment, and has proven itself to be a great friend to the United States.

As Indonesia has supported the United States in our Global War against Terrorism, it is important that the United States continues to support Indonesia by recognizing its sovereignty, and that it doesn't intervene into Indonesia's internal matters. The government of Indonesia has proven itself to be more than sufficiently mature and responsible to handle its own internal issues, which relate only to Indonesians, and the United States should respect its abilities. The government of Indonesia has shown America that respect, and I believe we owe it to them to do the same.

THE INTRODUCTION OF THE FEDERAL LAW ENFORCEMENT PENSION ADJUSTMENT EQUITY ACT OF 2007

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. VAN HOLLEN. Madam Speaker, along with my colleague from Pennsylvania, Mr. PLATTS, I am proud to I introduce the Federal Law Enforcement Pension Adjustment Equity Act of 2007. I am also very pleased to have other distinguished members of this body as original cosponsors of this important bipartisan legislation, including Mr. STUPAK of Michigan and Ms. JO ANN DAVIS, Mr. MORAN and Ms. DRAKE of Virginia.

Retirees of the United States Park Police and the Secret Service Uniformed Division who began their careers before January 1, 1984, were promised that, upon retirement, the would receive increases in their annuities proportional to pay increases for active duty servicfmen and women. However, language included into the 2001 Consolidated Appropriations Act specifically denied this promise to this group of retirees as a cost-saving measure.

As a consequence, these retirees have been denied an annuity increase at great personal financial cost, even though they entered federal uniformed service with the promise that these annuities would be there for them upon retirement. This is a gross injustice to those who put their lives on the line every day in service to their country.

That is why we are introducing the Federal Law Enforcement Pension Adjustment Equity Act of 2007, to ensure that Congress does what is right, what is just and what is fair. This legislation is bipartisan and should not be controversial. It is my hope that this body can move this bill expeditiously through the legislative process and correct an injustice against uniformed federal personnel who have been willing to make the ultimate sacrifice to serve our country.

NATIONAL AGRICULTURE DAY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. SMITH of Nebraska. Madam Speaker, today is National Agriculture Day. National Agriculture Day occurs every year on the first day of Spring. This is a week when we honor agriculture for providing safe, abundant and affordable products, a strong economy, a source of renewable energy, and a world of job opportunities.

It goes without saying that agriculture is tremendously important to my district and the nation as a whole, and I hope you join me in celebrating everyone who works so hard to provide for the world.

The Third District of Nebraska is one of the largest agricultural districts in the country. Our district ranks first in the value of sales of grains and oilseeds, second in total value of agricultural products sold, and first in cattle and calve inventory.

Simply put: Agriculture matters. National Agriculture Week is about celebrating the impact the industry has on our State, our Nation, and our everyday lives. I'm proud to represent the Third District of Nebraska, a district that truly embodies the spirit of this celebration.

INTRODUCTION OF THE MAIL-IN-BALLOT TRACKING ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Mail-In Ballot

Tracking Act of 2007—a bill to implement procedures for tracking the growing number of ballots in States throughout the country that are transmitted through the mail.

Although voters across the Nation are increasingly choosing to cast their ballots by mail because it is more convenient and they have more time to study their choices, many voters have been hesitant to do so because, quite frankly, they are worried that they cannot determine for certain where their mail ballots are in the system and whether they were actually received and counted.

In most cases, the fears of one's mail-in ballot somehow being lost in the system are unfounded—but we all know the fear is still there. Our Nation's voters deserve electoral procedures that are transparent and which strengthen their faith in democracy.

Sometimes there is reason for concern. I have heard horror stories from people who simply did not receive a ballot they requested.

Other voters have called their overwhelmed elections offices and waited on hold for too long trying to find out whether their ballot has been mailed or received. Even when they get to speak with an informed elections official, that official often cannot tell the voter where the ballot is because it is somewhere in the postal system.

The good news is that it is possible and practical to track mail ballots.

We have been tracking the process of overnight packages for years by using the Internet and the telephone. There is no reason why we cannot track ballots using similar technology.

In fact, some jurisdictions such as San Mateo County, CA are already tracking ballots with great success.

The United States Postal Service is currently introducing an "Intelligent Mail" system which, if applied to election mail, will allow voters to find out via the Internet or the telephone which postal processing facility last handled their ballots and when they were handled there.

Quite simply, the technology will soon exist to seamlessly track ballots from the time they are sent out from the appropriate elections office to the time they are received back and include all the key postal points along the way.

Implementing ballot tracking systems will bring voters peace of mind and reduce the burden on elections offices which are often barraged with phone calls from voters trying to determine the status of their ballots.

This legislation will also allow a voter to know whether his or her ballot passed the verification stage and will be counted.

Not only is mail ballot tracking feasible and helpful, but it is also affordable.

Setting up systems at an elections office can be as simple as redesigning a website.

Adding barcodes to envelopes already going through the postal process can cost tiny fractions of a penny per piece.

Purchasing any additional scanning or telephone equipment is also relatively inexpensive for election technology.

Mail ballot tracking could even help elections offices save money in the long run as call volumes will likely go down and the strain on staff declines.

Mail ballot tracking is a win-win for all.

I believe it will increase voter participation as it increases peace of mind.

We should follow the lead of the trailblazers who are already tracking mail ballots and ensure this level of security, transparency, and accountability to all voters who either choose to vote by mail or who live in one of the growing number of localities holding all-mail elections.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the democratic process and give American voters the electoral certainty they deserve.

PERSONAL EXPLANATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. KUCINICH. Madam Speaker, I was not present for votes on Monday, March 19 and Tuesday, March 20, 2007 because I was meeting with British Members of Parliament in an effort to build an international coalition to end the Iraq War. If I was present, I would have voted:

"Yea" on rollcall No. 157 (H.R. 138, Recognizing the importance of Hot Springs National Park on its 175th anniversary);

"Yea" on rollcall No. 158 (H.R. 658, Natural Resource Protection Cooperative Agreement Act);

"Yea" on rollcall No. 159 (H.R. 839, Arthur V. Watkins Dam Enlargement Act);

"Yea" on rollcall No. 160 (H. Res. 254, Providing for consideration of the bill [H.R. 1227] to assist in the provision of affordable housing to low income families affected by Hurricane Katrina);

"Yea" on rollcall No. 161 (H. Con. Res. 42, Honoring the heroic service and sacrifice of the 6,500 glider pilots of the United States Army Air Forces during World War II);

"Yea" on rollcall No. 162 (H.R. 759, Redesignating the Ellis Island Library on Ellis Island, NY as the "Bob Hope Memorial Library");

"Yea" on rollcall No. 163 (On approving the Journal);

"No" on rollcall No. 164 (Hensarling Amendment to H.R. 1227, to require recipients of rental assistance under the bill to perform 20 hours per week of approved work activities);

"No" on rollcall No. 165 (Biggert Amendment to H.R. 1227, to require that, instead of replacing all pre-Katrina public housing units, only the number of public housing units occupied pre-Katrina be replaced); and

"Aye" on rollcall No. 166 (Al Green Amendment to H.R. 1227, to extend FEMA housing assistance for evacuees of Hurricanes Katrina, Rita, and Wilma until December 31, 2007 and provide tenant-based voucher assistance upon termination of FEMA housing assistance for eligible families)

186TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. SPACE. Madam Speaker, I rise today in acknowledgement of last week's consideration and passage of H. Res. 228, a bill recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American democracy.

I am honored to have supported a bill whose significance is so extensive and which has such enormous personal meaning to me.

My paternal grandfather emigrated from Greece in the early 20th century and earned his citizenship in his new country by fighting in World War I. My father, Socrates, continued the Space family's patriotic tradition by serving in the Marines during the Korean War. After the war, my father attended Ohio State's law school, thanks to the GI Bill.

I am immensely proud of my Greek heritage, but I'm also proud of the Greek American community. In fact, I'm proud of the symbiotic relationship between my Greek heritage and the Greek-American legacy.

The opportunities afforded to my father and my father's father in America were—in my opinion—a result of the democratic by-products of freedom and liberty that Americans enjoy, thanks to the Greeks.

Early on, America's Founding Fathers looked to the ancient Greeks and their enlightened society for inspiration in forming a new government. In fact, American representative democracy, as we know it, is rooted in the philosophy and ethos of the Greeks.

Today, as we celebrate the anniversary of this wonderful Nation's independence, it's important that we continue to recognize the significance of Greek contributions to the global society. As an American, and as a Greek, I very much support the sentiment of H. Res. 228.

HONORING U.S. NAVY COMMANDER CAROL BOHN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. MCNERNEY. Madam Speaker, I ask my Colleagues to join me in honoring Commander Carol Bohn, U.S. Navy, Retired.

Commander Bohn provided outstanding service to our country as a commissioned officer, and in retirement, she continues to provide exceptional service to the Tri Valley community and to our men and women in uniform.

Commander Bohn's family instilled in her a deep-rooted sense of commitment to public service. Her late mother and father were World War II veterans, her sister currently serves as a Captain in the U.S. Navy and her brother serves as a Captain in the Navy Reserve.

Commander Bohn gave 25 years of exemplary service to our country in the U.S. Navy Nurse Corp. This included a tour aboard the Hospital Ship USNS Mercy during Operation Desert Storm, when she provided care and comfort to wounded service members.

A member of the Veterans of Foreign Wars (VFW) for approximately fifteen years, Commander Bohn now serves as Chaplain for the VFW Pleasanton Post #6298. In the course of her service with the VFW, Commander Bohn has participated in numerous color guards for various community groups and organizations. She was also instrumental in leading drives to obtain phone cards and other essential items for our nation's troops. Her efforts not only won her Post an award, but more importantly, they improved the morale of our men and women in uniform deployed overseas. On March 17, 2007, Commander Bohn's Post presented her with a special award for her unquestioned patriotism and continued diligence to recognize and honor all veterans.

Commander Bohn has resided in Pleasanton for the past 20 years. Each year, Pleasanton hosts a Veterans Day Parade honoring those who have served and continue to serve our great nation. Commander Bohn is instrumental in the planning and implementation of this event, which honors the many sacrifices made by our fighting men and women. Through Commander Bohn's tireless efforts, the people of Pleasanton and the 11th Congressional district are assured that our veterans will not be forgotten.

Equally committed to public service and to her family, Commander Bohn is a dedicated wife, mother and grandmother. She is married to a retired Navy Commander, and together they have two children and four grandchildren.

Commander Bohn's dedication is in keeping with the highest traditions of the Armed Forces of the United States and serves as an example to all. For that reason, I ask my Colleagues to join me in recognizing this outstanding citizen and leader.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. PENCE. Madam Speaker, I was granted a leave of absence. Had I been present, I would have voted in the following manner:

Rollcall No. 157 (On the Motion to Suspend the Rules and Agree to H. Res. 138)—"Aye";

Rollcall No. 158 (On the Motion to Suspend the Rules and Pass H. R. 658)—"Aye";

Rollcall No. 159 (On the Motion to Suspend the Rules and Pass H.R. 839)—"Aye";

Rollcall No. 160 (On Agreeing to the Resolution on H. Res. 254)—"Nay";

Rollcall No. 161 (On the Motion to Suspend the Rules and Agree to H. Con. Res. 42, as amended)—"Aye";

Rollcall No. 162 (On the Motion to Suspend the Rules and Pass H.R. 759)—"Aye";

Rollcall No. 163 (On Approving the Journal)—"No";

Rollcall No. 164 (On Agreeing to the Amendment to H.R. 1227 by Mr. Hensarling of Texas) "Aye";

Rollcall No. 165 (On Agreeing to the Amendment to H.R. 1227 by Ms. Biggert of Illinois) "Aye";

Rollcall No. 166 (On Agreeing to the Amendment to H.R. 1227 by Mr. Al Green of Texas) "Nay";

Rollcall No. 167 (On the Motion to Permit to Proceed in Order on This Day)—"Nay"; .

Rollcall No. 168 (On Agreeing to the Amendment to H.R. 1227 by Mr. Neugebauer of Texas) "Aye";

Rollcall No. 169 (On Agreeing to the Amendment to H.R. 1227 by Mr. Price of Georgia) "Aye";

Rollcall No. 170 (On Agreeing to the Amendment to H.R. 1227 by Mr. Al Green of Texas) "Nay";

Rollcall No. 171 (On the Motion to Recommit H.R. 1227 with Instructions)—"Aye";

Rollcall No. 172 (On Passage of H.R. 1227)—"Nay";

Rollcall No. 173 (On the Motion to Suspend the Rules and Pass H.R. 835, as amended)—"Nay";

Rollcall No. 174 (On the Motion to Suspend the Rules and Pass H.R. 327, as amended)—"Aye";

Rollcall No. 175 (On the Motion to Suspend the Rules and Pass H.R. 797)—"Aye";

Rollcall No. 176 (On the Motion to Suspend the Rules and Pass H.R.1284)—"Aye";

Rollcall No. 177 (On the Motion to Suspend the Rules and Pass H.R. 1130)—"Aye";

Rollcall No. 178 (On the Motion to Suspend the Rules and Pass H.R. 740)—"Aye".

INTRODUCTION OF THE "RE-EMPOWERMENT OF SKILLED AND PROFESSIONAL EMPLOYEES AND CONSTRUCTION AND TRADES WORKERS (RESPECT) ACT."

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. ANDREWS. Madam Speaker, today I rise to fight for middle class Americans by introducing the "Re-empowerment of Skilled and Professional Employees and Construction and Tradesworkers (RESPECT) Act." Day after day, middle class families are struggling to survive as their real incomes decline and the costs of basic necessities increase. A major contributor to this middle class squeeze is the decline in workers' freedom to organize and collectively bargain. Organized workers earn more, have greater access to healthcare benefits, and are more likely to have guaranteed pensions than unorganized workers. When workers get their fair share, the economy benefits and the middle class grows stronger.

Yet the freedom to organize and collectively bargain has been under severe assault in recent decades, thanks to weak federal labor laws in dire need of reform. It has also been rolled back by a number of misguided decisions by the National Labor Relations Board (NLRB) in the last few years. These decisions have operated to strip millions of workers entirely of their freedom to organize. The RESPECT Act serves to restore that freedom by addressing a series of decisions which stray dramatically from and undermine the original intent of the National Labor Relations Board and which fly in the face of common sense. This bill provides clarity in the National Labor Relations Act (NLRA) on one aspect of the fundamental question of coverage: who is an employee and who is a supervisor.

Last year, the NLRB issued a trio of decisions, collectively often referred to as the "Kentucky River" decisions, which eviscerated the meanings of "employee" and "supervisor" under the NLRA. The NLRA protects employees' freedom to organize and collectively bargain. Supervisors are not considered employees and are therefore not covered by the Act's protections. If an individual is determined to be a supervisor, she has no right to organize, no right to engage in concerted activity with her fellow employees, and no right to collectively bargain. Every fundamental right protected by the Act may turn on this question of whether she is a supervisor or an employee. The Kentucky River decisions dramatically expanded the definition of supervisor far beyond the limits that the framers of the Act intended and far beyond the limits of common sense. In so doing, it stripped an estimated 8 million workers—particularly skilled and professional employees—of the freedom to organize.

In the workplace, people know who the supervisor is. A supervisor has the power to discipline, reward, promote, hire, and/or fire employees. The legislative history of the NLRA reflects these common sense understandings of who is or is not a supervisor. Congress drafted the NLRA to exclude from its protections only genuine supervisors with true management prerogatives, not minor supervisory employees, professionals, or skilled workers.

Yet the NLRB ignored common sense and legislative history in the Kentucky River decisions. For professional and skilled employees, who often provide direction to other employees, the NLRB's action is devastating. A nurse who directs another person to conduct a single, discrete task, such as clipping a patient's toenails, would be considered to have supervisory authority under these recent decisions. So would a nurse who assigns a patient to a nurse for a single shift.

A carpenter who tells an apprentice how to form a joint would also be considered to have supervisory authority. These skilled and professional workers have no power to promote, discipline, reward, hire, or fire—and yet they would be supervisors, according to the NLRB, even if they only held the authority to "direct" a person on single, discrete tasks just 10 percent of the time. Having been classified as a supervisor without realizing it, these employees may be subject to lawful discipline for trying to organize a union when they thought they were employees with every right to organize.

Because of these decisions, over 8 million American workers are denied their fundamental freedom of association today. As the dissent pointed out in one of the decisions, 34 million Americans may fall into this category of workers stripped of their statutory rights by 2012.

The impact of the Kentucky River decisions is already being felt, particularly in the health care industry, where respect for workers' rights is critical to efficient health care delivery and high quality patient care. In a case in Utah, an NLRB Regional Director, applying the NLRB's new definition of "supervisor," found that virtually all of the registered nurses in a potential bargaining unit, 64 out of 88, were designated as supervisors, with the remaining 24 nurses excluded only because they had less than one year's service. Those remaining nurses will likely qualify as supervisors after they have completed their first year of nursing. Absurd decisions breed absurd results. As the

New York Times explained in an October 7, 2006 editorial: "[R]esponsibilities like making out a schedule do not amount to management. If they did, interns would be the only non-managers in many of today's workplaces."

The Kentucky River decisions are not an anomaly for the current Board. In the last five years, the Board has repeatedly ruled to deny or restrict the fundamental rights of entire categories of workers. These include 45,000 disabled workers who lost their right to organize; 51,000 teaching and research assistants who lost their right to organize; and 2 million temporary workers who have had their right to organize severely curtailed.

The RESPECT Act will make two simple and clarifying changes to the definition of supervisor under the NLRA. It will: (1) eliminate the terms "assign" and "responsibility to direct" from the list of supervisory duties; and (2) require that employees possess supervisory duties during a majority of their work time in order to be excluded from coverage under the Act as a supervisor. Eliminating "assign" and "responsibility to direct" from the supervisor definition will effectuate Congress' intent to define supervisors as only those individuals who have genuine management prerogatives and the real authority to affect employees' terms of employment. As the NLRB has proven, these terms are open to abuse and misinterpretation, far afield from their common-sense and originally intended meanings, by those seeking to roll back workers' freedoms.

Requiring that employees possess supervisory duties for a majority of their work time will create a fair, bright-line rule when determining whether an individual is a supervisor. Someone who possesses a modicum of supervisory authority a minority of the time should not be denied their fundamental rights.

Madam Speaker, the NLRA guarantees the freedom to organize and collectively bargain for America's private sector workforce. That freedom is a fundamental human right and a proven key to a strong middle class. It is unconscionable that the rights of an estimated 8 million Americans—and many more in coming years—be put at risk by such deeply flawed decisionmaking as we have seen in the Kentucky River line of cases. The RESPECT Act does nothing more than clarify the law to ensure it is not misinterpreted or undermined on a fundamental question of coverage. All workers, including skilled and professional workers, have the right to organize. The RESPECT Act does not allow true supervisors to engage in organizing or collective bargaining. But it ensures that those individuals who are excluded from the NLRA's protections due to their supervisory status do indeed carry the genuine prerogatives of management. I urge all of my colleagues to stand with me as we fight to return these fundamental protections to millions workers who deserve the chance to win livable wages, fair benefits, decent working conditions, and a brighter future for their families.

HONORING STEPHEN TRACHTENBERG AS HE STEPS DOWN AS PRESIDENT OF GEORGE WASHINGTON UNIVERSITY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. STEARNS. Madam Speaker, when I graduated from George Washington, I like to sometimes think only a few years ago, I did not realize that I would be so involved with the school later in my life. President Trachtenberg has made these efforts a joy and an honor, and we will miss his leadership.

His tenure as president transformed the university, marking major advancements across the board. Since taking the helm in 1988, the academics of GW have skyrocketed. The SAT scores of incoming students rose by 200 points and a significant percentage of students are now drawn from the top 10 percent of high school classes.

While enriching the academic environment at George Washington, President Trachtenberg also enhanced the financial situation. The school enjoyed a balanced budget under each year of your tenure, generating an endowment of nearly $1 billion, up almost $800 million since you started in 1988.

As Steve has often noted, GW has eight schools, over 100 programs, and nearly 20,000 students. And he adds, "GW is more than a university, it is also a community." Through his outstanding efforts, the university encompasses academics, research, entertainment, and an enjoyable experience for students, faculty and staff.

In total, 30 years of his amazing career went into leading a major university. He deserves more time at home, applying his energy and talents to his personal life. I understand his wife Francine is retired, but still very active in promoting the community's interest, and I bet she could use his help.

It has been an honor to work with President Trachtenberg on behalf of George Washington University—his tireless efforts have yielded immeasurable results—the school, Washington, D.C., our nation, and the world are better because of them.

186TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mrs. DRAKE. Madam Speaker, I rise today in honor of the 186th Anniversary of Greek Independence Day.

After nearly four centuries of occupation by the Ottoman Empire, Greece declared her independence on March 25, 1821. This was not only a victory for the people of Greece but it was a victory for democracy.

Ancient Greece was the cradle of democracy, free thought, and free will. Our Founding Fathers modeled our nation's first laws after the teachings of such influential Greek scholars as Plato, Socrates and Aristotle. Greece's liberation in 1821 ensured that these democratic ideals would survive for perpetuity.

Today, we honor the ancient Greek influence on our country and we celebrate the mutual respect and beneficial relationship between our two nations. In every war in the 20th century, our countries fought side by side because we both understood the importance of spreading freedom throughout the world.

Because of our common history, shared values and commitment to democratic principles, the friendship between the U.S. and Greece will continue to grow.

I am proud to be able to honor Greece today as she celebrates 186 years of renewed freedom and I look forward to working with this spirited nation in the years to come.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mrs. WILSON of New Mexico. Madam Speaker, I missed rollcall vote 178 on H.R. 740, the Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007. Had I voted, I would have voted "yea."

HONORING THE MEMORY OF MARK KEESECKER

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to a true friend of the First District of Tennessee, Mark Keesecker, who passed away Saturday, March 17.

Mark Keesecker lived a life that was filled with entrepreneurship, enthusiasm, and compassion.

Mark was a member of First Baptist Church in Erwin and attended Christ Fellowship in Kingsport.

After graduating from East Tennessee State University, Mark made remarkable achievements in real estate sales, and was an example of professionalism for all of his colleagues. Mark attained some of the highest awards in the Nation for his work in real estate, which included the Century 21 Corporate Centurion Award that is earned by only 5 percent of agents in the Century 21 system.

Throughout all of his success, he was a humble and gracious gentleman. Mark was known for giving supplies to local schools and giving money to various charities.

He left a positive impression on those that he encountered. Mark was a very close personal friend of mine and his unexpected passing is a great loss to the First District.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Mark Keesecker. He was an illustration of determination, purpose, and kindness.

His friendship and dedication is greatly appreciated, and he will be deeply missed.

TRIBUTE TO DR. AND MRS. JAMES DOBSON

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of Dr. and Mrs. James Dobson, the founders of Focus on the Family in Colorado Springs. For 30 years Dr. and Mrs. Dobson have nurtured and defended not only families in Colorado, but families worldwide.

Focus on the Family has been a tireless champion in the fight to protect and preserve the sanctity of human life in all stages. In addition, Focus on the Family strives to preserve the institution of marriage while simultaneously battling the rising scourge of judicial activism. This invaluable organization informs and inspires those who care deeply about the family, rallying them to become involved in the moral, cultural, and political issues that threaten the core principles of our great Nation. I applaud their work around the world.

It is selfless individuals like the Dobsons upon whom this great Nation has been built. It gives me great comfort to know that such people are still working to defend and expound American values.

FSA CLOSURE MORATORIUM LEGISLATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. HERSETH. Madam Speaker, recently, in my home state of South Dakota, the state executive director of the USDA Farm Service Agency announced a plan to eliminate at least six county FSA offices that currently serve South Dakota farmers and ranchers. I think this plan is ill-timed and unnecessary. It will require many producers to travel greater distances to receive necessary services including critical price support, conservation, and disaster programs. If carried out, this consolidation would force considerable hardship and expense on all affected farm and ranch families, especially considering the fact that some of the counties targeted are among South Dakota's most rural. Even by USDA's own admission, the plan will result in almost no savings of taxpayer dollars, but it will certainly result in increased inconvenience, travel time and cost to producers. Local FSA offices are a lifeline to farmers and ranchers in South Dakota and some at USDA apparently do not fully recognize their value to our state.

Moreover, because we are just beginning debate on a new farm bill, it makes no sense to implement major changes to our FSA county office system at this time. We don't yet know what the next farm bill will look like and, therefore, we don't know what the demands on local FSA offices are going to be. As a member of the House Agriculture Committee and its subcommittees for Conservation, Credit, Energy, and Research and General Farm Commodities and Risk Management, this legislation is necessary to protect family producers that rely on their local offices for timely and personal access to USDA's farm programs.

This bill will simply require that USDA postpone any FSA county office closures until well after Congress has finished its work of reauthorizing the Farm Bill and we know what the personnel demands on local offices will be. I urge my colleagues to support this important legislation.

TRIBUTE TO THE HEBREW IMMIGRANT AID SOCIETY AND THE COUNCIL MIGRATION SERVICE OF PHILADELPHIA ON THEIR 125TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to congratulate HIAS, the Hebrew Immigrant Aid Society and the Council Migration Service of Philadelphia on their 125th anniversary.

Since 1882, HIAS and Council have resettled and aided over 125,000 immigrants and refugees in their quest for safety and opportunity in our great Nation. Originally formed to serve the Jewish community, this charitable organization provides vital social and legal services to individuals representing 100 nationalities.

The work of HIAS and Council to ensure that refugees and immigrants assimilate, and become permanent residents and citizens, is truly commendable. As the largest provider of citizenship application assistance in the Commonwealth of Pennsylvania, HIAS and Council uphold our tradition as a Nation of immigrants.

In honor of this special anniversary, HIAS and Council are posthumously paying tribute to Daniel Aaron. The Aaron family is among those who have been served by HIAS and Council. In 1937, as a child, Daniel came to the United States from Germany, overcoming many obstacles to become one of the founders of Comcast, a Fortune 100 company.

My mother, Renee Perl, was one of many who had to flee their homeland during the Holocaust. Those who survived and came to America could not hide their deep gratitude and love for this country. My own love and respect for our country and belief in responsibility to each other stems from my mother's strong sense of patriotism.

I am proud to represent such an exemplary organization as the Hebrew Immigrant Aid Society and the Council Migration Service of Philadelphia, as well as so many Americans assisted by this organization.

BENTON CARDINALS GIRLS HIGH SCHOOL BASKETBALL TEAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievement of the Benton Cardinals Girls High School Basketball team on defeating Farmington Knights, by a score of 52–37, to win the school's first ever state championship in girls' basketball.

The Cardinals finished their incredible season by posting an unblemished record of 30–0 this season in Class 4A girls' basketball and an overall amazing record of 77–6 over the past three seasons.

The Cardinals consist of 14 tremendous young women, including Chelsie Strong, Holly Switzer, Jenni Musser, Blair Brown, Alicia Bell, Nicole Wilkinson, Melissa McIntosh, Nicole Wilkenson, Charnelle Starling, Delissa Hall, Hannah Moore, Karli Sample, Meghan Curtis, and Claire Bowman.

Also, I want to recognize the great leadership of the team including Head Coach Brett Goodwin, who was assisted by Adam Willard. I also want to acknowledge the work of school administrators, Superintendent Melody Smith, Principals Jeanette Westfall and Jeff Modis, and Athletic Director Mike Ziesel, as additional keys to success.

Madam Speaker, I ask you to join me in congratulating the achievement of the Benton Cardinals girls High School Basketball team on their perfect season and state championship. It is an honor to represent this team in the United States Congress.

CONGRATULATING PAGE AND JONES, INC. IN MOBILE, ALABAMA ON RECEIVING THE 2007 GOVERNER'S TRADE EXCELLENCE AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BONNER. Madam Speaker, today I rise to honor Page and Jones, Inc., located in Mobile, Alabama, for winning the Governor's Trade Excellence Award, as presented each year by Governor Bob Riley.

Two years ago, Governor Riley established the Governor's Trade Excellence Award to honor businesses of all sizes—and from all regions of the state of Alabama—for their excellence in exports. The goals of the award are to identify Alabama businesses making significant contributions to the export business and to promote Alabama exporters as role models and supporters to the Alabama business community, while encouraging even more businesses to become involved in the global marketplace. The award also aims to increase awareness of the impact of exports on Alabama's economy.

The eight winners of the award are chosen by a panel from the Export Alabama Trade Alliance that judges the businesses on a wide range of criteria. Criteria include the level of export sales as a proportion of total sales and innovations in exporting. I am proud to recognize that two out of the eight winners of the Governor's Trade Excellence award are located in Alabama's First Congressional District.

One of the eight recipients of this year's award, Page and Jones, Inc., is a customs broker specializing in international trade logistics for both small and large companies. Page and Jones was recognized for being an excellent role model for the Alabama business community, for its continuous strong support of the broader export community, for its active involvement at the international level, and for its continued growth as a small business.

Starting in the 1970s with only 15 employees, Page and Jones, Inc. now has over 60 employees with 12 locations in six states. They handle approximately $75 million in transactions a year, and they encourage Alabama businesses to get involved globally by offering free services and advice to their fellow businessmen and women as well as cosponsoring various global events.

Madam Speaker, I ask my colleagues to join with me in congratulating Page and Jones, Inc., for receiving the Alabama Governor's Trade Excellence Award. I know the company president, Mike Lee, the company employees, their friends, families, and members of the community also join with me in praising Page and Jones, Inc., for their many accomplishments and for extending thanks for their continued service to the Alabama business community, the First Congressional District, and to the international business community.

IN RECOGNITION OF JULIAN H. "PETE" BOOKER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Julian H. "Pete" Booker for receiving the 2007 New Castle County Chamber of Commerce Wallace M. Johnson Community Service Award. This great honor has been bestowed upon Mr. Booker for his commendable efforts to reduce teen automobile crashes in my home state of Delaware as well as for his dedication to numerous other philanthropic causes.

Julian, better known as Pete, created Delaware's SMARTDRIVE program, which educates high school students about safe driving techniques. Through this program nearly a dozen local agencies are partnered with more than two dozen high schools in order to ensure young drivers are able to safely handle the challenges of being behind the wheel. The program has achieved great success and has largely impacted many people in Delaware. This success was recognized in 2006 when the program received a national safety award.

Pete is currently finishing his second three-year term on the United Way of Delaware's Board of Directors, where he has volunteered since 1994. His talents and tireless dedication to such a worthy cause have facilitated and enhanced much needed programs in Delaware communities.

Pete further demonstrates commitment to his community by volunteering a great deal of time and resources to numerous other charities. The American Red Cross of the Delmarva Peninsula, the Delaware Association of Non-Profit Agencies, and Catholic Charities are but a few causes he has volunteered to assist.

Pete has also utilized his professional success to further the many causes he champions. As the president and CEO of Delmarva Broadcasting Company, he is able to donate generous portions of air-time to campaign thank-you ads as well as underwrite a portion of United Way's public events. The state of Delaware is greatly indebted to Mr. Booker for his selfless efforts. He has created a charitable legacy that has, and will continue to, touch many. I would like to congratulate Pete for receiving the Wallace M. Johnson Community Service Award, I cannot think of a more deserving recipient.

TRIBUTE TO GREEK INDEPENDENCE DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. VAN HOLLEN. Madam Speaker, I am honored to rise today and join the millions of my fellow Americans in commemorating Greek Independence Day which, on March 25th celebrates the 186th anniversary of the rebellion and the struggle of the Greek people against the Ottoman Empire.

Thomas Jefferson referred to ancient Greece as the "light which led ourselves out of Gothic darkness." What makes Greek Independence Day so special here in America is that it reminds us of the strong principles and bonds that the U.S. and Greece share. In looking into the struggles of our two nations, we realize how much our struggles have in common, and how much each country has been influenced by the other.

Greece and the United States are bound by an absolute commitment to the democratic ideals of justice and freedom and continue to be strong allies. By commemorating Greek Independence Day, we also celebrate the strength and the resolve of the human spirit that has been the inspiration of us all.

On the occasion of the anniversary of Greek independence, I join all Americans in wishing the people of Greece congratulations and best wishes. We will remain eternally grateful to the Greek people and the legacy of ancient Greece for the shining example it set for democracies the world over.

RECOGNIZING CHRISTIAN ANDRICK II FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christian Andrick II, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 603, and by earning the most prestigious award of Eagle Scout.

Christian has been very active with his troop, participating in many scout activities. Over the years Christian has been involved in scouting and has held numerous leadership positions. He has served as Senior Patrol Leader, Patrol Leader, and Troop Bugler. Christian is in the Tribe of Mic-O-Say and in the Order of the Arrow.

For his Eagle Scout project, Christian completed a landscaping beautifications project in front of the First Christian Church in Blue Springs, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christian Andrick II for his accomplishments with the Boy Scouts of America and for his achieving the highest distinction of Eagle Scout.

TRIBUTE TO DELORES FREENY MAYES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BONNER. Madam Speaker, the city of Mobile, Alabama, and indeed the entire First Congressional District, recently lost a dear friend, a talented journalist and a lovely lady, and I rise today to pay tribute to her memory.

Delores Freeny Mayes—or "Lowey" as she was known to her many friends—was reared in Mobile and graduated from Bishop Toolen High School.

After working for many years at Mobile's Brookley Field, Delores went on to write for the Mobile Beacon, where she spent the past 25 years providing unique insights to her many faithful readers.

Dubbed the "Helen Thomas" of the south Alabama press corps by my predecessor, former Congressman Sonny Callahan, Delores was always fair to those she interviewed and covered. Although she was proud of her chosen profession, she was first—and foremost—always a lady.

Over the years, Delores had the opportunity to interview former President Ronald Reagan, former Alabama Governor George C. Wallace, Mississippi Senator TRENT LOTT, former Congressman Callahan, as well as his predecessor, former Congressman Jack Edwards, not to mention a host of other local, state and national political figures.

While she wrote about a wide-array of issues affecting Mobile and south Alabama, politics was never far from Delores' mind, and she was someone that public officials from all walks of life knew they could trust.

In recent years, Delores turned her love for writing into a celebration of her many other talents when she learned to draw and paint. I am the proud beneficiary of a number of her original etchings and paintings, and at this particular time when we are celebrating her life, each one carries a special meaning to me.

Madam Speaker, I ask that my colleagues join me today in recognizing this beloved member of the Mobile community.

Delores Mayes will be deeply missed by her sister, Jeanne Phillips; three brothers, Tommy Cain, Hubert Cain, and John Cain; many nieces and nephews; as well as countless friends she leaves behind.

Above all else, Delores was a devoted daughter, sibling, wife and mother. Moreover, she epitomized what a "true friend" really is.

Our thoughts and prayers are with her family during this difficult time.

IN RECOGNITION OF CHRISTINE CARZO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Ms. Christine Carzo for receiving the 2007 New Castle County Chamber of Commerce William V. Roth Citizenship Award. I can think of no one more deserving of this prestigious award which was created in honor of the late Senator Roth.

During her academic career at St. Elizabeth's High School, Christine has continually distinguished herself as a stellar student. Hard work and dedication paid off during her freshman year when she received the second highest GPA in her class. Since then she has been inducted into the National Honor Society, which she was secretary of for the 2006–07 school year. Christine is also a National Merit Commended Scholar and ranks third in her class.

While remaining committed to her academics, Christine has also been able to pursue a rich variety of extracurricular activities. She has spent over 185 hours performing charitable services for her community, many of which were at the Ronald McDonald House of Delaware. Christine is copy editor of her high school year book in addition to participating in mock trials, playing volleyball, and, interestingly enough, playing bass guitar in a local band.

I commend this extraordinary young women for her many great accomplishments. She serves as an example to others and an asset to our community. I would like to congratulate her for receiving the William V. Roth Citizenship Award and wish her the best of luck in the future.

CONGRESS MUST STOP ATTACK ON IRAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. VAN HOLLEN. Madam Speaker, I am placing in the CONGRESSIONAL RECORD this op-ed by my constituent Leonard Weiss. Mr. Weiss is a senior science fellow at the Center for International and Security Cooperation (CISAC) at Stanford University and a consultant to the Lawrence Livermore National Laboratory. His research at CISAC includes an assessment of the impact on the non-proliferation regime of nuclear trade with non-signers of the Nuclear Nonproliferation Treaty.

This piece, written with his colleague Larry Diamond of Stanford's Hoover Institution, recommends that Congress hold hearings to examine U.S. policies regarding Iran and suggests a number of options available to Congress to address the troubling issue of Iran's nuclear activities. We must conduct a healthy debate of all the options at our disposal. This article contributes to that important discussion.

[From Los Angeles Times.Com, Feb. 5, 2007]

CONGRESS MUST STOP AN ATTACK ON IRAN

(By Leonard Weiss and Larry Diamond)

Despite anguish and anger over the Bush administration's decision to escalate its failing war in Iraq, Congress is unlikely to cut off funding. Even most opponents of the war fear that they could be blamed for not supporting the troops in the field and for a possible descent into even greater catastrophe in the face of a precipitous U.S. withdrawal from Iraq.

But nothing prevents Congress from using its power of the purse to prevent an American attack on Iran. President Bush's neoconservative advisors and pundit supporters have been beating the drums of war with Iran since 2003, when the president declared Iran to be part of an "axis of evil." Recall that a senior administration official told The Times that Iran should "take a number" in the wake of the invasion of Iraq. In his recent address to the nation on the troop surge in Iraq, Bush issued more threats to Iran. Now the president has named a Navy admiral to head the U.S. Central Command and dispatched a second aircraft carrier and minesweepers to the Persian Gulf, presumably to prevent Iran from closing the Strait of Hormuz in the event of conflict.

These developments and other administration moves could presage an air attack on Iran's nuclear facilities.

Iran is not innocent of dangerous and provocative behavior. Tehran has supported insurgent groups in Iraq, including helping to provide sophisticated explosives that have killed U.S. soldiers. And Iran's continued development of a nuclear enrichment facility is in defiance of the international community's demand to halt those actions. President Mahmoud Ahmadinejad's repulsive statements about the Holocaust and Israel add to the nervousness about Iran's future actions.

But war is not yet justified, except in the minds of those who have been lobbying for it for years. Iran is still years away from being a nuclear threat, and our experience with "preventive war" in Iraq should teach us a thing or two. Launching another such war without international approval would leave us even more politically isolated and militarily overstretched. Attacking a Middle Eastern country—one much stronger than Iraq and with the ability to cut off oil supplies from the Strait of Hormuz—could inflame the region, intensify Shiite militia attacks on our soldiers in Iraq and stimulate terrorist attacks on Americans and U.S. interests worldwide.

But recklessness, not prudence, has been the hallmark of this administration's foreign policy. Beyond this, the president and vice president subscribe to what some call the "unitary executive," which is a fancy way of saying they believe that Congress cannot prevent the president from doing almost anything he wants. The 1973 War Powers Act, passed in the wake of our disastrous war in Vietnam, allows the president to put U.S. troops in a combat situation under certain conditions before obtaining any congressional authorization to do so. When Bush signed the Iraq war resolution, he issued a statement challenging the constitutionality of the War Powers Act, indicating that he could take the nation to war without obeying its restrictions. Unfortunately, even if the president were to agree to the act's restrictions, he could still attack Iran and have up to 90 days before being required to get congressional authorization for the attack.

What to do? Congress should not wait. It should hold hearings on Iran before the president orders a bombing attack on its nuclear facilities, or orders or supports a provocative act by the U.S. or an ally designed to get Iran to retaliate, and thus further raise war fever.

Sen. Joseph R. Biden Jr. (D-Del.), chairman of the Senate Foreign Relations Committee, has warned the administration that it had better seek congressional authorization for any attack on Iran. But we need Senate and House hearings now to put the Bush administration on notice that, in the absence of an imminent military attack or a verified terrorist attack on the United States by Iran, Congress will not support a U.S. military strike on that country. Those hearings should aim toward passage of a law preventing the expenditure of any funds for a military attack on Iran unless Congress has either declared war with that country or has otherwise authorized military action under the War Powers Act.

The law should be attached to an appropriations bill, making it difficult for the president to veto. If he simply claims that he is not bound by the restriction even if he signs it into law, and then orders an attack on Iran without congressional authorization for it, Congress should file a lawsuit and begin impeachment proceedings.

It is, of course, possible that the president's truculent language and actions toward Iran are a bluff, an attempt to rein in its irresponsible behavior.

But the administration's mendacious and incompetent course of action in taking the nation to war with Iraq gives us no reason to provide the president with the benefit of any doubt. And stiffening economic sanctions—at a time when Iran's economy is ailing and the regime is losing popular support—offers a better and safer prospect of exerting leverage.

Another war of choice would only pour fuel on the fires of the Middle East. And the history of this administration shows that if Congress does not constrain this president, he could well act recklessly again, in ways that would profoundly damage our national interest.

TRIBUTE TO KENNETH DAVID LEHMAN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kenneth Lehman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Kenneth has been very active with his troop, participating in many scout activities. Over the years Kenneth has been involved in scouting, he has earned 40 merit badges and held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader, OATR, Assistant Senior Patrol Leader, and is currently the Senior Patrol Leader. In 2006, Kenneth carried on the family tribal name started by his Grandfather Russell Lehman by becoming Brave Young Sure Footed Running Elk in the Tribe of Mic-O-Say. Kenneth is also a Brotherhood member in the Order of the Arrow. Kenneth has earned the God and Life Award.

For his Eagle Scout project, Kenneth planted 15 Northern Red Oak trees in front of and around Westbrook Care Center.

Madam Speaker, I proudly ask you to join me in commending Kenneth Lehman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO INDEPENDENCE RENEWABLE ENERGY CORPORATION FOR BEGINNING PRODUCTION IN ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BONNER. Madam Speaker, it gives me great pleasure to recognize Independence Renewable Energy Corporation on the occasion of the opening of its Alabama biodiesel plant. After breaking ground in October 2006, Independence Renewable Energy Corporation produced its first gallon of biodiesel earlier this month.

From this first trickle of biodiesel, the plant is in the process of increasing its capacities and will soon boost production to 40 million gallons a year by May 2007, making it not only the largest producer in the State, but the largest producer in the Southeast.

Located in the town of Claiborne, in Monroe County, this plant currently converts soybean oil into biodiesel fuel, although its design flexibility provides for the use of alternative feedstocks. Independence Renewable Energy Corporation will use more than 27 million bushels of soybeans a year, which is nearly 1 million acres worth of soybeans.

The plant currently employs seven and will employ ten when at full operation in May. These 10 jobs will support up to an additional 150 jobs in agriculture, as well as an estimated 100 jobs in transportation and petroleum blending industries. The biodiesel plant is expected to generate annual revenue of $120 million by distributing fuel to markets in Alabama, Florida, Mississippi, Georgia, and Louisiana.

This new facility is not only important for the economic impact that it will have on the State and region, but also for leading the way in the development of alternative fuels that are less harmful to the environment, while reducing our dependence on foreign oils and gas. Biodiesel, when blended with conventional fuels, reduces greenhouse gas and toxic emissions associated with petroleum derived diesel. This facility will benefit not only the people of Alabama but the entire Nation.

I ask my colleagues to join me today in recognizing Independence Renewable Energy Corporation. The people of Claiborne—and Monroe County—are extremely proud to be part of the solution to our Nation's energy crisis.

PAYING TRIBUTE TO KUUMBA HOUSE DANCE THEATRE FOR ITS 25 YEARS OF ARTISTIC EXCELLENCE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to a Houston cultural treasure, the Kuumba House Dance Theatre. For 25 years of artistic excellence, the Kuumba House has been dedicated to ensuring that African dance forms thrive and grow both artistically and professionally in the city of Houston as well as throughout Texas and the United States.

It has been said that the mind may know the steps, but only the spirit can dance. Dance is a transcendent expression of mind, body, and soul intertwined that when executed, captivates its audience and pulls them into its resplendent world of free flowing and creative aesthetics. The Kuumba House Dance Theatre has been enthralling its audiences with its high-energy, high-octane performances for the past 25 years in Houston, Texas.

The Kuumba Dance Theatre reflects its name well, which means "creativity" in Swahili. Through the art form of African dance, the body is allowed to creatively express and reflect the mood of its dancer while bending, jumping, and undulating gracefully to the rhythm and beat of the African drum. African dance reflects the rich culture and joy of the African people, and I applaud Kuumba House for having achieved international recognition by bringing African dance to Houston and the world.

Madam Speaker, we need to encourage creativity in this day and age, especially in our youth. For over two decades, the Kuumba House Dance Theatre has worked diligently in Houston and all over the U.S. to facilitate quality dance education and performances as well as promoting understanding of African cultural art forms and creative expression. I commend Kuumba House for not only teaching this beautiful cultural art form to our youth, but for also hosting educational activities, concerts, and community outreach events to all audiences that support and appreciate the beautiful art form of dance.

On behalf of the constituents of the 18th Congressional district of Texas, I commend this group on their faithful service to the Houston community and join them in the celebration of their 25th Anniversary. I am honored and humbled to be Co-Chairing Kuumba House's March 23rd, 25th Anniversary Gala Dinner with Global Energy Limited CEO Mr. Kenneth Yellowe.

The gala will feature such dignitaries as featured speaker Dr. Barbara Masekela, who has been a devoted member of the African National Congress for over three decades and is currently the South African Ambassador to the United States. An African luminary and personal friend who will be presented with the "Legend of Africa" award is NBA superstar and humanitarian Dikembe Mutombo. I am proud to say that I was more than glad to assist Dikembe who through his foundation has donated $15 million to construct and open the Biamba Marie Mutombo Hospital and Research Center, a $29 million, 300-bed hospital in Kinshasa, the capital of the Democratic Republic of the Congo.

In conclusion, the Kuumba House Dance Theatre would not be where it is today without the steadfast dedication of its Founder and Artistic Director, Lindi Yeni. I thank Lindi for her vision, hard work, and wholehearted commitment to Kuumba House and in this evening's auspicious gala. Once again, I pay tribute to the Kuumba House Dance Theatre and look forward to many more decades of thrilling and creative dance performances, which contribute to the rich diversity of our community.

TRIBUTE TO CHRISTOPHER WAYNE MUILLER FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Muiller, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the years Christopher has been involved in Scouting, he has earned 32 merit badges and held numerous leadership positions, serving as Troop Librarian, Patrol Leader, and Troop Guide. Christopher has earned numerous awards such as the Top Gun Award for being the best shooter in the Explorer Post and the H. Roe Bartle Heritage Award. Christopher is currently a Brave in the tribe of Mic-O-Say. His tribal name is "He Who Walks Like Thunder."

For his Eagle Scout project, Christopher painted fire hydrants for the city of Kearney, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christopher Muiller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING AIRINC/FOKKER SERVICES IN FAIRHOPE, ALABAMA, ON RECEIVING THE 2007 GOVERNOR'S TRADE EXCELLENCE AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BONNER. Madam Speaker, today I rise to honor AIRINC/Fokker Services located in Fairhope, Alabama, for winning the State of Alabama's Governor's Trade Excellence Award.

Two years ago, Alabama Governor Bob Riley established the Governor's Trade Excellence Award to honor businesses of all sizes—from all regions of the State of Alabama—for their excellence in exports. The goals of the award are to identify Alabama businesses making significant contributions to the export business and to promote Alabama exporters as role models and supporters to the Alabama business community, while encouraging businesses to become involved in the global marketplace. The award also aims to increase awareness of the impact of exporting on Alabama's economy.

The eight winners of the award are chosen by a panel from the Export Alabama Trade Alliance who judge the businesses on a wide range of criteria. Criteria include the level of export sales as a proportion of total sales and innovations in exporting. I am proud to announce that two out of the eight winners of the Governor's Trade Excellence award are located in Alabama's First Congressional District.

One of the eight recipients of this year's award, AIRINC/Fokker Services, specializes in the maintenance, repair, and overhaul work for aircraft including Airbus and Boeing airplanes. AIRINC was recognized by the award for being an excellent role model to the Alabama business community, for its continuous strong support of the entire Alabama export community, for its involvement at the international level, and for its continued growth as a business themselves. With a 26,000 square foot facility and 65 employees, AIRINC brings in approximately $13.5 million in revenue each year, and regularly sends employees on business to parts of Europe and Asia.

Madam Speaker, I ask my colleagues to join with me in congratulating both the employees and management team at AIRINC/Fokker Services for receiving the Alabama Governor's Trade Excellence Award. I know the employees, their friends, families, and members of the community join with me in praising AIRINC/Fokker Services for their many accomplishments, and I extend my thanks for their continued service to the Alabama business community, the First Congressional District, and to the international business community.

IN TRIBUTE TO GWEN JACKSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a compassionate leader and volunteer from the Fourth Congressional District, Gwen T. Jackson. Her involvement in the voluntary and nonprofit arena has been a lifelong pursuit: she has served on the board of over 50 different organizations in the Milwaukee metro area. Mrs. Jackson is a recognized leader at the national, regional and local level for her work in the community.

Mrs. Jackson was a pioneer for women in management and executive business positions and was vice president of human resources when she elected for early retirement in 1981 from BRILLS, Inc. where she worked for over 30 years.

Mrs. Jackson is well known as the consummate volunteer and her commitment to civic involvement includes the following leadership roles: Chairman, Women's Fund of the Greater Milwaukee Foundation; United Way of Greater Milwaukee; Volunteers of America of Wisconsin; Alliance for Children and Family; Milwaukee County Department on Aging; African American Women's Project and chapter chair and chairperson emeritus of the red cross of greater Milwaukee among others. Mrs. Jackson's over 40-year tenure of volunteering at the Red Cross is held as her signature volunteer service. Further, she served as the national chairman of volunteers and part of the senior management team for the American National Red Cross in Washington D.C.

Mrs. Jackson's advocacy and leadership on a myriad of issues including the fields of aging, health, women and youth has earned her the respect and heartfelt admiration of Milwaukeeans. She has not only been the recipient of countless awards including an Honorary Doctorate from Cardinal Stritch University and Outstanding Citizen Award from the National Council of Christians and Jews, but she has also had awards and scholarships named in her honor including the Gwen T. Jackson Angel Fund to provide quality of life assistance to frail elderly and mentally challenged adults who live in Volunteers of America of Wisconsin group homes.

Madam Speaker, for these reasons, I am honored to pay tribute to Mrs. Jackson's contributions to the Fourth Congressional District. She is a community treasure and the many honors and awards she has received are a testament to the positive impact she has had on Milwaukee.

TRIBUTE TO DMITRY A. BROWN FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dmitry Brown, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and by earning the most prestigious award of Eagle Scout.

Dmitry has been very active with his troop, participating in many Scout activities. Over the years Dmitry has been involved in Scouting, he has earned 41 merit badges and held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader, Scribe, and Assistant Senior Patrol Leader. Dmitry is a brotherhood member in the Order of the Arrow and a Brave in the Tribe of Mic-O-Say. Dmitry has earned numerous awards such as the Leave No Trace Award, World Conservation Award, God and Life Award, and the Bartle Heritage Award.

For his Eagle Scout project, Dmitry constructed a sandbox and bench for the students of Dogwood Elementary School.

Madam Speaker, I proudly ask you to join me in commending Dmitry Brown for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING ABRAHAM MITCHELL FOR BEING NAMED MOBILIAN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mr. Abraham Mitchell on the occasion of being named Mobilian of the Year for 2006 by the Mobile Civitan Club.

The Mobilian of the Year is the city's most prestigious civic honor, and Abe is most deserving of his award. With his brother Mayer, Abe co-founded the Mitchell Company in the 1950's, which would go on to become one of the southeast's largest real-estate companies before being sold in 1985. After his retirement from real estate, Abe became co-owner of another endeavor, Mitchell Brothers, Inc., which has focused on investments and philanthropic support.

Abe is not only a very successful businessman, but he and his family have set a new standard in the state of Alabama for their philanthropic endeavors. Abe has always believed that education is paramount to the improvement of the human condition and, to that end, he has been extremely supportive of Mobile's institutes of higher education.

According to the University of South Alabama, Abe has donated at least $4 million personally, providing for three endowed chairs in the College of Medicine and the soon to be opened Resources Learning Center in the Mitchell College of Business.

Moreover, he has funded the largest private scholarship program at USA, which provides 20 full academic scholarships each year. Abe has also supported the University of Mobile, Springhill College, Bishop State Community College, among others. He has also been heavily involved in philanthropic support of numerous cultural endeavors and community health and human service programs.

Madam Speaker, I would like to offer my personal congratulations to Mr. Abraham Mitchell for being named the Mobilian of the Year for 2006 and in so doing recognize him for his many outstanding professional and philanthropic accomplishments.

Abe's enormous generosity not only benefits the students of the University of South Alabama but our entire community, State and Nation. His extraordinary positive impact has set an exemplary example for young and old alike in Mobile. I know that my colleagues will join me in commending him for his commitment to improving the lives of so many others.

INTRODUCTION OF DIVIDENDS PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. NEAL of Massachusetts. Madam Speaker, since 2003, certain qualified dividends from corporations have been eligible for a lower rate of tax. This lower rate of tax is 15 percent for higher income taxpayers and 5 percent for lower income taxpayers, specifically those in the 10 and 15 percent brackets. The rate of tax for lower income taxpayers becomes zero in 2008 and beyond. At the end of 2010, these special rates expire and dividends will be once again taxed as ordinary income.

This special rate was first proposed by President Bush on January 7, 2003. The proposal was described in a document released later that month by Treasury entitled, "Eliminate the Double Taxation on Corporate Earnings." Treasury explained the reason for the change was the double burden of a corporate level tax on top of the individual tax on dividends. The proposal would apply only to income that had been subject to U.S. income tax at the corporate level. But the proposal was terribly complicated.

The House then proposed a simpler cut in the dividend rate to 15 percent for any dividends received from domestic corporations. However, the final conference report did allow some dividends from foreign corporations to qualify as well. In a statement on the Senate floor, one of the Senate negotiators, Finance Chairman CHUCK GRASSLEY, expressed reservation that shareholders of foreign corporations that had completed inversions to tax havens would benefit from this new rate.

I share that reservation. That is why today I am filing legislation to close several loopholes in this provision.

My legislation would amend Section 1 of the Internal Revenue Code to provide that dividends from certain foreign corporations which are not subject to an entity-level tax would not be eligible for the special, lower rate of tax. Since 2003, some banks have promoted "hybrid" debt instruments from foreign corporations as they may qualify for the special rate. Now, these hybrid instruments appear to be debt in the host foreign country, so the entity actually takes a deduction as if it was an interest payment. But in the U.S., they are classified as equity so the "dividend" may be eligible for the special, lower rate of tax. Clearly, this was not intended by Congress and needs to be shut down.

My bill also disallows the preferential dividend rate if the payment is received from an entity not subject to or is exempt from corporate tax in the foreign country. And, if the entity is a passive foreign investment company, or PFIC, this bill would not allow the special dividend rate even if the entity was also classified as a controlled foreign corporation, or CFC. Currently, another section of the Code treats a foreign corporation that is both a CFC and a PFIC as only a CFC, inadvertently undermining the current PFIC limitation in Section 1. My bill would ensure that this tightener works as intended.

Finally, the current law allows dividends from foreign corporations with stock registered on a U.S. exchange to be eligible for the enhanced dividend rate. Of course, if companies are headquartered in a tax haven, then there is little or no corporate level tax paid. So, my bill would provide that only dividends from foreign companies which are located in countries with a comprehensive income tax and which are traded on a U.S. exchange may qualify. This section is modeled after another section in current law providing the special rate for dividends from companies located in countries which the Secretary of Treasury determines has a comprehensive income tax treaty.

I believe these changes carry out the original intent of the President and Congress in attempting to limit double taxation. In each of these circumstances, double taxation does not exist. Whether one supported the 2003 rate cut on dividends or not, we should all support reasonable changes to current law to make sure tax benefits only accrue to those intended. I urge my fellow colleagues to support this bill.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H.R. 137, the Animal Fighting Prohibition Enforcement Act. I join my other colleagues from both sides of the aisle, animal rights organizations, and local law enforcement agencies to address the inhumane treatment of animals.

This bill has received widespread support for several reasons. First, animal fighting is terribly wrong. It is simply inappropriate and unacceptable for animals to be trained to attack and kill each other for the sole purpose of entertainment and illegal gambling. Use of animals in this manner is not only inhumane, but downright primitive and ugly. People who participate in these unlawful activities should be caught and punished.

Second, this bill will help to deter animal fighting by strengthening the penalties for those who are involved in the various aspects of animal fights. For too long the punishment has been too lenient. It is important to send a message that these cruel acts against animals will not be tolerated.

Third, the State laws will be in alignment with Federal laws. Progress has been made since the enactment of federal animal fighting laws in 1976. Currently, dog fighting is a felony in 48 States and cockfighting a felony in 33 States. Laws are needed at both the State and local levels to ensure decreases in dog fighting and animal cruelty.

I urge other colleagues to support this bill. I applaud the work done by animal rights organizations and law enforcement agencies to assist with protecting animals from inhumane treatment.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, due to sickness, I was unable to vote during the following rollcall votes, had I been present I would have voted: "yea" on rollcall No. 179, On Ordering the Previous Question, Providing for the consideration of H.R. 1433 District of Columbia House Voting Rights Act; "aye" on rollcall No. 180, On Agreeing to the Resolution, Providing for the consideration of H.R. 1433; District of Columbia House Voting Rights Act; "yea" on rollcall No. 181, On Motion to Suspend the Rules and Agree, Use of Rotunda for Holocaust Days of Remembrance Ceremony; "yea" on rollcall No. 183, On Motion to Suspend the Rules and Pass, as Amended, Native American Methamphetamine Enforcement and Treatment Act of 2007; and "aye," on rollcall No. 184, On Approving the Journal.

INTRODUCTION OF THE VOTE BY MAIL ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Vote by Mail Act of 2007—a bill to provide grants to states to help them offset the costs of adopting Vote by Mail election systems and to study the benefits of those Vote by Mail election systems.

While I love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. For some, it's impossible. And for some elections, it simply does not make sense to open the polls.

That is why I have introduced a bill that builds upon the growing trend of states to bring the polls to the voters. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

Oregon, the only State to adopt Vote by Mail, historically has one of the highest voter participation rates in the country. Oregon has also dramatically decreased its costs.

Under current law, certain States and jurisdictions may conduct certain elections by mail but only under limited circumstances and they are not given Federal funding to make that adjustment to vote by mail.

This bill would help States who want to conduct Vote by Mail elections by creating an $18 million, 3-year grant program to provide a portion of the funds they need.

Under this bill, States would have the option of adopting Vote by Mail statewide, within a group of selected counties, or even in a single county.

Further, this bill instructs the Government Accountability Office (GAO) to conduct a very important study.

With the popularity of Vote by Mail increasing dramatically, it is crucial that we invest in some valuable research to learn about its benefits, find remedies for any problems and share best practices.

This bill will instruct the GAO to compare traditional voting methods with Vote by Mail with respect to: the likelihood of fraud and misconduct; the accuracy of voter rolls and election results; voter participation in urban and rural communities and by minorities, language minorities, individuals with disabilities, individuals who are homeless, and individuals who move frequently; residual vote rates, broken out by voter age, education, income, race, or ethnicity or whether a voter lives in an urban or rural community, is disabled, or is a language minority; public confidence in the election system; and cost savings.

As the former president of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system and the rate of participation among our citizens.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the democratic process and give elections officials and voters the options and support they deserve.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF GARRETT W. WALTON

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the significant impact Garrett W. Walton has made on the communities of northwest Florida.

In 1977, Garrett Walton moved to Pensacola, Florida, where his law career commenced as an associate and then a principal with the law firm of Emmanuel, Sheppard, and Condon. After 17 years, Mr. Walton retired from law practice, but he has continued fulfilling his passion for serving the community through his widespread involvement.

Garrett Walton has participated in numerous charitable and civic organizations, which include: the Pensacola Area Chamber of Commerce, the Girl Scouts of Northwest Florida, the Sacred Heart Foundation, the United Way, and the Homebuilders Association of West Florida. He was a founding director/organizer of Northwest Florida Legal Services, Toy Soldiers, Sea Plane Foundation and the Armed Services Council for the Pensacola Area Chamber of Commerce.

To many Americans, September 16, 2004, is a date that has come and gone, but to those in northwest Florida and South Alabama, September 16, 2004, is a date that will never be forgotten. It was on that day that Hurricane Ivan washed up on the shores of Alabama and Florida and became the fourth-worst natural disaster in United States history. Not being one to sit on the sidelines and watch as others suffered, Mr. Walton founded Rebuild Northwest Florida in November 2004. Rebuild Northwest Florida, a not-for-profit disaster recovery organization that assists need-based hurricane victims, was founded on this man's vision and spirit during a time when it was needed most. Because of the optimism and efforts of Mr. Walton and the many volunteers of northwest Florida, coupled by the support of the entire community, including local homebuilders, contractors, and charitable organizations, Rebuild Northwest Florida has brought hope to many families whose lives were forever changed on that September morning.

Mr. Walton's local efforts now extend statewide. On February 6, 2007, Florida Governor Charlie Crist appointed Garrett Walton as chairman of the Windstorm Mitigation Study Committee, a statewide committee whose focus is to make recommendations on existing and proposed programs and initiatives for mitigating windstorm damage.

Garrett Walton has proudly served northwest Florida over the past 30 years through his leadership, optimism and dedication. But he is also a dedicated husband, a loving father, a mentor of young professionals, and a slightly above average goose hunter. Pensacola is truly honored to have him as one of her own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the achievements of Garrett W. Walton and his exemplary service to the communities of northwest Florida.

IN HONOR OF WEST BERGEN MENTAL HEALTHCARE'S DISTINGUISHED SERVICE AWARDEES, THE HONORABLE MICHAEL A. CHAGARES AND MARGARET M. CHAGARES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GARRETT of New Jersey. Madam Speaker, this weekend, West Bergen Mental Healthcare will honor the Honorable Michael A. Chagares and Mrs. Margaret M. Chagares for their distinguished service on behalf of the mental health community in Bergen County, New Jersey.

The Chagares' have a long and proud history of service to their community, both as attorneys and as citizens. Michael Chagares has served as a Judge for the United States Court of Appeals for the Third Circuit for the past year. Prior to that, he had served as an Assistant U.S. Attorney in the Civil Division, where he was the Director of the Affirmative Civil Enforcement Unit and later Chief of the whole division. Judge Chagares also served as a hearing officer for the 9/11 Victim Compensation Fund.

Peggy Chagares is also an attorney and volunteers her considerable legal talents to representing the underserved. A mother of four young children, she also volunteers her time to educational activities. For instance, she chairs the Sicomac School's Fifth Grade Activities Board and the school's Art Docent program. She has also served as chairperson of the Parents' Board of Grace Church Nursery School. And, Peggy Chagares has been a coach, a Sunday School teacher, and a Brownie and Girl Scout Leader.

They've put tremendous energy and time into helping West Bergen Mental Healthcare fulfill its mission of serving the community with compassion and quality care. It began as a Child Guidance Clinic more than 40 years ago. Today it offers a full range of services to over 2,000 people a year. They are a model of volunteerism and professionalism, and I applaud their commitment to the community.

CELEBRATING THE 100TH BIRTHDAY OF JACK SEBOLKA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the life of Mr. John "Jack" Andrew Sebolka, as he celebrates his 100th birthday.

Jack was born on March 21, 1907, in Wilkes-Barre, PA, and was one of four children born to John and Anne Sebolka. Inspired by his father, Jack went to work in the local coal mines upon his graduation from St. John's University. Realizing that mining was not his calling, he began helping his grandparents with their farm. Throughout the Roaring Twenties and Great Depression, he dove into a myriad of professions including construction, selling furniture, and the gold business. In 1939, Jack became a sales representative for the United Furniture Manufactures, where he worked until his retirement in 1982.

Jack married Marie Bombick on November 21, 1936, in Lake Silkworth, PA. The couple had two children, Ronald and James. The family made their home on a 15-acre farm in Jackson Township, PA, where Jack spent his "leisure time" growing vegetables on the farm. Tragically, Marie passed away from cancer in 1967, but Jack never left her side.

In June 1972, Jack remarried to Mary Laux. After their wedding they took a honeymoon trip around the world. They stopped in Bangkok, Thailand, where they spent 5 weeks with his son, James, who was then an advisor to the Thai Government. Mary was struck by cancer in 1976. Once again, Jack helped nurse his wife through treatment, but she passed in 1977.

Jack pressed on with work at United until his diagnosis with Guillian-Barre Syndrome, GBS, which is found in approximately 1 out of every 100,000 persons. Jack was faced with immediate paralysis from the neck down, and remained hospitalized for several months. Through sheer determination and the loving support of his family, Jack beat the odds and began taking small steps after just 7 months of rehabilitation. Doctors called him “Miracle Man.”

Jack currently resides at the Goodwin House in Alexandria, VA. He enjoys weekly bingo and group crossword puzzle sessions with his friends. Jack has lived a life by the Golden Rule: Give unto others as you would have them give unto you. He demonstrates great faith, patriotism, a strong work ethic and a genuine love for other people.

Madam Speaker, in closing, I would like to extend my warmest wishes to Mr. Sebolka on this special occasion. I ask my colleagues to join me in celebrating his 100th birthday and in wishing him the very best on this day and every day that follows.

CELEBRATING BISHOP SYLVESTER MORTON, SR., OF GREATER ST. STEPHENS FULL GOSPEL BAPTIST CHURCH

HON. HENRY C. “HANK” JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. JOHNSON of Georgia. Madam Speaker,

Whereas Bishop Paul Sylvester Morton, Sr., was born in Ontario, Canada, July 30, 1950, to Bishop Clarence L. Morton, Sr., and Mother Matilda E. Morton;

Whereas Bishop Paul Sylvester Morton, Sr., was called to enter the ministry on February 24, 1967;

Whereas Bishop Paul Sylvester Morton, Sr., in 1975 was installed as Senior Pastor of Greater St. Stephens Missionary Baptist Church to shepherd the flock;

Whereas Bishop Paul Sylvester Morton, Sr., with his wife Debra at his side, grew that ministry of 647 believers into a 20,000 member congregation with five places of worship now called St. Stephens Full Gospel Baptist Church;

Whereas Bishop Paul Sylvester Morton, Sr., is dedicated to winning souls to the Lord, whether from the pulpit or as a world renowned author and singer of the gospel;

Whereas Bishop Morton's sole purpose has always been to help people to reach their ultimate potential spiritually by teaching them how to develop a personal relationship with God and showing them how to operate in “spirit over mind”. Bishop Paul Sylvester Morton, Sr.'s commitment to God is evident;

Now, therefore I, HENRY C. “HANK” JOHNSON, Jr., United States Representative of the Fourth Congressional District of Georgia, do hereby recognize the celebration of service to God on this 25th day of March year 2007 with Bishop Paul Sylvester Morton, Sr., and the membership of St. Stephens Full Gospel Baptist Church.

CONGRATULATING THE ROCKWALL HIGH SCHOOL LADY JACKETS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. HALL of Texas. Madam Speaker, today I rise to congratulate the players and coaches of the 2007 Rockwall High School Lady Jackets. On March 3, the Lady Jackets became the third girls team in State history to complete a 40–0 season when they won the Texas 5A championship. Joining this exclusive club with the 1980 South Oak Cliff team and Duncanville's 1997 squad was even more exciting since it marked the first-ever State basketball title for Rockwall's girls. By defeating Houston Cypress Fairbanks 59–54 in the State championship and thereby finishing a 40 and 0 season, the Lady jackets made an unprecedented achievement that certainly merits recognition.

With both Houston Cypress Fairbanks and Rockwall holding pristine 39–0 records prior to the championship game, the State championship promised to be an exciting match. However, by games end the Lady Jackets scored their 40th victory in overtime. Having won the silver medal last year against Plano West, the team was well motivated to come back this year and win gold, and with their championship victory they did just that.

Madam Speaker, I want to congratulate the Rockwall Lady Jackets for their tremendous success, not only in tournament play but also throughout the entire season. Through their hard work and dedication they have made Rockwall very proud. I ask each of my colleagues to join me in honoring Rockwall High School. Finally, I want to commend Superintendent Dr. Gene Burton, Principal Dr. Mark LeMaster, Athletic Director Mark Elam, Athletic Coordinator Scott Smith, Head Coach Jill McDill, Varsity Assistant Casey Reeves, JV Coach Brad Blalock, and Freshman Coach Cody Christenberry for helping to lead the Lady Jackets on to victory. I'd like to congratulate each of the talented players on the 2007 Championship Lady jacket team: Shelby Adamson, Emily McCallum, Arielle Andres, Haley Day, Peyton Adamson, Samantha Shaw, Meredith Gordon, Sunny Satery, Brittany Coleman, Kayla Kimmons, Ariel Coleman, Genevieve Campbell, Lindsay Wack, and Kiara Slayton. I'd also like to honor Ashlie Strange, Rebekah Jones, Lauren Hurt, Nichole Schueneman, and Taylor Whitehead who all served as managers for the team.

I especially salute head coach Jill McDill on her devotion to duty, her super guidance of our girls, never looking ahead but taking the games one at a time. Coach McDill is a thorough coach where every detail is practiced over and over by her girls. Just as this stellar group of players took its schedule one game at a time, so too have they been taught to live life. Coach McDill has instilled in them the desire to live every day doing their best, to be unafraid of the future, and be loyal to your goals, your school, your family, and your God.

The combination of a talented group of girls, a head coach who has previously won State titles at other schools, a Superintendent and faculty who fully supports, and parents and loyal Yellow Jacket supporters yielded a Rockwall girls Basketball State 5A Championship and a number 3 national ranking.

Girls, coaches, parents, faculty, and student body—you made Rockwall, Texas, smallest county of 254 counties, very proud.

God bless all of you and thank you again! As we close and leave this floor of Congress on this 23rd day of March, let us do so in respect and recognition that the Rockwall Girls Basketball team is the champion of the largest State in the union—the State of Texas.

INTRODUCING THE MEDICARE MENTAL HEALTH MODERNIZATION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. STARK. Madam Speaker, I rise today with my colleagues JIM RAMSTAD of Minnesota and PATRICK KENNEDY from Rhode Island to introduce the Medicare Mental Health Modernization Act, a bill to provide mental health parity in Medicare. I have introduced a version of this bill in every Congress since 1994. Perhaps this time we can actually enact it.

Medicare's mental health benefit is fashioned on treatments provided in 1965, but mental health care has changed dramatically over the last 42 years. Medicare limits inpatient coverage at psychiatric hospitals to 190 days over an individual's lifetime. In addition, beneficiaries are charged a discriminatory 50 percent coinsurance for outpatient psychotherapy services, compared to 20 percent for physical health services.

The Medicare Mental Health Modernization Act eliminates this blatant mental health discrimination under Medicare and modernizes the Medicare mental health benefit to meet today's standards of care.

This bill is long overdue. One in five members of our senior population displays mental difficulties that are not part of the normal aging process. In primary care settings, more than a third of senior citizens demonstrate symptoms of depression and impaired social functioning. Yet only one out of every three mentally ill seniors receives the mental health services he/she needs. Older adults also have one of the highest rates of suicide of any segment of our population. In addition, mental illness is the single largest diagnostic category for Medicare beneficiaries who qualify as disabled.

There is a critical need for effective and accessible mental health care for our Medicare population. Recent research has found a direct relationship between treating depression in older adults and improved physical functioning associated with independent living. Unfortunately, the current structure of Medicare mental health benefits is inadequate and presents multiple barriers to access of essential treatment. This bill addresses these problems.

The Medicare Mental Health Modernization Act is a straightforward bill that improves Medicare's mental health benefits as follows:

It reduces the discriminatory co-payment for outpatient mental health services from 50 percent to the 20 percent level charged for most other Part B medical services.

It eliminates the arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals.

It improves beneficiary access to mental health services by including within Medicare a number of community-based residential and intensive outpatient mental health services that characterize today's state-of-the-art clinical practices.

It further improves access to needed mental health services by addressing the shortage of qualified mental health professionals serving older and disabled Americans in rural and other medically underserved areas by allowing state licensed marriage and family therapists and mental health counselors to provide Medicare-covered services.

Similarly, it corrects a legislative oversight that will facilitate the provision of mental health services by clinical social workers within skilled nursing facilities.

It requires the Secretary of Health and Human Services to conduct a study to examine whether the Medicare criteria to cover therapeutic services to beneficiaries with Alzheimer's and related cognitive disorders discriminates by being too restrictive.

In April 2002, President Bush identified unfair treatment limitations placed on mental health benefits as a major barrier to mental health care and urged Congress to enact legislation that would provide full parity in the health insurance coverage of mental and physical illnesses. We've made important strides forward for the under-65 population. Twenty-six states have enacted full mental health parity. The Federal Employees Health Benefits Plan (FEHBP) was improved in 2001 to assure that all federal employees and members of Congress are provided parity for mental health and substance abuse treatment. This month, Representatives KENNEDY and RAMSTAD intoroduced H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, to provide full parity for mental health and substance abuse in the private insurance market nationwide. I'm proud to join them in support of this legislation, which was introduced with 256 cosponsors—well more than the 218 majority needed to pass the House of Representatives.

While some in the business community are concerned about increased costs associated with providing these benefits, a recent study of the FEHBP mental health coverage concluded that implementation of parity benefits led to negligible cost increases. In fact, some businesses are now embracing parity because they recognize the increased productivity from workers over the long run and how improving access to mental health services has the potential to avoid other additional costly care.

I am similarly sure that modernizing the Medicare mental health benefit will reduce unnecessary spending. Medicare mental health expenses have historically been heavily skewed toward more expensive inpatient services, with 56 percent of the total going to inpatient care and only 30 percent toward outpatient services in 2001. This relationship is in contrast to national trends showing a reversal in inpatient and outpatient spending over the past decade. In the last 10 years, inpatient spending declined from 40 percent to 24 percent, while outpatient spending increased from 36 percent to 50 percent of all mental health spending. In addition, improving beneficiary access to timely mental health care could well yield savings by minimizing the need for other services.

Science has demonstrated that mental illness and substance abuse are manifestations of biological diseases. It is long past time for us to take action with regard to Medicare's inadequate mental health benefits and structure. Over the years, Congress has updated Medicare's benefits for treatment of physical illnesses as the practice of medicine has changed. The mental health field has undergone many advances over the past several decades. Effective research-validated interventions have been developed for many mental conditions that affect stricken beneficiaries. Most mental conditions no longer require long-term hospitalizations, and can be effectively treated in less restrictive community settings. This bill recognizes these advances in clinical treatment practices and adjusts Medicare's mental health coverage to account for them.

The Medicare Mental Health Modernization Act removes discriminatory features from the Medicare mental health benefits while facilitating access to up-to-date and affordable mental health services for our senior citizens and people with disabilities. I urge my colleagues to join Mr. RAMSTAD, Mr. KENNEDY, and myself in support of this important legislation and to work with us to improve mental health coverage for everyone.

TRIBUTE TO PHYLLIS MAKI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to an extraordinary woman who has made tremendous contributions to Michigan's Upper Peninsula, to the County and City of Marquette and to Northern Michigan University.

A Marquette native, Phyllis Maki is a graduate of Bishop Baraga High School. She has spent nearly her entire life in Marquette and, over the years, Ms. Maki has involved herself in countless local community organizations, winning the admiration of her friends and neighbors as someone upon whom her community could always depend.

Phyllis Maki is active on the Board of the Lake Superior Community Partnership, which fosters economic growth throughout Marquette and surrounding, smaller communities. She was Treasurer of the Lake Superior Community Partnership and Lake Superior Jobs Coalition. She represented the interests of Marquette City by serving as a "Marquette County Ambassador," traveling to Lansing to advocate for the community before the state House and Senate and to bring money back from the state capital to invest in important programs in the Marquette area. She further helped drive economic growth in the area by serving on the board of the Economic Club of Marquette County.

She has served on the boards of the Marquette County YMCA, the KI Sawyer Heritage Museum and the Northern Michigan University Centennial Committee. She has worked towards access to healthcare for my constituents by serving on the Marquette Community Access to Health Care Finance Committee. She has served as a member of the U.S. Olympic Education Committee and the Michigan Department of Transportation Focus Group. As one of her friends recently commented, "She is involved in everything!"

She has been recognized with multiple awards in the past, including the Athena Award in 1998, which recognizes excellence of female leaders in their profession. She herself served for several years on the Athena Board Steering Committee. She also received the Paul Harris Fellow Award, an International Rotary Award for assisting others in the community to reach their goals.

An honorary alumna of Northern Michigan University (NMU), Ms. Maki's ties to Northern Michigan University run deep. She has served many years on the Northern Michigan University Foundation Board of Trustees and as past president of this Board of Trustees for 11 years. She was also a member of NMU's Golden Wildcat Club, Blue Line Club and a member of NMU's Forest Roberts Theater.

Ms. Maki can perhaps best be described as "tireless." In all areas of her life, Phyllis Maki exhibits a tenacious, irrepressible spirit. While her involvement in her community demanded much of her time, she also made time for family: a single parent, she raised two children largely on her own.

She is known for waking early in the morning to tackle the day. She would start almost every morning with a 4:30 a.m. run, finishing in time to be in her office or in meetings as early as 6 a.m. Her runs were so notoriously early that one morning, she is said to have encountered a moose. She was up so early that the only living creatures up with her at that hour were wildlife!

While she has given freely of her personal time and raised a family, Ms. Maki was also able to lead a rich and rewarding career in the private sector. In February of this year, she retired as the Chief Financial Officer of a local car dealership. During her 37 years of work there, she was the driving force in building the company's philanthropic activities, encouraging them to regularly donate vehicles to various charities and non-profits. Coincidentally, the name of her long time employer reflects Ms. Maki's altruistic spirit: the car dealership is called Public Service Garage.

An active member of St. Peter's Catholic Church, Ms. Maki's faith has always been a strong foundation in her life, providing her the spiritual endurance to give so much to so many.

Tomorrow, Phyllis Maki will receive the Northern Michigan University President's Lifetime Achievement Award. This prestigious honor is bestowed upon men and women whose lives are truly outstanding. As the citation for this award reads, "A beautiful person inside and out, she leads with strength and vision and lives with a kind heart and generous soul. She is the best kind of friend—the forever kind."

Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting my friend, Ms. Phyllis Maki, for her lifetime of contributions and in wishing her, Carlo, Deborah, David and Michael all the best on this momentous occasion.

PUT ASIDE PARTISANSHIP TO PASS COMPREHENSIVE IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. GIFFORDS. Madam Speaker, I am pleased that we in the House of Representatives finally have a comprehensive immigration reform bill that we can debate, and I am proud to be a cosponsor of this bipartisan legislation authored by Congressman GUTIERREZ and Congressman FLAKE.

Members in this chamber now have the opportunity to pass a bill that will secure the border and end our nation's illegal immigration crisis.

Given that the challenge of illegal immigration is complex, the solution must address all aspects of this problem—border security, the hiring of illegal immigrants, labor shortages in certain sectors of our economy, and the millions of illegal immigrants currently living in the United States.

A piecemeal approach will simply not work. If we truly want to end illegal immigration, the only option is to pass a comprehensive bill that is tough, practical, and effective.

I stand here today ready to work with members of both parties, ready to listen to everyone's concerns, and steadfast in my conviction that, if we can put aside partisanship and compromise with each other, we can reach an agreement.

In my district in southern Arizona, the need for reform is critical. In 2006, 4,000 illegal immigrants a day crossed the border into Arizona. Our schools, hospitals, and law enforcement agencies are overwhelmed. Our environment and homeland security are threatened.

In the weeks ahead, I will be holding several forums on this legislation in my district, so I can receive feedback from the folks on the front lines of the immigration crisis. After listening to a range of experts and local residents, I will recommend possible improvements before we vote on this bill.

WOODROW WILSON PRESIDENTIAL LIBRARY

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. GOODLATTE. Madam Speaker, I rise today to introduce legislation that will establish the Woodrow Wilson Presidential Library in Staunton, Virginia. In studying the life and times of the 28th President, we see how Woodrow Wilson affected and continues to influence how the United States responds to national and international crises. This bill is identical to legislation that passed on the House floor by Voice Vote in the 109th Congress September 28, 2006.

As a statesman, scholar, and President, Woodrow Wilson faced economic crisis, democratic decay, and a world war. Presidential historians agree that World War I, and President Wilson's leadership, radically altered the role of diplomacy as a tool of foreign policy—a policy that established a new path for America's role in promoting democracies throughout the world. So too did Wilson's high-minded ideals craft a legacy that shaped the powers and responsibilities of the executive branch in times of war.

As a professor and president of Princeton University, Wilson created a more selective and accountable system for higher education. By instituting curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world. Due to Wilson's legacy at Princeton, I am pleased to have the support of the current president, Shirley Tilghman, as we seek to establish a Presidential library and museum at Wilson's birthplace in Virginia.

On April 2, 1917, President Woodrow Wilson went before a joint session of Congress to seek a declaration of war against Germany, for "The world must be safe for democracy." Ninety years later, we continue to champion that right of mankind.

Specifically, this legislation will make grants from the National Archives and Records Administration for the establishment of a Presidential library to provide educational and interpretive services to honor the life of Woodrow Wilson. To ensure that a public-private partnership exists, my legislation also mandates that no grant shall be available for the establishment of this library until a private entity has raised at least twice the amount to be allocated by the Congress. Finally, once the library is complete, this legislation states that the Federal Government shall have no role or responsibility for the operation of the library.

CONGRATULATIONS TO THE GEORGE WASHINGTON UNIVERSITY PRESIDENT STEPHEN JOEL TRACHTENBERG

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. STEARNS. Madam Speaker, today I want to pay tribute to an exceptional man who is retiring in July after 19 years of impeccable service to The George Washington University (GW).

Stephen Joel Trachtenberg, 68, became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, the Juris Doctor from Yale University in 1962, and the master of public administration degree from Harvard University in 1966. In 1968, he was selected as a Winston Churchill Traveling Fellow for study in Oxford, England.

He came to GW from the University of Hartford (CT), where he had been president for 11 years. Before assuming the presidency of Hartford, Trachtenberg served for 8 years at Boston University as vice president for academic services and academic dean of the College of Liberal Arts. Earlier, in Washington, DC, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He has been an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

Just a few of the highlights in his career include the following: Trachtenberg was named one of the Top 100 Leaders in the American Academy in a 1978 Change magazine poll. He received a 1987 Human Relations Award from the National Conference of Christians and Jews. In 1988 the Connecticut Bar Association honored him with its Distinguished Public Service Award, and he was recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992 he received The Hannah G. Solomon Award from the National Council of Jewish Women. In 1993 the Washington, DC Urban League named him "Father of the Year." And in 1992 and 2007 he received the Martin Luther King, Jr. awards.

President Trachtenberg has served the GW community as a drum major for change and has lead by example a commitment to public, civic and personal service. Throughout the years, he has worked tirelessly in honoring and enhancing the symbiotic relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for re-invention, change and civic engagement. He has worked successfully for almost two decades to propel GW further into the first ranks of world-class institutions of higher learning. I would like to boast some of the national rankings that GW has earned in recent years:

Foreign Affairs magazine ranked GW's Master's in International Affairs program number 7 in the top 20, and the undergraduate program number 10 out of the top 20.

For 2007, U.S. News and World Report ranks GW's Law School #19.

In 2006, GW is ranked #3 in intellectual property law.

Princeton Review ranks GW's Law School #10 for Best Career Prospects.

U.S. News & World Report, in August 2006, ranked 42nd Undergraduate Business Program which was GW's Seventh consecutive year in the top 50.

GW ranked 70th in Full-Time MBA Programs by U.S. News & World Report, in April 2006.

Also U.S. News & World Report, in April 2006, ranked GW one of the Top 25 Graduate Business Specialties in International Business, and in August of that year ranked GW's undergraduate specialty program in International Business.

As a result of President Trachtenberg's efforts the number of applications for undergraduate admission more than tripled (from 6,000 in 1988 to almost 20,000 in 2006) while the University's acceptance rate of these applicants was reduced by two-thirds. President Trachtenberg made financial aid for students a priority so that today the University offers nearly nine times ($113 million) as much financial aid to incoming students as was offered in 1988.

It can confidently be said that the University's faculty now comprises experts on topics ranging from administrative law to zoology and contribute to scholarly journals, law reviews, and media outlets on a regular basis. The University's sponsored research enterprise has quadrupled from $33 million in expenditures in 1988 to $132 million in expenditures in 2006. Through President Trachtenberg's efforts, GW has significantly upgraded its information technology and library system which now contains more than 2,000,000 volumes and is a member of the prestigious Association of Research Libraries.

Under President Trachtenberg's unprecedented leadership, the University robustly developed academic, residential, and recreational facilities on campus—including the opening of the Media and Public Affairs Building and the establishment within of the Luther W. Brady Art Gallery (2001), the Annette and Theodore Lerner Health and Wellness Center (2001), GW Hospital (2002), 1957 E Street, the new home of GW' s Elliott School of International Affairs and Geography Department (2002), and Ric and Dawn Duques Hall, the new home of GW' s Business School (2006)—in a way that served the institution's scholarly and other programmatic needs while respecting the interests of its Foggy Bottom neighbors. A few years ago, the Washington Post Magazine featured a cover story on President Trachtenberg, focusing on his expansionist visions, and skillful negotiations with the local residents. While every university President at one time or another finds him or herself embroiled in "town versus gown" dealings, President Trachtenberg has such a presence that he has earned himself the nickname "Hurricane Steve". I think that he appreciates the appellation, because it signifies that in a town with many egos and agendas, and a lot of talk not always accompanied by action, he is able to get things done.

President Trachtenberg's commitment to the enhancement of academic and other space on campus supported the renovation and expansion of the Law School complex (begun in 2000 and completed in 2006), the renovation of Morton and Norma Lee Funger Hall (dedicated in February 2006), and improvements of the Cloyd Heck Marvin Center including the addition of the Marc C. Abrahms Great Hall (dedicated in December 2002) and the renovation of J Street dining facilities (opened August 2004).

President Trachtenberg also spearheaded a campus beautification effort that transformed a series of city streets into a cohesive and vibrant urban campus with the addition of the Mid-Campus Quad, Kogan Plaza, pocket parks, and outdoor sculptures.

President Trachtenberg presides over the District of Columbia's largest private employer. And to support all the foregoing, President Trachtenberg oversaw two decades of balanced budgets, and the increase in the University endowment from $200 million in 1988 to more than $1 billion in 2007.

In 1989, President Trachtenberg created the 21st Century DC Scholars Program (now the Stephen Joel Trachtenberg Scholars), which has granted almost 100 full scholarships, representing over $13 million, to students from the DC Public Schools to attend GW. Under Trachtenberg's leadership, GW's Multicultural Student Services Center was named, and has become a strong center for cultural awareness and celebrations, student development, and diversity training. Additionally, the Office of Community Service was created in 1992 and has become a focal point for civic engagement for the Washington, DC community. His dedication to civic service is reflected throughout the University, which was named a "college with a conscience" in 2005 by Princeton Review, and most recently in the top 10 schools sending students to the Peace Corps.

His passion and demonstrated commitment to DC—the city, the schools, the business community and its residents—are unparalleled and have been recognized on several occasions by the District of Columbia Mayor, City Council and Chamber of Commerce. President Trachtenberg has received numerous accolades from across the nation and abroad for his service, vision, intellect, wit and compassion. Thanks to President Trachtenberg, GW went from being one of the best-kept secrets in town to being one of the best-known and most admired global universities.

FREEDOM FOR FRANCISCO HERODES DÍAZ ECHEMENDÍA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Francisco Herodes Díaz Echemendía, a political prisoner in totalitarian Cuba.

Mr. Díaz Echemendía is a member of the respected Pedro Luis Boitel organization named for Pedro Luis Boitel, a heroic, legendary Cuban political prisoner who died in a hunger strike in 1972. This organization, based in Placetas, Villa Clara, with provincial delegations throughout Cuba, has the primary objective of urging the Cuban tyranny to grant amnesty to all political prisoners and to abolish the indefensible "political" crimes in totalitarian Cuba. Well aware of the consequences associated with his involvement in Cuba's prodemocracy movement, Mr. Díaz Echemendía has never relinquished his dream that the men and women of Cuba deserve freedom, democracy, and fundamental human rights.

Because of his belief in these inalienable rights, Mr. Díaz Echemendía was arrested by the dictatorship on August 9, 1990 on absurd charges of "enemy propaganda, sabotage, and disrespect" which amounted to nothing more than his decision to voice the truth about totalitarian Cuba. For his supposed "crime" Mr. Díaz Echemendía was wrongfully and cruelly "sentenced" to twenty years and ten months in the totalitarian gulag.

On September 10, 1997, after being held in a subhuman dungeon for seven years, over thirty of the tyrant's security thugs savagely attacked Mr. Díaz Echemendía and other incarcerated human rights activists. Mr. Díaz Echemendía was mercilessly punched and kicked on the neck, ribs, back and face. By the time the thugs ceased committing their crimes against him he had suffered severe injuries to his left arm and his nose and lips had been split wide open. To add insult to injury he and his fellow political prisoners were handcuffed and unable to defend themselves against their attackers throughout the entire brutal assault.

Madam Speaker, Mr. Díaz Echemendía languishes in conditions that according to Amnesty International are rat infested and crawling with mice and cockroaches, with nothing but a small hole in the ground as a "bathroom". In prison Mr. Díaz Echemendía has been beaten and tortured at the orders of a racist, brutal, maniacal tyrant, simply for dreaming that the Cuban people must have basic and fundamental universal human rights.

Madam Speaker, this is only one of the abhorrent episodes of violence that are continually carried out on countless innocent Cuban men and women languishing in the darkness and infernal hell that is Castro's gulag. Let me be clear, Mr. Díaz Echemendía suffers cruel and malignant acts of hatred and horror, which have often left him, like many others on that oppressed island, in critical condition without any access to medical care. And yet, though the tyranny has attempted to destroy Mr. Díaz Echemendía, he will never cease in his commitment to freedom for Cuba.

My colleagues, it is unconscionable that just 90 miles from our shores Mr. Díaz Echemendía is languishing in a totalitarian gulag for his belief in freedom. My Colleagues, we must demand the immediate release of Francisco Herodes Díaz Echemendía and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO ED BRADLEY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. WATSON. Madam Speaker, I would like to submit the following poem for the RECORD, written by Albert Carey Caswell:

AT A WAY ED

At A Way Ed,
To our world you so gave, all in what you said!
In how you so searched for the truth, for in your heart we so found the proof . . . as you read!

A—pioneer
Who to all hearts so endeared, a man who knew no fear!
For your mission was so clear, with your words of wisdom here . . . to enlighten all, so very clear!

A man of color, of Great Hue!
Who lived & fought for what is right & what is true! An inspiration, a hero for our children to view!
Another great American, in this our great land . . . of That Old Red, White, and Blue!

A tall man,
Of kind voice, of quiet warm grace the peoples choice . . . who above all others would so stand!
With his beard and ear ring, to the cause of truth himself he would bring . . . this man!

Ed, you had such charm . . . in your own soft grace!
The coolest of cool, that's what we'll remember whenever we hear your voice and see your face!

For in the world of journalism, you shall always hold such this your fine high place!
From the jungles of Nam,
With Bob Dylan your lyrics were on, With The King Ali . . . all hearts were so touched so warm!
As forever in our hearts, you shall now live on!
For Life is so short,
But, in your Sixty Minutes . . . In your time, here on earth are so many magic moments to report!
You were Champion, A Fine Man . . . a great work of art, who now so stands . . . you were that sort!
At A Boy Ed,
You made it look so easy, a bright ray in the light of truth . . . in all you did and what you said . . .
How you taught so many, all in this . . . the fine life you led!
Ed . . . You've got one more exclusive,
You've got one last bag to pack, One last plane to catch . . . as an Angel who'll now so etch!
God's waiting in Heaven for you, for that greatest of all interviews . . . we'll miss you, God Bless!
At A Way Ed

TRIBUTE TO DIXIE LOUCKS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Dixie Loucks of Fort Collins, CO. She has led a life of service to her family, community and country.

Dixie was the third of nine children born to Charles and Netha McFarlane. She was raised on the family farm in Chugwater, WY, where she learned the value of family and hard work.

Dixie's family moved to Cedaredge, CO, when she was sixteen. It was there Dixie met the love of her life, her husband Jack Loucks. He was the boy next door and they married on February 22, 1948.

Jack joined the Air Force in 1949 and left for Korea in 1951 as an F–80 fighter/bomber pilot. He flew 101 missions. During this time Mrs. Loucks continued to live on the family farm and raised their daughter, Cristine. She provided support to her husband by sending him letters and pictures of their new daughter. These letters were a constant inspiration for Jack.

Throughout Jack's military career, Mrs. Loucks served her family and community. She began her community service at McGuire Air Force Base in New Jersey at the local hospital, coordinating Red Cross blood drives. As their daughters Cristine and Erylene began school, Mrs. Loucks was a tireless volunteer at their school and with Girl Scouts and Campfire Girls. When the family as stationed in Tripoli, Mrs. Loucks made dresses for the local girls from flour sacks provided through the U.S. Agency for International Development.

After Jack's retirement the family moved to Fort Collins. Mrs. Loucks worked in the Public Trustee's office and served on the U.S. military academy selection committees. Additionally, she served as a volunteer at the family's church, Harbor Hope First Free Methodist Church. She has served as a Sunday School teacher, a nursery leader and as a member of the leadership council.

For the last 2 years Mrs. Loucks has been a member of the 'Knit and Knot' group who make fleece blankets, hats and layettes for babies of mothers in the Alpha Center for Women.

Madam Speaker, our country is certainly better because of Mrs. Loucks' commitment to her family and the years of volunteer service within the military, her community and her church. Hers is a life well lived and a pattern for others to follow. I urge my colleagues to join me in recognizing Dixie Loucks.

HONORING THE LIFE OF DR. EMMA MORAN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today on behalf of the constituents of the Third Congressional District of Florida as I pay tribute to the life of Dr. Emma Moran.

There are those who pass this way and touch lives, and there are those who make lives better for having been in our midst. The depth and breath of the life of Dr. Emma Moran can be summed in one phrase—she loved, she cared and she taught us how to live through the giving of our talents.

Dr. Moran was an educator, activist, advocate, and a believer in the sanctity and importance of education. She had this embracing personality that while in her presence she made you feel that your words and thoughts were important to her, and that she listened and cared. This great woman of faith, tenacity and boundless energy embodied the better qualities of human existence, and she demanded no less from each of us. Dr.

Moran was and is a true inspiration.

Rest now, my friend, for your work here is done and your life shall live on forever in each of us.

IN RECOGNITION OF 40 YEARS OF SERVICE BY REV. ALVIN R. KOLB

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today to extend my congratulations to Rev. Alvin R. Kolb for having served as the minister to the Assemblies of God for 40 years.

Since 1967, Reverend Kolb has led the spiritual growth of so many people looking to him for guidance in their faith. At the age of 15, he held his first cottage prayer meeting, and soon after, he began organizing church revivals. It was at one of his revivals that he met his wife, Maralyn Enfinger Kolb. They married in 1971, raised 5 children, and are the proud grandparents of 11 grandchildren.

Reverend Kolb pastored his first church in 1973; the Harold Assembly of God began with a congregation of just five widowed women. From there his ministry grew and he went on to pastor the Assemblies of God at Cedar Springs, Calvary Full Gospel, Bay Springs, Whitfield, Bradley, and East Milton. So many have come to know and love the Lord through Reverend Kolb, and his ministry has prompted others to become pastors and ministers themselves, such as his youngest son, Robert.

For the past 10 years, Reverend Kolb has served as the pastor of the East Milton Assembly of God. Both his family and the members of his congregation value his committent to the church and are grateful that he will continue to serve as the leader in their thriving place of worship for years to come.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere congratulations to a man who has served as a role model to us all. A deep sense of personal service to congregations for 40 years is something to truly be admired and I am thankful for his dedication to the East Milton Assembly of God.

COMMEMORATION OF THE MORNING STAR MISSIONARY BAPTIST CHURCH

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. BLUMENAUER. Madam Speaker, the Morning Star Missionary Baptist Church has been a historic and cultural landmark of Portland ever since May 17, 1959, when the congregation marched from their temporary home on North Fargo Street to their new home at 106 Northeast Ivy Street. It was there that Reverend O.B. Williams of Vancouver Avenue Baptist Church preached the first sermon as Morning Star's guest for the afternoon service.

The Church building, constructed in 1919, and inhabited by Morning Star for the past 48 years, has come to represent not only a historic landmark, but a lively center of worship. The church also embodies an important part of the modern-day tradition, culture, and fabric of the community. Morning Star Missionary Baptist Church has helped to meet the needs of the community by providing important assistance to those around them who are in need. In addition, the church offers a venue for a vital spiritual and social community network.

The Morning Star Missionary Baptist Church has endured much restoration and growth in the past, but no one in the community was prepared for the tragic burning to the ground of this historic building on February 6, 2007. In a show of support, many individuals, churches, community organizations and local businesses have offered thousands of dollars in donations in support of the eventual reconstruction of the church. We thank them for their generosity.

It is with admiration and respect that the long history of the Morning Star Missionary Baptist Church be honored. By commemorating this historic fire and the eventual reconstruction, Portland can help to keep the memory and present duty of this church alive.

We stand with Pastor A. Wayne Johnson, the Morning Star Missionary Baptist Church congregation and their respective communities in solidarity during this trying time. We recognize the sense of loss that all associated must feel surrounding this unexpected fire, and we extend our best wishes to the congregation for the church's recovery and restoration. We only hope that the church's capacity to help the community it has reached out to over its many esteemed years of service will soon be restored to its fullest.

TRIBUTE TO THE POTH HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor the women of the Poth High School Girls Basketball Team in their stunning 72–70 double-overtime victory against the top-ranked Winnsboro in the Class 2A championship game.

The story of the Poth High School Girls Basketball team is of a team that fought against the odds to achieve one of the best high school sports victories in Texas history. The team had lost in the semifinals each of the previous three years, and their game against Winnsboro was not one in which they were expected to win. The excitement of the crowd exploded when Whitney Wehymeyer scored thirty points and Lauren Waclawcyzk added sixteen points in the second overtime's final seconds to send Poth to the Class 2A state championship with their 72–70 win.

Theirs was a story that echoed the classic underdog against the presumptive winner, but due to their remarkable team spirit and strong determination to win, they came out on top. I am very proud that these remarkable women have won the state championship, and that they are from Poth, a city in my congressional district. The city has shown strong support of women's sports teams in their community.

Madam Speaker, I am honored to recognize the women of the Poth High School Girls Basketball team.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. LARSON of Connecticut. Madam Speaker, I regret that I was unavoidably detained with legislative business on March 20, 2007 on the vote for rollcall vote No. 164 and on March 22, 2007 on the vote for rollcall No. 181.

Had I been present, I would have voted:

"No" on rollcall No. 164 on the amendment to H.R. 1227 that would require recipients of rental assistance under the bill—those displaced from their homes, many of whom lost their jobs as a result of Hurricanes Katrina and Rita—to perform 20 hours per week of approved work activities.

"Yea" on rollcall No. 181 on the motion to suspend the rules and pass H. Con. Res. 66, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

CONGRATULATING THE 2007 WE THE PEOPLE NATIONAL FINALS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. JOHNSON of Georgia. Madam Speaker, from April 28–30, 2007, more than 1200 students from across the country will visit Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the State of Georgia will be represented by a class from Chamblee Charter High School from Atlanta at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that results of independent studies of this nationally acclaimed program reveal that We the People . . . students have knowledge gains that are superior to comparison students. Students also display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

Madam Speaker, the names of these outstanding students from Chamblee Charter High School are: Sara Arment, Teresa Bardagiy, Amee Chowdhury, Carol Coleman, Carson Dance, Petra Ehlert, Savannah Fox, Samuel Franklin, Elizabeth Hogan, Joseph Hutton, Martin Hwang, Jasmine Johnson, Jason King, Duncan Lien, Sang Oh, Laura Ownbey, Sally Phipps, Daniel Sok, Alexander Vidor, Kayla Vinson, and Xi Wang.

I also wish to commend the teacher of the class, Stephen J. Rubino, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is John D. Hoge, the State coordinator, and John Carr, the district coordinator, who are among those responsible for implementing the We the People program in my State.

I wish these students much success as they prepare to compete at the We the People national finals and applaud their exceptional achievement.

A TRIBUTE TO THE USS "JOHN F. KENNEDY"

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 23, 2007

Mr. CRENSHAW. Madam Speaker, I would like to take a moment to acknowledge the outstanding leadership Captain Zecchin and the past commanding officers of the USS *Kennedy*, including Captain Dennis Fitzpatrick and Captain Harv Henderson, have provided to the sailors and this great Nation.

Naval leadership depends on two core military values—cohesiveness and mission. Orchestrating 3,500 sailors to pull together to accomplish a mission, whether that mission is war, training, repair or preparing to decommissioning, is a monumental task. The *Kennedy*'s 39 years of outstanding service is due to the series of leaders who stood at her helm and kept her ready at a moment's notice. I wish Captain Zecchin well on his next tour as the Commanding Officer of the USS *Kitty Hawk;* we will miss him here in Mayport.

The *Kennedy* has seen many farewells—from the spouses and family of its crew and from Navy servicemen seeing her off on various deployments. Just think, how many loved ones have proudly watched their son or daughter sail off to gloriously defend our freedom and preserve our way of life. But at the end of each deployment there has always been a welcome home. Today, we say goodbye for the last time.

We are here today to say farewell to a ship that has symbolized so much to so many.

To the sailor, the *Kennedy* has been a home away from home on many deployments. She represents small town America, where many of her sailors are from. Her population is a little over 5,000 and she boasts a post office, doctors' offices, a place of worship, restaurants that serve over 15,000 meals a day and employment opportunities for all. She has elevators, runways, and a busy airport.

This "carrier" town represents the best of America. All the sailors work together toward a common goal, never separated by race or class or gender. Ships are steel, they are not alive. It is the crew who bring a ship to life. The stories that emerge from her sailors will keep her spirit alive. The *Kennedy* will continue to live in the lives of the thousands of sailors who manned her rail, flight crews who donned a rainbow of colored shirts and made her flight deck roar to life, and aviators who were catapulted into the sky and prayed to catch her hook on their return.

To the Jacksonville community, the *Kennedy* will always be a symbol of our great city. She has meant so much to this community and this community has meant so much to her. Here on this pier where you sit today, the sailors of the *Kennedy* and the men and women of our local ship-repair companies worked long hours on grueling jobs to complete the largest pier-side availability ever accomplished in the Navy. The skills of the artisans from these Jacksonville companies have kept the boilers and propulsion plant working during the *Kennedy's* time in Mayport.

Big John's connection to our community is more than just the economic base she provides. We will miss her sailors and their wives and husbands. We will miss the children in our local schools and athletic clubs. We will miss their involvement in the Mayport community.

To our country, the *Kennedy* has been part of our history for 39 years. She is one of the finest ships in the world's finest Navy. As our country continues to fight the war on terror, we must remember the role the *Kennedy* played in the earliest counter-terrorist actions.

Even though she entered active duty during the height of the Vietnam War, she soon found herself in a role more familiar to today—spending the first of several deployments in the Mediterranean to help deal with a deteriorating situation in the Middle East. In the 1980's, she responded to the growing crisis in Lebanon, and in 1988 F–14 Tomcats launched from the *Kennedy* intercepted and downed two hostile Libyan MiGs in response to Libya's terrorist activities. On the *Kennedy's* most recent deployment, the air wing dropped more than 64,000 pounds of ordnance on Taliban and al Qaeda targets.

To me personally, I share many of the same memories as the Jacksonville community, but the *Kennedy* also provided me with the great honor of joining the national debate on how the Navy is going to meet the threats of tomorrow while fighting the budget pressures of today. The discussion that followed the announcement that the *Kennedy* would be decommissioned was good for our Navy, good for our Congress and good for our Nation.

We must be keenly aware of how important our aircraft carrier fleet is to this Nation's ability to counter current threats and deter future aggression. Carriers are mammoth cities, and are not constructed in a single day. We cannot take lightly the decision to take an aircraft carrier out of service; that decision cannot be reversed. The discussion will continue well past the final days of the *John F. Kennedy*, and I will remain an active member of any debate on the size and shape of our Navy fleet, and for this I thank the *John F. Kennedy*.

To Mayport, the *Kennedy* has been the symbol of this national treasure. This Naval Station is defined not only by the ships that are home ported here, but also by its strategic location to counter the ever growing threats in South America and the Caribbean. If we do not deter the aggression and narco-terrorist threats today, South America could very well become the next Afghanistan. Terrorist training camps would be dangerously close to our own shores.

I will continue to work with our Navy leadership to make sure that we have the right ships in the right places for the right missions. The Navy needs Mayport even more now than it did when the Kennedy battle group called her home.

The *Kennedy* is a great and noble ship and when this day is done, she will cease to be four and a half acres of sovereign U.S. territory that can launch an array of fighter aircraft and precision weapons which strike terror in the hearts of America's enemies. She will be stripped, docked and viewed by most as just a great mass of steel. Her dedicated crew will be dispersed to other carriers and they will continue to perform their duties. And as those who served aboard her and as those in our community who loved her, remember the glory of the USS *John F. Kennedy*—then our ship, the sacrifices of her crew and the freedom she fought to defend will continue to live on and on.